

DEPARTMENT FOR INTERNATIONAL STUDENTS-  
ASTA BONN



INTERVIEW WITH THE POLICE

**EVERYTHING  
INTERNATIONAL  
STUDENTS WANTED TO  
KNOW**



Contact us if you have further questions:  
[international@asta.uni-bonn.de](mailto:international@asta.uni-bonn.de)

  @bonninternationalstudents

[www.asta-bonn.de/Referat\\_für\\_internationale\\_Studierende](http://www.asta-bonn.de/Referat_für_internationale_Studierende)

### Dear international Students,

this interview is based on your numerous questions that reached us in the summer of 2020, our own experiences as international students and our work at AStA. Because of your active participation, we were able to conduct an extensive interview with the Bonn police. Therefore we want to thank you! With your participation you have made an important contribution for many students who can benefit from your questions. By reading this Interview we hope you can develop a new perspective towards the police and the ability to act by yourself, so that dealing with emergencies, reports and situations where you feel unsafe, are less stressful.

A special thanks goes to our interview partner Mr. Michael Beyer for the friendly and courteous conversation as well as to the press office of the police in Bonn, whose consent made the interview possible in the first place.

In six chapters the work of the police, availability and behavior in dangerous situations as well as definitions of self-defense, emergency, criminal complaint, criminal offense, misdemeanor and much more are presented in interview form. In addition, questions about consequences after contacting the police as an international student or filing a report are answered. Furthermore the ability to act on the issues of discrimination and data protection are highlighted. Mr. Beyer also addresses laws and explains in which languages police officers can be approached.

We hope you enjoy reading!

**Your Department for international Students**

Police emergency call: 110

Fire, medical emergency: 112

<https://polizei.nrw/>

Bonn District Police Department (Kreispolizeibehörde Bonn)  
Königswinterer Str. 500  
53227 Bonn

Telephone: 0228 15-0

fax: 0228 15-1211

E-mail: [poststelle.bonn@polizei.nrw.de](mailto:poststelle.bonn@polizei.nrw.de)

E-Government:

[poststelle@polizei-bonn-nrw.de-mail.de](mailto:poststelle@polizei-bonn-nrw.de-mail.de)

[poststelle@polizei-bonn.sec.nrw.de](mailto:poststelle@polizei-bonn.sec.nrw.de)

Internet: [bonn.polizei.nrw](http://bonn.polizei.nrw)

## Table of contents

### **1. What is the police?**

1.1 Main task of the police	2
1.2 Structure of the police apparatus	2
1.3 Equality of citizens and police officers	3

### **2. When do I call the police?**

2.1 Examples	4
2.2 How to reach the police	4
2.3 Emergency and non-time-critical situations	4
2.4 Behavior in an Emergency: Information on the phone	5

### **3. What do I do if I observe a crime?**

3.1 Behavior when observing a crime	6
3.2 Documenting crimes with the smartphone	6
3.3 Behavior: Do I stay on site?	7
3.4 Do I have to hand over my personalia?	7

### **4. What if I become a victim myself?**

4.1 What is self-defense?	9
4.2 I only speak English. Is that a problem?	9
4.3 My rights and data protection	10

### **5. Contact with the police**

5.1 Effect on my residence permit	12
5.2 Filing a complaint	12
5.3 Consequences of filing a complaint	13
5.4 Felony and misdemeanor	13
5.5 Judgments	14

### **6. Discrimination**

6.1 What is discrimination?	15
6.2 Proving Discrimination?	16
6.3 Case study: Supermarket	17

## 1. What is the police?

### **1.1 First of all, can you outline for us what the main task of the police in Germany is?**

P :  
Basically the main task of the police is divided into two parts. On the one hand there is *danger prevention*, i.e., the prevention of dangers to public safety and order, which has a preventive character. This is partly a matter of private and regulatory law.

