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**A Review of Cultural and Ethnic Bias in Investigative Decision-making: Selected
Cases**

Rashid Minhas¹ and Lara A. Frumkin²

¹School of Human and Social Sciences, University of West London, UK. ²School of Psychology and Counselling, The Open University, UK.

Author Note

Rashid Minhas <https://orcid.org/0000-0002-1479-0985>

Lara A. Frumkin <https://orcid.org/0000-0001-9506-3298>

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Correspondence concerning this article should be addressed to

Rashid Minhas, School of Human and Social Sciences, University of West London, St Mary's Road, London W5 5RF

[Email: Rashid.minhas@uwl.ac.uk](mailto:Rashid.minhas@uwl.ac.uk)

Public Interest Statement

Prejudicial stereotypes are manifested in the form of perceived negative attributes concerning outgroups that can be triggered automatically upon encountering someone from an out-group community. Whether socially shared, culturally learned or personally evaluated such stereotypes influence investigative decision-making. Using the seven cases, this paper has sought to examine the source of prejudicial stereotypes in investigative decision-making to disentangle reasonable suspicion and overzealous responses.

Abstract

When making decisions, police, like all people, fall prey to negative stereotypes. Police must regularly make decisions about threats, so the stakes are higher than the typical decision-making process. This review looked at the threat and violence risk assessment processes through a new lens, exploring the relationship between (un)reasonable suspicion based on behaviors with an overreliance on perceived prejudicial stereotypes. The paper outlines seven cases exemplifying inaccurate assessment of threats based on two UK criminal justice policies, (i) stop and search; (ii) and the CONTEST strategy. The case analysis review suggests that assessments are based on unstructured judgments and profiling grounded in cultural, religious and racial stereotypes.

Keywords Cultural bias, ethnic bias, prejudicial stereotypes, decision-making, snap threat and violence risk assessment,

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A Review of Cultural and Ethnic Bias in Investigative Decision-making: Selected Cases

Threat assessment and violence risk assessment are terms used interchangeably in many different fields of study (e.g., police, military, public policy, and others) to refer to the general process of identifying, evaluating, and mitigating the risk of harm (Meloy, Hoffmann, Deisinger, & Hart, 2021). This review looked at the decision-making processes in threat and violence risk assessment through a new lens, that of police officers who conduct ‘snap’ threat and violence risk assessment (STVRA) to make decisions based on the immediately available evidence. STVRA is defined here as an assessment based on unstructured judgment and profiling of individuals.

Fundamentally, STVRA is comprised of an initial response to a threat with an attempt to understand and resolve the situation (Mori, Takahashi, & Kroner, 2017). The unstructured approach has been criticized for being subjective and impressionistic (Grove & Meehl, 1996). An unstructured judgment is plagued by various sources of bias and error as information is highly dependent on observation and self-report (Kemshell, 1996). Bernes and Bardick (2007) note a lack of empirical research supporting the effectiveness of unstructured judgment approaches. These authors found such judgments to be ineffective in their ability to predict threats, the propensity to violence, or to identify risk factors or behavioral warning signs. Profiling was used in early attempts to compile a structured depiction of the violent offender (Band & Harpold, 1999). It involved assessing: (i) how the person looked and behaved; (ii) the way the person thought; (iii) and their particular background (Sulkowski & Lazarus, 2011) to see if those predictors aided in threat assessing. The list of at-risk factors such as low self-esteem, and a failed romance (Hyman & Snook, 1999) elicited a high number of false positives (Vossekuil, Fein, Reddy, Borum, & Modzeleski, 2002) leading to profiling being an ineffective technique to identify threats

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and violence. These approaches also overlooked a key risk factor linked with race: interpersonal racial discrimination, which could be seen as one of the potential causes of racial disparities in criminal offending.

This paper looked at the UK police's stop and search policy and the Prevent strand of the CONTEST strategy. The former allows the police to stop individuals they deem suspicious based in part on STVRA. The latter provides guidance and mandatory training for public sector workers, such as university staff, and teachers, who interact with students to identify those who might be at risk of radicalizing and/or be suspected of engaging in terrorist activities.

In decision-making processes using the UK police's stop and search and prevent strand of the CONTEST strategy, the present review underscores the interplay of cultural, racial and religious stereotypes, guidelines, and accepted practices. This review uses seven cases to explore decision-making processes around the two UK policing policies. Cases have been used previously in threat assessment and investigative decision-making processes (Concordia, 2022; Schuurman & Eijkman, 2015) with findings highlighting a lack of awareness around what constitutes a threat and training needs for assessors to make more accurate decisions. They have also shown that there can be an over, or under-reaction, on the part of the threat assessor (Concordia, 2022). Case analyses may help identify behaviors that lead to decisions about whether an individual is a threat and through examination of them, researchers can learn when judgments about indicators of violence might be faulty (Schuurman & Eijkman, 2015). The selected cases highlight the importance of cultural, religious and racial factors when making decisions and determinations about people.

