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Second Interim Report on the Police Use of Excessive Force (KviAPol) Research Project

Experiencing racism and discrimination in the context of the use of force by the police

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Contents

- SUMMARY 5**
- 1 RECENT DEVELOPMENTS 8**
- 2 THE STATE OF CURRENT RESEARCH 11**
 - 2.1 Discrimination in the context of the use of force by the police 11**
 - 2.2 Racist attitudes and practices in the police 13**
- 3 METHODOLOGY 17**
 - 3.1 Quantitative survey of victims 17**
 - 3.1.1 People from migrant backgrounds 17
 - 3.1.2 People of Colour (PoC) 17
 - 3.1.3 Comparisons between groups 18
 - 3.1.4 Significance and limitations 19
 - 3.2 Qualitative expert interviews 19**
 - 3.2.1 Methodology 19
 - 3.2.2 Interviews with experts from civil society 20
 - 3.2.3 Interviews with experts from the police 20
- 4 FINDINGS 22**
 - 4.1 Situations and types of force 22**
 - 4.2 Experiences of discrimination 25**
 - 4.2.1 Perceptions of discrimination 25
 - 4.2.2 Causes of discrimination 27
 - 4.2.3 Everyday experiences of discrimination 31
 - 4.2.4 Victims' awareness of the problem 32
 - 4.3 Approaches to understanding the issue 33**
 - 4.3.1 Police officers' experiential knowledge 33
 - 4.3.2 Spatialised policing 35
 - 4.3.3 Racist attitudes 37
 - 4.4 Impacts on victims 38**
 - 4.5 Reporting behaviour 41**
 - 4.5.1 Reasons not to make a criminal complaint 41
 - 4.5.2 Reporting behaviour of people undergoing deportation 44
 - 4.6 Advice centre perspectives on opportunities for change and needs for reform 45**
- 5 DISCUSSION AND CONCLUSIONS 48**
- REFERENCES 53**

List of Figures

- Figure 1:** People from migrant backgrounds and those from other backgrounds; PoC (schematic representation) 18
- Figure 2:** Operations not connected to mass events, by group (%) 23
- Figure 3:** Factors influencing discrimination, by group (%; multiple responses possible).... 26
- Figure 4:** Frequency of previously perceived discrimination, by group (%)..... 27
- Figure 5:** Psychological impacts, by group (%; single items, "partly applies" or higher) 38
- Figure 6:** Reasons not to make criminal complaints, by group (%) 42

List of Tables

- Table 1:** Occasion of police contact, by group 23
- Table 2:** Who felt discriminated against and why? – OLS regression (standardised beta coefficient)..... 29
- Table 3:** Who advised against making a criminal complaint? 43

Summary

This evaluation analyses qualitative and quantitative data from the KviAPol¹ project. It explores the experiences of people from migrant backgrounds and People of Colour (PoC) in the context of the use of force by the police.² The report comprises an online survey of persons who had experienced police violence (n=3,373) which they felt was unlawful. It also includes interviews with experts from the police and civil society (n=17, cf. 3.2). Although issues of racism and the police do not form the primary focus of the project, the survey did generate data on experiences of discrimination in the context of what was perceived to be unlawful police violence. This data is analysed here and compared with findings from recent research into the topic (cf. Chapters 2 & 5).

This approach makes it possible to assess the extent to which PoC and people from migrant backgrounds experience incidents in this context differently to *white*³ people and those not from migrant backgrounds (cf. 3.1). Other important findings were achieved by comparing the perspectives of victims with those of the police. That said, it is not possible to use this data to draw conclusions about experiences of discrimination in the context of other police contacts where violence was not involved. Furthermore, the analysis presented here is not based on a sample that is representative of the whole population. Consequently, it cannot be used to draw conclusions as to whether people from migrant backgrounds and PoC in Germany experience unlawful police violence more often than people who are not from migrant backgrounds or *white* people (cf. 3.1.4).

Our analysis has shown that PoC and people from migrant backgrounds were affected in different ways by police violence that was perceived to be unlawful than was the case for *white* people or people not from migrant backgrounds. Furthermore, they perceived this violence differently.

- The data from the quantitative survey shows a trend that particularly affected PoC and their contacts with police, whereby it was evident that identity checks brought them into contact with the police more often than was the case for *white* people (cf. 4.1). In the quantitative interviews, experts drew attention to a particular set of problems where identity checks are carried out without suspicion of an offence or other cause. The experts explained how violence can escalate during identity checks under these circumstances (cf. 4.3.2). One key trigger for the police to use force can be

¹ The project is running from March 2018 to January 2021 and is funded by the Deutsche Forschungsgemeinschaft (DFG). The project leader is Prof Dr Tobias Singelstein at the Department of Criminology at Ruhr University Bochum.

² We would like to thank Miguel Ayala, Benjamin Derin, Julia Habermann, Matthias Michel, Jonas Reitz and Vanessa E. Thompson for their enthusiastic support and valuable contributions.

³ *White* is not used here to indicate the colour of a person's skin or a biological criterion. Rather, the term refers to a racialized classification that assigns dominance and privilege to *white* people (IDA e.V. 2020). In order to show that this process of social attribution largely remains unarticulated and unnamed, this report always uses *white* in italics (AI 2017). By contrast, the term "Black" is capitalised in order to show that it does not refer to skin colour, but rather to a "constructed pattern of attributions" (AI 2017).

complaints about actions that are perceived to be racist, which was a point reported by a number of respondents (cf. 4.2.3).

- There are significant differences between the experiences of discrimination of PoC and those of *white* people (cf. 4.2). Amongst other things, the frequency of these experiences led PoC to assume their external characteristics and the racist prejudices associated with them caused them to be treated differently to *white* people. There were also differences in these experiences between people from migrant backgrounds and those not from migrant backgrounds, albeit to a lesser extent.
- On average, people from migrant backgrounds and PoC reported more serious psychological effects due to the use of force by the police than was the case for people not from migrant backgrounds and *white* people (cf. 4.4).
- Both *white* and non-*white* respondents rarely chose to make a criminal complaint (cf. 4.5), although there were some differences in the reasons for these decisions. Amongst other things, it was more common for PoC to report that they had been advised against making a complaint than was the case for *white* people. In interviews, experts from victim support centres drew attention to the low likelihood of success in such complaints and the significant risk of the police taking action against the complainant themselves. They also noted the high degree of stress and the fact that the police sometimes refuse to accept complaints.

When viewed in conjunction with recent research, the interviews reveal a contrast between the perspectives of police officers and victims, in that the former often do not view incidents and differences of this kind as racist or discriminatory. This creates a mismatch between how victims on the one hand perceive and interpret these incidents, and the views and interpretations of police officers on the other.

- When carrying out identity checks in the course of their regular duties, for example, police officers rely on knowledge gained through their professional experience (cf. 4.3.1). This includes characteristics attributed to certain groups of people, some of which are culturalizing in effect. Experiential knowledge of this kind becomes problematic when certain characteristics are applied universally to certain people or groups and when this affects how an officer behaves on duty. For example, a group may be considered to lack acceptance of the police, hold different moral values or have a particular predisposition to criminality. This can occur, for example, when PoC are perceived as being more dangerous or appearing more suspicious than *white* people and are treated differently as a result.
- A similar point applies to spatialised policing in so-called "flashpoints" or high-risk areas. In these instances, the negative characteristics associated with the area can be attributed to the people who live in those areas, which can in turn influence how the police operate (cf. 4.3.2).
- Police officers may not necessarily be aware of stereotypes of this kind. These prejudices can also have an unconscious effect due to socialization, previous experiences (negative or otherwise) or conveyed through official orders to carry out actions.

The findings from this analysis suggest that the discrimination suffered by PoC and people from migrant backgrounds is not primarily an individual problem with certain officers. It

is also a structural issue within police practice. This is not to say that it affects the police as a whole or that the police deliberately act in this way. Rather, it is a structural problem, whereby experiential knowledge, spatialised policing and unconscious stereotypes are not just the products of the chance traits of a few individual officers. These problems also arise from the structure of the police as an organisation, such as in the duties and tasks it undertakes, how it carries them out and how the organisation deals with mistakes and grievances (cf. 5).

Furthermore, the evaluation of the data revealed evidence of police officers holding conscious racist attitudes and acting in ways that were intentionally racist. These attitudes and actions denigrated and deliberately disadvantaged people from migrant backgrounds and PoC in particular, regardless of the situation or the individual circumstances (cf. 4.3.3). Some respondents used the survey to report statements and insults that were clearly racist, antisemitic or Islamophobic. In the interviews, some police officers described their colleagues behaving in this way. However, it is not possible to assess the scale of this problem within the police in Germany using the data available here.

Last but not least, it should be borne in mind that racism is not a problem for the police alone but rather a day-to-day phenomenon in society as a whole. Nevertheless, racism manifests itself in a particular way within the police, since they hold a monopoly of the use of force on behalf of the state. From the point of the experts from civil society, while there is a need to raise awareness about racism throughout the whole of society, this is particularly pressing in the police, due to the position of power that they hold (cf. 4.6).

1 Recent Developments

Racism and discrimination in police practice are increasingly the focus of debates in the public sphere. In the summer of 2020 several videos of violent police operations attracted considerable attention and comment. Some responses to these videos noted that the targets of the police action were almost all young men who appeared to be from families with migrant backgrounds.⁴ Civil society groups such as the *Kampagne für Opfer rassistischer Polizeigewalt* (KOP) [Campaign for victims of racist police violence], the *Initiative Schwarzer Menschen in Deutschland* (ISD) [Initiative for Black People in Germany] and various cop-watch groups⁵ have been drawing attention to this issue and victims' experiences for some time. Despite the complex challenges of policing in a "migration society" (Foroutan & Dilek, 2016), there has been limited engagement with this issue within the police thus far. It must also be said that too little empirical research has been conducted into the situation in Germany.

One of the most hotly contested points is racial profiling. This practice is used to identify suspects and check identities based on external characteristics that are coded as deviating from a *white* norm. The *European Commission against Racism and Intolerance* (ECRI) recommended that the Federal Government and *Länder* should "commission and participate in a study on racial profiling with the aim of eliminating this form of institutional racism" (ECRI 2020, p. 9). The *German Institute for Human Rights* (DIMR) has drawn attention to the "inadequate understanding of the ban on racist discrimination" (DIMR 2020, p. 2) in the police and ministries of internal affairs. In the light of this, it seems reasonable that the use of force by the police can be influenced by attitudes, stereotypes and practices of this kind. This view is supported by reports from civil society groups who have identified particular concerns among people from migrant backgrounds and/or People of Colour around issues of police violence.

It was against this background that the KviAPol research project evaluated the data it had collected on the use of force by the police, focusing on the experiences of people from migrant backgrounds and People of Colour. This included the online survey conducted in 2018 of people who had experienced police violence that they held to be unlawful. It also included interviews with experts from the police and civil society, which were conducted from Spring 2019 to January 2020.

The evaluation presented here makes it possible to assess the extent to which people from migrant backgrounds and PoC experienced the use of force by the police differently to *white* people and those not from migrant backgrounds, based on the data available. However, this is not a representative sample, so it cannot be said that the police use unlawful violence more often against these groups in Germany than against people who are not from migrant

⁴ For examples, see <https://www.migazin.de/2020/08/19/kritik-polizeigewalt-jaehrigen-duesseldorf-hamburg/> (30/10/2020).

⁵ Such as in Frankfurt am Main, Leipzig and Hamburg.

backgrounds or who are white. Nor is it possible to comment on discrimination in situations where violence was not involved (cf. 3.1.4).

Glossary

Several terms have become part of the common currency of public debates, but there is a lack of agreement over what they mean. The glossary below sets out how they are used in the context of this report.

This report refers to the experiences of **people from migrant backgrounds** and **People of Colour (PoC)**. According to the Federal Statistical Office, a person is from a migrant background if they themselves or at least one of their parents have not held German citizenship since birth. By contrast, PoC is a term of self-definition that encompasses a range of people who have experienced racism (AG FSH 2015, p. 56). They share the experience of being “marginalised by *white* dominant culture” (Ha 2009). The term does not concern the darkness of a person’s skin. Rather, it makes visible the systematic exclusion and denigration caused by a *white* majority society. In the context of this report, the term was not used by respondents to describe themselves, but was instead selected by the researchers (cf. 3.1.2). It is important to distinguish between people from migrant backgrounds and PoC because questions of nationality and migrant backgrounds concern fixed categories that distort or disguise certain experiences of discrimination (Supik 2017, p. 47). For example, a person may be from a migrant background but still be *white*, while there are PoC who are not from migrant backgrounds according to the definition given above.

Hereinafter, **racism** is taken to mean attitudes and actions that assert or reproduce inequality and inequivalence due to perceived biological differences or presumed cultural differences (NdM 2020). Beliefs of this kind can consist of conscious attitudes just as much as unconscious knowledge, such in the form of stereotypes. As a rule, an action is racist when racist assumptions cause another person to be treated differently, usually in a denigratory manner. Racist actions may be intentional or unintentional, so it is not necessarily the case that a racist action can only result from a racist attitude, be it conscious or unconscious. Racism refers to an everyday phenomenon across the whole of society (cf. Terkessidis 2010, 2004; Hall 1989).

Structural or institutional racism means that social or institutional structures such as laws and practices cause people or certain groups to be denigrated or disadvantaged due to their outward appearance, i.e. due to phenotypical or presumed cultural characteristics (AI 2017). Discriminatory practices of this type do not necessarily arise from the attitudes of the individual who takes an action. Rather, they emerge from structural and institutional conditions.

Racial profiling refers to a racist police practice in which persons are stopped for identity checks or identified as suspects on the grounds of phenotypical characteristics and the presumed origins of the person concerned. Other factors may also come into play here, such as sex, clothing, presumed social status and age. There is a universal ban on racial profiling in Germany, as it represents unlawful discrimination. However, the 2009 and 2017 European Minorities and Discrimination Surveys (EU-MIDIS I and II), numerous reports from victims and a series of legal proceedings show that this issue is still significant in Germany (cf. FRA 2017).

Far-right extremism describes a range of attitudes and beliefs that are connected by common ideas that reject the principles of equality (bpb 2014). These beliefs can consist of antisemitism and racism, for example, but antidemocratic elements are also evident. These involve "attitudes, behaviours and actions ... that reject the pluralistic values of a liberal democracy and seek to undo advances in democratisation" (Jaschke 2001, p. 30). This report cannot make any findings about far-right extremism in the police, firstly because these attitudes could not be depicted through the survey of victims, and secondly because it was not the subject of the interviews.

2 The state of current research

There is a particularly comprehensive body of research into unlawful police violence and discrimination against PoC in the US, especially with regard to police treatment of Black⁶ people. The findings of this research reveal a wide range of racist discrimination. Police officers speak less respectfully to Black people than to *white* people (Voigt *et al.* 2017), black people are subjected to investigatory stops more often (Kramer & Remster 2018; Epp, Maynard-Moody & Haider-Markel 2014), and non-*white* people face a higher risk of being killed by police (Edwards, Lee & Esposito 2019). By contrast, there is very little empirical research into the experiences of People of Colour and people from migrant backgrounds in their interactions with the police in Germany. Moreover, the findings from US research can only be applied to the situation in Germany in a very limited way. Much research is needed in Germany, particularly with regard to understanding the extent and nature of discriminatory attitudes and practices. This is due on the one hand to the limited opportunities and data available to researchers, and on the other hand to the fact that previous studies have only focused on regional circumstances or specific areas of police work, as Hunold and Wegner (2020) conclude in their overview of the research that has been undertaken until now.

