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How institutional contexts shape police-adolescent encounters. A study of France and Germany¹

Dietrich Oberwittler & Sebastian Roché

1. Introduction

1.1 The contentious nature of police-citizen encounters

Apparent cross-country contrasts in policing practices, police governance and underlying institutional and normative order are still today, a new frontier of criminology. David Downes (1988: 2) observed more than 30 years ago that criminology remained “strikingly uncomparative”, but contrary to the sociology of crime or prison, policing studies have not much evolved in that direction. Even within the EU, very few studies have endeavoured to measure police interactions with citizens cross-nationally. Yet, should we wish to better understand the effects of national contexts on policing, i.e. the role of government, more comparative analyses are clearly needed. Some of the core questions about policing, and in particular about the use of constraints including stop and search, need to be looked at cross-nationally. Based on a large study of police-adolescent relations in France and Germany called “POLIS”, we intend to make a contribution to comparative policing studies by providing some empirical evidence of differences between two neighbouring European countries with regard to how police systems make use of coercion, and by sketching possible interpretations why such differences exist. While the decision making of officers in their use of stops or force has attracted a lot of attention, this is far less true of policing policies. Proactive stops are one of the most controversial police behaviours due to the potential for selective targeting of minority groups, a practice acknowledged in countries which have

commissioned official investigations, such as the UK (Macpherson 1999, Waddington *et al.* 2004), while governments in other countries such as France, have refused to do so (Roché 2016) despite statistical evidence provided by the French Ombudsman (Defender of Rights, Défenseur des Droits 2017) and the Fundamental Rights Agency of the EU (see FRA 2010, 2017). The influence of political authorities in shaping policing practices is visible in several cities and countries and has on several occasions become contentious (Lennon and Murray 2018, Bradford 2017, Delsol and Shiner 2015, Manski and Nagin 2019). In some places and at certain times, the extent of application of stops seems to have become almost limitless, as the official statistics of stop and search or ‘stop and frisk’ in New York City (Tyler *et al.* 2014), Northern Ireland (Topping and Bradford 2020), and the United Kingdom (Lennon & Murray, 2018; Tiratelli *et al.* 2018, Bradley 2018) testify.

We distinguish three stages of an interaction sequence during police-citizen encounters, similar to extant research. Sykes and Brent (1980: 185) talked about definition, regulation, and final decision (Sykes and Brent, 1980: 185), and Bayley (1987) identified “contact, processing, and exit” as three stages. Sykes and Brent explain that the officers use “imperative regulations”: they define a citizen as somebody who merits to be stopped (definition), they rule and control the interaction (make demands and may use coercion such as threat of physical violence and sometimes actual force) (regulation), before they come to the final decision which closes the encounter. In our survey data, control manifests itself by the imposition of several demands over citizens: to stop and answer questions, to present an ID, to be searched, to be taken to a police station, or to obey instructions (policing policies are reflected in the level of stops, and definition of the target population). During the interaction process, which starts after one is stopped, the behavioural order is critical for the officer, and obtaining compliance is at stake: at this moment he or she will mobilize coercion

to a lower or higher degree (indicating an orientation toward authority maintenance). At the end of the interaction, the officer decides if someone should be set free, taken to the police station, or be facing charges (a higher proportion of cases which lead to criminal prosecution is an indication of the extent to which police tactics are crime control *versus* authority maintenance oriented).

We hypothesize that we will find strong national differences after controlling for a number of micro and individual variables, and therefore that proactive police contacts are dependent on institutional factors, i.e. country-specific factors that frame police-citizen encounters. We call the theory of which we argue are in need of “institutional theory of policing” (ITP). If such a theory has validity, the framing effect of institutions should be observable in two ways: policing practices will diverge between France and Germany, and this divergence will be expressed in the extent to which different socio-demographic groups are evenly or disproportionately subjected to police stops, whether constraints are used during the encounter, and ultimately lead to police detention. The main emphasis in the current paper will be on the empirical analyses of police-adolescent encounters based on survey data, followed in the final section by a sketching of what the components of an ITP might be should we wish to account for these national differences.

1.2 A short history of research in police-citizen encounters and the role of macro contexts

The sociology of policing and policing is over fifty years old, yet it remains very light when it comes to comparative studies. As of its debut, the now famous social scientists and founders of the field such as Muir, Westley or Bittner questioned the way in which police carry out

their work in practice. They shifted the focus from the study of law to the pragmatics of policing. Those pioneers which gave theoretical coherence to the emerging field underscored several critical elements. Firstly, they addressed the issue of coercion. Egon Bittner in his book *The Functions of Police in Modern Society* spoke of police “as a mechanism for the distribution of non-negotiable coercive force” (1970: 46). William Ker Muir’s (1977) defined coercion as “controlling the conduct of others through threat to do harm”, while stressing that the policeman “only rarely initiate coercive action”, a finding of observational studies echoed by Sykes and Clark (1975) and more recently, Mastrofski (2002). The study of proactive contacts falls into that discussion since as soon as an officer initiates an undesired interaction, both parties understand its asymmetrical character. And those who are found to offer resistance are more likely to receive some form of coercion (Sykes and Bent, 1980; Terrill and Mastrofski, 2002). An important and much debated issue focuses on the groups (of race, ethnicity and social status) and places to which the distribution of constraint is particularly targeted. The debate continued with a focus on officers’ conscious versus unconscious bias (Alpert and Dunham 2004). Ethnic characteristics of suspects have also attracted a great deal of attention in the UK (e.g. Norris et al. 1992, and see the review of Bowling and Philips 2007) and more recently across other parts of Europe (Miller *et al.* 2008), including France and Germany (Jobard *et al.* 2012, deMaillard *et al.* 2018, Oberwittler and Roché 2018), Cyprus (Constantinou 2016), Nordic countries (Saarikkomäki et al. 2020; Schclarek-Mulinari and Keskinen 2020; Wästerfors and Burcar Alm 2020), and the pan-EU survey by the Fundamental Rights Agency (FRA 2010, 2017).

Secondly, it was immediately noticeable that there was substantial heterogeneity across police officers’ behaviours, both in relation to the target, and with the use of disrespect and/or coercion. The characteristics of the officers and the suspects as well as the context in which

the encounters took place were subject to intense scrutiny. Early scholars suggested that the profession shapes personality traits, and Jerome Skolnick for example spoke of a “working personality” (1966), while William Ker Muir distinguished the “avoider”, the “enforcers”, “reciprocators” and the “professional” (1977). Heterogeneity in officers’ behaviours may also be driven by their perception of the context. The importance and sense of danger perceived by officers were underscored by Jerome Skolnick (1966, p. 46), and a few years later by Bittner who placed it at the core of his definition of policing, since force is “employed in accordance with the dictates of an intuitive grasp of situational exigencies” (1970, p. 46). An important element in the assessment of citizens’ behaviour is the place where events occur. The literature on neighbourhood effects of police punitive behaviour repeatedly found that more concentrated disadvantage in the neighbourhood is correlated to more stops (Fagan and Davies 2000) and yields a greater risk of disrespect to the public and more coercive action (Smith 1986, Terril and Reisig 2003, Reisig *et al.* 2004, Carr *et al.* 2007, Ariel and Tankebe 2018, Lautenschlager *et al.* 2018).

Thirdly, the dynamics during encounters and the citizens’ contribution were deemed essential for shaping officers’ behaviours. Another critical constituent of the encounter is the deference by any person subjected to pro-active police contact according to Black’s theory (Black 1980, his field studies were conducted in the sixties). In the same vein, early scholars underlined the role of citizens’ behaviours, i.e. in the case of US studies indicating that black people were less prone to show deference to the police (Westley 1953; Piliavin and Briar 1964). The police would “use the resource of violence to persuade their audience to respect their occupational status”, and to “coerce respect” (Westley 1953, p. 39). Alpert and Dunham (2004) confirmed such deeds of police for “maintaining their authoritative edge” over citizens (2004, p. 172) and named their related theory “authority maintenance ritual”. They interpret

officers' behaviour, not as aiming at enforcing law, but as forcing citizens to symbolically manifest their submission to any imperative regulation that agents impose, and publicly defer them. A lower socio-economic status was found to be associated with less respect by officers (Alpert *et al.* 2004). Sophisticated observations of pedestrian stops including the chronological order of events during stops, reasserted the importance of the interaction between police and citizen as shaping police behaviour (Mastrofski *et al.* 2002, for a review Pickett and Nix 2019, Weisburd *et al.* 2017). Considering ethnic minority versus majority, research based on citizens' perceptions finds a robust correlation between minority status and feelings of lack of respect by officers (Skogan 1994, FRA 2017), but research based on observations is inconclusive. Some observational studies did not find less respectful treatment of minority citizens, or even the contrary (Reiss 1971, Norris *et al.* 1992, Mastrofski *et al.* 2002, p. 541), while other studies did (Voigt *et al.* 2017).

