Position paper

2020

Police selectivity
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Acknowledgements

Unia would like to thank Sarah Van Praet (the researcher) and Carrol Tange (the research promoter) of the National Institute of Criminalistics and Criminology (NICC), who have enthusiastically supported the project over the past two years.

The members of the Support Committee, whose comments and generous willingness to share their experience enabled the accomplishment of this project, deserve Unia’s gratefulness.

Finally, Unia would like to acknowledge the commitment of the senior staff of the Brussels North police zone (PolBruNo), who wished to work towards a better understanding of the phenomenon of police selectivity. Unia would particularly like to thank the police officers who agreed to reflect on their own practices. Without their cooperation, it would simply have been impossible to accomplish this research.
1 Introduction

Discriminatory profiling by law enforcement has long reflected the tendency to check and monitor groups who are potentially more criminogenic than others. Identity verification are supposed to guarantee public order. This approach raises certain questions. Although selective practices are part of the daily work of the police in the field, some of them can be problematic both in terms of their motivation and their impact on police work in a broader sense. We must question the message that the police force is sending to the population in general and to certain groups more specifically. A point of tension between police and citizens is whether the choice to carry out an identity check is the result of the individual discretion of the police officer, or whether it is a part of a mechanism that potentially results in discriminatory practices.

This is the purpose of the action research¹ funded by Unia and conducted within the Brussels North police zone (PolBruNo), in collaboration with the police force and the National Institute of Criminalistics and Criminology (NICC).

This project is designed as action-research, which means that it has been co-constructed with the patrol officers of the zone. The objective is twofold. On the one hand, it aims at initiating an examination of the individual or collective practices of the police based on signs of problematic selectivity. On the other hand, it examines the functioning of the organisation of the police zone.

The project provides material for further research and enables to draw conclusions and make recommendations that can benefit other police zones. In this sense, this text is intended for experts from the police and civil-society organisations involved in improving the relationship between police forces and citizens. It aims at:

- contextualising the issue of checks, which constituted the starting point for this joint consideration (I.)
- explaining the specific nature of the PolBruNo zone which facilitated the implementation of the project (II.)
- highlighting particularly remarkable results and generating added value (III. and IV.)
- showing the recommendations drawn from the project by Unia, as a body whose mission is to combat discrimination and promote equality (V.)

2 Identity Checks, a Difficult Problem to Accurately Capture

Article 34 §1 of the Law on the Police Function defines the framework for identity checks. It makes a distinction between the automatic checks concerning ‘any person deprived of his liberty or who has committed an act liable to incur administrative or criminal sanction’ and spontaneous checks whereby the police can ‘verify the identity of any person if they have reasonable grounds to believe, based on their behaviour, physical evidence or circumstances of time and place, that [the person] has sought, is preparing to commit an offence or has attempted to commit it [and] could disturb public order or has disturbed it’. It is this second type of check that can be problematic.

2.1 A Lack of Objective Data

Much research has been devoted to analysing the ever-present gap between the population and the police. Spontaneous checks are often both a source and a topic of extreme tension, especially when they are followed by security searches (frisking), searches of vehicles or even handcuffing. To varying degrees, they constitute acts of coercion.

The different angles of approach and the methodological limits of this research are well established. For example, the European Union Agency for Fundamental Rights (FRA) interviewed Belgian citizens as part of its ‘Towards More Effective Policing, Understanding and Preventing Discriminatory Ethnic Profiling: A Guide’ published in 2010. According to this study, identity checks are more frequent for individuals from minority backgrounds. The Minister of the Interior at the time, however, questioned the reliability of this study, because ‘the information on which the study was based [came] from the persons who had themselves been subject to checks and [was], therefore, subjective and not verifiable’.

In May 2018, Amnesty International Belgium published a qualitative study carried out on 20 victims of ethnic profiling and 48 members of the police force. This study took into account police officers’ contribution, thus making it possible to better understand their perception of the problem. The publication of Amnesty’s study led to a hearing by the House of Representatives in March 2019. It highlighted the lack of objective data available on the subject. It is indeed a challenge, because people who consider themselves victims of discrimination refrain from filing complaints for multiple reasons: the lack of knowledge of the complaint structures, the difficulty in identifying the police officer(s) involved, the lack of evidence, the feeling that complaints are ineffective, the fear of a refusal to draw up an official report, the risk of legal reprisals, the complexity and cost of procedures, etc.

