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**Racial Profiling of Moroccan Youths:  
A case study of police interactions with minority youngsters**

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## Abstract

Criminal injustice prevails for ethnic minorities. In the Netherlands, Dutch-Moroccan youngsters are a minority overrepresented in the criminal system. From the French researcher Didier Fassin, assumptions about the differences in interactions between youth and the police in the French banlieues were posited, based on many years of research, for example that youngsters with working-class or non-European background are more frequently and in a different manner approached than the majority of youth. Using Fassin's interaction theory, this paper analyzes the extent to which Dutch-Moroccan youngsters are treated unequally by the police due to their ethnic background compared to other youngsters. Underlying questions refer to how the interactions between the police and the youngsters take place and how the youngster's perception of the situation is interpreted. The relevance of this research lies within the selectivity of fundamental rights such as equal treatment, that is ongoing for groups like young Dutch-Moroccans and examine the extent to which racial profiling is structural and affects these youngsters more frequently than others.

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## 1. Introduction

The right to equal treatment is a fundamental right in the first article of the Dutch Constitution: “All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or on any other grounds whatsoever shall not be permitted” (Constitution of the Kingdom of the Netherlands, 2002). Institutional bias contradicts the definition of equality that is laid out in the Dutch constitution. Racial profiling is known as a form of institutional bias, it is originally referred to as the use of race and explicit criterion in “profiles” of offenders that some police organizations issue to guide police officers “decision making e.g. stop is based on ethnicity” due to explicit and implicit biases (Engel, Calnon and Bernard, 2006).

Explicit biases are thinking patterns that work on a conscious level. In reference to matters of race in policing, it can mean that police officers think people of ethnic minorities tend to be more criminal and should therefore be surveilled more strictly than the majority of people. Implicit bias works on a subconscious level. It means that a person who does consciously treat citizens unequally still tends to treat people differently. For example, even if a police officer tries to avoid effects that can be caused by racial profiling, it is still possible that he or she perceives people with an ethnic background more of a threat unconsciously in comparison to the majority of people. Both biases have significant effects on those who are affected. They can be found in many different contexts. In criminal justice systems, it can lead to profound disproportionalities of ethnic minorities incarcerated.

The era of mass incarceration in the USA is one outcome of these biases. Today more black citizens are in prison or on probation than were enslaved in 1850 (Alexander, 2012, p.9). Sociologists have investigated the reasons that could lead to such inequality. Researchers found that how long people were sentenced could be predicted by their appearance in their mug shot. The „blacker“ inmates looked to independent raters, the longer they were sentenced for the same offenses. This disparity is also found to be present in the imposition of the death penalty (Blair, Judd, Chapleau, 2004 in Payne, 2017, p. 161). Furthermore, experiments have shown implicit biases in the form of racially biased threat perception, which can be seen as one reason for police brutality in the form of homicide of black citizens in the US. It can be argued that those are the effects of the natural preference for drawing in-group, out-group boundaries. Movements like “Black Lives Matter” are the result of the awareness and frustration concerning these and other disparities. The history of institutionalized biases can be traced back to mechanisms that fueled slavery, Jim Crow and are still vividly present in the American justice

system (Pager, 2008; Blair, Jude and Chapleau, 2004; Eberhardt, Davies, Purdie-Vaughns and Johnson, 2006; Culotta, 2017).

Racialized policing and police violence have been a constant topic in scientific research, public discussions and political activism (Koning, 2017). For sufficient change of the use of selective law enforcement, legislature implementation, police behavior and police organizations have to be investigated (Mummolo, 2018). Policing ethnic minorities has grown into an extensive field of research, also in Europe (Koning, 2017; see Body-Gendrot, 2010; Bonnet and Caillault, 2014; Cankaya, 2012; Fassin, 2013; Mutsaers, 2014; Peterson and Akerström, 2014).

Labor Migration can be identified as one of the reasons why different ethnicities live together in European countries. The Netherlands experienced another wave of labor migration shortly after the Second World War where between 37,000 and 127,000 people immigrated per year prior to the beginning of the 21<sup>st</sup> century (Zorlu and Hartog, 2001). Among the major immigrant groups in the 1970s were Turkey, Morocco and Indonesia. The number of people with ethnic background in the Netherlands has increased in the past 70 years. Up to 2010, the overall ethnic minorities comprised about 11% of the population (Pakes, 2010, p.113). The biggest subgroup are Dutch-Moroccans with about 380,000 people, representing 2% of the population according to the Dutch Central Bureau of Statistics.

Although ethnic minorities crucially impact political, economic and cultural life, they are simultaneously associated with lesser social acceptance and therefore with lower incomes and higher unemployment rates. (Svensson and Saharso, 2015). Stol and Bervoets point out that Moroccans in the Netherlands are affected by 25% unemployment and lower incomes. Previous research about higher crime rates of young ethnic minorities show Dutch-Moroccan youths reflected in these circumstances and argued that overrepresentation of youngsters engaging in crime depends on lower social circumstances and that the youth justice policies have become more punitive over the last few decades (Bovenkerk and Fokkema, 2016; Muncie 2005; Pakes, 2010 (Stol and Bervoets, 2010). The previously made assumptions are confirmed by Konings approach that only focusing on the social circumstances that youngsters of ethnic minorities might face is too narrow to understand discriminatory effects.

The way ethnic minorities are treated by the criminal justice system, especially by the police and how it manifests in discriminatory effects for those affected should also be taken into consideration. Furthermore, scholars have inquired if data collected by the police about the rates of crime among immigrants can be used as valid data, due to the effects of explicit and implicit biases on these statistics (Bovenkerk and Fokkema, 2016).

In the American context, a lot of research has been done in order to shed light on the inequality and racism that minorities experience. Still, common perceptions about the existence of racism and institutionalized racism, like disparities concerning criminal justice, wealth or political power have not yet been overcome and remain an important topic to be discussed.

In Europe, there is still a lack of research on discriminatory effects of some kinds of policing for ethnic minorities in comparison to the USA. Investigating the Dutch situation is likely to make a contribution to this deficiency. The experiences of Dutch-Moroccans can be an example for the general experiences of minorities in Europe. Findings could impel the debate on possible solutions and stimulate the awareness of the problem which could require a systematic change of the institution of the police.

The debate often accuses the misuse of police discretion, American scholars have mentioned that the procedural changes or managerial directives in the form of rulemaking, budgeting and the threat of sanctions can have a crucial impact on officers' behavior (Mummolo, 2018). The conducted interviews concerning the police interactions could unravel some mechanisms that underlie racial profiling. The investigative value follows from the evaluation of police interactions with youngsters, how interactions can be perceived and how the reflection produces results that influence the interaction culture in the long term.

This paper is societally and scientifically relevant because it makes the effort to examine police interactions from a two-sided perspective and how policing affects minority groups in the Netherlands. Despite the main task of the police to maintain public security, the calls for harsh policing of minority groups increased because of xenophobic resentments (Vasta, 2007). The fact that institutional structures make certain groups of society better off than others based on their race represents an imbalance of the system and society. In addition, it poses a question about police legitimacy and in the broader sense public order (Fassin, 2013; Svensson and Saharso, 2015).

The difficulty in the field of racialized profiling and primed interaction is that the explanatory factors of the phenomenon have opened up different directions to investigate and steadily arrive at new conclusions. In the context of the importance of investigating racial profiling this research focuses on police interactions with a specific group of minority youth. Police interactions often start with a suspicion or evidence of an offense. How the interactions proceed can depend on potential tensions, reactions or unequal power balances. Police interactions can

display features of different treatment for native and minority groups and thus creates situations where racial profiling can appear (Fassin, 2013).

Burdens and threats for minority citizens should be reduced. This would include banning police violence and discriminating behavior against minorities, police training focusing on stopping prejudiced criminal prosecution and therefore attempting equality and diversity in society. In order to engage more in solutions, attention needs to be raised in politics and legislation needs to be supported that ensures minorities are equally incorporated in society including social, cultural and professional participation. The research problem of racial profiling of Dutch Moroccan youngsters in police interactions marks a societal issue.

The primary goal of this research is to describe, explore and explain the experiences that Dutch-Moroccan youths have when confronted by the police. This will include disadvantages they potentially face in police interactions. Also, the perceptions and experiences of the police will be examined. These findings will be put in a broader context to highlight the structural, administrative and societal features of racial profiling through conducting expert interviews with both police officers and youngsters. Moreover, this thesis aims to assess the extent of racial profiling and produce results for the awareness of the interaction process that is known to have consequence for minority youngsters and the police.

Therefore, the main target of this paper is to address the following question:

*“To what extent are police interactions with Dutch-Moroccan youths influenced by racial profiling?”*

In other words, to what extent are Dutch-Moroccan youngsters treated differently than other youngsters.

To systematically investigate this question, three sub-questions have been stated to support the analysis of the thesis. The first sub-question is *How are the mechanisms of police interactions between youngsters and the police represented and described in empirical research and recent literature?*

This sub-question will present information about police interactions with youngsters descriptively. Concretely, this means that the interactions will be explained, what key features define them and how they are embedded in the social context. To answer this questions, current literature will be used.

The second and the third sub-questions are *What is the perception of Dutch-Moroccan youngsters of personal interactions with the police and policing in general? And to what extent is racial profiling present in police interactions?* Both sub-questions will be part of the analysis. The second sub-question will elaborate on the perceptions that the youngsters develop from their experience in the interactions. The police officers' perceptions of the interactions with Dutch-Moroccan youngsters will also be analyzed as another aspect. What plays into potential pre-positions, procedures and reflections will be highlighted as a preliminary step to examine to what extent racial profiling is perceived as an influence in the interactions between the two groups. The third sub-question will concentrate on finding whether there are indicators that racial profiling prevails in policing and will search for potential explanations. This analysis will deliver first findings about the extent of racial profiling Dutch-Moroccan youngsters experience because of the police officers.

In order to answer this question, the paper is structured as follows. The second chapter will include some theoretical background information about the embeddedness of the racial bias and prejudice of the police. The third chapter includes the methodological explanations that build the core to examine the extent of racial profiling in police interactions between youngsters and the police. In the fourth chapter the interviews will be analyzed for the extent to which racial profiling is noticeable in the interactions. The results will be summarized and discussed. Then, in chapter five a conclusion is presented.



## 2. Theory

### 2.1. Mechanisms of police interactions in empirical research

The attention that has been dedicated to the field of racial profiling in academic research has risen due to various reasons. Firstly, the American academic world has acknowledged the problem and fueled the scientific debate. Three preliminary assumptions, not proven, have dominated past research on racial profiling: Firstly, race-based decision making by police officers is motivated by individual police officer's racial prejudice (Engel, Calnon and Bernard, 2006). Secondly, societal complaints and a volatile political environment heat the discussion. Thirdly, different police interactions are observed for the mechanism of profiling based on generalizations relating to race, ethnicity, religion or nationality instead of individual behavior and/ or objective evidence (Van der Leun and Van der Woude, 2011).

The controversy over the issue of racial profiling concerns not only the collection of information about police interactions but further the potential victims and the great use of discretionary power which can lead to selective law enforcement caused by a more preventive criminal justice system.

This theoretical part outlines relevant findings for this research including interaction and discrimination theory as well as selective law enforcement. This section's aim is to examine the concepts describing the differences in the presence of ethnic minorities in the criminal system, especially as a result of police interactions and addresses the potential feature of discrimination which can contribute likewise to the phenomenon of racialized policing of ethnic minorities in the case of Dutch-Moroccan youngsters. This section builds upon recent literature and findings that have already been researched and confirmed in a descriptive way. Therefore, the following part will include some further information about the Dutch criminal justice system to illustrate the embeddedness of the interactions. Further, the concept of the interaction theory is presented which will build the theoretical basis for the subsequent analysis to address the research question. Then, discrimination as an aspect in police interactions is outlined. To complete the embeddedness of the social context, the aspect of law enforcement is shortly explained. As a last component in the theory section, presumptions will be presented about what outcomes and findings can be expected for the analysis.

