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Ethnicity and policing in France and in the Netherlands

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Abstract – Keywords

Abstract:

This paper examines the mechanisms that contribute to the production of disproportionality in France and in the Netherlands. In both countries, police officers construct a category of ‘dangerous classes’ on which to focus their attention. Even though the role played by ethnicity is more explicit in the Dutch case, both categorization processes involve ethnic components. For police officers, stereotypes on ethnic groups constitute a practical knowledge they acquired on the job and use routinely to carry out they work. Stereotypes do not however reflect the actual experience of police officers, but rather an experience mediated by a police subculture in which stereotypes on the criminality of certain categories are strongly anchored. By triggering police suspicion, stereotypes can in turn lead to ethnic profiling practices. In practice, police officers’ decisions are influenced by a wide range of contextual factors, and it is often difficult to distinguish between the influence of ethnicity and other criteria (attitudes, clothing, age, etc.). Furthermore police officers work in an organizational environment that shapes their practices and decisions, and implement government policies and priorities. In some cases, these policies can have serious discriminatory consequences, beyond police officers’ intent. Citizens’ demands might also accentuate disproportionality, through the influence of their stereotypes.

Keywords: disproportionality, discrimination, ethnic profiling, stereotypes, France, Netherlands, policing, organizational factors, citizen’s demands

Introduction

Quantitative studies and qualitative surveys conducted in Europe and in the US suggest that ethnic groups have significant higher crime rates than natives. While some authors argue that this disproportion can be explained by social factors (Merton 1968, Mucchielli 2006, Junger-Tas 1997), others emphasize cultural factors (Wolfgang and Ferracuti 1967, Lagrange 2010), or the influence of public policies (Van der Leun 2003, Harris 2002). Another hypothesis explores the existence of an ethnic bias in the police and justice systems, which could partly account for this disproportion (Harris 2007, Bowling & Phillips 2007). However, this hypothesis has not been sufficiently researched in European continental countries. By contrast, an extended literature on police discrimination can be found in the UK and the US, where “stop and search policies” have been thoroughly studied and characterized as “ethnic profiling”. In France and in the Netherlands, the issue of ethnic discrimination by the police was for a long time absent from the scientific agenda. It is only recently that some researchers have started to pay attention to this aspect of police work. A few studies have been conducted in France, based on patrolling (Jobard 2009), and “stop and search” (Jobard & Lévy 2009) observations. They indicate a clear ethnic bias in the case of stop and search policy, but no clear evidence of discrimination in the case of patrolling. When selective law enforcement or profiling practices are found, the authors often conclude that they are not the result of discrimination (understood as intended action) but rather the result of the professional constraints in which police officers are working. For Bowling however, it is precisely this process of filtering that the researcher should look at, in order to assess the degree to which and how ethnicity plays a role in the decisions and attitudes of police officers (1990). In the Netherlands, literature on the issue is limited to a few case studies. Twenty years ago, Junger concluded that because no study showed clear evidence of police discriminations in the Netherlands and because the country had a liberal tradition, ethnic bias was not a ‘plausible phenomenon’ (1991). Recent research however suggests that ethnic minorities are not treated the same way (Eijkman 2010). The disparities observed in the use of police powers over ethnic groups do not necessarily result from officers’ intent to discriminate. A wide range of factors, including organizational and cultural mechanisms, can come into play.

This paper brings a contribution to this debate, by looking at the mechanisms through which ethnic inequalities and disproportionality can be reproduced. We will consider the notion of discrimination in its most visible form (verbal violence or selective law enforcement for example) but also in its more institutionalized and therefore more subtle form (sometimes described as “institutional racism”). We will use the term ‘disproportionality’ to describe police practices and policies that have a disproportional impact on ethnic minorities. It is expected that the comparison between France and the Netherlands will bring some light on the institutional and cultural features that shape police officers’ attitudes and decisions towards ethnic groups, as well as on the broader context in which police officers work.

Chapter 1: Literature review

The concepts of racial profiling, defined as the police use of racial or ethnic characteristics to decide whom to investigate for, as yet, unknown criminal offences (Harris 2007), and of ‘disproportionality’, the disproportionate use of the power to stop and search by the police, emerged in the 90’s to describe discriminatory police practices in the US and in the UK (Miller 2006). At that time, many news stories about instances of racial profiling were reported, including a few high-profile incidents (the Lawrence case in the UK and the Rodney King beating and Amadou Diallo killing in the US), that were quickly followed by policy responses. In both countries, debates on racial profiling were supported by scientific studies showing clear evidence of discrimination (Lamberth 1993, Macpherson 1999). By contrast, in continental Europe research on this topic is limited to a few cases. Before introducing our research question and conceptual framework, I will briefly review the literature on the two main issues surrounding ethnic discrimination: ‘measuring’ (1) and ‘explaining’ (2) discrimination.

1. The measure of discrimination

Racial discrimination is “the difference between the treatment that a target group actually receives and the treatment they would receive if they were not members of the target group but were otherwise the same” (Quillian 2006). To measure the extent of discrimination in a specific context thus involves answering a counterfactual question: what would the treatment of ethnic minority members have been if they had been majority group members? In the context of policing, this implies measuring the influence of ethnicity on a particular outcome of police work, such as stops and searches or arrest rates, with other factors held constant. Different methods have been used to measure the scope of ethnic discrimination in policing.

1.1. Statistical data – quantitative approaches

Statistical analyses measure discrimination by the residual ethnic gap in outcome that remains after controlling for all other race-related influences. These methods have been primarily used to measure discrimination in employment, housing or credit (Pager and Sheperd 2008). Using large-scale dataset, researchers measure the influence of ethnicity on a specific outcome. The main drawback of this approach is that it is impossible to account for all the factors influencing disproportion, and thus to attribute the residual gap to discrimination.

Investigating the link between crime and immigration, many researchers have sought to explain observed disparities in crime rates between ethnic groups using statistical analysis (Mucchielli 2003, Junger-Tas 1997, Junger 1991, Tonry 1997). While some authors discarded (Sampson 1995, Junger 1991) the hypothesis of discrimination, others interpreted the residual ethnic gap as a consequence of discriminatory practices (Bowling 1990, Mucchielli 2003). Applied to policing, these approaches are particularly problematic. Large-scale dataset including a breakdown by ethnic groups are often not available or not very reliable (crime statistics cannot be taken as a reflection of ‘actual crime’). Moreover, the process of filtration involved in policing is quite different from the one carried out by an employer for example. First of all, a large part of police work consists in responding to emergency situations, and citizens’ calls. Then, as police officers work in context, situational factors play a crucial role and make it harder to disentangle these factors from the influence of ethnicity. Given the reactive nature of a large part of police work, statistical methods seem inappropriate to measure the scope of discrimination in policing.

Experimental approaches seem more appropriate to this end. They have mostly been developed and implemented in the US and in the UK. Two landmark quantitative studies, conducted in the US by Lamberth, showed unmistakable evidence of racial profiling: In 1993, he carried out a visual census of traffic violators on the New Jersey turnpike road using trained observers, and compared this profile with the ethnic pattern of people stopped according to police records. African Americans made up 13.5 percent of the turnpike’s population and 15 percent of the speeders, yet they made up 35 percent of those stopped. In 1996 and again in 1997 Lamberth conducted

a similar survey, which showed that whereas 17.5 percent of the traffic violators were African American, they made up 28.8 percent of those stopped and 71.3 percent of those searched by the Maryland State Police. The research design established by Lamberth became the paradigm for much of the debate about racial profiling in the US. In a more recent study, Alpert et al. found using field observation no difference between the rates of Black citizens who violated traffic laws and those who were stopped by the police (2007). They however found a different pattern in post-stop outcomes, such rate of record checks, indicating that “different criteria were being used for blacks in comparison with other citizens” (2007:49). While these studies represent an important approach to the study of discrimination, our focus is quite different. We will look at a broader section of crime, ranging from small offences to violent crime, for which policing dynamics might be quite different. In the UK, statistical figures indicate that stops and searches are more common among Black people, a phenomenon called ‘disproportionality’ (Miller et al. 2008). Ethnic minorities and black people in particular, are searched disproportionately compared with their numbers in the population: statistics for 2005/6 indicate that black people were six times as likely to be stopped and searched by the police in comparison with their white counterpart (Home Office 2006). While the US concept of ethnic profiling translates a narrow and quantitative understanding of discrimination, the concept of disproportionality does not necessarily imply any intentionality and embraces a broader range of practices that can have a disproportionate impact on ethnic groups.

In France quantitative studies conducted on the topic are very limited. In 2002, the arrest rate for aliens was estimated 2.3 times higher (Lévy and Zauberman 2003). In a more recent study conducted in Paris, which is so far the most solid one, Jobard and Lévy found a clear ethnic bias in the case of stop and search policy (2009). Other studies focusing on sentencing statistics seem to indicate that there may be discriminatory practices among law practitioners and judges in France. A study conducted in Paris in 1979 and 1981 showed that Europeans consistently received the most favorable treatment, even after controlling for seriousness of the offence and the guarantees against defaulting (Lévy 1987). Jobard suggests a more nuanced picture: concerning offences committed against police officers, he also found significant differences between ethnic groups, with defendants from North Africa being the most severely sentenced, but he does not interpret these as the result of discriminatory

practices. For him, these differences can be largely explained by judicial factors, such as the seriousness of the offence and the guarantees against defaulting (Jobard 2009). Yet Tournier found that for a given offense, for example, recourse to unsuspended prison sentences is more frequent when a foreigner is involved (Tournier 2010). In the Netherlands, quantitative research on police discrimination is even more restricted. In some studies, non-Western immigrants appear to be stopped by the police more often than Dutch citizens (Bovenkerk 1991), but other studies found no evidence of ethnic bias in crime registration (Rovers 1999, Wittebrood 2004).

Quantifying ethnic discrimination in policing raises a certain number of methodological issues. The first problem encountered in attempting to measure the scope of discrimination is related to the appropriate criteria against which to compare stop and search statistics (Bowling & Phillips 2007, Waddington et al. 2004). Studies using the 'general population' or the 'resident population' can give 'a reasonable estimate of different ethnic groups' overall experience of the use of the power to stop/search' (Bowling & Phillips 2007: 945). They can however be criticized because the resident population is different from the 'available population' to police officers: some groups are more likely than others to spend their time at home, at work, where they are unavailable for the police. Research designs, such as the one used in Paris, took this problem into consideration and used a measure of the 'available population' as a comparator. Recent studies, conducted in the UK, comparing street populations with stop and search statistics have failed to find ethnic disparities (Hallsworth et al. 2006; Waddington et al. 2004; MVA and Miller 2000). These studies have however been criticized for their disregard for broader dynamics of potential police discrimination, such as the areas chosen for police patrol or the structural disadvantages that make groups more 'available' (Bridges 2001, Statewatch 2000). Another possible benchmark against which to compare stop and search statistics is the population of violators, that is, the population the police have a legitimate reason to stop (the available population might not reflect the suspects population). It can be measured through visual observations or criminal statistics. According to Bowling and Phillips, the per capita rate gives an indication of the broader community impact of ethnic profiling (2007). In England and Wales, the stop and search per capita rate is six times as great for black 'suspects', while the 'hit rate' is about the same for all groups, meaning that more innocent blacks are searched in comparison with their

white counterpart and thus questioning the ‘efficiency’ argument of racial profiling. Stop and search also produces a much larger proportion of all arrests for black people than for other groups: ‘compared to their white counterparts, black people are almost twice as likely to enter the criminal justice process as a result of being stopped and searched by the police’ (Bowling 2007: 953). In France, the ban on ethnic statistics does not allow researchers to draw such conclusions. Crime statistics can however bring some light on discriminatory mechanisms: because crimes resulting from ‘proactive policing’ (initiatives taken by police officers) are much more often solved than crimes reported by individuals, they tend to be overrepresented in crime statistics (Robert et al. 1994), potentially giving way to police officers’ discriminatory practices. These statistics also show that crime elucidation rates are significantly higher for crimes in which foreigners are overrepresented, suggesting another mechanism through which police work can produce disproportionality (Mucchielli 2006). These sporadic clues illustrate the complexity of the issues of racial profiling and discrimination.

1.2. Qualitative methods

Qualitative methods have been also used to measure the scope of ethnic discrimination in policing, especially in France. Some researchers have for example used surveys or interviews to ask ethnic minorities about their experience of discrimination. In Canada, a survey of Toronto high school students conducted in 2000 revealed that black students who were not involved in criminal activities were nevertheless four times more likely to report being stopped and six times more likely to report being searched than were similarly situated white students (Wortley & Tanner 2005). In France, a recent publication based on formal complaints filed against police officers concludes that discrimination based on ethnic origin exists (Body-Gendrot 2010). Though this method provides a good measure of the perception of discrimination, it is unclear to which extent perceived discrimination corresponds to actual discrimination.

Another line of research uses reports of ethnic profiling and discrimination by ‘discriminators’ to assess the importance of discrimination (Body-Gendrot 2010, Neckerman 1991, and Glover 2007). Neckerman and Kirschenman’s study on

employers' hiring decision offers an example of this method. Through in-depth interviews, they investigated the attitudes of police officers and the role of prejudice in their hiring decision. In the realm of policing, Glover analyzes police discourse on profiling in order to uncover racist prejudice (2007) and Wilson emphasizes the role of prejudice in policing decisions (2004). The liability of these qualitative approaches to measuring discrimination, beyond the question of desirability bias that could affect the findings, lies in the fact that racial attitudes are not always predictive of corresponding behavior, and thus fail to give a valid account of discriminatory practices. Police officers' reconstructions of past events do not reflect what actually happened but rather their own interpretation of what happened.

An interesting way of studying police practices and decisions in the context in which they take place is to conduct participant observations. In the Netherlands, Punch used this method to study policing in Amsterdam. He reported that negative stereotyping of non-Western immigrants was not uncommon among police officers in the 70's (1979). In France, Jobard observed police patrols' work in 2004. He concluded that there was no racial bias in the police. According to him, police work may have discriminatory effects but they are more the result of complex decision-making processes, interactions between individuals, situations and locations than the result of a racial bias (Jobard 2009). Gauthier conducted similar fieldwork in Paris but came to a different conclusion: according to him, police exert a discriminatory power on ethnic minorities (2010). Standardized and conducted systematically, prolonged participant observation can give a quite accurate account of the discriminatory practices conducted in a specific geographical area. The complexity of the phenomenon and the wide range of factors intervening in police officers' decision-making processes, however, make it very difficult to draw firm conclusions on ethnic profiling (Waddington et al. 2004).

If qualitative methods do not seem appropriate to accurately quantify ethnic discrimination, they can help us to understand the processes through which discrimination can happen. We are now going to look at the theories developed to explain and understand discriminatory practices and disproportionality in policing.

2. Theories explaining disproportionality

“Patterns of discrimination can be shaped by influences at many levels, and the specific mechanisms to observe are often difficult to observe” (Pager and Sheperd 2008: 192). This is especially true for policing. Police officers work in an extremely complex environment. As a result, it is very difficult to identify and distinguish the different mechanisms at work in the production of discrimination. If researchers have generally found disparities in the rates of police actions for white and non-white citizens, they have often interpreted these results in different ways. While some researchers concluded to discrimination, others emphasized the role of ‘race-neutral’ factors such as differences in behaviour (Engel et al. 2002). Alpert et al. (2007) describe three mechanisms through which racial disparities in police treatment can happen: prejudice, cognitive bias and stereotyping, and race-based deployment. In this review, we also consider other organizational and cultural aspects.

2.1. Differences in behavior

Police officers and some researchers argue that disparity simply reflects the differential involvement of ethnic groups in criminal activities. In this light, differences in patterns of stop and search and other police actions are a product of differences in involvement in crime. It is also argued that ethnic profiling practices, compared to random stops, are more efficient, and thus can be appropriate to a certain extent (Herszenhorn 2000, Taylor and Whitney 1999). These ideas can however be questioned on several grounds. While differences in crime patterns can partly account for disproportionate arrest rates, these figures do not have any predictive value for the behavior of any individual person (Eijkman 2010). Furthermore, these assumptions are based on crime statistics that are themselves based on police recorded crime and should thus be treated with caution (Bowling and Phillips 2007). Such stereotypes can however result in proactive policing and selective law enforcement that can in turn reinforce disproportion between ethnic groups and natives, operating like a self-fulfilling prophecy (Wacquant 2005, Bowling and Phillips 2007): ethnic profiling “creates a self-fulfilling prophecy because it results in higher arrests, convictions, and imprisonments of blacks” (Engel et al. 2002:252). In addition, the effectiveness argument can be challenged. International research suggests that ‘strike rates’ are approximately equal across ethnic groups (Waddington 2004, Bowling & Phillips

2007). Several studies conducted in the US and in the UK have shown that racial profiling was not an effective strategy for detecting crime, and that it could have very harmful consequences on the relationship between the police and ethnic minorities, by reinforcing a feeling of injustice and fostering mutual suspicion (Harris 2002, Bowling 2005).