In its sphere of activity, Unia opens around fifty cases concerning the police each year and of these, a dozen are identified as being on the grounds of ‘ethnic profiling’. This figure varies little from year to year, as do the facts reported. The majority of the cases relate to racist or discriminatory remarks, insults and comments made during police interventions. The other cases concern arbitrary or discriminatory interventions. We believe that these numbers are merely a symptom of a deeper problem. The problem persists and for lack of objective and documented analyses it remains difficult to understand. The context of the fight against terrorism is complicated as well, because it encourages harsher police actions in which checks, even those overstepping the legal framework, are deemed a necessary tool for ensuring public safety. The attacks committed in May 2014 (at the Jewish Museum) and March 2016 (in Zaventem and Maalbeek) in Brussels, and in January and November 2015 in Paris, led to the adoption of numerous political and legislative measures to reinforce public safety and prevention in relation to search, arrest and targeted intelligence work. In this context, the police increased identity checks, in particular in certain districts and municipalities considered to be ‘sensitive’. Our aim is not the question the legitimacy of these police actions, but the impact of this practice deserves to be analysed.⁷

2.2 One certainty: the negative impact of checks when they are excessive

Studies have unanimously found that unjustified checks are not only illegal practices⁸ but also have adverse consequences on all parties.

In terms of police work, various international studies show that these practices are ineffective.⁹ When the police focuses on the ethnic characteristics of citizens rather than objective evidence of suspicion, they perform more checks on innocent people. This increases their workload and decreases the detection of crimes and arrests. Furthermore, these practices hamper, or even impair the relationship of trust between the police and the population.

At the level of targeted individuals, checks that are without grounds and are therefore unjustifiable, have a psychological impact, especially in the event of repeated acts. In 2016, the Human Rights League published a qualitative study¹⁰ on the experiences of 15 people from ethnic minorities aged 15 to 48. Their stories show that experiences of positive contact with law enforcement unfortunately do not compensate for the negative ones. The latter are remembered and de facto generate distrust of the police as an institution. These individuals end up changing their behaviour, opting for strategies of avoidance or confrontation.

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⁸ In addition to Belgian anti-discrimination legislation, mention should be made of the law of 26 April 2002 on the essential elements of the status of members of the police service (‘Exodus’ law) which lays down certain ethical principles. Point 24 paragraph 2 of the Code of ethics of the police services which provides that “staff members respect the dignity of every person, whatever the reasons or circumstances which put them in contact with them. In the exercise of their function, they also refrain from any discrimination and any form of bias, whatever the reason and in particular: the alleged race, colour, ancestry, national origin, sex or sexual orientation, marital status, birth, language, heritage, age, religious or philosophical beliefs, health, disability or physical characteristics.”
At the level of society in general, these practices perpetuate negative stereotypes towards minority groups and undermine the legitimacy of the police, which has become biased. They impair the social fabric because they fuel tendencies towards polarisation that divide society.

### 2.3 Two Conflicting Perceptions on the Usefulness of Checks

Those targeted perceive these checks as abusive and humiliating acts imposed by state officials who voluntarily make disproportionate use of their prerogatives. They consider that they are denied the right to occupy public space. They feel reduced to a category: ‘youth in caps and tracksuits’, ‘black drug dealers’, etc. The refusal to explain, the mockery, the unilateral use of familiar forms of address, etc. a polarising mentality of ‘them’ against ‘us’ is created, in a context of social positions that may already be quite imbalanced. This perception is shared by people of different ages and is not limited to a particular zone, district or city. In this sense, these practices can appear as a structural, systemic problem and not limited to individuals, ‘one off’ lapses.

The police believes that checks are related to the essence of their job. They are a way of occupying the territory in order to fight crime and assert the authority of the state. A sign of professionalism, it is considered a tried and true way to show that the police is active, gathering information and knows the field. The checks can also be linked to the management of the area. Some police officers speak of a culture of numbers imposed by their senior management.

