



Fabien JOBARD\*, René LÉVY\*,  
John LAMBERTH\*\*, Sophie NÉVANEN\*

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## Measuring Appearance-Based Discrimination: an Analysis of Identity Checks in Paris

*Law enforcement officers in France are often accused of carrying out identity checks on the basis of physical appearance (contrôles au faciès), singling out particular ethnic groups, or “visible minorities”. To show that discrimination is taking place, it is not enough simply to demonstrate that police stops affect one group more than another. It also has to be shown that this group is disproportionately targeted in relation to the population present in the relevant geographical area. This is a particularly difficult task. Fabien JOBARD, René LÉVY, John LAMBERTH and Sophie NÉVANEN report on a survey of identity checks carried out in Paris in 2007-2008 and describe the relatively complex methodology that was used. They first conducted a “census” of the population available to be stopped, and recorded some of their visible features. They then unobtrusively monitored police stops and their targets, noting their characteristics based on the same set of features. By this means, the researchers were able to demonstrate that the “stop population” differed from the “benchmark population” not just in terms of visible ethnicity, but also of age, sex and style of clothing.*

*Contrôle au faciès*, or “identity check on the basis of physical appearance”, is a familiar yet polemical expression in France, where it refers to what is known in European legal language and the specialist literature as “racial” or “ethnic profiling”. It means that instead of stopping individuals on the basis of operational briefings, suspect descriptions, or specific acts leading them to suspect that an offence has been committed or is about to be committed, law enforcement officers decide which people to stop mainly according to their

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\* Centre for Sociological Research on Law and Criminal Justice Institutions (CESDIP).

\*\* Lamberth Consulting.

Correspondence: Fabien Jobard, Centre de recherches sociologiques sur le droit et les institutions pénales (CESDIP), CNRS / Ministère de la Justice / Université Versailles Saint-Quentin, Immeuble Edison, 43 bd Vauban, 78280 Guyancourt, Tel.: (33) 1 34 52 17 00, e-mail: fabjob@cesdip.fr

appearance. This practice formed the subject of the survey described here (IC Survey).<sup>(1)</sup>

Despite the recurrent controversy over profiling, knowledge of this disputed police practice is very limited. This lacuna stems first and foremost from the absence of institutional sources, as identity stops do not generally leave an administrative “paper trail” (unless they trigger criminal prosecutions) and are not systematically included in police statistics. Even if they were recorded, the data would tell us nothing about the circumstances in which they had taken place, as these official sources would only mention the nationality of the people who were stopped. If appearance-based identity checks are indeed a reality, the key factor is apparent ethnicity, not nationality.

Making these police practices visible therefore requires a specific method of investigation, whereby the distinguishing features of the individuals who are stopped can be recorded without disturbing ongoing police operations, and a benchmark population can be established to put the checks in context. This is what we set out to do in Paris between 2007 and 2009, at the instigation of the Open Society Justice Initiative, as part of a programme of research and action on the prevalence or otherwise of “racial profiling” by police forces in different European countries (Open Society Justice Initiative, 2005, 2006, 2007, 2009a, 2009b and 2009c; Miller et al., 2008).<sup>(2)</sup>

In the first part of this article, we review previous research on stop-and-search practices and look at how the police conduct identity checks in public spaces in France. In the second part, we describe the survey methodology, and in the third and final part we set out the main survey results.

## I. Identity checks in France

The various studies on identity checks available in France are based on observations reported in monographs and declarative data collected from individuals who have been stopped. After providing a brief overview of this research and its flaws, we describe how quantitative studies conducted in other countries have sought to gain an objective picture of the issue. In order to provide all the information needed to understand police practices, we then set out the legal basis for carrying out identity checks in France.

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(1) The European Commission against Racism and Intolerance (ECRI, 2007, p. 8) defines racial profiling as “the use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities” (see also De Schutter and Ringelheim, 2008).

(2) This initial survey was conducted by a team made up of Rachel Neild and Indira Goris (OSJI), John Lamberth, Fabien Jobard and René Lévy.

## 1. State of research on police stop-and-search practices

So far, all the research conducted in France has relied on reports by individuals stopped by the police. In Great Britain and the United States, however, researchers have set up systems for observing police practices.

### *French research*

Self-reports are the prime source of information, either collected during monographic or qualitative surveys, or, as in more recent years, through opinion polls.<sup>(3)</sup> An exhaustive review of the literature would be tedious, as these surveys are mainly just accumulations of statements made by individuals who claim to have been stopped on numerous occasions. These police stops are perceived as unjust, in that they single out particular types of individuals (foreign nationals or individuals who look foreign, young people, young people living in disadvantaged neighbourhoods, etc.), and/or systematically target the same people, thereby serving as an instrument of both discrimination and harassment in the eyes of the populations concerned (Body-Gendrot and Wihtol de Wenden, 2003; Body-Gendrot, 2005; Marlière, 2005 and 2008; Roché, 2006, p. 6; Kokoreff et al., 2006, p. 12; Mohammed and Mucchielli, 2006; Jobard, 2006; Cicchelli et al., 2007; Lapeyronnie and Courtois, 2008; see also Conseil National des Villes, 2006, p. 13).

The probative value of these statements, many of them quite old, stems more from their cumulative nature than from their intrinsic worth. Indeed, the abundance of such testimonies in turn raises problems linked to their potential use as a metaphor for a broader reality, but one that is harder to objectify when recounting personal experience, namely relations with the police. Claiming that identity checks are based on physical appearance can thus become a metonymic figure for perceived police injustice. Because identity checks do not leave a paper trail (unlike police custody), such claims are particularly hard to verify; and if something is said often enough, people will start to believe it is true.

These statements have, of course, been given added validity by studies which, while not necessarily investigating police stops, nevertheless lend weight to the hypothesis of police racism or of particular police practices targeting specific groups. In the 1980s, for instance, Michel Wieviorka and his team established the existence of racism among law enforcement officers acquired through group socialization (Wieviorka, 1992, pp. 262-267), while René Lévy (1987) found that in the French judicial police, all other things being equal, officers displayed a preference for repressive solutions in cases where the offender was of North African origin. More recently, Dominique Duprez and Michel Pinet (2001) highlighted the strength of prejudice in the conduct of oral police recruitment examinations, which resulted in high failure rates for

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(3) This is also the method recently adopted by the NGO Human Rights Watch (2012).

North African applicants. For their part, Fabien Jobard and Sophie Névanen (2007) have shown that police officers are more willing to file complaints against North Africans and Blacks for insulting a police officer, assaulting a police officer or resisting arrest. It is worth noting that the above-mentioned studies drew on an extremely wide range of material, including collective interviews, police files, and observations of police practices (on patrol or serving on an examination board).

While observations of police practices do not challenge these conclusions, they broaden the range of populations considered. More specifically, they point to the existence of a “police clientele” made up of individuals whom the police believe require their exclusive attention and who therefore warrant particular surveillance measures, not least identity checks. This clientele may correspond to a specific population (Zauberman, 1998), such as travellers, or to the people targeted by specialist squads such as the vice squad (Mainsant, 2008). However, for the transport police patrolling the Paris metro, their clientele are harder to define, because they cannot be reduced to a single visible minority. It is just a case of familiarity breeding suspicion (Paperman, 2003). The most recent ethnographic research has confirmed the enduring existence of this clientele in both the practices and the collective imagination of the police, while showing that it cannot be reduced to a single distinguishing feature, and emphasizing the need to consider behavioural indicators when studying police reactions (Moreau de Bellaing, 2009; Gauthier, 2010; *a contrario*: Fassin, 2011).

