INTERNATIONAL SEMINAR

STOP AND SEARCH AND RELATIONS EXISTING BETWEEN POLICE AND THE PUBLIC:

PRACTICES OF POLICE INSTITUTIONS IN OTHER COUNTRIES

MONDAY 08TH OF OCTOBER 2012

MAISON DU BARREAU, 2 RUE DE HARLAY, 75 001 PARIS
Stop and Search and Relations existing between Police and the Public: Practices of police institutions in other countries

Program

09.00 – 09.30  Welcome - Inscription
09.30 – 09.45  Opening by Mr. Dominique Baudis, Defender of Rights
09.45 – 10.55 Round Table 1: Sociological context and stop and search methods in the United-Kingdom, the United-States and in Ontario, Canada
   Introduction and chair of the round table: Ms. Françoise Mothes, Deputy to the Defender of Rights, Vice-President of the Commission in charge of Ethics in Security
09.55 – 10.25 London: Mr. Carl Lindley, Chief Inspector, Metropolitan Police
10.25 – 10.55 New York: Mr. Michael Farrell, Deputy Commissioner, Strategic Initiatives, New York Police Department (NYPD)
10.55 – 11.10 Coffee break
11.10 – 11.40 Toronto: Mr. William Blair, Chief of Police, Toronto Police Service Board
11.40 – 12.30 Discussion
12.30 – 14.00 Lunch buffet
14.00 – 15.10  Round Table 2: Sociological context and control methods in Fuenlabrada and other cities

**Introduction and chair of the round table:** Ms. Françoise Mothes, Deputy to the Defender of Rights, Vice-President of the Commission in charge of ethics in Security

14.10 – 14.40  Fuenlabrada (Espagne): Mr. David Martin Abanades, Representative for the management of diversity, Fuenlabrada Police

14.40 – 15.10  *Obstacles of implementation in other cities/European countries* (Gerona, Bulgaria): Ms. Rachel Neild, Senior Advisor, Open Society Justice Initiative

15.10 – 15.45  Discussions

15.45 – 16.00  *Coffee- Break*

16.00 – 16.55  Round Table 3: Foreign innovative experiences about the relations between police and the public: Netherlands, Ireland, Belgium

**Introduction and chair of the round table:** Ms. Françoise Mothes, Deputy to the Defender of Rights, Vice-President of the Commission in charge of Ethics in Security

16.10 – 16.25  *Netherlands*: *Relations between police and young population*, Mr. Arjan Kasius, Deputy Chief of police team, Gouda

16.25 – 16.40  *Ireland*: *How to work with communities*, Mr. Fergus Healy, Superintendent, Garda Síochána, Ireland’s National Police Service

16.40 – 16.55  *Belgium*: *A new legislation on police identification?* Mr. Alain Etienne, Deputy Director, Standing police monitoring committee (Committee P)

16.55 – 17.15  Discussions

17.15 – 17.30  Closing by Mr. Dominique Baudis, Defender of Rights
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Opening

**Dominique BAUDIS - Defender of Rights**

The right to stop people for questioning has been enshrined in many countries. In France, the Safety and Freedom Law was introduced at the beginning of the 1980s. Today, the idea of stopping people to question or account for themselves is less of an issue than the way in which this is carried out. Last February, I decided to set up a study examining how these issues are handled in a number of countries. Some countries are quite competent in these issues. I have a responsibility to examine dysfunction between the public and private authorities. We have jurisdiction on fighting against discrimination and promoting equity. We defend the rights of minors who are subject to stops. We are also in charge of security ethics.

Françoise Mothes was asked to observe practises and lead discussions. Trade unions, representatives of the French police force and Parliamentarians also participated in hearings. A suggestion was put forward to create a bill of law on this subject. All of this was targeted in a report that will be published and handed to the authorities in question. Last June, I met the President, the Prime Minister and the Minister of the Interior to give them the first Annual Report of the institution.

The Prime Minister said he was eagerly awaiting this report and would work with the Ministry of the Interior to set a Government position concerning this issue. The work was done in a totally impartial manner, which enabled us to consider the amplitude of the misunderstanding that might exist among various associations. During these discussions, I understood why we should listen to their views and create better conditions for enhancing the dialogue among these groups.
Round Table 1: Sociological context and stop and search methods in the United-Kingdom, the United-States and in Ontario, Canada

Presentation

Carl LINDLEY - Chief Inspector, London Metropolitan Police

Legal Context for Stops and Searches

For 200 years, the British police used laws that enabled them to stop and question members of the public. The Vagrancy Act of 1824 allowed police officers to stop and frisk suspects. The suspicion did not have to be specified. Until 1981, this law was poorly perceived by West Indian and other ethnic groups. This led to the Brixton Riots. We, as a police force, felt that the population was very aggressive because of the various stops and questions that we were doing on individuals. The riots led to the drafting of the Scarman Document. This found that we needed to change our system of stops.

In 1984, the Police and Criminal Evidence (PACE) Act entirely changed the way all police officers acted and reacted. It revokes all previous laws, including the 1839 act in which a police officer could frisk someone for stolen items. This new law enables police officers to stop and search anyone when they have reasonable doubt. They may suspect that stolen and forbidden goods, such as weapons, will be found on this person. The police officers can search the person’s possessions and vehicle. The 1984 act specified the difference between a stop and control and a search. It was enforced in 1986. At that time, the Minister of the Interior began to study the reasons given for the searches and frisks that were carried out.

In 1992, we began collecting data on ethnic groups. At that time, a young man of West Indian origin called Stephen Lawrence was stabbed in the street because of his dark skin. This case changed the actions of the police from then on, because the investigation pursuant to this demonstrated the way the police officers were carrying out these searches. In 1999, we published the Macpherson Report, which made a large number of recommendations. One was that we should record not just the number of times we stopped an individual, but the number of times we stopped a person without frisking them.

Changes in Recording of Stops

In 2001, a supervisory group was created. Individuals in this group had great knowledge and included lawyers and others. It observed the way we carried out searches and controls and made recommendations. The system we currently use has been in existence since 2003.
IT databases show all of these searches or stops, the reasons for them, reasonable doubts and the ethnic origin of the person as well. A control is not a search. There are 55 Ministerial recommendations concerning how agents will be trained, what their training will be like and how complaints can be filed. We needed to show the public that we will be very transparent in our endeavours in the police force, especially concerning stop and search.

Many questions were asked on the previous data sheets. The police officer had to spend at least 15 minutes with the person after the stop, to obtain all the information. This lengthened the stop. However, we have made great progress. We now have Normalised Exploitation Procedures. We used to teach the police officers how to act in these situations with local communities. These stops needed to fit with the PACE act and we needed to apply these to the local community and ensure they were appropriate.

These stops and searches were tactically essential so that we could meet the aim of making London a safer place to live. It was important that practices be carried out in a non-discriminatory manner, to create a positive impact on the various communities of our capital cities. There must also be a certain sensitivity, because we could lose power if we are poorly perceived and this makes law enforcement more difficult.

We want the reports to include the type of search or stop, the reason for this stop, the numbers of detentions pursuant to these processes. Either there is an arrest and detention or a fine is given, because the individual is carrying cannabis. There are controls that denote ethnicity. These relate to the differences between what the police officer sees and what the person who is stopped feels and identifies with. This difference can be specified. There are grouped controls; we are able to combine data concerning population groups and the reasons why the person is being detained, to prevent detention.

**Creation of New Stop Systems**

The London Prefect of Police provided assurance and set up a system which put him in charge of reading all these stops. This was to instil, at the highest level, a climate of confidence and trust in the practise of these stops and searches by police. This person is politically committed to ensuring safety. Consequently, the use of these checks in London will become significantly more effective. We hope that they will have better results and protect communities from violent crime.

**Bases of Authority**

In order to justify these, we needed supervision from the executives. We had to show that police at the very highest levels could monitor the practises in the field by their civil servants and give direction to them. They would be accountable for the actions of police officers on the ground. There must be tactical consideration of any use of authority. We needed to consider where we would use it, on whom and the reasons to justify its use.

We had to communicate our actions and our reason for them to the communities to maintain trust. For us, this was crucial. When a crime is committed, we must consult the victim, the victim’s family and the community. We may not have been able to find the guilty person, but we had the trust of the community and of the victim’s family. We need to check every action we take, so we can carry out analysis afterwards. We can consider where there is a lack of proportionality. We need to use the information we have gathered to decide what the police can focus on. We also need individual knowledge.
Lessons to Learn from Changes

We wanted to achieve positive results. Firstly our objective was to reach 20% of positive search. For many years, we achieved positive results in only 10%. We see an average of approximately 16% in our actual results, but 20% is our target.

Secondly, we also need to reduce the number of negative frisks for drugs by 50%. Drugs are not the priority; weapons are. Young people are killing each other with weapons in our suburbs. We are now at approximately 55% for all frisks that are drug related.

Thirdly we needed to increase the number of frisks for weapons by 20%.

Fourthly we have a Neighbourhood Commissioner who is allowed to authorise frisks and searches in specific locations. He can act if he has a reasonable suspicion that there is a danger of serious violence. We learned from the community that this power was over-used in the past. Now we want to achieve a 50% reduction of the use of this type of authority or power. In just one year, we have achieved a very good result, moving beyond our target.

In three months between October and December 2011, we frisked over 116,000 people in London. 52,500 of them were white, 33,900 were black and 18,700 were from the Indian and Pakistani communities. These figures show a continuing disproportionality in the frisks, given that in London, we have 5-6 times more white than black people. They help us achieve great progress in winning the trust of all the different communities in London.

We also had to be more attentive to what the people who were being frisked were telling us. They said we were spending too much time carrying out the searches. We have simplified the process and it is much faster. We have also made technological improvements. Now, it is possible for a police officer to electronically record the frisk or stop with a hand-held device as it happens. This improves the trust of the people who are being checked.

Discussions

Esther BENBASSA – Senator

Do you actually record people’s names on the form and if so, where? Is there a problem with data in a file if people record personal information based on the name in the form?

Carl LINDLEY - Chief Inspector, London Metropolitan Police

There is a difference between a check and a frisk. If we frisk someone, we record their name, address and date of birth. We record their apparent ethnic origin and the ethnic origins they report to us; there is sometimes a difference between the two. We record their height. If the person is not taken into custody, they can give any name they wish. We keep a record, but it cannot be negatively used against the person.