The other task is *law enforcement*. The police is subject to the principle of legality which means that we are obliged to investigate and prosecute crimes. In criminal prosecution we are investigators for the public prosecutor's office (the so-called masters of the proceedings who have a superior role). *In a nutshell we provide internal security.*

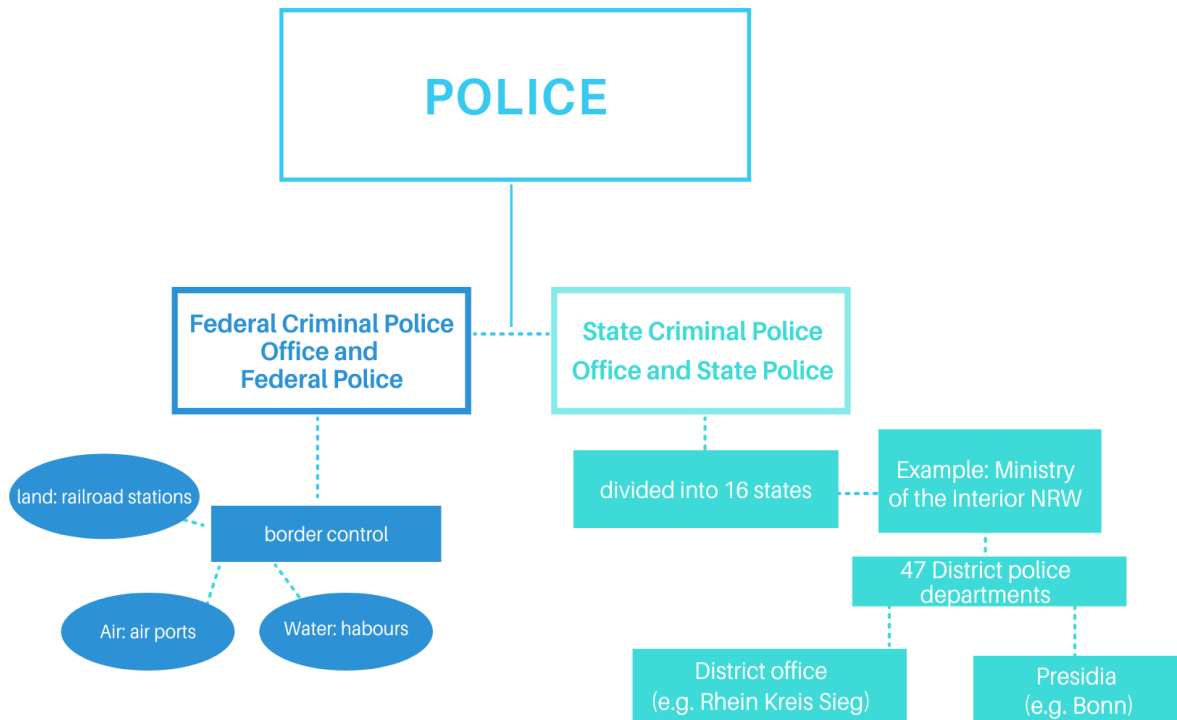
**Is the police also responsible if the danger comes from a person who, for example, has been walking around my apartment for a few days? Is that also part of it or does the situation have to be proven or go through certain processes until that ends up under your purview?**

P :  
Of course, if you need help, you can always call the police. In the case you described, where someone is walking around your apartment or around your dorm and it seems suspicious to you, you can of course call the police. If we have the capacity, we will then take a look at it of course. As I said, *if you need help the police is always available for you.*

### **1.2 We would like to know how the police system is structured in Germany.**

P :  
The police in Germany consists of the federal police authorities. That is the *Federal Criminal Police Office and the Federal Police* as well as the state *police forces*. We have 16 federal states. Each federal state has its own state police. The task of the Federal Police is to monitor our borders, on land, at sea or in the air. You can notice this when you fly: the police officers you see at the airport are Federal Police officers. This is their responsibility. The Federal Police is also responsible for security on trains and railroads and have the task of protecting civilian air traffic from attacks. The federal police is under Federal Minister of the Interior.

Then, there are our 16 federal states. Each of these federal state has its own police force. Here in North Rhine-Westphalia we perform our duties in so-called district police authorities which means that North Rhine-Westphalia is subdivided into 47 district police authorities which then represent the local police accordingly for example the Bonn police presidium. On the one hand there are presidia and on the other hand there are district authorities. The Rhein-Sieg district for example is a district authority. There is no police presidium. The chief of police there is the district administrator. In our case, which is a police presidium, it is the police chief Mr. Frank Hoever. This means that the 47 district police authorities in North Rhine-Westphalia are divided into police presidiums and district authorities. In addition, there are three higher State Police authorities and the State Criminal Police Office. The head of the police in North Rhine-Westphalia is the state's Interior Minister Mr. Herbert Reul.



source: create by Department for International Students - AStA Bonn

### 1.3 Equality between citizens and police officers is anchored in law in many countries but in reality, it is different sometimes when it comes to violent police intervention for example. What is the situation in Germany?