2.2. Prejudice and stereotypes

An important line of research attempts to understand what motivates actors to discriminate along ethnic lines. Many authors emphasize the role of prejudice and stereotypes in racial profiling. According to Bobo and Massagli, stereotypes are “a set of beliefs about the perceived attributes of members of a particular social category” (2001: 94). While many authors consider stereotypes as “a faulty or inflexible generalization” (Allport 1954: 9), economic theories of statistical discrimination stress the cognitive utility of group estimates as a way of dealing with the problems of uncertainty (Phelps 1972, Arrow 1972, Kim & Loury 2009). While the accuracy of such group level estimates is problematic, and thus the difference between prejudice and statistical discrimination as well, the important question is whether stereotype stems from racial animus or from more instrumental adaptations to information shortage (Pager and Sheperd 2008). According to Bobo and Massagli, stereotypes also serve to legitimate the unequal distribution of material and symbolic rewards (2001).

Scholars have noted and described changes in the nature of prejudice and stereotypes over the past 50 years. Whereas negative racist attitudes and racial stereotypes used to be widespread and expressed overtly, they have gradually become unacceptable. Discrimination and prejudice have meanwhile taken on new and more subtle forms (Quillian 2006). Researchers have attempted to conceptualize these new forms of prejudice: ‘symbolic racism’ (Kinder & Sears 1981, Sears 1988), ‘laissez-faire racism’ (Bobo et al. 1997), ‘ideological refinement’ (Jackman & Muha 1984). New prejudice theories point to the paradox between the attachment to the principle of equal treatment and the persistence of negative racial stereotyping (Pager and Sheperd 2008). In the context of policing, Henry and Tator describe as ‘democratic racism’ the discourses police officers use to deny racial profiling practices (2006).

While sociologists have focused on explicit attitudes, psychologists, using experiments, have emphasized the unconscious cognitive processes underlying discrimination (Devine 1989, Harris 2007). They have shown the presence of widespread unconscious racial biases, potentially resulting in discriminatory practices (Lane et al. 2007, Pager and Sheperd 2008). Basing his argument on this literature, Harris concludes that “racial biases inhabit the unconscious and can emerge without our awareness and even despite our consciously held, positive attitudes concerning members of minority and race relation” (Harris 2007: 9) and that “Nearly everyone – not just police – harbours racially biased attitudes, and this is no less true just because one’s conscious beliefs stand in opposition to racism” (Harris 2007: 9).

Stereotypes answer the need to categorize, classify and form judgments about objects in our environment (Allport 1954). In the context of policing, stereotypes can influence police officers’ decisions and suspicion formation by biasing “perceptions and the meaning assigned to objects and events in the immediate situation” (Wilson et al. 2004: 900). Drawing on the literature on discrimination in the workplace and the housing market, Wilson et al. show how stereotypes can influence decision makers. Negative stereotypes about Blacks, such as depicting them as unsuitable workers and neighbors, are used by employers and landlords to justify discriminatory practices and denying them equal access to resources (Anderson 1990, Kirschenman & Neckerman 1991, Moss & Tilly 2001). In the US, studies indicate that stereotypes regarding race and criminality are among the ones that receive the highest level of support among the American population (Dimaggio, Evans & Brysan 1996, Peffley et al. 1997, Peffley & Hurwitz 1997, Weitzer & Tuch 2004). Evidences of wide spread racial prejudice and racist attitudes in the police have been found in many contexts, in the UK and Canada, where numerous studies have been conducted, but also in France and in the Netherlands (Bowling 1990, Harris 2002, Lévy & Zauberman 2003, Punch 1977). The impact of these stereotypes on practices has not however been clearly established. The relationship between stereotypes and practices is also often assumed rather than thoroughly analyzed. In reality, it is a very complex interaction. It is important to emphasize that stereotypes do not necessary translate into discrimination and that discrimination can take place without any racial prejudice (Harris 2007, Pager & Sheperd 2008, Henry & Tator 2011). In this light, continuing efforts are needed to

understand how stereotypes and prejudice translate into discriminatory practices. This research is an attempt to bring light on this specific issue.

To what extent are stereotypes embedded in a police subculture? What is the relationship between police culture, stereotypes and ethnic profiling? Are these practices the result of stereotypes or the ‘common-sense application of probabilities’ in police work (Harris 2007)?

2.3. Occupational culture

Police officers are often said to adopt a police subculture (shared beliefs, attitudes, values and norms) in order to cope with their stressful occupational environment. This police subculture generally includes negative attitudes towards the legal restrictions placed on their efforts to fight crime ‘handcuffing the police’, skeptical attitudes toward the criminal justice system ‘the courts are too lenient’, negative attitudes towards police administration, insularism ‘us vs. them’, group loyalty, strong orientation towards crime-fighting and great levels of suspicion (Cochran & Bromley 2003, Paoline 2003). Empirical works challenged this traditional conceptualization of the police subculture (Cochran & Bromley 2003, Paoline 2004). Typology studies identify groups that do not share the traditional characteristics of the police subculture, such as the ‘avoiders’ or the ‘problem solvers’ (Paoline 2004). In France, Monjardet defines the police culture as a pluralism of opinions and attitudes. According to him, police officers do share a common cultural space, but a highly divided one (Monjardet 1994). Despite these internal differentiations, many consider racist attitudes and beliefs as a strong element of the police subculture.

Police culture is a central theme in the current scholarly debate on racial profiling (Satzewich and Shaffir 2009, Henry and Tator 2011, Crank 2011, Chan 2011). According to Satzewich and Shaffir (2009: 200–201), racial profiling is best understood in the context of a police subculture where police regard profiling as part of their work: “what critics label as racially motivated practices, police view as sound, work-related criminal profiling” (201). Satzewich and Shaffir’s article seeks to offer an alternative interpretation of racial profiling, to the one given by Henry and Tator, in terms of ‘democratic racism’. According to Satzewich and Shaffir, Henry

and Tator's concept of 'democratic racism' is far too broad, and disregards the important issue of intent. They put forward the concept of 'occupational culture' as an alternative understanding of racial profiling. Through a process of socialization, neophytes adopt the necessary skills, norms and values associated with the occupation. In order to be accepted, they must display specific qualities, beliefs and moral concerns (Satzewich and Shaffir 2009). Satzewich and Shaffir's article does offer an interesting analysis of the police occupational culture, but in our view they fail to relate it convincingly to racial profiling practices. While the authors claim to offer different views of racial profiling, they actually focus on police discourses. They do give interesting insights on police discourses on racial profiling, but by using discursive analysis method to study police practices, they come to conclusions that have little to do with their initial question. They do not, as it is argued by Satzewich and Shaffir, explain why racial profiling occurs but rather analyze how police officers respond to accusations of racial profiling, and for Henry and Tator, how these discourses and stereotypes are constructed and promoted by various institutions, such as the media. Above all, interpretations in terms of 'police culture' or 'racism' are not contradictory at all. As Levy and Zauberman noted in France:

The normative character of this police racism makes it a part of the police culture, above all. It is distinct from the prevailing racist atmosphere and from the prejudices held by those social classes from which officers originate. It is not an ideological construction or a doctrine... Police racism is mostly of a reactive character. People do not enter the police because they are racist; rather, they acquire racial prejudice through a process of professional socialization (Lhuilier, 1987:121). In other words, the habit of judging individuals on the basis of their supposed ethnic characteristics is acquired on the job... Nonetheless, racist representations also have an operational character, in that they make it easier to single out individuals. In practice, by orienting police vigilance toward immigrant criminality, a self-fulfilling prophecy can emerge (Lévy & Zauberman, 2003: 1064-1066).

If racism is an element of a police sub-culture, it remains to relate this concept to police practices. According to Waddington, researchers on police subculture tend to focus on what police officers say, rather than what they do. As a result, police subculture is reduced to the 'canteen culture', that is, "expressive talk designed to give purpose and meaning to inherently problematic occupational experience" (1999). As

researchers attempt to bridge what officers say and what they do, police canteen culture becomes the explanation of police action. However, researchers studying the police repeatedly acknowledged the discrepancy between police talk and practices, and specifically between canteen racism and actual treatment of ethnic minorities (Waddington 1999). Police subculture can be better understood as rhetoric, an area of action separated from the street, used by police officers to cope with their problematic occupational experience (Waddington 1999, Chan 1997). In our opinion, a distinction should however be made between the police ‘canteen subculture’ expressed in front of one’s peers in canteen banter and jokes, and what can be called an ‘operational culture’, that is, a set of values and beliefs oriented towards action, used by police officers not as presentational strategies but as operational tools. If a large part of the police subculture is indeed meant to provide legitimacy and protection from outside powers, other elements of the police subculture can have more practical consequences, including discriminatory ones. Engel et al. note for example that “the myth of the effectiveness of racial profiles to control serious crime and drug trafficking is incorporated into the structure and the activities of police departments” (2002: 266).

2.4. Organizational factors

Some authors went beyond the two previous approaches, and considered the role played by institutional processes in the production of discrimination. Police officers work in an organizational setting that influences their behavior and thus may hinder or promote discriminatory practices. A large part of police work does not result from police officers’ own initiatives but is directed by the instructions, policies and priorities defined at the management or the political level. Policies and organizational features can have, sometimes inadvertently, discriminatory effects. In the context of racial profiling and police discrimination, these aspects have not been sufficiently researched. Available research suggests that race-based deployment (Alpert et Al. 2007), stop and search practices, and the fight against irregular migrants (Lévy & Zauberman 2003), or terror (Harris 2002) can have critical implications for law enforcement and minorities. These approaches can be related to the concept of institutional racism, which emerged from a 1999 government-sponsored inquiry led by Macpherson. The inquiry report emphasizes the role of routine police practices in

the production of disproportionality. According to the report, ‘color blind’ policing, especially in the case of stop and search, can have a negative impact on ethnic minorities. Discrimination is no longer considered as the result of the prejudiced intentions of police officers, but as the consequences of policies and routine police practices. Research on the police has emphasized the influence of supervisors on police officers’ behavior (DeJong et al. 2001, Engel and Worden 2000). Organizational incentives can influence the willingness of police officers to perform certain activities. According to Engel et al., “on hierarchical paramilitary organizations, one may suppose that officers’ choices are constrained by bureaucratic forces, including the preferences of their immediate supervisors and high-level managers” (2002:265). In a similar vein, Van Maanen described how quantitative measures of work performance, rewards, incentives and discipline can be used by supervisors to influence officer’s behavior (1983). Applied to issues of ethnic profiling and disproportionality, these theories can bring new insights on the mechanisms contributing to the reproduction of ethnic inequalities.

This paper is an attempt to shed light on the mechanisms contributing to the production of disproportionality. Our concern does not lie in measuring disproportionality, but in explaining it. More specifically, this paper will address two aspects overlooked in previous research on discrimination and ethnic profiling. On the one hand, it aims at exploring further the relationship between cognitive processes, such as stereotypes, and police practices. On the other hand, it attempts to stress the organizational processes that are involved in the production of disproportionality.

Chapter 2: Research design

1. Research question

While the literature on ‘race’ and policing is abundant in Anglo-Saxon countries, continental European countries, such as France and the Netherlands, have shown until recently little interest in studying this issue. This discrepancy can be partly explained by different political cultures (Fassin 2002), police organizations and structures, and different conceptions of the police institution (Lévy & Zauberman 2003). In France for example, the ‘Republican ideal’ was for a long time, and is still to some extent, an obstacle to the study of discrimination (Fassin 2002). Police violence, tensions with ethnic minorities and discriminatory behaviors are however not absent from the French and the Dutch landscapes, as suggested by the existing literature (Punch 1979, Jobard 2009, Lévy 1985, Jobard & Lévy 2009, Eijkman 2010). Disproportionality, that is, the disproportionate impact of policing on ethnic groups, is supported by strong empirical evidence in numerous countries (Miller et al. 2006, Harris 2007, Bowling & Phillips 2007, Jobard & Lévy 2009). As noted by Engel et al. however, quantitative studies often lack the theoretical background necessary to interpret their findings (2002). As this paper draws on qualitative data, we are here less interested in measuring discrimination, than in exploring the mechanisms through which it is produced, more precisely the ways in which policing can bias crime statistics concerning ethnic groups. By mechanisms, we mean the “frequently occurring and easily recognizable causal patterns that are triggered under generally unknown conditions or with indeterminate consequences” (Elster 1998), meaning that they allow us to explain but not to predict. We will focus on two aspects that have been overlooked in previous research: on the one hand the relationship between discourse and practices, on the other the role of organizational and managerial factors in the production of disproportionality. I will thus address the following questions:

Research question:

What are the mechanisms in policing that contribute to the production of disproportionality in France and in the Netherlands?

Sub-questions:

What are police officers' attitudes and stereotypes towards ethnic groups?

How do stereotypes on ethnic groups influence police decision-making and behavior?
In other words, how are these stereotypes translated into practices?

How useful is the concept of police 'subculture' to explain ethnic bias in policing?

Why would police officers choose to discriminate? How do they make sense of ethnic profiling practices?

Beyond police officers' intents, what organizational and cultural features may contribute to the production of disproportionality?

2. Conceptual framework

Researching discriminatory practices nowadays is not an easy task: widespread fifty years ago, overt racism and prejudice are no longer socially accepted (Quillian 2006). Discrimination seems to have taken on new and more subtle forms, challenging traditional conceptualizations of racism and discrimination. Researchers developed new approaches in order to address these challenges and 'uncover' the 'subtle, hidden and sometimes unintentional forms taken by prejudice and discrimination' (Quillian 2006: 300). They sought to understand the discrepancy between nearly uniform repudiation of racism and pervasive racial discriminations observed for example in employment and housing. Researchers in psychology have demonstrated, using experiments, the role of implicit racial bias and stereotypes in our judgments and actions. New prejudice approaches postulate that prejudice continues to influence

people's thoughts and actions, but has taken on other forms. 'Ideological refinement' (Jackman & Muha, 1984), 'symbolic racism' (Kinder & Sears, 1981), and 'laissez-faire racism' (Bobo et al. 1997) are all attempts of defining these new forms of prejudice. New prejudice theorists often consider racism as a group function, an ideology used to maintain whites' dominant position. Racism is sometimes defined as a structural phenomenon, in which the actor – and with him the question of intent – does not play a significant role. The concept of 'institutional racism', first developed by Carmichael and Hamilton in 1967, made a distinction between overt and covert racism. By emphasizing the role of institutions' routines, norms, practices in the production of racism, the concept stimulated a new line of research on racism and discrimination. In this approach, racism is no longer understood as an ideology, or an individual pathology, but as the result of the normal functioning of institutions. The concept marked a clear break with previous approaches, formulated in terms of prejudice, implicit bias or statistical discrimination, because it went beyond an individual understanding of discrimination and stressed the role of institutions in the production of ethnic inequalities. However, as pointed out by Sala-Pala, the concept of institutional racism presents some major disadvantages (2010): because it defines racism by its consequences, it tends to bring under the same label of racism a wide and diverse range of phenomena, many of which have little to do with racism or racial prejudice. Moreover, by focusing on institutional factors, the concept tends to neglect the role of the agent - and with it the question of its 'intentionality' and motivations, a crucial question in sociology (Sala-Pala 2010). Despite its conceptual flaws, the concept of institutional racism offers an interesting starting point, from which to define a new conceptual framework for our research.

For some authors, the development of these new approaches to understanding racism and discrimination resulted into a 'conceptual inflation'. For Wacquant, the term racism has been used in so many ways in social sciences that it lost all its analytical power (Wacquant 1997). Another problem lies in the normative nature of the concept; the researcher is constantly at risk of falling into what Wacquant calls 'the logic of the trial' (1997) while as Wacquant reminds us "to conduct sociological analysis is not to conduct a trial but to uncover the social and symbolic mechanisms that produce, reproduce, or transform social facts over time and across space, its end-purpose is to explain and understand, not to excoriate or exculpate, denigrate or celebrate" (1997).

Wacquant advocates for the abandon of the use of the term ‘racism’ in social sciences. He proposes a new ‘analytic of racial domination’, distinguishing five elementary forms of racial domination: categorization, discrimination, segregation, ghettoization and racial violence (Wacquant 1997). In our research, we focus on the two first aspects of racial domination: categorization (classification, prejudice, and stigma) and discrimination (different treatment based on imputed group membership).

In order to overcome these limitations, many authors preferred the term discrimination to racism, which “carries a stronger moral condemnation” (Quillian 2006: 303). In a broad way, discrimination can be defined as follow: “(1) differential treatment on the basis of race that disadvantages a racial group and (2) treatment on the basis of inadequately justified factors other than race that disadvantages a racial group” (National research council 2004). This definition includes two parts: the first one refers to a situation where individuals are treated unequally because of their ‘race’ or group membership; the second part of the definition, often referred to as ‘disparate impact discrimination’, does not imply any ‘intentionality’ and includes “decisions and processes that may not themselves have any explicit racial content but have the consequence of reinforcing racial disadvantage” (Quillian 2006, Pager & Shepherd 2008). Following the institutional racism approach, we want to tackle the issue of discrimination from a broad perspective, and consider the wide range of mechanisms that can play a role in the production of discriminatory effects. However, in order to avoid the pitfalls of the institutional racism approach mentioned above, we want to distinguish between two levels of analysis: the study of the cognitive processes that may underpin discriminatory practices (categorization, stereotypes), and the study of the practices that may have discriminatory effects (practices such as selective law enforcement). We use the term ‘disproportionality’ to describe police practices that have a disproportional impact on ethnic minorities. Within disproportionality, we distinguish between discrimination, that is, practices intended by police officers, no matter the nature of the intent (prejudiced or not), and other mechanisms, that contribute to disproportionality but are independent from police officers’ will.

