

Research Project

Police Use of Excessive Force in Germany

An Executive Summary and First Results

Study Framework

The DFG-funded research project “Police Use of Excessive Force” aims at examining the processes of victimization, victims’ willingness to report incidents, and the scope and pattern of the dark figure of unregistered incidents concerning unlawful police violence.

As the project’s first phase, a victim survey was conducted through an online questionnaire, the results of which will be outlined in the summary at hand. In a second phase, these findings will be supplemented and built upon by interviews with 60 experts from various backgrounds (police, criminal justice, civil society). The project is set to run through 2020. Participants were recruited via public outreach as well as a snowball sampling method drawing upon gatekeepers. The questionnaire was available over a period of 9½ weeks from November 2018 to January 2019.

Of 5,677 completed questionnaires, 3,678 pertained to experiences of physical violence used by the police against the participant in the line of duty which the aggrieved considered excessive. Another 1,999 questionnaires described violence against other people, non-physical violence or non-violent incidents. These are not included in the main survey. Of the 3,678 questionnaires relating to the main survey, 303 were excluded during data validation for incoherency or implausibility according to predefined standards. This left 3,375 cases from which the following findings are drawn.

As a victim survey, the sample depicts the victims’ assessment of incidents. In the present case, this is of importance because the distinction between lawful use of force by the police and unlawful police violence can be difficult. Considering the chosen method of recruitment, the sample is not representative. However, the findings do allow us to draw some conclusions regarding the overall situation.

Key Findings

The respondents described a wide range of situations in which police use of force occurred, including random encounters in public spaces as well as deliberate arrests, political activism, and other mass events. It can thus be assumed that unlawful police violence might essentially emerge in any kind of operational setting.

Settings and Subgroups

Nonetheless, certain settings were reported particularly frequently. The results can be categorized into three subgroups: demonstrations and political activism; football matches and other mass events; and encounters unrelated to mass events.

Demonstrations and political activism were featured prominently (55%), as were football matches and other mass events (25%). This might be partly based on our method of recruitment. However, it also seems plausible that these situations are overly susceptible to certain forms of unlawful police violence. Political activism and demonstrations as well as football-related encounters represent established conflict-prone relationships between police and certain social groups with very specific patterns of interaction.

The third subgroup comprises all encounters unrelated to such mass events, constituting 20% of the overall sample. These encounters were highly diverse, although certain situations appeared more at risk of violence than others. Police use of force was common during police stops, or when the police were called over a dispute. In a significant share of all reported cases, the respondent was initially not involved in the scene, but was watching or recording.

The participants were predominantly male (72%), of young age (an average of 26 years at the time of the incident), and highly educated (71% with university or university of applied sciences entrance qualification). 16% of respondents were of migrant background.

Locations

The sample covers reports from all sizes of communities, from villages to major cities of more than 500,000 inhabitants. But the number of reported cases increases with the location's population figure and is highest in major cities. Whether the correlation between community size and probability of police violence is of general validity cannot be determined with certainty, considering the study's non-representative character.

The reported events mainly took place in public areas. Violence in police vehicles or on police premises was less common, but still occurred in 20% of reports. This was most frequent in accounts relating to the subgroup of incidents outside of mass events. It was these cases in which multiple uses of violence were related most often. Excessive police use of force in private residences was only depicted in a small number of statements.

Elapsed Time and Types of Violence

The interactions described by the respondents typically escalated quickly. In 54%, less than two minutes elapsed between the first contact and the reported unnecessary violence. This was especially true for mass events such as demonstrations and football matches, but also for police measures such as arrests, home searches, and traffic stops unrelated to mass events. Police operations initially aimed at third parties, or operations in which the police were called over a dispute were usually characterized by an escalation period of medium length (between two and ten minutes). Escalation sequences of more than ten minutes were rare.

Respondents reported a wide variety of violent experiences. Violence of light and medium intensity was predominant. Shoves and blows were the most commonly described forms of force. Being detained, taken hold of too severely, kicks, shackling or being fixed in place were common as well. The forms of violence differ amongst the various settings. The use of pepper spray played an important role in encounters during mass events, particularly regarding football matches. Electroshock weapons (tasers) – which are not yet in use throughout Germany – or guns were employed only occasionally and were fairly immaterial overall.

Effects and Consequences of Violence

71% of participants reported physical injuries. 19% indicated they had sustained heavy injuries, e.g. bone fractures, serious head injuries, internal injuries.

On average, respondents from all subgroups experienced high levels of pain. The majority related a period of convalescence from several hours (11%) to days (54%). For 31%, recovery lasted several weeks or longer. 4% said they sustained permanent damages. Aside from the physical impact, participants reported substantial psychological aftermath, such as fear and avoidance behavior.

With the subgroup of encounters unrelated to mass events, the reported overall effects of violence were significantly worse than in the other two subgroups. Serious physical damages were related more often, as were psychological consequences. This group disclosed longer periods of convalescence, experienced more stress and sought medical treatment more frequently (particularly psychological help).

Crime Reporting Behavior and Criminal Proceedings Initiated

The related cases rarely led to criminal proceedings. To the knowledge of the respondents, this only happened in 13% of incidents. For the subgroup of encounters unrelated to mass events, criminal proceedings were reported more often (22%), which is true for football matches and other mass events as well (16%). Regarding demonstrations and political activism, this figure was significantly lower (9%).

In those cases that did lead to criminal proceedings, this was usually based on the charges filed by the respondent or their legal counsel. Only 9% of participants decided to file charges.

The main motivation for filing charges was preventing further instances of unlawful violence in the future. When participants decided against filing charges, this was primarily because they assumed this would be unsuccessful. Another notable factor was the fear of counter charges being filed by the police

in retaliation, and in the subgroups of demonstrations, political activism, football matches and other mass events, the lacking identifiability of the acting police officers.

Dark Figure

At least in this nonrepresentative sample, the bulk of cases remained in the dark and was never officially reported. Of all the incidents for which data on the initiation or non-initiation of proceedings was given ($n = 3,125$), the dark figure amounts to 86%, compared to 14% in which criminal proceedings were initiated by filing charges or ex officio. Thus, the dark figure is six times larger than the officially visible scope for our sample. While this does not necessarily mean that this is true for society as a whole, the findings allow us to deduce that the overall dark figure concerning unlawful police use of force is presumably at least five times as large as the official figures. As with dark figure research in general, this pertains to suspected wrongdoing.

Handling of Cases by the Criminal Justice System

For the handling of cases by the justice system, the study draws a picture similar to the official statistics. Criminal proceedings against police officers concerning the unlawful use of force exhibit a remarkably high number of dismissed cases, and a very low number of indictments. When charges were pressed concerning physical violence, and data was available on the prosecution's decision ($n = 354$), the respondents indicated an indictment in 7% of cases. The dismissal rate was 93%, consisting mostly of dismissals for lack of reasonable suspicion of wrongdoing, § 170 (2) German Criminal Procedure Code. Regarding demonstrations, political activism, football matches and other mass events, the inability to identify the acting officers was the main reason for dismissal.

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