2.1 Discrimination in the context of the use of force by the police

In terms of offences captured in official statistics (the "Hellfeld"), the Police Criminal Statistics recorded 1,579 suspected victims of bodily harm in public office in 2019 (Federal Criminal Police Office (BKA) 2020). 25% of these victims did not hold German citizenship and 5% were asylum seekers or refugees. The predominant countries of origin were Turkey, Syria, Poland, Iraq, Afghanistan, Lebanon and Romania. The victim's nationality was not identified in around 10% of cases. A review of cases of bodily harm in public office in Bavaria produced similar outcomes: 26% of complainants were not German citizens and 34% came from migrant backgrounds (Luff, Schuster & Röhm 2018, p. 234). In Germany and also within the state of Bavaria, 12% of the population do not hold German citizenship and 26% are from migrant backgrounds (Federal Statistical Office 2020, p. 134). According to these statistics, non-Germans and people from migrant backgrounds are over-represented among victims of bodily harm in public office.

In addition to their work supporting victims, civil society groups have been monitoring the dark figure for this type of offence for several years. One particularly noteworthy example is the Kampagne für Opfer rassistischer Polizeigewalt [Campaign for Victims of Racist Police Violence - KOP], which has documented racist police brutality in Berlin since the year

⁶ See footnote 3 on the definition and spelling of this term.

2000.⁷ Similar groups have been set up in the intervening period in many other cities.⁸ The reports produced by these groups show that victims consider experiencing police violence to be quite normal in Germany (cf. KOP 2016). “Normal” here means that the victims feel that discriminatory treatment was “not fair, but common by German standards” (KOP 2020, p. 2). These experiences include derogatory racist remarks on the one hand, and on the other issues of structural racist discrimination such as being stopped or arrested due to a person’s outward appearance (*ibid*, p. 3).

The *Death in Custody* initiative documents cases where Black and PoC people have died in police custody or where they were killed by police firearms since 1990. It also documents cases that were officially recorded as suicide (DiC 2020). Thus far the initiative has documented 179 cases.⁹ Nevertheless, the initiative notes that it is wholly possible that this figure could be higher, firstly since no national statistics have yet been compiled on deaths in custody and secondly since it is not always possible to identify from the data available whether a case involved a Black person or a Person of Colour (DiC 2020). In addition to this, a number of other initiatives are working on specific cases where Black people and PoC had died at the hands of the police. These include the *Break the Silence* initiative in memory of Oury Jalloh¹⁰, *Gerechtigkeit für Adel B*¹¹ [*Justice for Adel B*], and the *Initiative für Christy Schwundeck*¹².

Regardless of whether they have investigated lawful or unlawful police violence, studies in Germany have thus far paid very little attention to the question of whether people with migrant backgrounds or PoC are affected more often or in different ways. Investigations of case studies by Bruce-Jones (2012, 2015) are an outlier in that they identify the structures of institutional racism. End (2017) examined police practice with regard to antiziganism in investigatory practices and showed there may be a lower threshold to violence against Sinti and Romani in these cases (*ibid*, p. 38 f).

A number of studies have identified that people from migrant backgrounds and PoC experience greater stress following police violence (Thompson 2018a, b; Bryant-Davis *et al.* 2017; Louw, Trabold & Mohrfeldt 2016; Carter & Mazzula 2006). These studies addressed traumas such as anxiety and avoidance behaviours as well as a loss of trust in the police and the authorities.

⁷ Available at <https://kop-berlin.de/chronik> (30/10/2020).

⁸ These groups include: KOP in Bremen and Kiel; copwatch groups in Frankfurt am Main, Leipzig and Hamburg; the Kooperation gegen Polizeigewalt in Dresden and “Bürger*innen beobachten Polizei und Justiz” in several German cities including Bochum and Göttingen; and the Forum gegen Polizeigewalt und Repression in North Rhine-Westphalia.

⁹ <https://deathincustody.noblogs.org/recherche/> (30/10/2020).

¹⁰ <https://initiativeouryjalloh.wordpress.com/> (30/10/2020).

¹¹ <https://www.facebook.com/gerechtigkeit4adel/> (30/10/2020).

¹² <http://initiative-christy-schwundeck.blogspot.com/> (30/10/2020).

2.2 Racist attitudes and practices in the police

Until now, investigations of racism in the police in Germany have largely focused on the individual attitudes of officers and the majority of the studies were conducted during the 1990s (Mletzko & Weins 1999; Eckert, Jungbauer & Willems 1998; Backes *et al.* 1997; Jaschke 1997; Bornewasser 1996).¹³ A more recent study from Hamburg which investigated trainee officers has shown that negative stereotypes about people perceived as being Muslim were particularly prevalent among those officers who reported coming into contact with them through their duties. By contrast, officers who had private contacts with these groups held more positive attitudes (Kemme, Essien & Stelter 2020). Another recent survey from the *Land* of Hesse has shown that the majority of the officers surveyed place themselves in the middle of the political spectrum (HMdIS 2020, p. 16).¹⁴ However, around a third said they felt there was a risk that Germany would become an Islamic country and a third also disagreed with the statement that immigration was making the country "more colourful and diverse" (*ibid.*, p. 18 f.). Almost one in five (18%) reported that their colleagues had expressed racist opinions to them (*ibid.*, p. 6). 45% said the police were susceptible to prejudice and 40% felt the police were not receptive to criticism (*ibid.*, p. 11 ff.) It is also interesting to note that 44% of respondents reported that "accusations of racism in the course of carrying out their duties" were particularly difficult to deal with (*ibid.*, p. 10). These findings show that officers generally do not consider themselves as far-right, racist or discriminatory, and that they often cannot understand why victims accuse them of this type of behaviour. On the other hand, there are unambiguous reports of problems within the police as an institution.

The work of Schweer and Strasser also suggests similar conclusions (2003, 2008). In their survey of officers in Duisburg, almost all (92%) said they treated German and non-German people equally, but 45% also reported that their colleagues tend to discriminate against foreigners (Schweer & Strasser 2003, p. 256 f.) In a survey conducted by Wiendieck *et al.* (2002), when asked to assess a description of a case of racist police violence, 86% of respondents rated it as "very bad", although 23% said a case of this kind could actually happen (*ibid.*, p. 40). Officers therefore repudiate overtly racist actions but do not see their own actions as discriminatory; indeed, they tend to see the problem as belonging to their colleagues.

Older research has shown that, from the point of view of the police, assaults on minorities are not so much an expression of racism as "operations that function as a safety valve", aimed generally at any persons with limited powers to complain (Maibach 1996, p. 191). Above all, the discriminatory treatment of ethnic and racial minorities is attributed to the constant stress of day-to-day police work. It is also believed to stem from a constant flow of (negative) professional experiences that are not properly processed. (Eckert, Jungbauer &

¹³ Most of these studies employ concepts of "xenophobia" and "hostility to foreigners". These terms are now considered out-of-date as people affected by racism in Germany are not necessarily "foreigners" (cf. Terkessidis 2010, p. 77 ff.).

¹⁴ For criticism of this study, see <https://www.zeit.de/gesellschaft/2020-02/polizei-hessen-rechtsextremismus-ergebnisse-polizeistudie> (30/10/2020).

Willems 1998, p. 224 ff.). When it is left up to police officers to solve complex social problems and they feel like “a workshop to fix up social harms”, the excessive demands and stress can supposedly result in a lack of tolerance (Schweer & Strasser 2003, p. 254). Nevertheless, it was noted that where police officers perceive others as enemies, these perceptions are primarily the outcome of a process of socialization rather than intense stress alone (*ibid*, p. 256). It is hence argued that day-to-day experiences and entrenched stereotypes hence create a reality for the police that dictates how they act and at times results in discriminatory treatment of certain groups (*ibid*, p. 242).

It is not necessarily the case that discrimination (be it racist or otherwise) is intentional on the part of police officers. It can also be due to implicit and unconscious stereotypes (Staats *et al.* 2017). The term “shooter bias” is used in discussions of a phenomenon that has been demonstrated in experiments, whereby police officers were quicker to shoot at Black people than *white*, despite there being no situational reasons for the decision (Kahn & Davies 2017; Correll *et al.* 2002). It has also been shown in other forms of police violence that less violence is used against those who appear to fit a stereotypically *white* phenotype (Kahn *et al.* 2016). Furthermore, Black people are more often associated with criminality and other negative qualities than *white* people are, which can also increase the risk of excessive police violence (Hall, Hall & Perry 2016). In addition to unconscious stereotypes, racist discrimination of this kind can also be caused by ignorance or a lack of knowledge (AI 2017). In Germany the term “everyday racism” is used to discuss this kind of possibly unintentional racism (Hasters 2020; Terkessidis 2004). Behr (2019) also describes how discriminatory practice of this kind is routine in the German police.

In the light of these findings, the focus of research in recent years has included closer scrutiny of police practices. Hunold (2015) accompanied police operations and while no overt racist actions or “ethnic profiling” were observed (*ibid*, p. 213 f.), there was evidence of “social space-oriented police practice” which could lead to “discrimination against ethnic minorities that was driven by the space itself” (*ibid*, p. 217). She noted that this finding also applied to those affiliated to the left of the political spectrum (*ibid.*) If a district has a high proportion of migrants and is perceived as problematic by the police, the individual inhabitants may also be perceived as being more problematic if they are associated with that district. These associations are primarily made on the basis of external characteristics, with the consequence that persons who are coded as migrants are particularly likely to be considered problematic (*ibid*, p. 218). Strasser and Schweer (2003) also participated in operations in Duisburg. They arrived at similar findings, confirming that it was more common for men in districts such as Marxloh who were perceived to be foreign (and Black men in particular) to be stopped and questioned, something that the subjects of these stops felt was a stressful burden on them (*ibid*, p. 241 ff.).

More recently the discussion has focused closely on racial profiling in particular (Behr 2019; KFRP 2019; Wa Baile *et al.* 2019; Cremer 2017, 2013; Belina 2016; Keitzel 2015; Herrnkind 2014). Herrnkind (2014, p. 37 f.) has identified several forms of racial profiling in Germany. There are so-called vehicle and identity checks without due cause [“anlasslos”], raids and dragnet investigations. Certain groups are subject to specific surveillance and

“structurally racist presuppositions” direct the investigatory strategies and practices. In addition to these, Herrnkind identifies risk assessments, “outsourcing” the identification of potential suspects, and processes by which third parties identify potential suspects and the police review the information supplied to them as forms of racial profiling. He notes that where police stops of this kind are “emotionally charged”, they often result not just in verbal confrontations but also in physical violence (*ibid*, p. 38).

Thompson (2018a) criticises how police are able to carry out stops without suspicion or cause in certain areas such as railway stations or areas defined by the police as “high-risk areas”. These designations are often applied to areas where ethnic minorities are present (*ibid*, p. 2). Where there is no specific reason for suspicion, these stops can only be prompted by external characteristics. Especially in cases where these stops are for the purposes of checking migrant status (under section 22 (1a) of the German Federal Police Law, BPolG), there is a risk that they will reproduce societal racism (*ibid*, p. 3). Among others, Cremer (2013, 2017) has given expert opinions that section 22 (1a) of the BPolG (at the very least) is unconstitutional, as it encourages racial profiling and hence contravenes the prohibition on racial discrimination under article 3(3) of the Basic Law. Belina (2016) is among the researchers who emphasise the significance of spaces, in that People of Colour are more likely to be stopped in high-risk areas. This is due to the fact they are perceived to be outsiders and the police attribute “abstract risks” to them (*ibid*, p. 142). In this context, Keitzel (2020) criticises how high-risk areas enjoy “legally-protected uncertainty” where “police autonomy” is inherent (*ibid*, p. 191), in this, she identifies a connection to racial profiling.

Among others, Künkel (2014) and Bruce-Jones (2015) have called for intersectional perspectives on this issue, identifying age, gender and social class as criteria used in police stops in addition to skin colour and the presumed origin of the subject of the stop. According to these researchers, these categories should not be considered independently of one another. Instead, they argue that their combined effect produces a distinctive form of social inequality which transcends the effects of each individual category (Küppers 2014). Behr (2019) also shows how police discrimination is not prompted only by ethnocentric criteria, but also by other attributions such as “poor” or “homeless” in conjunction with the specific situational context (*ibid*, p. 39). In this context he proposes using the term “social profiling” (*ibid*, p. 26). Intersectionality has also been explored in the context of the US in order to identify how intersecting characteristics influence contacts between the police and various groups of people. Among the researchers who have noted the interaction of race and sexual orientation are Taylor, Wilcox & Monceaux (2020), who show that *white* heterosexual individuals have more positive perceptions of police, whereas there are less favourable perceptions of police for Black individuals and sexual minority individuals. Dottolo & Stewart (2008) further show that Black men with low incomes (and particularly younger men) are at increased risk of coming into conflict with the police. They argue one of the reasons for this is the criminalisation of these people by the police, which both reflects and reinforces social stereotypes.

There is a general consensus on the view institutionalised practices are at work here which perpetuate social racism. Researchers also agree that the problem therefore transcends the question of the extent to which individual police officers share racist views (cf. Thompson

2018a; End 2017; Belina 2016; KOP 2016; Bruce-Jones 2015). Behr (2019, p. 38 f.) puts it thus: “police officers believe their discriminatory routines echo certain social discourses in society (including some discriminatory discourse). [...] Discriminatory practices by the police are not the result of individual pathologies but of perceptions of people that are shared within cultures and subcultures.”

3 Methodology

The KviAPol research project took place in two phases: a quantitative online survey of persons affected by police violence and a series of qualitative expert interviews. The goal of the project was to arrive at a systematic overview of the situations in which unlawful police violence occurs and the groups which are particularly affected by it. It also sought to understand the nature of reporting behaviour for these incidents and the dark figure for this type of offence (cf. Abdul-Rahman, Espín Grau & Singelstein 2020). The following section discusses the project's methodology with regard to the quantitative survey of victims and the qualitative interviews with experts.

3.1 Quantitative survey of victims

The quantitative survey involved an online questionnaire of people who had experienced police violence (n=3,373) which they considered to be unlawful. The respondents were recruited through a snowball sampling method using gatekeepers and through public outreach work.¹⁵ As such, the sample was not representative of the whole population¹⁶. Nevertheless, thanks to the high level of participation it depicts a wide range of situations where police violence occurred and where the victim believed it either lacked legal justification or was excessive. The analysis here focuses on comparing certain groups, namely persons from migrant backgrounds and those not from migrant backgrounds, and PoC and *white* people.