Cross-country analyses of policing practices and underlying institutional dynamics are a new frontier of criminology. Some of the core questions about policing, and in particular about the use of constraints, need to be transposed for cross-country testing in order to focus on the macro effects on policing. If we wish to better understand the relation between the policing policies (decision by elites), the normative order, on the one hand, and the actual use of police constraints on the ground (for authority maintenance or other purposes), on the other hand, comparative analysis needs further development. Here, we provide some empirical evidence of the differences across two neighbouring European police systems regarding the use of coercion, and its distribution to target groups and to place.

1.3 France and Germany as case studies

Considering the two countries under investigation in this article, the contrast is sharp: France is a country where rioting and challenging police on the street has become regular practice (although confrontations rarely are lethal), and levels of trust are low – in comparison to the EU average (Kääriäinen 2007, Schaap and Schepers 2014). Levels of satisfaction with basic services offered at the police station is also lower in France than in Germany (Staubli 2017, 112). In contrast, Germany is a state where confrontation between police and the public is not commonplace: while incidents occur, they do not have the magnitude found in France, and larger or even nationwide rioting is unknown (Lukas 2009; Hunold, Oberwittler, and Lukas, 2016). The level of public trust in German police is above the EU average, and well above France. There is, however, no evidence of a higher prevalence of police stops in France than in Germany according to the pan-EU MIDIS 1 and 2 surveys (covering the population from age 16) (FRA 2010, FRA 2017), while the overall prevalence of proactive contacts with a wider definition going well beyond stops (“approached, stopped or contacted”) according to the European Social Survey 2010 is even lower in France than in Germany (33.4% vs. 37% of respondents)². Cross-country comparative work remains scarce and limited in its ability to identify specific aspects of proactive contacts in a detailed manner which may account for these differences in public mistrust and defiance, such as the distribution of stops, the level of tensions during the interaction process, and its outcomes. Without such a study of police practices, it remains unclear whether both the lower level of trust and the episodes of rioting in France may be connected to national police practices or to other factors such as social inequalities and general discrimination of ethnic minority groups. We intend to advance the analysis of contrasts in policing between the two countries based on specifically designed survey data (see below, section “data”). Because the concrete experiences of policing matter for people’s attitudes, we expect differences in police-citizen encounters to partly explain differences in police-citizen-relations between the two countries.

This research situates itself at the crossroad of quantitative analyses of police practices and the study of their institutional dimensions. Extant comparative surveys have made progress on describing the nature of contacts between the police and their various publics and the distribution and modalities of stops in certain populations. This paper contributes to that endeavour but provides a more detailed picture of the quantitative distribution of proactive contacts and of the interactions between officers and citizens during these encounters.

Existing research from the US and some European countries have evidenced that several variables particularly shape the experience of police-citizen encounters: social and minority status, neighbourhood context, as well as behavioural dynamics. Moreover, comparing four cities in two countries can help to connect patterns in policing to “national policing subcultures”, i.e. customary manners of designing, regulating and implementing police work.

In addition, this work sheds light on the relations between the national level, which constitutes the framework of police work on the one hand, and the predictors which have proven important in non-comparative studies, i.e. variables about suspects and neighbourhoods where encounters occur, on the other. Compared to France, fewer empirical studies, including of quantitative nature, are available for Germany (Gauthier 2012, Gauthier and Keller 2010, Schweer et al. 2008). There are reasons to believe that the above-mentioned macro factors are of similar magnitude in France and Germany, two neighbouring countries with very comparable socio-economic conditions at the time of the survey, i.e. similar sizes of minority populations with a Muslim background, and large cities segregated based on socio-economic and minority status. These structural conditions do not suggest different levels of conflicts during police contacts in France and Germany. Should we find marked differences in cross-country proactive stop policies and in tensions during encounters, which remain unaccounted for by macro and micro socio-economic conditions, this would hint at the crucial role of policing practice, policing policies and institutional factors such as policy

targets, and related changes in bureaucratic organization (including performance management by numbers, introduction of weapons and selection and training of agents). Under similar socio-economic conditions, there may be different stop and search policies with different outcomes, a simple but essential fact of policing policy design.

1.4 Data and Methods

The analyses are based on a standardized and comparative French-German school survey conducted in 2011 and 2012 as part of the POLIS study which also included participant observations and in-depth interviews with police officers (de Maillard *et al.* 2016a, 2016b, Hunold 2015, Hunold and de Maillard 2019, Hunold *et al.* 2016). The study, almost identical in France and Germany made a cross-national comparison possible. Two large and two medium sized metropolitan areas in each country were chosen as research sites: Lyon (ca. 1.3 million inhabitants) and Grenoble (ca. 450,000 inhabitants) in France, and Cologne (ca. 1 million inhabitants) and Mannheim (ca. 300.000 inhabitants) in Germany. The rationale to conduct the study in two cities in each country was to rule out local peculiarities and to strengthen generalizations to the national context. All four cities have shares of minority populations well above the national averages, reaching around 50 % among children and adolescents.³ The minority populations in both German cities are dominated by Turkish and South European labour migrants and their descendants, and by East Europeans and ‘resettlers’ of German origin who immigrated from countries of the former Soviet Union. In Lyon and Grenoble, North Africa (particularly Algeria), Sub-Saharan Africa, and South Europe are the main regions of origin of the migrant population.

The paper-and-pencil survey was administered in secondary schools (grades 7 to 10 in France, grades 8 to 10 in Germany) and can be seen as a good representation of approximately 13 to 16 years old student population across the four cities (Astor and Roché

2014, Oberwittler and Gerstner 2019).⁴ In Germany and France, the sample of schools was based on a spatial selection reflecting the geographic and socio-demographic city structures. The school-level response rate was 69 per cent in Grenoble, 37 per cent in Lyon, 68 per cent in Cologne and 93 per cent in Mannheim. Within schools in France, 698 classes were randomly selected, yielding a total sample of 13,164 respondents (response rate within selected classes 82.0 per cent). In Germany, 351 classes were randomly selected, yielding a total sample of 6,948 respondents (response rate within selected classes 78.0 per cent). French 7th grade students were excluded from descriptive analyses to match the age groups between countries but included in analytical models with age as the control variable. The survey covered experiences with and attitudes towards the police, self-reported delinquency, and issues relating to family, school, and peers.

Outcome variables

The focus of the current analysis is (a) on the frequency and distribution of proactive contacts, (b) on the behaviour of the police officers and as the respondents' own behaviour during the most recent encounter, (c) and on the decisions at the end of the encounter by the officers, based on a block of follow-up questions in case they had reported at least one police contact during the last twelve months. *Contacts with the police* were measured by asking adolescents about the frequency of seven different types (plus an open residual category) of contact with police officers during last year (see *appendix, table A2* for a list). We are particularly interested in *proactive contacts* which are based on two of these items: "I was approached or checked on the street / in a park / on a public square" (short label: "stopped/controlled") and contact "as a traffic participant, for example, on a bike" (short label: "stopped in traffic"). As police-initiated contacts on the suspicion of an offence were

captured by a different item, which is not included in the index, these two items are seen as an approximation to cases in which the police acted pro-actively and with a degree of discretion, as opposed to a concrete suspicion.⁵ Yet, for our analyses we compare proactive contacts with all other types of contacts in order to sharpen the understanding of their specific experience.

