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## Police Ethnic Profiling in Hungary – An Empirical Research<sup>1</sup>

*Ideals of Systemicity and Axiomatisability between Utopianism and Heuristic Assertion*

**Abstract.** Profiling by law enforcement agencies has become one of the most widely researched and debated questions in legal discussions relating to ethnic and racial discrimination in the criminal justice system. This research report highlights the findings of a recent pilot research project organized by the Hungarian Helsinki Committee that focused on police stop and search practices and their discriminatory effects on Hungary's largest ethnic minority, the Roma. As part of the research, for the first time in Hungary, broad-spectrum data collection on the ethnic aspects and general efficiency of ID checks has been conducted.

**Keywords:** criminal justice, discrimination, ethnic profiling, law enforcement, police, Hungarian Helsinki Committee

Profiling by law enforcement agencies has become one of the most widely researched and debated questions in legal discussions relating to ethnic and racial discrimination in the criminal justice system. The term refers to the law enforcement practice of using racial, ethnic or religious stereotypes when making decisions on whose documents to verify, whom to stop, search, arrest or detain, on whom to mine databases, gather intelligence and employ other techniques. The policy assumes that these characteristics will help predict which people will be involved in particular crimes. Some commentators emphasize that ethno-racial profiling is in principle unacceptable. The result, according to these

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critics, is the harassment of the innocent minority middle class, which is subjected to a kind of “racial tax” that affects all aspects of people’s lives. A further unwanted result is the strengthening of racial/ethnic essentialism, reductionism to black and white/Muslim and non-Muslim/Roma and non-Roma/immigrant and non-immigrant, etc. Another, straightforwardly pragmatic criticism has been calling attention to the practical ineffectiveness of racial profiling: inherent in the *prima facie* plausible reasoning based on statistics there is a profound (and provable) error, since racial profiles are both over-inclusive and under-inclusive: over-inclusive in the sense that many, indeed most, of the people who fit into the category are entirely innocent, and under-inclusive in the sense that many other types of criminals or terrorists who do not fit the profile will thereby escape police attention.<sup>2</sup> Either way, there seems to be a consensus that profiling is a form of discrimination and is consequently unlawful according to international and European law. A number of organizations such as the Committee for the Elimination of Racial Discrimination, the Council of Europe Committee of Ministers, European Commission against Racism and Intolerance (ECRI), the European Parliament, the OSCE High Commissioner on National Minorities, and the EU Network of Independent Experts on Fundamental Rights<sup>3</sup> have made

<sup>2</sup> See for example Banks, R.: Racial profiling and antiterrorism efforts. *Cornell Law Review*, 89 (2004) July, Harris, D. A.: Racial profiling revisited: “Just common sense” in the fight against terror? *Criminal Justice*, Summer 2002, Bygrave, L. A.: Minding the machine: Article 15 of the EC Data Protection Directive and Automated Profiling. *Computer Law & Security Report*, 17 (2001), Cuéllar, M.-F.: Choosing Anti-Terror Targets by National Origin and Race. *Harvard Latino Law Review*, 6 (2003), Davies, Sh.: Reflections on the Criminal Justice System after September 11, 2001. *Ohio State Journal of Criminal Law*, 1 (2003) Fall, Delsol, R.–Shiner, M.: Regulating Stop and Search: “A Challenge for Police and Community Relations in England and Wales”. *Critical Criminology*, 2006, Goldston, J.: Toward a Europe Without Ethnic Profiling, Justice Initiatives. *Open Society Justice Initiative*, June 2005, Gross, Samuel R.–Livingston, D.: Racial Profiling Under Attack. *Columbia Law Review*, 102 (2002) June.

<sup>3</sup> Committee for the Elimination of Racial Discrimination (CERD), General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005), Council of Europe Committee of Ministers Recommendation (2001)10 to the member states on the European Code of Police Ethics, European Commission against Racism and Intolerance (ECRI) General Policy Recommendation N°1 On Combating Racism, Xenophobia, Antisemitism And Intolerance, ECRI General Policy Recommendation No. 7 on National Legislation to Combat Racism and Racial Discrimination, ECRI General Policy Recommendation No. 8 on Combating Racism While Fighting Terrorism, ECRI General Policy Recommendation N° 11 on Combating Racism and Racial Discrimination in Policing, European Parliament Committee on Civil Liberties, Justice and Home Affairs, Working Document on the problem of profiling, notably

recommendations to legislators, policy-makers and law enforcement executives to combat racial profiling.