The multiple testimonies recorded by researchers are congruent with ethnographic studies of police action, thus reinforcing the idea that the police target specific groups. So to circumvent the difficulty of objectifying possible racial profiling, we sought to quantify it.

The first survey to yield contextual data about the use of identity checks was the ESCAPAD survey, which is conducted periodically by the French Monitoring Centre for Drugs and Drug Addiction (Observatoire français des drogues et toxicomanies, OFDT) during Defence and Citizenship Days (compulsory one-day national defence courses). It is administered to a representative sample of approximately 50,000 young people (men and women aged 17-18 years and of French nationality, living in metropolitan France or French overseas *départements* and territories). In 2008, for the first time, the questionnaire included a question on the occurrence and frequency of identity checks over the previous 12 months (Legleye et al., 2009).<sup>(4)</sup> The results showed a very high mean frequency, with 28% of respondents saying they had been stopped at least once (38% of men, 16% of women). Of these, 18% said that they had been stopped twice, 11% three times, and 31% more than three.

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(4) The results described here come from an unpublished analysis of the data yielded by the OFDT's 2008 ESCAPAD survey, conducted by S. Névanen (CESDIP). This question was unfortunately not asked in the 2011 survey.

Although the 2008 ESCAPAD survey did not answer the question of ethnic profiling, the European Union minorities and discrimination survey (EU-MIDIS), a general population survey conducted the same year by the European Union Agency for Fundamental Rights (FRA) came a step closer, by adopting a comparative perspective (FRA, 2010).

Based on a relatively complex methodology for sampling different target groups in different countries, this survey involved 23,500 interviews with immigrants and ethnic minorities in the 27 EU Member States, as well as with 5,000 members of the mainstream population (i.e., individuals who did not display any obvious signs of belonging to a minority) living in the same areas (but only in ten countries). The minorities taken into account varied according to the situation of each country, as did the target geographical areas (generally speaking, major urban areas with strong concentrations of minority populations). Term-by-term comparisons were therefore not possible for all minority groups. In France, the survey focused on three areas (Paris metropolitan area, Lyon and Marseille) and two groups, North Africans (534 people) and sub-Saharan Africans (466 people), as well as a sample of 503 members of the mainstream population. In this survey, it was the respondents themselves who indicated their ethnicity (FRA, 2009).

According to the survey findings, a high proportion of people belonging to a minority in France reported being stopped during the 12 months preceding the survey: France ranked fourth for North Africans (42% said they had been stopped), and sixth for sub-Saharan Africans (38%). While the percentage for the mainstream respondents was far lower (22%), it was still high enough for France to come fourth out of ten, behind Italy, Slovakia and Greece. Respondents were also asked about the frequency of identity checks over the reference period. The sub-Saharan Africans living in France stated that, on average, they had been stopped 3.2 times, the North Africans 3 times, and the mainstream respondents 2.2 times. Regarding the nature of the identity checks, body or vehicle searches were far more frequent in France. Of those who had been stopped, 38% of the North Africans, 46% of the sub-Saharan Africans and 21% of the mainstream respondents said they had been searched.

We can therefore see that although the perception of minorities is generally different from that of the mainstream population, the rates in France are higher than in the other nine countries. Thus, quite apart from the issue of ethnic profiling, France has a particular way of policing its population, especially given that these more intrusive methods do not appear to result in more frequent recording of offences or more people being taken in for questioning than in other countries.

Asked about the “respect” shown by the police officers the last time they were stopped, the three groups gave markedly different responses, with 65% of the mainstream group in France saying that they had been treated respectfully, versus 44% of North Africans and 27% of sub-Saharan Africans (the lowest

rate among all countries and all minorities). By the same token, 36% of the sub-Saharan Africans complained of lack of respect, compared with 32% of the North Africans and just 15% of the mainstream group. Only three countries had worse figures: Belgium and Italy for North Africans, and Greece for Roma people. Unsurprisingly, the sub-Saharan Africans' judgment was reflected in a particularly high rate of distrust towards the police (42%), surpassed only by the Roma people living in Slovakia, Greece and Hungary.

This comparative European survey therefore shows that the police in France are perceived by the minorities as being particularly predisposed to ethnic profiling and practising a harsh style of policing.

### *British and North American research*

According to Skogan and Meares (2004, p. 76), “No controversy in law enforcement has received more attention than racial profiling”. For this reason, we cannot possibly cover all the academic literature on the profiling and discrimination practised by police forces.<sup>(5)</sup> We will therefore just briefly outline the most relevant research, drawing on two extremely comprehensive assessments carried out under the aegis of the National Research Council of the National Academies, one focusing on police practices, the other measuring discrimination (Skogan and Frydl, 2004; Blank et al., 2004).<sup>(6)</sup>

Both these assessments stress the importance of the “denominator”, which can be summed up as follows. To establish the existence of discrimination, it is not enough to observe that police identity checks affect a particular ethnic group. It also has to be demonstrated that this targeting results in a disproportionate number of stops, given the size of the group in relation to the total population of the relevant social and/or geographic area. This is a process known as *benchmarking*. Once this point has been acknowledged, an appropriate reference population must then be defined, as clearly highlighted by a British survey conducted in Reading and Slough, two large towns close to London (Waddington et al., 2004).

Since the urban riots of the 1980s, British police forces are required to record all stop-and-search occurrences. Various analyses indicated that, with respect to the census data for the relevant towns and cities, Blacks and Indo-Pakistanis were over-represented among the persons stopped. Waddington, Stenson, and Don therefore collected police files on these checks and compared them with data yielded by the UK census, which now includes a question on ethnicity. They were able to confirm previous surveys, establishing that in Reading, 75% of police stops targeted Whites, who represented 87% of the

(5) On this point, see Gauthier (2012). See also the studies covering five continents collated by Weber and Bowling (2011).

(6) For a more recent literature review, see Melchers (2006). See also Harris (2006), Rice and White (2010), Bowling and Phillips (2007). For an in-depth discussion of the notion of profiling, see Harcourt (2007).

census population, but 15% of them singled out Blacks (6% of the population) and 10% Indo-Pakistanis (5% of the population). Similar observations were made for the more working-class town of Slough, with the exception perhaps of the town's large Indo-Pakistani population (54% vs. 64% for Whites, 15% vs. 6% for Blacks, 31% vs. 28% for Indo-Pakistanis). In the second phase of their study, they narrowed their focus to the places where these stops had actually taken place, attempting to enumerate the population that was present there and thus available to be stopped. Most of their material took the form of CCTV camera footage. This time, the results were very different. All traces of discrimination in Reading vanished (75% of Whites in the stop population vs. 74% of Whites in the available population, 15% vs. 13% of Blacks, 10% vs. 9% of Indo-Pakistanis), while in Reading, the targets of police discrimination turned out to be Whites (54% vs. 42% of Whites, 15% vs. 17% of Blacks, 31% vs. 40% of Indo-Pakistanis). This study demonstrates just how crucial it is to construct an accurate benchmark population. It also shows, in passing, that even if "racial" categories were included in the French census they would not provide a decisive tool for investigating the existence of appearance-based police stops in France.

