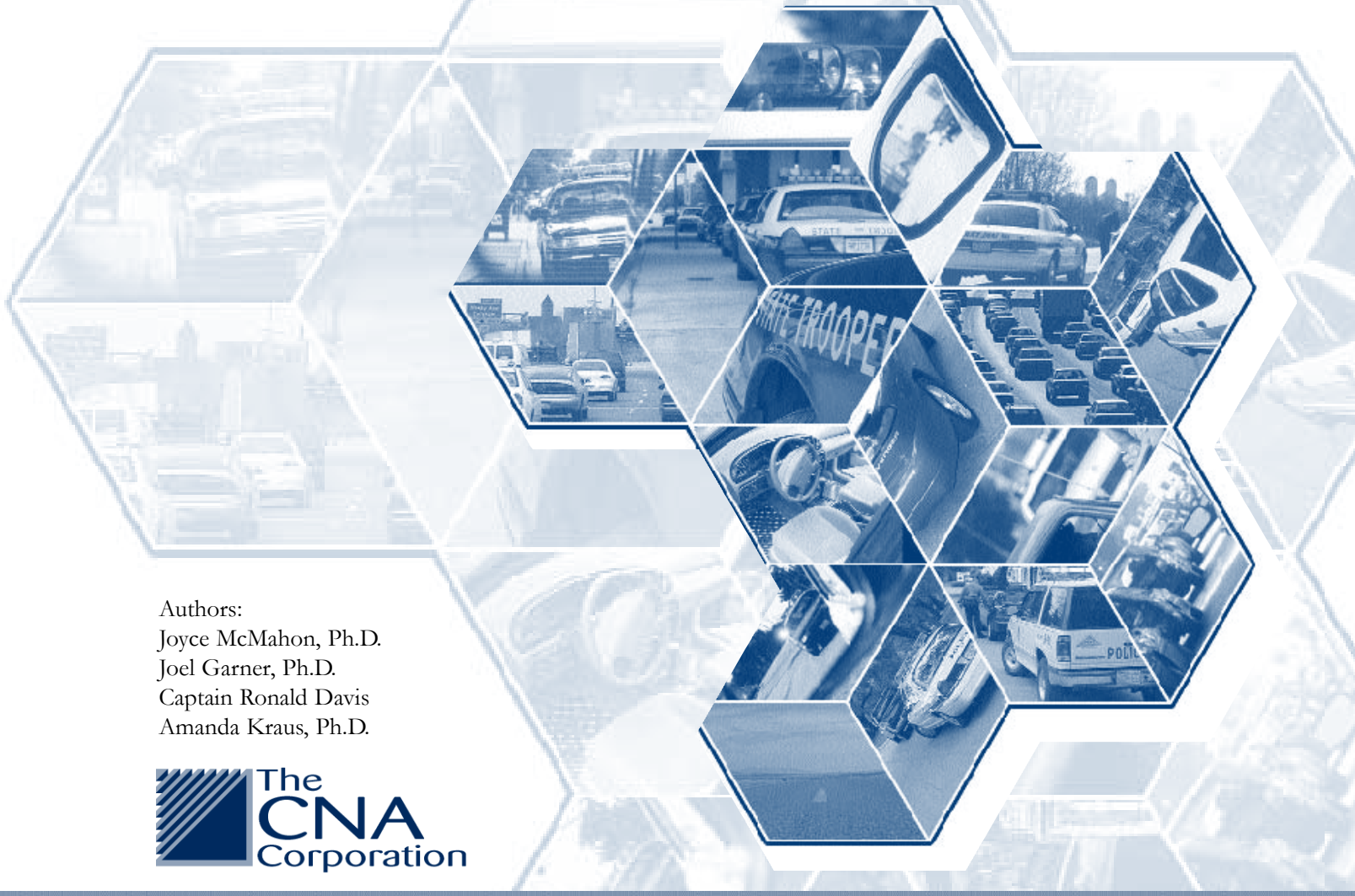
U.S. Department of Justice
Office of Community Oriented Policing Services

How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends On It!



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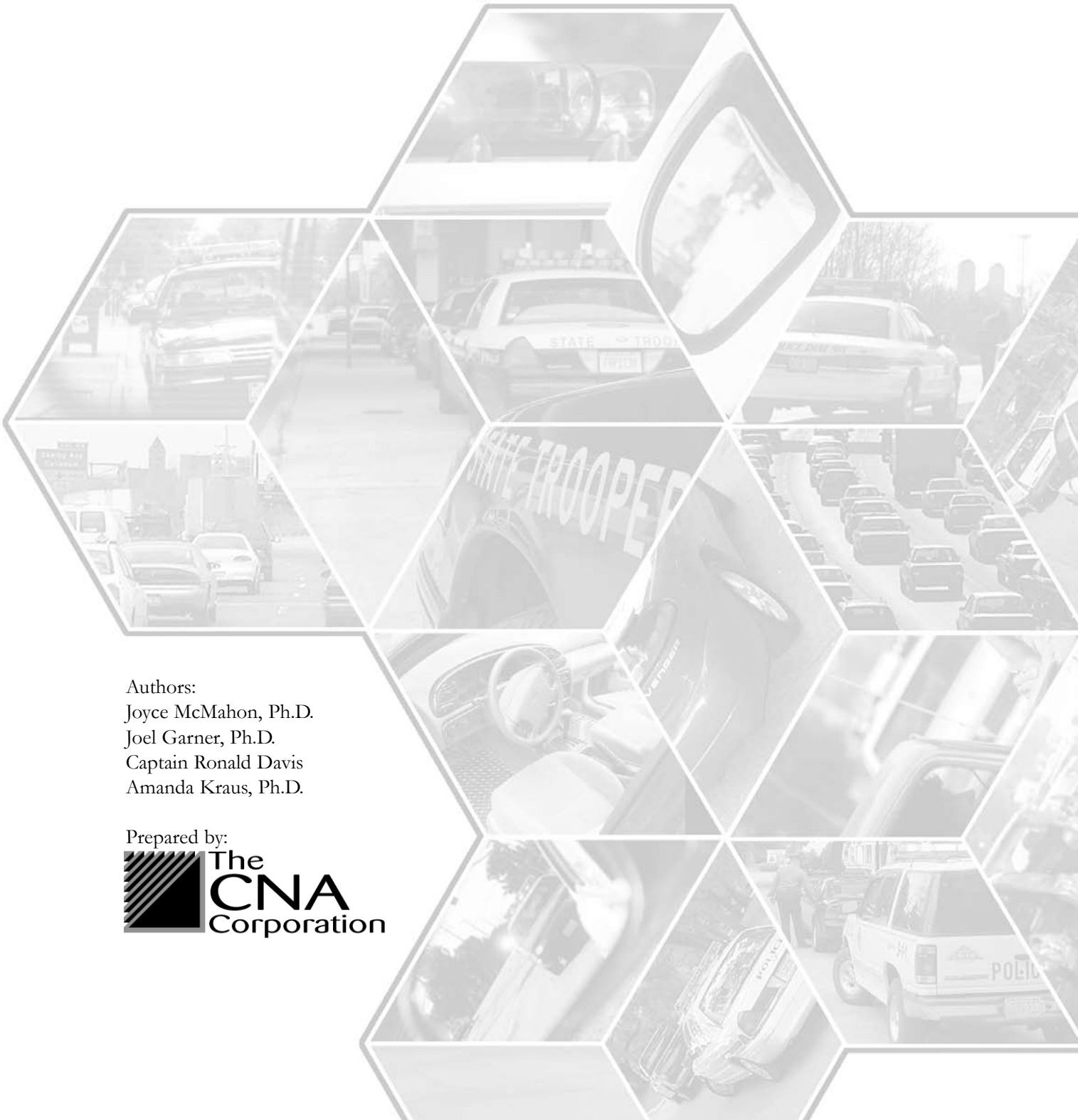
How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends On It!



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LETTER FROM THE DIRECTOR

Racial profiling is one of the most highly visible and important issues facing law enforcement today. Recent surveys show that more than 60 percent of Americans believe that racial profiling exists. Because of this widespread consensus among the public at large, the law enforcement community is working directly and proactively to address this issue. The mere perception of the existence of racial profiling can have a profound negative impact on the level of public trust afforded to the police.

One such negative impact is to compromise the mutual respect between law enforcement and community members. This mutual respect often represents significant efforts of both groups. The public's perceptions of a law enforcement agency's commitment to ethical policing and respect for those it serves can help keep honest mistakes from becoming high-profile incidents. A reputation for ethical and equitable enforcement of the law can go a long way towards earning an agency the benefit of the doubt in difficult situations.

Law enforcement agencies should work objectively to determine if racial profiling exists within their departments to be able to take steps to deal with the problem if it is found to be present and to address the public perception of its existence. Through funding from the Office of Community Oriented Policing Services (COPS Office), the CNA Corporation developed this resource to help law enforcement address racial profiling data collection and analysis. This publication provides a summary of the many important methodological issues surrounding this topic. In addition, it provides advice to law enforcement practitioners on how to more accurately collect and analyze racial profiling data in an easy-to-read and usable format.

The COPS Office has a tradition of supporting efforts to increase public trust and police integrity. Reducing racial profiling and the public's perception of it is a way to further not only that goal, but also COPS' broader goal to advance community policing. This publication is an important part of that tradition.

Sincerely,

Carl R. Peed
Director, Office of Community Oriented Policing Services

ABOUT THE AUTHORS

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Dr. Joyce McMahon is a Deputy for the Resource Analysis Division with 14 years of experience at The CNA Corporation. Dr. McMahon has been active in the field of economic analysis and evaluation for over 25 years, and is an expert in applied econometric techniques. She is widely experienced in program evaluation and has directed a number of analytical evaluation studies for various government agencies, including the Department of Justice, Veterans Affairs, the Commission on National and Community Service, the Federal Aviation Administration, and numerous DoD and Navy agencies. Dr. McMahon earned her Ph.D. in Economics from Harvard University. Before coming to CNAC, she taught at the University of Texas - Arlington, Southern Methodist University, and the University of Missouri–Columbia, and consulted for the Department of Labor, Office of the Inspector General.

Joel H. Garner

Dr. Joel Garner is the Director of Research at the Joint Centers for Justice Studies, Inc. Between 1974 and 1990, he was a research program manager at the National Institute of Justice. Dr. Garner has published several reports and articles on the role of officer and suspect race in the use of force by law enforcement officers. This research has emphasized the importance of measuring police and suspect use of force and the use of multivariate statistical approaches to assessing the impact of arrest situations, officer characteristics and suspect characteristics on the amount of force used. Dr. Garner was also a research consultant to the New York State Attorney General's report concerning the role of race in the stop and frisk practices of the New York Police department and has advised the U.S. Department of Justice's Bureau of Justice Statistics on the design of their national survey of police–public contacts.

Ronald L. Davis

Ronald Davis is a Captain with the Oakland Police Department with more than 17 years of experience in most aspects of police management. He is the former Region VI Vice President of the National Organization of Black Law Enforcement Executives (NOBLE) and the current chair of the NOBLE National Task Force on Racial Profiling. He is also a member of the Race Relations Committee of the National Commission on Police Integrity. Capt. Davis has advised members of Congress on bias-based policing

and testified as an expert at the U.S. Senate Judiciary Subcommittee hearings on racial profiling and the Congressional Black Caucus hearings on police misconduct. He developed the first Bias-Based Policing training course in the country and has advised numerous cities and law enforcement agencies across the country on racial profiling policy development and traffic stop data collection methodology and analysis. Capt. Davis is the author of the article "Bias-based Policing," the NOBLE Report on Racial Profiling and the article, "Racial Profiling: What Does the Data Mean?" He has been cited in hundreds of news articles and appeared on Black Entertainment Television (BET), Court TV, C-SPAN, CNN and ABC Nightline.

Amanda Kraus

Ms. Kraus is a research analyst and project director at CNAC. She is a labor economist with expertise in conducting applied econometric analyses in various contexts, and in support of both government and corporate decision-makers. She also has research experience in the economics of education. Ms. Kraus's field of expertise is the role of education level and educational curricula on determining an individual's occupational attainment and earnings. Ms. Kraus' current projects include using survey and administrative data to analyze the relative importance of different factors contributing to the reenlistment decisions of Navy Sailors, and providing on-going technical assistance to the US Navy's Recruiting Command. Before coming to CNAC, Ms. Kraus was a market forecaster at a large telecommunications company. Ms. Kraus holds an M.A. in Economics from Cornell University, and will be awarded a Ph.D. in May 2003.

EXECUTIVE SUMMARY

Project Summary

This project, conducted by the CNA Corporation (CNAC), focuses on key issues regarding the collection of racial profiling data. The specific objectives of this project were to select and provide technical assistance to four police agencies–Baltimore, Phoenix, Chattanooga, and St. Paul–conduct a literature review and provide an assessment of existing and planned data collection and analysis of techniques being employed by police agencies.

Overview

More than 400 United States law enforcement agencies have instituted traffic-stop data-collection measures and 14 states have passed legislation mandating racial profiling policies. Polls indicate that a majority of citizens believe that police departments engage in racial profiling, while most police chiefs do not believe their officers engage in racial profiling. This difference of perception, at times, is a reflection of a fractured relationship between the police and the community. Citizens who do not trust the police are less likely to invest their time in understanding police policies, procedures, or efforts to collect data. Police, on the other hand, feel they are likely to be unfairly accused of racial profiling, and may be less enthusiastic about pursuing their duties. Many departments have swiftly implemented mechanisms to collect data to investigate allegations of racial profiling, but too often base their conclusions on comparing preliminary data on traffic stops to aggregate city demographics without establishing credible benchmarks for comparison purposes. These superficial evaluations are dangerous, in that they may foster incorrect conclusions and generate inappropriate corrective measures.

CNAC conducted a literature review in which they discovered more than 20 published reports that analyze more than three million records of police stops from more than 700 law enforcement agencies. Most of the analyses reported show that police traffic stops are not proportional to the racial distribution of that jurisdiction's resident population, but most studies do not conclude that the police are engaged in racial profiling. No two studies used the same exact design or comparison group. As a result, it was difficult for CNAC to determine the extent to which the reported findings stemmed from real differences in behavior or from differences in study measures and methods. Thus, they concluded that more could be learned about the nature and extent of racial profiling if future analyses were more attentive, not simply to the comparison group issue, but to a series of analytical issues that have either not been identified or addressed

adequately in prior research. CNAC identified five analytical issues that would enhance future research: 1) base rates, 2) measuring race, 3) geographical and functional allocations of police operations, 4) multiple predictors of stops and searches, and 5) criteria for the existence and extent of racial profiling.

CNAC Findings/Recommendations

- It does not matter how accurate data collection and analysis is if the community does not feel engaged in the process. The collection and evaluation of data, in and of itself, will not address or defuse community frustrations.

- Data collection and evaluation is an appropriate way to address the concerns of racial profiling. Anecdotal evidence is an unreliable tool with which to make policy decisions.

- Data collection and evaluation should be carefully planned and based on pre-determined questions. The data collection plan should facilitate finding answers to those questions while also recognizing the limitations of data collection and analysis.

- The data collection and evaluation plan should blend police operational expertise with external research methods. Subject matter experts from either side are likely to over-generalize the questions and answers if working in isolation. Combining the expertise of operational and research experts, working together, is the best way to accomplish an accurate evaluation of the data.

- The partnership between operational police expertise and external researchers should be established before the data collection begins. This will allow police to have input on operational constraints, and researchers to have input on what data will be required to reach conclusions. If the wrong data are collected, the best analysis in the world will be unable to reach useful or valid conclusions.

- Analytical methods should focus on accounting for the complexities of police procedures and operational methods as well as the characteristics of the city. Most cities have distinct neighborhoods, and it is likely that a thorough evaluation will need to reflect analysis at the neighborhood, area, region, or precinct level.

- Analytical methods must consider multiple influences. In research terms, this means using a multivariate analysis. A less technical way to express this is to say that the impact of many

different influences must be jointly taken into consideration before conclusions are reached. These might include, for example, characteristics of the driving population, presence of nearby cities/states/countries (transient populations), day-time versus night-time stops, stops that are description-based (be on the lookout for), stops of those on probation and parole, and special programs such as seat-belt violations. Depending on circumstances, these or other factors might merit consideration in the determination of what can be learned from the data.

- All parties should understand that examining traffic stops is unlikely to address the finer nuances of defining racial profiling. We do not as yet have an accepted, official definition of racial profiling, much less an operational definition that describes exactly what data should be collected, how they should be collected, and what type of analytical results would definitively identify racial profiling. Until a basic overall definition is specified, the examination of data to determine the existence or extent of racial profiling will, of necessity, be open to interpretation by various stakeholders. Our participants felt that the lack of a uniform definition of racial profiling fosters alternative interpretations of data, and suggested that a clear operational definition should be sought.

- There should be clear guidelines on how information on racial profiling should be used–who will own it, who will be responsible for using it, how confidentiality can be maintained, and how frequently reports should be generated and released.

- If data collection is a job appropriate for a task force, then there should be specific information about how to put together a task force and make it work.

- Police departments need guidelines on how to establish partnerships with university researchers, and guidance on the appropriate roles for academic or public research groups to play.

- Police departments need guidelines on how to educate the community regarding interpretations of the data and how data should be released and presented to the community.

- Data collection and analysis can be costly, so if data collection is mandated, it should also be funded. Without funding, competing needs that are more directly related to traditional law enforcement will almost always have higher priority.

1.0 OVERVIEW AND RECOMMENDATIONS

1.1 Overview and Scope

The Office of Community Oriented Policing Services (the COPS Office) at the Justice Department tasked the CNA Corporation to investigate technical data concerns with respect to the general issue of racial profiling. Polls indicate that the majority of citizens believe that police departments engage in racial profiling, while most police chiefs do not believe their officers engage in racial profiling. Public media sources have directed considerable attention to news coverage of charges of racial profiling. Officers, on the other hand, feel that they are doing good police work, and are not engaging in racial profiling.

These discrepancies raise a number of concerns. Specifically, if the trust between police and the communities they serve is frayed, it will become more difficult for the police to protect and serve their communities. Citizens who view the police with distrust are less likely to work together with officers to help establish safe neighborhoods and control or prevent crime. In addition, if officers feel they are likely to be unfairly accused of racial profiling, they may be less enthusiastic about pursuing their duties.

Concerns about the use of race as a significant factor in police decision-making (racial profiling or bias-based profiling) have caused numerous police agencies to propose collecting data to investigate the validity of the allegations. However, many people have jumped to conclusions based on comparing preliminary data on stops to aggregate city demographic data. These superficial evaluations are dangerous, in that they may foster incorrect conclusions and generate inappropriate corrective measures.

These issues are too important to be assessed based on anecdotal evidence or incomplete analysis. Decisions about appropriate police tactics and training are among the crucial considerations that will be affected by the evaluation of the extent and nature of police profiling patterns. It is vital that such evaluations be based on appropriate methodological approaches, using objectively obtained data, and comparing the data to appropriate benchmarks or comparison guidelines. It is also important that the various stakeholder groups agree on the basic concept of what they are trying to investigate. Until there is agreement on an operational definition of racial profiling, it will be very difficult to proceed with investigations that are designed to look for and measure it.

It is also very important to protect and preserve trust between police officers and the community members they serve. In this sense, it is crucial that the dialogue between all parties be broadened to encompass a full understanding of the scope of issues involved. Community leaders, politicians, citizens, media representatives, and police officers need to be talking to each other, not talking at cross-purposes. All parties need to focus on the importance of the issues being considered and make sure that they are using the same descriptors to define racial profiling.

1.2 Approach and Conclusions

The COPS Office asked CNAC to investigate racial profiling concerns, focusing on technical issues in assessing the existence and scope of racial profiling. The following tasks were included in the scope of work:

- Select a sample of police agencies to participate in a study of profiling and data issues.
- Conduct a preliminary analysis of ongoing or proposed data collection efforts.
- Hold two working conferences involving the selected agencies and subject matter experts.
- Summarize the findings, methodological issues, and lessons learned.
- Prepare a final report to COPS and the participating agencies.

This final report is primarily targeted toward police department executives and operational data analysts, city officials, and potential research partners. It is not intended to provide a primer in statistical methods, although it offers broad operational guidelines. Rather than provide an overly technical document (aimed primarily at professional researchers), it seeks to provide a broad overview of information that will prove helpful to a variety of users. Its intent is to allow readers to understand the key points that confront communities and their local law enforcement agencies with regards to racial profiling and the collection of stop data. This report should offer guidance to law enforcement and justice personnel, as well as government leaders who generally oversee police agencies. Finally, this report may also be a useful reference for community leaders and media representatives who are addressing issues regarding the use of data collection and analysis to examine racial profiling.

CNAC developed a list of cities that expressed interest in engaging in this effort to examine racial profiling, data collection, and evaluation efforts. It used a number of criteria to ensure that an appropriately balanced mix of cities would be included, and that the cities would be

interested in, and able to consider using, technical assistance in further developing their data collection and evaluation efforts. In conjunction with the COPS Office, it selected Baltimore, Maryland; Chattanooga, Tennessee; Phoenix, Arizona; and St. Paul, Minnesota.

CNAC also completed a literature review of racial profiling in the context of data collection and evaluation findings. This review details relevant studies that have been completed, but does not address ongoing data collection or analytical efforts or studies that have not been released in final form. It concluded from this review that many different methodological approaches have been used to investigate racial profiling. Most of the studies follow a single-variable design, meaning that they investigate the influence of one variable on another variable. The most common pattern is to collect data on traffic stops in a city, and to compare the percentage of minority stops to the percentage of minorities in the entire city. This type of approach is far too simplistic, and it fails to incorporate information on police operational procedures.

Specifically, most cities are characterized by distinct neighborhoods, with different amounts of minority representation, crime rates, and police presence. If minority neighborhoods are characterized by below-average incomes and above-average crime rates, as is often observed in urban areas, then police presence will be augmented in these neighborhoods. This will lead to a bias in observed stops of minority members, not necessarily due to racial profiling, but based on disproportionate police presence in minority neighborhoods. Studies that do not consider these and other police operational procedures, along with additional specific city characteristics, will fail to accurately assess the existence or extent of racial profiling or bias-based policing.

Four participant cities sent representatives to two conferences, each held in Alexandria, Virginia at CNAC. Each city was represented by three people who reflected alternative points of view within the overall community–a senior member of the police department, a union representative, and a community representative. CNAC also arranged to have technical assistance provided by subject matter experts, drawing from criminal justice experts and operational expertise provided by the National Organization of Black Law Enforcement Executives (NOBLE). The experts who attended included Captain Ronald Davis of the Oakland (California) Police Department, a Vice President of NOBLE; Chief of Police Jerry Oliver of the Richmond (Virginia) Police Department; and Chief of Police Leonard G. Cooke of the Portsmouth (Virginia) Police Department, President of NOBLE. CNAC also conducted site visits to talk to more of the police department representatives and data evaluators in their respective cities.

The conferences revealed that, as expected, there are sharp differences of opinion among and between the police, union, and community representatives, and the operational experts. First and foremost, the participants struggled with an operational definition of racial profiling. It seems clear that racial profiling means different things to different people, and that all parties must agree on a definition if meaningful discussions are to occur. However, participants could not agree on a definition that was mutually acceptable. Community representatives could not agree regarding the merit of various definitions offered by subject matter experts, including definitions proposed by Ramirez, PERF, IACP, and NOBLE. Their recommendation was that addressing the issue of a standard operational definition of racial profiling is of critical importance, so that all parties can use this definition as a starting point for discussion.

Although sharp differences were voiced, several themes emerged from the overall discussion. In addition to a need for an external definition of racial profiling, CNAC observed definite tensions between police, union, and community representatives. In particular, it found that the police rank and file feel that they are being asked to do good police work, protect the citizens, arrest criminals, and prevent crime, but are then being criticized for doing their jobs. It is very difficult to disentangle the requirements to do thorough police work and at the same time make certain that there is no activity that can take on the appearance of racial profiling.

There is also general agreement that simply collecting data is insufficient. Data that are collected must then be analyzed, and there is a growing concern that many evaluation methods being applied are neither systematic nor are they held to accepted analytical standards. In addition, as the operational experts are quick to point out, collection and evaluation of data in and of itself will not be enough. It is very important that lines of communication and cooperation be opened between police departments and community leaders and members. Only with frequent and open interactions will there come movement toward a common understanding of community frustrations and police operational constraints.

CNAC found that the status of data collection and evaluation of racial profiling can be characterized as incomplete at this point. Cities in general appear to be working in two directions. First, they are working to set up lines of communications and structures that foster ongoing dialogues with community groups. These efforts will be very useful to defuse tensions, restore trust, and sharpen the focus on profiling issues. Second, many cities are engaging in data collection efforts

followed by data analyses. For this effort, the picture is still somewhat unfocused. Most police departments do not have personnel who are trained in analytical methods, and are unequipped to launch technical evaluations of the data. It is important that all parties understand that incomplete or superficial analyses will be counterproductive to establishing a cooperative partnership between police agencies and the community.

At the present time, CNAC found that the body of racial profiling research provides an inadequate basis for setting public policy. Despite the growing number of larger and more sophisticated studies, this assessment is that there are too few studies, over too short a period of time, with too diverse a set of findings, and with too many methodological limitations.

This report investigates these and other issues in more detail. Chapters two through eight review the background, discuss the conference findings, and address the current status of investigations into racial profiling using data collection and analytical methods. It offers overall guidance on technical assistance for future data collection and evaluation efforts, and make recommendations for various stakeholder groups involving their future participation in, and responsibilities for, evaluating racial profiling issues.

1.3 Recommendations

Based on CNAC's findings and conclusions, the following is recommended:

- It is very important that police agencies set up routine structures to establish linkages between themselves and community members, as well as other stakeholders. Open communications are extremely critical. It does not matter how accurate data collection and analysis are, if the community does not feel engaged in the process. It is not enough to tell community members that their concerns are not valid (if indeed that is the conclusion reached); rather, the community must be brought into the picture and allowed to have input into the overall process. The collection and evaluation of data, in and of itself, will not address or defuse community frustrations.

- Data collection and evaluation is an appropriate way to address the concerns of racial profiling. Anecdotal evidence is an unreliable tool upon which to make policy decisions. However, in the absence of systematic and carefully crafted data collection and analysis, policies will be driven by anecdotal evidence. The resulting policy decisions may be inefficient at best, and at worst may, in the end, prove counterproductive.

- Data collection and evaluation efforts should be carefully planned. Participants should decide what questions they are trying to answer, and then craft a data collection plan that will facilitate finding answers to those questions. It is important to recognize the limitations of data collection and analysis, and not expect that it can address all possible questions and resolve all possible issues.

- The data collection and evaluation plan should, as much as possible, blend police operational expertise with external research methods. Police personnel are unlikely to have a background in analytical research methods, whereas professional researchers are likely to lack knowledge of operational police procedures. Either party is likely to over-generalize the questions and answers if working in isolation. Combining the expertise of operational and research experts, working together, is the best way to accomplish an accurate evaluation of the data.

- The partnership between operational police expertise and external researchers should be established before the data collection begins. This will allow police to have input on operational constraints, and researchers to have input on what data will be required in order to reach conclusions. If the wrong data are collected, the best analysis in the world will be unable to reach useful or valid conclusions.

- Analytical methods should focus on accounting for the complexities of police procedures and operational methods, as well as city characteristics. Most cities have distinct neighborhoods, and it is likely that a thorough evaluation will need to reflect analysis at the neighborhood, area, region, or precinct level. The proper level will, of course, depend on specific city characteristics. Because cities differ, analytical approaches may need to differ as well.

- In addition, the analytical methods must consider multiple influences. In research terms, this means using a multivariate analysis. A less technical way to express this is to say that the impact of many different influences must be jointly taken into consideration before conclusions are reached. These might include, for example, characteristics of the driving population, presence of nearby cities/states/countries (transient populations), day-time versus night-time stops, stops that are description-based (be on the lookout for), stops of those on probation and parole, and special programs such as seat-belt violations. Depending on circumstances, these or other factors might merit consideration in the determination of what can be learned from the data.

- Finally, all parties should understand that examining traffic stops is unlikely to address the finer nuances of defining racial profiling. There is not as yet have an accepted, official definition of racial profiling, much less an operational definition that describes exactly what data should be collected, how they should be collected, and what type of analytical results would definitively identify racial profiling. Until a basic overall definition is specified, the examination of data to determine the existence or extent of racial profiling will, of necessity, be open to interpretation by various stakeholders. Participants felt that it was critically important for all parties to reach an agreement on an official definition of racial profiling.

2.0 INTRODUCTION

2.1 Background

The Office of Community Oriented Policing Services (the COPS Office) at the Justice Department asked the CNA Corporation (CNAC) to investigate technical data concerns with respect to the general issue of profiling. Concerns about the use of race as a significant factor in police decision-making (racial profiling, or bias-based profiling) have caused numerous police agencies to propose collecting data to investigate the validity of the allegations. Decisions about appropriate police tactics and training are among the crucial considerations that will be affected by the evaluation of the extent and nature of police profiling patterns. It is important that such evaluations be based on appropriate methodological approaches, using objectively obtained data and comparing the data to appropriate benchmarks or comparison guidelines.