To say that discriminations can be intentional does not mean however that they are necessarily ‘prejudicial’. According to the ‘statistical discrimination’ approach, ‘pure’ discrimination, resulting from a ‘taste’ for discrimination should be differentiated

from ‘statistical’ discrimination, resulting from a rational choice, based on the discriminated group’s average behaviour in a context of information shortage (Phelps 1972, Kim 2009). This approach is interesting in the sense that it broadens the question of ‘intent’, and shows how certain choices can be discriminatory without necessarily being ‘racist’ (i.e., with hostile intent). It however presents some major drawbacks. First, it does not say much about the processes through which this ‘knowledge’ about groups (starting with the existence of the group itself) is constructed. Second, by considering some choices as ‘rational’, it assumes the existence of an ‘objective reality or knowledge’, versus ‘irrational prejudice’. Making the distinction between the two also poses numerous empirical problems, especially when actors often use seemingly ‘rational’ discourses to ‘hide’ a prejudicial idea or justify a discriminatory behavior. Finally, the dichotomy between pure and statistical discrimination is far too simplistic to resolve the question of intent in a satisfactory way. Discriminatory practices can have many other motivations, including anticipated reactions, past experiences, etc. For these reasons, we do not follow the statistical discrimination approach, and prefer the distinction between intentional practices, that is, discrimination (with the intent to discriminate but for different reasons), and other mechanisms, that go beyond police officers’ intent.

3. Methodology

3.1. Qualitative methods

This work is an attempt to shed light on the mechanisms that contribute to the production of disproportionality in police work. We are here less interested in measuring disproportionality than in explaining it. As qualitative methods aim “to describe a system of relationships, to show how things hang together in a web of mutual influence” (Becker 1970), they are the best equipped to answer our questions. Our interest precisely lies in the web of relationships Becker talks about. We are looking at the ‘frequently occurring causal patterns’ (Elster 1998) that lead to disproportionality. Qualitative methods offer the necessary flexibility to look at the wide range of factors involved in the production of disproportionality.

3.2. Interviews

Interviews offer an opportunity to get closer to the meanings actors give to their actions. In the context of policing, interviews were crucial to understand how police officers made sense of their occupational experience. Through the interviews, I acquired crucial insights on the police subculture as well as on the attitudes police officers held towards ethnic minorities. Interviews were especially useful in the first stage of the research, that is, the analysis of the cognitive processes involved in the production of disproportionality. I also used interviews to collect data on police practices and organization. In all, 45 interviews were conducted, 33 in France and 12 in the Netherlands. Interviews were all conducted on the work place, in a separate room. 10 interviews were conducted with managers and high-ranked officers in order to gather data on some organizational and managerial aspects of police work. All the other interviews were conducted with street police officers. Using a semi-structured interview guide, I asked respondents open-ended questions about specific cases and situations encountered during the patrolling, their working methods and conditions, as well as their personal opinions about the issue of discrimination by the police. As the research question deals with discrimination, I expected respondents to be reluctant to talk about these issues. I accordingly chose an ‘indirect’ interview strategy, asking questions about working practices and conditions rather than discrimination. In this way, the propensity of respondents to give political correct answers and presentational discourses was reduced. In France, I was confronted to a higher social desirability bias (Randall 1991, Fisher 1993), which made it harder to study the issue of stereotypes but turned out to be a finding in itself. All the interviews were transcribed, and coded, with the support of the Atlas.ti software.

3.3. Participant observation

If one wants to understand the complex dynamics at work in the production of disproportionality, it is important to take into account the different processes involved (Pager & Shepherd 2008). The direct observation of police work offers a great opportunity to get precious insights on the influence and interactions of these processes. Interviewing police officers can provide useful data on individuals’ attitudes and to some extent practices, but one cannot deduce practices directly from police discourses. What police officers say and what they do can differ dramatically

(Waddington 1999, Pager & Quillian 2005). The sensitivity of the topic and the specific nature of the organisation often held as ‘one of the most secluded part of the criminal system’ (Skolnick 1966) make it extremely difficult for researchers to reach the ‘inner reality of police work’ (see Punch study in Amsterdam, 1977). The only way to get close to this reality is participant observation. “The essence of participant observation is the prolonged participation of the researcher in the daily life of a group (though not necessarily as a member of the group) and his or her attempt to empathize with the norms, values and behaviors of that group” (Becker 1970). According to Punch, “participant observation enables one to go behind the public front of a conspicuous service bureaucracy to witness ‘backstage’ behavior when the actors are off-stage, not performing to a public, and not peddling stereotyped scripts for the benefit of bystanders” (1977: 18). I spent one week in a police station in the center of Paris, two weeks in a police station in the suburb of Paris and three weeks in a police station in a Dutch city. In the Netherlands, I was granted full access: I followed an operational team, did the same shifts, sat in the back of the car during patrols, and went with the officers on interventions. In France however, despite all the efforts deployed, I was not allowed to ‘go outside’. I could however attend hearings with victims and perpetrators, and observe interactions with suspects at the station.

3.4. A ‘limited’ comparative approach

The first idea was to conduct observations of police work in France and in the Netherlands in order to draw a comparison between the two countries’ police practices. However, as other researchers studying the police did (Cerwonka & Malkki 2007), I encountered difficulties in finding access to the sites. In the Netherlands, after several failed attempts and with the precious the help of a few contacts, I finally managed to obtain an authorization to conduct research in a police station and I was able to follow the work of an operational team. In France, on the other hand, it proved to be tremendously difficult to obtain such an authorization. After several moves, I managed to obtain a partial access to two sites, meaning that I was allowed to conduct interviews and observations in the police station but not to follow a team outside. I thus ended up with an unbalanced design: interviews in two sites in France, and interviews and observations of police work in one site in the Netherlands. As a result, I was not able to conduct a systematic comparison of police work between the two

countries. Nevertheless, by using practices-oriented interviews in France, I managed to collect data on French police practices. In some cases, these data allowed me to compare practices and organizational features in the two countries. In other instances, the lack of observations in France prevented me from drawing comparative conclusions. In addition, police work in the two countries was not always comparable because of the different police structures. For example, in the Netherlands irregular migrants are mostly detected by a special police force, so I could not gather observations on this issue. By contrast, interviews with French police officers provided data on this type of police activity. Another consequence of the research design is that it was sometimes very hard to distinguish between what was specific to the Dutch police, to the French police, and what was similar. Despite these limitations, the collected data provide critical insights on the mechanisms that contribute to the production of disproportionality. When it is possible, I will thus use a comparative approach. Otherwise, I will use the material to analyze police practices in general or specify the country to which the observations apply. In the end, the comparative approach, even though ‘limited’, was very useful to interpret the results and to emphasize the influence of cultural and organizational factors. The comparative method is always useful as it ‘prevents the researcher from easily generalizing observations and encourages him to constantly question his findings in the light of the other case’ (Collier 1993, Mahoney 2007).

3.5. Sampling and sites selection

The three sites share similar characteristics: they are all part of larger urban areas with high concentrations of minority groups and social housing. S. is a city in the suburb of Paris, which counts 60.000 inhabitants. L. is a neighborhood of a Dutch city, with about 40.000 inhabitants. These two areas are relatively comparable in terms of size, police activity – they are relatively quiet areas, and in terms of population (ethnic minorities, combination of poor social housing and wealthy residential areas). P. is a district of the center of Paris. With more than 200.000 inhabitants, P. differs from the two other sites. While the population is rather mixed in terms of social class and ethnic background, it is a much more eventful and dangerous area compared to the two other sites. As a result, the activity of the police was quite different. This site was used to assess the importance of local dynamics and distinguish between area-specific

features and country-specific ones. Due to practical reasons (time frame and resources), I could not have a second case in the Netherlands. Nevertheless, the observations and interviews conducted in the Netherlands indicated that similar logics (differences between eventful and quiet areas) were at work in the Netherlands, and thus that this case could also be used to interpret some of the observations conducted in the Netherlands.

Chapter 3: stereotypes and discrimination

Disproportionality can result from police officer's intent to discriminate. I use here the term discrimination to describe police officers' intended actions, in opposition with disproportionality that does not necessarily imply such intent. In the literature on discrimination and ethnic profiling, stereotypes are often presented as one of the main forces driving discrimination. Police officers can however choose to discriminate or profile certain ethnic groups for different reasons, and not all of them need to be prejudicial. Why would police officers choose to discriminate? Is it because they are simply 'racist' (animus towards ethnic groups)? In this chapter, we will see that stereotypes can have different meanings (police culture, political culture, experience) and translate different motives (operational knowledge, racial animus). Empirically these different motives are however difficult to distinguish. After looking at the construction and meanings of police stereotypes, we will turn to the practical consequences of these categories.

1. Stereotypes and categorization: the construction of 'dangerous classes'

In France and in the Netherlands, police officers construct and use categories to apprehend their environment and guide their actions. They make distinctions between 'normal citizens', and 'dangerous classes' on which to focus their attention. In both countries, these categorization processes involve an ethnic component.

1.1. In the Netherlands: an explicit focus on ethnic groups

1.1.1. "kanker Marokkanen" (*a police officer, after talking with a group of Moroccan youth*)

On my first day at the police station, a police officer, a young male of Surinamese origin, asked me in the car, out of the blue:

J.: Do you have specific types of people that cause trouble in France?

R.: What do you mean?

J.: Like, here we have the Moroccans; they cause a lot of problems.

I was quite puzzled by his remark, and above all his frankness. I had just done my fieldwork in France, and I was not expecting police officers to express their opinion on these issues so openly, even without me asking anything. In France, I had to think carefully about the words I was using, about the strategies I could use to bring up the topic. I soon realized that ideas and terms that would be considered as racist in France were accepted in the Netherlands. In the mind of many police officers, clear and almost systematic associations were made between ‘bad places’, ‘criminals’ and ‘foreigners’ or ‘allochtonen’:

NL8: In this area, there are bad ‘allochtonen’. I mean outside, not among the colleagues, but on the streets, the public... Not every ‘allochtoon’ is bad, but the most troubles on the street, when you talk about theft, robbery... most of the time, it’s an ‘allochtoon’. And that is very strange because there are 15 million Dutch people, the most people are ‘autochtoon’, and if you go to jail, the most criminals are ‘allochtonen’.

A striking feature of the stereotypes expressed by Dutch respondents is the focus on Moroccans. While 40 years ago, Surinamese people were the primary group targeted by the Dutch police and described as ‘criminals’ (Punch 1974), today Surinamese are perceived as well ‘integrated’ into Dutch society. The role of ‘symbolic assailant’ (Skolnick 1966) was gradually ‘taken over’ by Moroccans.

NL3: There are only one or two minorities that don’t respect the police. For example, Moroccans, they don’t like the police at all, but the police don’t like Moroccans too so... (...) It comes from their... you know, the first Dutch word they learn is “oh you are a racist” because you are a white girl, you get a fine for driving through a red light, for example, I write a fine to you, you say, “ok, I don’t like it, but thank you” and I say “have a nice day”, but I write exactly the same fine to a Moroccan guy or girl, they say “hey, this is because I’m from Morocco, blablabla” (mocking an accent) exactly the same.

1.1.2. “They don’t want to adapt”

Most Dutch respondents emphasized the role of cultural factors to explain the tensions they experience with Moroccans. Many police officers put forward the fact that Moroccans “don’t want to adapt” to Dutch culture and society.

NL3: I think that in France, you have the same problem with Algerian people. Why do always Moroccans or Algerians have a problem? I think, they don't want to naturalize in the new country. If I go to Morocco, on holiday for example, I have to listen and I have to adapt myself to their culture, I have to wear long trousers, I cannot look at their women, I was in Iraq so I know how it works, never show your left foot to a Muslim, don't wave with your left hand because it's not clean, you know, that is the basic rules in Muslim culture. So when I go to a Muslim country, I try to adapt myself to the Koran, maybe not to the Koran but to the Muslims as much as possible. So when a Muslim comes to our country, he has to know how it works in our country because for example we can look at other women, we can sit like this (legs wide open), you can see my foot sole, when I see someone I say "hey" with my left hand, it's all this kind of little things are little differences but when a guy from Morocco comes to my country and expects from me that I adapt to him, I think that is wrong.

According to this respondent, Moroccans are responsible for the problems they encounter: the police do not like Moroccans, but they have a good reason for it. By putting the blame on Moroccans, officers convince themselves that 'they deserve it'. In doing so, they neutralize potential moral dilemmas (Waddington 1999). A young female police officer, white, who has a Moroccan boyfriend, developed a similar argument:

NL5: It was two years ago, the riots? It was very big news here. And most of them are French or originally from North Africa? (...) There are a lot of Algerians in France I believe. So they probably have the same problems we have here. (...)

R.: But why do you think it's like that?

NL5: I don't know, I think it's also difficult for them because at home there are strict rules, and when they are outside, the parents they say "no, you are outside, the police take care of it", that's normal there in Morocco but in the Netherlands it's not normal, because the parents have to take care of the children when they are outside.

R.: But they were born here.

NL5: Yes, but they still think that they are Moroccans and not Dutch. If you ask them "what are you?" they would say "Moroccans". It's not easy for them also.

Respondents often referred to the riots that took place in France in 2005 to support their argument. For them, these events are the confirmation that the problem is cultural and concerns North African people. In the discourses of many Dutch police

officers, Moroccans as a group seem to embody alone the ‘police problem’. Moroccans are perceived as ‘police property’ (Lee 1981), or ‘dangerous classes’ (Morris 1994) that need to be focused on.

1.1.3. Stereotypes towards other groups

In practice, police officers often mingle Moroccans with other groups. As a result, a much broader range of groups is potentially affected by the stereotypes described above: Turkish, Kurdish, Middle Eastern, and other North Africans. Individuals that police officers identify as Moroccans do not need to be actual Moroccans as long as they perform their symbolic role. In turn, this confusion reinforces police stereotypes on Moroccans.

Although police officers’ stereotypes are primarily directed towards Moroccans, older immigrants’ groups such as Surinamese and Hindustani people are still the victims of prejudice. Such stereotypes seem however to be less widespread and are not necessarily associated with crime (rather with laziness, or dirtiness).

NL3: For instance, I have been to a school with a lot of Hindustani people, outside of J.(secondary school) in S., and I really thought very highly of them because they were very decent people, very educated, regular people, and then I came here and this has the biggest Hindustani population in all Holland, they have a really big amount of these people here, and I saw all the problems they have, the drinking problem they have, the wife, if someone beats his wife, everyone would say, it must be an Hindustani. It’s what everybody thinks because the chances it would be an Hindustani person is very big because it’s what they are known for, not ten out of ten times, but a lot of times it’s Hindustani people. It has to do with alcohol because they drink a lot and they beat their wife, it’s what they are known for. Is it discrimination? Maybe, but it also comes from something. So that’s... It’s also experience.

In recent years, Polish migrants have become increasingly targeted by the police. In police officers’ discourses, Polish people are systematically associated with excessive drinking and some types of crime, such as break-ins.

Talk about Polish people (in the car): “many Polish people here. Before most of them were working, but now they have no job, they are just hanging out here, doing excessive drinking” (NL4), “and break-ins” (G.). “It’s also a problem we have”.

“Thanks to her, the detectives arrested two Polish guys that did a car burglary” (proudly).

The recent focus on Polish migrants questions the role of color and other ethnic features in stereotypes and policing and illustrates the porosity and changing nature of ethnic boundaries. In practice, it could be expected that it is more difficult for the police to profile Polish people than Moroccans. Yet, some police officers claimed that they could easily recognize them by their look and clothing style. Dutch respondents expressed strong stereotypes towards certain groups, especially Moroccans. Most respondents made a clear association between (presumed) Moroccans and crime. In police officers’ mind, this group is perceived as ‘dangerous’, and thus as requiring a higher police scrutiny.

1.2. In France: les “branleurs”, les “racailles” (North African Youth)

French respondents talked about ethnic groups much less openly. In France, not only is the expression of stereotypes about ethnic minorities repudiated in the public discourse, but also any reference to the origin or the ethnicity of a person or a group. In order to protect themselves from accusations of racism, many respondents explicitly stressed their attachment to egalitarian principles. Some officers did use ethnic terms and talked more openly about immigrants’ crime but in general, French police officers carefully avoided talking about ethnic groups, and when they did, they emphasized the importance of social factors.

