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Prejudicial Stereotyping and Police Interviewing Practices in England: An Exploration of Legal Representatives' Perceptions

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Abstract

Research studies suggest that at the initial stage of an investigation, negative stereotypes are triggered when officers make decisions concerning a suspect with their pre-existing racial/religious images for the group to which the suspect belongs. Such stereotyping is generally argued to be one of the major sources of partiality in criminal investigations. The present study examines the legal representatives' perceptions of police interviewing practices when investigating suspects under caution. The present study conducted in-depth semi-structured interviews with fifteen defence lawyers who had represented suspects from various ethnicities within England and Wales. The thematic analysis of interview transcripts revealed that (as perceived by the legal representatives) prejudicial stereotyping can influence police officers' attitudes towards suspects from stigmatised communities. Additionally, prejudicial stereotyping was perceived to produce guilt presumption, self-fulfilling prophecies, and confirmation bias. These findings suggest that further training of police officers seems necessary to make them more aware of the implications of such prejudicial stereotyping to improve their investigation skills, and in turn, case outcomes, and community cohesion.

Keywords: Prejudicial stereotyping; investigative interviewing; unconscious bias; legal representatives; police interviewing

Introduction

In England and Wales, legal advice before and during police interviews has been common practice since the implementation of PACE in 1986 (Bull, 2014). The national training package for investigative interviewing (NCF; 1996) deals with legal representation in police interviews. The main text of these training legal manuals 'Becoming Skilled' contained a set of guidelines for use in the context of custodial legal advice (Shepherd, 1996). These guidelines made it clear that more is expected of a legal representative than simply sitting in on an interview to ensure fair representation. Additionally, these guidelines highlighted that when the need arises, a proactive approach in terms of intervention and advice to suspects is required.

Several studies (e.g., Clarke & Milne, 2001; Quinn & Jackson, 2006) have been conducted concerning the role of legal representatives within the context of police investigating interviewing. However, no study (as far as the authors know) has been undertaken to understand legal representatives' perceptions of police interviewers' attitudes and beliefs when they interview suspects from the stigmatised groups. Previous research studies found that prejudicial stereotypes based on suspects' ethnicity or religious background could lead to discriminatory behaviour when interviewing suspects from stigmatised communities (Minhas & Walsh, 2018). As such, legal representatives' perceptions are important to know (since they are also often present during such police interviews). The present study, thus, set to complete this endeavour with particular focus on those interviews involving suspects from ethnic minorities.

Background

Understanding Inter-group Biases in the Criminal Justice System

Stereotypes generate specific emotional and behavioural responses on the part of the observer (Cuddy, Fiske & Glick, 2007). Stereotypes can, therefore, be seen as simplifying perceptions, judgments, and actions, even though researchers are careful to draw distinctions between stereotype activation (unconscious) and application (conscious) (Monteith, Sherman & Devine, 1998). Unconscious and conscious stereotypes are two distinct forms of intergroup biases. Unconscious stereotypes are produced by the unconstrained activation of mental affiliations that are not essentially personally endorsed but are present in contemporary society. By contrast, conscious stereotypes are produced by intentional, deliberative mental processes (Devine, 1989). Devine argued that all individuals, regardless of their intentions to be fair-minded and non-biased, know about stereotypes held about different groups. She further asserted that by internalising such beliefs, a negative emotional response could be adopted towards those groups. These well-learned attitudes and responses are said to operate automatically when encountering a member of a stereotyped group, owing to ongoing social representations of such groups (Todd, Bodenhausen, Richeson, & Galinsky, 2011). One of the significant consequences of unconscious stereotypes has been argued the possibility that these biases are inevitable and their impact almost impossible to avoid (Devine, 1989). In the event that members of any minority group are consistently exhibited in negative social contexts (e.g. terrorism, dependency, and drug-related offences), classical and evaluative conditioning processes might well produce prejudiced mental affiliations with members of that minority group (Walther, Nagengast, & Trasselli, 2005).

In the context of the criminal justice system, certain ethnic minorities are frequently negatively stereotyped purporting to have characteristics that make them more inclined to take part in criminal behaviour (Correll et al., 2007). These negative stereotypes may influence how actors of the criminal justice system treat suspects from these ethnic minorities (Lammers & Staple, 2011). Smith and Alpert (2007) suggest the racial profiling is probably the after-effect

of unconscious racial stereotyping, re-emerging either from differential presentation to group criminality. In turn, this may lead police officers to possibly overestimating the pervasiveness of negative behaviours among minority citizens.