Gaétan COUSINEAU – Chairman of the Commission des droits de la personne et des droits de la jeunesse (Quebec)

Were there any criticisms from individuals of your system of recording the apparent ethnic origin and the origin the person gave?
Carl LINDLEY - Chief Inspector, London Metropolitan Police

We did not have any criticism at all. There are 17 categories of apparent ethnic origin in Great Britain and approximately 35 given by the person. For example, people can say they are a British, Irish or European white person. There has been an effort to reduce the number in recent years. We actually discovered that people are ready to give this information, because it is part of their identity.

Gaétan COUSINEAU – Chairman of the Commission des droits de la personne et des droits de la jeunesse (Quebec)

How are you accountable? How often do you inform the public of the results of these checks?

Carl LINDLEY - Chief Inspector, London Metropolitan Police

We prepare a monthly and an annual report. The monthly report is for every region and the annual report is for all of London. In Great Britain, the police units are completely separate. There is no national police, as in other countries. There are certain units with national responsibilities.

Françoise DUBREUIL – Member of the Defender of rights’ Commission in charge of Children’s Rights DUBRAY, Defender of Children’s Rights

Does a police commission decide when neighbourhood checks are carried out, rather than a judge?

Carl LINDLEY - Chief Inspector, London Metropolitan Police

It is not a judge. It can be a lieutenant or any police officer at the start, but it should move very rapidly to the top, to be validated by a commissioner. It is for a given location; it can be a neighbourhood or a district, but it has to be determined, in the event that there is a fear that there will be an outbreak of violence. The fear is that weapons will be carried by individuals in this location. For this reason, it is necessary to give the police officers the authority to frisk individuals without reasonable suspicion. This is for a 24-hour period and can be renewed if necessary, but a judge does not renew or validate it.

Dominique BAUDIS - Defender of Rights

Did the figures you produced enable you to calm down the situation, because it became more transparent? Or did they cause controversy, because the figures for population distribution reinforced this feeling of discrimination?

Carl LINDLEY - Chief Inspector, London Metropolitan Police

The answer lies between the two. The figures did reduce the tension; they showed what actions we were taking and that we were supervising activity. If one individual was checked much more, we had to give reasons. However, the figures did show disproportion. Many people gave explanations for this, but the fact was that we were not using our powers proportionately.
Carine MONZAT - Lawyer member of the “Conseil National du Barreau”, vice-president of the Human Rights Commission

Is there any recourse possible against these stop-and-frisk operations that would be contested by citizens? If so, how can this be done? What are the rights of minors when they are stopped and checked? Who validates or invalidates these recourses?

Carl LINDLEY - Chief Inspector, London Metropolitan Police

A report sheet is filled in and the individual is allowed to obtain a copy of this form, even up to one year after the stop and check. We also have a complaints system. People can lodge complaints against the police and it is quite a comprehensive system. When someone complains about the way we have acted in general or it is a specific case, this is recorded and an objective investigation is launched. Every action the police officer undertook is scrutinised to understand exactly what led to the complaint. The records will help us detect whether there is a problem with a police officer or an individual.


Is it necessary that there should be a reasonable suspicion to carry out this check? Or are there certain cases where the stop can be carried out at the discretion of the police officer, without him being required to justify any motive?

Carl LINDLEY - Chief Inspector, London Metropolitan Police

There has to be a justification, except when a police commissioner gives the authority to frisk individuals in cases of potential violence in a neighbourhood. Otherwise, a police officer must give exact reasons.
Presentation

Michael FARRELL - Deputy Commissioner, New York Police Department

Legal context of Stops in New York

The legal authority for police officers in New York to stop, question and sometimes frisk a person was codified in 1964 in the New York State Criminal-Procedure Law. In Section 140.50, that law provides that police officers may stop a person in a public place. This is when he reasonably suspects that such a person is committing, has committed or is about to commit, a felony or a misdemeanor. This is as defined in the penal law.

The United States Supreme Court upheld the right of police to conduct reasonable suspicion stops in 1968. The reasonable-suspicion standard is of course lower than the probable-cause standard required for arrest. Nevertheless, it must be based on specific and articulable facts. In 1976, the New York Court of Appeals established four levels of police initiated encounters with persons in public spaces. The Supreme Court decision was a threshold with regard to requirements for stops. The decision of the Court of Appeals went beyond that, providing more structure to those regulations.

Levels of Stop

Level One is requests for information. Police officers may approach a person for objective reasons and ask basic questions about the person’s identity, reason for being in an area and other relevant questions. The individual has no obligation to respond, may not be searched and is free to walk away.

At Level Two, Common Law Right of Inquiry, an officer may ask more probing questions based on a founded suspicion of criminal activity. The officer may ask for consent to search, but the person may still refuse and walk away.

Level Three is stop, question and frisk. This is the level that requires reasonable suspicion of criminal activity. The officer may frisk the person for weapons if he or she has reasonable fear of physical injury. At this level, the person is not immediately free to leave.

Level Four is arrest, where the officer has probable cause to believe the person has committed a crime, an arrest may be made.

A frisk, which involves examining the outer layer of clothing, may only be conducted if there is reasonable suspicion of the presence of a weapon. It may not be conducted to uncover drugs or other contraband. If a frisk discloses a weapon, an arrest may be made, which provides the authority to conduct a further search of the person. A search may also be conducted with the consent of the subject. Half the searches in New York are simply stop and question. Half involve a frisk. Less than 10% involve a more intrusive search.

The NYPD has a policy specifically prohibiting the use of racial profiling. This was first promulgated in 2002 and reiterated in an order issued earlier this year. Racial profiling is defined as the use of race, colour, ethnicity or national origin as the determinative factor for...
initiating police action. The policy also prohibits the use of a person’s religion, age, gender or sexual orientation.

If the reasonable-suspicion stop does not result in probable cause to make an arrest, the officer must then release the person and provide an explanation for the encounter. Officers are expected to conduct reasonable-suspicion stops with professionalism and respect. They are provided with information cards to give to the subject. The cards give reasons why police may stop individuals. They state that if people were stopped and were not involved in any criminal activity, the NYPD regrets any inconvenience. They refer people to a call number which provides information in six languages.

**Training to Conduct Stops**

Our recruits in the police academy receive 10 hours of classroom training on the legal basis for encounters and six hours of role-play training. They must pass a specific examination on street encounters. In addition, they receive over seven hours of training on racial profiling and impartial policing. We undertook a thorough review of the training curriculum earlier this year and a new refresher course was established. This was primarily for those who had graduated from the academy relatively recently. After 5-6 months in the field, they were brought back for a full day of training, which was very helpful in clarifying the methodology of a lawful professional encounter. It also included a segment on the nobility of policing.

We have also established a five-part video-training series by the attorneys in our legal bureau that is helpful in describing the four levels of encounter. Attorneys will often differ on the particular circumstances in a case, with respect to what is required at each level. The memo book that the officers carry with them includes a table that describes the four encounters. This includes the level of suspicion required, the nature of the questioning that is allowed, authority to search etc.

**Procedures for Monitoring Stops**

In addition, the supervisors are trained in their responsibility for reviewing each stop and they have to sign off on each of the stop forms. Similarly, at the precinct level, our department citywide is divided into 76 police precincts. The Executive Officer is specifically responsible for conducting an audit every month of a sample of stop forms. He or she reviews them for appropriateness and completeness. We also have a department-wide quality-assurance division that carries out audits in every command on an annual basis.

There is an independent Civilian-Complaint Review Board. There are 13 members. Five members are appointed by the Mayor and five are appointed by the City Council. Three additional members are appointed by the Mayor at the recommendation of the Police Commissioner. They investigate complaints from the public regarding encounters with the police. Their jurisdiction extends to improper use of force, discourtesy, offensive language or abuse of authority. The Board will investigate, reach a determination on their findings and submit substantiated complaints to the Police Department for a possible disciplinary action.

Earlier this year, the Department and the Civilian-Complaint Review Board entered into an agreement. For the first time, attorneys for the Review Board, who are not part of the Police Department, will actually prosecute in the Department’s trial room. This is for cases that they substantiate. We are currently working on a methodology for developing an
early-warning system for officers who have accumulated an excessive number of complaints related to stops. They may have been named in lawsuits related to stops. This would create a dedicated monitoring system. We have other, similar use of monitoring systems for use of force and for performance, but this would be for stops in particular.

**Community-Outreach Programmes**

We have a variety of new community-outreach programmes which are designed to foster improved relations, particularly with inner-city youth. A lot of that involves role play, during which the youth takes the role of a police officer, then roles are reversed. We are carrying that out throughout the city and have found it helpful to the officers and in communities. It gives a better understanding of the reasons for these encounters.

**Methods of Recording Stops**

The NYPD requires that police officers complete a stop, question and frisk worksheet upon completion of every reasonable-suspicion stop. The first version of this form was introduced in 1964. The form included the time and place of encounter, information about the person stopped and the crime suspected. It included an open-text field allowing the officer to describe the factors leading to the stop. It also required the officer’s signature and the signature of a supervisor.

The form was subsequently revised in 1972, 1984, 2000 and 2011. In 2000, a Federal lawsuit was brought to the Department, which brought substantial public attention to the issue. The basic format of the form was changed from the open-text field to check boxes. This was largely intended to facilitate data entry for the compilation of statistics and was encouraged by those who had been critical of the Department’s practises.

In the current form, the box to be checked for race relates to the officer’s perception. If an identifying document such as a driver’s licence was presented, it could be taken from that. Most importantly, there are nine check boxes for common reasons for a stop. There is also a small space for other circumstances. Additional boxes establish whether a person was frisked or searched and whether weapons or other contraband was found. The nine circumstances and factors would perhaps provide a more complete account. Perhaps it was a report from a victim or witness or the area has a high level of reported incidents under investigation. There is also proximity to a crime location etc.

The officers are also required to document a brief account of the stop in their activity log, as well as in the notebook they carry with them. This aids recollection for the officer, if questions arise later with regard to the stop. There is somewhat uneven adherence to that; officers feel they have already filled out the form and they do not need to do it again. However, we do encourage them to create that secondary documentation.

**Recording of Data**

Prior to 1999, all stop forms were retained at the local police facilities. They were retained and used by detectives as an investigative resource. When a crime that occurred in a particular area, it was helpful to consult the records to find out whether a subject matching the description happened to have been stopped at that time in that location. However, there was no way to answer the question of how many stops had been made, or to profile the people who had been stopped.
In 1999, the Department undertook an initiative to create a centralised database. In 2006, we began using our current online data system, which allows for data entry at each precinct, rather than at Headquarters. For a number of years, we were collecting all of these from around the city and they were entered into a database. This created a large backlog of reports. Now that the database has been centralised, information can be retrieved in a much more timely way, even though there is still a small backlog. In 2010, pursuant to a new State law, the Department was required to purge its database of all personal identifiers. This was for those encounters that did not result in an arrest or a summons. The information is still retained on the hard copy of the form, which is on file, but the initiative addressed issues regarding searches of the database yielding information for people who had no further contact.

