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Stop, Question, and Frisk: A Response via the UK's PREVENT Programme

A Comment on Henry F. Fradella and Michael D. White's
"Reforming Stop-and-Frisk"

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Fradella and White's critical review of stop-and-frisk is both engaging and thought-provoking. Detailing the evolution of a policing tactic from a particularised activity founded upon reasonable suspicion of criminal activity to a broader and at times, far more aggressive crime-control strategy, the review raises a number of interesting points about how policies and approaches that have a legitimate—and indeed necessary—place and function within the policing and crime reduction spaces can also have the very real potential to be controversial and problematic. As they explain in relation to stop-and-frisk, while it is known that some police officers have been engaged in improper and illegal behaviours during stops more concerning is their suggestion that stop-and-frisk is a further iteration of a persistent undercurrent of racial injustice in American policing. As regards the latter suggestion, the review's consideration of the social costs of the tactic is particularly telling.

It might be argued that the British Government's PREVENT strategy could be seen to be similarly problematic and controversial. Following a series of Islamist-inspired terror attacks in the early 2000s in

the United States (US), United Kingdom (UK), Spain and Bali among others, the UK Government was catalysed to develop a realm of policy measures and approaches that sought to counter the threat posed by terrorism and the extremist ideologies that were seen to be underpinning them. These policies were categorised in terms of:

- Pursuance: stopping terrorist attacks by detecting, prosecuting and disrupting those who plot to carry out attacks;
- Protection: strengthen against a terrorist attack in terms of public transport systems, national infrastructure and public places for instance; and
- Preparation: mitigating the impact of a terrorist attack where that one might cannot be stopped.

A more innovative type of policy also emerged, one that placed a greater emphasis on "preventing" or

“countering” violent extremism whereby the state—via its actors and institutions—would seek to intervene in order to try and stop individuals from becoming terrorists or supporting those who do. Resonating with the justification for a stop whereby an individual can be approached for the purpose of investigating the possibility of criminal behaviour despite there being no probable cause to make an arrest, the rationale for PREVENT justifies pre-criminal intervention where an individual is believed to be vulnerable to being radicalised by extremist ideologies or drawn into terrorist activities. While PREVENT was designed to be a policy that sought to counter all forms of violent extremism irrespective of the underpinning ideology, the general perception was that it was a part of the post-9/11 political zeitgeist that unduly scrutinised Muslims and Islam as also, Islamist-inspired extremism (Allen, 2017).

PREVENT was therefore duly incorporated into the UK Government’s four-stranded counter-terrorism strategy named CONTEST. While CONTEST was first introduced in 2003, PREVENT was added later and in direct response to the public transport terror attacks in London in July 2005. Seeking to “mainstream” policy approaches which sought to prevent violent extremism, PREVENT has undergone various iterations under subsequent Governments. Nonetheless, it has continued to have three primary objectives (U.K. Home Office, 2011):

- Respond to the ideological challenge of terrorism and the threat from those who promote it;
- Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- Work with sectors and institutions where there are risks of radicalisation, for instance health, education, and criminal justice.

Integral to the second objective is CHANNEL, a Government programme designed to stop individuals from being radicalised. As regards the latter, public sector employees such as doctors, social workers, teachers and lecturers now have a statutory duty placed on them to report those seen to be vulnerable to radicalisation thereby referring them to the CHANNEL programme (Allen, 2017).

Early iterations of PREVENT not only saw Government mobilising interfaith structures to counter perceptions of Muslim isolation but so too did they partner with Muslim communities and organisations to support policy approaches (O’Toole, 2012). Despite the investment of significant amounts of public

money—almost £80 million (\$105 million) was spent on around 1,000 schemes in its first six years (Casciani, 2014)—very few of the schemes were adequately evaluated thereby leaving a gap in knowledge about how successful the policy has been. Some manifestations were undeniably detrimental not least Birmingham’s “Project Champion” where more than 200 CCTV cameras were installed in two of the most densely populated Muslim areas of the city (Isakjee & Allen, 2013). In line with Fradella and White’s acknowledgement of the potential and actual misuse of stop-and-frisk, “Project Champion” not only violated the individual rights of those who lived under the 24-hour scrutiny, but so too did research show that the cameras caused emotional and psychological distress (Isakjee & Allen, 2013). “Project Champion” also put an undue strain on the relationship between local communities—especially Muslim communities—and the police, something that also damaged police legitimacy and efficacy. That the cameras were also installed in densely populated Muslim areas also went some way to blurring what Fradella and White refer to as the line between a sound and constitutionally approved policy and what might amount to little more than racial—or in the Birmingham context, religious—profiling.