P:

The *Basic Law Article 3* says that all people are equal before the law. This of course applies to every citizen out on the street and of course also to every police officer. Violent intervention by the police is possible. We have powers of intervention by law that authorize us to use direct force i.e., to intervene in certain situations under certain conditions. *There are clear legal rules here that are verifiable.* We also have to abide by the Law. Every person we meet outside is equal before the law and of course we have to abide by that. That's quite clear and that's what we do. Because all police officers on duty have taken an oath to uphold the constitution. *If police officers do not act according to the law, then their actions are illegal and they may be committing a crime.*

## **2. When do I call the police?**

### **2.1 Many international students have difficulties deciding when to call the police. This brings us to the question: in what cases can I as an international student contact the police?**

P:

*Every person in Germany regardless of gender and origin can contact the police if they need help.* There are no costs involved. For example, if you see a suspicious person sneaking around your dorm, you can call the police. We will then come and check it out. We can't randomly check every person, of course. As far as *checking people* is concerned, there are of course *legal rules* but if we observe suspicious behavior and you also describe it to us, then we can of course do something.

Any person who needs help can contact the police. For example, if you have been the victim of a crime, if you have been physically harmed or insulted, or even if something was stolen from you. Also, if the person needs help in enforcing private rights, we will help. There is not only the *criminal law*, but also a lot of *private law*, for example *tenancy law* or the *civil code*. If it is a matter of arranging an exchange of personal information data we will help. This means that, if person A needs the personal data of person B because she/he needs it regarding, for example, the tenancy law, but person B does not hand over the personal data, we act to it on site, get the personal data if there is a justified interest and exchange them. This way the private law is preserved, and person A can assert their claims.

### **2.2 How can I contact the police?**

P:

*The police can always be reached at any time of the day or night by calling the nationwide emergency number 110.* If you have any problem, you can always dial this number and you will reach the police control center. From there they will first talk to you and then take further action depending on the facts that are presented. In the case of *medical emergencies and fire* you should dial the nationwide emergency number 112.

### **2.3 And when do I know that it is an emergency?**

P:

*Emergency is of course a well-defined term.* For example, if you have a traffic accident in which no one is injured and there is only property damage, this is not an emergency by definition, but of course you would call 110.

*A classic emergency situation is, for example, if there is a fire somewhere, if someone is seriously injured or is being physically attacked at the moment. But as I said you can also contact us with things that are not necessarily time-critical, where you say, "I've had a traffic accident" or "something has been stolen from me." That's not an emergency by the definition but you can call us there too. We're obligated to take care of it if it's a crime and of course we will.*

**As far as I know, there is the number 110 which is valid everywhere in Germany and there are the police stations that you can call. For example, if something has been stolen from me, this is not time critical. Which of these two points of contact would be the best to call?**

P:

Well, the 110 emergency number wasn't named so for nothing. In principle, you can also call 110 in the event of theft for example. But if you know the number of your *local police station* which *you can also look up on the Internet*, you can dial that too. For example, if you live in downtown Bonn the *number of the Bornheimer Straße downtown police station would be 0228 154511*. If you want to report a traffic incident which is really not time-critical and does not necessarily require immediate assistance, you can call the police station itself.

