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Racial Profiling: the Parisian Police Experience

The controversy over racial profiling in policing, started within the pages of CJCCJ, echoes the violent debates within French society regarding its police – debates that happen not only in specialized journals, as one only has to think about the recurring episodes of urban riots, or “race riots”, if one wants to use the term common in the US (Waddington, Jobard, King 2009). One of our research projects, which focused on racial profiling, has been at the origin of numerous discussions in France (Open Society 2009, Lévy & Jobard 2010).

More precisely, our research examined racial profiling within stop and searches (*contrôle d'identité*) executed by the police. Financed by the Open Justice program, it has been carried out with the help of John Lamberth (Lamberth Consulting), Indira Goris and Rachel Neild (Open Justice Initiative).

On 5 highly frequented places in Paris, we tasked observers to furtively follow police officers, and to register, via mobile phone, the characteristics of the persons who were being stopped and searched. The telephones allowed the observers to remain unrecognized, and to send their coded data via SMS to a server located in the US. More than 500 stopped and searched persons have been recorded, of which we know gender, age (young or not young), type of bags (no bag, big bag, other bag), dress-code and race. We have also coded and registered the traits of the overall population at these places (benchmarking), thus cataloging the variables related to around 37.000 persons. Comparing the variables of the persons stopped and searched with those of the overall population, we could demonstrate potential profiling practiced by the police.

In their response to Satzewich and Shaffir, Henry and Taylor note that “while the discourse of denial of racism is one of the most powerful in the public arena, it also permeates the research perspectives in scholarship”. With this, Henry and Taylor mean that racism denial distorts and undermines scientific perceptions. In our case, the anticipation of police’ discourses has actually permeated our research, in strongly influencing its design.

We did find it necessary to establish a reference population. The main reason for that relies in the famous “denominator problem” (Melchers 2003, Paulhamus et al. 2010). But it also relates to the police’ discourse, particularly to the “Jane & Finch motive” of Hamilton’s police officers: the minority’s over-representation among the stopped people is explained by the minority’s over-representation in the available population. Behind the long and costly deployment of observers aiming to record dozens of thousands of individuals was the goal to anticipate these discourses.

In the same way, we have anticipated the terrorism argument, making the carrying of bags and their aspects one of our variables. We have also aimed to introduce the clothing aspect, distinguishing three types: casual, business, youth culture. This last type is crucial, because one of the targets staked out by police officers in France are young people from suburban housing projects (*cités de banlieue*), who are essentially identifiable by their clothing style (in mundane discourses, they are sometimes described as *jeunes à capuche* – “hooded youngsters”).

But our first methodological choice has in fact been to undertake a *quantitative* research on the topic. We feel dissatisfaction, if not exasperation, when faced with what Henry and Taylor defend as “anecdotal evidence”. In our view, sociology in France, when studying youth/police relationships, is all too often content with relying on the accounts put forward by the young people themselves, acquired

in series of semi-directed interviews. This elevation of "anecdotal evidence" to the level of legitimate sociological method has been sanctified by the volume edited by Pierre Bourdieu, *The Weight of the World*. We do not negate the force of anecdotal evidence. Yet we insist that it is the professional duty of sociologists to offer more insights than simply those furnished by the persons being studied.

What is the result of our research? Unsurprisingly, police officers over-stops, in all the places, *young men* dressed in *youth culture* style carrying *no bag* (which, in passing, destroys the argument of the fight against terrorism...). But among each sub-population (men, youth, etc.), the police over-stop and search minorities. This being the case, the variables are difficult to disentangle. Among the benchmarked overall population, two thirds of the persons dressed in "youth culture" style belong to racial minorities; thus, if the police would only stop and search the "youth culture", two thirds of the targeted persons would be Black or Arab looking people.

It is impossible to know the respective influence of direct and indirect discrimination: we don't exactly know how much minorities are targeted because they solely belong to a minority, or because they carry signs (like being youth culture style dressed up) which are relevant in police eyes. Does this represent racism? Yes, in the sense of Henry and Taylor's "democratic racism", or in the sense of the British MacPherson Commission's "institutional racism" (Rowe 2009). Were there expressions of intentional racism or racism denial in the police' discourses engendered by our research?

The responses to our inquiry have been immediate and massive. We had accorded exclusive media coverage to the French *Le Monde* and *Mediapart*, and the *New York Times* also reported our research results directly after their publication (Bronner 2009, Erlanger 2009, Incyian 2009a). A press conference was organized at the French parliament, and during the three days following the presentation of our study, we were invited over twenty times by radio and TV channels and the press. For the first time in France, the public had access to quantitative evidence of profiling by the police.