When the Conservative-led Coalition Government came to power in 2010, it immediately sought to undertake a review of PREVENT. Concluding that existing approaches were far from effective (U.K. Home Office, 2011), O’Toole (2012) identified three changes to how it was subsequently implemented. First, PREVENT shifted away from Muslim and other communities to more intelligence-led emphases on hot spots of extremist activity. Second, there was a categorical declaration that there was to be no engagement with “Islamists” or their sympathisers. And third, there was the desire to ensure that PREVENT was separate from policies and approaches that sought to promote better inclusion and cohesion. However, by the time the review had been undertaken a growing loss of confidence and trust in PREVENT was becoming increasingly evident. More so, a number of very real concerns were being expressed by a number of different critical voices. Among others, these included those voicing that PREVENT: was constructing Muslims as “suspect communities” that required greater scrutiny and surveillance (Pantazis & Pemberton, 2009; Hickman, Thomas, Nickels, & Silvestri, 2011); that it was an insidious state-endorsed policy that was designed to spy on Muslims and their communities (Spalek & Lambert, 2007, 2008; Kundnani, 2014); that it reinforced negative stereotypes and suspicions about Muslims and Islam that in turn had the potential to justify Islamophobia (Alam & Husband, 2013; Isakjee

& Allen, 2013; Bonino, 2013); and that it was a top-down mechanism through which to impose a Government-backed "British Islam" that would be compatible with Western, secular and liberal values (Allen & Guru, 2012; Brown, 2008; Jones, 2013). While innately different, some significant resonance between the social costs attributed to the U.S.-based practice of stop-and-frisk and the UK's PREVENT would seem to be apparent.

With the introduction of the Counter-Terrorism and Security Act 2015, the now Conservative-only UK Government made further significant changes to PREVENT including the introduction of the public sector statutory duty. Identifying public sector workers as uniquely placed to see "changes" in behaviour and outlook of those being radicalised or vulnerable to extremist ideologies, criticisms and concerns expressed about PREVENT have further intensified. Particularly problematic has been the notion that 'changes' are easily identifiable. Such is far from new however, having been in circulation for over a decade and traceable back to the New Labour Government's Home Secretary, John Reid (Allen, 2010). Meeting with Muslim parents in East London, Reid was at pains to inform them that they needed to be vigilant in watching their children for the 'tell-tale signs' of extremism. While oft-repeated since, no politician has yet set out exactly what those "tell-tale signs" are or indeed might be. Nor has any iteration of PREVENT.

The introduction of the new PREVENT public duty is also analogous to Fradella and White's explanation of the transition from stop-and-frisk to "Stop, Question, and Frisk" in that neither have helped to ameliorate the problems and concerns. An example of this can be seen with the experience of Mohammed Umar Farooq (Allen, 2017). A postgraduate student at Staffordshire University, Farooq was studying on its Terrorism, Crime and Global Security MA programme. Sitting in the University's main library reading books listed on the programme's reading list, Farooq was falsely accused of being a terrorist. Having spotted the books he was reading, a member of the University's staff decided to question Farooq about his religion and his attitudes towards homosexuality, Islamic State and al-Qaida. Following the conversation, the member of staff reported Farooq to University security guards who escorted him from the library before formally interviewing him about many of the same topics. Prompting three months of investigations, Staffordshire University eventually apologised to Farooq for the distress caused. However, it chose not to extend the apology to the fact that the member of staff became suspicious because he was identified as being Muslim. As the University put it, while the member of staff had "misjudged" the sight

of seeing a Muslim reading the book had raised "too many red flags" not to act (Ramesh & Halliday, 2015).

