

Laila Abdul-Rahman | Hannah Espín Grau | Tobias Singelstein

Police Use of Excessive Force (KviAPol)
Research Project: Interim Report

Victims' perspectives on police violence

2nd edition, 26 October 2020

With the assistance of
Nadine Drolshagen
Jonas Reitz
Louisa Zech

Forschungsprojekt KviAPol
Lehrstuhl für Kriminologie (Prof. Dr. Singelstein)
Ruhr-Universität Bochum | Juristische Fakultät
Universitätsstraße 150
44801 Bochum

Translation: William Burn, Carrington Editorial, will@carringtoneditorial.com

Forschungsprojekt
KVIA-POL

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Note on the second, updated edition.

Since the Interim Report was first issued on 17/09/2019 further analysis has made it necessary to make minor changes. These include the removal of two more cases from the data set during data validation, so that now $n=3,373$. The Interim Report has been fully updated there have been no significant changes to the results.

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Summary

Police Use of Excessive Force (“Körperverletzung im Amt durch Polizeibeamt*innen” (KviAPol)) is a research project funded by the Deutsche Forschungsgemeinschaft (DFG). It investigates processes of victimisation, victims’ willingness to report incidents and the scope and pattern of unreported and unrecorded incidents involving unlawful police violence. In the first phase of the project a victim survey was carried out using an online questionnaire, the results of which are reported here. During the second phase of the project, which will run until 2021, around 63 interviews with experts will supplement and build upon these findings.

Participants for the online survey were recruited through public outreach and a snowball sampling method assisted by gatekeepers. The data collection phase lasted 9.5 weeks from November 2018 to January 2019 (cf. 2.1.3). A range of technical measures was used to prevent abuse while data was still being collected. As part of data validation, the coherency and plausibility of respondents’ answers were assessed. Where responses did not meet predefined standards for coherency and plausibility, these were removed from the data set (cf. 2.2).

Of the 5,677 completed questionnaires, 3,678 related to the respondent’s own experience of physical violence by police officers in the line of duty which the victim considered excessive or unlawful. A further 1,999 respondents used the survey to report their experiences as witnesses, other forms of non-physical violence or the fact they had not experienced violence of this kind. These reports are not the subject of this analysis (cf. 2.2).

Of the 3,678 completed questionnaires, 305 questionnaires were excluded from the data set through the data validation process. The remaining 3,373 cases were included in the analysis. As is always the case with victimisation surveys, this sample depicts the respondents’ impressions and assessments. Only a very few cases have been judged by a court. Readers should bear this in mind when assessing the outcomes, particularly given the fact that the distinction between the lawful use of direct force by the police and the unlawful use of police violence is not always clear to legal laypeople (cf. 2.1.1 and 2.1.2).

The method chosen to recruit respondents to the survey means this is not a representative sample. As a consequence, it is not easy to draw general conclusions from these findings or apply them to society as a whole (cf. 2.1.1). Nevertheless, the findings do allow us to draw some conclusions about the overall situation.

Occasions of Police Contact and Characteristics of Victims

The respondents described a wide range of situations in which force was used by police, from chance encounters in public spaces to targeted arrests, political activism and other mass events. It may thus be assumed that unlawful police violence could occur in effectively any operational setting.

Nevertheless, reports of certain types of encounters with the police can be identified as being particularly common in this sample. Demonstrations and political activism feature prominently (55%, cf. 3.1.1), as do incidents in the context of football matches and other mass events (25%, cf. 3.1.2). The particular significance of demonstrations, political activism, football matches and other mass events may be due to the strategy used to recruit participants to the survey. On the other hand, it also seems plausible that these situations (and others not included in the sample) are overly susceptible to certain forms of unlawful police violence. Unlike in other operational settings, political activism and demonstrations and football involve relationships in which conflict is entrenched, with the police on one side and certain social groups on the other. For these groups, disputes are characterised by distinctive patterns of interaction.

The third subgroup of police contacts comprises all operations not connected to mass events, which constitute 20% of the overall sample (cf. 3.1.3). Respondents in this group described a highly diverse range of encounters with the police, although certain situations appear to have been at greater risk than others. It was common for the police to use force when stopping individuals or when they were called over a dispute. In a substantial proportion of the cases reported to us, the respondents were in many cases not initially involved in the police operation but were observing or documenting it, for example. This means they were not the target of the initial police operation. This latter point may also be observed in other subgroups in the sample.

These three subgroups (demonstrations and political activism, football and other mass events, and operations not connected to mass events) differ not only in terms of the occasion when contact occurred between the police and the respondent, but in other ways as well. As such, these distinctions will guide the following analysis (cf. 2.4.2).

The respondents are predominantly male (72%), young in age (an average of 26 at the time of the incident) and highly educated (71% held a higher education entrance qualification). 16% are from migrant backgrounds (cf. 2.4.1). However, the subgroups identified above based on the cause of their contact with the police differ in terms of how they are structured. The group of demonstrators and political activists contains the largest proportion of non-

male persons, school pupils and persons with a higher education entrance qualification. This group also contains the largest proportion of persons with low incomes (i.e. below €1,500 net per month). The respondents in the football and other mass events subgroup are overwhelmingly male and younger in comparison. The proportion of people from migrant backgrounds is lowest in these groups. These groups show the largest proportion of respondents who are in employment and of persons with medium income (i.e. between €1,500 and €3,000 net per month, cf. 2.4.2).

The group of respondents who reported incidents during operations not connected to mass events is comparatively heterogeneous. By and large, this subgroup matches the distribution of the sample as a whole. That said, there is a higher proportion of older people, with an average age of 30 at the time of the incident. The subgroup also includes a higher proportion of pensioners, the unemployed and those with no or limited school-leaving qualifications. However, it also includes the highest proportion of those with higher incomes (i.e. above €3,000 net per month). The proportion of people from migrant backgrounds is highest in this group (24%, cf. 2.4.2).

Locations and Progression of Incidents

The sample contains reports of cases from communities of all sizes, from villages to major cities with over half a million inhabitants. However, there is also a clear emphasis in this regard, in that the number of reported cases increases in line with the local population figure and is consequently highest for major cities. It is not possible to say with confidence whether this finding (i.e. the larger the community in question, the more likely it is that the police will use violence unlawfully) is universally valid, due to the fact that this is not a representative sample (cf. 3.2.1).

The overwhelming majority of reports state that police violence took place in public spaces (cf. 3.2.1.1). Cases of violence in police vehicles or buildings were rarer but still amount to 16% of all cases. Such incidents were most often reported in the context of operations not connected to mass events. These instances also involved violence being used multiple times in connection with people moving from one location to another. Only a small proportion of reports described the excessive use of force by the police in private residences (cf. 3.2.1.2).

The interactions with the police described by the respondents typically escalated quickly. In 54% of cases, it took less than two minutes from first contact for the incident to escalate into violence. This was especially true of mass events such as demonstrations and football matches, but it also applies to police operations such as arrests, detentions, home searches and traffic stops

not connected to mass events. Police operations initially aimed at third parties, identity checks or operations in which the police were called over a dispute were distinctive in that it took a moderate amount of time (between two and ten minutes) for violence to escalate. It was rare for an incident to take more than 10 minutes to escalate into violence, except for certain operations not connected to mass events (cf. 3.2.2).

Types and Consequences of Violence

The respondents described experiencing violence in many different forms. Taken as a whole, mild and moderate forms of violence predominate, and reports of being pushed or hit are very common. Reports of being held or handled with too much force, being kicked, shackled or restrained were equally common. Different types of violence were employed depending on where and why the respondent came into contact with the police. For example, the use of irritant sprays such as pepper spray was an important factor at all types of major events and at football matches in particular. There were only occasional reports of the use of electroshock weapons such as tasers or firearms. These were largely immaterial to the wider picture. However, tasers are becoming increasingly widespread, so it is likely that this will change in future (cf. 3.3).

More than two-thirds of the respondents (71%) reported physical injuries. These have been categorised by severity in the evaluation for analytical purposes. 19% of all respondents stated they had suffered serious injuries such as broken bones, serious head injuries and internal injuries (cf. 3.4.1). On average, respondents from all types of police operations experienced high levels of pain (cf. 3.4.2). The majority of respondents stated it took them several hours (11%) or days (54%) to recover. By contrast, the healing process lasted several weeks or longer for 31% of respondents. In 4% of cases the incidents even caused permanent harm (cf. 3.4.3). In addition to the physical impacts, respondents reported significant psychological after-effects such as fear and avoidance behaviours (cf. 3.4.4).

The effects of violence were significantly more severe for those who encountered it in situations not connected to mass events than for victims in the other two subgroups. They reported serious physical harm and psychological effects more frequently. Respondents from this subgroup also reported longer recovery times and more severe experiences of stress than respondents from demonstrations and political activism or football matches and other mass events. Last but not least, respondents from this subgroup accessed medical treatment more often, particularly in the form of psychologi-

cal support (cf. 3.4.6). More investigation is required to understand the reasons behind this finding of particular stress. It seems possible that the diverse socio-demographic composition of the victims in the various subgroups may be at play, such as in how victims assess psychiatric consequences and how they access medical care. Secondly, operations not connected to mass events employ different types of violence in different ways than demonstrations and political activism or football matches and mass events and it is conceivable that this will have an impact on stress. Thirdly, it will be necessary to explore whether incidents of this kind are more exceptional for those affected by operations not connected to mass events than for those in the other two subgroups.

Crime Reporting Behaviour, Dark Figures and Criminal Justice Practices

The cases of excessive police violence reported to us only rarely led to a criminal investigation into the incident. To the knowledge of victims, this only happened in 13% of incidents. It was more common than the average for the group from operations not connected to mass events (22%) and the figure was also above average for football matches and other mass events (16%). By contrast, criminal investigations were much less common in the context of demonstrations and political activism (9%, cf. 3.6.1)

In 72% of the cases where criminal investigations did take place, this was due to the victim or their legal representative making a complaint. This means that only 9% of respondents decided to make a criminal complaint (cf. 3.5). The primary motivation for making a complaint was to prevent other cases of unlawful violence from occurring in future (cf. 3.5.1). The main reason for respondents not making a complaint was because they assumed that it was pointless to complain or that criminal investigations would achieve nothing. The fear of the police taking action in retribution against the complainant was a significant factor. In the subgroups of demonstrations and political activism and football and other mass events, respondents were also concerned by their inability to identify the officers involved in the incident (cf. 3.5.2).

In the non-representative sample for this study, the majority of cases therefore remained within the dark figure since they did not lead to a criminal investigation. If we only consider cases where information is available on whether proceedings were initiated (n=3,123), unreported cases make up 86% of the total while reported cases account for 14%. In the sample for this study, the dark figure is roughly six times larger than the figure for officially known cases (cf. 3.7.2). It is true that this cannot readily be mapped onto

society as a whole, but these findings do make it possible to estimate that the total of unreported incidents of the unlawful use of violence by police officers is at least five times greater than the number of officially known incidents that can be derived from official statistics. As is always the case when comparing known and unidentified crime, the analysis also takes suspected cases into account (cf. 3.7.3).

With regard to how the criminal justice system handles cases, the picture that emerges from this study is similar to that found in official statistics. Criminal proceedings against police officers for the unlawful use of violence are dismissed at a remarkably high rate, and rates of such cases resulting in indictments are low (cf. 3.6.4). According to the responses to the survey, in those cases where investigations were undertaken into the use of physical violence and where information was available about the outcome of those proceedings (n=326), charges were brought or penalty orders were applied for or issued in 7% of the cases. 93% of cases were dismissed, primarily due to lack of evidence that a crime has been committed (as per Section 170 (2) of the German Code of Criminal Procedure (StPO)). For cases in the context of demonstrations and political activism, and football matches and other mass events, criminal investigations were terminated most often due to issues with identifying the officers involved (cf. 3.6.3).

1. Introduction

The Police Use of Excessive Force (KviAPol) research project started work in March 2018 at the Ruhr-Universität Bochum to investigate victimisation processes, the dark figure and crime reporting behaviour associated with unlawful police violence.¹ Under the leadership of Prof Tobias Singelstein, the project is funded by the Deutsche Forschungsgemeinschaft (DFG) and is supported by an academic advisory board.²

The study is structured in two successive phases. The first phase of the project was a large-scale survey of victims of the use of excessive force by police officers. This was the first such survey to be conducted in German-speaking countries. The survey aimed to capture the experiences of those who were affected by what they considered excessive violence at the hands of police officers. The second phase of the project will expand and build on the findings from the survey. To this end, 63 qualitative structured interviews will be conducted with experts from the criminal justice system, the police and civil society.³ Once the evaluation is complete, these interviews will be combined with the outcomes of the victim survey.

This project aims to create a robust knowledge base for the academic and societal debates about unlawful police violence, so our investigation is guided by these key questions:

1. Who is affected by unlawful police violence?
2. Which constellations and situational factors come into play in these incidents?
3. How often are instances of excessive police violence reported to the police?
4. Which factors influence how crimes are reported?
5. What is the ratio of reported to unreported crimes, and what is the structure of the dark figure for this issue?
6. What connections can be identified to explain how state prosecutors and the courts handle cases of this type?

¹ We would like to thank Benjamin Derin, Marius Garnhartner, Ricardo Gummert, Julia Habermann, Matthias Michel, Johannes Niemz, Kira Rusert and Elena Zum-Bruch for their enthusiastic support.

² A list of the members of the academic advisory board may be found on the project's website at <https://kviapol.rub.de/index.php/beirat>.

³ The interview subjects from civil society will include representatives from victims support centres, victim advocacy groups and journalists. The judicial system will be represented by public prosecutors, judges and lawyers. Interviewees from the police will include senior officers, internal investigators and law enforcement officers.

This report presents the methodology⁴ used in this study along with the initial results of the quantitative online survey.⁵ Victimization surveys are a standard method of researching dark figures as they make it possible to gather data on the dark figure (i.e. cases not known to the authorities) in addition to official crime monitoring statistics. Analysis that fails to consider the cases that remain “in the shadows” would only ever examine a “distorted subset of the phenomenon”⁶. Victimization surveys of this kind do not aim to review each case from a legal perspective – this is not possible when collecting quantitative data of this kind. It goes without saying that this study has made full use of all available methodological instruments and options to achieve the best possible quality of the data (cf. 2.1.2 and 2.2). When interpreting the data we have always borne in mind that it represents the views of the respondents, as is the case with all survey-based studies.

The KviAPol research project will continue until 2021. The final report will present a conclusive analysis of the quantitative survey and combine the two phases of the study.

⁴ For a discussion of the methodology cf. Abdul-Rahman, Espín Grau & Singelstein (2019).

⁵ A detailed account of the state of the research will be provided in the final report.

⁶ According to the Federal Criminal Police Office (BKA) remarks on research into dark figures, at https://www.bka.de/DE/UnsereAufgaben/Forschung/ForschungsprojekteUndErgebnisse/Dunkelfeldforschung/dunkelfeldforschung_node.html (last accessed 12/09/2019).

2. Methodology

In this section we will explain the methodology used when collecting and validating the data from the quantitative survey and describe the sample. The second, qualitative phase of the project will be presented in the final report.

2.1 Data Collection

Data was collected by a wide-ranging multilingual online questionnaire that was freely accessible on the project website. This allowed the sample to be as wide-ranging and diverse as possible.

2.1.1 Recruiting participants

The goal of the recruitment strategy was to reach the largest possible number of people from all walks of life who had experienced the excessive use of force by the police. Two approaches were taken to recruit participants. Firstly, intensive public outreach work sought to raise as much awareness about the survey as possible. In addition to extensive public relations and social media activity, flyers were distributed in the four languages of the survey: German, English, Arabic and French. Flyers were shared online and via support centres, hostels for homeless persons, cultural centres and universities.

The other channel involved recruitment through a “snowball sampling method” supported by relevant gatekeepers who had special access to certain social groups. The gatekeepers were asked to share the questionnaire with those who might have been affected. Potential gatekeepers were identified and contacted in a range of areas:

- football fans,
- marginalised groups such as people of colour, LGBTIQ*, homeless persons, refugees, and Sinti and Romani people,
- political activists and
- journalists.

The 1,669 gatekeepers were asked to provide support with distributing the online questionnaire both before and during the data collection phase. This method of recruiting victims of unlawful police violence guaranteed a broad

sample that represented diverse perspectives. Hence it was possible to observe and distinguish between a range of escalation processes.⁷

In order to reach the intended target audience (i.e. persons who have experienced unlawful police violence), the flyers and social media posts opened with this question: “Have you experienced unlawful police violence?”. The clear and concise wording aimed to make it immediately apparent which experiences we were hoping to find. It was left up to the victims themselves to decide whether to participate or not based on their own assessment of their experiences with the police. This meant people were recruited who had experienced police violence which they considered excessive or unlawful (cf. 2.1.2).

The sample achieved through this approach is not representative of the wider population. As a consequence, it is not easy to draw general conclusions from these findings or apply them to society as a whole. Nevertheless, the findings do allow us to draw some conclusions about the wider situation. A representative sample could only be achieved by randomly selecting participants from the whole population. Given the fact that the prevalence of the phenomenon being investigated⁸ is probably low, a representative sample would have to be impracticably large and disproportionately expensive. Furthermore, recruiting participants in this way would risk missing certain social groups altogether that are particularly relevant to this issue, such as unregistered persons.

The participants’ anonymity was guaranteed. Ensuring participants’ anonymity is a fundamental principle of research ethics and is almost always a core element of the design of any victimisation survey.⁹ Any infringement of this principle would in all probability have substantially reduced the number of participants and thereby massively distorted the sample.

2.1.2 Survey instrument

The first part of the questionnaire focused on detailed questions about the situations in which violence occurred. This included questions on the setting

⁷ More detail may be found in Abdul-Rahman, Espín Grau & Singelstein (2019).

⁸ According to Ellrich and Baier (2015, p. 30), the prevalence rate in the population of Lower Saxony of those who have experienced police violence is 0.47%. This sampling method would also fail to distinguish between lawful and unlawful violence.

⁹ Cf. Eynon, Fry & Schroeder (2017). Participants are assured of their anonymity in other victimisation surveys such as the Deutsche Viktimisierungssurvey (Birkel et al. 2019) and online surveys of police officers in ten Länder carried out by the Criminological Research Institute of Lower Saxony (KFN)(Ellrich, Baier & Pfeiffer 2012), which investigated violence against police officers.

(such as the occasion where police contact occurred), how the incident developed and what action was taken by the police. Participants were also asked about what happened during the interaction, namely the behaviour of the victim, the officer and others present. The key elements of the survey also included the form of violence and how it affected the respondent, such as physical and psychological injuries. The survey also included questions about some characteristics of the victim themselves and the police officers present. Data was also captured on whether a criminal complaint was made (reporting behaviour) and the results of any criminal proceedings (case handling by the criminal justice system). Some of these points are covered in this report, while others, such as a closer examination of events during the interaction, will follow in the final report.

This study faced a particular challenge as the subject of the survey (unlawful police violence) sometimes required more complex legal assessments than is usually the case in victimisation studies. For example, if relevant legal requirements are met in certain situations, police officers may use force in the course of their duties. The legal exercise of direct compulsion must be distinguished from unlawful police violence. In individual cases it can be difficult to assess whether the actions of the officers involved remained within established legal limits such as the principle of proportionality. However, this often is disputed by those involved. With this in mind, participants were asked at the point of recruitment, “have you experienced unlawful police violence?” This indicated that the survey was only looking for cases that the victim believed to be disproportionate (cf. 2.1.1).

On several occasions during the questionnaire, reference was made to the difference between lawful and excessive police violence and this distinction was explained in more detail. This provided the participants with criteria on which to make their assessment.¹⁰ As is the case in other victimisation studies, it cannot be expected that legal assessments made by laypeople and based on these criteria will be accurate in each and every case. It is therefore likely that the sample will contain some cases where the use of force by the police would be justified from a legal perspective and would therefore be lawful, which should be borne in mind when interpreting the results. However, this in no way limits the relevance of the central questions here: why did the police use force and why did the victim believe it to be disproportionate?

