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Control(led) Group

STEPSS

FINAL REPORT ON THE STRATEGIES FOR EFFECTIVE
POLICE STOP AND SEARCH (STEPSS) PROJECT

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1. Introduction

Ethnic profiling is defined as the law enforcement practice of using racial, ethnic or religious stereotypes when making decisions on whom to stop, search, verify identification documents, arrest or detain, mine databases, gather intelligence and other techniques. Ethnic profiling assumes that these characteristics will help predict which people will be involved in particular crimes.

This approach is a form of discrimination and unlawful according to international and European law. The European Commission against Racism and Intolerance recommends for every member state to "clearly define and prohibit racial profiling by law", while within the meaning of its recommendation ethnic profiling means "the use by the police, with no objective and reasonable justification, of grounds such as race, colour, language, religion, nationality or national or ethnic origin in control, surveillance or investigation activities".[1]

Evidence shows that ethnic profiling is not only ineffective, but it may also be counterproductive. Profiling perpetuates negative stereotypes and stigmatizes entire groups of people as "suspect communities". Furthermore, it misdirects law enforcement resources, alienating some of the very people whose cooperation is necessary for effective crime detection and prevention.

Research carried out by the Hungarian Helsinki Committee (HHC) in 2002–2003 concerning discrimination against Roma in the Hungarian criminal justice system exposed direct racial profiling by police. By scrutinizing court files, the research examined

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[1]   See: ECRI General Policy Recommendation N° 11 on combating racism and racial discrimination in policing at: http://www.coe.int/t/e/human_rights/ecri/1-ecri/3-general_themes/1-policy_recommendations/recommendation_n11/1-Recommendation_11.asp#TopOfPage.

– among other things – how perpetrators were initially detected by authorities. The findings of the survey appeared to be fully in line with similar Anglo-American studies which analyzed procedural discrimination against visible minorities in criminal justice systems.

The researchers found that Roma offenders and suspects were significantly more likely to have been identified via police stops. In the case of non-minority suspects, however, most of them were caught in the act. The researchers attributed the differences to bias in the system: non-Roma, if not caught in the act, had much better chances of completely avoiding liability, whereas Roma had a much higher chance of being identified as having committed a crime through ID checks. One good source for the difference, explained the researchers, might be the police stop practices. On average, one-fifth of researched court cases involved individuals identified by police stops.

To find out whether discriminatory ID check methods are relevant to the differential treatment of the Roma, it was necessary to analyze that aspect of police practice. In 2005, the Hungarian Social Research Institute (TÁRKI) carried out qualitative research which found that the Roma are indeed discriminated against in the context of ID checks by the police. Discrimination was especially conspicuous in the practice of stopping pedestrians, with Roma pedestrians disproportionately stopped. Once stopped, they are more likely to experience disrespectful treatment. The research concluded that, based on the respondents' reports, ethnic profiling exists in Hungary,[2] and established that ostensibly rational considerations are often raised to justify the discriminatory practice, namely the assumption that correlation exists between ethnic identity and potential criminal behavior. The research also highlighted strong prejudices regarding minorities and presumed patterns of offending in both the police and the general population. Contributory issues included poor supervisory structures within the police, and little or no measurement concerning the productivity of stops.

The analysis of ID check practices, therefore, turned out to be of utmost importance. If it were proven that, during police ID checks, Roma in general (and not only those who constituted a part of the research sample in 2002–2003) are under closer scrutiny than their non-Roma peers, the focus of public discourse might change. Questions

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[2]   See: Pap, A. L., Miller, J., Gounev, P., Wagman, D., Balogi, A., Bezlov, T., Simonovits, B. and Vargha, L.: Racism and Police Stops – Adapting US and British Debates to Continental Europe, In: *European Journal of Criminology*, 2008/5, pp. 161–191.; and Pap, A. L.: Police Ethnic Profiling in Hungary – Lessons from an International Research, In: *Regio, A review of Studies on Minorities, Politics, Society*, 2007, Vol. 10., pp. 117–140.

would arise surrounding the effectiveness of policing based on prejudicial practices, as well as the side-effects of carrying out such profiling on the police themselves. It should also be analyzed whether these side-effects are worth the price of possibly finding more criminals.

The international Strategies for Effective Police Stop and Search (STEPSS) project (described in detail below) sought to change police stop and search policy and practice. In Hungary, a research/action approach was used in the development of new practices in pilot sites. For the purposes of the research, an emphasis was put on wide-range data collection on the ethnic aspects and general efficiency of ID checks (ID check data broken down by ethnicity has never been collected in Hungary). As for the action element, police officers were trained on the definition and relevant aspects of ethnic profiling, with special instruction focused on its disadvantages (the notion is practically non-existent in the education of police officers or in the wider public). The project also aimed to develop links between local Roma communities and the police.

The political riots in Budapest in 2006-2007, with a heavy-handed police response, created a climate of mistrust towards the police. The public began questioning of the use of police powers, including ID checks. This in turn created demands for reform, so the project results may significantly contribute to restoring society's trust in the police.

The STEPSS project in Hungary was also relevant from the aspect of anti-discrimination, which is a relatively new field in the Hungarian legal system. Although the Constitution[3] contains anti-discrimination provisions, and Article 70/A provides a general ban on discrimination, the country had not had a separate and coherent law on the concepts, definitions and *sui generis* sanctions related to this field. It was only in 2003 when Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities (ETA) was adopted by the Parliament, transposing the two most important EU directives in this area.[4]

Our standpoint is that institutional practice based on ethnic profiling constitutes direct discrimination within the meaning of the ETA, and is therefore not simply ineffective (as it will be explained in more detail below), but also unlawful.

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[3]   Act XX of 1949 on the Constitution of the Republic of Hungary.

[4]   Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

In the following pages we provide a brief description of the project methodology and rules, introduce the legal and institutional framework of ID checks in Hungary, and share the project results. Finally, we propose recommendations based on the results, the implementation of which could mean significant improvements in the field of ethnic profiling and policing.

2. The STEPSS Project in Hungary

2.1 Institutional framework – The role of the Hungarian Helsinki Committee and its partners

Within the framework of the STEPSS project (carried out with the financial support of the European Commission's AGIS Program and the Open Society Institute), ethnic profiling was scrutinized in three countries: Spain, Bulgaria and Hungary. The aim of the project was to elaborate a new model of stop and search practices by training police officers, examining the existing legal framework, involving members of minority communities in the project activities, creating more effective ways of supervising officers' work, and to test the model in practice.

The implementation of the STEPSS project in Hungary was reliant on close cooperation between three project partners: the Hungarian Helsinki Committee (HHC), the National Police Headquarters (NPH), and the Hungarian Police College (HPC).

In January 2007, the HHC concluded an agreement with the NPH and the HPC, defining the responsibilities of each of the three partners vis-à-vis the project. The fundamental rule was that the project documents were to be produced by the HHC and commented on by the NPH. The HHC was responsible for the coordination of the partners' activities, including that of the Roma civilian monitors (see below), while the NPH was responsible for the training component. Besides coordination, the HHC staff was actively involved in a formal review of the legislative framework, the development and implementation of the training, the creation of a formal monitoring program, and the organization of its civilian component. The HHC wrote and distributed the Hungarian country report, as well as disseminated the final comparative report. The primary responsibility of the NPH was the coordination of the participating police units' work, however, the police took part in the elaboration of all project documents as well.

Ethnic profiling and discrimination are highly sensitive issues in Hungary, so the partners, in acknowledgment of this complexity, thought it best to address the public jointly. The partners agreed that the project results would be shared with the wider community at a joint press conference, which was held on 21 February 2007. Any further results were also to be announced together with all of the partners. Interpretation of the same facts may vary widely, depending on an individual's or group's circumstances. For instance, certain data concerning policing might seem irrational, but at the same time might be justified in light of special professional considerations. It might also happen that a disagreement, e.g. concerning disproportional ID check patterns, cannot be resolved because of fixed, yet divergent perspectives. In such a case, the fair solution is to inform the public about all views.

The HHC selected representatives from the Roma community in each pilot site who performed the internal monitoring of the project. These individuals also functioned as a link between the local police and the Roma community. The community representatives submitted a brief report via mail shortly after each time they patrolled alongside the police. It was in these reports where they could indicate whether or not they faced any problem during the patrols.

The NPH and the HPC appointed persons within their organization responsible for performing tasks related to the project. This was done with an eye toward developing efficient lines of communication. This way, the HHC's coordinator needed only to contact one person at the NPH. Any request from the HHC would be received by the local police forces from their superior, who before forwarding the request could also check whether it was in line with the formal rules regulating the operation of the police. Although all official requests had to go through these formal channels, this rule did not prevent or exclude the possibility of direct contact between the HHC and the local police.

2.2   Legal framework, the special characteristics of ID checks in Hungary

Under Hungarian legal provisions, an ID check is an action through which an authorized person establishes the ID checked person's identity. This covers an extremely wide range of activities, as not only those measures are included which are carried out for the explicit purpose of establishing a person's identity, but almost every single act where an officer comes into direct contact with a citizen. The proportion of such non-autonomous ID checks ranges between 10–30% according to the estimation of police officers participating in the project. Such non-autonomous ID checks are carried out for instance in the course of searching for witnesses (i.e. when in the neighborhood of a

crime everyone is asked by the police whether they saw anything relevant related to the given offence). In such cases ID checks are complementary to other police measures. The vast majority of ID checks, however, are autonomous measures in the sense that they are carried out for the sole purpose of identifying an individual. Act XXXIV of 1994 on the Police (hereafter Police Act) does not differentiate between autonomous and non-autonomous ID checks, and therefore the two types of measures could not be handled separately in the research, but the fact that the number of ID checks contains instances in which the check is part of the normal course of action and is not performed upon the acting officer's discretion, needs to be taken into account when analyzing the Hungarian practice.

2.2.1   The statutory definition of ID check and its legally permitted aims

According to the Hungarian legal provisions, the term "ID check" means similar police measures instituted for different purposes. Technically the concept refers to the measure defined under Article 29 of the Police Act, however, based on an in-depth analysis we can differentiate between four types of ID checks:[5]

a)   "Classical" ID checks

b)   ID checks performed in the course of traffic control

c)   Non-autonomous ID checks

d)   ID checks carried out in the course of intensive control

a)   As per Article 29 of the Police Act, a police officer may check the identity of any person whose personal identity needs to be established. The provision in force since 1 January 2008 lists the legally permitted aims of the measure: protection of public order, public safety, crime prevention and crime detection, establishing the lawful stay of the concerned person, protection of the rights of the person checked and of other natural or legal persons.

b)   ID checks can also be carried out in the course of traffic control when the existence of the aims listed above is not a precondition for lawfully applying an ID check. Based on the wording of Article 44 of the Police Act, traffic control can be performed in order to establish whether the car driver has a driving license or whether he/she lawfully possesses the car, so the acting officer is not required to justify the necessity of the concrete measure beyond this, as he/she may lawfully carry out an ID check even if the suspicion of the driver's unlawful behavior is completely missing.

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5   Other categories are also possible, our solution is useful for understanding the whole structure of the STEPSS research.

c) In case of non-autonomous ID checks the aim of the primary measure shall stand for the lawfully permitted aim of the given check, therefore if the primary measure is lawful, the lawfulness of the ID check cannot be questioned either. If for instance the police officer hears someone as a witness at the scene of an accident, the checking of the witness's identity will be an inevitable part of the hearing, so the lawfulness of the ID check may not be questioned separately from that of the hearing.

d) In accordance with Article 30 of the Police Act, the head of a police unit may order intensive control in order to arrest a criminal suspect, or prevent or frustrate an action or incident posing a threat to public safety. In such cases, within the territory defined in the decision ordering intensive control, everyone may be lawfully ID checked even if the specific reasons outlined in Article 29 do not prevail. (Thus, in such cases, the officer conducting the check is not required to assess individual circumstances, and within the area and time defined in the order he/she will be authorized to check every single person without further justification.)

2.2.2 The required level of suspicion

The minimal level of suspicion required to justify an ID check is not determined by law. According to Hungarian law, the existence of a so-called "simple suspicion", a theoretical concept not defined in detail (and meaning a lesser degree of certainty than the "well-grounded suspicion" required for the initiation of a criminal proceeding) is enough for any police measure to be applied. In practice the concept means that a person may be subjected to an ID check if a police officer believes on the basis of any information or data at his/her disposal that, under the circumstances, a police action is necessary. As the Police Act requires officers to take or initiate measures upon finding (or being notified of) a fact or circumstance which demands police intervention, a police officer is under an obligation to act in the event the simple suspicion is in place.[6]

2.2.3 Proportionality as general requirement

The Police Act sets the requirement of proportionality: a police measure shall not cause a detriment which is manifestly disproportionate to the lawful objective of the measure. When given several possible options for police action or means of coercion, the one which is both effective and causes the least restriction, injury or damage to the affected person shall be chosen. On the principle that an ID check possibly poses the least restriction possible on a person subject to police action, such checks are deemed justified if any data or information exists that a police action is necessary in the given situation.

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[6] Article 13 (1) of the Police Act.

2.3   Project activities

The STEPSS project was carried out in three pilot sites across Hungary: Budapest's 6th District, Szeged and Kaposvár. These three locations represent a range of different police districts with differing populations, crime profiles and resources. Budapest's 6th District covers a busy city-center area and includes Budapest's main railway station. Szeged, with a population of 200,000, is a medium-sized district on the Romanian border. Kaposvár is a relatively rural police district with 120,000 inhabitants. There were also some project activities that took place outside of the pilot sites, like the study tour to the UK.

The project consisted of the following main components:

a) Project preparation
    Examination of existing law, policy, and practice regarding ID checks;[7] drafting and finalization of a cooperative agreement with the project partners, which included obtaining approval from the relevant Parliamentary Commissioners (see below)

b) Study tour to the UK

c) Technical preparation of the monitoring phase
    Development of an ID check form for the purposes of the STEPSS project in Hungary; creation of operational guidelines for police officers conducting or supervising ID checks

d) Training of police officers participating in the project

e) ID check monitoring
    Completion of stop forms and civilian monitoring, analysis of the resulting data

f) Evaluation
    Interviewing of participating police officers and monitors

There were more tasks to be performed beyond the listed activities, but in the final report we only deal with the most important ones.

2.3.1   Project preparation

The implementation of the STEPSS program in Hungary closely followed the outline set forth for all STEPSS partners. Following an early period of partner identification (with particular focus on recruiting community and academic partners), the national

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[7]   The audit was the result of the joint effort of the NPH, the HPC and the HHC, and provided a comprehensive analysis of all aspects of ID checks. Its edited version is available on the HHC's website (www.helsinki.hu).

coordinator carried out a review audit of existing law and police practice in the field of stop and search in close cooperation with the NPH and the HPC. This was done in order to be better able to identify the gaps in written procedures, as well as in officer conduct. The analysis was prepared in all three project countries on the basis of a questionnaire compiled by the international project management.

At this stage it was necessary to obtain approval from the relevant Parliamentary Commissioners. According to the Data Protection Act (Act LXIII of 1992 on the Protection of Personal Data and Publicity of Data of Public Interest), data related to ethnic affiliation or origin are regarded as sensitive data which can only be lawfully processed if an Act of Parliament permits, or the person concerned gives his/her written consent to processing the data.[8] As such, police officers were not, and are not authorized by law to process data of ethnic origin during the course of conducting ID checks. Nor would it have been practical for the police to ask for consent during the stop. The research, however, could only have been representative if all of the individuals in question agreed to have their data processed. It was essential for the purposes of the project, then, to find a lawful way to record the ethnic origin of each person who underwent an ID check at the pilot sites.

