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Deadly dialogues: The Magherini case and police brutalities in Italy

Police
brutalities in
Italy

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Abstract

Purpose – This paper looks at police brutalities in Italy. In particular, the discussion focusses on the case of the death of Riccardo Magherini, who was stopped by the Corpo dei Carabinieri (CC), a branch of the Italian Army operating as a police force, on the 3rd of March 2014. The paper focusses on the way the police agents involved in the Magherini trial, both witnesses and defendants, made sense of the case. Their answers to the questions put to them by case lawyers or judges during the first trial in February 2016 will be closely examined.

Design/methodology/approach – Discussion of the case will rely on material drawn from court files. The Carabinieri's internal reports on the incident and the court transcription of the agents questioning will form the basis for an ethnographic analysis of the case. The author will then use the case analysis as the starting point for a broader discussion on police culture. While ethnography generally consists of direct on-the-ground participant observation Geertz 1992, the author's methodology of using legal transcripts and reports can nevertheless be considered ethnographical.

Findings – Discussion will consider the importance of an ethical element to the internal culture of the Italian police forces which influences their street practice. Italian police have an ethical approach in that they believe their role is to be able separate good from bad and protect society from the bad. Moreover they have operated within a context of impunity which has produced over time a critical threshold according to which specific individuals and groups deemed as dangerous classes are considered outside the realm of normal civilised society and as such can be treated differently in contemporary Italy.

Originality/value – The originality of this paper relates to two distinct elements. The first one concerns the context analysed, as the peculiarities of the Italian police are hardly known to the larger international public. The second aspect relates to the specificity of a case. Magherini was not a marginal person, he was an Italian citizen, but he suffered from a brutality that caused his death. The dynamics of this outcome will be closely analysed.

Keywords Brutality, Enforcement, Italy, Othering, Police, Procedure

Paper type Research paper

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Introduction

This paper looks at police brutalities in Italy. In particular, the discussion focusses on the case of the death of Riccardo Magherini, who was stopped by the Corpo dei Carabinieri (CC), a branch of the Italian Army operating as a police force, on the 3rd of March 2014 [1]. The tragic death of Riccardo Magherini contributed to a shift that had begun in 2001 towards greater awareness in the Italian general public surrounding police misconduct. The death of the young activist Carlo Giuliani as a result of shots fired at a demonstration by a CC member on the 20th July 2001 (De Gregorio, 2002), followed by a clampdown on demonstrators the following night, provoked a public discussion which resulted in a heated parliamentary debate concerning the way Italian police forces are trained and commanded.

Magherini, a Florence entrepreneur and ex-footballer, was walking home after a meal with his friends when he had a panic attack, likely due to cocaine consumption. Magherini jumped out of the taxi taking him home and started shouting for help, provoking some residents of the area, the working-class district of San Frediano, to call the police. The attempt by the Carabinieri to restrain the 40-year-old husband and father degenerated into a conflict which ultimately resulted in the death of Magherini by asphyxiation, as he laid handcuffed on the ground. The CC's report on the incident (Relazione di Servizio 3 Marzo,



2014) claims that the victim had been verbally aggressive and violent and accused him of stealing a mobile phone from the owner of a take-away pizza shop. However, footage of the incident filmed by a bystander was posted on the web and later broadcast by the popular Italian TV show *Le Iene*, causing a stir in public opinion. This footage [2] shows Magherini on the ground, shouting in pain and begging the police agents not to beat him because he has a child. Onlookers can be heard expressly asking the agents not to kick him (“i calci no”). It was this footage, in conjunction with the results of the forensic analysis that showed the victim had been brutally beaten, that persuaded the Magherini family to start legal action against the three officers of the CC present at the incident. These officers were eventually tried and convicted for manslaughter (*omicidio colposo*) in the first two instances.

However, on the 15th of November 2018, the Italian Supreme Judicial Court (*Corte di Cassazione*) overturned these two initial decisions and declared the officers not guilty [3]. The victim’s family, unsatisfied with the verdict, appealed to the European Court of Human Rights in Strasbourg. The appeal was accepted on the 23rd of July 2019 [4] and the sentence has not yet been issued.

This paper focusses on the way the police agents involved in the Magherini trial, both witnesses and defendants, made sense of the case. Their answers to the questions put to them by case lawyers or judges during the first trial in February 2016 will be closely examined (*Tribunale di Firenze, Udienza 9 febbraio 2016*), with particular focus on the hearing of the 9th of February 2016 when the defendants themselves were questioned.