¹⁰ The survey began by asking how often the respondents had experienced police violence. It then asked how often the respondent had considered the violence to be unnecessary or excessive. Each question included an explanatory introduction. Of the respondents who had experienced violence multiple times (n=2,832), 36% stated they had also experienced violence they did not consider to be unlawful.

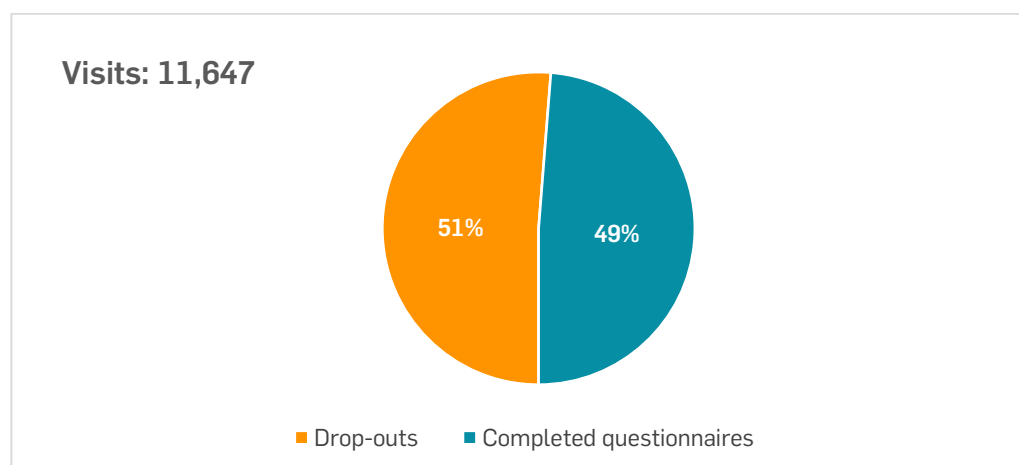
2.1.3 Data collection phase

The online questionnaire was released on the project website on 08/11/2018. It remained available for 9.5 weeks until 13/01/2019.¹¹ During that period, the questionnaire was accessed 11,647 times, with 5,677 people (49%) completing the questionnaire by submitting the final page (cf. Figure 1). The survey was accessible to all, so it is not surprising that there was a high dropout rate, such as where users only wanted to see what the survey was about rather than actually completing it. The survey was offered in four languages, but the vast majority of respondents used the German version (99%). 40 respondents (0.7%) used the English version, while the French and Arabic versions were each only used by 8 individuals.

The questionnaire was freely accessible through the website. For this reason, a range of methods was employed to prevent abuse and preclude or minimise distortions due to untruthful responses. The most important element of this was the data validation process that followed the conclusion of the survey. It is explained in chapter 2.2. In addition to this, several safety mechanisms were employed both before and during the data collection phase.

In technical terms, the survey used randomly generated CAPTCHAs and cookies made it difficult to contribute more than once. Granted, it is not possible to completely exclude the possibility of double responses, but this rarely happens in practice.¹²

Figure 1: Questionnaire visits (n=11,647)



¹¹ This was originally planned to last six weeks but the data collection period was extended due to high levels of demand.

¹² On this and other questions of the validity of online questionnaires, cf. Birnbaum 2004, p. 816; Gosling et al. 2004.

Summary:

- During the data collection phase, there were 11,647 visits to the questionnaire, and 5,677 users (49%) completed the questionnaire.
- In addition to data validation (cf. 2.2), a range of technical measures was used to prevent abuse while data was still being collected.
- As is always the case with victimisation surveys, this sample depicts the respondents' impressions and views, facts that have been established in court.

2.2 Data validation and sample for analysis

Not all of the 5,677 individuals who completed the questionnaire reported cases that were relevant to this study (namely the respondent's own experiences of physical violence at the hands of police officers in the course of their duties which the victims considered excessive or unlawful). A sizeable number of respondents described their experiences as witnesses or their experiences of psychological or verbal violence. Some had no experience at all of police violence and only left general comments. A filter question at the beginning of the questionnaire took this group to a shorter version of the questionnaire. This group consisted of 1,999 responses.

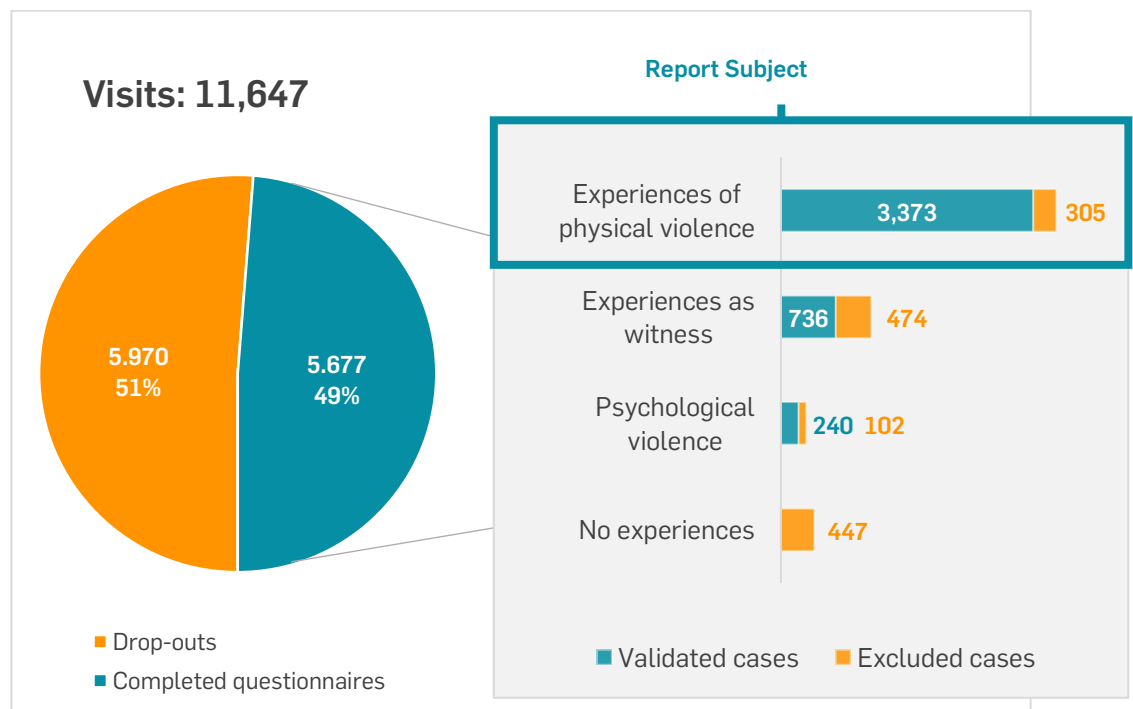
The main questionnaire, in which respondents could describe their own experience of physical violence at the hands of the police, was completed 3,678 times. The length and detail of the questionnaire meant it took respondents an average of 39 minutes to complete. This analysis only includes those respondents who completed the whole questionnaire. It would therefore have taken a huge amount of effort to create an effective deception that could also survive the data validation process described below.

Data validation measures included tests for coherency and plausibility in respondents' answers. Participants whose responses failed to meet predefined requirements were removed from the data set, although this only occurred if there was evidence of multiple issues. The following factors were used in the course of the validation process: plausibility checks (do responses contradict one another, e.g. did the birth year contradict the year of the incident); time to completion being significantly below average (so-called "click-throughs"); the coherence of answering behaviour (test questions); patterns of answers; high rates of failure to answer questions and conspicuous extreme values

(such as in frequency questions). In addition, all open statements were sifted. In a multi-stage process, apparently implausible cases were fully reviewed by the research team and removed from the sample where appropriate.

Using this approach, a total of 305 of the 3,678 participants who had completed the questionnaire about their own experiences of physical violence were removed from the sample. Furthermore, reports of witnessing psychological violence were sifted out and any irrelevant responses were also excluded. However, this report is not concerned with those cases. Once the data validation process was complete, 3,373 persons who had personal experience of physical violence remained in the sample (59% of all completed questionnaires). Their responses were used as the basis for this analysis (cf. Figure 2).

Figure 2: Cases following Data validation



It is always the case with this type of study that, despite intensive and wide-ranging data validation, the data set may still contain some responses that are not true accounts of events. According to our review of the data set, it may however be assumed that the number of false responses is so low that they will not significantly distort the data.

Summary:

- Data validation included assessing the coherency and plausibility of respondents' answers.
- The majority of the completed questionnaires related to experiences of physical violence by police officers in the line of duty, which the victim considered excessive or unlawful. The other accounts described experiences as witnesses or non-physical violence, along with general comments on the study. These will be reserved for separate evaluations.
- 305 participants completed the questionnaire but their responses did not meet standards of plausibility and coherence. They were removed from the data set. There were no indications of an increased number of flawed or abusive responses.
- This data set has been subjected to intensive checking and validation. Given its size, it may therefore be assumed that any untrue responses that still remain will not distort the data in a meaningful way.
- Following validation the sample now contains 3,373 cases where respondents described what they considered the disproportionate use of force by the police against themselves. These cases will form the basis of the following evaluation.

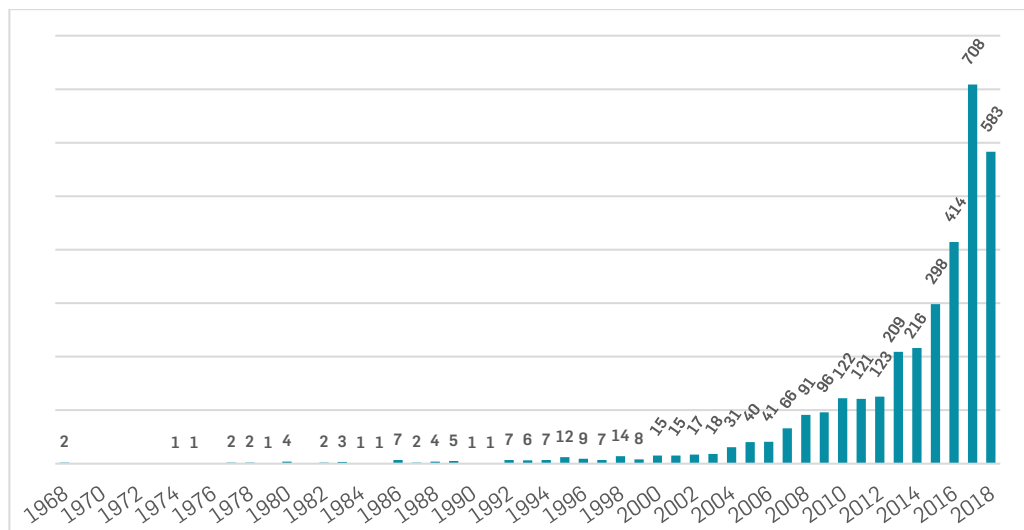
2.3 Reference event (time of the incident described)

It is possible that one individual may have experienced relevant forms of violence several times. Hence, when developing the questionnaire the question arose of which incident the subsequent questions should focus on. A “reference event” may be selected in several ways, such as by focusing on the serious incident or the most recent occurrence. The advantage of the latter method is that the respondent's memories will be fresher than for an event that took place longer ago. However, the counter-argument to this line of thought is that if a victim has experienced violence many times, the memory of serious incidents may be stronger than memories of less serious incidents. Moreover, the respondent would probably feel a personal need to relate what they felt was the most serious experience. With regard to the research focus of this study, it also seemed expedient to ask about situations that represented a certain level of seriousness.

Against this background, respondents were asked to refer to what they subjectively felt was the most serious incident in the following stages of the questionnaire.¹³ It is possible to use objective criteria such as the type of injuries or how they were treated to determine which incident was most serious. However, it is ultimately up to the respondents to decide this for themselves, as the “severity” of an experience is always highly subjective.

The incident that was most serious for the respondent forms the time and reference framework to which all subsequent presentations of results refer. The majority of the reported cases (66%, n=2,219) occurred in the last 5 years (2014–2018, cf. Figure 3). One fifth (20%, n=671) occurred up to 10 years ago, a further 10% (n=342) up to 20 years ago. 69 cases (2%) occurred over 20 years ago and 33 cases (1%) 30 or more years ago. 39 people did not respond to this question (1%).¹⁴

Figure 3: Number of cases, by year of incident described (reference incident; n=3,334)



¹³ Wording in the questionnaire: Which of these situations in your life was the worst for you personally? The NRW study of violence against police officers by Jager, Klatt & Bliessener (2013) took a similar approach.

¹⁴ It was decided not to limit the timeframe to incidents from the past ten years, for example, as it was not possible to ensure that only people with experiences from that period would participate. Imposing restrictions would have increased the likelihood of distortions and contradicted the exploratory character of the study. As only 3% of cases took place over 20 years ago, these were included in the overall analysis. This does not preclude the possibility of further analyses focusing on current cases, or that older and current cases could be compared.

2.4 Sample

This section describes the composition of the final sample (n=3,373). Socio-demographic characteristics are shown in Table 1. These refer to the time when the incident described took place (the reference event - cf. 2.3).

2.4.1 Socio-demographic characteristics of the full sample

Around three-quarters of the respondents in the sample are male (72%), with an average age of 30. As the cases described in the questionnaire took place in the past, the average age at the time violence was experienced was a little lower, at 26.

16% of respondents come from migrant backgrounds and 3% are not German citizens.¹⁵ Accordingly, 13% are German citizens from migrant backgrounds. Of those, just under a fifth (18%) are “first-generation” – i.e. they are migrants themselves. The remaining 82% are “second generation”, in that they were born in Germany but at least one parent was born in another country. By way of comparison, non-Germans and Germans from migrant backgrounds each accounted for 12% of the total population of Germany in 2018.¹⁶ While the proportion of Germans from migrant backgrounds in this sample (13%) is roughly in line with their share of the whole population, persons with other nationalities are underrepresented, with a share of 3%. Furthermore, 7% of respondents (n=232) stated their appearance would normally be perceived by others as “not German”.¹⁷ This affected 27% of persons from migrant backgrounds (n=149).

At the time they experienced violence, the majority of respondents (71%) held a school leaving qualification, either for entrance to university or universities of applied sciences. Around half (43%) were in full-time employment. The same number were at university or still at school (43%). 67% of respondents

¹⁵ Most (64%) of the non-German citizens are citizens of other European countries. Eight individuals are citizens (dual or sole) of countries in West Africa. Eleven are citizens of Middle Eastern countries or Afghanistan. Five individuals held dual or sole citizenship of Turkey. Six individuals are from other third countries and two individuals are stateless.

¹⁶ Federal Statistical Office 2019 at <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Bevoelkerung/Migration-Integration/Tabellen/migrationshintergrund-geschlecht-insgesamt.html> (last accessed: 12/09/2019).

¹⁷ Respondents were asked to assess if they thought others perceived them as foreigners. Matters of citizenship and migration are expressed in fixed categories that can conceal or distort certain experiences. This question is therefore helpful in capturing discrimination due to actual or perceived affiliations to national, ethnic or cultural groups (cf. Supik 2017, p. 47).

were in the low net monthly income bracket, taking home less than €1,500 a month. 35 individuals (1%) were of no fixed abode at the time of the incident.

2.4.2 Compiling the subgroups

The full sample (n=3,373) was separated into three subgroups. These are analysed separately and compared with one another below. The key criterion here was the original occasion of the contact with the police which led to violence being used. This information was collected through a question on the context in which the respondent came into contact with the police.¹⁸ Depending on the occasion of the contact, further, more specific questions were asked about each situation. These are considered in Chapter 3.1 below. For analytical purposes the various situations were grouped as follows:

- A. Demonstrations and political activism (n=1,874)
- B. Football matches and other mass events¹⁹ (n=830)
- C. Operations not connected to mass events (n=664).

Five respondents did not give the occasion of their contact with police and were not assigned to any subgroup. When the subgroups are considered the sample size is reduced accordingly (n=3,368).

Two factors prompted the decision to differentiate between these subgroups. Firstly, police action at demonstrations, political activism, football matches and other mass events takes place under fundamentally different conditions than that affect other police contacts, which usually only involve individuals or small groups of people. Secondly, our analysis showed that differences may be observed between the three subgroups in almost all regards, making it necessary to consider each separately. The differences between the three settings are particularly apparent in their socio-demographic structures (cf. Table 1).

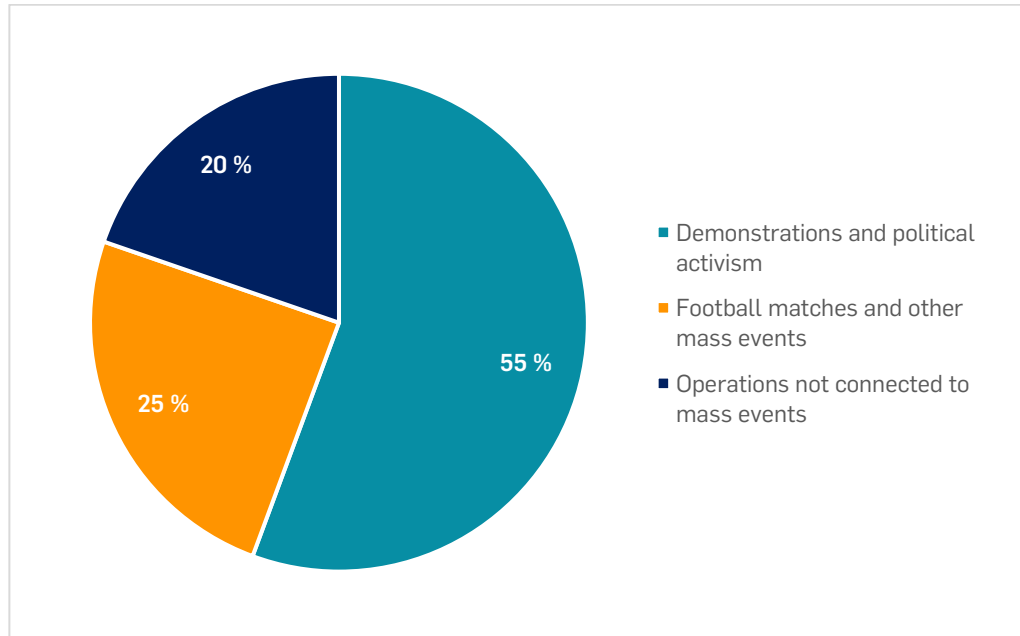
This is not a representative sample, so it is not possible to draw any immediate conclusions based on the relative sizes of the subgroups about the wider impact of unlawful police violence on certain situations or social groups. Nevertheless, it appears that demonstrations, political activism and football

¹⁸ Possible answers were: demonstration, political activism, football match, other mass event, traffic stop, specifically visited by the police, police were called, observed but not involved in a police operation, police met me by chance, voluntarily went to a police station or was asked to attend, other.

¹⁹ The mass events and football matches were combined in a single category as it is not particularly significant in terms of numbers. However, they do concern comparable situations in which contact with the police came about, cf. 3.1.2.2.

matches are all situations where this phenomenon plays a distinctive role. The following analyses aim to draw out these specific factors.

Figure 4: Subgroups as a proportion of the total sample (n=3,368)



With regard to socio-demographic characteristics there are significant differences between the three subgroups.²⁰ In the context of football matches, respondents who reported experiencing violence were overwhelmingly German men not from migrant backgrounds. In addition, this subgroup contains the highest levels of those in employment (61%) and the highest rates of high and middle incomes (33%). Homeless persons were not represented in this subgroup.

The proportion of women (32%) was highest for the demonstrations and other political activism subgroup. It also contained a significantly higher proportion of people who do not identify as male or female (gender non-conforming²¹, 4%) than for football matches and other mass events. The demonstrations and other political activism subgroup recorded the highest level of education and also included the most school and university students (52%).

²⁰ This is confirmed by several chi-squared tests, $p < .05$. With regard to age, single-factor variance analyses were conducted using the Welch test. The Games-Howell post-hoc test showed differences between all groups, $p < .05$.