Prejudicial Stereotypes and Investigative Decision-making

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Prejudice, an unjustified negative judgement towards individuals based on their social group identity (Allport, 1954), is an inevitable consequence of the ordinary categorisation process known as stereotyping (Devine, 1989). Stereotypes are “shared beliefs about person attributes, usually personality traits, but often also behaviours, of a group of people” (Leyens, Yzerbyt, & Schadrom, 1994, p.3). Cultural and ethnic stereotyping are distinct but interconnected phenomena. Cultural stereotyping involves generalizing assumptions or beliefs about a social group based on that group's shared values and behaviors (Kashima, 2008). These stereotypes center on cultural practices and cover a broader range of individuals from different backgrounds who share a common culture, regardless of their racial or ethnic identities. Cultural stereotyping reflects cultural norms, values, and behaviors that may vary within the same cultural group. While cultural stereotyping can contribute to cultural understanding, it can also lead to oversimplification and negative stereotyping of individuals within the culture (Kil, Noels, Lascano, & Schweickart, 2019). Ethnic stereotyping involves generalized beliefs about a particular ethnic group based on shared ancestry or heritage (Allport, 1954). These stereotypes center on racial or ethnic background and imply perceived innate characteristics or traits attributed to individuals based on their ethnic background. Both cultural and ethnic stereotyping can perpetuate biases, prejudice and discrimination based on stereotypes associated with a specific cultural or ethnic group (Devine, 1989). It is important to recognize that cultural and ethnic characteristics are multifaceted, and individuals may identify with both cultural and ethnic groups simultaneously. Stereotyping, whether cultural or ethnic, can lead to misunderstandings, prejudice, and discrimination in investigative decision-making processes and criminal investigations (Minhas & Walsh, 2018).

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Prejudicial stereotypes are heuristically (or automatically) applied to members of social groups and as long as stereotypes exist, prejudice will follow (Devine, 1989). Recent research studies concerning cultural stereotypes have provided reasons to feel uncertain as to whether individuals can make impartial decisions about out-group members (Correll et al., 2007; Fazio, Jackson, Dunton, & Williams, 1995; Minhas & Walsh, 2018). Such research has suggested that prejudicial stereotypes that exist against individuals from certain minority groups can have a strong impact on how people behave toward members of these groups. Cultural and ethnic stereotypes appear to be unconscious, implying that even somebody who overtly claims to be fair-minded, may demonstrate biases in decisions on an implicit level (Lammers & Staple, 2011).

In the context of investigative decision-making, certain ethnic minority groups are negatively stereotyped leading police officers to think members of those groups are more inclined to take part in criminal activities (Correll et al., 2007). For example, the stereotyping of young black men as dangerous criminals is deeply embedded within police culture (Ware, 2007). Similarly, if Muslims are believed to be potential extremists or terrorists, the association gets activated upon encountering a Muslim person. In turn, any ambiguous information about the person might well be interpreted in light of confirmatory mechanisms of biased negative attention, memory, and interpretation (Macrae et al., 1997). The decision-making is often done using automatic mental associations. These mental associations are characterized by some or all of the following criteria: (i) spontaneity, in that they happen in the absence of any intention; (ii) efficiency, in that they do not require much in the way of intentional resources for their execution; (iii) uncontrollability, in that they operate in a ballistic fashion and are hard to stop once they have been initiated; and

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(iv) unconscious, in that they can operate in a manner that is not subject to awareness (Bargh, 1994).

Another possible explanation of cultural stereotyping by police is in behaviors of minority communities. For example, Hamilton and Gifford (1976) suggested that individual subjective reasons for the formation of group stereotypes may reinforce socially transmitted stereotypes. When threat assessors are exposed to negative behaviors by individuals from minority groups, they overestimate the predominance of such behaviors from the entire group, which reinforces pre-existing cultural, racial and religious stereotypes (Mullen & Johnson, 1990). Racial profiling in criminality is possibly the after-effect of unconscious racial stereotyping. It re-emerges from the combination of pre-existing beliefs about a group and an indication of criminality from a particular group member. In turn, this may lead investigators to overestimate the pervasiveness of negative behaviors among out-groups (Smith & Alpert, 2007).

Automatic mental associations and evaluations can be activated unintentionally, without requiring much cognitive capacity (Cunningham, Raye, & Johnson, 2004) and lead to negatively biased associations (Macrae et al., 1997). These automatic associations may influence not only perceptions and judgments but also overt behaviours, particularly spontaneous behavior such as non-verbal reactions (Macrae et al., 1997). This may be one explanation for the increase in hate crimes toward Muslims following a terrorist incident where the suspected offender is Muslim. Research shows that there is a link between such corrosive forms of social hostility and intergroup bias (Mackie & Smith 1998).

Unconscious racial stereotypes, once activated, can influence subsequent judgments and behavioral intentions. As such, STVRA involves unstructured judgments and profiling to

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identify individuals “at risk” for violence, raising the probability of false positives and interpersonal racial discrimination.