The solution that seemed most feasible was for the officers to record the *perceived* ethnicity of the person on a separate and anonymous STEPSS form. These forms were to be stored separately from the standard ID check forms that the police have a legal obligation to complete. After each shift the officers who performed ID checks handed over the STEPSS forms they had filled out to the appointed contact person who at the end of each week forwarded the collected forms to the NPH, from where it was sent to the HHC. The HHC's statistician entered the data into a coded data base, after which the forms were eliminated.

This way, any possibility of restoring a link between the data and the individual with regard to whom the data have been recorded is impossible, so the sensitive data cannot be linked to the data owner. The data therefore ceases to be personal, becoming mere statistical information. The police requested approval from the Data Protection Commissioner and the Minority Rights Commissioner, as this method had never been used before the project. The commissioners accepted our proposed methodology, holding that the solution raises no data protection concerns.

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[8]   Articles 2 (1) and 3 (2) of the Data Protection Act.

2.3.2   Study tour to the UK

The STEPSS Hungary partners (captains of the police units at the pilot sites, civilian monitors, designated contacts at the NPH and the HPC, and the HHC's project coordinator) accompanied their counterparts from Spain and Bulgaria on a UK study tour in April 2007. There they were able to assess stop and search procedures and monitoring programs that were developed in the United Kingdom. The partners participated in training sessions, including ride-alongs with the London and Leicester police forces, met with British community leaders, and, perhaps most importantly, came together as a team to discuss the national implications of carrying out the STEPSS project in Hungary. The relationships forged among the Hungarian team during the UK study tour set the stage for future intense cooperation among the different partners in the three pilot sites.

2.3.3   Technical preparation of the monitoring phase

According to Hungarian law, police officers are not always obliged to fill out official forms after ID checks. Even when they do fill them out, the standard forms do not contain all the data that was relevant to the project and the official forms are obviously not anonymous. Therefore a new, so-called "STEPSS form" was designed by local police forces, the NPH and the HHC (that was used parallel with the official forms).

The STEPSS ID check form used in Hungary contained the following data:[9]

- time of ID check,
- place of ID check,
- gender of concerned person,
- age of concerned person,
- grounds for ID check,
- results of ID check,
- perceived ethnicity of the person concerned, established by the officer,
- civil monitor's remark.

In designing the form the most difficult task was the compilation of a list of the typical reasons for ID checks. On the one hand, the list needed to be simple, short and easily understandable so that the form can be filled out easily and quickly. On the other hand, however, the reasons needed to be detailed enough to justify the necessity of a concrete

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[9]   For the complete ID check form see Annex 1.

measure. The list of typical reasons for ID checks was prepared by the NPH, and was the following:

1) *Possession of a suspicious object*: this reason had to be marked by patrolling officers when they ID checked a citizen on the belief that he/she possessed an object that was stolen. When marking this reason, the officer had to expand on the reasons for believing that the person concerned might have possessed such an object.

2) *Intensive control*: ID checks carried out for this purpose needed not to be justified as in light of the internal decision issued by a superior everyone needs to be or may ID checked in the territory covered by the intensive control, irrespective of the existence of the individual circumstances that in other cases may justify ID checks. However, in such cases officers were obliged to indicate the objective of the intensive control and the number of the internal decision ordering the control.

3) *Traffic control*: no further justification was required, only the type and age of the given car had to be written on the form.

4) *Security measure*: this measure is applied in order to put an end to a situation dangerous to oneself or directly endangering other persons or valuables. In this case the situation causing the danger and the role of the person checked needed to be described.

5) *Finding a wanted person*: if checking this reason the police officer was required to explain what made him/her believe that the person concerned was a wanted person.

6) *Suspicion of a crime*: if marking this reason the officer needed to explain shortly why he/she had thought that the ID checked person committed a crime.

7) *Suspicion of petty offence*: if marking this reason the officer needed to explain shortly why he/she had thought that the ID checked person committed a petty offence.

8) *Prevention of an act jeopardizing public order*: if marking this reason the officer had to describe the act jeopardizing public order and the concerned person's role in it.

9) *Possession of legally prohibited object*: in this case the officer had to describe the reasons for believing that the concerned person possessed a legally prohibited object (for instance, a firearm possessed without an appropriate permit).

10) *Other reason, namely*: when none of the reasons listed above was the one necessitating the given ID check the officer had to explain the actual reason on the form.

When asking about the result of the ID check, we wished to know whether the check was followed by further police measures, such as the arrest of a person under an arrest warrant, the short-term arrest of the person checked, or the initiation of petty offence proceedings. We decided to include this question upon the presumption that if a check

is followed by any of the above outcomes, the police action must have had a proper basis, and this is how we tried to assess whether the number of the checks conducted in the pilot sites are proportionate to the results achieved (for more details on this, see Chapter 3).

The forms were designed to:

- detect any disproportionate treatment in stops of minority citizens,
- chart how stops are being used by officers (reasons for stops, suspicion, location, outcomes), and
- provide a tool for enhanced supervision.

Supervision was an important part of the project design. At the end of each shift, officers were required to hand over the completed forms to their supervising officer. The supervisor then was to check whether the number of ID check forms corresponded to the number of checks that the patrolling officers logged in their daily report. They further reviewed whether the content of the forms was satisfactory, especially focusing on the reasons for conducting the ID checks. The supervisor was also under an obligation to separate STEPSS forms from any other documents which might link a person's perceived ethnicity to their identifiable personal data.

The HHC and the NPH have also prepared operational guidelines where the police officers involved in the project (be they patrolling officers or supervisors) could find all the rules related to the project. The operational guidelines were designed to be short and easily understandable, and contained the project rules broken down by the following topics:

- The reasons for carrying out the STEPSS project[10]
- How to conduct ID checks in the context of the STEPSS program
- Practical information on how to fill out the forms
- The rights and obligations of civilian monitors
- Rules of data processing
- Rules of internal control

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[10] It was essential to thoroughly explain to the officers that the aim of the project was not to scrutinize their work and sanction them if any discrimination were revealed. They needed to understand that the project goals centered instead on getting a realistic view of what they do in their normal work day, and on the basis of the findings, to come up with recommendations to improve the system.

2.3.4   Training of police officers participating in the project

The training of police officers was divided into two parts. There was a one-day training organized for supervisors and higher-ranking police officers employed at the police units. Civilian monitors were also invited to this training. The presentations outlined the rules of the STEPSS project, and shared the results of previous research into ethnic profiling by the Hungarian police. General problems within the Hungarian policing system were discussed, including how the efficiency of police ID check practice could be improved. Most of the presentations were held by practicing police officers, based on the notion that "unusual" ideas would seem more palatable if presented by colleagues, rather than by human rights lawyers.

All of the other patrolling officers were trained in the course of their regular briefings. The training of some 300 officers had to be thus staged due to the necessity of maintaining a constant police presence on the streets. Altogether, the HHC held six presentations at the pilot sites, with two events per site. The officers were ultimately not adverse to the presentations given by human rights lawyers, as they said that the extra burden of having to fill out another form was bearable. They seemed to have understood the objectives and the rules of the project.

2.3.5   Monitoring ID checks through the completion of stop forms and civilian monitoring

Officers began filling out of the forms on 17 September 2007 and continued to do so for six months. During this period the HHC's project coordinator maintained regular contact with the local police units and the civilian monitors. After two months, the HHC analyzed the first pack of completed forms. It was at this time that the need for further clarification and communication became clear. Although the higher-ranking officers seemed to understand the rationale behind the project, part of the operational staff were apparently reluctant to fill out the forms. It was not clear to each of them what exactly they should have written down as grounds for an ID check. The forms were accordingly adjusted, and a new round of training was held for the patrolling officers. The training now included a list of typical acceptable and unacceptable grounds for an ID check; the emphasis being on real life examples of proper justifications.

Besides gathering data through standardized forms, the practice of ID checks was also monitored through the involvement of civilian monitors. We tried to involve into this activity people who are key minority representatives in their respective regions. Imre Bogdán is the president of the local minority self-government of Kaposvár, Zsolt Virág is the president of the Szeged minority self-government, while Jenő Setét is the executive director of the Roma Civil Rights Foundation (one of the most influential Roma

NGOs in Hungary). The civilian monitors joined patrolling police officers 36 times during the project period (for a summary of their observations see Chapter 5).

2.3.6 Analyzing the data

For a detailed description of the methodology used in the data collection and the subsequent analysis, see Annex 2. The results of the analysis are presented in Chapter 3 below.

2.3.7 Evaluation

After the forms were completed and collected, the international project coordinator and members of the HHC staff interviewed several officers and civilian monitors who participated in the implementation phase of the project. Their feedback was recorded, and a summary of the observations can be found below, in Chapters 4 and 5.

3.   Analysis of the Research Data

3.1   Number of stops

During the six months of STEPSS data collection (17 September 2007 – 17 March 2008), the three Hungarian police units participating in the project performed altogether approximately **36,939** ID checks.[11] Of these stops, **22,375** were recorded on the forms developed as part of the STEPSS project.

Table 1: **Overall data of ID checks within the project period**

Area	Number of stops	Percentage of total	Number of forms completed	Percentage of total	Percentage of forms compared to total number of checks
Budapest	3,033*	8%	2,015	8%	66%
Kaposvár	22,089*	60%	13,506**	53%	61%
Szeged	11,817*	32%	9,934**	39%	84%
Total	36,939*	100%	25,455**	100%	69%

*   Adjusted figure
**   Hypothetical figure (for explanation, see Annex 2).

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[11]   This is an adjusted figure: for an explanation, see Annex 2.

Graph 1: **Number of ID checks**
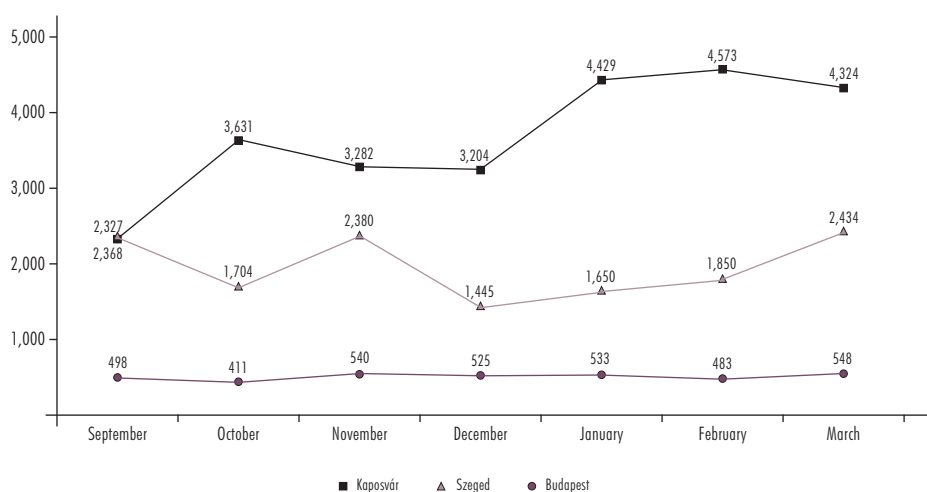
The data shows large differences in the numbers of stops conducted by the three police departments. The variation is especially conspicuous between Szeged and Kaposvár, since the latter produced a consistently higher number of checks even though its population is substantially smaller.

The Head of the Kaposvár Department for Public Order gave two possible explanations for this phenomenon: firstly, if more police officers participate in an ID check, each of them reports the measure to the duty commander in his/her daily report. In practice this means that the same ID check might appear more than once in the statistics. This distortion is in all probability not independent of the other explanation, namely the great emphasis put on "screening" and "mapping" by the Kaposvár Police Headquarters, in accordance with the expectations of the county headquarters. Thus, the high number of checks may be attributed to both the policing style prevalent in the county and the method for data collection. While the particular approach in Kaposvár may have been devised to produce results satisfying expectations at the county level, it does not seem to be more efficient than styles relying on checks to a lesser degree (see below).

Overall, the numbers indicated in Table 1 represent a decrease in the number of ID checks on the previous year. In Budapest, there was a drastic, 75.3% decrease in ID checks compared to the same period in the preceding year (14,362 to 3,538). In Szeged, the total number of such measures dropped by 17.5% compared to the same period in the previous year (16,724 to 13,786), while in Kaposvár there was a slight (4.7%) increase (24,606 to 25,770).

It is likely that this decrease in overall stop numbers reflects a number of factors. One of these is the general loss of confidence on the part of the police, which, according to a number of officers asked during the project evaluation, started with the widely publicized instances of excessive use of force during the riots of October 2006. As a result, there has been a decrease in police activity throughout the whole country. The low morale and lack of public trust in the police were repeatedly mentioned during the evaluation interviews for the project.

The decrease in ID checks in Szeged and Budapest (6th District) during the project period may also reflect the increased administrative workload on the officers (the filling out of the form). This is substantiated by the fact that in Budapest the decrease was radical (over 70%) compared to the same period in the previous year, but after the monitoring phase was over, the monthly average of ID checks increased by 25%.

When asked about the possible explanation for the trends and numbers, the interviewed police officers did not mention the January 2008 amendment of the Police Act (prescribing the conditions of ID checks with greater detail than before the modification). The following were identified as factors influencing the number of checks: (i) the use of personnel for other purposes (e.g. tasks related to the order of demonstrations), meaning less officers on the streets and accordingly less checks;[12] (ii) intensive control was ordered around the Christmas holidays;[13] (iii) events attracting larger crowds;[14] (iv) ordering of specific actions (e.g. intensive controls) for different reasons;[15] (v) the number of officers on leave in the given period;[16] (vi) the weather conditions;[17] (vii) others tasks (e.g. tasks related to demonstrations, shooting practice, training tasks, physical tests).[18]

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[12]   Budapest 6th District.

[13]   Budapest 6th District.

[14]   Szeged.

[15]   Szeged.

[16]   Kaposvár.

[17]   Kaposvár.

[18]   Kaposvár.

Table 2: **The proportion of ID checks in relation to the population**

Place	Number of stops*	Estimated population	Number of stops per 1,000 population per year
Budapest[19]	6,065	65,000	93
Kaposvár[20]	44,177	122,000	362
Szeged[21]	23,633	203,000	116

* Estimated annual number

The table above represents the number of people stopped per 1,000 (estimated) local population. In Budapest, there are 93 ID checks per 1,000, in Kaposvár 353 ID checks per 1,000 and in Szeged 147 ID checks per 1,000 population.

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

To put this into an international context, the police in the UK conducted 59 stops (stop and search plus stop and account measures) per 1,000 population during the years 2006–2007.[22] The average annual number of stops per 1,000 population in the three Spanish project sites was even less: 16. Thus, ID checks play a much more important role in the Hungarian police's relations with the general public than it is the case in other European countries.

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[19] An estimate of the population covered by the Budapest 6th District Police Headquarters is hard to establish as it covers an inner-city area that includes one of the city's three main railway stations, shops, offices, restaurants, residents and a transient population that enters the district. The registered population is about 39,000, but we based our calculations on a population of 65,000 in order to take into consideration the people visiting this district. The estimation is based on approximate figures provided by Zsolt Akács, Head of the Department for Public Order at the Budapest 6th District Police Headquarters.

[20] Population of the Greater Kaposvár Region. Source: KSH Népességtudományi Kutató Intézet, Előreszámítási adatbázis, 2003 (http://www.nepinfo.hu/index.php?m=830&id=566).

[21] Population of the Greater Szeged Region. Source: http://www.icicom.hu/teruletfo/csmhu15.htm.

[22] Jones, A. and Singer, L.: *Statistics on Race and the Criminal Justice System – 2006/7*, London, Ministry of Justice, 2008.

