



State Comptroller | Annual Report 72A - Part One | 2021

National-Strategic Spheres of Activity

Conduct of Law Enforcement Agencies towards Israelis of Ethiopian Background



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Background

The population of Ethiopian origin in Israel has about 155,300 members, and its share is about 1.7% of the population of Israel. The State of Israel has worked hard to absorb and integrate Ethiopians into Israeli society, while allocating multiple resources to it. However, their integration was accompanied by considerable challenges. In addition to the gaps between Israelis of Ethiopian background and the general population from a socio-economic point of view, there are significant gaps between them in the field of criminal enforcement as well.

In 2015, following the publication of a video showing two policemen beating a soldier of Ethiopian background in uniform, the crisis of confidence of Ethiopians in the authorities intensified, and this was reflected in a widespread wave of protests by Israelis of Ethiopian background against the police. The protesters' allegations revolved around institutional racism, violence and discriminatory enforcement by the police as well as the incompetence of the law enforcement system, especially the Department of Internal Police Investigations in the State Attorney's Office (DIPI), in dealing with police offenses.

Following the wave of protests, in 2015 the police formulated a plan to strengthen trust between the police and the Ethiopian community. The program included focusing activities at police stations in Ethiopian-populated areas in collaboration with local communities, cultural training for police officers, recruiting personnel of Ethiopian origin, and investigative and legal activities. In 2016, the government decided to set up an inter-ministerial team to formulate an action plan to deal with the phenomenon of racism against Ethiopians. The team formulated recommendations on tools for dealing with racism and discrimination, with special emphasis on law enforcement agencies. The government has adopted most of the recommendations of the inter-ministerial team.

In early 2019, a wave of protests by Ethiopians resumed following two deaths of young Ethiopians caused by the police.



Key figures

1.7%

Percentage of the Ethiopian community in the population of Israel.

13%

Proportion of respondents from Ethiopian origin who trusted the police according to the police attitudes survey from 2019, compared to 56% of the respondents from the total population.

5.6%

Rate of arrests of minors from the Ethiopian community out of the total number of arrests of minors in 2019 - 3.3 times their rate in the population.

64%

Rate of reduction in the number of arrests of minors of Ethiopian origin over the years 2015-2019

65%

Rate of days arrest not resulting in detention of detainees until the end of the proceedings out of the total number of arrests of adults of Ethiopian origin in 2019, compared with 75% among the general adult population.

3.2%

Rate of investigation files of adults from Ethiopian origin out of the total investigation files for adults in 2019 - 1.9 times their rate in the population.


32.6%

Rate of investigation files for which indictments were filed, out of all investigation files concerning adults of Ethiopian background in 2019 - compared with 26.8% among the entire adult population.

34%

Rate of investigation files referred to conditional treatment (alternative to criminal proceedings) of minors of Ethiopian origin in 2019 - compared to 43% of all minors.

Audit actions

 In the months of December 2019 to December 2020, the State Comptroller's Office examined the conduct of the enforcement agencies towards the Ethiopian community in the years 2015-2020. The audit was conducted in the police and DIP; completion audits were conducted in the Ministry of Internal Security, the Ministry of Justice, the IDF, the Prison Service and the administration of the courts. The audit was performed, inter alia, by collecting, monitoring, analyzing and cross-referencing data from the databases of the audited entities. The State Comptroller's Office also conducted a





public participation process with participants of Ethiopian background to hear their views on the conduct of law enforcement agencies.


Key findings

Police data and police enforcement against Israelis of Ethiopian background:

A comparison with the entire population shows that in all stages of the criminal enforcement process, from arrest, through the opening of the investigation file to the filing of an indictment, the proportion of Israelis of Ethiopian background is greater than their share of the population. For example, the rate of investigation files of Israelis of Ethiopian background in 2019 is considerably larger than their rate in the population (1.7%): 3.8 times higher among minors and 1.9 times among adults. The data indicate over-policing of this population. The data show particularly high anomalies for minors of Ethiopian background.

 **Police actions to reduce friction with the Ethiopian community:** As part of the police program to strengthen trust between the Ethiopian community and the police, actions were taken that led to a reduction in policing and enforcement rates against Israelis of Ethiopian background in 2015-2019: a 4.1 percent reduction in the rate of detention of minors of Ethiopian background and a reduction of percentage points in the rate of investigation files of minors of Ethiopian background. At the same time, there has been a trend of stability or a moderate increase in the rate of policing and enforcement data against adults of Ethiopian background. However, despite the actions of the police and the trend of improvement in the rate of over-policing among minors of Ethiopian background, in 2019 the policing and enforcement rates against them remained much higher than their proportion in the population.