The theoretical framework for the paper will revolve around the concept of *police knowledge*, that is, the active information police can act upon or manipulate in order to generate value (Luen and Al Hawamdeh, 2001). Police knowledge can be either explicit, guiding action and decision-making or implicit, that is, tacit knowledge based on competence, experience and skills. As Glomseth *et al.* (2010) point out, police knowledge is more specific than police culture, which instead refers to a shared set of norms, values and perceptions among police forces that must be related to the broader social and political context. However, culture and knowledge are in a constant, dynamic interrelation (Wood *et al.*, 2018), as police forces operate within a broader, changing social context. As a consequence of this, whereas culture makes sense of the police’s social world, thus influencing police knowledge at a general level, at a deeper, more specific level, it is the latter that influences the former.

Paul Quinton (2011)’s theory of signal interpretation provides the basis for an analysis of the police practice evidenced in the transcripts. Quinton’s work shows how police practice, despite drawing on law and internal regulations, relies mostly on subjective interpretations that are often based on stereotypes or prejudices, as well as on tacit knowledge. The influence of prejudices can lead to a disproportionate use of force, in disregard of civil liberties (Bowling and Weber, 2011), or to dramatic escalations of police encounters, particularly where specific groups and individuals are involved. Such practical application of police knowledge can be thus linked to categories such as isolationism, conservatism and machismo taken from the analytical model of police culture proposed by Robert Reiner (2010). The works of PAJ Waddington (1999) and Janet Chan (1997) in looking at the ritual aspects of police sub-culture as the product of a pattern of shared values and experiences make it possible to link police knowledge to police culture and to define the former as a *cultural knowledge*, that is, a practice shaped by the wider social and political context police forces operate in.

The criminologist Stanley Cohen’s (2006) concept of denial will aid us in an analysis of the way the CC involved in the Magherini case crafted their version of events so as to diminish their responsibility in relation to the death of Riccardo Magherini and deny that the young man was killed by illegitimate use of force. My discussion will also consider the importance of an “ethical” element to the internal culture of the Italian police forces which influences their

street practice (Della Porta and Reiter, 2003). According to Della Porta and Reiter, police have an ethical approach in that they believe their role is to be able separate good from bad and protect society from the bad. Moreover, Italian police forces have operated within a context of impunity which has produced over time a critical threshold according to which specific individuals and groups deemed as “dangerous classes” are considered outside the realm of normal civilised society and as such can be treated differently (Chevallier, 1977). In contemporary Italy, this label applies to the so-called “people of the night”, the category to which Magherini belonged, as well as to migrants, sex workers, LGBTQ and the unemployed.

To form my analysis, I will divide the statements made by officers during the trial into three main categories. The first category is *procedural declarations*, by which the officers justify their actions and those of their colleagues by appealing to the fact that they always act according to a standard procedure. The second category is *enforcement*, that is, justification by means of an emphasis on Magherini’s law-breaking actions and the necessity of putting a stop to them. The last category of is that of *othering*; the justification of force through a depiction of the victim as a dangerous or threatening person that must be contained by force. I will demonstrate that the disconnect between public perception and the perception of the police forces is due to a lack of communication. Officers understand their professional performance as adherence to set procedure and routines and are unable to adapt in accordance with the diversity that characterises contemporary society.

The paper will conclude by proposing an overhaul of police training and the introduction of a set of accountability mechanisms to protect citizens from police brutalities.

Methodology

The analysis presented in this paper is based on the case of Riccardo Magherini. Magherini died after being stopped and searched by a patrol of the Carabinieri, the branch of the Italian army that, like the French Gendarmerie and the Spanish Guardia Civil, carries out policing functions. His family later brought legal action against the officers involved. Discussion of the case will rely on material drawn from court files. The Carabinieri’s internal reports on the incident and the court transcription of the agents’ questioning will form the basis for an ethnographic analysis of the case. The report of Italian NGOs *A Buon Diritto* and *ACAD*, as well as the video we mentioned, will also aid the development of my discussion. The video is short, and it only captures a small part of what happened on the night Magherini was killed. Moreover, as it was produced without technical skill, it only gives a general overview of what happened. The NGOs’ reports give general information of the case. Nonetheless, bringing together this diverse range of materials makes it possible to paint an accurate picture of the perception of and the reaction to violent police encounters within contemporary Italian society. I will then use the case analysis as the starting point for a broader discussion on police cultural knowledge.

