

## **Summary of Plenary Sessions**

Annual Conference on Criminal Justice Research and Evaluation, Washington, D.C.  
National Institute of Justice, U.S. Department of Justice

### **Welcome and Opening Remarks, Sunday, July 21, 2002**

**Glenn R. Schmitt**, Deputy Director, National Institute of Justice, noted that the Annual Conference on Criminal Justice Research and Evaluation is designed to focus on "what we know, what we can draw from that knowledge, and what more we need to learn." He said that the conference title, "Enhancing Policy and Practice," is much more than a motto for a single event. The National Institute of Justice (NIJ) believes that research should inform policy and practice. Conference attendees include equal representation among researchers, practitioners, and policymakers; and NIJ has tried to include the same representation on the conference panels. The hope is that participants will leave better informed about what works, and just as important, what does not work.

Mr. Schmitt noted several upcoming panels and workshops, including a session on NIJ policy changes affecting grantees; a keynote address by Assistant Attorney General Deborah Daniels, Director of the Office of Justice Programs; and an informal morning session with NIJ Director Sarah V. Hart. Mr. Schmitt also invited participants to take advantage of the publications available at the conference, calling attention to NIJ's "new look" and new approach for publications. NIJ will be reducing the number of publications and tailoring new ones to specific audiences: researchers, practitioners, policymakers, and general audiences. Mr. Schmitt then introduced Dr. Margaret A. Zahn, moderator for the panel, "Understanding and Preventing Terrorism."

### **Understanding and Preventing Terrorism**

#### **Margaret A. Zahn, Director, Violence and Victimization Division, Office of Research and Evaluation, National Institute of Justice**

Dr. Zahn said that earlier in the day, a museum was playing the inaugural address of a U.S. President. Hearing that, she said, served to remind her that throughout history, only a few generations have been charged with defending our country's freedom. Clearly, the attack of September 11 was unprecedented. A graph published by the State Department shows that in

2001, the number of people killed by terrorism attacks was the highest in history, and that U.S. fatalities represented 90 percent of the people killed. Since the September 11 attacks, many people, including the panelists for this session, have become engaged in counter-terrorism efforts and planning to defend freedom.

**Edward A. Flynn, Chief of Police, Arlington County Police Department,  
Arlington, Virginia**

Chief Flynn said that on September 11, responding to a terrorist attack "was no longer a tabletop exercise." He emphasized that it was important to look at our response, keeping in mind that no other national government gives local government as much authority as does the United States. Chief Flynn noted that while global terrorists think internationally, they act locally, and local government bears the brunt of the first response to an act of terrorism. After the terrorist attacks of September 11, officials had to grapple almost immediately with the threat of anthrax, and they had to inform communities of steps to take for their protection without feeding people's fears.

"I have been more than a little frustrated as I watch the 'war on terrorism' take place," Chief Flynn said, "and I encourage NIJ to have a conversation about terrorism." He characterized planning efforts to combine various Federal agencies into a Department of Homeland Security as "a very intense Washington conversation." He added that Arlington County has not been asked for input on this, although the county is well aware of the details—such as collective bargaining rights and parking spaces—that must be handled when any large reorganization is considered. Yet, in the event of another attack, the county will again be in charge of a response and of dealing with the aftermath.

Chief Flynn said that there has not been enough discussion about what should happen if there is another incident of terrorism. If someone has a heart attack, there is often an effort afterward to assign blame—for example, the person had high cholesterol levels, or was a smoker. But if there is another incident of terrorism, similar efforts to cast blame would make no sense. Without more discussion about future responses, "what we will have is activity, not coherent action," he said.

"We are not fighting a war on terrorism," Chief Flynn said. "We are trying to protect ourselves from a specific Islamic subgroup, not Basque separatists or the Palestine Liberation Organization (PLO). These discussions must take place to unite us, not continually divide us."

Chief Flynn said that police agencies are not training officers to get in better touch with Arab Americans, and that community policing techniques are needed to succeed in this. Police need to know their communities, but they cannot do that if they see everyone as suspects. Local governments have to deal with an extraordinarily diverse society, and researchers can help police understand their communities. All over the country, people call the police about drug dealers because they feel connected to the police. We need to build on that model.

Chief Flynn noted that in the aftermath of September 11, he and other police chiefs were asked to complete paperwork for a Top Secret security clearance. But police chiefs' backgrounds have already been scrutinized, and it is highly unlikely that they would engage in terrorist acts. Like many other chiefs, he said, he did not return his 15-page security packet to the Federal government. He encouraged Federal officials to give police chiefs information if they have it, and to build on society's great strengths, including its diversity and its local governments.

**Alice S. Fisher, Deputy Assistant Attorney General, Criminal Division, U.S. Department of Justice**

Ms. Fisher said that not only on September 11, 2000, but also in the 1990s, the United States was hit with terrorist attacks; and that in 1998, Osama bin Laden advocated the killing of Americans everywhere. She noted two ongoing prosecutions in Virginia: John Walker Lindh, who pled guilty to providing services to the Taliban and using a firearm in the commission of a felony; and Zacharias Moussavi, who was indicted on 10 counts related to involvement in the September 11 attacks. In addition, Richard Reid—the "shoe bomber" who was captured on a Paris to Miami flight in December 2001—will be tried this fall.

One interesting question, Ms. Fisher said, is how to keep American citizens involved in the prevention process. Federal prosecutors rely on Federal, State, and local law enforcement to provide information; on financial institutions to track money; on departments of motor vehicles, social security offices, and other agencies to help identify fraudulent transactions; and on citizens to provide tips. There is a focus on terrorist financing at the Department of Justice (DOJ), she

said—for example, investigating organizations that pose as charities and fund terrorist acts. The Secret Service, other branches of the Treasury Department, and the FBI conducted financial reviews and were able to trace the finances of the September 11 hijackers. "DOJ will continue in this effort to stop terrorist funding and prevent future attacks," she said.