## 2.2. The Dutch criminal justice system

In the literature, it is stated that the Netherlands developed from the 1970s onwards to a more preventive criminal justice system and a so-called “culture of control” that was characterized by a more expressive character of punishment and protection of the public. This was due to higher crime rates that were connected with the immigrant waves of the guest workers (Downes and van Swaaningen, 2007; Garland, 2001). A form of more preventive criminal law is actuarial justice, focusing on an early detection of suspects and risks (Feely and Simon, 1994, De Roos, 2007 and Van der Leun and van der Woude, 2011). More preventive measures resulted in an increase of discretion for law enforcement officials.

*Crime and Society*, a government paper presented in 1985 by the Ministry of Justice marks a change in the criminal justice policy which foresaw an extremely efficient response to rising crime rates (Van der Leun and van der Woude, 2011). More recently, societal changes can be related to the perception that the law is the most important form of social control, the critical and hostile attitudes towards immigrants seen as “dangerous others” or criminals (Van der Leun and Van der Woude, 2011), and populism occurring in the media and politics (Downes and van Swaaningen, 2007, Vasta, 2007).

Although the Netherlands have been described as a different country concerning optimism in the penal system and use of punishments, for example, in 2010 54% of Dutch-Moroccan youngsters had some contact with the police whereas only 23% of young men in general had contact. This indicates that ethnic minorities are overrepresented in official crime statistics (Junger and Polder, 1992). This is again mentioned with non-western immigrants who appeared to be stopped by the police more often than Dutch-citizens (Bovenkerk, 1991; Van der Leun and Van der Woude, 2011). As a result, the more managerial conception of criminal law and the criminal justice system is addressed (Van der Leun and van der Woude, 2011). Because migrants often live in highly concentrated poor urban communities where they experience poor education and unemployment, they are far more likely to become involved in crime (Van der Leun and Van der Woude, 2011). Therefore, locations which are highly concentrated with minority citizens are declared high crime areas. This logic places minority neighborhoods at increased risk of suspicion of its residents (Fagan, 2002). A study that was carried out concerning the underlying factors for higher crime rates of immigrants and people with a different ethnic background suggests that all classical non-western immigrant groups have a greater chance of being suspected of a crime than native Dutch-people (Blom and Jennussen, 2013).

### 2.3. Interaction theory

In his book *Enforcing Order*, Didier Fassin who is an anthropologist and sociologist reports about a 15-months study where he followed patrols and anti-crime squads in high-risk areas, so-called *banlieues* (*low-income housing projects, mostly in the suburbs of large cities in France*).

The primary intention of the anti-crime squads is to reinforce social order where ethnic minorities with lower socio-economic background live due to dozens of incidents in the *banlieues* since the 1980s. Fassin argues that the people living in these areas are traditionally more vulnerable to crime and have to accept a marginalized form of citizenship as these areas experience more punitive law enforcement or symbolic actions that serve the purpose to calm the population. Since events like local uprisings, research initiatives or direct observation of the police have resulted in no political reform, the areas remain focus of police intensity. His arguments lead to the statement that the police are used as an instrument of social control for security.

The outline of his theory builds the base to analyze the collected data and find out whether his findings can also be applied to the Dutch context of minority youths, namely Dutch-Moroccans. The thesis will not observe a unit like the anti-crime squads or particular type of police interaction but urban policing in general.

Generally, Fassin's theory is about interactions between minority youngsters and the police with emphasis on harassment of ethnic minorities.

In France, these interactions usually take place in disadvantaged neighborhoods where working-class families of immigrant origin or ethnic minorities live.

Fassin's observations confirm that invisible manifestations of violence and tolerated or unrecognized forms of discrimination against minority youngsters prevail. These conditions contribute to the fact that a social and police system consequently enable and strengthen segregation and stigmatization, racial discrimination and economic marginalization. Fassin argues that these structures evolve from the fact that 4 out of 5 police officers are raised in working-class families from other areas and have limited understanding of underprivileged minorities. The observational methodological approach he used in order to reveal the experiences of police officers and their perceptions of the people in the *banlieues* is reported in a narrative style.

What could be criticized with the approach to shadow the anti-crime squads is that the observations are mainly one-sided, from the perspective of the police. By this is meant that there is no direct questioning of the minorities in these observations from the researcher about

their experiences. Moreover, Fassin leaves out the possibility to trace immoral police behavior with technology like surveillance cameras (Goldsmith, 2010). Nevertheless, Fassin's observations are influential and will build the theoretical basis of this thesis.

French society accepts the police force which in their view have to deal with youngsters who behave in contrast to social norms (Fassin, 2013, p.87 ff.). This public view may result from the observable *asymmetry of interactions* meaning that the police always practices the power of legal authority over "misbehaving" youth. Contrary to these beliefs, according to Fassin, the youngsters have a clear idea how hierarchy in interactions works and are aware of the unequal balance of power.

The chapter *Interactions* deals with the characteristics of the contacts between young people and the police. The language features in the conversations range from offensive, provocative, using insults, showing resignation from the youngsters to calm, civil, partly abusive, racist treatment by the police officers. Fassin emphasizes the humiliating linguistic feature, entitling it as a routine of police language and performative power, elaborating on terms and meanings. The abusive treatment can occur in the form of aggressive questioning, sarcasm, impatience, signs of performing superiority and speaking in a disrespectful tone or making offensive jokes. Fassin reports police officers calling potential subjects names and categorizing them before the interactions. For this thesis the focus will not be on the linguistic features in the same intensity because the priority will cover interactions and perceptions. *Stop and frisk* is the most common type of interaction between youngsters and the police which represents a pure power relationship (Fassin, 2013). By temporarily detaining, questioning or performing body searches, this type of interaction is a way of entering into contact with the public sphere for the police. Contrary to the public opinion in which youngsters are the first ones to provoke the police, officers who provoke youngsters often seek for anticipation of reaction that might legitimate physical response. Checking youngsters if they have not obviously done anything relates to the margin of police discretion and can trigger response from the youngsters. Expecting submissiveness from the youngsters which forces the youth to put up with shame, the police secondly performs arbitrary acts where they are exempt from law and from any need to justify their actions. Living through the same repetitive process can develop into a routine that acts as a sort of education through which the individual internalizes a certain social position. Because youngsters of ethnic minorities are confronted with these processes through police interaction, they are more likely to be affected by the power structures and in order to prevent arrests, they adjust to the expected social behavior of submissiveness (Fassin, 2013).

Proving his observations, Fassin exemplified the following differences in youth interactions: Groups of middle-class, wealthier youngsters experience stop and frisks more infrequently, situations rarely escalate and they have to fear fewer consequences even if their behavior is questionable. On the other hand, certain areas like the low-income housing projects in the suburbs where mostly working-class and non-Europeans live, are treated differently. Youth know the process of interaction with the police because they are frequently approached. Fassin observed that they keep a low-profile, only speak when they were told to and avoid reactions to any form of harassment they encounter. Furthermore, the patrols and anti-crime squads have certain locations they check more frequently because they expect more criminal activity in these areas. Concluding the differences of treatment, it can be stated that a group of mainly white youngsters would not be punished or more likely be let off for drug abuse but non-Europeans are treated as suspects and have to experience provoking language even if there is no evidence of criminal activity. Criteria for interactions between the youth and police therefore can hardly be determined because in some cases the interaction is random and based on no obvious suspicion.

#### 2.4. Discrimination as an aspect in police interactions

“Racial discrimination includes all acts with intended or unintended negative or unfavorable consequences for racially or ethnically dominated groups” (Essed, 1991). Discrimination consists of two features, an ethnic individual is identified on the basis of belonging to a specific group and/or of suspicion arising from physical characteristics which is not morally legitimate by law (Fassin, 2013). Discrimination in the context of racial profiling describes making use of the racial criterion to decide whether or not to take actions with individuals of ethnic background. It is argued that instances of discriminatory enforcement are of low visibility because it is rarely carried out in public as it carries highly negative social and legal connotations. There are difficulties in detecting discrimination because of problems with measurement and representation. It is highly complex because not all differentiation is discrimination, not all discrimination is racial or necessarily the result of racist intent (Fassin, 2013; Fagan, 2002). Discrimination is objectivized through actions that can be anchored in the form of racism in the police culture or in the form of law enforcement. The latter does not have to be inevitably racist. This means that discrimination can occur in the form of penalizing people belonging to a minority in contrast to police agents enjoying broad autonomy in their decision-making routines and strategic calculation (Fassin, 2013). Still the Netherlands come second for believing discrimination is common in terms of the proportion of the population and that

discrimination based on ethnicity is fairly widespread (Fassin, 2013). Over the past decade, literature has agreed that police interaction concerning ethnic minorities is based on notions of group criminality or who would most likely engage in crime (Alpert and Smith, 2007). Junger-Tas confirms this by listing that background factors and behavioral differences are two of several factors that can cause inequalities when affiliates of minorities are in the criminal justice system. There is a preliminary step to police interaction which is based on stereotyping. A conceptualization that links with stereotyping is Nature of Prejudice. This concept refers to attitudes, beliefs and behaviors as separate but linked components of prejudice (Allport, 1954). In the chapter *discrimination*, Fassin talks about those prejudices consisting of beliefs which include races and racial attributes, sentiments of superiority and hostility, attitudes that show contempt and aggressiveness and practices that are based on appearance, socio-economic status, territory or neighborhoods and subjective assessment of the individual behavior.

## 2.5. Selective law enforcement

The trends of higher crime rates concerning immigrants or ethnic minorities are in many cases affected by selectivity. Responsible for this selectivity or the interpretation of the law can be underlying habits, prejudices and traditions within the police institution (Van der Leun and Van der Woude, 2011). Thus, vulnerable groups run a higher risk of getting into a police interaction (Van der Leun and Van der Woude, 2011). Although the interactions forced by ethnic selectivity might not be directly racist, the thought that the police want to maximize their organizational output, enforce the law and thus monitor specific groups as the suspect of crimes can be declared as selective and discriminatory. Selective enforcement can be permissible when based on reasonable suspicion (Fagan, 2002). The emerging pressure due to migration policy and crime control put pressure on law enforcement officials to profile on the basis of race and nationality (Van der Leun and Van der Woude, 2011). A police officer's performance being determined by *goal-oriented* or *means-oriented measures* that evoke from law-enforcement situations, where police discretion is performed, seem to oblige the police to perform additional interactions (Wilson, 1968; Engel, Calnon and Bernard, 2006). According to Joseph H. Tieger legislature defines the outer limits of proscribed conduct while the police can set real and actual limits with their interpretation of law enforcement. It can be argued that the police misconduct involves discriminatory enforcement that is structured and not arbitrary (Tieger, 1971). What could be the reason if the selectivity is not directed towards an individual with ethnic background is that in immigrant neighborhoods, crimes are more often known and registered, suggesting that poor neighborhoods are controlled more often (Van der Leun and Van der

Woude, 2011). On the one hand, crimes which are committed by immigrants are highly visible types of crimes. On the other hand, officers reassure their decisions are based on the randomness of checks relying on intuition and experience (Van der Leun and van der Woude, 2011).

## 2.6. Presumptions

Based on the theoretical outline, specific guidelines for the analysis are assumed. The first one is that the Moroccan community in the Netherlands is differently affected by police interactions due to their minority status than others. There is not much information about how the interactions precisely proceed. The interviews are expected to clarify this. Generally, the police institution is reluctant to reveal racial profiling cases. So not much is known about their prejudices. Secondly, it is assumed that racial profiling is prevailing for the interactions between police officers and Dutch-Moroccan youngsters, the extent is unclear and dependent on what key features will be detectable. Moreover, expected results would be evidence that the police interacted with them on illegitimate grounds or because of strategic calculation. For example, youngsters being penalized when there is no suspicion of a crime or an unfair specific focus on minority groups. Moreover, observations they made concerning the police and other youngsters that differ from their own treatment can confirm the theory.