### 2.4 How Does the Organisational Management of the Police Influence Discriminatory Police Practises?

*Is the police impartial?*

Criminologist Robert Reiner has examined the impartiality of the police and identifies several factors other than individual factors that may explain discriminatory practices. He distinguishes five types of discriminatory phenomena. Statistical discrimination can occur when the senior management prompts the police to attain certain numbers (e.g. breathalyzer tests). Institutionalized discrimination takes place when an organisation establishes as a principle of operations the refusal of service to certain citizens because of their belonging to a given category. The societal context can also have an impact. Robert Reiner speaks in this case of transmitted discrimination. The police is said to be the driving force behind the prejudices of a society that is increasingly focused on the ethnic origin of individuals. Category discrimination, in turn, stems from the professional cultures specific to the police which can reinforce or reverse these tendencies towards discrimination. Finally, Reiner refers to interactional discrimination to define the contacts or interactions that go wrong and lead to differential treatment by the police. A young man from a working-class neighbourhood subjected to a check to which he objects, who responds with insolence will be treated differently by the police than a mature man in another neighbourhood who might display the same behaviour. The issue is therefore both in the reasons for the check and the way it unfolds.

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In his work on the impartiality of the police, criminologist Robert Reiner identifies several factors that may explain discriminatory practices. Some relate to the management of the police organisation in its multiple facets: the organisation of work, the directives established by the senior management, the communication skills of the police officer, as well as the corporate culture.

The NICC chose this angle of approach and addressed the issue by analysing the mechanisms that are set in motion, from the receipt of the complaint to the intervention on the ground. The aim was to objectify intervention situations deemed problematic by the patrol officers involved in the project, to identify where there were problems and to lay the groundwork for a process of change.

In her observations, Sarah Van Praet, the researcher in charge of the project, excludes the institutionalised and statistical discrimination as referred to by R. Reiner. She focuses on interactional discrimination (between the police officer and the individual) and questions procedural justice, meaning the fact that public action seems fair and equitable because the procedural guarantees are respected. In other words, she does not deal with quantitative data or the perception of citizens. The study does also not focus on the behaviour of individuals or certain units that may be deviant, abusive, unacceptable and that the supervisory bodies should punish. Whether marginal or recurrent, such incidents exist. Some citizens are victim of these practices, it is not an urban legends. But this is not the approach chosen to explore the problem.

We therefore invite the reader to consider this work as a complement to other research dealing with discriminatory profiling. This discussion paper is intended as an aid to police executives wishing to question their management methods and the professional culture of their zone. The general public and the non-profit sector will find that it offers insight into the work of the police and the process which starts when a citizen dials 101.

For Unia, who is on the receiving end of reports, the value of the NICC’s research in a Brussels police zone is to examine the police structure. By funding such a project, Unia hopes to help improve the relationship between the police and citizens.

Racial profiling, ‘appearance based’ prejudice, ethnic profiling, discriminatory profiling, abusive selectivity: what exactly is the topic of the study?

Let’s trace the semantic evolution of the phenomenon to better understand the angle of approach chosen by the NICC. While the phenomenon is often analysed in terms of its effects, the NICC investigates its origins. What was the starting point for the research? Why are we talking about police selectivity in the first place?
The FRA (European Union Agency for Fundamental Rights) offers the following definitions:

‘Profiling consists of categorising individuals according to their characteristics.

(…)

- Protected characteristics such as race, ethnic origin, sex or religion may be among the factors taken into account by police authorities and border guards in exercising their powers, but they cannot be the sole or main reason for distinguishing an individual. (…)

- Profiling which is based solely or mainly on one or more protected characteristics is equivalent to direct discrimination and, therefore, violates the person’s rights and freedoms and is illegal.’

Thus, profiling as a description of what sets someone apart is a part of police work: the police needs to use a description to find a wanted person. But when it comes to checks, the actions of the police must be carried out within the framework of article 34 § 1 of the Law on the Police Function, which notes: to make a spontaneous check, it is necessary to be able to justify it on the basis of suspicious behaviour (ex: desire to flee), physical evidence (ex: smell of cannabis) or circumstances of time and place (ex: being in the streets adjacent to the place where an offense was recently committed). Other considerations should therefore not be considered as a general rule.