Prejudicial Stereotyping in the Criminal Justice System

One of the dangerous types of bias in the criminal justice system and fair trial is argued to be prejudicial stereotyping about a group. The focus of such bias is on race or ethnicity but could also include negative stereotyping based on someone's group membership (Graham & Lowery, 2004). However, racial stereotyping is generally argued to be one of the major sources of partiality in criminal trials. Research conducted on racial stereotyping indicated that white juries tend to convict defendants more when they were a different race to themselves and to be more lenient of defendants of their own race (Huggon, 2012).

The pliability of stereotypes of Asians and particularly Muslims have been documented in recent research, that has suggested these stereotypes have transformed (Bowling et al., 2013; Awan 2018). That is, Muslim communities in the UK were conformist, are now thought to be less applicable, and stereotypes assumed that they were law-abiding (tight-knit communities and high level of social control) are now thought to promote criminal and deviant activity amongst Asians and Muslim youth (Hudson & Bramhall, 2005). The shift in such perceptions has been argued to be located in notions of Muslim youth as increasingly involved in gangs, violence and riots (Alexander, 2000; Bowling et al., 2013). Further, Bowling et al. (2013) note that the ethnic background of stops and searches under S.44 (1) (2) of the Terrorism Act 2000 indicates that Asian people were more likely to be stopped and searched using these powers than that of Black people. Mythen, Walkate, and Khan (2013) argue that the increased number of Asians in stop and search figures since ‘war on terror’, is perhaps connected to growing anti-Muslim feelings in England and Wales.

In the context of prejudicial stereotyping, Bowling et al. (2013) argue that racist beliefs, xenophobic attitudes, and racial prejudice remain widespread in British society. They note that while the overt form of racial bias (e.g. activism within extreme right political parties) is rare, but racist beliefs, anti-immigrant feelings, xenophobic attitudes, and racial prejudice have a deep and powerful well-spring on which to draw. More importantly, concerning the criminal justice point of view, if police officers are a cross-section of society, then it could be expected that some may well be racially prejudiced (Bowling et al., 2013). Research conducted on policing (e.g. Bowling et al., 2013; HMIC, 2005) shows that racism and racial prejudice in policing culture were more widespread and more extreme than in wider UK society.

Prejudicial Stereotyping and Investigative Interviewing

Police officers should interview suspects only when they possess reasonable suspicions of their having committed a crime. For a person under investigation, this impression (of having committed a crime) is argued to be very significant because it establishes whether police interviewers proceed to interview suspects with a presumption of guilt which, in turn, can predispose an inclination to ask guilt presumptive and confirmatory questions, as well as using persuasive tactics, and attempt to obtain confessions (Hill, Memon, & McGeorge, 2008; Kassin, Goldstein, & Savitsky, 2003). If police interviewers presume suspects to be guilty prior to the interview, they would conduct their interviews by seeking or interpreting evidence in ways that are partial to existing beliefs or hypotheses (Minhas & Walsh, 2018).

Kassin et al. (2003) found that guilt presumption prompted interviewers to; (i) ask more guilt presumptive questions; (ii) conduct persistent and coercive forms of questioning; and (iii) exert more pressure on suspects to confess (which is argued in the literature to possibly result in, or contribute to, false confessions [Gudjonsson, 2018]). Hill et al. (2008) found that the assumption of guilt can have effects both on questioning style employed by interviewers, as

well as the emergence of a self-fulfilling prophecy. Further, these authors found that suspects were seen to be more anxious, more defensive, and less plausible when reacting to guilt-presumptive questions than to neutral questions. These behaviours (i.e., being anxious, or more defensive) could be viewed (wrongly) as responses that reinforce (unreliable) perceptions of deception – as such when anxious suspects deny any wrongdoings they may be viewed as liars, even though they might be innocent (Vrij, 2008).

Minhas et al. (2017) developed a measure to identify indicators of prejudicial stereotyping within the police investigations. This tool was designed to identify prejudicial stereotypes based on the race and ethnicity of the suspect, where pre-existing biases may lead to guilt presumption and self-fulfilling prophecies (with interviewers failing to understand how their beliefs help construct a false reality) (Biggs, 2009). Consequently, any prejudicial stereotypes may result (at its more extreme) in police officers demonstrating hostility toward suspects. Research has identified that officers have a bias towards judgments of deceit. Confirmation bias is described by Nickerson (1998, p.175) as "seeking or interpreting of evidence in ways that are partial to the existing beliefs, expectations, or a hypothesis in hand". This can include both looking for information that affirms current beliefs, while not looking (even avoiding) information that disconfirms such beliefs (as found in Hill et al., 2008; Minhas & Walsh, 2018).