3.2   Effectiveness

The effectiveness of ID checks can be determined by examining what percentage of ID checks are followed by further police measures (such as arresting a person based on a warrant, initiating criminal or petty offence proceedings, etc.). This is often referred to as the "hit" or "success" rate. The project identified three main types of follow-up procedures (i.e. positive results proving that the check had a proper ground): (a) arrests, (b) short-term arrests and (c) petty offence procedures initiated (including on-the-spot fines). Arrest and short-term arrests are regulated by the Police Act, which obliges an officer to take into custody someone who is caught in the act of committing a criminal offence, or against whom an arrest warrant has been issued (arrest). The act gives the officer the authority to take into custody, among others, someone who refuses to identify himself/herself, may be suspected of having committed a criminal offence or someone who continues a petty offence in defiance of police instructions (short-term arrest).[23] Petty offences are quasi-criminal offences, the gravity of which does not reach the criminal level (i.e. they are not regulated in the Criminal Code). Petty offences range between offences that are punishable by a 60-day incarceration, such as prostitution or physical threats, to those punishable by less severe measures (e.g. a fine, confiscation of goods, or ban on entering certain events). Examples for such offences are petty theft or traffic infractions.[24]

It is important to note that in a large number of cases, ID checks form an inevitable part of the petty offence procedure and are not necessarily the starting point. For example, if an officer is witness to an unlawful action, he/she needs to establish the identity of the perpetrator in order to impose an on-the-spot fine on the perpetrator or initiate a

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[23]   Under Article 33 (1) of the Police Act, the officer shall arrest and present before the competent authority the person (a) who is caught in the act of committing a criminal offence; (b) against whom an arrest warrant has been issued. In terms of Paragraph (2) of the same provision, the officer may take into short-term arrest a person (a) who upon the call of the police is unable to identify himself/herself or refuses to do so; (b) who may be suspected of having committed a criminal offence; (c) whose blood or urinary sample needs to be taken in order to substantiate the committing of a criminal offence or petty offence; (d) who, in defiance of police instructions, continues a petty offence, or with regard to whom the petty offence proceeding may be conducted immediately, or from whom a piece of material evidence or an object that may be confiscated must be acquired.

[24]   A certain behavior may be qualified as a petty offence by a law (i.e. an Act of Parliament), a governmental decree or a decree issued by a local council. According to Act LXIX of 1999 on Petty Offences (Petty Offences Act), the local notary, the police, the customs office and other so-called "petty offence authorities" are entitled to proceed in these cases. If a petty offence is punishable with incarceration, only courts may adjudicate it (and the decision can be appealed), otherwise the competent petty offence authority (including the police) decides on the case, though judicial review is possible.

petty-offence proceeding. In this case the result (the proceeding) is not generated by the ID check (as opposed to the identification of a person subject to an arrest warrant, where the result, the identification and arrest of the person is the result of the check). It is not possible, however, to distinguish between these two forms of ID checks within the framework of the project, so we regarded all ID checks coming out of petty offence procedures as positive results (i.e. results substantiating that the ID check must have been well-founded).

During the project, a number of officers raised that when examining the effectiveness of ID checks, it also must be taken into consideration that checks have a general preventive effect, and may in specific cases even be suitable for preventing specific criminal offences: if for instance someone is preparing to commit a burglary, and is stopped and checked by the police, he/she will most probably give up on the plan, as the fact that the police will know where the given person was at a particular time, significantly increases the chance of being identified. The officers acknowledge that this impact may not be measured as accurately as the number of follow-up measures (since it is not possible to measure how many offences were *not* committed), but they insist that this effect shall be taken into account when we speak about efficiency.

It needs to be pointed out that the preventive effect of ID checks has never been measured and proven in Hungary. According to foreign experts researching the issue, the potential perpetrator checked this way will not completely give up the plan of committing a criminal act, he/she will only modify it: he/she will commit an offence in a different place, or will commit the originally planned offence at a later time. A comprehensive British research into stop and search measures[25] established that such police action decreases the number of offences by only 0.2–2.3%, and no close correlation may be substantiated between the number of checks and the number of those types of offences that may in theory be influenced by checks.[26]

The results of the checks performed within the time span of the project (and recorded on the project forms) are summarized below.

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[25]   Miller, J., Bland, N. and Quinton, P.: The Impact of Stops and Searches on Crime and Community, In: *Police Research Series*, 127, 2000, p. VI.

[26]   We may presume the existence of a preventive impact in relation to petty theft and trafficking in drugs, but no such effect may be presumed in connection with white collar crime, so only statistics on certain types of offences are relevant from this point of view.

Graph 2: **Result of ID checks**
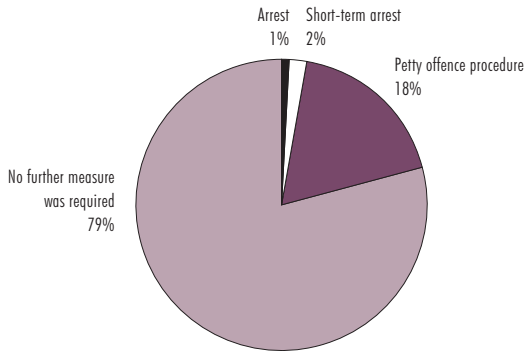
Overall, including traffic related checks,[27] only 1% of ID checks led to an arrest, 2% led to a short term arrest and 18% to petty offence procedures. Put simply, out of every 100 persons ID checked, only two were taken into short-term arrest, and only one was arrested.[28] On the whole it appears that the police use of ID checks is ineffective; large numbers of people are being inconvenienced by the police for ID checks, with little result. This data refutes the argument that extensive checks are an efficient tool against criminality, and highlights the sheer amount of police time wasted conducting ID checks.

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

The results are outlined below.

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[27]   If ID checks related to traffic offences are removed, the remaining ID checks result in 2% arrest, 3% short-term arrest, 19% petty offence procedure and 76% no further action taken.

[28]   To put this in an international context, in the UK nationally 10–13% of stop and searches lead to arrest. See: Jones, A. and Singer, L.: *Statistics on Race and the Criminal Justice System – 2006/7*, London, Ministry of Justice, 2008.

Kaposvár

As outlined above, in Kaposvár a slight (4.7%) increase in the total number of ID checks was detected (24,606 to 25,770) compared to the same period in the previous year. Furthermore, the number of checks showed a steady increase throughout the project period. As for procedures related to the checks, see Graphs 3–6.

Graph 3: **Kaposvár: Number of checks over the pilot period and the previous year**
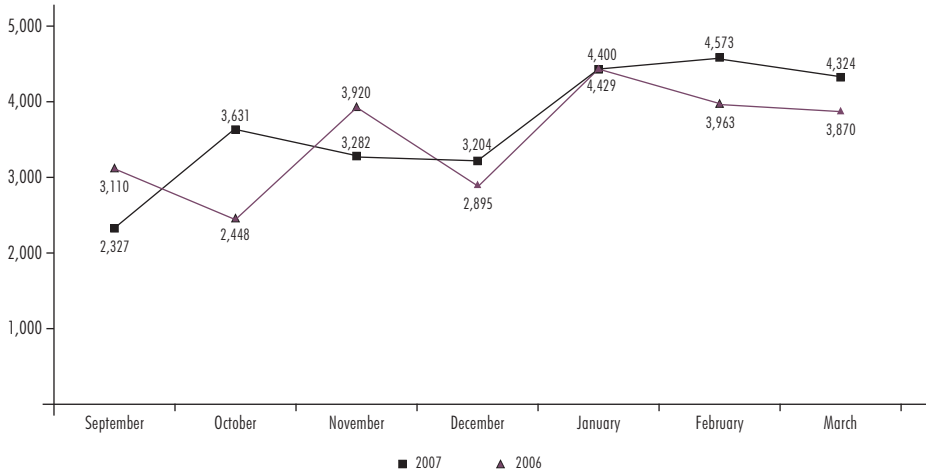
Graph 4: **Kaposvár: Initiation of petty offence proceedings**
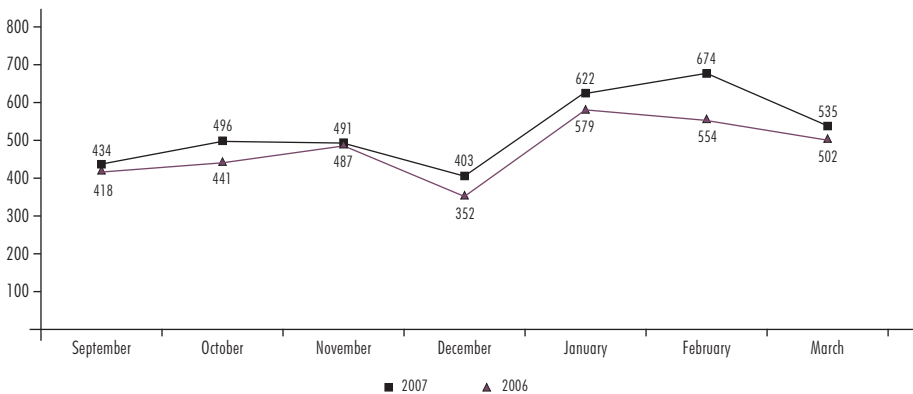
Graph 5: **Kaposvár: Number of short-term arrests**

Graph 6: **Kaposvár: Number of persons subject to an arrest warrant who were identified and taken into custody**
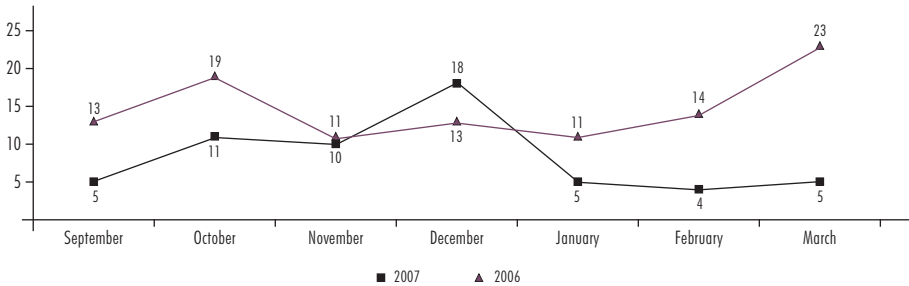
In Kaposvár we can see that the increase in the number of ID checks did not bring about an increase in follow-up procedures. In fact, there was a 42% drop in the number of persons with outstanding arrest warrants who were identified and taken into custody during the project period (104 to 58), and a 30% decrease in short-term arrests (601 to 408).

This again refutes the idea that more ID checks necessarily lead to more tangible results, which is substantiated by our own research results.

Szeged

In Szeged the total number of ID checks dropped by 17.5% (16,724 to 13,786) when compared to the same period in the previous year. The measures resulting from the checks are summarized below (Graphs 7–11).

Graph 7: Szeged: Number of checks over the pilot period and the previous year

■ 2007   ▲ 2006

Graph 8: Szeged: Initiation of petty offence proceedings

■ 2007   ▲ 2006

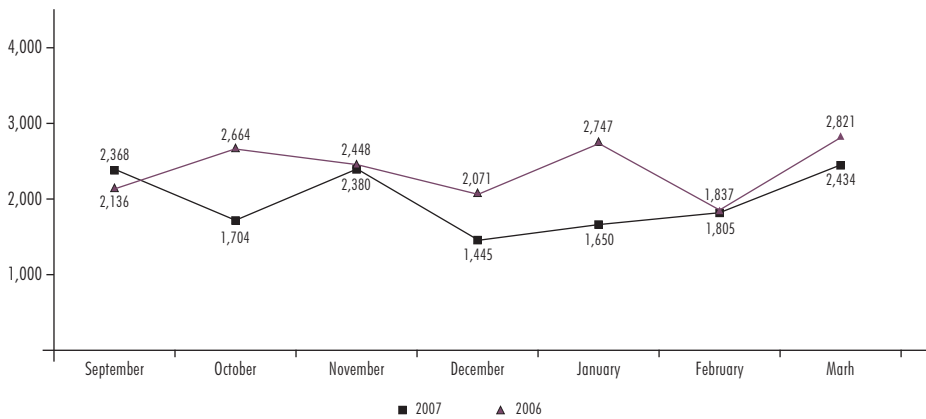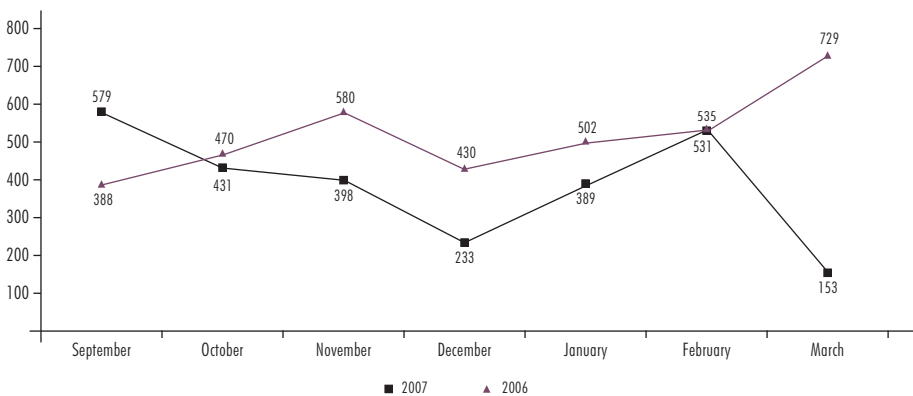**Graph 9:** Szeged: Number of fines imposed on the scene

■ 2007   ▲ 2006

Graph 10: **Szeged: Number of short-term arrests**

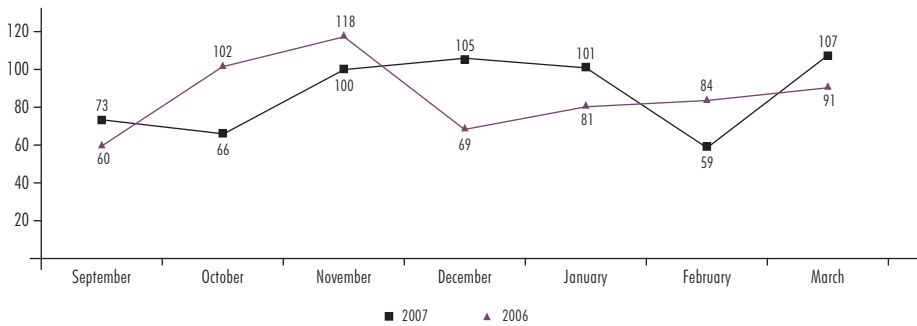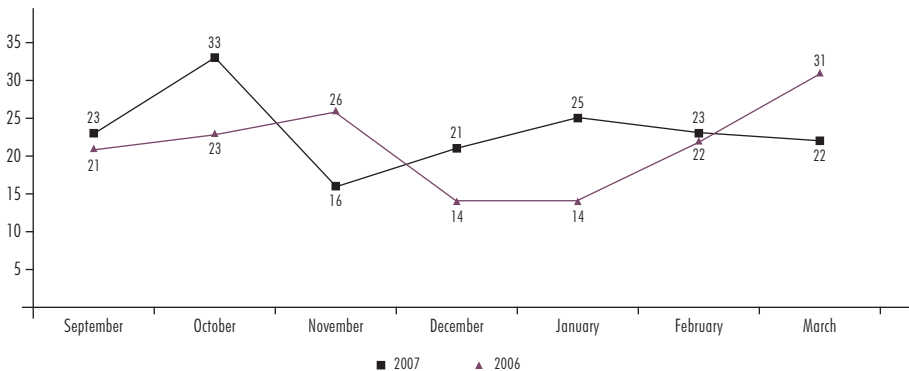Graph 11: **Szeged: Number of persons subject to an arrest warrant who were identified and taken into custody**

In Szeged, the number of checks decreased most conspicuously in October, December and January (with 35%, 30% and 40%, respectively). At the same time, overall efficiency seems to have increased. Although less petty offence proceedings were initiated (3,036 instead of 3,361) and less fines were imposed on the spot (2,718 as opposed to 3,630), the number of short-term arrests and the number of persons with an outstanding warrant who were identified and taken into custody slightly increased (605 to 611 and 148 to 163, respectively). The Head of the Department for Public Order attributed the increase in the number of wanted persons taken into custody to the setting up of a specialized search unit whose sole purpose is to find and arrest wanted persons. The unit is not using ID checks as a general screening method; instead it applies checks in a strictly targeted manner. This methodology seems to be a much more efficient use of police time and energy, and also creates less tension by inconveniencing fewer people.