3.1.1 People from migrant backgrounds

16% of respondents to the online survey (n=543) reported they came from migrant backgrounds. Of these, 13% were German nationals and 3% were not. 42 respondents (1%) did not supply information on this question. After Germany, the most common countries of origin were: Poland, Turkey, Austria, Italy, France, Russia, the United Kingdom and Romania. Persons not holding German citizenship are underrepresented in this sample when compared to the whole population. They account for 12% of this sample, while the figure for Germans from migrant backgrounds (14%) is roughly in line with that for the total population (Federal Statistical Office 2020, p. 36).

3.1.2 People of Colour (PoC)

The questions of a person's citizenship or whether they come from a migrant background are matters of fixed categories. However, these can disguise or distort certain experiences of discrimination that are caused by belonging to (or being perceived to belong to) certain ethnic or cultural groups (Supik 2017, p. 47). Consequently, respondents were additionally

¹⁵ For full details of the methodology see Abdul-Rahman, Espín Grau & Singelstein 2019.

¹⁶ Cf. "Was bedeutet Repräsentativität?" at <https://kviapol.rub.de/index.php/inhalte/glossar-faq> (30/10/2020).

asked to state if they were ordinarily perceived by others as “German” (self-evaluation of perception by others). Around 7% (n=232) said this was not the case for them, while 3% (n=109) did not want to provide information on this.

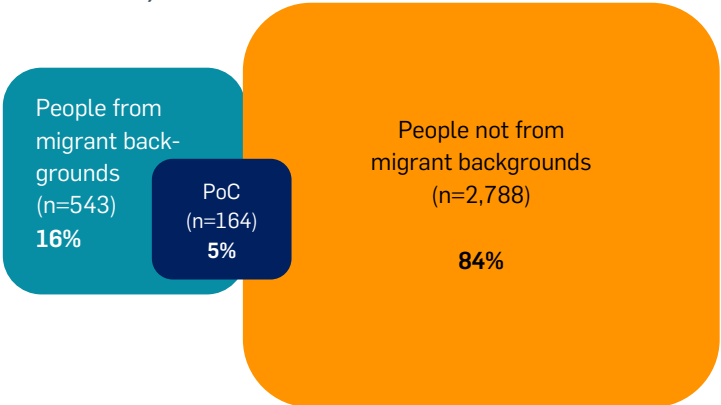
Nevertheless, these 232 respondents also included white people who stated their external appearance was considered “different”. For example, some said they were recognisably part of the punk scene, politically “far-left” or members of active groups of football fans such as the Ultras. In order to analyse how People of Colour¹⁷ experienced violence, it was necessary to exclude *white* people from this category. The PoC group therefore included people from migrant backgrounds who had indicated they were not ordinarily perceived as being “German” in appearance (n=149), and those who were not from migrant backgrounds¹⁸ but who had also reported experiencing racism in the context of the incident they recounted in the survey (n=15).

Overall, PoC made up 5% of all respondents in the study (n=164). As such, PoC represent a distinct subgroup among people from migrant backgrounds, although they also transcend this category (cf. Figure 1).

3.1.3 Comparisons between groups

Two pairs of comparators were identified through this approach. The first pair consists of people who come from migrant backgrounds (n=543) and those who do not (n=2,788); the second consists of PoC (n=164) and *white* people (n=3,100).¹⁹ When undertaking the analysis for this report, each of these pairs was compared at each stage. For the purposes of transparency (unless otherwise indicated), the “people not from migrant backgrounds” group forms the reference category, as it is around 90% congruent with the group of white people and the values for these two groups do not differ significantly from each other.

Figure 1: People from migrant backgrounds and those from other backgrounds; PoC (schematic representation)



¹⁷ For the definition of this term, see Glossary, p. 1.

¹⁸ The survey only asked respondents about the countries in which their parents were born. As such, it is not possible to wholly exclude the possibility that the respondent's family did not have some history of migration.

¹⁹ 42 people (1%) did not respond to the question on migrant backgrounds (cf. 3.1.1). 109 people (3%) did not state if they are ordinarily perceived to look “German” (cf. 3.1.2).

3.1.4 Significance and limitations

The analysis presented here is not based on a sample that is representative of the whole population. Consequently, it cannot be used to draw conclusions as to whether people from migrant backgrounds and PoC in Germany experience unlawful police violence more often than people who are not from migrant backgrounds or *white* people. It should especially be borne in mind that non-German citizens are substantially underrepresented in this sample. Moreover, the sample of PoC is markedly smaller (n=164) than that for *white* people (n=3,100). This is due in part to the recruitment strategy (for more on this point, see Abdul-Rahman, Espín Grau & Singelstein 2019).

Furthermore, the sample only includes cases where the police used physical violence and it was not possible to depict other forms of contact with the police. Hence this report should not be considered an investigation into experiences of discrimination during contacts with the police in general, and it is certainly not a study of the prevalence of racial profiling, even if this topic area plays a role in the analyses. Nevertheless, the evaluation does make it possible to assess the extent to which people from migrant backgrounds and PoC experience police violence differently to *white* people and those not from migrant backgrounds, based on the data available. The data can highlight trends and differences in how victims are affected. It can also constitute an empirical basis for discussions of the issue of discrimination in the context of the use of force by the police. However, there is still an urgent need for further research into racism and discrimination in police practices.

3.2 Qualitative expert interviews

The second phase of the study comprised 63 structured interviews with experts. Three fields (civil society, criminal justice and the police) were identified in advance through theoretical work, with roughly equal proportions of interviewees from each. The sampling aimed to capture the diversity of perspectives in this subject area, and to explore their conditions and effects (Przyborski & Wohlrab-Sahr 2014, p. 126 f.). The qualitative phase of the study sought to expand upon the quantitative phase and to generate deeper approaches to understanding the findings from the victims' survey.

3.2.1 Methodology

The interviews were analysed using qualitative content analysis. This method is distinctive in that it uses qualitative interpretation, making it possible to identify latent meanings. This approach is systematic and governed by a set of rules. Quality and validity criteria are applied, making the process verifiable (Mayring & Fenzl 2019; Kuckartz 2018; Schreier 2014).

The data used for the analysis of this section of the project is taken from interviews with experts from the police and civil society. Interviews with representatives of the judiciary are not considered in this analysis. The scope of the data was reduced in line with the specific interests of this analysis, as the evaluation aimed to investigate experiences in connection

with the situation where force was used, and to understand the short and longer-term consequences for the victims that did not involve the criminal justice system. The specific characteristics of how the judiciary handles police violence will be investigated at a later stage. As such, the material analysed here encompasses a targeted and reconstructible sample from the total qualitative data corpus. The sample was then sub-coded so the analysis could be focused on the aspects relevant to this issue.

The quotations from interviews included in this report (along with the free text responses from the quantitative victims' survey) have been lightly edited to aid readability but their meaning has not been changed. The gender of the respective interviewees has been obscured for the purposes of anonymity. Sources are identified with reference to the respective interviewee and the paragraph of the interview.

3.2.2 Interviews with experts from civil society

A total of 21 interviews were conducted with experts from civil society. These may be subdivided into three groups:

- (1) Self-governing support centres for marginalised groups such as Sinti, Romani, PoC and Black people, homeless people and drug users, as well as other groups affected by police violence, such as political activists, football fans and those who work in the night-time economy;
- (2) Victims advice centres for victims of violence and documentation centres whose work in this context covers police violence;
- (3) Journalists whose work has engaged with police violence.

For the purposes of this subgroup analysis only those interviews were selected that explicitly engaged with the issue of racist discrimination by the police. There were a total of nine such interviews. There were three interviews from the field of support centres, five with experts from victims advice centres and documentation centres and one interview with a journalist. The remaining twelve interviews with experts from civil society did not raise the issue and are therefore not considered in this analysis.

3.2.3 Interviews with experts from the police

A total of 22 interviews were conducted with senior police officers, officers from departments of internal investigations and "rank and file" officers [*Wach- und Wechseldienst*]. In order to recruit interviewees, applications were submitted at an early stage to the ministries of the interior of the *Länder* and the Federal Ministry of the Interior. Of the 17 ministries, twelve approved the request to conduct the interviews. In some *Länder* the project team were given free choice of interviewees or the interviewees were able to register their interest independently. However, the majority of ministries of the interior selected between one and three officers to participate in the study.

The police interviews did not specifically focus on how the police deal with PoC or people from migrant backgrounds, nor on the issue of discriminatory practices. Nevertheless, this issue was addressed in some interviews, such as when questions were asked about persons

or groups where problems arose more often. The same selection process was applied to this subgroup analysis as for interviews with the civil society group, whereby only those interviews were selected and evaluated in which the interviewee explicitly addressed the treatment of PoC or people from migrant backgrounds or where they remarked on racist discrimination in general. The analysis includes interviews that included statements that could be considered discriminatory or racist, as well as those in which the interviewee referred to racism, structural racism and police discrimination. A total of eight interviews were selected for analysis from the police group: one interview with a senior officer, two with officers from internal investigations departments and five interviews with “rank and file” officers. No reference was made to racism or discrimination in the police in the other fourteen interviews.

4 Findings

This section presents an integrated discussion of the findings from the evaluation of the victims survey and the qualitative interviews. It focuses on six areas: the situations in which force was used, how victims experienced discrimination, ways of explaining the various experiences, the consequences for victims, reporting behaviour, and the opportunities for action and needs for reform as identified by advice centres.

4.1 Situations and types of force

The situations in which respondents described coming into contact can be divided into three categories: demonstrations and political activism, football matches and other mass events (OME), and contacts not connected to mass events (cf. Abdul-Rahman, Espín Grau & Singelstein 2020). The third category includes situations such as the police being called over a dispute, traffic stops and identity checks. The incidents were grouped into these categories according to the different dynamics of each form of interaction which influence how police officers and citizens act. These dynamics can take very different forms depending on the occasion of the contact. The dynamics of how incidents escalate at mass events involving many people manifest themselves differently to those in operational settings of encounters between single or small groups of people.

The occasions when respondents came into contact with the police were different for people from migrant backgrounds and PoC than those for people not from migrant backgrounds (cf. Table 1).²⁰ For example, it is notable that they came into contact with the police less often in the context of football matches, but more often for operations not connected to mass events. Almost half (45%) of PoC and almost a third (29%) of respondents from migrant backgrounds reported experiencing violence in incidents not connected to mass events, while this was the case for only 18% of those not from migrant backgrounds (cf. Table 1).

Respondents who reported unlawful police violence in connection with a mass event (n=2,704) generally came into contact with the police more often, with 48% reporting coming into contact with the police a few times a year and 43% even more often.²¹ While it was the case that 43% of respondents from operations not connected to mass events (n=664) reported coming into contact with the police a few times a year, only 17% stated it was more often and 40% reported it rarely or never happened (aside from the incident they were describing). In comparison to people coded as *white*, it was more common for PoC from this group to report coming into contact with the police several times a month (29% vs. 16%). By contrast, responses of “a few times a year” (37% vs. 44%) or less often (34% vs.

²⁰ For the purposes of clarity, the “people not from migrant backgrounds” group will henceforth be used as the reference category unless otherwise indicated (cf. 3.1.3).

²¹ Answer scale from 1 (Never) to 5 (Several times a week).

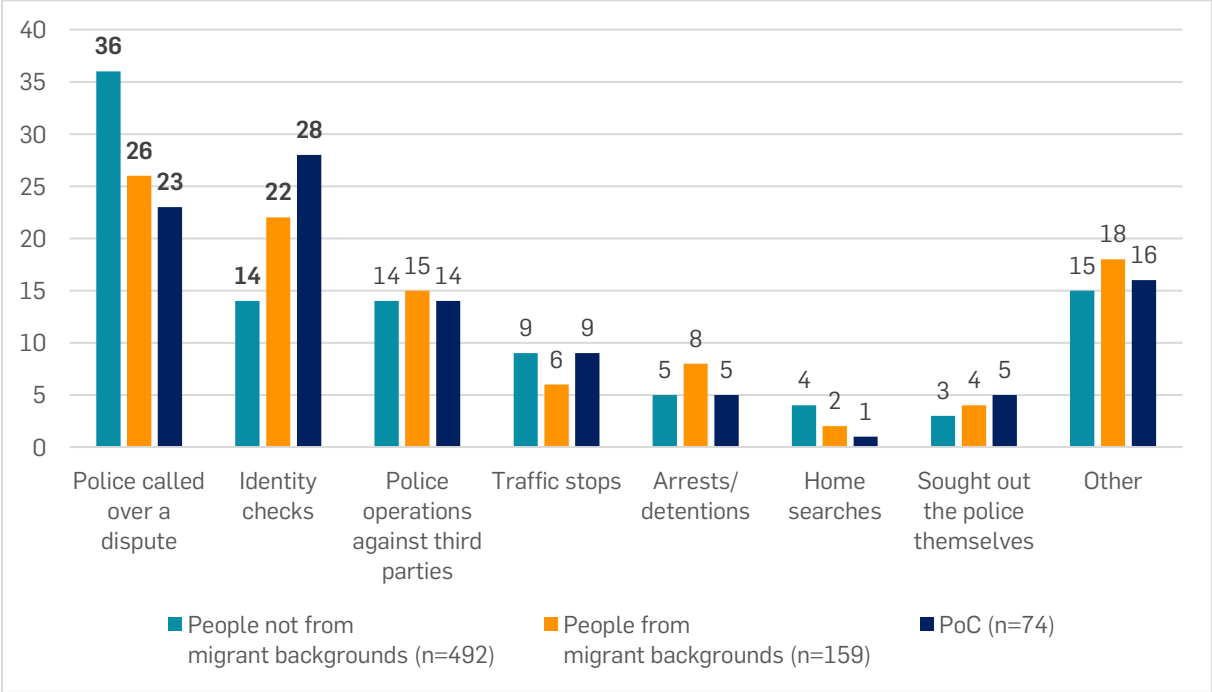
40%) were less common.²² There were no significant differences with regard to mass events.

Table 1: Occasion of police contact, by group

	People from migrant backgrounds (n=542)		PoC (n=164)		People not from migrant backgrounds (n=2,784)	
	Frequency	Share	Frequency	Share	Frequency	Share
Demonstration/political activism	287	53.0%	69	42.1%	1,565	56.2%
Football/other ME	96	17.7 %	21	12.8 %	727	26.1 %
Operations not connected to ME	159	29.3 %	74	45.1 %	492	17.7 %

One individual from a migrant background and four individuals not from migrant backgrounds did not state the occasion of the contact.

Figure 2: Operations not connected to mass events, by group (%)



Values in bold are significantly different (chi-squared tests; p<.05).

²² Significant difference where p<.05 (chi-squared test); Cramer's V=.11 Migrant background status did not account for any significant difference on this point.