The difficulties facing those investigating the existence of racial profiling are compounded by a lack of agreement as to how to define racial profiling. This extends beyond agreement on a formal, technical definition. Even if there was an accepted standard definition of racial profiling, there would still be the problem of determining how to translate this definition into evaluating operational police tactics and methods. In general, data collection efforts to investigate racial profiling have focused on collecting, categorizing, and then analyzing information, but they have not linked the evaluation of information to a clear operational definition of racial profiling. This may help explain the variety of conclusions that different research efforts find regarding the issues of racial profiling or bias-based profiling.

2.2 Specific Tasking

To investigate racial profiling issues, COPS asked CNAC to:

1) Select a sample of police agencies to participate in a study of profiling and data issues.
2) Conduct a preliminary analysis of ongoing or proposed data collection efforts.
3) Hold two working conferences involving the selected agencies and subject matter experts.
4) Summarize the findings, methodological issues, and lessons learned.
5) Prepare a final report to COPS and the participating agencies.

2.3 Study Approach

In the first part of the study, CNAC developed a list of cities that would be interested in engaging in this effort to examine racial profiling, data collection, and evaluation efforts. A number of criteria were used to ensure that an appropriately balanced mix of cities would be included.[1] It also needed to determine that the cities would be interested in, and able to consider using, technical assistance in developing their data collection and evaluation efforts. This list of cities was submitted to the COPS Office for consideration before being narrowed down to a final four.

In the second part of the study, CNAC conducted a literature review of racial profiling in the context of data collection and evaluation issues. This review detailed the relevant studies that have been completed, but did not generally address ongoing data collection or analytical efforts, and also did not address studies that have not been released in final form. A number of analytical efforts are underway where results have been announced in the media. It did not evaluate efforts that are incomplete, or have not yet been published, and did not evaluate media discussions of pending reports. Those mostly interested in operational issues can scan this literature review.

CNAC then conducted two conferences in Alexandria, Virginia. Each city was represented by three people who reflected alternative points of view within the overall community. The points of view are those of the police department, union representatives, and people in the community. CNAC also arranged to conduct site visits to talk to more of the police department representatives and data evaluators in their respective cities.

Finally, it synthesized the findings from the above steps into a final report. This report addresses the current status of investigations into racial profiling using data collection and analytical methods, and offers overall guidance on technical assistance for future data collection and evaluation efforts.

2.4 Project Scope and Limitations

In this project, CNAC considered only city police departments and focused primarily on traffic stops. Although the literature search covers other topics in racial profiling, touching on state police studies for example, the primary focus in this effort is city police departments and community interactions. It did not evaluate drug or weapons smuggling interdiction efforts. It is important to note that for other environments and tasks, such as state police responsibilities, there

[1] The COPS Office established certain requirements, including not selecting any city under investigation or judicial proceedings, or cities with data projects previously concluded. In addition, these cities do not provide a representative sampling; they merely offer a range of different viewpoints and problems for consideration.

may be other analytical problems and tools that will be appropriate to consider, as well as other issues and alternative concerns and constraints.

In addition, studies of racial profiling generally evaluate data that are available for collection–not data that would result from designed experiments. In other words, researchers may want to observe the characteristics of those segments of the population who break laws and violate regulations. However, they are often constrained to readily observable data, because they lack the resources to design experiments or collect specific data to establish more precise comparison populations.

Finally, the cities that are investigating racial profiling have to work with many limitations–funding, time to devote to additional data collection and investigation, computer and manpower constraints, practical and political constraints, and media and community perceptions. These and other constraints will limit the scope of effort that cities can mount, and the scope of effort that individual communities demand.

3.0 METHODOLOGY

3.1 Overview of Issues

Based on a Washington Post survey,[2] 52 percent of African-American males believe they have been victims of racial profiling, while a Gallop poll indicates that about 60 percent of Americans believe racial profiling exists.[3] Over the past few years, there has been intense national debate on whether racial profiling is real or perceived, and initial data collection and evaluation efforts have provided fuel for this debate. More than 400 United States law enforcement agencies have instituted traffic-stop data-collection measures, and 14 states have passed legislation mandating racial profiling policies. In 2001, Congressman John Conyers introduced the End Racial Profiling Act, to mandate data collection on racial profiling for agencies receiving federal funds. Similar bills have also been introduced in both the House and Senate.

Many people feel that data collection provides critical input to putting an end to racial profiling, while others view the role of data collection as largely symbolic, indicating a commitment to addressing community needs and concerns. Others cite the lack of credible benchmarks, or comparison data, as reasons to avoid engaging in data collection. As a result, data collection and analysis have become somewhat controversial concerns in the overall issue of racial profiling. This overall tasking involves providing technical guidance regarding these matters in order to assist agencies that are trying to collect and analyze data, as well as assist agencies considering whether to undertake data collection and evaluation projects.

3.2 Selection of Participating Cities

The first task from COPS directed CNAC to "select a sample of police agencies to participate in a study of profiling and data issues." It worked with personnel from the National Organization of Black Law Enforcement Executives (NOBLE) to develop a list of cities that would meet the criteria identified by the COPS Office and who expressed an interest in participating. Although about 10 cities passed the initial screening, the COPS available funding line supported involvement with only four cities. Therefore, CNAC worked with the COPS Office to validate each proposed city and select the final candidates for inclusion.

2 Washington Post article dated June 21, 2001.
3 1999 Gallup Poll.

The initial evaluation criteria included:

- Geographic diversity
- Potential for union and community involvement
- Having a data collection process getting underway or in progress (but not yet completed)
- Not being under a court order mandating data collection
- Willingness to commit to sending department, union, and community representatives to two national conferences.

CNAC and the COPS Office jointly selected the final list of cities, which included Baltimore, Maryland; Phoenix, Arizona; St. Paul, Minnesota; and Chattanooga, Tennessee. Among the criteria used to help make the final selection were geographic diversity as well as diversity in city size and composition. It wanted to include cities facing a variety of challenges rather than engage very similar cities.

3.3 Literature Review of Data Collection and Analysis Efforts

The second part of the study focuses on a literature review of racial profiling, in the context of data collection and evaluation issues and findings. This review also focused on determining the relevant issues in setting up data collection efforts, as well as assessing the competing merits of various evaluation approaches. An overall review of the state-of-the-art profiling research efforts and findings is an appropriate first step to making recommendations as to future study designs and evaluating the relative merits of alternative investigative approaches.

There are presently more than 20 published reports that analyze more than three million records of police stops from more than 700 law enforcement agencies. Even more studies are in progress and should be completed in the near future. In Chapter 4, it summarizes the completed studies and compare and contrast the characteristics of the nature of the data collected, the analyses conducted, and the findings reported. Specific details and comparisons between the studies are provided in an appendix as referenced in Chapter 4. Full citations of the studies are referenced in the Bibliography. This chapter is most useful for those interested in data analysis considerations and may be skimmed by those more interested in operational issues and lessons learned.

3.4 Conferences with Subject Matter Experts and City Representatives

CNAC held two conferences to bring together the city representatives and various subject matter experts. The National Organization of Black Law Enforcement Executives (NOBLE) provided subject matter experts for the conferences, including Captain Ronald Davis of the Oakland (California) Police Department (a Vice President of NOBLE), Chief of Police Jerry Oliver of the Richmond (Virginia) Police Department, and Chief of Police Leonard G. Cooke of the Portsmouth (Virginia) Police Department (President of NOBLE). In addition, Maurice Foster, Executive Director of NOBLE and Program Coordinator Torian Lee, also attended and participated in part of the meetings. Finally, Dr. Joel Garner, Director of the Joint Centers for Justice Studies, Inc., provided expertise from his extensive experience with the Department of Justice and analytical investigations in justice studies.

In structuring the conferences, CNAC asked the police department representatives to take the lead in presenting and leading discussion about the current situation in each city. This status included details on what each city is doing with respect to addressing profiling issues and gathering data to investigate concerns. It is important to discuss what event or issue has led each city to become involved in this process. Finally, it is important to learn what outcomes are being sought from the profiling investigation and data gathering process–in other words, what specific questions are being asked, and how are the cities planning to gather and process data to answer these questions? The first conference focus targeted developing an understanding of the underlying issues and concerns across the four cities, looking for commonalities and critical differences.

The second focus of the conferences addressed investigation of technical issues in data-gathering, evaluation, and interpretation. This entailed a concentration on analytical methods and evaluation techniques, with respect to setting up some guidelines for appropriate ways to investigate. For example, one issue is the mapping of types of questions to appropriate data to investigate those questions. In other words, there are different approaches to gathering different types of data. It is important to set up the framework of data collection on the basis of what types of data will–and what will not–tend to support specific types of investigations. In this context, all of the participants served in the role of operational experts, sharing information on lessons learned and operational constraints observed based on current and prior experiences in this area.

The third focus of the conferences allowed the participants to work together with each other and with outside subject matter experts to refine their analysis plans. Each city has a current plan for gathering and evaluating data. Based on the shared experiences and analytical discussions ranging across the group of participants and analysts, the city representatives learned things that will foster refining and refocusing investigations, modification of data-gathering plans, and/or altered expectations with respect to the best use of the data being collected or planned to collect. Investigation into profiling issues is an ongoing effort, and the interaction of operational and subject matter experts should yield additional information that will help planners better design and guide current and future inquiries into profiling concerns.

The findings and recommendations from the conferences are discussed in Chapter 5. The structure of the conferences and the small size of the overall participant group allowed for very rich interactions among the participants and invited subject matter experts.

3.5 Site Visits/Technical Assistance

CNAC also conducted site visits to talk to more police department representatives and data evaluators in their respective cities. This allowed it to develop more insights into local conditions and issues relevant to specific locations as well as to learn more about local reactions to issues of racial profiling, data collection, and evaluation approaches. It assessed more of the technical assistance needs by talking to department representatives tasked with developing data collection plans and evaluation approaches. These visits were not designed to help set up and execute a data collection plan, but were geared toward giving technical advice for plans that were already under way or being considered. The site visits served as an extension of the conference participation, providing opportunities to talk about technical aspects with representatives who had not attended the conferences.

3.6 Subject Matter Expertise: Perspectives from NOBLE

CNAC relies on subject matter experts provided by NOBLE to provide background and context for the operational issues of police tactics and behavior. This allows it to blend the NOBLE perspective on racial profiling issues with the operational point of view of police officers actively working in the field, thus bringing a unique perspective to this evaluation. As excerpted from an article by Captain Ronald Davis:[4]

[4] Racial Profiling: "What Does the Data Mean?" A Practitioner's Guide to Understanding Data Collection & Analysis, by Captain Ronald Davis, written for NOBLE.

> On May 3, 2001, NOBLE issued its national report[5] on racial profiling. The NOBLE report identified racial profiling as a symptom of Bias-Based Policing, which is defined as:
>
> *The act (intentional or unintentional) of applying or incorporating personal, societal or organizational biases and/or stereotypes in decision-making, police actions or the administration of justice.*
>
> NOBLE believes bias-based policing is a systemic problem in the industry, requiring strategic and comprehensive strategies to affect systematic reform. Effective data collection and credible data analysis is a necessary "tool" in reform. The NOBLE report supports racial profiling legislation that requires data collection and analysis, training, and the implementation of racial profiling policies.

By relying on the expertise of NOBLE operational officers, primarily Captain Ronald Davis, the NOBLE racial profiling point of view is linked with the practical operational issues as observed by active officers in the field.

Captain Davis brings another aspect to this report. By offering an example of how the Oakland Police Department has approached collecting and analyzing data, it articulates some of the pitfalls of overly simplified analysis using actual data rather than hypothetical examples. In addition to providing a powerful example of real-world analytical issues, Captain Davis offers a police department operational approach to multivariate analytical methods–essentially a linear stepwise approach via nested pairwise comparisons. Although this approach does not achieve the power of simultaneously examining and disentangling multiple influences, it does provide a logical and systematic approach in lieu of multivariate research expertise. The operational stepwise approach approximates more conventional multivariate research methods and may be more readily understood by police department personnel, community, and media representatives.

5 Racial Profiling: A Symptom of Bias-Based Policing.

4.0 LITERATURE REVIEW OF DATA COLLECTION AND ANALYSIS APPROACHES

Following the calls for increased data collection on how and when the police make traffic stops, a number of reports on racial profiling have been made public. CNAC identified two dozen published reports that analyze more than three million records of police stops from more than 700 federal, state, and local law enforcement agencies.[6] (See Table 4.1 in Appendix A for a bibliographic listing of these reports.) These reports can be brief accounts or lengthy discussions that involve complex statistical analyses and interpretations of findings. There are important differences in how the report authors designed, implemented, and interpreted these studies, and these differences can have subtle (and sometimes not so subtle) implications for the appropriate contribution of these studies to the public discussion of bias-based policing.

In this chapter, the nature of the published reports and substantive findings that have been reported are summarized. It compares and contrasts the characteristics of the data collected, analyses conducted, and the findings reported. Based on the review of the existing studies, it offers recommendations for guiding analytical efforts to use data collection to assess racial profiling.

4.1 Classification of Approaches and Findings

The substantive findings from the available reports on racial profiling are diverse. Their assessments of the average annual risk of being stopped by the police while driving a vehicle vary greatly by jurisdiction, law enforcement agency, and methodology used. Most of the analyses reported show that police traffic stops are not proportional to the racial distribution of that jurisdiction's resident population, but most studies do not conclude that the police are engaged in racial profiling. In addition, every study that examined police searches found some racial disproportionality, at least in certain types of police searches, but the majority of the report authors concluded that police search behavior does not indicate racial profiling.

Methodological Strengths and Weaknesses

Some reports assert that the nature of the methods used and the findings generated provide definitive proof that the law enforcement agencies studied do (and do not) engage in racial profiling. Other studies express considerable skepticism that the data, methods, and analyses used adequately capture the nature of police behavior. This report is not designed to resolve either the substantive debate about

6 This listing does not include secondary sources, such as press accounts of reports that have not been made public.

racial profiling or the questions about the reliability of prior research methods. The goal is to illuminate the nature of these studies so that the general public, the law enforcement community, and the research community can better appreciate the strengths and weaknesses of this body of research and improve the value and utility of future studies of the nature of police public contacts.

The assessment is that all of these reports have strengths and weaknesses and that no one study or study design is likely to provide satisfactory answers to the central questions raised in the public discussion over bias-based policing. Each of the existing studies contributes something to understanding the day-to-day interaction between citizens and their law enforcement officials. Comparing and contrasting these studies is designed to increase an appreciation for the extent to which data collection and analysis can and cannot:

- Establish the existence and amount of racial profiling.
- Diagnose those aspects of policing that appear to be the most and the least problematic.
- Indicate the appropriate strategies for improving police public contacts, stops, and searches in the future.

At the present time, this body of research provides an inadequate basis for setting public policy. Despite the growing number of larger and more sophisticated studies, the assessment is that there are too few studies, over too short a period of time, with too diverse a set of findings, and with too many methodological limitations. Because all studies have some methodological limitations, CNAC recommends caution in using the findings of the available research. Future research reports are likely to be more valid and reliable and to be of greater use to the public, especially if they more consistently apply established standards of social research and analysis.

4.1.1 Study Characteristics

The completed studies on racial profiling display many similarities (see Tables 4.1–4.4).[7] Of the 24 reports reviewed here, most use official police records (23) of a single municipal (10) or statewide police agency (11) to compare the racial characteristics of motorists stopped (19) or searched (17) by the police with the racial characteristics of residents as reported in the U.S. Census (14). Among these reports, however, there is great variability in the scope and depth of the analyses conducted. Two reports (Cox et al., 2001; Missouri Attorney General, 2001) present information from most law enforcement agencies within a single state and one study (Langan et al., 2001) uses a representative sample of households to examine all police public

[7] The data tables for Chapter 4 are included in Appendix A. Some summary tables are included in the text.

contacts in the U.S. Lamberth's 1994 study of the New Jersey State Patrol covers 25 days and includes information about fewer than 3,000 traffic stops on one part of one roadway.

The report by the California Highway Patrol covers 10 months and more than 2.5 million traffic stops. Eleven reports employ data on more than 100,000 traffic stops. The smallest study (Lamberth, 1996) involves 823 traffic searches along the I-95 corridor by the Maryland State Police during a 21-month period in 1995 and 1996. Twelve reports are based on data compiled over a period less than 12 months, six reports use exactly 12 months' worth of data, and six reports cover more than 12 months of police activity. Four studies include police public contacts not involving vehicles; one of those studies (Spitzer, 1999) investigates pedestrian stops exclusively.

Sixteen studies address both traffic stops and searches. Four studies collect and analyze data about traffic stops but do not analyze data about traffic searches. Three studies investigate searches conducted during traffic stops but not the traffic stops. The California Highway Patrol report (California Highway Patrol, 2000) includes a wide variety of police public contacts–arrests, citations, written notice of correction, warnings, motorist services, and collisions. The report by the Baltimore Police Department includes information on traffic and non-traffic stops.

Perhaps the most distinctive study is the nationally representative survey of households conducted by the U.S. Census Bureau for the Bureau of Justice Statistics (BJS) (Langan et al., 2001). It does not rely on official records of any law enforcement agency. During six months of 1999, a special set of questions about police public contacts was added to the National Crime Victimization Survey. This survey was completed by 80,543 residents, more than 20,000 of whom had some sort of face-to-face contact with the police in the previous 12 months.

Because of its design, the BJS survey is based on reports by the public, not by police officers or police agencies. Another unique aspect of the BJS design is that it produces direct measures of the racial and other characteristics of individuals who did not have contact with the police. The BJS survey data records the nature of the police contact and can distinguish between contacts initiated by the public or by the police, contacts made by victims of crimes and contacts made when the police consider the individual a suspect in a crime or a traffic offense. All of the other studies of racial profiling use official records of police stops (or police searches) but do not record any information about specific individuals who could have been stopped but were not.

This is an important limitation of all the studies using official records of police stops.

The nature of the BJS survey also captures a wide variety of information about the nature of the contacts between law enforcement officers and suspects. This survey asks whether the individual was searched, whether any contraband–typically illegal drugs or weapons–were found, whether the individual was arrested and whether the police used force. Six of the studies using official police records report if contraband was found, and seven studies report if the suspect was or was not arrested. Only the BJS study reports if the police used force.

Not surprisingly, every study uses the race of the suspect in its analysis, though the nature of the race categories varied from one study to another. The Florida Highway Patrol reports a separate analysis based on suspect Hispanic ethnicity, whereas other studies use Hispanic as a racial category. None of the studies employ all the racial categories used by the U.S. Census or consider individuals who self-identify as belonging to more than one racial group. Ten studies compare the proportion of male and female suspects who are stopped, and seven of those ten also report the proportion of stops by various age categories. Four of the studies incorporate information about the characteristics of individuals with driver's licenses or how much the amount of driving varies by age, race, and sex. Five of the racial profiling analyses record whether the person stopped is a resident of the jurisdiction being studied, but none of these reports conducts separate analyses for residents and non-residents.

Another important characteristic is the nature of the collaboration between the agency being studied, other government agencies, and independent researchers. Local police departments studied issued ten of the reports, but two of these reports (San Diego Police Department, 2001; Carter et al., 2000) have clear indications that academic researchers played a major role in the analysis and presentation of the data analysis. In eight other studies, independent researchers appear to be the sole authors of the report. State-level officials produced the reports about state and local law enforcement agencies in Connecticut, Missouri, New Jersey, and New York, but all but the New Jersey report identify academic researchers as the primary authors or consultants. Litigants in suits against law enforcement agencies originally prepared reports in Maryland and New Jersey (Lamberth, 1994, 1996). At least one report (Knowles and Persico, 2001) was produced by social scientists without any apparent contact with the studied department.

Four studies (Missouri Attorney General, 2000; Institute on Race and Poverty, 2000; Langan et al., 2001; Washington State Patrol, 2001) used estimates of the racial composition of the driving-age population, and four studies (Lamberth, 1994, 1996; Greenwald, 2001) produced independent surveys of the racial composition of drivers at certain locations and times. Greenwald also observed the race of drivers at driving while intoxicated (DWI) stops and conducted a telephone survey to check the officially recorded race and sex of the driver. The BJS survey did not ask its respondents about driving behavior but used an independent survey of driving behavior generated by the U.S. Department of Transportation to construct estimates of the racial composition of the driving population.

The authors of these reports chose to employ a variety of study designs; in fact, no two studies used the same exact design. CNAC suspects that future research will also display similar innovation in study designs depending upon the specific concerns of local jurisdictions, the nature of the available data, and the time and resources available to conduct the research. The designs chosen have implications for the types of data analyses that can be conducted and the meaning of the substantive findings of the individual reports.

4.1.2 Reported Findings

This section summarizes how the reports address two central questions in the public debate over racial profiling: Is there evidence of racial profiling in making traffic stops or in conducting searches? These reports provide a wide range of answers to these questions (see Tables 4.5-4.6). In three jurisdictions (New Jersey: Lamberth, Richmond, St. Paul), there are findings of racial profiling in traffic stops, and one (New York City) finds racial profiling in non-traffic stops. In two jurisdictions (Missouri and North Carolina), there is mixed evidence regarding the existence of racial profiling in traffic stops. In nine jurisdictions (California, Connecticut, Florida, Lansing, Oakland, Sacramento, San Jose, Texas, and Washington State), analyses do not find evidence of racial profiling in traffic stops. In three jurisdictions (New Jersey Attorney General, San Diego, and the United States), there are reports that the evidence is insufficient to determine whether there is racial profiling or not. Reports from three other jurisdictions (Baltimore, Chattanooga, and Michigan) make no statements about what their data analyses mean, and the three reports about Maryland do not address the issue of traffic stops. Summary Table 4A categorizes the results of these and the following comparisons.

Summary Table 4A
Summary Statement of Reported Finding for Stops and Searches by Jurisdiction (and Author)

Type of Finding	Stops	Searches
Racial Profiling	New Jersey (Lamberth: I-95) New York City Richmond St. Paul	Maryland (Lamberth: I-95) New Jersey (NJAG) St. Paul Washington State
No Racial Profiling	California Connecticut Florida Lansing Oakland Sacramento San Jose Texas Washington State	Connecticut Lansing Richmond Sacramento
Mixed Evidence	Missouri North Carolina	Maryland (Knowles and Persico) Missouri North Carolina
Cannot Determine	New Jersey (NJAG) San Diego United States	Oakland San Diego United States
No Statement	Baltimore Chattanooga Michigan	Baltimore Maryland (Lamberth: Not I-95) Michigan Texas
Issue Not Addressed	Maryland (Knowles and Persico) Maryland (Lamberth: Not I-95) Maryland (Lamberth: I-95)	California Chattanooga Florida New Jersey (Lamberth: I-95) New York City San Jose

There is similar diversity in the findings about the existence of racial profiling in searches. In the reports on four jurisdictions (Maryland: Lamberth, New Jersey Attorney General, St. Paul, and Washington State), the authors say that there is evidence of racial profiling in traffic searches. In four other jurisdictions (Connecticut, Lansing, Richmond, and Sacramento) the analyses did not find evidence of racial profiling in searches. Mixed evidence for and against the existence of racial profiling in search behavior was found in three jurisdictions (Maryland: Knowles and Persico; Missouri; and North Carolina). Three analyses (San Diego, Oakland, and the United States) find insufficient evidence to make a determination. Six studies (California, Chattanooga, Florida, New Jersey: Lamberth: I-95, New York City, and San Jose) do not address the issue of searches at all.[8]

In summary, by a margin of nine to four, more studies report that their data collection and analysis lead them to conclude that they have not found racial profiling with respect to traffic stops, with two studies reporting mixed support for this hypothesis. On the issue of racial profiling in traffic searches, the study count is a little more evenly matched. Four studies report racial profiling, four report no racial profiling, and three indicate mixed findings.

Strengths and Weaknesses of Counting Reports

Counting studies is a common approach to summarizing prior research. The basic value of a study count is that it produces a simple, easily understood summary of the literature. Each publication is counted equally, and the general nature of what can become a large number of reports is easily and accurately conveyed. By itself, however, this approach has been found to be unsatisfactory (Cooper and Hedges, 1994). As in the literature on racial profiling, study findings rarely provide a clear and consistent answer to the most important questions. In addition, simple counts provide limited information about the relative value of individual studies or the body of published research, and offer little guidance on what has been learned by the prior studies that might enhance the value of future research. Moreover, there are several technical reasons that limit the value of simple counts, even when the findings are more consistent. For instance, as in this body of research, a large proportion of the studies do not reach a conclusion. Six of the reports either do not state a conclusion or explicitly say that their study design is unable to support a conclusion. Seven studies reach no conclusions about racial profiling in traffic searches.

8 This categorization of the substantive findings of these reports is presented in tabular form in Table 4.5–4.6. The exact text of the narrative in each report used to determine the conclusion reached about the existence of racial profiling in traffic stops and in traffic searches is also presented in these tables.

Study Designs and Research Methods

Had all or most of these studies reached similar conclusions regarding racial profiling, the methodological details of these studies would be of less concern to public policy-makers, police professionals, and concerned members of the community. However, the mixed findings and the hesitance of some authors to draw conclusions means that the nature of the samples obtained, the measures used, the analyses conducted, and the study interpretations take on more importance.

The studies on racial profiling vary greatly in the level of detail and methodological rigor of the analyses conducted. Some texts on how to summarize research go so far as to advise excluding reports that do not meet certain methodological standards (Sherman et al., 1998). Although there are no universal or absolute standards for research methodologies, there are a variety of generally accepted conventions about the relative strengths and weaknesses of alternative research designs. For instance, studies with larger and more representative samples drawn from several jurisdictions using a variety of common measures and testing a number of competing hypotheses are generally preferred over studies that use small or unrepresentative samples from one jurisdiction (or part of one jurisdiction) and are limited to testing a single hypothesis.

The studies reviewed here vary greatly in the size and representative nature of their samples, in the number and commonality of the measures used, and in the methods for testing competing hypotheses about how and why the police make traffic stops and traffic searches (Tables 4.7-4.8). For example, one study of racial profiling by the State Police in two townships in New Jersey analyzes 823 searches conducted over a 21-month period; the BJS representative sample of U.S. households provides the basis for estimating the racial characteristics of more than 1.2 million searches by the police. A research summary that did not address such vast differences in sample sizes would not properly reflect the nature of police behavior.

In addition to the differences in the size and scope of the research, the substantive conclusions of these reports stem from comparing the racial distribution of traffic stops and searches with a variety of comparison groups, such as the resident population, the driving age population, the population that owns motor vehicles, the population that is violating traffic laws, the population involved in traffic accidents, and the population identified as criminal suspects or arrested for crimes. As displayed in Table 4.9, most studies use just one comparison group and that tends to be the total resident population of the jurisdiction under study. Some studies use several

comparison groups and, on occasion, they report different conclusions depending upon which comparison group is used. For instance, the BJS national survey of police public contacts compares traffic stops with both the resident population and with the population that owns automobiles. These comparisons can generate divergent results. For example, in the BJS report, resident Whites above driving age have a higher rate of being subjected to a traffic stop than resident driving age Blacks, but Blacks with a driver's license have a higher rate of being stopped by the police than Whites with a driver's license.[9]

No single comparison group is used consistently across all the available studies, and the lack of commonality limits our ability to summarize this body of research. Because of the dissimilarities in comparison groups and other measurement and analytical considerations, CNAC cannot determine the extent to which the reported findings in Tables 4.5-4.6 stem from real differences in behavior in these jurisdictions or from differences in study measures and methods.

The studies also vary in how information about a comparison group is compared to traffic stop data. Twelve of these reports relied on simple bivariate comparison of the racial distribution of police stops to the racial distribution of the resident population. Another five reports also make bivariate comparisons but substituted the racial distribution of the population of driving age or the population of individuals with driver's licenses for the racial distribution of residents. Eleven of the reports also produced bivariate comparisons of the age and sex of the persons stopped but generally do not address the meaning of age or sex differences or the implications of age or sex differences for reported race differences. For three jurisdictions (Maryland: Knowles and Persico, New York City, and Richmond), analyses used suspect, officer, and encounter-level measures to produce multivariate statistical tests of the effects of race when the effects of other encounter characteristics are included in the analysis.

Many of the prior studies have recognized some of the difficulties in obtaining proper comparison groups and in conducting appropriate statistical tests of the effect of race on stops and searches. Some of these studies determined that, since their comparison groups were not very good, no conclusions at all could be drawn from their analyses. A second group of studies did not appear to recognize the nature and extent of these analytical difficulties and reached conclusions in spite of the potential limitations of their data or their analyses.

9 Table 4.9 also reveals that several studies (Baltimore, Cranbury and Moorestown, New Jersey, and the Knowles and Persico analysis of traffic searches in Maryland) do not use comparison groups at all. They either draw no conclusion, draw a conclusion from a simple count of traffic stops, or conduct analyses limited to the information that is available about the nature of the traffic stop.