1.2.1. Social factors: « an unstoppable logic »

Dutch and French respondents gave different arguments to explain the overrepresentation of ethnic groups in crime statistics. While Dutch police officers emphasized the role of cultural factors and ethnicity or nationality, French police officers favored explanations in terms of social classes.

FP6: But it’s true that... and I’m really quite objective, unfortunately... I mean... people with an immigrant background, they are in social housing, they are the ones that have less money, and they are the most disadvantaged, so necessarily it’s an unstoppable logic. There is no, there is not... It’s inevitable, crime is going to come

from where, it's coming from these people. Without being... I'm not especially left wing or right wing, I'm nothing at all. It seems to me that it's an unstoppable logic. When we hear left wing people, they say there is discrimination but it's not true at all. Society makes that it's going to be these people. That's it, so it will be immigration from Africa, from North Africa, that's all. We will find these people. Now there are many Eastern countries because it's them who come here. But it's not especially... It's how it goes, that's it. It's the unhappy people, who steal, who... That's all. And unhappy people, who is it now: it's the immigrants. I'm not especially, nothing, but it's the 'unstoppable logic', like it must be everywhere, like in the US, they say minorities, the Latinos, yes because the Latinos, maybe they work in a factory, on the assembly line, they are penniless, they can't get decent housing, so at some point to escape all that, there is one of them that is going to, maybe sell some drugs, there is no... It's society that wants it.

This police officer adopts an empathic attitude towards migrants. According to him, criminality is not a matter of ethnicity or culture, but of social class: migrants and ethnic minorities are over-represented in crime statistics because they are poor.

1.2.2. A 'colorblindness' discourse

French discourse on ethnic groups is characterized by 'colorblindness', that is, the denial of the relevance of color. Asked about the issue of discrimination, most respondents categorically denied the existence of discriminatory practices. Many respondents seemed to feel personally attacked as soon as the topic was brought in.

FP9: what do mean discrimination?! What does that mean?! The offender has no color (...) Oh yes, "you only stop blacks and Arabs" no, no. (...) For me, the job how I see it, it is 'crime has no color'. It is my motto. I can deal with an Arab, a black or a white, or a green, a Martian, for me, it's the same.

Most respondents categorically rejected the idea that the ethnicity or the color of a person could influence their judgment in any way.

FP8: It has nothing to do with that, white, black, Arab, we don't care, it is according to what happens, and that's it, we don't judge people on that at all. We judge people on the facts, well we judge, we don't judge, we are not going to say, this guy has done this, he is like this, but we act on facts, and not the color or the origin of the person.

For this respondent, there is no doubt that police officers are objective and fair. They only act ‘according to the facts’, that is, according to the nature and the seriousness of the offence committed. In this light, discrimination is reduced to a mere perception on the part of citizens, who are not able to understand the value of police work.

FP15: on certain types of public that always feel victimized, that have the impression of being always checked. But once again, they play on it. If they are checked, it's because there is something wrong. They don't wear their seatbelt, they have committed an offence, they drive too fast, so there is always a reason for the check, it's not for fun. We are checking because there is something fishy, in a way.

French respondents carefully tried to avoid the mention of any ethnic features. Nevertheless here the reference to minority groups is quite clear through the expression ‘certain types of public’. These people feel ‘victimized’ - a pejorative term in French, meaning that they *feel* that they are disproportionately checked but that it cannot be true. Worse, they are aware of this and use the discourse of discrimination as an excuse, as an attempt to dismiss the charges pressed against them. For this police officer, the legitimacy of the check is taken-for-granted: after all, if the police arrested them, they must have a good reason. If at first glance, French police officers seem and claim to pay less attention to ethnic characteristics, they also use categories in which ethnicity plays an important role.

1.2.3. Les ‘branleurs’

French police officers avoid talking about ethnic groups, but it does not mean that they do not categorize people and that ethnicity does not play a role in this categorization process. If French police officers rarely use ethnic terms to describe a person or a group, they often refer to other terms and expressions such as ‘jeunes des cités’ (the youth from the suburbs), ‘les branleurs’ (jerks), les ‘jeunes voyous’ (young thugs), or racailles (scum) which in French is often, though not always, used to describe black or North African youth.

FP10: Having said that, discrimination, I think it's also according to the attitudes rather than ethnicity. Because anyway, what we call here the ‘branleurs’ (jerks), they are all dressed the same, regardless of their color.

R.: What is a 'branleur'?

FP10: Well, it's a guy who walks a bit like this, who is wearing a tracksuit, a cap, as soon as he sees us he tries to show off a little bit, to make his buddies laugh but the problem it's that when we come, it's always them.

If the ethnic origin of these youth is rarely mentioned, they have other distinguishing features: clothing, way of talking, way of walking, etc. As a matter of fact, these youth are mostly North African or black, but it is very difficult to make distinctions between these different factors. This group, extremely broad, because defined by attitudes, clothes, or residential status, but also more or less implicitly by race, is the object of strong stereotypes by French police officers.

FP17: Our clientele as police officers, at night it's going to be drunk guys, so barbarian relations, it's going to be some young thug, often black (in English) who speaks four words of French, but who manages to have a discussion with his friends for more than three hours "houaiche, siva, euh" (mocking French suburb slang) and it's going to be... often they are looking for clash or domination so necessarily it's going to be a more 'direct' approach.

As it is the case with Moroccans in the Netherlands, these stereotypes can be associated with a real hostility. Some respondents even compared the relationship between the police and these youth as 'a phenomenon of rival gangs'.

1.3. The 'French republican ideal' vs. pillarization

French and Dutch respondents use different discourses and categories to describe their clientele. While Dutch respondents openly expressed strong stereotypes about certain nationalities, French police officers were in general reluctant to talk about the origin of a person, and used indirect discursive strategies to do so. These differences do not thus reflect actual levels of stereotypes but the existence of different speech norms (Bonnet 2011) in the two countries. The different political cultures of the two countries can partly account for the observed differences in the level of expressed stereotypes. In France, the French republican ideal, that claims that immigrants give up their ethnic heritage and become French within one generation, makes it very uneasy for French people to speak openly about ethnicity (Fassin 2002, Simon 2003,

Zauberman & Lévy 2003). This ideal is reflected in the ban on the collection and the use of ethnic data in official statistics. Because they regularly face accusations of racism and discrimination, French police officers are especially sensitive to this issue. They know that the simple use of an ethnic term might be interpreted as an evidence of racism. As a response, police officers use discursive strategies to avoid the use of such terms, almost unconsciously. By contrast, the Netherlands have a very different political tradition concerning minorities. The tradition of pillarization, that acknowledges cultural differences and grants specific rights to ethnic minorities, makes it much less problematic to talk about ethnicity and ‘allochtonen’ (Lijphart 1990, Engbersen et al. 2006). This tradition is also reflected in the academic field, which has for example paid a lot of attention to the issue of ethnic groups’ crime (Brion 2003). The differences found between the two countries in the level of expressed stereotypes reflect the fact that the social desirability bias is much stronger in France.

Dutch and French respondents do not use the same categories and discourses to talk about ethnic groups and discrimination. While Dutch respondents openly expressed strong stereotypes towards certain ethnic groups, especially Moroccans, most French respondents carefully avoided the reference to ethnic features or nationalities and preferred the use of other terms (‘racailles’, ‘jeunes des banlieues’). Differences in levels of expressed stereotypes do not however necessarily reflect actual levels of stereotypes. They say something about the different political cultures and speech norms of the two countries. In both countries, we identified the construction of a category of ‘symbolic assailant’ on which police officers can legitimately exert their powers. Even though the role played by ethnicity is more explicit in the Dutch case, both categorization processes involve ethnic components. Now that we have roughly outlined the categories used by police officers and the stereotypes associated with them, it is time to look at the processes through which these stereotypes are constructed and reinforced. Are these stereotypes the result of individual prejudice (the attitudes of a few ‘bad apples’) or are they embedded in a police subculture?

2. Police stereotypes' meanings and functions

2.1. "It's the individual that makes the uniform"

According to some respondents, discriminatory practices and racism do exist in the police, but they are the result of the deviant behavior of a tiny minority of police officers. Some respondents did acknowledge the existence of discriminatory practices but distanced themselves from them, by saying that some police officers 'might discriminate'. Arguments such as 'we are human', or 'it's like in any other organization, you have good and bad elements' were used by respondents to reconcile recurrent accusations of discrimination (by many NGOs, public, minorities) and their mission ideal.

FP13: We mustn't delude ourselves either, sometimes at our level, some things are lumped together, y'know.

R.: You mean, by police officers?

FP13: It's give and take. Well, it's give and take, it does not excuse anything but the problem it's that we are often confronted with the same type of population who commit offences and crimes, and that some... It's like everywhere, in any institutions, there are some good people and some that are less good. But they are always restrained, because precisely we are three in a car, because there are always one or two who are alright and who are going to calm their zeal, and that the system is also made like this, we are supervised and punished for abuses at our level: it restrains, especially nowadays with the rise of journalism, of the media, cameras everywhere, it purges quite well the behaviors, that in the past gave a very bad image, even though that image hasn't improved still.

This young police officer admits that some police officers might 'lump together problems', meaning that they might generalize and construct stereotypes based on their experiences with minorities. According to him, discriminatory practices are however less likely than before because these persons are never alone in the car, and highly supervised. For him, some police officers are 'racist', but the police institution restrains these officers from misbehaving. Many respondents emphasized the fact that behaviors and attitudes could vary tremendously from a police officer to another.

FS9: All these elements will play in a way on an officer and in another on another... Concerning the public, it's the individual that 'does it'. Unfortunately, it's not the

uniform that does it... How to explain this... The person that is going to be checked, who is going to deal with a police officer, she is going to see an officer among so many others, and this police officer can have a good way of approaching the person, or can have a bad way to do so, and we are 120.000, there are not 120.000 good cops, there are not 120 000 straight persons, it's not true, it's impossible. We are human beings, and among human beings, you necessarily have some that do not take the right path, which deviate a bit, you have some that do not care about anything (...). Everything depends on the individual; it's the individual that makes the uniform and not the uniform that makes the individual.

Even though this idea sounds plausible, our data do not reveal significant variations between individual officers. Stereotypes and discourses on the criminality of certain ethnic groups seemed, on the contrary, shared by a majority of respondents. In police officers' discourses, stereotypes on ethnic groups are not perceived as 'racist attitudes'; rather, they are presented as common-sense knowledge, a part of a police operational culture, that is, a set of beliefs and knowledge guiding police practices.

2.2. Experience and police culture: stereotypes as practical knowledge

For police officers, stereotypes and categories assume a practical utility. It is part of a special type of knowledge they acquire on the job and use as a tool to divide the population they deal with between the 'respectable' and the 'dangerous classes'. In many police officers' view, what the public perceives as discrimination amounts to sound police work. In this light, police officers are not discriminating: they simply focus on the groups that they perceive as more involved in criminal activities.

NL3: I mean, it happens but I also say it happens for a reason. I mean, we live in... This area has 50% of people with a foreign background, not with Dutch nationality, or who was not born Dutch so 50% are not White born Dutch people, but the number of people that are arrested in here is not in that comparison... it's maybe 70 or 80%, the people that are arrested here most of the time Hindustan people, and Moroccan people. (...) If you see the amount of people who live here and the amount of people that are arrested, and from what nationality they are, it's always the same. It looks like... If you hear the reports on the radio that you get in the car; you know the people that are running away, if they give on the radio what people they are looking for, it's 9 out of 10 times the same description. It's not a White man. You know what I mean? There are a lot of North African people that are just criminals. And it's if you count it,

a lot of them have criminal records and especially in this area, in the city. It's harder to find somebody that doesn't have a criminal record than somebody that does have a criminal record. The amount of people that had problem with the police is enormous. So that's why it's hard to find a police officer that doesn't think that most Moroccans are criminals. It's hard to close your eyes for it because you deal with them all the time. Is that discrimination? It's also an experience from the past.

For this respondent, the systematic association made between Moroccans and crime stems from the experience of police officers. The argument is straightforward: "Most Moroccans are criminals, and that's why most police officers think that most Moroccans are criminals". Disproportionality is thus perceived as the consequence of the behavior of certain ethnic groups. Crime statistics are used to dismiss the hypothesis of discrimination: North African people commit more crime, and police officers are only responding to these 'raw facts'. While the higher involvement of certain ethnic groups in criminal activities may account for a part of the observed disproportionality, these statistics do not have any predictive value for the behavior of an individual. Moreover crime statistics do not reflect the reality of 'crime' but the result of the filtering process carried out by the police. Officers however tend to assume the existence of a causal link from these figures. In turn these generalizations might have serious implication on policing.

FP10: at the same time, the problem, it's also that without wanting to point to a minority or anything, you look at the people that are in custody [Laughs] and it's always the same [emphasis], it's always either some Blacks or some Arabs. It's sad to say, but yeah. (...) As I often say it, I have more chances to find something if I check two youth with a cap, listening to loud music in the car, than if I check a grandpa.

The underlying idea behind this argument is that ethnic profiling is an effective instrument of law enforcement. International research however suggests that this is not the case (OSI 2009). Besides, ethnic profiling practices can seriously undermine the legitimacy of the police and increase feelings of injustice (Harris 1997, Miller 2006). This myth of the effectiveness of ethnic profiling stems from the personal experiences of police officers, and seems to be firmly anchored in the police subculture.

2.3. Stereotypes as ‘faulty generalizations’

Stereotypes are part of a police ‘operational culture’ police officers use to guide their action. Nevertheless, the categories police officers construct and use are based on faulty generalizations.

NL5: It's difficult because when you are not a police officer you look very different towards that people because we only get with the bad guys, and they are very bad because they are really aggressive and verbally they are aggressive towards the police.

According to this respondent, the contacts police officers have with Moroccans do not reflect the reality. Because they only encounter the ‘bad guys’, officers develop negative stereotypes towards Moroccans. Another interviewed police officer challenged the systematic association between Moroccans and crime more explicitly.

NL6: I don't know. We also have bad Dutch people. It's not always the Moroccans. Everyone says that but that's not true, that's not true.

During my fieldwork in the Netherlands (3 weeks), I observed that, at least for the time I was there, and the specific area I stayed in, most arrests, contacts and offences were not committed by Moroccans, but by different groups. Out of 27 identified perpetrators (all offences), 19 were white Dutch or European, and 8 were from other backgrounds. Moroccans were involved only twice: once for a failure to show an insurance certificate, and the other time for a verbal assault. Even though these findings cannot be generalized, they clearly suggest that police discourses on the criminality of certain groups are not purely based on their experience. How to explain this discrepancy? Police officers’ experiences are mediated by a police subculture, that is, a set of common stories and myths police officers use to talk about their occupational experience. The belief that certain categories of people are more involved in criminal activities is a strong myth anchored in the police subculture, and shared regardless of the actual experience of police officers. For police officers, it is also a way of justifying their behavior and addressing accusations of discrimination.

Facing similar tensions and occupational pressures, police officers adopt a specific subculture, that is, common values, attitudes and stories about their work and the

world that surrounds them. Stereotypes on ethnic minorities are part of this police subculture. The concept of police subculture is helpful here to understand the discrepancy between what police officers say and what they do, and sheds light on the role of socialization in the adoption of prejudiced discourses and stereotypes. This police subculture is not however restricted to a 'canteen' subculture. Because stereotypes are considered by police officers as practical knowledge, they are also part of a police operational culture, and can thus have practical consequences.

3. Stereotypes as a trigger of suspicion: ethnic profiling in practice

Stereotypes on the criminality of ethnic groups are a practical knowledge police officers use to guide their action: ethnicity is one of the external signs police officers use to detect suspect behaviors, and single out individuals and groups on which to focus their attention. Stereotypes can thus lead to ethnic profiling practices: ethnicity will be interpreted by police officers as a sign of suspicion, as a prelude to violence, and will therefore potentially trigger police action.

FS4: It's never easy to talk about this (discrimination) but if I take my own experience, that's not a judgment at all, but the problem, it's that, on the radio, or based on what we do, 80 to 90 % of the offences are committed by persons precisely from minorities, or from immigration. It's not a judgment, it's an observation. But whatever the offence, drugs, but then, for drugs, it's mixed, there are a lot of French people, if I may say pure... Normal... Lambda... anyway that you won't suspect of consuming drugs and that do, so it's less true, but for violent crime, shoplifting, violent theft, brawls, break-ins, well the fact, that is unfortunately... and at some point we all have to say it, it's that 80%-90% of these offences committed red-handed, are done by people with an immigrant background, minorities, Eastern people, and so on. So inevitably, consciously or unconsciously, your work on the street is affected by this. Your attention is going to be much more attracted by this type of individuals, in areas, where you consider... where they are maybe not... where they do not necessarily live. If in a residential area, you see some eastern people, it intrigues you. It's like the example of the old man, in a residential area, you don't pay attention to it, a truck with Roma people inside, well it's necessarily suspect for you. Then your police work is necessarily affected. When you see a group of 4-5 African youth prowling around cars, it's not... Like if around a nursing home, you have 3-4 grandmas. Here again it's not a value judgment (trembling voice).