In the United States, Skogan and Frydl went as far as to say that the "most accurate denominator, or benchmark, is not the typical traffic on the street, but the pool of traffic offenders. The best analysis would measure offending rates for the groups and areas under examination and use those as denominators in assessments of profiling patterns" (Skogan and Frydl, 2004, p. 321). These authors suggested that researchers should go a step further and retain only the delinquent section of the available population as the benchmark (i.e., the violators' benchmark). As illustrated by this quotation about traffic offences, it is important to bear in mind that most studies in the United States have been prompted by doubts about the impartiality of police officers where speeding offences are concerned, known colloquially as "driving while black" (Russell, 2003). In his survey of traffic stops in New Jersey, Lamberth used a device that measured how fast motorists were driving to demonstrate that speed was not the reason why a disproportionately high number of Blacks were being singled out (Kadane and Lamberth, 2009).<sup>(7)</sup> It would be difficult to transpose his method to France, however, as French national legislation allows for so-called *preventive* identity checks, even where there is no breach of the law and regardless of the targets' behaviour. This makes it impossible most of the time for the observer to identify the objective grounds for the stop. This difference becomes only too clear when we look at the conditions under which identity checks are admissible in France.

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(7) According to Miller et al. (2008, p. 163), "The basic research design established by Lamberth [co-author of the present article] became the paradigm for much of the debate about racial profiling in the US".



## 2. Legislation and identity checks in France

As it is not compulsory for France's citizens to carry an identity card (Buisson, 1998, § 13-18; Matsopoulou, 1996, § 428), successive governments have created a dense set of regulations to allow the country's police to carry out identity checks.

Identity checks (“the act of an agent of the public authority that consists in asking a private individual, under conditions imposed by the law, to justify his or her identity in order to examine the justification that is provided, in any place where this agent legally finds him or herself”) (Buisson, 1998, § 25) are mainly governed by the provisions in Chapter 3 of the Code of Criminal Procedure (CPP), headed “Identity inspections and identity checks” (Art. 78-1 to 78-6 CPP). Since they first appeared in the so-called Security and Freedom Act of 2 February 1981, these regulations have been modified to varying degrees no fewer than 15 times (up to three times in one year!).<sup>(8)</sup> These measures can be either repressive, targeting people suspected of having committed an offence, or preventive, when used to stop people who are suspected of planning to commit an offence. They can also be used to make a geographical perimeter secure.

Legally speaking, the people most exposed to police stops are foreign nationals, as they must carry proof with them at all times of their right to enter or stay in France. They are therefore liable to be stopped at any time. Even so, a restrictive interpretation has been placed on this provision in order to prevent appearance-based checks. A law enforcement officer must already know that the person is a foreign national or there must be a legitimate presumption of his or her alien status. According to case law, this presumption has to be based on “objective elements deduced from circumstances external to the person of the interested party”.<sup>(9)</sup> This means that officers “cannot rely on the apparent origin of the interested party to stop him or her as a foreign national”. However, case law is highly contradictory concerning the precise nature of these objective criteria. Above all, under Article 78-2, a state prosecutor can order the police to conduct a time-limited search for illegal immigrants in an area known for the density of its foreign-origin population.

Identity checks have four peculiar features under French law:

a) Art. 78-1 (§ 2) of the CPP states that an individual cannot refuse to submit to an identity check on the grounds that it is illegal. A check can only be contested after the event, in a court of law;

b) No written reports are kept of identity checks; the reason for stopping someone is only recorded if that person is then taken to the police station for further identity checks because of insufficient proof of identity, or is arrested for committing an offence;

(8) The most significant reforms, for the purposes of our survey, were introduced in 1983, 1986, 1993 and 2003.

(9) Cass. Crim., 25 April 1985, cited by Buisson, 1998, no. 125. For a detailed analysis, see Saoudi, 1998, pp. 277-288.



c) An identity check does not presuppose that an offence has been committed;

d) The law on police intervention is based on the “doctrine of appearances”, which implies that law enforcement officers are entitled to make “errors of fact”. Case law has sought to differentiate between those “appearances” that are admissible and those that are not (Lévy, 1984, pp. 203-248; Conte, 1985; Saoudi, 1998, p. 277; Roussel, 2007, § 56 s.).

The ambiguity surrounding the law on identity checks only serves to increase the ambiguity surrounding their implementation. Rather than inhibiting their use, the legal uncertainties tend to encourage them. As police officers do not have to justify what they do, it is virtually impossible for people who are stopped to immediately verify the legality of the identity check. They cannot, in any case, refuse to undergo it. This means that many legally questionable checks probably go unchallenged. Moreover, these stops mostly remain invisible to the police officers’ superiors. Identity checks are a widespread practice and, paradoxically, benefit from a sort of legal cloak of invisibility.

Lastly, under some conditions, identity checks may be accompanied by frisking or trigger a search. Restricted to the surface of the body, frisking is authorized whenever a check is carried out, as a simple precautionary measure to ensure the officers’ safety. Searches, on the other hand, which can involve looking inside the person’s clothes or the objects he or she is carrying, and even strip searches and inspections of body cavities, are regarded as investigative measures on a par with house searches, which presuppose that the person has been “found in the possession of articles, or has on or about him traces or clues that give grounds to believe that he has taken part in the felony or misdemeanour” (Art. 53 CPP).

## II. The survey of identity checks in Paris (IC Survey)

This survey was carried out in 2007-2008. The actual field research was conducted at five locations in the French capital between October 2007 and May 2008.

The methodology was pioneered by John Lamberth in the United States, where it was first used in cases of alleged police discrimination of black motorists in New Jersey (Kadane and Lamberth, 2009.<sup>(10)</sup> It was subsequently implemented by the Open Society Justice Initiative for its survey in the Moscow metro (Open Society Justice Initiative, 2006). The Parisian study was broadly inspired by this Russian experiment, but nonetheless differed from it in several respects.

The survey comprised several phases: choice of observation sites, selection and definition of variables, training of monitors, definition of the benchmark population, observation and recording of police stops, and administration of

(10) It was also used in Washington, DC (Lamberth, 2006) and in several other jurisdictions.

short questionnaires to the people who had been stopped. We describe each phase in turn below.<sup>(11)</sup>

## 1. Choice of observation sites

The observation sites had to meet several requirements. First, there had to be sufficient police activity to allow the monitors to observe a reasonable number of identity checks within the allotted period. Second, to ensure the reliability of our observation data, the site had to provide the necessary practical conditions for unobtrusive and continuous observation, without the risk of disturbing the situations under observation (i.e. modifying the police's *modus operandi*).

