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**Patrolling the ‘thin blue line’ in a world in motion:
An exploration of the crime migration nexus in UK policing**

Abstract

This paper examines the contemporary role of the police in patrolling the nation's territorial and social borders. The police play an important role in framing ideas and perceptions of order and disorder. By selecting when and against whom to apply coercion, the police not only constitute crime and criminals. They shape the boundaries of civility and patrol the margins of citizenship. Such role has been revitalized lately as they are tasked with immigration enforcement functions. Drawing on an empirical examination of immigration-police cooperation in England, I explore how police and immigration officers define the remits of their job and work alongside in everyday policing. I argue that the reliance on immigration enforcement by the police evinces the limitations of modern policing to decipher the new geographies of crime and disorder, and their difficulties in offering a reassuring response to public anxieties and ultimately in producing social order.

Key words: Operation Nexus, immigration enforcement, high harm, police, social order

Introduction

Policing scholars and criminologists have long debated the boundaries of policing (Loader and Mulcahy 2003, Zedner 2006, Fassin 2013, Garriott 2013). Such debate has further problematized the assumption that the business of the police concerns or even focuses on crime prevention and control. Historians of the English police have showed how the question of social order, rather than crime, was the main driver for the institutionalization of police in the mid-19th century (Brogden 1987, Anderson and Killingray 1991, Sinclair 2006). Its origins are linked to the rise of industrialization and the expansion of Empire, and thus an impetus to control vast territorial domains and populations efficiently. As Randall Williams (2003) explains, ‘we need to think the question of modern policing as a critical strategic maneuver in the transformation of national techniques of governance into an international network of centralized state powers’. As a modern technique of governance, policing contributes to frame ideas and perceptions of order and disorder. By selecting when and against whom to apply coercion, the police not only constitute crime and criminals; they shape the boundaries of civility and patrol the margins of citizenship (Waddington 1999, 41).

Thinking about the police and policing more generally in relation to social order might offer important insights into the contemporary role of the police in patrolling the nation’s social and territorial borders. In this article, I explore this novel dimension of the police as arbiters of national belonging and producer of social order (Loader and Mulcahy 2003, Loader 2006, Bradford 2014) at a time when they are tasked with immigration enforcement functions, in the UK as elsewhere (Aas and Gundhus 2016). I focus on the policies and practices under the remit of Operation Nexus in the UK. Nexus was originally justified through crime control objectives and an indispensable tool for policing in the context of mass migration. Embedding immigration enforcement into the criminal justice system to better identify and deal with foreign national criminals would bring efficiencies to policing, guarantee equality of treatment between citizens and non-citizens, and offer public safety.

Consistent with its crime control remit, one of the main streams of the joint operation was identifying and removing ‘high harm’ individuals. Although the definition of ‘high harm’ remains vague and varies considerably by regional force, it refers to individuals who are prioritized for immigration enforcement action due to the significant adverse impact their conduct had on individuals and communities. The vagueness of the policy statement, a lax

regulation of criminal deportations and the pressure to increase removal figures in practice led to a less than tidy enforcement strategy. While the policy was presented and legitimized on the grounds that it will target the ‘worst of the worst’, in practice immigration-police cooperation has surpassed the narrow crime reduction agenda to encompass a range of populations caught up by immigration enforcement.

This finding goes to the heart of the relationship between policing and social order in an era of mass migration. A vestige of vagrancy statutes, immigration laws are a crucial tool of contemporary urban policing (Crocitti and Selmini 2017, O’Brassill-Kulfan 2019). They bestow the police with wide legal powers to *remove* sources of nuisance –from wife beaters, gangsters and petty thieves to rough sleepers, uninsured drivers and junkies- through a one-fits-all intervention. This amorphous, open-ended, unregulated power aims to restore the social boundaries (Dubber 2005) unsettled by globalization. Reminiscent of the quasi-paternal power studied by Markus Dubber, the task of policing the border within evidences the role of the police in creating a sense of a reliable, orderly, and scrutable social world at a time when ‘the line between order and unruliness, civility and chaos, has come to look very thin indeed. And it is perpetually rendered more so, by the *perception*, factually grounded or not, of rising lawlessness’ (Comaroff and Comaroff 2017, xi). It pledges to deliver security and certainty to a populace who is increasingly spoken about in terms of their vulnerability to abuse and harm (Zedner 2003, Ramsay 2012, Zedner 2017), and to closely patrol the conditionality of migration status upon sticking to the rules. For some foreigners, lawbreaking, no matter its entity, trumps their civic status and confirms their unruliness and otherness (Aliverti 2018).

In the first part, I place migration policing in historical context and detail the rationale behind Operation Nexus and its policy remit. The remaining part explores Nexus in action. The data on which this article draws was obtained during a study which investigated the nature of immigration-police cooperation in one of the major UK police forces where Nexus was first implemented. It examined three aspects: 1) institutional and legal implications of interagency cooperation; 2) identification processes of individuals under arrest for further checks; and 3) the exercise of discretion and decision-making. The project lasted for 12 months, and involved observations within two large police custodies where immigration officers (IOs) were embedded. Observations were conducted between September and December 2017, four full days per week between 9 a.m. and 4 p.m. (approximately 340 hours). The project also involved 26 formal interviews with police and immigration officers at various ranks (lasting for 45

minutes on average), and quantitative analysis of custody data covering individuals arrested by the force between January and December 2017.