**2.4 Suppose there is an emergency and I call the police, what information do I need to provide?**

P:

*In principle, you can call 110 anonymously but this should not be the rule. For example, you can say, "Something is happening, someone is being assaulted, please come." Of course it is important that you first remain calm when calling 110. You may be in a situation that is not common and should tell the police officer on the other end of the line in a structured way: What exactly happened? Where did it happen? Are there any injured people? What injuries do they have? How many people are involved? Finally, you should also leave contact: name and the telephone number for any callbacks. There are circumstances where it may be important for the control center to call back and ask follow-up questions again. Sometimes it is necessary for you to be available as a witness. For example, if you have seen a criminal who is on the run, you can try to memorize a rough description of the person and give it to the police. The same applies to vehicles. If someone flees in a vehicle, it is of course always important for us to know what kind of vehicle it is. Ideally, you memorize the license plate number.*



### **3. Observing a crime**

#### **3.1 If I see a crime on the street, do I have to report it to the police?**

P:

*Of course, you should* if another person is physically or verbally attacked, because it is probably not possible for the person to call for help. If you observe something like that as a passer-by, you should call the police and say, "*Someone is being attacked right now on this and this street.*" Then we'll be there as soon as possible. You should do that in any case. *Incidentally doing nothing can be punishable.* If you do nothing in certain cases, *you can be liable to prosecution for failure to render assistance.* Hence, we urge that you call us if you see a crime or if someone is being approached even if only verbally. After all a verbal dispute can quickly escalate into a physical altercation. Therefore, we are back in the area of danger prevention. *Of course, we want to prevent criminal acts and then be on the scene at an early stage to prevent such things from happening.*

#### **3.2 Recently, everywhere in the world it has become a real trend that if you see a crime, you immediately take out your cell phone and photograph or record the whole situation. What is it like in Germany? Is it allowed to do that? Should you do something like that or rather not?**

P:

*If anyone films a person becoming the victim of a crime and does not help the victim can be liable to prosecution. There is the failure to render assistance according to paragraph 323 C of the Criminal Code.* In an emergency situation you are basically obliged to provide assistance. An emergency situation exists when persons or property are endangered. For example, if someone is knocked down on the street or a defenseless person is beaten or kicked, assistance is required. There are of course restrictions: Assistance is required if the person cannot help him/herself or if no other help is available. This assistance must be reasonable for you. If you see a person beating up another, you can of course say "okay, I don't dare to intervene". That is perfectly okay. You do not have to. You do not have to put yourself in danger when you help. Of course, you must assess this yourself. *But you would then have to get help by calling the police.* You can always do that. *That means if you film without helping someone else in an emergency situation, that can also be a felony. The same applies of course if you obstruct police or rescue workers while filming. You should not do that either.*

*Also filming can be an intrusion into the personal rights of the person concerned, including*

*a criminal.* A criminal also has personal rights. Every person has the right to own their own picture. But it is important and right if you film a crime or take a photo of a criminal, so that this person can be identified more easily by the police and the public prosecutor's office. In principle, you can also film police operations. That is not forbidden. This is a topic that I now find too extensive. Police officers also have the right of their own picture. It's a question of whether you publish the material or not. *But in principle it is not forbidden and if film recordings help us to clarify the crime afterwards then it is good.*

**Do you advise this, or should it rather not be done or if at all then only in special cases?**

P:

It's hard to say. It always depends on the situation. It is certainly also possible that an aggressive criminal who is beating someone up, becomes aware of this and then reacts to you when you film him/her. Of course, this varies from situation to situation, and you have to decide it individually.

**3.3 Let's stay with this example: I have two people physically hurting each other on the street and I called the police. What do I have to do afterwards? Do I necessarily have to stay on the scene until the police arrives?**

P:

*You don't have to. It is desirable, of course.* You have made the emergency call, described the situation and given your name and telephone number. This means that you can always be reached for further inquiries. You may be needed as a witness. Now let's take a concrete example: Person A beats person B. You saw this, called us, we came to the place, met person A and person B but one of them says: "I didn't do anything", the other person says: "Yes he hit me". You may not see any injuries nor is there another witness. Then of course the person who called and witnessed the crime is important for us to be able to convict the offender. You do not necessarily have to stay on site, but it is of course desirable in some cases, so that we can take your complete personal data and also question you again as a witness to the facts. Your personal data will be recorded because you are a witness in the criminal proceedings.

**3.4 You just said that personal details get taken. Does this person have to pass on the complete information to you or does s/he also have the right to say: "No. I don't want that."?**

P:

There is always the question what motivation the witness has for refusing to provide

personal data.