DOJ is also interested in the funding of terrorism through low-level fraud, such as a cigarette tax scheme in Florida where money was sent to terrorist organizations. "Prosecutors have aggressively used every Federal crime on the books," she said, "including money laundering, credit card fraud, overstaying visas, and other immigration violations." Each year, 500 million people are admitted into the United States and 11 million trucks cross U.S. borders. She said that much can be done to protect our borders.

Ms. Fisher noted that the Federal Government has also engaged in "sting" operations, for example by looking at security badges and doing background checks at an airport. DOJ also worked with Congress to pass the U.S.A. Patriot Act, which gave DOJ many new powers related to the use of roving wiretaps; the ability to share grand jury information with a wide range of enforcement officials; money laundering provisions; and the ability to track and trace e-mails where there is imminent danger.

Ms. Fisher said that the Attorney General has issued directives to share information governmentwide where appropriate. In addition, last fall in every U.S. Attorney District, DOJ set up an antiterrorism task force to better coordinate antiterrorism efforts nationwide. An operational plan for the District of Columbia is also being developed. In those areas and others, DOJ is working on coordination with local government. "Further work on this needs to be done," she said, "not just to respond to an attack, but to prevent and disrupt an attack."

**Brett Smith, Professor and Chairman, Department of Justice Sciences,  
University of Alabama at Birmingham, Birmingham, Alabama**

Professor Smith said that the role of the social scientist with respect to terrorism is changing rapidly in at least two ways. First, the role is changing in response to the new Attorney General's guidelines to the FBI, which were issued in May. Any social scientist wanting to research terrorism must know about these guidelines. Social scientists are not intelligence analysts and must avoid trying to become investigators. Second, the gravity of the situation demands that certain things be implemented without testing.

Dr. Smith said that it is important to consider what is already known about terrorists. First, they are demographically different from traditional offenders. Much of juvenile and criminal justice research seems to have little bearing on terrorism. Second, there is no universal demographic profile of a terrorist. Third, terrorists do not act like traditional offenders when they are arrested and prosecuted. "In some ways, we are starting from scratch," he said.

Dr. Smith called for adoption of a uniformly applied definition of the concept of terrorism, as well as accurate measures of the nature and extent of the problem. "Journals will render little empirical information about this," he said, "but a lot of conjecture." A "routinized mechanism for continuous measurement" needs to be created, he said.

The types of data that should be collected, Dr. Smith said, include court records of official terrorist investigations; records of cases investigated by FBI joint terrorism task forces; State and local records of politically motivated crimes; independent assessments of terrorist crimes known to the police; and all manner of response data. He added that "social scientists need to sharpen their skills as program evaluators."

Dr. Smith said that these data can be used (1) as a source for population and sample selection and for research on prevention and causation; (2) to identify hot spots of extremist activity; and (3) to identify the antecedents of the criminal conduct of terrorist groups.

In the area of deterrence, Dr. Smith said that social scientists can help determine which prosecution strategies work best, what types of charges are most effective, whether policies are consistent or counterproductive, and whether a move to a military tribunal system is appropriate. People need to consider whether the country is moving toward acknowledging political offenses, and to consider what types of punishment should be used.

With respect to responding to terrorist acts, social scientists can (1) undertake evaluations of cooperation among law enforcement agencies and other first responders, (2) collect lessons learned from counter-terrorism exercises, and (3) collect and evaluate a broad range of data on victims. Social scientists are only beginning to address these issues. As they investigate terrorism, its consequences, and its causes, they can still learn from those who addressed issues of terrorism decades ago.

**Paul Wiles, Director, Research Development and Statistics, Home Office,  
London, England, UK**

Mr. Wiles said that England starts with certain advantages. First, there are only 43 police forces. Second, England has M15 and M16 intelligence services. These services were not acknowledged previously, and the police made arrests for them. As a result, there has been a two-way communication between the intelligence services and the police. Third, England is not a Federal state; it is a unified and centralized state, and intelligence is reported directly to the Prime Minister.

England has had experience with terrorism, including the "Irish problem," Mr. Wiles said. In the past, officials knew who were involved in terrorist acts and what they wanted to achieve, and officials knew there would be a solution eventually. But the ability to fight terrorism has been compromised recently because of the European Union's open border policy, and because of England's diverse populations from many countries. Despite England's experience with the Irish, the country has never totally succeeded in preventing Irish terrorism, although there is the beginning of a solution.

Mr. Wiles said that England has the same problems as the United States in making sure police agencies do not conflict with one another. Like the United States, England is studying how it links intelligence at the center of government. He noted that last summer, there were riots in communities where people of Islamic faith reside.

Mr. Wiles said that research on terrorism is rather poor compared to research in other areas. There are many articles on whether or not terrorists are psychologically ill, but there is very little statistical analysis compared to other research areas. On other hand, there is a well-developed literature on trauma, which can be useful in helping victims of terrorism. In the future, researchers can make greater use of pattern analysis to try to understand and locate problems of terrorism, for example by looking at patterns of travel. Researchers also need to look much more closely at risk management and to link existing databases. Mr. Wiles also said that it is striking how little attention is paid by the media to the Palestinian experience. People need to understand this better, and to understand more about the organization of terrorism, drawing on social science concepts that facilitate a better understanding of human behavior.

Mr. Wiles also emphasized the need to understand the causes of terrorism at home. It does not suffice to focus solely on who is coming into the country. For example, Richard Reid was born in England and was educated there. In particular, a better understanding is needed of the experience of people in minority communities, especially people who are among the best educated but who are discriminated against.