I shadowed IOs throughout their daily shifts in custody. Embedded IOs had a shift rota to cover custody between approximately 8 a.m. and 8 p.m. Monday to Friday. Staffed from the local Immigration Compliance and Enforcement (ICE) team, they were permanently deployed to police custody. They were allocated office space where they had access to immigration databases and police custody system and responsible for monitoring individuals arrested, checking individuals who declared or were suspected to be foreigners against immigration databases, interviewing them, serving immigration papers, assisting police investigators with queries, advising them about the eligibility of suspects to removal or deportation, etc. The population under scrutiny was vast: from adults and children who reached to the police to claim asylum and, sometimes, crime victims, to crime suspects (including ‘immigration offenders’).

In custody, I observed custody bookings, police and immigration interviews with arrested individuals, and informal interactions between police and immigration staff and between them and prisoners. I occasionally accompanied staff to immigration court hearings and other venues outside custody. Observations were collated through extensive, reflexive fieldnotes after each shift. They capture some of these interactions and informal conversations I had with staff as faithfully as possible (when it was feasible and appropriate, I took notes of certain phrases and expressions), and my reflections on them. Fieldnotes were then transcribed and analyzed along with interview transcriptions to identify common themes. Interviews were audio recorded and transcribed fragments are quoted verbatim. Unless otherwise stated, transcribed fragments relate to interviews. When reproducing interviews and fieldnotes, participants are identified by their institutional affiliation, rank and pseudonyms to ensure their anonymity. Likewise, the sites where I conducted observations are not identified to protect the anonymity of participants.

This material shows that as an institutional innovation, Nexus is much more than a pragmatic solution to deal with crime effectively. By seeking to recreate a semblance of order, it pulls together distinct populations under the ‘foreign national offender’ banner, constitutes them through the language of law-breaking and harm, diagnoses a unifying response, and reinforces racialized fears and anxieties about ‘migration’. I argue that the increase reliance on immigration enforcement by the police evinces the limitations of modern policing to decipher

the new geographies of crime and disorder, and their difficulties in offering a coherent, reassuring response to public anxieties and ultimately in producing social order.

Mapping migration policing in the UK: the genesis of Nexus

In the UK, the police have historically assumed migration control functions through mainly the exercise of stops and search powers, and street identity checks (Weber and Bowling 2004). Following the introduction of new restrictions on immigration from former British colonies - particularly non-white majority countries- in the 1960s and early 1970s, the performance of inland controls by the police became particularly controversial (Hall et al. 1978, Gordon 1985). Policing practices targeting black youth sparked a series of riots throughout the UK (Gilroy 1982, Paul 1997). While they remained marginal, migration controls were often regarded as ‘rubbish’ by many officers, who would prefer to concentrate on ‘real’ criminality, and undesirable for rebuilding relationships of trust with ethnic minorities (Weber and Bowling 2008, Bowling and Westenra 2018a). Since the 2000s, as the traditional focus on territorial borders in migration policy receded and emphasis was placed on identifying people in the country who were liable to removal, inland immigration enforcement grew in its institutional presence, resources and powers acquiring independence from the police and becoming a true new force inside the border (Düvell and Jordan 2003). The creation of the UK Border Agency in 2008¹ and the myriad of laws and policies that supported its operation displaced the police from its migration control responsibilities.

Much cross-over between migration and crime, however, belies that neat institutional distinction. This is not only because immigration is increasingly perceived as a security problem (a perception that has been forged in part by the criminalization of immigration through policies and practices) (Aliverti 2012), and thus firmly within the remit of the police’s business. The institutional intertwining between criminal and immigration law enforcement is encouraged through a distinctively lax immigration regime which has become an irresistible tool for getting rid of ‘problem people’ on the cheap. In a recent decision, the Upper Tribunal (*Elsakhawy* [2018] UKUT 00086 (IAC)) drew a distinction between administrative and criminal investigations, and ruled that immigration officers are not required to ‘criminally caution’ individuals who they arrest and question when the investigation aims at establishing

¹ It was dismantled in 2013 and divided into different departments (Border Force, Immigration Enforcement and UK Visas).

an administrative breach and a criminal prosecution is not intended. In reaching that conclusion, the judges reasoned that an immigration breach is unlikely to lead to a criminal investigation (par 141). Notwithstanding the correctness of its empirical justification, the ruling makes immigration enforcement an attractive tool in everyday police and may lead to increased demand on police resources.

The ‘foreign criminal’ has come to embody the nation’s most derided individual who combines racialized fears about the stranger and the criminal, and is the precursor of the recent foreign national agenda in criminal justice (Bosworth 2011, Kaufman 2015, Griffiths 2017). Although this label is used in policy and discourses without much explanation, it is remarkably difficult to define in law, as conflicting case-law shows.² Not only does the ‘criminality’ requirement remains undetermined and flexible, the ‘foreign’ aspect can accommodate some British nationals whose citizenship remain suspect and vulnerable to being stripped.³ The blurred boundaries of this label and the flexibility and discretion that it bestows on law enforcement staff remains one of the most problematic aspects of this agenda.