The Present Study

In the UK, cultural stereotypes of Muslim communities have been transformed following the declaration of a 'war on terror' in 2001(Awan, 2018). Since then studies investigating the portrayal of Muslims as 'suspects' have demonstrated that there is a marked increase in hostility towards Muslims (Cockbain and Tufail, 2020). Research has found that the negative portrayal of Muslims in political and public discourses (that negatively

characterise Muslims as the 'enemy within') might well have potential to prompt prejudicial stereotyping (Awan, 2018). Brewer (2007) argued that either a strong in-group favouritism or out-group antagonism might be expected in highly segmented societies that are separated along with a single primary categorisation (for example, ethnicity or religion). He further argued this would be particularly true if categorisation is ones that divide society dichotomously. Such division, Brewer continues, promotes social comparison that gives rise to negative attitudes toward out-groups and a high potential for conflict.

The discussed literature has indicated that stereotypes are cognitive structures contained within the perceiver's mind. Further, such stereotypes are composed of the perceiver's knowledge, beliefs, and expectations concerning an identifiable social group. From a criminal justice perspective, at the initial stage of abductive reasoning, negative stereotypes may be triggered when officers make decisions concerning a certain suspect corresponds with their pre-existing mental images for the group to which the suspect belongs (Darley & Gross, 1983). Essentially, abductive reasoning is the first stage of any inquiry in which an investigator tries to generate theories which may then later be assessed (Fahsing & Ask, 2016). As such, "abduction is the process of forming explanatory hypotheses" (Peirce, 1965, p.172).

Thus, unconscious stereotypes can be activated in police officers' investigative decision-making processes from almost the outset. Once activated, these stereotypes could influence relevant decisions concerning a suspect's profile and their perceived culpability (Smith & Alpert, 2007). The present study is, therefore, aimed to investigate legal representatives' perceptions as to whether police interviewers appear to use negative stereotypes towards suspects from certain stigmatised groups. Furthermore, the present study also examined if legal representatives perceived that police interviewers displayed any negative stereotypes towards Muslim suspects, to what extent these legal representatives believed that such negative stereotypes transform into hostile and discriminatory behaviour by the police.

Methodology

Participants

The present study used semi-structured interviews with fifteen defence lawyers who had represented suspects[1] from various ethnicities within England and Wales. The participants (all males), were from three major English cities (Birmingham, London, and Manchester). Eleven had each represented more than one thousand suspects, though all of them had prior experience of representing suspects during police interviews. Their relevant professional experience ranged from three to 30 years (M = 11.13 years, SD = 6.98 years). Participants' ages ranged from 32 to 60 years (M = 42.7, SD = 9.62). Three of the lawyers were associates of the first author, who each, in turn, provided contact details of a total of twelve criminal defence lawyers. Our interviews with them lasted from 35 to 90 minutes, with an average of 50 minutes. None were given any incentive or reward for their participation.

[Insert Table 1 here]

Procedures

Having received ethical approval from the authors' (then) home University, the first author conducted semi-structured interviews in the lawyers' offices between March 2015 and January 2017. All participants were informed that they would be assured anonymity. Nine of the participants provided consent for their interviews to be audio-recorded, while the other six agreed to notes of the interview to be taken manually. Participants were asked firstly to provide their own interpretations of their range of experiences and perceptions during police interviews concerning officers' attitudes towards their Muslim clients. Each participant was asked the

[1] A suspect is a person who is represented by a legal advisor at a police interview under caution.

same standard set of questions, though where necessary, elaboration and clarification were provided.

Analytical framework

The analytical framework employed in the present study involved thematic analysis of interview transcriptions, where the codes were both inductive and deductive, originating both from the authors' theoretical understandings and from the participants themselves (Miles & Huberman, 1994). The authors' approach is an essentialist/realist approach. From such a perspective, authors can theorise motivations, experience, and meaning straightforwardly, because this approach focuses on reporting an assumed reality evident in the data (Widdicombe & Wooffitt, 1995). Consequently, in the present study, the analysis took a semantic approach where themes are identified from the "explicit or surface meaning of data" (Braun & Clarke, 2006, p. 84).

Inductive analysis

The first step of the inductive analysis involved an initial reading of the research interview transcripts to gain familiarisation with the data. In the second reading, a line-by-line coding was undertaken to ascribe each sentence a code that described the main essence of the sentence. To code the data, the guidelines for conducting a thematic analysis constructed by Braun and Clarke (2006) were followed. Initially, all the data were coded, and codes were merged into larger units organising those that seemed similar in meaning content. This was followed by sorting the different codes into potential themes and collating all the relevant coded data extracts within the identified themes and sub-themes for each interview. A theme was defined as the smallest unit that in a meaningful way could express the codes that were included in it. From the individual summary sheets, an overall list of themes was constructed. Themes

were refined and grouped into clusters to form the super-ordinate theme of 'legal representatives' perceptions concerning police interviewing practices.