Stereotypes and past experiences with minorities influence police officers' decision making by deciding what a police officer will consider as suspect or not. When police officers are patrolling, they are looking for 'unusual fits' between places ('residential area'), times (at night) and people (ethnic minorities, 'youth'). Ethnicity is one of the criteria police officers use to detect 'suspect behaviors'.

FS5: to begin with, a suspect person, it's really too broad. In practice, a fine, it's a fine, it's an offence or a crime, it's defined by a written element, the law, a moral element, guilty intent, and a material element, a theft for example. If these three elements are tallied, you have an offence. Having said that, minorities... In practice, with minorities, the discourse towards the public, it's going to be 'we don't check people according to a minority', but in practice, well to be honest, we are going to pay more attention to certain groups in residential areas, compared to others, for example, travelers' communities that tend to commit theft, with copper, because it's easy to sell, so yes to be honest, the discourse is that we don't have ethnic criteria but in practice, we always have this type of criteria, it's inevitable, we always have this type of criteria.

According to this police officer, ethnicity is a necessary criterion for action. They *have to* profile foreigners and ethnic minorities, because their job consists precisely in detecting suspect behaviors and, in some cases, being black or Roma in a certain area at a certain time *is* a criterion of suspicion. One day, I was in the car with two Dutch police officers, patrolling. The streets were very quiet; the two young officers were accordingly extremely bored, and desperately looking for some 'action'.

It is about 10 pm, we see four guys walking slowly in the neighborhood. H. gives the following description to L. in case he wants to follow them under cover: "Moroccans, young, three are wearing dark clothes (down jacket, cap), and one light clothes". To me: "they are strange. They are not from here" "and these people, they do burglaries, break-ins".

It is interesting to note that although burglars are very rarely caught, Dutch police officers were convinced that all were Moroccan. 'These people' here is clearly meant as 'Moroccans youngsters'. The ethnicity of these youth, and maybe their 'urban style' but not their behavior - they were only walking and chatting quietly - operated as a 'signal' for the police officer. He interpreted their presence in the neighborhood

as an unusual fit: “they are not from here”. He even asked an under cover colleague to follow them.

They came back a few minutes later in a car. After checking the car license plate, it turned out that they were registered in the neighborhood.

In this case, the assumption of the police officer – that these youth were not from here, so suspect - turned out to be wrong. Ethnic profiling practices seemed to be quite common during patrolling, especially at night, when police officers are relatively free of other commitments.

We now want to go to a snack bar. On the way, J. sees a car at the red traffic light and decides to check it. L. says turning to me: "there are very bad people inside" I ask L. (we are in the other car) why they are checking the car, she says "because they are Marokkanen inside!" (Laugh) and H.: "Moroccans, Turkish..."

Many Dutch officers seemed to consider ethnicity as a legitimate motive for suspicion. My observations suggest that Polish migrants are also profiled, though more or less successfully. One day we were visiting an old woman who had not given any news since a few weeks, from her apartment, one of the police officers saw something that attracted his attention.

From the neighbors' window, H. sees someone looking at him. He says: “I saw someone there, looking at me, I think it’s a drunken Polish” “it’s not allowed to be there, it’s a school”. How can he see from that distance that the person is Polish? We are approximately at a distance of 200 meters, and it is quite dark. When we get out, we see a guy in the garden. H. goes there and asks the guy what he is doing. It’s a white Dutch guy and his cat. He said he was following the cat. They don’t check him.

When the police officer saw what he thought to be a Polish man, he became suspicious and initiated a police action: they went to the garden and talked to the person. However when the officers found out that the man was actually a white Dutch man looking after his cat, they went away without even checking his ID (I actually thought that this man was very strange). Here again the role played by ethnicity or nationality, as a trigger of suspicion, is clear. Ethnicity is however far from being the only criteria that influence police officers' behavior. The influence of ethnicity on policing is difficult to grasp because it often intertwines with other factors, such as citizens' attitude and local context.

Chapter 4: the role of interactional and local dynamics

Police officers do not make decisions in a vacuum. Because they work with people, and in specific contexts, their behavior is necessarily influenced by the social dynamics involved in these interactions. Research on policing has long-established the critical influence of contextual factors on police officers' behavior (Sherman 1980, Engel et al. 2002). In order to understand the influence of ethnicity on policing, it is essential to take into consideration these aspects. In this chapter, we will mainly deal with the role of citizens' attitudes and local dynamics on police officers' behavior, while looking at where ethnicity comes into play.

1. The 'attitude test'

Ethnicity is far from being the only criterion for police action. Officers' decisions are also influenced by a wide range of contextual factors. Among them, citizens' attitude seemed to be one of the most critical ones. Many respondents emphasized the role played by the attitudes and behaviors of citizens during a police interaction, what Reiner described as the 'attitude test' (1992).

FS4 : it depends on whom you are dealing with, but even if you see someone, here again, it's to say that there is no judgment, even if you are dealing with someone with an immigrant background, in a sensitive neighborhood, and he is saying « I'm sorry mister police officer I forgot my papers, but I can show you my card with my name, there is my picture on it, I'm really sorry" well I'm going to leave the guy alone, you are not going to... If right away he puts the window down, 'fuck, you check a black again!" it's a really bad start, and you are going to give him a fine. Or a mother 'lambda', you see her jump a red light, you see her all sad, she really didn't do it on purpose, the lesson, she's already got it, you see she understood her mistake, and she is maybe going to act in the future accordingly. If she puts down the window "what the fuck, I'm really late" she will get it. It's a matter of judgment. If he apologizes, he has made a mistake, he admits it, it's a nice guy (...) you let him go. (...) I know that people that welcome me with a smile, and apologize, almost... well it's 'cheers bye'. It's over. Well, fortunately because it means that it's still a man's job, a matter of contacts, so it's according to your judgment. I'm telling you, two identical offences the same day, same time; one can get a ticket, and not the other one.

For many police officers, the first reaction of the person is decisive. This respondent said to be systematically lenient if the person had a positive attitude, for example if she apologized or smiled, regardless of the ethnicity, the gender or the age of the person. It is however likely that these leniency practices play against ethnic minorities that historically have negative interactions with the police. The application of the same criterion for everyone, the 'attitude test', seen by police officers as an evidence of equal treatment, can potentially have discriminatory consequences, especially when police officers enjoy a high discretion, as in the case of very small offences.

FP6: the issue is that... We have a job in which we are quite free, it's our judgment, and then of course, there are offences, and so on... but at the end, if you find someone that smokes a joint and a small piece of hash, you decide if you take in or not. In case the guy is caught red-handed, you can take him in, it's no problem, you take him to the detective, and everything will be fine. But then, it's you, do you feel like taking him in, you see what I mean? We still have a huge room for manoeuvre.

For a number of offences, police officers are free to give a fine or not, and in some cases to 'take in' the person or not. In France, this especially applies for cannabis consumption. In the Netherlands, police officers have more freedom when it comes to traffic law offences. The criteria police officers use to make these decisions are for the most subjective and discretionary, ranging from the attitude of the person, to the mood of the police officer. An officer for example admitted quite honestly his weakness for women.

NL10: Mostly, when I... I have a weakness for women. I'm weak when I see a woman, so I don't write a ticket, only if it's a nice woman [laughs].

Some police officers tend to be more tolerant towards specific offences, in general the offences they are more likely to commit themselves, such as alcohol while driving, or speeding. However, many respondents said that they would first take into consideration legal factors, such as the seriousness of the offence, because of the responsibility it involved.

FS5: but yes, sometimes the person... his papers are not in order, his MOT (vehicle inspection) is not up to date for example, we cannot let him go, we have to give him a ticket, to take his car's papers, to stop the vehicle. If three meters further, there is an accident, the person will be wrong, but us too, so it's a responsibility we have.

In the Netherlands, many police officers, often students, said that they would decide what to do before the contact and according to the seriousness of the offence, in order not to be influenced by the person's appearance or attitude.

NL6: Mostly I decide before when I step out of the car or the motorbike if I go and write a ticket or not, before I talk to the person. Otherwise that's mean that someone that is always friendly never gets a ticket and that is not ok.

Presented as an evidence of equal treatment in France, the 'attitude criterion' is not considered as a fair practice in the Netherlands. Some respondents pointed out the fact that these practices were against the Dutch law.

R.: It does not influence your reaction how the person is behaving?

NL7: No, it's also a law in The Netherlands, you cannot make a difference because someone is nice or not, you cannot say I give you a ticket because you are not nice. You have to give a ticket because he drove through a red light. (...) You have to make the decision before you talk to the person so when someone is ignoring a red light, it's four o'clock at night, and there was nobody outside, then I can make the decision if it was dangerous or not, to give a ticket or a warning, but when it's at day time and that it's a dangerous situation, then I decide if I'm going to write a ticket, but not when I talk to the person and he has a good face, that's not fair.

Police officers do not enjoy the same discretion in every situation. A distinction has thus to be made between low discretion situations, when police officers are responding to a citizen call, or in case of serious offences (implying violence for example), and high discretion situations (Waddington 2004), with very small offences, such as small traffic law offences or cannabis consumption in France. In situations characterized by a high level of discretion, the attitude of the citizen seems to be an important criterion for police action, regardless of the ethnicity of the person. This point confirms previous findings on the critical influence of citizens' demeanor on police behavior (Smith 1986, Worden & Shepard 1996, Engel et al. 2000). However, as some ethnic groups tend to have more negative experiences with the police and negative perceptions toward the police (Decker 1981, Smith 1986, Smith et al. 1991, Weitzer 1995), this seemingly neutral criterion might have a disproportionate impact on ethnic minorities.

2. Police-citizens encounters: mutual influences

The attitude and the role orientation of the police officer can also have a significant impact on the outcome of the intervention. Police officers have their own way of dealing with situations, their own policing tactics. As a result, an identical situation can have a very different outcome according to the police officer that deals with it. The following case illustrates the interplay of police officers' role orientation and citizens' attitudes during police interventions.

It is four o'clock in the Morning. We get a call about 'stolen bikes': someone called the police because he saw a group of youth (about sixteen years old) hanging out on a square with brand new bikes and thought they were probably stolen. When we arrive, a group of five youth (white, Moroccan, Surinamese) are seating on a bench with the bikes. Within a short period of time, eight police officers arrive at the square and stand next to the youth. One police officer asks the youth to get up and put their bikes upside down so that they can check the serial numbers. The youth talk back to the officers, protesting that they haven't done anything wrong and that they don't understand why they have to do that (putting the bikes upside down). One of the youth, white, (S.) says something (I cannot hear) and a police officer (J.) gets really mad. He (J.) becomes aggressive and pushes violently the youth. Then S. goes back to the bench and talks with his friends again. On the other side, another youth is doing something with his phone. L. starts talking to him, when she sees that he is trying to film, she gets mad, shouts at him and pushes him violently "What is this? What is this?" throwing the phone on the ground. On the other side again, J. gets mad at the same youth now sitting on the bench and attacks him, taking him by his neck. Three other police officers separate them and arrest the youth. After checking the serial numbers, it turns out that the bikes are not stolen. Back in the car, I ask L. if the young guy insulted J. but she said no, he was just being very arrogant. She tells me her version of the story: according to her, J. reacted to their arrogance. They had a 'big mouth'. I am not sure what they think about J.'s reaction. J. calls to ask his colleagues about what to do. They agree on what happened. The guy hasn't insulted J. so he cannot give him a fine for this, but they are going to give him a fine for public drunkenness. When we get back to the station, J. asks me: "how did you like the action?" When L. tells him about the camera thing, he says "the coolie?" [smile].

At the beginning, the situation seemed nothing more than a routine intervention: the police officers intervened after receiving a citizen call. However, a few elements –

especially the number of police officers compared to the number of youth and the time of the night, suggest that the atmosphere was tense from the beginning. The rebellious demeanor of the youth then triggered the violent reaction of the police officer. The aggressiveness of the police officer's response was without doubt disproportionate, especially given the initial motive for the intervention.

This case also illustrates two other critical points: the importance of the personality of the police officer, and the defensive solidarity existing between police officers, preventing them from condemning one colleague's action ('cover your arse'). The police officer in question is known for his potential 'aggressiveness' and crime fighting orientation. In this situation, he took the 'arrogance' of the youth as a personal challenge, and felt the urge to show him, in front of his colleague, 'who was the boss'. Through the arrest, officially for 'public drunkenness', the police officer signified his power over the insolent youth. Most police officers would probably have reacted differently. During my stay at this police station, this was the only time I witnessed such an aggressive reaction. Most of the time, mediation was the preferred method. Even though most police officers would have probably reacted differently, none of them expressed any disapproval of J. behavior. On the contrary, they arrested the youth and agreed on a common 'version' of the story. This situation offers an illustration of the 'cover your arse' strategy police officers adopt in order to protect themselves from supervision controls and penalties. It also shows how police officers can negotiate the rules in their favor: while the youth is officially arrested for 'public drunkenness', the genuine motive for the arrest is his 'arrogance' which is not legally a sufficient reason for arrest.

During police-citizens encounters, citizens' demeanor, and police officers' role orientation interact with each other to influence the outcome of the intervention (Worden & Shepard 1996, Engel et al. 2000). As a result, persons and groups that show hostility towards the police are less likely to enjoy police leniency, and conversely more likely to get a stricter treatment. Research on citizens' attitudes towards the police suggests that ethnic minorities are more likely to be disrespectful towards the police (Smith et al. 1991, Weitzer & Tuch 2004). In addition, citizens may be more likely to challenge police authority if they felt that politeness norms were violated, or that they were unfairly treated. The following case took place in

France. It illustrates how police misconduct towards citizens can influence citizen's attitude and behavior towards the police.

An Egyptian young man (G.) has been arrested in the RER (suburban train system) by the transportation police for 'verbal assault' to police officers. I attend the hearing of the suspect: the officer (T.) conducting the interrogation is a white woman in her forties. She uses a polite tone.

T.: So the officers (3) checked you in the RER because you were listening to loud music, and that was disturbing people around, right?

G.: My phone doesn't work well. I was listening to music, but not loud. (...)

T.: The police officers asked you to stop the music.

G.: And I did.

T.: And then you got angry right away? You were not happy to be checked, it's normal. You got mad (affirmative tone).

G.: They wanted to search me. They said "we are going to search you". I said no, not in front of everybody like this. I said "when we get out of the train yes, but not here". She said "No, I don't care". There were four or five ladies. There were other people that were listening to music, it's not fair.

T.: But you did get mad? Do you admit that you got mad and that you were disrespectful to the officers (affirmative tone)?

G.: They should not make me angry. The woman, she said: "go back to your country if you don't want to live in France". She said "why did you come to France?"

T.: At some point (interrupting him), you said "shut up".

G.: No, I said nothing.

T.: It could have slipped out... Are you sure? It's not a big deal, you know. It's better to say it. There, they are three officers that say exactly the same thing. It's not a big deal you know, you won't go to prison. It's better to say it.

G.: Police officers in France, they think that because I'm a foreigner, I don't speak French. He said (the officer to the other police officers): "you will say that he insulted you". But I do understand French, I know the French law.

T.: Are you sure? You said nothing? Are you really sure?

G.: No, I'm sure. I said "don't touch me". I'm sure I didn't say. When he said this, I asked people in the train to come and be witnesses. She said (the police officer): "you don't decide".

T.: Are you sure? Now, I have to do a confrontation, here, with you and the police officers (insisting)... Are you sure? If they arrested you, they had a good reason.

G.: Even if I go to custody, I know that I didn't say it.

She reads the statement. She wrote down everything he said, except the part on the ‘comments’ of the police officers about his nationality.

This young Egyptian person is accused by two police officers of verbal assault, more precisely, to have said “shut up”. Despite the intimidating method of the officer, the youth refused to confess. According to him, he refused to let the police officers search him because he considered that the reason for the check was unjustified and that a search in presence of other persons was humiliating. He also reacted to the insulting comments one of the police officers addressed to him. It is interesting to note that the officer who took the statement wrote down everything the man said, except this part.

Confrontation: the officer tells the two police officers (young men, white, short hair) what the young man said. The two officers (L. and D.) contradict his version.

L.: He is a liar, a bad liar. It’s not in our habits to arrest people for nothing. We arrest people for actual facts, not for imaginary facts.

T.: Do you admit (to G.)?

G.: No, I didn’t insult him. I said “don’t touch me”.

T.: Are you sure (staring at him for a long time)?

G.: Yes. Because as far as I’m concerned, I don’t think the officers lied to me. When they came and told me what happened, they seemed to be telling the truth, but you... I think you are less... No, well, you don’t admit.

After the confrontation, I go downstairs to talk with the officers. The three of them are chatting downstairs with police officers from NL, including the woman who was with them during the arrest. L.: “What a pain in the ass this one, what a liar. He says that we consulted each other, as if we arrested people like this, for nothing. And he wanted us to control the African women near by, as if we were going – because Sir asked us – to check all the RER”. Laughs (they look at me to see my reaction – smile). They go on (the young female officer): “and misogynist on top of that, he didn’t like me from the beginning, he didn’t like however when I told him ‘in your country, if you would do that there, you would not be treated the same way’. L.: “yeah, there he would have been hit with a truncheon” (laughs). The young woman: “he didn’t like either when I told him ‘if you don’t like it here, just go back to your home country’ (laughs) for sure no”.