Amid concerns that ‘foreign national offenders’ were not systematically identified for deportation, since 2006 new policy initiatives have been introduced to facilitate immigration-police cooperation (Home Office 2010).⁴ The institutionalization of immigration enforcement in volume policing is part of the wider en vogue multi-agency approach to policing which aims to ‘contribute to efficient and effective crime control by “doing more with less”’ (Skinns 2011, 165) and fits within the new policing agenda focused on protecting the vulnerable, preventing harm, and mitigating and managing risks through early intervention (NPCC 2015). It has also been bolstered by the growing focus on organized crime and international criminality in everyday policing and on the ‘policing risks’ associated with offending by non-British nationals (Blair and Brown 2016, NPCC 2018).

² Recent immigration case law has hinted at its complexities and potential contradictions: what is required in law to be categorized as ‘foreign criminal’ and what are the implications of such legal label for different immigration decisions? (see eg *OLO and Others* [2016] UKUT 00056 (IAC); *Andell* [2018] UKUT 198 (IAC)).

³ The NPCC define a ‘foreign national offender’ as ‘A person known or suspected to be involved in criminality who cannot be confirmed as a British Citizen at birth’ (NPCC 2018, 3).

⁴ For example, s. 44 UK Borders Act 2007 (power to search and seizure identity documents), s 144 Coroners and Justice Act 2009 (treatment of foreign criminal convictions) and ss 159, 160 and 162 Policing and Crime Act 2017 (obligation to furnish identity documents and nationality when so requested by law enforcement and court staff).

In 2010, the Home Office commissioned a pilot study on 14 police custody suites in England and Wales to examine the effectiveness of arrangements to determine nationality, identity and migration status of arrestees (Hamilton-Smith and Patel 2010). It reported inconsistencies in the identification and the exercise of further checks to determine nationality and migration status of individual encountered and arrested, and low levels of referrals to immigration enforcement. The report also found that the sites where ‘enhanced checks’⁵ were embedded showed a substantive increase in checks undertaken and individuals identified as foreign nationals. The findings gave impetus to a Home Office-led operation to identify ‘foreign national offenders’ and assess removal opportunities at the early stages of the criminal justice process (‘Operation Nexus’).

Operation Nexus was first launched by the Metropolitan Police Service (MPS), the largest police force in the country, in November 2012. The then Assistant Commissioner Mark Rowley pointed out: ‘Intelligence shows that 27% of all those people arrested for a criminal offence... are foreign nationals. Our closer collaboration with UKBA is about focusing on preventing risk on our streets for all of us, now and in the future’.⁶ For the Home Office, one of the main drivers for partnering with the police was the ability to build deportation cases based on police intelligence and to enable deportation of individuals who although not criminally convicted were regarded as ‘criminals’ based on that intelligence.⁷ In 2013, the House of Commons’ Home Affairs Select Committee recommended that Nexus be extended nationwide (Home Affairs Select Committee 2013, 19). Nexus was then rolled out to UK’s major regional police forces with jurisdiction over metropolitan areas, such as Manchester, Leicester and Birmingham. Yet, its implementation has been patchy. It has been claimed that police forces around the country have been slow in mainstreaming Nexus into their everyday work (Committee of Public Accounts 2015, 6) and that immigration checks were not conducted systematically on individuals arrested by the police (National Audit Office 2014, Vine 2014).

Implementation across the country has been complicated by the centralization of operations and strategic design in London and poor communication with ICE local teams, despite the fact

⁵ Such as systematic checks of criminal and immigration databases, and the use of country questions and visual aids to interrogate individual arrested on their nationality.

⁶ Quoted in the Metropolitan Police website: http://content.met.police.uk/News/Custody-teams-in-place-to-deal-with-prisoners-from-other-countries/1400012971915/1257246745756?scope_id=1257246763496 (accessed 6 November 2012).

⁷ The Upper Tribunal decision in *Farquharson (removal – proof of conduct)* [2013] UKUT 00146(IAC) avowed intelligence-driven deportations.

that these are tasked with delivering it. The fact that the roll-out was negotiated force by force by the Home Office, rather than through the National Police Chief's Council (NPCC), resulted in substantial regional variations determined by the priorities and capabilities of each force. This has been compounded by the reluctance at chief levels to embrace wholeheartedly the 'foreign national' agenda, given the highly sensitive nature of immigration enforcement. As a result, the national implementation of Nexus looks more like an 'enforcement patchwork' (Provine et al. 2016) instead of a uniform and coherent operational program. Being an acephalous initiative, it led to inconsistencies and serious difficulties in establishing guidelines and rules governing interagency work.