While ethnography generally consists of direct, on-the-ground participant observation (Geertz, 1992), there are reasons why the use of legal transcripts and the Carabinieri report of the case, (video footage, newspapers accounts and civil society organisation reports are used only marginally) can nevertheless be considered ethnographical. Patrick Sullivan (2012) argues that public documents are cultural artefacts informing ethnography, both because they embody cultural practices, but also because their multi-authored nature masks and dissembles both the meaning and the aims of the social practices they contain. Documents contain many layers of significations, from which it is possible to extract and analyse elements that take on an independent life that could in fact end up becoming harmful for their makers. For this reason, I deem the legal transcripts and the report as crucial ethnographic documents. The advantage of being both a social scientist, external from the world of police

and, at the same time, a member of contemporary Italian society allows me to identify and critically assess all the aspects of police cultural knowledge that make it possible to understand how and why the stop and search of Riccardo Magherini ended so tragically. Moreover, the nature of the case as a violent, unplanned incident means it could not be observed first-hand. Indeed, such incidents could never be observed for research purposes; even where it may be possible to observe incidents of stop and search, for both ethical reasons and for the disciplinary and judicial consequences for the police officers involved, it cannot be assumed that violence will occur. Finally, documents have the advantage of lasting over time, as well as of providing the people represented in those documents with an independent life, allowing the contradictions in their thoughts and actions to come through. The documents allow for a reconstruction of the contradictions and the complexity of the officers' attitudes. At the same time, the temporal distance provides an emotional detachment that, in such tragic cases as this, is necessary for clear-sighted analysis.

Indeed, Robert Darnton (2003) argues that a temporal discrepancy between the observer and the incident is beneficial, as it makes it possible for the researcher to interrogate other cultures, in order to learn to speak their language. He makes the point even more clearly in his 1984 work *The Great Cat Massacre* where he argues that interrogation of a culture can only happen where the observer passes no moral judgement on it. The aim must be, rather, to reconstruct how individuals and groups think and why they think in such a way, so as to reconstruct the ways in which they make sense of the world. Darnton's recommendations fit well with the purpose of my analysis of the case of Riccardo Magherini. The discussion of the case will revolve around the cultural knowledge of the Italian police forces, specifically the Carabinieri. The meaning they attribute to their role in relation to the public; their professional identity; how they view the people they stop and search; any bias or prejudice related to different individuals, social groups and lifestyles will be closely scrutinised. I will of course look also at the meaning the Carabinieri attribute to this tragic episode. I will seek to establish whether the event is considered a tragic fatality, a matter of public order or the exaggerated defence of a public threatened by an individual behaving aggressively and refusing to comply with officers' requests.

The ideas of Robert Darnton (2003, cit.) are also helpful for the development of my argument insofar as Darnton (1984) stressed the need for historical research to be ethnography-oriented, that is, research focussed on uncovering the way ordinary people make sense of the world, in particular how "individual expressions take place within a general idiom" (Darnton, 2003, p. 4). The aim of this paper will therefore be to gauge how and to what extent the practice of the Carabinieri in the specific case I am analysing reflects the culture both of police forces and of the wider and social and political context. Both the peculiarity and the complexity of the case will be brought to the fore.

No moral or political categories will be adopted. I will rely on Sullivan's (2010) concept of culture in operation. As such the police cultural knowledge emerging from the accounts of the CC officers involved in the Magherini case will be interpreted as "an emergent property of a complex system" (Sullivan, 2012), so that what they did and said will be analysed as part of a dynamic, relational context. The statements the officers made at the trial will be interpreted as products both of the way the officers' make sense of their work and of the particular communicative circumstances of the trial in which the officers' interlocutors are the judges and prosecuting or defending counsel. I will refer to the defendants with the letter D, in order to protect their anonymity. This is because the sentence by the European Court is still awaited, and I was recommended not to mention the names until the case will come to a conclusion. For the same reasons, the witnesses will be referred to as W. I would like to thank the solicitors Alessandra Pisa and Fabio Anselmo for providing me with the material needed to carry out this piece of research.

“It was reported to us..”: the procedural stage

Aaron Cicourel (1968) defines as contractual truth the narration that actors elaborate to make sense of their deeds when questioned by external observers. It is a negotiated truth, constructed from a combination of different elements: the actor's role in society; the expectations of the context related to it; the formal procedures regulating the performances of the actors. All these elements come together to form a consistent account that actors use to justify their actions. In line with Cicourel's argument, it is possible to analyse the way the CC officers describe and justify their work in the Magherini case. The procedural approach remains consistent both in the report they drafted and in their statements before the court. The report starts with a description and explanation of the intervention:

-A phone call warned us that someone was screaming[...]it was a young man, he was calling out for help, and he was evidently agitated [...]a second patrol car tried to engage him in dialogue [CC Firenze, Relazione di Servizio, 03/03/2014]

