Police stop and search in Spain: an overview of its use, impacts and challenges

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Abstract
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Even though in Spain there are no complete, public and updated national statistics on police stops with information on ethnicity, data provided by some local police forces and academic research prove that the police disproportionately stop and search minority groups. This practice affects the sense of belonging of individuals (who experience shame and humiliation), leads to institutional discrimination, and reduces the legitimacy and trust in law enforcement. This paper aims to analyze the Spanish empirical evidence about police stops practices and its effects on citizens conducting a systematic review on existing literature.

The main results show that: police stops are carried out based on racial profiling; consequences of police discrimination had a more negative impact on individuals who had been or perceived to have been stopped due to racial reasons; it is necessary to develop more qualitative studies that complement the quantitative methodologies in order to gather richer information about experiences on police treatment, particularly at stops.

Sumario
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Aunque en España no existen estadísticas nacionales completas, públicas y actualizadas sobre paradas policiales con información sobre el origen étnico, los datos proporcionados por algunas policías locales y la investigación académica demuestran que la policía identifica y registra de forma desproporcionada a los grupos minoritarios. Esta práctica afecta el sentido de pertenencia de las personas (que experimentan vergüenza y humillación), conduce a la discriminación institucional y reduce la legitimidad y la confianza en la aplicación de la ley. Este artículo tiene como objetivo analizar la evidencia empírica española sobre las prácticas de identificaciones policiales y sus efectos en los ciudadanos mediante una revisión sistemática de la literatura existente.

Los principales resultados muestran que: las paradas policiales se realizan en base a perfiles raciales; las consecuencias de la discriminación policial tuvieron un impacto más negativo en las personas que habían sido o creían haber sido detenidas por motivos raciales; es necesario desarrollar más estudios cualitativos que complementen las metodologías cuantitativas para poder recabar información más rica sobre las experiencias de trato policial, particularmente en las paradas.

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1. Introduction*

Migration processes have transformed traditional societies into more diverse, plural and changing contexts. Historically Spain migrant population was low, but the economic and geopolitical situation changed this in the 90s, when the foreigner population grew rapidly[1]. According to the latest figures from the Spanish census (January 2021) more than five million people are foreign nationals, though this figure excludes those who are not officially registered. That means that at least 11%[2] of citizens now living in Spain have a different nationality than the majority Spanish population. If we break down these data, there is a presence of Europeans from the European Union (3.6%), South Americans (2.3%) and Africans (2.2%). However, it is not necessary to be a foreign national to stand out from the majority group. The Roma community and non-Catholic religious groups have historically coexisted with the Catholic white population in Spain, which has also fostered ethnic and religious diversity[3].

This diversity permeates the Spanish social life and influences our way of appreciating and understanding reality, even though diversity is sometimes perceived with surprise, distance and fear by a large segment of the population (as the evidence reported here somehow shows). This is mostly due to prejudiced attitudes that are on the verge of discrimination. The public authorities are becoming more aware that such diversity raises new needs and requires responses in order to guarantee the social well-being of the population as a whole.

The needs and responses that diversity requires for the authorities are also observed at an international level, since it is a globalised phenomenon, with different countries offering a coordinated response to migration. In this sense, FRANKO AAS POINTS out that countries considered to be similar, i.e., that we consider «like us», provide a response through the control and surveillance of migration officers that make differences between supranational citizens «similar to us» and those considered «suspects, criminals or sub-citizens»[4]. And this is the case

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[1] See: AJA/CARBONELL/COLECTIVO IOÉ/FUNES/VILA, *La inmigración extranjera en España. Los retos educativos,* Fundación La Caixa, 1999; DOMINGO/BLANES, «Inmigración y emigración en España: estado de la cuestión y perspectivas de futuro», *Anuario CIDOB de la Inmigración*, 2015, pp. 91-122.

[2] Resident population of all ages and both sexes according to groups of nationality at 1 January 2021. Source: National Institute of Statistics (INE). Available at [last time viewed: July 8, 2022] https://www.ine.es/jaxiT3/Tabla.htm?t=9689

[3] There are no official statistics by ethnic group. Hence the difficulty of knowing the amount of Roma population settled in Spain. In this respect, the report published in 2011 by the Ministry of Health, Social Policy and Equality (MHSPE) entitled «Social diagnosis of the Roma community in Spain. A field-proven analysis of the CIS Survey of Roma Homes, 2007» *[Diagnóstico social de la comunidad gitana en España. Un análisis contrastado de la Encuesta del CIS a Hogares de Población Gitana 2007]* declared that the most recent data available to estimate the Spanish Roma population were those provided by the report «Map of dwellings and the community of Roma in Spain 2007» [*Mapa sobre vivienda y comunidad gitana en España 2007*] published by Fundación Secretariado Gitano -FSG- in 2008. This report identified a total of 91,965 dwellings occupied by an estimated average of 4.9 Roma group, thus calculating this population to be approximately 453,000 people (MHSPE, 2011, 27). The study of 2007 was re-edited in 2015 and, in this occasion, 105,289 housings were detected. If we used the same estimation applied by the authors in previous years, we might conclude that the Roma population would be some 516,000 inhabitants.

[4] FRANKO AAS, «"Crimmigrant" bodies and bona fide travelers: Surveillance, citizenship and global governance», *Theoretical Criminology*, vol. 15-3, 2010, pp. 332–343.

in a large part of Europe, where Spain is located, especially in its exclusionary control practices on the Southern border.

Respect for diversity is a legal imperative set out in numerous regulatory provisions of both national and international nature like, for example, the Universal Declaration of Human Rights and all the agreements signed with regard to fundamental rights. First of all, article 9.2 of the Spanish Constitution establishes the duty of public authorities to adopt measures to prevent discriminatory attitudes within society and, secondly, the duty of the State itself to avoid discriminatory actions (Study Group on Criminal Policy -GEPC-, 1997). This implies integrating and ensuring equality for all citizens, and diversity should be managed from such perspective. In this respect, the role of the police is especially relevant.

The police not only represents the State and its coercive power, but also keeps a direct and permanent contact with citizens, as well as with minority groups. Their involvement in enforcing various policies is a key aspect of diversity management[5]. However, in the police - as in the rest of society - there are stereotypes and prejudices towards minority groups, as well as institutional racism[6]. The lack of police adaptation to the new diverse reality, together with their legitimate power in some countries like Spain to control irregular immigration[7], can lead to discriminatory practices that encourage and maintain racist attitudes and practices. Proof of this are the police stops of people of foreign appearance for ethnic and/or racial reasons, which identify and stigmatise certain races as more prone to crime[8]. This affects negatively to the individuals' sense of belonging (they experience shame and humiliation), leads to institutional discrimination, and reduces the legitimacy and trust in law enforcement officials[9].

In Spain, police stops are not only used for crime prevention or investigation purposes, but also for immigration control (as a way to verify that «their papers are in order»). Police stops using racial profiling, that is those that use racial markers as the only reason to form suspicion of irregular status and legitimize the intervention, were recently prohibited by Spanish legislation in 2015 (article 16 of the Law on Public Safety, of 31 March). This law was largely a result of the «Rosalind Williams case», which made police discrimination visible at an international level. In 1992 Mrs. Williams, a black Spanish woman, was stopped by a police officer when she was at the train station with her husband and son (both Spanish and white). The officer acknowledged that

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[5] VAN EWIJK, «Diversity within Police Forces in Europe: A Case for the Comprehensive View», *Policing: A Journal of Policy and Practice*, vol. 6-1, 2011, pp. 1-2.