Despite notable regional variations in its implementation, Nexus consists of two basic strands of work: 'Nexus Custody' (the embedding of immigration officers in police custody suites) and 'Nexus High Harm' (a centrally managed team which examines referrals from regional police forces to determine whether foreign nationals encountered are a threat to the public and to assess immigration enforcement options) (Home Office 2017, 4). 'High harm' cases are defined as those involving individuals whose conduct results in 'significant adverse impact, whether physical, emotional or financial, upon individuals or the wider community' (Home Office 2017, 5). Each force has some flexibility for defining 'high harm' and for referring cases to the Nexus team (Vine 2014, 36). As Dan, a Chief Immigration Officer (CIO) working in this unit, explained 'high harm' cases are those singled out by each force to request support from them (fieldnotes, October 2017). Thus, the selection criteria are not purely based on seriousness of offending but may relate to the operational priorities of each force.

As such, it provides a legal conduit to criminal deportations when the person's 'offending has caused serious harm or [is] a persistent offender'⁸ but does not trigger automatic deportation (which requires a sentence of at least 12 months custody), under section 32 of the UK Borders Act 2007. Despite its label, high harm cases might not involve convicted serious offenders. In fact, they might not involve convicted offenders at all. As the courts ruled, a deportation on public good grounds does not require a criminal conviction because it is a crime prevention measure, rather than a penal measure.⁹ The risk assessment involved may rely on various

⁸ Cfr s.117D (2)(c), the Nationality, Immigration and Asylum Act 2002, and para. A398, Immigration Rules (Deportation).

⁹ *Bah* [2012] UKUT 00196(IAC), par. 45. In *Chege*, the Upper Tribunal went further by stating that 'The deterrent element may still justify deportation even if there is no longer a risk of future harm' (*Chege* [2016] UKUT 00187 (IAC), par.39).

sources (including hearsay evidence, such as intelligence reports) and may legally suffice as long as ‘the cumulative effect of the material [...] is such that [...] the Tribunal proportionately and reasonably concludes, on the whole of the material before it as to the past and the future, that the individual's deportation is conducive to the public good’.¹⁰ This interpretation of the law has shored up operational creativity in the framing of deportation cases by pulling together information held by different agencies and bodies, propping up inter-agency cooperation.

The ‘high harm’ strand remains one of the most controversial aspect of Nexus.¹¹ Community groups and legal practitioners protested against the use of police intelligence which has not been tested in court, claiming it circumvents due process protections by allowing the deportation of foreign nationals on suspicion (Webber 2013, Luqmani Thompson & Partners 2014), while scarce police resources are not being used against serious offenders. Although data on the impact of Nexus is not systematically compiled, national statistics on voluntary and enforced removals of foreign national offenders by ‘harm type’ show that since 2012 removals of individuals categorized as ‘low harm’ have increased while overall return figures remained the same (Home Office 2018).¹²

Far from realizing the managerial logic of selection and prioritization (Feeley 2004, Harcourt 2007, Brandariz-García and Fernández-Bessa 2017), this data suggests that immigration-police might have widened the population under police surveillance. Institutional inertia gravitates towards the expansive logic of the ‘hostile environment’ mantra (Aliverti 2015, Bowling and Westera 2018b) which is geared at socializing controls and targeting a broad and diverse range of individuals, while reinforcing ideas of disorderly and suspicious populations well engrained in the police’s common sense (Harcourt 2001). In the next sections, I explore police and immigration staff’s working practices and their perceptions of the remits of their role. Bringing immigration on board and casting the net wider in everyday policing, I suggest, may be read

¹⁰ Id, par. 64.

¹¹ Nexus was challenged before the courts on grounds of incompatibility with EU law and discrimination for targeting Eastern European nationals for removal: *R (Centre for Advice on Individual Rights in Europe) v Secretary of State for the Home Department* [2017] EWHC 1878 (Admin) and *(R (Gureckis) v SSHD* [2017] EWHC 3298 (Admin).

¹² It coincides with findings from the US equivalent programme ‘Secure Communities’. The Secure Communities Task Force, its watchdog, found that the operation of the programme has not been limited to deporting ‘convicted criminals, dangerous and violent offenders, or threats to public safety and national security’ and resulted in enforcement action pursued against low level offences, such as minor traffic offences (Homeland Security Advisory Council 2011, also Cox and Miles 2013).

as an attempt to make sense of a world in motion which some officers find profoundly unfathomable and hard to peruse.

Bringing immigration on board, redrawing the boundaries of police work

Operation Nexus has embedded immigration enforcement into everyday domestic policing as never before. Police officers are encouraged to check the identity and criminal background of individuals whom they encounter and suspect are not British nationals, and assess early removal opportunities.¹³ A central immigration point of contact (the Command and Control Unit) offers a 24/7 service to regional police forces on information on individuals with immigration ‘traces’. Plans are afoot to automate those checks through ‘ID apps’. Immigration officers are part of the custody landscape, sharing office space, aiding with the identification of individuals brought into custody and routinely partaking in decision making processes.