We observed identity checks in 21 locations in and around Paris, to determine which sites would be most feasible, and selected five of them:

- the street-level Gare du Nord concourse, where national and international trains arrive and depart (GDN Station);
- the Thalys platforms at the Gare du Nord, where trains arrive from and depart for Amsterdam, Brussels and Cologne (GDN Thalys);
- the underground Gare du Nord concourse for regional express (RER) and commuter trains (GDN RER);
- the Châtelet-les-Halles RER station (Châtelet Station);
- the Fontaine des Innocents square (Place Joachim du Bellay), between the Châtelet-les-Halles RER station and the Forum des Halles shopping mall (Châtelet Innocents).

These five locations are among the main transit points in Paris. Each year, more than 180 million people pass through the Gare du Nord complex, France's largest railway station, and one of Europe's busiest in terms of passenger traffic. This station serves dozens of metro, RER, regional, national and international lines. The Metro-RER station alone caters for 36 million passengers each year. Châtelet-les-Halles is also one of the capital's main metro and RER stations, and approximately 13 million people pass through there each year. It is also the main access point to the city centre from the suburbs, and its population is extremely mixed. The Fontaine des Innocents in Place Joachim du Bellay, just a few dozen metres from the main entrance to the Châtelet-les-Halles station, is a popular gathering point for young people.

The Thalys platforms at the Gare du Nord were chosen for two different reasons. Thalys is an international rail service, with trains going to Belgium, Germany and the Netherlands. As a result, the travelling population has a very specific make-up (foreign tourists and people commuting to and from the European institutions in Brussels) and most of the identity checks are carried out by customs officers. By choosing the Thalys location, we hoped to gain insight into the practices of another law enforcement body.

(11) This paper is too short to discuss the results of the questionnaires; see Open Society Justice Initiative, 2009a, pp. 38-40.

## 2. Choice of variables

Observing police stop practices entails classifying the individuals they stop into different categories on the basis of their appearance, recording not their *actual* ethnicity, but their *perceived* ethnicity. Our survey was based on the assumption that the observers and police officers would have similar perceptions of ethnicity.

As other factors besides a person's apparent ethnicity may influence the decision to carry out an identity check, the monitors recorded several other types of information, too.

### *Apparent ethnicity*

This relates to appearance – or the visibility of differences – and police perceptions. In the absence of any generally acknowledged ethnic/racial frame of reference (Simon, 2008, p. 155; Bonniol, 2007, pp. 38-40), our choice of categories was dictated by two requirements: they had to match closely with the perceptual categories (stereotypes) of the officers carrying out the checks, as far as can be ascertained from previous observations;<sup>(12)</sup> and our monitors had to be able to apply them from a distance. As a result, we selected just five categories: “White”, “Arab”, “Black”, “Indo-Pakistani”, and “Asian”.

We considered adding two further categories, one for gypsies or Roma people, the other for Orthodox Jews, but we decided against it because these groups were rarely present at the observation sites, unlike the “Indo-Pakistani” and “Asian” categories.

### *Other individual characteristics*

To test the hypothesis that police officers are influenced by several factors besides skin colour, we collected data for the four variables defined in Table 1, namely age, sex, clothing and presence/absence of bags.

### *Interaction between police officer(s) and stopped individual(s)*

During the stop observation phase, we recorded an additional variable describing the nature and outcome of the check. This variable had four modalities, described below in increasing order of intensity:

- Stop and question: the police simply checked the individual's identity, possibly asking one or two questions;
- Stop and frisk: the identity check was accompanied by a security frisk;
- Stop and search: the identity check was accompanied by a search of the individual's bags or pockets (with or without frisking);
- Stop and detain: the stopped individual was taken to the police station (whatever the previous modality of the identity check).

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(12) Police practices have given rise to a typology of apparent ethnicity that was formalized in the nomenclature of the Canonge police file card, invented in the 1950s. Twelve different “types” are distinguished: “White (Caucasian), Mediterranean, Gypsy, Middle-Eastern, Maghrebi North-African, Eurasian Asiatic, Amerindian, Indian (India), Mixed-race/mulatto, Black, Polynesian, and Kanak-Melanesian”.

**Table 1. Individual features (apart from apparent ethnicity) taken into account in the IC Survey**

Variable	Categories	Comments / Explanations
Age	<ul style="list-style-type: none"> <li>• Young (&lt; 30 years)</li> <li>• Middle-aged and above</li> </ul>	Pilot observations had shown that the majority of people stopped by the police were young. As it would have been impossible to visually determine precise age, we used just two categories.
Sex	<ul style="list-style-type: none"> <li>• Male</li> <li>• Female</li> </ul>	
Clothing	<ul style="list-style-type: none"> <li>• Business/well-dressed</li> <li>• Casual</li> <li>• Youth culture</li> </ul>	The term “youth culture” encompasses styles that are ostentatiously hip hop, punk, Gothic, ragamuffin, new wave, tecktonik, and other styles popularly associated with young people. “Casual” refers to normal, everyday attire, as opposed to the more formal “business/well-dressed” category.
Bags/ Luggage	<ul style="list-style-type: none"> <li>• Large bag / Luggage</li> <li>• No bag</li> <li>• Other</li> </ul>	The carrying of bags large enough to hold explosives, weapons or contraband, and more particularly objects that could serve in a terrorist attack, can influence the decisions made by law enforcement officers. Bag size was deemed the relevant variable here, so we only counted rucksacks and luggage (not women’s handbags).
<i>Source:</i> IC Survey (CESDIP-OSI, 2007-2008).		

### 3. Training of monitors

The monitors were given two days of training, consisting of a brief description of the project, an introduction to the five observation sites, detailed explanations about the data they had to collect, and instructions on how to make their observations and record the data. They were also given fieldwork practice.

To ensure that the people observed were uniformly classified, the monitors underwent a reliability test which they all passed. In this test, they had to classify a series of photographs that corresponded to the different ethnic categories and the five variables we had chosen. Inter-rater reliability was above 90% for all the variables.

In order to collect standardized data (our five variables) on the identity checks without disturbing the situations under observation, the data were entered in the form of text messages on mobile phones (without a camera), which were then sent to a server and transferred to a spreadsheet.<sup>(13)</sup>

### 4. Data collection

#### *Benchmarking*

Disproportionate stops of certain ethnic groups can only be established with any degree of rigour if the features of the individuals who are stopped are compared with those of a relevant benchmark – in this case, the population available to be stopped.

(13) The data of interest were numerically coded. Monitors had to enter five figures in a row (six during the stop observation phase) – an easy task for young people accustomed to “texting” in every situation, and which only took a few seconds.

Given the impossibility of surveying the entire population present in our five locations, we had to find a process that would guarantee the representativeness of the benchmark in terms of size and randomness of selection. Following a precise protocol, the monitors were therefore instructed to position themselves at the different entrances to the observation sites and record the relevant data for every person they saw crossing an imaginary, predefined line, with a 3-second interval between each recording.<sup>(14)</sup> The configuration of some of the observation posts made it extremely tricky to implement these deceptively simple instructions. For example, while Place Joachim du Bellay has only six such access points (a seventh was excluded as virtually nobody used it), GDN RER has 46, GDN Station has 18, and Châtelet Station has 29. The direction and number of rotations between access points, and the duration of observation at each one, were precisely defined for each location.

This method has two limitations. First, we were unable to establish a sampling rate for the benchmark population of each location considered globally because, by definition, we did not know the actual number of people present. This is why, initially at least, we will make separate data analyses for each location.