In this case, it is very difficult to say who is telling the truth. Whatever the young Egyptian said, it is likely that the police officers’ derogatory comments have encouraged the youth to show hostility and rebellion. Police officers’ misconduct can

trigger citizens' hostility, which might in turn result in higher arrest rates. If ethnic minorities are more likely to be disrespectful towards *and* to be mistreated (Weitzer & Tuch 2004), then they are more likely to be arrested (Walker 1999).

3. Relationship between local environment and policing tactics

In other instances, the police officer's behavior did not seem to influence the sequence of events much. This case offers an illustration of the impact of local dynamics on the outcome of an intervention.

I'm in the car with D. and N., they get a call about an incident in the center of the city. A Moroccan man does not want to leave a bank. We arrive there, the guy is arguing with the staff. N. takes him aside in a room and talks to him. I stay with D. and two employees. After a while, they come out of the room. It looks like they came to an arrangement. We walk outside with the 4 police officers and the guy. Once in front of the bank, N. is still telling the guy to leave (for the third time) with a calm and polite tone. The street is very crowded, everybody is looking. We are in a poor neighborhood with a high concentration of ethnic groups. Some people are lining at the ATM right next to the group, some kids are coming very close, staring at the officers. The guy refuses to leave; he is arguing with the police officer "take me to the police station if you want". N. gets a bit more firm "we'll take you to the station if you don't go now!" After protesting, he starts going, while crossing the street, he turns to the police officer, looks at him right in the eyes, and spits on the road. After one second, the four police officers go towards him (following N.) on the other side of the street, where there is less people, and push him violently against the wall, to arrest him. In the car, the Moroccan guy keeps saying: "it's absurd", "I'll take a lawyer", "it's not normal". Once at the police station, he starts complaining, saying that he didn't do anything, that it's not true, and that he didn't offend the officer. He claims that he has been mistreated, showing his wrists. He says he is going to fill a complaint against the police officer.

Just before this incident, I conducted an interview with this police officer. I would describe him as an open-minded experienced police officer, who dislikes aggressive methods and emphasizes the importance of discussion and negotiation in policing. In the first part of the intervention, he was applying these exact principles. While the man was aggressive to the bank staff, he tried to calm him down, to convince him that

he should leave, always using a respectful language and a calm tone (step 1). The situation abruptly changed when the man left and spat on the street, explicitly challenging the officer. The four police officers (including two police officers from the 'central bureau', said to be shorter and more aggressive) reacted all together and responded to the situation in a more aggressive way. We went from a simple conflict between a man and bank employees to an arrest for 'assault' (step 2). At the end, the man reversed the situation by accusing the police officers of abuse (step 3). In this case, the conciliating attitude of the police officer did little to improve the situation. The change from step 1 to the step 2 seemed to have been triggered by two other elements: the behaviour of the man (the challenge), and the local context. The act of the man is to be understood in a context of tensions between the police and ethnic minorities in this specific neighborhood. Policing tactics can be quite different from a neighborhood to another. French and Dutch respondents frequently emphasized the influence of the local context on policing tactics.

NLA: What you see is that in the area of NL, people get treated a little bit different than in the central bureaus. There are there central bureaus where there are a lot of people from ethnic background, a lot of Moroccans and Turkish people and other there the police is a lot stricter, shorter in talking and action. Over here we tend to be a bit nice probably because the public we deal with over here is a bit more relaxed towards the police as well. It goes both ways. The public tries to treat you in a bad way, so you start treating them in a bad way. There is not much, you know, if there are not a lot of opportunities to talk in a normal way, you start to be short in order to gain your goals. And over here we tend a little bit more to talk to the people and try to explain, give them a little bit more time in order to achieve our goals, what you see in the central bureau is that they are shorter, more direct and quicker with people. They hardly give you the time to respond, you know, it's their experience of course with these people that makes them treat them the way they do. Over here we deal with a lot more normal people if you want, and normal people you give more time to tell their story, you know you put a little bit more effort in them because that works. With some people, it doesn't help to put a lot of effort, because they don't listen for one thing, they don't listen, no matter what you do, so there is not point in putting a lot of effort in that, and it's better to be short and clear with them. That way is used much more in the central bureau than over here. But over here, we are a lot stricter and shorter than for example a little village, right outside The Hague where the police is even

more relaxed and... But you know the people make the police, the way the people treat the police, that's how the police is going to react on you.

Police officers adapt their policing tactics to the environment they work in. If they are dealing with populations that are or are assumed to be hostile to them, they tend to be 'shorter and stricter', and adopt a more aggressive behavior. In turn, these policing tactics have consequences on the way the population looks at the police in general, setting in motion a vicious circle: police officers expect minorities to be rebellious and disrespectful; minorities expect police officers to be aggressive and selective, and so on, slowly building up a mutual defiance and a conflicting relationship. This point is consistent with previous findings on citizens' perceptions of police misconduct (Weitzer 1995, Smith 1986). Weitzer found for example in Washington, DC, that neighborhood effects were crucial in shaping citizens' perceptions of police misconduct (1999). Police misconduct is less likely in middle-class neighborhoods because "police have little incentive or opportunity to mistreat residents" (1999:843). In poor high-crime immigrant neighborhoods however, police-citizen encounters are more frequent, and chances of conflict are thus greater (Smith et al. 1991). According to Weitzer, differences in perceptions are more a matter of neighborhood class position than race composition (1999). In practice however, ethnicity and class often overlap, making it difficult to determine the relative importance of each factor.

In order to detect suspect behaviors, police officers look at different parameters: ethnicity, age, place, time, etc. Any perceived discrepancy between these parameters will trigger police officers' suspicion. In this process, stereotypes can play a crucial role. Stereotypes on ethnic groups are part of the shared practical knowledge police officers use to interpret situations and make decisions, so precisely to decide what is unusual or not, what is suspect or not. In this way, ethnicity clearly plays a role in determining the level of suspicion a police officer associates with a person and a situation. Ethnic minorities have thus more chances to be profiled. Other situational factors can be strong predictors of police behavior, especially the characteristics of the police-citizen encounter (location, time of the day, etc.) and the legal characteristics (seriousness of the offence). The social dynamics involved in the interactions between police officers and citizens influence police officers' behavior. The person's attitude, the police officer's personality and the local context are

especially critical. These different factors may in some situations play against ethnic minorities, but not systematically.

Ethnicity thus does play a role in police officers' behavior. The relationship between ethnicity and policing is however much more complex than a mere question of police contempt for ethnic minorities. A multiplicity of contextual factors, interactional dynamics, neighborhood effects and cognitive processes come into play to produce policing. Earlier we made a distinction between low discretion situations and high discretion situations. Police officers' discretion varies across places, times, and situations. If police officers do not always enjoy a high discretion, it becomes necessary to look at the other factors that guide police action.

Chapter 5: Organizational factors

A significant part of police work is influenced or directed by factors that are independent from officers' intent. Police officers' action is for example directed by their management, and influenced by other institutions such as the justice department and the local and national governments.

FP3: At the operational level, we know where for example, on which area of the district there was a significant increase, so we are going to concentrate the officers on these areas, to secure the area, and maybe also to arrest some people, or catch somebody red-handed (...) In these cases, we place the officers of the station on the area, that poses a problem, for some time. It is the study of crime figures, but it's also the receipt of letters, sent to the police station. So the action of the police on the district depends on all these things, recorded offences, the areas where they have been recorded, the significant increase on this or this other crime, the complaints of the inhabitants. This is how the organization of the work of the police is done in the district. And then you have some occasional requests from the management, let's say we have decided to fight weapons, so we are going to do operations in view of seizing weapons, arresting individuals holding a weapon.

Supervisors have at their disposal several instruments they can use to direct and supervise police action. Using recorded crime and citizens' information, the management can decide which places are to be patrolled, and which types of crime have to be 'fought against'. Other priorities result from political decisions at the national level. Statistics are also used as an instrument to evaluate and compare the performances of different police stations. In this way, police superintendents are subjected by their hierarchy to a form of control, and are put under pressures to maintain certain levels of activity. These pressures are then echoed on the activity of street police officers that receive the instructions. To what extent can these priorities and policies accentuate disproportionality?

1. Police activity: focus on small crime and use of actuarial methods

Police stations mostly deal with small crimes and offences, for which ethnic minorities and foreigners are overrepresented (Mucchielli 2003). Cases that have the highest elucidation rate - which is a criterion taken into account in France to evaluate performance - are the ones resulting from police officers' initiatives, that is in France, mainly drug consumption and irregular migration. If foreigners and minorities are overrepresented in offences that are artificially overrepresented in crime statistics (because they are more easily elucidated, compared to other crimes), then the disproportion between ethnic groups and natives will be accentuated. By focusing on small offences detected by police officers, police activity mechanically accentuates disproportionality.

FP9: It's my feeling, the offender has no color. The problem is that we are dealing with a specific type of crime, if you want... small street crime. You see what I mean? It's very restricted. We don't have the drug dealers at our level. We deal with small drug consumers, you see what I mean? We are very limited. So automatically, the public (...). As far as we are concerned, we are confronted to small crime, so it's always the same ones that we find, the same youth that we find.

This experienced police officer working in Paris is aware of the fact that the small offenders the police deal with are not representative of 'all offenders', and thus that crime recorded at the police station is different from 'actual crime'. This filtering process (some crimes are artificially over-represented in crime statistics as a result of police work) works to accentuate the over-representation of minorities in crime statistics. In turn, the extensive use of statistics in the definition of priorities reinforces these effects. According to Fitzgibbon, 'preemptive criminalization', which refers to a process in which criminal justice responses are "increasingly based upon the expectation that individuals are likely to commit criminal acts in the future rather than they have already done so" (Fitzgibbon 2007: 128), disproportionately affects ethnic minorities. Actuarial methods, which use recorded crime to direct police activity, can thus foster discriminatory effects (Harcourt 2004, Fitzgibbon 2007).

2. Unintended effects of targets

Targets correspond to a quantified amount of activity a police officer, a team or a station should aim for. Most of the time, targets take the form of specific numbers of fines or arrests. Targets are used to direct and supervise police officers' activity. In the Netherlands, the official introduction of targets in 2002 as instruments of performance measurement received such a negative reception that the government had to withdraw the reform (Hoogenboezem & Hoogenboezem 2005, Terpstra & Trommel 2009). Police officers are no longer officially required to reach targets or meet quotas. In France, there are 'officially' no quotas. In practice however, French and Dutch police officers know they are supposed to 'produce' a certain number of fines and arrests.

FP10: Police officers nowadays they are civil servants but also more or less, that is to say, that they are like businesses, we are asked an output, in terms of fines, in terms of arrests. Having said that, it's written nowhere, but we are being told, we have to do about this and that.

Even though police officers cannot receive an official sanction for not meeting a quota, indirect pressures are exerted through their hierarchy, and indirect sanctions, such as a poor grade or a negative observation for a transfer, can be taken.

FP7: Let's say it does not exist on paper, it's not an official bill, that says that a police officer must reach targets, but they make it clear that we have to. On fines, we have to write such and such fines if possible, the same for arrests, but for the arrests we are not bothered in this district because even without wanting it, we are going to make arrests. We don't need to search for them. It's above all with fines actually, that they ask us to be 'efficient'. I'm a bit against it; they know it (laughs). Having said that, they cannot reprimand you because you haven't given such and such tickets but they will make you understand that if you don't give such and such fines, well, maybe that when you want to take a few days off, you won't be able to, that's it. It's very vicious.

Attitudes towards targets vary from an officer to another. While some respondents consider that they are justified and find it easy to reach them given the huge amount of offences they witness everyday, most respondents expressed negative opinions towards this instrument. Some respondents pointed at the perverse effects targets can have on policing, and on the image of the police.

R.: Do you have targets?

FS9: This is a question.... I cannot answer you. There are things you can say, other things that cannot be said... If you want, we need to justify our activity. We are asked, not necessarily to do such and such but we have to do something. But officially, it will never exist. We will never be asked, at the end of the month, like companies, targets. Officially it doesn't exist. At some point, it was the 'result-driven policy': we had to make such and such arrests, such and such things, we had to show that the French police was working, but it brings nothing good because then you bring everything and anything, and if you bring 30 drug consumers, you will take in 30 guys, that are not necessarily dealers, it's 30 guys that see a doctor, they see a court-appointed lawyer, so already the doctor and the lawyer, it costs money, and if I they are not going to pay for them, then you have all the procedures, it takes time, you use paper, it's as much trees killed, I'm not necessarily green, but still, you waste time to do paperwork, for something that will end up... In courts, the judges they have so much work that they won't waste their time with that. They have so much behind schedule that it will be a 'reminder of the law' or a fine. There are many things like this, as we have to take in everybody for the smallest offence, for at the end... Well it's forbidden but if the guy wants to smoke at home, he will. It's a bit absurd.

Targets encourage police officers to produce a visible work, that is, to arrest someone or to give a fine. While minor offences are quite easy to find (though most officers do not like to give tickets), arrest quotas are more difficult to reach, especially in quiet areas. If 'nothing is happening', police officers have to look for offences they can make an arrest for. As pointed out by this respondent, targets push police officers to take in 'anything and everything'. In France, one of the easiest ways for officers to 'take someone in' is to arrest cannabis consumers. In order to meet their quotas, police officer will thus tend to focus on activities that are inefficient in terms of 'public safety', as this police superintendent rightly points out.

FPI: we have the activity of the services... I 'm going to give you an example: all the drug consumption cases, we arrest the perpetrator, arrested, elucidated, so we say very well say, to be quite frank, if we say, we have to rise figures, you need ten guys smoking a joint, however in terms of public tranquility, it's not very effective, it's the perverse effect of statistics. They reflect the activity of the services, but still...

Another ‘efficient’ way of meeting one’s quotas is to arrest irregular migrants. Contrary to other offences that are difficult to catch red-handed (such as theft), irregular migrants are easy to find: they are numerous and often easily recognizable.

FP19: We get bad press here because supposedly we are the squad that gives the least fines, that gives less result, all that. For the hierarchy, because – I don’t know if I can tell you – but we have targets every month, and we don’t meet them. Personally I think the squad is very good. At least, we don’t arrest people for nothing we don’t stop people because we want to give a fine, but because they deserve it. I think that even if we are frowned up by the hierarchy, I think that it’s a more human police, more appropriate, because well, the police, you cannot manage the police as you would manage a company, you cannot make capitalism in the police. You cannot say, ‘I need that number of arrests, that number of this that number of that’. We arrest someone because we have to arrest him but not because we are missing 5 arrests this month, what are we going to do? Well, we are going to stand there, and we are going to wait for 5 irregular migrants to pass by, and well, we are going to arrest them. It’s not fair, so that’s it.

In France, targets encourage police officers to focus on drug consumers and irregular migrants. As a result, offences for which ethnic minorities are over-represented are artificially over-represented in crime statistics. By encouraging police officers to focus on certain types of crime, targets can accentuate the disproportionate crime rates between ethnic minorities and natives.

In the Netherlands, the question is different. Cannabis consumption is tolerated (most of the time) and a special police force deals with irregular migrants. This has tremendous consequences on police officers’ activity: what is the core activity of French police officers (activity that brings ‘results’ because in the two countries, most police activity concerns family and neighbors’ problems), is not even dealt with by Dutch police officers. As a result, Dutch police officers are less overwhelmed with work and focus on other types of activity, mainly surveillance and assistance. When I told a French police officer that Dutch police officers did not arrest cannabis consumers, she reacted: “what? They don’t have ‘drugs’? If it was the case for us, we would have nothing to do!” So what do Dutch police officers do then to reach their quotas? In the area in which I conducted my observations, the most ‘efficient’ way police officers could ‘create activity’ was with traffic law violations (caught red-

handed) and stops and search activities. Nevertheless most arrests concerned shoplifting (upon the call of the shop owners) and violence (upon citizens' call). Dutch police officers seem thus to have fewer opportunities to 'artificially' influence crime statistics. They are also subjected to pressures from their hierarchy but the consequences of these pressures are different: while French police officers would focus on drug consumers and irregular migrants, Dutch police officers would look for traffic law offences, and carry out surveillance and identification checks in the hope of 'finding' something.

3. Stop and search law and practices

We saw earlier that ethnicity can work as a trigger for police suspicion. Ethnicity can especially influence police officers' decision to carry out an identity check or not. Police officers are not however totally free to check anybody they want. They work in an organizational setting that shapes their opportunities for action. The latitude police officers have – and take - to carry out stop and search activities may have consequences on the likeliness of ethnic profiling. While car stops can be conducted without specific requirements, ID checks and stops are generally more regulated and supervised. It seems thus essential to look at the legal framework that shape stop and search practices in the two countries.