The follow-up questions about the experience during the last encounter started with items on time of the day, type of place and whether the respondent was alone or in company during the contact. Respondents were then asked to evaluate the quality of police officers' demeanour during the encounter using two positive items ("The police officers have honestly explained the reasons of their action.", "The police officers have treated us fairly and with respect."); short label: "transparent/respectful") and two negative items ("The police officers have tried to provoke or insult us"; "The police officers became violent."; short label: "provocative/insulting/violent" or "hostile") which together formed a one-dimensional scale called "police demeanour during last contact" (Cronbach's alpha France = .71, Germany = .58) but will also be analysed separately. This scale was successfully tested for scalar measurement equivalence between the two countries in a confirmatory factor analysis (CFI = .94, RSMEA = 0.11). In addition, questions were asked about what the police officers did during the contact, such as checking the adolescents' ID and searching their clothes or bags. The respondents were also asked about their own behaviour, such as whether they provoked or resisted the officers, tried to run away, or had consumed alcohol.

Ethnicity / migration background

Table A1 (appendix) gives an overview on the ethnic composition of the survey samples in both countries. *Ethnicity* was established by asking for the countries of birth of respondents

as well as parents and grandparents. Respondents were categorized as being ‘native’ only if both parents and the majority of grandparents were born in Germany or France, which applied to 49.1 % of respondents in German and 51.1 % of respondents in French cities.⁶ The largest minority group in France was of Algerian (9.6 %) or other Maghreb or Middle Eastern descent (4.2 %), whereas Turkish descendants were the largest ethnic minority group in Germany (18.8 %). A relatively larger share of respondents in French cities (16.4 %) than in German cities (9.7 %) was from mixed native-migrant families and was kept separately in the analyses with the intent not to blur potential differences between majority and minority groups. The POLIS survey offers unique opportunities to analyse the experiences and attitudes of adolescents from different ethnic minorities across a large sample.

Neighbourhood-level data

The home locations of respondents were geocoded by looking up the ID numbers of small administrative units in address directories or municipalities in the vicinities of Lyon and Grenoble, and in Germany restricted to those living within the city boundaries of Cologne and Mannheim. The administrative units in most cases reflect geographically and historically shaped small areas with a mean population of ca. 4.000 in Germany and 2.500 in France. This procedure yielded valid information about neighbourhood locations for 87 % of all respondents in Cologne, 83 % in Mannheim, and 92 % in both Lyon and Grenoble.⁷ For multilevel regression analyses, we excluded neighbourhoods with less than twelve respondents, which led to a further loss of around 20 % of respondents in Cologne and Lyon, 14 % in Grenoble and 4 % in Mannheim.

We used official data from the French National Statistical Office INSEE and from the city statistical offices in Cologne and Mannheim to measure neighbourhood socioeconomic

conditions. ‘Social disadvantage’ is a neighbourhood-level factor score combining unemployment rate and the percentage of immigrants, computed separately for the two countries.⁸

Strengths and Limitations of Self-Report Data

Before we turn to the findings, a short reflection on the pros and cons of our data source: self-report data offers a subjective and biased account of citizen-police encounters, compared to the more neutral position of an observer (Jonathan-Zamir *et al.* 2015). Especially, respondents with deviant orientations may wish to present themselves as victims of the police (Rojek *et al.* 2010). The inherent subjectivity of the survey data is accepted, we regard the strong cross-national contrast of large majority-minority gaps in the evaluation of police demeanour in France and no, or small gaps in Germany as a valid and robust finding. We have controlled for adolescents’ deviant practices which may bias the assessment of police behaviour. Self-report survey data usually lacks information about the temporal order of events during encounters. Yet, this information is needed to grasp the dynamics of social interaction between officers and citizens (Mastrofski *et al.*, 2002, Alpert *et al.* 2004, McCluskey and Reisig, 2017).

On the pro side, self-reports yield relevant background information on the people involved in police encounters not otherwise available, i.e. on social status and ethnic background (which is in many cases far from self-evident) and on the number of previous police contacts which can be particularly consequential for citizens’ behaviour in a subsequent encounter. By asking respondents about *all* recent police contacts, surveys may succeed to generate a broader picture of different types of police encounters than usually possible in participant

observations. We find that many of the adolescents' police encounters are self-initiated, which is interesting, and we take some reassurance of the validity of our survey data from the plausible and nuanced differences in the respondents' assessments concerning different types of police-initiated and self-initiated encounters.

2. The experience of police-adolescents' encounters in France and Germany

2.1 Frequency and disproportionality of stops (definition stage)⁹

Police contacts are a common experience in the lives of urban adolescents in both countries: 43.5 per cent of adolescents (49 per cent of boys and 38 per cent of girls) in Cologne and Mannheim, and 47 per cent of adolescents (51 per cent of boys and 42.5 per cent of girls) in Lyon and Grenoble reported any kind of police contact in the year before the survey (see *table 1, panel A*).¹⁰ Contacts were slightly more common in the larger cities (48 per cent in Lyon, 45 per cent in Cologne) than in the mid-sized cities (42 per cent in Grenoble, 39 per cent in Mannheim).

In this section, we look at the prevalence and incidence rates of different types of police contacts during the last twelve months, before concentrating on the last reported contact in the following section. Focusing on proactive contacts ("stopped/controlled" in public spaces, and "stopped in traffic"), the overall prevalence rates for last year were almost identical in the German (23 per cent) and French (22 per cent) cities (*table 1, panel B*). Again, adolescents in the large cities reported more (24 per cent in Lyon and Cologne) than in the mid-sized cities (17 per cent in Grenoble, 22 per cent in Mannheim), suggesting that larger cities may be more heavily policed than smaller cities.

*** Table 1 around here ***

*** Figure 1 around here ***

However, the experiences of adolescents in France and Germany start to diverge once we concentrate on the frequency of these contacts and differentiate by ethnic backgrounds of the targeted population (*see figure 1*). The following descriptive results on the frequency of stops are focused exclusively on boys because they were generally more often targeted by the police than girls (31 per cent vs. 13 per cent in France, 29 per cent vs. 18 per cent in Germany). By focusing on boys only for the question of disproportionate contacts we avoid a dilution of potential ethnic differences if girls were not targeted by police to the same intensity as boys. Subsequent analyses on the experiences during the last contact will include girls, however (see sections 2.2., 2.3).

In comparison to Germany, stops were concentrated on a smaller group of boys in France: we find a higher proportion of native French boys with five stops or more in the last year both in Lyon and Grenoble (6.6 per cent and 5.1 per cent, respectively) compared to the two Germany cities Cologne and Mannheim (4.7 per cent and 3.7 per cent, respectively). And an even higher contrast exists between the two nations regarding the largest minority group, which we now study in more detail.

In Lyon, 28 per cent of native boys but 51 per cent of boys of Maghreb or Middle Eastern descent and 34 per cent of boys of Turkish descent reported one or more proactive contacts, whereas the prevalence for boys from Sub-Saharan African families (28 per cent) was very close to that of native French boys (*figure 1*). In Grenoble, the respective figures were 21 per cent for native, 37 per cent for Maghrebian/Middle Eastern, 27 per cent for Turkish, and 30 per cent for Sub-Saharan African backgrounds. The latter group was relatively small in the

survey sample especially in Grenoble and Mannheim, and hence figures concerning adolescents of Sub-Saharan African descent must be regarded as less reliable.

Ethnic differences were more extreme when looking at the experience of multiple proactive controls (*figure 1*): 25 per cent of boys from Maghreb or Middle East backgrounds in Lyon reported more than five proactive contacts during the last year compared to only 7 per cent of native boys, 12.5 per cent of boys of Turkish descent, and 10 per cent of boys of Sub-Saharan African descent. In Grenoble, 14 per cent of boys from Maghreb or Middle East backgrounds compared to only 5 per cent of native boys and 7 per cent of boys of Turkish descent reported more than five proactive contacts. Thus, in both French cities, three times as many or even more male adolescents from Maghreb or Middle East backgrounds than native French boys were subjected to frequent proactive stops. Participant observations conducted as part of the POLIS project showed that it was not uncommon for officers to knowingly perform frequent identity checks on the same adolescents, which lends plausibility to the respondents' answers (de Maillard et al. 2016a, Hunold et al. 2016).