Pursuant to a local law, the Department began providing detailed statistical reports to the City Council on a quarterly basis. That began in 2002. These reports provide accounts of stops, categorised by the reporting-officer’s command, the suspect’s gender and ethnicity. This also includes the number of stop subjects that were arrested or received a summons and the circumstances leading to the stop. Also, as a benchmark, violent crime suspects for each of the precincts were categorised by race or gender. In addition, detailed incident-level data files for all reasonable-suspicion encounters. The specific data from each of these reports from 2003-2011 are available on our website. Needless to say, personal identifiers have been removed from those public files.

Findings of RAND Report

In 2007, the Department retained the RAND Corporation to conduct an independent analysis of stop, question and frisk data for 2006. That followed an incident in which an unarmed man had been shot by police, which raised questions about the volume of stops and racial disparity. The report was entitled Analysis of Racial Disparities in the New York Police Department’s Stop, Question and Frisk Practises. It found that the controls for time, place and manner were appropriate.

The Rand study emphasises the need for the correct benchmark to assess racial disparities in the raw data. We believe this is absolutely critical to any effort undertaking the collection and availability of data. The appropriate benchmark must be used. It notes that the residential census is the most widely used, but least reliable benchmark. Census benchmarks do not account for differential rates of crime participation by race, or for differential exposure to the police.

Discussions

Xavier GADRAT - Representative of the Judges’ Union

What is the right of New York police officers to search suspects only on the basis of reasonable doubt? Is there a system that allows for stop and search without a reasonable doubt in the United States? If so, under what conditions and by whom?

Jean-Pierre HOSS - Member of the Defender of Rights’ Security Ethics Commission

What information does the person who is stopped receive concerning the identity of the police officer who did the stop, or stop and search?
Michael FARRELL - Deputy Commissioner, New York Police Department

Individualised reasonable suspicion is required in every case. Under Department policies, officers are required to provide an explanation. This is absent exigent circumstances, in other words, continuing the encounter would exacerbate the situation. The card provided also gives background which helps people to understand why the stop occurred. It does not include the officer’s name or information and is not a copy of the stop form. The officers wear name tags, so are identifiable. Even if the person was unable to note the officer’s name, we provide the Civilian-Complaint Review Board with access to our internal information. If the Internal-Affairs Bureau knows the time and location, we can almost always identify the officer.

Françoise MOTHERES - Deputy Chair of the Defender of Right's Security Ethics Commission

Are there a lot of complaints by individuals who feel they were unfairly checked and how do you handle these issues?

Michael FARRELL - Deputy Commissioner, New York Police Department

We have 35,000 police officers and 8.5 million citizens. Therefore, the figures need to be viewed in context. Last year, the Civilian-Complaints Review Board received 6,000 complaints. This encompassed all complaints, including use of force, abuse of authority or discourtesy. 1,700 of those complaints related to stop-and-frisk encounters. The Board substantiated 200 of those complaints. This is in the context of the 685,000 stops recorded in 2011.

Jean-Marie FARDEAU - Director of Human Rights Watch France

Do the police officers complain about how long it takes to fill out this form? Do the police officers accept this form? Could you confirm that the form is only given out at Levels Three and Four? Do you feel the statistics show greater effectiveness within the New York Police?

Michael FARRELL - Deputy Commissioner, New York Police Department

Police officers complain about all bureaucracy, of which there is quite a lot. The fact that forms have existed since 1964 mitigated against any concerns. The form with check boxes is somewhat easier to complete. However, the abbreviated format can give rise to misinterpretation when one is trying to interpret what the check box means. We have been in litigation with Federal Court on the issue of frisking for over 10 years. There is a class-action lawsuit that has lasted for five years and is scheduled for trial next March. The City is challenging the claims by the plaintiffs. Nevertheless, we have addressed the issue with changes to training.

With regard to giving forms only at Levels Three and Four, we are constrained by the requirements of the State Court of Appeals. The levels are hard to distinguish. Officers may complete a form when they actually only had a Level One or Two encounter. The officer may feel there is a benefit to documenting the encounter, even if there is no legal basis for it. This can lead to over-reporting. New legislative measures have been proposed and the issue continues to evolve.
Presentation

William BLAIR - Chief of Police, Toronto Police Service Board

Creating a Police Force to Reflect Diversity

More than half of the people of Toronto are immigrants and minorities. I have endeavoured to create a police service which is more reflective of the people of Toronto, so that it is more competent to police such a diverse population. 35 years ago, when I joined the police force, it largely consisted of white men like myself. As the city has evolved, we have changed quite significantly. When I became Chief of Police in 2005, I introduced a requirement that half of the people we recruited would come from two targeted group. These were women and visible minorities.

We placed a great emphasis on language skills. More than 100 languages are spoken in my city and my police force currently speaks over 80 languages. More than two-thirds of the people we have recruited speak two or more languages and one-third speak three or more. We have also placed emphasis on cultural competency. We want police officers not simply to be reflective of different racial groups, but to know the cultures of those communities. We want them to be trusted within those communities. We also want to create competency in inter-cultural skills, because it is necessary to understand the relationship between cultures. We are trying to recruit diversity in perspectives. Women bring an important perspective to public service and to policing.

Laws Surrounding Carding

We refer to carding as field-investigative reports, in which we record information about people that we have contact with. The primary law of Canada is our Charter of Rights and Freedoms. Since 1982, Section Eight of that Charter requires that no person shall be subject to unreasonable detention, search or seizure, regardless of citizenship. The police are guided by these laws. In order to engage in any of those activities, there must be a specific legal authority. We have to advise a citizen who is detained to obtain and instruct Counsel without delay.

For more than 50 years, the police officers in my jurisdiction have completed what we call contact cards, for individuals that we encounter in our communities. A decision was made by the governing body responsible for policing in 1989 that prohibited the publication of any race-based data in my jurisdiction. While we collected race-based data in Toronto, we were not allowed to publicly disseminate that information. The reason was that some of that information was inappropriately disseminated to the public. This indicated a disproportionate involvement in criminal activity among certain ethnic groups. The law does not preclude the media from reporting this information. The information that we collect includes data which implies racial characteristics.
Addressing Race-Related Disproportionality

When my police officers encounter individuals, they may, at their discretion, stop that individual and speak to them. However, the person is always free to go unless there is legal authority to detain them. We gather information about their identity, their reason for being in a particular area and the reason why the police officer has chosen to stop them. There are also descriptors which include skin colour. That information is collected on a form and gathered in an electronic database. This is accessible through Freedom of Information Laws, to the press and to the public.

In 2002, that information was analysed by one of our local newspapers and the disproportionality of police stops of racial minorities was quite evident. Unfortunately, the allegation that we were involved in a form of racial profiling, or that racism or bias could affect decision making, was viewed with great defensiveness. It was denied quite vigorously by the police leadership of the day.

I have had the opportunity during my policing career to work in the most poor and diverse neighbourhoods. These are the most challenged and challenging neighbourhoods in my jurisdiction. The perception among our minorities that police decisions are influenced by bias and racism is the greatest threat to a relationship of trust and respect between the police and the people. This disproportionality certainly requires explanation and work.

When I became Chief of Police in 2005, I was asked if racial profiling existed in my jurisdiction. I believe that we recruit our officers from the human race, so police officers are subject to the human frailties that all of us are subject to. Bias and even racism is a frailty. It cannot be tolerated in policing; it cannot be tolerated among those of us who make decisions about people’s liberty and safety. This includes enforcing our laws, which police officers do every day. Therefore, we require more of police officers in their interactions in the public, including greater accountability for police officers in dealing with minorities.

Importantly, we stopped denying the lived experience of millions of people who believed that in their experience were treated in a discriminatory way by the police. The question of what action to take arises. Being representative of the people and having language and cultural skills is not sufficient to ensure that minorities feel they are being treated fairly. The police need to be subject to the rule of law and accountable for their actions.

Work of Human Rights Commission

We have a Human Rights Commission in our jurisdiction. This has the authority to bring complaints and to hold hearings against various organisations, institutions and individuals, particularly against the police. This is where there are allegations of bias or discrimination on any of the prohibited grounds. Historically, the Human Rights Commission would bring an allegation against the police of misconduct; there would be an investigation and a hearing. It was all quite adversarial. In my opinion, was not very effective in addressing the public interest of creating a bias-free police service. It also failed to maintain public trust in communities which suffer through violence, crime and poverty.

There is a lack of opportunity and marginalisation from our society. It was incumbent upon us to move beyond defending ourselves from these allegations. I approached the Head of the Human Rights Commission and I asked for her help in developing a more effective
relationship. They have expertise in policy, procedure and training that I wanted to take advantage of. I also wanted to help them understand the realities of policing and the efforts we are making to reduce violence in communities.

We worked on a joint project for 2.5 years. The Human Rights Commission came into my organisation. We examined every aspect of our own human-resource policies and procedures, to ensure that our own workplace was bias free, as far as possible. We also examined all of our policing practises from the viewpoint of human rights. The Human Rights Commission came to our policing college and helped us rewrite our training processes. This meant that our officers would receive appropriate training on human-rights issues.

**Improving Relationships with Communities**

Police officers are guided by two authorities. One is the authority that we gain from the law, to restrict people’s liberties. However, there must also be a moral authority, which is granted by the population. Moral authority comes with a police force is trusted and trustworthy. It is with that authority that we can be most effective in creating a safer society.

We also set out to reduce violence and victimisation. This required us to place a lot of our police officers in direct proximity with the public. Community engagement became a very significant part of the strategies that we employed in our community.

The accusation of over-policing means that this issue must be handled with great sensitivity. We formed consultative committees consisting of community leaders, faith leaders and business leaders. Not all of these are well-disposed to the police and we have had adversarial interactions. However, these committees give us actions and help us to communicate with our communities. There are committees for each minority grouping. Our relationship with the French community is important for us and largely concerns language rights. We also undertake community liaison work at the divisional level.

Rather than deploy officers randomly, we carried out a great deal of analysis regarding where violence and victimisation was taking place. Through geocoding, we have been able identify when and where violence takes place and who the victims and perpetrators of that violence are. We have directed our patrols to engage and interact with people in those areas. Many of them are victims rather than perpetrators. Our intent is to over-protect rather than over-police those communities.