Operations not connected to mass events (n=664) represent a range of situations (cf. Figure 2). The comparison of the four groups considered here showed the following significant differences: a higher proportion of people from migrant backgrounds (22%) reported coming into contact with the police through an identity check than was the case for people not from migrant backgrounds (14%). The figure was even higher for PoC (28%).²³ By contrast, people from migrant backgrounds (26%) and PoC (23%) reported less often than people not from migrant backgrounds (36%) that police contact occurred due to the police being called over a dispute or a crime, such as breaches of the peace or fights (cf. Figure 2).²⁴

The findings from the quantitative survey also showed a difference in the locations where force was used. One-fifth (20%, n=106) of people from migrant backgrounds reported violence at a police station or while in police custody, in contrast to only 11% of those not from migrant backgrounds (n=303). PoC also encountered violence more often in these settings (22%, n=36).²⁵ While some of these respondents may have been seeking the assistance of the police themselves, the majority of incidents involved detentions. It was more common for people from migrant backgrounds to be taken into custody during the incident they reported (41%, n=220) than was the case for those not from migrant backgrounds (31%, n=871).²⁶ If only those individuals who were taken into custody are considered, there was still a higher rate of reports of force being used in police facilities for those from migrant backgrounds (40%, n=87) than for those not from migrant backgrounds (30%, n=262).²⁷

With regard to the physical violence experienced by respondents, the differences were smaller. This finding can mainly be explained by the different situations in which contact with the police occurred. People from migrant backgrounds (53%) reported being handled too firmly slightly more often than those not from migrant backgrounds (47%). They reported being shackled or restrained just as often as PoC did (39% each), compared to 28% of respondents not from migrant backgrounds. By contrast, they experienced the use of pepper spray or irritant sprays less often (PoC: 26%; people from migrant backgrounds: 35%; people not from migrant backgrounds: 42%).²⁸ The main reason for this is that these sprays were most often used at football matches, where there was a low proportion of people from migrant backgrounds and PoC. In contrast to this, being held or handled with too much force and shackling and restraint were mainly employed at operations not connected to mass events, where there was a higher proportion of PoC and people from migrant backgrounds (cf. Table 1). When each of the subgroups was considered individually (demonstrations and political activism, football matches and other mass events, and operations not connected to mass events) no differences were evident with regard to the types of violence respondents reported. People from migrant backgrounds and PoC were therefore affected

²³ Significant differences at $p < .05$ (chi-squared test); $\Phi = .09$ (from migrant backgrounds); $\Phi = .13$ (PoC).

²⁴ Significant difference where $p < .05$ (chi-squared test); Φ (both) = .09

²⁵ Significant differences at $p < .05$ (chi-squared test); $\Phi = .10$ (from migrant backgrounds); $\Phi = .07$ (PoC).

²⁶ Significant difference where $p < .001$ (chi-squared test); $\Phi = .07$

²⁷ Significant difference where $p < .01$ (chi-squared test); $\Phi = .08$ The differences for PoC were not significant, but proportionally they were arrested more often (38%, n=62) and slightly more of those respondents reported violence at the police station (39%, n=24) than was the case for white people (32%, n=1,003, and 42%, n=317).

²⁸ Significant difference where $p < .05$ (chi-squared test); Φ between .04 and .08.

in different ways by certain types of violence since they came into contact with the police in different situations (and more often in the context of situations not connected to mass events).

The use of force by the police was a particularly significant feature in cases of deportations. Only three respondents to the quantitative survey reported what they considered unlawful police violence while they were being deported, as those who have already been deported are a particularly difficult group to reach when recruiting participants to a study. Nevertheless, 20 respondents who are coded as *white* (five of whom came from migrant backgrounds) reported experiencing police violence when they tried to prevent a deportation. In addition, it emerged from the qualitative interviews that deportations involve a particularly high risk of force being used by the police. On the one hand this is due to the fact these situations are highly tense from the outset and represent an exceptional situation for almost all involved. One interviewee from civil society criticised deportations in these terms:

“It is often the case that regular state police just carry out these deportations in the course of their day-to-day work. That means I could be spending all my time doing traffic stops then the next day I have to carry out a deportation.” (A2.8, pos. 40).

According to this expert, it is common for these deportations to involve unnecessary restraints, which can be explained by the fact that the police *“are not experienced in dealing with what is a very unique situation”* (A2.8, pos. 40). In the view of this interviewee, having *“a dedicated unit that is responsible and trained for [deportations] and which does them regularly, so they develop a kind of routine at some point”* (A2.8, pos. 40) could help prevent excessive violence during deportations.

4.2 Experiences of discrimination

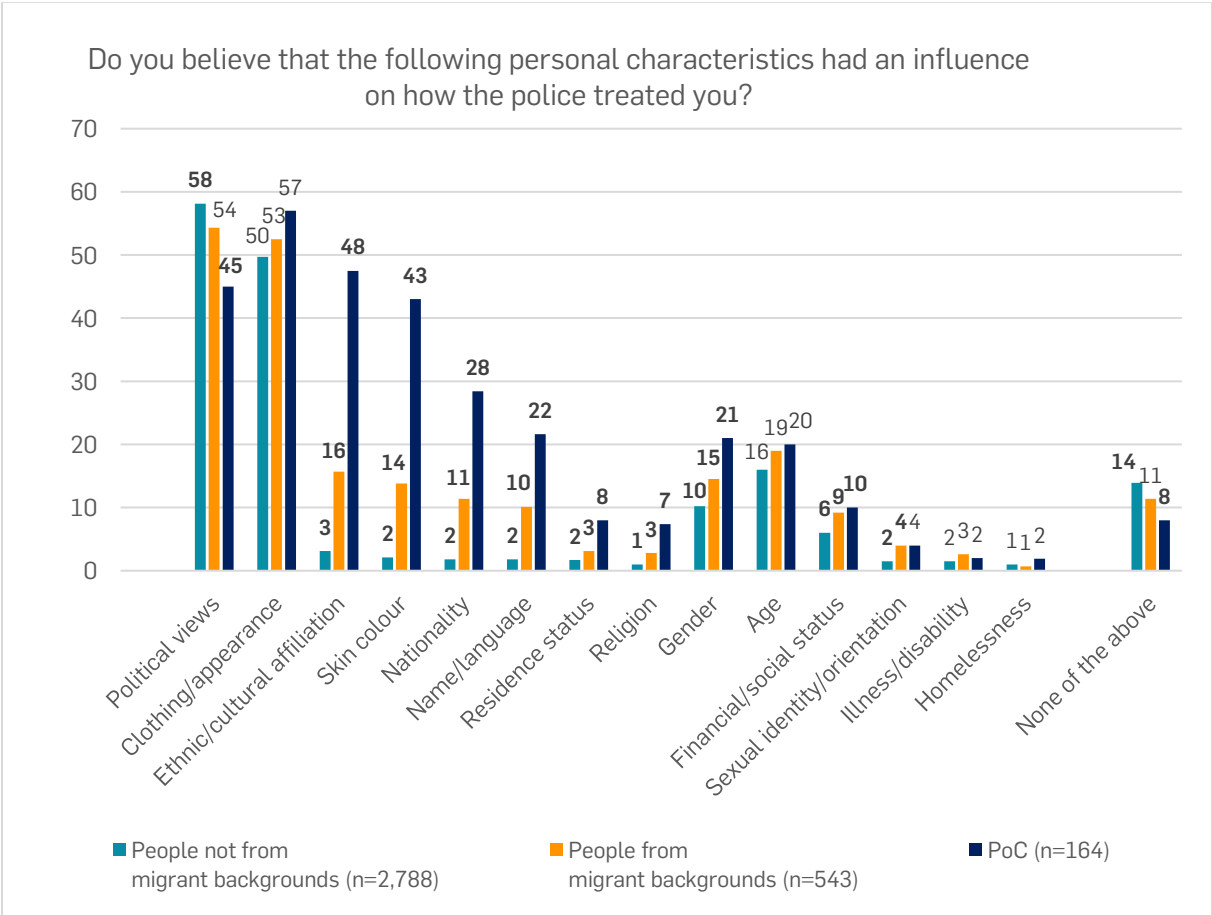
The respondents were asked if they had felt discriminated against by the police during the incident they described. Almost half (42%) of all people from migrant backgrounds stated this applied to them, a further 15% partly agreed and 16% did not answer the question. Just under a third (31%) of those not from migrant backgrounds said the police had discriminated against them (sometimes: 15%; no response: 17%). No less than 62% of PoC felt discriminated against, and a further 12% felt this partly applied to them (no response: 11%).

4.2.1 Perceptions of discrimination

In a separate question, respondents were asked to give their view as to whether certain characteristics (including those attributed by others) had influenced the police's behaviour. The responses made by PoC were particularly striking on this point. Compared to *white* people, it was much more common for PoC to report that characteristics of their origins (or those attributed to them), such as their ethnic or cultural affiliations, skin colour, nationality, name, language or residence status influenced how they were treated by the police

(cf. Figure 3).²⁹ The same pattern emerged for people from migrant backgrounds, albeit to a lesser extent.

Figure 3: Factors influencing discrimination, by group (% , multiple responses possible)



Values in bold are significantly different (chi-squared tests; p<.05).

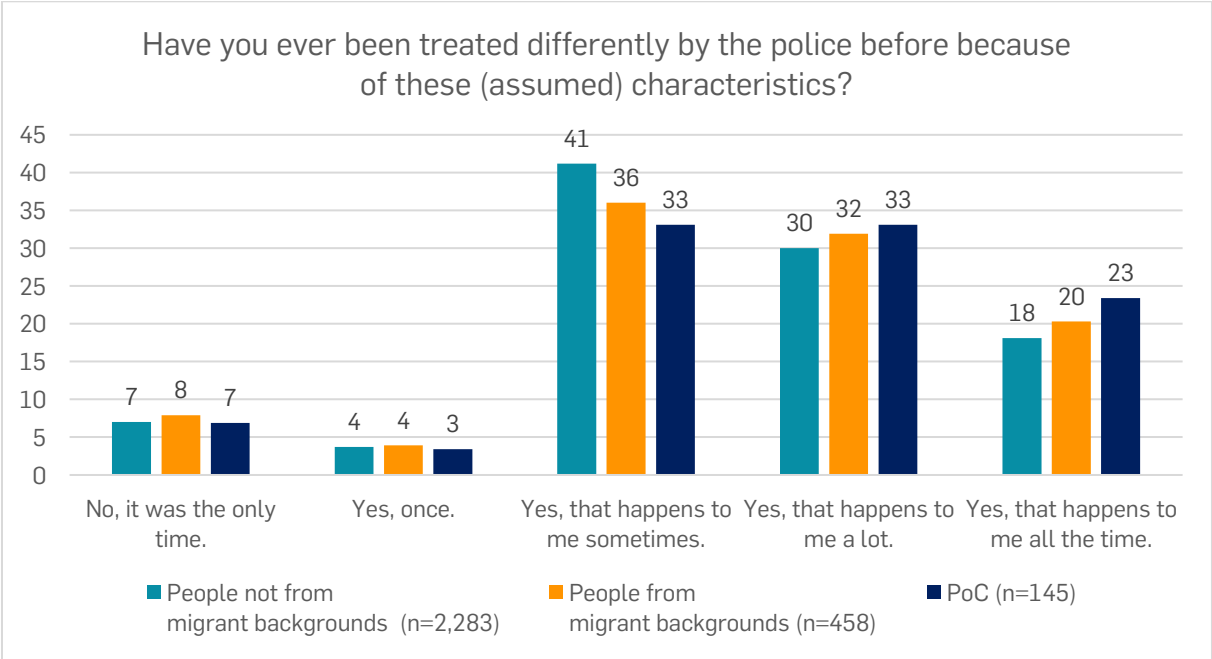
Most respondents identified multiple characteristics (including those attributed to them), which they felt influenced police behaviour. 59% of people from migrant backgrounds and 77% of PoC identified at least two characteristics, while this was the case for 46% of respondents not from migrant backgrounds. For the latter group of respondents, the most common combination was “political views” and “clothes/appearance” (20%), and the same applied to people from migrant backgrounds (16%). For PoC, by contrast, the most common combination (9%) was “clothes/appearance” in connection with a characteristic linked to their origins (assumed or otherwise), such as their ethnic or cultural affiliation, skin colour, nationality, name or language, or their residency status. The next most common combination was “political views” and the respondent's origin or assumptions about

²⁹ Significant difference where p<.001 (chi-squared test); Phi between .11 and .46.

their origin (7%). A further 7% reported “political views” and “clothes/appearance” but did not refer to their origin.

In only a tiny number of cases did respondents who reported discrimination say it was their first experience of this kind (less than 10%, cf. Figure 4). Around two-thirds reported experiencing this kind of treatment sometimes or often. One-fifth even reported that incidents occurred all the time where they were treated differently by the police due to innate or attributed characteristics. Overall there were no significant differences between the groups, although it was notable that it was slightly more common for PoC to report that these incidents occur “a lot” or “all the time”.

Figure 4: Frequency of previously perceived discrimination, by group (%)



4.2.2 Causes of discrimination

Multivariate regression analysis (OLS) was used to identify who had felt discriminated against by the police and the reasons for that discrimination (cf. Table 2). The dependent variable here was “the police discriminated against me”, which was assessed on a scale of 1 (*completely disagree*) to 5 (*completely agree*).³⁰ It has already been shown that PoC in particular felt they had been discriminated against more often than was the case for *white* people (cf. 4.2). The following analysis will consider the causes of this difference in more detail.

³⁰ The variables here are treated as a quasi-interval scale. The conditions of an OLS regression – particularly the assumption of a normal distribution of residuals and of no heteroskedasticity (using the Breusch Pagan test) – were assessed and are not violated. It was not possible to apply ordinal regression due to the lack of parallel regression (concurrency test significant to p<.05). A multinomial logistic regression was then carried out, the results of which were similar to those of the OLS regression. These are not included in the report to aid readability and ease of interpretation.

The explanatory variables were: the occasion of police contact (demonstrations and political activism, operations not connected to mass events, with football and other mass events as the reference), socio-demographic characteristics, and lastly the reasons why the victim felt they had been treated differently by the police along with the frequency of experiences of this kind.

Model 1 shows firstly that people from migrant backgrounds reported experiencing discrimination more often than those not from migrant backgrounds. Moreover, female respondents and gender non-conforming individuals³¹ felt more strongly discriminated against than men did. Reports of experiencing discrimination were less common for school pupils, students and respondents with high levels of education (i.e. those holding a higher education entry qualification) and those in employment. However, the explained variation in this model is only 5%.

Model 2 considers whether the respondents were PoC along with the reasons why they felt they had been discriminated against (explained variance of 13%). It was more likely for a respondent to see the police's behaviour as discriminatory if they felt the police's actions had been influenced by factors of their external appearance, such as their clothing and their outward appearance in general, characteristics of their origin (attributed or otherwise), their sexual orientation or identity (attributed or otherwise), their gender (including others' assumptions), and their financial or social status. Discrimination due to political views (or others' assumptions thereof) did not show any significant influence. By contrast, it was less common for those who experienced violence in connection with demonstrations or political activism to feel discriminated against than respondents from football matches or operations not connected to mass events.

One major factor in whether respondents considered police action to be discriminatory was how often they had experienced discrimination in the past. The more often a respondent had experienced this kind of treatment by the police, the more likely they were to consider police behaviour discriminatory. How respondents assessed their contact with the police therefore depended on their previous experience, with negative experiences reinforcing their perceptions of discrimination.

The presence of a migrant background alone does not influence whether respondents assessed police contact as discriminatory: the moderating variable here is PoC status. This means that experiences of discrimination are not dependent on whether a person is from a migrant background or not, but rather whether they are perceived as non-*white*. This confirms that the experiences of PoC require specific consideration. Regardless of other socio-demographic characteristics, PoC assessed their contact with police as discriminatory more often than *white* people did.