In contrast to the ethnic disparity in Lyon and Grenoble, boys of Maghrebian, Middle-East and Turkish backgrounds in Cologne reported slightly *less* proactive contacts (26 per cent) than native boys (31 per cent), whereas boys from Sub-Saharan African families reported more (44 per cent). Unlike in Lyon and Grenoble, experiencing more than five proactive contacts was rare both for native German boys (5 per cent) and for boys of Turkish descent (3 per cent) but somewhat more frequent for boys of Maghrebian and Middle East descent (10 per cent). In Mannheim, native and Turkish boys reported about the same prevalence of proactive contacts (27 per cent), whereas boys of Maghreb and Middle-East backgrounds reported more (36 per cent). More than five stops were reported by few male adolescents in Mannheim

irrespective of migration background. To summarize these findings, we find the French policing of minorities as an exaggerated model of what happens to the majority population, namely a higher concentration of multiple stops on a small group of youth, and in the two German cities we see fewer signs for ethnic discrimination in the practice of proactive stops compared to the French cities, particularly when it comes to multiple stops. In Germany, if any minority group can be suggested, then adolescents of Sub-Saharan African descent seem to have been stopped more often but the tiny sample sizes hinder a definite conclusion. It is interesting to note that the second EU-MIDIS survey, too, reported for Germany considerably more police stops (and stops perceived as motivated by ethnic profiling) of people with a Sub-Saharan African background compared to people of Turkish descent (FRA 2017, 52).

To isolate the relevance of ethnicity for the frequency of proactive contacts, it is necessary to exclude other possible influences, which might explain the increased likelihoods of police contacts such as the ‘availability’ in public spaces, and deviant behaviours which would justify stronger police scrutiny. Individual socio-economic status, routine activities, deviant behaviour, visibility, and neighbourhood context all could influence the risk of police contacts and render the effect of minority status insignificant (Waddington et al. 2004; Ashby and Tompson, 2015; Quinton 2015). To consider such effects, we ran a series of multilevel regression models including individual and neighbourhood-level predictors. As the dependent variable was a highly skewed and over-dispersed count variable, we used negative binomial regression analysis and report incidence rate ratios (IRR) which are the factors by which the predicted number of police contacts increases or decreases.

We focus here on the most relevant effects visually displayed in graphs of the predicted incidence rate ratios (*figure 2*). In the first models (M1) for France and Germany, only ethnicity and control variables for age and city were included as independent variables in

order to look at ethnic differences *before* controlling for other relevant effects. The point estimates and 95 % confidence intervals for model 1 show that in France, most minority groups except European and sub-Saharan Africans had IRRs significantly above 1, which means that the predicted number of proactive police contacts was higher than for the reference group, native French boys. Boys of Algerian descent lead the rank order with 4.9 times more proactive contacts than native French boys, followed by boys of other Maghrebian descent with 3.3 times more contacts. Results for Germany looked very different, with *no* ethnic minority group showing significantly more proactive contacts than native German boys.

*** figure 2 around here ***

Models 2 (*figure 2*, M2) include controls representing socio-demographic and behavioural risk factors which may increase adolescents' visibility and availability for police officers, and in part showed strong effects on the likelihood of experiencing police controls. Those boys who met often with friends, spent a lot of time on the streets, were frequently drunk and committed many delinquent acts were predicted to be more frequently controlled by the police in both French and German cities. Controlling for these risk behaviours, however only partially reduced the higher likelihoods of police contacts connected to ethnic origins in France (*figure 2*, M2). Boys from Algerian families still had 3.1 times more contacts, and boys from other Maghrebian or Middle East backgrounds had 2.2 times more contacts than native French boys.¹¹

Summarizing the analysis of factors influencing the frequency of proactive police stops, the empirical evidence clearly supports the conclusion that French police in Lyon and Grenoble

show a much larger inclination than German police to subject a small part of the youth population to repeated stops. French police also disproportionately stop male ethnic minority adolescents, in particular Maghrebians, and within this group, Algerians even more than others, whereas we did not find evidence for ethnic discrimination in the use of proactive stops in Cologne and Mannheim.

2.2 Police officers' decisions during last contact (final decision stage)

What exactly happened during the most recent police contact, how did the officers conduct the encounter, and what final decisions did they take in different types of contacts? We can address these questions in some detail thanks to sufficiently large numbers of respondents who answered questions about their last police contact (ca 4,700 respondents in Lyon and Grenoble, ca. 1,100 in Cologne and Mannheim where the follow-up questions were randomly assigned to half of the total sample). The analyses in the remaining sections of this paper again include respondents of both genders.

The most recent experience with police officers was spread across different types of contacts similarly in both countries (*table A2 in the appendix*). Being stopped by police in a public space was the most frequent contact type in French cities (24 per cent of last contacts) and German cities (21 per cent), while being stopped in traffic was less frequent in both countries (7 per cent in France, 8 per cent in Germany). This is not surprising since adolescents below 18 years of age do not drive cars legally. Self-initiated contacts were more frequent in French cities (22 per cent) than in German cities (8 per cent) and being the witness or victim of a traffic accident or the witness of a crime was equally frequent in both countries (19 per cent). If one summarizes self-initiated contacts and being the victim or witness of a crime or a

traffic accident as less-inimical encounters, then roughly half of the contacts fall into this category.

Figure 3 gives a detailed overview of which decisions police officers took during different types of contacts according to the respondents' reports. "Voice commands" are considered here, as advised by Klinger (1995:173) in his study of police use of force. Decisions apply to the conduct of the stop (to check ID, in some cases to search the person) on the one hand, and to the outcome of the contact, on the other hand. The decision also determines the outcome: there may be an order to leave the place where the control took place (to "disperse"), or else the officers consider the case as suspicious and deserving of further investigation. To take someone to a police station is a means of recording a testimony, of verification, but may also be used as a means of putting pressure on the youth. It is not unlikely that police decide to inform parents, since youth in our sample are minors rather than young adults. When the police decide that charges may be brought against a person, they have the power to detain him or her for a limited period of time and may start a penal procedure. All these aspects were covered by the follow-up module in the questionnaire. In sum, police can decide the depth of the verifications and constraints during a contact (from simply asking questions, to checking the ID and even searching) and the severity of the outcome (from simply having to "go", to being charged with some sort of crime).

Not surprisingly, self-initiated contacts (for example, asking for information or help) prompted the least coercive activity by police officers in both France and Germany.

Differences can be observed between the two countries, although they were moderate: French police found it useful to use coercion such as searching clothes or ordering to move on more often even in the case of youth-initiated contacts (e.g., 6.2 per cent vs 2.7 per cent orders to move). The German police tended to mobilize parents – which might indicate that young people were asking for support – three times more often than the French (7 vs. 2 per cent).

Even overnight detention of adolescents, while applying to a very small part of the respondents, appears more frequent in France than in Germany in the case of witness, victim and self-initiated contacts (4.4 per cent in France vs. 1.1 per cent in Germany). Interestingly, ID-checks were more frequent in Germany than in France particularly for victims (30 per cent vs 22 per cent) and witnesses of an accident (33 per cent vs 24.5 per cent). We interpret this as an indication that German officers, more than French ones, tend to see ID-checks as a useful part of policing in the context of service to persons in need.

In contrast, and similarly unsurprisingly, contacts as suspects of a crime prompted the highest levels of activity, again in both countries. We regard the stark differences in both countries in relation to levels of police activities in self-initiated vs. police-initiated contacts, a sign of the reliability of the adolescents' reports on their experiences during the last encounter. In about half of the cases police searched clothes or bags, and in close to 40 per cent of the cases, adolescents were taken to the police station. Yet, while 38 per cent of these cases in German cities led to the first steps of criminal proceedings, only 8 per cent of respondents in France reported this outcome. Such practices question the efficiency of French police tactics and their ability to target offenders and take them to courts; we incline to take them as indicators of an authority maintenance approach. Also, less of these cases included contacting the parents in French cities (37 per cent) than in German cities (61 per cent). Although ID checks were used in both countries primarily for dealing with potential suspects and less as part of a service to citizens, their usage was more balanced across the two categories in Germany than in France. French police tended to mobilize stops more extensively as an instrument for managing relationships with suspects, yet oftentimes contributing to a self-fulfilling prophecy of adversarial relations (Fassin 2013, p. 92, 2019).