Deductive analysis

This approach to thematic analysis was primarily employed by the authors to examine the perceptions of legal representatives concerning the attitudes of police interviewers towards Muslim suspects. Minhas et al. (2017) developed a measure "the Minhas Investigative Interviewing prejudicial Stereotyping Scale (MIIPSS)" to identify indicators of prejudicial stereotyping within such interviews. They designed this tool to identify the influence of any prejudicial stereotyping in police interviews, that is based on suspects' race and ethnicity. MIIPSS maintains that if police officers hold perceived prejudicial stereotypes towards the suspects, this could result in guilt presumption and self-fulfilling prophecies. In the present study, to conduct deductive analyses, five constructs of the MIIPSS (see Minhas et al., 2017) were regarded as a priori categories. Therefore, the method used was category allocation. The five constructs of the MIIPSS are: (i) possessing negative perceptions; (ii) use of schema; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach. The first author read through each interview transcript with the participants, using these constructs as coding categories, to ascertain whether any of these constructs were evident, in line with the description of each construct of the MIIPSS (as defined in Minhas et al., 2017). The examination of each construct is given in the results section under the super-ordinate theme of 'perceived prejudicial stereotyping'.

Inter-rater reliability

Following the coding process of transcriptions, a doctoral researcher, with an established knowledge of thematic analysis, independently coded a randomly selected seven copies of interview transcripts. Inter-rater reliability of identification of the super-ordinate

themes of (i) legal representatives' perceptions concerning the interviewing practices; and (ii) perceived prejudicial stereotyping was conducted, finding very strong levels of agreement (Cohen's kappa 0.92) between both sets of scores, (Fleiss, 1981).

Results

The findings are presented under the two main themes; (i) legal representatives' perceptions concerning the interviewing practices; and (ii) perceived prejudicial stereotyping. An analytical narrative was constructed, and extracts from the transcripts are presented to illustrate each of these two super-ordinate themes.

Legal Representatives' Perceptions Concerning the Interviewing Practices

This super-ordinate theme comprises two emergent sub-themes, which are consistent with the participants' reported observations concerning police interviewing practices. These sub-themes are: (i) legal representatives' perceptions concerning the association between ethnicity and charging decision; and (ii) and police interviewers' attitudes in affluent and deprived areas.

1. ***Legal representatives' perceptions concerning the association between ethnicity and the decision to seek a charge***

Eight of the participants stated that they felt in some instances, suspects' ethnicity had seemed to play a role when police officers decided whether to seek a charge from the CPS against a suspect. For example, the participant (01), a highly experienced lawyer, described his observation concerning the association between ethnicity and decision to seek a charge as

"I would say that if they (police) find a European, say a petty theft or small amount of class A drugs, say low-level theft maybe £20, £30, they would let it go. But if they find a Muslim youth with such theft or a small amount of class A they would seek to charge him".

Participant (14) reported his observations concerning the association between the ethnicity and the decision to seek a charge as,

"There are certain areas in Birmingham where it's not only Muslim suspects dealing (drugs); there are other communities also involved in (drugs) dealing. Though, they are (police) more concerned into Muslim areas".

Whereas, the participant (09) reported his observation with an example concerning the association between ethnicity and the decision to seek a charge

"It's already in their mind that, obviously he must have done something and how should we get it out, if the suspect is known Asian Muslim or known black. Whereas, if a suspect is a typical white person the question would be whether or not he has done it. The attitude would be then very different. Let me give you an example. I went to the police station to represent a client, and there was a CCTV footage, a white girl, entered in a shop, started throwing things from the shelf, broke a bottle of vodka, threw it on the till, the guy on the till was Asian. You could see clearly in the footage that he was bleeding, a big long cut on his face. I thought that she would be charged with serious offences, for example, drunken disorderly, assault, but the Sergeant said to me that if she pleads guilty, which she has to because it's all on CCTV, we will caution her and send her to alcohol rehab. I was shocked, obviously, in the best interest of my client, I could not tell the Sergeant to charge her, and she was cautioned and sent to rehab."