[6] The term «institutional racism» has been the subject of debate. As noted in the «The Stephen Lawrence Inquiry. Report of an inquiry by Sir William MacPherson of Cluny», institutional racism «should be understood to refer to the way the institution or the organisation may systematically or repeatedly treat, or tend to tread, people differentially because of their race. So, in effect, we are not talking about the individuals within the service who may be unconscious as to the nature of what they are doing, but it is the net effect of what they do» (p. 46). See: WILLIAMS, «Redefining institutional racism», *Ethnic and Racial Studies*, vol. 8-3, 2010, pp. 323-348; TONRY, *Punishment and politics: Evidence and emulation in the making of English crime control policy*, Willan Publishing, 2012; SUOHAMI, «Institutional racism and police reform: an empirical critique», *Policing and Society*, vol. 24-1, 2014, pp. 1-21.

[7] The National Police is the only one with legal powers in the irregular control of immigration.

[8] MOLINA, «¿Cómo actuar ante una redada de inmigrantes sin papeles?», *Periodismo Humano,* 2011.

[9] BEN-PORAT, «Policing multicultural states: lessons from the Canadian model», *Policing and Society*, vol. 18-4, 2008, pp. 411-425; BRADFORD/JACKSON/STANKO, «Contact and confidence: revisiting the impact of public encounters with the Police: Erratum», *Policing and Society*, vol. 19-2, 2009, pp. 191–197; BRADFORD/JACKSON, «Trust and Confidence in the Police: A Conceptual Review», *SSRN Electronic Journal*, 2010; OSJI/STOPWATCH, *Viewed with Suspicion the human cost of Stop and Search in England & Wales,* London, 2013.

he had received orders to stop people «like her», which led Mrs. Williams to file a complaint, on the grounds that such behaviour was racist and harmful to her moral and psychological integrity. In 2001 such claim was dismissed by the Constitutional Court, arguing that «the police action used the racial criterion merely as indication of a greater probability that the interested party was not a Spaniard». In 2009, Williams submitted her complaint to the United Nations Human Rights Committee, which ruled in her favour, arguing that, even though it was legitimate to carry out identity checks to control irregular immigration, the mere physical or ethnic features of a person should not be taken as indication of a possible situation of administrative irregularity.

In 2010 the Ombudsman's Office carried out an investigation of the Spanish General Police Directorate and the Civil Guard (DGPGC)[10] related to their actions, in view of the complaints regarding identity checks in public places based on ethnic and racial profiles. Since Spain does not have updated and published statistics on stop and search cases, the Ombudsman's Office recommended creating ex-post control mechanisms to verify the number of and reason for identifications carried out in the streets. These recommendations were accepted by the DGPGC, but not acted. The Ombudsman has continued to receive complaints specifying the time and place of more than 300 police stops in public places, based on ethnic and racial profiling.

These new complaints prompted new recommendations in 2013[11] that, as of today, have yet to be de facto accepted by the Ministry of Internal Affairs (despite the Ombudsman repeated requests, the last one in 2022), as well as other recommendations made by international human rights organisations, such as: the Committee on the Elimination of Racial Discrimination (CERD); the conclusions of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance; the European Commission against Racism and Intolerance (ECRI); and the Framework Convention for the Protection of National Minorities. All of them, carried out between 2011 and 2013, showed their concern over the information received from Spain about police stops or raids based on ethnic and racial profiles, which were frequent and focused on foreign migrants. They also expressed the need to eliminate such actions by taking measures at national, regional and local level, so as to promote training and good practices in police services.

In this context, the research aims to provide an updated summary of the empirical evidence concerning police stops in Spain in order to respond to the following specific questions:

Objective 1. Is ethnicity, race or the immigrant status a reason to be more frequently subject to police stops for identification purposes?

Objective 2. Do citizens belonging to minority groups perceive police treatment as discriminatory?

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[10] In Spain there are several police forces with defined functional and geographical responsibilities: The National Police operates at an urban level throughout the country, mainly in capital cities, except in Catalonia, Navarra and the Basque Country, where they are replaced by the regional police. The Civil Guard, which is a body of a military nature, operates in populations of up to 50,000 inhabitants in inter-urban and rural areas. And the local police, dependent on and present in municipalities with a size equal to or greater than 5,000 inhabitants, which carries out traffic, administrative and judicial police functions, as well as public safety. Local police is the closest to a community policing model.

[11] These included: the systematic use of police stop and search forms and the development of a protocol for their correct use; development of a statistical system for collecting and monitoring data disaggregated by race, ethnicity and/or nationality; training National Police agents on cultural diversity and how to legally carry out controls; and setting up procedures for the reception of complaints.

Objective 3. What is the psychological and social impact of such police stops on minority groups?

2. Theoretical framework

Understanding why people from minority groups are identified in a discriminatory way -and its consequences on them- has been explained from different theories. Research evidence over the past three decades has found that specific stereotypes and prejudices are commonly used by police officers to classify people based on their ethnic origin[12].

Social psychologists have focused their attention for decades on prejudice to explain social behavior. Similarly, they have also addressed and explained discrimination, understood as «negative actions towards groups that are victims of prejudice[13]». Consequently, discrimination implies an action (whether verbal or physical), however prejudice would be an attitude. Attitude, in turn, entails the presence of mental schemes that acts as a powerful filter of reality that helps us interpret it quickly and without too much cognitive effort interpreting and systematizing information in such a way that «individuals with prejudices towards specific groups tend to process information about them in a different way than others[14].» They usually pay more attention to it and remember it better, in this way the prejudiced information is stereotyped and strengthened over time. In addition, considering the «other» with more negative characteristics than «us» makes us feel more valuable and superior, thus reinforcing our own self-esteem.

There are three theories to explain the prejudices creation: the realistic conflict theory[15], the social learning theory[16] and the social categorization perspective[17]. The first refers to direct intergroup conflict, that is, to competition as a source of prejudice. Within this theory, society is unequally structured by different groupings or classes of individuals with similar identities, values, and power. The dominant group, better positioned and definer of a certain social order, perceives the minority group as threatening, especially if it belongs to a different lower class and ethnic group. Consequently, the dominant group exercises its power to discriminate against the other in multiple ways to achieve or perpetuate their social exclusion. In this order of ideas, the stereotypes, or mental schemes that we maintain are created and biased based on our affiliation to one group or another, and to the power relations that occur within an asymmetric social structure[18].

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[12] BOWLING/PHILLIPS, «Policing ethnic minority communities», in NEWBURN (ed.), *Handbook of policing*, Willan Publishing, London, 2003, p. 13.

[13] BARON/BYRNE, *Psicología social*, 10ª Edición, 2011, p. 217.

[14] BARON/BYRNE, *Psicología social*, 10ª Edición, 2011, p. 231.

[15] BOBO, «Whites' opposition to busing: Symbolic racism or realistic group conflict?», *Journal of Personality and Social Psychology*, vol. 45, 1983, pp. 1196-1210.

[16] PETTIGREW, «Racially separator together?», *Journal of Social Issues*, vol. 24, 1969, pp. 43-69.