Toronto has a population of 3 million and the metropolitan area contains 6 million. Violence and crime are concentrated on particular areas. Street gangs are a particular problem in North American urban areas. Certain minority races, particularly black youths aged 16-24, have a higher crime level than the general population in the census-track area. However, more than 70% of the people we encounter in those areas do not reside in those areas, but they come to these areas because the gang and drug activity is taking place there.

**Police Accountability for Actions**

We need to acknowledge that the disproportionality against minorities may be caused by police misconduct. Otherwise we cannot undertake the necessary work to prevent it and change the behaviour of individual officers. However, it is equally important to consider other factors and the action we can take to reduce misconduct. It is important for people to understand how the police are held to account for their conduct. We have good systems of
supervision. We monitor the activities of our police officers very carefully. We have information systems available to us. Indications of misconduct are recorded. Alerts will be triggered if an officer has a certain number of complaints or behaves in a certain way.

We have an independent public-complaints system; the complaints are not handled by the police service. The system has the ability to bring officers to tribunal if there are allegations of behaviour that are not criminal. This includes violating people’s rights or engaging in uncivil conduct or behaviour. Criminal behaviour among police officers is also investigated by an independent body.

We were receiving 40 race-based complaints per year and the findings of these were not very helpful. In the two years since we completed our human-rights process, there has not been a single complaint rendered against the police by the Human Rights Commission. The situation requires constant training and vigilance among our officers. It is widely discussed within the force.

When we began the process of acknowledging the possibility of bias, there were concerns among police unions. However, the police unions joined us in our efforts and took very strong moral positions in defence of carrying out police work in the proper way. It was also in defence of treating our own staff properly under the human-rights code. The relationship has been very collaborative. Half of the police force consists of white males, but they now only have twice the advantage of everyone else, because they only represent 25% of the population and they accepted that. Our police officers and unions embraced language and cultural competencies because they viewed the organisation as more competent. It also saved them a great deal in legal fees and litigation.

**Discussions**

**Gaétan COUSINEAU – Chairman of the Commission des droits de la personne et des droits de la jeunesse (Quebec)**

*Tackling Racial Challenges*

In Quebec, we also received a lot of complaints regarding racial profiling. Dealing with these complaints was challenging, because we faced a lot of opposition from the city’s legal officers. We carried out a major consultation, which lasted two years. We heard testimonies from young people aged 14-25, who spoke of the impact on themselves, their families and communities. This undermined the trust of the people in justice as a whole.

Our Commission had to compensate for this loss of trust. People did not even trust the Human Rights Commission, because we were not able to rectify this situation. We were sent different submissions by different groups and we visited a number of cities in Quebec. Police officers from other provinces came to us to observe our activities and build on these efforts. This led to a working paper which was sent out to municipal and provincial Governments. These recommendations related to public security and profiling, but we also looked at education and protection.
**Results of Project**

We wanted to consider what would be detrimental to children in schools and to new people coming into Quebec. These recommendations have been adopted. Police acceptance of bias helped us to rectify the situation. We were able to secure a strategic plan from Montreal police that will combat racial profiling. All the recommendations in the report were adopted, except for one relating to data collection. It is impossible to document progress without data for comparison.

We also chose to explore public-security legislation in public spaces. This is not only vis-a-vis minorities, but also deprived groups, including vagrants. We were encountering this social profiling. Police over-react to these groups. People who had enough money were able to integrate better into society because they gave up drugs, for example. These people have a real domicile, so they can pay fines. Police agreed to undertake a project on social profiling.

In Quebec, we were not able to find solutions regarding police actions involving weapons and deaths. Recently, three police arrests led to deaths and two of these were of homeless people. Who is the enemy? We requested an independent investigation, so we could observe this activity. Quebec is creating concerted strategies in education and child protection.

**William BLAIR - Chief of Police, Toronto Police Service Board**

If we do not create a relationship which is predicated on mutual trust, we cannot be successful in keeping those communities safe. We recruit people of good character, who want to serve the public and keep their communities safe. We have to provide them with leadership and support in order for them to work in very difficult circumstances. We create good policy and operate that policy through good procedures and training.

The accusation of being a racist is very hurtful. No-one wants to acknowledge that frailty, yet it is a problem in our society. We have to confront it in policing because of the importance of the decisions we make as police officers. We make decisions about people’s liberty, their safety and the use of force. There is a demand that we decide on in a way that is publicly accountable. People must trust that we are acting for the right reasons; otherwise we do not have that moral authority to police a community. Without the population’s cooperation and participation, we cannot be successful. Every police officer understands that, so it was not difficult for them to accept this. They were comfortable taking a strong moral position.

Sometimes, it is necessary to engage in contacts that are fraught with conflict. Some people may believe that they are being stopped for reasons other than the legitimate one of public safety. They may feel targeted. It is necessary for the police officer, as a professional, to take every possible action to minimise the negative potential of such interactions. This is in how they share information and in how they treat people. Community engagement could be absolutely invaluable to our intelligence-led investigation of communities. It can help us determine associations, such as vehicles, individuals and gangs associated with crimes.

All the information is available on the cards. Some information will have no investigative value beyond the contact, but it enhances accountability. People want to know if they will have a police record as a result of filling out the card. We explain to people that the card is not retained and will not be used against them in the case of a background check. We explain to people exactly what the card’s purpose is and how long it is retained. The information on
the card also helps us to determine whether the police officer is engaging in inappropriate behaviour. We also carry out analyses that are used for training and risk analysis on complaints that are received.

Esther BENBASSA – Senator

Could you give us some examples of what your training curriculum is for stop and search? Do male and female police officers stop the same amount of people, in the same way? Is there gender equality in hiring practises?

Françoise MOThES - Deputy Chair of the Defender of Right’s Security Ethics Commission

Do you envisage setting up a system of receipts to people who have been stopped?

William BLAIR - Chief of Police, Toronto Police Service Board

We do not give receipts for these types of contacts. We are contemplating creating receipts for the equivalent of a Level Three Stop. There are very limited circumstances in Canadian law that would permit investigative detention. All of our officers must wear very visible name tags and must identify themselves. They will often hand over a business card with their name, but we do not receipt the stop. However, if an individual wishes to make a complaint, we can provide information to the complaint investigation to identify the officer and record the information. That can be made available to the complainant.

All of our officers receive human-rights training, which is a legal requirement under the human-rights code. We also offer diversity training to people so that everyone has the same level of cultural competency. We are also undertaking training in inter-cultural competency. We have seen no statistical differences between how men and women conduct stops. We did carry out analysis on our minority officers, but we saw no statistical difference with them either. We have not reached a quota of 50% females, but we are active in recruitment. Recruitment is not sufficient. We have to ensure that women and minorities are represented in every specialised area and rank of policing. This is the case in my organisation.

Michael FARRELL - Deputy Commissioner, New York Police Department

We do not plan to introduce receipts. We offer training to new officers, supervisory training and in-service training. We run classroom training on legal issues, since these are complex. We are increasing the use of interactive scenario-based training, where officers engage in situations which challenge them on how to respond to difficult circumstances. This helps officers become accustomed to procedures. We have training on policies and procedures to help officers understand what is required of them at each level. We have a course on the nobility of policing developed by FranklinCovey. The US Justice Department sponsors some of that. We have courses on verbal judo; these are techniques to defuse encounters when the dynamic of an encounter becomes negative.

We have carried out some analysis of the approach of police officers to stops by race and have seen no difference. I do not recall a specific analysis by gender, but we may consider it. There is gender equality in recruitment. We have an annual Women in Policing Conference. We have several women at the Chief Level, including the Chief of the Public Housing
Bureau, which is extremely active. The majority officers are minorities; what officers make up 47%. 40% of the New York population is foreign born. We recruit 1,500 officers at a time and each officer class contains officers from more than 40 countries.

**Carl Lindley - Chief Inspector, London Metropolitan Police**

Previously, training was given at the beginning of one’s career only. Now we deliver ongoing training for police at all levels. A stop without any frisk can be done by both men and women. A man cannot frisk a woman and vice versa. If a woman police officer needs to frisk a male suspect, she must call a male police officer. We do not operate positive discrimination, but we can assist those whose native tongue is not English or who do not benefit from the same possibilities due to culture. We set up special remedial courses for these people. We encourage women in particular to become part of police units which were traditionally staffed by men. This includes gun units and public-safety units.

**Dominique Baudis - Defender of Rights**

Did the people who were stopped consider that the system of filling out forms and cards gave them greater human rights? Or did they feel that the surveillance systems were tougher and were harming their rights?

**Carl Lindley - Chief Inspector, London Metropolitan Police**

Our stop-and-search systems were not only designed by the police. We took a lot of advice from minority groups. They expressed their opinion as to what would be an improvement and what might give rise to problems. Their advice was not 100% acceptable. There is a lot of opposition to the idea of keeping a card where there is no frisk, because people felt that the time period was not justified. Now we are trying to reduce the number of questions that we ask for the simple stop. The system of questioning people from ethnic minorities was implemented with their approval.

**William Blair - Chief of Police, Toronto Police Service Board**

We refer to our poorest neighbourhoods as priority neighbourhoods. There is a strong concentration of policing activity in those places. The people there view this as over-policing, rather than protection. Only 4-5% of the population of these areas is involved in violence. However, because the violence and victimisation were disproportionate, these people see a higher level of policing activity. Police involvement must respect the majority and a clear explanation must be given for why the high police presence is necessary. I have a concern about receipts. If a young person is unhappy with the encounter and discards the receipt, it could lead to other confrontations between the police and the young person.

I deployed 350 additional officers into our poorer communities. We had a number of incidents of gang violence. I gave a public explanation of this and reassured people that our aim was to stop the violence. It was successful. We saw a 62% reduction in violent crime and a 30% reduction in crime overall. This was throughout the city, but particularly in those neighbourhoods where the activity was taking place. The situation has to be managed.
Michael FARRELL - Deputy Commissioner, New York Police Department

There has not been any recent reaction to the forms. Privacy has become an issue since the development of large electronic databases, but these were resolved with the changes to the law in 2010. We seriously considered receipts, but there was the nature of the card and the fact that the card is not required in all circumstances. This acknowledged the fact that in certain encounters, extending information unnecessarily would exacerbate the situation. However, we encourage receipts as a way to defuse an encounter that people are not happy to experience; it acknowledges the inconvenience and intrusion. People feel reassured that there is a record available in the case of a complaint.
Round Table 2: Sociological context and control methods in Fuenlabrada and other cities

Presentation

Rachel NEILD - Senior Advisor, Open Society Justice Initiative, Washington

STEPS Project

The Open Society Justice Initiative carried out a project between 2007 and 2009, with a grant from the European Commission. It is called Strategies for Effective Police Stop and Search (STEPS). The power to stop a person for an identity check is a basic element of everyday police work. These encounters are not systematically recorded or managed. The stop is banal to the police officer, but is memorable and even traumatic for the person who is stopped. When a person frequently experiences ID checks for no apparent reason other than physical appearance, these encounters can profound damage. This can lead to mistrust and lack of cooperation. The impact of a negative experience of a stop is far wider than simply on the individual. It can be a catalyst for social unrest.