*** Figure 3 around here ***

When stopping adolescents in public spaces, the most frequent action by police in both countries was checking the ID of adolescents (ca 73 per cent in French and German cities), while searching clothes or bags was much more common in French cities (71 per cent) than in German cities (40 per cent), as was ordering the adolescents to move (34 per cent in French, 10 per cent in German cities). Thus, French police showed a tendency during proactive stops towards more intrusive (searching) and coercive (testing deference with an order to leave) behaviour. Differences between French and German police were most pronounced in the case of traffic stops: In French cities, two thirds of adolescents had their ID checked and half of them had their clothes or bags searched, while this happened only in one third and one tenth of all instances, respectively, in German cities. It appears that traffic stops by the French police followed the same pattern of high intrusiveness as other proactive stops in public spaces, while German police performed traffic stops differently from other pro-active stops, applying less coercion. We assume that this divergence contributed to different levels of animosity between adolescents and the police in the two countries (see below). The habit to take adolescents to the police station for the verification of personal IDs, vehicle registrations or criminal histories appears much more frequent in France than in Germany for all kinds of contacts, and particularly for traffic stops (18 per cent vs. 1 per cent). The same is true for overnight detentions, again, particularly for traffic stops (10 per cent vs 0 per cent), but also as crime suspects (18 per cent vs. 3.5 per cent). Finally, the mobilization of proactive contacts displayed a critical difference: among the adolescents suspected of a crime by police, 38 per cent in Germany but only 8 per cent in France were subsequently subjected to a criminal proceeding. This is an indication of the tactics of officers for stops in France. It is

loosely, at best, oriented toward high probability suspicion, and often used for maintaining their authoritative edge.

2.3 The quality of interaction and levels of coercion and conflict (regulation stage)

The frictions and hostility of police-adolescent interactions during the last encounter was captured by questions about provocative and insulting behaviours and the use of physical violence by both police officers and adolescents. While evidence for animosities was virtually absent in the case of self-initiated contacts and rare when the adolescents encountered the police as witnesses or victims (*without figure*; again, we interpret this as also a sign for the reliability and consistency of reports), adolescents in both German and French cities reported such evidence in a considerable minority of cases when they had been stopped, and even more so suspected of crimes (see *figure 4*). For the latter category (stopped on the suspicion of crime), police officers were reported to have provoked or insulted the adolescents in 23 percent of encounters in German cities and 28 per cent in French cities, and 17 per cent of adolescents in German cities and 23 per cent in French cities reported that they themselves had provoked or resisted police officers. In addition, 19 per cent of adolescents in German cities and 13 per cent in French cities had tried to escape from the police. Thus, we see only differences in degree between French and German cities in the case of crime-related encounters, with more indications of tense and hostile interactions in France. In contrast, the experience of police-adolescents encounters appears more diverging between the two countries in the case of other stops, and in particular traffic stops (*figure 4*).

The proportion of instances where both the police as well as the adolescents showed confrontational behaviours was at least twice as high in French cities than in German cities. For example, only 3 per cent of adolescents in German cities but 27 percent in French cities reported that they provoked or resisted the officers during traffic stops. Use of physical

violence by police officers was reported in 17 per cent of pro-active stops in public spaces and 18 per cent of traffic stops in France, but only in 5 per cent of pro-active stops in public spaces and 0 per cent of traffic stops in Germany. Also, 15 per cent of adolescents in French cities but only 1 per cent in German cities reported that they tried to escape during a traffic stop. However, only a small minority of 3 to 4 per cent of adolescents in French cities reported that they used physical violence against police officers (this question was not asked in the German questionnaire).

*** Figure 4 around here ***

*** figure 5a & 5b around here ***

Summarizing the adolescents' evaluation of the demeanour of police officers during different types of contacts, *figures 5a and 5b* plot the mean values of the two items each about transparent and respectful behaviour on the one hand and about provocative, insulting, and violent behaviour on the other. For transparent and respectful behaviour, values above the neutral mid-point 2.5 indicate an overall positive evaluation (with the theoretical maximum of 4). *Figure 5a* shows exactly the same moderately positive evaluation of the police officers' demeanour in French and German cities for self-initiated contacts and for contacts as witnesses or victims, whereas the evaluation diverged for stops/controls, contacts as suspects of crime, and in particular for traffic stops. The latter type of contact received slightly more positive evaluations than self-initiated contacts by adolescents in German cities but was clearly assessed less favourably by adolescents in French cities, reflecting the more contentious style of traffic stops. *Figure 5b* plots the means of two questions about provocative, insulting and violent demeanour of police officers; higher values indicate their more hostile demeanour. Analogous to the positive evaluation, a substantially more hostile

demeanour of police officers in French compared to German cities was only reported for traffic stops, proactive stops in public spaces, and in contacts as suspects of crime. When differentiating these reports by all four cities (*see appendix, figures A2a & A2b*), some variations between Lyon and Grenoble and Cologne and Mannheim respectively, occur. This was true especially for traffic stops, which were more contentious in Lyon than in Grenoble, but still less contentious in both German cities. Yet, in the case of stops/controls, both French cities and German cities, respectively, showed exactly the same higher and lower levels of hostile police demeanour (*appendix, figure A2a & A3b*). This underlines the interpretation that national differences are more relevant than local differences within countries. However, the plotted values between 1.5 to 2 – below the neutral mid-point of 2.5 – of French police officers in *figure 5b* indicate that on average, hostile demeanour still was not a regular experience for adolescents.

2.3.1 Ethnic differences in police-adolescent interactions

So far we have not considered the role of ethnic diversity during the social interactions between adolescents and police officers, but only as a trigger of stops. The ethnic dimension reveals a more circumscribed picture of contentious police-adolescent relations in France (*see figure 6*). Native German and French adolescents generally assessed the demeanour of police officers quite positively in all types of contacts, as did adolescents of Turkish, Maghrebian and Middle Eastern descent as long as their assessment referred to self-initiated contacts and encounters as victims or witnesses. In all these instances, the mean values of the overall scale of police demeanour were between 3 and 3.5, well above the neutral mid-point of 2.5. In German cities, adolescents of Turkish, Maghreb and Middle East descent evaluated the police demeanour during traffic stops as positively as did native German adolescents, while their assessment of pro-active stops and contacts as suspects of crime was somewhat less positive

(see *figure 6*). In French cities, in contrast, adolescents of Turkish, Algerian and other Maghrebian and Middle East descent clearly perceived the demeanour of police officers in these types of contacts much more critical than did native French adolescents. The fact that youths of Turkish origin assessed their experiences of the police more positively in Germany than in France should be highlighted: not only was there a gap in perceived police demeanour between the ethnic majority population and the largest ethnic group in each country, but also for the same ethnic group between the two countries. In sum, we see small gaps in the quality of police-*majority* adolescent interactions between France and Germany, and a large gap when *minority* adolescents are involved.

*** figure 6 around here ***

*** figure 7 around here ***

There may be several reasons for the more critical assessment of ethnic minority adolescents. It may be a consequence of repeated exposure to stops as an individual, but also being the member of a social group exposed to such policing practices. It may also be a consequence of the modalities of the stops, as can be seen in higher levels of intrusiveness in proactive police stops of minority adolescents compared to their majority native peers in French cities (*figure 7*). Maghreb minority adolescents in French cities were not only more frequently subjected to proactive stops by the police, but police more often searched their clothes or bags and were more coercive (ordered them to move or took them to the police station during proactive stops) than when they stopped native French adolescents. Yet, many of these differences between ethnic groups remained below the 95 % significance level. Although on a much lower level, this tendency was also noticeable in German cities: police applied more intrusive measures during proactive stops to minority adolescents, particularly from Maghreb

or Middle East backgrounds, than to native German adolescents. For example, approximately, 20 percent of native German but 40 per cent of adolescents of Maghreb or Middle east descent had their clothes or bags searched (*see figure 7*). Again, the large confidence intervals signal a lack of statistical significance.

2.3.2 Multivariate analyses

We have identified relevant factors which were associated with the quality of the interactions and the evidence for frictions during encounters between adolescents and the police. The type of contacts, the level of intrusiveness of police actions during the encounter, as well as the adolescents' ethnic backgrounds played important roles. It seems plausible to assume that other situational and background factors such as the history of previous encounters with the police may also contribute to the quality of police-adolescent interactions. We attempted to gain a more comprehensive understanding of those factors by running multivariate regression models in which all relevant factors are considered simultaneously. In separate multilevel models, we also looked at the potential role of neighbourhood concentrated disadvantage, which turned out to be relevant only in particular constellations (see below).

