Racial Profiling: The Parisian Police Experience

Fabien Jobard and René Lévy
Centre de recherche sociologique sur le droit et les institutions pénales / CNRS

The controversy over racial profiling in policing that is explored within the pages of the Canadian Journal of Criminology and Criminal Justice echoes the violent debates within French society regarding the police – debates that take place not only in specialized journals but in the outside world as well: One only has to think about the repeated recurrence of urban riots, or “race riots,” to use the term common in the United States (Waddington, Jobard, and King 2009). One of our research projects, which focused on racial profiling, has been the source of numerous discussions in France (Open Justice 2009; Lévy and 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 was carried out with the help of John Lamberth (Lamberth Consulting), Indira Goris, and Rachel Neild (Open Justice Initiative).

In five heavily frequented places in Paris, we tasked observers to follow police officers furtively and to register, via mobile phone, the characteristics of the persons who were stopped and searched. The telephones allowed the observers to remain unnoticed and to send their coded data via SMS to a server located in the United States. More than 500 persons who were stopped and searched were recorded, of which we now know gender, age (young or not young), type of bags (no bag, big bag, other bag), style of clothing, and race. We also coded and registered the traits of the overall population at these places (benchmarking), thus cataloguing the variables related to around 37,000 persons. Comparing the variables for the persons stopped and searched with those of the overall population, we could demonstrate possible profiling practised by the police.

In their response to Satzewich and Shaffir (2009), Henry and Tator (2011) note that “while the discourse of the denial of racism is one of...
the most powerful in the public arena, it also permeates research perspectives in the scholarship” (70). By this, Henry and Tator (2011) mean that denial of racism distorts and undermines scientific perceptions. In our case, anticipation as to the nature of police discourse has actually permeated our research, strongly influencing its design.

We did find it necessary to establish a reference population. The main reason for that lies in the oft-cited denominator problem (Melchers 2003; Paulhamus, Kane, and Piquero 2010). But it also relates to police discourse, particularly to the “Jane and Finch” (Henry and Tator 2011: 68) explanation offered by Hamilton’s police officers: a minority’s over-representation among the people stopped is explained by that minority’s over-representation in the available population. Behind the long and costly deployment of observers aiming to record tens of thousands of individuals was the goal of anticipating these discourses.

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

But our first methodological choice was, in fact, to undertake a quantitative research on the topic. We feel dissatisfaction, if not exasperation, when faced with what Henry and Tator (2011) defend as “narratives of personal experience,” their term for what many call “anecdotal evidence” (74). 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 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 (Bourdieu et al. 1999). We do not negate the force of anecdotal evidence; but 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-stopped, in all the places, young men dressed in youth culture style carrying no bag (which, in passing, destroys the excuse offered by the
fight against terrorism). And further, within each sub-population (men, youth, etc.), the police over–stopped and searched minorities. This being the case, the variables are difficult to disentangle. Among the benchmarked overall population, two thirds of persons dressed in youth culture style belonged to racial minorities; thus, if the police stopped and searched only the youth culture group, 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 far minorities are targeted solely because they belong to a minority or in addition because they are marked by signs (like being youth culture style dressed up) that are relevant in police eyes. Does this represent racism? Yes, in the sense of Henry and Tator’s (2011: 66) “democratic racism,” or in the sense of the British MacPherson Commission’s “institutional racism” (cited by Rowe 2009).

Were there expressions of intentional racism or racism denial in the police discourses engendered by our research? The responses to our inquiry were 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 (tens 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 resembled the strategies described by Satzewich and Shaffir (2009), though with some definite differences.

The union closest to the law-and-order stance of the government embraced a classic blame-the-victim strategy: the main if not sole police mandate is to enforce the law and to fight public disorder, which is being caused by young men dressed in youth culture style who happen to be primarily of foreign origin. Of course, this strategy rests, in part, on circular reasoning, according to which police officers see their intuitions validated by crime statistics, to the production of which
they in part contribute through their profiling – and the debate, therefore, becomes over what weight to give to the phrase “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”; Incyian 2009b) and worried about the harmful consequences of practices that, in the end, lead to over-controlling racial minorities (Incyian 2009b). Using expressions similar to those of the Hamilton Police Service, (a resemblance that suggests that there is 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’s chances of finding cannabis are higher for a Rasta.” Nevertheless, her argument was more than just a simple defence of police instinct. She actually regretted that “business men . . . carrying drugs” were allowed to 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, as part of its damage-control strategy, in order to demonstrate that it was opening up to racial diversity. But the institution has, so far, done 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 (2009) 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 deplores that the police have 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 to profiling (speaking to the general public), and, on the other hand, to reclaim more police autonomy from 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 (2009) with regard to the unity (or even universality) of the police subculture. In reality, as is apparent, the police leadership and the union representatives have not at all responded with one voice. In addition, although there commonalities among police officers, 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 was 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 explain this fact. A columnist who shares the stance of the government, Eric Zemmour, was 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 of 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, and so on. 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.

Our research efforts have, thus, been worthwhile. From now on, it will be risky to deny that stops and searches have a racial component. Our study has basically elevated the costs of the unthinking defence traditionally mustered by the police: Reality can no longer be denied; profiling must be justified by those who would defend it. Thus, if scientific research is a weapon against prejudices, it is a weapon that wins battles only; it won’t win the war.

Note

1 All translations from the French are the authors’.
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