Budapest 6th District

In the 6th District of Budapest there was a drastic, 75.3% decrease in ID checks compared to the same period in the preceding year (14,362 to 3,538). The follow-up results are summarized below (Graphs 12–16).

Graph 12: **Budapest: Number of checks over the pilot period and the previous year**
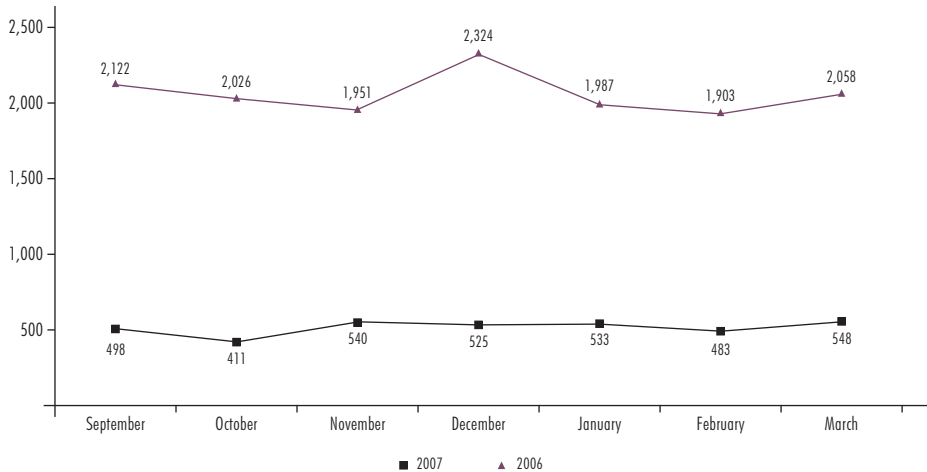
In Budapest, the radical 75% drop in the number of checks did not bring about a similar decrease in relation to the follow-up measures. Besides providing the monthly figures for the period between 1 September 2007 and 31 March 2008, the Head of the Department for Public Order also provided exact numbers for the entire project period. During the project's span, 2,242 petty offence proceedings were initiated, as opposed to 977 such measures for the same period in the previous year. In other words, although the number of ID checks dropped by over 50%, more than twice as many ID checks were followed by petty offence proceedings.

Graph 13: **Budapest: Initiation of petty offence proceedings**
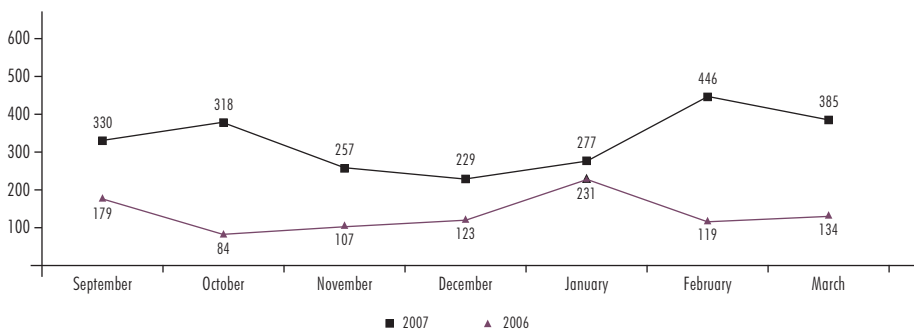
**Graph 14:** **Budapest: Number of fines imposed on the scene**
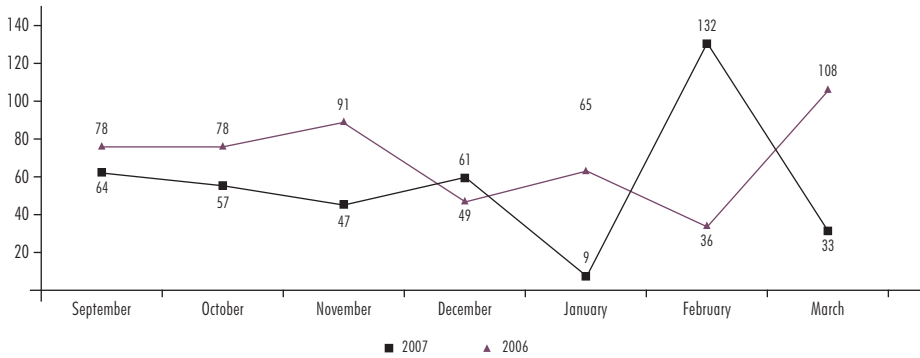
Graph 15: **Budapest: Number of short-term arrests**
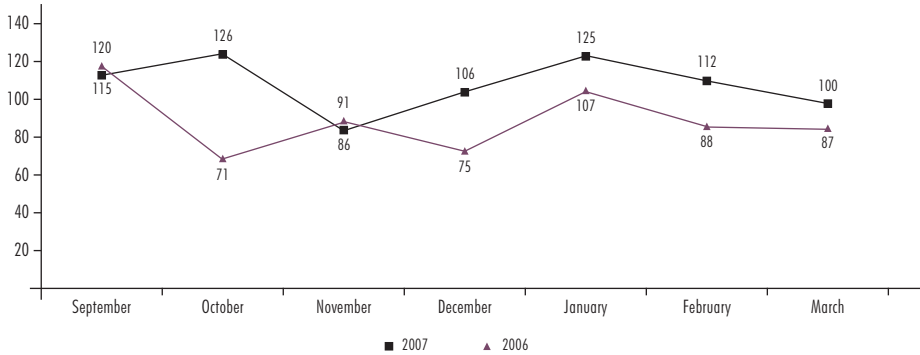
Graph 16: **Budapest: Number of persons subject to an arrest warrant who were identified and taken into custody**
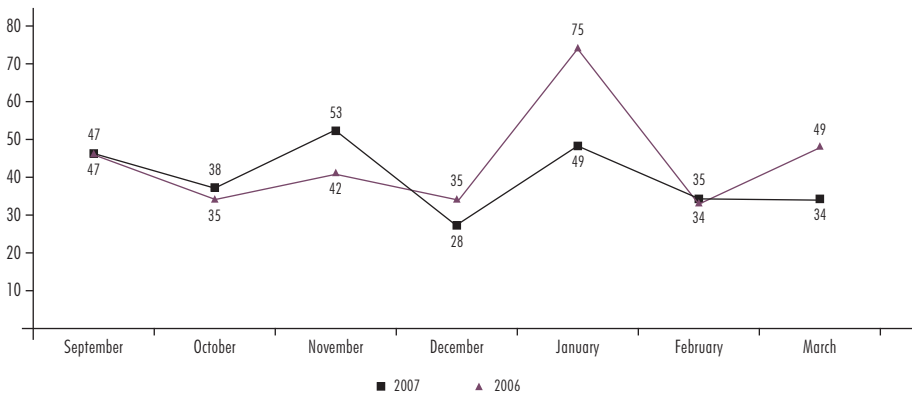
The number of short-term arrests remained approximately the same, representing a statistically insignificant increase relative to the same period in the previous year: during the project period 692 persons were taken into custody, compared to 683 in the same period of the preceding year. The only area where a drastic decrease in the number of checks seems to have resulted in a decrease in effectiveness is the identification of persons subject to an outstanding arrest warrant. During the project period 284 such persons were identified and arrested, as opposed to 317 in the previous year, equivalent to a 10% drop.

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

It is noteworthy that there is significant variation in the rate of efficiency depending upon what ground was recorded as the basis for the ID check. As outlined earlier, the acting officers had to indicate on the form on what grounds they initiated the measure. The graph below shows the distribution of checks on the basis of their grounds.

Graph 17: **Grounds of ID checks (including traffic stops)**
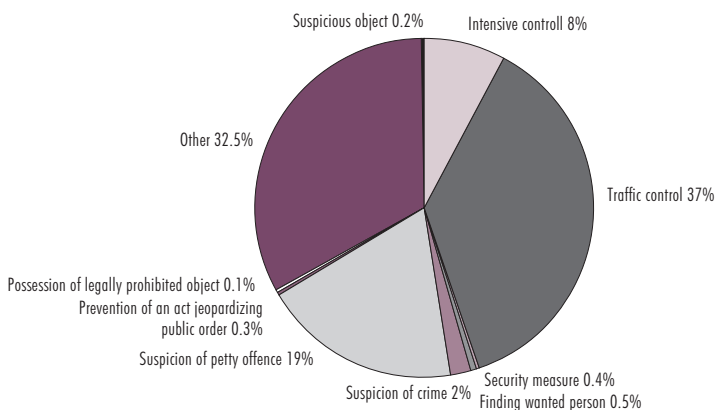
As it can be seen, most ID checks, 37%, took place during the course of traffic controls. A relatively high proportion of checks, 19%, were based upon the suspicion of a petty offence, 8% of all checks were pursuant to intensive controls, and only 2% of checks were related to the suspicion of a criminal act. ID checks recorded under the "other"

category make up a third of all stops; this proportion rises to 50% when we removed traffic control stops from the data.

When we examine the efficiency rate of the ID checks relative to their different grounds, we see that the most frequently quoted grounds are the least efficient.

Graph 18: **Efficiency of ID checks broken down by grounds of check**
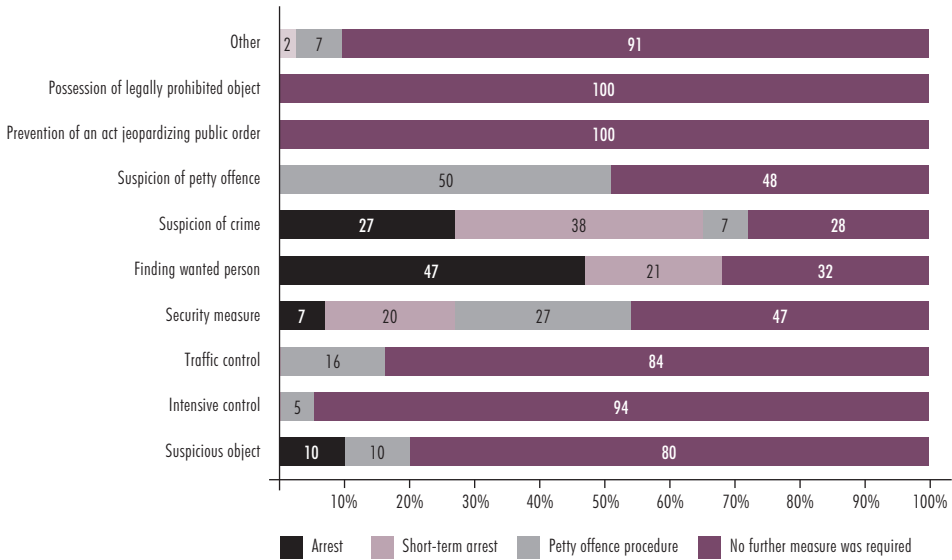
Arrests and significant percentages of short-term arrests only followed those ID checks that were related to the suspicion of a crime, petty offence or finding a wanted person.[29] Out of these latter cases, however, only those checks that were initiated due to the suspicion of a petty offence made up a substantial portion of all the checks.

Overall, traffic control constituted the largest reason for the ID checks, though in 84% of these cases no further action was taken.

Two very important conclusions may be drawn. Firstly, intensive control seems to be very inefficient. Intensive control (as it was mentioned above, in Section 2.2.1) refers to checks that are not based on an officer's own discretion, but rather upon an order from a superior who defines the permissible parameters. The aim of ID checks under

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[29]   From the graph it seems that checks initiated in relation to security measures also have a high success rate, but the actual number of security measures in the sample was so low (16) that no conclusion could be drawn with regard to the general efficiency of checks initiated on this ground.

intensive control may be to arrest a criminal suspect, or prevent or frustrate an action or incident posing a threat to public safety. ID checks in such cases are limited to checking persons who are at, or who are entering into a certain area or publicly accessible place. Only 6% of checks performed on the basis of an intensive control order were followed up by any measure.

The second area of concern involves ID checks conducted based on the "other" ground, which has an overall hit rate of 9% (0.6% arrest, 2% short-term arrest, and 7% petty offence procedure). When asked to provide a specific reason or suspicion for checks falling into this category, many officers failed to articulate any concrete grounds for the check.

Graph 19: **Level of concreteness in cases when reason for check was identified as "other"**
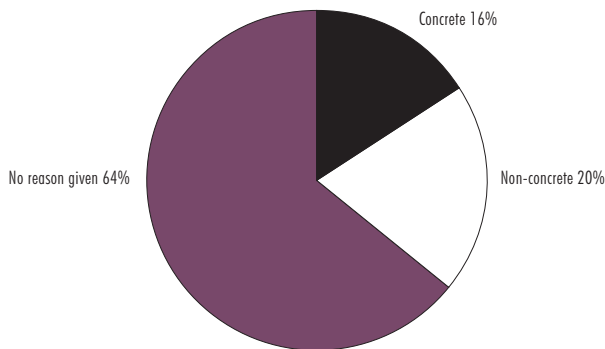
In 64% of these cases officers provided no information at all, and in 20% of all the cases the information provided was regarded as unsatisfactory (in a lot of cases for instance, the officers filling out the forms indicated "general ID check" as the actual reason, which violates the Hungarian Police Act, as it requires ID checks to have a specific identifiable purpose). In only 16% of the checks based on the ground "other" did the acting officers provide information that the analysts found acceptable, e.g. "seemed disturbed when sensed police presence".[30]

Since the majority of the checks (outside traffic control) belonged to the "other" category, we can conclude that those checks which do not have any particular, concrete ground are at the same time the most inefficient with very poor hit rates. This refutes

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[30]   We have to note that when we said "acceptable" we did not try to assess whether the reason given was in accordance with the law. Instead, we considered whether it reached a level of concreteness at which it was possible to reconstruct, on the basis of the information provided, why the officer might have thought that the given person had to be checked.

the thesis that it is worth putting police time and work into performing ID checks on a random basis.

Besides the police's relationship with minorities (see below) and the community as a whole the efficient use of police resources was the most important aspect of our research. If we calculate five minutes per ID check on average, the 1.4 million independently initiated checks performed annually amount to approximately 233,400 working hours (as regularly not only one, but two police officers carry out ID checks), adding up to 29,175 working days per year. On the basis of the average monthly salary of police officers (HUF 242,500 gross), this means that the time spent on ID checks is worth over HUF 335 million annually. With a hit rate of about 20%, the mass use of ID checks seems to be an inefficient use of human and financial resources.

3.3   Ethnic disproportionality

3.3.1 Over-representation of Roma in the ID checked population

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

Police officers stop and check more men than women (75% and 25% respectively), and in line with international trends, young people are more likely to be checked. Individuals belonging to the age group 14–29 represent 43% of all checks, whereas their ratio within the population is 22%.[31]

Based on the overall data collected, police in Hungary are most likely to check young men between the ages 14–29.

