

Policing Muslim Communities: The importance of procedural justice in communication and engagement activities

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Policing Muslim Communities: The Importance of Procedural Justice in Communication and Engagement Activities

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In recent decades, many countries around the world have faced an increase in ‘home-grown’ terrorism. While home-grown terrorist acts can be perpetrated by anyone, in countries like the United States, Canada, Australia and throughout Europe the term ‘home-grown terrorism’ has typically come to denote acts of violence perpetrated by Muslim immigrants acting in the name of Islam (Vermeulen 2014). Despite such acts being perpetrated by only a small minority of the Muslim community, Vermeulen notes that authorities can often perceive the threat of violent extremism as coming from the entire Muslim community. Vermeulen (2014) argues that this can lead to the construction of Muslims as a ‘suspect community’.

The construction of Muslims as a suspect community communicates a strong message to Muslims that they are distrusted and a group to be feared. Hillyard (1993) cautions against treating a whole community as suspicious because it can have detrimental social and psychological effects on that community. For Muslims who feel constantly under suspicion by authorities, their neighbors, and the media, this can fuel feelings of stigmatization, and can

lead to an ‘us’ versus ‘them’ mentality (Blackwood, Hopkins, and Reicher 2013; Murphy Madon, and Cherney 2018). This serves to marginalize Muslims from the rest of society, reduces Muslims’ trust in people outside their own community, and reduces Muslims’ willingness to work with authorities to counter terrorism (Cherney and Murphy 2016).

This chapter specifically highlights the importance of building Muslims’ *trust in police*. Muslims’ trust in police is crucial because authorities rely heavily on the Muslim community to report radicalization and terror threats occurring in their community. Drawing on empirical findings from the literature, this chapter demonstrates that the effective implementation of *procedural justice in community-based policing* is crucial for building Muslims’ trust in police and their subsequent willingness to work in partnership with police to counter terrorism. Community-based policing emphasises procedural justice through police/citizen engagement, consultation and partnerships, and effective and respectful communication between police and Muslim communities. Importantly, this approach serves to promote information exchange and it generates intelligence (Innes 2006). Community policing in counter-terrorism is not without its challenges, however. Hence, this chapter also acknowledges some of the key challenges that police face when engaging with Muslim communities in the counter-terrorism context. Before doing so, the following section first begins by summarising how governments have attempted to curb home-grown terrorism and how this has led to the securitization of Muslims.

The Increasing Securitization of Muslim Communities

Hillyard (1993) contends that when whole communities are viewed with suspicion, this often results in increasingly intrusive, heavy-handed laws and policing techniques being used against that community. We have seen this occur in the context of counter-terrorism policing

of Muslim communities. In response to the 2001 September 11 attacks on the World Trade Center in New York, governments around the world moved to introduce a suite of punitive laws aimed at preventing future terrorist attacks. In Australia alone, 64 new anti-terror laws were introduced between 2002 and 2014 (Lynch, McGarrity, and Williams 2015). These new laws gave authorities expanded powers and the ability to detain terrorist suspects with no trial, to cancel citizenship for those found guilty of terrorism offences, to target groups perceived as security threats, and to intercept, collect and store people's personal information. In other words, they afforded authorities exclusive and unprecedented powers to surveil, detain and interrogate individuals without reasonable proof of criminal intent. The unintended consequence of these laws is that they disproportionately affected Muslim communities, and perpetuated anti-Muslim racist stereotypes among the broader population.

Police, as enforcers of these laws, often take the lead in any strategies designed to detect or counter terrorism (Spalek 2010). While 'hard power' approaches to countering terrorism like those mentioned above are certainly needed in some circumstances, they do risk fuelling Muslims' distrust of police. Of particular concern for Muslim communities are laws that enable police to stop Muslims on the street even when no law has been broken, increased surveillance of Muslim communities, targeted searches at airports, and public raids and arrests of Muslims (e.g., Blackwood et al. 2013; Cherney and Murphy 2016; Hasisi, Margalioth, and Orgad 2012). Muslims have also reported resentment towards counter-terrorism police trying to gather intelligence from members of their community and from their Muslim leaders in particular (Cherney and Murphy 2016). Muslims' distrust of police has served to reduce Muslims' willingness to work collaboratively with police to report radicalization and terrorist activity taking place in their community (Cherney and Murphy 2016). As highlighted earlier, this is of concern because police rely heavily on community members to come forward with pertinent information that can help them prevent terrorism.