Bringing immigration enforcement within the remits of ordinary policing has blurred the line between immigration and crime enforcement, and had important repercussions on the way the police do and perceive their daily work. Often police officers offered help to suspects to return to their own country. In some cases, taking advice from the embedded immigration officer was listed as a condition for police caution. In an interview involving a couple arrested on suspicion of stealing food from a supermarket, Ted, the interviewing officer, warned the man about the legal consequences of his admission to the crime and asked him whether he wanted to remain in the UK. ‘We can offer support if you want to go back to Romania’, he insisted, and after the man courteously declined, Ted told him that he and his partner were required to ‘engage’ with Martin, the embedded IO, to get advice on how to keep out of trouble. Speaking through an interpreter, Martin warned them of his power to detain and send them back to Romania: ‘If they are encountered again, they can’t say that they haven’t been told. If they stay, they work, study and are law-abiding they won’t have a problem’ (fieldnotes, November 2017).

This instance illustrates the blurring line between crime prevention and immigration enforcement, where the latter is used as a law and order tool (Aas 2014), and the interchangeable roles of police and immigration staff. The ‘advisory’ role of immigration

¹³ A recent judgment by the High Court confirmed that such checks are part of police functions and the police have powers to enquire about detainees’ immigration status: *R (Centre for Advice on Individual Rights in Europe) v Secretary of State for the Home Department & Anor* [2018] EWCA Civ 2837, par. 52.

appealed to the language of reintegration for avoiding reoffending, whereas the police officers mentioned voluntary and enforced return as a possible outcome of the case and injected ‘immigration related’ questions to their questioning (such as ‘how long have you been here?’ ‘how do you support yourself?’ and ‘are you working?’) to understand the suspects’ status in the UK and their liability for return.

It also suggests a certain agreement within both forces about their overlapping goals. Police and immigration officers perceived their roles to prioritize public safety and protection. Yet, it was also acknowledged that their remits are different. Police officers were conscious that sometimes they were drawn in to deal with what they referred to as ‘pure’ immigration work and felt they needed to push back. To deal with people who had breached immigration rules like visa overstayers, they suggested, was not part of their job:

I think what we do have to be careful from a policing point of view, is to ensure that much of our focus is based around the criminal side of things, and opportunities to deport people who are criminally active, and not to get too dragged and involved in the administrative non-compliance with visa and things like that... But there is a lot of crossover because we work together and so obviously we cc each other in opportunities that arise, so there will be naturally some level of crossover (Graham, police sergeant).

Although police officers said that they needed to draw the line, at times they acknowledged that the distinction was not clear and constantly overlapped. Sometimes, they arrested ‘suspected immigration offenders’ out of courtesy for their immigration colleagues. When encountering individuals -including crime victims,¹⁴ police officers often run checks to determine their identities and background. Such instances of information exchange in some cases led to further immigration screening and enforcement.

Immigration officers were also conscious of the different remits of their jobs and that their work is to enforce immigration laws: ‘ultimately our job as administrative officers is removal um, it’s not necessarily seeking out the highest harm all the time’ (Pete, ICE inspector). Pete explained that, while ‘high harm’ cases were an enforcement priority and were generally

¹⁴ A recent FOI response showed that more than half of the UK police forces admitted to passing over information on victims of crime to immigration enforcement (as reported in *The Guardian*, available at: <https://www.theguardian.com/uk-news/2018/may/14/victims-crime-handed-over-police-immigration-enforcement>, 14 May 5 2018, last accessed: 15 August 2018).

perceived as the most rewarding cases, the emphasis on removal targets and ‘volume’ enforcement shapes the focus of their work. His other colleagues appealed to a more elastic idea of ‘harm’ referring to the cumulative financial costs of economies of illegality which flourish around undocumented migrants, asserting their harm prevention function.

Both immigration and police officers agreed that illegal immigration breeds and is part of an expanding economy of various forms of illegalities: from housing overcrowding and labor exploitation to the market in smuggled and counterfeit goods. From this point of view, a holistic, flexible, expansive approach to law enforcement is required to tackle the new policing challenges posed by globalization. Ben, an experienced intelligence officer, admitted his perplexity at encountering four men pushing a hand-made trolley of scrap metals in the middle of winter covered in dirt and wearing light clothes. ‘It’s like something out of *Oliver Twist*, something Victorian. And, first you don’t know who they are, you don’t know what they’re doing, and they look dodgy and they’re very suspicious and they’re not forthcoming so you treat them as a suspect’. Finding out that these were ‘modern slaves’ and part of a chain in a wider criminal network took him many free coffees with these strangers and much liaising with other agencies, including immigration.

For Layla, a CIO, ‘whether it be the police, HMRC [Her Majesty Revenue and Customs], ah, Trading Standards, it’s about having a joined-up approach so that nothing is missed’. Although she frustratingly acknowledged that all these efforts are never enough because people ‘squeeze through the net’, she still considered it the best possible approach:

I could go to a visit on my own, and I could encounter a gentleman and if the police were with me they could establish, “oh that person is wanted by the police”, and it’s like, that visit then led to an arrest, or for instance when the police go out and they are going after one person, they might actually walk into a house that is full of immigration offenders and if they had an immigration officer with them, then they could be dealt with then and there.

