

**A National Analysis of Racial Profiling and Factors Affecting the
Likelihood of Traffic Stops for African Americans**
by

Peter N. Taylor

Thesis submitted to the Faculty of
Virginia Polytechnic Institute and State University
In partial fulfillment of the requirements for the degree of
Masters of Science in Sociology

Approved:

Carol A. Bailey, Chair

Michael Hughes

Terry Kershaw

September 5, 2003

Blacksburg, Virginia

Keywords: Racial Profiling, Police, African Americans,
and Traffic Stops

Copyright 2003, Peter N. Taylor

A National Analysis of Racial Profiling and Factors Affecting the Likelihood of Traffic Stops for African Americans

Peter N. Taylor

(ABSTRACT)

The unequal treatment of racial minorities by police is by no means a new concept. The debate over racial profiling centers on two questions. Does racial profiling actually occur? If so, is racial profiling being used and is profiling a legitimate tool of law enforcement? There are those who debate whether race is or is not a factor in police discretion and there are those who argue that race is a factor that is appropriate for use in profiling. The purpose of this research is to determine whether race is a significant factor in the likelihood of being involved in a traffic stop. In addition to race, other variables, such as gender and age, are explored as possible control variables. This is done by analyzing data collected by the Bureau of Justice Statistics' "Contact between Police and the Public" national survey. By examining several dependent variables that also may be associated with traffic stops, this study determines whether there is or is not a disparity in treatment by race, and whether this is consistent with the alleged purposes of using race in criminal profiles.

ACKNOWLEDGEMENTS

This project has been a true challenge for me. All of the background literature has progressed as the study of racial profiling has only recently exploded in the United States and elsewhere. Having personal interest in racial inequality and having been involved as a victim of racial profiling, the motivation for completing this project was maintained even when data sources weren't available in the beginnings.

There are many people I would like to thank for playing key roles in my personal success as a graduate student as well as the success of this research project and it would be impossible to name all of those who played important roles. I thank my parents for their support (and funding!) of my higher educational goals. Special thanks to Tammy Putmon for all of the encouragement that anyone could possibly give. Thank you to Ed Brooks and the Newman Library faculty for all of the assistance and true generosity. Thank you to Tiffany Chenault and Dr. Michael Herndon for the encouraging words when I thought this accomplishment was out of reach.

Last but not least, I'd like to thank my committee members: Dr. Hughes for urging me to take on the critical theory aspects, Dr. Kershaw for directing me to challenge all parts of racial inequality within the paper, and especially Dr. Bailey for who I can not thank enough. Without you, no part of this project could have been completed.

TABLE OF CONTENTS

Chapter One: INTRODUCTION	1
Statement of the Problem	3
Chapter Two: LITERATURE REVIEW	6
Does Racial Profiling Occur?	6
Blacks in the Criminal Justice System	7
Why Is Racial Profiling a Greater Concern than Ever?	10
Theoretical Concepts	
Conflict Theory	12
Labeling Theory	14
Definitions of Racial Profiling	16
Constitutional Concerns	18
Drug Courier Profile Characteristics and History	20
Is Racial Profiling a Valid Practice	22
Studying Racial Profiling	
Profiling and Data Collection	24
Problems with Data Collection Methods	26
Collecting Data	30
Chapter Three: METHODOLOGY	32
Hypotheses	32
Methods	32
Sample Characteristics	33
Variables	33
Analysis	36
Chapter Four: ANALYSIS AND FINDINGS	38
Traffic Stops	41
Vehicle Searches	44
Contraband	45
Being in the Area	47
Legitimacy of Stop	49
Logistic Regression Models	52
Chapter Five: DISCUSSION AND CONCLUSION	57
Discussion	57
Conclusion	60
References	65
Resume	69

Tables

Chapter Four

Table 1: Frequency Distribution and Coding for All Variables	40
Table 2: Percentage of Respondents Involved in Traffic Stops for Each Age and Gender Category	41
Table 3: Bivariate correlations between race and number of times stopped	43
Table 4: Percentage of Respondents Involved in Vehicle Searches for Each Age and Gender Category	45
Table 5: Percentage of Respondents Who Had Contraband in the Vehicles for Each Age and Gender Category	46
Table 6: Percentage of Respondents Who Had Contraband on Themselves for Each Age and Gender Category	47
Table 7: Percentage of Respondents Who Were Questioned about Being in a Particular Area for Each Age and Gender Category	48
Table 8: Percentage of Respondents Who Felt Officer Did NOT Have A Legitimate Reason for the Traffic Stop for Each Age and Gender Category	50
Table 9: Percentage of Respondents Who Felt the Officer Did Not Have a Legitimate Reason to Physically Search Them for Each Age and Gender Category	51
Table 10: Logistic Regression Models of Involvement in Traffic Stops, Vehicle Searches, and Contraband Found in Vehicle Dependent Measures on Explanatory Measures	54