Mr. Wiles said that it is important to remember that the main purpose of policing is the maintenance of social order, and to ask what form of policing is most likely to help. Also, we have a multicultural society but have little political theory to support that kind of society. The Austrian-Hungarian empire seemed to function well but led to European fascism, he said. Afterward, people looked at what went wrong with that society, and we need to do the same thing now.

## **Discussion**

**Mr. Schmitt** asked Dr. Smith to discuss what government needs to do to give information to the research community and, at the same time, protect the sensitivity of the information. As an example of how difficult this is to do, **Dr. Smith** explained that for his university to monitor an FBI database, a third party interest (a data request from the U.S. Senate Judiciary Committee) was required. To the Judiciary Committee, the FBI provided data. The Committee was then able to release the data per the university's Institutional Review Board (IRB) protocols. He added that the FBI is precluded from collating data for a private person.

**Mr. Wiles** said that rather than data analysis, the research community's most valuable contribution may be its ability to aid in understanding people—for example, ethnographic work. He noted that the problem involves deciding between protection of data and facilitating potentially valuable research. **Ms. Fisher** said that a great deal of information is Top Secret, and that some information from U.S. allies, for example, cannot be used in a public trial at any time. However, in some public trials, such as the embassy bombings case, many exhibits are provided. She noted that the Al Qaeda manual was an exhibit in a public trial and is available now. In response to a question, **Ms. Fisher** explained that the 93 U.S. Attorneys' terrorism task forces include the FBI, immigration officials, and local police. The task forces meet monthly to talk about crisis response. They report back to the Department of Justice to help provide a

nationwide picture. **Dr. Smith** noted that the Attorney General's new guidelines in many ways will remove the temptation for the social scientist to be "the whodunnit guy."

An audience member said the shift in ideology seen from nonviolence to violence is reminiscent of the 1960s and 1970s. He said social scientists may need to consider the belief system of the terrorist to gain an understanding and asked, "Are we looking at the theology of violence?" **Mr. Wiles** said that, with respect to a "theology of violence," there is no single phenomenon of terrorism. There will be different motives and different religious beliefs. "One man's terrorist is another's liberator," he said. **Dr. Zahn** said that it is important for criminologists to work with people in other fields, who study religion and languages, for example.

An audience member, referring to Ms. Fisher's remark about 11 million trucks entering the United States each year, asked, "What can we do? What should border guards be looking for?" **Mr. Wiles** said the only country with a reasonable plan is Australia, which has a system for checking people in and out of the country. U.S. green cards are too complicated, nor does England do this successfully. He said that immigration personnel at airports look for the same things police look for and are subject to the same problems with that approach. People are looking into potential solutions, "but we are quite a long way from a technical fix," he said.

An audience member said he had not heard discussion of the kinds of research that would aid in understanding what makes a terrorist group, or an organized terrorist group. He also said he wanted to hear more about the role of the Internet. **Chief Flynn** said that in many ways, "the research establishment has to serve as the collective memory of western civilization." Politicians are almost always responding to the moment, and policymakers and practitioners get caught up in this. Americans need to look at the history of terrorism in our own country—for example, in connection with labor and anarchist movements—and to consider nationalist versus religious-based terrorism.

"The Third World probably should not be the cornerstone of our terrorism strategy," he added. "In trying to defend everything, we are defending nothing." He advised first dealing with the immediate threat and, later, with strategies for the future. "We are now trying to do both at the same time," he said, "and this cannot succeed."



## **Welcome and Opening Remarks, Monday, July 22, 2002**

### **Sarah V. Hart, Director, National Institute of Justice (NIJ), U.S. Department of Justice**

Director Hart said that an important objective for the National Conference on Criminal Justice Research and Evaluation is to encourage debate on a wide range of issues, noting that diverse views would be heard in the session on racial profiling. NIJ's mission is not to be the research staff for Federal law enforcement agencies, but to sponsor research that supports State and local practice. Ms. Hart said that while she was working in the Pennsylvania correctional system, she became convinced that the types of crimes that affect people's quality of life occur primarily at the State and local levels. As a prosecutor and in corrections, she said that her ability to influence policy was greatly enhanced when she could cite research findings. Policies related to community policing, arrest policies in response to domestic violence, and many others would not have been developed without research behind them; however, much more can be done. Ms. Hart said that while NIJ has a modest budget for a research agency in this country, the entire government budget of some small countries, such as Georgia, is only twice that of NIJ.

"I am also aware that we are the stewards of the taxpayers' dollars," Ms. Hart said, "and must ask how the research will be used in the real world to inform policy and practice."

Ms. Hart said that because policymakers and practitioners often prefer concise reports, NIJ has been assessing how to tailor its publications for different audiences. NIJ publications now have a "new look," and many are focused for particular audiences. For example, a policymaker may want only a two-page description initially, while a researcher may need a longer report containing technical explanations. Ms. Hart emphasized that NIJ is committed to providing well-written documents in "plain English" to avoid losing potential audiences for research reports. She also noted even greater reliance on evaluations at the Office of Justice Programs (OJP). The OJP director, Assistant Attorney General Deborah J. Daniels, and the directors of the other OJP agencies are committed to developing policies that are informed by research, and they agree that strong evaluations are needed.

## **Keynote Address**

### **Deborah J. Daniels, Assistant Attorney General, Office of Justice Programs, U.S. Department of Justice, Washington, D.C.**

Ms. Daniels said that the conference theme, "enhancing policy and practice," is critical. She noted many examples of how research findings have improved criminal justice practice. Police today are better educated, trained, and equipped; they are more professional and are held accountable; they have better technology; and two-thirds of police agencies have formally adopted community policing practices. Research has helped bring about significant changes in the areas of domestic violence, stalking, and assistance to crime victims. There have been important advances in the forensic sciences, especially with respect to DNA analysis; and the Office of Justice Programs (OJP) is also working to increase the capacity of State and local crime labs. Ms. Daniels said that she and NIJ Director Hart believe these advances "will change the face of criminal justice," enabling police to solve cases faster. She added that the Attorney General has nearly doubled the funding available to reduce the country's backlog of DNA cases.