In line with these efforts, in the past years, the Hungarian Helsinki Committee (HHC), has been active in both mapping out patterns of discriminatory practices and formulating recommendations for legislative amendments and policy development.<sup>4</sup> In the following, we will highlight the findings of a recent pilot research project<sup>5</sup> that focused on police stop and search practices and their discriminatory effects on Hungary's largest ethnic minority, the Roma.

Since previous research has showed that discriminatory ID check methods are relevant to the differential treatment of the Roma,<sup>6</sup> Strategies for Effective Police Stop and Search (STEPSS), an international project supported by the AGIS Program of the European Commission and the Open Society Institute and organized by the Open Society Justice Initiative was launched to change police stop and search policy and practice. In Hungary, a research/action

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on the basis of ethnicity and race, in counterterrorism, law enforcement, immigration, customs and border control, Rapporteur: Sarah Ludford., 30.9.2008, DT\745085EN.doc PE413.954v02-00, EU Network of Independent Experts on Fundamental Rights on ethnic profiling, Opinion 2006/4, OSCE High Commissioner on National Minorities Recommendations on Policing in Multi-Ethnic Societies, February 2006.

<sup>4</sup> Research by the Hungarian Helsinki Committee in 2002–2003 concerning discrimination against Roma in the Hungarian criminal justice system exposed direct racial profiling by the police. By scrutinizing court files, the researchers found that Roma offenders and suspects were significantly more likely to have been identified via police stops while non-minority suspects were mostly caught in the act. One good source for the difference, explained the researchers, might be the police stop practices. On average, one-fifth of researched court cases involved individuals identified by police stops. See Farkas, L.–Kézdi, G.–Loss, S.–Zádori, Zs.: A rendőrség etnikai profilalkotásának mai gyakorlata (The Current Police Practice of Ethnic Profiling). *Belügyi Szemle* (Interior Affairs Review) 52 (2004).

<sup>5</sup> For the full report see: Kádár, A.–Körner, J.–Moldova, Zs.–Tóth, B.: Control(led) Group. Final Report on the Strategies for Effective Police Stop and Search (STEPSS) Project, Hungarian Helsinki Committee, Budapest, 2008. The report is available on the Helsinki Committee's website: [http://helsinki.hu/dokumentum/MHB\\_STEPSS\\_US.pdf](http://helsinki.hu/dokumentum/MHB_STEPSS_US.pdf)

<sup>6</sup> In 2005, a research carried out under the aegis of the Open society Justice Initiative found that the Roma are indeed discriminated against in the context of ID checks by the police. Discrimination was especially conspicuous in the practice of stopping pedestrians, with Roma pedestrians disproportionately stopped are more likely to experience disrespectful treatment. See: Pap, A. L.–Miller, J.–Gounev, P.–Wagman, D.–Balogi, A.–Bezlov, T.–Simonovits, B.–Vargha, L.: Racism and Police Stops—Adapting US and British Debates to Continental Europe. *European Journal of Criminology*, 6 (2008) 161; and Pap, A. L.: Police ethnic profiling in Hungary—Lessons from an international research. *Regio*, 10 (2007) 117.

approach was used in the development of new practices in pilot sites. For the purposes of the research, for the first time in Hungary, broad-spectrum data collection on the ethnic aspects and general efficiency of ID checks has been conducted. (As for the action element, not discussed in this paper, officers were trained on the definition and relevant aspects of ethnic profiling.)

### Research Design

The project involved the close cooperation of the HHC, the National Police Headquarters (NPH), the Hungarian Police College (HPC) and selected representatives from the Roma community who performed the internal monitoring of the project. The research was carried out for six months in three pilot sites across Hungary: Budapest's 6<sup>th</sup> District, Szeged and Kaposvár. These three locations represent a broad range of different police districts with differing populations, crime profiles and resources. Budapest's 6<sup>th</sup> District covers a busy city-center area and includes the capital's main railway station. Szeged, with a population of 200 000, is a medium-sized district on the Romanian border. Kaposvár is a relatively rural police district with 120 000 inhabitants.