A third group of studies attempted to address the problem of identifying appropriate comparisons by using a number of different comparisons. This third group frequently reports the extent to which the results obtained are consistent, regardless of the comparison group used. CNAC recommends the third approach–using multiple comparison groups–as more likely to be informative about the actual relationship between alternative measures and methods. It does not recommend that studies be undertaken whose designs are so weak that the authors assert that the findings are not sufficiently strong to support even a tentative conclusion. Similarly, readers should be skeptical of studies where the authors state firm conclusions but do not identify the likely strengths and potential weaknesses of their own or alternative designs.

4.2 Beyond Comparison Groups: Bivariate versus Multivariate Methodologies

Several reports (Zingraff et al., 2000; Walker et al., 2001) refer to the comparison group issue as the "denominator" problem, as if the primary analytical issue in this research was one of long division or finding just the right measure for the denominator. Although the concern over the appropriate set of comparisons is warranted, this focus is, we think, too narrow. Even if every prior study had used a universally agreed upon comparison group, there would still be substantial uncertainty about the meaning of the data analyses conducted.

It is more likely to improve the understanding of the nature and extent of racial profiling if future analyses are more attentive, not simply to the comparison group issue, but to a series of analytical issues that have either not been identified or have not been addressed well in prior research. This report identifies the most important issues and suggest ways in which future analyses might produce a better understanding of the nature and extent of racial profiling. These issues fall into five general categories:

- Base Rates
- Measuring Race
- Geographical and Functional Allocations of Police Operations
- Multiple Predictors of Stops and Searches
- Criteria for the Existence and Extent of Racial Profiling.

Attention to these analytical issues will enhance the value of future research to the participating police agencies and to the communities they serve.

Standardized Base Rates

Most of the prior research has focused considerable attention upon identifying differences in the rates at which Blacks, Whites, and other races are stopped and searched by the police. This focus has obscured an important aspect of police public contacts–the base rate at which all individuals are stopped or searched by the police in that jurisdiction. Tables 4.7-4.8 construct three base rates for police stops and for police searches–the number of stops per year, the number of stops per day, and the number of stops per resident in a year.

These rates vary greatly from one study to another and by the type of rate used. For instance, the data collected in Baltimore during the first six months of 2001 can be used to estimate that the police department makes approximately 179,778 stops in a year, or 492 stops every day. Using 2000 census figures, the total number of stops is equivalent to 27.6 percent of the population of Baltimore. Because the Baltimore data distinguish between stops of Baltimore residents and stops of other persons, it is easy to construct the base rate for residents being stopped in Baltimore of 24.3 percent. In most jurisdictions, however, it is not possible from the published data to separate out stops of residents from stops of non-residents. Therefore, the stop rate figures for other jurisdictions in Table 4.7 are constructed by dividing all the stops of both residents and non-residents by the population figures for residents.

In addition to base rates for stops, several base rates can be constructed for police searches. Table 4.8 displays this information for the 19 jurisdictions for which search information is available. The base rate for searches in Baltimore is only 4.2 a day, and the number of searches in one year is equivalent to 0.2 percent of the population of Baltimore.[10] In addition, according to official police records, less than one percent of all stops in Baltimore result in a search. Other studies report higher and lower base rates of stops and searches. The early reports about racial profiling in Maryland, for instance, have base rates of less than 1.5 searches per day, a relatively low rate among the studies summarized here, and one that is not consistent with the anecdotal accounts of minority drivers being stopped "every day."

Lansing, Michigan appears to have a relatively high base rate of two searches for every 100 residents. The Lansing base rate for police stops is also high. This may reflect something about the nature of policing in Lansing or that the home of the state capital and Michigan State University may have a large proportion of drivers not counted

[10] This base rate is technically not a person's risk of being stopped, because during the study period some people were stopped more than once.

by the census as residents of Lansing. On the other hand, both Richmond and Sacramento are state capitals, and their base rates for stops (at 10.8 and 9.1 percent, respectively) are relatively low. Conversely, their base rates for searches (at 0.9 and 1.6 percent) are relatively high. In Sacramento, almost one in six stops results in a search.

The value of base rates reporting is threefold. First, it provides a simple basis for comparing the likelihood of being stopped and of being searched. In Baltimore, the likelihood of being stopped by the Baltimore police is about one in four every year. Police searches, however, are quite rare, less than one time for each 100 residents in a year. These radically different rates of behavior for stops and searches suggest that the reasons involved in making stops are different from the reasons involved in making searches and that different types of analyses may be appropriate.

Second, these base rates reveal certain similarities and differences among jurisdictions in the rates at which their law enforcement agencies make traffic stops and search drivers. Baltimore and other large urban police agencies tend to fall in the 20 to 25 percent range whereas State Police agencies tend to make larger numbers of stops but fewer stops per resident. The Connecticut and Missouri reports compile data from a large variety of agencies and jurisdictions. Their base rate for stops is lower than the rate for urban police agencies, but it is above the rate for the State Police.

Lastly, base rates are easily derived from the number of stops and searches, the length of the data collection period, and the number of residents in a jurisdiction. The calculations reported in Tables 4.7 and 4.8 are imprecise in part because some individuals are stopped more than once during the study period, but they are sufficiently accurate to convey the broad notion that base rates vary by the type of police activity (stops versus searches), by jurisdiction studied, and by certain methodological characteristics of a particular report. Variations in base rates have implications for understanding differences in rates between Blacks and Whites, young and old, male and female and other characteristics of suspects, officers, encounters, districts, etc. Studies about racial profiling often report the relative risk of being stopped or searched, but the substantive meaning of such findings depends in part on whether the base rate is 25 percent, one percent, or one-tenth of one percent.

Measuring Race

Despite the central place that the race of the person stopped or searched plays in this literature, there is little agreement on how to measure race or ethnicity and what to do with incidents where the race or ethnicity is unknown or not recorded. Within these reports, there are sometimes differences in how race is measured in population statistics from the census bureau and in stop and search data from police records. One major difference is whether Hispanics are considered a racial group mutually exclusive from other races or whether Hispanic is a separate measure of ethnicity. Both approaches are used in these reports.

There are additional problems with the measurement of race. In some instances, the race of the person stopped or searched is not known or not recorded. In the most dramatic examples–the New Jersey AG's report and the Lamberth report on New Jersey–the race of the suspect is missing in more than two-thirds of the known searches. Worse, in some reports, there is no clear indication whether stops and searches with missing information about race were excluded from the analysis. Some reports, however, do include all known stops and use a category of "unknown race" in their presentation of findings.

Missing data is a problem that has long plagued social science research, but it is one for which many analytical solutions have been developed. One of the least recommended approaches is to simply exclude cases with missing or incomplete data, but that appears to be the most common approach in this literature. Although this problem occurs frequently in official records, it is unusual for even the best-designed and implemented study to not have problems with missing data.

The problem with missing or incomplete data is not just a problem for traffic stop data; it is also a problem for population data from the U.S. Census. There are some concerns that the undercount of minority populations in urban areas is large enough to affect congressional redistricting and the distribution of federal funds. In addition, the Census Bureau determined that a growing number of residents identify themselves as belonging to more than one race. Alone or in combination, the categorization of Hispanics as a race or an ethnicity, the existence of missing data, and the multiracial classifications limit the certainty of the racial proportions of any baseline comparison group.

Most data collection efforts record the race of the person after the stop is made. It is interesting to consider that for some (unknown) proportion of stops, officers may not know the race of the person until after the stop has been made. Some studies have attempted to conduct independent traffic surveys to record the race of drivers at certain times (day and night) and places (intersections, streets), but the results have been varied. When officers are unable to determine race prior to the stop, it is more difficult to determine that the stop is based on the racial biases of the individual officer.

Geographical and Functional Allocations of Police Operations

Most research about traffic stops has not utilized a working knowledge of police operations. Law enforcement agencies allocate their personnel in response to perceived public preferences for services. In general, police officers are assigned on the basis of crimes called in by the public. These allocations influence how many officers are assigned to specific neighborhoods and which particular aspects of law enforcement and maintaining order–such as drug enforcement, violent crime, property theft, problem-solving, or traffic laws–will be given priority.

Studies of racial profiling in traffic stops and searches have generally not incorporated this type of information into their data analyses in any explicit way. Therefore, they cannot rule out the possibility that jurisdiction-wide racial disparities in traffic stops stem not from inequitable behavior of officers but from equitable behavior by officers assigned in greater numbers to areas with a larger proportion of minorities. Assignment of a high proportion of officers to minority neighborhoods can generate disparate numbers of traffic stops for racial minorities even if officers are acting in a completely equitable manner.

Data analyses on racial profiling that have not incorporated information about the allocation of police resources could easily be in error about the existence and nature of racial profiling. If future analyses substantiated that many of the observed disparities were due to the nature of patrol allocations, the focus of attention would shift from a discussion of individual officer training and behavior to a more thorough assessment about what factors determine patrol allocations.

Specialized Police Operations

Existing research reports have also not considered the fact that traffic enforcement is, in many departments, concentrated in a relatively small unit of officers. For instance, in the Phoenix Police Department, a

traffic unit of just over 100 officers makes about the same number of stops for moving violations as the nearly 1,000 officers in the patrol division. These officers are assigned to specific locations based on citizen complaints about traffic problems, not the drug, property, or violent crime problems that drive the geographic and time allocation of patrol officers. Even within patrol allocations, individual district commanders may from time to time direct some officers to emphasize traffic enforcement or domestic violence or open-air drug markets. As these policies change in different neighborhoods and at different times of the day, week, or year, they may affect the number of traffic stops and searches in different communities within a single jurisdiction.

The allocation of police resources and the role of units with specialized functions are central issues in any discussion about racial profiling. In some of the earliest studies of drug enforcement efforts along Interstate 95 in Maryland and New Jersey, patrol officers were using traffic violations as a pretext to stop vehicles in which the drivers were suspected of transporting illegal drugs. After constitutional objections to the use of traffic stops as a pretext for investigating other illegal behavior were rejected by the U.S. Supreme Court in *Whren and Brown* v. *United States*,[11] the practice of pretextual stops was attacked in the courts on the grounds that the police were using the race of the driver as at least one basis for the stop. Part of the argument made by the litigants in New Jersey was that police stops made by radar units involved less discretion than other police stops, and that separate analyses of radar and other units were needed to discern the nature and extent of racial bias. Similarly, separate analyses seem appropriate for police officers or units assigned drug enforcement responsibilities or whose assignments emphasize removing illegal weapons during street stops.

Relatively simple approaches to data collection and analysis can help assess the impact of differing police assignments, responsibilities, and current priorities, and these–and not officer attitudes–may be greater determinants of the racial distribution of traffic stops or searches. However, most research on racial profiling has failed to address whether differences in the proportion of traffic stops by race are due to these factors or are a result of the discretionary judgments of individual officers. For these reasons, prior studies provide little guidance concerning which types of remedial efforts are likely to be effective, where a problem exists, and which are unneeded or unlikely to affect the most severe problem behavior.

11 Supreme Court Case No. 95-5841, Michael A. Whren and James L Brown, petitioners v. United States on writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit, June 10, 1996.

Multiple Predictors of Stops and Searches

Most (21 out of 24) of the studies reviewed for this paper considered race in isolation from all other factors which might be influencing decisions to make a stop or conduct a search. These analyses are essentially single-variable models such as the one portrayed below.

Race → Stops

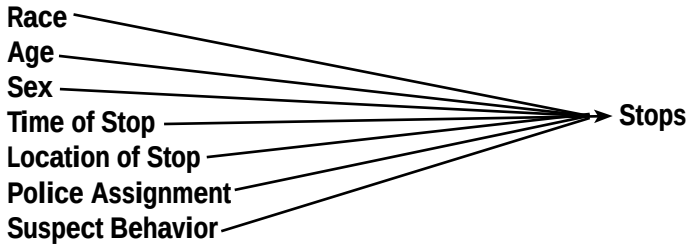
The underlying assumption of this analytical model is that no other characteristic of the suspect, the officer, or the nature of the encounter independently influences stop and search decisions. This one-variable model is grossly unrepresentative of the motivational factors behind police stops and searches. Many of the published reports implicitly reflect the notion that there are multiple considerations in determining why police stop or search an individual because they include information about the rate at which males and females are stopped, or younger or older drivers are searched. The more useful of the available reports include a couple of simple, one-variable models–one for race, one for sex, one for age, etc. The reporting of various single-variable models suggests the report authors believe there are actually multiple influences on police behavior or on driving behavior. For instance, the Zingraff et al. (2000) report on North Carolina develops models and conducts analyses that incorporate more than one variable at a time. However, the analysis considers only drivers' ages, races, and sexes.[12]

Three reports incorporate a richer variety of factors that might influence the nature of traffic stops and traffic searches. The analysis of New York City pedestrian stops considers the extent to which the racial distribution of neighborhoods and race of specific suspects combine to explain higher or lower rates of police stops. Smith and Petrocelli's analysis of traffic stops in Richmond uses multivariate methods that include the age, race, and sex of officers and suspects, as well as the amount of crime in the area where the traffic stop occurred to explain traffic stops, searches, and arrests that occur from traffic stops. Knowles et al. incorporate considerations such as the time of day, kind of vehicle, and seriousness of the offender violation, as well as the race of the person searched into their multivariate analysis of traffic searches on I-95 in Maryland.

12 More extensive analyses of North Carolina data by Zingraff and his associates are expected in 2002.

Most contemporary thinking about police stops and police searches incorporates the idea that traffic stops and searches are linked, but the data analyses conducted to date do not. The incorporation of multivariate thinking into data analysis is one of the major challenges for future research on racial profiling. Continued use of the kinds of simple bivariate analyses that dominate the currently available reports is likely to lead to a larger number of reports with inconclusive findings. Progress in understanding the role of race requires statistical analyses that conform more closely to our multivariate way of thinking about police behavior, as depicted below. Section 4.3 suggests a number of approaches to advance future analyses.

Multivariate analysis ties many observable characteristics to stops:



Criteria for the Existence and Extent of Racial Profiling

Current research has failed to establish a consistent set of criteria to determine the nature and extent of racial profiling. Some of the studies adopt a criterion that as long as the percentage of the stopped population that is Black is not more than five percent points larger than the percentage of the resident population (or some other comparison group), there is no racial profiling. For example, Summary Table 4B displays stop data from the Connecticut report.

The data indicate that 12.1 percent of traffic stops were of Black drivers, and the proportion of Blacks in the state population is 8.4 percent. Since the difference in these two percentages is less than five, the report authors conclude that there is no racial profiling in Connecticut.

Summary Table 4B
Summary of Connecticut State Population and the Statewide Traffic Stops

Race	State Population		Traffic Stops	
	Number	Percent	Number	Percent
White	2,859,353	87.0%	264,747	83.7%
Black	274,269	8.4%	38,272	12.1%
American Indian	6,654	0.2%	665	0.2%
Asian/Pacific Islander	50,698	1.5%	5,421	1.8%
Other/Unknown	96,142	2.9%	7,053	2.2%
Totals	3,287,116	100.0%	316,158	100.0%

Other studies use different criteria. For instance, the analysis of traffic stop data in St. Paul reports the following stop data and comparison groups in Summary Table 4C.

This report's conclusions are based on whether or not the differences in the over-18 population and the population of traffic stops is statistically significant. The use of this criteria led the report author to conclude that the St. Paul police racially profile both Black and

Summary Table 4C
Summary Information of Traffic Stop Data for St. Paul

Race	City Population		Over Age 18 Population		Traffic Stops	
	Count	Percent	Count	Percent	Count	Percent
Non-Hispanic White	186,583	65.6%	152,542	73.2%	23,788	57.67%
Black	34,861	12.3%	21,302	10.2%	10,828	26.25%
Asian	10,828	26.25%	18,731	9.0%	3,659	8.87%
Hispanic	20,756	7.3%	13,076	6.3%	2,768	6.71%
Native American	4,542	1.6%	2,808	1.3%	206	0.50%
Totals	284,526	100.0%	208,459	100.0%	41,249	100.00%

Hispanic drivers. In the latter case, the difference between 6.3 percent in the over-18 population and 6.71 percent in traffic stops met their criteria for being statistically significant.

Other criteria are also used to interpret the data analyses reported in racial profiling studies. The Bureau of Justice Statistics reports its findings in a format more familiar to police agencies, as a rate per 1,000 population over age 16 (see Summary Table 4D). These survey results, however, rely on estimates of stops projected from the nationally representative sample of households participating in the National Crime Victimization Survey, corrected for survey non-response rates.

Summary Table 4D
Police Contacted Respondents

Reasons for Contact	Total	White	Black	Hispanic	Other Race
Motor Vehicle Stop	109	113	107	90	83
Involved in Accident	16	18	12	10	10
Witness to Accident	4	4	2	2	1
Victim of Crime	4	4	5	5	3
Witness to Crime	7	7	6	6	4
Suspect in Crime	6	6	8	8	5
Serve Warrant	2	1	5	1	2
Crime Prevention	3	3	3	2	1
Other	25	27	25	19	17

Zingraff et al.'s (2000) analysis in North Carolina, on the other hand, reports a variety of criteria. For instance, in their analysis of traffic searches they report the actual numbers, the percent differences, and the ratio of African-American search rates to White search rates (see Summary Table 4E). The third row reports the odds or chances that each racial group will be searched, given that they were cited or warned.

Summary Table 4E
North Carolina Search Rates

	African-Americans	Whites
Searches	281	545
Citations/Warnings	223,241	683,517
Proportion of Citations/Warnings That Were Searched	.00126	.00080
Incident Rate of Searches (Per 100,000)	13	8
Difference in Incident Rate	5	
African American/White Ratio	1.63	

The calculation in the last row is called the "odds ratio" and is commonly used in a wide variety of statistical analyses. The standard interpretation of these findings is that the odds that African-Americans will be searched are 63 percent higher than those of White drivers. The Missouri Attorney General's report uses a similar ratio, but in neither report is there an explicit statement about the cutting point for determining that racial profiling does and does not exist. However, in both of these reports, the authors assert that the findings indicate the presence of some racial profiling.

It is important to note that had the North Carolina report applied the five percent rule used in Connecticut, the North Carolina report would not have found racial profiling in traffic searches. Had the Connecticut report constructed the odds ratio used in the North Carolina report, the Connecticut report would have reported an odds ratio of 1.51, that is, Blacks in Connecticut have 51-percent greater odds of being stopped than Whites.

In some reports, the authors reach a conclusion without identifying how they went from the reported data analysis to the report's finding. The New Jersey Attorney General's report, for instance, reports number and percent of traffic stops and searches but reports no information on any comparison group. Still, the report concludes that there is no racial bias in traffic stops but there is racial bias in traffic searches.

4.3 Recommended Analytical Approaches

This review has highlighted a number of problems with the research on police stops and searches. The existing body of research displays great diversity in methods and in findings, but it has not generated an understanding of the nature and extent of racial profiling, or of the circumstances and types of police activities where profiling is more prominent or absent. It also lacks evidence on approaches to policymaking, training, supervision, or leadership that have been demonstrated to reduce racial profiling or community concerns about it. At present it does not know the extent to which the allegations of racial profiling can be substantiated by social research, or if any of the proposed solutions to this problem will be effective (or counterproductive).

Social science research is an approach that can contribute to an assessment of the nature of police stops and searches, but the promise of that approach has not yet been fulfilled. Improvements can be made in how data are collected and analyzed and in how the analysis is reported. For the most part, the improvements suggested are intended to incrementally advance the analysis of official police records, but the use of other data collection methods, such as public surveys of contacts with the police is encouraged. The use of multivariate statistical methods is also recommended.

Although many suggestions such as capturing and using information about the residence of drivers stopped can be implemented by analysts working for law enforcement agencies, the skills and experience needed to conduct multivariate statistical methods are not typically resident in law enforcement agencies. However, not all researchers trained in statistical methods are sufficiently knowledgeable about the day-to-day operations of law enforcement agencies. Also, not all police department officials or statisticians are sufficiently attuned to the aspects of police public contacts that are most relevant to the communities they serve and which issues warrant more in-depth analyses. The extent to which studies benefited from the analytical training of local researchers, the experience of police professionals, or the concerns of community leaders is unclear.

Five strategic suggestions that will increase the value of collecting and analyzing data on police stops and searches are described below. CNAC recommends some general activities, such as having a research plan, as well as some specific data analysis methods such as employing multivariate analysis. Some suggestions will be more relevant to jurisdictions that have not yet initiated a research project on traffic stops; other suggestions may be more suited to organizations and individuals currently implementing a study. The suggestions are designed to encourage incremental and general improvements in future studies. It does not recommend a specific model, because no single research design will fit the purposes, schedules, or resources available to all jurisdictions.

1. Have a Plan

CNAC recommends creating an analysis plan before the data are collected and analyzed. This will focus the research, and facilitate a final report that indicates how the results achieved compare to the plan's intentions or expectations. Analysis plans do not need to be long, but they should address the following concerns:

- Identify the issues you, your organization and your community think are important enough to warrant a formal study.
- Consider the strengths and weaknesses of previous studies.
- Determine what aspects of police behavior will and will not be studied.
- List data items that will be collected.
- Identify exactly how each data item will used in the proposed analysis.
- Determine which types of information–official records, citizen surveys, independent observations–best address the issues you care about most.
- Estimate how long the data collection should last and how big a sample will be needed.
- List the planned analysis approaches.
- Establish criteria for reaching conclusions prior to collecting data.
- Determine the internal and external resources are available.
- Clarify who should do each part of the data collection, analysis, and report writing.

Many research plans and reports are overly ambitious. They take on a large number of issues and many details. Frequently, this results in insufficient attention to central issues and a lack of in-depth analysis of any issue. Thus, perhaps the most difficult part of a plan is limiting the issues to be studied to the time and resources available.

2. Plan to Iterate

Elements of a research plan will change as new information becomes available. Plans require certain assumptions (e.g., the nature of police stops, which units or individuals will collect or code data, how many stops will occur over a given period of time), and experience shows that preliminary assumptions often do not hold up. Original plans are frequently revised, and final reports will be stronger if they indicate not only what the research did but the research designs and approaches that were attempted unsuccessfully.

There are benefits to starting small and expanding the size of the study or the nature of the issues addressed. Data analysis should begin almost simultaneously with data collection. In many projects, analysts wait for a large batch of data before they begin to analyze the data and then discover that important data items were not collected or that certain items, such as the race of the suspect, are missing in a large proportion of cases. Conducting these sorts of diagnostics early can eliminate some unforeseen problems in the implementation of the data collection effort.

Stopping and restarting data collection or revising approved data forms are not easy actions in bureaucracies. However, pilot studies are usually preferable to conducting lengthy and resource consuming studies whose implementation problems cause their authors to determine that no conclusion is warranted from their efforts.

3. Benefit from Professional Research–Operational Linkages

Although many of the existing studies of traffic stops and searches were issued by law enforcement agencies or conducted with their cooperation, most of the reports were authored by or involved substantial assistance from individuals trained in conducting statistical analyses. Given the kinds of enhanced data analyses needed to improve the utility of future research on racial profiling, CNAC recommends increased <u>initial</u> involvement of professional researchers. The design, implementation, analysis and interpretation of data on traffic stops require professional research skills. In turn, the professional researcher will benefit from a close collaboration with police professionals, and by being attentive to the concerns of local communities.

There are many models of how researchers, police professionals and community members can collaborate. Researchers can work completely independent of police agencies and the community. They can work as contractors to departments or to litigants against departments. Although there are potential strengths and weaknesses to different models, there is not much evidence about which model increases the scientific reliability of the research, is of greater utility to law enforcement agencies, or better addresses the concerns and complaints of residents.

CNAC recommends that researchers be considered analogous to medical doctors whose training and experience help them diagnose particular illnesses and prescribe particular treatments based on a variety of symptoms. In the matter of diagnosing symptoms about what might be wrong with the nature of police public contacts, law enforcement agencies might want to obtain second opinions about how to measure police behavior, analyze traffic data, and interpret the findings. A professional and open discussion by independent researchers of the alternative strengths and weakness of a proposed analyses will assist law enforcement and the communities they serve to better understand the nature of the analyses conducted and the proper interpretation of those analyses for improving future police public contacts. Such a discussion is more likely to be fruitful if it occurs before the type of sample, nature of the data, and data analysis are determined.

4. Describe Police Operations

Future research on traffic stops and searches would be improved if it described the nature of police operations in general, and traffic enforcement in particular. This information, while familiar to experienced personnel in a particular agency, is often not well understood by the general public. For instance, how many patrol officers are there and which units or officers are given primary responsibility for traffic enforcement? Where are they assigned? What are the departmental policies and legal criteria for making stops and searches? These narrative accounts of the nature of police operations should provide a foundation for the particular data analyses conducted and assist in interpreting the meaning of the research findings.

5. Consider Specific Analytical Issues

There are a number of tightly focused analytical approaches that can be relevant to a wide variety of research designs. Eight of these approaches are discussed below.

Controlling for Resident Status: Several reports have noted that their data on traffic stops includes some unknown proportion of non-residents, and that stopped non-residents may include more or fewer racial minorities. This could be a real problem, depending on the nature of the jurisdiction, the time of day, or, in some locales, the time of the year. If the traffic stop data include information about the residence of the driver, this issue can be addressed by conducting an analysis that only includes stopped residents.

Allocation of Agency Resources: Virtually no police department allocates patrol or traffic enforcement resources on a per population basis. Analyses that understand and incorporate these allocations will provide stronger tests of the existence of racial profiling. This type of analysis requires an understanding of how and why police resources are assigned to specific geographical areas, and how and why they are assigned to emphasize certain types of police work (e.g., traffic enforcement, drug interdiction, 911 calls, foot patrol, etc.). A single analysis of all law enforcement units in a particular jurisdiction could easily miss or underestimate the nature of racial profiling in certain neighborhoods or at certain times of day. On the other hand, analyses of distinct units may focus on a small proportion of a department's traffic stops and not represent the behavior of the overall agency. Analysis of neighborhoods and units can help identify whether remedial training, supervision, or discipline are needed in specific areas.

Missing Data and Missing Cases: Research on racial profiling needs to address the issue of missing data, since missing data can bias analytical results. At a minimum, studies should report how many traffic stops are known or believed to be missing, or how much data have been excluded from the analysis because one or more pieces of information about a stop is missing. This is not a trivial concern, especially in research that relies on official records. Information about the race of the suspect was missing in up to two-thirds of known traffic stops in some prior studies. Analyses need to consider the extent to which missing data could affect the study's substantive findings about racial profiling.

The problem of missing data is endemic to social research, and a variety of approaches have been developed to address it. In addition to reporting the nature of the missing data problem, we recommend that studies use at least two different ways to handle missing data and report whether they generate substantively different results about racial profiling.

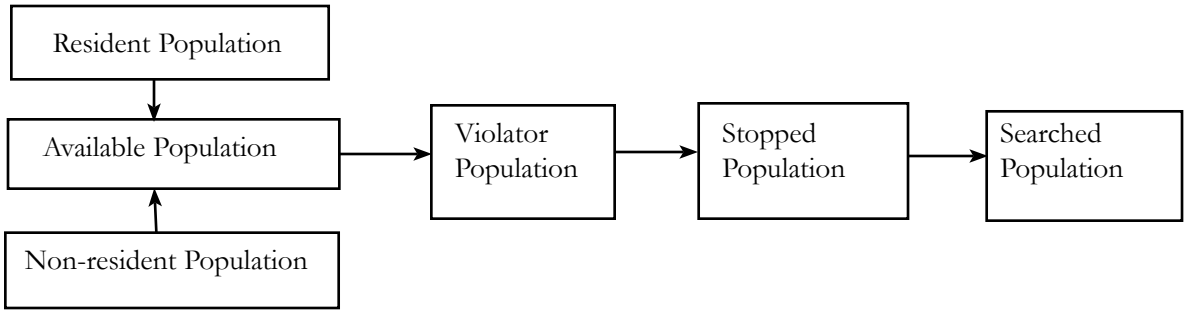
Bivariate and Multivariate Statistics: Bivariate statistical analyses are not appropriate for testing for the existence of racial profiling, and studies that rely exclusively on them are unlikely to increase our knowledge about the nature of police public contacts. The decision to make a traffic stop or conduct a search involves a large array of legal, policy, and social considerations. Analyses that include these considerations will provide stronger tests of the nature and extent of bias-based policing. Bivariate statistics are useful for descriptive purposes but are too simplistic to disentangle the role of race or any other single factor in determining police behavior.

There are a number of plausible considerations, other than the race of the person stopped, which might explain the nature and extent of police public contacts. Future research needs to identify which of these plausible considerations may be consistently associated with more stops or more searches. Examples include:

- Suspect characteristics
  –Age, race, sex, driving behavior, nature of violations
- Officer characteristics
  –Age, race, sex, length of service, training, current assignment
- Encounter characteristics
  –Time of day, day of week, type of vehicle, volume of traffic
- Jurisdictional characteristics
  –Legal requirements for stops, departmental policies on stops, population density, socio- economic disadvantage

Study Samples: In the context of racial profiling, multivariate analyses are most appropriate when the sample under study includes both individuals who have been stopped and those who have not been stopped (or individuals who have been searched and those who have not been searched). For this reason, samples like those obtained in the BJS police public contact survey are well suited for multivariate tests of the role of race. Most racial profiling studies, however, include only people stopped by the police–not those who could have been stopped (but were not) because they were observed violating some law. The following diagram illustrates differences between resident, available, stopped, and searched populations. Most studies compare stopped populations versus resident populations, although a stronger comparison is with violator populations. The problem is that it is difficult to ascertain the characteristics of populations of violators, so researchers frequently use the better known, but less appropriate, resident population.