CHAPTER 1: INTRODUCTION

Driving on a Sunday night without committing a violation generally should not be any reason to warrant the attention of law officers. However, for African-Americans such as myself, suspicion of criminal activity solely based upon apparent physical indicators of race or ethnicity has become all too familiar an experience. This is generally what is referred to as ‘racial profiling’ by law officers and has become so common in practice that the term “DWBB”, (driving while black or brown) has permeated our every day conversations.

Throughout this analysis of the phenomenon of racial profiling and traffic stops, I will present several narratives found in references or experienced first hand that help to clarify reasons for why this is a serious issue worthy of research and discussion. The narratives are expressive of the injustice felt by the victims of the alleged practice.

Narrative One

Samuel Elijah remembers June 1994 like a bad four-car collision. He was driving his 1980 white Mercedes on the New Jersey Turnpike just outside Trenton around eleven o'clock one night, heading home from a day's work. He was driving between fifty-eight and sixty miles per hour. He had just driven beneath an underpass when he noticed a state trooper hiding on the other side of the viaduct. Reflexively, he checked his speedometer again, he was still driving fifty-eight miles per hour. He didn't think he had any reason to be worried. Sam, a dark-skinned black man, again checked his rearview mirror. The police car continued to close in to within thirty feet. After about fifteen minutes of being followed, he pulled off into the emergency lane, and the squad car pulled up directly behind him. Sam got out and walked over to the police car. Inside was a lone white officer. "Why are you following me?" Sam asked. "Get back in your car," the police officer commanded over the cruiser's loudspeaker. Without saying another word, Sam returned to his car. And that's when he noticed the lights of another police car. The second squad car pulled up in front of his Mercedes, penning in Sam's car. A third pulled up directly behind the first squad car. When the other officers had parked, the white police officer who had been following him finally got out and walked up to Sam's open window. "What's this all about, officer?" Sam asked.

“Driver’s license and registration,” the officer demanded.

“What did I do?”

The police officer didn’t answer. He only took Sam’s documents back to the squad car, and while Sam waited, the three officers converged behind Sam’s car, discussing something among themselves. When the first officer returned..., he shone his flashlight in Sam’s face.

“Your eyes are red, have you been drinking?” the officer questioned. Sam didn’t have a clue what was going on.

“Did you have any drinks today?” he asked again.

“No,” Sam answered. I’ve been working all day. I’m tired.”

“What kind of work do you do?”

“I do construction work”

The officer was apprehensive. “Your driver’s license is from New York. What are you doing down here? Where are you coming from?”

“I’m coming from Willingboro,” Sam answered. I was going home until you guys came down on me. I don’t understand, why are you stopping me anyway, I wasn’t speeding.”

“You look like you’ve been drinking. Step out of the car. I want you to take a sobriety test.”

“A sobriety test?” By now, Sam was pissed. He was a married family man with a three-year-year-old son and just wanted to get home. “I didn’t drink anything. I’ve been working.”

Nonetheless, the officer put him through the routine test. It was clear to Sam’s sober mind that the officers were fishing for something incriminating.

After a few more minutes of the officers talking among themselves, the lead officer returned to the white Mercedes and gave Sam back his license and registration.

“You can go,” he said with a hint of disappointment in his voice.

--Driving While Black, Kenneth Meeks

Narrative Two

Driving on a Sunday night in October should not be a crime. But for a 17-year-old African-American male in a red Jeep Cherokee (a popular vehicle among Richmond’s white upper middle class at the time) on an empty road in 1994, things would prove to be different. He looked in his rear view mirror, suddenly to see red, white, and blue flashing lights approaching his car very quickly from behind. He checked his speedometer and realized he hadn’t been speeding. As the police car reached bumper-to-bumper distance, the teen drove slowly to the nearest well-lit intersection where he stopped the car. Rather than one officer approaching from the squad car, two Caucasian officers approached the jeep from both sides. Intimidated, the teen presented the officer who approached the driver’s side with his license and registration as the second officer probed through the lightly tinted windows of the jeep with his flashlight. The first officer explained that the teen had allegedly run a red light almost 3/4 a mile back. When the youth calmly explained that he had not run the light in question, he was asked to step outside of the vehicle. He was searched while the second officer inspected the Jeep. The officers found nothing but assigned the teen a ticket nonetheless. The young man assessed the situation as being somewhat routine, never having been pulled over before, yet felt

angered by being pulled over for a violation that was more than questionable, and still feels the same to this very day. That young man, now 24 years of age, is myself.