Without the support of the Muslim community, even the most well-resourced counter-terrorism agenda will not be fully effective. This points to the importance of police developing open and respectful lines of communication with the Muslim community to enhance Muslims' trust in police and their willingness to work collaboratively with police.

The Importance of Effective Communication Between Police and Muslims: A Role for Procedural Justice

Muslim communities are being increasingly recognised by authorities as critical partners in counter-terrorism. As Thomas, Grossman, Miah and Christmann (2017, 6) note, "the first people to suspect or know about someone becoming involved in planning acts of violent extremism will often be those closest to them: their friends, family and community insiders" (see also Awan and Guru 2017; Williams, Horgan and Evans 2016). Hence, there is an increasing expectation by the police that Muslim communities work with police to reduce the risk of Islamic-inspired terrorism (Spalek and Lambert 2008). We know from previous research, however, that many Muslims avoid contact with police because they view police with suspicion (e.g., Cherney and Murphy 2016). How police overcome Muslims' distrust of police is therefore an ongoing challenge.

Community-based policing models are increasingly being drawn upon to develop effective police-Muslim partnerships (Innes 2006; Spalek 2010; Spalek and Lambert 2010). Here, dedicated community-based police liaison officers are used to build relationships with the Muslim community; these officers are distinct from counter-terrorism investigators (see Cherney and Hartley 2017). Spalek (2010) argues that community policing is crucial to countering terrorism because it builds trust between police and Muslim communities. A major aim of community policing is to try to link the police more closely to a community in

‘partnership’ arrangements. These engagement and partnership arrangements can involve “joint activities to co-produce services and achieve desired outcomes, giving the community a greater say in what the police do, or simply engaging each other to produce a greater sense of police-community compatibility” (Mastrofski 2006, 46). While there is not space in the current chapter to cover the numerous successful community policing programs with Muslim communities, one common feature underlying successful approaches is that they adopt the tenets of *procedural justice*. This means they pay close attention to the way that police *communicate* their power in a procedurally just manner when coming into contact with Muslim communities.

Procedural justice in policing involves four key tenets: (1) displays by police of their *trustworthiness*, (2) *respectful and courteous treatment* of citizens, (3) the provision of *voice* to citizens in decision-making; and (4) *neutral* treatment of citizens (Tyler 2011). If police convey trustworthy motives to the Muslim community, if they communicate with Muslims in a polite and respectful manner, if they consult with Muslims and provide them with an opportunity to voice concerns or share ideas before decisions are made about how their community is policed, and if they are neutral in their dealings with Muslim communities, then they will likely be perceived as acting with procedural justice. Tyler (2011) argues that people are strongly influenced by their judgements about the fairness of the interpersonal treatment they receive from authorities and the fairness of the procedures those authorities use to make decisions. This is because unfair treatment from authorities can communicate symbolic information about their identity, belonging and position in society (Bradford, Murphy, and Jackson 2014); procedurally fair treatment signals inclusion and solidarity with others, while procedurally unfair treatment signals exclusion.

Scholars suggest that exclusion from valued social groups ranks as one of the most aversive of human experiences (Murphy and Cherney 2018). Research also consistently

reveals that when people feel more connected to a group they will be more motivated to act in that group's best interests as a way of bolstering their identity with that group (Tyler 2011). In the counter-terrorism context this suggests that Muslims should feel a greater obligation to report terrorism threats to authorities to benefit all others in society if they feel they belong in society. If Muslims feel excluded, then they may feel reluctant to act in the best interests of others in society. Police use of procedural justice is key to building trust and signaling to Muslims that they are valued and respected members of society who have an important and valued role to play in the fight against terrorism.