[17] JUDD/RYAN/PARK, «Accuracy in the judgment of in-group and out-group variability», *Journal of Personality and Social Psychology*, vol.61, 1991, pp. 366-379; LAMBERT, «Stereotypes and social judgement: The consequences of group variability», *Journal of Personality and Social Psychology,* vol. 68, 1995*,* pp. 388-403; LINVILLE/FISCHER, «Exemplar and abstraction models of perceived group variability and stereotypicality», *Social Cognition*, vol. 11, 1989, pp. 92-125; HEWSTONE/BOND/WAN, «Social factors and social attributions: The explanation of intergroup differences in Hong Kong», *Social cognition*, vol. 2, 1983, pp. 142-157.

[18] GARCÍA-ESPAÑA, *Inmigración y delincuencia en España: Análisis criminológico*, Tirant Lo Blanch, 2001, p. 73.

The perspective of social learning offers a vision according to which «prejudice is acquired through direct and vicarious experiences in a similar way to other attitudes[19]». Acquiring negative attitudes in childhood about other groups is due to views coming from primary and secondary socialization agencies. In response to which children learn prejudice by internalizing it from an early age, as correct social norms to follow. Thus, the more prejudices exist in each society, the easier it will be to consolidate and normalize over time. Regarding the perspective of social categorization, it places the origin of prejudice in the division that people make of the social world: «us and them». The we-they effect entails classifying people as related or not to our group, that is, belonging to the own group or ingroup, or to the other, to the non-own or outgroup[20]. Any other group that is not ours, whether for reasons of race, sex, age, religion, occupation, etc., will be seen as different and unfavorable. Consequently, it will be very difficult for us to attribute positive or admirable actions to them and, when this happens, the attribution is usually external.

Therefore, while the police is an institution that represents the majority group and intervene on a stereotyped reality can lead to discrimination, for example in police stops. This has two consequences: that citizens trust and support the police less when they have recently been stopped and searched, or when they have had negative experiences with the police[21]. Ben-Borat[22] points out that minorities do not usually perceive the police as a public service, but rather as an enemy, due to unequal treatment shown in two aspects: disproportionate control measures (over-policing) and little attention paid to their specific needs (under-policing). The disproportionate control is mainly evidenced in targeted practices of police detention with a racial bias (racial profiling) and in a greater presence of police in areas where the perceived threat from minority groups is higher.

Summarising much of this social psychological evidence, in their influential paper, Smith and Alpert[23], concluded: «the available social–psychological research suggests that if racial profiling is occurring, it is most likely the result of subconscious attitudes resulting either from differential exposure to group criminality or by the illusory correlation phenomenon, which causes police officers to overestimate the prevalence of negative behaviours among minority group members.»And rather than conscious bias, which may shape the decision maker of some officers, much of the individual level bias is likely the effect of implicit biases that operate outside of conscious awareness and control but nevertheless influences our behaviour[24].

What has also become clear in the literature and policy discussions is that discriminatory outcomes in police practice are not only a consequence of individual police officers decisions, but also result from institutional sources when established protocols and procedures result in

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[19] BARON/BYRNE, *Psicología social*, 10ª Edición, 2011, p. 229.

[20] BARON/BYRNE, *Psicología social*, 10ª Edición, 2011, p. 231.

[21] BRADFORD/JACKSON/STANKO, «Contact and confidence: revisiting the impact of public encounters with the Police: Erratum», *Policing and Society*, vol. 19-2, 2009, pp. 191–197; OSJI/STOPWATCH, *Viewed with Suspicion the human cost of Stop and Search in England & Wales*, London, 2013.

[22] BEN-PORAT, «Policing multicultural states: lessons from the Canadian model», *Policing and Society*, vol. 18-4, 2008, pp. 411-425.

[23] SMITH/ALPERT, «Explaining Police Bias: A Theory of Social Conditioning and Illusory Correlation», *Criminal Justice and Behavior*, vol. 34-10, 2007, pp. 1262-1283.

[24] SPENCER/CHARBONNEAU/GLASER, «Implicit bias and policing», *Social and Personality Psychology Compass*, vol. 10-1, pp. 50-63.

what is typically defined as indirect discrimination. Since the British Macpherson report[25] that popularised the notion of the police as «institutionally racist» it has become accepted that discrimination in police practice will not be solved simply by trying to minimise officers bias but also require broader and more holistic responses.

In short, we are asking about the legitimacy of the police institution when it violates rights because of the lack of objective criteria and the use of cognitive biases such as prejudice and its consequences. Regarding the later, Tyler points out that[26] the reason for obeying the law is due to legitimacy of the rule and not to fear of the punishment, as was believed before. This author states that both the legislator and the law enforcement agents can better perform their role if they work under a legal system that deserves the respect of citizens. His main finding is, therefore, that the law is obeyed to the extent that the authority is considered legitimate. Indeed, the risks of punishment for breaking the law are too low and, at times, there is the perception that sentences imposed are not harsh enough. For this reason, it is argued that the normative and ethical aspects of behaviour lead to a more durable compliance than those produced by the coercive threat[27]. However, these ideas are the subject of debate in criminology[28].

In addition, the theory of procedural justice has to do with all kinds of authority, although the focus of this work is to contextualise this theory in the law enforcement field. Studies on police and procedural justice consider that legitimacy of police actions has to do with the quality of both decision-making (impartiality, equal treatment, transparency, etc.) and interpersonal dealings (treating people with dignity and respect). Many studies have shown that quality in both aspects (decision-making and interpersonal dealings) reinforces social ties between individuals and the police, while building trust in the latter by increasing the feeling of belonging to the group represented by the police authority.[29] In other words, legitimacy is a subjective state of those governed, so it is they who must recognise the authority of the system.

JACKSON ET AL.,[30] argue that the police is legitimate, i.e., citizens will recognise its authority, when it meets three conditions: (i) individuals perceive that police officers act respecting morally valid ways, (ii) they believe that the police abide by the rules and procedures established to regulate their behaviour, and (iii) when citizens voluntarily offer their consent to police activity. Therefore, there is confidence to the extent that the belief is shared that the police act competently, guarantee fair procedures, and provide equal protection for the entire society (ibid).

In this context, the analysis of citizens' perceptions about the police is key to understand the level of trust, legitimacy and police cooperation. Sometimes the goal of these studies is to seek the views of a sample, regardless of whether or not it has come into direct contact with a police

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[25] HOME DEPARTMENT BY COMMAND OF HER MAJESTY, *The Stephen Lawrence Inquiry. Report of an inquiry by Sir William MacPherson of Cluny*, London, 1999.

[26] TYLER, *Why People Obey the Law*, Princeton University Press, 2006.

[27] JACKSON/POOLER/HOHL/KUHA/BRADFORD/HOUGH, «Confianza en la Justicia: Resultados principales de la 5.ª edición de la Encuesta social europea», *Serie de resultados principales de la ESE*, no. 1, 2012.

[28] See: NAGIN/TELEP, «Procedural justice and legal compliance: A revisionist perspective», *Criminology & Public Policy*, vol. 19-3, 2020, pp.761-786.

[29] BRADFORD/JACKSON, *SSRN Electronic Journal*, 2010; OSJI/ STOPWATCH, *Viewed with Suspicion the human cost of Stop and Search in England & Wales,* London, 2013.