Driving on a Sunday night without committing a violation generally should not be any reason to warrant the attention of law officers.

Statement of the Problem

The unequal treatment of racial minorities by police is by no means a new concept. A fairly recent example of such treatment was presented in 1992 when amateur video footage showed the brutal beating of Rodney King, conducted by multiple police officers on a Los Angeles highway. Following the acquittal of the four officers, Los Angeles erupted in the flames of rioting as a form of massive protest. Large segments of the public were outraged. This was the first time that so many people had witnessed such abuse of police power in the United States since the Civil Rights era. Most importantly, that event sparked media coverage of future injustices committed by police officers across the nation. The concerns about police brutality open doors for discussion about other forms of police misconduct, including *racial profiling*: the use of race as a solitary or main means of identifying or predicting the probability of criminal behavior.

There seems to be a generally accepted understanding of what profiling is. "Profiling is the law-enforcement practice of scrutinizing certain individuals based on characteristics thought to indicate a likelihood of criminal behavior" (Policy.com, 1999). Yet there are two variations concerning the application of racial profiling. Profiling either utilizes race as a sole means of directing police attention, or uses race as a part of a larger set of characteristics or behaviors that lead to police involvement.

Regardless of the definition of racial profiling, the debate over racial profiling centers on two questions. Does racial profiling actually occur? Is racial profiling being used and is profiling a legitimate tool of law enforcement? Police forces often deny the practice of using race as a predictor of criminal behavior. For example, Captain Ronald L. Davis of the National Organization of Black Law Enforcement Executives (NOBLE) writes “According to a survey conducted by the Police Executive Research Forum (PERF), over 60% of the police chiefs surveyed did not believe racial profiling occurred in their jurisdiction...” (Davis, 2001).

The evidence is mounting that racial profiling exists regardless of official denial of its existence. For example, an article in *The Trenton Review* indicated that there was evidence of racial profiling being used and denied in New Jersey

"Last week, Attorney General John Farmer released 91,000 pages of internal documents that detail how race became a weapon of choice in the state's war on drugs. The papers show that racial profiling was not only a favored weapon, but a secret one, its official existence disavowed for a decade by the state's top law enforcers" (The Record, 2000).

Knowles, Persico, and Todd found that for traffic stops, which are the focus of this research, the proportion of African-Americans among the drivers searched by police far exceed the proportion in the general population of drivers” (Knowles, Persico, and Todd 2001). And finally, we have anecdotal publicized accounts of life testimonials from profiling victims. Many of these stories can be found on the ACLU (American Civil Liberties Union) website: www.aclu.org/profiling/tales/index.html.

Although significant research is starting to be conducted, two more basic questions are not as yet answered. First, is racial profiling used in traffic stops? If racial profiling can be empirically documented as a factual phenomenon, then the denial of the

use of profiling by race can be made more difficult. Second, once stopped, are Black and Hispanic drivers more likely to be subjected to personal and vehicle searches by police? If so, it may be easier to imply that race bias is an integral part in profiling criminal characteristics. The purpose of this research is to determine whether race is a significant factor in the likelihood of being involved in a traffic stop. In addition to race, other variables, such as gender and age, will be explored as possible control variables. This will be done using data collected by the Bureau of Justice Statistics' "Contact between Police and the Public" national survey.

CHAPTER TWO: LITERATURE REVIEW

Narrative Three

SAN FRANCISCO, CA -- Accused of running a stop sign by white policemen, Milton Reynolds, a black schoolteacher, told the Associated Press that he was ordered out of his car by an officer "staring me down through his shades like some kind of B-grade movie while stroking the barrel of a shotgun." The ticket was later dropped, but Reynolds isn't letting go of what he told the AP he calls the larger issue -- the harassment of minorities by police forces wedded to race-based "profiles" of likely bad guys. Reynolds joined the American Civil Liberties Union of Northern California on Wednesday in announcing a new campaign in California aimed at exposing the "crime" of DWBB -- "driving while black or brown" -- the routine stopping of minorities for no reason other than their skin color. (ACLU Freedom Network, 1999).

Does Profiling Occur?