The policing literature is full of empirical studies that demonstrate the value of procedural justice in policing. Research consistently reveals that police use of procedural justice can enhance people's satisfaction with police encounters (Hinds and Murphy 2007), can enhance people's views regarding the legitimacy of police (Sunshine and Tyler 2003; Tyler 2011), and can increase people's trust in the police (Murphy, Mazerolle, and Bennett 2014; Tyler and Huo 2002). Importantly, studies reveal that people's willingness to report suspicious behavior to police or to report crime and/or victimization is also associated with their assessments of police being procedurally just (e.g., Murphy and Barkworth 2014; Sunshine and Tyler 2003).

A small but growing collection of studies also shows that procedural justice has beneficial effects when used with Muslim communities. These studies show that procedural justice policing can enhance Muslims' intentions to report terrorism-related information to police. Specifically, Cherney and Murphy (2016) conducted focus groups with 104 Muslim-Australians. Muslims reported that they were unlikely to want to work collaboratively with police in counter-terrorism activities if they viewed counter-terrorism police as behaving in a procedurally unjust manner toward the Muslim community (see also Cherney and Murphy 2017). Using survey data from Muslims in the United States and United Kingdom, Tyler and

his colleagues also revealed that Muslims were more likely to say they would report terrorism-related intelligence to police if they perceived police as procedurally just (Huq, Tyler, and Schulhofer 2011a, 2011b; Tyler, Schulhofer, and Huq 2010; Schulhofer, Tyler, and Huq 2011). Survey studies in Australia report similar findings. In their survey research with 800 Australian Muslims, Murphy and her colleagues confirmed that when police are viewed as acting in a procedurally just manner then this enhances Muslims' willingness to work with police to prevent terrorism (e.g., Madon, Murphy, and Cherney 2016; Murphy, Madon, and Cherney 2018; Murphy, Cherney, and Teston 2018). This beneficial effect occurred even for those Muslims who strongly questioned the legitimacy of Australia's 'hard power' counter-terrorism laws (Murphy, Madon, and Cherney 2017), and for those Muslims who felt most stigmatized (Murphy et al. 2018). Murphy and Cherney (2018) argue that procedural justice is so effective in building collaboration between police and communities because it promotes citizens' trust in police as well as their sense of belonging in society.

Communicating Procedural Justice in Counter-terrorism Policing: Examples and Challenges

Trust is clearly an important precondition to any community intelligence exercise (Hillyard 1993). Nowhere is this more important than in the context of counter-terrorism policing. As the previous section demonstrated, a commitment to the tenets of procedural justice in police-citizen engagement activities is important for building trust in communities, including in Muslim communities. This section highlights some of the challenges police face in engaging with the Muslim community as well as discusses how police can effectively communicate each of the four tenets of procedural justice in their engagement efforts.

Trustworthiness

For a partnership to work effectively in a sensitive context like counter-terrorism, Spalek (2010, 789) suggests that police need to focus “initially upon building contingent-based trust by using activities that demonstrate *trustworthiness*”. Contingent-based trust is trust that is built when a person demonstrates their trustworthiness and is a pre-cursor to developing long-term implicit trusting relationships. For example, if a police officer acts in a way that puts the needs of another person or group first (i.e., the Muslim community) then this conveys that they have trustworthy motives.

Trustworthiness can be demonstrated by police when they prioritise trust building over intelligence gathering. It is commonly acknowledged that many Muslims view police engagement and outreach efforts with suspicion, often believing them to be a front for intelligence gathering (Bullock and Johnson 2018). Police officers in Cherney and Hartley’s (2017) study stated that it was important in their liaison roles to act openly and with integrity by not directly seeking intelligence from Muslim community members. They emphasised the importance of maintaining separation between their engagement role and the collection of community intelligence on terror threats, and they expressed a reluctance to collect intelligence if requested by counterterrorism investigators. Police officers noted that the long-term outcome of this was that community members would feel more comfortable approaching them in the future with information that could be passed on to investigators. Hence, the *voluntary* provision of intelligence was viewed as one positive outcome of demonstrating trustworthiness in community engagement efforts.

Another good example of police attempts to build contingent-based trust with the Muslim community was cited in Cherney and Hartley (2017). Cherney and Hartley noted that in 2015 state and federal police convened a meeting with Muslim community leaders in Sydney, Australia to inform them that arrests of two Muslim males were to occur that day.