We led a project in Hungary, Bulgaria and Spain, with assistance from the Leicester Constabulary and the London Metropolitan Police. The basic purpose of this pilot was to assess the viability of assessing ethnic data on policing. We would use this data in a conversation with local residents in each of the pilot sites. We believed this approach could help with a discussion about local safety concerns and about policing tactics that could support positive safety outcomes. These could reduce the number of stops on people based on their ethnic appearance. We had our most positive results in Spain, where STEPS will be replicated in three towns.

We took the local police supervisors from each pilot site and a representative from the community to the UK for a week. They rode in police cars; they talked to local people and explored how stop forms were used there. Then we conducted a review in each country, of legal standards, police directives, procedures and guidance. Working with local experts and police managers, we designed a form for each country in full compliance with each set of national personal data protections.

We trained the police officers with new guidance on how to use these forms. We also delivered training to community consultation committees. We worked with NGOs to find people in local communities who would meet regularly to look at the data. They were also
trained in explaining this to their communities. Officers then applied these stop forms for six months. Then we had a verification process to make sure that officers were, in fact, filling out the forms. Various methodologies were used in each country for that. Finally, there was data analysis and feedback to the communities.

**Results of Project**

The reliable data for every site showed that police officers were stopping ethnic minorities more than the majority white population. They were searching minorities more often as well. None of the data showed that the minorities were more likely to offend than the majority population. In fact, in a number of cases, they were actually much less likely to be detected than the majority. We use the term ‘hit rate’ to describe the effectiveness of police identity checks. The hit refers to how often a check actually produces a law-enforcement outcome.

In both Fuenlabrada in Spain and in Hungary, the use of the stop forms focused officer stops more tightly. It reduced the number of stops that police conducted and increased their hit rates. This result was far better in Fuenlabrada than in Hungary, but there were trends in that direction in Hungary as well. None of the sites showed an increase in complaints against the police as a result of the stop forms. In one site in Hungary, one of our Roma members, who was verifying compliance, actually applied to join the police at the end of the project.

**Challenges in Implementing Project**

Ethnic data was quite controversial in these countries. There were anxieties amongst participants, particularly in the Roma groups. In Eastern Europe, some of them have experienced issues regarding ethnic databases. In this process, we had no issues with the ethnic data. We did use methods of separating the data very strictly from police databases. When police forces experiment with forms, it is vital to be clear about what needs to be done. What outcomes do they want? The senior police officers, patrol officers and the communities must understand what is happening.

In Bulgaria, the national commanders we worked with told us that the police was very militarised and command driven. They said the local commanders would obey their instructions. They did not bring the local commanders on the UK study tour; they brought Inter-Ministry database specialists. The supervision of the officers in the pilot sites suffered greatly as a result. Supervisors did not check on the forms; officers were confused about how to fill them out. They often did not fill them out and could not enter data very well. Forms were not collected regularly and as a result, we could not produce viable data in Bulgaria.

While the design phase and the communication were vastly better in Girona, in Catalonia, there was a problem regarding officer perception of the project. Shortly before we started STEPS, some police officers had severely beaten two immigrants who were in detention. This had caused a scandal and some officers spread a rumour internally that STEPS was a punishment for that.

In Bulgaria and to some degree in Hungary, many of the officers did not explain the receipts very well to the people they were stopping. In some cases, particularly in Roma communities; some people did not understand what the form was. Some thought it was a fine or a summons. We presented STEPS data in community meetings. These worked particularly well in Fuenlabrada, where the police had an established mechanism for community outreach and dialogue. In other settings, without this tradition, some of the local
project coordinators did not adequately understand the project and could not explain it very well.

In Bulgaria, we had the deeply unfortunate experience of coordinators who were biased and offensive towards members of the communities during meetings. A more common lesson for France would relate to what we experienced in Spain. At the community meetings there, the people said they appreciated the data, but they wanted to discuss the actions to be taken regarding crime in the communities. The data was a catalyst to a larger dialogue about community safety.

**Attitude to Stop Forms**

Stop forms should not increase police bureaucracy; they should support professionalism and efficiency. They should be integrated into existing systems where possible. In Bulgaria, the police were told to fill out our stop form in addition to a stop form that they already had, which doubled their paperwork. It is important to test how the data that one gathers from these forms equates to one’s current tracking systems and performance indicators.

Both the Bulgarian and Hungarian police told us that they liked our forms better. They were simpler and they were more directly related to the actual activities that they were conducting. In Hungary, we started a working group with the Ministry of the Interior to consider changing their stop forms completely as a result of this experience. Unfortunately, there was a Government change and the current Government is profoundly xenophobic. The legal standards, internal instructions, operational guidance and training must be clear about what a stop is.

**Supporting Officers in Filling Forms**

The process of deciding who is under suspicion also requires a great deal of training and support. Through good supervision, we need to ensure that officers fill out forms correctly and that they articulate the reasons for their suspicion on that form. When we reviewed forms at the start of the STEPS project, we found that in every single country, patrol officers could not articulate reasonable suspicion. We introduced more training and further guidance for them on what constitutes reasonable suspicion and how to clarify that in a stop.

This was positive, because asking the officers to consider these issues gave them the space to consider why they were instigating that stop. They clearly set out that reason on the paper. It worked particularly well in Fuenlabrada; the supervisors checked those forms, analysed the data at frequent intervals and went back to officers if there were problems. They also used the data in their operational decisions. When officers thought more carefully, they instigated fewer stops and enjoyed a higher hit rate and there was less disproportionality. This result has been achieved in other settings, but often sadly not sustained.

**Data Analysis**

The frequency and regularity of data analysis is very important. We experienced a design flaw in the method used in the STEPS programme. We only used data analysis at the end of the six months; we did not build it in at regular intervals throughout the process. The Association of Municipal Police Chiefs in Spain and a coalition of Non-Governmental Organisations are replicating STEPS. The forms will be introduced with a special IT programme which will conduct data analysis on a frequent basis.
Ways of Identifying Police Officers

The provision that stop forms must identify the officer who conducted the stop was not an issue in any of the countries we worked in. In each of those countries, officers wore badges that made them identifiable. The officer’s name does not have to appear on the form, but it is important to trace the form back. In the State of Maryland, the police unions refused to allow officer identification in an experiment to introduce stop forms. This meant that they simply could not fill forms out at all when they stopped people. Data could not be verified. It was not of any use for accountability and the entire project there was abandoned.

Without officers’ names being traceable to the form, citizens cannot hold officers accountable for unlawful stops or for bias. In the STEPS process, we either included information on the back of the form about rights and how to make a complaint. A leaflet about rights was also handed out at stops. We did not receive a single complaint from the eight pilot sites. Because the form sets out the reasons for a stop, it can protect police officers in the case of unjustified stops, because it provides a sound and lawful basis for their activity. Each officer received a paper pad with a sequential number for each stop form in that pad. When an officer received a pad, a note was made of his or her number sequence against their badge number.

Findings of Project

We do not view the use of stop forms as a totally effective solution for disproportionality, or problems in police relations with diverse communities. In some settings, it has been argued that stop data has led to an increase in stops and in disproportionality. This is particularly when officers are given productivity targets; they are trying to reach their targets at the end of each month. When used effectively, we have seen in very varied settings, that stop forms can increase the effectiveness of stops. They can save police resources by targeting stops on specific behaviours and crime areas. They can also support police legitimacy by enabling community dialogue.

There needs to be commitment from the political authorities and the police leadership, to address excessive or biased use of police powers. We must create very clear objectives and standards, preferably established in law as well as in police directives. These must be clearly communicated in operational protocols and training and enforced through supervision. We must commit to sharing data with local residents as a tool for building dialogue and better relationships with police.

The situation in France is fascinating and mirrors debates in other countries. Without data from a stop form, the police is limited to a partial discussion based on anecdotes, limited research and mutual recrimination. I have heard police unions in the media in France say that the suggestion of introducing a stop form makes them feel they are being accused of racism. However, apart from in Catalonia, none of the police in the STEPS study saw them as an accusation of racism. They did not find a stigma attached to using this form and saw it as a tool to enhance their professionalism.

Policemen feel that they are simply doing their job, to keep everybody safe. I suspect that in the majority of cases, French police are in compliance with legal compliance when they conduct their identity checks. However, there is a difference between legality and legitimacy. Police offers can conduct a legal check that is not experienced by the person who is checked as legitimate.
Overall Conclusions

The goal is to move to a stop that is lawful and experienced as legitimate by the population. This distinction matters a lot, because one of the most basic premises of justice is fairness. Everybody has a fundamental right to equal treatment under law. When people experience the rule of law in the actions of any of its branches as unfair, they lose trust in that body, and the institution loses legitimacy. As a practical matter, the police needs the public to report crime, to produce evidence and information about activity in their neighbourhood. They need the public to work with them in securing public safety. The stop form is an important tool in finding out how the police is perceived by the public and for moving towards legitimacy.
Presentation

David MARTIN – ABANADES - Diversity Manager, Fuenlabrada Police, Spain

In Spain, the local police do not carry out the same work as the municipal police in France. There are two main organisations, the guardia civil and the national police, which are similar to the gendarmerie and the national police in France. The guardia civil is armed, with a military discipline and as a result, they do not have a union. The national police has a status that is quite similar to that of the local police and those in autonomous regions.

Spain has one of the most police officers per inhabitant in the world. Police officers are very visible in cities, because we have a strong culture of uniformed police officers. There are very few plain-clothes policemen. There are 65,000 local police and civil servants. There are local police in 1,700 cities in Spain, which covers 90% of the Spanish population. Each police organisation comes under the authority of a different administration. The national police comes directly under the authority of the national Government and the local police are managed by the town hall. We are closer to the Canadian model.