Alternative Study Samples:



Even if the nature of the violations among the available population were known, a stronger study would identify the subset of all possible violations that police departments or police officers regularly enforce. Some departments and officers emphasize speeding violations, whereas others focus on equipment violations. Some departments strictly enforce laws about child safety restraints, whereas others do not.

Traffic Surveys: Independent surveys of the characteristics of drivers can provide useful estimates of the available population and violator populations at certain times and locations. The value of these surveys would be improved if they were informed by the nature of enforcement activity, and the legal and operational criteria used by the police in making traffic stops and searches. For example, in many U.S. jurisdictions, traffic enforcement laws require that police establish that drivers not only exceeded the posted speed limit but also that they were not driving in a "reasonable and prudent" manner. Under these conditions, studies conducting traffic surveys may benefit from determining the extent to which officers ticket and judges enforce violations that exceed the posted limits by 1, 5, 10, or 15 miles an hour.

If officers never ticket cars driving less than 10 miles over the speed limit, traffic surveys of cars going over 5 miles an hour are not particularly helpful. Similarly, if officers are asked to enforce seat belt laws, especially for children, estimates of traffic violators need to include these and other types of violations. Traffic surveys would also provide better estimates of violator behavior if they were obtained under conditions similar to those used by the police to observe traffic. If the police being studied are stationary, surveys of traffic from stationary observers would more closely approximate actual police operations. Mobile observations can easily misrepresent the population of violators observed from a stationary location.

Analyzing Stops and Searches: Samples of official police stops often include persons who were searched and those who were not. These are better suited for studies of search behavior, including the nature of the search and the length of time the person is detained. A multivariate analysis of search behavior needs to consider the different types of consensual and non-consensual searches and searches that occur without an arrest, before an arrest, and after an arrest. One challenge for multivariate analyses of search behavior is that traffic stops rarely involve searches of any kind. Prior research has addressed traffic stops and searches as separate analyses. Future research will be improved by considering these behaviors together and recognizing that racial biases in police traffic stops will likely affect any analysis of the traffic searches, often in unexpected ways.

Criteria for Racial Profiling: Future research should be more explicit about the criteria used to judge whether systematic racial profiling exists, and if it exists, how frequently it occurs. Racial profiling undoubtedly occurs in some incidents, but the broader issue is whether it occurs in a systematic manner rather than as isolated individual instances. Social science research methods can be used to evaluate the extent to which racial profiling occurs as a rare event or in a systematic and measurable fashion. There are a number of statistical criteria that are commonly used in social science (e.g., percentages, odds ratios, statistical significance, proportion of explained variance) to assess whether an effect exists and, if so, how large is the effect. However, ultimately determinations about racial profiling require value judgments as well.

CNAC recommends that future research on racial profiling go beyond the use of various percentages and statistics and that analysts attempt to report their findings in terms of the number of racial minorities stopped or searched that would not have been stopped or searched under racially neutral circumstances. There are various methods to compare the actual number of stops (or searches) with the expected number. The importance of this recommendation is to convey the nature and size of the reported effect in terms of the number of people affected rather than in the jargon of statistical methods.

Prior to collecting data, explicit criteria should be articulated about how much of a difference between races, measured with which statistics, and controlling for which other influences, would indicate the existence of racial profiling. This procedure would lead to stronger racial profiling research. Of course, reaching agreement among various interested parties within an agency or a jurisdiction about what criteria should be used can be difficult. Social science research often addresses this problem by adopting, applying and reporting results using several different criteria. This approach is recommended, especially when time and resources permit.

4.4 Maximizing the Utility of Future Research

Local jurisdictions should consider a variety of potential uses for any study on racial profiling. Most reports have focused on determining if there is a problem, but the research typically provides little or no diagnoses of the locations, times, circumstances, or enforcement activities where the problem appears most strongly or does not appear at all. For example, is there a greater problem with searches or with stops? Is the problem greater is some neighborhoods but not in others? Similarly, most reports provide little guidance on what should be done to alleviate any problems that are identified. Will a new policy help? Is the issue related to current training, supervision, or law enforcement management priorities? Is the problem agency wide or just among certain offices?

Many jurisdictions have already considered and adopted numerous policies and practices to address concerns about racial profiling. However, there is little empirical evidence about observed changes in the nature of police public contacts after these new policies and practices have been adopted. Social science research may ultimately be more valuable if it evaluates the strengths and weaknesses of these new policies instead of offering simple descriptions of the nature and extent of racial profiling.

5.0 FINDINGS FROM THE CONFERENCES

5.1 City Representation

CNAC developed a list of cities that would meet the criteria identified by the COPS Office and that expressed an interest in participating. It then worked with the COPS Office to select four cities: Baltimore, Maryland; Phoenix, Arizona; St. Paul, Minnesota; and Chattanooga, Tennessee. Among the criteria used to make the final selection were geographic diversity as well as diversity in city size and composition. CNAC wanted to include cities facing a variety of challenges.

The cities were asked to send representatives to two Profiling Technical Assistance Conferences held at CNAC. The first conference, held in August 2001, focused on understanding the cities' current data collection plans and special problems they faced. CNAC brought in subject matter experts, including research analysts and operational experts, to work with city representatives to discuss issues in defining and measuring racial profiling issues. The second conference, held in October 2001, was a working conference, focused tightly on technical issues and assistance to the participants. CNAC again brought in subject matter experts to facilitate in-depth discussions on pertinent topics. Formal agendas for the two conferences are shown in Appendices B and C.

5.2 Composition of Participating City Groups

The representation from the cities was specified to elicit points of view from various stakeholder groups. CNAC asked each city to send representatives to reflect views from the department, the union, and the community. Specifically, it asked for:

- A high-ranking police department official, involved in the planning and process of data collection
- A union representative from the police department, to reflect points of view held by the rank-and-file police officer
- A representative of the community, to reflect the observations and beliefs of citizens and members of minority groups.

CNAC combined these attendees with outside subject matter experts from other jurisdictions, to obtain a wide cross-section of opinions. In particular, it invited members of the National Organization of Black Law Enforcement Executives (NOBLE) to lead critical discussions concerning racial profiling and data collection issues. CNAC also invited members of the research community experienced in analytical and evaluation issues.

From the city groups, it expected to observe interesting patterns of commonalities and differences among the cities. Specifically, CNAC expected to observe common issues pertinent to union members, community representatives, and police department officials across all cities. It also wanted to observe any differences the representatives were able to identify in their particular circumstances and issues. Another focus was to explore the different viewpoints of police, union, and community representatives within each city. This structure was designed to allow us to explore between-city and between-group variations constructively, with the outside subject matter experts serving to lead discussions and facilitate debate.

CNAC started the first conference by having each city group present the pertinent details regarding its city, its problems, and the current thinking regarding data collection and analysis. It requested that the police representatives present the status of their city's efforts to the entire group, and engage in a short question and answer session. CNAC's guidance to each police department representative was as follows:

> As the Police Department representative, you will take the lead in presenting and leading discussion about the current situation in your city. Generally speaking, we want you to share details on what your city is doing with respect to addressing profiling issues and gathering data to investigate concerns. We want you to discuss what event or issue has led your city to become involved in this process. Finally, we want to know what outcomes you seek from your profiling investigation and data gathering–in other words, what specific questions are you trying to answer, and how are you planning to gather and process data to answer those questions. The first part of our conference is targeted to developing an understanding of the underlying issues and concerns across the four cities, looking for commonalities and critical differences.

In addition, CNAC forwarded a list of questions for the city representatives to consider with respect to describing their data collection and evaluation efforts. Following are sample questions it asked the representatives to consider in helping them focus their discussion:

- Why is your department collecting data/what made you decide to do this?
- What types of data are you collecting/plan to collect?
- How are you recording the information?/what is the technical process?
- How much is it costing in terms of money and time?

- Who is responsible for collecting, recording, maintaining the data?
- What group will be responsible for evaluating the data?
- Who will release information derived from the data?
- What specific questions do you want answers for?
- What answers are you expecting to find?
- What are your plans to disseminate the information learned?
- What actions do you foresee resulting from the information/ answers gained?
- What happens if the data shows you completely unexpected results?
- How important are public medias (television, radio, newspapers) in terms of focusing attention to profiling issues? Are they fair in their reporting?
- What problems have you seen so far in your data collection/ analysis effort?
- What lessons learned can you contribute for discussion?

5.2.1 Presentations from Individual Cities

This section presents information from the four cities and their representatives regarding how the cities came to be involved in data collection. It also discusses briefly the type of data collection that is being considered/ongoing. The speakers focused primarily on introducing the issues that prompted their city's involvement in the project and their current efforts to address racial profiling issues. Although the police department representative took the presentation lead, the other representatives then spoke to present counterpoints and additional points of view.[13]

Comments and criticisms of these approaches spurred further discussion on the pros and cons of various data collection efforts. The culmination of various perspectives on the issue created insights that should be useful for cities struggling with pinpointing the best methods and practices. The cities have made various levels of progress to date in addressing racial profiling. Those who have made greater strides provided useful insights to those just becoming familiar with the significance of the issue in their area.

Chattanooga, Tennessee

As described during the conference, Chattanooga is composed of roughly 155,000 people–59 percent Caucasian, 36 percent African-American, 2 percent Hispanic, 1 percent Asian, and two percent other. The daytime population, on the other hand, ranges from 230,000 to

13 Confidentiality concerns generally preclude identifying specific participants and the interactions observed during the conferences. Similarly, CNAC did not ask for actual data collected on racial profiling.

240,000 people–87 percent Caucasian, 11 percent African American, 1 percent Hispanic, 1 percent Asian, and .5 percent other. The Chattanooga Police Department is 69 percent Caucasian, 28 percent African-American, 2 percent Hispanic, 0 percent Asian, and 1 percent other.

Chattanooga has a relatively new chief, who is identified as bringing a new philosophy of openness to Chattanooga (Chief Dotson, October 1997). He sees rebuilding community trust as a critical goal for the police department. The following factors/principles are listed as keys to the department's success in meeting that goal:

- Department actions and policies should be driven by departmental values.
- An important value is openness both across the departmental hierarchy and with the community.
- The chief and his command staff must set the tone and lead by example.

To promote openness within the department, the command staff holds regular meetings with, and cooperates with, the union. In addition, to promote openness with the community, the department established several community groups that meet regularly. The police department's mission statement is "to enhance the quality of life working cooperatively with the public and within the framework of the Constitution of the United States and State of Tennessee to enforce the laws, preserve the peace, maintain order, reduce crime and fear and provide a safe environment."

Chief Dotson is also reported to have brought cultural change within the department in the form of increased freedom and responsibility for individual officers to do their jobs more creatively. The chief says that the State and U.S. constitutions define the parameters of police behavior and officers are free to function within those parameters. This new culture may require new recruiting strategies as well.

Under the leadership of Chief Dotson, the Chattanooga Police Department began directly addressing the issue of racial profiling in 1998. Their effort has had three components:

- Collection of data to track racial profiling
- Provision of in-service professional development to teach officers about racial profiling and what not to do
- Establishment of a code of ethics regarding criminal profiling.

Chattanooga's data collection effort consists of logging every moving citation that each officer writes and every field interview that each officer conducts. The moving citation and field interview summaries capture the geographic area in which the stop took place and the sex and race of the person stopped. The moving citation summary also indicates whether the stop resulted in a citation or a verbal warning. A command committee reviews the aggregate and officer-level data from the summaries every month. The data are considered public record information and are available upon request from any interested party, including citizens and the media.

There are technological problems associated with collecting the data. The specific issue that was mentioned was the fact that the Department's two main databases–the Computer-Aided Dispatch System (CADS) and the Records Management System (RMS)–are not integrated. One benefit of integrating these systems is that matching RMS data, which is provided by officers, with CADS data, which comes from dispatchers, would help validate the officers' data.

As of January 1, 2001, the Chattanooga Police Department voluntarily began participating in the State of Tennessee Vehicle Stop Form program. These forms are completed each time an officer stops a vehicle. The state Vehicle Stop Forms are sent directly to the appropriate state office. The individual departments do not review this data and do not know how the data will be compiled and used by the state.[14]

Baltimore, Maryland

Baltimore is a coastal city with a population of 650,000, including a large minority component. The population of Baltimore is 64 percent African-American, 32 percent white, and four percent other. In contrast, the composition of the police department is roughly 33 percent African-American. The traffic investigation unit has two African-Americans and 38 white officers.

The Baltimore Police Department has not been required by any outside agency to collect data. It decided to do so for three main reasons. First, in addition to being an important national issue, racial profiling is an important issue in Maryland. In response to allegations of racial profiling along Interstate 95, Maryland State Police have been collecting and reporting data on vehicle stops. At the same time, and at both the state and local levels, legislation requiring data collection is being considered. The state did not pass this legislation in 2000, but it is thought that some type of bill will eventually pass.

14 These forms have considerable overlap, which will be discussed further in Chapter 6.

Second, public safety and community-police relations were important issues in the campaign of Baltimore's recently elected mayor. In his campaign, he promised to require that anyone stopped by a police officer should receive a receipt showing the reason for the stop and the officer's name and identification number. Finally, it is felt to be a smart business practice. In order to maintain public trust, police practices and procedures should be as transparent as possible.

To initiate the process, a research group was asked to develop stop receipts and a system for collecting and analyzing data. The research group developed a citizen/police contact receipt book. Officers carry the book and make out receipts to all citizens with whom they have contact. The forms in the book are two-sided, but the citizens' receipt has information from only one side. The citizen's receipt shows: the date of the contact; the times the contact began and ended; the officer's name; the location of the contact; the officer's assignment; the citizen's name, date of birth, contact information, and race; the type of stop; and the action taken.[15] The second side of the form (which contains information included on the receipt) shows vehicle information; whether a search was conducted and what type; and whether any item was seized.

Baltimore has already collected many stop receipts. The information collected to date shows 63 percent of those stopped are of African Americans, 30 percent are Whites and 6.25 percent are other, which seems to match the overall city demographics. A possible issue of concern is that 80 percent of pedestrian stops are of African Americans.

St. Paul, Minnesota

The St. Paul Police Department began collecting data for reasons similar to those that motivated Baltimore. It is considered to be an appropriate business practice and will probably eventually be required anyway. (As in Maryland, a bill requiring data collection was proposed in the Minnesota legislature, but was not passed.) There have also been investigations in St. Paul that have prompted further efforts to investigate racial profiling issues. The total population is about 287,000, and the racial composition of the city is 66 percent White, 12 percent Black, 13 percent Asian, seven percent Hispanic, and two percent Native American. (Police officers are estimated to be nine to ten percent Black, five to eight percent SE Asian, and four to five percent Hispanic.)

15 Arizona representatives asked whether citizens might worry that in collecting information about the citizens, the police are acting in cooperation with the INS. Although this isn't really an issue for Baltimore, the fact that the question came up highlighted the fact that each department will have its own local issues that must be considered when designing a data collection system. If these data were collected in Arizona, Immigration officials, who could use it to find illegal aliens, might request the data.

In making the decision to collect data, the department engaged in extensive internal discussions, and also solicited significant community involvement.[16] Internally, the discussion revolved around fulfilling the requirements of both the Fourth and Fourteenth Amendments. The department representative felt that although officers are well trained on Fourth Amendment search and seizure issues, they have not had the same exposure to Fourteenth Amendment equal protection concerns. An additional issue was the role of training and professional development.

St. Paul representatives reported that initial findings regarding the data collected by the department indicated that racial profiling had been occurring (one type of profiling identified involved Asian gangs in specific areas). In order to improve community relations after these indications became public, the department considered two new policies. First was a plan to give officers personal business cards to hand out to citizens with whom they come in contact. The business cards are intended to support an early-warning system that will identify individual officers who may be problem cases. Second, a "consent search advisory" was developed. Officers are now required to read this advisory to citizens when requesting a consensual search. This advisory is analogous to the Miranda advisory and is intended to keep officers from casting too broad a net when requesting searches.

The data collected by the St. Paul police come from their CAD system. The data show race and gender of people who are stopped and whether or not a person or car was searched (and also the time of the stop). The data are reported to allow comparisons between the rate at which people of a given race are stopped with the rate at which those who are stopped are searched. St. Paul calculates the following measures:

$$\frac{\#\ \text{stopped}_r \Big/ \sum_r \#\ \text{stopped}_r}{\text{population}_r \Big/ \sum_r \text{population}_r} \quad \text{vs.} \quad \frac{\#\ \text{searched}_r}{\sum_r \#\ \text{searched}_r},$$

where the subscript, r, indicates the race so that # stopped is the number of individuals of race (r) who are stopped.

16 Community discussions focused on how to collect data that would truly identify biased behavior and would result in real diagnosis and correction of problems. The community discussions also went beyond data collection to issues of general community safety.

The St. Paul representatives indicated that various approaches were used to evaluate the initial data collected. The press stated that the police department stops a disproportionate number of minorities.[17] It was also reported that the Institute of Race and Poverty looked at the data and compared them to 2001 U.S. Census data, and concluded that the St. Paul police stop, frisk, and search more people of color than the population percentages.[18]

The current position in St. Paul is that because of the negative findings, the Department has moved in a significant way toward defining a solution. Rather than continuing to focus on collecting data, the Department is now focusing on programs to address perceived inequities and treat all citizens appropriately.[19]

Phoenix, Arizona

Phoenix is the sixth largest city in the U.S. with a population of 1.3 million. The population is 57 percent Caucasians, 34 percent Hispanic, five percent African American, three percent Native American, and two percent Asian or Other. The racial composition of the 2,810 officers in the Department mirrors that of the city's population, with Hispanics being slightly under-represented and Caucasians slightly over-represented. Currently, there is no legislation in the state regarding racial profiling or data collection. However, the issue is being discussed.

Phoenix is not currently collecting racial profiling data, although it does collect standard data to provide traditional crime statistics. The first reason cited for why data on racial profiling are not being collected is that the Department doesn't know what data to collect or how the data should be used. A second issue is Arizona's liberal public disclosure laws. In most other states, data on individual officers would be considered part of a department's private personnel data, but in Arizona, all data collected would be considered part of the public record. Because the state's public records laws are currently very open, any information gathered would be immediately open to public scrutiny.[20]

17 The police department representative indicated that the press compared its information to the 2000 Ramsey County data–a county with a higher percentage of whites than in the city itself.

18 These comparisons may not adequately adjust for geographic disparities and operational influences.

19 The St. Paul Police Department and the St. Paul chapter of the NAACP signed an Agreement. The police department agreed to institute certain measures to address racial profiling, and the NAACP agreed to support the police department and see how the new measures worked out. The union representative stated that the union did not sign the agreement, although they want to be a part of the discussion.

20 This is essentially the case for Chattanooga as well. See details in Chapter 6.

A third issue is a technological one–currently, the computer system used to store other crime data (the state-mandated traffic system) forces officers to classify Hispanics as whites (White or Other). If data are entered as Hispanic, the program will re-classify as White or Other. This makes it difficult to analyze the information in a meaningful manner, as Hispanic is the dominant minority group in Phoenix.

The police representative indicated that, at this point, the biggest race issue for Phoenix policing is the use of force. There were three events in the city that have brought the issue to the Department's attention, mostly focused on the use of force by the police. In response to allegations of too frequent use of undue force, the Department initiated a citizens' use-of-force forum and special professional development programs to teach officers about the importance of racial profiling.

Specific actions taken by the city include:

- Instituting a Citizen's Use of Force Forum
- Report from the Arizona Attorney General and Resolution
- Developing a Model Policy for Arizona
- Training 2,800 officers on bias-based policing
- Creating seven advisory groups with minority communities that meet monthly.

The Phoenix Police Department is also in the process of implementing an early-warning system. They are concerned with knowing what flags they should be looking for–in other words, what signals will clearly identify the existence of racial profiling?

5.3 Areas of Agreement

Among the four cities, CNAC found important areas of agreement on issues and concerns. First, each city agreed that they were characterized by having distinct neighborhoods with very different characteristics and problems. A common comment was that "our city is really two cities." This mirrors concerns discussed in a previous section about using aggregate data collected on a city-wide basis to interpret policing actions for the city, since geographic diversity interacts with poverty and crime. The cities agreed that neighborhoods had specific characteristics and problems that required different police activities and presence.

All of the city representatives expressed concerns about how to correctly evaluate and interpret data. They were also concerned about which groups will be allowed, or asked, to make interpretation decisions. Some of the community representatives expressed concerns about the accuracy of data, and the honesty with which forms are filled out. If some officers are knowingly engaged in racial profiling, which the department forbids, then there is an incentive for officers to forego filling out the forms or to fill them out incorrectly. This could lead to biased data.

The department representatives seem certain that no department-wide policy exists for engaging in racial profiling practices. They also seem to dismiss the "bad apples" theory.[21] The general tone was that they think that they are doing good police work, and it just "looks like" they are racial profiling when in fact they are not. Therefore, one reason to resist doing data collection is that "it will make us look guilty just for doing good police work and protecting the citizens." This concern appears to be consistent across departments and is shared by police management and the rank and file. Officers find it both time consuming and insulting to be asked to collect data, and they worry that they are being set up because the press and community opinion have already convicted them.

5.4 Sources of Disagreement

One of the community members spoke on the general issue of racial profiling throughout the country. He stated that it has not received as much attention in his state as in other areas of the U.S. This opened up a discussion of community/regional values and expectations. The discussion pointed up the fact that acceptable practices in one community may not be viewed as acceptable practices in another. In addition, whether specific practices are viewed as acceptable may depend on which minority community is being queried, even within a single city.

Another point of view that was raised questioned the overall value of data collection. From this point of view, if racial profiling policies are in place or instituted, this may obviate the need for data collection. This point of view probably reflects some frustration with a focus on data collection. It reflects a desire to move past trying to measure whether the problem exists, and instead put procedures in place to address the problem.[22]

21 They also indicate that, if there are bad apples, they will surely be clever enough to cover their tracks during any data collection effort. The feeling is that bad apples will have to be found via other metrics.

22 This was not a general view, but more than one person voiced it. This may simplify racial profiling too much–what kind of profiling is going on, and who is doing it is important to devising proper policies.

5.5 Recommendations from Conference Participants

CNAC also asked its conference participants to break out into counterpart groups to observe their reactions separately. It asked the police department representatives to meet alone and discuss some of their concerns, as well as the community representatives and the union members. CNAC learned that, as expected, some of the concerns voiced were more candid when the groups were organized in this fashion. It then brought the groups back together to talk further about some of the issues that were raised in the breakout sessions.

5.5.1 Command-Level Police Department Concerns

Public Awareness and Media Involvement

One of the major concerns to surface was how the data being collected would ultimately be used. Specifically, considerable concern was expressed over whether the data collected would become public information. These concerns include:

- Will officials and/or politicians allow the data to be made public without proper qualifications and explanations of the meaning?
- Will the data be accessible via the Freedom of Information Act?
  - If so, data could end up on a website or in print (via the media), thus allowing citizens or media experts to draw their own conclusions.

Such concerns may have a chilling effect on the prospect of data collection and evaluation. If police lack confidence in how the data will be used and protected, it may seem more reasonable to avoid data collection. In particular, if the police are asked to collect data, but are not invited to provide input into analysis of the data collected, and add their specific operational expertise, it is reasonable for them to be concerned about the analytical conclusions that may be reached by outside experts.

In this context, data collection should be viewed as part of an overall strategy. One of the key elements in the process is for the police to bring the media into the process and make sure that they understand the overall strategy and the steps being taken to improve police-community interactions. In particular, without proper education and preparation, the media may simply mirror citizen reports, citing stories from unhappy citizens or people with grudges. Media involvement can be an educational process. If the media become engaged with police departments, and learn the processes, stresses, strategies, and community-relations issues, they can give a more balanced picture and help resolve tensions rather than exacerbate them.

Stand-alone reports are viewed as dangerous. Conference representatives felt it is better to engage politicians and media representatives in an ongoing process, with periodic reports and re-evaluations and assessments. Reports need to set the stage and work to interpret results rather than just cite a lot of statistics and let people draw their own conclusions. The public does not understand what racial profiling really means, and they do not look at the whole picture (as discussed in Chapter 4).

Involvement with the media should be ongoing. It is unwise to wait until negative publicity occurs and then expect the media to listen and understand police processes and constraints. A pre-existing relationship will generally yield more even-handed media coverage. A department does not want to be in a position of reacting to bad press or community outrage; it needs to be proactive in setting up media and community interactions before misunderstandings develop. It is also important to have the involvement of City Hall and support of community leaders. In summary, the police must try to educate the media and the community, and if possible, local politicians should also be brought into the picture. Suggestions for police policies in this regard include:

- Conduct business with openness and transparency
- Create relationships with the media to help foster understanding of issues, strategies and processes
- Serve as an educator for the community and the media.

The participants agreed that the politicians are seldom at the table when racial profiling is being discussed. They may drive agendas, but they don't often meet with the chiefs or line officers to understand the issues and look at the overall picture. The police see value from trying to educate politicians along with the media and community. However, this may be difficult to accomplish, as politicians have their own interests to consider.[23]

5.5.2 Community Concerns

Community representatives view data collection as a positive step, but indicate that all too often there is no real community participation. Community leaders are often approached after the fact to give endorsement to ongoing efforts. They recommend that community representatives be engaged at the very beginning. The community recognizes that crime is a problem, and it makes sense for community members and the police to work together to define the biggest crime problems and develop strategies to deal with them. This would help the community to better understand police work and help the police to better understand the community's needs.

[23] Once phrase used was "politicians will be politicians." There was wide agreement with this. Another observation was that other than the mayor's office, the councils and legislators really do not understand the police department. One city reported holding numerous community meetings to bring together the media, community, and political groups. An important and sad fact is that the politicians are usually absent–they rarely attend and often answer that they are too busy. This observation was echoed by the other cities.

Collected data need to be analyzed and reported in a way that will help community members to better understand police practices and to use this information to help them interpret what they see on the streets. For example, members of the minority community would like to see whether Blacks and Whites get pulled over and stopped for different reasons. In particular, are Blacks more likely to be subject to high-discretion stops than Whites? Some community members feel that Blacks are more likely to get pulled over for minor infractions that serve as a pretext for finding criminal behavior.

Community representatives were also skeptical about whether the average person can understand and draw implications from the findings reported from data collection. Also, it is not clear how much the community cares about data collection. Public relations are handled at a different level and in different ways: Data collection may be more appropriate as an internal management issue or tool.

Regular community meetings where citizens can ask questions and air concerns are important. In addition, citizen members can serve on review and disciplinary boards and then help field questions at community meetings. Such practices foster positive levels of involvement of major stakeholder groups.[24]

Community input can come via other avenues as well. For example, community surveys can focus on citizens' attitudes toward police, and ask citizens to characterize their interactions with police. Such surveys can supply useful information on community perspectives, and provide input from those who do not interact with the police.

To summarize, the following points were raised with respect to community concerns regarding data collection:

- Concern that it will be meaningless
  - The data should be relayed to the community in an understandable way.
  - The data should include information on activities other than traffic stops.
  - The data should be relayed to police in a way that is instructive to the rank and file.
- Concern that data collection should not be allowed to substitute for actual community contact, improved policies, or other accountability procedures
- Concern that it will be falsely offered as evidence of good or improved relations with the community/departments will consider it enough to ensure good relations

24 One city indicated that citizen participation on review boards and community meetings was ineffective.

- Concern that the community has been shut out of the development process
  - They should be consulted at the beginning and end of the process.
- Police data collection should be supplemented by data collected within the community itself.

5.5.3 Union Concerns

Some union representatives voiced strong opinions about racial profiling issues and data collection. However, they were generally more forthcoming in private conversations than during the general sessions.[25] The union representatives also did not form a cohesive group, probably because the strength and influence of the unions varied considerably across the cities attending the conferences. It became very clear that unions serve very different roles in different regions of the country.

One theme that did emerge, often from sidebar discussions, was that some union members did not feel that racial profiling occurred in any substantive fashion. They sometimes did not agree with the definitions of racial profiling that were discussed, or they felt that some of the actions defined as racial profiling were really just "good police work" that should be supported as police officers doing their job. Resentment was also voiced that investigations into racial profiling were designed to reach pre-determined conclusions that racial profiling existed, and that the data collection and analysis are not designed to be fair to police officers.

In sidebar conversations, some participants seemed to support instances of racial profiling being observed. This also establishes a theme: Some police report they have seen or experienced what appears to be racial profiling, yet they do not view it as a systematic police practice. This view may be characterized in the following way: Racial profiling may occur in isolated cases by some officers, but "we are not trained or encouraged to use racial profiling, and these are isolated instances." In other cases, the individuals flatly denied that racial profiling is used. In part, this may be due to a lack of agreement on the definition of racial profiling. However, even with an official definition, people would still be likely to judge the existence of racial profiling based on their own personal definition.