The project design was approved by Hungary's two Parliamentary Commissioners, a specialized ombudsman for ethnic and national minority rights and the Data Protection Commissioner. His involvement was required because according to the Data Protection Act,<sup>7</sup> data related to ethnic affiliation or origin are regarded as sensitive data which can only be lawfully processed if an Act of Parliament permits, or the person concerned gives his/her written consent to processing the data.<sup>8</sup> As such, police officers were not, and are not authorized by law to process data of ethnic origin during the course of conducting ID checks, and it would not have been practically feasible for the police to ask for consent during the stop. Thus, officers were asked to record the *perceived* ethnicity of the person stopped on a separate and anonymous "STEPSS form". These forms were to be stored separately from the standard ID check forms that the police have a legal obligation to complete. After each shift, the officers who performed ID checks handed over the "STEPSS forms" they had filled out to the appointed contact person who at the end of each week

<sup>7</sup> Act LXIII of 1992 on the Protection of Personal Data and Publicity of Data of Public Interest.

<sup>8</sup> Articles 2 (1) and 3(2) of the Data Protection Act.

forwarded them to the NPH, from where it was sent to the HHC, where following data analysis, the forms were destroyed.<sup>9</sup>

The forms were designed to detect any disproportionate treatment in stops of minority citizens, chart how stops are being used by officers (reasons for stops, suspicion, location, outcomes), and provide a tool for enhanced supervision. Questions concerning the result of the ID check, were aimed at showing whether the stop was followed by further police measures, such as the arrest of a person under an arrest warrant, the short-term arrest of the person checked, or the initiation of petty offense proceedings.

## Research Findings

### 1. *The Number of Stops*

During the six months of data collection (17 September 2007–17 March 2008), the three Hungarian police units participating in the project performed altogether approximately 36 939 ID checks. Of these stops, 22 375 were recorded on the forms developed as part of the project. Overall, the numbers represent a decrease in the number of ID checks from the previous year. In Budapest, there was a drastic, 75.3% decrease in ID checks compared to the same period in the preceding year (14 362 to 3538). In Szeged, the total number of such measures dropped by 17.5% compared to the same period in the previous year (16 724 to 13 786), while in Kaposvár there was a slight (4.7%) increase (24 606 to 25 770). The decrease in overall stop numbers may have several reasons. One of these is the general loss of self-confidence on the

<sup>9</sup> The form contained the following data: time and place of ID check, gender and age of person stopped, grounds for the stop, results of ID check, perceived ethnicity of the person stopped, as established by the officer, and the civil monitor's remark. The list of typical reasons for ID checks was prepared by the NPH, and included the following: *possession of a suspicious object* (the officer has to state the reasons for her assumption); *intensive control* (ID checks carried out for this purpose do not need to be justified, since this raid-like action includes everyone in the area); *traffic control*; *security measure* (this measure is applied against persons posing danger to the public or themselves, the situation needs to be described) *finding a wanted person* (along a reasoning for believing why the individual was the suspect); *suspicion of a crime or a petty offense* (along proper reasoning for the suspicion); *prevention of an act endangering public order* (along with the description of the event); *possession of an illegal object* (along with proper reasoning for the suspicion); *other reason, namely* (the officer has to explain the actual, alternative reason).

part of the police, which, according to a number of officers participating in the project, started with the widely publicized instances of excessive use of force during the Budapest riots of October 2006. As a result, there has been a decrease in police activity throughout the whole country. The decrease may also be caused by the increased administrative workload on the officers (i.e. the filling out of the form). This is substantiated by the fact that in Budapest, the decrease was radical (over 70%) compared to the same period in the previous year, but after the monitoring phase was over, the monthly average of ID checks increased by 25%. Curiously, when asked about the possible explanation for the trends and numbers, none of the interviewed police officers mentioned the January 2008 amendment of the Police Act, which set forth a more stringent framework for performing ID checks. Overall in Budapest, there were 93 ID checks per 1000 people, in Kaposvár 353, and in Szeged 147.<sup>10</sup> To put this into an international context, the police in the UK conducted 59 stops (stop and search plus stop and account measures) per 1000 people during the years 2006–2007.<sup>11</sup> The average annual number of stops per 1000 people in the three Spanish project sites was even less: 16. Thus, ID checks play a much more important role in the Hungarian police's relations with the general public than it is the case in other European countries.