**As an international student you are bound by a visa and if you are not familiar with your own rights, you always have these thoughts that any police contact could lead to you getting a problem with your visa.**

P:

I understand that. But if we stay with the example, where you are a witness to a crime, you have nothing to worry about. Even if you are accused of a crime, you have nothing to fear. First of all, assuming that you are the accused, there must be a suspicion of a crime against you. We initiate a preliminary investigation by recording the data and taking the appropriate measures. This does not mean that you have acted culpably and unlawfully. To take up the witness example again: *As an international student you don't have to worry at all. Not every contact with the police is bad, quite the opposite. This contact can also be positive and nice and if you have witnessed a crime, you can leave your personal data without any problems. This has no negative consequences for you.*

#### **4. I become a victim myself**

##### **4.1 If I become a victim myself, that is someone else hits or insults me. What may I do in such a situation? What is considered self-defense?**

P:

Let's first stick to what we advise in such a situation. Of course, it varies from situation to situation. *You have to see: What kind of situation do I have? Who is attacking me? Where am I? Am I in public? Am I alone somewhere in the apartment?* Those are big differences. If you are attacked in public, we advise that you make others aware of it or address them directly: *"You there with the red jacket can you please help me?"* Often the person who attacks will leave. If possible, you should call us at 110 in such a situation, although I also know that this is not always possible. Maybe you have time for a short call: *"I am being attacked; I am at this place..."* Then of course we come. Or you ask others to call the police. This is also possible: *"You there! Help me! Please call the police!"*

*Self-defense* is a legal matter that is not so easy to answer. Self-defense can be a justification for a crime. If you defend yourself, you would concretely commit a crime yourself, namely physical assault for example: someone hits you, you hit back. First of all, that is legally physical assault, but it can be covered by self-defense. That means I always have to examine the situation. This is the definition: *"Self-defense is that defense which is necessary to avert a present unlawful attack against oneself or another."* That means you defend yourself if you are physically attacked or you defend someone else. But that has to be within a certain frame and is bound by a few principles. It can be a justification to say, *"Okay, this physical assault that you committed there to help yourself or to help others, that's not going to be prosecuted, it's covered as self-defense."*

##### **4.2 Many international students who do not speak German have inhibitions about contacting the police because of language difficulties. The first question is: Do the police speak other languages besides German?**

P:

*English is spoken by large number of our colleagues.* By the way, English is also part of the police training. We have colleagues from many different backgrounds in the police force. That means maybe the officer speaks your language but usually we can all communicate in English. That is not a problem at all.

**Is it possible that the police reject a call because the person on the phone doesn't speak German?**

P:

*No, that is not possible.* Of course, if you are talking to a colleague who may not speak English very well, the call may be transferred to another person. But as a matter of principle, we do not turn anyone away and certainly not because they speak English.

**4.3 What happens when the police arrive? What will I be asked then and what information do I have to give? You have already said quite a bit about this, but we would like to have more concrete information. which information do international students need to prepare?**

P:

That always depends on the facts of the case: What is your local status? Are you accused of a crime? Then you have to provide information about your personal data in that case. If you are a suspect in a crime, you do not have to say anything when we ask you what happened. *We first instruct the person, who is accused. He or she must provide information about his or her personal details. They do not have to provide information about the crime or the facts of the case.*

But even if they are a witness, it is of course the case that we are allowed to collect personal data in criminal proceedings, for example in accordance with the *Code of Criminal Procedure<sup>1</sup> (StPO)<sup>1</sup>*. This includes *name, birthday, place of birth, home address and nationality*. This is information that should be provided. We can collect this data either under the StPO or under the Police Act. *Of course, we are not allowed to ask anyone for their personal details anywhere and for no reason.* There must be certain prerequisites for this which are standardized either in the Code of Criminal Procedure or in the Police Act. This means that if we are dealing with criminal offenses in which you are the accused or a witness, or if we are dealing with the identification of persons in accordance with the Police Act - i.e., to avert danger - there are corresponding requirements that must be fulfilled for us to be allowed to determine your personal data.

**Where and for how long is this data stored or passed on?**

P:

The answer to that question is very extensive in terms of content. The duration of the storage of data must be limited to the minimum required by law. In this context, deadlines must be set for checking whether the storage of data is still necessary, so-called review deadlines. This means that we must check by law after 10 years in the case of adults and after 5 years in the case of young people whether this data may continue to be stored. We are allowed to collect the data based on a law, either the StPO<sup>2</sup> or the Police Act.