One of the Imams who attended that meeting expressed to Cherney and Hartley that this action showed a great level of goodwill from the police. The Imam therefore recognised the risk that police were taking in sharing this information with the Muslim community. However, Cherney and Hartley (2017) also noted that these types of actions can generate risk because such acts of goodwill can backfire. In this example, there was the risk that the Muslims who were to be arrested could have been tipped off and this could have had consequences for community safety. At the same time, the Imam also noted that police had informed him that the two Muslim men had been under surveillance for more than 12 months. Hence, while acknowledging the police officers' goodwill in consulting with Muslim community leaders, he noted that police could have highlighted their concerns about the Muslim men much earlier so that the Muslim community leaders could have intervened in their path to radicalization.

Cherney and Hartley (2017) noted further challenges police face in building trustworthiness when holding public information sessions with the Muslim community after prominent terrorist raids. On the one hand, such sessions can give police and Muslims the opportunity to express concerns and issues associated with the raids, but at the same time the sessions can fall short when particulars about the raids needs to be kept confidential. Often police are unable to share as much information as they want to, and this can leave Muslims feeling that the police are withholding crucial details. This can result in further suspicion, hostility and anger directed at police.

Respect

Police can display procedural justice in interactions with Muslims through communicating and behaving in a *respectful and courteous* manner. Respectful treatment entails not being

rude or condescending to members of the Muslims community, but respect can also be demonstrated in other ways: (1) by genuinely listening to Muslims' concerns; or (2) by respecting Muslims' customs and traditions (e.g., police removing their shoes when entering a Mosque or using a common Muslim greeting when entering an individual's house). These actions were also reiterated as important by police officers who were interviewed by Cherney and Hartley (2017). The officers saw it as important in their role as community-based officers to develop cultural awareness about the Islamic community and to have an open mind about genuinely absorbing the culture. Some interviewees also viewed listening to Muslim community members as one of the most important features of good engagement.

Voice

One important aim of community policing activities is to build trust through methods of consultation that help to enhance the perceived legitimacy of counter-terrorism efforts. Research with Muslim communities consistently reveals that the provision of *voice* is an extremely important feature of Muslims' interactions with police in counter-terrorism. However, a major criticism that Muslims have of police engagement efforts is that police do little in the way of consulting or involving them in genuine discussions about how the Muslim community should be policed. For example, in their survey of 800 Australian Muslims, Murphy, Cherney and Barkworth (2015) revealed that 43% of respondents felt that police 'never' or 'rarely' considered their community's views when making decisions about how to address terrorism. Further, 46% of the respondents also felt police 'never' or 'rarely' considered the Muslim community's views when trying to deal with radicalization in the community. Fewer than 14% of respondents felt police consulted them 'often' or 'always'.

Failing to consult and consider the Muslim community's voice in counter-terrorism policing can have dire consequences for the police. It can reduce Muslims' support for police and their willingness to collaborate with police in terrorism prevention. This can be illustrated by the following study. Glasford (2016) studied the motivation of Muslim communities to support authorities in counter-terrorism. Glasford varied the type of communication frame that the community was provided by authorities. Respondents in the study were asked to read a report and were advised that the authorities would be visiting their neighborhood to conduct outreach activities and to gain their support of their counter-terrorism activities. One report framed the authorities as knowing what was best for the community and that they would be advising the community of their activities ('paternalistic condition'). The second report suggested that both the authorities and community knew what was best in tackling terrorism and it included language suggesting the authorities and community were 'on the same team' ('commonality condition'). The third report suggested that the community would know what was best for them and that they would be in the position of power when meeting with authorities to discuss how to tackle terrorism ('respect condition'). Glasford (2016) revealed that the 'commonality' communication frame is the most commonly used approach by authorities in the United States, followed by the 'paternalistic' and then the 'respect' communication frames. Glasford's study revealed that participants in the 'respect' condition were the most likely to express an expectation of fair treatment in the future from authorities when compared to participants in the paternalistic or commonality communication conditions. Those in the 'respect' condition were also more likely to express trust in the authorities and were more likely to support the authority's counter-terrorism approach.

