



EQUALITY UNDER PRESSURE:
THE IMPACT
OF ETHNIC PROFILING

Anass B

TECHNOLOGY STUDENT

GOUDA

I was jogging on the bike path, it was around 8.30 and a police van stopped in front of me and asked me for my ID card, and when I ask "Why?", then they always come with the most unbelievable excuses. "You're at an unusual place at an unusual time." "I am only going to write down your name. If we get any reports of anything happening here, then you will be a suspect." It made no sense. He sees me jogging, I have earphones in, I am wearing a sweat pants and a zipper hoodie and my sneakers. I don't think that's unusual. I'm not wearing a ski mask or have a weapon in my pocket or whatever. I'm just jogging. I don't understand why he stopped me.

It's not good that they pick me out just because I'm Moroccan. In a lot of situations, this can create aggression or even depression. You suddenly start to realise that you are not welcome here at all. Yeah, and then you lump all the Dutch together and they lump us all together, "you're all fucking Moroccans", if I may be blunt. And this also causes us to put all of them in one category, like "all Dutch people are racist" and if this happens to everyone in the Netherlands, well, this will be a really bad thing.





Sidney Mutueel

POLICE CHIEF INSPECTOR

ROTTERDAM

Once I take off my uniform I become a citizen...and get stopped by my colleagues. I've been approached in a really impertinent, unfriendly way, and that has an effect on me.

And what went through my head at that moment was that whether I'm a policeman or not, I'm still a person. You're supposed to treat other people as humans. It doesn't take much effort to take me seriously and to check that registration because after all, it's there, in black and white. But even then, you don't believe me. And then I thought, "Why do I have to prove myself again?" It really affects you. You're not taken seriously.

Policemen are supposed to set an example. So you are constantly wavering back and forth with your emotions, your sense of right and wrong. The hard thing about this story is that I've got children sitting in the back seat who are wondering, "Papa, is this normal, is it normal for you to be treated this way?" So I have to explain to children who are 8 and 11 that the police does good work, just because I'm one of them. Because they're also looking at me, of course, like "Papa, you work for the police and if Daddy works for the police, then yeah, I also want to work for the police when I grow up." If I told the real story, how I felt right then, what will that do to my children, and how will they feel about it?

INTRODUCTION

“ All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, or sex or on any other grounds whatsoever shall not be permitted.”

ARTICLE 1 CONSTITUTION

The Dutch pride themselves on being members of an open, tolerant, and fair society. But for a growing number of people in the Netherlands, this ideal is being put under pressure by proactive police actions. Too often, individuals from visible minorities feel that they are being singled out by the police not because of something they have done, but because of the way they look: singled out to be stopped, or checked, or searched. This is ethnic profiling.

What does it mean to be subject to police ethnic profiling? It means that police officers view you as suspicious just because of your skin colour, your ethnic appearance or your assumed religious affiliation.

Ethnic profiling can take place during police identity checks, stops, searches and border checks. Profiling has been documented in the context of domestic policing, immigration control, and counter-terrorism operations. Ethnic profiling can shape an initial decision to stop someone, and then the decision about whether or not to search that person: people of minority ethnic backgrounds get searched more often after stops than white people. Ethnic profiling can be caused by the racist attitudes of some police officers. It can also be the outcome of general policies and broader decisions about how and where to use ID checks, stops and searches.

This report details the experiences of ten Dutch men of different ethnic backgrounds—students, professionals, police officers, fathers. All have experienced first-hand the costs that stops can exact on individuals, their families, communities, and wider public safety.¹ Their experiences reflect larger patterns.

A disturbing picture emerges from these stories and from the research cited in this report. Ethnic minorities, mainly of Moroccan, Surinamese, and Antillean backgrounds are more frequently stopped and searched under a range of different police powers than white people. Interviewees spoke of negative treatment during the encounters. Many described experiencing rudeness, racist comments, intimidation, and physical roughness from police officers.