We computed two blockwise regression models each for French and German cities separately explaining the perceived provocative, insulting, and violent behaviour by police officers during the last contact, with only ethnic and sociodemographic background variables in a first model, and all behavioural and situational factors added in a second model. The blockwise strategy helps to gauge to what extent the apparent gap between majority and minority adolescents can be explained by behavioural and situational factors for each country. While the complete model results can be found in *table A3* in the appendix, we concentrate on a graphical display of a selection of model results in *figure 8* which plots the coefficients with

their confidence intervals from the second model for both the French and German cities.

Positive coefficients indicate an increase and negative coefficients a decrease of the perceived hostile behaviour by police officers. Effects are significant if the confidence intervals do not include 0.

Overall, most effects are similar in French and German cities. The factors associated with the likelihood of hostilities, were mostly the same in both countries although the extent of hostility in encounters was much lower in Germany than in France. The coefficients indicate that some, but not all ethnic minority groups under investigation reported significantly more hostility by police officers compared to native French or German adolescents, respectively, controlling for all other factors in the model. Thus, their higher levels of perceived hostility cannot be “explained away” by their lower social status, their lifestyle or delinquent behaviour. This was true for adolescents of Maghrebian and Middle Eastern descent in both Germany and France (including Algerian descent in France). Adolescents of Turkish descent perceived the police officers’ demeanour more hostile than adolescents from the majority population in Germany but not in France – contrary to expectation. Adolescents from Sub-Saharan African descent in Germany showed a stronger tendency of reporting more hostility by police officers compared to majority adolescents than in France, which however, was not significant due to the small sample size of this ethnic group.

Major factors fuelling hostility in both countries were the number of previous proactive police stops and the intrusiveness of the current encounter, in particular searching clothes or bags, confirming the descriptive findings reported earlier. Being in the company with other adolescents during the encounter increased the likelihood of hostility but having consumed alcohol before the encounter did not. By far the strongest effects on the likelihood of hostility were associated with the adolescents’ defiant behaviour during the contact, whereas police

officers were less likely to be perceived as hostile if the adolescents reported that they behaved normally during the encounter. The effect sizes for youth behaviours were similar in the two countries. These associations are not surprising but cannot be interpreted in a causal way. From the survey data, we cannot tell whether police officers or adolescents began the disrespectful or provocative behaviours. Rather, this hints at a mutual relationship of antagonistic behaviours which fuel a situational dynamic of the social interaction between adolescents and police officers, as has been shown in studies based on systematic social observations of police-citizen encounters. The authority maintenance theory explains how a lack of deference or signs of disobedience by citizens may lead to an escalation of mutual hostilities during interactions (Alpert and Dunham 2004). This interactional process is a plausible model but cannot be evidenced by our survey data.

Including additional information from the regression tables (*appendix, table 2*) it is interesting to note that the effect size of belonging to the Algerian or other Maghreb and Middle East minority in French cities was reduced roughly by half when including the second block of behavioural and situational predictors. This did not happen in Germany where the coefficients for ethnic minority status increased slightly. But even controlling for all these influences, ethnicity remained a substantial and significant predictor of perceived police hostility in both countries. Regression model 1 also reveals that low social status significantly increased the likelihood of perceived police hostility in France but not in Germany. In France, a low parental educational and occupational status and unemployment taken together had the same effect as having had six or more previous proactive stops vs. none in the previous year. These status effects which echo classic findings from the US (Black 1980, Alpert *et al.* 2004) were then fully mediated in France by the behavioural predictors added in Model 2.

2.3.3 Effects of neighbourhood disadvantage

Discussions about adolescents' hostility towards the police in France inevitably agree that problems are rooted in social space, i.e. in the banlieues of big French cities. In the final step of the analysis, we therefore focus on the role of the residential neighbourhood of adolescents for their experience of encounters with the police. Ethnic minority adolescents in both French and German cities predominantly live in the more disadvantaged neighbourhoods, and concentrated disadvantage has been identified in many studies as a major factor explaining strained police-adolescent relations (Brunson 2007, Jones 2014, Carr *et al.* 2007, Kirk *et al.* 2012, Lautenschlager and Omori 2018).

*** figure 9 around here ***

To isolate the potential role of neighbourhood contexts for the quality of police-adolescent encounters, we need to focus solely on those encounters which took place in the respondents' residential neighbourhood, since we lack geographic information on encounters which happened elsewhere. According to the respondents' reports, less than half of the most recent contact with the police took place in their residential neighbourhoods (44 per cent in German cities, 35 per cent in French neighbourhoods), while 23 per cent of the contacts in German cities and 31 per cent in French cities happened in the city centre, and the remaining incidences happened elsewhere. The following results are based on the subsample of most recent encounters which took place in the neighbourhoods where respondents lived.

Strong effects of neighbourhood disadvantage on the quality of police-adolescent encounters in French cities were restricted to proactive contacts and particularly to traffic stops (*figure 9*). The likelihood that respondents reported provocative, insulting or violent behaviour by police officers increased strongly with neighbourhood social disadvantage. Similar effects of

neighbourhood context have been reported in studies based on systematic observations of police encounters by Reisig *et al.* (2004) and Terrill and Reisig (2003). For comparison, this effect was neither found for self-initiated contacts in the respondents' own neighbourhood nor for any contacts taking place in the city centre. This strongly underlines the specificity of the neighbourhood effect. Proactive police contacts in the most disadvantaged neighbourhoods in French cities stand out for their particularly high level of officers' hostility towards youths (as perceived by them). In contrast to French cities, we did not find any significant influence of the neighbourhood context on the quality of encounters in German cities, again signalling the absence of a spatial patterning of problematic police-adolescents' relations. This difference in the salience of the neighbourhood context between France and Germany is an important finding. The entrenchment of hostilities between adolescents and police in some neighbourhoods can be traced back to the 1980s in the region of Lyon, followed by aggressive policing tactics and episodes of police violence resulting in rioting and in emblematic deaths. The birth of the "banlieues problem" in France was associated with an increased distance between the public and the police, and it manifests itself today through far more pervasive negative opinions of the police among residents in deprived neighbourhoods, not only among adolescents but also the public in general, and the development of a territorial social identity, with its own social memory, which includes allergic reactions to the police (Roux and Roché, 2016).

3. A comparative analysis: the role of institutional contexts and policing

Our comparative analysis of police encounters targets the role of national contexts in shaping police-citizen relations. Using detailed survey data on police encounters in two French and two German cities, we have pursued a theoretically informed bottom-up approach of

searching for differences in the experiences of young people, which can help us to infer macro-level factors which may account for national differences in police-citizen relations. Yet, in contrast to a top-down approach, we did not focus directly on macro-level dimensions such as national policing policies but rather the differences which we found in our micro-level analysis as a reflection of macro-level influences. Through the experience of adolescents, we learned about the procedural realities of day-to-day policing: How often and whom police officers stop, interrogate, search, and coerce into obedience. The empirical data unveils the hidden logics of policing which Skolnick (1966) has called the administrative routines and “rules” of procedures. As always in such micro-macro models, linking the empirical evidence of every-day police-citizen relations to institutional dimensions at the macro-level is the most challenging part, in the case of just two national contexts (Lieberman 1991). Still, the stark differences in the policing of adolescents observed between the similar countries require explanation. We aim at identifying possible macro-level factors that, we believe, are likely to shape officers’ behaviours. The precise identification of such factors needs more elaboration than what follows in the remaining part of this paper. We start with a brief summary and interpretation of the main findings from our survey-based comparison.

We found clear contrasts between the two French versus the two German cities hinting at *national* patterns of policing. In short, we found that French policing utilizes stops and the subsequent interaction with adolescents as a tool in a “rapport de force”, is more aggressive and coercive, and strongly biased against some ethnic minorities. Some, but not all adolescents in France reported incidences of discriminatory, coercive and hostile encounters with the police, while we found much less evidence for such treatment by German police officers. The experiences of Maghrebian youths in France amount to a violation of both distributional fairness of stops and their outcomes, and procedural justice during stops: They

are more often and repeatedly targeted by proactive stops, in particular if they live in the banlieues; during such stops, they are subjected to more intrusion and coercion, for example, such as bag and clothes searches or being taken to the police station than French majority youths, and they report more hostility and violence by officers – but also more defiance by themselves – than French majority youths. Traffic stops (while on bikes or scooters) are not more frequent but more coercive and cause more hostility in France than in Germany. These differences, between the experiences of majority and minority youths in France, and in particular the escalation of hostility in the banlieues, and the absence of such differences in Germany, are pronounced and statistically robust after controlling for relevant factors such as adolescent risk behaviours. Our findings fit well into the existing (and largely qualitative) research literature on police-adolescent relations in France (Zauberman and Levy 2006; Bonelli 2008, Marliere 2011, Boucher 2013, Fassin 2013, Roux and Roché, 2016). While previous studies in Germany have dealt with the issue of ethnic discrimination by the police, there have not been any records by the police documenting the practice of proactive stops, nor are there any large-scale standardized surveys in Germany to which these findings could be compared except the Midis survey which includes the adult population only (Fundamental Rights Agency, 2010).