 **Position surveys conducted by the police:** Position surveys conducted by the police among the Ethiopian community revealed that in 2018 there was an improvement in the degree of trust of the community in the police relative to the previous year, but in 2019 there was a sharp decline in the level of trust and satisfaction of Israelis of Ethiopians background from the police. It also emerged that the police did not meet the goal they set for themselves and according to which in 2019 30% of respondents of Ethiopian background would trust the police - in practice in that year only 13% of respondents of Ethiopian background trusted the police. The Ethiopian community's confidence in the police and their satisfaction with it were much lower than among the general population.

 **The public participation process conducted by the State Comptroller's Office with the Ethiopian community in 2020:** The process reflected the difficult feelings of this public in terms of the attitude of the enforcement agencies towards it and its



distrust of these bodies. Despite government actions and the measures of the various law enforcement agencies taken in recent years, Israelis of Ethiopian background feel that the said actions were not sufficiently implemented in the field and did not bring about a substantial change in the basic perception and inequality in the conduct of law enforcement agencies towards them.

Management of the police program to strengthen trust between the police and the Ethiopian community: In 2015-2018, less attention was paid by the highest ranks of the police to the police program intended to strengthen trust between the Ethiopian community and the police, the responsibility for including and managing the program was split between different units, and there were deficiencies in the actions of all the police entities who took part in the program. All of these led to a loosening of the ongoing implementation of the program and hampered the promotion of the program, the execution of staff work aimed at re-evaluating the program and achieving its goals. As of the date of the end of the audit, there is no entity in the police that examines from above the entire range of aspects related to the conduct of the police towards the Ethiopian community and works to advance proactive steps in the field.

Conditional treatment procedure: It was found that in 2015-2019 the proportion of minors of Ethiopian background who were referred for conditional treatment (an alternative procedure for criminal proceedings) was 10% lower than the proportion of minors referred for this procedure among the general population. In practice there is a gap in the opportunity for minors of Ethiopian background to quickly get out of the cycle of crime through this procedure.

Investigation files for minors prior to recruitment: Open investigation files may prevent minors from the opportunity to be recruited to the IDF and integrate into society. There is a phenomenon in which teenagers of Ethiopian background with open investigation files do not even know that the investigation files have been opened against them, they do not know the status of their treatment, and sometimes in the absence of motivation, ability or support they are unable to close the case to promote their recruitment to the IDF. Despite the desire and actions of the IDF and the police to assist youth with open investigation files, prior to their recruitment, by clarification of the status of their investigation file and the expedited management of the case until its closure, the existing process and cooperation between the various parties has not yet been settled in an overall and binding procedure. As a result, teenagers with a criminal record who could have enlisted in the IDF and thus gain an opportunity to better integrate into society may "fall through the cracks" due to not receiving the best possible assistance.

Arrangement for pardon for deleting the criminal record of minors and young people of Ethiopian background: In November 2018, the President and the Minister of Justice published an outline for deleting the criminal record of minors and young people of Ethiopian origin. In this framework, 140 applications for deletion of a criminal record were received and identified by May 2021, of which only 48 requests





were answered positively. The small number of applications submitted by youngsters of Ethiopian background for the deletion of a criminal record indicates gaps in adapting the arrangement and marketing it in its current format to these young people, given the distrust they feel towards law enforcement agencies.