## 2. *The Effectiveness of the Stops*

The effectiveness of ID checks can be determined by examining what percentage of ID checks are followed by further police measures (such as arresting a person based on a warrant, initiating criminal or petty offense proceedings, etc.). This is often referred to as the “hit” or “success” rate. The project identified three main types of follow-up procedures (i.e. positive results proving that the check was well-grounded): (a) arrests, (b) short-term arrests and (c) petty offense procedures initiated (including on-the-spot fines).<sup>12</sup>

<sup>10</sup> These involve not only discretionary stops on the street of those suspected of committing a crime, but also checks of people that witness crimes and accidents, report something to the police or ask for help, etc. When asked about the approximate proportion of such checks (i.e. checks not initiated by the police), different estimations were given by the competent police officers: 10% in Kaposvár, 20% in Szeged and 30% in Budapest. If we adjust the above numbers using this data, we still get very high numbers: 65 checks per 1,000 people in Budapest, 325 in Kaposvár, and 93 in Szeged.

<sup>11</sup> Jones, A.–Singer, L.: *Statistics on Race and the Criminal Justice System – 2006*, London, 2008.

<sup>12</sup> It is important to note that in a large number of cases, ID checks form an inevitable part of the petty offense procedure and are not necessarily the starting point. For example,

Overall, including traffic related checks, only 1% of ID checks led to an arrest, 2% led to a short term arrest and 18% to petty offense procedures. Put simply, out of every 100 persons ID checked, only two were taken into short-term arrest, and only one was arrested. If ID checks related to traffic offenses are removed, the remaining checks result in 2% arrest, 3% short-term arrest, 19% petty offense procedure and 76% no further action taken. For comparison, in the UK nationally 10–13% of stop and searches lead to arrest.<sup>13</sup> On the whole, it appears that the police use of ID checks is ineffective; large numbers of people are being inconvenienced with little result. This data refutes the argument that extensive checks are an efficient tool against criminality, and highlights the sheer amount of police time wasted conducting stops.

This conclusion is further substantiated by the local data the participating headquarters provided after the monitoring phase was completed: in Kaposvár, where the number of ID checks increased during the project period compared to the same period in the previous year, the results were not any better. In contrast, although the number of checks dropped during the project period in both Szeged and Budapest, efficiency did not decrease (and even increased in some respects).

As mentioned above, in Kaposvár a slight (4.7%) increase in the total number of ID checks (24 606 to 25 770) was detected compared to the same period in the previous year. However, the increase in the number of stops did not bring about an increase in follow-up procedures. In fact, there was a 42% drop in the number of persons with outstanding arrest warrants who were identified and taken into custody during the project period (104 to 58), and a 30% decrease in short-term arrests (601 to 408). This again refutes the idea that more ID checks necessarily lead to more tangible results, which is substantiated by our own research results.

In Szeged, while the total number of ID checks dropped by 17.5% (16 724 to 13 786) when compared to the same period in the previous year, overall efficiency actually seems to have increased. Although less petty offense proceedings were initiated (3 036 instead of 3 361) and less fines were imposed on the spot

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if an officer is witness to a breach of law, she needs to establish the identity of the perpetrator in order to impose an on-the-spot fine on the perpetrator or initiate a petty-offense proceeding. In this case the result (the proceeding) is not generated by the ID check (as opposed to the identification of a person subject to an arrest warrant, where the result, the identification and arrest of the person, is the result of the check). It was not possible, however, to distinguish between these two forms of ID checks within the framework of the project, thus all ID checks coming out of petty offense procedures were considered as positive results.

<sup>13</sup> See: Jones–Singer: *op. cit.*

(2 718 as opposed to 3 630), the number of short-term arrests and the number of persons with an outstanding warrant who were identified and taken into custody slightly increased (605 to 611 and 148 to 163, respectively). The Head of the Department for Public Order attributed the increase in the number of wanted persons taken into custody to the setting up of a specialized search unit whose sole purpose is to find and arrest wanted persons. The unit is not using ID checks as a general screening method; instead it applies checks in a strictly targeted manner. This methodology seems to be a much more efficient use of police time and energy, and also creates less tension by inconveniencing fewer people.