²¹ Gender non-conforming (GNC) refers to people who identify as trans, intersex, queer, genderqueer, fluid, androgynous, agender or non-binary.

Three-quarters of respondents in this group (75%) had lower incomes. Moreover, at the time of the incident 19 individuals (1%) were of no fixed abode.

The subgroup of operations not connected to mass events or demonstrations contained the highest proportion of people from migrant backgrounds (24%) and 7% of respondents in this subgroup did not hold German citizenship. There was also an above-average proportion of respondents (14%) who reported that their appearance would normally be considered “not German”²². Furthermore, the average age at the time of experiencing violence was 30, about 5 years older than the average for the other subgroups. This subgroup also contains a comparatively high proportion of older persons. 18% of this subgroup are women and 4% GNC²³, significantly higher than the proportions for football and other mass events. This subgroup also includes the highest proportions of unemployed people (7%), pensioners (3%) and those not in employment for other reasons (8%). There were also proportionally more people with no or limited school-leaving qualifications (1% and 5% respectively), although the majority of respondents in this group had medium to high levels of education. The group included 16 individuals (2%) of no fixed abode.

While the demonstrations and political activism and football and other mass events subgroups are generally homogeneous and present some parallels with each other, the subgroup of operations not connected with mass events is more heterogeneous, due to the fact it encompasses many different types of police contacts (cf. 3.1.3).

²² Cf. note 17.

²³ Cf. note 21.

Table 1: Socio-demographic characteristics (Time of the incident reported)

	Total (n=3,373) ^a	Demonstration / political activism (n=1,874)	Football matches/ other mass events (n=830)	Operations not connected to mass events (n=664)
Gender				
Male	71.6%	61.3%	90.8%	77.0%
Female	23.4%	31.9%	8.6%	17.8%
Gender non-conforming (GNC) ^b	3.2%	4.3%	0.2%	3.8%
No response	1.8%	2.6%	0.4%	1.5%
Average age (years)				
At the time of the incident	25.9 (sd=8.7)	25.3 (sd=7.7)	24.2 (sd=6.3)	29.8 (sd=12.0)
Nationality and migration				
Migrant background ^c	16.1%	15.3%	11.6%	23.9%
% of which not German nationals	2.6%	2.0%	0.7%	6.8%
No response	1.2%	1.2%	0.8%	2.0%
“Non-German” appearance^d				
Self-perception	6.9%	5.3%	5.1%	13.6%
No response	3.2%	3.1%	2.5%	4.4%
School leaving qualification^e				
High	71.0%	75.8%	64.1%	65.9%
Middle	16.4%	11.7%	24.8%	19.1%
Low	2.6%	1.5%	3.3%	5.1%
Still at school	8.7%	9.8%	7.2%	7.2%
Left school without qualifications	0.4%	0.3%	0.2%	1.1%
No response	0.8%	0.8%	0.4%	1.7%
Employment status				
In full-time employment	43.0%	33.9%	61.2%	46.1%
School/university student	43.0%	52.3%	31.3%	31.5%
Unemployed	3.3%	2.7%	1.4%	7.2%
Retired	0.8%	0.4%	0.2%	2.6%
Other ^f	5.2%	6.1%	1.6%	7.5%
No response	4.6%	4.6%	4.2%	5.2%
Income bracket^g				
Over €3,000	3.6%	2.4%	4.1%	6.8%
€1,500 to €3,000	18.5%	12.9%	29.3%	20.0%
Less than €1,500	66.9%	74.8%	54.7%	60.1%
No response	11.1%	10.0%	11.9%	13.1%
Housing status				
Homeless	1.0%	1.0%	-	2.4%
No response	0.5%	0.5%	-	1.3%

Totals may deviate from 100 % by up to 0.1 % due to rounding. ^a Five cases cannot be assigned to any subgroup. ^b Persons who identify as trans*, intersex, queer, genderqueer, fluid, androgynous, agender or non-binary. ^c Respondent or at least one parent born outside Germany. ^d Question read: “Are you usually perceived by other people as looking “German”?” ^e high: Hochschulreife/Fachhochschulreife; medium: Mittlere Reife (10th grade); low: Volksschulabschluss or Hauptschulabschluss (8th or 9th grade). ^f Housewife/househusband, voluntary military service/BFD/FSJ/FÖJ, not employed for other reasons. ^g Net monthly income.

Summary:

- Overall, the majority of respondents are young, male and highly educated.
- The full sample can be subdivided into three groups according to the occasion of contact with the police. There are significant differences in the composition of these subgroups.
- The group of demonstrators and political activists contains the largest proportion of non-male persons, school pupils and persons with a higher education entrance qualification. This group also contains the largest proportion of persons with low incomes.
- Respondents in the football and other mass events subgroup are overwhelmingly male and younger in comparison. The proportion of people from migrant backgrounds is lowest in this subgroup, while the proportions of those in employment and persons with middle incomes are higher than the other subgroups.
- The operations not connected to mass events subgroup is more heterogeneous. This subgroup includes a higher proportion of older people, pensioners, the unemployed and people with no or limited school-leaving qualifications, but also those with higher incomes. The proportion of people from migrant backgrounds is highest in this subgroup.

3. Initial findings

3.1 Occasion of police contact

In the survey respondents were first asked how and in what context they came into contact with the police and how the confrontation developed. The respondents described a wide range of operational settings, from chance encounters in public spaces and targeted arrests to political activism, demonstrations and other mass events. It may thus be assumed that unlawful police violence could essentially occur in any operational setting. The following section will discuss the various operational settings and specific conditions in which police violence took place, with reference to the subgroups described above (cf. *inter alia* 2.4.2).

3.1.1 Demonstrations and political activism

Incidents that took place in connection with demonstrations are the largest group as a share of the whole sample (42%, n=1,421). A further 13% (n=453) took place in the context of other political activism.

3.1.1.1 Types of demonstrations and activism

In terms of scale, the majority of demonstrations (53%) were of moderate size with between 101 and 5,000 demonstrators. 25% were large demonstrations with over 5,000 participants and 11% were smaller events with 100 participants or fewer.²⁴ The violence not only occurred during the demonstrations but also beforehand and afterwards, such as while demonstrators were travelling to or away from the event or in police custody. 42 individuals reported that they were not involved in the demonstration when they experienced police violence: some lived nearby, for example. Other respondents were working as demonstration observers, journalists or paramedics.

In the context of other political activism, most reports described occupations, road blockages and other forms of civil disobedience. These involved protests against clearing the Hambach Forest, for example, or coal mining in general. Others targeted the 2017 G20 summit in Hamburg and the transport of radioactive waste.

²⁴ No response was made in the remaining 11% of cases.

The overwhelming majority of those affected in the context of demonstrations held left-wing political views. Overall, almost all (98%) of these victims stated they were at least slightly left-wing.²⁵

3.1.1.2 Occasion of the confrontation

More than a third of respondents (35%) stated the police had accused them of wrongdoing which then led to a confrontation (cf. Table 2). However, striking differences are evident between the two subgroups on this point. While 28% of respondents from demonstrations were accused of wrongdoing, the figure for those involved in political activism was 55%.

Almost as many respondents (32%) stated there was no obvious reason for any confrontation at all with the police. The two subgroups also differed on this point, with only 18% of respondents from political activism reporting this, in contrast to 36% of the demonstrations subgroup (cf. Table 2).

Both subgroups reported other causes of confrontations (11%) which included road blockages or police cordons (2%). The group from demonstrations also reported that confrontations were caused when demonstrations were stopped, dispersed or diverted (1%). Both subgroups identified other concrete causes of confrontation that often included previous specific acts of violence by the police or other coercive measures by the police such as kettling, evictions, arrests, and identification procedures. Other respondents reported “spatial collisions” because the victims were “in the way” or police vehicles had to get through a crowd. In a few cases, respondents reported photographing the police, verbal disputes or questions directed to the police, such as when the main railway station would be opened up again so demonstrators could leave the site of the demonstration.

²⁵ 17 individuals did not identify themselves as left or right-wing, while 3 individuals stated they were more right-wing. The respondents were asked to place their political views on a scale from 1 (left) to 10 (right). A rating of 1–2 is considered “left-wing”; 3–4 as “slightly left-wing”; 5–6 as “centre”; 7–8 as “slightly right-wing”; and 9–10 as “right-wing”.

Table 2: Reason for the confrontation at demonstrations, political activism, football matches and other mass events

	Total (n=2,704)	Demonstration/ political activism (n=1,874)		Football matches/ other mass events (n=830)	
Police intervened due to conflict with others.	7.0%	Total	5.9%	Total	9.5%
		Demonstration	6.8%	Football matches	9.6%
		Political activism	3.1%	Other mass events	9.2%
The police accused me of an administrative offence, crime or other wrongdoing.	27.8%	Total	34.8%	Total	12.0%
		Demonstration	28.3%	Football matches	10.4%
		Political activism	55.2%	other mass events	26.4%
I complained to the police about an action or instruction.	5.3%	Total	3.9%	Total	8.4%
		Demonstration	4.3%	Football matches	8.7%
		Political activism	2.9%	Other mass events	5.7%
The police took action against another person and I was caught up in something.	16.3%	Total	12.6%	Total	24.8%
		Demonstration	14.4%	Football matches	25.3%
		Political activism	6.8%	Other mass events	20.7%
There was no obvious reason.	33.6%	Total	31.6%	Total	38.1%
		Demonstration	36.1%	Football matches	39.7%
		Political activism	17.7%	Other mass events	24.1%
Other	9.7%	Total	10.8%	Total	7.0%
		Demonstration	9.9%	Football matches	6.2%
		Political activism	14.1%	Other mass events	13.8%
No response	0.3%	Total	0.3%	Total	0.1%
		Demonstration	0.4%	Football matches	0.1%
		Political activism	0.2%	Other mass events	-

Totals may deviate from 100 % due to differences from rounding.

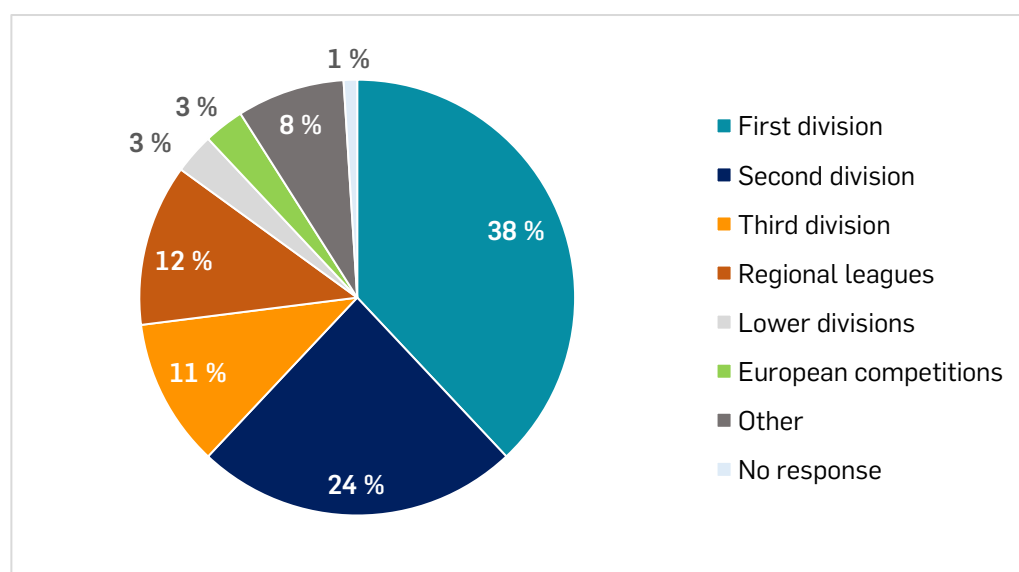
3.1.2 Football and other mass events

Another large subgroup in the sample consists of operations connected with football matches (n=743, 22%) or other large events, although the latter category accounted for a significantly smaller proportion of the total (n=87, 3%).

3.1.2.1 Football matches

Most of the cases that were reported took place at matches in Germany's first and second national divisions (38% and 24% respectively), followed by the third division (11%) and the lower regional leagues (12%). Only a very few cases occurred at matches in lower divisions (3%) or in European competitions such as the Champions League (also 3%). Where respondents chose "Other" (8%), this mainly referred to official tournaments such as the DFB Cup and other Association Cup matches. Eight participants (1%) gave no response (cf. Figure 5).

Figure 5: Incidents in the football subgroup, by league/competition (n=743)



Violence occurred most often after (60%) and/or before the match (44%). Only 22% of cases included reports of violence during the match.²⁶ Most

²⁶ Multiple responses were possible for this question. The most common combination was of violence before and after a match (13%), though in most cases the violence only occurred at one point in time (78%).

respondents (40%) stated they could see no obvious reason for a confrontation with the police (cf. Table 2). One in four (25%) respondents stated the police were taking action against others and they found themselves caught up in the dispute. 10% of victims reported the police accused them of wrongdoing such as setting off fireworks, rioting or similar. In 10% of cases the police intervened in disputes between the respondent and third parties (such as opposing fans). A further 9% said they complained to the police about police actions or instructions. Reports in the “Other” category (6%) included accounts of operations in large groups of fans on the terraces, confrontations over barriers or problems while fans were arriving at or leaving matches (cf. Table 2).

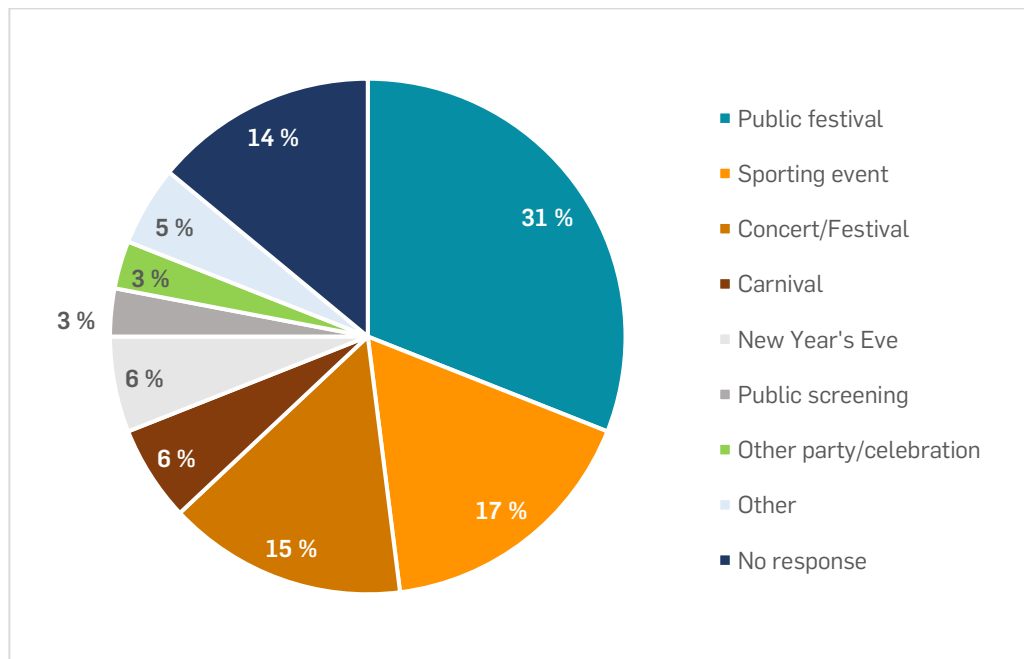
The overwhelming majority of respondents in this subgroup (78%) stated they felt they were active supporters of their local clubs.

3.1.2.2 Other mass events

Around a third of the other mass events (31%) were public festivals such as fairs and street festivals. 17% were other types of sporting events (primarily ice hockey matches) and 15% were concerts or festivals. 6% of cases took place during Carnival and another 6% on New Year's Eve. Public screenings (of sports matches, for example) or other parties accounted for 3% each. 5% of reports concerned other events. 14% of respondents in this subgroup did not state the type of mass event.

Most respondents (26%) in this subgroup stated the confrontation was caused by the police accusing them of wrongdoing (cf. Table 2). Almost as many (24%) could see no apparent reason and one in five (21%) found themselves caught up in a situation where the police were actually taking action against others. 9% of cases involved disputes with third parties where the police were involved. 6% had complained about police actions or instructions. There was a wide range of “Other” responses (14%), including reports of photographing the police or clearing a street.

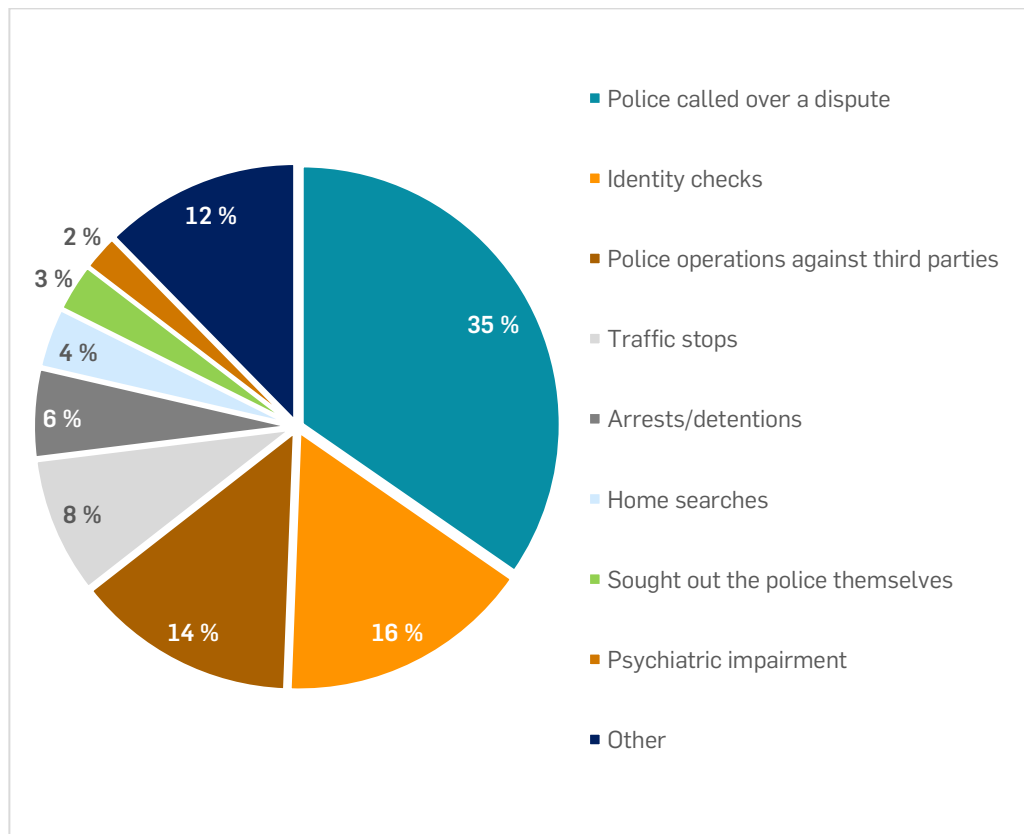
Figure 6: Types of other mass events (n=87)



3.1.3 Operations not connected to mass events

The third-largest group of reported cases (20%) comprises all cases of police contact that were not connected to a mass event such as football matches or demonstrations or which were not linked to political activism (n=664). This subgroup therefore included a very diverse range of occasions for police contact (cf. Figure 7).

Figure 7: Operations not connected to mass events (n=664)



3.1.3.1 The police were called over a dispute

In around a third of operations not connected to mass events (35%, n=230), the police were called over a dispute or argument. In turn, a third of these 230 cases concerned breaches of the peace (33%, n=77); 14% involved affray (n=32); 8% were verbal disputes or arguments between private individuals such as neighbours (n=18); and 5 cases were disputes with the authorities (2%). In six other cases (3%) the police were called over specific groups of people such as young people or punks. Other responses included suspected criminal damage (7% of cases, n=15) and domestic violence (4%, n=9). There were six cases (3%) each of road traffic offences, refusal to leave private property on request [*Hausrecht*], and suspected theft. The remaining cases (16%, n=36) included assault (n=3), breaking and entering (n=3), travelling on public transport without a ticket (n=3), harassment (n=2), and threats and coercion (n=2). 14 respondents (6%) did not state why the police were called.