Second, a similar problem arises at the level of each location because, for a given location, the flows may differ between observation posts, so sampling rates vary by access point. The composition of these flows may also differ in terms of our variables, although we postulated that this was not the case. To create the benchmark population of a given location, we therefore took the unweighted sum of all the flows sampled at each access point.

The scheduling of the observation sessions, which took place between October 2007 and February 2008, depended on the characteristics of each location, in particular the number of people passing through.<sup>(15)</sup> Of the 37,333 people recorded during the benchmarking phase, 99.5% could be classified according to their apparent ethnicity (Table 2).

Clearly, the benchmark populations differed markedly from one location to another, even when only one variable was taken into account, namely apparent ethnicity. For example, while 86% of the GDN Thalys population were Whites, the proportion was 43% at GDN RER. Similarly, while only 3% of the GDN Thalys population was Arab, the proportion was nearer 15% at GDN RER. These differences in population composition made it difficult to sum the data for the different locations, as the necessary weighting indices are

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(14) We introduced the 3-second interval between entries chiefly to overcome differences in data entry speed between individual monitors which, as we soon realized, could easily bias the data collection.

(15) This benchmarking phase was initially intended to last two months, but took longer than planned, as we had to suspend it during the Rugby World Cup, due to major modifications in the population frequenting the Gare du Nord and Châtelet station, and later during the strikes that affected public transport in the French capital.

**Table 2. Distribution of the benchmark population in each of the five locations by apparent ethnicity (% and number)**

Observation site	Distribution by apparent ethnicity (%)						Number
	White	Black	Arab	Indo-Pakistani	Asian	Other	
GDN Station	70.6	15.3	8.7	1.9	3.3	0.3	8,008
GDN RER	42.7	32.1	14.8	6.1	3.7	0.7	8,496
GDN Thalys	86.4	7.0	2.8	0.7	3.0	0.1	3,726
Châtelet Station	52.1	27.9	11.1	3.4	4.9	0.5	9,409
Châtelet Innocents	54.8	22.7	14.3	1.8	5.8	0.6	7,687
Total							37,326

*Source:* IC Survey (CESDIP-OSI, 2007-2008).

unknown (hence the absence of an “All locations” line in this table, as it would have been impossible to fill it in - we simply indicate the total number of people recorded).

## 5. Monitoring of police stops

As soon as the benchmarking was completed in each location, we began the police stop observations. The monitors (young Whites, mainly female) worked in pairs, one observing the identity checks and recording the variables, the other asking the people who had just been stopped about their encounter.

This data collection phase lasted 75 days in all, running from November 2007 to May 2008, with the same time schedules as for the benchmarking.<sup>(16)</sup> Identity checks carried out by railway security personnel or private security guards were not taken into account.

A total of 525 identity checks were observed. Of these, 501 were assigned to one of the five benchmarked ethnicities: 141 Whites, 201 Blacks, 102 Arabs, 36 Indo-Pakistanis and 21 Asians. A further 23 were assigned to the Other category and a single stopped individual was placed in the Unknown category.

Based on our exploratory observations, we had expected the monitors to observe approximately two stops per hour. In reality, the mean hourly rate was 1.25. These checks were not evenly distributed across the five locations: 83 checks were observed at Châtelet Innocents, 68 at Châtelet Station, 121 at GDN Thalys, 123 at GDN Station and 130 at GDN RER.<sup>(17)</sup>

(16) Police stops were not consistently monitored throughout this period. Only a few observations were carried out in December 2007 and none at all in January 2008, owing to changes in the composition of the transit population over the Christmas period, the monitors' university examinations, and the time it took to renew their work contracts.

(17) These figures are slightly different from those contained in the initial report published by the Open Society Justice Initiative, (2009c) which included several coding errors that had no influence on the results. Owing to missing or flawed data for some of the variables, population numbers may vary from one table to another.

### III. Results

#### 1. Analysis of variables taken separately

Table 3 sets out the statistics for the benchmark population (reiterating the data in Table 2) and the stop population. On account of the low numbers of Asians and Indo-Pakistanis who were stopped, we collapsed these two groups and the set of unidentified individuals into an “Other” group containing between 3.8% and 10.5% of the benchmark population.

**Table 3. Size and distribution (%) of the benchmark and stop populations by apparent ethnicity**

Benchmark population					
Observation site	Number	Distribution by apparent ethnicity (%)			
		White	Black	Arab	Other
GDN Station	8 008	70.6	15.3	8.7	5.5
GDN RER	8,496	42.7	32.1	14.8	10.5
GDN Thalys	3,726	86.4	7.0	2.8	3.8
Châtelet Station	9,409	52.1	27.9	11.1	8.8
Châtelet Innocents	7,687	54.8	22.7	14.3	8.2

Stop population					
Observation site	Number	Distribution by apparent ethnicity (%)			
		White	Black	Arab	Other
GDN Station	123	17.9	26.0	29.3	26.8
GDN RER	129	20.2	50.4	12.4	17.1
GDN Thalys	121	52.1	23.1	9.9	14.9
Châtelet Station	68	8.8	54.4	27.9	8.8
Châtelet Innocents	83	28.9	47.0	22.9	1.2

*Interpretation:* Of the 8,008 people in the benchmark population at GDN Station, 5,654 (70.6%) were White. Of the 123 people who were stopped at this location, 22 (17.9%) were White.  
*Source:* IC Survey (CESDIP-OSI, 2007-2008).

Table 3 shows that the stop population had a different composition from the benchmark population. At the Fontaine des Innocents, Blacks made up 23% of the available population, but this proportion rose to 47% for the stop population. The benchmark and stop proportions were 14% and 23%, respectively, for Arabs, and 55% and 29% for Whites. At GDN Thalys, 86% of the available population were White, but Whites made up just 52% of the stopped individuals.

This table therefore points to a clear case of ethnic profiling when apparent ethnicity is the only variable taken into account. The distribution of paired data for each location indicates a general disproportionality, as the odds ratios (OR) seem particularly high, and virtually all of them are significant at the 1% level (Wald statistic). For every location, Table 4 sets out the ORs for each separate variable, relative to the reference modality (White for ethnicity, casual for clothing, no bag for bags, male for sex and young for age group).



Table 4. Odds ratios for the five variables by location

		GDN Station	GDN RER	GDN Thalys	Châtelet Station	Châtelet Innocents
Apparent ethnicity	White	1.00	1.00	1.00	1.00	1.00
	Black	6.72***	3.33***	5.50***	11.51***	3.93***
	Arab	13.29***	1.78*	5.78***	14.82***	3.04***
	Other	19.54***	3.45***	6.48***	5.93***	0.28
Clothing	Well-dressed	0.06***	0.18*	0.19***	0.38	0*** <sup>(a)</sup>
	Casual	1.00	1.00	1.00	1.00	1.00
	Youth culture	5.33***	10.46***	8.64***	16.42***	14.28***
Bags	No bag	1.00	1.00	1.00	1.00	1.00
	Large bags	0.36***	0.17***	0.69	0.09***	0.06***
	Other bags	0.14***	0.08***	0.44**	0.13***	0.17***
Age	Young	1.00	1.00	1.00	1.00	1.00
	Old	0.28***	0.12***	0.10***	0.13***	0.01***
Sex	Male	1.00	1.00	1.00	1.00	1.00
	Female	0.11***	0.10***	0.62**	0.10***	0.29***

<sup>(a)</sup> No passer-by in the business/well-dressed category was stopped at Châtelet Innocents.  
*Significance (Wald statistic):* \*\*\* 1%, \*\* 5%, \* 10%.  
*Source:* IC Survey (CESDIP-OSI, 2007-2008).