[30] JACKSON/POOLER/HOHL/KUHA/BRADFORD/HOUGH, *Serie de resultados principales de la ESE*, no. 1, 2012.

force and, in other cases, the studies focus on a subset of individuals who have had some experience with law enforcement agents. In the latter case, interactions taking place between the agent and the citizen as a result of a stop and search are typically analysed, as well as complaints filed for improper treatment or mistreatment. Along these lines, some authors[31], point out that citizens, in particular those from minority groups, are more likely to express their dissatisfaction with the police when they have been stopped as a result of racial discrimination. In addition, some studies highlight the importance of the police officers' race in citizen perceptions. There is more mistrust when the police officer's race represents the dominant power and the citizen belongs to a minority group. In particular, a police officer with traits of a minority tends to arise less scepticism in citizens from minority groups[32]. Similarly, when the police have an image of respectful and transparent treatment of citizens this also improves trust. For this reason, it is essential to establish control mechanisms for police actions, in order to know the number of police identifications carried out, the disproportion between native population and minority groups, the treatment provided at the time, etc. In other words, internal accountability measures.

Unfortunately, the General Police Directorate is reluctant to incorporate the use of stop forms in its actions to reduce racial bias. However, although the Spanish National Police is competent in matters of immigration and, therefore, performs the function of ensuring immigration control, police identifications are the responsibility of all law enforcement bodies. In this sense, some local police forces have shown themselves to be more responsive to this type of programmes, although there are few examples of such initiatives (as we will see below in the STEPSS and PIPE projects).

3. Methodology

In order to achieve the research objectives, we conducted a systematic review of the existing literature: Systematic reviews help us be aware of what is known and what is not about a particular topic in a concise, detailed, logical and critical way, identifying its possible gaps. It gives us an idea about the current state of the problem to be researched, allows us to examine and compare the research methods used, as well as their appropriateness and limitations, while comparing the results and drawing conclusions[33].

Our review has included empirical studies with different quantitative and qualitative methods. The inclusion criteria were as follows: the studies had to be conducted in Spain (at national,

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[31] MILLER/BLAND/QUINTON, *The Impact of Stops and Searches on Crime and the Community,* Police Research Series no. 127, Home Office, London, 2000, p. 47; STONE/PETTIGREW, *The Views of the Public on Stops and Searches,* Police Research Series no. 129, Home Office, London, 2000, pp. 12-15; WITZER/TUCH, «Perceptions of Racial Profiling Race, Class, and Personal Experience», *Criminology*, vol. 40, 2002, p. 449; BOWLING/PHILLIPS, in NEWBURN (ed.), *Handbook of policing*, Willan Publishing, London, 2003, p. 13; WAGMAN, *Perfil Racial en España: investigaciones y recomendaciones,* Grupo de Estudios y Alternativas GEA 21, 2005, p. 34; MILLER/GOUNEV/PAP/WAGMAN, «Racism and police stops: adapting US and British debate to continental Europe», *European Journal of Criminology*, vol. 5-61, 2008, pp. 182-183; AMNESTY INTERNATIONAL, *Parad el racismo, no las personas. Perfiles raciales y control de la inmigración en España,* 2011, p. 5; BOROOAH, «Racial Disparity in Police Stop and Searches in England and Wales», *Journal of Quantitative Criminology*, vol. 27-4, 2010, pp. 453-473.

[32] COCHRAN/WARREN, «Racial, Ethnic, and Gender Differences in Perceptions of the Police: The Salience of Officer Race Within the Context of Racial Profiling», *Journal of Contemporary Criminal Justice*, vol. 28, 2011, pp. 206-227.

[33] HART, *Doing a literature review*, Sage Publications, London, 1998; GOUGH/OLIVER/THOMAS, *An Introduction to Systematic Reviews*, Sage Publications, London, 2017.

regional or local level), from 2000 onwards, with a rigorous selection of a sample that was adequate for the type of design needed. These criteria are very broad, but given the limited number of studies on this topic in Spain, we had to be flexible. In order to find such studies, we searched through the SCOPUS, ProQuest and Google Scholar platforms by using the following keywords: police stop, police search, racial profiling and Spain.

For objective 1, the search focused on studies that had analysed discrimination in police stops as documented by administrative data or stop forms.

For objectives 2 and 3, a selection was made of studies analysing the perception of citizens belonging to minority groups around two pillars: police treatment and the psychological and/or social impact arising from such treatment. Here the analysis focuses on subjective discrimination, i.e., the perception which the person has about his/her own discrimination. These studies typically used surveys, personal interviews and direct observation of the police stops. They analysed questions such as whether respondents perceived the stop as discriminatory or inappropriate; if the police stop was due to ethnic or race reasons; if the police was respectful; the psychological and/or social impact of said actions, such as feelings of lack of belonging and loss of trust in the police institution.

3.1. Sample of studies

The inclusion criteria were fulfilled by 32 scientific studies, including the different waves or barometers of surveys carried out regularly (European Social Survey -ESS-, *Metroscopia* barometers and reports from the European Union Agency for Fundamental Rights -FRA-). These included academic sources as well as reports from the government and third-sector organisations. As shown in the table below, these have been classified by chronological order and research objectives. Most studies focused on Objectives 2 and 3 (n=27), used surveys (through personal and/or telephone interviews), with very large and representative samples, and had a national scope.

The use of surveys has facilitated the quantification and comparison of many indicators, especially between the ESS and the FRA, or between the study by GARCÍA-AÑÓN ET AL.[34], the ESS and the *Metroscopia* barometers, since they used verifiable variables or questions. However, this hinders the unstructured exploration of citizens' perceptions since it gives no room for a richer and more informal discourse to emerge. This is especially important as regards gaining knowledge of other types of impact (emotional).

There is also a smaller number of qualitative studies (with direct or participant observation, discussion groups and unstructured interviews) and, among them, those by WAGMAN (2005) and APDHA & IPAZ-UGR (2016)[35]. However, these qualitative studies have not been published in peer review journals, lack detail as regards methodology, and it is sometimes unclear how the

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[34] GARCÍA-AÑÓN/BRADFORD/GARCÍA-SÁEZ/GASCÓN-CUENCA/LLORENTE-FERRERES, *Identificación policial por perfil étnico en España. Informe sobre experiencias y actitudes en relación con las actuaciones policiales*, Colección «Derechos Humanos», no. 22, Tirant lo Blanch, Valencia, 2013.

[35] WAGMAN, *Perfil Racial en España: investigaciones y recomendaciones,* Grupo de Estudios y Alternativas GEA 21, 2005; Asociación Pro-Derechos Humanos de Andalucía -APDHA-, Instituto de la Paz y los Conflictos de la Universidad de Granada -IPAZ-UGR-, *Identificaciones basadas en perfil étnico en Granada. Estudio realizado mediante observación y entrevistas directas,* 2016.

conclusions are supported by data[36]. There are other reports published by the Neighborhood Human Rights Observation Brigades (*Brigadas Vecinales de Observación de los Derechos Humanos*) that are often cited in Spain. However, their scientific rigour is poor, so we decided to exclude them from our review. There is limited evidence from administrative sources about the level of disproportion in police stops. However, the STEPSS (Strategies for Effective Police Stop and Search)[37] and PIPE (Program for Effective Police Identification)[38] projects, as well as the work of LÓPEZ-RIBA[39], with data provided by the police[40], are an exception. All of them had a local scope and constitute a small sample of works, considering that Spain has more than 2,000 local police forces.