ID checks, stops, and searches can be frightening and humiliating. These experiences not only affect individuals, but also their families and the communities where they live. Some people come to feel that the police are there to protect and serve everyone else but them. This weakens trust in the police. Without trust, public cooperation with the police suffers. It also has societal ramifications: people are feeling singled out, stereotyped and alienated, not only from police, but from society as a whole.

BROAD POLICE DISCRETION WITHOUT ACCOUNTABILITY: A RECIPE FOR DISCRIMINATION

Dutch police have a number of powers under which they can stop people to check their IDs and conduct searches on persons. These powers do not require individual reasonable suspicion and the police only record these stop-searches when they result in a summons, fine or an arrest.² The last decade has seen an expansion of ID checks and preventive search powers³ but this has not been matched with sufficient accountability structures to regulate these powers.

This has left the police with broad discretionary powers that are not subject to appropriate oversight. There is no monitoring of who is stopped or how often. There is no way of correcting the alleged disproportionate or ineffective use of these powers.

The police have the power to require a person of the age of 14 and older to provide proof of identify if it is reasonably necessary in the execution of their duties.⁴ Research shows that the power is frequently used in connection with minor infringements such as checking on youths loitering and causing a nuisance in a public place, checking on vagrants and beggars often suffering from drug or alcohol addiction, checking on individuals guilty of being drunk and disorderly in public, and checking on people guilty of fare-dodging or underpaying on public transport or traffic offences.⁵

The Roads and Traffic Act (Wegenverkeerswet 1994 article 160) requires drivers to stop upon demand by a police officer and show their license, registration, and inspection certificates. If the papers are not correct, or if the officer has reasonable suspicion of a problem, a general traffic control will proceed to a criminal investigation. Officers are not required to articulate a reason for a traffic stop, and these powers are increasingly being used as a tool to combat and prevent crime.⁶

The police have the power to search a person if they have reasonable suspicion of a criminal offence during their inquiries. Searches can also be conducted without individual suspicion in areas designated as "security risk zones" by the mayor, which allows "preventive searches" of any person, vehicle or goods in that zone over a 12 hour period. Preventative searches can also be conducted on the verbal order of the Public Prosecutor allowing stop and search in designated "terrorist risk areas" over a twelve hour period.⁷



Moussa

SPORTS STUDENT | GOUDA

I was stopped once for no reason, and then they searched me, even though I didn't give them permission to. Just like that, and it had this really weird effect on me, like "Can they really do that?" I don't think it's right, to be honest. I mean, they just shouldn't be able to do that for no reason.

A couple months ago, I was also stopped, and I was yelled at and insulted. They told me to just keep walking, fast, and ... yeah, what are you doing here and why are you stopping here? So I said that I was allowed to walk there if I wanted, and then they just started yelling at me. They also pushed me away. Just really pushed me, like "Go away." And I don't know why.



Prasand

TECHNICAL ADMINISTRATOR | AMSTERDAM

The fact that I felt I was treated this way purely because of the colour of my skin, that you receive such treatment. Yes, that was pretty intense. I also don't want to be confronted with such a backwards way of thinking; such an inhumane way of treating people.

I think it is really important for the police to realize that these are not one-time incidents. When you are a person of color, if I can just say it really crudely, you have these kinds of experiences a lot.

The only thing I want is to be treated the same as everyone else. So if you treat everyone before me and everyone after me the same way, then I don't have any problem with it.

The law directs the police to select individuals at random for preventive searches. However, various studies have found that police officers do not usually receive clear and concrete instructions about how to do random selection, leaving room for searches based on stereotypes and generalisations about who might be involved in crime.⁸

Individuals who are stopped, ID checked, or searched under the various powers often have little idea why they have been singled out for a stop. Only those stops that result in a summons, a fine, or an arrest are recorded in a way that allows for analysis. As most stops and searches do not produce any result, it is difficult for people to prove they have been stopped at all, and almost impossible to seek redress when a stop infringes their basic rights. Without reliable data, police supervisors are also unable to monitor whether stops are lawful and effective or to introduce new practices and monitor change. Without transparency and monitoring of police powers and services, citizens cannot hold the police to account.