³¹ People who identified as trans*, intersex, queer, genderqueer, fluid, androgynous, agender or non-binary.

Table 2: Who felt discriminated against and why? – OLS regression (standardised beta coefficient)

	Total (n=2,296)		Non-PoC (n=2,179)	PoC (n=117)
	Model 1	Model 2	Model 3a	Model 3b
Occasion of police contact (Reference: Football/other ME):				
Demonstrations/political activism	-.149***	-.147***	-.162***	.032
Operations not connected to ME	.040	.058*	-.048 ⁺	.206
Socio-demographic characteristics				
PoC		.085***		
Migrant backgrounds	.079***	.001	.003	-.061
Gender (Reference: male)				
Female	.065**	.071***	.069***	.121
Gender non-conforming ^a	.070***	.032	.037 ⁺	-.007
High level of education ^b	-.063**	-.045*	-.048*	.005
Employment (full-time)	-.082*	-.064	-.066	.083
School/university student	-.131***	-.118***	-.114**	-.086
Low income (< €1,500)	.009	-.015	-.017	.045
Reason for discrimination				
Attributed				
Clothes/appearance		.087***	.089***	.041
Political views		.021	.034	-.180
Origin ^c		.064**	.038 ⁺	.255*
Financial or social status/Homelessness		.039 ⁺	.040 ⁺	.110
Gender		.053*	.064**	-.114
Sexual orientation/Identity		.062**	.055*	.229*
Frequency of experiences (Reference: none, never experienced):				
One/some experiences		.070*	.062*	.172
A lot/all the time		.197***	.192***	.277 ⁺
Adjusted R²	.05	.13	.11	.20

*** p<.001; **p<.01; *p<.05; ⁺p<.10. ^aPeople who identified as trans*, intersex, queer, genderqueer, fluid, androgynous, agender or non-binary. ^bPeople with higher education entrance qualification. ^cOrigin (attributed or otherwise) includes the following items: ethnic or cultural affiliation, skin colour, nationality, name or language, residence status, religion. Age did not contribute to explaining variance in any of the models, so it was excluded from the analysis. The same applies to the "illness/disability" item (cf. Figure 3), which was only present in a small number of cases (n=58).

For this reason, a separate third model was created for PoC (Model 3b) and those coded as *white* (Model 3a). While the decisive factor for PoC was their origin (or others' assumptions about it), *white* respondents more often felt discriminated against due to their clothing or appearance or their gender. Apart from this, discrimination due to sexual orientation or identity was a major factor for both groups. Just as for Model 2, migrant background has no significant influence. This confirms that people coded as *white* who come from migrant backgrounds do not feel affected by discrimination to the same extent as PoC. The critical

factor here is the external attribute of being non-*white*. Once again, having previously experienced discrimination a lot or all the time was an important factor in whether respondents assessed the contact as discriminatory. Nevertheless, it was still possible to achieve 20% explained variation for PoC but only 11% for *white* people. It must therefore be assumed that experiences of discrimination are influenced by numerous additional factors. One key issue to be considered in this regard is the behaviour of the police officers: were they rude or polite to the respondent, for example. However, the analysis already provides important insights into the specific issue of how and to what extent PoC experience discrimination differently to *white* people.

It has been shown that certain groups of people are more affected by discrimination than others. This applies above all to PoC due to their origins (or others' assumptions), but also to *white* people who are perceived as being different due to their clothing or appearance. Gender, education and financial or social status (including others' assumptions about these) were also important factors. Discrimination due to sexual identity or orientation featured prominently both for *white* people and also for PoC. The quantitative analysis of experiences of discrimination therefore suggests intersectionality in how respondents are affected. In concrete terms, this means that multiple dimensions of social inequality and exclusion interact with each other (IDA e.V. 2020; Crenshaw 2019). Individual forms of discrimination such as racism, sexism and exclusion due to social class cannot be considered independently of one another. In fact, they are interlocked, each influencing the others and producing new forms of discrimination. For example, while a Black person from the upper classes will be treated differently from a Black person from a precarious financial situation, they will still in turn be treated differently to a *white* person from the upper classes.

The issue of how intersectionality affects victims' experiences of discrimination was also raised by experts in interviews. One point that was stressed in the interviews was the intersection of class and origin (or assumptions about these), which particularly affects Sinti and Roma people. Furthermore, interviewees drew attention to the different ways in which women and GNC people are affected compared to men, particularly in the forms of sexual violence and gender-based discrimination. These forms of discrimination figure in descriptions such as "*sex worker*" (A2.7, pos. 55) and "*migrant mothers*" (*ibid*). In this regard the findings from the quantitative survey align with comments made by representatives of advice centres. In addition to this, comments made in the interviews stressed how young people coded as migrants and male are perceived differently by the police than *white* people of the same age, leading to their being treated differently: "*Young people get stopped as a matter of course, but that is much worse when they are viewed through a racist lens; that makes young men in particular particularly vulnerable*" (A1.7, pos. 37). Findings from the quantitative survey showed that age did not influence perceptions of discrimination, although this may be due to the fact that the majority of respondents were young when they came into contact with the police ($m=25.9$; $sd=8.7$).

4.2.3 Everyday experiences of discrimination

The analysis of the quantitative data showed that one key factor in how respondents perceived discrimination was how often they had been affected by such incidents (cf. 4.2.2). The more often a respondent had experienced this kind of treatment by the police, the more likely they were to consider police behaviour discriminatory. During the interview phase, experts from victims' advice centres and victims' advocacy groups also stressed that people who had often experienced racism and discrimination,

“are highly attuned to it. They sense it very clearly and are aware when they are being treated differently than if they were white. It's about the facial expressions, the particularly tough approaches, not listening to reason and so on.” (A2.2, pos. 14)

These experiences cause non-*white* people to possess “*antennae*” (A2.2, pos. 14; A1.7, pos. 12) which (*white*) police officers “*don't have and consequently act unwittingly or insensitively*” (A1.7, pos. 12). This causes “*harms [...] that [...] the victims feel very acutely but which the police may not really be thinking about*” (A1.7, pos. 12). As such it is necessary to distinguish between the officers' intentions and the impact on the person affected. Even actions that were not intended to be racist are perceived as racist discrimination by the person affected.

In the online survey, 27 PoC (16%) used the free text fields to report experiences of racism, even though the question did not directly ask about it.³² Some of these described overtly racist insults (cf. 4.3.3), while others described situations where the respondent felt the police approached them with prejudice but without directly verbalising it. Fourteen individuals addressed the issue of racial profiling in this context.

“Apart from my skin colour there was no reason for the action. That was evidently the reason for stopping me, as others passing by in the park were not stopped.” (Id. 985)

A further 30 respondents coded as *white* also reported having observed racial profiling or experienced other racist behaviour by the police, such as insults aimed at PoC. Criticism of police behaviour or documenting an incident often led to violence on the part of the police:

“The violence began when I started recording a video of an apparently racist action against a person I did not know and I informed the police officers who were present that I was doing so.” (Id. 5541)

Some PoC also reported they had asked questions about the police action or complained about how they were treated by the police, which ultimately caused violence to escalate:

“Just because I have black skin and asked why I was being treated with so little respect.” (Id. 2037)

“Racial profiling and a lack of respect for me as a person, one wrong word on my part, one question and I got to experience the excellent work of the German police.” (Id. 6119)

³² The survey included three open questions that asked about what triggered the violence and the reasons why the respondent believed the violence was unlawful. Respondents were also given the opportunity to leave general comments at the end.

Experts from civil society also emphasised the fact that it is precisely because discrimination is something that PoC experience every day that it represents such a burden on them. This means that “*many [...] come to us because they are saying: ‘I’ve had enough of this!’. People hardly ever come to us and say: ‘It was the first time it ever happened to me.’*” (A2.7, pos. 60). Instead, one feeling dominates: “*Ok, no more. Enough is enough. I’m sick and tired.*” (*ibid.*). For many people, experiencing discrimination due to characteristics of their origin or others’ assumptions about them is just part of their day-to-day reality. In response to the question about why violence escalated in the situation they were describing, one respondent wrote: “*Without exception, the trigger every time is my southern [südländisch] appearance.*” (Id. 3435).

4.2.4 Victims’ awareness of the problem

Civil society organisations have noted a growth in consciousness of this problem among PoC and people from migrant backgrounds in recent years. For PoC and people from migrant backgrounds, the issues of police stops and what they consider to be excessive force are increasingly the focus of discussions and efforts to raise wider awareness.

During the interviews, experts from civil society also addressed how people affected by racism are treated when criminal investigations are carried out into offences where they were the victim. One key issue raised in the interviews were the events, investigations and trials concerning the NSU [National Socialist Underground]. According to the experts, police work in this area represented “*a complete failure of the rule of law*” (A2.7, pos. 100) which can be seen as emblematic of how the police treat PoC and people from migrant backgrounds in cases of this type:

“The reversal of victims and offenders – that’s been shockingly evident in the NSU, how the victims were made into the offenders. Time and again these patterns can be linked to racist models of interpretation, even if they are unconscious.” (A2.2, pos. 8).

Respondents to the quantitative survey also made references to the problem of victim-offender reversal. Four respondents used the free text fields to report attacks by far-right extremists. However, when called in response to the incidents, the police officers reportedly questioned the PoC who was the victim of the attack and used force against them rather than their attackers.

“I asked the four police officers why they were arresting C [PoC] and letting A and B [white] go. [...] One of the four officers said that the police first needed to check if C was already the subject of any investigations. I replied that they could have made the same checks for A and B because it was A and B who had got rough with C and me. To this the same officer replied that the police first had to check if C was even ‘allowed to be here’.” (Id. 10008)

One of these four respondents said they were wearing a kippah and were therefore recognisably Jewish. He described calling the police for help as he had been attacked by another person. However, the police treated him as the offender and in his opinion, the violence they used against him was [m]ost likely [...] antisemitically motivated.” (Id. 9056).

Although the experts described an overall increase in awareness of the problem (which also was evident in some victims' reports) they also noted it was not universally the case for all victims. In their view, there were still groups of victims who do not even register the injustice of the discrimination against them.

“[A]nd those groups who don't even realise that it's not ok for them to be beaten up because they belong to groups like the Roma and the Sinti, for example. So it's about raising awareness that it is wrong, so to speak.” (A2.3, pos. 72)

4.3 Approaches to understanding the issue

The analysis in the following section makes particular reference to the expert interviews with the police and civil society organisations. The aim here is to find ways of understanding the increased potential for conflict and the resulting use of force against non-*white* people.

4.3.1 Police officers' experiential knowledge

Police actions are guided in large part by the experiential knowledge of the officer involved. This knowledge is a mixture of the officer's own professional experiences and knowledge gained from other sources. These sources include their colleagues' experiences, reports about the experiences of third parties and the officer's own views. Even where experiential knowledge comes from external sources, it can become a “group consensus” which “is falsely [...] treated as objective fact” (Mohrfeldt 2016, p. 64). Conscious and unconscious stereotypes and culturalizing prejudices against certain groups can contribute to this knowledge. These stereotypes and prejudices may be due to negative experiences from an officer's work or other contexts. They may also be influenced by reports made by third parties or discriminatory discourses in society. Knowledge of this kind entails a risk that police officers may make blanket attributions of certain characteristics to certain people or groups, such as the belief that they lack acceptance of the police or hold deviant moral values. In turn it may give rise to police practice whereby these people or groups are treated differently from the very outset (McGinley 2015, p. 262).

From the point of view of the police officers interviewed for the study, the increased potential for conflict and the resulting violence with non-*white* people may in part be due to their behaviour and attitudes towards the police.³³ This was illustrated by comments made by three of the officers who were interviewed when they referred to their experiential

³³ It should be noted that “*different cultural and moral values*” (C3.6; 14) were not the only triggers for police violence that were identified by officers. Based on the analysis completed so far, intoxication and lack of respect for “the police counterpart” in the judgement of the police interviewee were also identified as triggers:

“Alcohol and a migrant background are certainly two / those are two indicators that you will let it escalate quickly. If someone is under the influence they cannot remember later what was said to them, and if someone cannot understand German well, they won't be able to remember word-for-word what was said to them. That's why. It makes it easier.” (C1.5, pos. 53).

knowledge. For example, there was a belief that certain groups would be more likely to offer resistance because of their life experiences (which officers assumed they shared and which officers interpreted in a specific way).

“These are people who have come to Germany from countries where there's civil war, some of them as refugees and asylum seekers and they've found shelter with us. So sometimes when there's a police operation and they're involved, they do overreact, or traumas come to the surface and they say, 'Blues and twos, the authorities – I've got to put up a fight'.”
(C2.4, pos. 8)

However, the presupposition that people who have experienced trauma at the hands of police in other countries are predisposed to offer resistance to German police officers is only one possible interpretation. According to current research, it is just as likely that refugees will see the police in Germany as a positive alternative to their previous experiences in other countries (cf. Bradford & Jackson 2018). As such it is also possible that refugees will be confident about approaching the police in the country where they have sought sanctuary, or at least they would not resist due to negative prior experiences (cf. 4.4). In any case, there is a high degree of heterogeneity among refugees as a group, so perspectives on them need to take these differences into account.

In contrast to this, relying on what is supposedly objective experiential knowledge brings with it the risk of making sweeping statements, as the following quotation shows:

“So some of these people, due to the fact they are from different ethnicities or have different cultural and moral values – they just do not agree with our work. For example, there are some foreign males who do not agree with women working in the police, and there are others, too – I don't want to name any other cultures – where that is obvious. But you do see that they have a very different acceptance of the police than your average Joe here does.”
(C3.10, pos. 14)

Here, the interviewee differentiates between “your average Joe”, a (male) representative of a *white* majority society, and groups of people who are perceived to be different, foreign and not to belong. Simply because they belong to these groups (or are believed to do so), it is expected that they may hold hostile attitudes towards the police and their work.

The quotation below makes clear how blanket assumptions of this nature can have a powerful effect. The police officer in the interview was certainly aware that their experiential knowledge included at least some elements of subjective experiences and stereotypes. Nevertheless, the officer considered this knowledge to be an explanation and justification for the use of force without giving further thought to its problematic nature:

“[T]he perception of the person standing in front of the police officer, that's kind of decisive in my view as to whether the police officer will actually have to use force or if they will comply. This is a clichéd example, but it's always the father of an Arab family, and he's not necessarily going to let a blonde policewoman one meter fifty tall tell him in his own house in front of his own family that he's got to leave his home because he's just hit his wife.” (C3.6, pos. 36)

The quotations from police officers cited above indicate a low level of awareness of the problems with prejudices that are conveyed through experiential knowledge. They also reveal how these prejudices can manifest themselves in violence being used in different ways in the course of police action.

This fits with statements made by experts from civil society, according to whom police behaviour changes if “*young people look different and [...] perhaps can't speak the language perfectly*”, for example (A1.7, pos. 16). According to the experts, stereotyping and prejudice mean that people from migrant backgrounds and PoC are often viewed as potential offenders, which influences how the police act: “*It means they don't approach these groups of people with the assumption they are innocent, but that they are guilty and also potential attackers, and [the police] act accordingly.*” (A2.1, pos. 8). This set of circumstances means that “*if it does come to physical violence, [...] the threshold for the police when facing PoC and Black people appears to be considerably lower than would be the case for white people, for example.*” (A1.4, pos. 9).

