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# STOPPING STOPPING STOPPING

**APPEARANCE IS NO REASON**

How to protect yourself / act / report

Ethnic profiling in police identifications

# ETHNIC PROFILING IN POLICE IDENTIFICATIONS

This is an illegal practice of identity control where identification is requested from people selected due to their physical appearance, and not because they have done anything wrong.

This violates fundamental rights, giving an opportunity to larger discriminations, showing racialized people as suspects from the State's point of view, denying the diversity in our society and reinforcing the prejudice that associates immigrant - delinquent.

## IN A STOP



Always bear in mind your **rights and resources**, as well as your **risks and vulnerabilities**.

## LEGAL FRAMEWORK

Some laws you can consult to find out more details:

**Organic Law 2/1986:** on security forces and bodies.  
◦ See article 5

**Royal Decree 1484/1987:** on the rights and obligations of the National Police Corps officers.  
◦ See article 21

**Law 10/1994:** on the rights and obligations of the Mossos d'Esquadra  
◦ See article 11

**Organic Law 4/2015 (Gag Law):** on the protection of citizen security.  
◦ See articles 4,8,12,13,16,18, 20,36,37,39

Some serious infractions according to article 36 of the OL/2015 are:

"4. **The acts of obstruction** that seek to prevent any authority, public employee or official corporation from exercising their legitimate functions ..."

"6. **Disobedience or resistance to the authority** or its agents in the exercise of their functions, when they do not constitute an offense, as well as the refusal to identify at the request of the authority or its agents, or the allegation of false or inaccurate information in identification processes."

"23. **The unauthorized use of images or personal or professional data of authorities** or members of the Security Forces that could endanger the officers' personal or family security, that of protected facilities or put at risk the success of an operation, with respect for the fundamental right to information."

Minor infractions, according to article 37 of the OL4/2015, are:

"4. **The disrespect and lack of consideration** whose recipient is a member of the Security Forces and Bodies in the exercise of their functions of security protection ... »

"10. **The breach of the obligation to obtain the personal documentation** legally required, as well as the negligent omission of reporting its theft or loss.

## FINES

Sanctions according to article 39.1 of the OL4/2015:

"Very serious infractions will be sanctioned with a fine of **€ 30,001 to € 600,000**; the serious ones, with a fine of **€ 601 to € 30,000**, and minor infractions with a fine of **€ 100 to € 600**." Any unfair fine can be appealed **if there is evidence**.

## IF YOU ARE A WITNESS

you can make a difference.

**Your solidarity, testimony and the evidence** you collect can be very useful to **clarify what happened and dismantle the police version** in a judicial process, if necessary.

→ You have the right to take photos, audio and video of what happens on the street, and even more so if it is for of possible defense case.

### ✓ THINK before intervening.

- Make sure you have your own documents.
- Know your rights and resources. Be aware of both your privileges and risks.
- Evaluate to what extent you would be in a situation of vulnerability or not when intervening.
- And above all, think that it is likely that the person being identified has not really done anything wrong.

### ✓ WATCH during identification.

- Record the situation on video, audio and/or take photos.
- Write down the officer's identification number or police vehicle's number.
- Write down details such as place, time and police force.
- Become visible to the person being identified and to the officer.
- Accompany without hindering the police operation.

### ✓ INTERVENE after the identification.

- Ask the officers for the reason of the identification.
- Offer being a witness in the case the identified person wants to report.
- Always give your contact information to the person identified and, if they agree to give theirs, keep it safely.
- Upload the recorded material immediately to the private cloud and DO NOT erase the original file.

### OFFICERS SHOULD NOT

review your phone nor delete the images or recordings you have taken.

### It is NOT ALLOWED

the publication and/or dissemination of this material outside the judicial context, especially if the officers are identifiable.

**Your intervention might be considered obstruction\*.**

To minimize this risk, it is recommended to be extremely discreet when taking images and to always intervene after identification.

*\* For further information on fines, go to the Legal framework section on page 11.*

## THEY SEE YOU

### ✓ Your attitude is crucial.



- I Try not to become paralyzed by **fear**.
- II **Know your rights!**  
This is the best instrument against abuse.
- III **Keep calm.**
- IV **Connect visually with the person behind the police uniform, and with your surroundings.**
- V It is normal to feel angry, but think what is best for you and **keep your anger for the report.**
- VI **Concentrate on the details.**  
They will be useful during the identification to come off well from it.

→ Remember this advice and **keep a cool head.**

→ Don't get frustrated if you can't remember what to do.

→ **The best strategy is whichever works for you.**

→ Besides these recommendations, **you can find important laws regarding these cases at the end of this document.**

## YOU CAN BE IDENTIFIED WHEN

- They have signs that you may be committing a violation.
- They have a well-founded suspicion that you are about to commit a crime.

## THESE ARE NOT reasons to identify you

- “Who are we going to stop, if it is not you?”  
“Because you are a Gypsy/Black/Muslim/Arabic...”
- “Because I am forced to ask you for your documents”
- “Because it is a routine”
- “Because this is a neighborhood where there are many robberies”
- “Because you ‘match the profile’ in general”
- “No reason”

## IT WILL BE DIFFICULT to prove the racist motivation when

- You already have a police record.
- More than one of your physical characteristics (NOT only the color of your skin) match the description of a crime suspect.
- There have been conflicts or some type of previous interaction between the officer and you.
- There is a reasonable reason for identification.