As naïve as it is dangerous, it is wholly feasible that those tasked with searching for the ever-elusive "tell-tale signs" will simplistically reduce them to markers that merely equate radicalisation with being "Muslim" or "more Muslim" (Allen, 2017). Whether visual as in growing a beard or wearing the niqab, or vocal as in talking openly about religion or voicing political views about British foreign policy, given that public sector workers have a duty to report "changes" in behaviour and outlook so it would seem likely that there will be more Farooq's being unfairly and inappropriately scrutinised. It is for this reason that the implementation of PREVENT has the potential to be seen—and subsequently charged—in terms of it functioning akin to a manifestation of institutional racism. Given the onus on identifying and subsequently referring an individual lies with individual public-sector employees—who also happen to be ordinary members of the public—so there is significant scope for unfounded perceptions and personal prejudices to be the main driver for identification and referral (Allen, 2017). Here again, significant resonance can be seen to exist between PREVENT and stop-and-frisk whereby the social cost of PREVENT has the potential to have a disproportionately detrimental impact on minority groups, in particular the UK's Muslim communities. Like "Stop, Question, and Frisk," PREVENT too is seen to be highly contentious among certain minorities in the UK as also among some within the UK's various police forces. The latter being most evident with the former Chief Superintendent of the Metropolitan Police, Dal Babu describing PREVENT as a "toxic brand" (Halliday & Dodd, 2015).

In line with Fradella and White and their rightful observations about stop-and-frisk, there is little doubt that if implemented judiciously then PREVENT clearly has the necessary potential to prevent criminal behaviour and activity in relation to extremism and terrorism. Having said that, like stop-and-frisk so too are changes needed as regards PREVENT. To this extent, ongoing research by the author in the city of Birmingham with those responsible for the design and implementation of PREVENT including the police, state officials and Muslim civil society actors is seeking to explore what these changes might be and how best they might be subsequently practised. It is highly likely that this ongoing research will identify factors that reflect some if not all of those identified by Fradella and White in terms of their particular sphere of inquiry. Highlighting the fact that policies have the very real potential for serious and detrimental social costs is in itself, import enough. Raising awareness of the fact that serious and detrimental

social costs can occur is however even more important. Fradella and White not achieve both, but in doing so, they also provide a lens through which to critically consider other resonant policies and approaches.

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About the Author

Chris Allen, Ph.D., is a Lecturer in Social Policy at the University of Birmingham in the United Kingdom. For almost two decades, he has been researching the phenomenon of Islamophobia and wider issues relating to the socio-political “problematization” of Muslim communities in Britain and Europe. This has included, but not limited to, undertaking research that has sought to understand the experience of Muslim women victims of street-level hate crime, anti-Islam ideologies of the far-right, the impact of counter-terror legislation, and the governmental engagement of Muslim communities. His research has also focused on wider issues relating to the role of religion and faith in the contemporary political and policy spaces as also issues relating to Britishness, cohesion, integration and identity.

To undertake this research, Dr. Allen has been funded by the Arts & Humanities Research Council, the Economic & Social Research Council, British governmental departments including the Department for Communities and Local Government, local authorities, the European Union and a wide range of state agencies, third sector organizations and charitable bodies.

He has published widely both in the UK and elsewhere including Austria, Germany, the Netherlands, Serbia, Spain, Switzerland and Turkey among others. As part of this, he was the first academic

to publish a monograph on the phenomenon of Islamophobia as also peer-reviewed journal articles on the English Defence League, Britain First, and the recently proscribed National Action. As well as publishing in peer-reviewed journal articles, he also writes for a range of different non-specialist outlets including *The Huffington Post*, *Perspektif* and *The Conversation*, among others. As a commitment to public engagement, he gives talks about his research in various non-academic settings and regularly appears in the broadcast media.

Over the past decade, Dr. Allan has accepted various independent advisory roles across the British political spectrum. Until recently, he was an independent adviser to the British Government on Anti-Muslim Hate and Islamophobia. During that same period, he has also contributed written and oral evidence to a range of different government bodies and commissions including the House of Lords Select Committee on Religious Offences, the All Party Parliamentary Group on Islamophobia, All Party Parliamentary Group on Universities, Home Affairs Select Committee on Hate Crimes, and the Commission on Islam, Participation and Public Life among others. Most recently, he became a Fellow of the United States' Department of State's International Visiting Leadership Program and has since become an alumnus of the John Adams Society. He is also a Fellow of the Higher Education Academy and the Royal Society of Arts.