The way the CC report their intervention follows a bureaucratic approach, as they only describe why they happened to deal with Magherini and how they dealt with him. The phone call provides the justification for their intervention, as they have a duty to respond immediately to citizens' requests for intervention in the event that something unusual (in this case a young man screaming) is occurring. The handcuffing procedure is also described as compliant with standard police procedure, as the report defines the use of force during the incident as

Proportionate to the force deployed by Magherini [CC Firenze, Relazione di Servizio, 03/03/2014]

The report seeks to construct a narrative of the officers' handling of the event as complying with all standard procedures. When they drafted their report, the Carabinieri knew that Magherini had died, so it was necessary for them to downplay the tragic nature of the event by using bureaucratic language, to detach the facts from their outcome and to protect themselves from possible penal consequences. The officers knew that the Magherini family was likely to seek an investigation into the case in order to ascertain how Magherini died, as indeed did happen. It was therefore necessary to neutralise the facts by relying on a narrative of adherence to standard procedure and which emphasised the professional experience of the officers involved. This strategy remained unchanged during the trial. The transcripts of the defendants' statements to the court show the same approach. As well as denying use of arbitrary violence, they draw on their professional background:

I did not hear anybody saying “Don't kick him!” I heard about the kicking while I was on leave. I got to know about it from the media. When I got back to work, I talked to my colleagues, and they reassured me that nobody had kicked Magherini [D1, p. 41, [Tribunale di Firenze, Udenza 9 Febbraio 2016](#)]

I did not know about this regulation about not handcuffing individuals with psychological problems, but, if he was screaming while he was lying on the ground it is evident he was breathing... [D1, p. 42, [Tribunale di Firenze, Udenza 9 Febbraio 2016](#)]

This is our routine practice. We stepped out of the car, without truncheons, we raised our hands, to show we meant no harm and just wanted to talk. Many interventions are carried out like this... [D1, p. 57, [Tribunale di Firenze, Udenza 9 Febbraio 2016](#)]

I still cannot explain why this man died. This is the way we operate when someone is being aggressive and violent, it is really surprising... [D1, p. 57, [Tribunale di Firenze, Udenza 9 Febbraio 2016](#)]

If someone is aggressive it is normal for us to use handcuffs. They might take advantage of the situation to retaliate against one of us... [D2, p. 112, [Tribunale di Firenze, Udenza 9 Febbraio 2016](#)]

I am always focused on what I am doing. I always try to put aside my personal opinions and to silence any thoughts I might have about a person. . .that's the way I work. I work like this so as to keep calm and so that I'm always paying as much attention as possible to what I am doing [D2, p. 57, [Tribunale di Firenze, Udienza 9 Febbraio 2016](#)]

These declarations are important insofar as they provide insight into the mindset of the police officers involved in the case: routine practice, for them, matters more than the prescription of law. They might not know what the formal regulations prescribe, but they take for granted that the way they have operated in the past in similar cases provides them with a justification for their behaviour. Moreover, the assurance of one of their colleagues is deemed to be enough to assuage any concerns of malpractice. In the case of the CC, this is related to their training path. A Carabiniere, as part of the army, undergoes military-oriented training in army barracks ([Canosa, 1976](#), cit.; [Ginsborg, 1992](#)), with the majority of trainers coming themselves from the Carabinieri. Police practice is hence learned either on the job or through informal training from more experienced officers.

This narrative can be attributed to a fear of conviction for brutalities and homicide. Fear of conviction makes it necessary to deny that Magherini was kicked and to refute the coroner's report which states there were bruises on the victim's body (the pictures the Magherini family circulated would appear to comply with the forensic report). Moreover, there is an element of negotiation, as the narrative is mediated by the context. The judges and barristers in the court, as well as the media and activists outside, are all eager to know how an ordinary policing intervention resulted in a death.

However, the officers chose not to deny that some violence occurred during their interaction with Riccardo Magherini. They rather appeal to the typical or usual practices they deploy in similar cases, taking for granted that the audience they are talking to will be understanding of this. As in the model provided by [Chan \(1997, cit.\)](#), the intersection between their habitus and the field they operate in ([Bourdieu, 1999](#)) makes it justifiable to handcuff a person experiencing psychological trauma. This approach entails some degree of informality, such as the decision not to use truncheons and to attempt dialogue with Magherini. The officers, as D1 admits, are not aware of the regulations and relied either on their personal experience or on what they had been taught by their colleagues, as well on their individual assessment of the situation.

A defence appealing to their professional experience makes it possible both to justify to the layman the way they work and to legitimate their colleague's declaration that Magherini had not been kicked. However, an explanation based solely on adherence to procedure is not enough to satisfactorily account for the death of a 40-year-old entrepreneur and family man. It is necessary to develop the narrative further and introduce additional elements. It is here the second category I propose, enforcement, comes into play.