- 🗨️ **Concept of operations and goals for the NCO police force designated for the Ethiopian community:** This organization is a key component in the implementation of the police program to strengthen trust and direct contact with the community to drive processes to bring the community and the police closer. This system is also fully funded through a budget of approximately NIS 11 million per year allocated by the government program for the integration of the Ethiopian community in Israeli society. As of the end date of the audit, it was found that the operating concept, targets for achievement, metrics and a unique control mechanism for the NCO police officers designated for the Ethiopian community have not yet been formulated.
- 🗨️ **The stations under focus of the police program to strengthen trust:** It appears that there is great variability between the core stations in the degree of motivation and promotion of the police program and in the activity of the stations regarding the Ethiopian community. Station commanders who attached importance to this program gave a boost to the designated NCOs, while station commanders who did not attach importance to the program diverted the dedicated NCO officers to other activities and reduced the station activity pertaining to the Ethiopian community.
- 🗨️ **Complaints of Israelis of Ethiopian background to DIPI:** It was found that the rate of complaints submitted by Israelis of Ethiopians background to DIPI is more than twice the rate of the Ethiopian community among the general population. The audit revealed that in the years 2017-2020, 24,033 cases were opened in DIPI, of which 1,074 (about 4.5%) of the complaints were from Israelis of Ethiopian background. About 60% of the complaints filed by Israelis of Ethiopian background in 2017-2019 originated in "police material" cases (documents from the police investigation materials in a criminal case, documenting a statement or claim made by the suspect regarding the use of force used by a police officer) and not in initiated complaints. Most of these complaints are not investigated and are closed because the complainant abandons his complaint.
- 🗨️ **Compilation of complaints of Israelis of Ethiopian background regarding improper conduct of police:** There is no single entity that **compiles** all the complaints about police misconduct from Israelis of Ethiopian background, which are received by the police and DIPI. The low number of complaints filed with the Public Complaints Unit of the Police (PCU) and the Police Disciplinary Department for racist behavior of police officers is inconsistent with the Ethiopian community feeling of over-policing towards them.
- 🗨️ **Analysis of complaints about violence and racist treatment by police officers:** DIPI, the Disciplinary Department and the CPU are key nodes that gather a lot of



information regarding complaints about violence and racist treatment of police officers against Israelis of Ethiopian background, which may be used by law enforcement agencies to deal with the inappropriate phenomena among police personnel. In practice these bodies do not segment by population groups the complaints stemming from racism, discrimination against excluded populations, over-policing and profiling (suspected criminal activity based on skin color, ethnicity or other identifying mark, leading to selective and discriminatory undertaking of arrests and searches). Hence they cannot examine and analyze trends in complaints from Israelis of Ethiopian background about discriminatory or racist treatment of police officers, and consequently act to change the situation.

 **Cultural training:** Until 2019, various bodies in the police held hundreds of cultural training sessions. The results of the training did not show modifications in the feelings of the Ethiopian community, as emerged from surveys conducted by the police in those years. It was also found that the cultural training focused on police officers and commanders at police stations spread across the country, while the headquarters were given little cultural training.

 **Adding a racist motive in indictments:** Although in recent years emphasis has been placed on refining guidelines on adding a racist motive in indictments under section 144F of the Penal Code, it has been found that the number of approvals for adding a racist motive in indictments is decreasing: In 2019, a total of nine applications were approved, compared to 33 in 2015, which is not coherent with the feelings of the public and the populations suffering from racism.

 **The government unit for the coordination of the fight against racism:** The unit's handling of complaints focuses on examining and following up the treatment of the entity against which the complaint was filed on the issue on which the complaint revolved and updating the complainant on the findings of the investigation and follow-up. Since the unit has not been given enforcement powers to fulfill its functions and does not even have professional status, especially vis-à-vis the DIPI or the police, the capacity of the unit to treat complaints is limited.



In general, the distribution of DIPI decisions regarding cases of complaints submitted to it by Ethiopians is similar to the distribution of DIPI decisions regarding cases of complaints submitted to it from the general population.






The team for improvement of the response to complaints against police officers recommended in December 2020 that both the police and the DIPI establish databases where complete and uniform data on complaints about police officers will be gathered, that procedures be established for coordination and cooperation between the DIPI and the police, that the police publish annually information on the manner in which they have dealt



with complaints about police officers, and that the police issue a comprehensive ordinance on the use of command tools.




The rate of adequate representation of Israelis of Ethiopians background in the police would be about 3%. However, among police officers, the rate of Israelis of Ethiopians background is only about 1%. In the Israel Prison Service (IPS), the appropriate representation rate for Israelis of Ethiopians background is about 5.5%. However, among IPS officers, the rate of Israelis of Ethiopians background is only about 2% of all officers.