**Being undocumented** is considered an administrative infraction for which **they can stop you.**



**MIGHT BE HELPFUL**

Try to find support among the witnesses, signal them to listen carefully to the explanations given by the officers.

After the identification, **ask the witnesses for contact information.**

# REPORT!

**Ethnic profiling doesn't end when the police leave.**

You can denounce the case through the “Parad de pararme” campaign and/or report it to SOS Racisme’s **Information and Reporting Service (SAiD)**:



Send us a WhatsApp to the number

**652 87 34 06**



Or phone us at

**93 301 05 97**

You can also send an e-mail to

**denuncia@sosracisme.org**

Or fill out the anonymous form on our website

**www.paraddepararme.org**

You can also come in person to:

Rambla Santa Monica, 10,  
1<sup>st</sup> floor (Barcelona).  
*You'll need an appointment, except on Tuesdays and Thursdays in the afternoon.*



**Police officers who act under ethnic profiling criteria are NOT fulfilling their task.**

These identifications are illegal, discriminatory and ineffective.

The main reporting tools are administrative complaints and public visibility of the case.

**If the identification is followed by an illegal arrest or a physical or verbal aggression,** this could be reported through criminal law.

We recommend contacting “Parad de pararme”, but **you can also:**

Presentar una queja interna en comisaría al **cuero policial que te paró.**

File a complaint with:  
**The Spanish Ombudsman**  
**registro@defensor**  
**delpueblo.es**

**The Catalan Ombudsman**  
**sindic@sindic.cat**

Communicate the case to the **Human Rights Council of the United Nations:**  
**1503.hchr@unog.ch**

## THEY FRISK YOU



### Police officers can frisk people,

**this is, they can search people, goods or vehicles** if they have a reason to believe you might have something inappropriate or dangerous.

#### ✓ THE PROCEDURE MUST BE

Suitable, necessary and proportional:

- Informing understandably the reasons for being frisked.
- Superficial.
- As quick as possible.
- Respecting your privacy, integrity and dignity.
- Carried out by a person of your same sex.
- Without exposing parts of your body normally covered by clothing.
- Carried out in a place that is safe from the view of third parties.

**!** In a situation considered urgent and risky, the officer is authorized to act without all these guarantees.



- **They must give you a receipt** for any belongings that are confiscated.

**Keep everything they give you and check each paper** before leaving the place where they gave it to you.

- **They should respect the sex you assign to yourself** and by whom you want to be frisked.

- **If it is an exhaustive registration**, you can ask to go to the police station for it.

- **Police officers shouldn't** remove your headscarf nor any other religious or cultural clothing in public, on the streets.

## THEY STOP YOU



- ✓ The officer must inform you, **comprehensibly** and **without violence**, on **who** is stopping you and **why** this is happening.

#### ✗ THE OFFICER SHOULD NOT

- Assault you, fight you, hit you or verbally harass you.
- Talk to you in a way so you do not understand what is happening.
- Treat youngsters and children as adults.



- Anything that the police officer may perceive as a questioning or disrespect could result in a fine for a minor offense\*.
- The obstruction of police work can be considered a serious offense\* and is defined according to the discretion of the police officer, who has a presumption of truthfulness.



- **The police officers are forced to wear their ID number visibly.** If they are plainclothes police, they must show you their credential.

If the officers don't identify themselves correctly during your stop, don't worry. **There will be ways of identifying them afterwards.**

- **If you are physically abused during your identification**, go immediately to a doctor. They should give you a written report.

- **We recommend you to ask questions after being identified**, so that they are not considered obstruction.

\* For further information on fines, go to the Legal framework section on page 11.

## THEY ASK FOR YOUR ID



### ✓ The law requires that you always carry identification.

#### If you don't have any of these identifications (or it is expired):

Just by giving your name, they could verify your identity by any means, for instance electronically or by telephone.

In the case it cannot be verified, the agents can take you to the nearest police station and keep you there for up to 6h.

They are forced to give you a receipt justifying your retention that includes: date, time, place, cause, time of permanence and identification of the officers.

! If you refuse to show any identification, you claim false or inaccurate information, resist or disobey an officer's order, you are risking the possibility of receiving a fine for serious misconduct \* or being arrested and charged criminally for resistance to authority.

*\* For further information on fines, go to the Legal framework section on page 11.*

→ **DNI**  
if you have Spanish nationality.

**NIE**  
or some other document proving your regular status in Spain.

**PASSPORT** as a document proving your identity in your country of origin.

→ Not carrying your identification on you is considered a minor misdemeanor.\*

### If they are taking you to the police station,

ask if it is for identification or if you are being arrested.

### You can avoid it if you have:

- A copy of your register
- A neighborhood document
- A reference contact

! Usually, it would be advisable to **carry on you ways to identify yourself**, to avoid being taken to the police station.

→ **Being identified is not the same as being arrested**, and this makes a difference in terms of police action.

**If they are taking you to the police station to identify you, this is NOT a detention.** Therefore, during the transfer you should not be handcuffed. Also, both in the street and in the police station they should let you make phone calls.

→ Have a family member or a friend who can give an account of who you are and where you live.

→ If you have no papers proving your regular status in Spain, **you could be sanctioned with a fine and, in certain cases, with an expulsion order.**