"He had stolen a phone...": the enforcement stage

Egon [Bittner \(1967\)](#) argues that arrests are a discretionary practice: police officers decide to enforce the law through an arrest following a contingent assessment of the situation ([Quinton, 2011](#)). As such, some individuals and groups are more likely to be arrested than others. However, an apparently ordinary citizen suffering a panic attack would not seem to fall under any of the usual stereotypes, according to which signals draw police officers' attention to marginal individuals and groups, such as migrants, sex workers or the homeless. At first glance Magherini is not part of these marginal groups. However, in the Italian context there exists a category termed *il popolo della notte* ("the people of the night"). People of the night refers to people who attend night clubs or partake in other forms of nightlife and who, in the Italian context, attract the prejudice of the public, as well as of police officers, for their use of drugs and their binge drinking. In the case of the Italian police, authors such as [Gargiulo](#)

(2015, 2016) have shown that the prejudice against this group is so strong that specific indications exist in police training manuals on how to deal with them. Along with migrants, homeless people, Roma travellers and political activists, the people of the night are perceived as a dangerous group, as their eccentric lifestyle puts the orderly pattern of life at risk. Other authors (Palidda, 2000; Fabini, 2019; Fabini and Campesi, 2020) have demonstrated the ways in which the culture of Italian police is still imbued with an “ethical” approach. The police see as their mission (Reiner, 2010, p. 85) the preventive task of teaching respect of the law to a population that is otherwise devoid of any discipline and tending to political subversion. This prejudice against the population and in particular against a group like the people of the night concerns the CC more than the state police, as the Carabinieri are a military force (Canosa, 1976; Della Porta-Reiter, 2003, cit.; Tuzza, 2021) whose idea of public order overlaps with an idea of order pure and simple. The Carabinieri have indeed been involved in the most controversial episodes of Italian history, from the repression of Southern brigands in the heyday of independence to the killing of Carlo Giuliani during the G8 protests in Genoa in 2001. Though state police forces have also been involved in serious cases of brutalities, as in the case of Federico Aldrovandi (Scalia, 2021), the military imprinting of the Carabinieri makes them less receptive to social changes, and while attempts have been made by the police forces to cooperate with local administration and with citizens (Selmini, 2005), the same cannot be said for the Carabinieri.

Many victims of police brutalities belong to the people of the night (www.acad.it). Yet the police deal constantly with individuals of this category, and their experience should mean they are able to handle such interactions without them resulting in tragedy.

In the case of Riccardo Magherini, this was far from the case: he is stopped, arrested and eventually choked to death. The CC officers did not intend the incident to end tragically but found themselves involved in a tragic situation which eventually led to a criminal trial. The attention the case gained in the media with the publication of the video meant it was necessary to construct a narrative of events in such a way as to make that narrative acceptable to the public, as well as to the judge and the prosecutor. The only way to achieve this effectively was to emphasise the need to enforce the law in view of the crimes committed by the victim.

Starting with the report, the officers highlight the crimes Magherini committed:

Two people were running behind him, asking him to give back the mobile phone he had stolen [CC Firenze, [Relazione di Servizio, 03/03/2014](#)]

We tried to handcuff him because of the crimes he had committed, as he had also damaged the door of a pizzeria, as reported to us by the owner...he tried to escape by hitting a colleague in the head and then eventually throwing him against the door of a shop [CC Firenze, [Relazione di Servizio, 03/03/2014](#)]

As my colleague tried to handcuff Magherini, grabbing him from behind by the shoulder, a scuffle ensues. Magherini hit four colleagues in the face with the other part of the handcuff then tried to escape, forcing us to react energetically. We finally managed to handcuff him, but he kept kicking [CC Firenze, [Relazione di Servizio, 03/03/2014](#)]

These excerpts evidence a clear attempt by the officers to shift responsibility for the tragic outcome from themselves onto the victim. As their experience in dealing with these cases did not prevent a tragic death, it becomes necessary to charge the victim with violations of the law. The arrest became necessary because Magherini stole a mobile phone and damaged private property, and his record of offences deteriorated when he resisted arrest, reacting violently and injuring officers in the process. Moreover, the justification provided by the Carabinieri about being forced to react energetically recalls a preventive standard defence strategy deployed by police forces when they are aware of having committed something that might have penal consequences, like in Genoa 2001), when Carlo Giuliani died of shotgun

fired by the Carabinieri Mario Placanica (De Gregorio, 2002, cit.). This reconstruction of events is proposed first in the report and then repeated during the trial:

We were informed by our colleagues that this person had committed criminal acts that made it necessary to stop him so as to ascertain his identity and take him to the station for charging. So one of us went on his left, the other on his side, and he grew nervous, he hit the Appuntato (constable) DP in the face with a hand. [D2, pp. 111-113, Tribunale di Firenze, Udiienza 9 Febbraio 2016]

He gave the mobile back. I asked whose the mobile was. The young men told us he had stolen the mobile phone, they told us this in flowery terms, in Neapolitan dialect, they said “he nicked the phone from the pizza guy”. We tried to stop him, he got more nervous, more violent, then we tried to restrain him, other colleagues tried to calm him down, but he headed for Porta San Frediano becoming more and more violent especially against DP. So we started to restrain him. [D1, p. 34, Tribunale di Firenze, Udiienza 9 Febbraio 2016]

We used with him the same procedure we use with others...we had had information about him being violent, destroying some windowpanes, and he kept being violent [D1, p. 64, Tribunale di Firenze, Udiienza 9 Febbraio 2016]

Both of the defendants focus on the “crimes” committed by Magherini, so as to justify their use of force. According to their narrative, the victim was a violent person, who had already committed crimes and was also worsening his position by disobeying police officers and being aggressive towards them. Moreover, all these declarations are coated in formal, bureaucratic language as a means of concealing the seriousness of what took place. The translation of such a dramatic event into bureaucratic formulae is an example of the construction and production of a contractual truth to be used in public documents and debates, serving to hide the most uncomfortable aspects of an event. During the trial, for example, it became evident that Magherini had borrowed the mobile phone to make a phone call home, asking for help. In his panicked state he had eventually forgotten to give the device back to its owner. He finally managed to give the phone back, as D1 himself admits in his declaration. The victim’s state of panic also explains his allegedly violent reaction and his breaking the windowpanes. Both in their report and during the trial, the CC officers fail to mention this and instead focus on the Magherini’s breaches of the law and the violence some of them suffered as a result of his aggression.

It is very likely that the root cause of the escalation of violence that leads to Magherini’s death is a lack of communication between the officers and the victim. The officers’ misinterpretation of the situation combined with the victim’s state of panic made for serious obstacles to communication. The officers’ de-codification of signals caused them to misread the situation and to approach it in an inappropriate manner, as they were inclined from the outset to use non-negotiable, coercive force (Weber and Bowling, 2011), or outright force, rather than take a more neutral approach. While their alleged choice not to use truncheons when initially approaching Magherini is more commendable, the way the situation evolved shows that from the outset the use of force was the default option for the attending officers. This comes through not only from the fact that they ignored internal regulations but also from the explanation they give of their intervention. This procedural argument, the narrative that focusses on Magherini’s alleged violations of the law goes hand in hand with a narrative that “others” Magherini, depicting him as a person behaving in an inhuman, almost beastly way, requiring the use of sufficient force to restrain him. This “othering” of the victim is the subject of our final section.

He was sweating and he shouted. . . The othering stage

The work of Egon Bittner (1967, p. 704) focusses on the “special treatment” the police reserve to those individuals and groups deemed to lead an abnormal life. Bittner argued that once police officers begin a process of othering the person they have approached (Said, 1996),

a situational, particularised practice will follow, based on the prevailing use of coercive means. If agents detect certain signals they understand as marking someone outside of respectable society, then violence can be used to fulfil the task of keeping peace. During the Magherini trial, the defendants were at pains to emphasise certain characteristics of the victim that they saw as justifying their energetic approach:

Before we pulled in via Borgo San Frediano, at the crossroad we found two boys telling us “if you’re looking for that guy who’s messing about, he’s over there”. . .we turned and saw him near the pizzeria, he was flailing about and screaming. . .D2 tried to calm him down, but he was too upset and nervous, he kept screaming “help, help! Call the police, somebody wants to kill me!” . . .he screamed, he was sweating, he had foam in his mouth. . .[D1, [Tribunale di Firenze, Udenza 9 febbraio 2016](#), p. 32]

D1’s description of Magherini reveals the officers’ particular mindset, a mindset based far more around ideas of respectability and order ([Quinton, 2011](#), p. 364) than on the concepts of fairness, respect and support we might suppose should be guiding police practice. In effect, the officer is trying to persuade the court that the person they were confronted with that night was abnormal or even sub-human, describing him as screaming, foaming and talking nonsense. The officer never speculated on Magherini’s mental state or the fact he could have been suffering from a panic attack. Rather, he highlights elements of Magherini’s behaviour that could appear as abnormal so as to justify the use of force that followed. In fact, Magherini had not recognised that the officers were police and kept asking for the police to be called and refusing help from those present. He became even more nervous when the second car of the Carabinieri the officers had called for support arrived:

Riccardo kept flailing about, growing more and more nervous. . .we tried to stop him, but he grew more and more violent. . .what else could we do but restrain him. . .[D1, [Tribunale di Firenze, Udenza 9 febbraio 2016](#), p. 33]

This short extract from the questioning of the officer D1 is also significant. In it the officer tries to demonstrate a friendliness towards the victim by using his first name. Magherini’s uncontrolled reaction, which became more violent when he saw the second CC car approaching, is used to demonstrate the victim’s thuggish nature. D1 does not consider that Magherini, who was already in a state of panic, might have been scared by the second car because he did not understand what was happening. As the officers told him they were trying to arrest him, it is very possible that Magherini was scared by the officers’ repressive approach when they tried to surround him and produced handcuffs. To the contrary, D1 suggests that it was the aggressive behaviour of the victim that forced the CC to “restrain” him. As such, it can be argued that the officer sought to suggest that the violent escalation that took place that night, and its tragic end, was due principally to Magherini’s aggression. Magherini is described as showing no appreciation for what the officers were doing for him, becoming more and more violent as the situation progressed.

The interaction between Magherini and the police officers was likely negatively influenced by a lack of communication of the kind described by [Sollund \(2006\)](#), with the two sides essentially speaking different languages. On the one hand, Magherini was panicking, so likely did not perceive the intervention of the CC as in his interests. The three officers coming out of the car, and then the second car approaching, sharpened Magherini’s mistrust, causing him to overreact. On the other hand, the officers assessed the situation as critical and requiring the use of force, also because of the alleged crimes Magherini has committed. Their assessment of the situation was evidently inspired by what they considered to be violent, thuggish, almost subhuman behaviour on the part of the victim.

I grabbed him by the shoulders, trying not to let him get away. But he had such strength. . .and was also sweating, and he used the handcuff to attempt to hit D1. . .there were four of us and we could not handcuff him. . .[D2, p. 112, [Tribunale di Firenze, Udenza del 9 Febbraio 2016](#)]

He was being violent, repeatedly violent. . .he kicked and punched, we could not hold him. . .then we all fell and we tried to handcuff him. . .we finally managed to handcuff him, but, despite being handcuffed, he kept being violent, he tried to turn, he kicked. . .so he was still dangerous, until he calmed down. Usually when someone is handcuffed, after a while they realise there's not much they can do and so they calm down [D2, p. 113, [Tribunale di Firenze, Udienza del 9 Febbraio 2016](#)]

What D2 tells the court is relevant for three reasons. Firstly, it reproduces the perceptions of the officers involved. Their understanding is that they were confronted with a dangerous person capable of causing serious harm and who was disrespectful of the police, so that the use of coercive means to stop him was seen as the only possible solution. Two patrol units were on the scene, they managed to handcuff him, but he kept posing a threat despite this. D2 depicts Magherini as a category known to the police ([Weber and Bowling, 2011](#), p. 482), as someone whose potential for violence justifies the use of force. The evolution of events thus resembles a vicious cycle whereby the officers' expectation that they would be dealing with a dangerous person led them to approach Magherini in a heavy-handed manner with two patrol units, an approach they justified by the alleged crime the young man had committed. This provoked an overreaction on the part of Magherini, whereupon the officers decide to escalate the encounter through the use of force. Magherini finds himself handcuffed and tries to react, prompting more violence by the CC agents, eventually resulting in Magherini's tragic death. The fact that this was genuinely unexpected for the CC officers reveals a further aspect that needs to be highlighted. This is the typification both of the victim and of the case. D2 states that they followed the usual approach for such cases. Handcuffing someone defined as violent, holding that person on the ground until they stop struggling, until "they realise there's not much they can do and calm down", is seen as normal procedure, a situation the officers had experienced many times before. As death had never occurred previously, the Magherini case is understood as an exception. D2 appears to be surprised by the outcome, not only because of the penal consequences but also because he had imagined his professional skills and experience would have prevented such a thing from happening. Finally, D2 is also trying to make the burden of responsibility lighter. He knew that both he and D1 could lose their jobs and face a criminal sentence. For this reason, he attempted to devise a strategy of denial ([Cohen, 2006](#)) that both emphasises the normality of the practice he and his colleague deployed and highlights Magherini's violent, sub-human characteristics in order to show that the tragic outcome was due more to the approach of the victim than to the excessive force of the CC officers, inspired by their framing and assessment of the situation they were confronted with.