2. *Police interviewers' attitudes in affluent and deprived areas*

Ten participants reported they have felt that police officers' attitudes are more hostile in deprived areas as compared to affluent areas. These participants also reported that police officers are more likely to ask guilt presumptive questions when conducting interviews with suspects from deprived areas. For example, participant (01) described

"There are police stations, they do have stereotypical branding, and attitudes are different in different areas, particularly in London. These attitudes are different in south London deprived areas where the predominately black community lives, for example, Brixton and that area. If you are in Brixton police station, Brixton has a reputation and the officers there are convinced that they are dealing with the most hardened criminals. Whereas, if you go further south, a slightly more affluent area, attitudes are very different. Interview techniques are different.".

Further, participant (06) encapsulated such observations as,

"If you have a police station which deals predominately with middle-class white people there is a different kind of policing that is needed, and crime is probably perceived not as prevalent, or certain types of crime are not as prevalent, for example, the better parts of Sutton, nice parts of Edgbaston. Whereas if you contrast that with deprived areas, for example, police station which deals with the ethnic minorities, such as, Small Heath, Sparkhill or Sparkbrook, and they deal day in day out with Asian suspects, prisoners, that does affect the way they police them because of that, because of the experiences they have".

Seven of the participants stated that they have felt in certain localities, police interviewers' attitudes towards suspects from minority and Muslim communities may have been affected by unconscious stereotyping. For instance, the participant (14) described,

"In a certain part of the country, they (police) do not get many Asians or Muslim suspects, when they do get Asian Muslim suspect they have got that particular stereotypical impression of them that either they are involved terrorism-related offences, money laundering, drugs or they must be involved in something dodgy".

Attitudes of the Interviewers towards Muslim Suspects as Perceived by the Legal Representatives

This super-ordinate theme comprises of five sub-themes, consistent with the participants' perceptions concerning the police officers' attitudes towards Muslim suspects. These sub-themes are: (i) possessing negative perceptions; (ii) use of schema; (iii) guilt presumption; (iv) self-fulfilling prophecy; and (v) hostile approach.

1. Possessing negative perceptions

The interviews could be affected by police officers' negative perceptions towards suspects, if a legal representative reported observing either; (i) the interviewer's perceived attitudes towards interviewee were negative; (ii) there was a lack of empathy; or (iii) there was an absence of rapport between the suspect and the interviewer (Minhas et al., 2017).

Nine participants (participant number 01, 02, 04, 05, 07, 08, 09, 13, 14) reported that they had witnessed instances where police interviewers appeared to display negative attitudes toward Muslim suspects. Most of these participants reported that the police interviewers were hostile during such interviews, also possessing apparent biased attitudes. For instance, participant (02) stated,

"I have observed when representing Muslim clients that some officers have got attitude problems and it affects interviews badly, so I would say it's the officer's problem, not as a whole."

Seven of the participants reported that they had observed instances of non-verbal occurrences of negative attitudes such as a police officer 'nodded her/his head' or 'shrugged his/her shoulders' possibly to make their Muslim client uncomfortable. For example, the participant (14) described,

"You can see their expressions. Many of the interviews are audio recorded, you can only observe their attitudes, expressions, and they are not welcoming, they look anxious, annoyed..."

Many of the participants reported that in the light of their observations, they believe that the nature of the crime may affect police interviewers' attitudes towards a suspect. For instance, the participant (13) stated,

"Some suspects will be treated differently; if they are drug addicts or alcoholics or drug dealers, they would be charged differently. Recently in the news regarding the sexual offences in Rochdale, the Asians, that's obviously put a bit of a spanner in the works, given a bit of a bad name to the Asian Muslim suspects who are arrested for sexual offences".

2. Use of Schema

The possible reasons for police officers' negative attitudes towards suspects may be due to either the suspect's (i) group membership; (ii) ethnicity; (iii) religious beliefs; or (iv) previous criminal history; or either the (v) particular nature of the crime (such as sexual crimes, paedophilia or drugs-related crimes); or (iv) specific crime-related location (Minhas et al., 2017).

Eight of the participants (participant number 01, 02, 04, 05, 07, 08, 13, 14) perceived that police officers' negative attitudes toward suspects may be due to the suspects' ethnicity.

These participants stressed that they believed police interviewers treated the suspects with negative attitudes due to their client's race. For example, the participant (06) stated,

"80% plus of the people that I represent are from the Asian Muslim ethnic origin. Unfortunately, …the way some police officers view Asian Muslim suspects is that they are guilty before they have even tried, because they are Asian. It's quite clear sometimes that they are not information gathering. They are trying to prove a case against them".