The data also shows that Roma are disproportionately targeted for ID checks. Disproportionality in ID checks refers to the extent to which police powers are applied to different ethnic/nationality groups out of proportion with their relative ratios in the wider population. The data provides evidence of disproportionality in stops by

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[31]   Based on the figures of the 2001 census, see: www.nepszamlalas.hu/hun/kotetek/18/tables/load1_ 12.html.

comparing the rate at which people from different ethnic or nationality groups are stopped versus the majority group. Within the framework of the project, 22% of all persons checked by the police were of Roma origin (according to the assessment of the officer performing the check), as opposed to 75% being identified as "Caucasian" by the acting officer.[32] The remaining 3% were identified as "Black", "Asian", "Arab" or other. It should be noted that according to reliable sociological research, the estimated proportion of Roma people within the total Hungarian population (of 10,045,000) is much lower: approximately 6.2% of the population (i.e. their actual number is around 620,000).[33] Thus, Roma are more than three times more likely to be stopped than their percentage of the general population would suggest.

Graph 20: **The concerned person was seen by the police as:**

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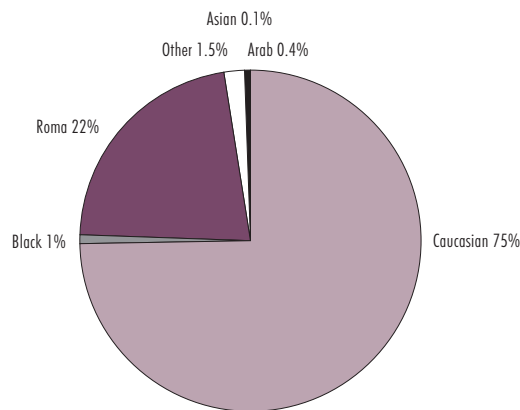
[32]   We refined the results further to remove stops conducted for the purpose of traffic control on the assumption that it is more difficult to make racially grounded distinctions when police officers stop cars on the road. With traffic stops removed, the percentage of Roma is somewhat higher (25%),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

[33]   Hablicsek, L., Gyenei, M. and Kemény, I.: *Kísérleti számítások a roma lakosság területi jellemzőinek alakulására és 2021-ig történő előrebecslésére*, p. 63. See: http://www.nepinfo.hu/index.php?p=605&m=1003 (hereafter: Hablicsek).

The results show that Roma youth are especially likely to be targeted for ID checks. As is described in the chart below, the proportion of Roma youth between age 14 and 16 who were ID checked during the project period was significantly higher than the already high general representation of Roma within the sample (32% as opposed to 22%). In interpreting the data we have to take into consideration the fact that the Roma population profile is younger than that of the wider Hungarian population. The age group 15–19, for instance, is estimated to represent 10.3% of the total Roma population, as opposed to 6.4% within the total population.[34]

Graph 21: Age of concerned person broken down by ethnicity
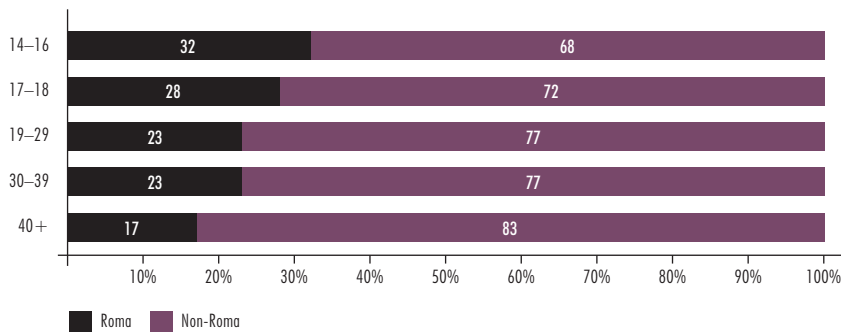
There is some difference between the three pilot sites in relation to disproportionality.

Graph 22: Site of ID check (including traffic stops)

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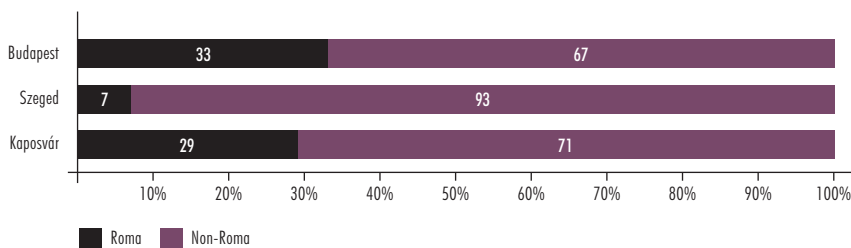
[34]   See Kemény, I.: *A magyarországi cigány népesség demográfiája* (http://www.demografia.hu/Demo grafia/2004_3-4/Kemeny%20Istvan_kozl.pdf).

In Budapest, one third (33%) of the persons checked were identified as Roma; they were approximately 3.3 times more likely to be stopped and ID checked than non-Roma.[35]

Of those who were ID checked in Szeged during the project period, 7% were identified as Roma, although the percentage of Roma within the total population of the covered region is only 3%.[36] This means that a Roma person is approximately 2.3 times more likely to be stopped and ID checked than a non-Roma.

In Kaposvár, 29% of those ID checked were identified as being of Roma origin, whereas the percentage of Roma within the total population of the region is 15%.[37] This means that a Roma person is approximately twice as likely to be stopped and ID checked than a non-Roma. The results are worse when we exclude traffic controls from the results: the percentage of Roma among those who were ID checked subsequently rises to 36%; meaning that a Roma person is 2.4 times more likely to be stopped and ID checked than a non-Roma person.

The data also shows considerable differences regarding the grounds based on which ethnic groups are stopped.

It is worth noting that in the category of "other ground" the proportion of Roma is higher (28%) than in the general sample (22%). Without traffic stops, this difference is even bigger, as the proportion of Roma persons in the "other" category increased to 30%.

It is obvious that, owing to its lack of concreteness (see above under Section 2), this is one of those categories under which officers have the most discretion to act on stereotypes, so the level of over-representation in this category gives rise to serious concerns.

Similarly, the over-representation of Roma among persons ID checked due to the suspicion of a criminal act significantly exceeds their level of over-representation in the general sample. If, however, we look at how efficient these checks are, we can conclude

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[35]   Due to the problems already outlined in relation to the number of checks per 1,000 persons, it is very difficult to find a proper comparison. In 2003, the Roma population of Budapest was estimated by scientific research to be around 63,000. Today this number is estimated to have increased to 75,000. Compared to the total population of Budapest, 1.7 million people, this means that approximately 4.4% of the population of Budapest is of Roma origin. The proportion of Roma is somewhat higher in the 6th District and its vicinity, although it is unlikely to exceed 10%. Using the highest estimated percentage, a Roma person is approximately 3.3 times more likely to be stopped and ID checked in the 6th District than a non-Roma.

[36]   Estimation by László Zélity, Head of the Szeged Police Headquarters.

[37]   Estimation by Imre Bogdán, President of the Roma Minority Self-government of Kaposvár.

that it is not more productive to ID check Roma at greater rates than non-Roma, despite the beliefs held by some police officers to the contrary.

Graph 23: Ground of ID check broken down by ethnicity

	Roma	Non-Roma
Security measure	6	94
Intensive control	13	87
Traffic control	17	83
Finding a wanted person	20	80
Suspicion of petty offence	23	77
Possession of legally prohibited object	25	75
Suspicious object	30	70
Suspicion of crime	32	68
Prevention of an act jeopardizing public order	54	46
Other	28	72
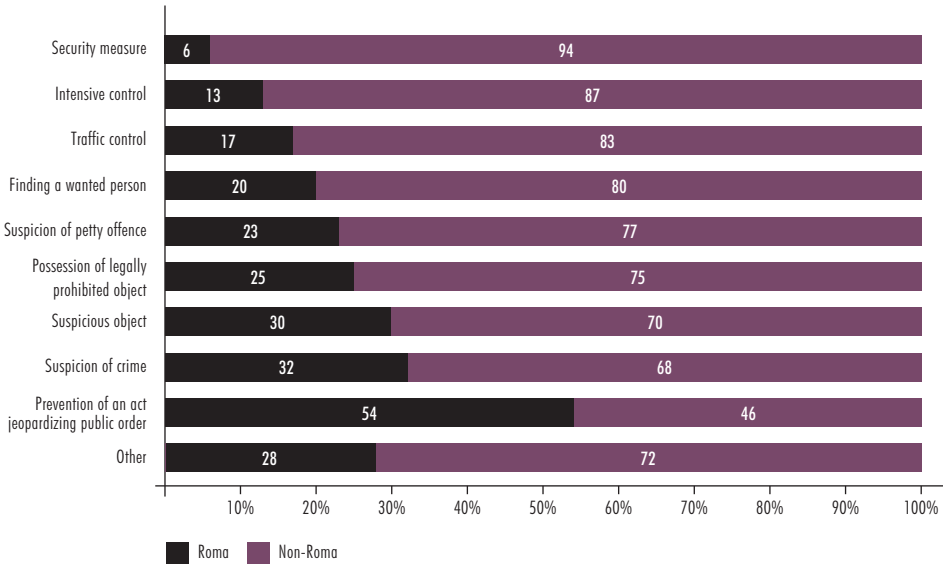
3.3.2 Effectiveness of ID checks, broken down by ethnicity

The data in our research shows that ID checks of Roma are no more likely to yield results than measures enforced in relation to non-Roma. It is often argued that a disproportionate targeting of ethnic minority groups is justified by differential rates of criminal involvement. The hit rate of police checks, however, shows no significant differences by ethnic group. Put simply, if Roma were more likely to be involved in criminal activities then non-Roma, ID checks performed on them would lead to follow-up measures more often than the checking of non-Roma.

Graph 24: Efficiency broken down by ethnicity

	Arrest	Short-term arrest	Petty offence procedure	No further measure was required
Non-Roma	1	2	18	79
Roma	1	2	19	78

39
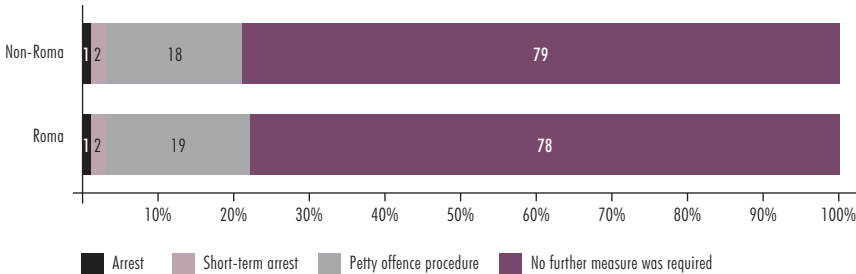
Roma are disproportionately subjected to ID checks, yet the data shows that they are no more likely to be involved in unlawful activities than ethnic Hungarians. On a national level, 78% of ID checks involving Roma were "unsuccessful" in the sense that no further measure was required after the check. For non-Roma this ratio was 79%. The percentage of checks followed by a petty offence proceeding for Roma and non-Roma was 19% and 18%, respectively. Rates of arrests and short-term arrests are practically the same within the Roma and the non-Roma sample.

Furthermore, when ID checks are initiated upon the suspicion of a criminal offence (where in fact the hit rate is rather high), a significantly higher proportion of Roma are stopped without a sufficient ground than non-Roma (37%, as opposed to 25%).

Graph 25: **Efficiency of checks initiated due to the suspicion of a crime**

	Arrest	Short-term arrest	Petty offence procedure	No further measure was required
Non-Roma	30	40	5	25
Roma	20	30	13	37
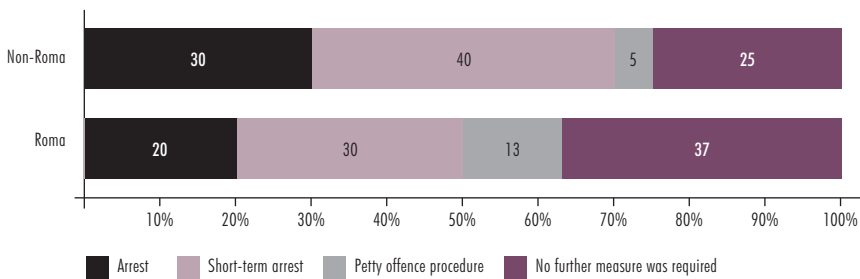
If we look at the local results, we also see interesting differences.

Graph 26: **Efficiency of checks in Kaposvár broken down by ethnicity (rounded figures)**

	Arrest	Short-term arrest	Petty offence procedure	No further measure was required
Non-Roma		2	13	85
Roma	1	2	20	77
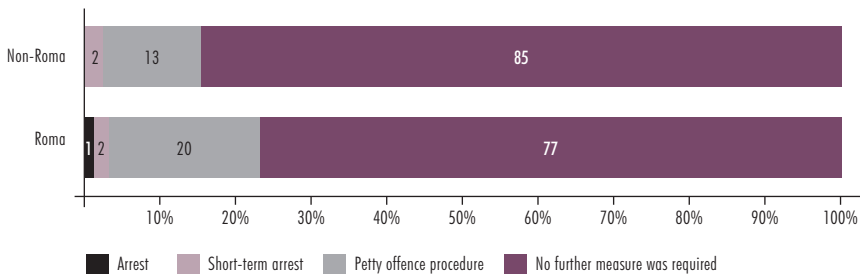
In both Budapest and Szeged, Roma are subjected to groundless checks more often than are non-Roma. There is a statistically significant difference in Budapest: 80% of the checks of Roma did not require any further police action, whereas the same proportion for non-Roma was 59%. If we compare this with the fact that 33% of all the

persons checked are of Roma origin (which is a serious over-representation relative to their proportion of 5–10% in Budapest), we can see that the problem is more acute in Budapest than in the other pilot sites.

Graph 27: **Efficiency of checks in Szeged broken down by ethnicity**
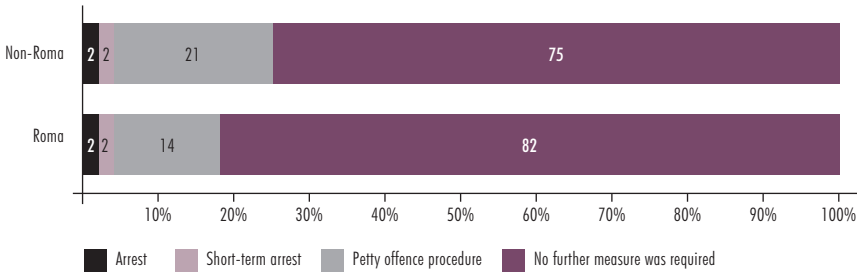
Graph 28: **Efficiency of checks in Budapest broken down by ethnicity (rounded figures)**
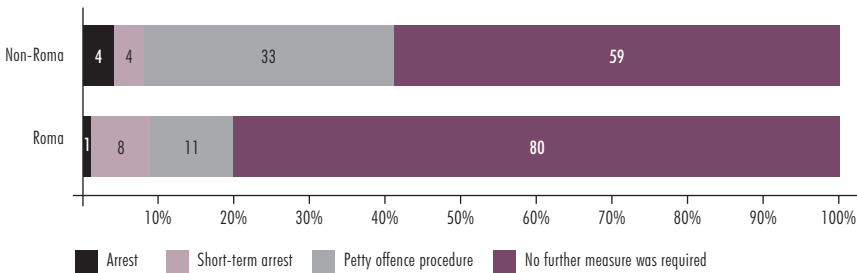
3.4   Conclusions

In Hungary, the annual number of ID checks (per 1,000 population) is high when compared with other nations in Europe. The police practice behind this result is based on the conviction that randomly initiated ID checks constitute an efficient crime prevention and detection strategy. However, in the sample only approximately 20% of the ID checks were followed up by any measure, and of these measures, 18% merely involved the initiation of a petty offence proceeding (i.e. proceedings launched due to transgressions of minor significance). Arrests followed only 1% of the checks in our sample.