"We have seen crime rates drop," Ms. Daniels said, "but confronting crime presents continuing challenges. Terrorism is foremost among those challenges."

With the Federal focus on terrorism, she said that State and local governments will have to do more with less, and the efficiency and effectiveness of all criminal justice practices must be increased. With respect to budget issues, "we are no longer in the salad days," Ms. Daniels said. At the Federal, State, and local levels, governments are strained because of needs related to terrorism and the economic downturn. "The Department of Justice must strike a balance," she said, "between local criminal justice needs and national security." Ms. Daniels noted that Federal discretionary funding has declined in recent years, and that there are virtually no discretionary funds available this year—for example, no funding for Byrne grants and none for discretionary grants from the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Ms. Daniels said that OJP has been talking to other agencies about how to be a better information broker. OJP also wants to "match up budget with effectiveness" by funding only programs based on research; and OJP is encouraging cooperation and collaboration. For example, OJP and other agencies are collaborating with respect to returning ex-offenders, 67.5

percent of whom recidivate within 3 years, according to the Bureau of Justice Statistics. She said that \$100 million is available in joint funding to address re-entry issues.

Ms. Daniels also said that more evaluations are needed, noting that relatively simple steps can be taken to produce meaningful evaluations. She asked researchers to consider three important questions. First, how can the research be used to drive programming and policies? Second, is the research relevant to today's realities? "Pure research is a luxury our Nation cannot afford," she said. Third, is the report likely to be read by practitioners in the field?

"The Department of Justice has a continuing commitment to research and evaluation," Ms. Daniels said, "and to ensuring the integrity of the research." She explained that OJP is reorganizing. All research and evaluation activities will be placed within the National Institute of Justice to preserve the integrity of these efforts and to be sure that the research will inform policy and practice. Ms. Daniels assured participants of OJP's continuing commitment to OJJDP, and she expressed appreciation "for all you are doing to help meet research challenges in the post-September 11 era."

## **Racial Profiling: Detecting and Addressing It**

### **Charles Moose, Chief of Police, Montgomery County Department of Police, Rockville, Maryland**

Chief Moose, the panel moderator, said that not all of the panelists for this session would agree, noting that the topic of racial profiling provokes not only thought but a great deal of emotion. Because his department has a letter of agreement with the Department of Justice (DOJ), the police department collects traffic stop data. For 3 years, DOJ reviewed the department looking for issues of brutality; and while DOJ did not find brutality, it did find that 21 percent of all traffic citations were issued to African Americans. The agreement calls for collecting data for 5 years and requires the police department to issue reports to the community and to DOJ.

"I have mixed feelings about doing this," Chief Moose said, noting that it has cost "thousands and thousands of dollars," and that just the act of collecting the data infers there is a problem. His department has issued 3 reports to date, and the department's traffic stops do not match racial proportion data from the 2000 census.

"I feel the Department of Justice came to the police department, tossed a hand grenade, and went back to the Department of Justice building," he said.

Chief Moose noted that the panelists would first focus on traffic stops. Toward the end of the session, they would be asked for their thoughts about racial profiling in a post-September 11 environment.

**Lorie A. Fridell, Director of Research, Police Executive Research Forum, Washington, D.C.**

Ms. Fridell said her views do not necessarily represent those of Police Executive Research Forum (PERF) members. She noted that PERF has been working on racial profiling issues for many years. With funding from the Office of Community Policing Services (COPS), PERF recently completed a publication related to racial profiling and is working on another.

Ms. Fridell said that defining the issue solely on the basis of race is too narrow; a better definition encompasses "inappropriate use of race or ethnicity." She said that she believes racial profiling does occur, since we live in a society with racial biases and police are hired from that society. But bias in law enforcement may have greater implications than in other areas, and it can manifest itself in several ways. Some officers act on their biases, while some are not fully cognizant of the extent to which their biases influence their decisionmaking. She noted that one officer, for example, said he never used racial profiling; but when asked what he would do if he saw a Black person in a White neighborhood, the officer said he would feel a duty to stop the person.

"There is also a need to think about higher level decisionmaking in a department," Ms. Fridell said, "and the possibility that bias may exist at that level." Sometimes citizens perceive a problem when one is not actually occurring, she added, and police must address this, too. There are also overlapping issues related to powerlessness.

This a 350-year-old issue, Ms. Fridell said. Agencies need to adopt meaningful policies and provide officers with training that is nonaccusatory. The training should address the questions: What is racial profiling? When does it occur? What is the policy? What should you do? In addition, agencies' personnel should reflect the population; supervisors should be held accountable; and searches should be monitored. An agency should collect data if it will conduct

a solid, social science analysis of that data, and if the analysis will add value to the department's ability to respond to racially biased policing.

**Heather MacDonald, Senior Fellow, The Manhattan Institute, New York, New York**

Dr. MacDonald said that in print, she and co-panelist David Harris have called each other "misguided threats to law enforcement." She said that while "crusaders hope to make police racism the conclusion," they ignore both the demographics of crime and "the outcry of the minority community" to deal with drug dealers and other criminals. Dr. MacDonald said that past studies done to prove widespread racial profiling "wouldn't get more than an 'F' in a freshman statistics course." An unsolved problem is coming up with a model to which the data on traffic stops can be compared; the biggest problem is the violator benchmark. Researchers are comparing their data on traffic stops to crude census data.

Dr. MacDonald said that a 2002 speeding study was conducted by the same researchers who did the well-known 1999 study of New Jersey troopers. The 2002 study showed that Black people represented only 16 percent of all drivers but 25 percent of all speeders. They were stopped 23 percent of the time. "They were actually being under-stopped," she said.