Compared to Germany, French police have adopted more aggressive professional norms of policing which have proved to fuel the discrimination of ethnic minority and lower-status adolescents. The emblem of such policy is the growing reliance of police on BAC (or Brigades Against Crime, see below), which have been developed since 2002 (Bonelli 2010). Our findings lead to a suspicion that the confrontational style of the French police draws more on “authority maintenance” and less on communication and service. The more frequent use of order to move, taking adolescents to the police station or even keeping them overnight,

and at the same time the lower propensity to communicate with parents and the much smaller proportion of cases, which lead to criminal proceedings compared to Germany indicate that the officers' main purpose is the assertion of power in an asymmetrical confrontation rather than crime detection or problem-solving. If in France criminal investigations were started in only 8 % of encounters which the adolescents experienced as suspects of crime, in comparison to 38 % in Germany, this does not look like a very efficient crime-fighting strategy. Previous studies have shown that a lack of deference or open defiance by citizens are key factors for the use of coercion and violence by officers during encounters (Terrill and Mastrofski 2002; Alpert and Dunham 2004). A German study found that police officers see citizens' resistance during encounters as the primary reason for the excessive use of force (Klukkert *et al.* 2009). We also find such a correlation in our data in both countries. Still, such escalations of hostility and aggression occur less often in Germany than in France. Turning to possible macro-level influences, we start with dimensions which in our view *cannot* account for these differences: France and Germany are two wealthy European countries, both with (at the time of the survey) very similar GDPs and unemployment rates, similar welfare systems, both with a large minority population of Muslim faith and with similar levels of urban segregation (despite the more notorious image of the French banlieues). Despite one important structural difference – one regime is unitary, the other federal – the political systems, too, are very similar: democratic and stable despite various tensions and protests, as are the legal overarching rules and the levels of freedoms and of rule of law. This also extends to the legal framework for what concerns the principles of accountability of police.

Whereas the socio-economic conditions and the overall fundamental legal framework are unlikely to explain country differences, we contend that governments do shape the practice of policing through various mechanisms. Governments – the national government in France, the

regional governments in Germany – dictate police powers which are vested in public (and sometimes private) agencies – in France mainly the police and the gendarmerie but also municipal forces, and Germany mainly the Länder police, but also Federal forces. Politicians are in charge of “control” (they set the goals for police agencies, their priorities and performance targets, they define their doctrine) and of regulation of policing. They define the budget, and therefore directly or indirectly the number of officers to be hired, but also their selection and training processes, as well as the organization of work – for example the types of units which are needed, and finally they set the accountability and oversight mechanisms. In some countries such as Canada, the UK and Australia, police chiefs enjoy operational independence (but not policy independence, Fleming 2004) regarding the design and conduct of operations, a notion not known in continental Europe (Roach 2017). The interpenetration of police organizations and government agencies is complex (Beare and Murray 2007). Our intention is solely to underscore the fact that police manners and customs (to paraphrase Donald Black) are dependent on an array of decisions by politicians and top police chiefs; policing decisions in our two European countries are not made by police chiefs only. Policing policies frame a “normative order” (Herbert, 1998), a mix of informal and formal rules, which orient the work of rank-and-file agents. Here we try to identify policing policies, decisions pertaining to both control and regulation, defining the normative framework in which police organization operate and which are likely to account for our findings. We briefly discuss three aspects here: doctrine (community policing, crowd control and related decisions on police weapons), performance management (government targets for police), and equality in the policing of minority groups.

Firstly, French policing turned its back on the principles of “proximity policing” (Roché 2005, Bonelli 2008), a version of community policing for centralized states, with the election of Jacques Chirac as Président in 2002. It is worth stressing here the importance of law and

order issues in French election campaigns, and its absence in Germany. The rejection of the doctrine of proximity policing occurred with the appointment of the Minister of Interior, Nicolas Sarkozy. In 2002, the minister who wanted to be seen as tough on crime also allocated rubber bullet guns (first called “flashball” and then “LBD”) for intervention police units called BAC. Those Brigades Against Crime have operated in plain clothes in the banlieues since they were created between 1991 and 1994. They had a strong effect on the number of police shots of rubber bullets which reached 2.573 units in 2012 (Défenseur des droits, 2012). Similarly, French police did not participate in the EU reflexion on de-escalation in public order maintenance (Fillieule, 2016). Considering the frequent outbursts of public disorder after police raids in deprived neighbourhoods, it is informative to observe that such an approach which may help to quell tensions was rebuffed by police headquarters and not imposed on them by government.

In Germany, the situation appears substantially distinct from France. At the doctrine level, the basic principle of community policing – considering the expectations and needs of local citizens – has not been alien to the longer-term evolution of policing reforms in post-war Germany, especially since the social democratic era (Frevel 2012. Behrendes 2013, Feltes 2013). There is no political rejection of the “softness” of community oriented policing principles, or of the use of minority officers for conflict management (Decker and Kersten, 2015). Rubber bullets are not used for daily police operations or for crowd control in Germany. In addition, the country participated in the EU project called GODIAC¹², de-escalation has been studied (Fillieule, 2016) and implemented in major cities such as Berlin (Nassauer, 2019: 150-1).

A second relevant point is the role of performance regime and targets in policing. New public management has been introduced for government to oversee the work of their

administrations. A new management regime “by numbers” has appeared and it has been applied to policing (de Maillard & Mouhanna 2016). When performance is politically defined as being able to be on the streets, make more stops, and place more suspects into police detention, such performance targets shape behaviours in the organization (Matelly and Mouhanna, 2007). Competence and doing a good job have been bureaucratically redefined by quantitative targets. Police chiefs obtain bonuses based on reaching targets, rank and file officers are selected and promoted to BAC units based (the most prestigious ones) on their merits in mastering intervention techniques. French performance regime has failed to strike a balance between stops and arrests on the one hand, and citizen satisfaction, on the other hand, since the latter has never obtained the status of a performance target. The emphasis on arrests (measured by police detention called “garde-à-vue”) as an indicator of performance led to such take up between 2001 (336,718) and 2009 (580,108), and became such an embarrassment for the functioning of the penal system that the Minister of Interior had to remove it from the list of police targets in 2010. It was even taken off from the list of information about the activity of police services¹³, and the law was modified to constrain use of arrests and police detention (Sénat, 2010-11). In Germany, the performance regime also evolved at the same period and across different phases. As in France, most German police forces use performance targets for measuring work performance rather than just financial controlling (Ritsert et al. 2012). However, unlike France, as German policing does not have intervention as its central norm (Lukas and Gauthier 2011), police chiefs use the new performance regime with a view of citizens as clients and are prompted to operate in a client-oriented way (Ritsert et al. 2012: 9). Indicators of stops and arrests were not of such major importance and did not replace the traditional model. The performance regime incorporated indicators of quality of policing (in some states such as Brandenburg), before its appeal declined (Ritsert and Pekar 2009). National variations in performance regimes

implementation have been observed and are no surprise (de Maillard and Savage 2012).

While police departments in Germany seem to embrace change in performance management to legitimate themselves to the publics they serve, at least to some extent, the French do not.

On the contrary, in France the durable emphasis on intervention in the disadvantaged and ethnically diverse neighbourhoods promoted the creation of aggressive job descriptions (and hiring of dedicated units equipped with less lethal weapons). The interpretation of performance, which left aside the notion of servicing clients, further oriented policing towards the same aims. Bureaucratically defined responsibilities evolved in a manner which increased the value of intervention on the streets.