Hierarchy of Implicit Biases and Discriminatory Attitudes

Cultural stereotypes are cognitive structures in the perceiver’s mind, composed of the perceiver’s knowledge, beliefs, and expectations about identifiable social groups (see Devine, 1989; Devine et al., 2009; Hall et al., 2016; Ware, 2007). In the decision-making processes, negative stereotypes are activated in abductive reasoning when people make decisions about individuals based on their group membership (Darley & Gross, 1983). Broadly, abductive reasoning is the first stage of any assessment in which an assessor generates assumptions for later evaluation (Fahsing & Ask, 2016). At this initial stage, negative stereotypes trigger schemas, influencing subsequent decisions about an individual’s involvement in offending behavior. One of the primary functions of schemas is to act as mental shortcuts (Venema, 2016). As depicted in Figure 1, people employ schemas using a combination of explanations to support existing beliefs. By holding negative attributes and beliefs about certain group members, schemas cause people to interpret situations incorrectly (Bartlett, 1932). Negative attitudes towards outgroups trigger schemas that employ alternative explanations supporting existing negative beliefs about individual members of that group. Such unjustified negative judgement towards an individual in response to his/her social group identity is known as prejudice (Allport, 1954). In the decision-making process, this stimulates investigators to believe that the person under investigation is involved in criminal behavior which in turn yields a self-fulfilling prophecy. Once an investigator is convinced (using schemas) that members of a certain group are involved in a particular offending behavior (i.e., prejudice), he/she will seek and find evidence to support the belief rather than evidence in opposing it, somewhat independently

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of the facts (i.e., self-fulfilling prophecy [Merton, 1968]). Thus, prejudice and discrimination are inevitable consequences of perceived negative stereotypes concerning outgroups. This evidences the relationship between implicit prejudicial stereotypes activation and decision-making processes. The relationship between these yields a hierarchy of implicit biases towards outgroup members ranging from perceived negative attributes (at the bottom) to more extreme, discriminatory attitudes (at the top end) (see Figure 1). How high a person climbs the hierarchy depends on the extent of perceived negative attributes (i.e., stronger perceived negative outgroup attributes result in a higher hierarchy level).

[Insert Figure 1 here]

Cultural and Ethnic Bias in Stop and Search Practices

In the UK, the history of stop and search powers dates to the 1824 Vagrancy Act, and since then, concerns have been raised about its disproportionate use against young Black men (Qureshi & Farrell, 2006). The Police and Criminal Evidence Act (PACE) of 1984 was introduced to regulate police powers and address discriminatory policing (Brown, 1997). The requirement for a stop and search is that the officer must have reasonable suspicion of finding stolen or prohibited articles. The concept of 'reasonable suspicion' was introduced as a safeguard against discriminatory policing and indiscriminate use of stop and search powers (Qureshi & Farrell, 2006). The original PACE reforms relied on legal challenges to regulate police behavior, but critics have expressed concerns about the lack of clarity and relevance in legal definitions and the wide interpretation of reasonable suspicion. Additionally, there are concerns about abuses of discretion, lack of safeguards for individuals who consent to searches, and the elastic nature of consent. Stop and search is primarily an investigative power, but it is often used for intelligence gathering, breaking up

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groups, and social control purposes. While PACE grants powers to police officers, it does not criminalize actions taken without those powers. This means that individuals who refuse a police search commit a criminal offense, but there are no penalties for police officers who act without lawful basis. This raises questions about the legality of searches that do not meet the precondition of reasonable suspicion (Bowling & Phillips, 2007).

Stop and search is one of the most controversial policing powers in the UK. It is particularly of concern in ethnic minority communities (Bowling & Weber 2011). Several UK research studies have shown disparities in how police treat ethnic minorities and White citizens (Parmar, 2011). Research shows that required reasonable grounds for suspicion to stop and search usually are not followed by the police (Bowling & Phillips, 2007), with prejudicial stereotypes possibly playing a role in informing their suspicions (Quinton & Packham, 2016). Such stereotypes can be activated in the decision-making process and once activated, influence decisions concerning a person's perceived culpability (Minhas & Walsh, 2018). Thus, activating cultural and racial stereotypes does not appear to require a perceiver to overtly endorse the stereotype (Correll et al., 2007) and someone who fits a stereotype would just be considered suspicious (Dixon et al., 1989).

Recent research has suggested that even imperative decisions are influenced by cultural and racial stereotypes. For instance, a police officer's decision whether to shoot a potentially armed suspect has been found to be influenced by the suspect's ethnicity (Correll et al., 2007; Hall, Hall, & Perry, 2016). In the US, a ProPublica analysis of federal data on fatal police shootings between 2010 and 2012 found that young Black male civilians were 21 times more likely to be killed by police than young White male civilians (Gabrielson, Jones, & Sagara, 2014). Similarly, in the UK for the year ending March 2021, black individuals were seven times more likely to be stop and searched compared to white

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individuals for searches under the Police and Criminal Evidence Act and related legislation (Ali, Akintoye, & Agnew-Pauley, 2021). In the UK Black communities account for eight percent of deaths in police custody though making up only three percent of the UK population (The Lammy Review, 2017).