Furthermore, the participant (02) stated it as,

"Police officers make the assumption on the basis of suspect's ethnicity that in their opinion, they committed a particular crime. I give you an example; domestic violence where husband and wife have an argument; wife calls the husband on the police, he gets arrested and then says he has probably beaten her because she has got a lot of bruises. Again, that is not only the Asian community or certain ethnicity. It would be across the board. But if its Asian suspect they assume that he is guilty. With drugs, if a young guy is driving a flashy car, they would automatically assume that he is a drug dealer if he is Black or Asian".

Another participant (14) reported,

"I had a client where somebody went to the police and said that it has come to their knowledge that my client is involved in a conspiracy to kidnap a police officer. In fact, my client had nothing to do with it; he was not aware of anything. Police arrested him, took him to the police station, and interviewed him. It was also in the news, a Muslim suspect arrested for conspiracy to kidnap a police officer. He did not have a clue. After interviewing, he was released with no further action. As I said, this is typical…because he was a Muslim, he goes to the mosque, and he must have a reason to kidnap somebody".

3. Guilt presumption

The interviewers could be presuming suspects as guilty when they either ; (i) ask guilt-presumptive or provocative questions; (ii) use bluff; or (iii) show inflexibility (e.g., interviewers' did not adjust their stance in light of new information received from the interviewee); or (iv) react to the suspect's behaviour with destabilising, disturbing, or confusing (non-verbal) responses (Minhas et al., 2017).

Eight participants (participant number: 01, 02, 05, 07, 08, 13, 14) reported that on several (at least on more than one) occasions, they had witnessed police officers presuming their clients to be guilty of the suspected crime from the very beginning of the interview. These participants reported the police officers asked repetitive questions to try to prove a case against their clients. For instance, participant (05) reported,

"Obviously, interviews are tape-recorded in the presence of a solicitor or appropriate adult. They cannot be that hostile or cannot go overboard and do things which are not appropriate. But, as I said, the attitude is that, yes, we are convinced you have done it, why do not you tell us. If he is a non-Asian or not a black person, if he says, well, I did not do it, or I was somewhere else they would just take it. They would just take his words. However, with a black or an Asian or a Muslim they will keep on questioning, and with these clients, interviews are normally longer than usual".

4. Self-fulfilling prophecy

The police interviews could be affected by police interviewers' self-fulfilling prophecies if interviewers; (i) overweighed the evidence; or (ii) ignored evidence that could have gone in any suspect's favour (or at least not lead to the belief of guilt); or (iii) either maximised or minimised the nature of the offence; or (iv) repeatedly accused interviewees of the crime(s); or (v) repetitively asked leading questions (Minhas et al., 2017).

Six participants (participant number 01, 02, 04, 07, 08, 13) reported that they had observed one or more of these while representing their clients during investigative interviews. Many of these participants described the police officers' presumption of guilt, even though there was no evidence to connect their client to the crime. These participants reported that the police officers still tried to connect their clients to the crime with 'irrelevant' evidence. For example, the participant (01) described,

"Some police officers get over-excited and ask questions which are not relevant because there is no evidence; they assume that in their opinion, the suspect had committed this crime. That is their opinion. It is not evidence. It does not hold any weight in court. I have seen interviewers exert pressure on suspects even when a solicitor is present".

Three of the participants reported that they felt on several occasions that police officers exaggerated the evidence and arrived at a conclusion that goes beyond what the evidence justifies. These participants stated that even though the CPS charged their clients, the court dropped the case because the evidence against them was not strong enough or did not exist. For example, the participant (04) reported

"I would not say its racism; I believe it's about police priorities or political hot potato. I am not a Muslim; if you are talking about ethnic minorities or Muslims, I give you an example, I have seen a police officer who was from the same race as my client, same religion as my client. He was coming up with every piece of evidence which might align with his belief to get a conviction. On the other hand, every piece of evidence which my client was submitting in his defence that particular police officer was making every effort to exclude it. He took it too far; it was annoying to me as well being the defence lawyer, the way he was dealing with that investigation. The matter could have been resolved without going to the court, but we ended up in the court, and finally, the honourable judge dismissed that case".

Further, the participant (02) reported,

"When they are investigating or interviewing a Muslim suspect, it depends if they are investigating an offence where there is terrorism-related suspicion or money laundering. Then they are convinced that, yes, he has done something wrong and how should we get it out".

5. Hostile approach

Interviewers may well be considered as hostile if they; (i) appear oppressive (e.g., instances of undue pressure, bullying, or continual challenge); and/or (ii) ask persistent and coercive questions during the interview (Minhas et al., 2017).