Profile of Fuenlabrada

Fuenlabrada resembles suburbs in Paris. There is a very high population density. We are in the Southern suburbs of Madrid. There are 205,000 inhabitants in Fuenlabrada, which is one of the 25 most populous cities in Spain. 40% of the population is under the age of 20 and over 70% of the ID checks in Fuenlabrada are made on people who are under 35 years old. There are a lot of apartment blocks, which leads to a higher conflict index because the space people are sharing is narrow. There is also a diversity of culture, so the potential for conflict is even higher. The police has to manage this.

We have a very strong industrial fabric. Fuenlabrada is the area where most of Spain’s Chinese imports arrive. We even attract business people from the South of France who purchase cheaply from distributors. 35% of SMEs around Madrid are located in Fuenlabrada. We have 16% non-natives, but in the last 10-12 years, there has been an increase of up to 300% in the number of new non-natives.

System of Stops in Spain

Democratic societies have delegated the use of force and restraint to the police. A police officer can use force legally, as long as he or she follows the law. Stops and frisks are the most important powers; a civil servant can invade an individual’s privacy, which requires a high degree of discretion. A policeman can carry out an ID check anywhere, with the objective of protecting safety. This power is very broad and the law regulates the Spanish police force. Police officers must give the most information possible. The messages contained in the law are quite ambiguous.
In Fuenlabrada, we had already sought advice in this area, even though there was no legal requirement. We held meetings and listened to the local residents to discover what we were not doing successfully, in their opinion. People could send suggestions via the Web or come to the office. They could also submit complaints regarding police actions. The control over the use of force is quite strong, but if the hierarchy did not control this, tense situations occurred.

Judges pay close attention to certain types of risks, because they indicate that the police officers are not in control. For example, there may be aggression or a police officer may be attacked. If there is legitimate police action, they will check their ID and the person may not want to give their ID. In Spain, citizens are always supposed to carry ID. In certain situations, police officers can arrest a person without it. When there is a high level of these types of arrests, it indicates that the police officers are not managing these situations well.

**Conquering Racism in Police Force**

We need to remember that these interventions may be the only time citizens will have a dialogue with a police officer. The image that they have of the uniform represents the way the police officer works. The police officer and the citizen may not use the same language. If police officer uses language ineffectively, the citizen will answer abusively. Some police officers feel they are being attacked. When police officers instigate a frisk, they need to work in a very clear and polite way. When a policeman wears a uniform, they are no longer an individual; they represent an institution, which they must not damage.

Certain organisations have looked on us as xenophobic, which upset me, so I was delighted to participate in the STEPS project. I do not know any policeman that is xenophobic. Being a policeman does not insure a person against racism. We all hold stereotypes and clichés, but in our case, these are impacting on human rights. We need to apply rigour to our job; we must be better than ordinary citizens in this respect.

Young people dress in a certain way in Fuenlabrada. If people were to dress this way in wealthier part of Madrid, they would most likely be arrested several times. However, the police officers in Fuenlabrada are accustomed to this style of dress. Stereotypes are mechanisms for the human mind to shape decisions. If I have conflict with certain minorities, I associate conflict with these minorities. Police organisations have to combat this kind of idea through training. They have intensive training in communications with collective groups to limit stereotypes.

Spanish police organisations are very homogenous; most of us are white men. There is an ongoing process to recruit more women, but minorities are highly under-represented. Efforts need to be intensified in the Spanish police to ensure that when a police officer manages conflict, they operate according to ethnocentrism. When there are conflicts, we try to find people who are like us, so we can oppose people who are different. This is a mechanism that all officers should be familiar with, because we constantly witness this in Fuenlabrada.

In the terrorist attacks at Madrid train station, 250 of the people who were wounded were from Fuenlabrada. After the terrorist attack, people looked at people from North Africa differently, including the police. Until the attacks on 11 Mars 2004, police officers had no knowledge of the Arab culture, so the attacks forced them to understand it better.
police officers are faced with conflict based on cultural or religious differences, they need to manage it properly.

Ways to Secure Cooperation of Public

The Spanish police consider the ID check to be a very effective tool. If we did not have ID checks and arrests, society would disintegrate. We asked ourselves if these stops were as effective as we thought and whether they were sometimes useless and negative for the police image. The police is a public service and if we have a poor image among our citizens, we are not performing correctly. We demand a lot of ourselves and we think that stop forms are the right direction to take. If we are operating properly, we should have nothing to hide.

We are working on a method that we call ‘a la carte policing.’ The citizens want more customised policing. We tried to discuss this with the local citizens to see how they wanted this to work. The Fuenlabrada police only has 250 police officers, so it is much easier for us to change. We record each police stop with a form. There is a copy for the police officer and a copy for the individual who was stopped. People can lodge complaints in the courts and administratively, via the police. If people want information purged, they can contact the database which is audited by the national agency for data protection. The problem is not data collection, but the usage of this data afterwards. If there is proper control of how the data is used, it will give guarantees to the citizens.

It was important to homogenise our procedures. We created a list of specifications and instructions, so that the police officers knew how to proceed. There are six reasons for carrying out ID checks under Spanish law. We realised that these were not sufficient. There were occasions where individuals did not know what was happening and thought they were receiving a fine for committing an offence. We reassured them that it was not. They often thanked us, because they could use the stop to justify being late for work, for example.

Improving Relations with Other Cultures

We created an inter-cultural commission and we published the results completely anonymously. We then compared the ID checks. The arrival of non-natives in Spain is relatively recent and we can still carry out analyses by nationality. We are aware that this process will not continue in the future. It is politically incorrect for a police officer to categorise a person as a gypsy, a black or an Arab. This is a problem of maturity of society, rather than a legal issue.

We went to a mosque to explain the work of the police to the Muslim community. 90% of the Muslims in Spain are of non-native origin and they are concerned that the police are checking to find out if they have working permits. We need to explain the situation to them. If they have a security issue, they should call the police. They do not need to worry about whether they have their ID papers or not. If a person is a victim of a crime, we are not concerned about whether they are in Spain legally or illegally. The issue of ID checks for non-natives is the subject of much debate.

Recording of ID Checks

Each form has its own unique number and each police officer has a pad where they take note of their number, which cannot be used by anyone else. Even if they do not include the number in the pad, we can determine that this form was filled out by a specific police officer
and we can check it. We have not done this yet, but there is the possibility of determining whether we observe that police officers are carrying out a disproportionate number of checks. If one police officer behaves badly, there is an impact on the whole police force. We need to identify the specific police officer.

We started recording these ID checks in October 2007. In the first month, there were 958 ID checks. Fuenlabrada shares a territory with the national police force. Most of our 250 police officers are on the street. There are also 400 national police officers. This means that the population of 205,000 is served by 650 police officers, which is quite a high ratio. The national police does not record these ID checks.

**Effects of Identity Checks**

When the forms were filled out, the number of ID checks decreased considerably. There is a concern that this meant we were less effective. We needed to determine how many ID checks led to further action. We started with 15% and then the result increased spectacularly. We have not carried out an in-depth analysis and the police officers say there is no change in their working method. However, they have changed their behaviour.

There has been a decrease in the number of random stops; In Spain, policemen are allowed to stop people randomly just for prevention purpose. But it appears that nine out of 10 random stops were carried out on North Africans. This was detrimental to the police because we actually have excellent communication channels with the North Africans. So I asked the police officer what was the reason of the stop and if they could choose one of the six good reasons. When they realised that their stops were being supervised, their behaviour improved and they decided to use the six reasons in Spanish law account for their actions.

**Discussions**

**Dominique BAUDIS - Defender of Rights**

Why was this process not carried out in other cities in Spain?

**David MARTIN – ABANADES - Diversity Manager, Fuenlabrada Police, Spain**

It is being used in Castellón de la Plana, which has a population of 150,000 and is on the East coast of Spain, north of Valencia. Malaga, which has 500,000 inhabitants, is also applying this, as is La Coruña, which is one of the capitals of Galicia. The Spanish national police has exclusive jurisdiction over these stops of non-natives, so the auditing process is very complex.

They operate a number of controls to check nationalities. They are really large organisations so the changes cannot take place as quickly as one would hope. I feel that they are afraid of exposing negative aspects of the police, which do exists. There is a particular problem with targeting Moroccans, who comprise 95% of our North African population. However, in Fuenlabrada, these people are no more likely to be stopped than others. The local police officers are not used to being transparent in their management practise. This must be developed over time. All of this is my own personal opinion.

**Françoise MOTHES - Deputy Chair of the Defender of Right’s Security Ethics Commission**

What are your most recent statistics for the number of stops and the hit rate?
David MARTIN – ABANADES - Diversity Manager, Fuenlabrada Police, Spain

In 2011, the number of our stops plateaued at 3-400 per month, with a hit rate of 15-27%. We analysed 20,000 identity checks carried out over five years. Weather can have an impact; there are fewer stops in winter than summer, because fewer people are outdoors. There are very few public spaces. Policemen wearing uniform have a 100% hit rate during stops and this drops when police officers wear plain clothes.

Nadia DOGHRAMADJIAN – Secrétaire générale adjointe, Ligue des Droits de l’Homme

What do you do with these charts afterwards? How long do you keep them?

Gaétan COUSINEAU – Chairman of the Commission des droits de la personne et des droits de la jeunesse (Quebec)

Do you set up meetings with the local population? How does the population feel about these more efficient verifications that are being done? Are there positive repercussions? Have there been sanctions against police officers who may have been discriminatory?

David MARTIN – ABANADES - Diversity Manager, Fuenlabrada Police, Spain

We store them physically in an archive. We have kept all files since 2007 and the archive is also on computers. Data manipulation can be more extensive. We have carried out 22,000 verifications and only four people have asked us to purge their personal information. We do explain that information can be purged. If there is a data leak, the reason needs to be determined. Because of the high level of control and management, we can find out who is responsible for the leak.

The local populations react in a variety of ways. Many associations see it as a positive development, particularly the Moroccan ones. There are two mosques in Fuenlabrada and one of these is only slightly smaller than the mosque in Madrid. The people who attend the bigger mosque said that our efforts were useful. If a person is arrested and let go, then arrested by a second police officer, they can show their form to the second police officer. The police officer can then decide not to continue with the stop.

We have published leaflets in several languages and created posters for Government buildings, but despite that, a large section of the population does not know about the procedures. Young people are very familiar with the procedures. There have been situations where young people who have been stopped remind police officers that they are supposed to fill out the form and give them a receipt.