3.1. ID checks in the Netherlands

In the Netherlands, the authority to request an ID has been modified in 2005, making the holding of an ID compulsory for anybody over fourteen and giving larger powers to the police. The circumstances in which these controls can take place are however not always clear. The law states that police officers have the power to request a proof of identity for the purpose of carrying out all their regular tasks, such as the investigation of criminal offences, maintenance of public order, and providing assistance. In requesting ID, police officers are bound to the 'criterion of establishing the reasonable exercise of duties'. In other words, there must be a reason for performing ID checks. This criterion can however be interpreted quite broadly by police officers. An evaluation conducted between 2005 and 2008 on the implementation of the new law indeed found that police officers gave themselves a

broad authority, carrying out ID checks with no or poor motive (such as ‘two colored guys in front of a building’, ‘two colored guys in a fancy car’) and checking disproportionately ethnic minorities (Buro Jansen & Janssen 2008). The research found that checks were mostly used for controlling youth hanging out on the street, or during demonstrations rather than to improve law enforcement. A lot of times, police officers asked the same persons (drug addicts, homeless people, and squatters). Another report requested by the minister of public affairs indicates that 39 % of the police officers participating in the survey said to request ID for no reason, and that 48% thought that they were allowed to check ID without motive. These findings support my observations. Most Dutch police officers did not seem to be aware of the limitations of their authority to check ID. They would check people in the streets or in parked cars without any apparent reason, or because the person was ‘a known criminal’, or the member of an ethnic minority. This extensive interpretation of ID check powers, broader than in the French case, is very likely to produce discriminatory consequences. While the reform was introduced to improve law enforcement, it seems that it is rather used as a ‘social control’ tool directed towards certain ‘dangerous classes’.

3.2. ID checks in France

In France, there are several scenarios in which ID checks can be lawfully conducted. Police officers can check the identity of a person if there are ‘plausible reasons to suspect’ that the person has committed an offence or a crime or is going to commit an offence or a crime. The decision of carrying out an ID check must be based on objective facts, such as the behaviour of the individual, and police officers must be able to justify their decision. In practice, officers often act according to their intuition or their ‘nose’, and not necessarily according to concrete behaviors or facts. However, in order to fit the requirements of the law, officers often have to reconstruct the intervention ‘after the facts’ in a way that fits the legal framework.

An important event for the officers occurred in the morning: a ‘refusal to cooperate’ (legal term to say in this case that the car drove away). When I arrive, everybody is talking about it, especially the police officer (a young female officer) who has initiated the stop. During a car check, the car with three men inside drove away; they could not catch it. According to a student, they were: “three seedy ones!” The young officer is very upset: “Fuck, I’m really pissed off”. She explains what happened: “I

see them, three 'suspect individuals', I say, "Let's stop them" "on the radio, I didn't know what to say when they asked me the motive of the check (laughs)... Suspect individuals... I cannot say that (smile). Another colleague: "well you didn't like their face ('*délit de sale gueule*' in French), that's it. Well anyway, you say that they had a suspect behavior that they were looking around, that's it, and it's alright".

As a result of this strict legal framework, French police officers constantly search for 'pretextual stops'. They look for a small fact that can justify the check, even though the motive of the suspicion stems from something else.

FS4: In order to do things on our own, we need a legal framework. We need something that made you think that he has committed or that he is going to commit an offence. But... That's it, you need a legal framework, in a station, something very simple, someone who hasn't validate his metro ticket, or who smokes, it's a legal framework, so you find drugs, if he is wanted, he is not straight, he has no papers.

In the example above, the respondent mentions the example of the person who is smoking a cigarette in a metro station or who has not validated his metro ticket. In these cases, the official motives, the cigarette or the ticket, serve as an excuse to check the identity of the person. Police officers are not interested at all in these small offences, and they would probably not even give a ticket. In reality, they hope to find 'something else' by searching the person, some cannabis or a weapon for example, by checking the 'files', a wanted person maybe, or simply by checking the documents of the person, if she has no papers. The easiest way for a police officer to legally justify a check and to make sure that it will not be challenged by a court is to find a small offence first.

R.: Can it be someone that looks suspect?

FS5: no, you need a motive, to look suspect, well... Suspect, it can be anything or nothing, suspect. What you will consider suspect won't be suspect for a police officer, it's the same as earlier with the 'undesirable'. It seems suspect to them, but not for us, well some youth in a building, we cannot prevent the youth to be in a building and chat. We have something on the city, from 5pm, a person that consumes alcohol on the street; for us it's a motive for a check. On a city, there are lots of municipal decrees, for ID checks, car parking. We have a folder with all the municipal decrees.

Police officers make use of all the legal resources they have at their disposal: in the example above, the police officer mentions the use of a municipal law on drinking in public space after 5pm. Here again, the genuine motive of the control is not the one that will be mentioned in the official statement. This police officer compares detecting suspect behaviors as a ‘game’, whose aim is to do things ‘by the book’:

FP13: Well, it depends, for example there are things... Well what you need to know is that we play, well we play, it's a strong word, we respect the penal code, the penal procedure code, that are two big books, and we cannot do what we want, like we want, contrary to what people think, we cannot check anyone, we cannot enter people's house at any time, we cannot behave in such a way. Sometimes, we know that even if the guy is guilty, if we don't fit the law requirements it's useless, we cannot take him before the courts. So the aim of the game is to detect the behaviours that seem suspects to us and are then confirmed by an offence committed afterwards.

In practice, motives are often made up or rearranged after the facts by police officers. Even when strictly regulated, ID checks are a police activity that has a very low visibility. The frequent use by French police officers of pretextual stops (someone spitting, drinking, listening to music loud, etc.) shows the potential unintended effects of controls on officers' behaviors: instead of limiting abuses, controls can encourage officers to circumvent the law and look for pretextual motives, thus leaving room for selectiveness. A report conducted by the CNDS in 2008 indicates that ID checks were often conducted without a lawful motive and towards youth whose identity was well-known by the police officers (CNDS 2008). While ID checks are more strictly regulated in France, in practice French police officers use their discretion to get round regulations.

4. Fight against irregular migration

Policies decided at a higher level can also bring about discriminatory effects. In recent years, the fight against irregular migration has intensified in European countries, including in France and in the Netherlands (Albrecht 2002, Samers 2004, and van der Leun 2006). In both countries, the police are in charge of enforcing immigration law. By encouraging police officers to target foreigners and ethnic minorities, the fight against irregular migration can have serious implications in terms of

disproportionality. The following observations concern France, not because this policy is specific to France but because as it is carried out by a special police force in the Netherlands (Van der Leun 2003), we were not able to gather data on this issue in the Netherlands. However, as the Netherlands have also actively engaged in the fight against irregular migration, it is likely that our findings also apply to the Netherlands.

In the context of immigration law, police officers have the authority to request the ID of someone if they suspect he is staying unlawfully on the French territory. Foreign nationals must be able to present documents testifying their lawful stay in the country. Documents checks must however be based on ‘objective signs of foreignness’. Foreigners (or presumed foreigners) can thus be checked in France, without any other motive than their ‘foreignness’ (similar rules apply to the Netherlands).

FS6: For us, in the law it's simple, it's already the person that seems to have committed or is going to commit an offence, for the persons that walk around in the street with tracts written in a foreign language.

R.: Oh yes?

FS6: Yes, because the law says that normally police officers must control what's happening on the streets, we must understand, we must know everything that is happening on the street, so when a person walks around with tracts, or speaks a foreign language or sings in a foreign language, and with instruments that are not from here...

R.: These are signs of foreignness?

FS6: Yes signs of foreignness. So in a way, it's already a breach to public order, then in order to ensure the security of everybody, we must carry out an ID check, to know who we are dealing with.

In 2003, a controversial administrative note detailed the conditions in which irregular migrants could be arrested, and encouraged the setting up of specific police operations targeting areas where many migrants live and shelters for migrants and asylum seekers are located. By encouraging foreigners' checks and deployments in areas in which many migrants live, it is very likely that this policy has discriminatory effects (CNDS 2008).

Another legal scenario for carrying out ID checks is the context of an ID check operation upon request of the prosecutor. Such operations are very common in Paris,

especially in train and metro stations (4/5 times a week in the suburb of Paris). During these operations, police officers are allowed to conduct a security search and an ID check on anybody in a specific area, over a specific period of time. Officers also have a list of offences they have to look for. In the listed offences, violation of immigration law (VIL) is often mentioned. It goes without saying, it is much easier for police officers to detect an irregular migrant than someone who committed a theft. Some respondents were quite realistic as for the consequences of these ID checks operations.

R.: Do you think the fact of being a foreigner or belonging to an ethnic minority can be suspect?

FS7: No, it's forbidden.

R.: But in practice?

FS7: in practice, it can be totally different. Unfortunately... I'm going to tell you the truth, we have ID checks that we do upon request of the prosecutor, he gives us ID checks to do, upon instructions, we thus have to go to such and such place, such and such time, and we have the possibility to request the ID of anybody that goes pass the area, at the required times. Indeed, with the required ID checks, we have some offences we have to look for, for example a person that is likely to possess drugs, persons that are likely to have committed a burglary, and according to the areas where we are told to conduct the ID checks, we always have specific offences, and in train stations and passing through places, there is notably in the list of offences, the offence of the persons staying unlawfully on the French territory, well from that moment, a person staying unlawfully on the French territory, we are going to check a person, that we think is not French. But, otherwise, in everyday checks, it is nothing to do with that.

As VIL are listed among the offences police officers have to look for, they will naturally pay more attention to foreigners and ethnic minorities. In this case, police officers will profile ethnic minorities because they are asked to do so and not because they want to. Many police officers actually dislike arresting irregular migrants. In the hierarchy of police work, VIL are far from being considered as a highly valued activity. On the contrary, police officers often consider it as 'too easy' and 'unfair'.

FS10: Then there are a lot of missions a bit less.....public drunkenness, there are also the offences, for me irregular migrants, it's not the thing that I like to do the best, I'm not ashamed of saying it, it's just that it's not my thing.

ID checks operations targeting irregular migrants together with the use of targets in management clearly encourage police officers to profile ethnic minorities. In the district of Paris, this issue was so sensitive that most police officers did not even mention it. In the 20 interviews I conducted in this police station, only two respondents mentioned the fact that arresting irregular migrants actually constituted a large part of their activity.

5. Files access and police records

During an identification check or a road check, police officers can call the police switchboard and request specific data. In France and in the Netherlands, police officers can request information on driving licenses, insurance, car papers, 'wanted-persons files' and 'foreigners database'. In addition to these files, the Dutch police have an access to the national police records file. In Paris, the access to these files has been restricted to detectives and senior officers. In practice however, these files are often checked despite the restrictions, especially at night when the hierarchy is not around. Contrary to justice records, police records do not necessarily include the outcome of the procedure, which means that a person who has been cleared, or that had his case dismissed might remain in the database. In France, the CNIL (National Commission on IT and Freedoms), in charge of supervising the use of personal data, found in 2009 that only 17% of the files registered in the French police records were accurate. Groups that have more frequent contacts with the police have automatically more chances to be in these files and thus to be labeled as 'someone known by the police services', even for a very small offence, or a suspicion. This is very important because once put in this category, the person is no longer considered by police officers as a 'normal citizen' but as 'police property' (Lee 1981), over which the police grant special rights for themselves. Police records are used by police officers 'to know whom they are dealing with'. If this information may be useful for the investigation, one can question its relevance for carrying out regular police tasks. By introducing a prejudice, police records checks might influence the outcome of the intervention and thus play against groups that are overrepresented in criminal statistics. In addition, police officers do not request systematically a police records

check. What criteria do they use to decide when to do it or not? Alpert for example found, in his study on the Miami-Dade police department, that police officers checked police records at a higher rate for black people than white, suggesting that different criteria were applied to the two groups. Although our data do not allow us to answer this question, it is an issue that deserves further investigation.

Disproportionality does not only result from police officers' intent to discriminate. Organizational factors can have an important impact on disproportionality. The use of statistics and targets, together with the fight against irregular migration can play against ethnic groups and accentuate disproportionality. Stop and search law and practices also shape the opportunities police officers have to profile ethnic minorities.

Chapter 6: The ambiguous effects of citizens' demands on ethnic profiling

Citizens-police relationship can influence disproportionality in two opposite ways. On the one hand, community policing creates a ground for better relations and communication with ethnic minorities. Conversely, higher suspicion, more aggressive methods, secrecy, and distance induced by the French police culture and organisation might encourage police officers to be more suspicious towards ethnic minorities. On the other hand, in a context of community policing, citizens' stereotypes might have a greater influence on policing, thus accentuating disproportionality.

1. Citizens' demands: protecting the 'respectable' against the 'undesirable'

A significant part of police work does not result from police officers' decisions, or initiatives, but from citizens' demands. A large part of police interventions are initiated by citizens' calls. Besides, citizens, and especially shop-owners, also represent a critical source of information for the police.

FS3: there is work, but it is not a city... I'm saying that nothing is happening here, there are things, but three guys on foot against the wall of a building, it's horrible. So you have to explain to people that... We tell them, but still we are going. It's true that sometimes between what they tell us, and when we go there and we see the reality on the field... But anyway, we do it, I'm telling you yesterday they ask us to go to P., well we send them there right away, we do according to the information we get. Sometimes we have no information, we find out afterwards that in a neighborhood things are happening. People also write. If people write and sign a petition, there are youth that hang out until 2am; we are going to go there, but anonymous letters, no. The guy who says the family next door they are Africans that stay irregularly, no anonymous letters. Then you have the relations that we can have with citizens, we know some people, I know some people since 1985, so sometimes I receive calls, people saying 'there is this, there is that' so it's the contacts that each officer makes. The head of the U unit for example, knows many people. We have a colleague; she was here before I came. She has been here for 25 years.

Citizens, through their calls, letters and contacts with the police, provide crucial information about what is happening in the area. However their perception of what is suspect or not, dangerous or not, is a very subjective matter. Citizens' perception of safety is often disproportionate, especially in certain areas. The mere presence of 'suspect individuals' can lead to a police call. Contacts with the population, especially through experienced police officers, are also an important instrument of data collection. Through these channels, citizens contribute greatly to the shaping of policing. As a result, disproportionality can result not from police officers' stereotypes and discriminatory practices but from citizens' stereotypes and selectiveness.

R.: Does it happen often that people call you like this?

FS4: Here yes, because there are many residential areas, with a lot of old people. But unfortunately, I say unfortunately and fortunately, because stereotypes are often confirmed, as soon as people see individuals of the type 'travelers' and well, they often call us because they have this image in mind of potential burglary, of... It happens according to the clichés people have in general. If you have an old man with a walking stick in front of his house, nobody will call, if you see what I mean, that's it.

This respondent stresses the critical role citizens can play in the production of disproportionality. Citizens have a great influence on policing: by calling the police, they initiate a large part of police interventions. Stereotypes and popular 'clichés' on ethnic groups influence citizens' assessment of danger, and thus their decision to call the police or not. In this way, citizens exert a form of surveillance and control over certain groups. They call the police when they see someone or something they consider as 'suspect' or 'undesirable'. Police work might therefore be distorted by citizens' stereotypes. Moreover, when the intervention has been initiated by a citizen call, police officers can check and search the person without any other justification, thus breaking down the usual legal obstacles.

FS4: It's a question we ask ourselves everyday. After all, we are looking for the 'legal framework'. When you have an offence, your legal framework, you have got it, then on the street... Does the individual that is on the lookout in front of a house fit the legal framework of an ID check... You see a strange individual in front of a house, you are not sure to have the legal framework, if however, a citizen called, and said I see a weird guy in front of this house, you have got the legal framework, because someone called the police. Even if the person is only in front and that is not doing anything special. You have got your legal framework. You see, actually you have a

legal framework more easily if it's a citizen who called than if it's your own initiative, I think. As soon as somebody called us, you have your legal framework, even if it's a 95 years old guy, or a 15 years old youth. If you see someone in front of a house, you don't have your legal framework, while if it's a call, you've got it.

Many calls, especially at night, are solely related to the presence of what the French police call 'undesirable', that is, individuals or groups that are considered as 'disturbing'.

R.: What is it that you call the 'undesirable'?

FS5: Well undesirable, it can be very broad. Basically it's the person who called who considered that the persons were 'undesirable', so we go there, as someone called, well we go and see the persons, we ask if for example it's in a building hall, we ask if the persons can go somewhere else, if they live there, we ask them if they can go somewhere else than in the stairway, because well there are more appropriate places to chat. It's very broad the 'undesirable', it could be a drunk person in the street, it can be persons that are having a fight on the street. It's really very broad, and it's according to the judgment of the person who calls. Often, it's not justified but when we are called; we have the duty to go.

What is perceived as 'undesirable' depends on citizens' values and preconceived ideas. In responding to these calls, the police exert, on citizens' requests, a form of control, and a higher scrutiny over certain unwanted groups, 'the undesirable': the youth, the homeless, the foreigners, etc. By the same token, the police perform its traditional role of reassuring and protecting the dominant groups, the 'respectable' (Waddington 1999).