Thirdly, French governments have proved reluctant to address the issue of police discrimination, which researchers considered “taboo” for public authorities almost twenty years ago (Body-Gendrot and Wihtol de Wenden 2003). The situation has not changed, and as recently as this year in the wake of the death of George Floyd and subsequent protests against police violence in France, the Ministry of Interior and top French police chiefs have discarded any racism in French police, without launching any survey or audit¹⁴. While this attitude of wilful ignorance is shared by many German politicians, pragmatic approaches of confronting racism and improving intercultural competencies of police officers are pursued in that country below the radar of political rhetoric (Aden and de Pauw 2014; Hunold 2015). If policing in Germany is not immune to discrimination, criticisms target the Federal police in charge of border and migration control rather than the Länder or regional state police (Cremer 2013; Salentin 2007). For more than ten years, reaching out to minority groups such as the local mosque is not an uncommon feature of the public relation strategies of the German Länder police (Gauthier, 2012) as well as asserting the importance of protecting those groups against racist crime. In contrast, French policing policies towards minorities, as disclosed by

public authorities as recently as 2018, still have not defined similar priorities.¹⁵ “The requirement for specialist police training in this field has been clearly acknowledged at a political level by the conference of Ministers of Interior in 2000, while “no such specialist need had been identified” for the top police executives by the French Ministry of Interior as reported by the European Monitoring Centre on Racism and Xenophobia (Oakley, 2005: 27).

4. Conclusion: in need of an “institutional theory of policing”

This French-German comparative analysis of police encounters questions the role of national contexts in shaping police-citizen relations, and more specifically of its institutional and organizational dimensions. To what extent can there be, in two very similar countries in terms of their belonging to a stable region of the world, GDP per capita, rule of law, a large presence of a Muslim minority in cities, stark differences in policing the majority and minority groups? And how can those differences be explained? Pursuing a bottom-up approach based on a quantitative survey study to measure and compare the day-to-day policing practices vis-à-vis the urban, multi-ethnic adolescent populations in France and Germany, we found stark differences. The difference between the two countries includes the use of stops and search and the levels of force during the stops which are higher in France. It also covers ethnic discrimination for what concerns the selection of targets by police, and the intrusiveness of stops, which is worse in France. A relation of mutual hostility between police and youth has developed in France, but not in Germany. The roots of such cross-national differences cannot be determined beyond doubt in a two-country comparison, even with a four-cities research design. Given the magnitude of the difference, and the fact that the contrast is observed in more than one city in each nation, we hypothesize that such adversarial relations are built overtime by policing policies. Looking at the decade before our

survey took place, various French governments' decisions engaged policing in a spiral of confrontation. At the level of encounters, such a policy manifested itself by use of force by police agents against youths in general, and a show of power and aggressiveness towards minority groups. In contrast, policies in Germany did not proceed in the same way and despite tensions, policing restrained from embracing a confrontational turn. The institutional orientation of policing diverges. Over a period of ten years, a new normative order in France has consolidated: the reformulation of doctrines, the absence of policies regarding minority treatment (policy level), bureaucratic reshuffling of police units and of their equipment, and a new management regiment centred on intervention and arrests (professional normative order), have combined into new "police rules" and lead to more confrontation with the public (authority maintenance).

We maintain that rather than socio-economic and demographic conditions or the legal framework, we need to look at the policy framework of policing. Yet, contrary to officers' behaviours on the ground which has attracted the attention of researchers, the institutional reasons behind those, and in particular, policy level decision making, are not well known and are understudied. Few studies have sought to measure and understand police interactions with citizens as part of an underlying policy framework and in a comparative perspective. We believe it should be at the core of comparative policing research in order to account for stable cross-country differences observed at the police agents level. The three research streams that we mobilized, policy formulation by the elites (government of the police by laws and accountability mechanisms), normative orders, and authority maintenance all have in common that they do not excessively emphasise the importance of individual police agents in determining the goals that they pursue and the way they do it. This "institutional theory of policing", we imagine, constitutes the bedrock of responses by officers to situations and how

they define situations during proactive policing. For an integrated ITP, of course, more comparative research is needed to further refine and test the three components which define the institutional context, how they interact with each other, and how they influence policing, inclusive of stops and use of force. In the same vein, much more work is needed regarding the interaction of individual and neighbourhood-level characteristics with institutional characteristics of the police before conclusions can be drawn and generalized.

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² ESS 2010 data online access, own computation, 20 May 2020.

³ According to the definition of the German Federal Statistical Office, a ‘migration background’ includes immigrants and as well as their second- and third-generation descendants (Statistisches Bundesamt 2015). In Mannheim, 38 % of the total population and 55 % of the population under 18 years had a migration background in 2012 (Stadt Mannheim 2013). In Cologne, the shares were 34 % and 48 %, respectively (Stadt Köln 2012). With the lack of official data on ethnicity in France, the proportion of adolescents from migrant families is difficult to ascertain in census data for Lyon and Grenoble. Identical definitions of migration background were used in the POLIS survey.

⁴ The German sample excluded schools for special needs. In France, special needs (SEGPA) classes were interviewed but excluded for the analyses in this article. Also in France, the sample included only state schools and private schools under state contract. Weighting was used in descriptive analyses to calibrate the sample to the distribution of students to school types and city sizes in France and Germany. The interviews were conducted by trained survey staff during one or two school hours.

⁵ Follow-up questions in the German questionnaire show that ca. 12 % of these contacts had taken place earlier than twelve months before the interview, suggesting a telescoping effect.

⁶ In more detail, migrant families were defined as consisting of two foreign-born parents or three foreign-born grandparents in order to include third-generation migrants. Mixed native-migrant families were defined by one foreign-born parent or two foreign-born grandparents.

⁷ In Germany, 7 % of respondents were commuting from outside the city boundaries, 5 % refused to have their addresses geocoded, and 2 % gave invalid information. In France, where administrative city boundaries have not been expanded to include suburban areas around the historic cities, a much larger share of respondents lived outside the municipalities of Lyon and Grenoble. Nevertheless, neighbourhood (IRIS)-level geocodes were recorded for 75 % of respondents in Lyon and for 66 % of respondents in Grenoble, while the remaining respondents were assigned to smaller municipalities without neighbourhood subdivisions.

⁸ In France, the official definition of immigrants is restricted to first-generation immigrants which grossly underestimates the share of minority populations, whereas in Germany the definition includes first- to third-generation immigrants. Reflecting the close association of social and ethnic segregation, the correlation between unemployment rate and percentage immigrants is $r = .84$ in Lyon, $.82$ in Grenoble, $.76$ in Cologne, but only $.49$ in Mannheim where also the unemployment rate is much lower than in the other three cities.

⁹ The following section is based on the more extensive analysis including full model tables presented in Oberwittler & Roché (2018). The descriptive results differ marginally due to exclusion of grade 7 students in France and the use of weights in this article.

¹⁰ For easier reading, we report rounded percentages in the text. The exact results are in the tables and figures and may deviate slightly.

¹¹ Additional multilevel analyses (not reported) also give insights into possible influences of the residential neighbourhood context where respondents lived on the frequency of proactive controls – yet it is important to note that this model does not consider the places where police stops happened. The city variable revealed no differences in frequencies between Cologne and Mannheim in Germany, but approximately 20 per cent more police contacts in Lyon than in Grenoble. Over and above the individual-level sociodemographic and behavioural predictors, neighbourhood social disadvantage additionally increased the incidence rates of controls in Lyon but not in Grenoble, nor in the two German cities. The same effect was found again only in Lyon for the percentage of social housing (*Habitation à Loyer Modéré*) which was highly correlated with neighbourhood social disadvantage ($r = .85$).

¹² The GODIAC group (2013) has developed the KFC D principles: knowledge, facilitation, communication, and differentiation.

¹³ Interview of the Minister of Interior to *Journal du dimanche*, 14 février 2010

¹⁴ « There is no institutional racism (...). There is only a Republican Police » says the Minister of June 8, 2020, <https://www.interieur.gouv.fr/Archives/Archives-ministres-de-l-Interieur/Archives-Christophe-Castaner/Interventions/Conference-de-presse-au-sujet-de-la-question-du-racisme-et-de-la-mise-en-cause-des-forces-de-l-ordre>

¹⁵No specific policy regarding policing against racism has been presented by the Ministry of Interior to the National Consultative Commission for Human Rights (CNCDH), see https://www.cncdh.fr/sites/default/files/contribution_ministere_interieur_2018_-_mise_en_page.pdf