For each of the variables, the table shows that those individuals who did not belong to the reference modality had a high probability of being stopped (or not being stopped). Except for Arabs in the RER terminal of the Gare du Nord, the Other minorities category at the Fontaine des Innocents, well-dressed individuals at the Châtelet-les-Halles station and GDN RER, and people carrying bags or women on the Thalys platforms, all these very low or very high risks were significant at the 1% level (Wald statistic).

Some of the ORs were particularly high in comparison with the reference modality. Depending on the location, a Black was between 3.3 and 11.5 times more likely to be stopped than a White, with similar figures for Arabs (1.8-14.8 times more likely) and members of Other minorities (3.5-19.5 times more likely, except at Châtelet Innocents). Similarly, a woman was between 1.6 and 10 times less likely to be stopped than a man. A person who looked to be 30 years or over was between 3.6 and 100 times less likely to be stopped than a person who looked to be under 30. Furthermore, passing through these locations without a bag maximized a person's chances of being stopped, except on the Thalys platforms, where the probability of being stopped was the same, regardless of whether people were carrying a large bag or no bag at all. This may have been because the location was patrolled by customs officers who had a more specific goal than simply carrying out preventive identity checks. This finding for bags was counterintuitive in a context of terrorist threat.

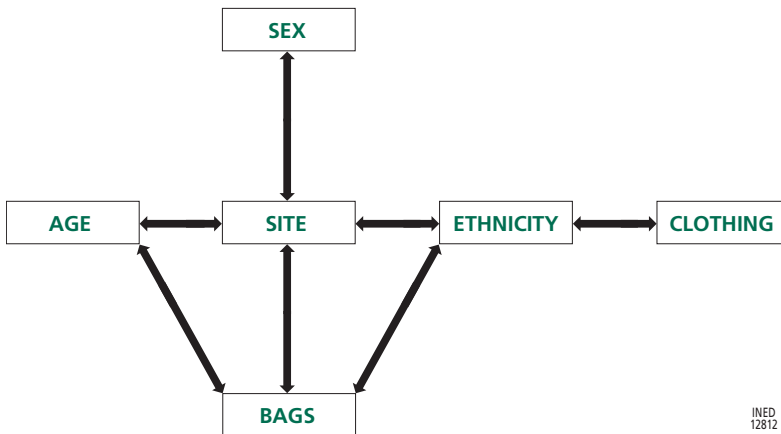
So far, the effects of the variables have been analysed separately for each site, revealing that the locations themselves had an influence on the probability of being stopped. For this reason, a multivariate analysis incorporating all the variables, including location, is also necessary.

## 2. Analysis of interactions between variables

To this end, we performed a logistic regression with all six variables of interest, namely the five descriptive variables and the five modalities of the location variable. Table 5 sets out the ORs for the probability of being stopped under the optimal model obtained after a model selection stage applied to the full model (including all the variables and all the possible interactions). Each OR with a value 1.00 in Table 5 indicates the benchmark individual for each location. The ORs in the table therefore compare target individuals with this benchmark individual, the only difference between them being the modality of interest. Hence, the benchmark individual varies according to whether we want, for example, to compare Blacks with other Blacks according to the modalities of one or more other variables (read vertically), or compare Blacks with Whites (read horizontally). Note that the individual we took as our benchmark when constructing the model corresponds to a young, casually dressed White man without a bag on the street-level concourse of the Gare du Nord (GDN Station). The table only shows the relations between the variables that were significant in the model.

We can see that the only significant interactions were between location and ethnicity, location and sex, location and age, location and bags, clothing and ethnicity, age and bags, and bags and ethnicity. This regression highlights the central role of location in the interactions between the different variables. They are schematized in Figure 1.

Figure 1. Schematic diagram of the interactions between variables



Source: IC Survey (CESDIP-OSI, 2007-2008).

As shown in Table 5, for the ethnicity\*site interaction, all other things being equal, all the ORs were significant at the 1% level, except for Blacks at GDN RER, Arabs at GDN RER and Thalys, and Other minorities at Châtelet Innocents. In a similar vein, the ORs for the site\*sex interaction were all

Table 5. Odds ratios of being stopped at the 5 locations by apparent ethnicity, sex, age, bags and clothing

	Site*Apparent ethnicity					Site*Sex		Site*Age		Site*Bags		
	White (Ref.)	Black	Arab	Other	Male (Ref.)	Female	Young (Ref.)	Old	No bag (Ref.)	Other bags	Large bags	
GDN Station (Ref.)	1.00	5.18***	9.93***	37.48***	1.00	0.14***	1.00	0.28***	1.00	0.44**	0.49*	
GDN RER	1.00	1.77	1.46	3.81***	1.00	0.34**	1.00	0.16***	1.00	0.18***	0.25***	
GDN Thalys	1.00	4.61***	2.55*	9.07***	1.00	0.55	1.00	0.08***	1.00	0.78	0.74	
Châtelet Station	1.00	9.07***	14.52***	9.74***	1.00	0.24**	1.00	0.18***	1.00	0.39**	0.14**	
Châtelet Innocents	1.00	3.18***	3.62***	0.64	1.00	0.76	1.00	0.03***	1.00	0.34**	0.07***	
GDN Station (Ref.)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
GDN RER	2.63***	0.90	0.39**	0.27***	2.63***	6.46***	2.63***	1.54	2.63***	1.05	1.35	
GDN Thalys	6.48***	5.77***	1.67	1.57	6.48***	25.90***	6.48***	1.75*	6.48***	11.38***	9.76***	
Châtelet Station	0.34**	0.59	0.49	0.09***	0.34**	0.59	0.34**	0.22***	0.34**	0.30***	0.09***	
Châtelet Innocents	0.77	0.47*	0.28***	0.01***	0.77	4.30***	0.77	0.09**	0.77	0.60	0.10**	
Clothing*Apparent ethnicity												
Well-dressed	1.00	7.38***	-	46.47***					Young (Ref.)	1.00	0.44**	0.49*
Casual (Ref.)	1.00	5.18***	9.93***	37.48***					Old	1.00	0.52*	1.25
Youth culture	1.00	2.33***	2.82***	7.19***					Young (Ref.)	1.00	1.00	1.00
Well-dressed	0.28***	0.40	-	0.35					Old	0.28***	0.33***	0.71
Casual (Ref.)	1.00	1.00	1.00	1.00								
Youth culture	6.99***	3.14***	1.98**	1.34								
Bags*Apparent ethnicity												
No bag (Ref.)	1.00	5.18***	9.93***	37.48***								
Other bags	1.00	4.06***	7.65***	25.49***								
Large bags	1.00	7.36***	34.97***	21.19***								
No bag (Ref.)	1.00	1.00	1.00	1.00								
Other bags	0.44**	0.35***	0.34**	0.30***								
Large bags	0.49*	0.70	1.73	0.28***								

**Interpretation:**

The benchmark is a young White man, casually dressed and without a bag, at GDN Station.  
 Read vertically: for the ORs in the Female column, the benchmark is a young White woman, casually dressed, without a bag, at GDN Station. The table shows the likelihood of this woman being stopped at each of the other four locations compared with GDN Station.  
 Read horizontally: comparison of the different probabilities of being stopped for each location. For example, likelihood of a White man without a bag, aged 30 or more being stopped and that of his younger counterpart for each of the five locations.  
 Read vertically: the ORs indicate the probability of being stopped at GDN Station. For example, compared with a young White man dressed in youth culture attire and without a bag at GDN Station, the same Arab man is almost three times as likely to be stopped.