Table 1. Selection of scientific and empirical studies by inclusion criteria and research objectives

	Method			Tools				Level			Population	
	Quantitative	Qualitative	Mixed	Stop forms	Surveys	Interviews	Focus groups	Local	Regional	National	Any nationality	Specific groups
OBJECTIVE 1 **Data generated by the police services**												
Schmitt/Pernas. STEPSS Project (Strategies for Effective Police Stop and Search). 2008.			X	X		X	X	X			X	
García-España/Arenas-García/Miller. 2016. PIPE Project (Program for Effective Police Identification).			X	X		X	X	X			X	
López-Riba, 2019, 2021.	X								X		X	
OBJECTIVES 1, 2 & 3 **Data from citizens' experiences and perceptions**												
ESS, 2002-2018.	X				X					X	X	
Colectivo IOÉ/FSG, 2003.	X				X				X			X
Wagman/Grupo de Estudios y Alternativas 21 (GEA21), 2005.		X				X	X	X			X	
Metroscopia, 2006-2010.	X				X					X		X

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[36] APDHA/IPAZ-UGR-, *Identificaciones basadas en perfil étnico en Granada. Estudio realizado mediante observación y entrevistas directas*, 2016, p. 27.

[37] SCHMITT/PERNAS, *Pasos hacia la igualdad. El proyecto STEPSS*, Grupo de Estudios y Alternativas 21, 2008.

[38] GARCÍA-ESPAÑA/ARENAS-GARCÍA/MILLER, *Identificaciones policiales y discriminación racial en España,* Tirant lo Blanch, Valencia, 2016.

[39] LÓPEZ-RIBA, *Las identificaciones policiales en España: un análisis crítico desde la Criminología* (Doctoral Thesis). Universitat Pompeu Fabra, Barcelona, 2020; LÓPEZ-RIBA, «Distributive justice and police legitimacy: the demographic and geographical distribution of police ID checks in Spain», *Política Criminal: Revista Electrónica Semestral de Políticas Públicas en Materias Penales*, vol. 16-31, 2021, pp. 146-163.

[40] STEPSS and PIPE collected data from stop forms and LÓPEZ-RIBA from the police internal computerized records.
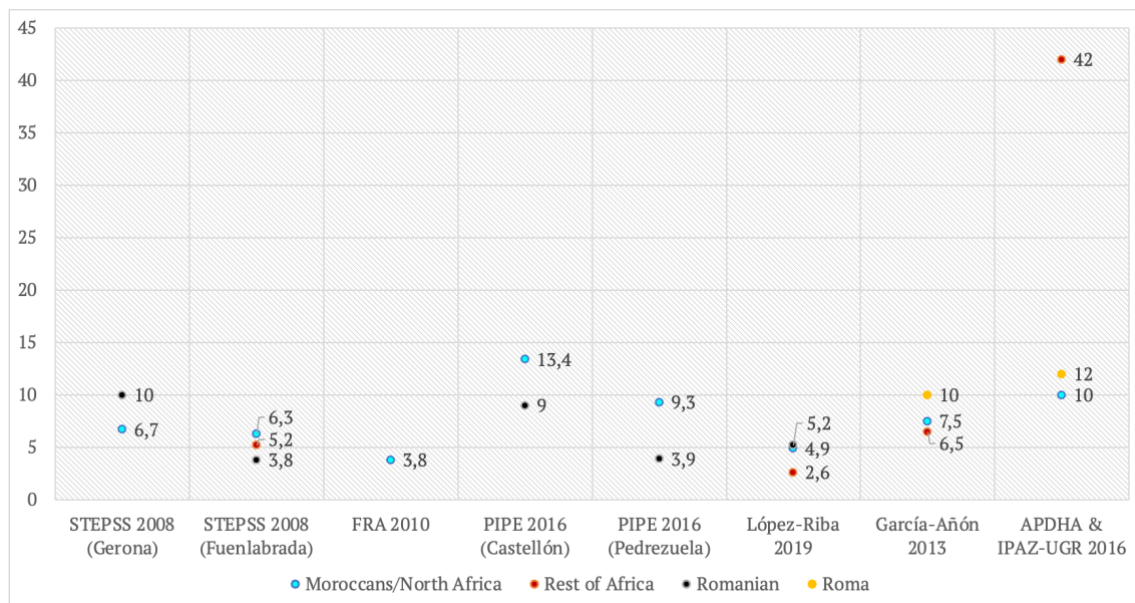
FRA, 2009a; 2009b; 2010.	X			X				X	X	
Tamarit-Sumalla et al., 2011.	X			X			X			X
RED2RED, 2011.		X		X	X	X		X		X
RED2RED, 2012.		X		X	X	X		X		X
García-Añón et al., 2013.	X			X				X	X	
QUOTA Research, 2014.		X		X	X	X		X	X	
APDHA/IPAZ-UGR, 2016.		X		X	X		X			X
FRA, 2018; 2021.	X			X				X	X	
García-España/ Aguilar-Jurado/ Contreras-Román. 2020. DIA Project (Delincuencia de Inmigrantes Asentados).	X			X			X			X

4. Results

4.1. Disproportion in police stops

Disproportionality is measured in three different ways in these studies. Those that rely on police data are focused on disproportionality among national groups, given official data only measure nationality (STEPSS, PIPE and LÓPEZ-RIBA). Others, like the FRA survey, focuses on disproportionality in relation to migrant groups (first and second generation). Whereas a final group uses ethnicity/race as self-defined in surveys or observed in systematic observation studies as the key criteria to assess disproportionality (GARCÍA-AÑÓN and APDHA & IPAZ-UGR). Therefore, results are not directly comparable, but capture different aspects of what it is a complex phenomenon.

As we can see in the figure below, people from minority groups are stopped in Spain to a greater extent than people from the majority population, as evidenced by data collected by the police services, surveys administered to citizens and participant observation. Regarding the former and the graph below, the STEPSS and PIPE programmes, as well as the study carried out by LÓPEZ-RIBA, show that people from North Africa, Sub-Saharan Africa and Eastern European countries are more likely to be subject to stops for identification purposes than native people. In particular, Moroccans were 6.3 times more likely to be subject to police stops in the city of Fuenlabrada (Madrid) and 6.7 times in Girona, while in Castellón and Pedrezuela (Madrid) these figures reached 13.4 and 9.3, respectively. LÓPEZ-RIBA found a disproportion of 4.9 in the region of Catalonia as regards stops of Moroccan citizens. With respect to Sub-Saharan Africans, the imbalance for this group was clear in Fuenlabrada (5.2 in the case of Nigerians), although in Girona, Castellón, Pedrezuela and Catalonia, the greatest disproportionality occurred within the group of Romanians (10, 9, 3.9 and 5.2).

Figure 1. Disproportion in police stops by minority group and study

Likewise, this disproportionality in police stops has also been reported in surveys by citizens recounting their experience. The 2009 FRA survey on Muslims showed «higher rates of policing towards Muslims of North African origin»[41]. According to the 2010 FRA survey, North Africans were the minority group that reported a higher average frequency of stops in the last 12 months compared to the majority population (3.8 versus 2.8 on average). The RED2RED and QUOTA Research studies pointed in the same direction. Between 25% and 36% of those people declared they had been identified on the street due to their ethnic origin. These situations were perceived more strongly by populations of Sub-Saharan (55% in 2011 and 43% in 2012 and 2014), the Maghreb (46% in 2010 and 25% in 2014) and Indo-Pakistani origin (36% in 2011 and 31% in 2014). GARCÍA-AÑÓN ET AL.[42] detected that, although citizens from the Maghreb were stopped more often than other minority groups and Spanish Caucasians, that is, up to 7.5 times more frequently, Roma reported being stopped up to 10 times more. Finally, an innovative study carried out in Granada[43] by applying systematic observation for a month in a bus station, concluded that the frequency of identification stops of minority groups was significantly different to those of people from the Caucasian group. The study stated that Africans were stopped 42 times more often, Roma 12 times and Moroccans 10 times more.