Comprehensive statements about the treatment, language, setting and reasons for interaction of police officers or Dutch-Moroccan youngsters will be used to evaluate the extent to which police interactions are influenced by racial profiling. Thus, the statements also have to be analyzed for the features of discrimination which include intended or unintended disadvantages for Dutch-Moroccan youngsters (Essed, 1991). More features of discrimination can be interactions due to appearance, territory or individual characteristics based on subjective assessment (Fassin, 2013).

For the first sub-question, it can be stated that mechanisms, as established processes between youngsters and the police, are mostly face-to-face interactions. The most common form is called stop and frisk. The setting is not necessarily specified and can be youth- or police-initiated. Fassin's theory suggests that youths are often viewed as initiators of crimes by French society whereas they can equally be the victims of interactions. The outcome of the interactions can result in informal solutions such as programs and community services but also in fines and arrests. In regard to discrimination in interactions, race is named an important factor. For minority youngsters it can mean invisible manifestations of violence and tolerated or unrecognized forms of discrimination. The positions that result from the *asymmetry of*

*interactions*, leave the police as the ones with “power” and the youngsters as the ones who are expected to keep low profile and react submissively.

Another feature that defines the mechanisms in interactions is the language. According to the above-named literature, the way language is used can aim at triggering certain responses from the encountered.



### 3. Method

Below is the methodological framework of the thesis. This paper relies on a qualitative approach since a quantitative approach would not lead to valid conclusions. What emphasizes the purpose of qualitative research is the “strategy that usually refers to words rather than quantification in the collection and analysis of data “(Bryman and Bell, 2018, p.392). Thus, it is outlined how the data was collected and what approach was chosen to examine the topic. In order to analyze the interactions between police officers and Dutch-Moroccan youngsters for the extent of racial profiling, this thesis concentrates on a content case study with a hermeneutic approach that aims at finding qualitative answers. The first section focuses on the research design and will justify why it is sufficient to do a content analysis. The second section refers to case selection and sampling and the third section refers to the data collection and operationalization. It is demonstrated how the data will be used through a specifically established coding scheme. Throughout the section’s limitations will be outlined.

#### 3.1. Research design

Traditionally, ethnic minorities and police interaction have been assessed by measuring how many people of certain minorities were more likely arrested or involved in crime than the natives of a certain country. Overall, these statistics showed that people affiliated to a certain minority were overrepresented in the crime system compared to natives. Other scholars used interviews to examine how these trends manifest themselves in the lives of the offenders. Another popular approach is using case-studies. The chosen research design is a case study because it focuses on the detailed examination of cases. These cases are used to examine a real-life-context of how police interactions take place, what kind of contacts they are, how the youngsters feel about them and how they react. The chosen groups identify as cases because they are persons. The unit of analysis are on the one hand the Dutch-Moroccan youngsters and on the other hand the police officers. The case of Dutch-Moroccan youth is significant for the analysis because they represent a minority in the Netherlands and are statistically overrepresented in the Dutch criminal system. The police officers as the second unit of analysis are significant as well because they represent the practicing unit that affects the youngsters in the interactions. The collected data is used to contrast the two groups perceptions and see to what extent the findings in French structures can be detected in the Dutch context as well. The research design uses a hermeneutic- phenomenological approach because it focuses on the experiences, perceptions and expressions of concrete people, looking for features of the phenomenon in the respondent’s answers. The interest lies particularly in coming to know their

lifeworld when they experience and talk about it. The examined cases are evaluated through statements, symbols and codes of different people. To analyze the expressions and articulations the method of content analysis can be used where it will be closely looked at what the youngsters and the police said. In addition, the aim of the thesis is to find out whether persons of ethnic minorities are suspected or targeted because of observed or assumed characteristics or behavior of a specific racial or ethnic group. The methodology is partly discovery-based and partly verification-based because with the aim to understand people's experiences from their own perspectives. However, this can be a risk for qualitative research (Hadjistavropoulos and Smythe, 2001).

In this thesis, existing literature about interactions between the police and Dutch-Moroccan youngsters dealing with the underlying assumption of minorities being racialized are evaluated to accurately describe and assess the meaning of the phenomenon. In the broader context, the analysis of the expressions of each of the participants outlines a certain way a state institution operates in their relations with citizens which is a legitimate task of social sciences (Fassin, 2013). Main limitations according to Fassin in his research are the censorship prevailing for law enforcement. It can be stated that requests for studies with any section of the police are challenging and often directly refused or referred to higher authorities (Fassin, 2013). Not giving social sciences access to the police institutions can result in a worsening of these situations and a lack of external perspective. Therefore, it depends at which level security issues are managed and whether a country is willing to give insights into the police work. The police as a public force is probably the most sensitive topic within the domain of law enforcement. Potential risks have to be taken into account like censorship, so as not to criticize certain institutions. This might also be more relevant for national authorities. However, this thesis focuses on police officers who work at a local level as the interactions with youngsters are assumed to take place in urban areas and at street-level. The interaction theory by Fassin will build the basis for the analysis where he made statements about the structures of police interactions in the French banlieues.

### 3.2. Case selection and sampling

The focus on Dutch-Moroccan youngsters is due to findings of previous literature that they are overrepresented in the criminal system and a minority group in the Netherlands which qualifies with the requirements for potentially being affected by racial profiling. Moreover, because they are a group for whom involuntary police contacts occur more frequent and salient than for

native youth, they are the vulnerable group to be interviewed and investigated. Sampling was purposive in nature. The inclusion of youngsters opens up the opportunity to examine the opposite side and represents a sample that is significant for the Netherlands. Choosing small samples for qualitative research is challenging when the cases seek to exemplify a phenomenon that applies for a broader part of the population than just the few selected cases (Seawright and Gerring, 2008, p. 294). Typically, in scientific research randomized case selection is used. For this paper, the cases will not be randomly selected for two reasons. Firstly, the total number of cases to be worked with is small and therefore needs to be accurately selected. Secondly, as this paper will not be able to arrive at a generalization based on a great number of studies cases, it is important that the quality of the cases can be ensured. Case selection is often based on pragmatic considerations such as time, money, expertise, and access which are not methodological justifications and thus would not affect the validity of the results (Seawright and Gerring, p. 295/197). The case selection can be described as diverse because it has maximum variance in the positions within the interactions.

Despite the limitation of a small sample, the qualitative research relies on in-depth case-studies which offer insights into social phenomenon. The characteristics of the cases should be typical because otherwise it will not be representative of the phenomenon and the experience both parties have if they have not interacted. The cases that are going to be studied will include 6 to 8 interviews in total depending on whether the timeframe and the interviewees will agree to participating and given dates to conduct. Choosing the cases selectively gives ground to selection bias (Seawright and Gerring, 2008). As above mentioned, the cases need to be representative for the selected topic therefore potential bias might occur. Useful variation of the samples is ensured by doing 3 to 4 interviews with Dutch-Moroccan youngsters and 3 to 4 interviews with police officers. Using both counterparts of the empirical phenomenon aims at presenting the arguments, beliefs and attitudes that both sides display. The Dutch-Moroccan youngsters should be aged between 16 and 25 and should have been involved in some interactions with the police. The police officers should have engaged in areas where the Dutch-Moroccan community is settled and proceeded with interactions with the youngsters.

### 3.3. Data collection and operationalization

This third section of the methodology is divided into two parts, first the data collection will be elaborated and then the operationalization which is called *Interaction Model* follows. The data collection method is interviewing. The process of interviewing people about a topic facilitates

the researcher to construct the facets and dimensions of a concept (Van der Kolk, 2018). This thesis was planned to be based on expert and in-depth interviews with three Dutch-Moroccan youngsters residing in the Netherlands and three police officers working for the Dutch police. Of the three Dutch-Moroccan youngsters, two are female and one is male. They are all student except for one who is a secondary school teacher. They range in age from 21 to 25. Furthermore, three other youngsters are interviewed for back-up reasons, all of them were male and their ages range between 21 and 23. The police officers are aged between 26 and 62, one is male and one was female. One police officer is in the position of a *Bezirkspolizist* which can be compared to a unit boss, the second police officer is a constable working in shifts and patrolling on the streets. The interviews are voluntarily, scheduled for 30 to 40 minutes and meet the guidelines of the Behavioral Management Science Ethics Committee department. The interviewees confirmation to take part in the interviews are filed with an informed consent. Confidentiality of names has been promised. To minimize risks to the youngsters, they are referred to as Dutch-Moroccan youngsters. Young people were recruited into the project with the cooperation of student organization like Moslimstudenten NL/BE that connect people via social media. Other than that, participants were recruited through personal contacts in the university environment. Acquiring youngsters with such a specific background can be described as a highly difficult task. On the one hand, youngsters must be willing to talk about their personal experiences with the police plus they often fear consequences and are very suspicious when it comes to the topic of racial profiling and on the other hand, it places an increased risk to the qualitative research because it is largely the result of public availability, also because they have to be identified in advance (Moroccans are only represented 2,2 % in overall Dutch population, criteria of identifying as youth aggravates research). This emerged to be a limitation of the research as one of the youngsters is not a resident in the Netherlands. Furthermore, it needs to be made sure that participants are not exposed to any significant risk which means that the benefits should not outweigh potential risks of a project (Elliott, Fischer and Rennie, 1999). Thus, it needs to be considered that there is a possibility of the topics of the discussion that induce negative moods. It is therefore necessary to protect participants from emotional as well as physical harm. Monitoring continually signs of distress of participants and not pressuring them, is approved as a measure to make participating and responding pleasant (Grafanaki, 1996). This thesis does not focus on the gender differences concerning racial profiling.

To be able to analyze, data needs to be provided. In this paper, the following data is used. Firstly, primary sources in the form of interviews and articles of academic journals will be part of the research. The interview outline consists of mainly standardized questions with the focus on

personal experiences, perceptions and racial profiling. The answers will be recorded and transcribed, then coded and evaluated. Threats to the reliability and validity in the interviews majorly concerned that the researcher is able to pose the questions adequately to receive useful answers from the respondents and make sure to understand what the participant is articulating and expressing with his/ her words as well as not influencing the characteristics of the interview by for example making it too formal. This incorporates the setting of the interview in general so that the participant can concentrate on the topic and talk freely. Often interviewees believe that they have to answer what is socially desirable which in this case is of importance because they are asked about a topic that focuses on a social inequality. Ethical problems can potentially be found in the nature of questions posed to the participants, for example the research interview touches upon issues that neither the interviewer nor the interviewee were prepared to discuss. Ethical issues in qualitative research originate from the extension of the role of a participant from a data source to a narrator and interpreter of an experience (Hadjistavropoulos and Smythe, 2001). Attention must be paid to not declare participants experts because it can put constraints on them by capturing them in a category. At the same time, for the researcher it is difficult to perform an authoritative re-interpretation of the participants experience.

The reliability was ensured by having similar and consistent answers in one part to another in the interview. Additionally, it was aimed at receiving valid answers by checking for completeness, relevance and clarity for the answers which can be done by creating relevant codes in the operationalization. Set criteria for the selection of data was to include majorly empirical and peer-reviewed articles so that the quality of the data can be ensured. Additionally, it is guaranteed that the authors were cited in other scientific research which speaks of the relevance of their research. Only a limited amount of secondary literature is used such as literature reviews on previous studies conducted with Dutch-Moroccans and their representation in the criminal system in the Netherlands.

A limitation to conducting the interviews were language barriers because for the interview the language was English which is neither the first language of the writer, nor of the participants, articulating was partly an issue.

The three objectives that build the main corpus of the analysis concern the kind of contacts, how the youngsters interpret these contacts and what reactions the police face. To measure the contacts between the youngsters and the police, questions concerning the type and kind of interactions are going to be posed. Types of interactions were addressed partly in the theory

section like punitive actions, for example arrests or interactions that offer the possibility to collect data from the youngsters during sport events, home visits or cultural events. Of course, there is certainly more variety than the above listed.