<sup>1</sup> Criminal Procedure Code: legal text regulating the execution of criminal charges.

<sup>2</sup> Criminal Procedure Code: legal text regulating the execution of criminal charges.

Of course, we pass on data to the public prosecutor's office, but this is provided for in the investigation procedures. *The data is not passed on to third parties.*

## **5. Contact with the police as an international student**

### **5.1 Does contacting the police affect my residence permit?**

P:

*This question is very easy to answer: a clear No. Contacting the police has no effect on your residence permit. If you are accused of a crime, this can of course influence your residence permit depending on the crime. However, this is not a matter for the police but must be decided by other authorities. I cannot give any information on this. But the mere contact with the police has no effect on any residence permit. Even if you are accused of a serious crime, there is still an intermediary investigation procedure in which it must first be established whether you have actually committed the crime.*

### **5.2 Many people have no experience with the subject of a criminal complaint.**

**Can you briefly explain what a report is and when one can file one?**

P:

A criminal complaint is a complaint that can be filed or given up at different authorities, for example at the *police, at the public prosecutor's office or also at the courts*. If you think there is a situation relevant to criminal law, you can of course report it. In the *Criminal Code (StGB)*<sup>3</sup> many criminal offenses are defined. You can always do that, and this criminal complaint then sets an investigation in motion. *Investigations are then carried out: What happened? Is it even a criminal offense? Do we have a suspect? Do we have witnesses that we need to hear? Do we have a suspect we need to question? Is there other evidence that we can add to this proceeding?* And when this investigation is concluded from the point of view of the police, when we have done everything, we can to say, "We have solved this crime," or even just to say, "This is not a crime at all", *then that is passed on to the public prosecutor's office and they assess the whole thing*. It may then result in a penalty notice or to a court procedure. There are various possibilities for the outcome of an investigation. *In principle, criminal charges can also be filed in any form and without notice. You can send it in any form, for example as a letter or by e-mail to the police or the prosecutor's office and it can also be made by anyone.*

**That means to file a criminal complaint, I do not necessarily have to be at the police station. I can also call or write an email?**

P:

Exactly, you can also do the whole thing online. There is an online reporting option on our website. *You can file a report online there*. You have appropriate fields that you fill out and you have to give information about the facts of the case and who you are. You can upload documents that belong to it. The criminal investigation department will contact you again

<sup>3</sup> Criminal Procedure Code: legal text regulating the execution of criminal charges.

afterwards.

### **5.3 What consequences does filing a complaint have for me as an international student?**

P:

If you come to the police and report someone, there are *no consequences for you*. There are of course a few restrictions: *You may not suspect or accuse anyone of a crime if this is not the case*. That could have consequences for you. But basically, there are no consequences if you come to us and say, "Someone stole this and that from me," "Someone insulted me then and there." This has neither consequences for you as an international student nor for non-international persons.

### **What crimes or misdemeanors have an impact on a residence permit?**

P:

I actually can't tell you that. That is a matter for other authorities. Of course, it is to be assumed -but that will also be clear to you- that serious criminal offenses can of course have consequences. I am talking here about capital offenses for example. That always has something to do with the frequency of the offenses. It is different if you are found to be a shoplifter 2 times or 37 times. But how this is implemented in the end and what measures are taken by other authorities, I cannot say.

### **5.4 Thank you very much. Can you explain the difference between a criminal offense and a misdemeanor? Are there any differences at all?**

P:

Yes, there are. This is another question that cannot be answered in two sentences. *Basically, a criminal offense is a deliberate and culpable act that is a transgression of the law without justifiable reasons*. In the Criminal Code almost all criminal offenses are standardized. If you commit such an act, you have committed a crime. But of course, there are also criminal offenses under other laws. For example, if you look at the current pandemic situation, there are also criminal offenses under the Infection Protection Act. You could also commit offenses under the Road Traffic Act. If you drive without a license, that is a criminal offense not standardized in the Criminal Code, but in the Road Traffic Act. The criminal offense under the Infection Protection Act is standardized in the Infection Protection Act.