The research showed that those types of ID checks that are responsible for the majority of the measures (and which are not based on concretely identifiable facts, such as

intensive control, traffic control and "general checks") are the least efficient.[38] A telling example can be seen in the trends at the Szeged Police Headquarters during the project period: the number of ID checks somewhat decreased, while the number of persons subject to an arrest warrant who were identified and taken into custody increased. Instead of trying to identify and arrest wanted persons by carrying out mass ID checks, the department chose to set up a specialized unit performing targeted checks based on intelligence. This made it possible to increase efficiency and at the same time decrease the number of checks.

Another important conclusion of the research is that Roma are disproportionately targeted by ID checks. Even though their proportion of the general population is only between 6 and 8%, persons perceived to be of Roma origin by the acting officers constituted 22% of those who were ID checked.

The research also refuted the ostensibly rational argument that is frequently presented to justify disproportionality; namely that the Roma are over-represented among offenders, so the practice of checking them more often is objectively reasonable.

Our results showed that there is no difference in the efficiency of checks targeting Roma and non-Roma: nationally, 22% of checks on Roma and 21% of checks targeting non-Roma are followed by some measure. In cases where ID checks were initiated due to the suspicion of a criminal offence, checks performed on non-Roma are, in fact, significantly more efficient: checks based on the suspicion of a crime were followed up by some measure (arrest, short-term arrest or a petty offence procedure) in 76% of those cases where non-Roma were involved, as opposed to 63% of the cases that involved Roma persons. It can therefore be concluded that the efficiency of disproportionately checking Roma people is a myth.

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[38] "General checks" are in fact not even lawful under the Hungarian Police Act, as the law requires concrete reasons substantiating each measure's necessity.

4. Project Evaluation by Staff Members of the Participating Police Units' Staff

As already mentioned, the project was carried out in three different pilot sites, namely in the 6th District of Budapest, in Szeged and in Kaposvár. Toward the end of the project's data collection phase, between 6 and 9 May 2008, the international project coordinator, Rebekah Delsol, made an evaluation visit to each pilot site, accompanied by a member of the HHC. Together they were able to interview police officers about their experiences concerning the STEPSS project. The interviews were conducted with three different group of police officers: a) patrol officers (two or three of them in a group discussion), b) supervisors/police department management (two or three of them), and c) heads of the relevant police units. A separate interview was also conducted with the person responsible for the project at the NPH.

The interviews were conducted with the three categories of police officers separately and anonymously. An atmosphere of confidentiality was crucial so that the interviewees – especially the patrol officers whose opinion is of crucial importance – would venture to share their opinion openly and honestly.

It was clear that by this point that almost everyone participating in the project understood the purpose of the project. When asked "What was the objective of the project?" they answered that the aim was to only conduct ID checks when they are intelligence led, i.e. when linked to a petty offence or crime, and should not be based on ethnic origin. In a nutshell, they understood that the aim was to change the institutional practice of the police.

Below we summarize their experiences and recommendations, broken down by the following topics:

1) Police support and understanding of the project

2) Training

3) General opinion about filling out the forms – advantages and disadvantages

4) Supervision of stops

5) Impact of the community involvement

6) Recommendations

4.1   Police support and understanding of the project

The Hungarian National Police Headquarters and the area commanders were supportive of the project and worked hard to implement it fully. During interviews commanders often spoke at length about the importance of the project, both from a policing perspective and to enhance legitimacy within the wider community. However, there was much less support among the officers on the street, and some supervisors did not see the need for the project.

One of the supervising officers at Budapest 6th District Police was rather cynical about the project. He commented sarcastically that the project had met its goals because during the same period in 2006 they conducted 1,240 stops, whereas in 2007 merely 300 took place. He concluded that the changes had a negative impact on police efficiency because the number of wanted persons caught also dropped: in 2006 they caught 100, while in 2007 only 30. Another supervising officer serving at the same unit disagreed with this assessment, claiming that while the number of ID checks had dropped by 70%, the number of arrests had decreased by only 33%.

This officer explained the possible reasons for having caught less wanted persons as follows:

> "It involves the types of crimes committed at the Western Railway Station. We have CCTV there. Before the project, the practice was that you stopped everyone, even without a reason, knew the name of everyone who was present there at a particular night, and had picture of the people recorded on CCTV. So if there was a crime, you just had to put the face to the name. After the project began, we didn't have the names anymore – so efficiency got much worse."

The former officer shared similar ideas about the possible reasons for the huge drop in the number of ID checks, but also added:

> *"Generally, it can be said that prior to the project officers might have selected people randomly, but after the project started, officers knew that they had to have a firm reason for stopping people. It was explained in the briefing that the firm reason couldn't be the colour of skin or clothes, so this could be the reason why the number of stops dropped dramatically."*

This officer also thought that the project did not necessarily improve the relationship with those stopped, as people are generally hostile to the police, the reason for which is not the issue examined by the project, but rather the political events of the past year.

The captain of the same police unit disagreed with his colleagues, holding that the project had been successful on all levels. He said,

> *"We had difficulties at the beginning, but managed to make the officers understand that this is not something aimed at controlling them but to generate public discourse, to get some information, data that can be useful for improving the legal framework. What was very useful was the internal evaluation at the beginning.[39] It would be useful to make that available to all. It was also useful for those officers who met our colleagues from the UK, and to hear about the experiences and challenges that are faced elsewhere."*

> *"The objective evidence for the change is the drop in the number of ID checks, but there are several other elements that have contributed to the drop: the political environment and the riots. But one of the elements is for sure the project. It is simply that the officers who are working out there on the street are thinking about these issues."*

The local Captain in Szeged said some interesting things concerning the success of the project:

> *"A major advantage of the STEPSS project is data management. It could be especially useful if a complaint was filed and there was a need to investigate the circumstances. I would like to replace the ID sheet with the STEPSS form, as the ID sheet is not as complete as the STEPSS form. It's hard having forms in different formats – it makes comparing and compiling data difficult. I don't think there is a big demand from citizens to receive a copy, but would be good to have this option for the ID sheets if they ask for it."*

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[39] The Deputy Captain in Szeged also emphasized the usefulness of the interim evaluation meeting held in Budapest, February 2008.

He suggested some changes to the standard ID check forms, based on his STEPSS project experience:

> "It is also important to include the reason for the stop on the ID check form, to have a list of options, like on the STEPSS form, outlining the reasons and objectives of the check. This should be standard for ID sheets. We have to do something long term to improve and record the citizens' opinions of the police."

> "Not having seen the results, the only benefit I can see is a more positive attitude among the officers towards the citizens. The project should be spread to other areas beyond the pilot sites."

The Deputy Captain in Szeged further commented on the results of the project, saying that,

> "The statistics haven't changed significantly, but what has changed is the style and the form of communication in stops."

> "There were negative effects as well. [The program] sometimes makes police officers uncertain of their tasks and sometimes they didn't take action when necessary. Another disadvantage of the program was the additional work that it created for the officers."

The Captain in Kaposvár commented on the successful parts of the project, saying that,

> "The most successful aspect of the project was mainly the change in the officers' thinking. They had some preconceptions, but this is the first step to change their thinking, and the first step in getting people to trust the police. Trust is very important – it leads to so much more, such as the exchange of information."

4.2   Training

Literally all those questioned said that the training was adequate. While this might be true, it must be noted that some of the participant officers did not understand every single element of the project. Éva Lukácsevich, the key NPH person on the project, said it was not surprising that some of the officers misunderstood certain components of the training, as there were more than 300 officers involved in the implementation phase. It was inevitable, then, to have differences in terms of the level of understanding.

In light of the interviews, further development is warranted in several areas of the training. Following are a few examples from the implementation phase that highlight this need.

a) Some officers did not understand what it means to record the reason for the stop. This was so despite having the issue addressed at least twice per training session. The officers also received a copy of a circular on the topic sent out by the NPH. One of the patrol officers interviewed in Szeged told us that the training he received in the briefings and through the written information did not change his attitude to conducting stops. He said that,

> "Even prior to the new law coming into effect we always told the citizens about the type of stop and told them, that the reason we are stopping him/her is to find out his/her identity."

Here the officer is simply providing a reference to the formal aim of the measure. This clearly shows that he did not understand what it means to communicate the reason of the ID check with the person concerned. What has to be explained to the officers in the course of a further training in more details is that the citizens must be informed of the justification for the ID check, which cannot be achieved by simply referring to the aim of the ID check as it is formulated in the law. What has to be shared with the citizens is something that makes it clear in what way the legally permitted aim of the ID check can be achieved by establishing the concerned person's identity.[40] For instance, it is not sufficient to quote the ground "crime detection" as the reason for the stop, the citizen also needs to know that he/she has been stopped on this ground, because a burglary has been committed in the neighborhood, and every pedestrian is stopped within a certain perimeter. (Naturally – and in accordance with the Police Act – the information may be withheld if providing this information would pose a threat to the success of the police action.)

b) Another example comes from Budapest, where one of the interviewed supervising officers, in relation to ID checks, said that,

> "Andrássy Boulevard is a world heritage site, so if you have a homeless person or drunk person in a public place, they are disturbing the public space, and so we move them on and ID check them. If we see a homeless person commit a theft on CCTV, then the following day we will ID check all the homeless people to find that one. We have 90 homeless people living around Andrássy and we have CCTV but the picture is not that good, so still need to ID check everyone."

This means that a single attribute, that of being a homeless person, is enough for the officers to stop everyone who fits this description. Homeless people will therefore be vastly overrepresented in the group of ID checked persons.[41]

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[40] Especially now that it is a legal obligation for the police officers to provide the reason for the measure prior to conducting it.

[41] See Jenő Setét's note reinforcing this allegation under Section 5.3.4.

c) The third and final example comes also from Budapest, where the interviewed patrol officers said the following in relation their ID check practice:

> *"[The supervisors] called our attention to the fact that these encounters can be biased, and what we call ethnic profiling can be present in institutional practice. We were asked not to stop as many Roma as we normally do in the district, so that we wouldn't look biased. But the majority of prolific offenders are Roma, so when we do our work we stop more Roma."*

This exemplifies the (ostensibly rational) justification for ethnic profiling that is revealed almost everywhere where research on this issue was conducted. (It needs to be emphasized again that this justification was not supported by our research data – see Chapter 3 above.)

4.3   General opinions about filling out the forms
– advantages and disadvantages

Contrary to our expectations, the officers were not very negative towards the extra bureaucratic burden imposed by the STEPSS forms. The high-ranking officers supported the introduction of similar tools, saying that it could be a useful policing instrument and that it contained relevant information.

The two most common criticisms involved the necessity to fill out the forms even in relation to non-autonomous checks and the clarity of the content. The officers thought it a burden to complete the STEPSS forms, even when the ID check was just a complementary measure in the course of another police action. They also felt that some of the reasons listed on the form were too vague.

Generally the officers interviewed in Budapest indicated that it was very easy to fill out the paperwork, and that it did not take too long. However, one of them did complain about the burden of having had to fill out two different forms, as the Order of the National Commander obliges officers to investigate whether each person subject to an ID check is wanted or not, and then fill out the official form as well. The officer said that,

> *"Common sense should work; it is always impractical to fill out a form when no further measure is taken. If the person did not commit any violation, then it doesn't make sense to record these actions. We have other regulations: now when you stop someone you have to make sure that they are not wanted, and we always have to fill out a form for this. This way each [police] action lasts much longer than before. So it is not just the STEPSS forms, but these other internal rules."*

Although this critique of the project is understandable, as it also required the filling out a form in each and every case, some of the officers seemed to understand the rationale behind the practice: the reason for the double administrative burden was that for the purposes of data protection the two types of forms had to be stored separated from each other.

Another patrol officer commented his confusion concerning those options listed on the STEPSS form as grounds for an ID check:

> "The first nine reasons were clear. The tenth reason was 'other', but it is hard to explain 'other' reasons, such as 'crime prevention'. Most stops of prolific offenders in hot spots don't fit into this category, so I had to add a reason to justify it in a way that would be acceptable, for example that the behavior of the person changed upon seeing the officer."

The same reason was mentioned as the most problematic part of the form by one of the supervisor officers in Kaposvár. He said that,

> "There were some problems early on with completing the forms. The last possible reason for a stop was 'other', so officers obviously took the easy route and started putting in standard phases there rather than the real reason."

This might be why there were so many forms at the beginning that were not filled out properly. The officers may have thought it easier to circle "other" and then provide a generalized explanation, than to think about which category would best suit the given measure. When it was discovered that the officers in Kaposvár were filling out a high percentage of the forms incorrectly, we consulted the NPH as well as the local leadership, however data show that our efforts to improve the quality of filling out the forms in this respect did not have a positive impact on the practice, and the level of concreteness of the explanations did not improve.

The Captain in Kaposvár said officers also had difficulty in recording the ID checked person's ethnicity. They found it strange to be authorized to decide on who belongs to which ethnic group when the relevant laws rely on the concept of ethnicity by self-determination.

4.4 Supervision of stops

Supervision proved to be the weakest element of the whole project. It is particularly interesting that while all the supervisors interviewed felt sure that officers were completing every form and claimed that they were comparing these to other records,

the numbers show otherwise. A great discrepancy exists between the numbers of ID checks and the STEPSS forms filled out. Although supervisors mentioned "spot checks" to monitor the quality of interactions, no patrol officers or civilian monitors mentioned that happening. ID checks are still seen as fundamental to police work, but very little discussion and measure of productivity has happened so far.

In Budapest, the interviewed patrol officers said that the only way to have active supervision while the officers are on patrol is to maintain a separate unit for this purpose. This unit goes out on the street, and when they see officers, ask them who gave the briefing, what was mentioned in the briefing, how many stops have been done, and what were the reasons for the stops. They also mentioned that the only difference they experienced due to the project was that at the end of each shift they handed over the forms not knowing what happened to them afterwards.

The supervisor at the Budapest 6th District Police indicated that initially they had to put a lot of effort into supervision, and it required extra work, but that it later became routine.

The Captain in Kaposvár said that the supervisory aspect of the project was a good initiative:

> "We should continue with this part of the project, as before we did not know how to supervise the conduct of stops."

Furthermore, he said that,

> "There is a definite need for more emphasis on supervision within the Hungarian police forces, since traditionally ID checks were used by officers to show that they were doing something during their shifts. The idea was that the more measures you perform, the harder you are working. This mindset needs to change."

We have to agree with the Captain of Kaposvár Police, as we think that one of the most problematic elements of the project's implementation phase was the quality of supervision. For example, the Kaposvár Police started to follow a practice that was not in line with the agreed upon supervision methodology; the officer responsible for collecting the forms from his colleagues after their duty was over eliminated those forms that – in his view – were not properly filled. It could be argued that this is only one instance, and as such does not justify our criticism. However, given that patrol officers did not report a difference in the quality of supervision throughout the course of the entire project, it is difficult for us to conclude that an improvement took place.