The physical and institutional annexation of immigration enforcement in the police architecture brings to the fore the police’s role in preserving social order. While police officers were emphatic about their remit as limited to crime prevention and public protection, they often accepted that illegal immigration was well within their orbit not only because of the criminal ramifications of illegalization. An ever-expansive notion of harm and an ambition to know and

control through technological and institutional innovations so ‘nothing is missed’ and the social world is made scrutable is deemed necessary to protect a public who is increasingly spoken of in terms of its vulnerability. In contemporary Britain, as in other rich countries (Aas 2013, Barker 2017), concerns about public safety blends with anxieties about economic sustainability and national identity, through the figure of the ‘migrant’. Immigration-police cooperation has been propelled to decipher the unknown threat posed by undifferentiated strangers, sometimes reinforcing racialized suspicions and fears.

Making people legible: deciphering hidden threats and racializing identities

One of the most challenging aspects of contemporary policing and the main impetus for Nexus is the accurate and timely identification of non-British subjects. With nostalgia, some police officers remember doing the beat when their patches were readable and they knew who their ‘criminals’ were. Matt, a long-serving police constable, recounts his experience as a bobby when ‘for some families, crime was a profession’ which was passed onto the next generation. Echoing Ben’s sense of puzzlement, he painfully admits that the social world he used to patrol is no longer scrutable, contained in tight crime typologies, and the police have a hard time in pinning down identities and asserting order. PC Lee agrees: ‘the area that we police, extremely diverse area, um, lots of activity from all different backgrounds and I think there is generally, there is a lack of understanding by lots of police and partners around specific communities and backgrounds’. Immigration has been brought into assist with just that task.

The obsession with ‘locking up’ identities is a painful lesson drawn from high profile cases, such as that of the prime suspect in the case of Alice Gross, a 14-year old girl murdered and sexually assaulted in London in 2011. The man had been previously arrested for sexual assault in the UK, when the police failed to request his overseas convictions which would have revealed that he had a murder conviction in Latvia. ‘Foreign nationals’, whether victims, suspects or witnesses, are always perceived as a ‘hidden threat’. They unsettle police’s taxonomies and demand new tools, relations and technologies to pin them down. Due to the potential reputational and security risks that undisclosed criminal convictions entail, criminal records exchange has become a priority for policing giving rise to technological innovations and novel global partnerships (Mason 2011, ch 5, ACRO 2016). Criminal record checks are a crucial aspect of the police ‘tool kit’ in dealing with foreigners not just for identification, but

to enable expulsion given the bearing of a criminal conviction on migration and citizenship status in UK law.¹⁵

In the past, the police would take self-declare identification at face value. As Trevor, a custody inspector, recounts ‘in the old days if someone said “I’m Mickey Mouse and British” nobody would check further his ID. Now, that won’t do’. Even though the police are becoming savvier at proving nationality, immigration expertise is regarded as crucial for building the puzzle that sometimes are individual identities. Immigration officers can easily access data on individuals with ‘immigration traces’. More importantly, they are believed to have a professional ‘fifth sense’ for spotting ‘foreigners’. CIO Bruce provided the example of car wash employees to illustrate his point: ‘Police encounter a lot of people when they’re out and about and they automatically assume they have the right to be in the UK, and of course I know differently, I know that, you know, five Greek guys working at a car wash is not normal’. His colleagues agreed explaining to me their arithmetic of suspicion: ‘Greek people don’t work on car washes, they are legal and they are educated people’, plus Greek ID cards are easily falsifiable (fieldnotes, October 2017).

In custody, immigration expertise was often called out to arbitrate upon ‘nationality disputes’. Their presence relieved police officers from assuming the distasteful task of spotting ‘non-GB’ citizens, as the labeled of institutional racism still loomed large in officers’ consciousness (Loftus 2009, 64). Observations of custody practices revealed how racialized markers were used as proxies for nationality, percolating police’s crime typologies. Such forms of identification were seen as obvious and uncontroversial for identifying ‘foreigners’, rather than as potentially racist practices,¹⁶ and offer insights on ideas and imageries of who counts as British. In one instance a suspect presented himself as Romanian, but a custody officer recognized him as Albanian based on his look and accent (fieldnotes, November 2017). Similarly, a British accent was an indication of being ‘home grown’ and likely to be British when other proxies (name, place of birth or ethnicity) made the person suspect. Evidence of the racialization of British citizenship through immigration enforcement (Romero 2008, Chacón and Coutin 2018, Parmar 2018), non-white suspects ‘who claim to be British’ were

¹⁵ Overseas convictions are equivalent to UK convictions: s144 Coroners and Justice Act 2009. A criminal conviction may not only lead to visa denial and curtailment of immigration leave, but also to citizenship stripping: s 66, Immigration Act 2014.

¹⁶ This perception is sanctioned by law which exempts immigration enforcement from Race Relations legislation: Race Relations (Amendment) Act 2000, s 19D (1).

often singled out for further immigration checks. Immigration officers relied on custody databases to identify foreigners, where individuals with names that were considered less likely to be British were checked against immigration systems. IO Umah preferred to sit close to the booking desk so she could see and listen to whom was being brought in custody and could identify people of interest more efficiently. Her colleague, Anaya, confessed she is guided by her instinct and looks for ‘signs of authenticity’ when someone self-declares British: ‘You know in the back of your mind when something is wrong’.