Key recommendations

-  It is recommended that the police regularly analyze data on policing and enforcement against the Ethiopian community and compare them with data on policing and enforcement against the entire population, in order to get a broad picture of the gaps between them both nationally and locally. It is also recommended that the police analyze the findings of the opinion polls among the Ethiopian community, locate the barriers to achieving the goals it has set for itself to measure the effectiveness of the program and work to remove them. These tools can be used by the police to draw lessons and evaluate the steps it is taking to reduce excess policing towards the Ethiopian community, to increase the trust of Israelis of Ethiopians background in the police and to generate insights regarding continued activity in the field. It is also recommended that the police determine who shall be the commanding officer who will supervise the police program to strengthen trust between the Ethiopian community and the police, and that the commanding officer work to promote the program, while continuously monitoring compliance with its goals and the promotion of its goals.
-  The Ministry of Internal Security should closely monitor and control the police program in accordance with its national importance and financial investment.
-  It is recommended that the police and the IDF complete the institutionalization of interfaces and improve the cooperation between them in order to promote the recruitment of citizens of Ethiopian background with criminal backgrounds, and in particular those with still open investigation files, in a way that promotes their return to a normative route and their recruitment to the IDF.
-  It is recommended that DIPI pay attention to the closure of complaints filed by Israelis of Ethiopians background, and work to locate the complainant and explain to him that it is necessary to file a complaint for the purpose of prosecuting the suspected police officer. It is also recommended that DIPI complete the upgrade of its computer system.
-  The DIPI and the police discipline department must act to organize the handling of complaints about police officers who have used force illegally against persons of



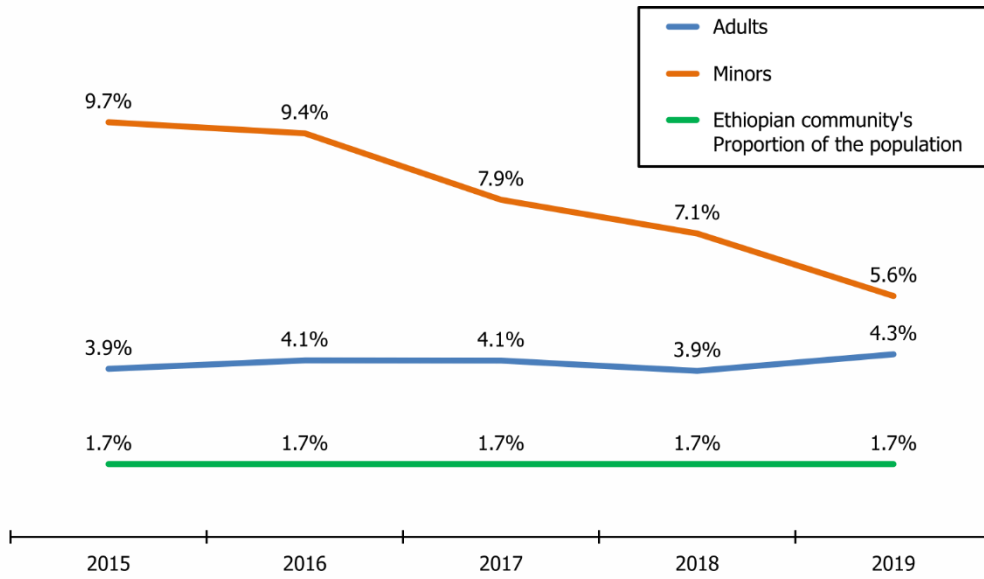
Ethiopian background, in such a way that no complaints remain without handling due to lack of clarity regarding the person authorized to handle them. It is also recommended that DIPI and the police collect complete data on the complainants' details, enter the data on the relevant offenses in computerized systems and analyze the data in order to identify failures and draw lessons, including issues of over-policing, profiling and racism, and work to eradicate them.

-  It is recommended that the police conduct effective cultural training among all police officers, including in the headquarters and command units, as well as prepare them to use severe punitive measures against police officers who practice racism and publicly publish the manner in which these cases were handled. It is also recommended that both the police and the IPS work to increase the rate of adequate representation of Israelis of Ethiopians background among the officers and senior members of the organization.
-  It is recommended that the State Attorney's Office implement the guidelines regarding the addition of racist motives in indictments, and work to gather information on the origin of the victims in order to improve the supervision and control of the filing of racist motives, especially against Israelis of Ethiopians background.
-  It is recommended that the Ministry of Justice complete the examination of the need to anchor the powers of the government unit to coordinate the fight against racism, for the purpose of effective treatment, supervision, control and enforcement in matters of racism and discrimination.