In most cases the police were called by someone not immediately involved (n=80, 35%) or by someone else who was involved in the incident (n=65, 28%). Twelve respondents (5%) called the police themselves, mostly in cases involving affray. In two cases the police were called over an accident such as

a road traffic accident. 65 respondents (28%) stated they did not know who had called the police and another 8 (3%) did not answer this question.

Most of the respondents were involved in the incident from the outset (n=157, 68%). Just under a third said they got caught up in the situation (n=64, 28%) mainly in cases of affray and breaches of the peace.²⁷

3.1.3.2 Identity checks

In 106 cases in this category (16%), the confrontation arose in the context of identity checks. In most cases these were chance encounters with the police (n=94, 89%). In twelve cases (11%) the police had actively been seeking the respondent.

In a third of these cases (n=35, 33%), the police did not give the respondent a reason for the stop. In 25 cases (24%) there was a suspicion of wrongdoing or criminal activity. In 22 other cases (21%), the police suspected the respondent was in possession of illegal items such as narcotics or a weapon. In the other cases given as “other” (n=12, 11%), the respondents were stopped for being drunk, as part of general identity checks, or in order to check their residency status. Others were questioned as witnesses. This question was not answered by 12 respondents (11%).

3.1.3.3 Police operations against third parties

92 respondents in this group (14%) were bystanders when they came into contact with the police. Initially this category only included persons who had intervened in an incident. However, it was expanded to include those who stated they had only been documenting the operation by video, for example. It also includes those who happened to be there by chance and were not the target of the operation, such as during searches of dwellings aimed at house-mates.

In 35 cases (38%) in this category, the incidents involved identity checks, and arrests or detentions in a further 30 (33%) cases. In nine cases (10%) they involved evictions or prohibitions to remain in or return to a particular place [*Platzverweis*]. Three cases involved searches of domestic dwellings (3%) and two concerned deportations (2%). Twelve respondents (11%) described other incidents such as disputes in public between the police and third parties. One person (1%) left no response.

²⁷ The remaining nine respondents (4%) did not give a response.

3.1.3.4 Traffic stops

57 respondents in this subgroup (8%) were stopped while driving or on public transport. 27 (47%) were in cars, 21 (37%) on bicycles, 3 (5%) on motorbikes. Four (7%) were on public transport, buses or long-distance coaches, one was in an HGV and one was on a skateboard. Most of these cases involved general traffic stops (n=13, 23%) or stops due to motoring offences (n=11, 19%). 13 were due to other suspected wrongdoing or criminality (23%). In 11 cases (19%) the individual concerned was not given a reason for being stopped. Six respondents (11%) were stopped for other reasons such as being in a high-risk area or due to a road closure. Three respondents (5%) did not answer this question.

3.1.3.5 Arrests and detentions

37 respondents (6% of operations not connected with mass events) came into contact with the police through arrest or detention. Around half of these cases involved targeted arrests (n=18, 49%) while 19 cases (51%) involved arrests or detentions (temporary or otherwise) which the respondent believed had resulted from a chance encounter. In a little under half of these cases (n=16, 43%) the respondent was suspected of a crime or wrongdoing, while arrest warrants had already been issued in 5 cases (14%). Another 22% (n=8) of the detentions were carried out to avert danger. Eight respondents (22%) stated they were not informed of the reason for their being detained.

3.1.3.6 Other operational incidents not connected to mass events

In 25 cases (4% of operations not connected to mass events) the respondents were specifically visited in their homes in order to carry out searches of their house or flat.

A further 20 individuals (3%) voluntarily attended a police station or were requested to do so. Of these, eight intended to make a complaint, five had been called in for questioning, three were attending to make a voluntary statement, two were seeking help and two others wanted to pick someone up.

In 15 cases (2% of the operations not connected to mass events) the respondent came into contact with the police in connection with a psychiatric impairment such as self-harm, depression, suicide attempts and psychosis. These cases fell into two groups. In some, the police were called by third parties such as families, partners, strangers or doctors to assist with the immediate

situation. In the others, the police were requested to take the respondent to hospital for treatment.

3.1.3.7 Other police contacts

A further 82 cases (12%) could not clearly be assigned to any of the categories described above. Half of these were believed by the respondents to be chance encounters with the police (n=41). For example, in three cases the police intervened in disputes with third parties without having been called. In other cases the respondent came to their attention by parking incorrectly or urinating in public. One person stated they had only been stopped because the officer was transphobic or homophobic. In some cases the respondents did not know why they came into contact with the police (n=5). 24 respondents did not go into further detail on this question.

A further 17 individuals were deliberately sought out by the police, including three cases of deportations. Five respondents gave other reasons, such as compulsory evictions. Nine individuals did not give the reason why the police were looking for them.

Five others stated they had been present during a raid. There remained a further 19 cases where the respondents described a range of other disputes with the police or where it was not clear how the contact came about. Of these, eight individuals stated they did not know the reason for the confrontation with the police.

3.1.4 Conclusions

There was a range of situations in which respondents reported police violence that they considered unlawful. These can be grouped into three broad categories.

Demonstrations and political activism play a prominent role in this regard, and incidents in the context of football matches also make up a substantial part of the sample in this study. The particular prominence of demonstrations, political activism, football matches and mass events may in part be due to the recruitment strategy for the survey. In this regard, the snowball sampling method of using gatekeepers works more effectively in networked and organised social groups than it does in other sections of society. That said, other participants were being recruited at the same time through very successful public outreach work. As such, it seems plausible that these operational settings (and others not included in the sample) are overly susceptible

to certain forms of unlawful police violence. This also appears to be supported by the fact that, unlike in other operational settings, political activism and demonstrations and football involve relationships in which conflict is entrenched, with the police on one side and certain social groups on the other. For these groups, disputes are characterised by distinctive patterns of interaction.

The third group of recorded cases comprises all the other operational settings. The heterogeneity of the cases in this group shows that unlawful police violence can in principle occur in any operational setting. This notwithstanding, some forms of police contact appear more susceptible than others. It was common for the police to use force during stops or when they were called over a dispute. Interestingly, bystanders also become involved in these situations when they are observing, documenting or intervening in operations. By contrast, there were fewer reports of violence in police actions which are already associated with coercion, such as arrests and searches of domestic dwellings. However, it should be borne in mind that these occur much less frequently compared to less complex day-to-day police activities.

Summary:

- The situations in which respondents reported police violence can be grouped into three categories: demonstrations and political activism, football matches and other mass events, and all other operations not connected to mass events.
- Demonstrations and political activism feature prominently, as do incidents linked to football matches, which, in this sample at least, appear particularly susceptible. In the same way, it seems likely that disputes and confrontations in these contexts follow different patterns of interaction than those in other operational settings.
- The diversity of incidents in the third category (other operational settings) shows that unlawful police violence can, in principle, occur in any operational setting. However, some settings seem to be more at risk of violence than others.
- A substantial proportion of respondents in the other operational settings group along with respondents from football matches and demonstrations reported that they were not involved in the dispute at first or that the police action was not initially aimed at them.

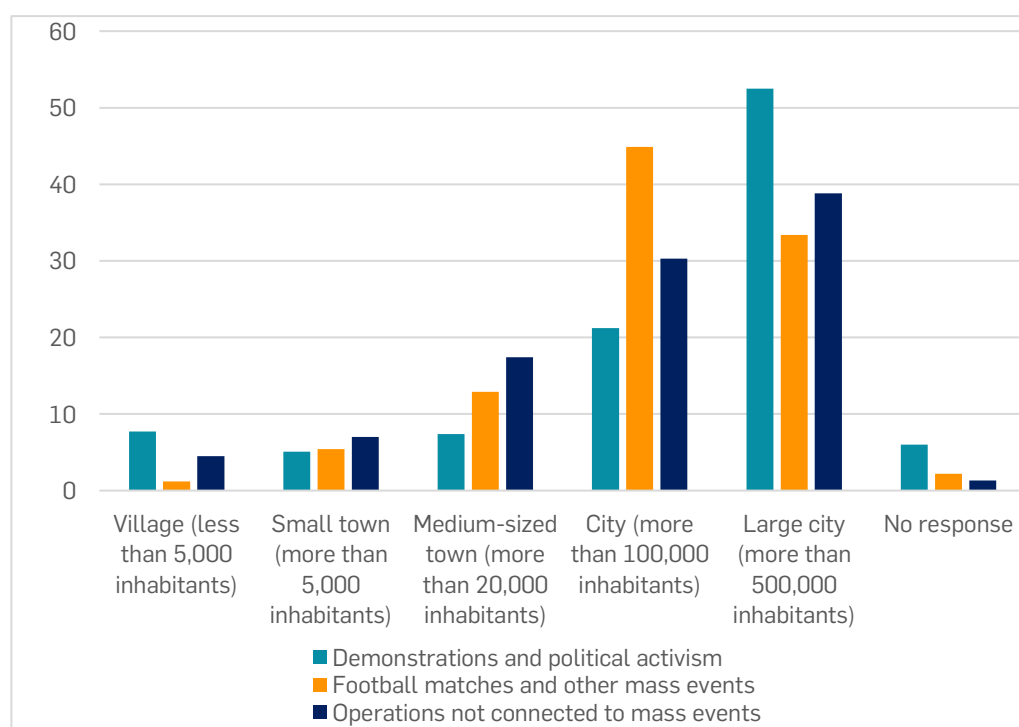
3.2 How incidents developed

With regard to how incidents developed, respondents were asked about where the violence occurred, how long it took to escalate and what action was taken by police.

3.2.1 Location of the incident

Most of the incidents reported took place in cities with more than 100,000 inhabitants and large cities (74%). By contrast, there were lower rates of incidents in the following categories: medium-sized towns (over 20,000 inhabitants, 11%), small towns (over 5,000 inhabitants, 6%), and villages (less than 5,000 inhabitants, 6%).²⁸ Viewed as a whole, the number of reported cases increases in line with the size of the location. It is not possible to say with confidence whether this finding (i.e. the larger the community in question, the more likely it is that the police will use violence unlawfully) is universally valid, due to the fact that this is not a representative sample.

Figure 8: Size of location, by occasion of police contact (in %, n=3,368)



²⁸ 4% of responses did not report the size of the location.

Nevertheless, this question also revealed differences between the various subgroups (cf. Figure 8). It should be noted that although more than half (53%) of demonstrations and cases of political activism took place in large cities with over 500,000 inhabitants, this subgroup also contained the highest proportion (8%) of incidents in villages with under 5,000 inhabitants. It is highly likely that these involve environmental demonstrations and activism which often take place outside cities.

In order to capture data on incidents that occurred across several locations, respondents were also asked to state every location where police violence came about. In the case of demonstrations and political activism, only 12% of cases involved police violence against the respondent in multiple locations. By contrast, this was the case for 24% of reports from football matches and other mass events. For incidents in operations not connected to mass events, 34% of cases involved repeated violence in multiple locations.

3.2.1.1 Incidents in public spaces

In the majority of cases, violence occurred (in part at least) outside and in public spaces (76%). This applied particularly to demonstrations (95%), political activism (85%) and other mass events (78%). For operations not connected to mass events, this was true of almost two-thirds of cases (62%). The majority of these incidents occurred in streets, public squares and pedestrian zones. In this regard, political activism contrasted with the other settings in that almost a third of reports (29%) concerned remote locations outside villages such as forests. Only 45% of incidents linked to football matches took place on streets (or similar locations), as incidents inside stadiums were almost as common (43%). Stadiums were reported in 14% of cases from other mass events such as ice hockey matches.

11% of cases involved public transport such as buses and trains, railway stations or bus stations. These instances, too, were mainly linked to football (10% on public transport and 21% at railway stations). By contrast, these locations hardly figured for demonstrations and other mass events, with 1% for public transport and 5% for railway stations. For operations not connected to mass events, 2% of violent incidents occurred on public transport and 9% at railway stations. The lowest proportion was to be found for political activism, with 0.4% of incidents occurring on public transport and 4% at railway stations.

In 4% of cases violence occurred in other buildings open to the public, primarily bars and clubs. However, it also took place in official institutions such as local government, hospitals and universities. A few cases occurred in shops or shopping centres.

3.2.1.2 Incidents in police custody or private spaces

16% of reports of police violence concerned incidents in police vehicles, at police stations or while in police custody. Just under a third (32%) of respondents who reported incidents not connected to mass events described violence in police stations or while in police custody. This only applied to 5% of cases from football matches, 7% from demonstrations, 13% of political activism cases and 17% of cases from other mass events. Violence in police patrol cars or operational vehicles was most often reported in connection with operations not connected to mass events (19%). It was less prominent for football matches (4%), demonstrations (5%) and political activism (7%). It featured in 10% of cases from other mass events.

Only 5% of reports described police violence occurring in private flats or houses. This happened in 20% of operations not connected to mass events and only 4% of cases of political activism, while it hardly occurred at all for the other subgroups (demonstrations, football matches and other mass events were all below 1%).

Summary:

- The number of reported cases increases in line with the local population figure and is highest for major cities.
- The overwhelming majority of reports of police violence concern incidents in public spaces.
- Reports of police violence in police vehicles or buildings were more common for operations not connected to mass events. These instances also involved violence being used multiple times in connection with people moving from one location to another.
- Only a small proportion of reports described the excessive use of force by the police in private residences.

3.2.2 Time for violence to escalate

If incidents are considered from the point of first contact with the police to the point when violence is used for the first time, it becomes evident that the majority escalated very quickly. In 20% of cases there had been no contact whatsoever beforehand; violence was used immediately. This was particularly evident for mass events such as demonstrations and football matches

(cf. Table 3), as well as for arrests not connected to mass events (cf. Table 4). It was equally common for incidents to take less than two minutes to escalate (34% of all cases). This was particularly common for mass events (cf. Table 3). For incidents not connected to mass events, this rapid escalation was especially common in searches of domestic dwellings, traffic stops and arrests (cf. Table 4).

Table 3: Time for violence to escalate

	Total (n=3,373) ^a	Demonstration/ Political Activism (n=1,874)	Football matches/ Other mass events (n=830)	Operations not connected to mass events (n=664)
No prior contact	20.4%	24.8%	18.2%	10.8%
Less than 2 minutes	34.0%	34.0%	37.7%	29.5%
2–10 minutes	23.2%	17.9%	24.5%	36.7%
More than 10 minutes	13.6%	13.7%	9.7%	18.4%
Not known	8.7%	9.7%	9.7%	4.5%

Totals may deviate from 100% due to differences from rounding. ^a Five cases could not be assigned to any subgroup.

Cases of police operations not connected to mass events that were targeting third parties, identity checks and cases where the police were called over a dispute tended to take a moderate amount of time to escalate (two to ten minutes). It was also more common for violence to escalate later (after more than ten minutes) in cases not connected to mass events, particularly when the respondent had sought the assistance of the police themselves.

Table 4: Time for violence to escalate: operations not connected to mass events (n=664)

	Less than 2 minutes	2–10 minutes	More than 10 minutes	No prior contact	Not known
Police called over a dispute (n=230)	23.0%	39.1%	22.6%	11.7%	3.5%
Identity checks (n=106)	33.0%	41.5%	13.2%	7.5%	4.7%
Operations targeting third parties (n=92)	29.3%	47.8%	9.8%	6.5%	6.5%
Traffic stops (n=57)	38.6%	24.6%	26.3%	8.8%	1.8%
Arrests/detentions (n=37)	35.1%	29.7%	13.5%	18.9%	2.7%
Searches of domestic dwellings (n=25)	44.0%	20.0%	20.0%	8.0%	8.8%
Sought out the police themselves (n=20)	10.0%	40.0%	45.0%	-	5.0%
Other contacts (n=97)	34.0%	28.9%	13.4%	17.5%	6.2%

Summary:

- Overall, incidents that escalated rapidly predominated in the sample, with 54% taking less than two minutes. This was especially true of mass events such as demonstrations and football matches, but it also applies to arrests, detentions, home searches and traffic stops not connected to mass events.
- It took longer for violence to escalate in incidents not connected to mass events. Police operations initially aimed at third parties, identity checks or operations in which the police were called over a dispute were distinctive in that it took a moderate amount of time (between two and ten minutes) for violence to escalate. It was also more common for incidents to take more than ten minutes to escalate in this subgroup than for mass events.
- Overall, it was relatively uncommon for incidents to take more than ten minutes to escalate (14%).

3.2.3 Police action

Respondents were asked to report all actions taken by the police in the course of the whole incident, including before and after the violence occurred. Following this, they were asked to clarify whether these actions were aimed at them or another person. Respondents were also asked what action caused the escalation.

3.2.2.1 Types of police action

In operations not connected to mass events the majority of reports involved checking identity papers (74%). Reports of questioning (50%) and bodily searches (65%) were also common. These actions were less prevalent at mass events but they were still not uncommon (cf. Table 5).

Around half of the reports from demonstrations and political activism described evictions (48%) and kettling or cordons (51%). Kettling or cordons were reported even more frequently for football and other mass events (59%) but were rarer for operations not connected to mass events (14%). In around a third of cases at mass events the police ordered respondents to leave a location or not to return to it; such directions were issued in around a fifth of other types of operations (cf. Table 5).

As a proportion of all cases in the sample ($n=3,373$), around a third involved arrests and detentions (33%) or commencement of criminal investigations (28%). These were much more common in operations not connected to mass events (arrests and detentions: 58%, commencement of criminal investigations: 45%). There were no significant differences between the subgroups for incidents while police were photographing or fingerprinting respondents, or when issuing warnings. Together these amounted to shares of 26% and 21% respectively.²⁹

²⁹ Several chi-squared tests showed significant differences ($p<0.05$) for the frequency of the actions carried out, but not for identification procedures and issuing warnings.

Table 5: Police action against respondents during the whole incident (multiple reporting)

	Total (n=3,373) ^a	Demonstrations/ political activism (n=1,874)	Football matches/ other mass events (n=830)	Operations not connected to mass events (n=664)
Checking identity documents	48.1%	38.8%	48.6%	73.6%
Identification procedures (photos, fingerprints etc.)	26.2%	25.4%	28.9%	25.2%
Questioning	27.4%	20.3%	25.3%	49.7%
Warnings	20.8%	19.5%	23.7%	20.9%
Criminal complaints	27.5%	21.4%	27.8%	44.6%
Arrests/detentions	32.8%	26.6%	26.5%	58.4%
Body/clothing search	43.0%	35.4%	42.7%	64.9%
Searches of domestic dwellings	3.4%	1.4%	1.8%	11.0%
Vehicle searches	2.3%	0.8%	2.4%	6.2%
Orders not to return/expulsions	29.1%	30.7%	32.0%	20.9%
Breathalysing	10.4%	3.6%	12.7%	27.1%
Rapid drugs tests (urine tests)	2.5%	1.2%	2.2%	6.5%
Blood tests	4.6%	1.1%	3.0%	16.1%
Evictions (e.g. occupations of streets, public spaces, buildings)	31.8%	48.0%	14.6%	7.5%
Kettling/cordons	45.8%	51.1%	59.3%	13.9%
No reported action	5.9%	6.7%	6.7%	2.7%

^a Five cases could not be assigned to a subgroup.

In 65% of all cases police action also targeted others involved in the situation (demonstrations and political activism: 71%; football matches and other mass events: 67%; operations not connected to mass events: 48%). The frequency distribution for the type of action was similar to that for the use of action against the respondents themselves. Here, too, the most common reports concerned identity checks (42%), arrests and detentions (37%), bodily searches (34%), commencement of criminal investigations (28%), identification procedures (28%), evictions (27%), orders not to return to a location (26%), questioning (23%) and warnings (18%).