This part focuses on the operationalization. The term *racial profiling* describes abusive police practices and carries connotations of illegitimacy and criticism. It is therefore another challenge to establish a definition that is not biased itself. The term racial profiling is offered different definitions across the various scholars and encompasses different practices by the police and other legal actors. A common definition for racial profiling is “any police-initiated action that relies on race, ethnicity, or national origin, rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity (Ramirez, 2000). To test the extent of the concept in the interviews, racial profiling was operationalized in a so-called *interaction scheme*, which will be explained as the second part of the data collection.

### 3.3.1. Operationalization – Interaction model

Generally, the operationalization can be done through extracting features from the key concepts arriving at key words that can function as key features in the interviews. This part aims at defining codes or key features that can be traced in the conducted interviews. Coding categories have the purpose of examining the meaning of a construct and therefore literature, thinking and other data can be used. Establishing these codes will be done by combining criteria from the theory that indicate racial profiling into a model that can be applied to the experience of the different youngsters and police officers. In regard to useful results, it is necessary to establish criteria that can justify assumptions about racial profiling which needs definitions. There are several underlying questions when trying to define the extent of racial profiling for instance what criteria exist that show police interactions are racially motivated. What are the interactions like and/or based on which prior assessment and assumptions? If the suspect must not be a conspicuous suspect, does it indicate racial profiling?

It is necessary here to clarify what is included in the definition of racial profiling and thus taken as identifiable key features.

*Racial/ ethnic profiling* can be defined as the “use by police, security, immigration or customs officials of generalizations based on race, ethnicity, religion or nation origin- rather than individual behavior or objective evidence- as the basis for suspicion in

directing discretionary law enforcement actions” (Van der Leun and Van der Woude, 2001) or

*Racial profiling* originally referred to the use of race and explicit criterion in “profiles” of offenders that some police organizations issued to guide police officers ‘decision making e.g. stop is based on ethnicity (Engel, Calnon and Bernard, 2006).

The majority of police officers defined *racial profiling* as the targeting of an individual or individuals from a certain racial/ ethnic group(s) for law enforcement action based solely on skin color (Glover, 2007).

Racial profiling therefore implicates a differentiation between individuals or groups based on their racial description and operationalizing ethnicity by dividing the population according to the country of origin. The term racial profiling can, depending on the definition, be associated with discrimination. Fassin draws attention to the distinction between racism and discrimination that can be made analytically. According to him, racism relates to beliefs, the existence of racial attributes or race and can be embedded in police culture in the form of misuse or abuse of police discretion indicating broad autonomy in decision making in their routine activities. Discrimination on the other hand, refers to contempt and aggressive practices and interactions that are not justified by an offence. Statistical discrimination which proceeds from assignments is based on prejudice and assigns negative characteristics to certain groups, discredits them and finds a way to justify treating them to their disadvantage. Whereas categorical discrimination is the probability that aims at efficacy where individuals with certain objective attributes more often engage in the kind of practices that are being investigated and it happens that they are of a minority race.

Indication factors of racial profiling therefore relate to the suspect showing conspicuous behavior or not and the perception of the regulating officer. Indica for suspicion can be

(1) the location/ territory (districts, non-white and low-income, residential)

characterized as an either urban area (housing areas or city center) or not. These urban areas are often referred to as high-crime areas where either minority citizens are concentrated or poverty or racial segregation prevails (Miller and Brunson, 2006). Observational research has proven the relationship between the minority status and the probability of arrest are higher for non-whites in lower-status communities. The perception of higher crime rates leads to more constant police surveillance and patrolling which results in higher arrest rates. What might appear to be the selection based on racial criteria can on the one hand simply be the outcome of greater

(1a) availability of certain groups in public spaces.

The availability for police contacts on the streets can depend in part on the extent to which the youngsters make themselves available for police contacts by spending time on streets or in public spaces. On the other hand, higher surveillance indicates that certain locations are chosen on the basis of preconceptions and the absence of assumed offense in the form of high discretion stops (Fagan, 2002). Are there certain reputations to specific locations the youngsters live in? Due to statistically more arrests of suspects in these neighborhoods, the

(2) minority status/ ethnic background

must be considered when evaluating police interactions (Alpert, 2005). Because immigrants generally belong to the working or lower-class, their socio-economic position is usually associated with the minority status. Persons of minority are more frequently selected than a white majority person because they are more prone to commit a crime (Fagan, 2002). The ethnic background can contain different nuances but is here narrowed to Dutch-Moroccan youngsters. However, it is argued that the police are less responsive in poor urban areas because they believe certain crime rates are normative in the communities and view victims as deserving (Klinger, 1997). The characteristics of an area where interactions take place are important because there are *threshold effects* where the police only stop, search or arrest individual in high-crime areas when the seriousness of the offenses cannot be ignored. What shows similarity with Klinger is that under such circumstances, the police conclusively provide fewer or poorer service in those neighborhoods (Alpert, 2005).

Moreover, suspicion can be raised through

(3) appearance

that is related to race or skin color. Here this would be that the suspects would be either viewed as native Dutch youngsters or Non-Dutch youngsters.

According to Fassin, the

(4) behavior (abusive, aggressive, racist treatment, calm, civil, disrespectful, humiliating, verbal abuse, sarcasm, insults, harassing, polite or enduring, provocations, offensive jokes or signs for resignation, submissiveness and keeping low profile there are several characteristics that can define the behavior)

and

(4a) co-operation with the police

of an

(5) individual or a group

represents as indicators because on the basis of these criteria, subjective assessments are made in situations that could be influenced by racial profiling. The code behavior counts for both,



police officers and youngsters, because for example if aggressive behavior from a police officer would be permanently against minority youngsters then this could be sign of racial profiling.

Moreover,

(5a) individual delinquency

is a criterion because police officers could be more attentive to youngsters who are more criminal or delinquent.

Specific interactions like arrests or stop and frisks consist of two-factors:

(6) seriousness of crime

and

(7) existence of evidence.

Concerning the seriousness of crime, the kind of crime should be taken into consideration because it is measurable whether the punishment is relatively suitable for the incident or whether it is disproportionate. This also concerns whether judicial bases for the interactions indicated reasons for suspicion, an on-going crime scene or random patrols and body checks Furthermore,

(8) the frequency

of approaches or interactions minority youngsters have to face can be meaningful for the extent of racial profiling because it could be percental lower for native youngsters faced with the same cause for the interaction.

Therefore, the location (the availability of certain groups in public spaces), minority status or ethnic background (ecological factors such as socio-economic status), appearance, behavior (co-operation with the police), individual or group (individual delinquency), seriousness of crime, existence of evidence and frequency can be used as situational factors that favor a higher potential for racial profiling in police interactions.

### 3.3.2. Coding for the detection of racial profiling

One of the problems with detecting racial profiling is that existing observations often go unnoticed. Because racial profiling is immoral and builds on unjustifiable grounds, the rate of admitting to discrimination is rather low. The use of more aggressive language may be an indication for racial profiling, but does not necessarily confirm the systematic of the phenomenon. This makes investigating this topic susceptible to disputes. Furthermore, unequal treatment of different groups is not directly an indicator for racially motivated behavior of police officers because their actions should rely on norms, values, expectations and attitudes (Svensson and Saharso, 2015) Hence, there is a chance of subjective evaluation. Generally, it

requires the police officer to confess or make amends that (s)he based his/her decision or reasoning on someone's skin color or race. Are there any statements concerning self-evaluation and are they aware of underlying conscious or unconscious stereotyping?

Racial profiling can occur in ID checks, stops, arrests, searches or questioning someone on the basis of the belief that members of a certain ethnicity or minority are more likely than the rest of the population to commit crimes. Furthermore, a code for racial profiling could be if police-initiated actions rely on the race or origin of someone rather than on individual behavior or suspicion for the police interaction. Mostly indicated by empirical research is that police decision-making relies on situational factors in connection with criminal behavior and the standards of the administrative system of the particular police department. There is no legal supervision in these particular situations which leaves the police officer with a great deal of discretion. The question that arises here is whether there are patterns in police interactions that indicate systematic abuse in for example stops of ethnic minorities? According to Alpert, minority status and lower-status communities have become the object of racial bias generated by the concern for legal protection of the white victims (Alpert, 2005). Is there any relation between the personality of police officers and the outcome of police interactions? At the same time, if the police officer performs an interaction without any evidence of suspicion, he makes use of his police discretion which could be an indicator for selective law enforcement.

To summarize potential indicators for racial profiling in police interactions, it can be said that who is the initiator of the interaction (pro-active, re-active), what evidence, crime or suspicion is given, plays an important role. Specific external attributes (appearance) that can be related to ethnicity and obvious incentives of the police officer to achieve better results in terms of arrest can also be indicators.

From the literature there are more criteria for racial profiling in police interactions like disproportionate experiences with surveillance and stops, disrespectful treatment, excessive force, police deviance and less police protection. The distrust of the police is correlated with both concentrated neighborhood disadvantage and personal experiences with negative and involuntary police contacts (Weitzer and Tuch, 2002). This means the interactions need to be screened for behaviors, attitudes and reactions so that they can be matched with either negative or positive experience. The consequences for especially youngsters being discriminated by the police are significant because they can lower self-esteem, the perception of receiving social support and weaker academic performance (Stewart, 2009). The question that needs to be paid attention to is what effects the interactions have on the youngsters. Consequences could favor

humiliation, unjustness or feelings of injustice because the answers of the approached are not believed.

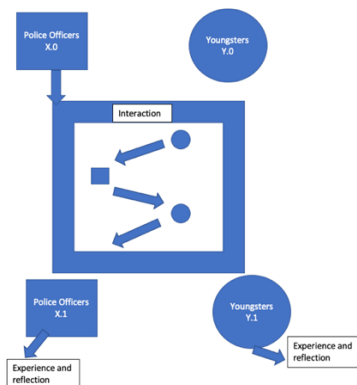
All these criteria can be affected by racial prejudice and respectively, generalizations relating to race, ethnicity, religion or nationality instead of individual behavior. This can be detected or be expressed (in)directly by/ in the decisions of supervisory and/or investigative officials, regarding matters such as who they detain for identifying checks, interrogation security searches and sometime arrests (Steffensmeier, Ulmer and Kramer 1998). To analyze and interpret the collected data, it is crucial to distinguish the justification factors given for actions, potential underlying prejudices and stereotypes which are based on attributions (Van der Leun and Van der Woude, 2011) which therefore are linked to personal characteristics such as extralegal factors like race, gender, ethnicity and social class.

*Table 1: Criteria for racial profiling*

	<b>Criteria is detected: Shows</b>	<b>Does not show</b>
1. location//territory (districts? and low-income, residential?) (1a) availability of certain groups in public spaces		
2. minority status/ ethnic background		
3. appearance		
4. behavior (aggressive, disrespectful, humiliating, harassing, polite or enduring, there are several characteristics that can define the behavior) (4a) co-operation with the police		
5. individual, (5a) individual delinquency		
6. seriousness of crime		
7. existence of evidence		
8. frequency		

Table 2 Determining factors for analysis

Concept	Explanation	Key words
<b>Racial profiling</b>	acts upon the basis of racial bias or makes decision because of someone's race or origin/ racial appearance, there is a chance that this affects Dutch-Moroccan youngsters to their disadvantage. Police officers can intentionally or unintentionally treat ethnic minority youngsters (un-)equally because they believe that their information about them justifies such a behavior.	Race, racial, profiling, discrimination, conscious
<b>Interactions</b> <b>Change of perceptions</b>	The left box "police officers X.0" describes the officer's position before the interaction, this means that the officer has his/ her own opinion and experiences about/ with youngsters in general. "Youngster Y.0" describes the youngster's position before the interaction including a pre-perception about interactions and officers. This pre-perception can be influenced by potential prejudices or experiences that developed ahead of the interaction. Common knowledge suggests youngsters as the initiator of police interactions by provoking police officers but contrary it is assumed that majorly the interactions are initiated by the police officers which is why the first arrow to the interaction goes from the police officer to the interaction. The box in which the interaction takes place can be described as an initial black box	Prejudices, procedure, Reflection, position, conditions, unequal balance, asymmetry



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because the interaction must not proceed according to a pre-given procedure but can vary due to circumstances, co-operation or cases. What is principally assumed is that the interaction takes place as a dialogue which means that each police officer or youngster reacts actively or passively depending on what was said or implied before so that after the interaction leaves both parties with a result concerning the cause of the interaction and a consequence. "Police Officer X.1" therefore describes the position after the interaction. This new position can incorporate changed attitudes or interaction behavior towards the youngsters. Youngster Y.1 refers to the new position of the youngster after the interaction.