The limited recording by police means that we do not know who is stopped, why they were stopped and with what outcomes. A number of studies indicate that stop and search being used more frequently against ethnic minority groups and some highlight the impacts this has.

In 2012, a survey of young adults, aged between 18-25 years of age, in Amsterdam found that people from Dutch-Antillean, Dutch-Surinamese, and Dutch-Moroccan backgrounds reported being stopped by the police more often than white people in the previous year.⁹ These groups were also more likely to report multiple stops.

Research in a mid-sized western city also found young people reported differences in the frequency of police contact, with ethnic minority youth twice as likely to report being ID checked, three times more likely to report being suspected of a crime, and four times more likely to report being searched than white youth.¹⁰

A number of studies of police use of stops and searches contain significant evidence that ethnic minorities were more frequently targeted for ID checks and preventative searches.¹¹ The national ombudsman points to the broad scope of stop and search powers allowing for possible arbitrary use.¹²

A study of the Amsterdam Police based on interviews and extensive observations of police patrols found that males with dark(er) skin complexion and people from Eastern Europe were considered the likely "suspects" and subsequently subject to an ID check or vehicle stop. The study also demonstrated the ineffectiveness of this focus, as very few of these stops resulted in an arrest.¹³

In 2010, the European Union Minorities and Discrimination Survey (EU-MIDIS) revealed that a quarter of Dutch people of Turkish origin had been stopped by the police at least once in the last year and that, of these people, a quarter had the impression that the stop was based on ethnicity. For Dutch people of North African origin 26 per cent reported being stopped by the police in the previous twelve months and 39 per cent of this group felt the stop was based on ethnicity.¹⁴

A range of studies provide evidence that points to the conclusion that visible minorities in the Netherlands are being ID checked, stopped, and searched more often than white people.

FEAR AND EMBARRASSMENT

ID checks, stops, and searches take place in public, often in highly visible busy places. The people interviewed for this report described having to get on their knees or stand pressed against a wall. During a search, people are made to stand with their arms and legs spread out while police pat down their bodies. The people stopped are acutely aware of being watched by passers-by. Observers easily assume that those stopped are criminals and have broken the law. In a small community where people who are stopped often know passers-by, this is particularly upsetting, and they worry family, teachers, employers, neighbours or friends may hear of the stop and assume that they were somehow at fault. The experience can be profoundly humiliating and damage people's sense of comfort and belonging to the rest of their community and society.

Anass J

SPORTS STUDENT | ROTTERDAM

It scares me because then I think, "What are they looking for? Do I look like a criminal?" There were people standing around, and they saw how they started to search us in this busy street near the Delfshaven [Rotterdam]. It's always crowded there. I am ashamed when this happens. I get embarrassed and then I think, "These people are looking at me like I've done something, as if I've committed a crime."

It happens so often, I think, "What is it this time? What have I done this time?" Do they know that I'm embarrassed by it? That those other people are also looking at me and then it makes me feel uncomfortable.

This one time, I had to print something out for my sister. I had to—it was urgent. I had to get to an Internet café as soon as possible, so I ran out of my house and I started to run, and then a couple of policemen drove up to me, in a car. They stopped in front of me and grabbed me, pushed me against the wall and said, "We've got him, we've got him," and I thought, "What the hell is going on?"

I didn't do anything wrong. I was just going to an Internet café to print something out, and then they were talking on their walkie talkies, and one said to the other, "What's he wearing?" and they said what I was wearing, and then they said, "That's not him," and they let me go.

No, they don't apologize. They don't even say, "Sorry."