25 Possibly this was due to expectations of strong reactions to their viewpoints from some of the community representatives and/or police leadership.

5.5.4 Overall recommendations for Issues That Should be Addressed

CNAC asked the conference participants to give their recommendations for issues that should be addressed. The following issues reflect the top priorities for participants:

- The Department of Justice should address the issue of assisting relevant parties to discuss and agree on an official definition of racial profiling that is clear to everyone. It is important that there be a clear standard to measure against.
  - Officers should know how they are supposed to do business.
  - Researchers can then know what they are looking for.

- There should be clear guidelines on how information on racial profiling should be used–who will own it, who will be responsible for using it, how confidentiality can be maintained, and how frequently reports should be generated and released.

- If data collection is a job appropriate for a "task force," then there should be specific information about how to put together a task force and make it work.

- Police departments need guidelines on how to establish partnerships with local university researchers, and guidance on the appropriate roles for local academic or public research groups to play.

- Police departments need guidelines on how to interface with the community regarding interpretations of the data and how data should be released and presented to the community.

- Data collection and analysis can be costly. If data collection is mandated, supplemental sources of funding should be identified. Otherwise, competing needs that are more directly related to traditional law enforcement activities will tend to be given higher priority.

6.0 REPORT ON SITE VISITS

6.1 Technical Assistance Visits

Based on interviews and reviews of data provided by the city police departments, CNAC identified several common issues that significantly affect the ability to conduct and evaluate data collection efforts. In most instances, the information provided during site interviews was anecdotal and based on staff perceptions and hands-on experience. Because much of the information provided was anecdotal, and only three sites were visited, its findings are more illustrative than definitive of issues that may affect data collection and evaluation.

A number of common themes as well as a number of technical assistance suggestions emerged from the site visits. In addition, a number of common concerns were identified. Each city also has special local circumstances to take into consideration when crafting data collection and evaluation procedures. The intent here is not to identify the particular technical assistance issues associated with each city–after all, the cities may or may not choose to consider CNAC's recommendations. In addition, CNAC is not the operational expert attached to the cities; it cannot know local circumstances as well as local experts. Rather, the intent is to cull out general guidance and concerns that are likely to be important both for the cities and for other jurisdictions as well.

Theme 1: Some police department leaders, perhaps in conjunction with local politicians, make decisions on whether and how to collect data without:

- Discussing the issues with police officers
- Outlining the issues to be investigated
- Defining racial profiling in the context of their city
- Creating a clear study plan
- Allocating additional resources for evaluation
- Indicating what kind of evidence will indicate/not indicate the presence of racial profiling
- Offering a plan to react to the evidence collected.

In other words, some police rank-and-file officers feel disenfranchised because data collection decisions are reached without consulting all those involved.

It appears that the leadership believes police officers are not engaged in racial profiling, and that therefore it seems simple just to demonstrate that this must be true. However, if a plan is not

specifically crafted to fit a city's particular circumstances, and internal expertise is not available to work with and interpret results, the city may get a measure that does not fit its needs and proves nothing.

Theme 2: Data collection and evaluation can be viewed as unfunded mandates. The departments report that they lack the resources and expertise needed to support a robust data collection and analysis effort. In this context, resources may consist of funding, or of computer capabilities to record information. Expertise may refer to lack of computer or analytical expertise. Specific concerns reported include:

- Inadequate manpower trained in analytical evaluation
- Inadequate computer (hardware) facilities
- Insufficient computer software evaluation capabilities
- Network-based systems that are not user-friendly to individual analytical efforts
- Lack of expertise and resources to remedy computer/analytical shortcomings.

Theme 3: An important issue is whether police departments should conduct the evaluations and analyses or contract them out. First, few departments have internal personnel with the expertise and background to perform analytical evaluations. Second, departments may feel that by contracting out the evaluation and analysis of the data collected, they will present the image of objectivity. There is a fear that if they do their own evaluations, community members and the press will not trust the reported results.

However, contracting out the evaluation and analysis may create disconnects because contractors may lack the knowledge of police processes and/or city-specific information necessary to accurately evaluate the data and reach supportable conclusions. In the discussions with the cities, CNAC recommended that evaluation and analysis be done with a mixture of resources. The in-house knowledge is important because the operational expertise is associated at this level. It may be difficult for outside experts to understand and interpret a city's results as fully as city or police personnel can. Yet if a city partners with outside analysts, it also gains analytical expertise combined with objectivity.

The choice of blending resources offers other advantages. The police department should retain some control over what questions are being addressed–the study design. In addition, the department should work along with outside researchers. When a report is issued, there should be no surprises. While the police department may not agree with all the findings of an outside research group, local or not, it is important that it be aware of the results before the media see them.

Theme 4: Some officers who go out and do the work resent data collection and evaluation for a number of reasons:

- They feel that the conclusions are already drawn, and that data collection is just a set-up to "prove" that they are engaging in racial profiling–which is insulting.
- They have to waste time and resources engaging in the effort–which cuts down on their ability to execute their jobs properly.
- Outsiders who don't know what to look for will evaluate the data.
- A superficial evaluation will be likely to "validate" racial profiling, and make them look bad. It is painful and insulting to be labeled as racists.
- They fear the media will misrepresent the data and findings.
- They fear that data collected will become available to anyone who asks for it–the media, politicians, individual citizens, outside researchers. Specifically they fear:
  - What kind of analysis will these people do?
  - What kind of personal information may be released in this way?
  - Will it be used to damage careers, or harass individual officers?
- Profiling is part of the job–they do the job as they have been taught, and part of the job is learning to recognize citizens who have something to hide, who are guilty, who are likely to have weapons, etc. They look for clues, and those clues may be correlated with race, but that is not the same as racial profiling. If primary clues involve non-race indicators, then some officers do not consider adding race as a secondary clue to constitute profiling (e.g., the person is out late at night near a drug trafficking area, *and also is of the wrong race to fit in the neighborhood*).

6.2 Status of Data Collection Efforts

Data collection efforts in Chattanooga and Baltimore are proceeding at this time, and present some interesting facets worth consideration. Data collection in St. Paul is not a primary concern to the Department at this point, as they feel that they have moved to a follow-on phase to resolve racial profiling issues through training and officer focus programs, pending additional evaluation of the data already collected (by the University of Minnesota). In Phoenix, the data collected have been focused on use-of-force issues, and there is no current data collection effort for addressing racial profiling. We will describe the data collection process for Chattanooga and Baltimore, and then address briefly some of the pertinent issues present in St. Paul and Phoenix.

6.2.1 Review of Current Chattanooga Police Department Data Collection

The Chattanooga Police Department logs every moving citation that each officer writes and every field interview each officer conducts. The Field Interview and Vehicle Stops Report (FIVSR) captures the information shown in Figure 1 on the next page. The form also permits collection of detailed information on each person involved in the stop (the primary contact, and three associates) and on the vehicle. This information includes name, date of birth, social security number, address, identifying characteristics, demographic information, and aliases. This additional information is **not** collected on the State Vehicle Stop Form.

As of January 1, 2001, the Chattanooga Police Department voluntarily began participating in the State of Tennessee Vehicle Stop Form (VSF) program. These forms are completed each time an officer stops a vehicle. There is no information collected on the VSF that is not also collected on the FIVSR. The only time filling out the VSF is not a duplication of effort is when a stop is made but leads to no action at all. Items collected are shown in Figure 2 on the next page.

The data collected with the FIVSR is currently being summarized on two, one-page reports, which are given to the Chief on a monthly basis. The first report is the Moving Citation Log Summary. It captures the number of citations written overall, plus the number of citations written by the traffic unit, and in each of seven geographic zones (Zones A through G). These data are reported by race, by gender, and for various cross tabulations of geographic zone, gender, and race.

Figure 1
FIVSR Information

- The case number
- The complaint number
- The date and time of the stop*
- The location of the stop (sector, zone, beat) or interview*
- The officer's name and badge number*
- Race/ethnicity of the person stopped (African-American, Asian, Hispanic, Caucasian, other/not apparent)*
- Approximate age of the person stopped*
- Gender of the person stopped*
- The reason for the stop (criminal, traffic)*
- Whether the stop was gang related
- Whether the stop was officer initiated
- The result of the stop (citation, written warning, verbal warning, arrest)*
- Whether a search occurred and if so, what type (vehicle, personal effects, driver, passenger(s))*
- The legal basis for the search (consent, probable cause, incident to arrest, warrant, inventory, plain view, safety factor)*
- Whether physical evidence was seized*

**-items are also collected with the State Vehicle Stop Form*

Figure 2
VSF Information

- The ORI number (city)
- The date and time of the stop
- The location of the stop
- The officer's ID number
- The race/ethnicity of the person stopped (African-American, Asian, Hispanic, Caucasian, other/not apparent)
- The approximate age of the person stopped
- The gender of the person stopped
- The reason for the stop (moving traffic violation, vehicle equipment violation, criminal)
- The result of the stop (citation, written warning, verbal warning, arrest)
- Who the action was taken against (passenger, driver)
- Whether a search occurred and if so, what type (vehicle, personal effects, driver, passenger(s))
- The legal basis for the search (consent, probable cause, incident to arrest, warrant, inventory, plain view, safety factor)
- If physical evidence was seized
- Type of evidence seized (weapon(s), drugs, other)

The first report also shows the total number of accidents with citations by zone and the number of warnings by zone. The second report is the Field Interview Log Summary. It shows the number of field interviews conducted overall and in each zone by gender and race. Neither summary captures whether the contact resulted in searching a car or an individual, although this information is available. Currently, the Crime Analysis Unit responsible for organizing and analyzing the data consists of only one person with no support staff. The resident crime analyst does not have formal expertise in data analysis, and accordingly feels somewhat unprepared to set up and analyze the data collected. It seemed clear that the crime analyst would also need to acquire access to software designed for data manipulation.

At the time of the visit, none of the data from the State's VSF had been analyzed or reported. The Chattanooga Police Department and other participating departments send their forms to the State Comptroller's Office (a state requirement), but reported scanning difficulties have prevented the State from conducting analysis. At this point, the Chattanooga Police Department does not know what the state is planning to do with the data, or how it plans to evaluate the data. This is causing them some concern.[26]

Some members of the staff were apprehensive about the data being collected with the VSF for the State of Tennessee for the following reasons:

- Some are concerned that the goal of the program is to show that departments across the state have been engaged in or do engage in racial profiling, and that they are collecting data to support a pre-determined conclusion.
- Supporting this notion is the perception that the VSF does not capture enough detail on stops to portray an accurate picture of Chattanooga police practices.
- Some also see the VSF program as inefficient and a waste of time since the form largely duplicates most of the information they already collect.

Some staff reiterated that they (and other departments in general) are **presumed** to be guilty of racial profiling and must now prove otherwise. This reflects an overall attitude that, in the court of public opinion, they have already been convicted. However, they agreed that they would support a "fair" data collection system and a "fair" analysis.[27]

26 Other areas of concern are the level of detail captured by the state forms and the method that will be used for aggregating the data. For example, used in isolation, data collected with the state's VSF may not be able to take into account officer deployment patterns across areas that differ demographically.

27 For example, a fair analysis would include data collected and analyzed at a level of detail that would capture factors such the deployment patterns of officers into racially diverse neighborhoods and directed stops for specifically described suspects. The staff felt certain that they do not engage in racial profiling. However, they agreed that they would abide by the findings of a fair–and thorough–evaluation.

A final issue that emerged is the concern that any data that are collected may become part of the public record. The media has already had access to the department's personnel files, including the Internal Affairs files. Therefore, it must be assumed that any data collected either for the city or the state are likely to be obtained by outside investigators at some point. This follows from state law regarding public information.

6.2.2 Review of Current Baltimore Police Department Data Collection

The Baltimore Police Department's data collection involves providing citizen receipts after every officer-initiated contact.

Citizen/Police Contact Receipt

The data on the citizen's side of the receipt include:

- Date of stop
- Time of stop and duration
- Location of stop
- Officer's name and ID number
- Officer's assignment (post, assignment, unit)
- Citizen's name
- Citizen's date of birth
- Citizen's address and phone number
- A box to mark if the address is not in the city
- Citizen's gender
- Citizen's race (American Indian, Asian/Pacific Islander, Black, White, Hispanic, other, unknown)
- Reason for stop (driving related, vehicle equipment, stop and frisk, field interview, other), plus explanation
- Action taken (traffic citation, repair order, criminal citation, warning, arrest, other), plus

The data on the other side of the receipt include:

- Whether the citizen has a driver's license, an ID card, or another form of ID
- The state where the ID was issued
- The license or ID number
- The license plate number and state of the vehicle stopped
- The year, make model, and color of the vehicle
- Whether a search was made and what type (person, vehicle, property, consensual, other)
- Whether an item was seized (firearm, CDS)
- Receipt numbers of other receipts issued as part of the same stop.

Prior to issuing the Citizen/Police Contact Receipt, the Department collected data from Field Interview reports. Officers entered information in this database voluntarily if they thought that the information would be useful for continuing or later investigations.[28]

Baltimore Police Department Data Collection Analysis

The Baltimore Police Department data are currently being analyzed at the city level, and there are plans to do future analysis at the precinct level. Data are presented to the mayor at bi-weekly meetings. In addition to the bi-weekly reports, the Baltimore Police Department has also done 3 and 6-month interim reports that have more detail and were used for internal purposes only. At the time of the visit, results from a six-month collection period were discussed, involving about 89,000 records.

The Baltimore Police Department has a multi-person staff to address analytical questions, but as they have a large amount of data to analyze, they consider themselves under-staffed. The officers CNAC spoke with seem somewhat comfortable with data analysis, but they do not have a formal background in research methods. Another consideration is that the data are stored in a Lotus Notes database, which is apparently better for handling documents than data. In particular, Lotus Notes doesn't offer enough flexibility for officers to generate anything other than canned reports set up by a consultant programmer who is only on site two days a week. In addition, there are issues with hardware. The data and the software live on the Baltimore Police Department network, which is very slow. This means that generating reports is time consuming from a data processing standpoint.[29]

The staff CNAC spoke with accept that they are going to collect racial profiling data, and would like to get additional information from the data if possible. In particular, they were very interested in using data to inform management decisions. As for police-community relations, the general feeling seemed to be that tensions had diminished once the receipt program began. The view is that people are happy with some attention being given to the problem–they feel that their complaints have been heard and addressed to some extent.

Maryland does not have "public access to records" laws similar to those in Tennessee and Arizona. However, it is not clear whether information from the receipts will eventually become part of

[28] The Department expects that the collection of racial profiling data will soon be mandated by the state. They say that they are already collecting most of what they expect the state to require. They believe the state's plan for data evaluation is to give the data collected to the University of Maryland for analysis.

[29] As part of CNAC's technical assistance, it spoke to the data analysts about doing initial analysis on samples of their data, reserving full data runs for final reporting. 89,000 observations yield almost too much data.

the public record. The current thinking is that raw data can be disseminated so long as neither police officers nor citizens can be identified.

6.2.3 Review of Current Phoenix Police Department Data Collection

Because Phoenix is not currently collecting data on racial profiling, the goal of this trip was to understand the city's traffic stop procedures and develop some ideas about how data collection could be implemented in the future. CNAC also spent several hours talking in detail with some of the officers and data analysts. Among the things learned are:

- Since about 100 traffic officers issue most of Phoenix's traffic tickets, using patrol officer deployment data will not capture the allocation of traffic officers.
- These officers are sent to specific locations based on a formal system of recorded traffic complaints. There is also a formal system for recording how each complaint is addressed by the traffic units and where each unit is assigned.
- Arizona's "reasonable and prudent" traffic laws require officers to establish clear violations of traffic laws. Speeders must be going about 15 miles over the speed limit to be stopped.
- Officers need to use radar or laser and observe the car visually. This often means tracking them as they approach and after they pass the traffic officer (and it also means that the officer has a better chance of determining the driver's race and sex). However, even under daylight conditions, it is difficult to determine some drivers' race or sex until they are pulled over.
- Phoenix addresses are very confusing. Some post offices with a Phoenix street address are not in Phoenix; some post offices with Scottsdale or Mesa addresses are within the Phoenix city limits. This might prove to be a minor complication in using Phoenix demographic data.
- There are additional problems with using traffic accident data as a measure of available or violator populations since the ticket for a traffic accident is often indistinguishable from a speeding ticket.

The data analysts in Phoenix are currently considering three future approaches:

- Conducting a citizens' survey based in part on the BJS police public contact survey, but also measuring citizen's general assessments of the police.
- Conducting some systematic police observations as a way to get a handle on what actually goes on in police stops.

- Using existing police traffic data supplemented with improvements in recording race and ethnic data (Hispanic currently recodes as Caucasian).

There are difficulties in implementing these approaches, since they require obtaining representative samples of data from citizens in general, and from citizens stopped by police. It might be possible to link citizen assessment of stops with officer records of stops at the individual stop level. This type of information may be more appropriate to use for identifying issues in police practices rather then for quantitative analysis.

Another issue explored was "be on the look out" BOLO stops and how their effectiveness might be measured. One consideration is whether or not BOLO stops are effective in actually catching someone (how low/high are the hit rates). It is clear that citizens expect police to look for suspects that get away and that such stops are legal. However, it is not known what proportion of police stops were of the BOLO type. In addition, the effectiveness of BOLO stops also has to do with the amount of discriminating detail in the descriptions of the suspect, and the time and distance from the precipitating event. Some Bolo stops may actually happen months or years after the notice.

6.2.4 Summary Review of Current St. Paul Police Department Data Collection

Initially, officers in the St. Paul Police Department collected data using their CADS system. They evaluated their data and issued a report at the request of the city council. They also turned the data over to researchers at the University of Minnesota for a more formal analysis. They are still waiting for final results from the University of Minnesota. In the meantime, they have been caught up in the issue of whether to have officers issue business cards whenever they stop someone.

The community representative, who represents the NAACP, said the NAACP is willing to wait for the results of the University of Minnesota study now that the initial data collection effort is over. The police department feels that the data collection process has helped to improve the relationship between the department and the community.

The community representative indicated that initially members of the NAACP resisted data collection efforts because they considered it insulting that racial profiling would have to be proven. However, they now consider that it is appropriate to demonstrate proof that there

is a problem. Data collection also can serve to delineate appropriate corrective measures. For example, it is crucial to know if these are the consequences of bad apples or biased training. In the first case, the officers need to be identified and stopped. However, if the fault lies with police department initiatives, then procedures will need to be changed.

Other issues that were raised involve identifying "reason for the stop" as important for determining and uncovering bias. For example, if Blacks are subject to high discretion stops, while Whites are subject to low discretion stops, a pattern emerges which needs to be investigated. In addition, the union representative raised a concern with whether the data collected has enough detail to give an accurate representation of police practices.

6.3 Overall Recommendations for Technical Assistance

It is important to establish linkages with the professional research community. Police departments can benefit substantially from consulting with analytical experts. Ideally, the departments can approach local analytical groups to establish a mutually beneficial partnership. The word partnership is an important recommendation: An ongoing shared dialogue should characterize the relationship. The police department and professional analysts should work together, not as separate entities.

Computer issues are also important. However, the needs of hardware and software depend critically on the size of the database being collected, and the scope of the analysis under consideration. Depending on how the police department network is set up, it may be inefficient to use a shared police network. If that is the case, it is best to extract the data being collected to investigate racial profiling and move the data to a stand-alone system. Stand-alone systems may provide superior processing with respect to speed as well as specialized software not generally available on police computer networks. Most departmental requirements for data analysis can be met by a reasonably sophisticated Pentium PC, and do not require a major financial investment for hardware and/or software. On the other hand, internal processing and evaluation may require training of personnel, which would be more costly and time-consuming.

It is also time-consuming for individual department representatives to become knowledgeable about the existing literature on racial profiling. As part of providing technical assistance to the participating cities, a CD was created containing electronic versions of selected papers and presentations collected from various sources. This included 22 U.S. single-site studies, 11 general studies, and 10 British studies. CNAC provided a copy of this CD to each participating city. This is not intended to be a comprehensive source of information, but to provide each city with a good starting point in its evaluation of external studies of racial profiling issues. The details of the papers and presentation information included in the CD are found in Appendix D.

7.0 SUBJECT MATTER EXPERTISE: VIEWPOINTS FROM NOBLE

In the course of this study, CNAC sought operational perspectives to go along with consideration of the analytical issues involved. This section presents viewpoints associated with members of the National Organization of Black Law Enforcement Executives (NOBLE). Note that this is not a single point of view. Since racial profiling and data collection issues are complex matters, it is unlikely that a single viewpoint will capture the outlook of all an organization's members. The primary source for this section is Ronald Davis, a captain with the Oakland Police Department.[30] He is also a vice-president of NOBLE, and has written and presented widely on the subject of racial profiling. He served as a subject matter expert at both of the conferences.

By articulating an example of how the Oakland Police Department has approached collecting and analyzing data, Captain Davis demonstrates some of the potential pitfalls of overly simplified analysis using actual data instead of hypothetical cases. In addition to providing a powerful example of real world analytical issues, Captain Davis also outlines a template for a police department approach to multivariate analytical methods by sequentially examining and comparing selected data.[31]

Although this approach falls short of yielding the power of simultaneously examining and disentangling multiple influences, it provides a logical, systematic, and comprehensible approach which can be used in lieu of true multivariate research expertise. The Oakland methodology approximates more conventional multivariate research methods and may be more easily understood by police department personnel, community, and media representatives.[32]

In his opening comments for the conference participants, Captain Davis began by drawing a distinction between racial profiling and bias-based policing, by asserting that the former is a symptom of the latter. He also noted that by addressing the issue of racial profiling without understanding that it is the symptom of a larger problem, responsibility for social and departmental bias is put on the shoulders of the rank and file. He feels that systemic reform is required, and data collection is only a first step in the process. Data collection and analysis can be used to identify specific problems and to measure improvement.

30 In this section of the report, CNAC is primarily using material collected and prepared by Davis in his capacity as a law enforcement practitioner and in his position in NOBLE. Davis has used some of these examples in previous presentations and at our conferences. CNAC also include some material from other NOBLE members. Unless otherwise noted, the material in this section is derived from Davis.

31 In more technical terms, this approach is essentially a linear stepwise approach via nested pairwise comparisons.

32 The Oakland Police Department is now partnering with RAND to use multivariate research methods.

Points About Collecting and Using Data

Most data that are being collected relate to traffic stops–e.g., what are the characteristics of the individual who is stopped and of the officer who made the stop, why was the stop made, what happened during the stop, and what was the result of the stop? However, little thought is given to an important issue: the deterrent effect of these traffic stops.

At least three important questions should be addressed before a data collection effort is undertaken: 1) What is racial profiling? 2) Why are we collecting data and what do we hope to learn? 3) How will we judge the effectiveness of policies enacted based on data analysis? Also embedded in the current debate is whether or not data should be collected which identifies individual officers.

Definition of Racial Profiling–the 60/60 Dichotomy

Captain Davis, speaking during our conferences, said that to properly analyze racial profiling, it needs to be carefully defined. Once defined, it can be determined whether it exists, to what extent it exists, and how to fix it. Devising a common definition of racial profiling is important because if the community and the police department don't agree on the definition, then a perceived problem can't be fixed. It's likely that disagreement over the definition of racial profiling is what has led to the "60/60" dichotomy in which 60 percent of police chiefs (in a PERF survey) say that racial profiling is not occurring in their departments, while 60 percent of the people say that it is occurring.

For example, if racial profiling is defined using race as the sole determinant for a stop, then chiefs will say that their officers are not profiling based on race. Or, consider the definitions offered by Ramirez (Ramirez et al. 2000) and Harris (Harris 2002), which indicate that race can be used as a **descriptor** (i.e., if it is part of a suspect's description), but should not be used as a **predictor** of criminal activity. In addition, it is important to know what definition of racial profiling was used in a study that you read or in a survey whose results are being considered. In general, although few studies use surveys, it is important to know how survey questions were worded.

7.1 Positives and Negatives of Data Collection

(This material was provided by Captain Davis based on a report he prepared for NOBLE, *Racial Profiling: "What Does the Data Mean?"* The report is a practitioner's guide to understanding data collection and analysis.)

Many people believe data collection is necessary to end racial profiling. Others believe data collection offers no practical value and simply validates what we already know. Is data collection practical–a critical step to ending racial profiling–or is it merely symbolic–necessary to appease the minority community in hopes of instilling public trust?

On one hand, data collection is practical as a management tool. Statistics facilitate making intelligence inferences from data. Proper data collection and utilization of credible benchmarks not only provides an organizational "snap shot"–a look at the organization at a specific point in time–it assists administrators in identifying institutional and systemic problems. Data collection is also symbolic because it is a gesture of openness to the community and a commitment to equality. It translates into "we have nothing to hide" and represents the willingness of law enforcement to take an introspective look to prevent disparate treatment. It also demonstrates law enforcement's true commitment towards community needs and concerns.

On the other hand, improper data collection and inaccurate data analysis contribute to negative perceptions in the community and negative perceptions of law enforcement, and they result in an overall lack of confidence in the process. False expectations of data analysis can also contribute to negative perceptions in both the community and the agency. Most people agree that data collection is not a panacea for racial profiling, but good data collection and analysis can be a critical first step in developing solutions to ending racial profiling.

7.1.1 Data Collection and Analysis

Data collection alone will not solve the issue of racial profiling. It should, however, serve as a tool to illuminate the issues and identify operational systems and programs that may be influenced by bias or result in disparate treatment. It is important to remember that data collection must be done in the appropriate manner, and that analysis must be done in an accurate, thorough, and fair manner in order for positive outcomes to be observed. If any of these steps are done in such a way as to cast doubts upon the conclusions, participants may conclude that the entire project is invalid.

It is critical to define the purpose of data collection before deciding what data to collect, so that the goals will be reachable. In other words, know what questions are asked and have in mind what steps must be taken depending on the answers found. In the context of racial profiling, the purpose of data collection is analysis and applications to illuminate the answers to questions. Analyzing the data properly allows the information to be used to benefit law enforcement and the community.

An Early Benchmarking Example

Many people consider San Jose Police Chief William Lansdowne to be the "father of data collection" with respect to racial profiling. The San Jose Police Department was one of the first law enforcement agencies in the country to voluntarily collect traffic stop data. Chief Lansdowne's decision was based on concerns of the minority community. He led the San Jose Police Department in developing and implementing a data collection program and was applauded by the ACLU, the NAACP, and many other civil-rights and community-based organizations for his courage and commitment.

When Chief Lansdowne released his first data-collection report, it showed a disparity (less than 10 percentage points), between traffic stops of Hispanics compared to the percentage of Hispanics residing in the city. The department came under immediate criticism from a few civil-rights and community-based organizations because the stop statistics did not exactly match the demographics of the city.

This type of comparison–vehicle stop data against citywide census data–became the national trend. The 1990 Census and aggregate citywide demographics became the sole benchmark for many people and organizations. Racial profiling and discrimination accusations were launched against police agencies based on this comparison. Not only is this practice inaccurate–it is outright irresponsible, and actually contributes to negative perceptions in the community. As a result, many police administrators are apprehensive about data collection for fear they too will be accused of racial profiling and racism based on statistical disparities. Effective benchmarking must incorporate the complexities of effective policing, as well as societal and cultural disparities.

Baseline Comparison Data (BCD)

Census data often fail to provide an effective data analysis benchmark or baseline. The census shows the percentage of citizens residing in a city; it does not provide the number or demographics of the

actual drivers or traffic violators, which by most accounts yield the most effective baseline. The census does not provide the number of people that visit or drive through a jurisdiction–commonly referred to the "daytime" population. To the extent possible, police agencies should utilize professional researchers to conduct statistical samplings and surveys to determine violator-demographics and the daytime population. In the absence of statistical sampling, agencies that use census data must narrow the data to persons of driving age and incorporate all relevant local variables, as will be discussed later.

In addition, aggregate percentages do not reflect racial or ethnic population density. Many neighborhoods are predominately one race or ethnicity. Consequently, the number of officers assigned to and stops conducted in these neighborhoods may skew the aggregate data. Most police agencies deploy staff based on population density, reported crimes, and calls for service and then divide the city into beats, districts, precincts, or areas. High-crime areas generally have more officers assigned to them. If higher percentages of officers are assigned to areas that are predominately one race or ethnicity, the number of stops will be higher for that race or ethnicity.

These disparities are not a result of the police tactics. These disparities are societal, based on many factors ranging from historic racism and discrimination to education and socio-economic conditions. The police should not be held accountable for societal-based disparities, unless these disparities are used to form biases and stereotypes that are then applied in policing.

Case Study–Oakland, California

Oakland can be used as a case example of how data collection can be both improperly and properly applied. By working through consecutive applications of data collection and analysis, it is possible to highlight an appropriate approach to investigating racial profiling issues. It demonstrates how hasty conclusions can lead to incorrect assessments of the situation.

Oakland is approximately 36 percent African-American, 23 percent Caucasian and 26 percent Hispanic. It is divided geographically along historic racial-geographic lines–areas in which the majority of the population is of one race or ethnicity. In Oakland, about 85 percent of the Black population resides in an area referred to as the "flatlands," and about 85 percent of the White population resides in an area known as the "hills." The flatlands area is a high-crime, low-income area. The hills area has lower crime and more affluent neighborhoods.