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**Perceptions**

Description of the process of recognizing and interpreting certain situations, actions and statements. Ways of understanding the presented information or the environment. It can be connected to learning, memory, expectation and attention.

Either matched with negative or positive statements.

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#### 4. Analysis

The aim of the analysis is to answer the second and the third sub-question: *What is the perception of Dutch-Moroccan youngsters of personal interactions with the police and policing in general? And to what extent is racial profiling present in police interactions?*

The analysis consists of two main parts: the analysis of the interactions and the discussion of racial profiling in the interactions. The analysis of the interactions includes characteristics of the interactions and the perceptions of the individuals studied. This part focuses on the features that were determined in the interaction model and tries to illuminate what actually takes place in the interactions by looking at preliminary steps like personal prejudices and experiences, what takes place within the interactions and what the output is concerning new positions or manifestations of certain perceptions.

The discussion part which concentrates on the extent of racial profiling in the interactions will incorporate what features prove the existence of racial profiling in the interactions and discuss potential explanations for the existence of racial profiling.

Therefore, the collected data from the interviews and secondary literature for further complement will be systematically applied to the established interaction model.

##### 4.1. Interactions

The interactions between the police and the public, whether it is minority youngsters or adults, are generally based on the law, namely the Dutch Constitution and the Dutch Police Law. The first article is of importance because it ensures equal treatment regardless of religion, belief, political opinion, race, sex or on any other grounds (Dutch Constitution, 2002). There are two more articles that appear to be crucial for police actions from the Dutch Police Law: Article 23 and 27. Article 23 concerns the ministerial regulations for information and communication facilities, their use by the police and other organizations that have a task in the field of justice, public order or security. Article 27 says that the police chief is in charge of the management of the police. Everyone is the same before the law and the police works together with other institutions and it is obliged to report to the Minister of Justice and Safety. The police and the *Royal Marechaussee* are responsible for their police duties towards the local mayor and the public prosecutor's office. The *Royal Marechaussee* is managed by the minister of defense.

The theory section outlined that police interactions undermine these laws to certain extents with minority youths, for example 50% of Dutch-Moroccan youth have been stopped without a reason up to 2013. It can be argued that undermining fundamental laws splits members of a society that is supposed to be fair, tolerant and open (Amnesty International Report, 2013). The

report that was published by Amnesty International and Open Society Justice Initiative covers first-hand experiences of Dutch men and youngsters who describe the consequences and costs for individuals, families, communities and wider public safety from interactions with the police. Police interactions happen because either there is evidence that the law has been broken or the police raises suspicions of a crime against an individual or a group. In clear cases, a report is made to the judicial system. When situations are unclear officers have discretionary power. As seen here: “If it is not difficult to understand that it is very severe...you must always act for the law. But if you are unsure about the situation you can make a choice” (Police Officer 1, 2019). The discretionary power allows them to decide independently on solutions and approaches when there is no clear violation of the law which enables them to put incidents forward to the judges or not. This matches findings from the Amnesty International report that states “Dutch police have a number of powers under which they can stop people to check their IDs and conduct searches on persons. These powers do not require individual reasonable suspicion and the police only record these stop-searched when they result in a summons, fine or arrest”. One of the police officers confirms this saying that discretionary power is used by the police “almost all the time based on what is allowed by the law and ...also the behavior” (Police officer 2, 2019). Another distinction that can be made for the interactions is whether it is an emergency or long-term case (Police officer 2, 2019).

On the one hand, police officers perform their job by carrying out stops but on the other hand the impact on the subject for the check cannot be determined, especially when young people are affected who are not directly involved in the crime.

“Once you start “profiling” for ethnicity alone, it all goes wrong because your real focus should be on the criminal activity, and the scene of the crimes instead of the ethnic profiling”, says a police inspector in the report (Amnesty International and Open Society Initiative, 2013, p.17). It can be claimed that the police interactions are majorly police-initiated because they encounter the public, including youngsters when suspicion is raised or they are alarmed by other members of the community due to the existence of crime. Racial profiling marks an exception from interaction approaches other than worries or concerns because then the police base its interaction on someone’s race being overrepresented in crime statistics.

One of the police officers stated if an incident happened and “...the colleagues have been there, they have reported it, it is a pity” that they did not use a reflection for another solution because every report or forwarding to the judge creates “... a lot of paperwork. Most of the paperwork does not come to the judge, 40% will proceed to the end and the rest will disappear”. The police

officer explains that reports are often dropped because of the lack of police force to continuously report and investigate the cases (Police Officer, 2019).

As an alternative approach in Enschede the police uses a scheme called *Processchema Jeugd* (BT Enschede, 2016). It offers two path options, either one that is based on concerns or one that is based on breaking the law. The process for incidents that are based on concerns involves institutions in the municipality which are brought in and consulted. How severe or mild the measures for the incidents and the interactions between youngsters and the police look, is dependent on what the police and other institutions decide. In the scheme there is no differentiation noted for youngsters of different ethnicities but differentiated between groups and individuals.

In the local community policing of Enschede, a separate scheme was established to work and scan youngsters. It is called group scan and consists of seven steps: identifying (problematic) signals, collecting and connecting information, searching for a potential integrating concept, targeting and prioritizing the incident and the involved, making a plan for the solution and monitoring and evaluating the incident (material provided by politie Enschede). One police officer stated that the Dutch police system underwent a major change since the centralization in 2013. According to him, the system is supposed to work more preventively and the group scan can be an example for establishing relationships before tensions arrive, polarization and radicalization can evolve or young people take the law into their own hands.

The framework of the Dutch police incorporates different units, team structures that are based on districts of cities or regions, with the teams having a unit boss or department head, reflection and de-briefing (Police Officer 1, 2019).

According to the police officers “quick solutions” are not always the best approach and tactics ought to be focused on observing and talking to the people first (Police Officer 1, 2019). “The aim of the police is to make living as and in the public possible for everyone” which can contain going in on youngsters (Police Officer 1, 2019). It is also mentioned by one of the police officers that the youngsters sometimes are *thrill-seeking*, where youngsters challenge a reaction from the police agents and draw attention to them by for example making hand gestures or staring at the police.

#### 4.1.1. Characteristics of interactions

This section focuses on how the interactions are displayed in the collected data and what indicators are present in the interactions. As defined in the method section, the following indicators such as availability, minority status and ethnic background, appearance, behavior,



individual or group, seriousness, existence of evidence, frequency, preliminary experience are analyzed.

#### 1. location/territory

From the statements of the police, areas are not necessarily categorized as *hotspot areas* and are therefore more surveilled because of bad reputation. The declaration or categorization as *No-Go areas* is problematic, states one of the police officers, because a border is built where there physically is none (Police Officer 1, 2019). According to the accounts, minority neighborhoods need to register more complaints than other areas, then they will be surveilled more. If areas are patrolled more often because of bad reputation or more youngsters with a minority background outdoors, it is linked to past arrests or if problems are still thought to be going on (Police Officer 2, 2019). If problems prevail, neighborhoods can be aligned with teams to support them that consist for example of social workers. One of the goals of the Dutch police is to work with the communities because from their point of view it eases the interactions within the community (Police Officer 1, 2019). According to him, they are focusing on establishing relations with the community and contacts to prevent negative developments in neighborhoods or the city. One of the police officers in the Amnesty International report supported this implementation goal with a statement that focused on the maintenance of community contacts, especially with young people and residents from other countries to build up trust to legitimize yourself so that the image of the police as a provider of assistance and not only suppressor is perceived (Amnesty International 2013, p.17).

Two of the Dutch-Moroccan youngsters live in the Western part of Amsterdam which they described as a multi-cultural area and a broad mixture of different ethnicities, compared to the Southern part which is known to be the wealthier area. One of the youngsters compared police interactions between the two areas stating that the same car would be pulled aside in the Western part because it typically would not be expected there, whether in the Southern area the same car would not be stopped. One of the police officers confirms this assumption by saying that “they have a feeling about a car, that does not fit...” (Police officer 2, 2019). It was also stated by one of the youngsters who lives in a more rural and housing area which is supposed to be the most criminal in the city, that it is surveilled more than the average neighborhood in her opinion (Youngster 4, 2019).

Location appears to be an important factor because especially in public spaces the police wants to enforce order and security and where crime has taken place so that the surveillance is increased.

### (1a) availability of certain groups in public spaces

The availability of certain groups in public spaces eases the opportunity to be encountered because otherwise the police could only operate reactive and not pro-active. The officers stated that the availability in public spaces serves to encounter youngsters for conversations as well (Officer 2, 2019). The youngsters recognize the availability on the street should not be a criterion for suspicion but is, “especially on the streets or when you’re driving in the car with friends or hanging out with friends...outside or standing in front of the supermarket...all of a sudden they are suspicious” (Interview Youngster 4, 2019). According to the youngsters, the availability of certain groups in public spaces makes groups of youngsters more vulnerable, “that you don’t have too much attention because you could be in trouble for nothing” (Interview Youngster 2, 2019). This appears to be the case for youngsters with minority backgrounds in general.

### 2. minority status/ ethnic background

Fassin states that interactions between youngsters and the police emphasize harassment of the underprivileged minorities.

The youngsters develop their own logic why they are encountered if they cannot make out a valid and understandable reason for it. Often, they think that is must be dependent on their background which seems to be connected to their appearance as they often have darker hair and eyes or a beard. A given example by one of the youngsters was that he believed the outcome of the situation that he experienced where his friend got taken to jail because he was not willing to hang his jacket up right away in a club would have been different for another youngster or at least of another skin color. “...If it was a white person, I don’t think the police would have taken him or they would have asked him why he was arguing, ... but because it was someone like an Arab person, for sure they were like, okay he is probably ... fighting for whatever...I don’t think the same actions would have been taken if the race was different” (Youngster 2, 2019). The youngster later added that the police might have generalized the background of his friend, “probably they thought he was Moroccan or something” (Youngster 2, 2019). This statement incorporates that the interaction was based on assumed minority status and appearance as there had not been any offences based on the youngster’s statement, the seriousness of crime or any existent evidence. One of the Dutch-Moroccan youngsters further mentioned that “...especially with a minority background ...(you) are also treated less fairly

than ... natives, and especially with people... looking Northern African, I have like dark eyes, dark hair...” (Youngster 6, 2019). A third Moroccan youngster stated “...if they see like a group of five Moroccans, black eyes, black hair and they see like on the opposite side of the street some white people who maybe have a lighter hair color and blue eyes, they would focus on us rather than on the familiar looking people “(Youngster 1, 2019).

The police officers did not comment extensively on the question whether they patrol areas more often because they know that youngsters with a minority background are outdoors but, in that context, neither deny or admit whether their actions are based on this criterion.

The statements of the youngster’s support Fassins statement in that minorities seem to be a focused target of the police based on their minority, especially with Moroccan or as said in the interview’s Northern African complexion.

Therefore, the minority status seems to be closely related to the appearance.