3.2.2.2 Potential for action to escalate

Over a fifth of cases from demonstrations and political activism included reports that escalation occurred during an eviction (21%) or kettling/cordons (22%). Incidents where the respondent was arrested or detained also featured prominently (8%), or where another individual was arrested or detained (3%). Other actions hardly featured at all, by contrast.

For football matches and other mass events, kettling and cordons were given as the reason for 29% of the escalations. Arrests and detentions were responsible for 9% (respondent) and 5% (others) respectively and evictions 5%. For operations not connected to mass events, the situation escalated in 19% of cases when the respondent was arrested or detained and in 5% when others were arrested or detained. In 12% of cases escalation occurred during identity documents checks. 8% of cases reported escalation when the respondent or another person was searched.

In a fifth of all cases (20%) escalation did not occur when the police were taking action but at a later stage.

Summary:

- The police regularly took action multiple times in the context of the reported incidents. The nature of these actions varied significantly between the different occasions of police contact and was particularly distinctive for operations not connected to mass events.
- According to the reports, the potential for escalation was particularly high as a consequence of kettling and cordons and arrests and detentions. For operations not connected to mass events, checking ID documents also had a high potential for escalation.

3.3 Types of violence

Different types of violence were employed depending on where and why the respondent came into contact with the police (cf. Table 6).³⁰ Two-thirds of reports mentioned being pushed, shoved or hit. These types of violence were more common for major operations than for operations not connected to mass events, where they were present in around 50% of cases. In these cases, respondents were more likely to be held or handled with too much force (70%) and shackled or restrained (62%).

As expected, the use of irritant sprays such as pepper spray³¹ was much more common for demonstrations and political activism (43%) and football matches and other mass events (61%) than for other operations. This type of violence was much more common for operations connected to football matches than for demonstrations. In the latter case, the use of water cannons was more significant (13%) than in other operational settings, where it hardly featured at all. Kicking was also slightly more common in these cases (41% vs. around 30%). Strangulation was described less often (11% of cases).

Tasers hardly featured at all, and were only used in four cases (0.1%). The reasons for this include the fact that these devices have only recently been introduced in a few Länder. Three respondents reported being injured by a firearm.

18% of respondents supplied additional information about the type of violence. These reports often described pain compliance holds (such as to the eyes or nose), being pulled or pushed to the ground, and twisting limbs and joints, particularly the arms and the fingers. Other reports described cases where hair was pulled out, the respondent was thrown or dropped or pain was applied to the top of the head. Other reports described the use of police dogs and horses (causing bites and kicks respectively). There were also various reports of verbal violence such as insults and threats.

³⁰ Chi-squared tests showed significant differences ($p < .001$) for all items except tasers and firearms ($p > .05$).

³¹ For the purposes of clarity the term "irritant sprays" was chosen for the survey, though pepper spray is used in practice.

Table 6: Type of violence, by occasion of police contact (multiple responses possible)

	Total (n=3,373) ^a	Demonstration/ political activism (n=1,874)	Football matches/ other mass events (n=830)	Operations not con- nected to mass events (n=664)
Held/handled with too much force	48.2%	46.3%	35.7%	69.6%
Shackled or restrained	29.8%	20.9%	24.6%	61.7%
Pushed or shoved aside	62.4%	65.3%	61.1%	55.7%
Hit (including use of truncheons)	63.1%	65.9%	70.2%	46.2%
Kicked	36.7%	40.9%	32.7%	30.3%
Strangled	10.5%	10.6%	6.7%	15.2%
Shocked with a taser	0.1%	0.1%	-	0.3%
Sprayed with irritant (pepper) spray	40.8%	42.7%	60.8%	10.2%
Hit by a water cannon	8.2%	13.4%	2.4%	0.8%
Injured by a firearm	0.1%	0.1%	-	0.3%
Other	18.1%	18.4%	6.9%	31.1%

^a Five cases could not be assigned to a subgroup.

Overall, milder forms of violence such as pushing and holding were prevalent. However, reports of low to moderate intensity violence such as punching and kicking were also common. Reports of shackling and restraint, hitting (including with truncheons), kicking and the use of pepper spray were all common. Moreover, these reports ranged considerably in the intensity of the incidents they described. This category therefore includes cases where the intervention was of a high level of intensity.

Summary:

- Pushing and punching were very common. Reports of being held or handled with too much force, being kicked, shackled or restrained were equally common.
- The use of irritant (pepper) sprays was a significant feature of mass events, particularly football matches.
- There were only occasional reports of the use of electroshock weapons such as tasers or firearms. These were largely immaterial to the wider picture.

3.4 Impact of violence

The survey captured data on how violence affected individuals using a range of factors. In addition to specific injuries, pain and psychological impacts, the survey also included questions on recovery time, stress and medical treatment.

3.4.1 Physical injuries

71% of respondents reported coming away with physical injuries as a consequence of police violence (2% did not answer this question). There were no significant differences between the subgroups on this point. Where respondents reported physical injuries (n=2,395), the most common were bruising and haematoma (81%) and injuries to the skin or abrasions (67%). For operations in the context of mass events, reports of irritation to the eyes or the nasal or oral cavities were more common (43% and 59% respectively). This corresponds to the frequency of reports of pepper spray being used in these situations (cf. 3.3). Injuries to the skin, open wounds, and injuries to joints and the spine were more common for operations not connected to mass events (cf. Table 7).³²

³² This is confirmed by several chi-squared tests, $p < .001$.

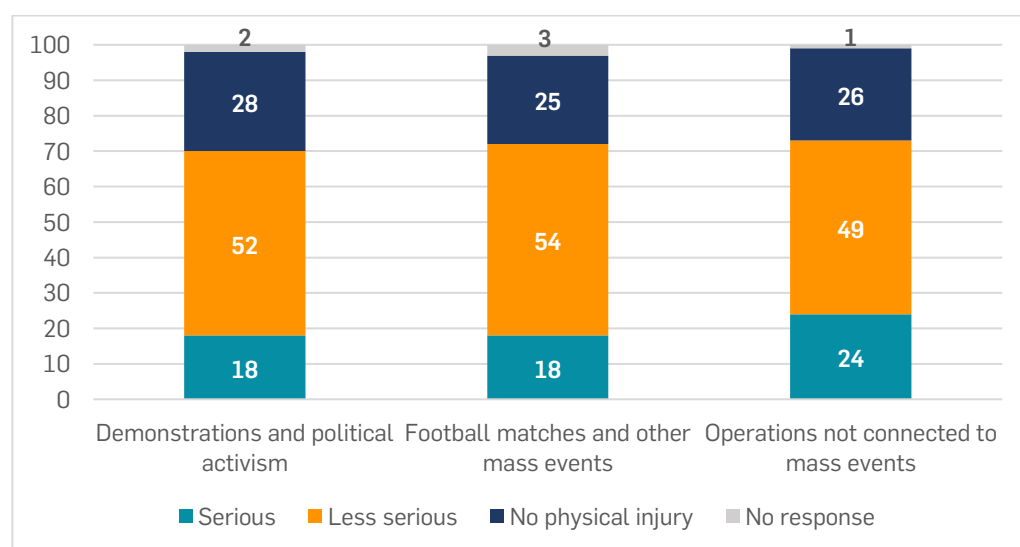
Table 7: Type of injury, by occasion of police contact (multiple responses possible)

	Total (n=2,395) ^a	Demonstration/ political activism (n=1,317)	Football matches/ other mass events (n=592)	Operations not connected to mass events (n=484)
Less serious injuries				
Injuries to the skin/ abrasions	66.7%	65.4%	63.5%	74.4%
Bruising/haematoma	81.1%	81.4%	79.1%	82.9%
Muscle strain	14.6%	14.4%	7.4%	24.0%
Open wound (external bleeding/laceration)	16.9%	15.3%	16.0%	22.3%
Mild to moderate concussion	14.5%	15.5%	10.3%	17.1%
Irritation to eyes or nasal/oral cavity	41.3%	43.0%	59.3%	14.5%
Serious injuries				
Loss of teeth	1.8%	1.7%	1.9%	2.3%
Broken bones	6.2%	6.8%	4.9%	6.2%
Serious bodily injury maxillary fracture/ serious concussion etc.	1.6%	1.8%	1.2%	1.4%
Internal injuries (internal bleeding, organ damage)	1.3%	1.1%	1.2%	1.9%
Joint injuries (incl. laceration of the cap- sule and torn ligaments)	10.2%	9.0%	8.1%	16.1%
Spinal injury	2.5%	1.9%	1.5%	5.6%
Injuries to sensory organs (eyes/ears)	7.6%	7.4%	8.4%	6.8%
Other injuries	7.1%	7.1%	4.1%	10.7%

^a Two cases could not be assigned to a subgroup.

Other responses were reported in a free text field. These included less serious injuries³³ such as mild breathing difficulties, skin irritation, mild cuts, hair loss or sprains. Some reports referred to head or back pain, dizziness, nausea or temporary loss of consciousness. In some cases, respondents also reported serious injuries such as nerve damage, serious injuries to the neck such as crushing to the larynx due to strangulation, bites, head or brain trauma, cranial ruptures and long-term breathing difficulties.

Figure 9: Severity of physical injuries, by occasion of police contact (in %, n=3,368)



Where physical injuries did occur, 27% (n=644) of these were serious in nature. These included broken bones (which were reported in 6% of all cases involving injuries), serious head injuries and internal injuries (such as organ damage). They also included injuries to joints, the spine and sensory organs or the loss of teeth. “Other” responses that were classed as serious included nerve damage, crushing to the larynx, dog bites and long-term breathing difficulties.

This means that 19% of all respondents (644 out of 3,373) reported suffering serious physical injury. This affected 24% of respondents from operations not connected to mass events and 18% each for demonstrations and political activism, and football matches and other mass events (cf. Figure 9).

³³ This classification of injuries is for analytical purposes only. It goes without saying that even apparently mild injuries can have serious consequences for the person affected.

Summary:

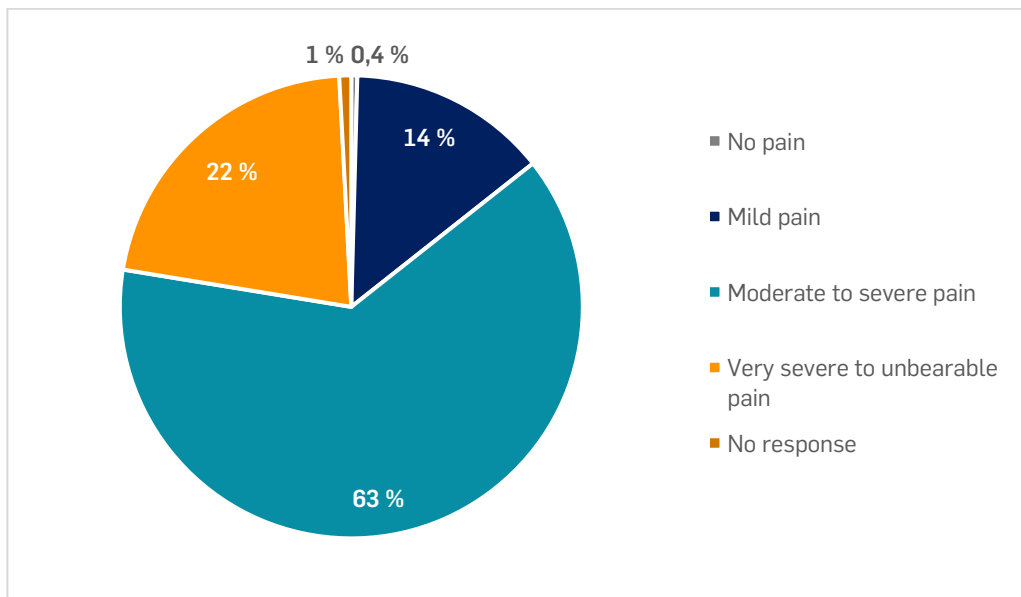
- The majority of respondents (71%) reported physical injuries while 27% stated they did not suffer physical injury.
- Serious injuries were reported in 19% of all cases, such as broken bones, serious head injuries and internal injuries.
- Serious injuries were more common for operations not connected to mass events than for demonstrations and political activism or football matches and other mass events.

3.4.2 Pain

The survey contained questions specifically about the pain respondents had experienced. Only ten individuals (0.4%) who reported suffering physical injuries said they had felt no pain. 14% reported mild pain while the majority (63%) felt moderate to severe pain. More than one in five (22%) reported experiencing very severe to unbearable pain (cf. Figure 10).

On average, therefore, the respondents felt severe pain ($m=3.65$).³⁴ A mean comparison test (one-factor variance analysis) between the subgroups showed no significant differences for the level of perceived pain.

Figure 10: Level of pain following injury (n=2,395)



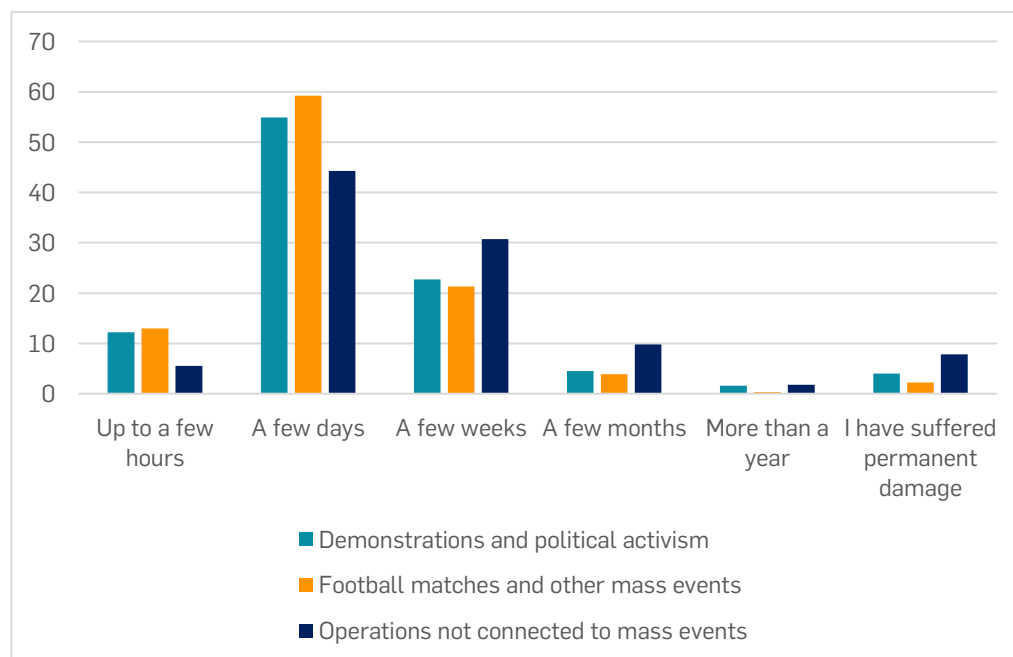
³⁴ 1–6 scale from “no pain” (1) to “unbearable pain” (6).

3.4.3 Recovery time

The severity of the physical effects of violence is also reflected in the length of time taken to recover. Respondents who suffered physical injuries were asked how long it took to recover from their injuries (n=2,395). The majority (54%) reported recovering within a few days. Only 11% recovered in less time (i.e. a few hours). However, for 24% the recovery process lasted a few weeks and for 7% it took even longer. 4% of respondents were left with lasting damage. Figure 11 shows the distribution across the three subgroups.

The average recovery time was hence a few days in length (m=2.45).³⁵ By contrast, the average for operations not connected to mass events was a few weeks (m=2.82), which was longer than for demonstrations and political activism (m=2.40) and football matches and other mass events (m=2.26).³⁶ This aligns with the finding that serious injuries occurred more often at operations not connected to mass events (cf. 3.4.1).

Figure 11: Recovery time, by occasion of police contact (in %, n=2,381)



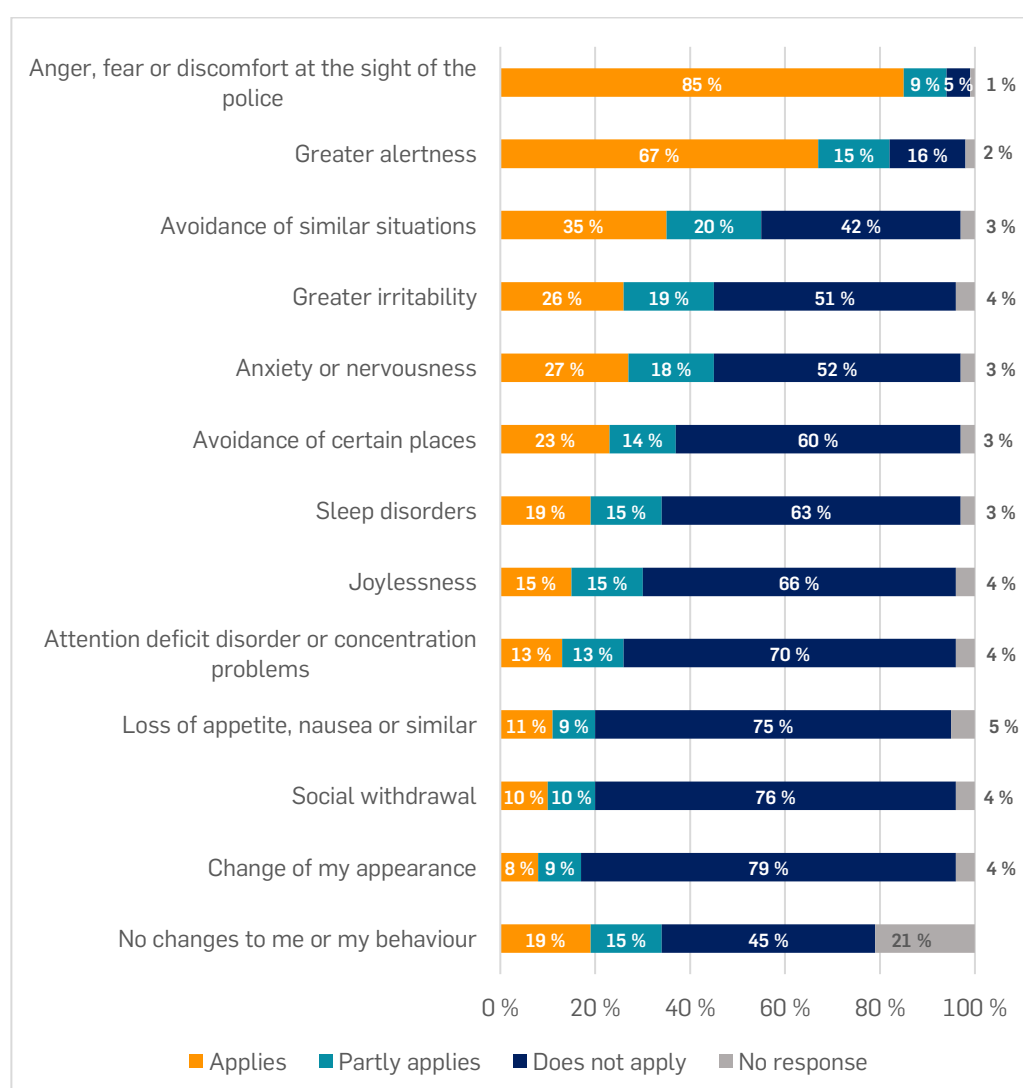
³⁵ 1–6 scale from “up to a few hours” (1) to “I have suffered permanent damage” (6).

³⁶ One-factor variance analysis using Welch test, $F(2, 1088.23) = 35.5, p < 0.001$.

3.4.4 Psychological effects

In addition to this, respondents were asked about the psychological effects of the incident (cf. Figure 12). Around one in five (19%) reported they did not notice any changes about themselves following the incident. However, over 80% experienced anger, fear or discomfort at the sight of the police, while just under 70% showed increased alertness. 55% avoided at least some similar situations and 37% avoided certain places. 45% reported at least some instances of anxiety and nervousness or increased irritability. Over a third (34%) reported some sleep disturbances and 30% reported joylessness.