The use of cultural and racial stereotypes against certain ethnic groups can be seen in processes, attitudes, and beliefs within the police culture (Yesufu, 2013). Such prejudicial stereotypes operate unconsciously and may guide actions towards certain groups of people (Hall, McLaughlin, & Lewis, 1998). The police are aware of the general trends in street crime and from this, form impressions about the likelihood of individuals belonging to specific racial groups perpetuating certain types of crimes. Such perceptions may lead to officers undertaking racial profiling, creating a cycle of profiling suspected offenders (irrespective of the accuracy of these negative perceptions). These profiling cycles are the results of cultural, racial and religious stereotypes (Minhas & Walsh, 2018).

Minhas and Walsh (2018) found that negative stereotypes (based on suspect race) can influence officers' investigative decision-making for the same crime, contributing to different criminal investigation outcomes for suspects from different ethnic groups. Semi-structured interviews were conducted with serving police officers in England, varying the suspect's name for the same crime scenario (Minhas & Walsh, 2018). They found that prejudicial stereotypes based on the suspect's group membership influenced the investigative decision-making, in turn, affecting the outcomes of criminal investigations. This suggests that such stereotypes might be a potential contributing factor in the disproportionate number of ethnic minority communities being stopped and searched (and subsequently charged, convicted, and imprisoned). Ethnic minority communities make up

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14% of the population of England and Wales (of which three percent are Black), but 25% of adult prisoners and 41% of those under 18s in custody (The Lammy Review, 2017).

As in the UK, the United States has also faced significant concerns regarding racial disparities in stop and search practices. Numerous studies and data indicate that individuals particularly Black and Hispanic individuals are disproportionately targeted for stop and search encounters compared to their White counterparts. For example, Stelter, Essien, Sander and Degner (2022) investigated links between racial disparities in police traffic stops and regional-level racial bias. They examined data from more than 130 million police traffic stops in 1,413 U.S. counties and county-level measures of racial bias from more than 2 million online respondents. The study revealed that a majority of counties displayed a disproportionate rate of traffic stops involving Black drivers. Additionally, it was found that counties with higher levels of racial prejudice among White residents ($r_s = .07-.36$) tended to have a greater disparity in the rates of Black driver stops. Ekstrom et al. (2022) found that counties with higher average levels of racial bias tend to have larger racial disparities in traffic stops. Both Stelter et al. (2022) and Ekstrom et al. (2022) found that the association is significant for both explicitly measured and implicitly measured racial bias. Additionally, both research teams observed that counties with larger White populations tend to exhibit higher levels of disparities. Similarly, in a comprehensive analysis of traffic stop data from 20 states from 2011-2015, Pierson et al. (2020), using data from several states, found that racial disparities in police stops extend beyond isolated areas. This national study revealed that Black drivers were stopped by police officers at a higher frequency compared to White drivers, considering their respective proportions within the driving-age population (Pierson et al., 2020).

Cultural and Ethnic Bias and the CONTEST Strategy Prevent Strand

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In the aftermath of 9/11, the UK began the development of its now controversial counterterrorism legislation, the 'CONTEST' strategy first published in 2003. For several decades, the UK has faced terrorist threats but following 9/11 and a recent string of high-profile attacks, suspicion has rested firmly with the Muslim communities. Most of the original CONTEST strategy's focus concentrated on the policing strategies associated with terrorism; to pursue and prosecute those responsible for any terrorist acts. In the aftermath of the July 7 2005 London bombing attacks, the government's approach changed with a focus on the prevention of extremism and terrorism. The first introduced 2003 CONTEST strategy has undergone revisions over the years.

This revised multi-dimensional CONTEST 2009 strategy is divided into four strands: 'Prevent', 'Pursue', 'Protect' and 'Prepare' (HM Government, 2011). 'Protection' and 'Preparation' strands recognize the importance of protecting the public by devising strategies to make it hard for terrorists to breach security. The 'Pursuit' objective is to detect and apprehend persons who are suspected to be involved in terrorism. The 'Prevent' strand has proven to be the most controversial aspect of the CONTEST strategy with its focus not on preventing real terrorist plots but rather to prevent the 'radicalization' of individuals themselves, to stop them from becoming terrorists.

Since 2015, Prevent strand has been part of the statutory duty in the UK and training in Prevent is an obligation for the public sector. This means that people who work in the education sector, the National Health Service (NHS), prisons and other public services must complete the 45-minute Prevent training every two years as part of their job requirement. The training is considered to sufficiently prepare someone on how to determine if a person is a possible terrorist threat. UK counterterrorism police forces advocate for people to report those of concern through the mechanisms they and the public sector (e.g., higher education

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institutions) provide. The Prevent strand has been contentious since its conception with some groups, e.g., the National Health Service (NHS), rejecting it in its entirety. Many academics have critiqued it as well (for example Abbas, 2019; Awan, 2012).