As for the 6<sup>th</sup> District of Budapest, there was a drastic, 75.3% decrease in ID checks compared to the same period in the preceding year (14 362 to 3 538), however, this radical drop in the number of checks did not bring about a similar decrease in the results. During the project's span, 2 242 petty offense proceedings were initiated, as opposed to 977 such measures for the same period in the previous year. In other words, although the number of ID checks dropped by over 50%, more than twice as many checks were followed by petty offense proceedings. The number of short-term arrests remained approximately the same, representing a statistically insignificant increase relative to the same period in the previous year: during the project period, 692 persons were taken into custody, compared to 683 in the same period of the preceding year. The only area where a drastic decrease in the number of checks seems to have resulted in a decrease in effectiveness is the identification of persons subject to an outstanding arrest warrant. During the project period 284 such persons were identified and arrested, as opposed to 317 in the previous year, equivalent to a 10% drop.

In sum, the decrease in the number of ID checks in Szeged and Budapest did not result in a significant decrease in efficiency (there was a decrease in relation to some of the follow-up measures, whereas in relation to other measures, the levels remained the same or even increased). At a minimum, we can conclude that the data does not substantiate a correlation between the number of checks and the measurable success of police work (which is the argument most often used to justify the current practice of extensively checking people).

It is noteworthy that there is significant variation in the rate of efficiency depending upon what ground was recorded as the basis for the ID check.<sup>14</sup>

<sup>14</sup> Since 1 January 2008, under Article 29 of Act XXXIV of 1994 on the Police, a police officer may check the identity of any person whose personal identity needs to be



Most ID checks, 37%, took place during the course of traffic controls. A relatively high proportion of checks, 19%, were based upon the suspicion of a petty offense, 8% of all checks were pursuant to intensive controls, and only 2% of checks were related to the suspicion of a criminal act. ID checks recorded under the “other” category make up a third of all stops; this proportion rises to 50% when we removed traffic control stops from the data. Examining the efficiency rate of the ID checks relative to their different grounds, we see that the most frequently quoted grounds are the least efficient.

Arrests and significant percentages of short term arrests only followed those ID checks that were related to the suspicion of a crime, petty offense or finding a wanted person. Out of these latter cases, however, only those checks that were initiated due to the suspicion of a petty offense made up a substantial portion of all the checks. Overall, traffic control constituted the largest reason for the ID checks, though in 84% of these cases no further action was taken.

Two very important conclusions may be drawn. Firstly, intensive control seems to be very inefficient. As mentioned above, intensive control refers to checks that are not based on an officer’s own discretion, but rather upon an order from a superior who defines the permissible parameters. The aim of ID checks under intensive control may be to arrest a criminal suspect, or prevent or frustrate an action or incident posing a threat to public safety. ID checks in

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established. The provision lists the legally permitted aims of the measure: protection of public order, public safety, crime prevention and crime detection, establishing the lawful stay of the concerned person in Hungary, protection of the rights of the person checked and of other natural or legal persons. The concept of “ID checks” covers an extremely wide range of activities, as not only those measures are included which are carried out for the explicit purpose of establishing a person’s identity, but almost every single act where an officer comes into direct contact with a citizen. The proportion of such non-autonomous ID checks ranges between 10–30% according to the estimation of police officers participating in the project. Such non-autonomous ID checks are carried out for instance in the course of searching for witnesses. In such cases, ID checks are complementary to other police measures. The vast majority of ID checks, however, are autonomous measures in the sense that they are carried out for the sole purpose of identifying an individual. For example, ID checks can also be carried out in the course of traffic control when the existence of the aims listed above is not a precondition for lawfully applying an ID check. Based on the wording of Article 44 of the Police Act, traffic control can be performed in order to establish whether the driver has a driving license or whether she is in lawful possession of the car, thus in these cases the officer does not need to ascertain suspicion for the stop. Also, under Article 30 of the Police Act, the head of a police unit may order a so called “intensive control” in order to arrest a criminal suspect, or prevent or obstruct a threat to public safety. In such cases, within the defined territory, everyone may be lawfully ID checked even lacking the reasons outlined in Article 29.