Conclusion

This paper has sought to analyse a police encounter that ended tragically and to use that case as the grounding for an investigation into police knowledge. In particular, the discussion has focussed on the way police officers make sense of a tragic event they are involved in. In unpacking the case of the death of Riccardo Magherini in Florence, the theoretical grounding was provided by two key concepts. The first relates to the ethical approach the Italian police knowledge is imbued with, which leads officers to think that their primary duty, above protecting the public, is to be able separate good from bad. This element is important in moulding the attitude of the Italian police forces towards the so-called people of the night. Secondly, the CC are the military branch of the Italian police, and this aspect must be considered in relation to their law-and-order approach. Despite their alleged attitude to help Magherini, the officers' ultimately tend to a paramilitary approach, driven by a perceived need to enforce order. Both the report written by the CC and their declaration at the trial make this aspect explicit, as they constantly recall the violations of the law on the part of the victim and depict him as a violent person who could harm either them or other citizens. Moreover, the absence of an anti-torture law – anti-torture legislation was not approved by the Italian

parliament until 2017 – allowed Italian police forces a high degree of discretion in their practice, meaning they felt entitled, in relation to their mission (Reiner, 2010), to use force.

The research presented here is based on ethnographic observation of documents. In line with Darnton and Sullivan, this allows for the uncovering of previously unknown elements of police culture and knowledge and brings to light how police forces, in this case the Carabinieri, make sense of the world, both in general and in the sense of *their* world, that is, their day-to-day experience on the streets. It is this knowledge that police forces use to develop particular strategies for approaching their work (Darnton, 2003, cit; p. 4).

The way the officers make sense of the incident, by defining Magherini as a threat to public order, is a key element in my analysis. The case revealed that there is neither formal procedure nor a procedural awareness of how to deal with an individual in a state of panic. Training on this issue is entirely absent (Della Porta and Reiter, 2013). Both the officers, when describing and justifying the way they dealt with Magherini, refer to standard procedures, or reiterate the crimes Magherini had committed. Neither of them mentions any formal procedure they had been taught to use, or the existence of a protocol regulating their practices in this type of circumstance. It is evident that they had not attended any training programmes on how to determine whether someone is panicking or whether a person in a state of panic poses a serious threat. They drew on their experience and professional practice, which had been shaped both by a professional mindset and by personal interpretations of situations or subjective judgements of the people they come into contact with. It was the officers “dictionary knowledge” (Sackmann, 1991), rather than knowledge gained through specialised training, which guided the officers’ actions during the tragic encounter with Riccardo Magherini. This is the central finding from an analysis of the Magherini case. Police officers have their own opinions, prejudices and representations of reality, like everybody else. Their experiences and their relations with colleagues contribute significantly to moulding their individual mindset. What is lacking, in the case of Italian police forces, is an intermediate level of cognition based on a more comprehensive understanding of the society in which they operate. As contemporary society becomes more and more diverse, the police are likely to be confronted with a greater variety of situations. Since they are vested with the authority of dealing with these situations on behalf of the state, and so of its citizens, they should be enabled to develop greater awareness of the diversity in society. A thorough training programme for CC officers is needed, as this would not only defuse the paramilitary approach among of the Carabinieri but also instil a more professional approach that would prevent such tragic episodes as the death of Magherini.

A second solution should be that of setting up an independent authority, similar to the Independent Office for Police Conduct in the United Kingdom, to investigate police brutalities. The “ethical approach” of the Italian police forces is exacerbated by their awareness of the fact that they are not accountable to the public, as any cases concerning alleged misconduct of them against the public are dealt with internally. The awareness of being accountable, coupled with the benefits of improved training, would encourage the Italian police forces to act in a much more cautious and respectful manner. The death of Riccardo Magherini could mark a watershed moment, sparking a reform of police conduct.

Notes

1. (<https://www.abuondiritto.it/index.php/notizie/2016/notizia/caso-magherini-analisi-di-una-sentenza-suicida/>, accessed 21 September 2020); (<https://www.acaditalia.it/abusi-in-divisa-le-storie-di-acad/>, accessed 21 September 2020).
2. (<https://www.youtube.com/watch?v=Z5cVWVWV9s/>, accessed 21 September 2020).
3. (https://firenze.repubblica.it/cronaca/2018/11/15/news/cassazione_il_pg_sul_caso_magherini_si_poteva_salvare_-211728852/, accessed 16 November 2020).

4. (<https://www.lanazione.it/firenze/cronaca/magherini-corte-europea-1.4707132/>, accessed 16 November 2020).

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