The term ‘ethnic profiling’ is reductive. It limits the phenomenon to the ‘ethnic’ characteristics of individuals, while research in police sociology shows that other criteria are taken into account. For this reason, we will instead refer to discriminatory profiling. This occurs when the police carries out checks or adopts specific behaviours, on the basis of the outward signs of a person when there is no objective justification. These are mainly protected criteria relating to skin colour, origin, gender, age or apparent social origin.

The NICC research puts intervention requests into context in order to better understand what is happening on the ground. It sets out to describe the intervention methods that work because they are deemed effective and legitimate - in the sense of justifiable - by the police and fair to everyone. The given moment of the intervention is thus placed in a more general context, the objective being to detect what is problematic in the mechanism. Where the machine falters. Also, the term police selectivity which is used in the study should be understood as a process influenced by institutional, organisational and contextual factors which may lead to discrimination in the field. The concept of police selectivity therefore covers a much broader scope than identity verification.
3 The Organisational Specificity of the Brussels North Police Zone

An interesting comparative study\(^\text{12}\) carried out in France and Germany reveals four structural factors that have an influence on the quantity and the quality of practices related to identity checks:

- national police policy priorities, which may or may not emphasise identity checks as the main instrument in the fight against delinquency;
- training policies, depending on whether or not they include elements concerning relations with the population;
- organisational approaches which may or may not value reflection on practices related to identity checks and police warrants
- the conception that the police have of their role, between service to the population or repression of crime.

This study shows that appearance-based checks are less widespread in Germany than in France and that relations between the police and the population are less tense.

The senior management in the PolBruNo zone has made choices in terms of organisational management and has several characteristics that are similar to the German police model.

**Decentralisation of police services**

The territory of the police stations corresponds to the borders of the districts and not of the municipalities.\(^\text{13}\) In reality, the police are therefore easily accessible and close to the residents. This specificity is not trivial in relation to the issue under consideration here.

**Community policing**

The investment of the zone in the projects of a community-oriented police (or community policing) reflects the desire to be part of a vision of service to citizens. As in the German model, the priority becomes the satisfaction of the inhabitants in the area. This approach tends to view security problems no longer as a succession of isolated acts, but as multifactorial phenomena: solving them involves the collaboration of the population which is seen as a fully-fledged actor. It reduces the feeling of insecurity and makes it possible to establish informal social control at the local level.\(^\text{14}\) This is a stance that is not shared by all police zones.

In addition, apart from specific situations such as *in flagrante delicto* or access to places under threat\(^\text{15}\), the PolBruNo zone engages in what is known as *reactive* policing, meaning that the patrol officers intervene at the request of citizens; as opposed to a so-called *proactive* policing which decides on its own to go out, meet people and check identities.

Finally, it promotes a consensual rather than confrontational style in the contact with the population; this is done

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13 Report p.4


15 Art. 34 §2 of the Police Service Act: ‘In accordance with the instructions and under the responsibility of an administrative police officer, any administrative police officer may also check the identity of any person who wishes to enter a place subject to a threat within the meaning of Article 28, §1, 3 and 4’ (e.g. access to a football stadium for a match)
with an eye to dialogue, de-escalation of violence, providing explanation - even justification - and the proportionate use of force.

**Diversity management and openness to the outside**

The zone adapted its recruitment policy in order to diversify the profile of police officers working there. An effort is made to take this diversity into account in the internal operating methods and the corporate culture. The zone's action plan in this area is instructive. Its primary axis is diversity management, namely the fact that the zone aims to improve its functioning by focusing on the diversity of police profiles. The second is the police officer's awareness of the values of the zone. The third is the respect for fundamental rights.

The zone also cooperates with non-police partners and draws from good practices of other actors. The action research was also set up at the behest of the zone, which chose to involve Unia in its thinking process.

**A reflection on practices**

In 2016, as part of the action research, two days of dialogue with the heads of the PolBruNo police zone helped to clarify the nature of this research: two police officers, from Great Britain and Spain, came to present the results of the research carried out in their respective countries. They presented the added value for the police of projects on the problem of discriminatory profiling. These discussions convinced the majority of those responsible for the zone to undertake a comparable project. The researcher then gained the trust of the police officers working in the field who agreed to be involved. The senior management of the zone agreed to modify the organisation of the zone in order to allow patrol officers to work on their practices. Starting from the principle that, in order to be meaningful, work must be collective, the police zone organised opportunities for discussion. The interviews in which these police officers participated enabled them to exchange their points of view on 'what we do, how, why, with what consequences' and to reflect on the way people look at these actions. This point is worth emphasising because, as in the German model, working on the awareness of professional practices involves reviewing the organisational management.