Dr. MacDonald said that in the 1999 study, the researchers matched data from wide time periods and did not attempt to come up with a violator benchmark (for example, data on who was carrying drugs on the New Jersey Turnpike). However, the 1999 study "is regarded as gospel truth," she said. In contrast, with respect to the 2002 study, she added, "the Feds have been trying to pick it to death, and the Department of Justice would not release it." But the Department of Justice, she said, "allowed the 1999 junk science study to go through without objection."

Dr. MacDonald said that the violator benchmark problem should not be ignored. A public defender in Durham, North Carolina, brought a lawsuit alleging that too many Hispanic drivers were being stopped for drunk driving. She said statistics showed that Hispanic people were five times more likely to drive drunk, and that the police were not singling out Hispanic people; rather, they were trying to focus on the problem.

Dr. MacDonald said detailed statistics are needed on road demographics, including time of day and day of week, and that various situations contributing to increases in stops must also be

considered. She noted that the number of Black drivers on the New Jersey Turnpike is much higher on weekend nights; and she said that in Wichita, Kansas, the number of Black people being stopped increased after a drive-by shooting occurred in a neighborhood where most residents were Black. In the Green Valley neighborhood in Arlington County, Virginia, residents complained about drug problems. The police used many different tactics, and conditions improved; but this situation also generated statistics that the ACLU (American Civil Liberties Union) could use against the police department. She also noted the importance of tracking license plates and considering the proportion of parolees and probationers in the population.

"We are light years away from creating a model that accurately takes into account what police are doing," she said. "I agree there are racist cops out there, but I don't believe they represent the majority." Dr. MacDonald asked why people are so reluctant to give credence "to police who say, 'we don't care if you're green or purple.'" She also noted that a person claiming to have been stopped because of race might actually be a wanted felon with a gun.

In Dr. MacDonald's view, "the racism comes when you're ignoring crime." She acknowledged that some police officers can be impolite and inconsiderate, noting that "the greatest complaint from minorities is behavior after the stop, not the actual stop."

"We wouldn't be here today if crime wasn't as high as it was in minority communities," Dr. MacDonald said. She added that some Black officers have remarked to her that police can shoot once and get complaints but that drug dealers shoot people every day. She noted that around the time of the Amadou Diallo incident, police searched for and found a rapist. "I didn't see Sharpton or the ACLU protesting that," Dr. MacDonald said. "If we could get the crime rate down, we wouldn't be having this discussion today."

**David A. Harris, Balk Professor of Law and Values, University of Toledo College of Law, Toledo, Ohio**

Mr. Harris said that the racial profiling problem is not about "a few bad apples" or a few racist White officers. There are some of those, he said, but the core of the problem is institutional, not individual. The issue has to be approached at the level of training and policy. In responding to the 2000 Department of Justice survey on contacts with the police, the majority of Black men said they were equally likely to be stopped by Black or White officers.

For years, Mr. Harris said, the institutional assumption has been that it is good law enforcement to focus on race or ethnic appearance as a factor in deciding who to stop or search. That is what is being questioned today. Contrary to what some may think, when race becomes one of the factors, law enforcement becomes less productive with respect to arrests or getting guns off the street. Law enforcement has lower "hits" with a race based system than when a completely behavioral based system is used. Mr. Harris said that his book, *Profiles In Injustice: Why Racial Profiling Cannot Work* (The New Press, 2002), is about how policing can be done without relying on race, noting that if the problem is racial profiling today, it may be racially based shootings tomorrow. "We have to get race out of law enforcement decisionmaking," he said, "except when it is part of the description."

Referring to *The Myth of Racial Profiling* by Dr. MacDonald, Mr. Harris said racial profiling is not a myth; while it may not always be a conscious practice, it exists. He said one of the best studies of racial profiling was done by John Lamberth, who did use violator benchmarks and who has expanded his methods in various urban and suburban settings in Kansas. He also recommended looking at Matt Zingraffin's work in North Carolina, which is being reviewed now; preliminary papers have been published on the Web. Also on the Web and highly recommended, he said, is current work by Columbia University researchers for the New York Office of the Attorney General. Their study includes data on 180,000 stop-and-frisk encounters over 15 months.

"When I hear 'junk science' applied willy nilly, it's a little disconcerting," he said; people want to hear about the studies' outcomes. Clearly, some good work has been done, although not all data collection done by police departments is good work, and not all studies represent good social science. Some studies use unadjusted census numbers, when what is needed are comparisons to the driving population, not the general population; but there are good models for the future.

The work "is not easy, not cost free," Mr. Harris said, "but the way we have done business over the years is not cost free, either."

Mr. Harris noted there is no single answer to the problem of racial profiling. The solution is not as simple as adding more police officers. Many more officers could be placed into neighborhoods and the outcomes could still be disastrous; it is a matter of how police services

are delivered. A service may help in some ways while making other problems worse. The real issue, he said, is the mistaken idea that only one model of policing works—whether the favored approach is "zero tolerance" or "kinder, gentler."

"Policing can be both respectful and effective," Mr. Harris said. "This is what every American should demand."

Mr. Harris said that although the 2002 speeding study mentioned by Dr. MacDonald had not been released by DOJ, it has received a great deal of publicity as "the myth debunked." He said that he disagreed with that. It is important to know about speeding violators, but they are only a small part of the equation. Just by observing traffic court and going on police ride-alongs, he said, it becomes clear that there are hundreds of other charges, including charges related to vehicle condition. Officers know these charges and use them; they can always find a way to make a stop.

"Even if that study was correct, it would cover only a small portion of stops that officers make," he said, noting that of 1,048 stops recorded on tape in Florida, only 15 percent were for speeding.