Not a single police officer tried to contest the seriousness of our inquiry; the size of the populations studied (dozens of thousands of individuals) and the odds ratios' values appeared overwhelming. The rhetorical strategies employed by the police elites (police chiefs or police unions' leaders) all resemble the strategies described by Satzewich and Shaffir, though with strong singularities.

The union closest to the law-and-order stance of the government launched a classical "blame the victim" strategy: the main if not sole police mandate is to enforce the law and to fight public disorders, which are being caused by young men dressed in "youth culture" style, which happen to be primarily of foreign origin. Of course, this strategy rests in part on a circular reasoning according to which the police officers see their intuition validated by crime statistics, to the production of which they in part contribute via their own profiling – and the debate therefore concentrates on the weight of "in part".

Borrowing from this line of reasoning without fully subscribing to it, the Paris police force (via its spokesperson, a high-ranked female police officer) underlined the quality of the research ("*This study delivers statistical information that appears scientifically unquestionable*") and worried about the harmful consequences of the practices that, in the end, lead to over controlling racial minorities (Incyian 2009b). Using expressions similar to those of the Hamilton Police Service, thus suggesting a universal culture of police professionalism, the representative of the Paris police force explained that the police officers employed "*empirical criteria*" deriving from their "*intuition*", according to which "*one has higher chances to find cannabis on a Rasta*". Nevertheless, her argumentation was more than just a simple defense of police instinct. She actually regretted that one lets "*business men ... carrying drugs*" pass, implying that police intuition can fail. From another perspective, she emphasized (like many police union members that expressed themselves) the new racial diversity among the French police force. This was a smart move: it was put forward by the police in order to demonstrate its opening up to racial diversity, as part of its damage control strategy. But that institution did so far nothing to fight against the practices revealed by the study.

Last but not least, another type of response came from the main police union (Unité Police), which is hostile towards the conservative government of Nicolas Sarkozy. It employed a deflection strategy or a blame shifting strategy that is not part of the repertoire presented in Satzewich and Shaffir's article.

Their position reflects the centralized and politicized character of the French police. For this union, the fault for the profiling lies not with the police force, but with the government. The union deplors that the police has been used or even abused for executing a shameful mission, namely the fight against illegal immigrant workers and their families. On other occasions, moreover, the unions have drawn on our study in order to put blame on the public solicitor, who can also launch stop and search operations. Whoever the targets (criminal justice or government), the majority union tried to benefit from the emotions stirred by our study: on the one hand, to express a humanistic position hostile towards profiling (speaking to the general public), and, on the other hand, to reclaim more police autonomy towards the government or the solicitor (speaking to the rank and file).

The repertoire of motives is very similar in Canada and in France. Still, we do not fully subscribe to the conclusion of Satzewich and Shaffir with regard to the unity (or even universality) of the police subculture. In reality, the police leadership and the union representatives have, as one can see, not at all responded with one voice. In addition, though the police officers show commonalities, the police elites know how to articulate strong internal differences, which can become very pronounced in the context of police elections (as in January 2010), or even fratricidal in the case of political crises as in 1944 or 1958 (Berlière 2005). The notion of a police subculture is inapt to describe the diversity of positions expressed by the police elites.

Our study has been costly in terms of means and time. Has it changed the character of public debate, the manner in which police legitimacy is being discussed in France?

Our reply to this question is mixed, and we will draw upon a recent polemic to buttress this sentiment. A columnist who shares the stance of the government, Eric Zemmour, has been violently attacked after pronouncing on television in March 2010 that "the French citizens with a migration background are being stopped and searched more often than others, because the majority of drug dealers are Black and Arab... That's a fact." He was threatened with being fired by his TV station, a complaint for racism was lodged against him, the solicitor general of the Paris' Court of Appeal defended him and had to explain himself before his own hierarchy, etc. What is interesting to note is that the columnist responded with this phrase, during a TV talk show, to another participant who used our study as an example in order to show the institutional racism of French authorities. In contrast to what had been the standard response until then, the columnist did not deny racial profiling. He attempted to justify it.

Ainsi sont payés les efforts de la recherche... Il est désormais en France périlleux de nier les contrôles au faciès. Notre recherche a simplement élevé le coût de la défense aveugle de la police traditionnelle : on ne peut plus nier la réalité, on doit faire l'effort de la justifier. Ainsi, si la recherche scientifique est une arme contre les préjugés, cette arme gagne des batailles, mais ne remporte pas la guerre.

The efforts of our research have thus been worthwhile... It is henceforth risky to deny that stops and searches have a racial component. Our study has basically elevated the costs of the blind defense traditionally mustered by the police: one can no longer deny reality; one has to make efforts to justify it. Thus, if scientific research is a weapon against prejudices, this weapon wins battles, but it won't win the war.

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