### 3. appearance

Individuals confirm that appearance is one of the main factors why they are stopped, “It has to do with the way you look, I’m sure about that” (Youngster 6, 2019). He had interactions with the police and stated that they pulled him out during car security checks at the airport because he fitted a profile that was communicated by “authorities”, namely men aged between 18 and 40 who looked Northern African. An example came up several times that said Dutch-Moroccan youngsters were stopped more often in comparison to others because of certain cars they drove, implying that the police would judge that the car does not fit the driver’s appearance (Youngster 3,5,6, 2019). The assumption that the police differ between Dutch and Non-Dutch or Native and Foreign was recognized by the youngsters, “It definitely has to do with the way you look... and the way your dress” (Youngster 5, 2019).

Police officers mention more interactions with youngsters in terms of detecting suspicion or looking for appearances in connection with looking for suspects, if they have been given a clear profile due to an incident or problems that were related to a certain group. According to one of the police officers, it makes finding and searching people easier because you know what you have to look for (Interview Police Officer 2, 2019). For one of the students in the report, it is remarked that during an interaction the police men asked what he was wearing which confirms the criterion that appearance and street-look are features that are paid attention to (Amnesty International, 2013, p.11).

#### 4. behavior

Generally, behavior is a significant factor in police interactions because based on how one acts or conducts himself to the other, decisions are made or communication and actions are adjusted. Behavior has two basic determinants, one reflecting personal influence or attitudes and the other reflecting social influence or subjective norm (Engel, Calnon Bernard, 2006). During Fassins research, he observed officers provoking youngsters often because they seek for anticipation of reaction that might legitimate physical response. This indicates that the behavior works both ways, from police officer to youngster and from youngster to police officer. One of the police officers states that there are two different ways to approach interactions, "...most police men are eager to fetch or hold people, that is a kind of automatic reaction...people always think where is the culprit, can I arrest him?" and other police officers in his community are more observing (Police Officer 1, 2019).

Working with the community is an important component for police agents. This relates to Pakes, that local police tend to engage with youngsters through community policing, that is important to be clear and consistent than necessarily be punitive (Pakes, 2010). Still, what is remarked by one of the officers is the option that if the police officer cannot estimate the outcome of the situation to a certain extent or if the youngsters try to test how far they can go with the police, it is possible that the officer acts severely which might not be the most suitable approach for the prevailing situation. Misunderstanding and hostility on both sides among Dutch minorities and the police increases the risk of conflict during encounters (Amnesty International, 2013). Fassin outlined the possible characteristics of the interactions specifically because he was able to observe and experience many different situations. The interactions that were described by the interviewees, whether youngster or police officer, range from polite, playfully, harsh, severe and respectful to police officers not answering why the youngsters are encountered. The goal of the police officers based on their statements is a conversation or questioning that is respectful and polite and they expect the same behavior from their opposite (Police Officer 1/2, 2019). As led in the methodology the interactions have mechanisms preceding the interactions and exceeding for example the outcome or the consequences of the interactions. The police have a regulatory power in how they treat the public, "when the police treat people fairly and with respect, they are reaffirming that people are equal and dignified members of society "(Amnesty International, 2013). When people experienced interactions as unfair and based on bias, especially in the case of youngsters, it can lead to distrust in policing and contributes to a wider

sense of exclusion (Amnesty International, 2013). Thus, the consequences for members of different ethnic backgrounds are highly dependent on the behavior and treatment in the interactions because they will feel like second-class citizens because they “don’t look Dutch” (Amnesty International, 2013). Fassin argues that one of the features of being affected by racial profiling is having to accept a marginalized form of citizenship, it can be assumed that this form can also have potential consequences for the youngsters. Living through the same repetitive process can develop into a routine that acts as a sort of education through which the individual internalizes a certain social position. One of the police officers confirms that if encounters create too much “headwind”, a youngster can be harmed by the authorities (Police Officer 1, 2019). Because youngsters of ethnic minorities are confronted with these processes through police interaction, they are more likely to be affected by the power structures and in order to prevent arrests or harsher, they adjust to the expected social behavior of submissiveness. Both in the Amnesty report and in the interviews, youngsters mention that Moroccan youngsters appear to be more counter-acting than other youngsters, “If Moroccans are picked on by the police, they are going to retaliate, because respect is a two-way street” (Amnesty international, 2013). As a potential reason was named that they have issues accepting other authorities (Police Officer 2, youngster 4,5, 2019).

Stop and searches can easily become hostile if the affected cannot make out an understandable reason for him- or herself (Amnesty International, 2019). The dissatisfaction with stop and search practices seems to be strongly linked with the failure of the police to give reasonable explanations for their actions (Amnesty International, 2019). All youngsters confirmed this by saying that they can understand how frustrating it must be if you are approached frequently or more often than others even though you are studying and trying hard to find your place in society (Youngsters 1,4,6, 2019) (Fassin, 2013). The youngsters are therefore well aware of Fassin's *asymmetry of interactions* meaning that the police always practice the power of legal authority on behalf of “misbehaving” youth. The statements of the youngsters reflect Fassin's observation that the youngsters have a clear idea about the hierarchy works in interactions and are well aware of the unequal balance of power, an example by the youngsters would be “you have to be on your best behavior otherwise you will be in trouble” and “...I have to make sure I act properly. Not that I don’t act properly when they are not around but just like a certain level that you have to achieve” (Youngster 2, 2019). Contradictory to the description that the youngsters are majorly unequal positioned, one of the police officers stated in the context that the youngsters “sometimes want to release their anger and if it is within the standards and

reasonable, then it is no problem ... but sometimes they just get rude...eventually we get offended” (Police Officer 2, 2019).

Another aspect that Fassin observed concerns violence and comic aspects in police interactions. He found that humiliating linguistics are a feature of police language and performative power, elaborating on terms and meanings. The abusive treatment can occur in the form of aggressive questioning, sarcasm, impatience, signs of performing superiority and speaking in a disrespectful tone or making offensive jokes. As described above, the range of use of language seems to differ between interactions. The examples that the youngsters mention concerning being pressured is “that they (the police) have tried, they have a certain profile in their mind ...” and think “..they are like stupid fools or something...”, according to one youngster the officers tend to be impressed when they hear him talk. The other youngsters did not experience any harassment or humiliation in terms of language, two of them state that they had good experiences or perceived interactions in such a way that they did not rate it negatively (Youngster 3/4, 2019).

Concerning violence, none of the youngsters described a situation that they themselves experienced violence, often they notice that the interactions went without answering the questions of the youngsters more in depth. The youngsters displayed by the Amnesty International report “being pressed against a wall” and “having to get down on their knees” (Amnesty International, 2013).

Another aspect mentioned by the police officers concerns the attempt to bring in humorous aspects into the interactions with the youngsters, “...most of the times it is just fun interaction, just talking, laughing, little humor, talking about things that run the media” (Police Officer 2, 2019). This description was confirmed by only one of the youngsters mentioning that in her neighborhood the contact between the police and the youngsters is playful which she relates to her rather rural living area.

Otherwise, the youngsters stated as behavioral expectations from the police that the

(4a) co-operation with the police

marks a decisive factor, “you have to co-operate and then things will be a lot easier for you” or “it depends who you meet, a very bad police officer that doesn’t care then you are in trouble but I think that in the Netherlands most of the police officers are really, like if you cooperate and are on your best behavior, I don’t think anything will happen” (Youngster 2,6, 2019). This incorporates that they “shouldn’t ask too much, one should remain calm, lower their voice, keep low-profile, not be aggressive”, even though they imagine that it is frustrating to repetitively be stopped and they assume that the police “want people to get in trouble” (Youngster 4, 2019).

This would confirm the observation by Fassin that some police officers trigger behavioral response, not necessarily bodily response. An assumption therefore could be that co-operative behavior is favored from the police, still the possibility of arbitrariness cannot be excluded.

#### 5. Individual or group

According to the police officers' interactions can happen with individuals and groups equally. However, the recognition for the youngster is mostly connected to groups, sometimes small groups of two to three people (Police officer 2, 2019). This observation is confirmed by two of the youngsters as well, "When they are together, all of a sudden, it is suspicious" or "...when they look at me...if I am with a group of black people they are like "Are they drug dealers?" (Youngster 2,4, 2019). Another aspect that is considerable concerns the different methods of policing like stop and frisks, ID checks, person searches, patrolling or car stops.

As mentioned by the police officer the

##### (5a) individual delinquency

seems to be of use when they check or monitor development and problems that are said to be happening in certain neighborhoods (Police officer 2, 2019).

The role of

##### 6. seriousness of crime and the

##### 7. existence of evidence

are linked to the discretionary power of the police because it depends on perceptions and observations which the officers believe to be crucial enough to base their decision on what is connectable with the law. According to the Amnesty report, the police rarely explained the reason for the stop and did not apologize for it (Amnesty International, 2013). Because there are certain policing strategies that do not require officers by law to name or articulate a reason for example for a traffic stop, these powers are increasingly used to combat and prevent crime but at the same time decrease the accountability (Amnesty International, 2013). "I think we almost do it all the time but for me it is always based on what is allowed by law...", it is the police officers' opinion that the responsibility of the authorities is to ask one's way and not automatically accept what has been given as pre-liminary information (Police Officer 1, 2019). At the same time, one of the youngsters believes "police discretion, assumable offences, officers know their legal entities and often misuse them because they know how..." (Youngster 6, 2013). Criteria six and seven are notably crucial because they leave the officers with a scope

of power and legitimacy to act which is interpreted and dependent on the individual police officer.

#### 8. frequency

In the Amnesty report, research was presented that in a mid-sized western city young people reported differences in the frequency of police contact, with ethnic minority youth twice as likely to report being ID checked, three times more likely to report being suspected of a crime, and four times more likely to report being searched than white youth. These findings can be confirmed by the youngsters, even if they have not been approached themselves, they “know a lot of guys, especially with Moroccan background, they get stopped a lot of time” (Youngster 5, 2019). In their experience, females are only occasionally encountered in comparison to the male Moroccan youngsters, “Dutch-Moroccan boys are seen as the problem guys in our community” (Youngster 5, 2019). It can be concluded that the range for Dutch-Moroccan youngsters reaches from no interaction to having frequent or repetitive interactions that do not cause bad experience to interactions that released emotional consequences.

Most common interactions between youngsters and the police are face-to face (Police Officer 2, 2019). The interactions are described by the youngsters from the range of did not cause bad experience to interactions that released emotional consequences and questions about society. The interviewed youngsters might not have been victims to the interactions that are based on ethnic appearance themselves but they were all able to name at least one example where they were present and able to see how someone was taken by the police and encountered in a manner that did not give space to ask why the interaction was happening. Additionally, the statements conclude that male Dutch-Moroccan youngsters are encountered more often than female and other Dutch youngsters. The most influencing criterion in the interactions seem to be the location and whether you are in a group or not, ethnic background, appearance and behavior. Two attitudes that are perceived by the police officers are either they want contact but the same time do not want contact and further that they do not want to be the one suffering of the interactions (Police Officer 1, 2019). The interactions that are not in the big cities like Amsterdam or Den Hague, are perceived as more playfully. For the youngsters the behavior of the police is either perceived as polite and respectful or abusive. Trust, based on fair treatment, and abuse of power were often named as influencing factors in the interactions. Assumptions can be: youngsters who had contact with the police reported less favorable attitudes towards the police than those who did not report police-initiated contacts.



#### 4.1.2 Perceptions

There are two ways how perceptions develop: Firstly, they can be limited to assumptions on personal interactions or secondly, it is an improvement of negative attitudes toward the police only by improvement and development of better policing styles and practices. In this subsection, the perceptions of the minority youngsters and the police officers are described, analyzed and interpreted which can be positive or negative.