such cases are limited to checking persons who are at, or who are entering into a certain area or publicly accessible place. Only 6% of checks performed on the basis of an intensive control order were followed up by any measure. The second area of concern involves ID checks conducted based on the “other” ground, which has an overall hit rate of 9% (0.6% arrest, 2% short term arrest, and 7% petty offense procedure). When asked to provide a specific reason or suspicion for checks falling into this category, many officers failed to articulate any concrete grounds for the check. In 64% of these cases, officers provided no information at all, and in 20% of all the cases the information provided was regarded as unsatisfactory (in a lot of cases, for instance, the officers indicated “general ID check” as the actual reason, which actually amounts to a violation of the Hungarian Police Act, which requires all ID checks to have a specific identifiable purpose). In only 16% of the checks based on the ground “other” did the acting officers provide information that the analysts found acceptable, such as for example “the suspect seemed disturbed when sensing police presence”.<sup>15</sup>

Since the majority of the checks (outside traffic control) belonged to the “other” category, it can be concluded that those checks which do not have any particular, specific grounds are at the same time the most inefficient ones with very poor hit rates. This refutes the thesis that it is worth putting police time and work into performing ID checks on a random basis. If we calculate five minutes per ID check on average, the 1.4 million independently initiated checks performed annually (as reported by national police statistics) amount to approximately 233 400 working hours (since regularly not only one, but two police officers carry out the ID checks), adding up to 29 175 working days per year. On the basis of the average monthly salary of police officers (HUF 242 500, approximately 800 Euros gross), this means that the time spent on ID checks is worth over HUF 335 million HUF and 1.1 million Euros annually. With a hit rate of about 20%, the mass use of ID checks seems to be an inefficient use of human and financial resources.<sup>16</sup>

<sup>15</sup> “Acceptable” does not refer to the assessment of whether the reason given is in accordance with the law. Instead, the degree of the specificity or concreteness of the grounds for police action is scrutinized.

<sup>16</sup> A number of officers mentioned raised that when examining the effectiveness of ID checks, it also must be taken into consideration that checks have a general preventive effect, and may in specific cases even be suitable for preventing specific criminal offenses. If, for instance, someone is preparing to commit a burglary, and is stopped and checked by the police, she will most probably give up on the plan, as the fact that the police will know where the given person was at a particular time, significantly increases the chance of being identified. The officers acknowledge that this impact may not be measured as accurately as

### 3. *The Ethnic Disproportionality of the Stops*

Based on the data collected, it appears that the majority of ID checks take place on public premises (streets, parks and roads account for 78%), while relatively few checks are performed in pubs, discos or similar places (6%). The temporal distribution of the checks is relatively even, with 21% occurring in the morning (from 6 a.m. till noon), 29% in the afternoon (from noon till 6 p.m.), 30% in the evening (from 6 p.m. to 10 p.m.), and the remaining 20% at night.

Police officers stop and check more men than women (75% and 25% respectively), and in line with international trends, young people are more likely to be checked. Individuals belonging to the age group 14–29 represent 43% of all checks, whereas their ratio within the population is 22%.<sup>17</sup> Based on the overall data collected, police in Hungary are most likely to check young men between the ages 14–29.

The data also shows that Roma are disproportionately targeted for ID checks. Disproportionality in ID checks refers to the extent to which police powers are applied to different ethnic/nationality groups out of proportion with their relative ratios in the wider population. The data provides evidence of disproportionality in stops by comparing the rate at which people from different ethnic or nationality groups are stopped in comparison to members of the majority group. Within the framework of the project, 22% of all persons checked by the police were of Roma origin (according to the assessment of the

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the number of follow-up measures (since it is not possible to measure how many offenses were not committed), but they insist that this effect shall be taken into account when we speak about efficiency. It needs to be pointed out that the preventive effect of ID checks has never been measured and proven in Hungary. According to international research on the issue, the potential perpetrator, even after being stopped, will most likely not completely abandon the plan of committing a crime, she will only modify it, change the location or postpone it. A comprehensive British research into stop and search measures established that such police action decreases the number of offenses by only 0.2–2.3%, and no close correlation may be substantiated between the number of checks and the number of those types of offenses that may in theory be influenced by checks. Miller, J.–Bland, N.–Quinton, P.: *The Impact of Stops and Searches on Crime and Community. Police Research Series*, 127, 2000. Also, even if we may presume the existence of a preventive impact of stops in relation to petty theft and trafficking in drugs, it is almost inconceivable in connection with white-collar crime, thus its preventive value only applies to a limited range of criminal activity.