The Muslim community has replaced the Irish community as a 'suspect' in the contemporary UK in the wake of the 'war on terror' (Pantazis and Pemberton, 2009). In the context of Muslims as a 'suspect' community, Awan (2012) supports Pantazis and Pemberton's (2009) argument by demonstrating that Prevent Strand continues to reinforce the label of the new suspect communities being the Muslim communities. Awan argues that within the main objectives of the Prevent Strategy (HM Government 2011), the aim to challenge the extremist ideology that supports terrorism and those who promote violence has been blurred by counterterrorism policies. The Prevent Strand appears to have gone far beyond its proposed scope and has eventually alienated Muslims, targeted the wrong individuals and jeopardized some initiatives, which could have advanced community cohesion and promoted further intercommunity tensions (Bartlett and Birdwell, 2010).

The Prevent strategy in the UK has labelled the Muslim community as a suspect community. Critics (e.g., Choudhury & Fenwick, 2011) argue that the Prevent strategy has blurred the original objective of challenging extremist ideology and instead focus on intelligence gathering, potentially further alienating Muslims and undermining community cohesion. The negative experiences and labelling of Muslims as suspects have detrimental consequences, leading to resistance and hindering collaboration with authorities in addressing terrorism and radicalization (Awan, 2012; Minhas, Walsh, & Bull, 2017). Poynting and Mason (2006) note that targeting specific groups with the Prevent Strategy may give society "permission to hate" those groups, leading to an increase in anti-Muslim hate crimes. Awan and Rahman (2016) found that after Lee Rigby's murder, UK

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newspapers portrayed Muslims in a prejudiced manner, potentially fuelling further anti-Muslim prejudice in society. The negative portrayal of Muslims in public discourse can create negative stereotypes and affect the investigative decision-making processes.

Cases Selection and Analysis Process

Research has used cases to explore decision-making processes (Corcordia, 2022; Schuurman & Eijkman, 2015) though not concerning the prejudicial stereotypes around stop and search and the Prevent strand of the CONTEST strategy. These are two of the most well-known policing policies in the UK, and both are suspected to lead to the over-identification of ethnic minorities compared to Whites in criminal activities. Part of a police officer's job is to assess violence, and the cases used in this research evidence how the police wrongly assessed threats through STVRA based on cultural, racial and religious stereotypes.

The present review adopted the case analysis methodology (Eisenhardt, 1989) to select and analyze the cases. The case analysis methodology is a process of systematically examining and evaluating specific cases within a particular context. It involves studying the details, facts, and circumstances surrounding the case to gain insights, identify patterns, and draw conclusions (Eisenhardt & Graebner, 2007). The list of seven cases selected for this review is outlined in Table 1. These cases were identified by reviewing the most widely reported inaccurate uses of stop and search and CONTEST in newspapers and media, not including social media. These seven cases were chosen for two significant reasons. First, detailed case materials were available for review. Second, the information gathered from mainstream media is believed to be representative of the variations in the larger pool of cases to date. These cases demonstrate the influence of cultural and ethnic bias in decision-

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making processes concerning minority citizens' perceived culpability, particularly for males from religious or ethnic minority groups. This criterion was used because prior studies suggest that institutionalized discrimination against minorities within criminal justice systems occurs (e.g., Bowling & Phillips, 2007; Minhas & Walsh, 2018). The exception to the frequency criteria was the inclusion of one case involving a child, under the age of 16, and one of a White person of interest. The rationale for including these two cases was to ensure that there was a comparison for prejudicial stereotyping and to determine if children are treated differently by assessors adhering to the policies. The selected cases were from incidences occurring between 2008 to 2019 including 10 years but excluding any influence of COVID-19 lockdown rules.

To analyze the cases, this review used the common element of the case analysis methodology (Eisenhardt & Graebner, 2007). As a first step, the authors read relevant documents, reports, and other materials such as mainstream newspapers to become familiar with the cases. This helped to understand the background, context, and key issues in the cases. The second stage is involved identifying the issues raised by the cases, such as ethnic and cultural bias in investigation decisions. Thirdly, the authors gathered and systematically analyzed all the available relevant information and data related to the cases. It involved organizing and categorizing the data, and identifying patterns of discrimination, prejudice, and bias of minority groups. Finally, this review drew conclusions and made recommendations based on relevant theoretical frameworks including Social Identity Theory (Tajfel & Turner, 1979).