This perception of non-*white* people was not only described as a problem of experiential knowledge in the police, but a problem of experiential knowledge in society as a whole. According to experts, officers' actions are sometimes affected by citizens' perceptions of them, if

“racist criminalisation had already taken place before the incident and the situations with the police, leading other people to call the police: ‘Oh they're dangerous peo... [breaks off], they're dangerous “foreigners” (in inverted commas) and we need to protect ourselves.’” (A2.2, pos. 18)

It is the view of the civil society experts that these presuppositions (conscious or unconscious) about non-*white* people cause encounters between the police and non-*white* people to proceed differently with a greater result that they will result in the use of force by the police.

4.3.2 Spatialised policing

The police do not act in the same way in all areas and spaces (Rinn, Wehrheim & Wiese 2020; Belina & Wehrheim 2011). Differences in how spaces are perceived can result in police practices that appear discriminatory to those affected by them. The term “spatialised policing” is used here to describe this phenomenon.

In public spaces, spatialised policing is structured around so-called “high-risk areas”³⁴, where the police have special powers such as being able to carry out stops without suspicion. These stops entail a particular risk of racial profiling since the choice of whom to stop can be based on stereotypical presuppositions (Scharlau & Witt 2019; Ban! Racial Profiling

³⁴ High-risk areas or dangerous places are limited spaces which can be defined under a Land's police laws. This may happen if “crimes of considerable significance are planned, prepared or committed” there, to use the wording of Berlin's General Security and Public Order law [Allgemeines Sicherheits- und Ordnungsgesetz (ASOG)] as an example (for critical discussion of this, cf. Keitzel 2020; Belina & Wehrheim 2011).

2018; Friedrich, Mohrfeldt & Schultes 2016; Belina 2016). Experts from civil society also reported this during the interviews.

“At the moment, though, what's happening is that both in [major city 1] and [major city 2], these high-risk areas are being declared and the police stops there are much more arbitrary.” (A1.7, pos. 37)

The experts observed that this approach to stops could lead to excessive police violence. For example, if questions were asked about actions that appear unjustified or racist, this could cause the situation to escalate:

“There are a number of different constellations. There is the area of classic racial profiling, I would say, particularly in places like these high-risk areas. Stops without suspicion [...] where people report exactly that: they were just on their way somewhere. They had no idea they were in an area that had been defined as a high-risk area and they get stopped, and just because they ask, ‘Hey, why are you stopping me? What's going on? Why me and not that guy over there?’ Situations like that can escalate quickly.” (A2.2, pos. 18)

On the other hand police officers may hold personal presuppositions or experiential knowledge about certain places and areas that are perceived to be “flashpoints” or “hotbeds of criminality”, for example, which can influence spatialised policing. One interviewee from the police described colleagues who often get into disputes. In principle the officer took a critical view of these incidents, but still tried to explain them in terms of spatialised policing:

“But if as a person you aren't able to remain objective, but right from the outset you're predisposed to prejudices, well that's completely normal in some urban areas, some major cities. So naturally when I go into an area with a large migrant population and the statistics show the crime rate is also very high now, then as a police officer I'm not going in completely neutrally. That's just how it is. So, then all it takes is something small to happen and I'm more likely to strike out more quickly than if I was in [district 1] and something small happened, where I'd say, ‘take it easy, stay relaxed’.” (C3.4, pos. 12)

Here, the interviewee is describing how knowledge about certain areas can change officers' attitudes towards operations and also result in the use of force. The officer explains their colleagues' behaviour by reference to the social and spatial conditions and believes there was effectively no alternative (*“That's just how it is.”*), thereby legitimising them. The consequence of this can be police practice which, according to Hunold (2015), is dictated by social and geographical spaces and can result in discrimination that is directed by the space itself (*ibid.* p. 217). For PoC and people from migrant backgrounds, these practices not only represent a restriction on their day-to-day lives, but they can also trigger escalations in interactions between citizens and the police and thereby lead to police violence in these incidents.

4.3.3 Racist attitudes

Alongside the potential for police violence to be caused by experiential knowledge and spatialised policing, the analysis revealed indications of overtly racist views among police officers. In one interview, a police officer criticised the racist behaviour of their colleagues and the concomitant provocation of police violence:

“Then my colleagues say, ‘Today we’re going [n-word]³⁵ bashing’. Then they go out specifically looking for those people. Or ‘today we’re hunting Turks’. Then they go out looking for them. Even just for little things: Someone forgets to indicate and the situation gets blown up, provoking a response. [...] You can talk someone down, even if they’re really wound up [...] everyone goes off peacefully. Or you can say, ‘I’m the sheriff in this town – he’s going to do what I say and we’ll make sure he does’. Of course you can act like that, too. Lots of people do it.” (C1.5, pos. 12)

Some PoC used the free text fields in the victims survey to report insults and intimidation by the police, which were targeted at Black people, or were anti-Muslim or antisemitic. There were also reports of sexist, homophobic and transphobic language:

“From the very start I was insulted in racist and sexist terms. They did not want to accept my complaint and made fun of the bite wound to my leg. They said they hoped it had been a German shepherd. I was called Aysche and Fatima. I’m not a Muslim. I don’t understand what that was all about.” (Id. 6294)

“The violence started when I tried to find out what the purpose was for the action, and the policeman expressed his amazement that the monkey girl³⁶ could speak.” (Id. 985)

“One policeman told me once that the incident in Dessau police station ‘was no accident’ in order to intimidate me.” (Id. 8613)³⁷

A further six white people used the free text fields to raise this issue, reporting how they had witnessed police officers making racist comments. However, it is not possible to draw conclusions about the proportion of all police officers who hold racist views based on the data available here.

³⁵ A placeholder has been substituted here to avoid reproducing this racist term.

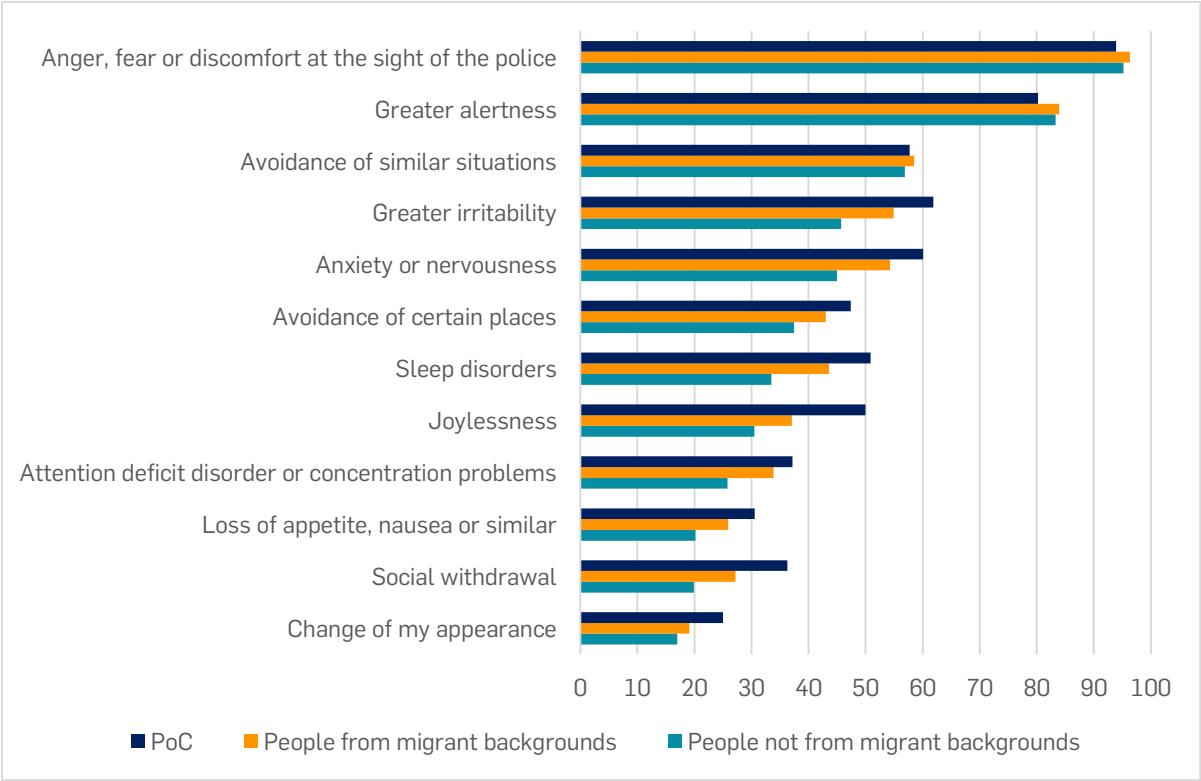
³⁶ After considerable thought, it was decided to reproduce a racist insult here in order to make the comment as clear as possible, and to make this experience visible by faithfully reproducing the account of the person concerned.

³⁷ This individual is referring to Oury Jalloh, whose death in January 2005 in the Dessau-Roßlau police station continues to be the subject of discussions today (cf. for example <https://www.mdr.de/sachsen-anhalt/chronologie-oury-jalloh100.html> (30/10/2020); cf. also Bruce-Jones 2012).

4.4 Impacts on victims

With regard to the physical effects (i.e. the severity of physical injuries), there are no differences between the various subgroups of those affected by police violence.³⁸ However, people from migrant backgrounds and PoC did report slightly more severe psychological effects. The severity of the psychological effects was rated using a mean index³⁹ of 12 items (cf. Figure 5). People from migrant backgrounds came out slightly higher on average (m=2.7) than those not from migrant backgrounds (m=2.5), while the mean value for PoC was even higher (m=2.9).⁴⁰

Figure 5: Psychological impacts, by group (% , single items, “partly applies” or higher)



Valid percentages, not including missing values. People not from migrant backgrounds: n=2,666 - 2,756; people from migrant backgrounds: n=513 - 538; PoC: n=156 - 163.

³⁸ For a wider discussion of this point, cf. Abdul-Rahman, Espín Grau & Singelstein 2020, p. 53 ff.
³⁹ Response scale from 1 (*does not apply at all*) to 5 (*applies completely*). Mean values up to 2.3 were considered mild psychological effects. Values between 2.4 and 3.6 were considered moderate and anything above 3.7 severe.
⁴⁰ Deviations tested by means of t-tests (p<.001); Pearsons each r=.10. Respondents from the operations not connected to mass events subgroup generally reported more severe psychological effects than respondents from the demonstrations and political activism subgroup and football matches and other mass events subgroup (cf. Abdul-Rahman, Espín Grau & Singelstein 2020, p. 59 f.). For this reason, the group was also considered separately, which again showed that the values for PoC and people from migrant backgrounds were higher, with the following values: Mean values: PoC=3.2; people from migrant backgrounds=3.1; people not from migrant backgrounds=2.8. T-test used for each deviation (p<.05); Pearsons r=.13 (from migrant backgrounds); r=.09 (PoC).

In the view of experts from victims advice centres and victims advocacy groups, the fact that PoC and people from migrant backgrounds appear to suffer more severe psychological effects from the use of force by the police can be attributed to a range of factors. The experts stressed that experiencing police violence could “*shake [the victim’s] world view*” (A2.2, pos. 32), particularly if the victim “*thinks incredibly highly of the police. This would particularly be the case when for example refugees or people from Turkey or suchlike think, ‘German police – this will all be fine.’*” (A3.2, pos. 2). In the experts’ view, this kind of loss of confidence would not have to be the result only of direct experiences of violence. They also felt it could be caused by witnessing police violence against others.

“[The] majority of them tell us things like, ‘I don’t trust the police’, or, ‘They were racist towards me and I was injured while I was there’, or ‘I don’t want to go because others have told me that they don’t trust [the police]’ and so on and so forth. There are all kinds of reasons, but one thing I can say is [...] that the victims who come to us for advice have a real problem with the police - a problem with trust, I mean.” (A2.2, pos. 6)

The experts also described how this was linked to feelings of powerlessness and being unable to do anything to make a difference.

“Encounters with the police like this doubly shake people’s trust, since the police are also the institution that is supposed to provide protection and security. It’s something that victims say again and again when they come for advice: ‘Where am I supposed to turn to now? Something really bad has just happened to me and I’ve got really bad injuries, but where am I supposed to go? I can’t just go to the police station and turn to them.’” (A2.2, pos. 36)

Some respondents used the free text fields of the quantitative survey to raise issues of losing confidence and feeling unable to do anything about it.

“No, there was no trigger [for the violence]. I’m a foreigner and I assume that was the reason why I was insulted from the very start. [...] Unfortunately incidents like this happen a lot, but if you’re a foreigner, there’s no prospect of getting justice.” (Id. 10564)

“It would be good if trainee police officers could be made aware of structural racism and how to address these problems while they were still in training, at university. Not all my contacts with the police were negative. However, when viewed as a whole, the negative examples are formative and are substantially greater in number. I’d like to be able to trust this institution more, but unfortunately the way they act now rules that out.” (Id. 6039)

Experts from civil society described how encounters with racist police behaviour and police violence are for victims “*an experience of complete insecurity, powerlessness and the inability to act.*” (A2.2, pos. 24). The experts noted how this often affects victims’ future behaviour in that they “*try to attract as little attention as possible, not doing anything that they know might cause violence if the worst came to the worst. That means not objecting even if they have the feeling something isn’t right, something is out of order.*” (A1.4, pos. 59). At the same time, the psychosocial effects of the experience can leave a deep and lasting mark on victims’ day-to-day lives: “*People change how they behave when they’re out, or they change their behaviour about going out, or they freeze when a police car goes past.*” (A2.7, pos. 81).

Avoidance behaviours and feelings of anxiety are frequently a consequence of experiencing violence (cf. Figure 5), even for *white* people, as may be seen in the account below. A *white* person related how they and a friend were stopped without reason in a high-risk area and the stop escalated. They described how experiencing this violence had affected them:

“One of my friends no longer goes out alone in the evening. [...] After [the incident] I did a lot of googling to find out what the police can do and what they can’t. I know that Black people get stopped a lot even if they haven’t done anything, but I’m white and that has never affected me [before]. What’s crazy is that they don’t even have to say where these high-risk places even are! How are you supposed to know if they can just pick you up off the street again at any time of the night? I don’t get it. And then you just get stopped like that, even though there was no reason for it.” (Id. 10030)

This report shows how victims can be left deeply shaken and confused by police stops, especially where there was no reason for the stop. According to the respondent, a marked sense of insecurity remained which was amplified by the loss of control, as there was no way to be sure they could avoid getting into a similar situation again, either by regulating their behaviour or avoiding certain areas.

Experiences like this tend to cause even greater stress for PoC. For example, PoC are more likely to report social withdrawal following an experience of violence than a *white* person would (36% vs. 20%, cf. Figure 5); the same finding applies to changing the external appearance (25% vs. 17%).⁴¹ At the same time, the experts from civil society organisations noted that for PoC, attempting to avoid such situations by being less conspicuous was hardly an option.