It is not simply a question of who is violating speeding laws, Mr. Harris said. Anyone can be stopped at any time. The 2002 speeding study does nothing to explain that much higher percentages of Black and Hispanic persons are searched once they have been stopped; and it does nothing to explain what officers themselves have said. New Jersey troopers testified that they were trained to make race-based stops and that supervisors told them to do it.

"To say that racial profiling disappears now that we know—if we do—that Black drivers speed more is a mistake," Mr. Harris said. Racial profiling is about institutional problems. Researchers can do better, but a first step is the collection of information. "To say we shouldn't collect the information," he said, "is the rankest form of willful blindness toward a very important problem."

## **Discussion**

**Chief Moose** asked the panelists to comment on the session's title with respect to detecting and addressing racial profiling. He said he is also concerned about racial discrimination in mortgage loans, but the issue of police racism may be at a higher level because



the result may be loss of liberty. Researchers maintain they will do a better job as they get more data; but as a police chief, he said, "I wonder if I have time to wait for you to do better." He said he would not want officers to have to explain accusations of racism to their children; but the department has to cooperate with the Department of Justice and collect data. In fact, every department in Maryland now has to collect traffic stop data. In Maryland, race is on the drivers license as either black or white; Hispanic is not indicated. The Department of Justice says it is all right to ask people their race when police make a stop. **Chief Moose** asked whether collection of traffic stop data should be mandatory for every police department in the country, including collection of data on pedestrian stops.

**Ms. Fridell** suggested that most researchers present would agree with respect to basic research approaches. The problem, she said, is an expectation that change can be effected quickly in the real world—for example, within 1 year with 1 year's data. Many studies are not using social science standards; this can be due to a lack of resources. She said that while she is not against data collection, key questions are: What will departments do differently after they look at the data? Will there be value added? What will be done with the data?

**Dr. MacDonald** said no one has come up with a sufficiently complicated model for looking at the raw data. She said she agreed with Mr. Harris about the need to look at charges other than speeding for which police make stops, but she is concerned that "earlier so-called profiling studies were not questioned." She suggested that a realistic definition of a speeding violation is traveling 15 miles per hour over the speed limit, noting that Lambert's definition was 1 mile per hour over the limit. She added that in Cincinnati, where police discontinued making stops, "they had riots and the bloodiest summer ever."

With respect to whether data collection should be mandatory, **Mr. Harris** said, "unfortunately—and fortunately, if that is what people want—it will be decided through the political process." There has been an increase each year in the number of police departments deciding on their own to collect data on stops. Hundreds of departments are now deciding to do this but are not mandated to do so. These departments consider data collection to be in their own interest; it gives them valuable information on how their officers are doing their jobs. Referring to comments by Chief of Police McNeilly in Pittsburgh, Mr. Harris noted that corporations of

any size would want similar information on what their employees do. The data represent one piece of a larger puzzle related to better management of police agencies.

**Ms. Fridell** expressed concern about the Department of Justice having used census data as a benchmark and basing a lawsuit on it. **Chief Moose** noted that the New Jersey study focused on a turnpike that people pay to use and said questions need to be asked about other locations. For example, what happens in a mall where some people are followed through portions of it? What happens in an airport, or in an area like Chevy Chase, Maryland, where a number of judges live? What happens in areas where there is heavy foot traffic, or in areas with multi-acre properties and farmland? Chief Moose said that it is critical for researchers to do more; officers do not want to go home at the end of the day and defend themselves against accusations of racism.

**Chief Moose** then asked the panelists to consider racial profiling in the post-September 11 environment.

**Mr. Harris** said that the issue of racial profiling has been dramatically recast since September 11. Before then, at least 60 percent of Americans wanted racial profiling stopped; now, 60 percent say "the idea is pretty good as long as it's Arabs in airports." He said making stops on this basis would be a grave mistake, noting that FBI officials have cautioned against making race-based stops. Mr. Harris noted four reasons why racial profiling should not be used. First, law enforcement is about observing behavior. When we introduce race, we introduce a distracter, and attention is diverted from behavior. Second, if race-based stops are made frequently, the system is "flooded with false positives" and law enforcement efforts are spread thin. Third, if law enforcement wants intelligence on Al Qaeda, it will have to come from the Middle Eastern community. The best way to alienate that community is to use racial profiling. Finally, Al Qaeda is vicious but also smart and tactically adaptable. We must look in a detailed way at terrorists' behavior; if this is not done, an individual like the "shoe bomber" can easily slip through.

**Dr. MacDonald** again noted that racial profiling studies have not been of good quality. "Intelligence is key," she added. "We need to gather as much of it as possible." She said that to find out who is raising money for Al Qaeda, law enforcement will need to go to Islamic communities rather than rely on airport searches, adding that in the past decade, "being

questioned by an officer has been regarded as a gross violation of rights." She said she believes this sends a message to the Islamic community that questioning by law enforcement is something to be feared. Finally, **Ms. Fridell** said that the answers to questions raised about racial profiling prior to September 11 will be the same post-September 11.

## **School Shootings in America, Tuesday, July 23, 2002**

**Sarah V. Hart**, Director, National Institute of Justice, U.S. Department of Justice, welcomed participants and panel members to this discussion of research commissioned by Congress into issues surrounding the recent shootings in schools in the United States. She introduced **Mark H. Moore**, Daniel and Florence V. Guggenheim Professor of Criminal Justice, Faculty Chair, Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, who facilitated the panel and presented information from the National Academy of Sciences (NAS) study. Between 1987 and 1993, youth violence assumed epidemic levels and possibly a new form, as 35 incidents of “random” school shootings left 51 dead, 144 injured, and at least nine youths imprisoned for most of the rest of their lives. **James C. Greenwood**, Congressman, Eighth District of Pennsylvania, sponsored legislative language requiring case studies and a report on school shootings for the U.S. Congress. Dr. Moore asked Congressman Greenwood why he wanted this research.