UNEXPLAINED AND DISRESPECTFUL STOPS

Experiences of discriminatory treatment, disrespect, and physical roughness during encounters with police described by our interviewees are echoed in other studies of young people's experiences during encounters with police.¹⁵

The most common complaint arising from our interviews was that police rarely explained the reason for the stop, and did not apologize afterwards when their "suspicions" were proven to be unfounded. Research elsewhere has shown that dissatisfaction with stop and search practices is strongly linked with the failure of the police to give reasonable explanations for their actions.¹⁶ Over 25 percent of young adults surveyed in Amsterdam reported being dissatisfied with the reason given for the stop. While 25 per cent of the white youth surveyed reported being stopped without good reason, 50 per cent of Dutch-Moroccan youth and 35 per cent of Dutch-Antillean/Dutch-Surinamese youth reported being stopped without a good reason.¹⁷

Michael

COMPUTER SCIENCE STUDENT | ROTTERDAM

The police came towards us on scooters and told us to stop. We had to kneel and put our hands behind our heads and then we had to give them our IDs. We asked them why they stopped us. They said that there were two robbers, and they had noticed us on the scooter, two guys, so then they stopped us. I had to stay there on the ground for half an hour with my hands on my head, and they had to check everything...And after they were done with that, we were finally allowed to go, but it took a really long time, the whole thing. I was pretty scared because I thought, you know, I didn't do anything and they pull me over and then suddenly I have to get down on my knees. When they finally let me go, they didn't even say they were sorry that we stopped you guys, we were actually looking for someone else.

What does it feel like to be stopped? It feels like you've done something really bad even though you haven't. It also feels like you've done something, just you know, that it's your fault, and that you're being stopped for that. You don't expect that one day, out of nowhere, the police come to you and say that you have to kneel down, put your hands on your head, and that you're a suspect in a robbery. I mean, it really freaks you out because you—especially me—I mean I have never done anything criminal. So yeah, it was a real shock for me.



SECOND-CLASS CITIZENS

The way police officers treat the public communicates powerful messages about shared values and our place in society.¹⁸ When the police treat people fairly and with respect they are reaffirming that people are equal and dignified members of society. Experiences of unfair police treatment and perceived bias not only create distrust in policing, but contribute to a wider sense of exclusion. Members of ethnic minority groups feel that no matter what they do, they will always be second-class citizens simply because they “don’t look Dutch.”

As the enforcers of the law, police officers are expected to act with neutrality and fairness.¹⁹ When officers act on the basis of stereotypes and generalisations—consciously or unconsciously—they depart from the basic principle of the rule of law: that their decisions should be based on objective information about individual behaviour and not skin colour or religion.

When members of the public repeatedly see visible minorities stopped and searched by the police, they assume that the police are acting correctly and that these individuals are dangerous or criminal. This contributes to the discriminatory stereotyping and stigmatisation of entire groups of people, feeding broader racism and xenophobia in society.



Adil

SOCIAL WORK STUDENT | GOUDA

During the checks, what do I think about? When it happens, there are always people walking around. People start staring at you. “What is Adil doing with the police?”, “What are those guys doing with the police?” or “What do the police want with them?”, “What have they done this time?”

How do the police see me? They just see me as a Moroccan, like all the other Moroccans, and that just makes you feel really bad. It’s like you have to scream for your rights even though they are doing you wrong. That feeling is really frustrating. It destroys something inside of you. I don’t feel protected by the police. It’s more like I feel I have to protect myself from them in some situations. They don’t listen to you as a citizen in those situations. It’s because people, the police, paint that picture again: “Yes, it’s a Moroccan.”

COSTS TO POLICE EFFECTIVENESS AND PUBLIC SAFETY

Police effectiveness is highly dependent on active public support—to report crime, provide information, give evidence and engage with local safety and prevention efforts.²⁰ When people see the police as fair, and have good interpersonal relations their trust in police is enhanced. When people perceive police actions to be unfair or negative, this has a direct negative effect on trust and on the legitimacy of the entire institution. Weakened trust or legitimacy leads to lower cooperation, a harder job for the police, and reduced public safety for everybody. This dynamic has been documented in studies in varied settings in Europe and beyond.²¹ ID checks, stops, and searches that are perceived to be discriminatory, unfair, or disrespectful may run a clear risk of undermining the legitimacy and effectiveness of the Dutch police.