Glasford's findings demonstrate the importance of authorities providing *instrumental voice* to communities. Instrumental voice occurs when people are invited to participate and

provide suggestions to authorities before the authority decides how to act on an issue. Here, a group can influence an outcome that brings instrumental rewards to their group. Non-instrumental voice, in contrast, occurs when authorities invite people to speak out after a decision has already been made about how to act on an issue. Here, groups have no influence over the outcome. Research reveals that instrumental voice is crucial for promoting a sense of procedural justice because being given voice communicates to people that their views are worthy of being considered (Lind, Kanfer, and Earley 1990). The challenge for police is to engage in genuine consultation at the right time during an investigation or before deciding how they will tackle an issue of concern in the Muslim community.

Neutrality

Neutrality is the final tenet of procedural justice that is important in community-based policing. There are two aspects of neutrality to consider in the context of counter terrorism: (1) how police deal with Muslims compared to non-Muslims; and (2) how police deal with different Muslim groups within the Muslim community. Muslims consistently argue that they are disproportionately targeted by ‘hard power’ counter-terrorism laws and police. For example, Muslims argue that they are more likely to be surveilled and are more likely to experience targeted stops at airports when compared to other groups in the population (e.g., Blackwood et al. 2015). Interestingly, efforts to engage Muslims in community-based policing are also criticized as further evidence of the securitization of Muslim communities (Awan and Guru 2017). These criticisms are valid and can result in Muslims becoming defensive about the perceived lack of neutrality in counter-terrorism efforts. However, as argued by Cherney (2018, 61) such “strategies of securitization are in some cases necessary”. While not all terrorist acts are perpetrated by Muslims, Islamic terrorism has dramatically

increased in OECD countries since 2014. Since 2014, 18 of the 33 OECD countries have experienced Islamic State directed or inspired attacks, and these have accounted for three quarters of all terrorism-related deaths in these countries (Global Terrorism Index 2017). It would be naïve, therefore, to suggest that police should display neutrality by halting all activities that place attention on Muslim communities.

Where the police can have some influence over neutrality in counter terrorism relates to how police engage *within* the Muslim community. In Australia, like in many other Western nations, the Muslim community is very heterogeneous. In counter-terrorism policing it is important to ensure that there is no perception of favoritism of one Muslim group over another. In considering Muslim communities' views about how authorities should police and handle radicalization and terrorism, police must ensure that the individuals and groups being engaged are representative of the various Muslim groups in the country. Cherney (2018) highlighted, however, that considering and consolidating the views of these various groups is not always possible and can be difficult to achieve when many of these groups often do not see eye-to-eye.

Outreach with Muslim youth and Muslim women can also be a challenge for police. Muslim youth feel specifically targeted by counter terrorism police and are often the most distrusting of police of all Muslims (Cherney 2018); but Muslim youth can often be the first to become aware of friends who are at risk of becoming radicalized (Williams et al. 2015). Efforts of police to engage with Muslim youth are therefore particularly important when dealing with the issue of radicalization. To ensure neutral treatment *within* the Muslim population police must therefore ensure they also build trust in young Muslims, and engage with young Muslims' views as much as they would adult Muslims' views. Finally, in conversations with police, some have indicated to me the challenges they face in navigating the cultural sensitivities of engaging with Muslim women. Often, male family members are

required to be present when police enter a Muslim's house. Muslim women can also sometimes be reluctant to contact police in times of need without the expressed permission of their husbands or sons. This is where learning about the Islamic culture is so important. When police have a genuine interest in learning about the Islamic culture and the expectations of police when dealing with Muslim women this demonstrates to Muslims that police have trustworthy motives. Such actions will enable more effective engagement and consultation with a broad and representative cross-section of the Muslim population.

Conclusion

To conclude, the policing of Muslim communities is a complex issue, particularly as it relates to counter-terrorism policing. This chapter highlights that effectively engaging with Muslim communities is crucial in the fight against terrorism. Community-based policing that pays close attention to the tenets of procedural justice is most likely to promote Muslims' trust in police. The value of such an approach is that it is more likely to result in the voluntary provision of key terrorism-related intelligence than more interventionist approaches that stigmatize and marginalize Muslim communities. While implementing procedural justice in community-based policing can be a challenge it is important because procedural justice also communicates to Muslim communities that they are respected partners in the fight against terrorism; it conveys that they are valued and respected members of society.

Endnote

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