**Significance (Wald statistic):** \*\*\*1%, \*\* 5%, \* 10%. Source: IC Survey (CESDIP-OSI, 2007-2008).

significant at the 5% or 1% levels, except at Châtelet Innocents and GDN Thalys. The ORs for the site\*age interaction were all significant at the 1% level. The ORs for the site\*bags interaction were all significant at the 5% or 1% level, except at GDN Thalys and GDN Station for large bags.

The site variable interacted directly with all the other variables, except for clothing, which it influenced indirectly via the ethnicity variable. The effect of the clothing variable on the likelihood of being stopped was always mediated by the ethnicity variable which, in turn, interacted with the location variable.

The likelihood of a young, casually dressed man without a bag being stopped at GDN Station varied by ethnicity. All other things being equal, a Black man was 5.2 times more likely to be stopped than a White man, an Arab was 9.9 times more likely, and a man from another visible minority 37.5 times more likely.

We also know that a young, well-dressed Black man not carrying a bag was 7.4 times more likely to be stopped than his White counterpart. Similarly, a young Black man without a bag and wearing youth culture clothing was 2.3 times more likely to be stopped than his White counterpart.

All other things being equal, youth culture clothing was a significant risk factor for all the groups formed on the basis of apparent ethnicity, ranging from 2.0 for Arabs and 3.1 for Blacks to 7.0 for Whites (non-significant probability for the Other minorities). This was true for all the locations, as there was no interaction between the clothing and location variables. A final example of what the table can tell us is that being a young, casually dressed White woman without a bag reduced the likelihood of being stopped by between three and seven times, depending on the location ( $0.14 < OR < 0.34$ ), compared with a young, casually dressed White man without a bag (except at Châtelet Innocents and GDN Thalys, where the difference was not significant).

This logistic regression can be used to investigate composition effects more closely, in particular the respective contributions of ethnicity and clothing to the probability of being stopped. We know that, all other things being equal, a young White man without a bag was seven times more likely to be stopped when he was wearing youth culture clothes than when he was casually dressed, regardless of location. By comparison, the OR for a person wearing youth culture clothes was 3.1 when that person was a young Black man without a bag (2.0 for his Arab counterpart), again regardless of location. However, although the location variable did not interact directly with the clothing variable, it did interact with ethnicity. At the Fontaine des Innocents, a young, casually dressed Black man without a bag was 3.2 times more likely to be stopped than his White counterpart, all other things being equal. Thus, at that same location, a young White man wearing youth culture clothing and not carrying a bag was more likely to be stopped than a young, casually dressed Black man not carrying a bag ( $3.2 < 7.0$ ). The relationship between the two ORs was 2.2. This means that at the Fontaine des Innocents, the young White

man wearing youth culture clothing and not carrying a bag was 2.2. times more likely to be stopped than the young, casually dressed Black man without a bag. The same reasoning can be applied to all the locations, as shown in Table 6.

**Table 6. Odds ratios for Whites wearing youth culture clothing compared with casually dressed members of other ethnic groups, by location**

Compared with a young	GDN Station	GDN RER	GDN Thalys	Châtelet Station	Châtelet Innocents
Black	1.35	3.95***	1.52	0.77	2.20***
Arab	0.70	4.79***	2.74***	0.48**	1.93**
Other visible minority	0.19***	1.83	0.77	0.72	10.92***

*Interpretation:* All other things being equal, the probability (significant at 1%) for a young White man dressed in youth clothing and not carrying a bag of being stopped at GDN RER was 3.95 greater than that of a young, casually dressed Black man without a bag.  
*Significance (Wald statistic):* \*\*\* 1%, \*\* 5%.  
*Source:* IC Survey (CESDIP-OSI, 2007-2008).

As we can see, for young men belonging to visible minorities and in casual dress (no raised sweatshirt hood and none of the other distinctive features of the attire we labelled “youth culture”), the probability of being stopped, compared with that of young White men wearing youth culture clothing, varied considerably between locations and by ethnicity. All other things being equal, young, casually dressed Blacks were no more likely to be stopped than young White men wearing youth culture clothing – except at the Fontaine des Innocents and the street-level concourse of the Gare du Nord, where the probability was between two and four times higher for the young White in youth culture clothing than for the young, casually dressed Black. Furthermore, all other things being equal, a young White man dressed in youth culture clothing was generally more likely to be stopped than a young, casually dressed Arab, with the exception of the concourse of the Gare du Nord, where the difference was not significant, and Châtelet-les-Halles station, where the Arab was twice as likely to be stopped. Lastly, young, casually dressed men belonging to the Other minorities were just as likely to be stopped as the young White men dressed in youth culture clothing, except on the concourse of the Gare du Nord, where they were five times more likely to be stopped, and at the Fontaine des Innocents, where the probability was 11 times lower.

In the same vein, being a woman (young, White, casually dressed with no bag) considerably reduces the risk of being stopped compared with a young White man with no bag and wearing youth culture clothing. The odds ratios associated with the property of being a woman are all at least ten times lower with respect to those of men and, in the different locations, with respect to the OR linking a young White man without a bag wearing youth culture clothes and his counterpart wearing casual clothes. This trait is even stronger than for persons apparently aged 30 years or above.

With regard to ethnic profiling, the results therefore reveal a situation where direct discrimination on the basis of physical appearance is coupled with indirect discrimination based on a set of distinguishing features which, while not intrinsically ethnic or racial, are nonetheless distributed in such a way that when decisions to stop individuals are based on them, they result in disparities between the different ethnic groups (Blank et al., 2004, p. 188).

## Conclusion

The results of this survey are complex yet eloquent.

The population singled out for identity checks in these five public spaces – some of the French capital's main transit points – differed markedly from the population that was present in these locations and was thus available to be stopped. The police stops primarily targeted young men wearing typical youth culture clothing and not carrying a bag, even though this subpopulation constituted a minority in all these locations, as can be seen in Table 7.

**Table 7. Distribution across locations of young men wearing typical youth culture clothing and not carrying a bag, all apparent ethnicities taken together**

	Benchmark population		
	Overall	Target population	Proportion of the target in the population (%)
GDN Station	8,008	130	1.6
GDN RER	8,496	352	4.1
GDN Thalys	3,726	4	0.1
Châtelet Station	9,409	303	3.2
Châtelet Innocents	7,687	538	7.0
	Stopped population		
	Overall	Target population	Proportion of the target in the population (%)
GDN Station	123	18	14.6
GDN RER	129	55	42.6
GDN Thalys	121	4	3.3
Châtelet Station	68	33	48.5
Châtelet Innocents	83	47	56.6

*Source:* IC Survey (CESDIP-OSI, 2007-2008).