2. France: impact of distance on policing

In France, citizens-police relations are characterized by a great distance. French respondents repeatedly complained about the fact that citizens did not understand them and despised them. In turn, this distance influences police behavior in a negative way by encouraging police officers to adopt more aggressive and selective tactics. Police officers feel denigrated and are more likely to adopt deviant behaviors, especially towards the groups that are hostile to them.

2.1. Police-citizens relations: misunderstanding and disrespect

French respondents repeatedly bemoaned the fact that citizens despised them, showed disrespect or were even violent towards them. Many officers described this issue as one of the most difficult aspects of their work. ‘We knew it when we signed’: citizens’ hostility is considered as part of the job, something they have to accept, almost like ‘a burden’. In turn, police officers tend to demean citizens: they cannot understand what the police are doing and ‘complain for nothing’.

SP: But well, pff, above all, what’s not easy is the image people have of us in fact. They think that we are only here to give tickets and to piss them off.

R.: But how do you see that? In the way they talk to you?

SP10: Yeah, even in the way they look at us sometimes, the things they say, but anyway we know it when we enter here. Whereas... Once it happened to me, we spent three hours on a woman who jumped out of a window, and then people they tell us “yeah, you are useless, you are only good to give tickets”(…) Yes, it happens. Sometimes, during interventions, we have to use force a little bit, because we cannot do otherwise, and then you have to justify yourself “why did you do this? Why did you do that?”. Someone that is not happy about an intervention, who complains, they have to hear us. Sometimes it’s a bit heavy. Yes, what is not easy, it’s the image of people. (...) We still have the image of 39-45 anyway. We hear it often. “You are fascists anyway, since Vichy you haven’t changed” we still have that image. Well it’s true that with May 68 when the MP have clubbed a lot of people (laughs), the blunders... But the problem is that it’s only one way. We have a colleague in a different district, that got beat up, there was a small article but nobody protested to say “oh, it’s horrible, a civil servant that got beat up” no, it’s normal (...) Nobody cares.

Like this respondent, many French police officers expressed the feeling of being unfairly treated and overly supervised. They consider hierarchical controls as too heavy (feeling of being ‘harassed’) and unbalanced (‘it is only one way’): while the smallest lapse will systematically be given a large media coverage, police heroic actions or officers that got injured during an intervention will hardly get a line in the newspapers. For this high-ranked police officer, who worked in the neighborhood for more than 20 years, many police officers see themselves as an ‘endangered species’.

FS3: Because right now, the gap between the population and the police is... (...) The problem is that as there is a gap between the two, it’s two sides. It’s two sides, even

more than before. It's what I feel. I think that many officers think – rightly or wrongly – you will have to ask them, they are an 'endangered species'. They every time feel, and they are not wrong on that point, that when a police officer does something good, it's normal, it's his job, when he does something wrong or in the action, it's immediately a blunder. (...) Whatever they do, it's always wrong so they work on the assumption that people don't like them, that the population doesn't like them. People don't like them, offenders don't like them, that's normal, lawyers don't like them, judges don't like them... (...) But it's not a reason to become paranoid.

It is interesting to note that police officers working in the other site (FP), which is much more 'eventful', had a similar discourse, suggesting that the actual environment police officers work in has little impact on their perception of citizens' attitudes. The place where police officers come from seems however to influence officers' perceptions to a greater extent. Respondents from Paris had a much more positive perception of the relationship with the public, stressing the role of the French recruitment system on police officers' feeling of 'strangeness'.

2.2. French police officers as 'strangers' in the city

The distance existing between the police and citizens is accentuated by the French recruitment system of police officers. While in the Netherlands, most police officers come from areas relatively close to their working place, French police officers working in Paris (where most of the positions are) often come from other regions and did not choose to go to Paris. Many police officers see their stay in Paris as a 'punishment', or a 'price' they have to pay to enter the police. As a result, recruits arrive in a hostile urban environment which they are not familiar with, and feel as 'strangers' in the city, 'exiled' in Paris in the words of a police officer. Many officers only dream about going back to their region of origin, and transfers are the topic number one in French police officers' talks: 'the most important thing in the life of a cop' according to a respondent. Given the limited number of positions, they often have to wait at least seven years to be transferred to another region. This recruitment system has tremendous consequences on the way in which police officers relate to the population.

FS9: to be honest, I thought I would say home. But there were only five positions, I didn't get them, I took it very bad. At that time, I was with a girl of Marseille, and

going back and forth, at some point, she gave up. So she left me. And then... The hard thing in this job... Well it depends on the character you have and the sanity you have, some went up to Paris, and resigned because they could not handle it, many resigned, many have a nervous breakdown, because they cannot deal with the change, you lose your better 'half', your family network, your friend network, you only hang out with cops, you find your colleagues that were with at the school, but you will only find them if you come from the south, you work cop, you go out cop, you do everything cop. You don't change your environment and it's very heavy. That's it, here I was left on my own, all alone, you feel abandoned, you feel lonely, you tell yourself "What am I doing here? Working for guys that are spitting on you all day long, who call you names" So yes, but otherwise it's alright. It lasted one year and then 'boom' I went up. Some cannot take it anymore and shoot themselves.

New recruits arrive in an unfamiliar and often hostile environment. Uprooted from their respective regional environments, police officers spend most of their time together and tend to develop a defensive distinctive identity, accentuating the gap already existing between them and the populations they work with. In turn, these widely shared feelings of 'persecution' affect the methods and behaviors police officers adopt towards the population.

2.3. Impact of distance on policing and disproportionality

Facing citizen's disrespect and hostility, police officers feel denigrated and gradually lose motivation. They no longer invest in the building up of a relationship based on mutual trust, and tend to adopt more aggressive and less respectful methods (Mouhanna 1999).

FP13: it's true that for me, the image is still very bad and in a way, well the police officers that suffer the bad image every day, it wears them out as well, it makes them less polite, less patient, it's a vicious circle you know, because people like us less, but on the other hand with time, it gets harder to be patient, so then maybe we will be shorter with people with whom if we had told them three sentences more, they would have told themselves: "shit, this one is less stupid than the others"

In some situations, the relation between the police and some segments of the population, especially some groups of youth, seem to have become imbued with a

spirit of revenge. Officers no longer treat them as recipients of a public service, but as enemies, or ‘rivals’.

FP: At the station, officers from the night shift are chatting about transfers, and things that happened. They are talking about an incident: one of them received tear gas spray from a group of youth last night. He says: “next time, I’m going to lay into them!”

As we mentioned earlier, these youth often belong to ethnic minorities, adding an ethnic dimension to these tensions. However, in a system characterized by a greater distance, policing is less influenced by citizens’ demands, and thus by their stereotypes. While distance might encourage police officers’ misconduct towards certain ethnic groups, community policing seems to provide a better ground for police cooperation with ethnic minorities. On the other hand, by giving more room to citizens’ influence on policing, community policing might also have disproportional effects.

3. Netherlands: the ambiguous effects of community policing

In the Netherlands, the distance between the population and the public is less marked. The Dutch tradition of community policing can partly account for this difference. In France, despite several attempts to introduce community policing (Roché 2005), the police are still characterized by a greater distance with the population, and a highly centralized structure. By contrast, the Netherlands has a long tradition of community policing (Punch et al. 2007). Each Dutch neighborhood has its own ‘neighborhood officer’. Community policing in the Netherlands seems to influence citizens-police relationship in a very positive way: police officers enjoy a better image, and face less tensions in their day-to-day interactions with the public. This observation has however to be moderated in the context of the significant reforms the Dutch police organisation has undergone in the past two decades. While the Dutch penal system has traditionally been associated with pragmatism, tolerance and anti-authoritarianism, recent reforms have led to the adoption of a more repressive direction (Pakes 2005, Das, Huberts & van Steden 2007). Even though the positive effects of community policing on police-citizens relations should be taken cautiously, it seems still relevant to explain Dutch police officers’ more positive attitudes towards citizens.

One of the consequence of community policing is that citizens contribute to the shaping of policing to a greater extend. Contacts with the population are more frequent, and citizens-based information collection mechanisms are more developed and efficient. Citizens have more opportunities to give information, and thus influence policing: through the neighborhood officers, who regularly visit all the shop and bar owners and walk the streets, and through calls (special number for information) or even SMS (a SMS network of informants has for example been set up). I spent a few hours walking the streets with a neighborhood police officer. After a few meters, people from various ages, classes, and ethnic backgrounds started to stop him and complained about things happening in the neighborhood: bikes on the sidewalk, rats, noise at night, etc. He knew all the shop owners, the bar owners, and many people in the street, and everybody seemed to know him as well. He also has regular contacts with the different ethnic communities through the shops, the churches and the mosques.

After a few meters, we already got stopped by a man on a bike (white): “neighborhood officer?” He is complaining about the bars close to his place. (...) On Weimarstraat, we stop at a Bulgarian shop. He waves at a woman in the shop and asks her if everything is alright, she makes a gesture meaning “no”. We go inside: she is complaining about bikes going on the sidewalk because of the construction work. M. says he will try to do something about it. (...) M. tells me that he tries to have contacts with the different communities. Through this shop, he also has contacts with the Bulgarian community. They will tell him if something is wrong. He also tries to make contact with the Polish community but it’s a bit harder because there are fewer organizations. He goes sometimes to a Polish church. He also has contacts with the mosques of the neighborhood (less with the more radical ones). We pass a community center: the neighborhood officer is there a few hours per week so that people can come and talk to him. Then we go to a Moroccan café to talk with the owner. M. knows him and tells him to be careful. Last weeks, there were a few incidents with guns. The owner says that someone is trying to sell hard drugs in his bar. (...) We go to a Surinamese shop on the same square. A woman comes in with her son to buy some candies (to her son): “he is the neighborhood officer; he is making the neighborhood safer” “goodbye neighborhood officer”. Then we talk with the woman (Surinamese) sitting behind the counter: she often gives information to M. about the neighborhood. She talks about a Surinamese place that closed because of illegal migrants and security norms. She says that the owner opened a new place and is doing

the same thing. A guy stops us. He is talking about his neighbors. He thinks that he has rats because of them. M. explains that this guy is always complaining. (...) We come across a couple that greets M.. The guy is a former drug addict. Many people are scared of him in the neighborhood but he likes M.. He helped him a few times when he had violence problems with his girlfriend. Now that the guy is clean and he is trying to help him by calling someone on his behalf for a job. (...) We visit an Iraqi shop owner. He buys his bread there. He goes every day there and talks about the neighborhood. M. put pressure on the city council to make them do something about the lights in the street (it was too dark). They changed the lights two months ago. We go to another shop that got robbed three times. The owner is Turkish. He says the situation is better now thanks to the lights, the nacht preventie, etc.

The work of a neighborhood officer illustrates how community policing can influence disproportionality in two opposite ways: in a positive way (accentuating disproportionality) by leaving more room for the influence of citizens' stereotypes, and in a negative way (reducing disproportionality) by fostering communication and contacts with ethnic minorities. Sometimes, citizens' contribution to policing is even more direct: in many Dutch cities, groups of citizens have organized themselves to patrol the streets. The 'nacht preventie' is one of these groups. From time to time, they directly work with the police.

I'm now going to the nacht preventie with two police officers. When I ask them about the nacht preventie, they do not seem to know what it is and what they have to do. We go to the nacht preventie room, in which the volunteers meet before walking around the neighborhood. There are about 50 volunteers, most of them are quite old, a few are young (in their 20's). They are all white except one guy (Surinamese). The "head" of the volunteers and one of the founders is happy to tell me about the nacht preventie: the project exists since 8 years; it started because they were concerned about their neighborhood. Once every 14 days, civilians walk in the streets from 22:00 to 2:00. They are equipped with radios, jackets and flashlights. The neighborhood officer is there. The two police officers are laughing, they seem a bit dubious about the whole thing, when we are back in the car I ask them what they think about it "the project is good, but these people are so weird" (Laugh) We also have a radio, so we can hear what they say, and go there if they see something interesting.

Projects such as the ‘nacht preventie’ have been introduced as a response to an increasing feeling of ‘insecurity’ among the local population, at the time when many migrants moved to the neighborhood. Local inhabitants felt threatened by the changes their neighborhood was going through, and decided to organize themselves ‘to make the neighborhood safer’. The group members patrol the streets once every two weeks and call the police if they notice something suspect. Outside these specific times, the most zealous members of the group go on doing surveillance most of their free time (a majority is retired). I encountered members of the nacht preventie several times during my fieldwork on police interventions although their presence had no reason. The context of creation of the group as well as its demographic composition, mostly white Dutch (98%), in a neighborhood where 50% of the population has an ethnic background, suggest that stereotypes might influence the decisions of the members.

Citizens’ influence on policing can have mixed effects: it can accentuate disproportionality, through the influence of stereotypes on citizens’ decision to have recourse to the police or not. On the other hand, a closer relationship with the public creates a better ground for communication and cooperation with ethnic minorities. Conversely, distance and hostility characteristic of the French police culture can push police officers to rely more on stereotypes. While our data shed light on the potential effects of citizens’ demands on disproportionality, they do not allow us to draw firm conclusions on this issue. The observations mentioned above should thus be taken as hypotheses requiring further inquiry.

Conclusion

While Dutch police officers openly expressed strong stereotypes towards certain ethnic groups, especially towards Moroccans, French police officers carefully avoided the direct reference to ethnic characteristics. Differences between French and Dutch police officers' discourses reflect the different political cultures of the two countries. In both countries, police officers construct categories to distinguish the 'respectable' from the 'dangerous classes' on which to focus their attention. And in both countries, this categorization process involves an ethnic dimension. If French police officers are more reluctant to *talk* about ethnic groups, they *use* different expressions ('*racailles*', '*jeunes voyous*', '*jeunes des banlieues*') which without being synonymous to ethnic groups, often describe young North Africans or blacks.

For police officers, stereotypes constitute a practical knowledge they acquired on the job and use to carry out their work more easily. Stereotypes do not however reflect the actual experience of police officers, but rather an experience mediated by a police subculture in which stereotypes on the criminality of certain categories are strongly anchored. Such stereotypes reflect more than a 'police canteen subculture' (Waddington 1999); they are part of a police 'operational culture' guiding police action and can thus have practical consequences. By triggering police suspicion, stereotypes can lead to ethnic profiling practices and discrimination (understood as intended action). In the Netherlands, where we conducted our observations, we found that such methods were routinely used by police officers.

Ethnicity is one of the criteria police officers use to guide their actions. It is however far from being the only one. In practice, police officers' decisions are influenced by a wide range of contextual factors, and it is often difficult to distinguish between the influence of ethnicity and other criteria (clothing, age, etc.). We, for example, found that citizens' attitudes can play a critical role in explaining police officers behaviors, regardless of the ethnicity of the person: police officers tend to be stricter towards hostile citizens, and conversely more lenient towards respectful citizens. This result confirms previous findings on demeanor (Lundman 1974, Worden and Shepard 1996). As ethnic minorities tend to be more hostile towards and less confident in the

police (Smith et al. 1991, Weitzer 1999, Weitzer and Tuch 2004), the role of attitude might however play against ethnic minorities.

As an important part of police work is actually not initiated by police officers themselves but by their hierarchy, or by citizens, we then turned to the analysis of the influence of these two parameters on policing. Police officers' discretion is limited by the fact that they work in an organizational environment that shapes their practices and decisions, and pushes them to implement government policies and priorities on the streets. In some cases, these policies and practices accentuate disproportionality, and have serious discriminatory consequences. It is very clear in the case of the fight against irregular migration, when police officers are asked to target foreigners and ethnic minorities; it is less for other organizational features. Controls and regulations can for example have ambiguous effects: if one could have expected the stricter regulations that frame ID checks in France to limit police discretion, it turned out that French police officers routinely use 'pretextual stops' to circumvent these rules.

By calling the police and providing information, citizens also have a critical influence on policing. Citizens' influence on policing varies according to the country and can have rather ambiguous effects on disproportionality. Citizens' demands can accentuate disproportionality, through the influence of citizens' stereotypes. On the other hand, a closer relationship with the public creates a better ground for communication and cooperation with ethnic minorities. Conversely, the distance characteristic of the French police culture can push police officers to be more suspicious and aggressive towards some ethnic groups. These hypotheses need however to be further researched.

By combining discourse analysis, practices-oriented interviews and observations, this work is an attempt to bridge police discourses, attitudes and practices. The analysis of police discourses helped us to emphasize some of the cognitive processes underpinning discriminatory practices. We also contribute to the debate on institutional racism, by showing that this approach can be fruitful when concepts are clearly defined. Adopting this approach, while redefining the concepts of discrimination and disproportionality, encouraged us to look at the broad range of factors that participate in the production of disproportionality. In doing so, we went

beyond an individual understanding of discrimination. However, given the limited scope of our research, our findings can only be temporary and several aspects require further and more systematic empirical research. Future research should explore the ways in which specific organizational features, such as recruitment policies, or stop and search regulations, can influence disproportionality. A special attention should be paid to the unintended effects of policies. Research should also pay more attention to the, yet unexplored, influence of citizens' demands on disproportionality. In this task, the comparative approach, only used partially in this work, could greatly contribute to our understanding of disproportionality and discrimination patterns.

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