Eight of the participants (participant number 01, 02, 04, 05, 07, 08, 13, 14) reported that they observed instances of oppression such as; (i) continued repetition of questions which have already been answered or to which a "no comment" answer has been given; (ii) an officer raising his/her voice or becoming angry; or (iii) from continued interruptions of the suspect by the officer. These participants also stated that due to the persistence of such behaviour, they sought to suspend the interview and made representation to the custody officer/senior officer. For instance, the participant (07) described,

"that police officer was very aggressive, and he was so angry with my client; if he had a chance he could have punched him. He whispered something which we were unable to hear, and even the tapes did not pick it up. I believe he said something very negative and racial".

Discussion

The present study sought to examine legal representatives' perceptions as to whether police interviewers appear to use negative stereotypes towards suspects from stigmatised groups. Further, this study examined if the police interviewers displayed any negative stereotypes during interviews, to what extent such negative stereotypes transform into hostile

and discriminatory behaviour? In the current study, participants stated that police officers are more likely to seek a charge from the CPS if a suspect is of Black or Asian Muslim ethnicity. These participants also emphasised that if the investigation is related to alleged drugs offences, then there is even a greater likelihood that Black or Asian Muslim suspects would be charged, as compared (in similar circumstances) to their White counterparts. This finding is consistent with Minhas and Walsh (2018) study, where it was found that any negative stereotypes based on suspect's group membership had influenced officers' investigative decision-making, affecting outcomes of criminal investigations. Furthermore, our participants were found to believe that officers often demonstrate biased and negative attitudes towards Black and Muslim suspects. This may well be due to the lack of ethnic diversity in the police forces. National statistics from the Home Office (2018) identify that the Black, Asian, and Minority Ethnic population in England and Wales is fourteen per cent. However, despite this, the representation of BAME in police organisations is less than six per cent.

When police officers are exposed to negative behaviours by individuals from certain minority groups, they may overestimate the predominance of such behaviours, which may reinforce pre-existing stereotypes (Hamilton & Gifford, 1976). Prejudicial stereotyping is probably the after-effect of unconscious stereotyping, re-emerging either from differential presentation to group criminality. In turn, this may lead police officers to possibly overestimating the pervasiveness of negative behaviours among members of the stigmatised community (Smith & Alpert, 2007).

It was also found that the participants perceived police officers' attitudes as being different when suspects came from deprived areas. More than half of the participants perceived that police officers treated suspects from deprived areas inferior to those who came from more affluent areas. In the UK, BAME communities (predominantly Bangladeshi, Pakistani, and Black ethnic groups) are more likely to live in deprived neighbourhoods as compared to white

groups (Office for National Statistics, 2020). Police officers may believe that people from deprived areas are more likely to be involved in criminal activity (Bowling, 2018). These beliefs may affect their approaches towards suspects from such deprived neighbourhoods (Smith & Alpert, 2007). The use of such negative stereotypes is, of a concern, because this can potentially lead police officers to believe that people from an area/ethnicity are engaged in a particular crime (Weisburd et al., 2011).

When reflecting on their perceptions concerning police officers' attitudes, participants reported that they had observed instances of police interviewers' negative attitudes towards Muslim suspects. These participants felt that the police officers' such negative attitudes towards their clients might be due to either their ethnicity or their religious beliefs. Brewer (2007) suggests that either strong in-group favouritism or out-group antagonism might be expected in highly segmented societies that are separated along with a single primary categorisation (for example, ethnicity or religion). From a criminal justice perspective, at the outset of an investigation, prejudicial stereotyping concerning race and religion could be activated when officers make decisions concerning suspects from stigmatised communities with their pre-existing mental images for the group to which the suspect belongs (Darley & Gross, 1983). In turn, such unconscious negative stereotyping has been found to influence legal and investigative decisions (Greenwald & Krieger, 2006).

Many of the participants reported that they observed instances of self-fulfilling prophecies displayed by police interviewers. A self-fulfilling prophecy is a "false definition of the situation evoking a new behaviour which may make the originally false conceptions come true" (Merton, 2016: p.477). This phenomenon might well appear when an interviewer fails to understand how his/her own belief has helped him/her to construct a false reality (Biggs, 2009) and he/she becomes so focused on an individual or incident that no other person or incident registers in his/her thoughts. In the current study, it was found that police officers on occasions

were believed by the participants due to suspects' ethnicity or religious beliefs to have either (i) asked repetitive questions; (ii) exaggerated the strength of evidence; or (iii) became so fixated to charge the suspect that they ignored the evidence that could have gone in the suspects' favour. Such investigative approach has been found to result in tunnel vision, being a product of multiple processes, including cognitive distortions such as confirmation bias (Findley & Scott, 2006). The limited existing research pertaining to the influence of prejudicial stereotyping on criminal investigations suggests that the occurrence of tunnel vision is arguably higher in the investigative process when the suspect is from a stigmatised community (Hall, Hall, & Perry, 2016; Roach & Trotter, 2004).