People become aware of when the checks are most likely to happen, so they can be strategic about when they commit their crimes. At certain times of the day, there are more crimes, but less checks, because police officers are finishing their shifts and do not want to run over time. We overlap the shifts, so that if a police operation is being undertaken at the end of a shift, it can be carried on by the new team. There are fewer complaints about the police. The police officers have more legal backing. Police officers can no longer stop a person just because they want to. Judges will examine the documentation and ask police officers why they checked a person and the police officer will send in the receipts.
Round Table 3: Foreign innovative experiences about the relations between police and the public: Netherlands, Ireland, Belgium

Presentation

Arjan KASIUS - Deputy Chief of Police, Gouda, Netherlands

Non-Native Presence in Gouda

Gouda is a small city near Rotterdam and The Hague. There are 70,000 residents in a relatively small area of 2x2km. We have great ethnic diversity in Gouda. 6% of the population are non-natives from Western countries and 8% are of Moroccan background. There are several non-native districts and Oosterwei is the biggest, with 4,000 Moroccan people living in an area measuring 10 street.

We work on the principle of community policing and we work in teams. Police officers work in various areas: traffic control, emergency assistance, bike patrol. There is great diversity in our team. 35% of the police officers are women and 10% are from diverse backgrounds. We have 11 community police officers, whose role is to create good connections with the population. In the districts with the most Moroccan residents, we have police officers of Moroccan and Turkish origin.

Racial Tensions with Immigrants

Before 2008, we were suffering from problems which we solved with community policing. We worked on the principle of making ourselves known. My police officers held conversations with young people and went to mosques to meet the Muslim community. We operated a good programme with our local partners, such as Government, youth workers, social workers and key figures from the Moroccan community.

In 2008, there was a robbery in the Oosterwei district. A bus driver was robbed by a young Moroccan man. This happened after a number of incidents in Oosterwei. The bus drivers did not want to take their routes through Oosterwei anymore. The story was publicised by national television and it became a big issue. The Moroccans felt that the youth were being terrorised and that they were being discriminated against for an individual actions. There was a lot of interest from national Government and a lot of public interest. Most
blamed the Moroccan youth for causing trouble. This was in the month of Ramadan, with the Moroccan community was fasting.

Then four news crews came into that area looking for stories, but no-one from Oosterwei was willing to talk. After 2-3 days, the young people became annoyed by the media presence and pushed away a camera crew. After that, the media gave us only negative attention. One politician said on national television that they wanted to bring the Army into Gouda to solve the problem.

We needed to confront these problems. We were still able to work with our local partners, but we lost our contact with the youth. The politicians associated the Moroccan youth with terrorism and asked for more repression from the police. The Moroccans received higher sentences when they were punished and the young people were subject to more stops. The Moroccan youth felt they were over-patrolled. They didn’t trust the police anymore. The police officers slowly became more prejudiced because they had more negative contacts with the Moroccan youth. In specific districts, the non-native youths gathered around the stop sites and tried to disturb the peace. At least 85% of our arrests in Gouda were of non-natives.

We recognised that disproportional focus on the Moroccan youth was becoming part of our organisation. Another incident changed our perspective. There was a burglary. The police officers closed the area and the police officer who had communicated with the victim gave a description of the subject. He was 20 years old, with dark hair and a possible wound on his hand. The police officers set up checkpoints to stop the youth in the area. After some time, there was still no arrest and we carried out a debriefing. One of the other police officers at the site said that he had seen a native youth with a bandage on his hand, but he had thought they were looking for a Moroccan man.

*Background to Programme to Tackle Prejudice*

The management of the police in Gouda needed to implement a programme to remove these prejudices. We have education in schools and there are programmes in the workplace regarding how to approach non-native youths. There is a programme on the cultural background of the group. However, all these programmes are about knowledge. This can be applied on the street, but only when people meet and understand each other can prejudice be eradicated. The non-native youth does not live by the Moroccan or Dutch culture, so we have to explore new ways.

We looked for a programme which would foster positive contacts between police and young people. We came into contact with the Open Society Foundation and their programmes, My City, Real World. Two of my police officers went to London. One was a community officer who was accustomed to dealing with young Moroccans. The other was a senior police officer who was very sceptical about communicating with Moroccan youth, but was willing to try the programme. He met a man at the start of the project who said he didn’t want contact with the police. He had only joined the programme because he wanted to know what the police did. Afterwards, he said that he still did not like the police, but he was aware of the person behind the uniform. That person could change his perceptions.

*Implementation of Programme*

We asked our partners to participate, so they could help us connect with the non-native youth. The youth organisation encouraged the youth to take part. However, the young people
saw the programme as a Government promotion. The youth workers persuaded 12 young non-native men, who became very enthusiastic. I needed to find officers to take part and I was very surprised to find that a lot of them were very interested.

We called the project Second Wave, after the youth centre in London. It focused on the positive contact between police officers and immigrant youth. We developed relationships in a safe environment. It was important for the youth to feel safe, so we went to the youth centre. The youth arranged the meeting and we were guests in their facility. In the first sessions, we sought to find similarities between both parties instead of differences. This was achieved through games, art and social encounters.

This was empowering for the young people and the police officers, as they realised they were an important link in society. Both parties learned from each other and the young people spoke about their lives on the street and the reasons for their actions. The police officers explained why they worked as police officers and the reasons for their actions. We avoided discussing major issues. When we spoke about issuing fines, the young people said they thought we were keeping the fines for ourselves. When they were told not to stand in a certain place, they thought it was a police issue. They did not understand that the people around them that the people nearby had asked them to resolve the issue.

After a few sessions, people lost their inhibitions and major issues could be discussed. These took the form of a debate or role play. In debates, we discussed the effect of young people congregating in a certain place and causing trouble. We obtain information and without contact with young people, police officers cannot find out about the real problems and what is really happening. We received significant figures which support the police and explain police actions. Stop and search situations became less confrontational. There was more professionalism among police officers and more legitimacy for the police force. We made a film about the project.
Presentation

Fergus HEALY - Superintendent, Garda Siochana (Irish Police Force)

We are a national police organisation and we have been so since 1925, so we have almost 90 years of experience working. We are the only police force in the country. Unlike in other jurisdictions, we are an unarmed police force. Uniformed police officers do not carry firearms at all, except in very limited circumstances, we have response teams who respond to armed crimes in rural areas. They are based in the regions. We believe this is a big asset in the way in which our police force communicates in society.

We take pride in the fact that we are a community-based police organisation. We police the people and we are the people. We believe that people who have arrived in the country in the last 10 years have been made welcome. There are some exceptional circumstances. We have 14,000 police officers and 2,000 support staff. We have an analysis unit which analyses certain data for us and provide it to our senior managers. This helps us measure activity and take action with a view to revising our strategies and procedures. Our mission statement is: Working with Communities to Protect and Serve.

Policing Scandal

15 years ago, there was what we considered to be a police scandal, in the North-West of Ireland. A number of police officers decided that they would police the country in the way they thought was best. They wrongly accused people of committing crimes and behaved in a totally unprofessional way. The senior management of the organisation and to the political establishment were deeply shocked. The Government set up a tribunal of enquiry to examine it, which took a number of years to conclude. Our police force changed as a result.

The common police officers were deeply shocked by the behaviour of some of the senior officers. The environment which itself was politically fraught. This was because we had a lot of political problems, particularly with Northern and Southern Ireland the political agenda that was being driven by a certain element of the community. Nevertheless, it was to our advantage that we had a Minister for Justice at the time who was a fairly prominent prosecution barrister. He put a structure in place that changed the way Ireland was policed.

Legitimacy of Policing Procedures

People policed the country with consensus, but now we had the legitimate support of the legislature to police in a certain way. As a result, the Garda Siochana Act was passed in 2005. This legislation told the police managers what their function was. The police organisation was set a task by the Government of the day. Our role was to cooperate with other agencies that had similar statutory roles. We had to cooperate with the Transport Department and with our security forces. We have a security remit. We do not just police the police; we also have a role in policing the state, which gives us a unique identity.

We have a charter, which is a contract with the public. Our charter outlines our responsibilities. We must behave in a professional, honest way towards members of the
public. We take special cognizance of the priorities and the needs of local communities. We place the community at the centre of all our activities, because we are part of the community. Our national policing plan for 2012 includes the goal that we will deliver a service that recognises the diverse needs of all the people and communities in Ireland. A person’s race and religious belief is irrelevant. We offer solution-based policing.

**Involvement in Community**

I grew up in a small town in Ireland. I knew everybody in that town. I felt part of that community. People are proud of their communities, regardless of whether it is urban or rural. People will protect their community if others threaten to harm it. We saw a very recent case in the UK where the community has come together to respond to a terrible tragedy. We harness that sense of identity and belonging.

In 1987, a police commissioner studied this area. He organised the activities of the police force in a way that the community could respond to. We encourage our members to become involved in community activities. In Ireland, we have a very unique organisation within the community. It is a national sports organisation which supports Gaelic games, which are not found in any other part of the world. These are amateur games that are played by almost everybody.

There are role models that perform well in those sports, who are admired by the community. Our organisation encourages its members to become involved in this activity. In the recent Olympic Games, we had great success in the boxing arena. Given that this is a small country, the Government invested considerably in promoting boxing, as a way of delivering an elite squad. One of our officers was selected and boxed in the Olympic Games. That gave him a huge amount of credibility in his own community. He was looked up to by all the young people, who could relate to him. They did not look at him as an officer in a uniform. Instead, they aspired to achieve like that person.

The community is split into different groupings. There are elderly people, who feel very vulnerable. There are ordinary people who are working very hard to pay their loans and mortgages. They are very protective of their property; the police have to respond to that. We have our young people and we have to engage with them. This is the big challenge for us. We have several projects which try to bring the community together.

At organisational level, the Commissioner has appointed a Chief Superintendent to take charge of this area. The Chief Superintendent devises policies and evaluates activities in the community in such a way that they can create programmes that will work. They do not always work, but some of them are very successful. Our community-policing model is available on our website for open scrutiny.

**Crisis in Dublin Inner City**

In Dublin, in the 1980s, we had a serious problem with regard to opiate addiction. A lot of young people in a particular part of that city were dying from heroin abuse. It is a common feature in a lot of urban areas. We were on the brink of vigilantism. The community was planning to police itself. The people marched on Government buildings, the Mayor’s home and the police station. They entitled their protest Reclaim the Streets. At the time, there was a change of personnel in the North inner city of Dublin. A Chief Superintendent was appointed to help the community govern itself.
It was a unique location in the city. It was a commercial area with cafes and bars where people wanted to socialise. However, there was also a highly-residential area, with a dockland where a lot of valuable imports were arriving. That community was the subject of a lot of criminal behaviour from those living in high-density areas. They would steal containers of goods at that location in the middle of the night and sell it to the people living in the residential areas. There was anarchy in that part of the city.