In addition, it should be noted that, in FRA 2010, the majority population is more frequently identified in a private vehicle (70%) than Romanians (39%), South Americans (23%) and North Africans (16%). And on the contrary, those most frequently stopped in public transport or on the street are North Africans (81% in FRA 2010; 40% in FRA 2018), South Americans (71% in FRA 2010) and Roma (40% in FRA 2018).

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[41] FRA, *Informe «Data in Focus». Los musulmanes*, Viena, 2009b, p.14.

[42] GARCÍA-AÑÓN/BRADFORD/GARCÍA-SÁEZ/GASCÓN-CUENCA/LLORENTE-FERRERES, *Identificación policial por perfil étnico en España. Informe sobre experiencias y actitudes en relación con las actuaciones policiales*, Colección «Derechos Humanos», no. 22, Tirant lo Blanch, Valencia, 2013.

[43] ASOCIACIÓN PRO-DERECHOS HUMANOS DE ANDALUCÍA -APDHA-, INSTITUTO DE LA PAZ Y LOS CONFLICTOS DE LA UNIVERSIDAD DE GRANADA -IPAZ-UGR-, *Identificaciones basadas en perfil étnico en Granada. Estudio realizado mediante observación y entrevistas directas,* 2016.

4.2. Perceptions about police action or treatment

Minority groups perceive discrimination for being stopped because of their physical appearance (for racial or ethnic reasons) and for being treated with disrespect during the stop. All the studies carried out in Table 2 show that there were police stops perceived as discriminatory for racial or ethnic minority reasons. The proportion of respondents who answered «yes» to this question ranges between 13%[44] and 39% for those studies that provide this information.

Some reports, as RED2RED[45] and QUOTA Research[46], showed that the most frequent area of discrimination and where immigrants were perceived as more potential victims - and with a more unequal treatment - was the police domain compared to perceived discrimination in other areas such as housing, education, health, local administration and the neighborhood. They are also the only ones to provide more detailed information about experiences of discrimination according to sex and age. As we can see in the table below, the differences by sex were more significant, i.e., men perceived that they were treated as criminals by the police more often than women. It was also detected that people between 25 and 40 years old and those who had been living in Spain the longest, that is, 10 years or more (46% in 2011, 40% in 2012 and 26% in 2014), had felt more discriminated against. As regards the experiences of discrimination suffered according to minority groups, in the table below we can see the percentage of each group that has reported being stopped for racial reasons. It seems that people from North Africa, especially Morocco, and from Sub-Saharan countries, together with the Roma community are the most stigmatised groups and they also report more disrespect during stops. As per religion, Muslims felt they were treated worse than Christians and other religions[47]. These results are in line with the studies by *Metroscopia[48]* and FRA[49].

However, a disrespectful treatment was also perceived at times other than during the police stop, specifically when filing a complaint. The RED2RED and QUOTA Research studies pointed out that 7% of respondents reported that they were treated badly when they went to the police station to carry out any procedure or file a complaint, particularly when it comes to the Sub-Saharan, Maghreb, Roma and Indo-Pakistani population[50]. In addition, most people (41% in 2010

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[44] However, the study of METROSCOPIA (2011), showed data that were somewhat more positive, since only 13% of the immigrant respondents had ever felt discriminated against by the authorities or the police due to being Muslim or immigrants (2011, p. 91), although the non-response rate was very high (30%).

[45] RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas.* Study made by RED2RED for the Ministry of Health, Social Policy, and Equality, Madrid, 2011; RED2RED, Estudio anual sobre la discriminación por el origen racial o étnico: la percepción de las potenciales víctimas 2011. Study made by RED2RED for the Ministry of Health, Social Policy, and Equality, Madrid, 2012.

[46] QUOTA RESEARCH, *Percepción de la discriminación por le origen racial o étnico por parte de las potenciales víctimas en 2013.* Study made by QUOTA RESEARCH for the Ministry of Health, Social Policy and Equality, Madrid, 2014.

[47] GARCÍA-AÑÓN/BRADFORD/GARCÍA-SÁEZ/GASCÓN-CUENCA/LLORENTE-FERRERES, *Identificación policial por perfil étnico en España. Informe sobre experiencias y actitudes en relación con las actuaciones policiales*, Colección «Derechos Humanos», no. 22, Tirant lo Blanch, Valencia, 2013, p. 156.

[48] METROSCOPIA, *Valores, actitudes y opiniones de los inmigrantes de religión musulmana. Quinta oleada del Barómetro de Opinión de la Comunidad Musulmana de origen inmigrante en España*, Madrid, 2011.

[49] FRA, *Informe «Data in Focus» . Los musulmanes*, Viena, 2009b.

[50] RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas*, Study made by RED2RED for the Ministry of Health, Social Policy and Equality, Madrid, 2011, pp. 66-67; QUOTA RESEARCH, *Percepción de la discriminación por le origen racial o étnico por parte de las potenciales víctimas en 2013.* Study made by QUOTA RESEARCH for the Ministry of Health, Social Policy and Equality, Madrid, 2014, p. 79.

and 32% in 2011) said that «to make a complaint would be useless or would not change anything», which shows demotivation, probably due to the lack of credibility given to the complaint processes, the rejection experienced, or the abuse perceived in general terms[51]. Finally, in the FRA 2021 study[52], it is indicated that the Roma population perceives disrespectful treatment to a greater extent than the majority population and the North African population.

Table 2. Perceptions of discrimination experiences in police stops, and during police stops (treatment), by sex, age and minority group.

	Police stops due to the racial or ethnic profiling				Disrespectful treatment
	Total	Sex	Age	Minority group	
Colectivo IOÉ/FSG, 2003.	Yes (20-30%)	Male	(-)	Ecuadorians (42%) and Moroccans (33%) and Roma (34%).	(-)
FRA, 2009a; 2009b.	Yes	(-)	(-)	North Africans (around 73% and 72%)	(-)
FRA, 2010.	Yes	(-)	(-)	North Africans (42%), South Americans (25%) and Romanians (18%).	Majority population (25%), North Africans (23%) and South Americans (16%).
RED2RED, 2011.	Yes (39%)	Male 56% Female19%	25-40 (45%)	Sub-Saharan Africans (55%) and Roma (37%).	(-)
RED2RED, 2012.	Yes (34%)	Male 46% Female 19%	25-40 (37%)	Sub-Saharan Africans (44%), North Africans (37%) and South Americans (37%).	Sub-Saharan, Maghreb, Roma and Indo-Pakistani
García-Añón et al., 2013	Yes (13%)	(-)	(-)	(-)	4 out of 10 Moroccans, Muslims (per religion), 4 and 5 out of 10 Moroccans and «other Africans» (per country), 4 out of 10 Maghreb community and Roma (per ethnic appearance)
QUOTA Research, 2014	Yes (28%)	Male 34% Female 15%	25-40 (26%)	Sub-Saharan Africans (44%), Roma (36%), North Africans (27%) and South Americans (33%).	Roma (69%), South Americans (57%) and Sub-Saharans (52%).
APDHA/ IPAZ-UGR, 2016	Yes (38%)	(-)	(-)	(-)	21%
FRA, 2018	Yes	(-)	(-)	North Africans (47%) and Roma (46%).	(-)
FRA, 2021	Yes	(-)	(-)	North Africans (47%) and Roma (46%).	Roma (26%), North Africans (15%) and majority population (16%).