That professional instinct or intuition was often phrased in terms of ‘cultural knowledge’ about national groups. Equivalent to the old-fashioned copper’s nose, immigration staff are regarded as expert on nationality profiling. Such expertise is often predicated on ‘cultural’ embeddedness and shared heritage. In a conversation between IO Anaya and PC Tom, the latter noted the difference in working in a majority white British area and in a more diverse area in terms of the expertise needed. There is a level of knowledge, he suggested, that came with experience. After working in one of Britain’s most diverse metropolitan areas, he was confident in spotting certain nationalities. Recalling a recent visit to the local German Christmas market, he mentioned that he saw two ‘Romanians’ who he ‘knew they were up to no good’. Anaya agreed: ‘you need some multicultural knowledge for doing this work’. She remembered that a white British colleague was once asked what religion a man whose name is Muhammed Singh was, to which she replied that she had no clue. In her view, this woman was unsuitable for the job (fieldnotes, October 2017).

This ‘cultural expertise’ of officers who shared their heritage with suspects was perceived as particularly useful for dealing with ‘difficult clients’. It was often sought out to ‘soften them up’ and get the information they needed. Vinay put it boldly: ‘only Indians can do this job. They can speak the language and they know how their heads work... [You have to know] how to treat an Indian, you have to be nice. The English go and ask things. They won’t give this information to an English person. They don’t get anything’ (fieldnotes, November 2017). The assumption that the ability to decipher national identities is based on common and shared heritage has a long history in policing. Imperial policing relied on an army of low ranked ‘natives’ to aid colonial administrators to ‘see inside’ the otherwise unknown colonized societies (Arnold 1976, Sinclair 2006, 27, Owen 2016, 307). Such practices have been revitalized in contemporary policing where the task of pinning down people to places is complicated by shredded documents and uncertain identities. Fixing identities is paramount for

diagnosing risk, but also for assessing criminal justice interventions given the increased retooling of deportation and removal for crime prevention.

When police custody becomes the gateway for removal

While the use of deportation as a crime prevention tool is not new (Chacón 2009), Nexus has institutionalized intelligence-driven deportations as a ‘quick fix’ to a range of social and public order problems that they face. The opportunity to deal with individuals outside of the criminal justice system is attractive in an era of austerity. Amid substantial cuts in public spending and doubts on the adequacy of criminal justice responses to crime, there is mounting pressure to divert people away from the criminal justice system. Foreigners make around 11 per cent of the England and Welsh prison population (Allen and Watson 2017, 12), a space which could be economized by considering removal opportunities early on in the criminal justice process. Out of court disposals, removal and deportation are some of the avenues to reduce the pressure, as explained by Paul, a police detective: ‘I think at the minute because resources are so stretched we need to be doing absolutely everything possible to reduce the threat from people who don't need to be in this country... There are opportunities that exist early on to eliminate the threat that that person poses to our communities so we should be taking it up’.

This approach was taken in relation to a man about whom the police had copious intelligence regarding his involvement in drugs and weapons dealing, yet no convictions. When his sister called the police claiming he was beating her, the immigration machinery was activated to detain and deport him back to the Netherlands. Evidencing the intricacies of citizenship, criminality and race, his Dutch citizenship was regarded as a formality as he was referred to as ‘a Somali with a Dutch passport’. His place of birth, that he left when he was a little child, was a marker of his identity and fate as gang member. On our way to an immigration hearing in his case, Linda, the detective in charge of the case, relayed to me that the evidence the police hold on him would not pass the stringent ‘beyond reasonable doubt’ standard of a criminal trial but she was hopeful that it will suffice to get him deported in the immigration court. She worked in an early intervention team and confessed to me that immigration ‘It’s a tool, a heavy hand tool’ (fieldnotes, November 2017). This operation was widely regarded as an example of good police-immigration collaboration by removing a threat from the local community, and conceived as a more effective way to deal with offending than a criminal justice intervention which requires higher standards of proof and might not lead to severe punishment.

While the police might regard some aspects of ‘foreign national’ work as unpleasant (Sausdal 2018), their liability to removal makes this group particularly attractive:

I’d say it’s one of the areas that gets the most reward through its investment. So, if we’re looking at stopping people from offending and causing harm to our communities, deporting them completely removes them from that element... it’s not just someone in a revolving criminal justice door, it’s someone you actually get some results from (Derek, PC).

Martha, a senior inspector, recounts advising her junior colleagues:

[Y]ou put two piles of files on a desk, one is UK home grown and one is foreign national offenders, which one would I chose? Chose the foreign national offenders every day, because you’ve got potential to disrupt and actually remove... it’s much more likely that you’ll get a better intervention, a more long-standing disposal, with your foreign national.

Custody data shows that the police are more likely to discontinue a criminal investigation in cases involving foreign suspects compared to their British counterparts. While 37 per cent of offences for which foreigners appeared as suspect were marked as ‘no further action’, only 34 per cent of the offences involving UK nationals were discontinued. Yet, the top 13 reasons for arrest of both groups were the same. Based on custody observations and interviews, this variation might be linked to the former’s liability to removal or deportation. However, removability depends on a variety of legal and logistical considerations beyond the control of individual officers (like availability of detention space and flights bound to home countries, admissibility in detention, proper documentation, etc.) and hinges on the nationality of the individual.