[Insert Table 1 here]

Cases Involving Stop and Search

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Case 1

An example of stop and search includes the case of Emmanuel Arthur (a Black man) cycling with two friends when he was stopped near Euston, London in November 2019, by an officer who claimed he could smell cannabis. The Independent Office for Police Conduct (IOPC, 2020) found the officer's grounds for the search under section 23 of the Misuse of Drugs Act not reasonable. This was due to the use of the smell of cannabis as a single ground as not good practice as set out in the College of Policing's Authorised Professional Practice on stop and search. Such incidents are experienced by individuals from ethnic minority communities who feel targeted, alienated and view the police as an occupying force. The police thus lose the trust and confidence of ethnic minority communities, and this loss of legitimacy reduces public cooperation and compliance with the law. Taken to its extreme the anger that is fostered by the injudicious use of stop and search can foster rioting such as seen in Brixton, London in 1981 and across much of England in 2011.

Case 2

The catalyst for the 2011 riots began in August 2011 in Tottenham, North London (Waddington, 2012). In this incident, eyewitnesses reported seeing Mark Duggan (a Black man) raise his hands as armed police surrounded him. An officer shot him twice anyway. Duggan collapsed onto the pavement and died from his wounds; what followed was one of the biggest rebellions that London has seen in a generation, culminating in five deaths and over 3,000 arrests.

Case 3

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In July 2017, Rashan Charles (a Black man) was a passenger in a car that was pulled over by police in London (BBC, 2018). Charles was pursued into a convenience store where a police officer threw him onto the floor, landed heavily on top of him, and then subjected him to prolonged restraint. Video of the incident shows the officer putting Charles in a headlock and reaching into his mouth whilst he was struggling to breathe. A member of the public supported the officer in putting Charles in handcuffs, who then became limp and unresponsive and subsequently died in the shop. In 2017, a report by Labour MP David Lammy concluded that the colour of skin does have an impact on how individuals are treated by the justice system. Mark Duggan, Rashan Charles, and many other black UK citizens have been subjected to police brutality showing that racial, cultural and prejudicial stereotypes can be deadly.

Cases Involving CONTEST Strategy Prevent Strand

Case 4

Rizwaan Sabir (an Asian, Muslim man), then a postgraduate student in counter-terrorism studies at a UK university, was arrested in May 2008 for suspected involvement with terrorism. University staff notified the police after finding an online English copy of the so-called Al Qaeda Training (Miller & Mills, 2011). He was released without charge a week later since the document was found to be freely available from US government websites and was used for university terrorism research. Additionally, the Professional Standards Unit of the relevant police force revealed that officers had 'fabricated' key elements of the case against Sabir. He was eventually awarded £20,000 in compensation for false imprisonment (Awan, 2012; Miller & Mills, 2011).

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Case 5

In March 2015, Mohammed Umar Farooq (an Asian, Muslim man) was studying for an MA in 'Terrorism, Crime and Global Security' at a different UK university to Rizwaan Sabir (Ramesh & Halliday, 2015). While reading a book on 'terrorism studies' in the university library he was approached by two people who started asking him questions about his thoughts on ISIS, Al Qaida, homosexuality, Islam and other topics. Farooq initially thought it was a fellow student asking his opinion but later found out it was a university complaints officer. The complaints officer alerted security and the university subsequently investigated Farooq for the next three months. After the investigation, the university admitted that it was a false positive and apologized to Farooq. However, Farooq withdrew from the programme and has since reported he is constantly looking over his shoulder because of the accusation and terrorism-related investigation.

Case 6

A 14-year-old Muslim schoolboy was in a French class where a discussion, mostly in French, about the environment and people who use violence in an effort to protect the planet, was taking place (The Guardian, September 2015). In class, the boy said some people use the term 'eco-terrorist' to describe those who engage in violence, such as inserting nails into trees to prevent chainsaws from cutting them down. A few days later he was called out of class to speak with school officials, including a child protection officer. The boy was told the meeting was being held due to safety concerns and was asked about his opinions of ISIS. He said he did not understand why his mentioning ecoterrorism in French class led to his being questioned about his feelings towards ISIS. The school reported that questioning the boy was a result of their Prevent duty.

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Case 7

Andrew Dymock, a White UK university student studying politics, was posting extremist propaganda, images and messages online (BBC, 2018). The online material included: (i) calling Prince Harry a "race traitor" and claiming he should be shot; (ii) stating anyone Jewish should be killed; (iii) supporting the raping and killing of police officers; (iv) and advocating for killing white women who date non-white men. He also sent his father, a professor at a UK university who should have completed Prevent training, a link to a YouTube video about British fascist Oswald Mosley (note the link is no longer available). His father replied by telling his son not to send political information to the father's work email. Yet Dymock's father did not appear to alert the Prevent coordinator at his nor his son's university, or law enforcement with concerns about the extremist material. It is acknowledged that it might be challenging for parents to be forthcoming about their children's concerning behavior. Similarly, Dymock sent his mother the link and told her he believed Hitler was the greatest feminist of all time; she also did not appear to raise any concerns with officials. Extreme right-wing flags, badges, clothing and books were found in Dymock's university bedroom. He was ultimately convicted in 2021.