4.5   The impact of community involvement

The patrol officers in Budapest said that the presence of a civilian did not change the way they conducted ID checks, but added: "*It should be mentioned that you had to share attention between the ID checked person and the civilian monitor, but this is not really relevant. We never took the monitor with us where there was a call necessitating police action.*"

The supervisors were more talkative on this issue, they said that the monitors' presence was very useful. One of them mentioned an incident where there was a homeless man who filed a criminal complaint against an officer, accusing him of using violence. The monitor was summoned as a witness, and testified that it was a false complaint. This supervisor went on to say that,

> "*I learnt a lot from the Roma observer, and they learnt a lot about police work and the challenges that we face. I also understand, as Jenő [head of the civilian monitors in Budapest] said, that when he is in the underground he always gets stopped. If there are 5 officers, he gets stopped 5 times by every officer, just because he is a Roma. Anyone would be unhappy with that.*"

The supervisors in Kaposvár were also very positive regarding the community involvement element. They spoke about one of the most sensitive issues surrounding community involvement, namely the relevance of trust in the person who acts as a bridge between the community and the police. They said that,

> "*The civilian monitoring went well enough that we're able to think about continuing this. [...] The main problem is that the members of the minority community who are committing the crimes do not have a relationship with the Roma monitors. So those doing the monitoring cannot have a significant impact in the communities and families that are committing crimes. The Roma community is divided into groups and families. [...] But [the project methods] can't solve the problem of criminal families who do not accept Imre [head of the monitoring team in Kaposvár] and the other Roma reps.*"

Beyond these comments almost every officer interviewed indicated that they had a very good impression of Roma monitors as individuals. This was completely different compared to what they experienced before the project. The Roma monitors also held that meeting with police officers, and taking part in their everyday work opened their eyes to the difficult aspects of police work. Such "enlightenment" might significantly improve the relationship between the Roma and the police if the pilot project were institutionalized nationally.

4.6   Recommendations

At the end of the interviews we asked everyone what recommendations they would propose if the project were continued, or if the legal framework were amended in light of the experiences arising from the project. Here we summarize their ideas through anonymous examples.

- "First, the legal framework around the conduct of ID checks needs to be amended. The framework should specify the permissible justifications for officers to conduct ID checks. At the moment there is a subjective element where officers can stop whoever they want, and the law doesn't protect the officers, as they cannot justify their actions, as the law says nothing they could rely on. If the law would at least use the categories developed by the project, this would help."

- "The other thing is the form. I would like the regular form to be more like the stop form. They are easier to complete and should be developed, so they could be added to a data base and used for management."

- "We should give people a copy of the form."

- "Public discourse: we should institutionalize this and it shouldn't only be directed at the Roma because it is not about the Roma, but all citizens. Obviously the Roma have a more problematic relationship with the police, but it is really about the whole of society's relationships with the police, so we need to open up the discussion. There are some meetings through the local government, but these are political bodies and not under civilian control."

- "A major advantage of the STEPSS project is the potential for data management. It would be especially useful if a complaint was filed and then there were a need to investigate the circumstances. I would like to replace the ID sheet with the STEPSS form, as the ID sheet is not as complete as the STEPSS form."

- "We have to do something long term to improve and record the citizens' opinions of the police. I liked the idea that we saw in London where feedback from citizens is used in measuring police efficiency. We also need to follow the London example that the police there focus their forces on crime hot spots."

5. The STEPSS Project from the Civil Monitors' Point of View

As indicated in the description of the project methodology, Roma civilians participated in the implementation phase of the program by monitoring police officers' actions in conducting ID checks. The civilian monitors were present 36 times during the project period, so it was possible for them to obtain a realistic picture of what happened during the project. Our monitors also received information from the local communities about the officers' activities concerning those occasions when they were not patrolling together with the police. Being among the key minority representatives in the region, the monitors had fairly good contacts with the local minority community. Imre Bogdán is the president of the local minority self-government in Kaposvár, Zsolt Virág is the president of the Szeged minority self-government, while Jenő Setét is the executive director of the Budapest based Roma Civil Rights Foundation (one of the most influential Roma NGOs in Hungary).

The civilian monitoring has had a significant impact on both the police and the community. At the start of the project many police officers were hesitant to have an observer in their vehicle, and had had minimal personal contact with Roma people. One officer mentioned to the project staff how much he enjoyed speaking with the civilian monitor, saying: "*I didn't know Roma could be intelligent like that.*" The ongoing contact has opened a door for officers to have frank discussions with the Roma community members about patterns of offending, cultural traditions, and other matters. This has led to the recognition of the need for more training.

The learning has gone both ways. All of the civilian monitors mentioned developing a new perspective on police work, particularly a new understanding of the challenges police face and the fact they are not paid enough. Perhaps most remarkably, one civilian

monitor has decided to become a police officer as a result of his experiences. He will be the first Roma police officer in that police district.

We must however also emphasize that Roma monitors' involvement was not without any problems or counter-productive effects. We know that the quality of ID checks was different in the presence of monitors. We are also aware that officers tried to evade on-the-spot scrutiny by keeping monitors waiting for several hours. Some of the officers also shared their racist views with the Roma monitors, creating an uncomfortable working atmosphere.

Below we provide a more detailed summary of the monitors' experiences, opinions and recommendations. They shared their comments with the project management through a written form, completed once the project's implementation phase ended.

5.1   Imre Bogdán, Kaposvár

Imre Bogdán felt that the project was an extremely important initiative, as this was the first one in the country aimed at creating a cooperative atmosphere between the police, the Roma community and NGOs. His opinion concerning the relationship between the police and the Roma minority varied, depending on the police subunits (police stations) involved.

Administratively the Kaposvár Police embraces four other police stations: Igal, Taszár, Nagybajom and Kadarkút. His impression was that in Kaposvár and Taszár, the relationship between the police and the Roma is non-problematic. ID checks in these two areas are carried out without any undue disturbance to the civilians.

Igal is a settlement where the unemployment rate is higher than 90%. According to Imre Bogdán, some of the locals are hostile to the police and react aggressively when stopped, despite the officers endeavoring to create a humane relationship with them. Nagybajom is the subunit whose operational area has the highest percentage of people belonging to the Roma minority. Mr Bogdán stated that officers working here have decent knowledge of local circumstances, but he criticized the fact that the head of the subunit has no relationship whatsoever with the Roma minority self-government, or with any other Roma or non-Roma NGOs for that matter.

Kadarkút is the biggest subunit within the Kaposvár Police. This is where Imre Bogdán experienced the worst police attitudes towards Roma people. He thinks that officers serving in this police station are openly biased against the Roma. The relationship

between the police and the Roma is strained, and no efforts have been made in recent years to amend the situation.

Regarding the positive impacts of the project, Mr Bogdán argued that the opportunity to work alongside the local police ultimately created a good relationship between the officers and the civilian monitors. After a few initial patrols together, he felt, the officers had become much more open to the Roma monitors. Mr Bogdán thinks it fair to state that the police officers (to a certain extent) came to understand that cooperation with civilians, and especially those belonging to the Roma minority, can be fruitful for both parties. He thinks that projects like this should continue so as to achieve real change in institutional police practices.

He criticized, however, the alleged conduct of unaccompanied officers. According to feedbacks he received from the Roma community, when monitors were not present at the ID checks the officers remained biased against the Roma.

He thought that the training of participating patrol officers constituted the weakest element of the project. In his view, the information provided to the patrolling officers was insufficient to let them fully understand the project's aim and methodology. Should there be any similar initiative in the future, he would suggest that much more emphasis be put on sensitizing the patrolling officers.

5.2   Zsolt Virág, Szeged

Zsolt Virág was the monitor who was present on each occasion when civilian monitors were patrolling together with officers. As such, he gained extensive experience about police work, and the attitude of officers towards Roma. Being one of the most well-known Roma rights activists in the region, he said that local Roma were shocked when they saw him patrolling together with the officers, often sitting in the police car, or having friendly conversation with police officers. However, after explaining the objectives behind his presence at the ID checks, they accepted why it was necessary, and were not hostile toward him.

At the end of some shifts, Mr Virág entered into long conversations with officers about so-called Roma issues. He informed the project management that at several points he heard racist and biased comments from the officers. He thinks that their attitude lies in the officers' work experience, where they often see certain types of crime (like theft of other kinds of crime against property) that they believe are typically committed by Roma, and that this induces a hostile attitude toward Roma.

Zsolt Virág has also stated that many of the officers did not understand how it was possible to require officers to record the ethnicity of the ID checked persons. He thought that the reason for the confusion was because the officers felt that this rule forced them to think in a discriminatory manner, whereas one of the aims of the project was to combat discrimination.

This last comment touches upon an issue that Hungary has to face if a data collection system like the one applied in the STEPSS project is institutionalized. State agents, be they police officers or any other state-employed person, may be extremely reluctant to record sensitive data out of a concern that such categorization is tantamount to discrimination. It is very important, therefore, to clearly explain what discrimination means, and to show that in light of this explanation, recording ethnic affiliation is unproblematic both from legal and from moral standpoint.

Zsolt Virág's project experience had the most potential for a long-term, positive impact on the police-Roma relationship. For example, during the project he was asked by the police to give lectures on multiculturalism, with special emphasis on Roma culture. This proved to be a particularly fruitful initiative. He moderated several discussions on this topic, during which the officers became increasingly open-minded about the issue. In appreciation of his efforts, Zsolt Virág was selected as the Szeged Police's Roma contact person.

5.3   Jenő Setét, Budapest 6th District

Jenő Setét has divided his experiences into six themes.

Cooperation with the police

Cooperation with the police was not efficient enough, as both his colleagues and he were kept waiting on several occasions, sometimes for hours. Their presence as monitors often turned out to be useless. The officers did not always go out on patrol on monitoring days, and even when this occurred, it often happened that no one was ID checked. Mr Setét wrote a letter to the head of the 6th District Police, sharing his disappointing experiences. In the letter, Mr Setét maintained that for the majority of the monitoring days, after several hours of waiting, the monitors left the police stations without having done anything meaningful. Out of the 24 days there were ten completely useless days and two when only one person was ID checked. In addition, most of the ID checked persons were homeless people who had done nothing unlawful that would have justified a regular stop. Upon receiving this complaint the Captain

called his employees' attention to the poor quality of cooperation, which resulted in a much better working relationship. Mr Jenő Setét has been satisfied with the measures taken and their outcome.

Communication

Mr Setét felt, just like Mr Bogdán, that despite the multiple (but brief) trainings, and the information provided, the patrolling officers did not understand the relevance and goals of the STEPSS project. Therefore, the officers thought that the whole project was a useless, extra burden. The evidence for this lack of understanding lies in the patrol officers' conduct toward the monitors. The officers constantly tried to convince the monitors that unrestricted power to stop citizens is important. Moreover, they also voiced their racist ideas to the monitors, which the monitors naturally took offence to.

ID checks

The officers' behavior was controversial. In certain cases they did not stop or fine persons whom they should have from a lay person's point of view. In other cases they did not fill out the STEPSS form, saying only that they would complete them at the end of the shift. Also, officers sometimes indicated on the STEPSS form that the monitor made no remark, when in fact the monitor was not asked for their input.

Reasons for ID checks

On several occasions the officers did not adequately in justifying the ID checks. The monitors came across "flexible" reasoning like: "I thought he was on the list of wanted persons." The officers stopped homeless people often, which sometimes gave monitors the feeling that the officers only did so to pretend to be doing something during the shift.

Efficiency

Some of the ID checks were clearly justified, as they were followed by other measures. The necessity for the ID check was obvious in cases like taking a child to the police station who absconded from an orphanage, or when officers were acting upon a call from a citizen, etc. However, the larger part of the measures examined were not followed by any further action, and seemed to be useless.

ID check of Roma

In Mr Setét's view, this is the most controversial issue. There were instances when the ID checked person seemed to be Roma to the monitors, but the officer indicated "non-Roma" on the STEPSS form. The monitors also felt that the officers tried to avoid stop-

ping Roma when they were patrolling together. On one occasion, they were called to a conflict among Roma where the complainant was not recorded as Roma, even though the offenders were. Jenő Setét was convinced that the complainant was also of Roma origin.

6.   Recommendations

The totality of the data, taken together with other information concerning the ID check practice of the Hungarian police, leads us to conclude that ethnic profiling by officers is an existing problem that must be acknowledged. The STEPSS project's findings are similar to those of TÁRKI's qualitative research from 2006. Reform is needed in several aspects of policing in order to achieve a change in the mindset of police officers, as well as to improve police ID check practices. We recommend a multi-layered approach; one that addresses stereotypes and ethnic profiling, and challenges standard police practices that are perceived to be rational. The approach must also attempt to mitigate harmful effects of these bad practices. We believe that at a minimum, the following steps need to be taken.

6.1   Amending the Police Act

Although the amended legal definition of an ID check that came into effect on 1 January 2008 is more detailed than the previous one, the current regulation still confers almost unrestricted power on police officers to stop and ID check whomever they want. Reference to the still rather abstract possible reasons listed in Article 29 of the Police Act (e.g. crime prevention) does not adequately explain why it was necessary to establish an individual's identity. In a nutshell, the amendment does not truly restrict the power of the police to ID check citizens, although it is well-known and also supported by the results of the present research that racial profiling is especially widespread in relation to police measures the applicability of which is not dependent on reasonable suspicion (or another objective justification).

One possible solution would be to obligate police officers to communicate to the person subject to an ID check what is the specific, legally permitted basis for the establishment of that person's identity and on what concrete factual ground he/she thought that the

legally permitted basis is actually in place in the particular case. In addition, if the citizen so requests, the officer should have to provide him/her with a written certificate about the ID check which contains the justification for the measure. In case the officer refuses to give a concrete reason for the ID check (for example, by referring to the needs of public security, which the Police Act allows), a certificate evidencing the action taken should be given to the ID checked person, regardless of whether that individual requests one. The provision of a certificate should also be obligatory if the ID check is followed by a search. A search is such a deep intrusion of privacy that it justifies the introduction of extra legal obligations.

6.2   Data collection concerning ethnic affiliation

Processing data concerning ethnic affiliation is a sensitive issue, but there is increasing professional consensus that strict data-protection rules (and/or their strict interpretation) do not always serve the best interests of minority groups that they were originally designed to protect. In practice, the rules sometimes favor the discriminating parties, because groups suffering disadvantageous treatment cannot provide proof of unequal treatment without access to systemic data collection.[42] Therefore it is essential that the law obliges officers conducting ID checks to record the ID checked person's perceived ethnic identity, yet it has to be impossible to link the recorded data to a concrete person (i.e. in a way similar to the STEPSS project methodology). The resulting data should be broken down by the particular police officers and police units, and should be made accessible to anyone.[43]

6.3   Institutionalized relationship and discourse between local communities and the police

Beyond these amendments to the law, it is also of key importance to make communication between local minority groups and the police regular and institutionalized. Within the Metropolitan Police of London the representatives from the police and different local communities have meetings every month where, inter alia, they analyze stop and search data. In case any kind of disproportionality seems to occur, the police have to

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[42]   See: Pap, A. L.: A jogsértőket védjük a jogvédelem nevében? In: *Rendészeti Szemle*, 2008/5, pp. 39–60.

[43]   In the UK, both self-defined and perceived ethnicity must be recorded by the police, and this data is processed and analyzed. None of the minority groups has ever complained about this practice.

come up with an acceptable justification for the disproportional practice. There are several arguments;[44] what crucial is that the minority representatives get acquainted with the police's reasons for the apparent disproportionality, and convey the information to the wider public. Such communication makes it possible for communities to accept occasionally disproportionate but necessary police activities. The UK system operated so well that each independent police unit designated a community contact person. This individual can act proactively, letting a minority group who may have had conflicts with the police know if a major police operation is likely to be conducted in their region.[45] The minority delegate, who must be seen as a legitimate representative of the given group, will then spread the information provided within his/her community.