The arguments surrounding racial profiling can be distilled into two fundamental questions. Is this racial profiling practiced widely by police agencies in the United States? And if so, is the practice beneficial? Many feel that the use of profiles is beneficial for law officials. Some proponents argue that when race is used, but not necessarily as the *sole* factor profiles are useful. Additionally, those who support the use tend to find that complaints about profiling by racially underrepresented groups are unwarranted, overstated, and unsubstantiated.

Perhaps the strongest evidence of the actuality of race bias in profiling comes from the New Jersey and Maryland state studies on traffic stops. Both state police heads have admitted that their officers have served with bias toward racial minority drivers. Finally, New York Police Department Commissioner Ray Kelly proclaimed that racial profiling be banned as a practice by its officers in March of 2000 (Newsday.com, 2002). These admissions acknowledge that whether or not departments do practice using race as an overwhelming factor in criminal profiling, it appears widely accepted (or at the very least, widely perceived) that racial profiling does take place.

Blacks and the Criminal Justice System

Although this study's emphasis is on traffic stops, it is but one of many avenues of legal and or extralegal social control that have been shown historical bias towards blacks and racial minorities in the U.S. In her book *Night Riders in Black Folk History*, Gladys-Marie Fry contends that the early emphasis of control over blacks was perpetuated with design by whites. "To the white population of the South, slaves posed a constant threat, a storm cloud that could erupt at any moment into a hurricane of disaster" (Fry, 1975). Since the vast majority of slave runaways and insurrection plans were conducted during the night, southern whites began the first road patrols designed to specifically control the movements of both free and slave blacks. "The patrol or 'patteroller' system established by the Southern states was designed to solve this problem by providing night surveillance of slave movements, or a 'night watch'" (Fry, 1975). Although Fry focuses on means of psychological control of slave movements, she emphasizes the similar role of state ordered patrols during the reconstruction era. Even with the constitution amended, patrol abuses continued unpunished as legal patrols formed into groups such as the Ku Klux Klan, who's criminal and sinister treatment of blacks, more often than not, went unpunished and ignored by law makers and enforcers.

The "war on drugs" introduced during the Reagan administration tends to correlate with the increasing disparity in arrest rates for blacks, which also raises suspicion of criminality, using race as a master status.

...scholars have noted that in recent years the "war on drugs" has been characterized by zealous prosecution of offenses involving crack cocaine, which is typically distributed in black urban areas, more so than white powder cocaine, which is typically distributed and used by white offenders (Yates, 1997).

Proponents of racial profiling's use stand firmly on the empirical data, which suggests that Blacks are more likely to criminally offend than whites more generally and especially with regard to the drug courier profile. These groups point to research that indicates that racial minorities commit more criminal offenses, no doubt, in part, because of their higher exposure to social factors that provide opportunity and motive for criminal behavior. Blacks are highly over-represented in arrest rates and imprisonment, although whites still compose the majority of incarcerated persons and those arrested overall. Seventy percent of those arrested in 2000 were white. This results in three percent of whites are arrested while seven percent of Blacks are arrested. Walker et al provide that "They (Blacks) are shot and killed by police 3 times as often as whites, down from a ration of 7:1 in the early 1970s." (Walker, Spohn, and DeLone, 2004).

However, opponents of the practice use the same statistics to point out that Blacks are unfairly sought out in the search for law breakers, and this is what accounts for the over-representation of Blacks. This group has additional empirical support. Research indicates that racial minority groups are more likely to receive longer sentences than whites who are convicted for similar crimes. Although rates of execution have decreased in disparity between Black and white convicted felons after the 1976 reinstatement of the death penalty, historically, Blacks made up more than half of those executed between 1930 and 1985 (Free, 1996). When these disparities are uncovered, it becomes more difficult to believe that bias at the arrest and traffic stop level does not also exist.

In 2000, twenty-eight percent of those arrested were Black, while representing only 12.3% of the U.S. population, seventy percent were white, and two percent were an other racial or ethnic identity. The disparity in arrest rates by race results in roughly a

little over seven percent of all Blacks arrested and only approximately three percent of all whites arrested in 2001. In addition, Blacks represent 40.3% of convicted jail inmates (Sourcebook of Criminal Justice Statistics 2001.) These differences beg two primary questions. Do Blacks commit more crimes and do police differentially arrest Blacks?