“[T]he policewoman told me, ‘Yes, what do you think I have to listen to all day when I’m in uniform?’. Playing the victim a bit, so I said, “Yeah, you take your uniform off in the evening. My friend can’t unzip his skin in the evening. [...] she just had no sense that it wasn’t ok just to stop some Black guy in the park with a little kid and ask him for his identity papers. Police violence arises from situations like those as well, because if you don’t do what they say and show your papers, you’ll be thrown to the ground.” (A2.3, pos. 82)

In interactions between the police and PoC or people from migrant backgrounds, the police evidently often fail to grasp that it is not just physical violence or overtly racist insults which can cause stress or be perceived as discrimination by victims. The feeling of suffering discrimination is itself enough to cause psychosocial effects, particularly when those experiences of discrimination are a regular occurrence.

⁴¹ Significant differences at $p < .01$ (chi-squared tests); $\phi = .09$ or $.05$.

4.5 Reporting behaviour

The victims survey also collected data on whether the respondents had submitted complaints about police officers, whether this resulted in a criminal investigation and what the outcome was (were charges brought or was the investigation dropped, for example?).⁴² In terms of the frequency of making criminal complaints, there were no significant differences between people from migrant backgrounds and PoC and those not from migrant backgrounds (9% of all respondents). The same applied to the rates of criminal investigations (13%) and charges (6%). Nevertheless, there were some differences in the reasons why respondents chose not to make criminal complaints.⁴³

4.5.1 Reasons not to make a criminal complaint

PoC (72%) and people from migrant backgrounds (75%) were slightly less likely than people not from migrant backgrounds (82%) to say they decided not to make a criminal complaint about a police officer due to fears that they would themselves be investigated (cf. Figure 6).⁴⁴ Issues with identifying police officers were slightly less of a problem (PoC: 71%; people from migrant backgrounds: 79%; people not from migrant backgrounds: 86%). This is chiefly due to the fact that PoC in particular reported fewer incidents at mass events, where issues with identification were cited more often (cf. Abdul-Rahman, Espín Grau & Singelstein 2020, p. 66 ff).⁴⁵

Of those who did not make a criminal complaint, PoC were slightly more likely to report that the police refused to accept their complaint (21% vs. 10%) or that they were advised not to make a complaint (64% vs. 54%).⁴⁶

With reference to all PoC (n=164), around half (51%) reported that their decision not to make a criminal complaint was at least partly influenced by the fact they had been advised not to make the complaint. This is slightly higher than for the other subgroups (cf. Table 3). For all groups, those most likely to advise against making a complaint were family and friends or lawyers, although advice centres did also figure in these decisions as well.

⁴² For a discussion of the detail on this point, cf. Abdul-Rahman, Espín Grau & Singelstein 2020, p. 63 ff.

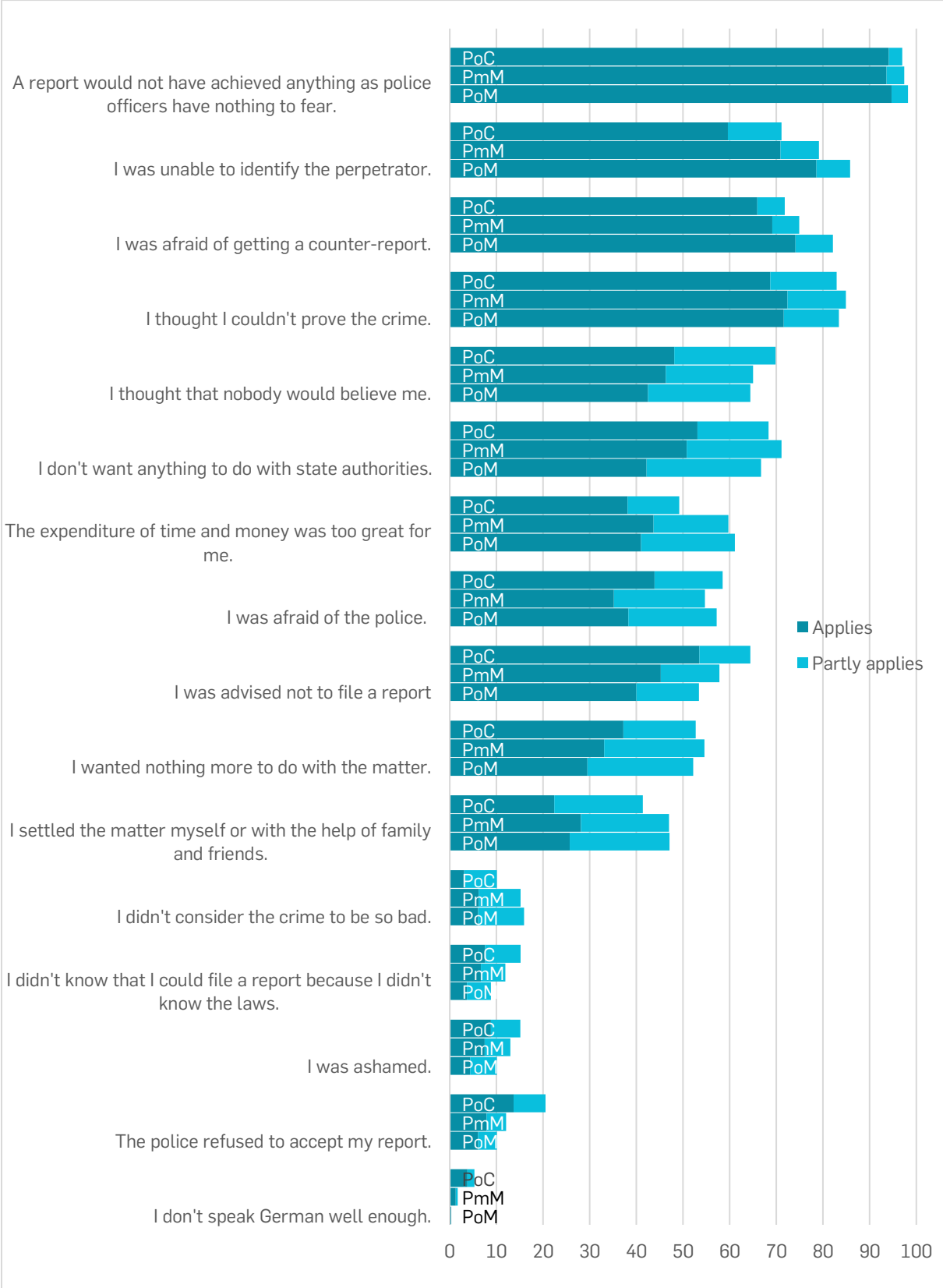
⁴³ The following differences were evident when respondents did decide to make criminal complaints. Although this was not generally a decisive factor, PoC were generally less motivated by compensation than *white* people. 5% said that it had occasionally been a factor in making a complaint, while this was the case for 27% of *white* people. People not from migrant backgrounds were slightly more likely (83%) to say that crimes should always be reported compared to people from migrant backgrounds (68%). Significant differences at $p < .05$ (chi-squared test); $\Phi = .13$ (PoC); $\Phi = .15$ (from migrant backgrounds).

⁴⁴ Response scale from 1 (does not apply at all) to 5 (applies completely). The percentages given below refer to the proportion of individuals who reported that the reason at least partly factored into their decision not to make a criminal complaint.

⁴⁵ Significant difference where $p < .05$ (chi-squared test); Φ between .05 and .08.

⁴⁶ Significant differences at $p < .05$ (chi-squared test); $\Phi = .08$ and .05.

Figure 6: Reasons not to make criminal complaints, by group (%)



Valid percentages, not including missing values. People not from migrant backgrounds (PnMB): n=2,082 - 2,480; people from migrant backgrounds (PMB): n=406 - 468; PoC: n=116 - 137.

Furthermore, it was slightly more common for PoC (15%) and people from migrant backgrounds (12%) to cite a lack of knowledge of the law as the reason for not making a complaint than it was for those not from migrant backgrounds (9%, cf. Figure 6). Furthermore, PoC (5%) and people from migrant backgrounds (2%) reported slightly more often that a lack of language skills was an obstacle to them, compared to 0.3% of those not from migrant backgrounds. On the other hand, PoC reported slightly less often that it would have cost them too much in terms of time or money to make a complaint (49% vs. 61%).⁴⁷

Table 3: Who advised against making a criminal complaint?

No complaint made following advice from...	People from migrant backgrounds (n=543)	PoC (n=164)	People not from migrant backgrounds (n=2,788)
Lawyer	19%	21%	17%
Family/friend(s)	30%	27%	30%
Advice centre	9%	9%	8%
Others	4%	1%	3%
Total^a	45%	51%	43%

^a Multiple responses were possible.

From the perspectives of the representatives of support centres who were interviewed for this study, there was a range of reasons why PoC and people from migrant backgrounds should not make criminal complaints. For the experts, the low chances of success, the strong likelihood of the complainant actually being investigated themselves (with a concomitant risk of criminalisation) and the serious mental stress all weighed particularly heavily against making a criminal complaint. In addition to this, the experts identified concerns about losing residence permits and the associated fears of consequences such as deportations as further reasons not to make a complaint.

For the advice centres, it is a matter of the utmost importance to explain to victims the potential consequences of making a complaint.

“I see it as part of our duty as an advice centre to inform victims immediately when they come to us and have this huge, huge feeling of, ‘I’m going to get justice now.’ [...] At that point it’s up to me to protect victims from rushing into a process like that with expectations that are too high and where they end up harmed by it.” (A2.2, pos. 30)

“On the one hand we are trying somehow to offer realistic assessments to the people, but there are many things where we cannot offer a realistic assessment at all. Instead, what we try to say is, we’ll accompany you when you go to a lawyer, but we also try to say a bit,

⁴⁷ Significant difference where p<.05 (chi-squared test); Phi between .04 and .14.

‘Okay, no - you can’t really assume that this policeman is going to be convicted now and lose his job’. “ (A2.7, pos. 60)

According to the experts, advice centres do not always advise against making a criminal complaint right from the outset. Instead, they advise based on each victim's individual needs:

“We are guided completely by the outlook for the victim; that really means, what do they think they need right now? Of course we provide the expertise so they can reflect on the situation somehow and make good decisions about where they want to go next, but that decision is taken by them. That means we don’t say, “We know now that this is good, so that’s what you should do.” (A2.2, pos. 24)

At the same time, experts reported that victims were very fearful of further contact with the police:

“The problem is many of them don’t dare to anymore. They don’t dare to do it and they tell us about these cases, but when it comes to making the complaint, they just don’t want to because they think it’ll just cause more difficulties.” (A1.7, pos. 48)

In the interviews, the experts also confirmed the findings from the victims survey that showed that the police sometimes refuse to accept victims’ complaints:

“[A]nd the officers say, ‘Yes, no, that can only be done with a lawyer. So you first need to find yourself a lawyer.’ Or, ‘No, that can’t be done here. You’ll have to go to a different police station.’ And so on and so forth. There are many excuses.” (A2.2, pos. 48)

“Even in person, if you then – we’ve had people who were sent away from the police station. Or there was a case where there was some kind of a complaints office inside the police where you could report things, and where they pretty much got laughed at.” (A2.7, pos. 68)

4.5.2 Reporting behaviour of people undergoing deportation

People without German citizenship and refugees in particular were underrepresented in the quantitative victims survey (cf. 3.1.1). Experts from civil society organisations believe it is likely that the dark figure for this area is considerable. They also emphasised the unique characteristics of people who lack confirmed residence status and those who are undergoing deportation in the context of police violence.

According to the experts, if an individual without confirmed residence status were themselves investigated by the police (for resisting arrest, for example), it could put their residence status at risk:

“That’s the problem with issues of aliens laws: if someone has an uncertain residence status or temporary residence, then you’ve got a problem if the police decide to investigate and you get a conviction for it – that really can have negative consequences. You can lose your right of continued abode or your settlement permit.” (A2.3, pos. 64)

Those who experience the use of force by the police in the course of being deported would have very few opportunities, little to gain and very limited resources to make a criminal complaint:

“No, I would have reservations about it myself, but I would rule out the possibility [of someone being deported making a complaint against the police]. Even if we just ask what happened or if there was something that they felt should be criticised, they describe it to us but then they say, ‘Yeah, but it doesn’t matter. I’m being deported anyway. Who’d get anything out of it?’ We’ve often asked if these people are told where they can make complaints. And the police staff always say, ‘Why? They’re not interested anymore about where they can make complaints. They’ll be [gone] then anyway’” (A2.8, pos. 52)

According to civil society experts, the difficulty and limited chances of success when making criminal complaints are exacerbated by the uncertain and precarious living conditions for those in the process of being deported.

4.6 Advice centre perspectives on opportunities for change and needs for reform

According to the experts, advice centres and victims' advocacy groups are not only focusing on how the judiciary handles cases of excessive police violence towards PoC and people from migrant backgrounds. The experts stressed that these organisations have identified other opportunities for change, such as offering concrete support for victims and raising awareness in majority communities and *white* communities in particular:

“Something that’s been on my mind is what we want to achieve through our publicity - it’s about raising awareness about it among the public.” (A2.3, pos. 64)

“What then happens in these conversations is that [...] people say, “Okay, but I want to write about it afterwards or hold a demo, or when this is over, then I’ll get on board [with your organisation]’, because that’s the point when it becomes evident somehow: it might not be the only conceivable form of justice.” (A2.7, pos. 60)

For the experts, this kind of public outreach can help to “empower” PoC and people from migrant backgrounds, “and thereby frame the issue in a wider context rather than in an individual one.” In the experts’ view, many victims also need to “rediscover justice” (A2.1, pos. 26), as what they had experienced made them think “they had only been treated like that because they are the way they are: ‘It wouldn’t have happened to someone else the same age in that situation. It wouldn’t happen to a [German or a white person].’” (*ibid*)

Furthermore, the experts from victims' advocacy groups and advice centres also criticised the lack of a positive error culture within the police. Victims wanted

“to be taken seriously and maybe for the police officer to apologise and admit his mistakes, and not always to try to defend himself. [...] In my experience, what’s striking about these conversations is that the police actually come prepared to defend everything ... [they] always want to explain misunderstandings. They want to explain it was a misunderstanding that

their colleague insulted me, was racist towards me – they're all misunderstandings.” (A2.1, pos. 60)

The interviews also suggested that what experts consider to be an insufficiently robust positive error culture within the police can be linked to a lack of awareness of the problems associated with racist social structures. One expert from a victims advice centre clarified the issue thus:

“If I use racist language but I’m not aware of doing so, of course I’m going to escalate a situation, or, as an officer I could exacerbate it. That’s something you have to be aware of, or you need to be sensitive to it. We’ve run some, we sometimes run workshops and training sessions [with police officers]. [...] One officer was sitting there and he said, ‘I was once accused of a racist stop and that’s just not acceptable – it had no basis in fact.’ Then he described the situation and while he was doing so he referred to the person concerned, the one he stopped, in racist terms – right there in the workshop. So then, after I explained a little to him that there’s historical continuity to these terms, that victims have been persecuted and murdered because of these terms, he just couldn’t understand it: ‘But that’s what they all call themselves, isn’t it?’ Then someone else in the group leapt to his aid and said, ‘Yes, yes, exactly – that’s what happens here.’” (A2.2., pos. 52)

The experts considered intercultural and anti-racism training for police officers to be worthwhile in principle as a means of reducing discrimination and unlawful police violence. However, some questions were raised about this type of training: firstly because it was not comprehensive enough and was allowed too little time in police officers' initial training and ongoing professional development, and secondly, because the knowledge acquired was not transferred to policing cultures in police stations. A more general point of criticism concerned the fact that training of this type was often restricted to individual prejudices and failed to take societal structures into account.