Taken together, the above-discussed literature and cases identify evidence of extremist material does not always yield police intervention and with no evidence of a threat, activities might be reported. While not a comprehensive review of all cases, it is interesting to note that students with a Muslim background who had valid explanations for their behaviour (i.e., reading a terrorism studies book, mentioning eco-terrorism), were reported under Prevent guidance due to cultural, religious and racial bias in the decision-making process. The White student with email trails supporting extremist ideologies and displaying right-wing paraphernalia in his dormitory was not (BBC, 2021). There is no

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doubt that designing training short enough for people to engage yet effective enough for accurate assessment of the threat and violence risk is problematic.

Whether socially shared, culturally learned or personally evaluated, stereotypes influence the investigative decision-making process. Prejudicial stereotypes are manifested in the form of perceived negative attributes and heuristics that can be triggered automatically, and inevitably, on encountering someone from an out-group community. Stop and search and the Prevent strand of the CONTEST strategy focus on prejudicial stereotypes when police need to make decisions about potential threats and violence.

Applying Cases to Prejudicial Stereotyping in Investigative Decision-making

Social Identity Theory's explanation for the social foundation of prejudicial stereotypes is that group membership serves to bolster self-esteem; thus, individuals have the incentive to favor in-group over out-group members (Tajfel & Turner, 1979). In-group biases and inter-group discrimination are motivated by in-group favouritism rather than direct hostility toward out-group members (Brewer, 2007). The use of cultural, racial and religious stereotypes may have adverse effects on investigative decision-making as these stereotypes can have a negative effect when assessing a person from an out-group (e.g., cases 1-6). In particular, an in-group–out-group bias may make assessors ignore an individual perceived as similar (e.g., case 7) even if they pose a viable threat. The existing research on prejudicial stereotyping alongside the cases provides opportunities to draw useful conclusions when considering tools and knowledge for enhancing police practices. Stereotypes about people based on their cultural, religious and racial backgrounds may lead to false positives about perceived threats (Nickels, Thomas, Hickman, & Silvestri, 2012). Whether such stereotypes are socially shared, culturally learned or personal evaluations, the

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above-discussed research and cases show that the effect of these biases could be deadly (e.g., cases 2-3).

Religious Stereotypes

Negative perceived attributes about someone's religious background play a role in how we use our existing schemas to form opinions about that person (Minhas, Walsh & Bull, 2017a). In the case of Farooq (case 5) and the 14-year-old boy (case 6), there was nothing that either one did that would have automatically heightened suspicion about them being extremists. If students with different religious beliefs had mentioned eco-terrorism or were reading a textbook about terrorism, they would likely have been ignored. It is possible someone might still have questioned them, but they would not have been considered a terrorist threat. This is due to the religious stereotypes that were activated in the encounters. Indeed, it did not even require the perceiver to endorse the stereotype (Correll et al., 2007) for it to lead towards a particular decision-making path.

This fits well with Bartlett and Birdwell's (2010) argument that Muslims are alienated by the UK Prevent strategy which encourages public sector workers to conduct STVRA. The long-term effects of religious stereotyping on Farooq (case 5) were clear and ultimately lead to the us-them mentality. The outcome of this, and the distress felt by the 14-year-old boy (case 6) and his family, remains to be seen. But what is clear is that people who are ostracized, by religious stereotyping and subsequent biased assessments, are likely to feel differently about the society in which they live (Minhas, Walsh & Bull, 2017b).

Racial Stereotypes

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It is worth considering whether white, Emmanuel Arthur (case 1) would have been stopped and searched or Mark Duggan (case 2) would have been shot. In both Arthur and Duggan's cases, the police acted on their biased STVRA, but we suspect the decision was over-relied on race and under-relied on the suspect's behavior. In the former, the Independent Office for Police Conduct (IOPC, 2020) found the officer's search unreasonable under Stop and Search section 23 of the Misuse of Drugs Act. With Duggan, he had his hands raised in surrender when he was shot twice. Cultural and racial stereotypes (e.g., young black men as dangerous criminals) activated in officers' investigative decision-making processes may influence perceived culpability assessments (Smith & Alpert, 2007).

Incidents such as Emmanuel Arthur and Mark Duggan's deaths may highlight to ethnic minorities that stop and search is a policy based on STVRA resulting from prejudicial stereotypes. Both communities and police will have difficulty building rapport due to scepticism as police and communities are respectively out-groups to each other. Tensions between racial minorities and the police are not exclusive to the UK though will likely continue if police use STVRA. For example, in the US, George Floyd in Minnesota, Eric Garner in New York, Michael Brown in Missouri and countless others were a result of biased STVRA that were based on cultural and racial stereotyping.