**Supervised police discretion**

The margin for interpretation that police officers have when faced with situations on the ground is inherent to their profession. In the zone, the police's room for manoeuvre is relatively limited since 'no intervention can take place without an intervention sheet'. This system is obviously not an absolute protection shield against problematic practices, especially when deviant dynamics arise within a unit. However, the fact that the hierarchical framework limits the discretionary power of the police officer undoubtedly plays a role in the issue under consideration.

The internal monitoring for the zone also plays an important role, as it is 'fairly well known for its propensity to open investigations in the event of a complaint against a police action'.

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16 In the zone's general policy note for 2019, the zone's values are: respect, problem solving, responsibility, availability, group spirit, uniform, integrity, open-mindedness. https://www.police.be/5344/sites/5344/files/attachments/NPG_2019_FR.pdf

17 These intervention sheets are drawn up by the dispatching office for the zone (DPZ) on the basis of information given by the police (report p.12).

18 Report p.22.
4 Contributions of the Study and Questions

4.1 Procedural Justice for Citizens

Procedural justice with regard to the police makes it possible to win the support of a citizen targeted by an intervention: he considers it legitimate, just and fair because the procedures have been respected, and the procedures for intervention are respectful of his rights. In this sense, the police must apply advanced communication skills and a good knowledge of the field. How to guarantee this procedural justice? How to explain to the citizen that a given police act does not violate his rights?

With this in mind, based on a study carried out at the police in Mechelen, criminologist Sofie De Kimpe provides guidelines for assessing the quality and fairness of an identity check19:

- Is the check legal, in other words, is it based on objective and justifiable elements? Is there a problem of ‘reasonable grounds’, of what is ‘suspect’ and what is not? Occupying a bench in a square? Hiding something? etc. ‘The ‘Cop instinct’ or ‘feeling’ is by definition based on a routine and stereotypical representations which cannot be valid arguments.
- Is the check fair from the point of view of procedure? In the same situation, any person would be subjected to the same check and according to the same conditions, regardless of his profile. Does the citizen being checked experience this check as legitimate based on the explanation provided to him? Is the interaction courteous?
- Are checks distributed fairly throughout a territory or do these checks target specific areas?
- Are the procedures effective? Do they contribute to safety and, in particular, for the police, to a rapid and lasting restoration of peace?

When the social environment is degraded, it is all the more important to keep a close watch on the management of the interaction and fairness in the choices made by the police. For the French sociologist, Sébastian Roché, it is about inspiring trust20 and thereby generating social cohesion. This implies above all the notion of exchange and agreement between the actors. The police must recognise the legitimate right of everyone to occupy public space. Citizens must recognise the merits of police work and the positive values that underpin their profession. The link is made with the community policing approach.

4.2 Patrol Officers' Awareness of their Professional Practices

Procedural justice requires the ability of the police to discuss, explain, negotiate and talk. The action research is an opportunity to make use of their expertise by playing in particular on their oral professional culture, in the context of interviews. Based on the question ‘Why did this intervention go wrong or go well?’ and a carefully framed dialogue, the field workers can identify possible solutions and relay both procedural and organisational problems to the management. This requires a participative management based on consultation: the police are asked to develop advanced pragmatic skills, alongside procedural skills, and their analysis is taken into account.

19 House of Representatives, Ethnic Profiling, loc. cit.
20 Roché S. (2016), De la police en démocratie [Police in Democracy], Paris : Grasset
The quality of the contact that takes place in just a few minutes also has a lot to do with the way the police see their role. The following question therefore arises: what meaning do the police give to their work and to the acts they perform? According to the work on police ideologies, the research identifies four attitudes\textsuperscript{21} that the police adopts according to the situation to be managed. Each of them mobilises specific skills which can potentially lead to excessive selectivity.