Figure 12: Psychological effects of experiencing violence (n=3,373)



The prevalence of psychological effects was captured using a scale from 1 (“does not apply at all”) to 5 (“applies completely”).³⁷ An overall average was calculated for each subgroup using the individual items³⁸. Significant differences between the subgroups were evident on this point.³⁹ The Games-Howell post-hoc test showed that violence considered by respondents to be excessive was associated with more serious psychological effects for operations not connected to mass events than was the case for demonstrations and political activism ($md=.43$, $p<.001$), and football matches and other mass events ($md=.69$, $p<.001$). The psychological effects were least serious for the football and other mass events subgroup, even in comparison to demonstrations and political activism ($md=.26$, $p<.001$). Consequently it was generally the case that the psychological impacts listed above did not appear in the football and other mass events subgroup ($m=2.23$). By contrast, the impacts were somewhat more prevalent in the other subgroups (demonstrations and political activism: $m=2.49$; operations not connected to mass events: $m=2.92$).

Respondents were also more likely to agree with the statement “No changes to me or my behaviour” in the football and other mass events subgroup ($md_{demonstrations}=.53$; $md_{operations\ not\ connected\ to\ mass\ events}=.61$; $p<.001$ for both).⁴⁰

3.4.5 Stress

In order to capture individual experiences of stress, respondents were asked how often they still thought about the incident they had described. Only a tiny number (2%) stated they did not think about the incident at all anymore, or that they still thought about it constantly (every day, also 2%). The majority reported they thought about their experiences rarely (56%) or sometimes (30%). 9% think about the incident more often. 1% of respondents gave no answer.

³⁷ In order to present the data in Figure 12, the categories of “does not apply at all” and “does not really apply” were combined into “does not apply”, and the categories of “generally applies” and “applies completely” were combined into “does apply”. The middle category of “occasionally applies” is presented as is.

³⁸ The “no change” item was excluded.

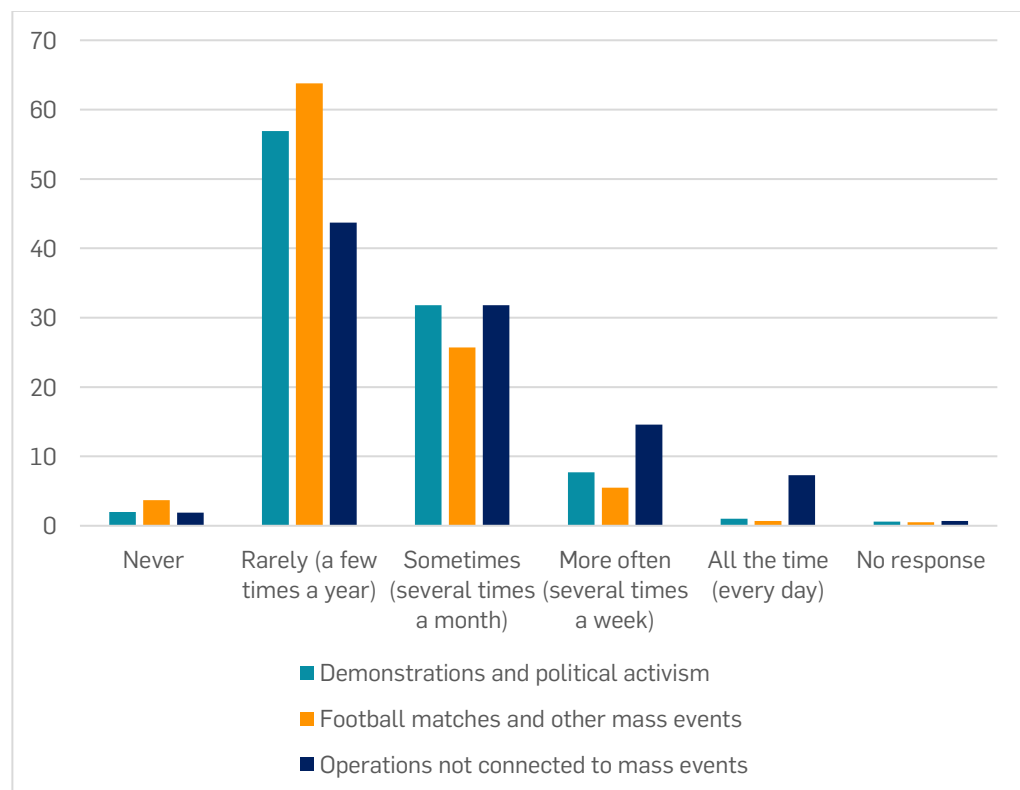
³⁹ One-factor variance analysis using Welch test, $F(2, 1487.41) = 117.46$, $p<.001$.

⁴⁰ One-factor variance analysis using Welch test, $F(2, 1228.27) = 42.83$, $p<.001$. Averages for the groups: Demonstrations and political activism = 2.24; football and other mass events = 2.77; operations not connected to mass events = 2.16.

However, differences between the three subgroups were also evident for this issue.⁴¹ In line with the findings on psychological effects (cf. 3.4.4), respondents from the operations not connected to mass events subgroup showed the highest levels of stress ($m_{\text{demonstration}}=.33$; $m_{\text{football}}=.46$, $p<.001$). By contrast, respondents in the football and other mass events subgroup remembered the incident less often ($m_{\text{demonstration}}=.13$; $m_{\text{operations not connected to mass events}}=.46$, $p<.001$).

More than a fifth of respondents who experienced violence in operations not connected to mass events recall the incident at least more than once a week (all the time: 7%, more often: 15%; cf. Figure 13). This is significantly higher than the average for football matches and other mass events, which is 7% (all the time: 1%, more often: 6%), and for demonstrations and political activism, which is 9% (all the time: 1%, more often: 8%).

Figure 13: Stress, by occasion of police contact (“How often do you think about the incident today?”, in %, n=3,368)



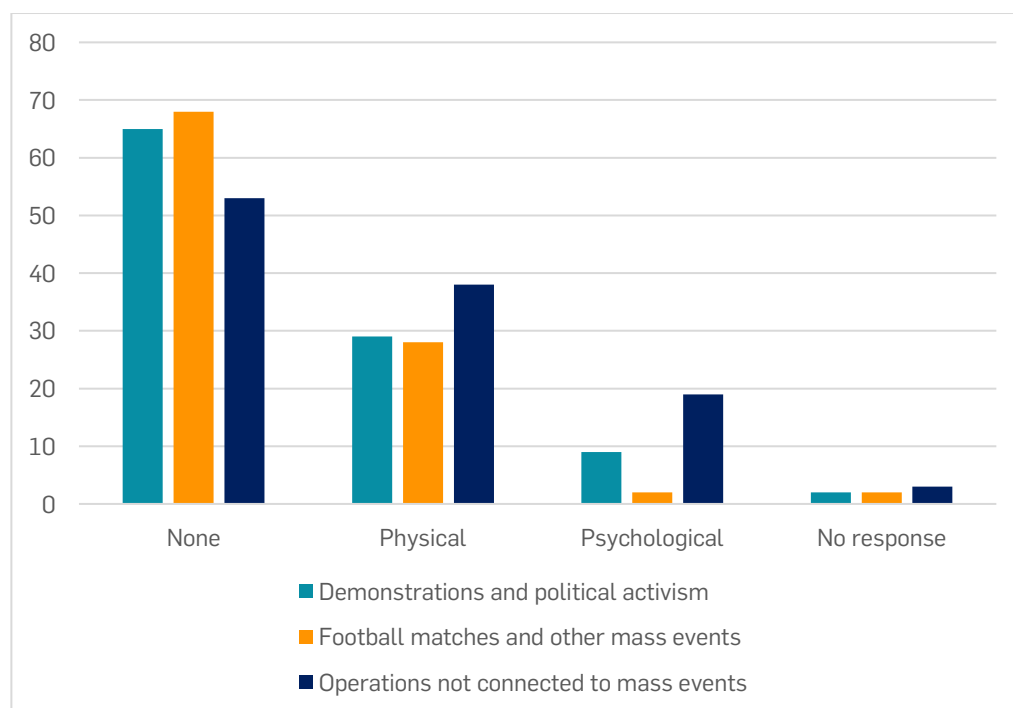
⁴¹ One-factor variance analysis using Welch test, $F(2, 1409.58) = 54.09$, $p < .001$. Averages for the groups: Demonstrations and political activism = 2.48; football and other mass events = 2.35; operations not connected to mass events = 2.82.

3.4.6 Medical treatment

This section concluded with questions about whether respondents had accessed medical treatment. Just under a third (31%) saw a doctor because of the physical effects of the incident. 9% accessed psychological support.⁴² 2% did not respond to the question.

While 63% of all respondents said they had not sought medical treatment, there were substantial differences between the various subgroups. Only around half (53%) of those who experienced violence in operations not connected to mass events did not have any medical treatment at all. By contrast, almost 70% of those in the football and other mass events subgroup did not seek medical or psychological treatment for the effects of the incident. The differences in how often respondents accessed psychological support are particularly striking. Hardly any respondents from the football and other mass events subgroup (2%) stated they had done so, while one in five (19%) from the operations not connected to other mass events subgroup accessed such services. (cf. Figure 14).

Figure 14: Medical treatment following violence, by occasion of police contact (in %, multiple responses possible, n=3,368)



⁴² Multiple responses were possible.

Respondents from the operations not connected to mass events group experienced particularly high levels of stress, as shown in several of the factors relevant to the effects of experiencing violence that were included in the survey. The reasons for this require further clarification. It seems possible that the diverse socio-demographic composition of the victims in the various subgroups may be at play, such as in how victims assess psychiatric consequences and how they access medical care. Secondly, operations not connected to mass events employ different types of violence in different ways than demonstrations and political activism or football matches and mass events and it is conceivable that this will have an impact on stress. Thirdly and finally, it will be necessary to explore whether incidents of this kind are more exceptional for those in this subgroup than for respondents from the other two subgroups.

Summary:

- On average, respondents from all types of police contact experienced severe pain.
- In addition to the physical impacts, respondents reported significant psychological after-effects.
- One-third of respondents accessed medical care for the physical effects of the incidents but only 9% of respondents accessed psychological support.
- Where physical injuries occurred, the proportion of serious injuries was higher for operations not connected to mass events than for demonstrations and political activism and football matches and other mass events. The average recovery time was also longer. Similarly, psychological effects were more common in this group and there were higher feelings of stress. Respondents from this subgroup were more likely to access medical care, particularly psychological care.
- By contrast, respondents from the football and other mass events subgroups reported psychological effects less often, experienced less stress and, accordingly, accessed psychological support less often.

3.5 Respondents' reporting behaviour

Whether or not a criminal investigation will be carried out primarily depends on whether those affected are prepared to make a complaint.⁴³ The first part of this section focuses only on respondents' reporting behaviour, namely their motivations for or against making a complaint to the police about the incident they described. (See 3.6.1 below for a discussion of the commencement of criminal investigations). 9% of all respondents (n=312) chose to make complaints, either in person or through their legal representative.⁴⁴

The survey questions about making complaints were based on current research into what motivates this behaviour. Those respondents who made complaints could use a five-point scale (from 1 ("does not apply at all") to 5 ("applies completely")) to indicate how far each of the reasons given applied to their case.⁴⁵ They were also provided with a free text field where they could add other reasons. All other respondents who did not make a complaint (either in person or through a lawyer) were asked why they chose not to.⁴⁶ These respondents were also given a free text field to add their own explanation.

3.5.1 Reasons for making a complaint

The most common reasons for making a complaint were the desire to prevent the incident from being repeated in future (m=4.67) and a desire to see the police officers who used violence punished (m=4.63). By contrast, the desire for financial compensation hardly figured at all (m=1.98, cf. Table 8).

Significant differences between the various operational settings were evident. Respondents in the football and other mass events subgroup demonstrated a slightly greater desire for punishment against the officer about whom they complained than was the case for respondents from demonstrations and political activism (md=.34, $p < .01$). For operations not connected to mass events, more respondents said they were motivated by feeling that the incident had serious consequences for them; this was less common for

⁴³ In addition, complaints may be made by third parties. Investigations may also be commenced by official bodies, i.e. the police or public prosecutors.

⁴⁴ Investigations were opened in 13% of all cases. See 3.6 for full details.

⁴⁵ The wording of the questions is based on Federal Criminal Police Office & Max-Planck-Institut für Ausländisches und Internationales Strafrecht 2012, question 1941; Dreißigacker 2017, p. 46.

⁴⁶ The wording of the questions is based on Federal Criminal Police Office & Max-Planck-Institut für Ausländisches und Internationales Strafrecht 2012, question 1940; Dreißigacker 2017, p. 47; EU Agency for Fundamental Rights 2016, DO37.

demonstrations ($md=.55$; $p<.05$) and football matches ($md=.61$; $p<.05$). Apart from this there were no significant differences (cf. Table 8).

Respondents who used the free text field to give other reasons for making a complaint identified a range of considerations. Motivations of general or specific deterrence were reported several times, with the respondent wanting to prevent unlawful police violence in general or to prevent the officer who was the subject of their complaint from acting unlawfully again. It was also relatively common for respondents to indicate they wanted to see justice done. Some respondents stated they were motivated to have their cases recorded in official statistics due to the fact that so many of these incidents go unreported. In the cases of demonstrations and football matches, groups of people sometimes decided to make complaints.

Table 8: Reasons for making a complaint (averages), by occasion of police contact

	Total	Demonstration/ political activism	Football matches/ other mass events	Operations not connected to mass events	F-value
I didn't want anything like that to happen again in the future.	4.67	4.56	4.74	4.72	1.61 ^a
I wanted the perpetrator to be punished.	4.63	4.49 ^b	4.83 ^c	4.62	5.80 ^{** a}
I think that crimes should always be reported.	3.66	3.47	3.56	3.86	2.92
I had clear evidence of the crime.	3.56	3.49	3.57	3.63	0.25
I made a complaint because the crime had serious consequences for me.	3.26	3.05 ^b	2.99 ^b	3.60 ^c	5.66 ^{**}
My lawyer advised me to make a complaint.	3.13	3.05	3.49	2.97	2.46
I was advised to make a complaint by people in my private life.	3.12	3.07	3.34	3.05	1.08 ^a
I wanted to receive compensation for pain and suffering.	1.98	1.77	2.14	2.07	2.26

Averages: 1 = does not apply at all, 2 = does not really apply, 3 = partly applies, 4 = generally applies, 5 = completely applies
Basis: n=283–310, one-factor variance analysis (post-hoc: Gabriel and Games-Howell), ^{**} $p<.01$, ^a Due to a lack of variance homogeneity a Welch test was calculated. ^{b/c} Groups with different identifying letters (b,c) are significantly different to the 5% level.

3.5.2 Reasons against making a complaint

The most common reason for deciding not to make a complaint was the assumption it would be unsuccessful, where respondents were convinced that police officers had nothing to fear from a criminal complaint ($m=4.71$). This was true of all subgroups (cf. Table 9).

In the demonstrations and political activism and football and other mass events subgroups another common reason not to make a complaint was issues with identifying the police officers.⁴⁷ It was indeed common for criminal investigations to be dropped for this reason (cf. 3.6.3).

One prominent feature in all subgroups was the fear that the respondent themselves would be the subject of an investigation ($m=3.99$) and a belief they would not be able to prove the crime had taken place ($m=3.9$). It was not unusual for respondents to be advised not to make a complaint ($n=1,459$, 43% of all cases).⁴⁸ This was usually prompted by family, friends or acquaintances (68%). In more than a third of cases (40%) the advice came from a lawyer, and from other support centres in 19% of cases.⁴⁹ A further 7% of respondents named other persons, mainly legal advice groups and self-organisation groups. Some stated the advice came from doctors or witnesses. Some cited media reports and the internet as their sources of information.

In cases where the respondent did not make a complaint themselves but an investigation was nevertheless initiated, it was often because a third party had already made a complaint that the respondent did not do so. This motivation was particularly significant for the football and other mass events subgroup ($md_{demonstration}=0.93$; $md_{operations\ not\ connected\ to\ mass\ events}=2.0$; $p<.05$).

The less prominent reasons were: inadequate language skills ($m=1.03$, explained by the limited number of non-German-speakers in the sample, cf. 2.1.3), the police refusing to accept the complaint ($m=1.36$), shame about the experience ($m=1.38$), not knowing it was possible to make a complaint ($m=1.39$) and downplaying the incident (“it wasn’t that bad”, $m=1.6$).

⁴⁷ By contrast, this played only a minor role for other operations not connected to mass events (each $md=1.5$, $p<.01$).

⁴⁸ Counted here are all respondents who indicated that the statement they were advised not to make a complaint applied at least partly to them (≥ 3).

⁴⁹ Multiple responses were possible.

Table 9: Reasons for not making a complaint (averages), by occasion of police contact

	Total	Demonstration/ political activism	Football/ other mass events	Operations not connected to mass events	F-value
A report would not have achieved anything as police officers have nothing to fear	4.71	4.75 ^b	4.71 ^b	4.57 ^c	10.35 ^{*** a}
I was unable to identify the perpetrator.	4.12	4.35 ^b	4.45 ^b	2.87 ^c	199.61 ^{*** a}
I feared being investigated myself.	3.99	4.18 ^b	3.69 ^c	3.76 ^c	36.13 ^{*** a}
I thought I couldn't prove the crime had taken place.	3.90	3.85	3.96	3.99	3.10 ^{* a}
Another person had already made a complaint.	3.85	3.51 ^b	4.44 ^c	2.44 ^b	9.96 ^{*** a}
I thought that nobody would believe me.	3.15	2.99 ^b	3.27 ^c	3.51 ^d	30.82 ^{*** a}
I don't want anything to do with state authorities.	3.11	3.19 ^b	2.95 ^c	3.11	7.40 ^{*** a}
It would have taken too much time or money for me.	2.91	2.93	2.91	2.86	0.49
I was afraid of the police.	2.86	2.98 ^b	2.32 ^c	3.20 ^d	64.59 ^{*** a}
I was advised not to make a complaint.	2.77	2.77 ^b	2.48 ^c	3.20 ^d	26.47 ^{***}
I wanted nothing more to do with the matter.	2.67	2.54 ^b	2.75 ^c	3.04 ^d	26.02 ^{*** a}
I settled the matter myself or with the help of family and friends.	2.41	2.51 ^b	2.27 ^c	2.26 ^c	9.74 ^{***}
I didn't consider the crime to be so bad.	1.60	1.65 ^b	1.61 ^b	1.42 ^c	14.20 ^{*** a}
I didn't know that I could make a complaint because I don't know the laws.	1.39	1.38	1.33 ^b	1.48 ^c	3.84 ^{* a}
I was ashamed.	1.38	1.28 ^b	1.26 ^b	1.90 ^c	54.05 ^{*** a}
The police refused to accept my complaint.	1.36	1.24 ^b	1.42 ^c	1.65 ^d	24.76 ^{*** a}
I don't speak German well enough.	1.03	1.02 ^b	1.02	1.07 ^c	3.43 ^{* a}

Averages: 1 = does not apply at all, 2 = does not really apply, 3 = partly applies, 4 = generally applies, 5 = completely applies Basis: n=2,513–2,981, one-factor variance analysis (post-hoc: Gabriel and Games-Howell), *** p<.001, **p<.01, * p<.05, ^a Due to a lack of variance homogeneity a Welch test was calculated. ^{b/c/d} Groups with different identifying letters (b,c,d) are significantly different to the 5% level. ^e Only respondents where an investigation was commenced without the respondent having made a complaint themselves, n=108.

In terms of reporting behaviour, the various occasions of police contact each present certain distinctive features (in addition to the differing significance of respondents' ability or otherwise to identify suspects as described above; cf. Table 9): The fear of not being believed was more significant for operations not connected to mass events than it was for demonstrations and political activism ($md=.52$; $p<.001$) and football matches and other mass events ($md=.24$; $p<.01$). Fear of the police was also greater in this subgroup ($md_{demonstration}=.22$; $m_{football}=.87$; $p<.05$). Respondents in this subgroup were more likely to be advised not to make a complaint ($md_{demonstration}=.44$; $md_{football}=.72$; $p<.001$). It was also more common for respondents to not want anything more to do with the matter ($md_{demonstration}=.51$; $md_{football}=.30$; $p<.001$). By contrast, it was more common for respondents to fear being investigated themselves in the demonstrations and political activism subgroup than in the other subgroups ($md_{operations \text{ not connected to mass events}}=.42$; $md_{football}=.49$; $p<.001$).