The Non-Stereotyped Threat

In Andrew Dymock's case (case 7) a white man was not treated suspiciously by virtue of his cultural and racial background, even though his actions were suspect. People entering Dymock's home and university bedrooms would have seen the Nazi paraphernalia but did not report this to authorities. In contrast, cases 4 and 5 yielded false positive STVRA even after the individuals explained their fields of study. In these cases, the

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student's racial and religious background made them a potential threat (though they were not) and Dymock's (who was a threat) racial background resulted in being treated leniently.

Mitigating the Influence of Cultural and Racial Stereotypes in Investigative Decision-making

Over the years, several law enforcement units, and commercial companies (e.g., Starbucks, Google, and Papa Johns) have offered training programmes to tackle unconscious bias. These may work for a short time, but the consensus is that such programs are not effective in the long term (The Behavioural Insights, 2020). Reduction of in-group and out-group identifications might deter STVRA. Such assessments involve unstructured judgments and profiling to identify individuals "at risk" for violence. Minimising in-group and out-group identifications will help to avoid profiling based on cultural, racial and religious stereotypes, in turn reducing the number of false positives. To mitigate the influence of such stereotyping, training courses should focus on the sources of prejudicial stereotypes towards outgroup communities.

Another possible way to minimise the in-group and out-group identification builds on a current UK policing initiative. Individuals involved in threat and violence risk assessment and management should be encouraged to work in community partnerships, developing relationships with local communities. These initiatives could be enhanced with better resources such as funding, more staff and space for interracial, religious and cultural events. This provides a space to foster positive interracial/interreligious community building. This is unlikely to break down the barriers and distrust immediately and across all groups but will help to provide officers with a better understanding of the influences of cultural and racial stereotyping in their assessments.

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An additional recommendation would be to use stereotyping for an initial assessment by one team (Team A), then allow another team (Team B) to draw conclusions about suspects without the use of information that would activate stereotypes. Previous research found that stereotypes can be triggered automatically when we confront someone from outgroups (Correll et al., 2007) thus by hiding relevant information, not all data are available to Team B. Team B may then be better able to reach conclusions without evidence supporting certain stereotypes. In this way, stereotypes about groups of people may be deactivated when assessing threat, while other people who appear low threat based on demographic profiles, may have their threat level amplified. Indeed, a research study could examine the efficacy of such an approach.

Conclusions

Using the seven cases, this paper has sought to examine the source of cultural, racial and religious stereotypes in investigative decision-making to disentangle reasonable suspicion and overzealous responses. Stop and search and the Prevent strand of the CONTEST strategy focus on prejudicial stereotypes police use when making STVRA about potential threats and violence. Whether socially shared, culturally learned or personally evaluated such stereotypes influence the decision-making process. Prejudicial stereotypes are manifested in the form of perceived negative attributes and heuristics that can be triggered automatically, and inevitably, on encountering someone from an out-group community. To mitigate the influence of cultural, racial and religious stereotyping, threat assessment training courses should focus on the sources of prejudicial stereotypes towards outgroup communities.

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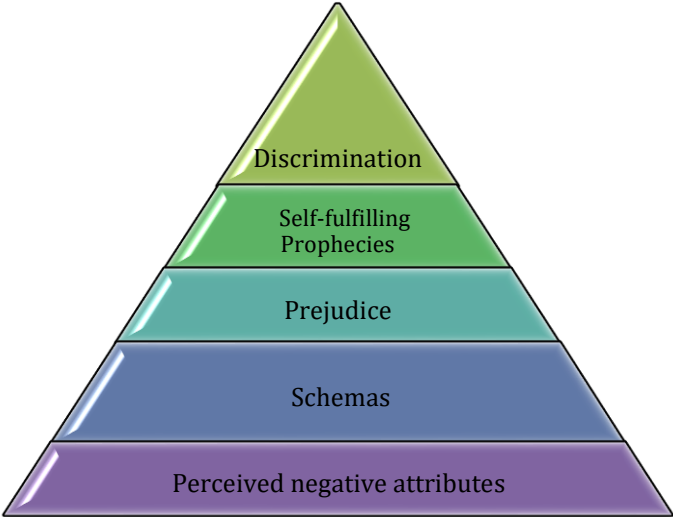


Figure 01. Hierarchy of implicit biases and discriminatory attitudes

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Table 1. Overview of seven cases selected for this review.

Case	Ethnic background	Suspected offence	Stop and search related incident	Prevent strategy related incident
Emmanuel Arthur	Black	Suspected of misuse of drugs	Yes	No
Mark Duggan	Black	Suspected of carrying a handgun	Yes	No
Rashan Charles	Black	Suspected of carrying drugs or a weapon	Yes	No
Rizwaan Sabir	Asian Muslim	Suspected involvement with terrorism	No	Yes
Umar Farooq	Asian Muslim	Suspected involvement with terrorism	No	Yes
Name not reported due to the young age (14-year-old)	Ethnicity not reported. Muslim	Suspected involvement with terrorist groups	No	Yes
Andrew Dymock	White	Accused and convicted of promoting and supporting extremist ideologies	No	Yes