Several studies of young people confirm that people who report more frequent stops have more negative perceptions of the police.

In 2010-2011 a survey of young people, aged between 18 and 21 in Amsterdam found that those



who had contact with the police reported less favorable attitudes towards the police than those who did not report police-initiated contact.²² Young men of Dutch-Moroccan and Dutch-Antillean backgrounds reported more negative attitudes towards the police than people from other backgrounds.²³ This was confirmed in a further survey of young adults in Amsterdam in 2012, which found that larger proportions of Dutch-Moroccan and Dutch-Antillean youth reported negative opinions of the police than other ethnic groups.²⁴ A study of young people in a mid-size western city showed that frequent contact with the police correlates with more negative perceptions about the police. Many young people express doubts about police fairness and legitimacy, referring to incidents they experienced as rude and perceived as reflecting unequal treatment.²⁵

ID checks, stops and searches can easily become hostile, especially when the persons stopped sees no reason for the stop, or believes that they are being picked out due to their ethnicity. Misunderstanding and hostility on both sides—among Dutch minorities and in the police—increases the risk of conflict during encounters. The work of patrol officers can become challenging, as officers face reduced cooperation and sometimes outright hostility, particularly from young people. On occasion, officers have been assaulted. When this happens, basic police services suffer and both public safety and officer safety are jeopardized.

If allowed to degenerate, the anger that can be generated by repeat discriminatory stops, ID checks, and searches can explode into the kinds of rioting and public disorder that were seen in the UK in the 1981, 1985 and 2011; in France in 2005 and 2007, in Denmark in 2008 and 2009 and most recently in Sweden in May 2013.²⁶ The Netherlands has not had large scale riots, and experts credit this to community policing policies and responses to tensions that emphasize de-escalating conflicts through a combination of prevention and repression, empathy and enforcement.²⁷ Several studies on police have observed increasing tensions between the police and minority youth and have strongly recommended that the police proactively fight stereotyping.²⁸

Arjan Kasius

POLICE INSPECTOR | GOUDA

I am lucky to have been born in the Netherlands, and I think that everyone has a right to their own place in this country. I think that everyone should be treated equally.

My police colleagues need to be aware that the minute they ask someone for their ID, or just take a quick look in someone's car, that yes, they're just doing their job, but that it has a really huge impact on the person being subjected to the check. Particularly when it involves young people who aren't actually involved in crime at all. This means once you start "profiling" for ethnicity alone, it all goes really wrong because your real focus should be on the incidents and the crime, and the scene of the crimes instead of the ethnic profiling.

It is really important that you maintain a connection with the residents in your work area, including the young people, and including residents from foreign countries. It is important that as a police organization, you look for trust, initiate contact with the residents also for your own legitimacy, because when things do happen, then ultimately, there is only one police force, and this is not the police force that only represses the young people, but one that can also provide assistance to the young people the minute they get in trouble.