In the present study, legal representatives reported that they had witnessed police interviewers asking the suspects guilt-presumptive questions, believing police officers had also adopted negative stereotypes of Muslim suspects. Furthermore, legal representatives mentioned instances of perceived interviewers' hostile and discriminatory behaviour towards their Muslim clients. Such negative racial and religious stereotyping could contribute to biased decisions concerning members from certain stigmatised minority groups (Mears, Stewart, Warren, & Simons, 2017). Negative stereotypes related to individuals from stigmatised groups can have a strong impact on how police officers treat members of these groups (Mears et al., 2017). These negative stereotypes are automatically activated when exposed to individuals of stigmatised groups, which might well potentially influence police officers' decisions (Devine, 1989; Macrae & Bodenhausen, 2000). As such, in the present study, participants reported they had witnessed instances where the ethnicity and religious background of a suspect may have played a significant role when officers decided to seek a charge from the CPS.

Previous studies have found that confirmation bias towards suspects' wrongdoing during police interviews led to an 'accusatorial' style of interviewing, where police officers used a confirmatory strategy to elicit confessions, which may result in or contribute to false

confessions (Kassin et al., 2003). Thus, such investigations may well be prone to miscarriages of justice when officers are so fixated upon charging the suspect and are willing to spend more resources to confirm their initial hypothesis concerning the suspect's wrongdoing. Further, participants also reported that they had witnessed instances when a White suspect was released whereas a charge was sought against a Muslim suspect when the alleged offence was of a similar nature. These findings are in line with Minhas and Walsh's (2018) findings that prejudicial stereotyping (based on a suspect's religious/racial background) influence officers' investigative decision-making which can contribute to a different outcome of a criminal investigation when investigating a similar crime (when suspects are from different ethnic groups).

Limitations and future research directions

Semi-structured interviews for assessing participants' perceptions are prone to errors resulting from cognitive and motivational biases as they are reliant on their self-reports (Ehrlich & Rinehart, 1965). During the semi-structured interviews, legal representatives may have exaggerated their responses, or their responses could have been affected by their own biases either against the police or the suspects. Additionally, since the participants recalled events (sometimes from what may have been several years earlier) concerning their range of experiences, it is possible that some of those memories might have been affected by such a time delay, or in that intervening period, they may have conferred with others (which may have led to either memory distortions or source monitoring errors). Future researchers should minimise the time delays between police interview and research interview to lessen these possible effects. Further, it would be beneficial to examine what legal representatives' actions were if they reported observing negative stereotypical attitudes towards suspects. It would also be beneficial to conduct an observational assessment of interviews in either real or naturalised environments.

Although the sample recruited was rather small, it is important to acknowledge that the legal representatives have been ones traditionally found to be hard to reach for voluntary research purposes (the present study is the first as far as it is known, to gather their views within the context of investigative interviewing of suspects). It is important to recognise that the super-ordinate themes presented in the present study resulted from the authors' interpretations of the data. These interpretations may be influenced by the authors' biases either against the police or the legal representatives. However, a strong Cohen's kappa of 0.92, independently arrived at, between the two raters suggests that this might not be the case.

Conclusions

In conclusion, prejudicial stereotyping based on a suspect's racial/religious background can influence police officers' attitudes towards suspects from the stigmatised communities. Additionally, prejudicial stereotyping could result in guilt presumption, self-fulfilling prophecies, and confirmation bias. In turn, guilt presumption and confirmation bias could result in coercive interviewing and tunnel vision, which is argued as the underlying causes of miscarriages of justice (Fahsing & Ask, 2016; Findley & Scott, 2006). To ensure a fair trial and non-coercive investigative and interviewing processes, further training of police officers is necessary to make them more aware of the implications of such prejudicial (racial/religious) stereotyping to improve on interviewing performance, case outcomes, and community cohesion.

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Table 1: Demographics and legal representation experience of the 15 participants

Participant No.	Ethnicity	Years of Experience	No. of suspects represented during police interviews	Age
01	Asian	12	1000 +	38
02	Asian	15	1000 +	52
03	Asian	12	1000 +	54
04	Asian	8	1000 +	37
05	White	5	500 +	33
06	Asian	10	1000 +	36
07	White	30	1000+	60
08	White	5	500+	34
09	Black	4	300+	32
10	Black	3	100+	32
11	Asian	15	1000+	49
12	Asian	10	1000+	35
13	Black	10	1000+	45
14	White	20	1000+	59
15	Asian	8	1000+	46