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[51] RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas*. Study made by RED2RED for the Ministry of Health, Social Policy, and Equality, Madrid, 2011, pp. 69 and 97 ss.

[52] FRA, *Your rights matter*: *Police stops, Fundamental Rights Survey*, Luxembourg, 2021, p. 18.

4.3. Consequences of police discrimination

According to the theory of procedural justice, the police treatment received modulates citizen attitudes towards them, and places particular emphasis on trust, legitimacy and cooperation. Consequently, many of the selected studies have addressed these issues to a lesser or greater extent. In the work of Colectivo IOÉ[53] it was determined that all the groups under study had an average trust in the police of 2 points (with 1 being «no trust» and 4 «full confidence»). Colombians showed the highest percentages (36%), and Ecuadorians the lowest (22%), in «great or full confidence in the police». This result is in line with the study by TAMARIT-SUMALLA ET AL.,[54] which revealed that the Colombian immigrant population had a positive assessment of the police, giving them «quite a lot of trust» (around 45%) and «great confidence» (around 15%).

Responses from the Muslim immigrant population also indicated an average trust for the whole period of 6.1 points in the police (ratings being between 0 «no trust» and 10 «full confidence»)[55]. Similar values were also found in FRA 2010 report. The percentage of groups declaring that they «generally trusted» the police was similar among North Africans (52%), South Americans (63%), Romanians (67%) and the majority population (62%). Thus, in the FRA 2018 survey, it was detected that, as regards trust in both the police and the legal system, North Africans in Spain were the group with the most confidence towards the police as compared to the remaining countries of the sample (6.6 and 6.1 points out of 10, respectively).

However, the aforementioned values are lower if we compare the 2010 data with the ESS data from 2002 to 2018. In the FRA 2010 report there is a greater mistrust of the stopped persons towards the police, this being the main reason for not reporting incidents (48%)[56]. However, there are many other reasons for this, as reflected in the RED2RED studies, like, for example: reporting would be useless (41%), too many inconveniences such as bureaucracy and expenses (10%), mistrust of the police (8.9%), problems with the language (4%), not knowing where or how to do it (3%)[57]. All the above means that the police does not pay attention to what is reported, that the person in particular did not want to use this resource and that the group or ethnic group itself does not report incidents («Roma do not report»)[58]. Although hardly any differences were found in the results of the 2012 RED2RED report, the latter included an analysis of the consequences experienced due to discrimination, and it is striking that physical after-effects increase among those who say they have been discriminated against by police treatment (9.5%)[59]. In addition, out of the 20.9% of respondents who acknowledged having suffered some consequences arising

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[53] COLECTIVO IOÉ, *Experiencias de Discriminación de Minorías Étnicas en España contra inmigrantes no comunitarios y el colectivo gitano*, 2003.

[54] TAMARIT-SUMALLA/LUQUE-REINA/GUARDIOLA-LAGO/SALINERO-ECHEVERRÍA, «La victimización de migrantes. Una encuesta a colombianos en Cataluña», *Revista Electrónica de Ciencia Penal y Criminología*, vol. 13-11, 2011, pp. 1-22.

[55] METROSCOPIA, *Valores, actitudes y opiniones de los inmigrantes de religión musulmana. Quinta oleada del Barómetro de Opinión de la Comunidad Musulmana de origen inmigrante en España*, Madrid, 2011, p.51.

[56] FRA, *Informe «Data in Focus». Identificaciones Policiales y Minorías*, Viena, 2010, pp. 14-16.

[57] RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas*. Study made by RED2RED for the Ministry of Health, Social Policy, and Equality, Madrid, 2011, p. 97.

[58] RED2RED, *Panel sobre discriminación por origen racial o étnico (2010): la percepción de las potenciales víctimas*. Study made by RED2RED for the Ministry of Health, Social Policy, and Equality, Madrid, 2011, p. 98.

[59] RED2RED, Estudio anual sobre la discriminación por el origen racial o étnico: la percepción de las potenciales víctimas 2011. Study made by RED2RED for the Ministry of Health, Social Policy, and Equality, Madrid, 2012, p. 97.

from discrimination, 14% showed mistrust towards the Spanish population and the police as the most common consequence, 11.8% refer having feelings of rage, anger and indignation, and 11.7% of them claim to suffer from depression and other psychological after-effects[60].

In the study by GARCÍA-AÑÓN ET AL.[61], which not only addresses issues of trust, but also of legitimacy and cooperation, it was noted that neutral or unsatisfactory stops were more associated with low levels of trust, especially in the recent stop. Furthermore, trust tended to be lower in the majority population than in the remaining minority groups, with the exception of the Roma community. In the FRA 2018 report[62] it was also pointed out that Spanish Roma citizens experienced greater mistrust towards the police and the legal system as compared to Roma from other countries (3.7 and 3.2 points out of 10). In order to explain why the majority population shows more mistrust towards the police, the authors stated that such findings could be due to the «ecological fallacy». This means not assuming that the average level of a variable (trust in the police) within a specific group will necessarily show the experience of a minority of that group, that is, those stopped on the street. In other words, this occurs when we make inferences about the characteristics of individuals based on the inferences that are made at the group level.

With regard to legitimacy, once again, people of Spanish nationality perceived that the values of the police were less in tune with theirs, with little change in the remaining groups, again with the exception of the Roma community, who had lower scores. The authors explain this fact by referring to the moral and social conservatism of the police in past times - with repression and lack of freedom - which would make Spaniards less identified with these values.

On the contrary, the group from Romania gave greater legitimacy to the police. According to the study of GARCÍA-AÑÓN ET AL.[63], this may be due to the fact that in their country of origin the police provides a worse service, and also due to the strong association between trust and legitimacy. In addition, it was detected that satisfactory stop experiences are associated with higher levels of legitimacy and, on the contrary, a neutral or unsatisfactory encounter correlates with lower levels of legitimacy. Data showed that when there is an experience of injustice, the willingness to cooperate with the police is impaired, and vice versa, among those people who experience recent and satisfactory stops, cooperation was somewhat higher, and this happened in all groups.

Finally, thanks to the DIA project[64], we know that trust in the police is lower in settled immigrants who had committed a prior crime. They believe that police treatment of ethnic minorities is worse (77% versus 23% of those without a criminal record), and also as regards

[60] QUOTA RESEARCH, *Percepción de la discriminación por le origen racial o étnico por parte de las potenciales víctimas en 2013*. Study made by QUOTA RESEARCH for the Ministry of Health, Social Policy and Equality, Madrid, 2014, p. 109.

[61] GARCÍA-AÑÓN/BRADFORD/GARCÍA-SÁEZ/GASCÓN-CUENCA/LLORENTE-FERRERES, *Identificación policial por perfil étnico en España. Informe sobre experiencias y actitudes en relación con las actuaciones policiales*, Colección «Derechos Humanos», no. 22, Tirant lo Blanch, Valencia, 2013, pp. 177-214.

[62] FRA, *Informe «Second European Union Minorities and Discrimination Survey. Main results»*, Viena, 2018, pp. 100-101.