- The attitude of ‘police as protectors of the neighbourhood’ is very focused on procedural justice insofar as the police works on behalf of a neighbourhood and its inhabitants, on the basis of dialogue. On the other hand, it also leads to the exclusion of ‘intruder’ groups from the neighbourhood. Thus, for the same offence, a young girl identified by the police as a ‘gypsy’\textsuperscript{22} is subject to discriminatory treatment because she ‘has no reason to be there’ and that ‘Gypsies’ are ‘incorrigible thieves’; while other young ‘kids’ caught in the act of alcohol theft receive a ‘simple warning’, as if it’s something bound to happen in youth.

- The attitude of ‘the police ensuring public order’ implies that the role of the police is to reconquer public space and prevent nuisances or delinquent acts. This position is based on a legal framework, but it also reinforces discriminatory mechanisms already set in motion by the structural functioning of the management of the complaint. Young people gathered around a damaged vehicle are quickly suspected of having damaged it and forced to line-up, a practice often perceived as brutal by the people concerned. A few checks will ultimately show that they were not responsible for the damage.\textsuperscript{23} The police intervention undoubtedly enabled the police to mark their territory, but we can imagine the disastrous effect that this can have on these young people.

- The ‘procedural’ attitude undoubtedly guarantees respect for procedures, but it raises questions about the senior management of the police. Lacking or no longer having an understanding of what they are being asked to do, the main objective of the police is to ensure compliance with procedures, in particular to avoid putting themselves in danger in relation to the monitoring services. This mechanism is problematic, because it transmits potentially discriminatory requests and the police hardly make use of their interpretative leeway to effectively resolve the problems.

- Finally, the attitude of ‘manager of the world’s misery’ concerns the police who are likely to intervene with groups of the population who have financial, health, housing, relationship problems, etc. This attitude is undoubtedly the most hopeless and difficult to manage on the ground. The police are often the sole remaining contact for a very vulnerable population. They act while knowing that their actions are doomed to be repeated over and over, and the problems of this already severely damaged population go well beyond their job description and skills.

The police adopts one attitude or another according to the nature and the location of the intervention as well as for pragmatic reasons, because it is necessary to respond effectively to the pressure generated by complaints. The function within the organisation, the pressure of internal monitoring and the professional skills specific to each police officer, etc. are all factors that influence the attitude and perception that police officers have of their jobs. The interactions between these different factors and the attitudes adopted by the police are worth examining.

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\textsuperscript{21} Report p.21.
\textsuperscript{22} Report p.21. The term ‘gypsy’ is an encompassing term which covers very complex realities (Travelers, Manouches, Roma, Sinti, etc.). It is often used in a stigmatizing way by ‘non-Gypsies’. We prefer the term ‘Travelers’ for Belgians living in mobile homes and Roma for recently arrived populations from central and Eastern Europe.
\textsuperscript{23} Report p.20.
4.3 The Importance of a Professional Culture open to the Outside World and Diversity

Like any worker within a structure, the police are steeped in the professional culture in which they work. Professional socialisation is important because it can strengthen or reduce social representations that influence practices. The professional culture of the zone is key: for many years PolBruNo has been investing in openness to the outside world, diversity and police integrity. It welcomes researchers, magistrates, trainees and cooperates with the non-profit community; it organises internal diversity events such as la Quinzaine de la diversité (‘the Diversity Fortnight’); it is involved in the project on the Holocaust, police and human rights at the Kazerne Dossin which examines the mechanisms of group pressure and collective violence likely to lead to massacres and genocides. 24 By building a positive discourse on otherness, the zone builds shared norms and values. It is a brake on individual tendencies and a way of regulating, to a lesser extent, the dynamics of groups which could be potentially deviant.

There would undoubtedly be room for investigation concerning the link between professional culture, corporate culture specific to the zone and police attitudes.

4.4 Problematic Complaint Management

The citizen complaints mechanism appears to be one of the aspects at the crux of the problem. Why? Responding to citizen complaints is the priority. This is done automatically. However, associated with the strategic guidelines set by superiors according to specific contexts and briefings, this primacy of the complaint generates pressure in terms of time which does not allow the police to ‘do procedural justice’. Police need to deal quickly and effectively with the problem for which they are called, with a view to avoiding multiple interventions in the same location within a short period of time. Several problems overlap here. The first is that they receive little information beforehand about the nature or recurrence of complaints. The checks then become a means of analysing the situation. They make it possible to gauge the degree of volatility of the situation and to examine a series of information that the police should ideally already have, including on the complainants (has this person already called 101 or zonal dispatching? For the same type of complaint? etc.).