Given this uncertainty, some IOs were reluctant to agree to discontinue a criminal investigation in lieu of removal, and complained that the police were dumping cases on them. IO Harry noted this as a source of tension, suggesting a deeper institutional unease among cops on the contingent and haphazard nature of immigration work:

One thing the police always want to know when you bring someone in is, ‘are you going to get rid of him? are you sending him home?’ ‘Well it’s not as straightforward as that’, and they are very

much, everything seems to be cut and dried with the police, because they are such, such an old institution and every part of their job is so regulated and scrutinized, they know what is going to happen from A to B, whereas us, every single job is different. You can't say one person is going to be removed and another is not, and I think that, to the police is very, quite unfathomable, to them.

The institutionalization of cooperation has turned nationality and removability into an important aspect of police's decision-making, and territorial exclusion a routine device to 'manage' problem populations. The removal of sources of risk quite literally is nowadays part of the police toolkit and, despite its logistical vicissitudes, regarded as one of the most effective policing instruments. Forced ejection has historically converged tactics of security, social order and territorial control (Stoler 2016, O'Brassill-Kulfan 2019). In its contemporary reincarnation, its labelling as a crime prevention measure confers the police wide powers to assess risk and adjudicate guilt, while promising to restore a sharp line between law and lawlessness, citizens and non-citizens, inside and outside. Against the background of waning trust in the ability of the criminal justice system to deliver a semblance of security, the border is imagined as a protective device to keep the chaos lurking outside -brought vividly closer by growing global interconnectness- well away from the British shores.

Conclusion

In his work on the sociology of policing, Ian Loader pointed out that despite copious evidence of the police's limited capacity for preventing and controlling crime, demands by the English public for visible police remained astonishingly high. The crux of this paradox, he suggested, lies in the place of the police as 'an omnipotent source of order and authority that is able to face up to the criminal Other' and the symbolic power they command (Loader 1997, 3). Although such power is parasitic upon the police's prerogative to use legally sanctioned force, it is not reducible to it (Loader and Mulcahy 2003, 42). Through self-representations and mundane interactions with civilians, the police convey imageries of order, stability and authority. They wield a distinctive power and an authoritative voice to communicate meaning about individuals and the world, to name problems and diagnose its causes and solutions, to craft an 'aesthetic of order' (cfr Harcourt 2001). Loader argued that such power of legitimate naming provides an important guide for individuals to render social reality intelligible, and shapes their sense of belonging; or conversely undermines it (Loader 1997, 2006). He also observed that, given the orientation of police institutions to support and maintain dominant

societal values and their identification with hegemonic understandings of national identity, policing practices risk deepening exclusionary ideas and ideals of community which marginalize and heighten the vulnerability of groups beyond the secure zone of civility (Loader 2006, 211).

In an era of porous borders, waning national sovereignties and fading certainties (social, political and economic), the police is having a hard time in offering people ‘a cultural template’ for rendering the resulting morphing, fluid and messy social reality intelligible and apprehensible. As Comaroff and Comaroff (2017) observed, global processes of economic deregulation, deterritorialization and liberalization, with the concomitant hollowed out of state’s regulatory and policing functions, led to a burgeoning murkiness between licit and illicit, and a pervasive sense of lurking criminality and lawlessness. In this age of ‘fractured sovereignty’ (ibid., 68), in countries around the world the language of crime -of law-breaking and law-enforcement- has assumed the status of ‘lingua franca’ ‘to debate, dissect, and diagnose the condition of “the” social order itself: to reflect on the quality of life and confront critical questions of governance and politics, of race and class and gender, of identity and civility, and much else besides’ (ibid., 37). At the same time, they suggested that in this edgy world of eroded certitudes, crime itself is difficult to dissect and decipher through ordinary policing methods, as identities are illegible and the line between law and its transgression becomes blurred. In this context, the police have lost their reassuring gaze and protective aura (Comaroff and Comaroff 2006, 2017).

We might interpret Operation Nexus and related arrangements to untangle identities and extirpate risky strangers as a sign of the difficulties in restoring a semblance of order in an increasingly inscrutable world and an attempt to impose ‘law on lawlessness’ (Comaroff and Comaroff 2017, 123). The familiar milieu of the ‘bobby on the beat’ where suspects were fixated to categories (and lineages) and territorially bounded patches has been substantially altered by the increased fluidity and uncertainty of the global city. The ambition to know and control through technological and institutional innovations evince precisely the sense of ‘camera obscura’ in which much contemporary policing takes place and a sense that traditional policing and criminal justice tools to decipher crime have been rendered futile. The open-endedness, nebulous and fragmented character of Nexus speaks of the policy and legal difficulties in defining what and who ought to be policed, in defining the undefinable, and offers the police the opportunity to draw the frontiers of order and disorder there where

ambivalence prevails (Caimari 2012, 188). Through the familiar language of crime and race and the promise to reconstitute territorial control, the blurring thin blue line might be sharpened up.

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