

The Psychological Effects of Criminal Justice Measures

A Review of Evidence Related to Terrorist Offending

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INTRODUCTION

This report applies a trauma lens to research which has examined people's experiences of interacting with the criminal justice system, with a particular focus on the counter-terrorism context. In doing so, it explores the psychological effects of these experiences and examines whether, and under what circumstances, interactions with counter-terrorism criminal justice processes might be potentially traumatising experiences for individuals and for communities.

SCOPE OF THE REPORT

This report predominantly examines studies on the counter-terrorism system which cover a range of interactions with the criminal justice system including:

- Police stop and search
- Airports, ports and border security
- Contact with the security services
- Arrests and police raids
- Police interviews
- Detention and incarceration
- Control orders
- Family experiences



Where relevant, this report also draws on research exploring the psychological effects of interactions with the criminal justice system related to other types of (non-terrorist) offending. This broader research is used to contextualise research relating to counter-terrorism; to provide additional evidence of how contact with the criminal justice system might produce traumatising effects; and to identify important gaps in the evidence.

KEY EVIDENCE

THE PSYCHOLOGICAL EFFECTS OF COUNTER-TERRORISM MEASURES

POLICE STOP AND SEARCH

Counter-terrorist police stops may produce both direct and indirect psychological effects. Indirect effects extend beyond the individual who is stopped, and can vicariously affect families, friends, and communities.

EXECUTIVE SUMMARY

THE PSYCHOLOGICAL EFFECTS OF CRIMINAL JUSTICE MEASURES

- Being stopped and searched can be distressing and stigmatising for the individual who is stopped. The highly public nature of some police stops can exacerbate these effects.
- Perceptions that the police disproportionately target particular ethnicities or religions for counter-terrorism stops can create stigma for specific communities and local areas.
- Fears of stop and search powers being abused or conflated with other measures - such as police detention - can create anxiety.
- The widespread use of stop and search in particular areas and among particular populations – especially young, male Muslims – can contribute to perceptions of ethnic or racial targeting leading to an erosion of trust and confidence in the police.
- Perceptions of being unfairly treated by the police can exacerbate feelings of distress. In contrast, positive perceptions of procedural justice can help reduce feelings of distress.

Trauma has not been explicitly examined in relation to counter-terrorism police stop and search. However, research relating to stop and search practices in areas unrelated to counter-terrorism has identified a potential relationship with Post-Traumatic Stress Disorder (PTSD).

AIRPORTS, PORTS AND BORDER SECURITY

Research relating to experiences with airport and border security also points to the direct and indirect effects of these interactions:

- Airport counter-terrorism security measures are commonly cited as a cause of distress, anxiety and humiliation, particularly for Muslims, or those assumed to be Muslim by airport authorities due to visible identity markers.
- Racial and religious profiling at airports in the Global North is frequently discussed in academic literature.

This research argues that the disproportionate frequency with which Muslims, in particular, are subjected to stops and interrogations contributes to a broader collective narrative of unequal treatment and stigmatisation that permeates through communities and damages trust with state authorities.

- Border security practices can create a heightened sense of anxiety and stress for those with uncertain citizenship status, due to fear of the potential consequences.
- No-fly lists and passport removals can have a substantial impact on the mental well-being of those affected, potentially causing stigma and humiliation in addition to anxiety about the possible impact on their job security, housing, and family life.

CONTACT WITH THE SECURITY SERVICES

There is a key evidence gap relating to experiences of engaging with the security services. There are very few empirically informed studies. Although some international research has been carried out on experiences in the USA, Sweden, and to some extent, the UK for example in the context of historical responses to the IRA, research remains limited and largely theoretical. However, a number of preliminary observations can be drawn from the research:

- Disruption methods by security services that include revealing that an individual is under surveillance can create stress and anxiety.
- Informing someone that they are under surveillance by the security services, and the implicit threat (whether real or perceived) of deportation, may be retraumatising for individuals with a prior history of persecution and state violence.
- The public nature of some interactions, for example, when it takes place in someone's workplace, risks stigmatising the individual.

- Fear that others will find out about someone's interactions with the security services can be a cause of stress and anxiety.

ARRESTS AND POLICE RAIDS

The experience of being arrested for a counter-terrorism offence is under-researched. Whilst there is a similar evidence gap relating to experiences of counter-terrorism police raids, there has been some anecdotal discussion of this experience in the literature:

- The specific features of counter-terrorism raids and arrests – particularly the presence of a large number of police officers – may be particularly distressing.
- Counter-terrorism raids can be traumatic for family members who are present. Knowledge of the raids can also cause concern and distress among the broader community.
- Raids and arrests have the potential to create lasting stigma for the person arrested as well as their family, even when they are released without charge.
- High-profile counter-terrorism raids that receive widespread media coverage can contribute to the stigmatisation of religious or ethnic minority communities.