*We distinguish between felonies and misdemeanors when it comes to criminal offenses. Felonies are unlawful acts that carry a minimum penalty of imprisonment of one year or*



more. Anything punishable by one year's imprisonment is a felony. All other crimes are *misdemeanor* offenses that carry a minimum penalty of less than one year of imprisonment or a fine.

*A misdemeanor is a minor violation of law.* It is a violation punishable by a fine. This means you must pay a fine if you commit a misdemeanor. Administrative offenses can be committed under a wide variety of laws in administrative law. There is an environmental protection law, a noise protection law and so on. Misdemeanors are not criminal felonies but minor offenses or minor violations of the law that are punishable by a fine.

### **5.5 Who judges how serious a crime is and how the sentence is passed?**

P:

I can only give a rough answer to this. Of course, an investigation after a crime usually starts with the *police*. We come somewhere, determine that there could be a crime, we have a suspicion of a crime, and we act accordingly. We establish personal details, we see whether we can get witnesses, whether there is other evidence and/or whether we have to secure evidence. *We investigate*. There are, of course, various ways in which we become aware of criminal offenses, but the classic case is that we are called somewhere, there is a criminal offense or at least the suspicion of a criminal offense, and we act in accordance with the StPO<sup>4</sup>.

As I have just said, we establish personal details, seize things and evidence, question those involved in the crime, question witnesses and then pass on the information to the *public prosecutor's office*. There we make an assessment: What do we have? How serious is the crime? Then there are various possibilities for the outcome of the investigation. Depending on the facts of the case, the proceedings can be discontinued, they can end in a penalty order for the accused, or they can lead to court proceedings. The verdict is reached in court proceedings over which we have no direct influence. That is then a matter for the judiciary.

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<sup>4</sup> Criminal Procedure Code: legal text regulating the execution of criminal charges.

## **6. discrimination**

**6.1 Many international students told us about their own experiences of discrimination. They wanted to know what discrimination and racism from a legal perspective is.**

P:

This is a difficult question. Basically, there are unfortunately all kinds of discrimination and racism. *Racism is of course punishable by law. There are also criminal laws that regulate this.* For example, *Volksverhetzung*<sup>5</sup> is a criminal offense that falls in this area. In addition, completely different criminal offenses can be fulfilled: insults, defamation<sup>6</sup> maybe even a coercion<sup>7</sup>. We can act according to the criminal code. If we have a suspicion of a criminal offense, we initiate an investigation and do so ex officio. There are many different types of discrimination, for example in the workplace, in job allocation, salaries and so on. The police is not always the right organization to contact. When it comes to criminal offenses that are standardized in the Criminal Code, then we are the right contact and must be notified in every case. As I have just said, we have a *principle of legality. We must prosecute these crimes and of course we do so and initiate an investigation.*

**One student contacted us and reported that he was checked several times by security. He attributed the check to the fact that he is black since the white students standing next to him were not checked. Can such situations be understood as discrimination?**

P:

Difficult subject. *Of course, it can be understood that way.* It is sometimes an issue for us as well. I can say that we, the police, naturally have legal standards according to which we are allowed to take personal data. These must be fulfilled. We can't just go and say, "Okay, that's a person with dark skin. I'm going to check him/her for no reason at all. That's not possible. *It must be justifiable why we are doing this, according to whatever powers of intervention we have, whether we are doing this according to the Police Act or whether we are doing this according to the Code of Criminal Procedure*<sup>8</sup>. We can't just take personal data like that. We are bound by the law. We have the appropriate authority to intervene, and we have to abide by that.

**In the example I just gave, it was not the police but a security guard at the university. Should one report such a situation? More simply asked: if you report such a case do you get an answer, or it is rather unlikely?**

<sup>5</sup> Criminal Code (StGB) § 130: <https://dejure.org/gesetze/StGB/130.html> (last visit: 2021).

<sup>6</sup> Criminal Code (StGB) §186: <https://dejure.org/gesetze/StGB/186.html> (last visit: 2021).

<sup>7</sup> Criminal Code (StGB) § 240: <https://dejure.org/gesetze/StGB/240.html> (last visit: 2021).

<sup>8</sup> Criminal Procedure Code: legal text regulating the execution of criminal charges.