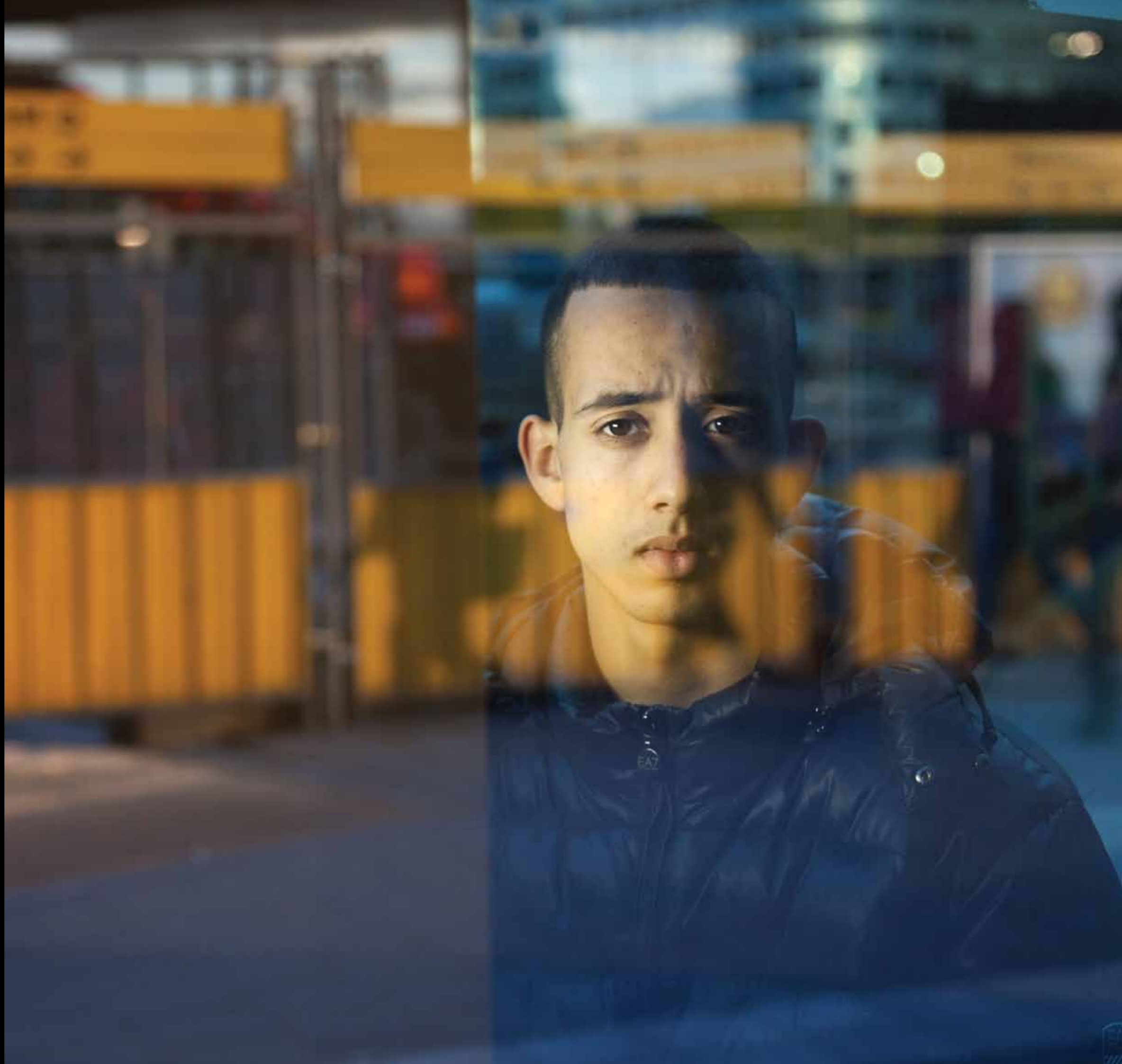
Ismail

ACCOUNTING STUDENT

ROTTERDAM

If Moroccans are picked on by the police, then they are going to retaliate, because respect is a two-way street. But if you treat me really differently, then I think, "Who do you think you are to treat me like that?" You might be the police, but you should treat me with respect, then I will also show you respect. And if they don't do that, then the Moroccan kids won't do that either. Then they will start throwing things at them, curse them out and break car windows, set cars on fire. These are all the things that can happen if they go on this way.