### **Background of New Research**

The timing of the tragic school shootings coincided with Congress’s need to re-authorize the Juvenile Justice Act (in operation since 1997). Congressman Greenwood said he was a former social worker and had lived with emotionally disturbed young men. After the violent incidents, he and others observed some public hysteria and corresponding disturbance among Congressional representatives. He did not think that “closing gun show loopholes” or “posting the Ten Commandments in schools” were measures that would significantly help, and he made the point among colleagues that none really knew what was going on with the children who committed this violence. He asked what was different between the violent shootings of disputing individuals and recent crimes planned coldly, killing or injuring many. What were the causes? What could stop events like this?

Acknowledging that he had no empirical evidence, the Congressman said such incidents did not appear to be happening elsewhere in the world and had not occurred in U.S. history prior to the 1990s. Guns have been available, violence in homes has been prevalent before, and mental health problems have always existed, but there seemed some new variable among children, possibly relating to the information age, movies, and the speed of Internet communications. The research requested from the National Academy of Sciences was

envisioned as new empirical study, not a review of literature. Congressman Greenwood said they wanted researchers to do field research; go into small towns like Littleton, Colorado; and study among the boys who were peers, counselors, and parents of the shooters, to see many variables and find trends if possible. As remedies, Congressman Greenwood recommended:

- Informing children at assemblies that harassment will not be tolerated. Much evidence indicates that the shooters felt harassed, victimized, and bullied.
- Assigning each school staff member to get to know a certain number of students, to be comfortable enough with them to occasionally ask how things were going. Literature shows that the shooters were mostly loners, who had no adults with whom they regularly communicated.
- Requiring that students in public schools have medical examinations that include a mental health component. This would not be complex, but rather a minimalistic question that might flag emotional or mental difficulties.

### **Inner City Youth Violence**

Dr. Moore said that NAS found the Congressional mandate for this study challenging, because it involved original field research and case studies (rather than a review of existing research). He introduced **Mindy Thompson Fullilove**, one of the research partners, who spoke about inner city school shootings in East New York City. Dr. Fullilove described a pattern of events that began with the arrest of two youths charged with robbery. This set off an interpersonal dispute or “beef” (as rap singers refer to these) and a first shooting, when one youth considered that the other had sold him out. The beef developed further, setting off another shooting when one boy expressed “disrespect for the sister” of the other. Finally, in a third incident with the same two parties, one harassed the other; and he, fearing for his life, pulled a gun and killed the first offending youth and his “sergeant at arms.”

Dr. Fullilove described the funeral for the dead youth and eulogy by Reverend Johnny Ray Youngblood. He said, that when killing of children had “become usual,” adults must acknowledge the collapse of a larger community in which the school was embedded. School shootings were a way of “acting out” in a safe place, an outcome of general political neglect of the neighborhood. Loss of housing in East New York and great economic inequity together created “abandonment of the community” that dramatically changed the population and how they lived. In an environment in which guns were readily available on the street, a culture of violence

emerged like a modern wild West. Under culturally prescribed circumstances, young people considered it normal to solve their problems with a gun.

### **Multiple-Victim School Violence in Kentucky**

Dr. Moore contrasted incidents in East New York, colored by elements of mutual risk and self-defense, with shootings in West Paducah, Kentucky, or Columbine High School in Colorado. He noted that an attorney for the State can only indict individuals, not a whole community. In the Kentucky incident, Michael Carneal, a freshman at the high school, brought a 22-calibre pistol to school in his knapsack and fired at close range into a group of students who were “meeting for prayers” in the school lobby, killing three and paralyzing two. Most of the victims did not know Michael Carneal, and the school and larger community reacted with great shock. Dr. Moore introduced the local prosecutor from this case.

Prosecutor, **Tim Kaltenbach**, Attorney, McCracken County Commonwealth, spoke about West Paducah’s high school shooting. He considered it crucial, at the time, to deter a second shooting and discourage any “copycat” effect after the shooting. Prosecution also wanted to prevent the offender from early release, so defendant Michael Carneal was tried as an adult even though he was only 14 years old. “Regardless of problems or bullying,” he said, “nothing justifies killing classmates.” Prosecutors were convinced Michael Carneal knew that what he planned was wrong and did it as an act of terror. If he were tried as a juvenile, he would be eligible for release in only 4 years.

There was great pressure on the attorneys working on the Paducah case. All the major media networks had sent cameras and representatives. Ethical rules prevented the prosecutor from answering most questions about the case, and many were dissatisfied. Some people thought Michael’s father, who was an attorney, would try to get a lesser sentence. Mr. Kaltenbach could only say, “The shooter has been charged and will be presumed innocent.” Michael Carneal entered a plea of guilty, but insane, and is currently confined in an adult penal institution. Fears and rumors related to the shooting still circulate in the community, and many cases are on appeal.

## **Existing Studies of School Violence Prevention**

**Denise C. Gottfredson**, Professor, Department of Criminology and Criminal Justice, University of Maryland, described her examination of 178 school violence prevention programs. Dr. Gottfredson said that the knowledge base was pretty limited. Only cognitive behavioral programs had 10 or more rigorous studies. Use of uniforms, metal detectors, presence of police officers, peer mediation programs, and other areas have not been studied very much. Also, the prevention efforts examined in this review were designed to curb “more usual” kinds of violence, rather than outbreaks like the Colorado or Kentucky incidents, for which there is little data.

The research divided existing programs into two groups: preventive programs that were individually directed, such as cognitive behavioral programs; and those that were school-adopted measures, such as architectural ideas, security equipment, and management approaches. The most effective strategies, showing a statistical effect of 0.2 or greater, were school and discipline management measures and self-control teaching, using cognitive behavioral methods (modeling, role play, and practice; not traditional lecture). Some preventive measures showed a negative effect size: counseling, social work, and therapeutic intervention.