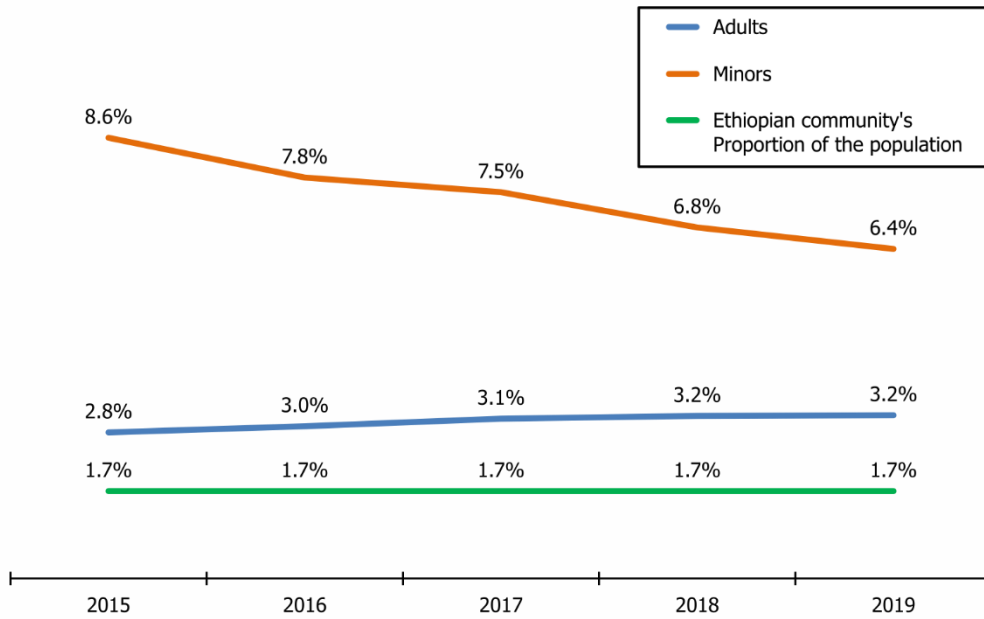


Rate of arrests and investigation files of Israelis of Ethiopians background from all arrests and investigation files, 2015 - 2019

Arrests



Investigation files





"I did a morning run next to an Israeli resident citizen like me. I was arrested. Why are you arresting me, is everything OK? They asked for an ID card. I said I am wearing sportswear and do not have it with me. I hear two cops discussing "Leave him, he looks fine, we'll let him go". This caused a feeling of profiling against the black person who is the immediate suspect, and that is how the police treat every black citizen who is in an environment that is not in accordance with the perception about them."

"I'm a major in the IDF, returning home after a full week at the base and going out, the mistake I made was that I took off my top shirt with my ranks and went out to throw garbage and what happens is the patrol car passes, sees me with a hoodie, stops next to me 'What are you doing here?' I told the officer that I live here. "Give me an ID". I told him that I do not have my ID on me, I just came back from base, if you want I will go up to get the ID. He tells me no, he's inside the patrol car, it's pouring rain outside and he starts finding out about me on the computer while comfortably sitting in the car. These are the interactions and we are talking about youth and children? It's not youth and children, it's everybody."



Israelis of Ethiopians background demonstrate against police violence, Tel Aviv, January 30, 1919.
Photographer: Rotem Ben Hamo (Shutterstock.com).



Summary

As of the end of the audit, five years after the implementation of the police plan to strengthen trust between the Ethiopian community and the police, and after the publication of the inter-ministerial team report which formulated an action plan to deal with the phenomenon of racism against Israelis of Ethiopians background, it was found that despite the issue being at the center of public discourse, and despite the increased involvement of law enforcement with the issue and the considerable efforts made by the police in the police program, policing and enforcement rates against the Ethiopian community remained much higher than the general population, and the degree of trust of the Ethiopian community in the police as well as the degree of satisfaction from it remained low. Ethiopians expressed feelings of personal insecurity in the public sphere, discrimination in the attitude of law enforcement agencies towards them, over-policing and profiling. Enforcement agencies must act to eradicate racism, over-policing and profiling, act transparently with cooperation and knowledge sharing, for equal, fair and impartial treatment by law enforcement agencies, so that Israeli citizens of Ethiopian background feel equal to all other citizens.