<sup>17</sup> Based on the figures of the 2001 census, see: [www.nepszamlalas.hu/hun/kotetek/18/tables/load1\\_12.html](http://www.nepszamlalas.hu/hun/kotetek/18/tables/load1_12.html).

officer performing the check), as opposed to 75% being identified as “white.”<sup>18</sup> The remaining 3% were identified as “black”, “Asian”, “Arab” or other. According to reliable sociological research, the estimated proportion of Roma people within the total Hungarian population (of 10 045 000) is approximately 6.2% (i.e. their actual number is around 620 000).<sup>19</sup> Thus, Roma are more than three times more likely to be stopped than their percentage of the general population would indicate.<sup>20</sup>

<sup>18</sup> The results were further refined to remove stops conducted for the purpose of traffic control on the assumption that it is more difficult to make racially grounded distinctions when police officers stop cars on the road. With traffic stops removed, the percentage of Roma is somewhat higher (25%), but the difference is not statistically significant. The reason for this may be that since there are types of cars that are typically driven by Roma, ethnic profiling is not necessarily impossible during traffic stops. Due to lack of reliable data, the attempt to verify whether the type and age of a vehicle may also have influenced the choices of police officers was not successful. However, data provides evidence that such profiling may exist. The examination of the percentages of Roma and non-Roma among those checked during traffic controls show that the percentage of Roma within this sample was 17%. This is below the 22% level of over-representation within the full sample, but still significantly exceeds the national ratio of Roma within Hungary. It also needs to be taken into consideration that car ownership is likely to be rarer among the Roma due to their indigence and marginalized position in society. Thus, while the level of profiling is lower when traffic stops are performed (probably due in part to the fact that it is more difficult to make racial distinctions in such a situation), a certain disproportionality may still be observed. This also explains why the differences between results with and without traffic stops are smaller than previously expected.

<sup>19</sup> Hablicsek, L.–Gyenei, M.–Kemény, I.: *Kísérleti számítások a roma lakosság területi jellemzőinek alakulására és 2021-ig történő előrebecslésére* (Experimental estimates on the territorial dispersion of the Roma population until 2021). 63. See: <http://www.nepinfo.hu/index.php?p=605&m=1003> (hereafter: Hablicsek).

<sup>20</sup> There has been some variation among the three pilot sites in terms of disproportionality. In Budapest, one third (33%) of the persons checked were identified as Roma; they were approximately 3.3 times more likely to be stopped and ID checked than non-Roma. Of those who were stopped in Szeged during the project period, 7% were identified as Roma, while, according to the local police chief, the percentage of Roma within the total population of the covered region is only 3%. This means that a Roma person is approximately 2.3 times more likely to be stopped and ID checked than a non-Roma. In Kaposvár, 29% of those ID checked were identified as being of Roma origin, whereas, according to minority community leaders, the percentage of Roma within the total population of the region is 15%. This means that a Roma person is approximately twice as likely to be stopped and ID checked than a non-Roma. The results are worse when we exclude traffic controls from the results: the percentage of Roma among those who were ID checked subsequently rises to 36%; meaning that a Roma is 2.4 times more likely to be stopped and ID checked than a non-Roma.

The results show that Roma youth are especially likely to be targeted for ID checks. The proportion of Roma youth between age 14 and 16 who were stopped and checked during the project period was significantly higher than the already high general representation of Roma within the sample (32% as opposed to 22%). In interpreting the data, we have to take into consideration the fact that the Roma population profile is younger than that of the wider Hungarian population. The age group 15–19, for instance, is estimated to represent 10.3% of the total Roma population, as opposed to 6.4% within the total population.<sup>21</sup>

The data also shows considerable differences regarding the grounds based on which ethnic groups are stopped. It is worth noting that in the category of “other ground” the proportion of Roma is higher (28%) than in the general sample (22%). Disregarding traffic stops, this difference is even bigger, as the proportion of Roma persons in the “other” category increased to 30%. It is obvious that, owing to its lack of concreteness, this is one of those categories under which officers have the most discretion to act on stereotypes, thus the level of over-representation in this category gives rise to serious concerns.