Even so, our overall analysis of the survey data showed that each location had specific characteristics and revealed composition effects, ruling out an all-encompassing analysis of the phenomenon.

First of all, it is important to stress the influence of each of the survey locations on the likelihood of particular individuals being stopped. This can be explained by several factors, or combinations of factors. For instance, the locations had different populations, different institutions were in charge of

carrying out the checks, and the checks may have been based on different operational requirements.

Second, the French expression *contrôle au faciès* can be understood either literally or more broadly (Jobard and Lévy, 2011b). Literally speaking, *faciès* refers to a person's apparent ethnicity. This was certainly a decisive factor since, all other things being equal, the ethnic minorities were subjected to a disproportionately high number of identity checks. More broadly speaking, the expression can refer to a person's general appearance which, as we have seen, can encompass not just skin colour, but also sex, age, type of clothing, and the presence/absence of bags. Although we know that young men have been the prime target of the police ever since the advent of modern policing (Jobard, 2010; Berlière and Lévy, 2001), it is very difficult to determine the exact influence of skin colour and style of clothing. Although it would appear that a young White man dressed in typical youth culture clothing is more likely to be stopped than a young, casually dressed Black or Arab man, we found that this likelihood was actually the same for some locations. Indeed, at one location, Arab men were most likely to be stopped, all other things being equal.

Lastly, although our survey yielded objective information about an activity never documented by the police service, like all surveys it had a number of limitations.

First, the method we adopted imposed a number of constraints. We had to choose places with a defined perimeter that afforded adequate visibility (e.g. well lit at night), while ensuring that the observation went unnoticed by law enforcement officers and passers-by alike. Moreover, it was costly in both time and labour. This is why the choice of location was determined largely by the expected frequency of police stops and focused on pedestrians in crowded areas, rather than on pedestrians or motorists on large housing estates where the checks carried out by police officers, especially those on missions to secure an area, can easily stir up feelings of discrimination among the populations concerned. Lastly, it would have been interesting to record the individual characteristics of the police officers on patrol, notably the proportion from ethnic minorities, given the increasing number of police from ethnic minorities working in Paris (Jobard and Lévy, 2011a; Héran and Meurs, 2009; Gauthier, 2012). This would have enabled us to test the hypothesis that police force composition influences their behaviour and the way their actions are perceived by the populations with whom they interact. It would also be useful to have more detailed knowledge of the instructions given by the office of the public prosecutor, under the terms of Article 78-2 CPP, and, more generally, the briefings given to law enforcement officers by their superiors, as well as any written reports on their stop and search activities. Many aspects of these practices need to be explored in greater depth.



The present survey nonetheless offers an alternative to the current methods used to measure ethnic profiling, in that does not require any public “ethnic statistics”, any testing, or any ethnic self-identification by the victims of discrimination. As such, it opens up new avenues of investigation in fields where administrative or official data are inadequate or non-existent, and where in situ observation is feasible.

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**FABIEN JOBARD, RENÉ LÉVY, JOHN LAMBERTH, SOPHIE NÉVANEN • MEASURING APPEARANCE-BASED DISCRIMINATION: AN ANALYSIS OF IDENTITY CHECKS IN PARIS**

This article sets out the main results of a survey conducted by the Centre for Sociological Research on Law and Criminal Justice Institutions (CESDIP; CI Survey) and the Open Society Institute (OSI) to establish whether the identity checks made by Parisian law enforcement officers reflect ethnic (or racial) profiling and, if so, to provide quantified estimates. The survey was conducted at five different locations in the French capital between October 2007 and May 2008. After noting the characteristics of the population available to be stopped, the people singled out for identity checks by the police were discreetly observed in order to measure any discrepancies between the two. We analysed six descriptive variables (sex, age, apparent origin, clothing, presence/absence of bags, and location) and the interactions between them. The results revealed a situation in which direct appearance-based discrimination was coupled with indirect discrimination based on a set of characteristics which, while not intrinsically ethnic or racial, are distributed in such a way that their use in deciding which individuals to stop nonetheless leads to disparities between the two populations.

**FABIEN JOBARD, RENÉ LÉVY, JOHN LAMBERTH, SOPHIE NÉVANEN • MESURER LES DISCRIMINATIONS SELON L'APPARENCE : UNE ANALYSE DES CONTRÔLES D'IDENTITÉ À PARIS**

L'enquête menée par le Cездip et l'OSI (*Enquête CI*) visait à vérifier si la pratique des contrôles d'identité par la police parisienne était empreinte de profilage ethnique (ou racial) et à en fournir, le cas échéant, une estimation chiffrée. Cet article en présente les principaux résultats. L'enquête a été effectuée dans cinq sites parisiens entre octobre 2007 et mai 2008. Elle a consisté à décrire la population présente dans ces lieux, puis à y observer discrètement les contrôles d'identité pratiqués et leurs cibles, afin de mesurer l'écart entre la population présente et la population objet des contrôles. L'analyse a porté sur cinq variables descriptives (sexe, âge, origine apparente, habillement, présence/absence de bagages, lieu) ainsi que sur leurs interactions. Les résultats révèlent une situation où se cumulent une discrimination directe basée sur l'apparence et une discrimination indirecte fondée sur un ensemble de caractéristiques qui, sans posséder en elles-mêmes un caractère ethnique ou racial, sont cependant distribuées de telle sorte qu'en fondant sur elles la décision de contrôler les individus concernés, on aboutit à des disparités entre les différents groupes.

**FABIEN JOBARD, RENÉ LÉVY, JOHN LAMBERTH, SOPHIE NÉVANEN • MEDIR LAS DISCRIMINACIONES SEGÚN LA APARIENCIA: UN ANÁLISIS DE LOS CONTROLES DE IDENTIDAD EN PARÍS**

La encuesta realizada por el CESDIP y el OSI (*Encuesta CI*) intenta verificar si la práctica de los controles de identidad por la policía parisina está impregnada de un carácter étnico (o racial) y establecer, si es así, una estimación cifrada. Este artículo presenta los principales resultados de la encuesta, realizada entre octubre 2007 y mayo 2008 en cinco zonas de París. Se han observado en primer lugar las características de la población presente en esas zonas y después se han observado discretamente los controles de identidad practicados y sus blancos, a fin de medir la diferencia entre la población presente y la población objeto de los controles. El análisis se centra en cinco variables (sexo, edad, origen aparente, vestido, presencia/ausencia de bagaje, lugar). Los resultados revelan una situación donde se acumulan una discriminación directa basada en la apariencia, y una discriminación indirecta fundada en un conjunto de características que, sin poseer en sí un carácter étnico o racial, están distribuidas de tal forma que su uso, como base a la decisión de controlar a los individuos concernidos, conduce a fuertes disparidades entre los diferentes grupos.

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**Keywords:** France, police, minorities, discrimination, profiling, identity check.

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