6.4   Training of police officers

Combating discrimination and changing the practice of an institution with several tens of thousands of employees certainly requires training. The civilian monitors astutely pointed out that any legal amendment would be useless without adequate training. Untrained police officers might be reluctant to apply new legal provisions, thereby undermining reform. The proposed training needs to be introduced at two different levels of the officers' educational process: 1) a training integrated into the standard curriculum of police colleges and police secondary schools, and 2) a special in-service training for officers who have already completed their studies. The content of the training should cover the following fundamental issues:

a)   The concept and forms of discrimination

b)   The concept and forms of ethnic profiling

c)   Researches into ethnic profiling – international examples

d)   Researches into ethnic profiling – Hungarian examples

e)   Sensitization of officers – discussion with Roma representatives

f)   Outline of Hungarian legal provisions concerning data protection

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[44]   E.g. in those areas densely populated by black people there were a relatively large number of police operations due to the number of calls from these places by civilians. In the concerned period of time there were several crimes committed by perpetrators who, according to the witnesses' perception, were black.

[45]   It is not necessary for a group that regularly commits crimes to have strained relationship with the police. Furthermore, an immigrant group may have had very bad experiences with police officers in their country of origin, making the members of this particular group wary of uniformed persons. This can easily be the source of conflicts.

To be most effective it is essential that the training be adapted to the needs of the different officer ranks. Supervisors need practical training on how to identify and address discrimination among the officers that they supervise, whereas patrol officers need specific practical training on how to conduct police work in a non-discriminatory manner.

The inclusion of minority community members is of key importance, both in the delivery and participation elements of the training. It is essential for the minorities themselves to be able to talk about their experiences encountering racism as well as their interactions with the police. As noted, the project was successful primarily because it provided an opportunity, outside of a crime-control context, for police officers to mix with members of minority groups. The anecdotal evidence shows that regular contact with members of ethnic minorities can serve to break down police stereotypes of Roma, and has led to increased interaction. A well-managed dialogue between police and community members has resulted in broader engagement with ethnic minority groups.

6.5   The quality of ID checks

Studies published on the topic of ethnic profiling conclude that when an individual is subject to an ID check, the attitude and tone of the officer(s) (besides the number of ID checks or the degree of proportionality) have a significant impact on whether the measure feels harmful to the civilian or not. The 1 January 2008 amendment to the Police Act obliges police officers to communicate the reason or purpose of the measure to be applied against citizens; an obligation which did not exist before. It is important to make officers understand that full compliance with this provision can considerably improve public opinion about the police. If one knows why he/she is subject to a certain procedure, he/she may be less tense. This makes it easier for the individual to see why the stop was necessary even if that person has not done anything unlawful. In short, if the ID check is based on reasonable grounds that are communicated to the person subject to the measure, then there is a lower probability that the person will feel discriminated against.

6.6   Improving the performance assessment of police officers

As interviews with higher ranking police officers suggest, the number of ID checks is often used in assessing police officer efficiency. To improve the quality of ID checks, the value placed on quantity needs to be "repositioned", i.e. regarded as merely one factor in data management, rather than as a finite measure of police effectiveness.

To achieve this goal new and reformed performance assessment tools should be introduced. Evaluation of effective policing should not rely on only one factor, such as the number of perpetrators caught, the number of fines imposed for committing a petty offence, or the number of ID checks conducted. The assessments, however, should take into account citizen satisfaction with local police work. Citizen input provides an incentive for under-performing police units to focus on community relations rather than, as in the current system, on data manipulation.[46] Finally, the effectiveness of ID checks should be systematically monitored and the results need to be incorporated into operational practice.

6.7   Review and improve supervision structures

Patrol officers have too much autonomy. Supervisors need to be trained on how to best supervise street patrols and supervisory mechanisms need to be put in place so that discrimination can be not only be recognized, but acted upon. The inclusion of civil monitors is one way to positively address these issues.

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[46]   Under the present system, a police unit might rank first nationally for effective policing, even though the citizens' satisfaction rating of the same unit might consider the unit to be among the worst. The unit, in order to manipulate its national ranking, can decide to pursue mostly minor crimes or petty offences, resulting in thousands of successful ID checks and in a high number criminals caught. At the same time, however, those perpetrators that are difficult to find will remain free and continue to pose a serious threat to the local community. This is especially true in terms of drug-related crimes: it is easier to find 100 drug users than to catch one drug dealer who sells drugs to 1,000 users.

Annexes

ID check form (September – November 2007)

1. **Time of ID check**
   - ☐ 1.1 Morning 06–12h
   - ☐ 1.2 Afternoon 12–18h
   - ☐ 1.3 Evening 18–22h
   - ☐ 1.4 Night 22–02h
   - ☐ 1.5 Dawn 02–06h

2. **Place of ID check**
   - ☐ 2.1 Street
   - ☐ 2.2 Pub/disco/etc.
   - ☐ 2.3 Park
   - ☐ 2.4 Road
   - ☐ 2.5 Other

3. **Gender of concerned person**
   - ☐ 3.1 Male
   - ☐ 3.2 Female

4. **Age of concerned person**

☐ 4.1 14–16
☐ 4.2 17–18
☐ 4.3 19–29
☐ 4.4 30–39
☐ 4.5 40–

5. **Ground of ID check**

☐ 5.1 Suspicious object
☐ 5.2 Intensive control
☐ 5.3 Traffic control
☐ 5.4 Security measure
☐ 5.5 Finding a wanted person
☐ 5.6 Suspicion of crime
☐ 5.7 Suspicion of petty offence
☐ 5.8 Prevention of an act jeopardizing public order
☐ 5.9 Possession of legally prohibited object
☐ 5.10 Other, namely: _____

If you indicated one of points 5.5–5.10, please describe briefly on what actual circumstances you based the measure.

_____
_____
_____
_____
_____

6. **Result of ID check**

☐ 6.1 Arrest
☐ 6.2 Short-term arrest
☐ 6.3 Petty offence procedure
☐ 6.4 No further measure required

7. **Based on the perception of the police officer, the concerned person is:**

  ☐ 7.1 Asian

  ☐ 7.2 Arab

  ☐ 7.3 Caucasian

  ☐ 7.4 Black

  ☐ 7.5 Roma/Gypsy

  ☐ 7.6 Other

8. **Civil monitor**

  ☐ 8.1 No civil monitor was present

  ☐ 8.2 Civil monitor was present, no remark

  ☐ 8.3 Civil monitor was present, remark made

Remark:

_____

_____

_____

_____

_____

_____

ID check form (November 2007 – March 2008)

1. **Time of ID check**
   - ☐ 1.1 Morning 06–12h
   - ☐ 1.2 Afternoon 12–18h
   - ☐ 1.3 Evening 18–22h
   - ☐ 1.4 Night 22–02h
   - ☐ 1.5 Dawn 02–06h

2. **Place of ID check**
   - ☐ 2.1 Street
   - ☐ 2.2 Pub/disco/etc.
   - ☐ 2.3 Park
   - ☐ 2.4 Road
   - ☐ 2.5 Other

3. **Gender of concerned person**
   - ☐ 3.1 Male
   - ☐ 3.2 Female

4. **Age of concerned person**
   - ☐ 4.1 14–16
   - ☐ 4.2 17–18
   - ☐ 4.3 19–29
   - ☐ 4.4 30–39
   - ☐ 4.5 40–

5. **Ground of ID check**
   - ☐ 5.1 Suspicious object
   - ☐ 5.2 Intensive control
   - ☐ 5.3 Traffic control
   - ☐ 5.4 Security measure
   - ☐ 5.5 Finding a wanted person

☐ 5.6 Suspicion of crime

☐ 5.7 Suspicion of petty offence

☐ 5.8 Prevention of an act jeopardizing public order

☐ 5.9 Possession of legally prohibited object

☐ 5.10 Other, namely: _____

If you indicated one of points 5.1 or 5.4 – 5.10, please describe briefly on what actual circumstances you based the measure:

_____

_____

_____

_____

_____

If you indicated 5.2 please state below the order's number or date

_____

_____

_____

_____

If you indicated 5.3 please mark the type and estimated age of the vehicle:

Type: _____

Age: ☐ less than 3 years

    ☐ 3–8 years

    ☐ more than 8 years

6. **Result of ID check**

☐ 6.1 Arrest

☐ 6.2 Short-term arrest

☐ 6.3 Petty offence procedure

☐ 6.4 No further measure required

7. **Based on the perception of the police officer, the concerned person is**

☐ 7.1 Asian

☐ 7.2 Arab

☐ 7.3 Caucasian

☐ 7.4 Black

☐ 7.5 Roma/Gypsy

☐ 7.6 Other

8. **Civil monitor**

☐ 8.1 Civil monitor was present, no remark

☐ 8.2 Civil monitor was present, remark made

Remark:

_____

_____

_____

_____

_____

_____

Annex 2: Sampling design and methodological issues

1. Sampling design

The research was carried out at three locations: Budapest 6th District, Kaposvár, and Szeged between 17 September 2007 and 17 March 2008.

It was agreed that patrolling officers would fill out a STEPSS form every time they performed an ID check.

Due to the very high number of checks (22,375) performed within the six-month monitoring period we took a proportionate, layered sample. In doing so, we had to overcome some problems.

The first problem was that in Szeged, the data collection was stopped as of 1 March 2008 (instead of 17 March). Furthermore, in Kaposvár, around the mid-term of the project, for approximately two months, the police started to follow a practice that was not in line with the previously agreed methodology. In this period, the officer vested with the task of collecting the forms from his colleagues after their duty was over eliminated those forms that, in his view, were not properly filled out. After this was discovered by the National Police Headquarters, clear instructions were given to the Kaposvár personnel, and the original methodology was restored.

Another difficulty was caused by the fact that not all of the envelopes in which the forms were sent by the participating police units indicated the period of collection. As such, it was not always possible to establish in which trimester of the project period the individual forms were filled out. Thus, the chronology of the forms could not be fully established.

To overcome the problem caused by the lack of recorded dates, for the purposes of the trend analysis, we separated the forms with dates from those without, forming two groups. We created a sample from the dated group by first dividing the total into three subgroups. Each of the dated subgroups were then further subdivided by location. The questionnaires in each of these subgroups were placed in chronological order. From the first five questionnaires, one was selected randomly. Then, counting from the first selected questionnaire, every fifth was selected. These selected items constituted the sub-sample that was to be analysed. Since the number of items in the Kaposvár sub-sample was substantially higher (2,551) than the number necessary for a statistically

significant sample (300 items), the above described mistake committed by the Kaposvár Police Headquarters did not prove to be problematic.

Following this, we created three subgroups from the non-dated forms, numbered them, and then pulled out a random sample in the same way as described above (every fifth form). Putting the sub-samples together from the dated group and the non-dated group, we had a final randomised sample to analyse. For trend analysis we used the dated sample, but for any analysis where time was not relevant, the combined sample was used.

As indicated in the body text, the total number of forms and number used for the sample were as follows:

Premises	Budapest	Kaposvár	Szeged	Total
Number of forms	2,015	11,255	9,105	**22,375**
Number of forms in sample	403	2,251	1,821	**4,475**

2. Necessary adjustments to the data

In addition to the above outlined problems, it came to light toward the end of the project that a significant number of the ID checks performed during the monitoring period had not been followed by the completion of the STEPSS forms.

At the HHC's request, the police units participating in the project provided information regarding the number of ID checks they performed over the seven-month period (1 September 2007 – 31 March 2008), which also included six months of data collection (17 September 2007 – 17 March 2008). In this period, the three participating units performed altogether 43,094 ID checks.[1]

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[1]   Information provided by the police units participating in the project. The three headquarters concerned collected the information on the total number of ID checks in different ways. The 6th District collected the information from the register of database inquiries (in terms of internal police norms, all ID checked people shall be cross-checked with the central data base for wanted persons, so the number of checks can be calculated based on the number of database inquiries). The other two headquarters provided the information based on the daily reports of officers on duty, as well as the database which summarized the information coming from these daily reports.

Premises	Budapest	Kaposvár	Szeged	Total
Number of checks	3,538	25,770	13,786	**43,094**

These figures are for seven months, whereas the data collection period lasted for 6 months, so we made an adjustment by calculating the average monthly number of checks and multiplying that number by six.

Premises	Budapest	Kaposvár	Szeged	Total
Number of checks	3,033	22,089	11,817	**36,939**

As can be seen, this number is still much higher than the number of STEPSS forms received from the police units.

In order to be able to determine the extent to which the police forces complied with their obligation to fill out a STEPSS form after each ID check, we also had to calculate the number of STEPSS forms that would have been received if some forms had not been eliminated in Kaposvár, and if the data collection had not been stopped as of 1 March in Szeged.

With regard to Kaposvár, we presumed that approximately half of the forms were eliminated by the supervising officer. This means that during the two months when this practice was followed, a deficit of one month accumulated, i.e. the number of forms actually received from Kaposvár (11,255) corresponds to five months instead of six. Thus for six months, we extrapolated to 13,506 forms.

With respect to Szeged, we calculated the monthly average number of forms filled out, and added half of this number to the total (9,105). This way, we calculated that in 6 full months, the number of properly filled STEPSS forms would have been 9,934.

After the adjustments, we arrived at the following figures.

Overall data of ID checks within the project period

Area	Number of stops	Percentage of total	Number of forms completed	Percentage of total	Percentage of forms compared to total number of checks
Budapest	3,033*	8%	2,015	8%	66%
Kaposvár	22,089*	60%	13,506**	53%	61%
Szeged	11,817*	32%	9,934**	39%	84%
Total	**36,939***	100%	**25,455***	100%	69%

*   Adjusted figure
**   Hypothetical figure

3. Problems calculating the number of ID checks per 1,000 population

Whereas with regard to Kaposvár and Szeged it was relatively easy to calculate the annual number of ID checks per 1,000 population (using the figures provided by the police for the 1 September 2007 – 31 March 2008 period, we first calculated the average monthly number of checks, multiplied this by 12, and then compared the result to the population of Greater Kaposvár and Greater Szeged), a reliable comparison with the population of Budapest 6th District was very difficult to make. The 6th District (one of the 23 administrative units in Budapest) contains one of the city's three main railway stations as well as a large number of shops, restaurants and offices. As a result, the district's population is far smaller than the number of people who actually frequent the area on an average weekday.

The 6th District's population is approximately 39,000[2] (from a total city population of approximately 1,700,000). If we compare this estimate to the total number of checks, we get a distorted picture, especially when considering the large number of people who visit the railway station and the Westend City Center on a *daily* basis (60,000 and 40,000 respectively; there is an overlap between these numbers, since the mall is located near the station).[3] Therefore, we estimated the population of the district to be 65,000 for the purposes of calculating the ID check ratio per 1,000 population.

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[2]   Estimation by Zsolt Akács, Head of the Department for Public Order at the 6th District Police Headquarters.

[3]   Estimation by Zsolt Akács, Head of the Department for Public Order at the 6th District Police Headquarters.

ID check is the most frequently used police measure in Hungary: on average, more than 1.5 million checks have been conducted annually in recent years. However, the practice of ID checks has not been properly analyzed so far. Therefore, the Hungarian Helsinki Committee sought to assess the typical grounds of ID checks and the efficiency of this police measure in the framework of a project supported by the European Commission's AGIS Program and the Open Society Institute. It was also examined whether there is a discriminatory tendency regarding ID checks, namely if members of the Roma minority are ID checked in unjustified and disproportionate numbers compared to their non-Roma peers. The current report provides a brief description of the methodology and the sometimes surprising results of the project.

Hungarian Helsinki Committee

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AGIS 2006