Oakland is also divided into three police areas. The demographics differ in each police area and in addition differ from the aggregate census demographics. The flatlands and hills are not police designations or official police precincts. They are historic racial-geographic boundaries (named by the community) that encompass parts of all three precincts. Although 85 percent of Oakland's black population resides in the flatlands, it represents only 50 percent of the aggregate flatland demographics. And although, 85 percent of the white population lives in the hills, it too represents only 65 percent of the hill demographics.

Approximately 85 percent of crime reported in Oakland is committed in the flatlands. Of approximately 100 officers assigned to each watch, 85 are assigned to the flatlands and 15 in the hills.

Establishing Benchmarks for Oakland

Before compiling and comparing data, it is important to first establish a benchmark. One method is to identify the "perfect" data set and statistical match. In other words, what would the statistics reflect if all of the stops the officers conducted matched perfectly with the demographics of the areas to which they were assigned? The key to this method is to delineate each area because this determines what baseline data will be used. The next decision is whether to use the aggregate census data, the precinct demographics, or the racial-geographic statistics. As discussed above, the best baseline for Oakland is racial-geographic.

The next step is to identify staffing deployments relative to the racial-geographic boundaries. As part of the "perfect" data model, each officer stops the same number of people, whose demographics match perfectly with the areas assigned. The chart below establishes a "perfect data model" racial-geographic baseline for the City of Oakland.

Location (Area)	No. of officers (100)	No. of stops (10,000)	No. of blacks in area	Total no. of blacks stopped
Hills	15	1,500	19%	285
Flatlands	85	8,500	50%	4,250
Total	100	10,000	100%	4,535

The perfect model results are based on the assumption that each officer conducts 1,000 stops that perfectly match the demographics of assigned areas. Using the racial-geographic percentages, 4,535 out of 10,000 stops should be black (45 percent of stops). Aggregate 2000

Census data say that Oakland is 36 percent Black, therefore, there is a nine percentage point disparity between the model prediction and simple city-wide Census demographics.

If data collection revealed that 45 percent of stops were of Blacks, many observers would see a disparity and immediately accuse the police of racial profiling. This is inaccurate. The 45 percent figure actually represents a reasonable stop-benchmark for the City of Oakland, by taking into account population density and staffing deployments.

The apparent disparity would be the result of a majority of reported crime being committed in an area that is predominantly Black. Consequently, a majority of officers are deployed in this area. It is only reasonable to expect that where there are more officers, there will be more stops. The apparent disparity would represent societal-based disparities, not police-based disparities.[33] In addition, data collection findings of stop-percentages for blacks of greater than 45 percent might or might not indicate police disparities or racial profiling, depending on circumstances. In actuality, the data collected in 2000 show that 48 percent of stops were of Blacks.

Extending the Perfect Model Approach to Consider Searches

When reviewing search and post-stop data, it is important to recall the distinction between traffic stops and crime compared to searches and crime. Many argue that the crime rate and the suspect or perpetrator demographics determine the demographics of the stops, not traffic-violator or population demographics. Many chiefs and managers state: "If minorities are committing more crime, I expect my officers to stop and search more minorities."

Most law enforcement officers believe traffic stops are effective in "catching bad guys," thereby reducing and preventing crime. However, some evaluations raise questions about this premise. Recent traffic stop data reveal that only 3 to 10 percent of traffic stops result in arrests; over 65 percent of those arrests are traffic-related violations or warrants, not the crime offenses used to justify making traffic stops based on perpetrator demographics.[34]

33 It is important to note that although 85 percent of reported crime is committed in an area that is 50 percent black, this does not mean that the majority of blacks commit crime. Law enforcement should not use this information to create biases and stereotypes to target minorities, but to effectively deploy staff in areas where they are most needed and to develop strategies to improve the quality of life in high-crime neighborhoods. Even if it is true that minorities commit the majority of reported crimes in certain areas, it is most likely that the percentage of people committing crimes represent less than 10 percent of that minority group. It is unreasonable to cast suspicion on an entire group or class of people, based on the actions of a few.

34 These traffic stop data provided by Captain Davis are from several cities, including Oakland.

If empirical data do not suggest that traffic stops reduce or prevent crime, it is not reasonable to expect officers to conduct stops based on the demographics or profiles of criminals. It results in race and/or ethnicity being used as a **predictor** of crime, versus as a **descriptor** of a suspect. It constitutes racial profiling and is a violation of the Fourteenth Amendment of the Constitution.

However, although there is not necessarily a nexus between car stops and crime reduction, there is a direct nexus between searches, post-stop activities, and crime. A search should not be conducted unless there is probable cause to believe a person has committed a crime. Therefore, search statistics and post-stop activities must be analyzed using different benchmarks and baseline comparison data.

The most effective baseline data for searches and post-stop activities are data on "reported crime," but this does not mean suspect demographics. It means agencies should plot reported crime by police-geographic or race-geographic lines. The searches should match the percentage of crime in an area relative to the demographics of that area. As discussed earlier, in Oakland 85 percent of reported crime occurs in the flatlands, so it is reasonable for 85 percent of vehicle searches to be conducted in the flatlands area, which is 50 percent black. This evaluation may also be subdivided to smaller geographic areas based on search density and police geographic demographics. Agencies should plot where the searches are conducted and compare search density to reported crime density and local demographics.

Applying the Search Patterns to the Case Study of Oakland

Examining data collection for Oakland reveals that 65 percent of searches conducted were on African-Americans. This appears to be a 29 percentage point disparity, based on simple population demographics that show Oakland is 36 percent black. The next step is to identify whether the disparity is police or societal-based, or both.

Once again, the baseline data and benchmark must be identified before comparing search data. The "perfect" data set is once again an effective method of establishing benchmarks. In post-stop categories, such as searches, the census, precinct and/or racial-geographic demographics are not effective as the sole benchmark(s). Reported crime relative to the stop-benchmark is the most effective benchmark. In other words, the number of searches conducted by officers should be proportionate with the percentages of crime committed in each area. Racial-geographic boundaries is used as the search-benchmark to overlay reported crime and searches.

The actual Oakland search data indicate that there were 2,229 searches, with 90 percent (2,006) of the searches conducted in the flatlands, and 10 percent (223) of the searches conducted in the hills. The net effect was that 65 percent of searches were conducted on blacks. Using the percentages of blacks in the hills and flatlands, multiplied by the number of searches in the hills and flatlands, yields an expectation of 47 percent of searches on blacks. It is important to note that this observed disparity (65 percent versus 47 percent) does not necessarily constitute police-based disparities or racial profiling. Other variables, such as probation and parole considerations and local factors, should be examined before reaching that conclusion.

Additional Factors to Consider

There are approximately 11,000 people on probation and parole in the City of Oakland. Approximately 700 parolees are wanted for some type of violation, commonly referred to as "at-large," on a daily basis. It is estimated that over 50 percent of reported crime in Oakland is committed by persons on probation and parole. Recidivism rates for persons on probation and parole exceed 70 percent. In the State of California, persons on probation and parole are in many cases subject to warrantless searches and searches without probable cause as conditions of their probation and parole.

In response to these statistics, the Oakland Police Department formed a Police and Corrections Team (PACT). The team targets repeat offenders and provides education, training, and job placement programs, as well as aggressive enforcement of parole and probation conditions. The PACT program results in hundreds of stops and searches of known persons on probation and parole. This situation can skew the benchmark and provide "false positives," which may be viewed as disparate and even discriminatory practices. In Oakland, 29 percent of all searches conducted were based on probation and parole status; 79 percent of these searches were of African-Americans.

Several questions, however, naturally arise for the Oakland statistics. First, what are the demographics of persons on probation and parole in the City of Oakland? Where do they reside–the flatlands or the hills? The answers to these questions determine to what extent this information contributes to the disparity identified earlier. They also help determine whether the disparity is societal-based or police-driven.[35]

35 If 79 percent of people on probation and parole in Oakland are African-American, this will be consistent with the search data and reflect a societal-based disparity. It would also be expected that 85 percent of people on probation and parole reside in the flatlands, which is 50 percent African-American. This too is a societal-based disparity that skews the aggregate search data.

Repeat Offenders

If the stop-data collected reflect 100 Hispanics stopped, do the data reflect 100 Hispanics stopped once or ten Hispanics stopped ten times? The answer to this question is a critical factor in data analysis. One of the basic premises of community oriented policing is working closely with the community to identify criminals. Successful officers recognize known criminals, whether drug dealers, burglars, or auto thieves, many of whom may be on probation and/or parole.

Officers may stop and detain persons on probation and parole, or known drug dealers, multiple times during a data-collection period. The intent of the stops varies: Some cases may be reasonable suspicion that a crime is in progress, while others are based on probation and parole status, including invoking search clauses. Many cases may be based on a pre-textural traffic stop to "dig" further into suspicious behavior of known criminals. It is crucial that the status of repeat stops be captured as part of data collection.[36]

Consideration for Special Programs

Another variable to consider in data analysis is the existence of special enforcement programs.[37] Programs such as drunk driving checkpoints, seatbelt enforcement, and homicide suppression units can result in disparate stop statistics depending on their purpose and location. Seatbelt compliance offers an example of the possible influence of special programs. A recent medical study[38] revealed that African-Americans have seatbelt non-compliance rates that are three times higher than any other race or ethnicity. Consequently, African-American youth are victims of traffic fatalities at similarly disparate rates.

The disparity is relevant and even useful to law enforcement, though not in the context that police are justified in stopping more Blacks on the chance they are not wearing seatbelts–that is racial profiling. Rather, the disparity is relevant in the context that education, prevention, and enforcement programs should be focused in the minority community to increase seatbelt compliance and decrease fatalities. As mentioned earlier, the link between car stops and crime reduction is not clear. There is, however, a direct link between traffic enforcement and traffic fatalities. Therefore, aggressive seatbelt

36 The category repeat offender can be added to data collection forms, with instructions for officers to note if they have ever stopped the person currently being stopped within a specified time period. The time period should coincide with data collection and analysis time frames.

37 An example of the "special units" discussed in Chapter 4.

38 "Achieving a Credible Health and Safety Approach to Increasing Seat Belt Use Among African Americans," Meharry Medical College, Nashville Tennessee, sponsored by a grant from General Motors.

enforcement programs may be appropriate in communities suffering from high-fatality rates, regardless of the race of the group not wearing seatbelts.

Officials may fear that the inevitable skewed stop-statistics from an aggressive seatbelt campaign will be viewed as racial profiling, with consequent unpleasant effects. Unfortunately, this is probably true in many cases. However, the agency can justify stop-disparities based on data collection (both traffic fatalities and traffic stops) and an accurate analysis that considers all locally relevant variables.

One key to an aggressive enforcement program is to first identify clear goals and objectives, such as the increase of seatbelt compliance and the reduction of traffic fatalities through enforcement.[39] For this program, the "hit" rate will be the number of stops in which people are not wearing their seatbelts, not arrests or narcotics seizures. More than likely, the stop rate will be disparate, but this is based on societal-based disparities, not police-based disparities. The other key will be post-stop activities. Although more minorities may be stopped, the length and scope of the detention should be the same as for non-minorities, unless there are other local variables to consider. These other variables, however, should be validated through a "hit" rate to justify their use.[40] In other words, the goal is to find good police work versus poor guesswork.

Agencies should also designate these stops as special enforcement when capturing stop-data. These stops should be analyzed both separately from the aggregate data and as part of the aggregate data. By establishing clear goals and objectives before implementing the program, officers will understand the program's purpose and how to define "success."

Many critics will say that focusing enforcement programs in the minority community is profiling and is wrong. However, it is not racial profiling–it is responsive policing. Failing to respond to high traffic fatality rates is wrong. Enforcement programs designed to increase seatbelt compliance should be focused in the communities where there is the most need. In this case, the program should be focused in the minority community. Law enforcement does not need to apologize for enforcing the laws or for targeting criminal behavior or behavior that threatens public safety (such as seatbelts).

39 Agencies implementing these types of programs should consult with their community prior to the program and discuss the potential outcomes.

40 A hit rate can provide evidence to establish the efficiency of the local variable or consideration in use. If the policy or action does not have a high yield rate, it is of questionable value.

Can Statistics Be Misleading? Interpretation Issues: Two Examples

The question of whether racial profiling exists in a specific situation cannot be answered by data alone. The answer to this question must consider, among other things, stop data that incorporate local variables, community perceptions, citizen complaints, misconduct allegations, policies and practices in place, special programs implemented, training, officer feedback, and agency mission-vision-values programs.

Although there are many variables that can skew data analysis, there is significant value in data. The question that must be asked is what intelligent inferences can be made. It is possible to identify organizational bias, either in operational systems or in functional programs. Statistical disparities do not automatically constitute discrimination, racial profiling or even bias-based policing. However, the degree of the disparity, the area or categories of disparities, and context in which disparities exist may signal "bias."

Single data disparities taken alone may not have much value; however, when in combination with topical disparities, the data may indicate bias and identify systems and/or programs that are resulting in disparate treatment. However, the interpretation of data disparities must be approached with caution. Even very specific and thorough analyses can be interpreted in different manners, leading to different conclusions.

The next chart provides a theoretical case of when statistical disparities may signal bias.

Race	Stops	Violation(s)	Searches	Search Basis	Search	Arrests
Black	High	Equipment/ Mechanical	High	Consent/	Results Low Yields	Low Arrests
White	Low	Moving/ Low Discretion	Low	Discretion Probable Cause	Low Yields	Low Arrests

There may be reasons for the disparities outlined in this chart. Absent these reasons, (e.g., staffing deployments, special programs) the disparities in this chart would seem to indicate bias. The fact that the majority of the Black stops are mechanical or high-discretion coupled with high or disparate search rates indicates exploratory stops and searches. That a large percentage of searches are consent, with low yields–also known as "hit rates,"–indicates the exploratory searches may be based primarily on biases and stereotypes.

In this case, the administration may want to identify what criteria officers are using to determine consent searches. Although officers may legally conduct consent searches on anyone, the data reveal possible bias and ineffectiveness. This agency may consider implementing policies to outline consent search protocol and supervisory responsibilities.

The next chart outlines a theoretical case in which statistical disparities are explainable and reasonable.

Race	Stops	Violation(s)	Searches	Search Basis	Search	Arrests
Black	High	Seatbelt High Discretion	Low	Probable Cause	Results Low Yields	Low Arrests High Citation
White	Low	Moving/ Low Discretion	Low	Probable Cause	Low Yields	Low Arrests Low Citation

In this case, there are disparities in actual stops and specific types of violations. Post-stop data such as searches and hit-rates are relatively the same. Citation rates are somewhat higher for blacks than whites. At face value, many would focus on the high-stop rates for blacks versus whites, especially if the percentage variances are more than five percentage points and higher than the aggregate census data. Most likely, the citation disparity would also fuel the news headline that could read: *"Blacks stopped and cited more than Whites."*

In fact, however, there are locally relevant variables that may explain this disparity. Special programs such as seatbelt enforcement or others may be conducted in minority neighborhoods based on need, community concern, and even at the communities' request. The point is not to immediately assume racial profiling without further investigation.

Officer Identification–More Pluses and Minuses

There is valid concern by rank-and-file officers that the current inability to establish credible benchmarks and accurately analyze the data will result in officers being falsely labeled as racists. There is also a concern that the information will be used to file frivolous lawsuits against individual officers.

NOBLE recommends that the decision to identify officers, in data collection and analysis efforts, should be left to the police chief. Although there is definite value in officer identification, there is also

great potential for misuse, which might further deteriorate police-community relations, impact organizational morale, and compromise the integrity of the data collection program. Collecting individual officer data during the initial phases of data collection programs may well lead to distractions that will cloud the issues.

However, a mature data collection effort may want to consider individual officer identification as a valuable tool for both early warning systems and officer management and efficiency considerations.[41] Administrators must also ensure that the individual officer information is treated as strictly "confidential" and to the extent possible, afford the information the same protections as personnel files.[42]

The same principles for organizational analysis apply to individual officer analysis. There are numerous variables that must be considered when establishing benchmarks. Even precinct demographics are not necessarily effective. Officers patrol smaller geographic areas, and the demographics of those areas must be extracted from census tracking data. Depending on the location of the officer's beat or area assigned, there may be major thoroughfares or areas with high daytime populations to factor in. Officer search and post stop data generally cannot be compared to overall departmental averages. Each beat and officer will require tailored benchmarks, depending on the relevant local variables.

Identifying officer characteristics, such as age, length of service, race, and gender may provide valuable information for organizational assessment. Although many data fields can be useful, data collection should respect practical limitations, based on what administrators define as the goal(s) of data collection. If data collection is designed to assess organizational behavior and effectiveness, officer identification is valuable, but not necessary. If an agency is attempting to identify organizational systems and operational programs that may be influenced by bias, officer identification is valuable, but not necessary. If an agency is attempting to identify "racist" officers or officers engaging in racial profiling (the bad apples theory), then officer identification is necessary. However, no single data set will be likely to accomplish this goal.[43]

41 In this context, the data obtained will be only one of many factors (e.g., complaints filed) to determine whether officers are engaged in inappropriate behavior or whether their behavior suggests there are problems in need of immediate intervention. In addition, the decision to identify officers should be based, in part, on the communities' understanding and knowledge of racial profiling and data collection and analysis. If the community understands benchmarks and the variables that skew aggregate data, there is less likelihood the information will be misinterpreted and misused.

42 This will vary by jurisdiction, based on state and local government codes and public information laws.

43 If an officer is engaged in intentional discriminatory practices, it is probably not in isolation. An effective early warning system will track citizen complaints, rude conduct, excessive force and other indicators.

In summary, NOBLE recognizes the value of officer identification, but does not support legislation that mandates officer identification as part of data collection. That decision should be left to local authorities, based on local factors. NOBLE does recommend, however, that to the extent possible, data collection programs include officers' identification and merge with early warning systems.

7.2 Interactions: Mayor, Police Chief, Media, Community

The interactions of the police with other segments of the community was a theme of Colonel Jerry Oliver, Chief of Police for Richmond, Virginia, who served as a keynote speaker for the first conference. Colonel Oliver is a NOBLE chief, and speaks eloquently of the connections between the police and the community. He opened the discussion by noting that "Police departments were formed to provide services to free people in a democratic society."

Chief Oliver offered two main points: First, the real issue is one of image and credibility. Police departments and officers no longer get the benefit of the doubt from the communities they serve. Therefore, community outreach is of utmost importance. Second, data collection and analysis are not a cure to the problem and, thus, are not sufficient by themselves to address the issue of racial profiling. Departments must also have accompanying anti-profiling policies and professional development.[44]

Chief Oliver also raised the following general points:

- Community outreach is being out in the community *and* bringing the community into the department. So, in order to increase trust, police departments and procedures must be de-mystified. Use language people understand.
- An arrest is not a success–it's a failure by the entire community. To avoid this failure, it's necessary to have community partnerships early on.
- Officers and managers should be accountable for their actions, and incentives should be created that induce individuals and departments to behave properly.
- Complaint processes should be citizen friendly and responsive.
- Any new effort–data collection, professional development, etc.–must be funded.
- Data collection for the sake of data collection is counter-productive, and diminishes the credibility of police departments.
- Benchmarks and standards are critical, because data collection alone will not give us the answers we need.

44 Pockets of corruption (or bigotry) will diminish credibility, and must be screened out.

Involving the Stakeholders

Captain Davis discussed this theme as well, stating that the key to successful data collection lies in the process as much as the actual result. It will not be effective to engage in data collection and evaluation in a vacuum, even if the data collected support a conclusion that no racial profiling is occurring. If the various stakeholders are not involved in the process, they are likely to feel disenfranchised and suspicious.

The most effective agencies have formed local task forces that involve all stakeholders in developing data collection programs and identifying local variables to establish data analysis benchmarks. The task force should comprise representatives from civil-rights and community-based organizations, rank and file, supervisory and command officers, police union representatives, and local minority law enforcement organizations.

The primary purpose of the task force is to develop data collection and analysis processes that fit the local agency and community. The task force can identify local variables necessary to establish credible benchmarks and market the department's data collection and analysis efforts, which establishes credibility in the process and instills public trust. The task force can also assist in developing racial profiling policies and training.

Civil rights and community-based organizations also have responsibilities in assessing racial profiling issues. Specifically, they have the responsibility of obtaining "expert" knowledge and understanding about racial profiling, bias-based policing, and data collection and analysis before launching discrimination allegations. It is a disservice to the community for reputable organizations, whether civil-rights or community-based, to accuse law enforcement of racism and/or discrimination based on statistical disparities or the implementation of non-bias traffic enforcement programs.

Although the police have the responsibility to work with the community, the community shares the same responsibility to work with law enforcement. This partnership provides mutual respect and a better understanding of community perceptions and a better understanding of the complexities of policing in a democratic society. Cooperating with the police does not dilute community activism or citizen oversight. To the contrary, it empowers communities to hold law enforcement accountable. Communities should speak out against racism, discrimination, and biases, but should also speak up in support of law enforcement when they "get it right." Otherwise, the voice of

the community becomes nothing more than the voice of the critic. Dissent is necessary to hold government accountable, but it must be balanced with support.

7.3 Recommendations: How to Eliminate Biased Policing

(This section summarizes Captain Davis' points on the blindfolds of justice: a more complete version and formal citation of the original article can be found in Appendix E.)

"Justice is blind" represents the basic motto and principle of our criminal justice system. It symbolizes equity in the administration of justice and represents our basic rights in a free society. Many in the minority community, however, feel that society is not free and justice is not blind. In fact, the perception is that "justice" in many cases distinguishes on the basis of race, ethnicity, gender, religious beliefs, and social and economic status.

Justice is, among other things, a system of people influenced by the biases and stereotypes brought to and learned at the job. In many cases, biases and stereotypes may be unintentional and applied subconsciously. In some cases, however, biases and stereotypes are intentional and malicious, rising to the level of blatant discrimination. However, whether intentional or unintentional, the application of bias in policing tilts the scales of justice and results in unequal treatment under the law.

Bias-based policing is defined as:

> The act (intentional or unintentional) of applying or incorporating personal, societal, or organizational biases and/or stereotypes as the basis, or factors considered, in decision-making, police actions, or the administration of justice.

Bias-based policing impacts all aspects of policing, and many feel that it should be considered the most serious problem facing law enforcement today. Racial profiling can be considered a symptom of bias-based policing.

Administrators often fail to recognize the true problems behind bias-based policing and respond only to symptoms. Responses are usually "knee jerk" and largely ineffective. New symptoms will eventually appear, and still more new responses will be developed. Valuable time and resources are wasted on creating policies in response to symptoms instead of eliminating the basic problems through a comprehensive systematic approach.

The traditional symbol of justice in this country is a woman holding a scale blindfolded. The symbol does not suggest the woman is free of bias or that justice is blind. The symbol represents the need to blindfold those empowered to administer justice from personal and societal prejudices when exerting the authority and power of office.

Although it is impossible to completely remove bias from people, it is possible to create systems that "blindfold" people from bias. To create blindfolds, agencies must analyze formal and informal operating systems and identify more efficient and equitable practices in each of the following domains: mission statement, recruiting and hiring, training, assignment rotation, promotion, discipline/accountability, community relations, and leadership. These themes for the eight blindfolds of justice are developed more fully in Appendix E.

In conclusion, the elimination of bias-based policing requires a comprehensive program that establishes effective systems in *all* aspects of policing. The eight blindfolds detailed in Appendix E are important recommendations to help eliminate biased policing. These systems must be driven by principle-based leaders with the courage to make change and demand the best quality of service for our communities.

7.4 Advice for Departments Accused of Racial Profiling

(This material was provided by Captain Davis based on a report he prepared for NOBLE, *Racial Profiling: "What Does the Data Mean?"* The report is a practitioner's guide to understanding data collection and analysis.)

Suppose the headlines in the newspapers read, "Blacks stopped and cited more than Whites." Community members may read this and initially assume that racial profiling is occurring: This is a natural reaction. However, it is important to look beyond the initial reactions and consider the overall picture. There may be alternative explanations that should be explored. Special programs, such as seatbelt enforcement, may be conducted in minority neighborhoods based on need, community concern and even at the communities' request. The point is not to immediately assume racial profiling is occurring. Police departments should also avoid an immediate defensive posture.

Police representatives should work with their community to identify why these disparities exist. Are they police or societal-based? What is your response to either potential outcome? If an agency plans to implement a program that may result in cultural or societal-based disparities, it would be beneficial to explain the program, its goals and expected outcomes before implementation, rather than after the fact.

There are many other combinations of factors, variables, and percentages that provide valuable insight into operational effectiveness and disparate outcomes. Below are a few variables to consider when establishing baselines and benchmarks and analyzing data:

- 1990 versus 2000 Census
- Driving age population
- Day-time population
- Major thoroughfares
- Violator population
- Area/precinct demographics
- Race-geographic lines
- Population density
- Staff deployment
- Special projects/assignments
- Probation & parole
- Repeat offenders.

In analyzing and applying data, it is crucial to work closely with all stakeholders during data-collection development, implementation, and analysis. Ten key points are:

- Do not fear data collection and analysis.
- Data is information, information is knowledge, and knowledge is power.
- Stop data is not perfect–but it is better than no data.
- Effective baseline comparison data and benchmarks can be established.
- The key to data analysis is interpretation: What does the data mean to you, the organization and the community?
- Involve all stakeholders in all aspects of data collection and analysis.
- Data collection alone will not answer the question: Does racial profiling exist?
- Data collection is not the solution to racial profiling; it is, however, a critical tool in developing solutions and measuring managerial effectiveness.
- Data collection can identify bias in operational systems and functional programs and reduce disparate treatment and racial tension.
- False and inaccurate allegations of racial profiling and discrimination based on inaccurate analysis is as, if not more, harmful than racial profiling.

7.5 Why Some Chiefs Decline to Collect Data

(This material is based on Captain Davis' conversations with many police chiefs, including some conducted in early December 2001 at the DOJ CEO symposium.)

According to a survey conducted by the Police Executive Research Forum (PERF), over 60 percent of the police chiefs surveyed did not believe racial profiling occurred in their jurisdiction; compared to 60 percent of Americans surveyed by the Washington Post who believe it does exists. Although most people agree that racial profiling is wrong, they may not agree on what it is or to what extent it exists. This debate has resulted in confusion and a general misunderstanding of racial profiling and bias-based policing.

It is impossible to solve a problem without being able to define and identify it. Similarly, it is impossible to recognize the value of data collection and analysis, unless there is a clear understanding of what it is, what it is not, and what it can do. This confusion has caused many police chiefs to be apprehensive and skeptical of data collection and analysis. Police chiefs who have declined to collect data have done so, for the most part, for one or more of the reasons discussed below.

Defining Racial Profiling

How racial profiling is defined will affect a determination of whether, and to what extent, it exists. Without a clear definition and examples to place in a practical context, many police chiefs do not understand racial profiling and continue to believe it does not occur in their agency. Consequently, they are less likely to spend resources to address a problem that, in their opinion, does not exist.

Standardized Data Collection and Analysis Models

Most people, including police chiefs, do not understand data collection and analysis and do not recognize its value; or more importantly, its true purpose. Many police administrators are concerned that there are no credible, standardized data analysis models. This may lead to data collected being misinterpreted, providing misinformation to the community that will discredit the agency and individual officers. Many police chiefs are also concerned that data can be skewed and manipulated to support false perceptions and result in frivolous lawsuits against agencies and officers.

Credible Baseline Comparison Data and Benchmarks

Many police chiefs are concerned that there are no credible data analysis benchmarks or baseline comparison data. Most chiefs recognize that aggregate census demographics do not provide a credible benchmark and relay serious concerns on the tendency of the media and the community to base racial profiling simply on statistical disparities between traffic stops and citywide census demographics. In addition, there is concern that current data collection efforts do not consider the complexities of policing, such as crime-rates, calls for services, staffing and deployment–to name just a few. In short, many chiefs decline to collect data based on their lack of trust in establishing effective and credible benchmarks and baseline comparison data.

Media and Press

Police chiefs are also concerned that the media's inability to understand data collection and analysis results in negative headlines that contribute to negative perceptions in the community. In most recent cases, agencies have been accused of racial profiling simply based on simplified aggregate statistical disparities. As cited earlier, this can be demonstrated by the case of the Chief Lansdowne and the San Jose Police Department, one of the first law enforcement agencies to voluntarily collect traffic stop data.

Chief Lansdowne released his first data-collection report, which showed a disparity (less than ten percentage points), between traffic stops of Hispanics compared to the percentage of Hispanics residing in the city. The department came under immediate criticism from a few civil-rights and community-based organizations because the stop statistics did not exactly match the citywide demographics. This type of comparison–vehicle stop data against citywide census data–became accepted as the national trend, and the 1990 Census became the sole benchmark for many people and organizations. Racial profiling and discrimination accusations were launched against police agencies based on this comparison. Consequently, many police chiefs are apprehensive about data collection because they fear that they too will be accused of racial profiling and racism simply based on aggregate statistical disparities.