The limited chances of success were commonly named as an "other" response. Some respondents reported they wanted to remain anonymous so they refrained from making an official complaint. Others feared state repression. There were occasional cases where the cause was identified as stress or a general disapproval of punishments and criminal prosecutions. Others cited routes outside the criminal justice system such as disciplinary and complaints systems or civil cases.

Summary:

- Only 9% of all respondents decided to make a complaint.
- The primary motivations for making a complaint were to prevent other cases of unlawful violence from occurring in future and a desire to see the offender punished.
- The main reason for respondents not making a complaint was because they assumed that criminal investigations would achieve nothing.

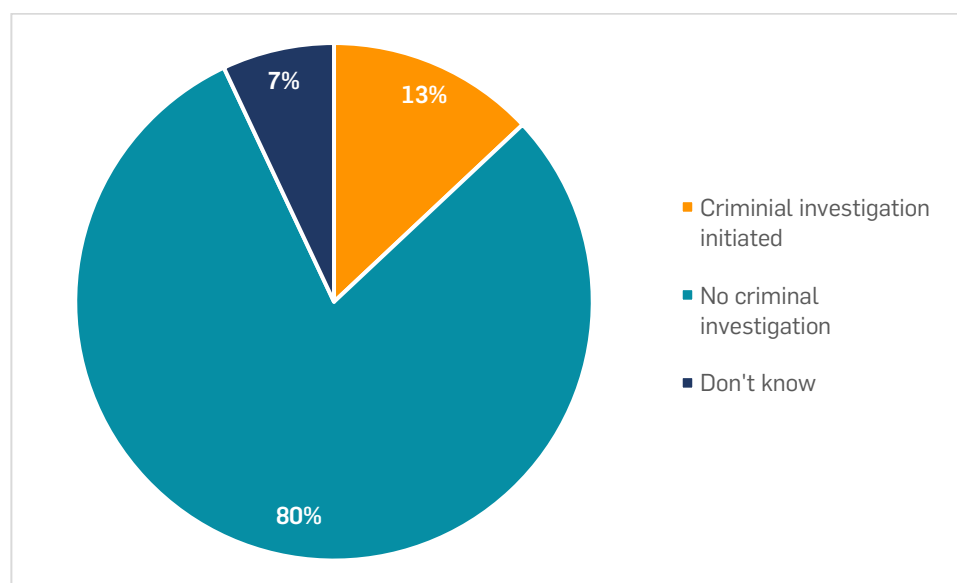
3.6 Criminal investigations and case handling

Criminal investigations were commenced in 439 cases (13% of the total sample, n=3,373). Of these, 415 were investigations into accusations of excessive physical violence. At the time of the survey, 354 of these cases had already been completed (cf. 3.6.3).

3.6.1 Initiating criminal investigations

A criminal investigation can be instigated by complaints made by the person affected or another person, or by the police themselves. Criminal investigations took place in 13% (n=439) of all cases reported through the survey. In 80% of cases no investigations were carried out (as far as the respondent was aware).⁵⁰ 7% of respondents stated they did not know if an investigation had been carried out (cf. Figure 15).⁵¹

Figure 15: Initiating a criminal investigation (n=3,373)



⁵⁰ This included three individuals who stated that while no criminal complaint had been made, they had still taken legal action against the police action or operation. In one case a court found that the police action was unlawful. No information was supplied for the other two cases. Furthermore, one respondent complained through the disciplinary system and another brought a civil case, but neither was successful. The survey did not explicitly ask about other proceedings, so it is possible that this may apply to other cases as well.

⁵¹ This was particularly common at mass events such as demonstrations and football matches.

Taking each subgroup in turn, the rate of criminal investigations is lowest for demonstrations and political activism, at 9%. By contrast, the rate for football matches and other mass events was 16% and it was 22% for operations not connected to mass events. Differences are also evident within each subgroup, depending on the occasion of police contact. Investigations were most likely to be initiated in connection with traffic stops (37% of these cases) and least likely following arrests (14%) and operations against third parties (17%). Face-to-face disputes (21%), identity checks (18%) and all other occasions (25%) form the middle range of these cases.

Most investigations were initiated by the respondent making a complaint, either in person (33%) or through their legal representative (39%). Complaints were made by others in 20% of cases. In only 5% of cases (n=22) did the police initiate the investigation themselves. In six of those cases the complaint was made by another police officer.⁵² No information was supplied for the remaining 4% of cases.⁵³

In those cases when criminal investigations were initiated, 87% were for offences of bodily harm in public office (section 340 of the German Penal Code (StGB)), occasionally in connection with other offences. 18 cases (4%) involved investigations into coercion/abuse of authority (section 240 StGB). There were two reports each of investigations into deprivation of liberty and sexual abuse, with one each for criminal damage and insults. 31 respondents (7%) did not know the specific offence that was being investigated or gave unclear responses.

In the following section we will only consider those cases where accusations of physical violence were investigated. This excludes those cases (n=24) where complaints were made only about other offences. However, those cases in which the respondent did not know the exact offence (n=31) will be considered.

3.6.2 The evidence situation

In those cases where complaints were made about physical violence (n=415), it was common for witness statements (74%) and medical evidence (63%) to be available (cf. Table 10).⁵⁴

Video material was available in a substantial proportion of cases (48%). Private recordings existed for 38% of cases and police video recordings for 24%

⁵² This occurred for two cases each from demonstrations and football matches, one case from another mass event and one case where police assistance had been sought.

⁵³ Deviations from 100% are due to rounding differences.

⁵⁴ Multiple responses were possible.

of cases. Surveillance video from public spaces footage was available for 3 cases (a railway station, a stadium and a security firm). Online video from YouTube existed for one case and press video for one other. It was less common for video to be available for operations not connected to mass events (24%), but it was a significant feature of mass events (demonstrations and political activism: 56%; football matches and other mass events: 65%). There were a further nine cases where the respondent additionally noted that existing video material could not be used. On six occasions police recordings were not available as they had been deleted or were unrecoverable. On one occasion it was not possible to identify anything in the footage. In one case private video material was not accepted and in another case the bystanders who had filmed the incident were ordered by police to delete their videos.

No evidence was available in 9% of cases. 3% of respondents did not supply information about evidence. In most of the cases which ended with a punishment or conviction (n=11, cf. 3.6.3), both witness statements (82%) and medical evidence (91%) were available. These were also more likely than average to be able to access video material (private: 46%; police: 55%).

Table 10: Evidence available in investigations into physical violence (multiple responses possible)

	Total (n=415) ^a	Demonstration/political activism (n=151)	Football matches/other mass events (n=123)	Operations not connected to mass events (n=140)
Witness statements	73.7%	78.1%	79.7%	63.6%
Medical evidence	62.9%	57.0%	71.5%	62.1%
Private video material	38.1%	41.1%	55.3%	20.0%
Police video material	23.6%	32.5%	34.1%	5.0%
Videos from public spaces, internet, press	1.2%	2.6%	0.8%	-
Other	1.4%	0.7%	0.8%	2.9%
No evidence	9.4%	6.6%	6.5%	15.0%

^a One respondent did not state the occasion of police contact.

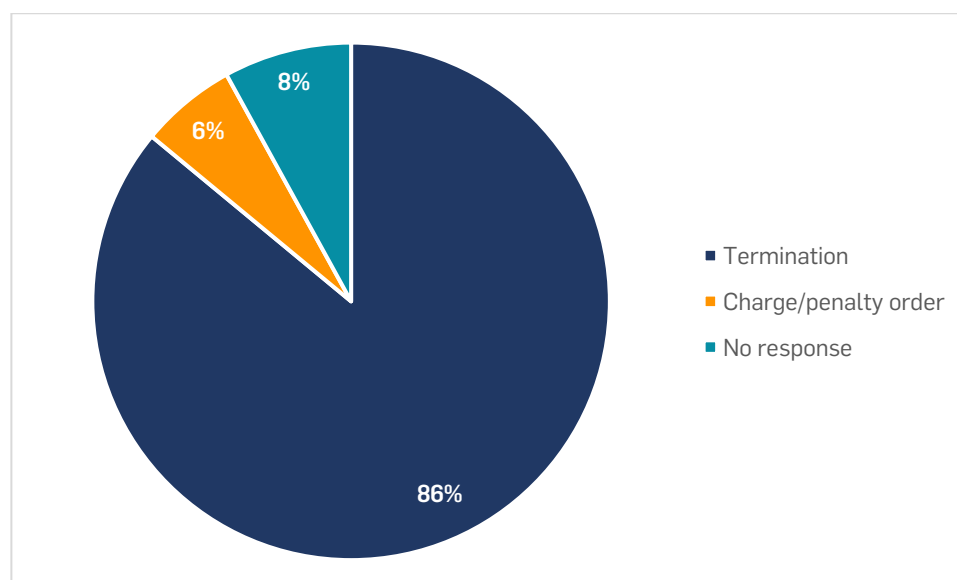
3.6.3 Outcomes of investigations: terminations vs. prosecutions

In 354 cases investigations were undertaken into the use of physical violence and the outcome of those proceedings was already known.⁵⁵ In 6% of these, charges were brought (n=18) or penalty orders were either applied for or issued (n=4).

The rate of cases being dropped was therefore 86% (n=304). 8% of respondents (n=28) did not know the outcome of the investigation (cf. Figure 15).

In cases where charges were brought (n=18), seven resulted in convictions,⁵⁶ and six in acquittals. Two cases were dropped and three respondents did not supply information about the outcome of the proceedings.

Figure 16: Outcomes of criminal investigations (n=354)



In the 304 cases where investigations were terminated, 66% of respondents (n=201) reported this was due to a lack of evidence (under section 170 (2) of the German Code of Criminal Procedure (StPO)). Around half (n=89) of the terminations were due to problems with identifying the suspect. There were a further 23 respondents who did not know the specific grounds on which

⁵⁵ This does not include those cases where complaints were made only on the basis of other offences (cf. 3.6.1). Investigations were still underway in a further 61 cases (15%).

⁵⁶ These involved three cases from demonstrations, two from football matches, one from political activism and one from a breach of the peace where the police were called but in which the respondent had not been involved.

the investigation was terminated, but their reports suggest the basis was section 170 (2) of the StPO.⁵⁷ Hence it may be assumed that a total of 74% of terminations were on the basis of section 170 (2) of the StPO.

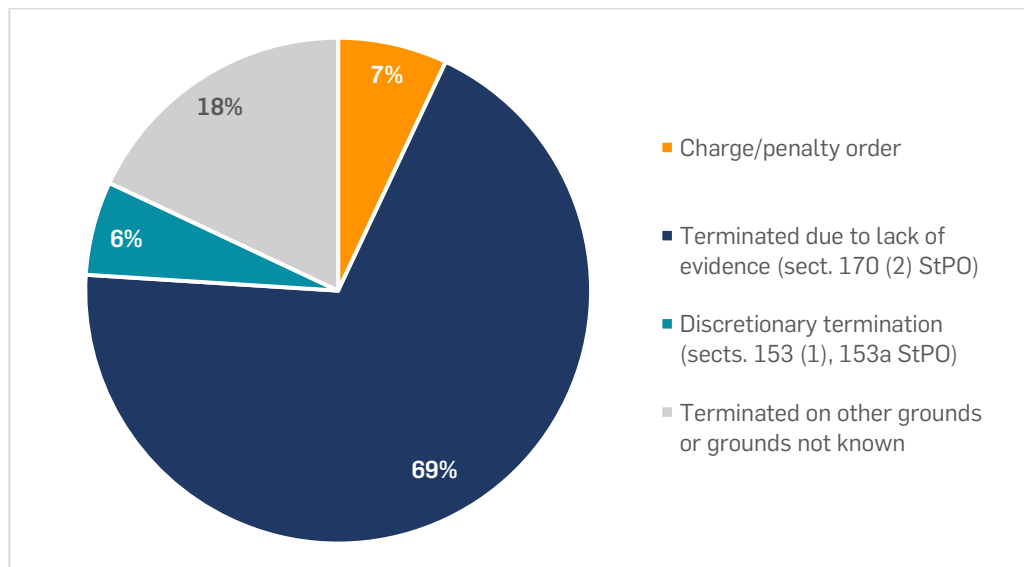
5% of investigations (n=15) were terminated without conditions on the grounds of being petty offences under section 153 (1) of the StPO. A further 2% were terminated subject to conditions under section 153a of the StPO (n=6). These cases are so-called *Opportunitätseinstellungen*, where public prosecutors may choose not to prosecute a case despite there being evidence of a crime (although there is no requirement that they do so). The statute of limitations applied in two cases and one respondent reported they had withdrawn their complaint on the advice of a public prosecutor. 18% of respondents (n=56) did not know on what grounds the investigation had been terminated or did not provide clear information.

There were almost no structural differences in the outcomes of investigations between the three subgroups (demonstrations and political activism, football and other mass events, and operations not connected to mass events). However, it was striking the problem of identifying suspects was more significant in some areas than others. For example, it was less of an issue for operations not connected to mass events (6% of investigations terminated). However, it was the most common reason for investigations to be terminated in cases from demonstrations and political activism (40%) and football matches and other mass events (46%). Being able to identify officers involved in an incident is evidently a particular issue in these operational settings. This can be explained by the fact that officers work in larger groups in these settings; it may also be assumed that officers are more likely to wear personal protective equipment and face coverings.

If only those cases are considered where criminal investigations had already been completed and where information was available about the outcome (i.e. the respondent was able to supply information - n=326), the following structure becomes apparent: 7% of investigations resulted in charges or a penalty order; 69% were terminated under section 170 (2) of the StPO; and 6% were dropped at the state prosecutor's discretion (under sections 153 (1) and 153a of the StPO). A further 18% were terminated on unknown grounds (cf. Figure 17).

⁵⁷ These involved statements such as "I didn't have any witnesses" or "The officer's report was believed."

Figure 17: Structure of outcomes from the sample (n=326)

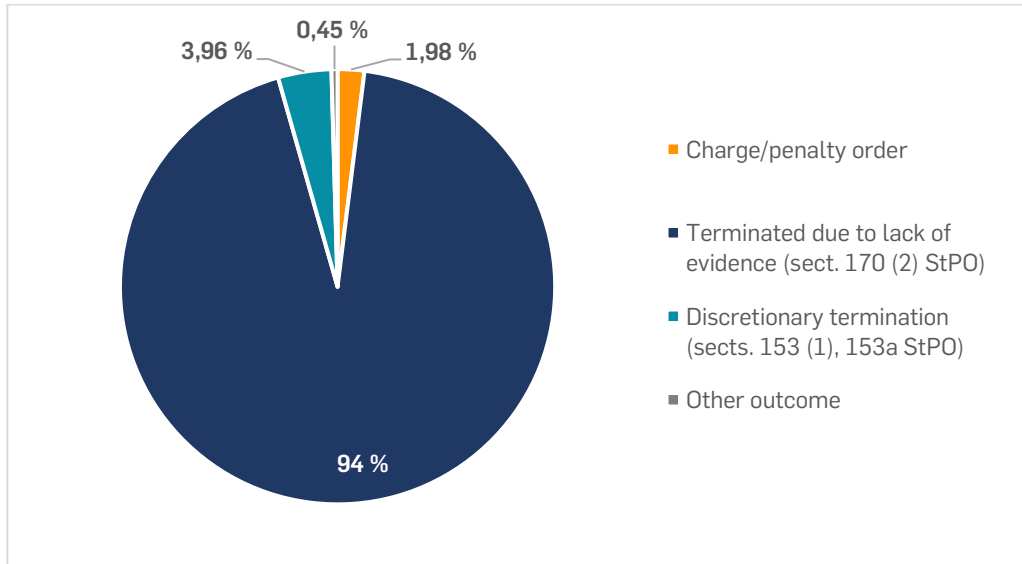


3.6.4 Comparison with rates of terminations vs. prosecutions from official statistics

Compared to the structure of outcomes in the Federal Statistical Office (Destatis) 2019 statistics on public prosecutions which show how public prosecutors handled cases of this type, the structure of outcomes from this sample is somewhat different. The Destatis statistics include figures for criminal investigations that were handled by public prosecutors in the respective reporting year. In addition to case numbers (cf. 3.7.1), they also present information on how these investigations are resolved by public prosecutors including the rate of terminations vs. prosecutions. Since 2009, separate statistics have been compiled in Section 53 for investigations and proceedings against police officers and police employees [*Polizeibedienstete*] for cases involving violence and abandonment.⁵⁸

⁵⁸ Section 53 (Violence and abandonment by police officers and police employees) is not published in the Federal Statistical Office brochure.

Figure 18: Investigations into police officers and police employees for violence and abandonment, final outcomes from public prosecutors, 2018 (n=2,020), Federal Statistical Office, Fachserie 10, Reihe 2.6, Sachgebiet 53



In 2018 there were 2,216 investigations into cases of violence and abandonment by police officers and police employees. Public prosecutors made final decisions on 2,020 of these investigations⁵⁹, pressing charges in 40 cases – a charging rate of 1.98%. This represents a minimal increase over the previous year (2017: 1.97%). However, the charging rate has fallen in recent years (2010: 3.15%; 2016: 2.5%). In addition, 1,971 investigations were terminated in 2018 (97.6 %). 0.4% of investigations (n=9) were concluded by some other means (cf. Figure 17).⁶⁰ Most of these cases were terminated under section 170 (2) of the StPO (n=1,891, 93.6% of all concluded cases). A small number were dropped at the prosecutor’s discretion (n=80, 3.96%) (cf. Figure 18).⁶¹

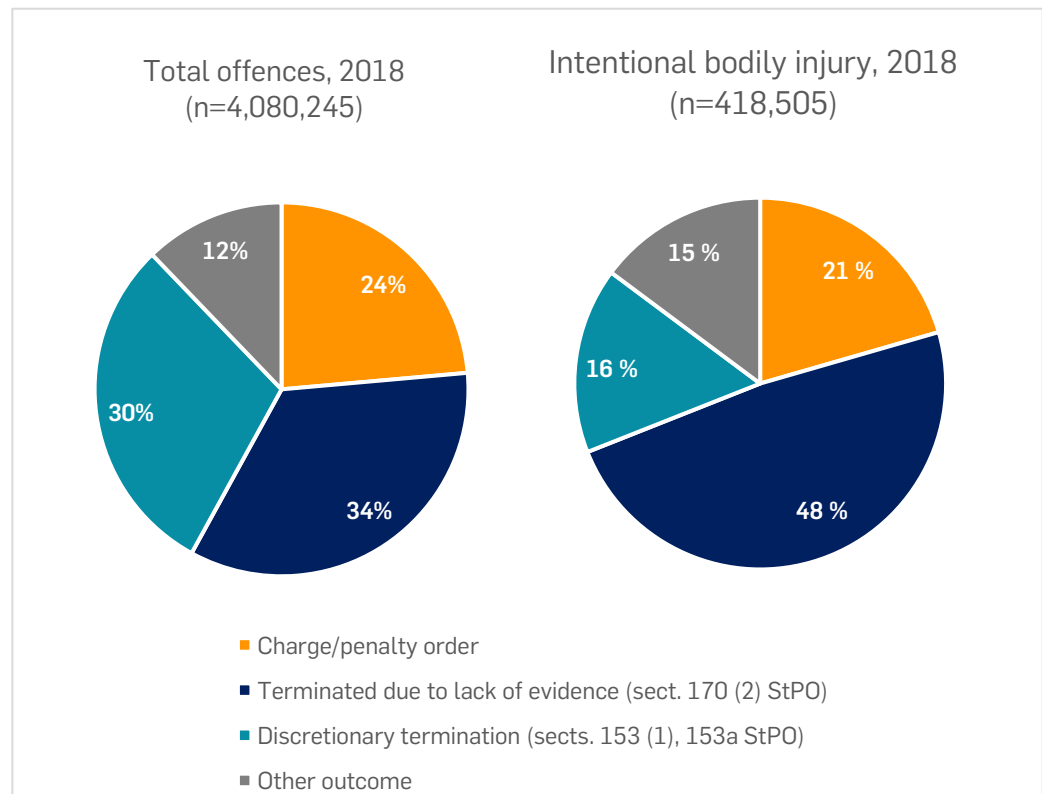
⁵⁹ The following types of outcome were considered provisional: Sections 154d, 154e, 154f of the StPO; handing over to another public prosecutor; connection with another matter; other types of outcome. All other decisions were considered final, particularly charges and penalty orders, along with with terminations under sections 170 (2.1), 153 (1), 153 (1), 153a (1), 153b, 153c, 154 (1) of the StPO; decisions under section 45 of the Youth Courts Act (JGG), section 20 of the StGB; referrals to private prosecution route and cases handed over to administrative authorities to be handled as administrative offences (sections 41 (2) and 43 of the Act on Regulatory Offences (OWiG)).