Dr. Gottfredson listed some specific programs that had demonstrated positive effects:

- Bullying prevention. This OJJDP “Blueprint Program” teaches classroom norms and rules against bullying and antisocial behavior.
- School and discipline management (school governance enhancement), as exhibited in the PATHE program, which is an action research model used in Charleston, South Carolina.
- Social competency programs like ICPS (Interpersonal Cognitive Problem Solving) and Anger Coping (for 4<sup>th</sup> grade boys). These well-studied examples teach children to be more rational in their social decisionmaking, to correctly perceive and evaluate social cues, and to reduce angry and disruptive reactions.
- Big Brothers/Big Sisters of America. A mentoring model for 10- to 16-year-olds, this national “Blueprint Program” has been able to demonstrate decreased antisocial behavior, using bonding to caring adults.

Dr. Gottfredson said the field needs more studies of a wider variety of programs and precursor behaviors to violent shootings (gun carrying, low connectedness, symptoms of mental health problems).

## **Preliminary Results on Lethal School Violence**

Dr. Moore presented “Deadly Lessons” learned in the NAS commissioned study. Researchers defined lethal school violence for study purposes as incidents happening in schools or school-sponsored events, involving multiple deaths or injuries from a single incident, and committed by students. The National School Safety Center data first used by the study were developed from newspaper accounts and the census of violent school deaths from 1992 to 2001; it excluded multiple victim incidents in which no one died and was limited to the United States. Researchers for the NAS study decided to expand the small data set by using a larger time range (1974 to 2001), other geographic areas (5 events from other countries—all after 1999), and some events which matched most criteria but did not include a fatality. They observed that the highlighted data spiked in frequency after 1994. The project tried to discover if recent youth violence, particularly of the “rampage” style, was one epidemic or two different ones, and whether some kind of spread or contagion was occurring from the inner city to the suburbs.

Evidence pointed toward two epidemics of youth violence, the earlier possibly influencing the later. The first one occurred among inner city youth from 1987 to 1992 and was

- Closely tied to drugs and gangs.
- Mostly happening outside of schools.
- Involving fewer incidents of multiple victimization.

In contrast, the second group of incidents (1995 and later) showed extreme lethal violence that

- Occurred mostly in affluent communities.
- Occurred inside schools or at school events.
- Involved multiple victimization.

Dr. Moore said there are different possible relationships of the older and newer youth violence epidemics. They may be

- Due to similar general causes, requiring similar approaches to prevention.
- Causally related, the first epidemic creating conditions for the second.
- Due to different causal pathways, requiring different prevention strategies.



The study found the suburban/rural incidents to be more like workplace rampages or “suicide by cop” incidents in the 1993–1994 period. There was a spike for such multiple victim homicides across age groups. Dr. Moore noted several relationships in the lethal school violence incidents:

- Motivation of shooters arose from status or respect concerns rather than specific grievances.
- Anger was generally directed, abstract. The events implied an exaggerated sense of offense.
- Shooters were not at risk, not defending themselves physically.
- The surrounding audience had no awareness of the conflict or understanding of shooters’ feelings.
- “Rampage” events were calculated and planned, rather than spontaneous.

Dr. Moore suggested taking primary prevention measures that might reduce the rate of community change, reduce cultural emphasis on violence, improve school governance, identify signs of mental illness in youth earlier, develop adult-adolescent bonding, and reduce firearms availability. His findings in the study indicated a gulf between youth culture and adults, who have shown poor understanding of children’s experiences and the dynamics of adolescence. Shooters gave certain kinds of warnings that were missed by the adults. However, the problem is a rare phenomenon; and profiling, as a form of secondary strategy, causes serious problems since the shooters look ordinary. Innocents may be mislabeled, and dangerous kids overlooked. Half of the offenders came from intact stable families, had friends, and were good students at least until the 8<sup>th</sup> grade.

Dr. Moore particularly recommended regulating gun availability as secondary prevention. In all incidents, the boys had easy access to guns. As a national policy, guns should be kept away from unsupervised adolescents and out of schools.

For tertiary prevention, he suggested improved police procedures, better victim restoration, and to avoid letting media “victimize a community,” which prevents a healing experience. He stated in summary observations that

- Rampage shootings are rare events.
- Every community is vulnerable, but virtually all communities will escape.

- Community adults need to
  - Attend to adolescent status concerns.
  - Take threats and warnings very seriously.
  - Resist profiling.
  - Deny kids unsupervised access to guns.
  - Improve criminal justice, school, and community responses to help healing.

### **Discussion**

Several questions illustrated that the criminal justice system, as a cultural force, is often up against elements like rap music for shaping adolescents' social relationships. **Dr. Fullilove** said rap music codifies the experience; she would not favor censorship of rap music. Dr. Moore asked if she thought the "idea of using a gun to solve problems" was being exported from inner cities to suburban communities, along with rap music. She said, yes; there is a kind of "cultural battle" about grievances and solving problems. **Mr. Kaltenbach** noted that the criminal justice system does not have great influence over children's values; these are more affected by families, teachers, and school administrators.

The group also discussed some recent research literature on informal controls. To prevent incidents of lethal violence, **Dr. Moore** noted, there must be effective control methods and a way to "handle" people who have particular propensities to violence, such as some mental illnesses. He pointed out that local communities have to decide for themselves what capabilities they can mobilize in prevention efforts. This is not irrational, but rather a result of the enormous variability among communities as a function of current resources and values. A standardized response would not be right, but there can be thoughtful guidance from public leaders. One predictor of community response is the community's prior commitment to "seeing a problem in certain ways." This element makes it hard for different geographic areas and professional groups to speak across boundaries. In resource poor areas, both individual and community responsibilities need to be organized. If a problem is framed as an inter-community problem, more resources toward a solution may be brought to bear on different scales.