Through a sort of ricochet effect, the automatic processing of complaints and such use of checks to determine the situation can be applied and can be perceived as a discriminatory approach by the people targeted by the check.

The absence of ‘filtering the complaint’ is the second problem and raises two tough questions. The first is that of the role of the police in a societal context where it is increasingly being called in by the population on demand, including to settle disputes that do not fall within its competence, which could be resolved in other ways. The second difficulty concerns the responsibility of the citizens themselves. Certain requests made by citizens themselves are discriminatory requests. A person asks the police ‘to come and arrest these three Africans’, because ‘well, they are surely selling drugs’; an international bus driver denied boarding to a lady, pointing out ‘clearly, and repeatedly, the lady’s black skin colour as a reason why he does not trust her identity document’. The risk is, in this case, that a form of discriminatory profiling arises not from the proactive decision of the police officer or the police as an institution, but rather from the instrumentalisation of the police services by people making discriminatory requests to them. The fact that the police organisation responds automatically to these requests is problematic. The responsibility to decide whether or not to respond to potentially discriminatory expectations lays with the police.

24 https://www.kazernedossin.eu/FR
25 Report p.34
4.5 Role of Supervisory Bodies in Relation to Professional Police Practices

As part of its responsibilities, Unia collaborates with the internal monitoring departments and the Committee P when there is a complaint. The existence of a monitoring body is essential, there is no question about that. However, this study also highlights the fact that the fear of monitoring, combined with the need to save time, guides the actions of police officers.26 The legal framework is seen much more as a sanctioning tool than as a working tool. This dimension would undoubtedly be worth examining, in connection with critical assessment of practices.

26 Report : p.24
5 What Does Unia Recommend to Fight Against Discriminatory Police Practices?

The results discussed above can provide material for thought for zones facing structural dysfunctions and/or wishing to improve police practice on the ground. Unia has formulated eight recommendations.

5.1 Improve the complaint management mechanism to allow the police to ‘do procedural justice’.

The action research sheds light on the complexity of the job of the patrol officers. Their work is subject to multiple constraints, the most obvious of which are time constraints.

It appears necessary to first of all examine the functioning of the DPZ (dispatching for the zone). There is a relaying role to be carried out towards other actors for tasks which do not specifically concern police responsibilities or which could be taken over by other actors. Complaints should also be prioritised according to their level of urgency and their nature, or even put on hold or possibly dismissed after analysis when the requests are openly discriminatory.

Alongside this role of ‘filtering of the complaints’, the DPZ should aim at summarising among others the information relating to the complainants and the place of the intervention. It should be send to the police on the ground beforehand in order to fully prepare them concerning the nature of the complaint, its recurrence, etc.

Optimising the way in which complaints are handled would concretely allow the police to save time, approach interventions with a view to dialogue, explanation, justification and smooth the transition from one intervention to another.

5.2 Guarantee the Transparency of Police Actions to Build Police-Population Trust.

Many experiments are currently underway in Belgium and abroad, including the use of bodycams. This is the case in the police zones of Brussels West, Turnhout, De Haan, Antwerp, Mechelen-Willebroek, Lokeren, Bruxelles-Capitale-Ixelles, etc. These initiatives deserve to be analysed and evaluated with regard to their impact on the professional practices of police officers: how are they taken into consideration in the way the intervention is approached? How much additional workload does their use mean a? etc.

From the point of view of the population, there is a lack of clear understanding in relation to actions involving identity checks. This reinforces certain groups in their perception of the police as a threat rather than a partner in dialogue. So the message must be clear: what regulates the procedures, in particular those of identity checks, contributes to the transparency of the interventions. However, they must be in line with the requirements of the job of the patrol officers. They need to recognise the procedures as useful and take ownership of them.
5.3 Adding the Obligation to Justify the Identity Check to the Law on the Police Function.

For the time being, there is no legal framework that enables a citizen to know the reason for a check to which he has been subjected. The lack of understanding between police officers and citizens can be explained in part by this, because while the check is part of the daily life of the police officers, it is not the case for the citizen. Unia is calling for the creation of a receipt which would include the reasons for the spontaneous check under Article 34 of the Law on the Police Function and the contact details of the internal monitoring services to which the person may appeal.