[63] GARCÍA-AÑÓN/BRADFORD/GARCÍA-SÁEZ/GASCÓN-CUENCA/LLORENTE-FERRERES, *Identificación policial por perfil étnico en España. Informe sobre experiencias y actitudes en relación con las actuaciones policiales*, Colección «Derechos Humanos», no. 22, Tirant lo Blanch, Valencia, 2013, pp. 177-214.

[64] GARCÍA-ESPAÑA/AGUILAR-JURADO/CONTRERAS-ROMÁN, «Settled immigrants in the city of Malaga: local host context and crime», *International e-Journal of Criminal Sciences*, vol. 1-15, 2020, pp. 17-18.

justice (80% versus 20% of those without a criminal record). This allowed to corroborate that settled immigrants who had committed a crime think that the police and criminal justice do not act by using objective criteria, but rather with racial prejudice.

5. Conclusion

According to our review, police stops are carried out in Spain on the basis of racial profiling. This is a frequent and disproportionate practice, as has been verified by the analysis of data generated by the police in the framework of specific programmes (STEPSS and PIPE), as well as through the exploitation of secondary sources of information[65]. Besides, this disproportion is widely perceived by specific groups in terms of the results provided by various and successive national and international surveys whose subject matter is discrimination, police treatment and their consequences. Those surveys have made it possible to verify, almost year-on-year, the occurrence and perception of unfair police treatment. Among the hardest hit by such actions were people from North Africa, Sub-Saharan Africa, Eastern European countries and the Roma community. In other words, those with an Arab, black or Roma appearance are and feel more discriminated against by the police.

Besides, inappropriate treatment affected more men than women, between the ages of 25 and 40, who had been living longer in Spain and had, therefore, been exposed to increased opportunities for victimisation. In addition to the above, most of the police stops of people from minority groups take place on the street - unlike that of the majority population - which further stigmatises the former, due to the presence of other pedestrians. That is to say, this contributes to a great extent to the creation and maintenance of prejudices that criminalise the minority population. They also suffered more police searches attributable to discrimination.

Consequences of police discrimination analysed through the lens of procedural justice theory showed they had a more negative impact on individuals who had been or perceived to have been stopped due to racial reasons. These were analysed with regard to trust, legitimacy and cooperation. People that had been stopped in what they perceived as a discriminatory way had less confidence to report crimes because they considered that it was useless, there was too much bureaucracy involved or simply due to mere mistrust of the police. Furthermore, a neutral or unsatisfactory encounter with the police correlated with lower levels of perceived legitimacy.

Also, data showed that when there is an experience of injustice, the willingness to cooperate with the police is impaired, and vice versa, among those people with experiences of recent and satisfactory stops, cooperation was somewhat higher. In fact, we know little about the meaning people give to correct or incorrect treatment, and what other physical, psychological, family, work, etc. impact can be provoked by this type of discriminatory behaviour.

This lack of knowledge is due to the scarce empirical evidence from rigorous studies that apply more qualitative research methods, such as: unstructured in-depth interview, direct and participant observation, discussion groups, etc. In any case, thanks to the data provided by the surveys, we can conclude that people from diverse groups that are stopped for discriminatory reasons trust and cooperate less when filing a complaint about their own victimisation or any

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[65] LÓPEZ-RIBA, *Las identificaciones policiales en España: un análisis crítico desde la Criminología* (Doctoral Thesis). Universitat Pompeu Fabra, Barcelona, 2020.

other crimes which they may have witnessed. All the above results are consistent with those already obtained by various authors[66].

6. Recommendations

Based on the review of the existing literature, and considering its limitations and shortcomings, a series of good practices are proposed in order to improve police treatment, citizens trust and cooperation, as well as legitimacy of the police force. They are aimed at three actors: agents who carry out studies from the academic or professional sphere on perceptions about the police; police services; and representatives of the diverse community.

Regarding the former, it is necessary to develop more qualitative studies that complement the quantitative methodologies commonly used, which have been replicated over time (questionnaires or surveys), in order to gather richer information about experiences on police treatment, particularly at stops. With respect to the police services, it has been proved that the STEPSS and PIPE experiences, along with others of a similar nature, have contributed to the academic world - and especially to praxis – with a series of good practices and recommendations in order to guide the police management of diversity.

The *first one* recommendation has to do with meeting the needs of a diverse society, analysing their level of satisfaction with police services and their level of trust. For example, by conducting surveys and interviews with key community representatives.

The *second* key issue would be the improvement of relations with the diverse society, recognising that their effective participation is the most important proof of their trust in the police. In this sense, it would be very positive to improve the understanding and information which the police have regarding the diverse society - through training actions - and then to develop strategies for participation with the community. The aim is to ensure that the proposed activities meet the needs of minority groups while promoting mutual participation. For example, it is important to keep in touch with the associative network entities in order to prevent radicalised positions and shared stereotypes, by providing information on the actions that are being carried out, as a way of lending transparency and legitimacy to the police service.

The *third* is related to developing a work and an organisational culture that are inclusive, that recognise respect for and value of diversity. To this end, it is vital to incorporate agents from minority groups and to train the entire police staff. However, the mere incorporation of those agents would not only bring benefits, but a real career progression and future, where they may reach specialised positions and thus enrich the vision of the police. Similarly, it would be essential to train the entire the police force in matters of diversity. This last aspect is vital, in

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[66] MILLER/BLAND/QUINTON, «The Impact of Stops and Searches on Crime and the Community», *Police Research Series*, no. 127, 2000, p. 47; STONE/PETTIGREW, *The Views of the Public on Stops and Searches,* Police Research Series no. 129, Home Office, London, 2000, pp. 12-15; WITZER/TUCH, «Perceptions of Racial Profiling Race, Class, and Personal Experience», *Criminology*, vol. 40, 2002, p. 449; BOWLING/PHILLIPS, in NEWBURN (ed.), *Handbook of policing*, Willan Publishing, London, 2003, p. 13; WAGMAN, *Perfil Racial en España: investigaciones y recomendaciones,* Grupo de Estudios y Alternativas GEA 21, 2005, p. 34; MILLER/GOUNEV/PAP/ WAGMAN, «Racism and police stops: adapting US and British debate to continental Europe», *European Journal of Criminology*, vol. 5-61, 2008, pp. 182-183; AMNESTY INTERNATIONAL, *Parad el racismo, no las personas. Perfiles raciales y control de la inmigración en España,* 2011, p. 5; BOROOAH, «Racial Disparity in Police Stop and Searches in England and Wales», *Journal of Quantitative Criminology*, vol. 27-4, 2010, pp. 453-473.

view of the cross-cutting nature of education and its capacity to permeate the police structure, thus promoting a cultural change that, in the medium and long term will generate positive impact on society as a whole.

In this vein, existing studies[67] suggest that it is necessary to adapt police training programmes and encourage training among younger agents because they tend to be more open than older ones to these actions. The latter consider it a waste of time or an informal punishment. In the same way, evaluating the acquisition of knowledge before and after such training would be effective.

The *fourth* key issue is accountability for the actions performed. Control and monitoring of diversity management is considered an institutional matter that calls for the creation of specific bodies that are competent in this area, or collaborating with public bodies that are already consolidated and have similar objectives, as well as establishing evaluation programmes.

Finally, it would be advisable for representatives of the diverse society, as well as the associative network that works with them, to promote more activities together with the police services. In other words, for diverse society to maintain a more proactive and participative attitude towards the police, seeking forums for interaction that foster mutual contact. By way of example: joint training activities, celebrations or other collaborative events, disseminating reciprocal information, greater communication of the needs and opinions of minority groups, etc.

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