POLICE INTERVIEWS

There is a lack of empirical research into experiences of counter-terrorism police interviewing, or how these experiences may impact the interviewee.

- We found no empirical studies that examined whether being interviewed by police officers for a suspected counter-terrorism offence might be traumatising.
- Although limited, there is some evidence to suggest that if the interview process is carried out according to procedures stipulated in law, without coercion or manipulation, it may be less stressful than other points of interaction with the police for terrorism suspects.

- The 'urgent interview' may be an exception to the above point, as it has been suggested that it may be a moment of high tension and emotion for both the interviewer and interviewee. However, no empirical studies relating to this process were identified.

DETENTION AND INCARCERATION

Studies point to the potential for detention and incarceration to be a potentially traumatising experience for those suspected or convicted of terrorist and non-terrorist offences:

- Prison can be a traumatising environment, particularly if the individual experiences or witnesses mistreatment or violence while incarcerated.
- The prison experience may be hard to overcome after release, leaving the offender with lasting psychological effects.
- Convicted or suspected terrorist offenders may have a different prison experience to non-terrorist offenders. Terrorism-related offenders may potentially experience greater stigmatisation and marginalisation from both prison staff and other prisoners.
- Indefinite detention, without trial, can have serious psychological effects, including severe depression and anxiety, and possibly even symptoms of PTSD and psychosis.
- Criminological research has suggested that prison can be a potential space of re-traumatisation for individuals with a prior history of trauma. However, this issue has yet to be explored amongst terrorist suspects or offenders.

EXECUTIVE SUMMARY

THE PSYCHOLOGICAL EFFECTS OF CRIMINAL JUSTICE MEASURES

CONTROL ORDERS

Whilst control orders are no longer used in the UK, a small number of studies have previously discussed the psychological effects of this counter-terrorism power:

- Several individuals held under control orders had been detained indefinitely under previous legislation, and were already struggling with poor mental health prior to being placed under a control order. In some cases, there are indications their mental well-being deteriorated further under control orders.
- Control order restrictions and requirements had the potential to be traumatising, humiliating, and stigmatising for the wives and children of those affected.

IMPACTS ON FAMILIES

A number of studies have explored the broader effects that one individual's direct experiences of contact with the criminal justice system might have on family members and friends.

- Police raids and arrests can be traumatising for the family members present, particularly for children. Consequently, it has been suggested that more care and consideration should be paid to ensuring the well-being of children during police raids.
- Family members may suffer from abuse, stigmatisation and alienation from the local community because of a perceived association with terrorism. Stigmatising events can occur at various stages of the justice system process, from arrest through to release.
- Imprisonment can create additional burdens for an offender's wife, and the experience of visiting her husband in prison – particularly with a child – can be a retraumatising event.

STRENGTH OF THE EVIDENCE

- There is limited empirical research that addresses the psychological impact of many interactions with the criminal justice system in the context of counter-terrorism, with the possible exception of experiences at airports and other border crossings.
- The evidence base relating to contact with the security services; police interviews; and arrests and police raids is particularly weak.
- Evidence is largely drawn from smaller-scale qualitative studies. Whilst these studies are crucial for understanding individual and community experiences, they cannot be used to generalise about the effects beyond those contexts.
- Trauma is rarely examined explicitly in relation to counter-terrorism. Instead, references to trauma in existing studies are largely anecdotal.
- There is some evidence to suggest that interactions with counter-terrorism criminal justice measures can be a potential source of trauma, but more research is needed.
- The evidence base relating to contact with the criminal justice system for other types of non-terrorist offending is more robust. This research provides further evidence of how such contact can produce negative psychological effects, including trauma.

CONCLUSIONS AND RECOMMENDATIONS

It is not yet possible to comment on the extent to which the interactions between suspects, offenders, their families, and those enacting counter-terrorism measures discussed in this report are likely to be traumatising. Whilst there is evidence to suggest that each of these interactions – particularly experiences at airports – have been a source of distress for some individuals, this evidence cannot be used to generalise about these effects.

More research is needed to understand the direct and indirect psychological effects of the various interactions examined in this report. Future research might explore:

- Psychological effects that manifest at both the individual and at the community level;
- The extent to which interactions risk re-traumatising those with a history of trauma;
- The cumulative effects of repeated contact with the counter-terrorism system;
- How the conduct of practitioners might exacerbate or mitigate psychological effects;
- The potential efficacy of embedding principles of trauma-informed policing and/or procedural justice into counter-terrorism criminal justice processes.

ABOUT THIS PROJECT

This Executive Summary comes from the *Trauma, Adversity, and Violent Extremism* project and focuses on understanding how trauma and adversity are implicated in violent extremism's causes, processes and outcomes. To read the Full Report this executive summary was produced from, as well as other outputs from this project, visit our website: crestresearch.ac.uk/project/trauma-adversity-and-violent-extremism

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