The North Inner City Drugs Taskforce was set up by a local politician at the time. Through years of work, they have adopted the objectives that we have set out. We invite the public into the station once a month. We have open public meetings where we discuss issues that concern them. We try to address those issues. We have community policing fora which are chaired by the local Chief Superintendent and the municipal politicians. They listen to the issues raised by the public and set the agenda for the future.

**Other Community-Based Schemes**

We have street coordinators who link in with the local community police officers. If there is an issue in the community, they can go discreetly to that person and they can try and resolve those issues. In the rural areas, we have the community-alert programme. There may be people in isolated areas who are the subject of crime. They feel reassured that if they work together as a unit, they can protect each other. With the support of the police, progress can be made.

The joint policing committees are chaired by politicians. We have meetings every month and we discuss these issues. All politicians want to be re-elected and if a police officer can harness that desire, they can achieve a lot. Police officers can communicate these issues to the politicians in a way that demonstrates that it is in their best interests to achieve this. This achieves excellent results.

We all feel as though we are victims in some way. There is no way of avoiding crime, but we have to be responsible and support people who need counselling. When tourists are robbed on holidays, they would like to think that society would come to their aid in some way. That is the service that office offers.

**Schemes for Young People**

This was a voluntary scheme that was set up in the 1980s and is now on a statutory footing. It is designed to try and keep young people out of the criminal justice system. If a person is under 18 years of age, they have the right to avail of a caution for certain crimes. However, they must meet certain criteria. When young people commit a very minor crime and admit it, they are apprehended and brought before the police. They are interviewed by the police officer and the parents are brought in. The issue is discussed; the person is considered and deemed suitable for the programme. They enter the programme. They are not prosecuted, but they have to engage in this programme to prevent them from beginning a life of crime. It has been very successful.

We have schools programmes, with school liaison officers for every school in the country. Some police officers work with school principals and teachers. They are assigned to go into the schools to break down the barriers with the children and help them become accustomed to seeing police officers in uniform. If police officers can relate to children on a human level from a very young age, they can create a great impression.
There is a National Age Card system. People in Ireland must be 18 years of age to consume alcohol. We issue an identity card which the person produces and this allows people to consume alcohol. We do not have a national card-identity scheme in Ireland. The Age Card is a voluntary system for young adults. They pay a fee of EUR5 and receive a card with their photo identity. This scheme is mutually beneficial.

We have a Racial and Inter-Cultural Diversity Office. We have liaison officers in every police station. We have ethnic liaison weeks when we invite people from the community to come into the police station. We organise events; we try and remove barriers. We have a police band, made up of full-time musicians. They visit schools and communities. If a school is looking to build a computer room and needs to raise funds, we can arrange a concert. The school can charge people for it and the community will gain from it. Police officers in uniform are playing music to young children, which creates positive associations. They play tunes that the children are familiar with.

We have safety programmes for young children in relation to sexual abuse. This is a major topic in Ireland, particularly in relation to the difficulties we have had with the churches. The aim is to engage young people so that they are willing to report incidences of abuse. We also provide services to older people who worry about security in their homes. We have local publications and a communiqué.

There is a unique project in the South-West of Ireland. Business people bought quad bikes and land and the police engaged young people in quad biking. This keeps them occupied and gives them focus. The aim is to re-integrate them into school or training, to capture their imagination, harness their interests and deliver a package that is of benefit to them and to society. We have information on community relations on our website, www.garda.ie.
Presentation

Alain ETIENNE - Deputy Director, Permanent Policing Committee, Belgium

The Standing Police Monitoring Committee, or Comité P in short, is part of our Parliament. Its main task is to supervise the law-enforcement officials. We are not part of the police; we are totally independent. In 1992, the legislature could avail of a single text, which outlined the way in which duties were to be carried out and the relationship with their authorities. This law was enacted on 1 January 1993 and has changed over time. This is to reflect the reality of police work, but also to fit with an organisation that started in 2001.

Article 41 of this law states that police officers entering a domicile must identify themselves with their badge or service card. This measure is intended to reinforce the safety of the population. We have noticed a problem in the last few years in which criminals have been arriving at people’s homes and impersonating law officials. They were then stealing from these people. This article removes that confusion.

Methods of Identifying Police Officers

If a police officer is in a dangerous situation, they may need to keep their identity hidden. The legislation encompasses operational imperatives and allows police officers to give their identity only after the operation. Using official identification proves that this intervention was carried out by police officials and was legal. Police officials must be seen as individuals, whether they are in plain clothes or in uniform. We refer to a decree which states that these name badges must be placed on the breast of the uniform and all police officers must wear them. There is no provision for plain-clothes police officers.

The Belgian Police Service’s Ethics Code also states that all police officers, under all circumstances, must be recognisable as police officers. They must wear their uniforms when they are part of a uniformed team, or an armband when they are part of a plain-clothes unit. The Code also states that when uniformed police officers are intervening in a public space, or through phone contact, they must give their name and the division they belong to. They must particularly do so if the person requests this.

Dealing with Complaints for Anonymous Police Officers

Nevertheless, for security reasons, the code permits to derogate from the rule in case of legal interventions or peace-keeping efforts. Anonymity is granted to special police squads. However, this is very rarely a problem. These squads contain very few police officers. Each member has a particular task to complete, under the authority of their superior officers. The complaints that we have received on our committee relate more to the techniques used than the interventions themselves. These techniques are sanctioned by the authorities.

When administrative or judicial investigations are carried out after a complaint, the anonymity of these police officers is guaranteed throughout the entire case. In each case, the police officers are given a number, which is only communicated to the judge. The armband worn by plain-clothes police officers does not have a squad name on it, or a name. It is relatively easy for the investigators to identify these people, especially since they work with their faces uncovered. The court reports give a full description of the actions that have been undertaken people who took part in these police interventions.
However, plain-clothes police officers are sometimes used to remove disturbers of the peace from a crowd. In these reports, people sometimes forget to mention the name of one participant, particularly if violence has taken place and it is not justified. This type of incident was the incentive for a new law in Belgium. At the end of 2001, a plain-clothes policeman severely beat a young demonstrator. This was filmed by witnesses who were not part of the police service and they showed the pictures on social networks. The colleague of the agent who had committed this act was forced to give the identity of the person to the King’s Prosecutor.

Police officers do not have to carry identification during these major events. They can also wear smoke hoods to protect themselves from Molotov cocktails. However, they can only be used when a risk analysis has been carried out by senior decision makers. Unfortunately, the wearing of smoke hoods without any reason is becoming more frequent. This makes these people totally anonymous.

**Legal Interventions in Identification**

After the incident that occurred at the demonstration, Belgian lawyers launched an appeal for all plain-clothes police officers to be identified at least by a badge number. To back this up, the lawyers referred to a recent case of the European Court of Human Rights. This related to a Bulgarian who was beaten during an operation that was carried out by special squads who were wearing masks. The judges declared that in all member states, all agents must be identifiable in all circumstances through a badge number.

This appeal became a Parliamentary issue, examined by the Ministry of the Interior, which stated that Article 41 fit well with the requirements of the European Court. It also stated that situations when police officers are intervening anonymously should be an exception to this obligation. Systematic recourse to anonymity is only for undercover operations. However, in February 2012, Parliamentarians suggested a modification to Article 41 to guarantee identification of police officers while improving their private lives.

**Difficulties in Implementing Legislation**

Police identification systems mean that criminals know who is arresting them. The Parliamentarians who suggested this law noted that police officers were complaining about this modification because they were afraid of repercussions. The parliamentarians noted that it was worrying that police officers do not wish to remain within the legal framework of identification. They hide their badge or do not wear it at all. It is a question of hierarchy and discipline.

The law is still being debated. The discussions are creating a tense climate in Belgium. We have noted an increase of violence against police officers. Unions accept the duty of protecting citizens’ rights, but nonetheless defend the physical safety of the police officer. There is the issue of how the number can be worn. The number has nine digits and is not easy to memorise. Police officers are operating under stressful conditions, which are also stressful for citizens. The number has to be as short as possible and totally legible. It is not possible to reject the principle of identification. However, total anonymity is an illusion.

When special squads carry out investigations, the hearings are carried out under anonymous conditions which are accepted by the judges. This is because of the specific nature of these squads. We have received very few complaints. Since there is no formal rule
of anonymity, it is difficult to impose the same systems for all investigations. These call
police officers into question in the exercise of their functions. These police officers must be
heard and all the details must be mentioned in a badge report, even if this just mentions their
badge number.

The complainant will have access to the name of the police officer once they have given
the badge number. In a few months, the names and badge numbers of police officers will be
available on internet. We understand the usefulness of these identification numbers to police
officers in high-risk operations. However, police officers cannot form close relationships
with communities if they are just known by a number. There may be a local beat officer that
a person meets every day and that they know very well. Then the person sees them wearing a
shield and a smoke hood when they are demonstrating. In that case, a police number would
be useless. We sometimes find profiles of police officers on social networks, with their
names and pictures of themselves.

Discussions

Jean- Marc BAILLEUL - Secretary General of the police’s Union called “Syndicat
National autonome des Officiers de Police” (SNOP)

Does the fact that there is not any system of receipts in Gouda represent a problem for the
police and for the population?

Louise FESSARD – Journalist at Mediapart

Will the decision of the European Court of Human Rights be imposed on all member
states in Europe?

Lanna HOLLO – Representative of Open Society Justice Initiative

Could you give a little more information about how the Store Street Garda Consultation
Forum works? What is its impact?

Gaétan COUSINEAU – Chairman of the Commission des droits de la personne et des
droits de la jeunesse (Quebec)

The Canadian Federal Government has invested a lot of money in combating street gangs.
In Montreal, the local police knew their communities, but then specialist police intervened
and this had a huge negative impact on the young people, who we were just starting to build
relationships with. The Government has now abolished this super police.

Arjan KASIUS - Deputy Chief of Police, Gouda, Netherlands

We do not provide receipt but our police officers return every evening to the office and
enter their information into the electronic database.

Alain ETIENNE - Deputy Director, Permanent Policing Committee, Belgium

This ruling of the European court of Human rights does not directly challenge the fact that
police are anonymous. It related to the fact that no investigation was carried out into the case
because the police officers were anonymous. Each country accepts the rulings and then
adapts them in their own legislation.
Closing

Dominique BAUDIS - Defender of Rights

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I observe that the problem that we are today working on, is a universal problem. A lot of countries have provided solutions, but they are quite different and not easily transposable to another country. However, they can inspire us and offer enlightenment regarding the decisions that public authorities will have to take in France in the coming weeks.