Similarly, the over-representation of Roma among persons ID checked due to the suspicion of a criminal act significantly exceeds their level of over-representation in the general sample. If, however, we look at how efficient these checks are, we can conclude that, despite the commonly held beliefs among officers, it is not more productive to stop and check Roma at greater rates than non-Roma. The data in the research shows that ID checks of Roma are no more likely to yield results than measures enforced in relation to non-Roma. It is often argued that a disproportionate targeting of ethnic minority groups is justified by differential rates of criminal involvement. The hit rate of police checks, however, shows no significant differences by ethnic group. Put simply, if Roma were more likely to be involved in criminal activities than non-Roma, ID checks performed on them would have to lead to follow-up measures more often than the checking of non-Roma.

Roma are disproportionately subjected to ID checks, yet the data shows that they are no more likely to be involved in illegal activities than ethnic Hungarians. On a national level, 78% of ID checks involving Roma were “unsuccessful” in the sense that no further measure was required after the check. For non-Roma this ratio was 79%. The percentage of checks followed by a petty offense proceeding for Roma and non-Roma was 19% and 18%, respectively. Rates of

<sup>21</sup> See Kemény, I.: *A magyarországi cigány népesség demográfiaja* (The demography of Hungarian Roma population). [http://www.demografia.hu/Demografia/2004\\_3-4/Kemeny%20Istvan\\_kozl.pdf](http://www.demografia.hu/Demografia/2004_3-4/Kemeny%20Istvan_kozl.pdf)

arrests and short-term arrests are practically the same within the Roma and the non-Roma sample.

Furthermore, when ID checks are initiated upon the suspicion of a criminal offense (where in fact the hit rate is rather high), a significantly higher proportion of Roma are stopped without a sufficient ground than non-Roma (37%, as opposed to 25%). It needs to be noted that the country's capital, Budapest: 80% of the checks of Roma did not require any further police action, whereas the same proportion for non-Roma was 59%. If we compare this with the fact that 33% of all the persons checked are of Roma origin (which is a serious over-representation relative to their proportion of 5–10% in Budapest), we can see that the problem is more acute in Budapest than in the other pilot sites.

### **Research Conclusions**

In Hungary, the annual number of ID checks (per 1,000 people) is high when compared with other nations in Europe. The police practice behind this result is based on the conviction that randomly initiated ID checks constitute an efficient crime prevention and detection strategy. However, in the sample, only approximately 20% of the ID checks were followed up by any measure, and of these measures, 18% merely involved the initiation of a petty offense proceeding (i.e. proceedings launched due to transgressions of minor significance). Arrests followed only 1% of the checks in our sample. The research showed that those types of ID checks that are responsible for the majority of the measures (and which are not based on concretely identifiable facts, such as intensive control, traffic control and the as mentioned above illegal “general checks”) are the least efficient. The case of the Szeged Police Headquarters is particularly telling: during the project period, the number of ID checks somewhat decreased, while the number wanted and arrested actually increased. Instead of trying to identify and arrest wanted persons by carrying out mass ID checks, the department chose to set up a specialized unit performing targeted checks based on intelligence. This increased efficiency while decreasing the number of checks.

Another important conclusion of the research is that Roma are disproportionately targeted by ID checks. Even though their proportion of the general population is only between 6 and 8%, persons perceived to be of Roma origin by the acting officers constituted 22% of those who were ID checked. The research also refuted the ostensibly rational argument that is frequently presented to justify disproportionality; namely that the Roma are over-represented among offenders, therefore the practice of checking them more often is objectively reasonable. Research results showed that there is no difference in the efficiency

of checks targeting Roma and non-Roma (nationally 22% of the checks on Roma and 21% of checks targeting non-Roma are followed by some further measure). In cases where ID checks were initiated due to the suspicion of a criminal offense, checks performed on non-Roma are, in fact, significantly more efficient: 76% of the stops led to further measures for non-Roma as opposed to 63% for Roma. It can therefore be concluded that the efficiency of disproportionately checking Roma people is a myth and ethnic profiling by the police in Hungary is an existing problem that must be acknowledged.