P:

In this specific case I can recommend that you contact us, if you feel you're not being treated fairly. We come to you and listen to it and can see: What is happening here? Did everything happen correctly? And we will also evaluate it from a legal point of view. It's always better if we are on site and listen to what's going on and take a look. You can report it afterwards but that is difficult. It is important that we are notified at that moment or that someone else is told: "Please call the police. Something is not right here. They're trying to pin something on me that I didn't do." Then we come in and try to clear it up.

**6.2 You just said that if one report it after the incident happened, it's harder to prove the complete situation. This is the next question: How can one prove discrimination? What is admissible as evidence? In what cases are you not allowed to make videos or audio recordings of the act?**

P:

In the case of an insult, you can file a criminal complaint and say, "That person insulted me." Then the person will maybe say: "I didn't do that". That's why it's always good if you have a witness who can be named. Of course, there are also other forms of discrimination. Correspondence and everything that can be presented can be submitted as evidence in possible criminal proceedings. This can prove that the relevant crimes have been committed. We have already talked about the fact that discrimination also affects many other areas that are not necessarily standardized in criminal law such as labor law or other areas. You can also submit a sound recording. Sometimes this is difficult. The spoken word can also be protected but in this case, it would probably be good if you have recorded the insult. We have already discussed in which cases it is allowed to make film recordings and in which cases it is not<sup>9</sup>. As the injured party, you can submit requests for evidence in criminal proceedings and present evidence which will then of course be considered.

**I have a supervisor at the university who has behaved in a racist manner several times. Is it legally permissible for me to talk to him/her with the aim of recording the conversation?**

P:

Difficult to answer. Well, in the specific situation it could be problematic.

**I'm asking because we've received a few reports that a person often behaves in a racist manner and we're now thinking about how we can prove something like that because there's no person to talk to at the university. On the other hand, the students are also hierarchically below this person and have no**

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<sup>9</sup>see question 3.2, page 6.

**power.**

P:

He/she is probably making racist comments somehow. Does the person do this publicly or in private?

**The person does it in the group too, for example with comments and sayings such as: "You must behave more German. These people from these countries can't live well here at all because they have completely different opinions." As a concrete example, we have a counselor who is also from a foreign country herself saying sayings like, "Because you are Shiites, you go straight to hell."**

P:

*There is definitely a suspicion of a criminal act here. Of course, it would also be good to say "I was there. I heard that, that's what happened and that's what the person said." An investigation by the police then clarifies whether the comments were criminally relevant.*

But there is also the parallel way of *bringing this to the attention of the university management*. You could write something down and say, "On this date this person made the following comments: ..." *My tip would be to document it.* If one decides to file a criminal complaint, then of course one can do that in the ways I just mentioned. Then an investigation would be started, and the accused person would be heard on the matter. The possible witnesses would also be heard again. That would be the preliminary proceedings. But the second way would be perhaps to inform the university management so that the matter is investigated.

**6.3 We come to the last question. A student describes an incident to us. I quote from her email: "Recently I met a man at the supermarket who claimed to be a state official and wanted to check my ID. After I refused, he said that I was illegal as a foreigner and left. How should I behave in such cases? Can I ask supermarket employees for help and call the police if necessary?"**

P:

That is of course a concrete individual case, but yes you can call the police. *I'll put it this way: it sounds very strange.* This was probably someone who wasn't wearing a uniform? It sounds to me like there is something wrong with that. What authority would he have to check her ID? What other function should he have? *So, I think this is a case that you can report to us of course and if we find the man when we arrive we would check it.* That is exactly the case to contact us about: *You kind of need help. You feel unsafe.* You can describe the situation to the police officers and then we'll be happy to take a look. It's always a question of whether we have the time. Such a situation is not number one

priority. If we have serious traffic accidents or other crimes that have to be dealt with, it may not work immediately. *But basically, in a case like that, you can contact us because there's something wrong.*

**Okay, if a police officer comes to me and says, "I want to check your ID," does that person have to identify himself before I can give him/her my ID or is it my right to ask for it?**

P:

You mean to ask for a badge. Yes, you can of course do that with police officers who are on duty in civilian clothes. The colleagues even have to show their badges when they take police measures because it is not possible for the citizen to recognize whether the person is really a police officer. With colleagues in uniform who drive in the patrol car, you can already assume a police officer, but you can ask for a badge here too.

**Thank you very much for taking the time for this interview.**