Cost-Effectiveness

Many chiefs recognize that statistical data may prove disparities, and some even believe it may prove racial profiling exists, but most do not know how the data can be used to help find ways to eliminate these disparities or racial profiling. Therefore, it is not considered to be cost-effective to collect and analyze data that will simply verify what is already "known", unless the data can help to end the practice. These chiefs believe law enforcement should simply acknowledge that racial profiling exists and use their scarce resources to solve the problem, not identify the problem. Many of these police chiefs would be willing to collect data if sufficient supplemental funding were allocated. In the absence of such funding, resources (both financial and manpower) are limited, and chiefs may prefer to focus resources directly on solutions.

In conclusion, most police chiefs recognize that data collection and analysis is not a panacea or even the sole answer to racial profiling and bias-based policing, and also recognize its practical and symbolic value. NOBLE, the International Association of Chiefs of Police (IACP), the Police Executive Research Forum (PERF), the National Black Police Association, the Hispanic American Command Police Officers Association (HAPCOA), and the Alliance of National Minority Law Enforcement Agencies (ANMLEA) have all denounced racial profiling and stated there is value in data collection. Each organization also agrees that improper data collection and analysis is extremely harmful to the community and law enforcement profession.

7.6 Overall Recommendations

There are many considerations in establishing the right benchmarks for data collection purposes. Law enforcement officials must have a better understanding of data collection and analysis to truly recognize its value. It is strongly recommended that agencies consult with professional researchers for both accuracy and validity. Improper data collection and inaccurate analysis can be as harmful to police-community relations as racial profiling itself. The process of data collection should prove extremely beneficial and the data should provide administrators the necessary information to police effectively, efficiently and most importantly–ethically.

This section provides a practitioner's perspective and a few basic, non-scientific principles and examples of how data collection can identify organizational bias, improve managerial effectiveness, and improve community relations. The examples provided are not intended to provide a complete guide on data collection and analysis; they do provide a basic look at variables that impact benchmarking and data analysis. There are ten practical recommendations to effective data collection and analysis:

1. Form a local advisory group or task force comprised of all stakeholders, including police, community, civil rights, union or police associations, professional researchers and/or academia.

2. Provide training to the advisory group to obtain expert knowledge and understanding of racial profiling, bias-based policing and the complexities of data collection and analysis. Do not assume task force members understand the issues.

3. Utilize the task force to define racial profiling and bias-based policing in a policy that is in accordance with applicable local ordinance or state law and CALEA standards.

4. Determine the goal(s) and desired outcomes of data collection before designing the system. Decide what you want to find out. Engage the community during this process through marketing strategies or Town Hall meetings.

5. Identify all locally relevant variables that may skew aggregate data and all relevant variables that are necessary in establishing appropriate benchmarks. This process must be completed prior to identifying what data should be collected.

6. Identify baseline comparison data and establish benchmarks.

7. Identify what data should be collected. Bear in mind that professional research has been conducted in this area, and can provide a starting point. However, it is necessary to identify locally relevant variables as they vary between agencies and jurisdictions.

8. Identify "best practices" and develop a data collection methodology that fits the organization, the community, and the budget.

9. Train officers and the community on racial profiling and bias-based policing; the new policy, the agencies' data collection program–its purposes and expected outcome (not in statistical terms, but regarding values), and their roles to help ensure success.

10. Collect and analyze the data, and report findings and recommendations.

These steps are not all-inclusive, but they do provide practical operational guidance to establishing effective data collection and analysis programs.

8.0 DISCUSSION AND CONCLUSIONS

Many early efforts to investigate racial profiling, while well intentioned, have used very simple analytical approaches to investigate complex issues. As a consequence, in a number of cases the media and public have leaped to a hasty conclusion that the data collected definitely show a pattern of racial profiling, and demanded that the police fix this problem. As a result, many police administrators are apprehensive about data collection because they fear that they too will be accused of racial profiling and racism based on simple statistical disparities observed from preliminary superficial comparisons.

It is crucial that data be collected objectively and evaluated using careful and thorough analytical methods. Data that is assessed using simple metrics may "appear" to show racial profiling, and be misunderstood and/or incorrectly used by special interest groups. This may potentially lead to inappropriate demands to rectify a situation that may not even exist. On the other hand, a carefully crafted and executed data analysis plan can generate valid information for police departments, which can be used to evaluate not only racial profiling, but general management and efficiency issues as well.

Criminal justice experts and the operational experts reach the same basic conclusion although via different approaches. From the "academic" point of view, discussed in Chapter 4, the message is that simplistic evaluations that link a single variable (influence) to racial disparities will almost certainly fail to reach the correct conclusions. In this context, bivariate analysis is inherently flawed in that it fails to consider the complexities of policing activities and the multiple influences that affect the decisions by police officers to stop, and search, individuals. Multivariate analysis, essentially a multiple regression approach, can account for the simultaneous influence of many different factors, and will yield a more accurate representation of police activities.

The operational point of view, exemplified in Chapter 7 from the NOBLE subject matter operational experts, echoes these opinions in less academic terms. They point out that simply looking at stop data stratified by race, compared to city-wide census demographics, fosters both inaccurate and counterproductive conclusions. In the operational terminology, what is required is a stepwise approach to investigating the issues. First, examine the stop data compared to appropriate and reasonable baseline comparison data. Second, evaluate the initial findings compared to what other factors are known to be relevant–specific local variables or circumstances. Third, investigate

additional strata of information, such as search disparities, parole and probation stops and searches, special programs, and descriptive stops, to determine if there are additional influences at play.

It is important to determine what the term racial profiling means. Conference participants felt that the Department of Justice should focus on facilitating discussions among interested parties to move towards a widely accepted definition of racial profiling. This definition would provide standards to measure against, and should include clear guidelines for officers as to how they are supposed to do business. This will also enable researchers to establish agreement as to what evidence they are looking for in terms of identifying racial profiling behavior. Society needs a clear definition that can be used as a starting point for further comparisons. In addition, it is important to everyone, from community members to police chiefs to politicians, that the evidence is evaluated in a fair and thorough manner. Only then will society have accurate information to use in considering policy changes and recommendations for future actions.

8.1 Data Collection: Costs and Benefits

Many of the city police departments have raised the cost of data collection and evaluation as an issue. If data collection is to be done correctly, attention must be given to discussing the questions at issue and setting up an analysis plan to address the appropriate concerns and local issues. Data should then be collected, recorded, and analyzed. At the end, a report will be issued, and briefings should be arranged with political leaders, city representatives, community groups, and members of the media. All of these steps require considerable input of resources, time, money, and expertise from various individuals.

If data collection is mandated by an outside agency, then it is appropriate to consider whether the agency offers funding or other support to assist in the effort. Otherwise, the requirement may be viewed as an unfunded mandate. However, requirements are not always accompanied by funding. In addition, there are costs that departments will face in terms of lost resources. In other words, the time personnel spend on designing a data collection system, collecting the data, processing and recording data and then analyzing it, will be time that could have been spent on other endeavors. In particular, police officers may resent taking time from their primary duties for this purpose.

Calculating the benefits from engaging in data collection and analysis is a very difficult matter. In many respects, only potential benefits can be cited. Individual departments will have to determine how far they are willing to go in using the data collected and for what purposes they are willing to use the data. The first, and most obvious use of the data, is to address the issues involved in racial profiling accusations. While it is indisputable that some instances of racial profiling occur, isolated incidents are not of as much concern as systematic racial profiling practices. Isolated incidents will most likely never be eliminated. If, however, racial profiling (however defined) proves to be a systemic problem, then it will require further attention.

An additional benefit from data collection is that it focuses attention on the issue, and may result in making members of the community feel that their concerns are at least being addressed in a substantive fashion. If police departments begin to engage their communities and interact with community groups and leaders, as part of the attempt to defuse racial profiling accusations, there may be positive benefits from this as well. The results from analysis of data collected will offer much new information about police practices and patterns, which will allow for valuable discussion and consideration of the appropriate roles for police and community members. And finally, the data collected can show police managers a great deal of information about the efficiency and productivity of the staffing patterns and practices currently employed.

8.2 Technical Expertise Issues for Local Departments

Many departments do not have discretionary resources to allocate to data collection and analysis. In particular, large departments in major urban areas may be best situated with respect to having computer resources and manpower that can address data collection and analysis issues. For mid-sized departments, it may be difficult to find funding to support data collection and analysis, and institute proper recording procedures. For small departments, such an effort will be very difficult. If data collection is externally mandated, it is important to realize that the scope and extent of data collection and analysis that can be undertaken will be limited by available funding. Agencies will have to prioritize their overall operational needs and fund competing efforts accordingly. Small and mid-size departments especially may need guidance and additional funding to facilitate thorough data collection and evaluation programs.

Computer capabilities are also important issues. However, the needs of hardware and software depend critically on the size of the database being collected, and the scope of the analysis under consideration. Stand-alone systems may provide superior processing with respect to

speed as well as specialized software not generally available on police computer networks. Most departmental requirements for data analysis can be met by a reasonably sophisticated Pentium PC, and do not require a major financial investment for hardware and/or software. On the other hand, internal processing and evaluation of data may necessitate specialized training of personnel (or recruiting specialized personnel), which could be both costly and time-consuming.

8.3 Leveraging Resources Via Outside Partnerships (e.g., Academic)

It is important for police departments to explore establishing linkages with the professional research community. By partnering with social science researchers, it is possible to gain access to outside analytical expertise. One way to start is by identifying and approaching local analytical organizations to establish a mutually beneficial partnership. If local resources are not available, state or national professional research groups may be contacted. The word partnership is an important key to the recommended relationship: an ongoing shared dialogue should characterize the association. The police department and professional analysts should work together, not as separate entities.

One possibility is to establish partnerships with faculty or graduate students at local academic institutions. It is strongly recommended, however, that police agencies do not outsource the analytical part of the partnership completely to professional research staff. It is through a combination of different expertise that the operational knowledge of the police force and the analytical skills of social scientists can best be blended. Combining social science research techniques with specific police knowledge of operational procedures and local issues, circumstances, and programs should generally yield the most accurate and thorough evaluations.

Conference participants recommended that the Department of Justice provide guidelines to police departments on how to establish partnerships with university researchers. In addition, they recommended guidance on the appropriate roles for academic or public research groups to play. Finally, they also suggested the establishment of clear guidelines on how information on racial profiling should be used–who will own it, who will be responsible for using it, how confidentiality can be maintained, and how frequently reports should be generated and released.

8.4 Value of Objective Information Versus Anecdotal Information

Ultimately, the issues of data collection and analysis revolve around the crucial interests of truth and justice. Racial profiling accusations have become a common accusation around the country, and community perceptions support the concept that racial profiling is a pervasive problem that must be eliminated. However, in many cases, these perceptions are based on bodies of anecdotal evidence. This does not state that anecdotes or stories are incorrect or slanted. It is well established, however, that people are more impelled to complain if they are unhappy than they are compelled to praise if they are contented. Therefore, it should be expected that reports of incidents would be more likely to cite negative experiences with the police than positive experiences.

Making policy decisions regarding racial profiling issues is a very important matter. That said, it is also true that policy decisions and operational initiatives should be based on factual evaluations rather than opinions and anecdotal evidence. Policy changes and operational initiatives should be driven by balanced and objective evaluations of circumstances. While anecdotal evidence may (or may not) indicate that, in certain cases, racial profiling has occurred, this should not be considered sufficient to establish that there is a systematic underlying bias supporting and reinforcing the use of biased policing. There are undoubtedly incidents that occur, and judgments that are made, that derive from bias and prejudice. However, these may be isolated incidents–not necessarily based on pervasive and systematic policies.

It is critical to be able to distinguish between isolated incidents, individually biased officers, individual instances of inappropriate police behavior, and the statistical implications of societal disparities versus a pattern of sustained and systematic biased policing. Policies are needed to address racial profiling issues, but the policies will be ineffective, and potentially counterproductive, if they are driven by, and based on, incorrect assumptions about the underlying relationships between police agencies and the communities they serve.

8.5 Importance of Communication and Community Interactions

Conference participants and subject matter experts agreed that it is critical to establish regular lines of communication with many different community groups. In particular, minority community leaders, community groups, media representatives, and local political leaders need to be involved in regular meetings. It is not conducive to smooth relationships to wait until some crisis occurs, and then

set up meetings. It is far better for police agencies to foster ongoing relationships with all interested parties.

In particular, for data collection and evaluation efforts, it is important for community groups to be aware of the activities being planned, and if possible to assist in the planning process. Subject matter experts identify the need for a "task force" approach to planning and executing data collection and analysis to investigate racial profiling issues. Conference representatives, in turn, agreed that cities and police departments should be given specific guidance on how to put together an appropriate task force and make it work. In addition, they agreed that there should also be guidelines provided on how police departments should go about educating the community, and guidance on the appropriate ways to release and present data to the community.

8.6 Recommendations for Further Study

Although many specific recommendations have been offered, actual implementation will require that city-specific input and circumstances be considered. In addition, there are a number of areas where it seems clear that more information should be gathered in order to fully implement the recommendations.

It is appropriate to fill in the details of the picture by focusing on citizen surveys. In particular, by looking only at citizens who are stopped by the police, we are observing a partial slice of the community. It is important to understand what the community thinks about police department policies, behavior, practices, and goals. By listening only to media representation of community beliefs and preferences, an unrepresentative view of true community values and desired police behavior may be formed.

In addition, it is time to conduct a complete data collection and evaluation program in a selected city, using the tools and methods recommended in this paper. This should be an approach that relies on a blending of research methods with operational police insights. The evaluation should consider the joint impact of locally relevant issues and demographic considerations, police assignments, and enforcement issues. This effort should seek the guidance of operational subject matter experts to focus the effort. Also, research and operational experts should meet early on to discuss what questions they want to answer, and how best to craft a plan to collect data that will be able to answer those questions.

Lastly, it is important that the interested parties understand that finding answers for one city, or one jurisdiction, does not mean that these answers will apply everywhere. It is entirely likely that different cities will reach different conclusions with respect to the issues and concerns raised regarding racial profiling. In this context, it is very important that all interested parties become educated on the relevant issues, various methods of evaluation, and how to react to findings. It is difficult enough to reach definitive conclusions about racial profiling issues. However, it is also important to think ahead to what kind of policy implications should follow, depending on the answers found.

Appendix A
Tables for Chapter 4

Table 4.1: Behavior Sampled and Agency Characteristics in Racial Profiling Reports

Jurisdiction/Author	Type of Police Behavior Sampled	Agencies Studied		
		Number	Geographical Scope	Type
Baltimore Police Department	All Stops	1	Citywide	City Police
California Highway Patrol	Traffic Contacts	1	Statewide	State Police
Chattanooga Police Department	Traffic Citations/ Field Interviews	1	Citywide	City Police
Connecticut: Chief State's Attorney	Traffic Stops	92	Statewide	State & Local Police
Florida Highway Patrol	Traffic Stops	1	Statewide	State Police
Lansing: Carter, et al.	Traffic Stops	1	Citywide	City Police
Maryland/I-95 Corridor: Lamberth	Traffic Searches	1	Part of 1 Road	State Police
Maryland/Not I-95 Corridor: Lamberth	Traffic Searches	1	Statewide (minus 1 Road)	State Police
Maryland (I-95): Knowles and Persico	Traffic Searches	1	Part of 1 Road	State Police
Michigan State Police	Traffic Stops	1	Statewide	State Police
Missouri Attorney General	Traffic Stops	634	Statewide	State and Local Police & Sheriffs
New Jersey State Police: Lamberth	Traffic Stops	1	Part of Turnpike	State Police
New Jersey State Police: Venerio & Zoubek	Traffic Stops	1	Part of Turnpike	State Police
New York City: Spitzer	Pedestrian Stops	1	Citywide	City Police
North Carolina: Zingraff, et al.	Traffic Stops	1	Statewide	State Police
Oakland Police Department	Traffic Stops	1	Citywide	City Police
Richmond: Smith and Petrocelli	Traffic Stops	1	Citywide	City Police
Sacramento Police Department	Traffic Stops	1	Citywide	City Police
San Diego Police Department, 2001	Traffic Stops	1	Citywide	City Police
San Jose Police Department, 2000	Traffic Stops	1	Citywide	City Police
St. Paul: Inst. on Race and Poverty	Traffic Stops	1	Citywide	City Police
Texas Department of Public Safety	Traffic Stops	1	Statewide	State Police
United States	Police Public Contacts	All	Nationwide	Any Agency
Washington State Police	Traffic Stops	1	Statewide	State Police

Table 4.2: Police Activities Measured in Racial Profiling Reports

Jurisdiction/Author	Police Behavior					
	Contact	Stop	Search	Contraband	Arrest	Force
Baltimore Police Department		X	X	X	X	
California Highway Patrol	X	X	X			
Chattanooga Police Department		X				
Connecticut: Chief State's Attorney		X				
Florida Highway Patrol		X				
Lansing: Carter, et al.		X	X			
Maryland/I-95 Corridor: Lamberth			X			
Maryland/Not I-95 Corridor: Lamberth			X			
Maryland (I-95): Knowles and Persico			X	X		
Michigan State Police		X				
Missouri Attorney General		X	X			
New Jersey State Police: Lamberth		X				
New Jersey State Police: Venerio & Zoubek		X	X		X	
New York City: Spitzer		X	X			
North Carolina: Zingraff, et al. 2000		X	X			
Oakland Police Department		X	X		X	
Richmond: Smith and Petrocelli		X	X		X	
Sacramento Police Department		X	X	X		
San Diego Police Department, 2001		X	X	X		
San Jose Police Department, 2000		X			X	
St. Paul: Inst. on Race and Poverty		X	X			
Texas Department of Public Safety		X	X			
United States	X	X	X	X	X	X
Washington State Police		X	X	X	X	

Table 4.3: Characteristics of Suspects and Encounters in Racial Profiling Data Analyses

Jurisdiction/Author	Suspect Characteristics					Police Behavior		
	Race	Sex	Age	Residence	License	District	Hour	Month
Baltimore Police Department	X	X		X		X		
California Highway Patrol	X	X	X					
Chattanooga Police Department	X	X				X		
Connecticut: Chief State's Attorney	X							
Florida Highway Patrol	X	X	X				X	
Lansing: Carter, et al.	X							
Maryland/I-95 Corridor: Lamberth	X							
Maryland/Not I-95 Corridor: Lamberth	X							
Maryland (I-95): Knowles and Persico	X	X					X	
Michigan State Police	X	X						
Missouri Attorney General	X							
New Jersey State Police: Lamberth	X			X		X		
New Jersey State Police: Venerio & Zoubek	X							
New York City: Spitzer	X					X		
North Carolina: Zingraff, et al. 2000	X	X	X	X	X			
Oakland Police Department	X	X	X			X		
Richmond: Smith and Petrocelli	X	X	X				X	
Sacramento Police Department	X	X	X	X		X		
San Diego Police Department, 2001	X	X	X				X	X
San Jose Police Department, 2000	X					X		X
St. Paul: Inst. on Race and Poverty	X	X				X		
Texas Department of Public Safety	X							
United States	X	X	X					
Washington State Police	X	X	X	X				

Table 4.4: Time Periods and Numbers of Activities Studied in Racial Profiling Reports

Jurisdiction/Author		Time Period			Activity	
	Primary Author	Start	End	Months	Studied	Number
Baltimore Police Department	PD	01/01/2001	06/30/2001	6 months	All Stops	89,889
California Highway Patrol: Seperate Reports on Contacts and Searches	PD	07/01/1999 10/01/1999	04/30/2000 04/30/2000	10 months 7 months	Traffic Contacts Traffic Searches	2,638,589 23,584
Chattanooga Police Department	PD	07/01/2001	07/31/2001	1 month	Traffic Citations/ Field Interviews	4,239
Connecticut: Chief State's Attorney	R/State	01/01/2000	06/30/2000	6 months	Traffic Stops	316,158
Florida Highway Patrol	PD	01/01/2000	01/01/2001	13 months	Traffic Stops	604,108
Lansing: Carter, et al.	R/PD	02/12/2001	09/12/2001	7 months	Traffic Stops	19,353
Maryland/I-95 Corridor: Lamberth	LT/R	01/01/1995	09/30/1996	21 months	Traffic Searches	823
Maryland/Not I-95 Corridor: Lamberth	LT/R	01/01/1995	09/30/1996	21 months	Traffic Searches	1,549
Maryland (I-95): Knowles and Persico	R	01/01/1995	01/01/1999	49 months	Traffic Searches	1,590
Michigan State Police	PD	01/01/2000	12/31/2000	12 months	Traffic Stops	564,672
Missouri Attorney General	State/R	08/28/2000	12/31/2000	4 months	Traffic Stops	453,189
New Jersey State Police: Lamberth	LT/R	01/01/1989	12/31/1991	25 days	Traffic Stops	2,896
New Jersey State Police: Venerio & Zoubek	State	04/01/1997	11/30/1998	19 months*	Traffic Stops	87,489
New York City: Spitzer	State	01/01/1998	03/31/1999	15 months	Pedestrian Stops	174,919
North Carolina: Zingraff, et al. 2000	R	01/01/1998	12/31/1998	12 months	Traffic Stops	651,556
Oakland Police Department	PD	03/01/2000	05/31/2000	3 months	Traffic Stops	21,338
Richmond: Smith and Petrocelli	R	02/14/2000	03/31/2000	6 weeks	Traffic Stops	2,673
Sacramento Police Department	R	07/01/2000	06/30/2001	12 months	Traffic Stops	36,854
San Diego Police Department, 2001	PD/R	01/01/2000	12/31/2000	12 months	Traffic Stops	168,901
San Jose Police Department, 2000	PD	07/01/1999	06/30/2000	12 months	Traffic Stops	97,154
St. Paul: Inst. on Race and Poverty	R	04/15/2000	12/15/2000	8 months	Traffic Stops	41,249
Texas Department of Public Safety	PD	03/01/2000	07/31/2000	4 months	Traffic Stops	779,961
United States	FED	07/01/1998	12/31/1999	12 months	Any Contact	80,543
Washington State Police	PD/Other	05/01/2000	10/31/2000	6 months	Traffic Stops	338,885

Table 4.5: Reported Findings about Traffic Stops in Racial Profiling Reports

Jurisdiction/Author	Summary	Text
Baltimore Police Department	None	
California Highway Patrol:	NO	The results show that CHP officers do not employ race/ethnicity as a basis for enforcement stops (p. v)
Chattanooga Police Department	None	
Connecticut: Chief State's Attorney	NO	Minority drivers do not appear to be treated differently than non-minority (p. ii).
Florida Highway Patrol	NO	The race, ethnicity and gender of the drivers stopped is basically the same as the population at the state and county level (p. 1).
Lansing: Carter, et al.	NO	That is, given the previous caveats, these data do no point to any serious problem and suggests that the variations (differences) are with accepted statistical parameters as being normal (p.10).
Maryland/I-95 Corridor: Lamberth	Not Addressed	
Maryland/Not I-95 Corridor: Lamberth	Not Addressed	
Maryland (I-95): Knowles and Persico	Not Addressed	
Michigan State Police	None	
Missouri Attorney General	Maybe	The data have done nothing to disprove the perception of racial profiling (p. 7).
New Jersey State Police: Lamberth	Yes	While no one can know the motivations of each individual trooper in making a stop, the statistics presented herein, representing a very broad and detailed sample of highly appropriate data, demonstrate without question a discriminatory impact on blacks and out of state blacks in particular (p. 29).
New Jersey State Police: Venerio & Zoubek	Cannot Say	There is no way to interpret the significance of this data (p. 34).
New York City: Spitzer	YES	In sum, even when population rates and crime rates are controlled for, minorities were "stopped" at a higher rate in New York City than Whites (p. 135)
North Carolina: Zingraff, et al. 2000	MIXED	African-Americans were generally found to be over-represented in the outcomes examined, with the exception that young African-Americans were under-represented in in citations (both males and females) and African American females are no more likely than white females to be searched.
Oakland Police Department	NO	Based on the total vehicle stop and Area-based comparisons, no evidence from this phase of data collection suggests racially disproportionate vehicle stops (p. 7, 5/22/2001 letter report).
Richmond: Smith and Petrocelli	YES	One conclusion to be drawn from the present analysis is that is that minorities are being disproportionately targeted for traffic stops by the Richmond Police (article, p. 21).
Sacramento Police Department	NO	Several observations suggest that the Sacramento Police Department does not differentially stop, detain, or search members of any racial group for reasons other than police work of a kind consistent with community needs and requests (p. 4).
San Diego Police Department, 2001	Cannot Say	While the analysis demonstrates that Hispanic and Black/African-American drivers are over represented in vehicle stops in San Diego in comparison to the driving age population, and also over represented in the subsequent vehicle searches, it does not explain why (p.vi).
San Jose Police Department, 2000	NO	The Department believes that the in-depth analysis of the data indicates there is not a racial profiling problem in the city of San Jose (p. 8).
St. Paul: Inst. on Race and Poverty	YES	African-American drivers were stopped in disproportionately high numbers compared to their proportion of the city's population. This pattern occurred throughout the city, in 80 of 82 census tracts (p. 4).

Table 4.5 (cont'd)

Jurisdicton/Author (cont'd)	Summary (cont'd)	Text (cont'd)
Texas Department of Public Safety	NO	These statistics closely relate to the estimated population of Texas (p. 1).
United States	Cannot Say	These racial differences are not necessarily evidence that police use race as a factor in deciding whether to make a traffic stop (p. 13).
Washington State Police	NO	An analysis of the current data shows that the Washington Sate Patrol is not engaged in any statewide practice or pattern of initiating traffic stops based on the race of the drivers (p. 1).

Table 4.6: Reported Findings about Traffic Searches in Racial Profiling Reports

Jurisdiction/Author	Summary	Text
Baltimore Police Department	No statement	
California Highway Patrol:	Not Addressed	
Chattanooga Police Department	Not Addressed	
Connecticut: Chief State's Attorney	No	Minority drivers do not appear to be treated differently than non-minority (p. ii).
Florida Highway Patrol	Not Addressed	
Lansing: Carter, et al.	No	This significant majority of cases wherein searches of drivers are non-discretionary searches clearly indicates officer behavior tends to be based on law and departmental procedure, not an extraneous reason, such as "profiling" (p. 12).
Maryland/I - 95 Corridor: Lamberth	Yes	The evidence examined in this study reveals dramatic and highly statistically significant disparities between the percentages of black Interstate motorists detained and searched by MSP troopers on this roadway (p. 6).
Maryland/Not I-95 Corridor: Lamberth	None	
Maryland (I-95): Knowles and Persico	MIXED	Our findings suggest that police search behavior is not biased against African-Americans drivers. The lower guilty rate for Hispanics are suggestive of prejudice against this group (p. 222).
Michigan State Police	No statement	
Missouri Attorney General	Maybe	The data have done nothing to disprove the perception of racial profiling (p. 7).
New Jersey State Police: Lamberth	Not Addressed	
New Jersey State Police: Venerio & Zoubek	Yes	The data presented to us show that minority motorists were disproprotionately subject to consent searches (p. 30).
New York City: Spitzer	Not Addressed	
North Carolina: Zingraff, et al. 2000	MIXED	African-Americans were generally found to be over-represented in the outcomes examined, with the exception that young African-Americans were under-represented in in citations (both males and females) and African-American females are no more likely than white females to searched.
Oakland Police Department	Cannot Say	The group concluded that a comprehensive analysis could not be formed (p. 9).
Richmond: Smith and Petrocelli	No	Thus, minorities were no more likely than whites to be searched. (p. 14 of report).
Sacramento Police Department	No	Several observations suggest that the Sacramento Police Department does not differentially stop, detain or search members of any racial group for reasons other than police work of a kind consistent with community needs and requests. (p. 4).
San Diego Police Department, 2001	Cannot Say	While the analysis demonstrates that Hispanic and Black/African-American drivers are overrepresentated in vehicle stops in San Diego in comarison to the driving age population, and also overrepresentated in the subsequent vehicle searches, it does not explain why (p. vi).
San Jose Police Department, 2000	Not Addressed	
St. Paul: Inst. on Race and Poverty	Yes	After being stopped, African -American, Hispanic and Native American drivers are subject to both pat down searches of their person and searches of their vehicles at rates higher than the search rates for whites and Asian drivers (p. 4).
Texas Department of Public Safety	No statement	

Table 4.6 (cont'd)

Jurisdiction/Author (cont'd)	Summary (cont'd)	Text (cont'd)
United States	Cannot Say	However, while the survey data can reveal these various racial disparities, they cannot answer the question of whether the driver's race, rather than the driver's conduct at the time or any other specific circumstance surrounding the stop, is the reason the search was conducted.
Washington State Police	Yes	Even so, differences were found for white persons and non-white persons regarding enforcement action and related searches that require more thorough analyses to account for the differences (pp. 1-2).