Because the police are the street-level representatives and enforcers of the law, they are expected to act with neutrality and fairness in order to ensure public security, they communicate important messages with their treatment of the public and especially minority groups (Amnesty International, 2013). Therefore, trust in the authorities is an influencing factor, weakened trust can lead to a lack of public cooperation and a loss of belief in the legitimacy of the police institution.

Decreasing trust can have societal ramifications, people feeling singled out, stereotyped and alienated. This is what happens as a consequence of discriminatory effects of the police, also with Dutch-Moroccan youngsters. It puzzles them that they are part of interactions that do not have an obvious reason and are often carried out in public which influences their perceptions to the extent that they look for arguments why it had to be them. The ones who are not victims themselves are influenced in their perceptions by the experiences of family and friends which were unpleasant to watch, hear or process.

Commonly stops that result in fines or arrests are recorded and therefore analyzed. The issue is to prove that you were affected even if your basic rights were infringed or hurt. Without being able to fall back on reliable data, police supervisors are also unable to monitor whether stops are lawful and effective.

##### 4.1.2.1 Dutch-Moroccan youngsters on personal interactions with police

In this section the perceptions of the Dutch-Moroccan youngsters are displayed. First of all, the differentiation that the youngsters make about the police must be clear. They do not generalize the police; they distinguish between the actions that happen solely based on their ethnicity and acts that are carried out to enforce public and social order. The interactions with the police are not viewed as necessarily bad but because it is known to them that they have been cases of racial profiling they voice “concerns about the people behind the police making the rules“ (Youngster 6, 2019), “I wouldn’t say I am fond or like the police” (Youngster 2, 2019), “mixed feelings” (Youngster 5, 2019) and doubts about fairness and legitimacy referring to

incidents they experienced as rude and perceived unequal treatment. Again, the *asymmetry* of power relationships is reflected in the statements of the youngsters, “Abuse of power” and “really trying them out” but “you can start a case, you can go to court but you will never win” (Youngster 4, 2019). The demand and craving for equal rights grow stronger and two of the youngster’s report that besides “...abusing their power sometimes, especially towards younger people because they know younger people don’t know their rights ...” (Youngster 4, 2019).

The negative connotations associated with the interactions appear because the Moroccan youngsters see that members of their community are dealt with relatively harshly in the criminal justice system. Shame, embarrassment or feeling uncomfortable are keywords that come up in connection with police interactions.

The given reasons include that attitudes and opinions of ethnic minority youths are frequently interpreted more negatively than those of other youngsters. This leads to more negative reporting which in turn tends to lead to a more punitive approach by the judiciary. This perception seems to be related to the confrontation with your inferiority; “making you less a human”, “treated me like garbage”, “being watched while bodily interactions feels unpleasant” that it is partly picked up by the media which influences the idea of belonging to the Dutch society (Amnesty International, 2013). Therefore, it can be claimed that the identity construction and participation as an equal citizen in society are affected. It can be argued that feeling discriminated makes their cultural and religious beliefs more relevant. Instead of accepting the mistreatment, it was also stated by the youngsters that respect is a two-way street and that Moroccan cultural aspects can lead to retaliating against authorities when treated disrespectfully. Feelings of aggression, depression and the perception of being welcome in a country can be influenced by the interactions.

It is stated in the report that this “inhuman way of treating people, and being confronted with such backward ways of thinking” is “really important for the police to realize that these are not one-time incidents” (Amnesty International, 2013). Also, because there is no way of confirming that youngsters have been mistreated, it strengthens the feelings of resentment. They wish that the emotional side is investigated further and that the police should reach out to people who are affected (Controle Alt Delete, 2018). This shows that the youngsters seek more awareness and solutions for the phenomenon.

One of the police officers mentions that when there are positive reflections on the minority, Dutch society tends to declare this person “as one of us” (Officer 1, 2019). This indicates that the recognition of, and claims to, ethnic background is a central feature of Dutch society. If you feel you are being labelled because you are affiliated with a certain community, you will arrive

at a state where you expect and accept racism. This feeling of being lower rated than native Dutch, lower class citizens evoke negative feeling, “It is not good that I feel singled out because I am Dutch-Moroccan” (Amnesty International, 2013). That implies that the police are also prone to make a clear difference between Natives and Dutch-Moroccan youngsters.

The perceptions of Dutch-Moroccan youngsters have three major points: consciousness of mistreatment and the effects on youngsters, the own personal opinion linked to their experience and consequences that result from interactions that are not justified in the opinion of the youngsters.

Consequences as a result of the interactions or experiences can for example be that higher rates of Dutch-Moroccan youngsters fail in school because they feel that is what they are worth.

The youngsters who were not directly affected often stated similar to this “...it is frustrating for younger people because they do not know what to do at this point and then they get mad and they get irritated and frustrated which I understand” (Youngster 4, 2019). It becomes clear that the mutual resentment is also accepted within the group concerning racist comments, not necessarily “abusive but they are very stereotypical, they judge based on how you look like instead of what you did” (Youngster 2, 2019). Interactions with the police might differ if they were more likely to be perceived as fair and acting based on evidence.

Young men of Dutch-Moroccan background reported more negative attitudes towards the police than people from other backgrounds, confirmed by a further survey of young adults in Amsterdam in 2012 which found that larger proportions of Dutch-Moroccan youth reported negative opinions of the police than other ethnic groups. Therefore, the assumption can be made that more frequent contact with the police is correlated with more negative perceptions about the police.

Analyzing the data shows that negative feelings against the police are triggered or emerge because first of all the minority youngsters feel mistreated (their rights are interrogated) and with interactions being watched, they feel judged by others passing by assuming that they have broken the law and are labelled as criminals (Amnesty International, 2013). Small settings are particularly upsetting because the words might be spread fast and minority youths are tagged with an image they did not even create “The experience can be profoundly humiliating and damage people’s sense of comfort and belonging to the rest of the community and society” (Amnesty International, 2019).

Other youngsters articulated their perception of the interactions more directly “...they are racist... I mean, it is just they stereotype a lot, they generalize so like whatever you do, you would be judged on who did the same the thing that what other people did of the same race”

(Youngster 2, 2019). The perception that the youngsters develop is that they have to behave in a very specific way to not gain too much attention otherwise they are generalized on the basis of what other members of the same minority or race might have done and has been statistically argued to be more likely represented in the criminal system.

In conclusion and as an answer to the second sub-questions, the overall perception of the Dutch-Moroccan youngsters can be described as rather negative, but there is a differentiation between what youngsters experienced themselves or what they have observed from their surroundings. The differentiation is crucial because the impact that the interactions (experiencing rudeness, racist comments, intimidation and physical roughness from police officers) have on the youngsters are either strengthened, in terms of for example a decrease in self-confidence, status frustration, intolerance and restraints or positive attitude is established due to situations that did not happen because of racial profiling. “I know they do good stuff... caring for the citizens over here, proving our safety but at the same time there is a lot of injustice ...if you look at racial profiling and that is not fair..., it isn’t something that the police should do...they are here to serve all citizens... a lot of good officers but I know that there also pretty bad ones” (Youngster 4, 2019). Still, the perception that there are also officers who talk with potential suspects is not broadly accepted because the police officers do not talk the same way as they would to people who do not have a different background (Youngster 1,2019). When perceptions of the youngsters are only based on assumptions, the media might have contributed because organizations like Controle Alt Delete, Argan, Young Amsterdam who examine the topic of racial profiling are present as well as the opposite opinions that display Dutch-Moroccans as the guilty ones. The perceptions and the questioning of the interactions by the youngsters results in demanding transparency and monitoring of police powers and services citizens cannot hold the police to account for.

#### 4.1.2.2. Police officers on personal interactions with Dutch-Moroccan youngsters

Generally, police officers have the duty so that public safety and order are not disturbed. Fassin mentions in his theory “the violence of words” (Fassin, 2013, p.37) and how for the French police this is a normality. The police officers stated that the interactions depend on the approach whether it remains polite and respectful or not. Assaults can lead to public safety and officer safety being jeopardized, this can be a true for the interaction with adults, but also with youngsters. The police officer emphasizes the relatively new working strategies that emerged from the centralization in 2013 and that the focus is narrowed to establishing relations with the

citizens and the groups, getting information about the families and their backgrounds and reflection as part of the procedure to every incident (Police Officer 1, 2019). Therefore, the approach of community policing and maintaining connections with the residents is important for the police officers (Police Officer 1,2, 2019).

The description of the police officers on interactions with youngsters in general concerns mostly that youngsters “send signals” that are circumstance and situation related (Police Officer 2, 2019), thus different situations and reactions are triggered. The perception of the police is stated as “...pretty good - I see most youngsters as the same and they are very nice and polite...” (Police Officer 2, 2019).

Puberty and the development towards adulthood was named by both officers in terms of becoming a personality, but if problems in the form of violence or bad experiences with the authorities occur, it can damage youngsters and create hate (Police Officer 1, 2019). During this development, according to the police officers, youngsters choose directions, “when the puberty kicks in and they start showing off in front of their friends; that is a much smaller percentage ...that is mostly going to criminal ways... they are more ... more abusive towards other people...I see them in all kinds of cultures, ethics so it depends on that as well...” (Police Officer 2, 2019). This statement indicates that cultural differences can be related to problems in youth development. In relation to potential differences, Dutch-Moroccan youngsters were related to authority problems “...when they come for example...Morocco to here...They see female with uniforms with guns, in an authority position, that is something different for them... some people...adapt to it very easily and some youngsters... they have a problem with, it is not like that back home and then... they tend to rebel against it” (Police Officer 2, 2019). A report from Open Democracy Society confirms that by stating that the police views Moroccan as more “tempted” (Open Democracy article, 2015).

Also, because the officers “haven’t experienced what these people have”, shows that there might be discrepancies in understanding each other. The two attitudes that were described by one of the police officers mention that youngsters want to contact with the police and at the same time try to avoid it, mainly because they do not want to suffer from the interaction (Police officer 1, 2019). In conclusion, the police officers generally try to have a neutral attitude towards youngsters but note that there are cultural differences that can disable respectful and polite interactions and turn into rebellion due to issues accepting authority.

#### 4.2 Discussion and explanation of racial profiling in police interactions

Racial discrimination according to Fassin incorporates that firstly, a person of ethnic background is solely contacted on the basis of belonging to a specific group and/or of suspicion arising from secondly, one's physical characteristics which is not morally legitimized or by law (Fassin, 2013). When officers act on the basis of stereotypes and generalizations- consciously or unconsciously – they depart from the basic principle of the rule of law; that their decisions should be based on objective information about individual behavior and not skin color (Amnesty International, 2013). These features are present in racial profiling and can occur in the form of implicit or explicit biases. Police officers can be influenced by their professional or personal surrounding and logics that have been developed in policing to due statistics that favor stops of ethnic minorities, which is a form of implicit biases. “People are still judged on their appearance and/or their race” and police officers still feel it is necessary to stop people (Controle Alt Delete, 2018).

Concerning the extent of racial profiling in interactions with youngsters, one of the police officers stated that “not ... every police men is a saint”, he relates this statement to the self-perception of the police as “justice represents”. Police officers, as the enforcers of the law, have been longtime accepted but not every police officer is severe and not all of them act in a professional behavior which is confirmed by the fact that he “always sees ... people do bad things, then he doesn't know the outcoming of the behavior, he will not use the right tool to the approach” (Open Democracy Society, 2015 ; Police Officer 1, 2019). This statement can be interpreted as an implicit confirmation for the existence of racial profiling within the police because first of all he does not deny it and secondly, he admits that wrong or inappropriate tools are used. He also mentions that sometimes it is necessary to “be severe because you want to get a good outcome” which is not linked to the Dutch-Moroccan youngsters but can imply that treatment can be disproportionate. The statements do not mention encounters with Dutch-Moroccan youngsters explicitly and leave open the intensity and extensity of the interaction and how it might harm the youth because of their ethnicity.