There are also good policemen out there, but lately, I only seem to run into the racists. Recently I had to use the bathroom at the gas station, and I was walking back to my car and right when I started to back up, out of my parking space, one of the highway police cars comes and parks behind me: license and registration. "Car's insured?" — "Yes", checked the tires. This is fine, but the way he did it, I just didn't like it. He treated me like garbage. One of them, but the other one was, he just acted really normal. This happens a lot with the police. One of them acts normal, one is just normal, nice, cool, and the other one is really nasty, and angry and doesn't make me feel safe.



REBUILDING TRUST AND IMPROVING POLICING FOR ALL

Ethnic profiling is a problem in the Netherlands. The lack of police data on stops makes it difficult to tell the precise extent of ethnic profiling. But this lack of quantitative data should not be used simply to dismiss the possibility of ethnic profiling and ignore its human impact. The problem is real and significant and it is in the interest of society as a whole to take it seriously.

Small steps have been taken. The police in Amsterdam addresses ethnic profiling through community dialogue, a leadership diversity program, and “search-detect-react” training that focuses officers on objective behaviors. Elsewhere “multicultural craftsmanship” and cultural sensitivity trainings are offered to police officers. However, training alone does not offer an adequate response to the problem. This is particularly true where training fails to directly address the issue and provide officers with practical skills that can reduce the influence of stereotypes.

After a report on ethnic profiling by Amnesty International Netherlands, published in October 2013, senior leadership of the National Police Force took a public position against ethnic profiling, stating that “selecting people on ethnic criteria is legally and morally utterly reprehensible.”²⁹ Following debate in parliament the Minister of Security and Justices announced further examination into ethnic profiling and promised to come forward with a policy response.

A further range of action should be undertaken to end ethnic profiling and rebuild trust between ethnic minority communities and the police, including:

- **Amending the law and police instructions on stop-powers to ensure police use their discretion in a fair, respectful and non-discriminatory manner.**
- **Including an explicit prohibition on ethnic profiling in laws and regulations governing discretionary police actions.**
- **Ensuring that all ID checks, stops and searches are recorded and each person stopped receives a record of the encounter. This data should be used to monitor officers’ use of powers in order to ensure that these powers are applied effectively and fairly.**
- **Training—for existing and new officers—to make officers aware of ethnic profiling and how to prevent it.**
- **Enhancing police-community dialogue to build and restore trust and good relations with all communities.**

Stop and search tactics can play a legitimate role in policing. But police officers must use their powers wisely and sparingly, and with greater consciousness of the effect they can have. When they do so, evidence suggests the police too will see benefits. Ignoring ethnic profiling will hamper equal opportunities and social cohesion and undermine safety and justice for all.

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“And people say it is just a minor discomfort to step off your bike, but it is not about the physical discomfort—the actual two minutes that you lose on such a day—it’s about the confrontation with your inferiority at that moment and that is something that you drag with you all the time. And it is not only that instance, it is in every corner of discourse or media or whatever in our society. What it does to my feeling of belonging to the Dutch society, that is a tough story, [...] it is just making you less human, so that is something that is confronting and that is a bad idea, that is a tough idea to live with.”

Abulhassan

PHILOSOPHY STUDENT AND DEBATE TRAINER | ROTTERDAM

Open Society Justice initiative

224 West 57th Street New York, NY 10019

Phone: +1-212-548-0600

Fax: +1-212-548-4662

Email: justice.initiative@opensocietyfoundations.org

@OSFJustice

www.justiceinitiative.org

PHOTOGRAPHY

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Amnesty International

Afdeling Nederland

Keizersgracht 177

Postbus 1968

1000 BZ Amsterdam

Phone: +31 (0)20 6264436

Fax: (020) 624 08 89

amnesty@amnesty.nl

www.amnesty.nl



**OPEN SOCIETY
JUSTICE INITIATIVE**

Open Society Justice initiative

224 West 57th Street
New York, NY 10019

www.justiceinitiative.org

**AMNESTY
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Afdeling Nederland
Keizersgracht 177

Postbus 1968
1000 BZ Amsterdam

www.amnesty.nl