Table 4.7: Annual and Per Capita Rates of Police Stops

Jurisdiction/Author	Police Behavior Analyzed		Data Collection Months	Estimated Number per Year	Estimated Number per Day	2000 Resident Population	Stops per 100 Residents
	Type	Number					
Baltimore Police Department	All Stops	89,889	6	179,778	492	651,154	27.6
	Stops of Residents	79,100	6	158,200	433	651,154	24.3
California Highway Patrol	Traffic Contacts	2,638,589	10	3,166,307	8,669	33,871,648	9.3
Chattanooga Police Department	Traffic Citations	2,896	1	34,752	95	155,554	22.3
	Field Interviews	1,343	1	16,116	44	155,554	10.4
Connecticut: Chief State's Attorney	Traffic Stops	316,158	6	632,316	1,731	3,405,565	18.6
Florida Highway Patrol	Traffic Stops	604,108	13	557,638	1,527	15,982,378	3.5
Lansing: Carter, et al.	Traffic Stops	19,353	7	33,177	91	119,128	27.8
Maryland/I-95 Corridor: Lamberth	No data						N.A.
Maryland/Not I-95 Corridor: Lamberth	No data						N.A.
Maryland (I-95): Knowles and Persico	No data						N.A.
Michigan State Police	Traffic Stops	564,672	12	564,672	1,546	9,938,444	5.7
Missouri Attorney General	Traffic Stops	453,189	4	1,359,567	3,722	5,595,211	24.3
New Jersey State Police: Lamberth	Traffic Stops	2,974	0.8	44,253	121	N.A.	N.A.
New Jersey State Police: Venerio & Zoubek	Traffic Stops	87,489	18	58,326	160	N.A.	N.A.
New York City: Spitzer	Pedestrian Stops	174,919	15	139,935	383	8,008,278	1.7
North Carolina: Zingraff, et al. 2000	Traffic Stops	651,556	12	651,556	1,784	8,049,313	8.1
Oakland Police Department	Traffic Stops	21,338	12	85,352	234	399,484	21.4
Richmond: Smith and Petrocelli	Traffic Stops	2,673	2	21,384	59	197,790	10.8
Sacramento Police Department	Traffic Stops	36,854	12	36,854	101	407,018	9.1
San Diego Police Department, 2001	Traffic Stops	168,901	12	168,901	462	1,223,400	13.8
San Jose Police Department, 2000	Traffic Stops	97,154	12	97,154	266	894,943	10.9
St. Paul: Inst. on Race and Poverty	Traffic Stops	41,249	8	61,874	169	287,151	21.5
Texas Department of Public Safety	Traffic Stops	779,961	4	2,339,883	6,406	20,851,820	11.2
United States	Any Contact	43,827,419	12	43,827,419	119,993	281,421,906	15.6
	Traffic Stops	22,731,790	12	22,731,790	62,236	281,421,906	8.1
	Pedestrian Stops	1,659,367	12	1,659,367	4,543	281,421,906	0.6
Washington State Police	Traffic Stops	338,885	12	338,885	928	5,894,121	5.7

Table 4.8: Annual and Per Capita Rates of Police Searches

Jurisdiction/Author	Searches Analyzed Number	Data Collection Months	Estimated Number per Year	Estimated Number per Day	2000 Resident Population	Searches per 100 Residents	Searches per 100 Stops
Baltimore Police Department	759	6	1,518	4.2	651,154	0.2	1.0
California Highway Patrol	23,584	7	40,430	110.7	33,871,648	0.1	1.3
Chattangooga Police Department	Data collected but not reported				155,554	N.A.	N.A.
Connecticut: Chief State's Attorney	11,984	6	23,968	65.6	3,405,565	0.7	3.8
Florida Highway Patrol	No data				15,982,378	N.A.	N.A.
Lansing: Carter, et al.				6.7	119,128	2.0	7.3
Maryland/I-95 Corridor: Lamberth	1,418 823	7 21	2,431 470	1.3	N.A.	N.A.	N.A.
Maryland/Not I-95 Corridor: Lamberth	1,549	21	885	2.4	N.A.	N.A.	N.A.
Maryland (I-95): Knowles and Persico	1,590	49	389	1.1	N.A.	N.A.	N.A.
Michigan State Police	27,800	12		76.1	9,938,444	0.3	4.9
Missouri Attorney General	31,906	4	27,800	262.1	5,595,211	1.7	7.0
New Jersey State Police: Lamberth	No data		95,718		N.A.	N.A.	N.A.
New Jersey State Police: Venerio & Zoubek	1,193	18	795	2.2	N.A.	N.A.	1.4
New York City: Spitzer	Data collected but not reported				8,008,278	N.A.	N.A.
North Carolina: Zingraff, et al., 2000	940	12	940	2.6	8,049,313	0.0	0.1
Oakland Police Department	2,229	3	8,916	24.4	399,484	2.2	10.4
Richmond: Smith and Petrocelli	211	2	1,688	4.6	197,790	0.9	7.9
Sacramento Police Department	6,562	12	6,562	18.0	407,018	1.6	17.8
San Diego Police Department, 2001	10,754	12	10,754	29.4	1,223,400	0.9	6.4
San Jose Police Department, 2000	No data				894,943	N.A.	N.A.
St. Paul: Inst. on Race and Poverty	3,540	8	5,310	14.5	287,151	1.8	8.6
Texas Department of Public Safety	26,737	4	80,211	219.6	20,851,820	0.4	3.4
United States	1,272,282	12	1,272,282	3,483.3	281,421,906	0.5	5.6
Washington State Police	7,729	12	7,729	21.2	5,894,121	0.1	2.3

Table 4.9: Comparison Groups Used in Racial Profiling Reports

Jurisdiction/Author	Comparison Groups Used							Type of Statistical Analysis
	Resident Population	Driving Age Population	Licensed Drivers	Traffic Accidents	Traffic Violators	Crime Suspects	Arrested Persons	
Baltimore Police Department								BV
California Highway Patrol	X							BV
Chattangooga Police Department	X							BV
Connecticut: Chief State's Attorney	X						X	BV
Florida Highway Patrol	X							BV
Lansing: Carter, et al.					X			BV
Maryland/I-95 Corridor: Lamberth								BV
Maryland/Not I-95 Corridor: Lamberth								MV
Maryland (I-95): Knowles and Persico				X				BV
Michigan State Police	X							BV
Missouri Attorney General	X	X						BV
New Jersey State Police: Lamberth					X			BV
New Jersey State Police: Venerio & Zoubek								BV
New York City: Spitzer	X					X	X	MV
North Carolina: Zingraff, et al., 2000			X1		X			BV/TV
Oakland Police Department	X							BV
Richmond: Smith and Petrocelli	X					X		MV
Sacramento Police Department	X					X		BV
San Diego Police Department, 2001	X							BV
San Jose Police Department, 2000	X							BV
St. Paul: Inst. on Race and Poverty	X	X	X2	X (Map)		X (Map)	X (Map)	BV
Texas Department of Public Safety	X							BV
United States		X	X					BV
Washington State Police		X					X	BV

Appendix B
Agenda for August Conference
Profiling Technical Assistance Conference

Irving Shaknov Conference Center

Monday, August 20, 2001

0800-0900	**Registration & Continental Breakfast**
0900-0930	**Welcome & Opening Remarks** Dr. Joyce McMahon, CNAC Mr. James (Chips) Stewart, CNAC
0930-1000	Presentation **Chattanooga**
1000-1030	Presentation **Baltimore**
1030-1045	**Break**
1045-1115	Presentation **St. Paul**
1115-1145	Presentation **Phoenix**
1145-1200	**Discussion of presentations, follow-on questions**
1200-1300	**Lunch at CNAC**
1300-1330	**Keynote Speaker** Jerry Oliver, Chief of Police Richmond Police Department
1330-1430	Joel Garner, Joint Centers for Justice Studies **Technical assistance topics**
1430-1530	Ronald Davis from Oakland Police Department, NOBLE **Operational Issues**
1530-1545	**Break**
1545-1630	Set up working groups, work on analysis plan
1630-1730	Dr. Ellen Scrivner will join us **Deputy Director, Community Oriented Policing Services** (NOBLE Executives will also join us)
1730	**Adjourn** Informal Reception Clyde's Restaurant (Deck Area) (Half-price appetizers; also a good place for dinner)

Tuesday, August 21, 2001

0800-0900	**Continental Breakfast**
0900-0915	Welcome back – Administrative Details
0915-1000	**Get in groups, review/revise city analysis plans and share input with paired city**
1000-1020	Presentation **Chattanooga**
1020-1040	Presentation **Baltimore**
1040-1050	**Break**
1050-1110	Presentation **St. Paul**
1110-1130	Presentation **Phoenix**
1130-1200	**Overall Assessment, Advice to Cities, What is at Stake?** Jerry Oliver & Ronald Davis
1200-1300	**Lunch at CNAC**
1300-1330	Discuss October meeting
1330	**Adjourn**

Appendix C
Agenda for October Conference
Profiling Technical Assistance Conference

CNAC Conference Center (Boardroom)

Thursday, October 25, 2001

8:00-9:00	**Registration & Continental Breakfast**
9:00-9:30	**Welcome to Our 2nd Conference & Opening Remarks** Dr. Joyce McMahon, CNAC Keynote Speaker: James K. (Chips) Stewart, CNAC The Importance of "Getting it Right"
9:30-10:00	**Discuss overall theme of second conference–working conference** Data collection and analysis issues: practical measures that you can undertake
10:00-10:30	**Review of existing reports and articles–rating their usefulness to you** Joel Garner
10:30-10:45	**Break**
10:45-11:45	**Captain Ronald Davis, Commander, Oakland Police Department, and Vice-President of NOBLE** Captain Davis will talk about his methodology for estimating the "expected" stop rates, given specific within-city variation in characteristics (noted during the August conference), which could be applied effectively for many cities and municipalities
11:45-12:00	**Discussion of the morning sessions, follow-on questions**
12:00-1:00	**Lunch at CNAC**
1:00-2:00	**CNAC analysts will lead a discussion about specific data issues** How to extend your resources; add technical capabilities at low cost Other uses of data collected (management and efficiency)
2:00-2:30	**Data issues: POV of Police Department data representatives and analysts** Response to suggestions offered in previous session
2:30-3:00	**Break**
3:00-4:00	**Captain Ronald Davis** Reflections from the Town Hall at Cincinnati (lessons learned on police-community interactions)
4:00-5:00	**Break into smaller working groups** to discuss specific techniques and applications of methodologies Subject matter experts (e.g., Ronald Davis) and analysts will work individually with each group
5:00-5:30	**Shuttle service to return conference attendees to the Washington Suites**
6:30-7:30	**Complimentary reception provided by The Washington Suites (Duke's Market Café – 2nd Floor)**

Friday, October 26, 2001

8:00-9:00	**Continental Breakfast**
9:00-9:15	**Welcome back –administrative details**
9:15-10:00	**Split into three groups** Police, Union, and Community Discuss common threads observed Roles with other two groups, the media, politicians Discuss group perspectives on profiling for terrorists
10:00-10:30	**Break** Start reimbursement paperwork with Bernadette Lynch
10:30-11:30	**Bring together issues of terrorist profiling** How is it being done? How should it be done? Hazards? Are there parallels to draw or lessons learned to apply?
11:30-12:00	**Solicit comments from participants** Feedback for the direction for data collection, analysis, and evaluation What are the future challenges and risks for these endeavors?
12:00-1:00	**Lunch at CNAC**
1:00-1:30	**Wrap up–discuss any issues / themes identified during the conference** Closing comments by Captain Ronald Davis More reflections on the importance of getting it right
1:30	**Adjourn** (Or linger around and discuss some more) Finish filing paperwork with Bernadette Lynch

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Appendix E

Recommendations: How to Eliminate Biased Policing (Blindfolds for Justice)

This Appendix contains Captain Davis' points on the blindfolds of justice. A summary of this material was included in Chapter 7. This material is derived from *A NOBLE Perspective: Racial Profiling–A Symptom of Bias-Based Policing (Next Steps–Creating Blindfolds of Justice)*, Ronald L. Davis, Ida Gillis, Maurice Foster, National Organization of Black Law Enforcement Executives, May 3, 2001.

"Justice is blind" represents the basic motto and principle of our criminal justice system. It symbolizes equity in the administration of justice and represents our basic rights in a free society. Many in the minority community, however, feel that society is not free and justice is not blind. In fact the perception is that "justice" in many cases distinguishes on the basis of race, ethnicity, gender, religious beliefs, and social and economic status.

Justice is, among other things, a system of people influenced by the biases and stereotypes brought to and learned at the job. In many cases, biases and stereotypes may be unintentional and applied subconsciously. In some cases, however, biases and stereotypes are intentional and malicious, rising to the level of blatant discrimination. However, whether intentional or unintentional, the application of bias in policing tilts the scales of justice and results in unequal treatment under the law.

Bias-based policing is defined as:

> The act (intentional or unintentional) of applying or incorporating personal, societal, or organizational biases and/or stereotypes as the basis, or factors considered, in decision-making, police actions, or the administration of justice.

Bias-based policing impacts all aspects of policing, and many feel that it should be considered the most serious problem facing law enforcement today. Racial profiling can be considered a symptom of bias-based policing.

Administrators often fail to recognize the true problems behind bias-based policing and respond only to symptoms. Responses are usually "knee jerk" and largely ineffective. New symptoms will eventually appear; and still more new responses will be developed. Valuable time

and resources are wasted on creating policies in response to symptoms instead of eliminating the basic problems through a comprehensive systematic approach.

The traditional symbol of justice in this country is a woman holding a scale–blindfolded. The symbol does not suggest the woman is free of bias or that justice is blind. The symbol represents the need to blindfold those empowered to administer justice from personal and societal prejudices when exerting the authority and power of office.

Although it is impossible to completely remove bias from people, it is possible to create systems that "blindfold" people from bias. To create blindfolds, agencies must analyze formal and informal operating systems and identify more efficient and equitable practices in each of the following domains: mission statement, recruiting and hiring, training, assignment rotation, promotion, discipline/accountability, community relations, and leadership. We will consider each of these areas separately below.

Blindfold #1–Mission Statement

Most agencies have mission-vision-value statements that are posted throughout the agencies. In some cases, the only value they provide to the agency is wall decoration. Mission-vision-value statements must be "operationalized " in order to actually change the culture of the organization.

The mission statement should identify the following:

- Who are our customers?
- What service(s) do we provide?
- How do we provide it (them)?

The vision statement should identify the goals of the agency. The value statement should identify how we treat our customers and our employees and serve as the organizational "Bill of Rights." The mission-vision-value statement must be incorporated into every aspect of operations. Each level of the organization must identify what role they play in achieving the overall mission. If the mission, vision and values are not understood, the direction of the agency is left to the officers in the field to define. Consequently, the focus and direction of staff as well as the deployment of resources may be based on officer preferences, which do not necessarily reflect community needs or priorities.

Administrators will need to be creative and relentless in marketing the mission-vision-value statements throughout the agency and the community. Mission-vision-value statements should be posted widely. Promotional examinations must evaluate a candidate's ability to "operationalize" the mission, vision, and values of the organization. Awards and citations, written commendations, and disciplinary proceedings should all take into consideration actions that either do or do not reinforce organization values that contribute to the overall mission. In short, the mission-vision-value statement must become one of the most important documents in the agency…every officer should be able to cite and explain it.

In addition, the mission statement must focus on service, not crime reduction. Agencies that establish a culture primarily focused on crime reduction are more likely to experience bias-based policing and increased officer misconduct. The result is an attitude to reduce crime "by any means necessary" and, in many cases, target people based on race, biases, and stereotypes. Phrases such as the "War on Drugs" may contribute to a culture of community intolerance and a "we versus them" mentality, thereby overriding the basic message of service. Administrators must recognize that their words and actions can either reinforce or contradict their mission statement.

Law enforcement agencies must work to establish a culture that values quality and effective service over quantitative measures and/or arrests. Officers must clearly understand that the agency values service above enforcement. In this context, enforcement must be accepted as a tool, not the mission, of the police.

Blindfold #2–Recruitment and Hiring

Agencies must be forthright in their recruitment efforts. Marketing strategies must provide prospective candidates a clear understanding of the duties and responsibilities of the job. Agencies should avoid using the image of television "cops" to attract candidates, and provide potential candidates a true picture of law enforcement.[45] Marketing strategies must reinforce the mission, vision, and values of the agency.

Law enforcement agencies across the nation have initiated accelerated hiring programs, which in many cases equates to the accelerated hiring of unqualified candidates. Administrators must avoid the temptation to recruit and hire candidates with clear warning signals in their backgrounds, and closely evaluate candidates with no experience in dealing with a diverse community or candidates without any relevant experience. It is better to have staff shortages than hire the wrong officer(s).

[45] A recent recruiting commercial in northern California displayed officers in gas masks, pointing firearms, and making high-risk entries. The commercial focused on excitement and failed to display the basic nature of the job, service. The commercial appeared to target "thrill seekers" versus service-oriented candidates.

Administrators must recognize the true value of diversity to an organization. The race or gender of an officer does not make a better officer–diversity, however, does make for a better organization. Therefore, agencies should strive to diversify all levels of the organization to reflect the demographics of the city or jurisdiction represented. Diversity can help to establish trust in the community and reinforce organizational values. A diverse agency will reflect diverse views that provide administrators varying perspectives in the development of policies, procedures, and crime-reduction strategies.

Blindfold #3–Training

Most states have established commissions governing peace officer standards and training that require police candidates to attend professional academies. The quality of training provided to new recruits for the most part is excellent; it is the focus of training that needs change. Specifically, many police academies devote over a third of the curriculum to the use of force. This sounds reasonable, especially considering the impact of the inappropriate use of force on the agency and community. The training, however, is often focused on "how" to use force instead of "why" to use force.

Administrators are led to believe that extensive training on how to use force is required to avoid liability. Clearly, administrators must ensure that officers receive sufficient firearm and self-defense training to obtain and maintain a high level of competency. It appears, however, that most criminal and civil actions against officers and agencies are based on the decision to use force or the level of force. It is therefore crucial that we balance the number of training hours provided in those areas that impact the decisions to use force, such as police ethics, cultural diversity, community-oriented policing, conflict resolution, dealing with mentally ill persons, and tactical communication.

In addition, administrators must have the flexibility to remove candidates who cannot be "blindfolded" from their personal or societal biases. Police trainees should be considered probationary employees. It is better to remove an inappropriate trainee than to have to terminate a trainee after he or she becomes a police officer. Agencies must also provide training in ethics, conflict resolution, and decision-making with the same regularity as firearms and self-defense. Police ethics must be incorporated in all facets of training, and trainers must be cross-trained in police ethics and bias identification. Training should be the responsibility of supervisors, managers, and administrators, not just the academy staff.

Blindfold #4–Discipline and Accountability Systems

Two levels of the organization are usually held accountable for officer misconduct, the officer(s) who commit the offense and the Chief of Police. First line supervisors and managers are rarely disciplined or held accountable for the conduct of their officers or the "tone" of their units. This should be changed so that accountability systems hold every level of the organization accountable for misconduct. Supervisors and managers must be held accountable for the conduct of their subordinates when it is reasonable for them to have known about the misconduct and no corrective action has been taken. Supervisors and managers must also be accountable for establishing a culture or tone within the agency that embraces the organizational values and the Law Enforcement Code of Ethics.

Supervisors and managers who "overlook" incidents of misconduct, protect officers from accountability, or fail to take immediate corrective action must be removed from positions of responsibility. However, disciplining supervisors and managers for the actions of their subordinates is not common and is often met with great opposition.[46] Establishing managerial accountability is somewhat risky, but the long-term benefits to the department and the community should outweigh any opposition.

It is critical to give supervisors and managers appropriate tools to prevent misconduct. One important tool is the ability to identify officers with track records that would indicate the inability to "blindfold" bias. An Early Warning System (EWS) must at minimum identify officers who display bias indicators such as:

- High numbers of citizen complaints
- High numbers of use-of-force incidents
- High numbers of resisting-an-officer arrests
- Large number of arrests not charged due to improper detentions and/or searches
- A negative attitude regarding programs that enhance police-community relations.

An effective EWS will also track areas such as vehicle accidents, sick leave abuse, and other indicators that would reflect a decline in performance. Increased supervision, as well as additional training and/or counseling, should be provided to officers identified by the EWS. In addition, transfers from high-profile assignments, discipline, or removal from office must also be considered for officers continually identified as "high-risk."

46 One recent notable case occurred in the aftermath of the tragic shooting of Tyisha Miller in Riverside, California. The Riverside Police Chief not only fired the officers who shot and killed Ms. Miller, he also fired the sergeant that supervised the shooting scene, citing that the sergeant's failure to provide leadership contributed to the death of Ms. Miller. The chief's decision met with extreme opposition. Officers in the police association shaved their heads in protest and spent thousands on a marketing campaign against the chief. In the end, the police association lost the campaign. The Riverside Police Department is under investigation by the United States Department of Justice Civil Rights Division for possible patterns or practices of police misconduct and is undergoing major reform.

Chief Executive Officers (CEOs) must retain the authority to discipline employees. The power to discipline should not be delegated either to lower levels of the organization, or to higher levels within city government or external review boards or commissions.[47] The inability to discipline officers removes the ability to set the "tone" of the organization or establish accountability systems.

Blindfold #5–Assignment Rotation and Officer Development

Too much of a good thing can be bad. This is particularly pertinent to officer assignments in vice, narcotics, specialized street enforcement, and gang units, which may place officers in negative environments for extended periods of time. Such officers spend the majority of their time interacting with a negative element of the community that represents a small percentage of the population. Those left too long in this environment may become involuntarily conditioned to judge an entire community based on their limited contacts with a subset of the community.

Officers can also become malicious, callous, and even apathetic. This is especially true in minority communities characterized by high crime. Officers must be routinely rotated to increase interaction with all segments of the community and understand all aspects of policing. Officers must be conditioned to recognize that the negative segment of the population is not the standard to evaluate an entire ethnic group or community.

Blindfold #6–Promotion(s)

Selecting future leaders of an agency is one of the most critical tasks of an administrator. Civil service rules, labor contracts, and political pressures often limit appointment authority. Most agencies are required to use a promotional testing process to create eligibility lists. The most common process is the assessment center, which usually includes multiple-choice tests, written essays, oral interviews, role-playing, and in-basket exercises. These processes are generally effective, but they do have areas that contribute to bias-based policing.

In most assessment centers, assessors are recruited from outside agencies based on their rank. Captains are sought to evaluate lieutenants, and so on. In many cases, the agency does not know the background of the assessor or the guiding philosophy or values of his or her organization. Promotions are consequently left to the judgment of the consultant delivering the exam and assessors from other agencies. Under this system, top candidates may have a "bad day," and unqualified candidates can "tap dance" to the top of the list.

47 This is not to suggest that employees should not have due process or even an appeal process. Nor does it suggest that agencies should not support external review boards that serve as audit or appeal forums for the community. It simply means the CEO, who is expected to be able to make tough decisions in a fair and effective manner, has responsibility for the final decision.

Some agencies use assessment centers that select assessors from within the agency. This too may pose a problem. The candidates' reputation or past interactions (positive and negative) with supervisors and managers may taint the objectivity of the assessors and compromise the integrity of the examination. If the agency lacks diversity at supervisory and command levels, it may also contribute to a perception that the process is biased against minorities. Whether true or not, promotions under this system may appear to be based on popularity or the "good old boys" system.

An example of the process and potential pitfalls

A NOBLE executive recently participated as an assessor in a captain's promotion assessment center for a mid-size agency in the south. The agency was undergoing major reform and adopting community-oriented policing. The chief of police was very progressive with a clear vision. A private consulting firm presented the test with assistance from the city's personnel department. Prior to the start of the examination the assessors received training on candidate rating and evaluation.

The assessors were asked to review examples of each exercise, which included an in-basket exercise, oral presentation, and an employee subordinate meeting. Included in the in-basket exercise was a letter from a pastor representing 12 churches in the minority community. The group was concerned about police relations in the minority community and felt officers were "racially profiling" young black men. The churches wanted to conduct training in regard to driving while black (DWB) and "what to do when stopped by the police." The group asked for a representative of the police department to attend the meeting and assist with the training. The letter was sent to the new precinct captain.

The consultant stated that the successful candidate should recognize that the minority community often has hidden agendas, and that even when police-minority community relations are good, leaders in the minority community would have personal agendas during high-profile incidents (such as a white officer shooting a black suspect). The consultant recommended that the successful candidate would not attend the meeting, but would instead send a reply letter asking for a future meeting. Also included in the exercise were letters from a business group and a college administrator outlining their concerns and requesting attendance at meetings. The consultant suggested the successful candidate would attend these meetings.

The NOBLE executive became concerned and stressed the need for every community to question the use of deadly force by the police. He indicated that the meeting with church pastors provided the new precinct captain an opportunity to meet with key leaders in the minority community and listen to their concerns. The meeting also provided a forum to reinforce the organization's mission, vision, and values. Most importantly, the new precinct captain must recognize that the people sharing their concerns at the meeting are the same people needed to help improve police and community relations.

If the NOBLE executive had not mentioned his concerns to the consultant, there could have been unfortunate results. Promotion eligibility lists will reflect the judgment process, and administrators then must live with the results.[48] Promotions are too critical to be left solely to the judgment of outside personnel consultants. CEOs must take a personal interest in the process and, to the extent permissible, review, audit, and approve all materials and assessors prior to the examination process. CEOs must ensure that promotional examinations are fair and impartial and designed to measure competency based on objective behaviors. Also, examinations should utilize a diverse pool of assessors who share the mission, vision, and values of the organization as well as the demonstrated ability not to be influenced by bias.

Examination results should not surprise a CEO. To the contrary, examination results should reinforce the knowledge, skills, and abilities required for the position and reinforce the agency's mission, vision, and values. Promotions are not rewards–they are responsibilities. The baton of leadership must be passed to those who are prepared to provide leadership, not simply those who can take a test.

Blindfold #7–Community

Is there a conflict between safe streets and civil liberties? Drastic crime reductions over the past few years and the promise of even greater reductions have resulted in the increase of overly aggressive police tactics and enforcement programs. Communities are sometimes forced to choose between safe streets or civil liberties. In many urban settings, the minority community is the greatest consumer of police services. Yet, the greatest consumer often observes the most civil liberty violations.

The minority community is often told that overly aggressive police tactics are needed to reduce crime. A "we versus them" mentality is created, and bias-based policing is reinforced. Minorities are, in many cases, forced to stereotype within their race and accept police

48 Fortunately for the chief of this agency, his message of service was strong enough to "blindfold" the bias and prevent it from negatively impacting the testing process. All but one candidate recognized the value of the meeting and stated not only would they attend, they would also instruct all of their lieutenants to attend.

misconduct against other minorities labeled or profiled as suspects of crime. In fact, many in the minority community support officers found guilty of misconduct or criminal behavior. For example, in recent officer misconduct cases in New York City, Los Angeles, and Oakland, officers were accused of egregious ethics and criminal violations ranging from excessive force and torture to the planting of narcotics on suspected drug dealers. Some in the minority community, however, made public comments in support of the officers, citing a need to be tough on crime.

This belief clearly displays community willingness to accept officer misconduct in hopes of crime reduction. When a community believes that its safety and quality of life is primarily dependent on overly aggressive police tactics, it may result in an attitude of acceptance of civil rights violations against persons identified or profiled as "suspects".

Law enforcement must accept responsibility for the community's belief that crime reduction outweighs civil liberties. The message of service must not only be conveyed within the organization, it must also reach the community. Many administrators continue to embrace enforcement and arrest(s) as the sole answer to crime. This mentality has sustained the "war on crime" and resulted in the disproportionate arrest and conviction rates of minorities.

Statistics suggest that the most notable crime reductions occurred during the recent community-policing era of policing, not necessarily the enforcement era of the 80s. It does not appear that we won the "war on drugs." We have an obligation to move forward and use police and community relationships to develop comprehensive crime-reduction strategies that attack all facets of crime, not just incarceration. To reduce crime and maintain safe neighborhoods, the police and the community must enter into a partnership.

Blindfold #8–Leadership

Administrators must have the courage to manage by principle-based leadership and serve as the driving force for change. Administrators must make the commitment to do the right thing–not necessarily what is popular. The CEO of today must survive politically charged environments, strong labor unions and laws, and extremely demanding communities. The true challenge is not to get so focused on keeping your job that you forget to do your job. Crime reduction, and even community satisfaction, at the cost of violating the constitutional rights of **one** person is never acceptable.

In conclusion, the elimination of bias-based policing requires a comprehensive program that establishes effective systems in **all** aspects of policing. The eight blindfolds are important recommendations to help eliminate biased policing. These systems must be driven by principle-based leaders with the courage to make change and demand the best quality of service for our communities.

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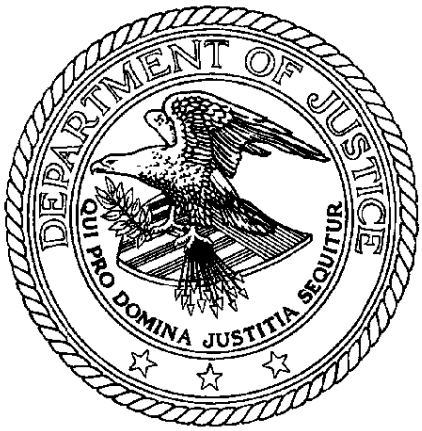

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