The other police officer stated more consciously there have been accusations of discrimination like “It is because I am black, right, that's why the cause you stopped me”, for interactions “mostly with youngster...Northern African background...but that is getting less”, this indicates that there has been a confrontation with the phenomenon of racial profiling (Police Officer 2, 2019). She also mentions that she explains why she stops youngsters and directly names the reason for it, for example if someone has a broken bike light and sways over the road. She

elaborates on the accusations by saying that “For me, it is okay, they try, but they will always try but as long as I have a good reason I am not concerned” (Police Officer 2, 2019). Still, this does not necessarily prevent her from acting on the basis of implicit bias.

She also confirmed patrolling streets more often because of bad reputation or knowing there are more youngsters with a minority background related to arrests she has done there in the past (Police officer 2, 2019). She also mentions that if the fair, honest and respectful tone with youngsters in interactions is disturbed and “they try to dare us in front of people”, the attitude towards them changes which could imply that measures could be harsher. This case seems to be the exception if you contrast this statement with the statements of the youngsters because they mention that even if they have been questioning the officer in that situation, they either received no response why they were encountered or statements that left a scope to interpret. A crucial example was named by one of the youngsters. His car was pulled aside where security guards viewed every car going in and out at the airport because of a higher risk of terrorism, when he asked the officer if they stopped him because there is something wrong with the car or because he has a beard, dark hair and is driving a race car. The officer responded with shaking his head “yes” and an “awkward smile”. He questioned the officer why it exactly had to be him and while other agents were searching the car, told him, that they had been given an order to pull out everyone who is between 18 and 40 and “looks like you” (beard and dark hair) (Youngster 6, 2019).

Another statement of the police was “If 80% of car thefts are made by Moroccans, then the logic is that we are looking for Moroccans when stopping cars which is not based on the background but because the data says so, otherwise there will not be a prevention of crime” (Police Officer 1, 2019). This statement indicates that policing strategies are based on groups that are more present in the criminal system based on police statistics. This concerns the issue of selectivity and the fact that police data, crime registration and data of the judicial systems are inherently biased because they depend on or police policies, routines and complex decision making (Van der Leun and Van der Woude, 2011) The new definition that was worked out between Controle Alt Delete and the police in Amsterdam says “Don’t stop a person because he looks like someone who is overrepresented in crime statistics or because someone doesn’t fit in that area based on his appearance”, this means that the argument of overrepresentation in crime statistics can no longer be used because it is already racial profiling. Therefore, the above-named statement by the police officer could be identified as racial profiling. According to the police officer in the Controle Alt Delete debate, the most important thing is knowing of certain

groups' activity in a certain area because that are objective circumstances. Ethnicity can play a role in that but statistics and data cannot. Therefore, looking at who gets stopped a lot versus which officers tend to do this more often is the underlying mechanism for racial profiling.

As mentioned by the police officer, the process scheme for incidents concerning youngsters is either treated with police discretion or criminal proceeding so they have to report everything to their unit head but as mentioned the limitations of official data cause a selective attention. According to the Open Society Foundation there are no EU regulations that have standardized data collection and monitoring of outcomes in the criminal justice system which means the Netherlands included, with the systems work with a particular attention to ethnic and racial minorities, and non-nationals.

#### 4.2.1 Explanations

The explanations for racial profiling existing in the interactions with Dutch-Moroccan youngsters are of different nature. The explanations can be of evolutionary, sociological nature or lie within policing patterns or strategies. They can be influenced by data, practices and the media.

Firstly, socialization can be a potential explanation why there is racial profiling because of unconscious observations the public makes themselves, for example if they frequently or constantly see people in public stopped by the police that have a different skin color, the assumptions that these people might be more dangerous as others, is close (it contributes to discriminatory stereotyping and stigmatization of entire groups of people, feeding broader racism and xenophobia in society). Institutional bias, according to the research of EU Justicia, is deeply rooted in the society and reflected in the practices of the police officers, prosecutors, judges and even sometimes in the practice of legal aid lawyers. A potential outcome can be that non-nationals do not have the same protection as native Dutch people.

Everybody is guilty of using stereotypes, the humans brain tries to categorize and understand the world better and faster and there is a tendency and desire to maximize differences between categories. Another aspect of affirming stereotypes is that people who come to the Netherlands or to any country in the EU "...are not used to the culture" but if it is more difficult to approach society, stereotypes and prejudices may petrify. If someone is completely new and does not know how institutional bias work, they are more likely to become a victim or engage in behavior that is not tolerated. That fits with Fassins theoretical outline that there is limited understanding of underprivileged minorities because stereotypes can cause group-members to behave in stereotype-confirming ways.



Secondly, every individual police officer develops differential working styles during their career depending on personal preferences or higher-authority demands (Withrow, 2004). Depending on the situation, police officers might not be able to enforce the law fully. Their decisions for law enforcement appear to be based on what makes sense within the situation and circumstances. This means extra-legal factors as the surrounding or day-time can affect the professional objectivity (Withrow, 2004). As stated in the theory section, the use of police discretion is to some extent dependent on the context of the situation. Especially situation-related inconsistencies tend to draw attention to them. According to the experiences of a specific police officer, s(he) makes use of patterns or contextual clues. Because race, or appearance, can be seen as an easily distinguishable factor, it might be used within particular contexts to distinguish. This can lead to discriminatory behavior for ethnic minorities.

Issues that appear in the context of racial profiling are concerns over measuring implicit and explicit forms of racial profiling is that it "...is necessary to assume that every police officer is doing racial profiling and to check them all. I want an indication of racial profiling and then it can be monitored." (Controle Alt Delete, 2018). Often police officers react with denial to the existence of racial profiling or more particularly will not accept that all police officers are generalized. The problem has not been clearly addressed within the police institution, strategies and measures to handle it have not been precisely evaluated. Even though the phenomenon is starting to be recognized by the police institution, the approaches for the reformation of the system differ. The police believe "... in spiking intrinsic motivation, that is done through leadership" which is not a form of holding someone responsible for performing racial profiling (Controle Alt Delete video, 2018).

Other influences that might heat the discussion of racial profiling are certain media displays and right-wing parties that seem to be appealing to a segment of the population that feel threatened by ethnic minority youngsters and immigration more generally, with its habit of highlighting misbehaving youngsters of ethnic minority. There is no clear evidence that these opinions have a direct influence on the behavior of police men but due to immigration developments and calls for harsher policing favor harsher measures against minority groups.

## 5. Conclusion

To resume the findings for the question *“To what extent are police interactions with Dutch-Moroccan youths influenced by racial profiling?”*, it can be said that generally interactions between Dutch-Moroccan youngsters and the police are influenced by racial profiling to a certain extent. Based on the statements of the youngsters the existence of racial profiling is supported. Features as the decision-making for example to stop someone based on ethnicity were confirmed. Embedded in the phenomenon are explicit bias which occur in the form of youngsters being repetitively pulled out in car stops or at public places because they seem to fit a given profile that is based on foreign appearance.

Explicit biases were not directly confirmed by the police officers but it was expressed that they are aware of racial profiling or at least not denying it. This does not necessarily mean that they themselves are practicing racial profiling. More police patrolling in certain areas due to current or past arrests or problems can be a feature of these explicit biases. It is not necessarily “bad reputation” of these areas because of the minority citizens living there but the areas being more affected because they are known to be more multi-cultural. The areas are not directly labelled as “high-crime areas” but there are more hot-spots in comparison to other areas that receive more attention.

The ambiguity of policing is that on the one hand, police officers have to respect the rule of law which might result in more patrolling of certain areas and on the other hand, if police officers stop someone who is overrepresented in crime statistics or does not fit in that area it can be racial profiling. The line to detect racial profiling can therefore be thin sometimes.

The police officers named various experiences where they treat minorities differently, the interactions and reasons for the different treatment may also be based on implicit biases. For example, because the youngsters are generally perceived as a greater threat regardless of police officers ‘personal experiences.

Another aspect that is important in the interpretation of racial profiling is police discretion. It can be highly problematic because the basis of police decisions is hard to unravel. Police officers declare to always operate within the legal framework which makes it more difficult for minority youngsters to accuse the institutions of wrong-doing which leads to frustration and other negative sentiments. Long-term consequences of this frustration emerge because on the one hand the possibilities to counteract are limited and secondly, the media and parts of the political spectrum present minority youngsters as a “social and security threat” (Koning, 2017). This can lead to the social acceptance of being a victim of racial profiling.

Because categorization is central to human actions and society (Roggeband and van der Haar, 2018) the police is not excluded from the desire to detect threats. The manipulation of populations is dependent on our threat detection system, because it allows us to rapidly determine who is in- and out-group. This threat detection can also fail and consequently alarms us rather than miss a true threat (Culotta, 2012). The self-perception that is created through for example the above mentioned explicit and implicit mechanisms causes lasting effects for the youngsters. Forms as internalizing self-hatred and not being able to fit in society can occur.

How police officers define respectful and polite behavior is also an important factor. The behavior in the interactions are a point of orientation for the outcome of the interactions; the extent of punishment. This can start with the differences in how the police assesses when youngsters draw attention to themselves (perception that youngsters represent a threat; they judge the behavior of the youngsters).

Moreover, the gaming aspect can represent that the encounters are not the same for everyone related to the Dutch-Moroccan community. Also, because certain mechanisms like the obligation to report aims at a reflection for the police officers, grasping points are already created to evaluate whether the chosen approach and performed action were used properly.

The goal of extensive reflection is to consciously treat the encountered. The perception of the police officers of the Dutch-Moroccan youngsters is, compared to Dutch-Moroccan youngsters, not expressed as truly negative. The single youngsters did not have a complete negative picture but stated that overall their community view of the police is rather negative. Because Dutch-Moroccan youngsters are reported to have more negative experiences, negative perceptions strengthen which decreases the role of police in society for them.

There is an ambivalence in the interactions and perceptions which is represented in providing safety and care for citizens versus mechanisms that undermine these universal goals. As soon as the provision of security becomes selective, injustice and unfairness emerge. The abuse of powers towards minority youngsters causes them to have lower self-esteem. The arguments for the existence of racial profiling are weighted stronger because equal treatment cannot be selective as well as security.

Practical implications that can be drawn from the research concern the roots of racism that get institutionalized and foster societal stereotypes. The findings show that no European member state has valid and significant monitoring methods that are able to produce unbiased statistics in terms of the ratio of minorities in the criminal system. The lack of empirical research concerning quantitative and methodological approaches can be used as a recommendation for

future research. Measures could be more precisely designed to help reduce discriminatory effects not only for Dutch-Moroccan youngsters but for all minorities.

Generally, the awareness of how discriminatory effects reflect for Dutch-Moroccan youngsters is very individual, therefore education purposes should focus on what fundamental rights mean for youngsters in police interactions. New approaches like making use of social media to fast spread and capture critical policing for minorities could be examined as well.

A small start can be seen in the police institution cooperating with non-profit organizations that focus on racial profiling. Creating exchange between the victims and the institution can generate crucial results.

Also, this qualitative cannot prove the systematic extent of racial profiling because firstly, it used a relatively small sample size and secondly, the expressions and language of the participants leave a scope that depends on the individual interpretation.

Proving explicit bias in this paper, future research could focus the existence and development of implicit bias, for example how decision-making processes of Dutch police officers are influenced by their own implicit biases.

A limitation can be seen in the language barrier between the Dutch and the English language because the participants might have not been able to express their thoughts as specifically as in their mother language. Secondly, the police officer's variety could have been broader, for example police officers from bigger cities could have been significant because youngsters are affected more frequently.

In general, crime of the minority population is a sensitive topic to the public, the police and the affected.

This paper focused on the influence of racial profiling between Dutch-Moroccan youngsters and the police in the Netherlands. Since the academic field in Europe is only starting to research more about this topic, this paper is showing perceptions of the involved parties. It aimed at getting to know their life-world and elaborating on the disparities in the criminal system that undermine the right to equal treatment in the Dutch constitution.

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