⁶⁰ The following are counted as “other” in this category: cases being handed to administrative authorities, referrals to the private prosecution route and termination under section 20 of the StGB.

⁶¹ Where cases are terminated at the prosecutor’s discretion, a public prosecutor may terminate the case despite there being evidence of a crime, though they are not obliged to

By contrast, considering all criminal proceedings for all types of offences in 2018, the termination rate is 64%. The charging rate for all offences of 24% is over ten times higher than for investigations into police officers and police employees for violence and abandonment (cf. Figure 19).

Figure 19: Final outcomes decided by public prosecutors, 2018 (Federal Statistical Office, Fachserie 10, Reihe 2.6)⁶²



A similar picture emerges when considering all offences of intentional bodily injury. In these cases, 21% result in charges while 64% are terminated (Federal Statistical Office 2019, cf. Figure 19).

The 93% termination rate shown in this sample is lower than the 98% termination rate from the official prosecution statistics. The charging rate of 7% is also higher than the official rate of 2%.

do so. In the year reported in these statistics, these cases were terminated under sections 153 (1), 153a (1), 153c, 154 (1) of the StPO.

⁶² See footnote 59 for the categories of final outcomes.

Summary:

- Based on the information respondents were able to provide, criminal investigations were only undertaken in 13% of cases.
- Offences involving bodily harm in public office were investigated more often than the average for operations not connected to mass events (22%) but such investigations were less common for cases in the context of demonstrations and political activism (9%).
- Cases in the contexts of demonstrations and political activism and football matches and other mass events were notable for how often police and private video material was available as evidence.
- For cases in the context of demonstrations and political activism, and football matches and other mass events, the most common reason for dropping criminal investigations was issues with identifying the officers involved.
- With regard to how cases are handled for investigations into unlawful police violence, our findings align with those of the official statistics in identifying a strikingly high rate of cases being terminated and a correspondingly low rate of charges being brought.

3.7 Official statistics and the dark figure

Only part of all criminal activity comes to the attention of the criminal justice system, either when a complaint is made or through ex officio action. This part is known as the “hellfeld” or “light figure”, as opposed to the “dunkelfeld” or “dark figure” of offences not known to the authorities. Dark figure research not only explores the size of the dark figure across various types of offences, but also the structure and characteristics of the dark figure itself. Whether the focus is on official crime data or the dark figure, analysis regularly deals with suspected cases and the views of respondents rather than cases that have been decided by the courts.

3.7.1 Unlawful violence in official statistics

Official crime statistics usually form the basis of assessments of offences of unlawful violence that are known to the authorities. One source of information on unlawful police violence is the Police Crime Statistics (PCS) compiled by the Federal Criminal Police Office. These contain information on

the number of cases of bodily harm in office (section 340 of the StGB) that were recorded by the police in a given calendar year. The statistics on public prosecutions compiled by the Federal Statistical Office provide another source of information. These statistics cover cases completed in a reporting year where public prosecutors have dealt with investigations into police officers for violence and abandonment. Both these sets of statistics present data on the activity of the agency concerned and only directly record the number of cases or investigations dealt with by the police or public prosecutors. In other words, they measure the “volume of business”.

The PCS make it possible to see how many cases have been handled by the police. These statistics show 1,559 cases of bodily harm in public office (sect. 340 StGB) in 2018, with 1,466 for 2017 (BKA 2019). The ten-year trend shows a 33% reduction since 2008, from 2,314 to 1,559 cases (cf. Figure 20). Statistics for public prosecutors recorded 2,126 completed investigations in 2018 into police officers for violence and abandonment (Federal Statistical Office 2019, p. 22) The discrepancy between the two figures is due to differences in how the data is gathered.⁶³

See 3.6.3 above for a discussion of the structure of the outcomes of the relevant proceedings.

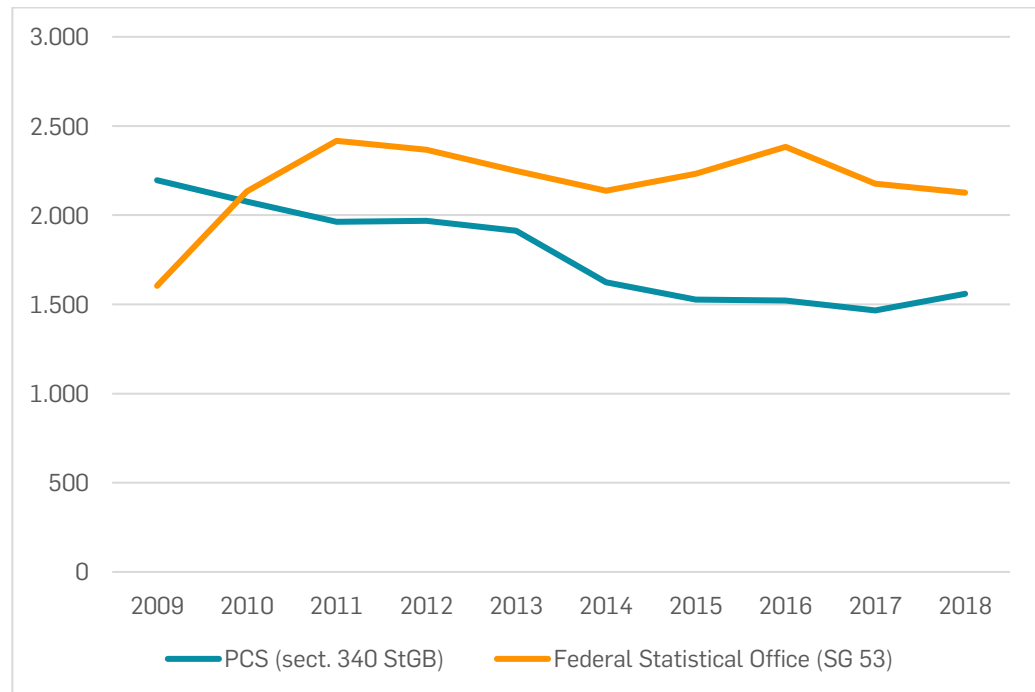
⁶³ Firstly, the PCS not only cover police officers but other officials suspected of an offence under sect. 340 of the StGB, whereas the public prosecutors statistics record separate figures for investigations into police officers and police employees. On the other hand, these not only cover section 340 of the StGB but also 221 (abandonment) as well. However, it is likely that other officials and cases of abandonment will make up only a very small part and can therefore be overlooked.

Secondly, the PCS do not record offences reported directly to and handled exclusively by public prosecutors. With particular regard to unlawful violence by police officers and police employees, it seems obvious that some of those affected would complain directly to public prosecutors in order to avoid renewed confrontation with the police.

Thirdly, each set of statistics covers a different period of time. The PCS count a case in the year when the case file is passed to public prosecutors or the court. By contrast, public prosecutors statistics are based on the point when a criminal investigation is concluded with a decision. This could be in the same year as the complaint is made but could also fall in a subsequent year.

Fourthly, it can be the case that proceedings are not conclusively ended by public prosecutors. As these statistics are ongoing, these cases may be recorded again in subsequent years. For example, during 2018 a total of 106 cases were only temporarily concluded (cf. note 59).

Figure 20: Investigations and proceedings against officials/police officers in cases of unlawful violence in the line of duty, from official statistics (PCS, Table 01 and public prosecutors statistics, SG 53, 10-year trends)

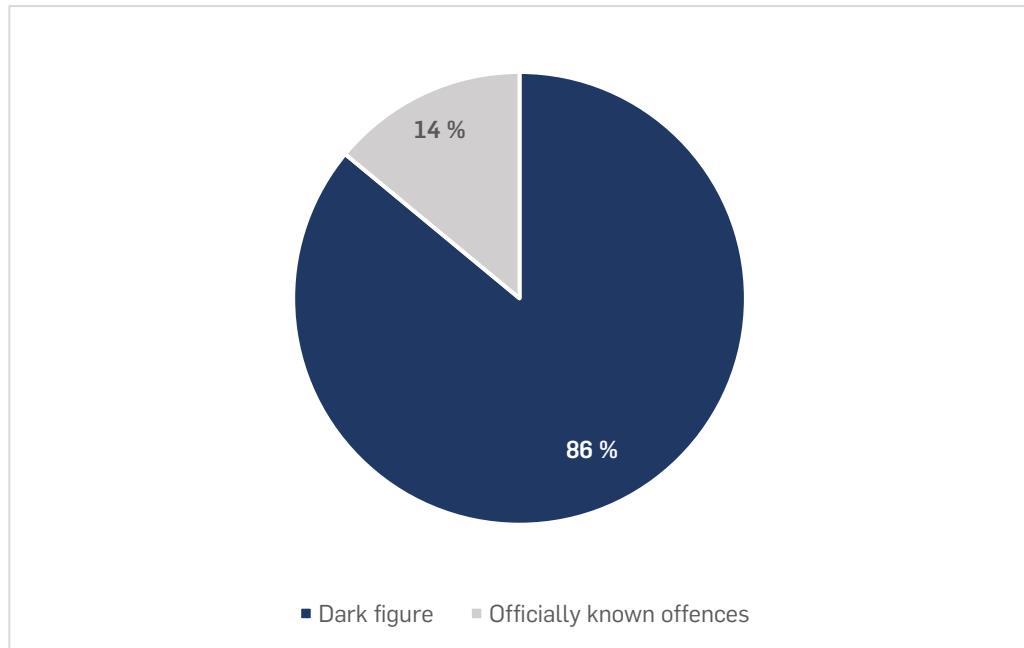


3.7.2 Officially recorded cases vs. the dark figure in the study sample

The vast majority of cases from this survey remained in the dark figure with few criminal investigations being undertaken (cf. 3.6.1). Of the 3,373 cases reported, 439 (13%) found their way into official statistics in that they came to the awareness of the criminal justice system. Due to a lack of information for 250 cases (7%), it is not known if criminal investigations were commenced. 80% of respondents (2,684 cases) stated that no criminal investigation had taken place. These cases therefore fall within the dark figure.

If we only consider cases where information is available on whether proceedings were initiated ($n=3,123$), the dark figure makes up 86% of the total, while reported cases account for 14%. In the sample for this study the dark figure is roughly six times larger than the figure for officially known cases. Hence the ratio of dark figure cases to officially known cases is 1:6. The following section (3.7.3) discusses how far these findings make it possible to draw inferences about the dark figure for society as a whole.

Figure 21: Relationship of officially known cases to the dark figure in the KviAPol sample (n=3,123)



3.7.3 Inferences on the size of the dark figure

Even if this sample is not representative of society as a whole,⁶⁴ the findings described above do permit some estimates and inferences for the overall dark figure for offences of this type. This view is supported by the fact that the structure of cases in this study where an investigation or proceedings were concluded is similar to the structure of known cases in official statistics. Indeed, there is a higher charging rate and a lower termination rate in this sample than in the official statistics. It may be inferred then that the respondents included a higher-than-average number of people whose complaints against police officers had proceeded beyond the stage of an investigation. These differences do not, however, represent distortions that might present an impediment to making comparisons.

In terms of the dark figure, the sample here could represent a distortion in either direction when compared to the overall figures for this type of offence. On the one hand, the sample could contain an above-average number of cases where no criminal investigations took place, making the dark figure seem larger than it actually is for the whole population. On the other hand,

⁶⁴ For this reason it is not possible to calculate concrete numbers of cases. Such calculations have and will not be undertaken by this study. Furthermore, the 13% rate of investigations is an average across the whole sample, covering not just cases from one year but from a longer period (cf. 2.3).

it is equally conceivable that the sample for this study contains an above-average number of cases where criminal investigations did take place. This would mean the dark figure for this sample would appear smaller and the number of officially known cases larger than they are in reality.

The view that the dark figure for this study is smaller than that for society as a whole is supported by the experience that has been gained throughout the course of the research project, which suggests there is a significant number of persons who have been affected by police violence but who not only did not make a complaint, but were also mistrustful of participating in the study or even refused to do so. For example, doubts were expressed about how the study would guarantee respondents' anonymity and the confidentiality of the information they supplied. In certain social groups there are concerns that reporting a case (be it to the authorities or through an academic study) would do more harm than good to the person involved.

From this, the hypothesis may be inferred that victims who make complaints are more likely to participate in a survey on this subject than victims who decided not to make a complaint. It does at least stand to reason that for some respondents there is a degree of overlap between the factors (in terms of their personality and the details of their case) that influenced their decisions to share their experiences, either by making a complaint or participating in a study. This would result in those who did make complaints being over-represented in this study compared to those who did not.

Hence it may cautiously be assumed that the overall dark figure for this type of offence is not significantly smaller than the dark figure in the study sample (1:6 ratio, cf. 3.7.2). Thus the findings from this study allow us to make the following conservative estimate: the dark figure for cases of unlawful police violence in Germany is at least five times larger than the number of cases known to the authorities that may be found in official statistics.⁶⁵

⁶⁵ Ellrich & Baier (2015, p. 31) identified a charging rate of between 5% and 17%. The sample used in their study was small (6–19 affected individuals), but the results are along similar lines.

Summary:

- Public prosecutors handle more than 2,000 criminal investigations each year into more than 4,000 police officers for cases of unlawful violence: these are the officially known suspected offences.
- In the (non-representative) sample for this study, the ratio of cases known to the authorities versus those not known was 1:6.
- Based on this it is possible to estimate that the total of unreported incidents connected with unlawful use of violence by police officers is at least five times greater than the number of officially known incidents that can be derived from official statistics.

4. Next steps

This Interim Report presents the initial findings from the first phase of the KviAPol research project, which will continue into 2021. A Final Report will be issued at the end of the project which will cover all findings from both phases of the project. A public presentation of the findings is also planned.

The next phase of analysis will focus on the processes of interaction that were reported through the survey. This work will include looking for factors that appear particularly significant in how incidents of this type come about. The analysis will also explore relevant factors that influence how incidents escalate, such as the behaviour of the affected person themselves and the presence and behaviour of other police officers and other persons. In addition, the next phase of the analysis will consider group dynamics and how victims experience discrimination. There will be a particular focus on understanding how serious incidents came about in specific situations, which groups of people are affected by them and how this affects whether or not people make criminal complaints.

A series of 63 qualitative interviews with experts from the judiciary, the police and civil society are to be carried out in phase two of the project. These will supplement and build on the findings from the survey of victims from phase one of the project. Interviews are currently being planned and carried out with lawyers, public prosecutors, judges, police officers from various ranks, journalists and advisers from victim support centres and support organisations. The interviews with representatives of civil society will initially focus on exploring certain issues that could not be captured through the survey, or where the survey could not provide sufficient depth. On the other hand, the interviews with police officers will explore police perspectives on this issue. The interviews with representatives of the criminal justice system will focus on gaining additional knowledge on the specific way the system handles cases following investigations into offences of this nature.

References

Abdul-Rahman, L., Espín Grau, H. & Singelstein, T., 2019. Die empirische Untersuchung von übermäßiger Polizeigewalt in Deutschland. Methodik, Umsetzung und Herausforderungen des Forschungsprojekts KviAPol. *Kriminologie - Das Online Journal* 2/2019, pp. 231–249.

Birnbaum, M.H., 2004. Human Research and Data Collection Via the Internet. *Annual Review of Psychology* 55, pp. 803–832.

Birkel, C., Church, D., Hummelsheim-Doss, D., Leitgöb-Guzy, N. & Oberwittler, D., 2019. Der Deutsche Viktimisierungssurvey 2017. Bundeskriminalamt, Wiesbaden.

Bundeskriminalamt, 2019. PKS 2018. Zeitreihen Übersicht Falltabellen – Tabelle 01. Unter: https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/PolizeilicheKriminalstatistik/2018/Zeitreihen/Faelle/ZR-F-01-T01-Faelle_excel.xlsx?__blob=publicationFile&v=3 (last accessed: 12/09/2019).

Bundeskriminalamt & Max-Planck-Institut für ausländisches und internationales Strafrecht (Eds.), 2012. Der Deutsche Viktimisierungssurvey 2012 – Fragebogen. Unter: https://basid.mpicc.de/files/pdf4/Fragebogen_Der_Deutsche_Viktimisierungssurvey_2012.pdf (last accessed: 12/09/2019).

Dreißigacker, A., 2017. Befragung zu Sicherheit und Kriminalität: Kernbefunde der Dunkelfeldstudie 2017 des Landeskriminalamtes Schleswig-Holstein (No. 135). Kriminologisches Forschungsinstitut Niedersachsen e.V. (KFN), Hannover.

Ellrich, K., Baier, D. & Pfeiffer, C., 2012. Polizeibeamte als Opfer von Gewalt: Ergebnisse einer Befragung von Polizeibeamten in zehn Bundesländern, Nomos, Baden-Baden.

Ellrich, K. & Baier, D., 2015. Gewaltausübung durch Polizeibeamte – Ausmaß und Einflussfaktoren. *Rechtspsychologie* 1 (1), pp. 22-45.

EU Agency for Fundamental Rights, 2016. Second European Union Minorities and Discrimination Survey – Questionnaire (EU MIDIS II). Unter: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-midis-ii-questionnaire_en.pdf (last accessed: 12/09/2019).

Eynon, R., Fry, J. & Schroeder, R., 2017. The Ethics of Online Research. In: Fielding, L., Raymond, M. & Blank, G. (Eds.). *The SAGE Handbook of Online Research Methods*. 2. Auflage. London, SAGE Publications, pp. 19-38.

Gosling, S.D., Vazire, S., Srivastava, S. & John, O.P., 2004. Should We Trust Web-Based Studies? A Comparative Analysis of Six Preconceptions About Internet Questionnaires. *American Psychologist* 59, pp. 93–104.

Jäger, J., Klatt, T. & Bliesener, T., 2013. NRW-Studie: Gewalt gegen Polizeibeamtinnen und Polizeibeamte. Die subjektive Sichtweise zur Betreuung und Fürsorge, aus- und Fortbildung, Einsatznachbereitung, Belastung und Ausstattung (Abschlussbericht). Institut für Psychologie, Christian-Albrechts-Universität zu Kiel.

Statistisches Bundesamt, 2019. Statistik über die Staatsanwaltschaften 2018, Fachserie 10 Reihe 2.6. Unter: https://www.destatis.de/DE/Themen/Staat/Justiz-Rechtspflege/Publikationen/Downloads-Gerichte/staatsanwaltschaften-2100260187004.pdf?__blob=publicationFile (last accessed: 12/09/2019).

Supik, L., 2017. Statistische Sichtbarkeit und Diskriminierungsrisiko – Rassismus messen, aber wie? In: Heinrich Böll Stiftung (Ed.). 10 Jahre Diskriminierungsschutz in Deutschland, pp. 43-48. Unter: www.heimatkunde.boell.de (last accessed: 12/09/2019).