Experts from victims' advocacy groups and advice centres identified a need to raise awareness in the police about a “*comprehensive understanding of racism*” (A1.4, pos. 49), as this was still “*extremely limited*” (*ibid.*):

*“So it’s only possible to act in a racist way if it’s intentional, if people act deliberately. It gets reduced to the far-right, of course: the Nazis and the AfD. So that’s all clear, that’s where the racists hang out. But the problem doesn’t exist in other structures, and certainly not in state structures – just a few individual cases at most. So we have to get away from this idea that it is sustained by just a few individuals in the system. There’s a need to engage with how racism impacts those affected by it. [...] [I]t’s not just about language, for example. It’s about classifications, too: who I trust, who I refuse something to, why I do that. Ultimately, who does it affect as a group? There’s a lack of understanding around this within the structures themselves: the police and the judicial system, for example.” (*ibid.*)*

On the one hand, the police are “*not free of social knowledge*”, so there are “*racist patterns of interpretation in their heads that are unconsciously engendered time and again and reproduced somehow – and they have a corresponding effect.*” (A2.2, pos. 18). On the other hand, given the “*position of power they hold*”, the police “*must work particularly hard – much more than other bodies – because they have certain powers that can have certain effects.*” (*ibid.*).

In the context of police violence towards PoC and people from migrant backgrounds, the civil society initiatives identified a particular scope for action around extrajudicial advisory services and raising awareness in society. In this context they identified a need for comprehensive reform and transformation.

5 Discussion and conclusions

This evaluation has shown that there are marked differences in how PoC in particular and *white* people are affected by police violence which they consider unlawful, and in how they are affected by discrimination in the context of these incidents. That said, it should be borne in mind that the sample of PoC (n=164) was substantially smaller than the sample of *white* people (n=3,100), a difference that is attributable to the recruitment strategy (cf. 3.1). It should also be noted that the comparison between these two groups was not the primary interest of the KviAPol research project. Its primary focus was on the wider issue of how victims experienced what they considered was unlawful police violence, rather than on issues of racism and the police. Nevertheless, in spite of this caveat and the fact that the sample is not representative of the whole population, the findings do provide clear indications that people from migrant backgrounds and PoC in particular are affected in different ways and to a greater extent. The qualitative interviews with police officers and civil society experts were used to supplement and expand upon the findings from the qualitative survey. By doing this it was possible to arrive at an overall picture that takes into account the perspectives of victims and of the police. The evaluations provided here make it possible to draw differentiated conclusions about several problem areas. These will be discussed below with reference to recent research.

(1) People from migrant backgrounds and PoC were less likely to come into contact with the police at demonstrations or football matches than was the case for those not from migrant backgrounds. They were more likely to encounter the police in the course of operations not connected to mass events (cf. 4.1). A closer examination of these scenarios revealed a trend whereby, when compared to people not from migrant backgrounds, PoC were proportionally particularly likely to come into contact with the police through identity checks (28% vs. 14%). Some respondents to the victims survey explicitly stated that they had considered that the police had engaged in racial profiling (cf. 4.2.3). The advice centres also explored the problem of police stops, particularly those carried out without suspicion or cause, as these stops have an especially harmful effect on PoC (cf. 4.3.2). Police stops where force was not used fell outside the remit of the sample for this research project. As such, this analysis cannot answer the question of whether PoC in Germany are stopped by police more often overall than *white* people are.

Nevertheless, the findings are in line with the latest research which has directed increased attention in recent years to selective police control practices (including situations where no violence occurred), with a particular focus on PoC (Behr 2019; KFRP 2019; Wa Baile et al. 2019; Thompson 2018a, b; Cremer 2017, 2013; FRA 2017; Belina 2016; Bruce-Jones 2015; Hunold 2015; Keitzel 2015; Herrnkind 2014). Civil society organisations have long criticised discrimination of this kind (cf. KOP 2020; 2016; Ban! Racial Profiling 2018).

(2) It was particularly common for PoC to report that they had experienced discrimination due to characteristics of their origins (or others' assumptions about these). In other words, the discrimination was due to their ethnic or cultural affiliation (real or attributed), skin colour, nationality, religion, language, name or residence status (cf. 4.2.1). On the other

hand, not all respondents experienced discrimination in the same way, and a range of other factors contributed to the nature and intensity of the experience. These factors included the respondent's gender, level of education, sexual orientation or identity (or others' assumptions about them) and their financial or social status. These findings align with research that stresses the need to consider these incidents from the perspective of intersectionality (Taylor, Wilcox & Monceaux 2020; Long 2018; Thompson 2018b; Bruce-Jones 2015; Künkel 2014; Dottolo & Stewart 2008). This refers to analysing the simultaneous presence of a range of characteristics that can cause an individual to suffer discrimination (Küppers 2014). Hence in the context of police stops, apart from the subject's skin colour and their presumed origin, the categories of gender, age and social class also made significant differences (Bruce-Jones 2015; Künkel 2014). The experts from the advice centres confirmed these findings (cf. 4.2.2). With regard to excessive police violence, the experts noted a particular significance around the intersection of the factors of origin and social status. In addition, the experts drew attention to the fact that women and GNC individuals⁴⁸ from migrant backgrounds are affected differently to men, and that young people coded as migrants are treated differently to *white* people of the same age (cf. Bruce-Jones 2015; Hunold 2015; Keitzel 2015).

(3) In the interviews the police officers made particular reference to their professional experiential knowledge when justifying their actions (cf. 4.3.1). This included their previous experiences with certain individuals or groups, as well as categorising certain areas as safe or dangerous (cf. 4.3.2). Behr (2019) stresses that this knowledge stems not only from an individual's own experiences but also from stories told by colleagues and socialisation within the police. As such, Behr argues it represents the construction of a social reality by a profession (*ibid.* p. 21 ff.). On the one hand, knowledge of this kind is necessary to be able to carry out day-to-day (police) duties and take decisions: when is a situation dangerous, what is suspicious, when is an intervention required? However, experiential knowledge of this kind becomes problematic when it leads to sweeping and culturalizing assumptions about others. In other words, negative attributes are applied to certain individuals due to assumptions about their affiliation to certain groups (real or constructed), such as a lack of acceptance of the police, deviant moral values or a particular predisposition to criminality.

With regard to how such experiential knowledge, Behr (2019) refers to the problem of “amplified learning”, which he uses to describe how professional practice is self-confirming and self-legitimizing, which thereby promotes typecasting and generalisations (*ibid.* p. 41). In Behr's view, this makes “situative openness” (i.e. assessing each individual case in a way that is as free as possible from presuppositions and blanket assumptions) even more difficult (*ibid.*). Other research from German-speaking countries stresses how spatialised policing and discrimination against marginalised groups (such as PoC and people from migrant backgrounds) are interlocked (Keitzel 2020; Rinn, Wehrheim & Wiese 2020; Hunold 2015; Belina 2011; Belina & Wehrheim 2011; Schweer & Strasser 2003). As a consequence, these groups are more likely to be perceived as dangerous or suspicious than white people when

⁴⁸ See footnote 31 on the definition of this term.

they are present in an area considered problematic (such as a “social flashpoint” or a high-risk area as defined by the police).

(4) Discriminatory actions can be conscious or unconscious. From the data considered here, indications have emerged that overtly racist attitudes exist within the police, which officers sometimes express outwardly and which influence how these officers behave (cf. 4.3.3). That said, in the context of the use of force by the police, the evaluation has shown that racist behaviour by police officers is often not deliberate. Officers may not always be aware of discriminatory patterns in how they carry out their duties (Behr 2019, p. 22). Implicit stereotypes (i.e. those that affect a person's behaviour without their conscious control or intent) also influence how people act, (Staats *et al.* 2017, p. 10), which can cause structural discrimination against certain groups. Prejudices of this kind are based on socialization, previous experiences (especially negative experiences) and institutional conditions, such as instructions to carry out stops without cause in certain areas.

From the perspective of those affected by discrimination, however, it matters less whether there was an intention or not to discriminate against them (cf. 4.2.3). Discrimination does not have to be deliberate for it to cause harm. If an individual believes they are not being treated equally and fairly, they feel their social status is degraded (Tyler, Degoe & Smith 1996). Research from the US into the effect of racial profiling has shown that where a stop is not believed to be legitimate, it can have a negative impact on the victim's perception of themselves as a citizen. The same applies even if the police officers involved were to behave respectfully during the stop (Epp, Maynard-Moody & Haider-Markel 2014).

(5) Discriminatory action by the police affects both individuals and society. The police hold enormous power to define what is considered dangerous or deviant in society (cf. Feest & Blankenburg 1972). As such, discriminatory behaviour by the police reproduces racist structures within society (cf. Basu 2016). In this context, Thompson (2018b) stresses that the frequency of police stops directed at PoC “contributes to the social criminalisation of racialized subjects”, since it leaves behind an impression among the public that the police had a reason to conduct the stop and that those who were stopped and searched really were criminal” (*ibid.* p. 206). Stopping PoC in public spaces therefore creates the perception in society that there is an increased incidence of crime in those groups (Mohrfeldt 2016, p. 60). Labeling theory (Becker 1963; Sack 1968) describes this as the criminalisation of certain groups by the application of stigmatising labels. It has been argued that this could itself become a justification for future police practice as a kind of self-fulfilling prophecy: i.e. if the higher rate of stops of PoC compared to white people led to a perception that this group was predisposed to criminality (Belina & Wehrheim 2011, p. 214).

For the victims, however, being the subject of suspicion and questioning more often than *white* people creates an impression that they do not belong in society. It has been argued that policing therefore has a subjectivizing effect (Thompson 2018b, p. 199 ff.) and that it assigns citizens their places and value in society (Justice & Meares 2014; Loader 2006). The particular concerns of PoC and people from migrant backgrounds can offer a way of explaining why they suffer slightly more severe psychological impacts than those not from

migrant backgrounds, as was shown by the evaluation (cf. 4.4). All victims suffer as a consequence of the use of force, but PoC are forced to bear the additional burden of the experience of discrimination (Louw, Trabold & Mohrfeldt 2016; Carter & Mazzula 2006).

This burden can be accompanied by a loss of faith in the police and the state (cf. 4.4). Civil society experts reported that negative experiences with the police can be particularly problematic for newly arrived persons, since they would initially view the German police in a positive light, but this would be shaken. This finding tallies with insights from the European Social Survey, whereby recent immigrants to Europe view the police in the country to which they emigrated more positively than do those who grew up in that country or had lived there for a long time (Bradford & Jackson 2018). While trust in the police remains high among society as a whole, people from Turkish migrant backgrounds are more critical than those not from migrant backgrounds (Birkel *et al.* 2020, p. 504). Given the reliance of police practice on trust, a trend such as this could be problematic for police practice in the long run. Trust in the institution and acceptance of the legitimacy of its actions increases willingness to abide by laws and cooperate with the police (Hecker 2019; Murphy & Chorney 2012; Sunshine & Tyler 2003).

(6) When viewed in conjunction, the findings show that there is a mismatch between how victims on the one hand and the police on the other perceive racism and discrimination in the context of the use of force by the police. Police officers often believe their actions are lawful and logically consistent, and they are likely to see problems or challenges as inherent to the person they are dealing with or to certain social spaces. There is little discussion of or reflection upon racism and discrimination as problems. On the few occasions that police action is understood to be discriminatory it is only in cases of intentional forms of discrimination. The perceptions and interpretations of those affected by police discrimination are markedly different. They often have a much more nuanced understanding of racism and discrimination, and are keenly aware of behaviour of this kind. In this study, two-thirds (62%) of PoC considered the police behaved in a discriminatory way during the incident they described (cf. 4.2). According to experts from civil society, victims have “antennae” to pick up discrimination but the police do not (cf. 4.2.3). The civil society experts also reported how such experiences are part of day-to-day life for some victims.

This mismatch in perceptions influences situations in which the police come into contact with PoC or people from migrant backgrounds. The two sides go into these situations with very different sets of experiences. As has been shown above, the police act on the basis of their experiential knowledge, yet PoC and people from migrant backgrounds also respond based on their previous experiences and expectations. People who have often experienced discrimination were particularly likely to assess their contact with police negatively (cf. 4.2.2). Thompson (2018b) stresses that PoC often “[fall] out of the framework of people who should be protected by the police” (*ibid.* p. 202). She argues that day-to-day life for these groups is shaped by “direct or indirect repressive contacts” (*ibid.*) which can cause them to react differently when spoken to by a police officer than a *white* person would.

From the point of view of those affected by it, raising the issue of racism during encounters between the police and PoC or people from migrant backgrounds entails a risk of conflict. Victims and advice centres alike described how complaints about treatment that was felt to

be discriminatory could trigger violent escalations (cf. 4.2.3 and 4.3.2). This can also be explained by the mismatch in perceptions of these events. While victims are raising an issue that is personal and highly significant to them, an accusation of this kind frequently meets with incomprehension on the part of the police, who feel it is unjustified or denigratory (cf. 4.6). This tallies with the finding that almost half (44%) of police officers surveyed in a recent study in the *Land* of Hesse described “accusations of racism in the course of carrying out their duties” as very upsetting (HMdIS 2020, p. 10).

(7) The findings from this evaluation show that the experiential knowledge described above (which can be affected by prejudices), spatialised policing and unconscious stereotypes do not emerge by chance. Rather, they result from the structures of the police as an organisation, the police’s roles and responsibilities and the legal basis for them. They are also due to the inadequate opportunities for reflection and coaching, and how mistakes and grievances are handled. Civil society experts identified particular problems with the patchy awareness of this as an issue and a lack of a positive error culture on the part of the police. According to the experts, if prejudices and implicit stereotypes are to be dismantled (cf. Dasgupta 2013; Kang & Lane 2010) greater awareness is needed within the police (cf. 4.6). This could be achieved by constant, intensive reflection on everyday police practice, increasing the willingness to listen to victims of racism and discrimination and developing a comprehensive understanding of racism as a phenomenon that affects the whole of society every day (cf. Hall, Hall & Perry 2016; Terkessidis 2010; 2004; Hall 1989). Both the *German Institute for Human Rights* (DIMR 2020) and the *European Commission against Racism and Intolerance* (ECRI 2020) have drawn attention to the inadequate understanding of racism and the lack of academic research into racial profiling.

Further research into the situation in Germany is urgently needed. This analysis has brought to light a number of trends around experiences of discrimination for PoC and people from migrant backgrounds when they come into contact with the police. However, the methodological limitations outlined above mean that these findings are neither full nor final. On the contrary: they are only the starting point for further discussions and research.

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