Beyond these procedures relating to access to information, it seems essential to improve complaints procedures, their accessibility and their follow-up in the event of deviant and/or abusive practices on the part of the police. This is also a recommendation of the United Nations Committee against Torture: it reaffirms the right of every citizen to hold the police to account.

5.4 Punish Abuses

The management must adopt a clear position, both internally and externally, on the refusal of any complacency in relation to abuses or discriminatory behaviour and on the procedures against any police officer who engages in such behaviour. It must also protect members of the police force who prove themselves to be victims. The first aspect is hardly possible without the second, and vice versa.

5.5 Associate the Monitoring Services with the Reflection on Police Practices

It is necessary to (re)think the relationship between the police and the internal monitoring service and the Committee P. The perception that the police officers have of monitoring has a negative impact on practices on the ground. However, there is a balance to be struck between, on the one hand, monitoring the acts performed, respect for procedures, and on the other hand, the analysis and pragmatism of police officers confronted with problematic situations.

The internal monitoring services should be able to be associated with critical reflection on police practices in a constantly changing societal context. This would force the police organisation to reassess and the individual police officers to take a fresh look at their jobs. The monitoring makes it possible to issue sanctions, but must also be conceived of as a mechanism for support and improvement of the practices in a context in constant evolution.

5.6 Work on Professional Skills Focused on Procedural Justice in the Context of Training

Two levels of training can be distinguished.

At the level of initial police training, it seems important to work on communication skills in context. Many facets of the police profession require this type of skill because the management of the relationship with the citizen is part of the daily life of the police. They are worked on in several training modules and should be presented in connection with the community-oriented police approach. Furthermore, for the time being, the training does not prepare aspiring police officers to think about their future profession in a context of social change: in just a few years, the working conditions of the police have changed considerably, as have citizen expectations and this has an impact on police responsibilities, including the risk of instrumentalisation of the police force. A reflection on the practices of selectivity, the management of the diversity of the population and the risks of polarisation should be approached in connection with the values of the police.

In the context of continuing education, the survey technique tested for action research has proven itself valuable for its formative qualities. Based on police experience in the field, their analysis of situations, dialogue with peers allows collective good practices to emerge. The interview system is relevant because it examines the leeway of the police in intervention and leads the police to reflect on their practices. Reflexivity is one of the tools that allow the reduction of discriminatory practices.\(^{28}\) The senior management must support initiatives that tend towards it and integrate them into its managerial organisation (plan interviews that are coordinated with work schedules, recruit or train staff to interview, communicate to enhance the work done, etc.).

5.7 Develop Partnerships Around Concrete Projects

Unia is a partner for the police force and defends the community-oriented approach. This subject must be examined, certainly because it involves revisiting management methods. Unia encourages meaningful, structured and effective dialogue between minority groups, associations and the police. The police must therefore agree to justify their actions, not so much to defend themselves against the attacks, but to explain and gain support.

5.8 Document the Phenomenon of Selectivity and Discriminatory Profiling

In terms of discriminatory profiling, and drawing on this experience with the NICC and the PolBruNo zone, Unia recommends setting up collaborative projects. Based on the action research, several topics came up:

- the impact of this project on the feelings of the population living in the PolBruNo zone;
- the link between selective police practices and people in an irregular situation or who are arrested in the context of migration control;
- identical action research but with a different field of study than that of patrol officers in the zone;

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\(^{28}\) de Maillard, J. & al., op.cit.
• comparative research with intervention patrols in other areas whose management mode and information management tools differ from those chosen in PolBruNo, in particular in those where cases of discriminatory profiling have already been reported;
• an analysis of the monitoring of police checks, as is already done in Great Britain in order to gain a detailed knowledge of the phenomenon; this ‘mapping’ of checks should also feed into the strategic analysis of the concerned zone.

The above recommendations reflect the concerns of Unia in relation to the police organisation. Most of them are not new, but action research has the benefit of providing better keys to understanding these issues. This project also proves that a respectful collaboration taking into account the specificities of Unia, a police zone and a research centre is possible.

With a view to sharing experience and knowledge, Unia therefore remains at the disposal of police zones that would like to develop or strengthen an internal diversity policy and improve their functioning.