The overrepresentation of Blacks in prison and in arrest rates could support the presumption that the Blacks commit more crime. If this is the case, then labeling theorists are wrong that Blacks are unfairly treated. Based on this interpretation, police agencies are acting appropriately when suspecting Blacks, correctly responding to behavioral trends of Blacks, and not acting with racial bias. Author, David Horowitz echoes this sentiment. “The fact that such profiling sometimes casts unfair suspicion on non-criminal young black males is certainly unfair. But it is not necessarily racism” (Horowitz, 2000). Although Kennedy does not propose that statistical facts should drive police policy, he does state that there are harsh truths reflected within statistical differences between whites and Blacks. He writes

It does no good to pretend that blacks and whites are similarly situated with respect to either rates of perpetration or rates of victimization. They are not. . . . Just as race can signal a heightened risk that a black person will die younger, earn less money, reside farther away from employment opportunities, experience more unpleasant encounters with police, and possess less education than a white person, so, too, can race signal a heightened risk that a black person will commit or has committed certain criminal offenses (Kennedy, 1997).

In contrast to Kennedy, Horowitz goes one step further and argues that statistical facts are appropriate cause for the development of certain police procedures. He writes “Sad statistics. . . *ought* to be the factual and defensible basis of the state’s law enforcement policies” (Horowitz, 2000). Horowitz argues that acknowledging race as a factor involved in potential criminal behavior will help authorities in preventing crime.

And further, researchers note that the use of race in suspecting criminal activity is merely a fraction of what individual officers use as part of their discretion when on patrol (Harris, 2002; Horowitz, 2000; Kennedy, 1998; Brown, 1981). Nonetheless, arrest and imprisonment statistics provide strong evidence for those who think race should be a factor in profiling.

Why Is Racial Profiling a Greater Concern than Ever?

Even in what seems to be more liberal times in the U.S., it would appear that the officers of the law still make a steady practice of pulling over, arresting, or harassing minorities, particularly African-American males. One of the major explanations for racial profiling is that it is useful in preventing street drug crime. There are differences in the disparity of the types of drugs being sold or abused and the punishment and enforcement of the laws. Randall Kennedy, states in *The Record*, an online newspaper for New Jersey, "The great war on drugs became, in reality, a war on minorities" (*The Record*, 2000). In order to prevent the trafficking of drugs within the U.S., using the drug courier profile has become a popular means of eradicating carriers of contraband. But as I will discuss later, this practice of using the drug courier profile may prove to lack actual valid results. Nevertheless, when the profile alludes to minorities as perpetrators, racial profiling, as we know it today, has taken place.

With such activity being conducted by law officials for well over 100 years, why is it only now that the issue of racial profiling is making large news within the mainstream media as well as in the sociological realm? I theorize five reasons behind the recent news that racial profiling is receiving. First, in recent years African-Americans

have attained a social and economic status in sectors in which their voices are not so easily ignored. Following the shooting of Amadou Diallo in February of 1999, citizens, especially racial minorities, were concerned with being targeted or accused of criminal behavior simply because of the color of their skin. More than four out of 10 black Americans say they have been the victims of racial profiling in some form or fashion, including almost three-quarters of young black men (Gallup Poll, 1999). Second, the visual and reported evidences of occurrences of mistreatment toward blacks by police (such as the Rodney King beating and the Amadou Diallo shooting), although not traffic profiling cases, broaden the view of police activity to include profiling involved by traffic stops. Racial profiling is now a hot topic among legislators and in households all across the United States. The Gallup Poll presents that the majority of Americans, both Black and white, do not believe that this practice is necessary, legal, or ethical (Gallup Poll, 1999). The ACLU describes the practice as modern day Jim Crow acts (ACLU, 2000).

Third, more and more individual African-Americans are filing complaints and taking harassment cases to higher authorities (courts). Fourth, and more particular, more affluent and high social class status African-Americans are charging that they have been stopped merely because of their skin color. And fifth, more and more cases of racial profiling are being publicized and investigated by collective organizations such as the ACLU and the NAACP (National Association for the Advancement of Colored People). These groups have been making sure that the collective incidents of racial profiling have made public news. Currently, organizations are taking matter into their own hands in order to help past and future victims of racial profiling so that they may better combat and deal with the experience. DATAsociates Consulting Management Consulting

Services has created programs and workshops designed to help combat sexual harassment, discrimination, and racial profiling within corporations and other organizations (DATAsociates, 2000). Legal courses are beginning to be taught at schools so that citizens know their rights (Security Expert Witness and Litigation Consulting, 2000). A web site has been devoted to relating true stories of individual harassment from police racial profiling practices. Kenneth Meeks has published a book in 2000 entitled *Driving While Black: Highways, Shopping Malls, Taxicabs, Sidewalks: How to Fight Back if You are a Victim Of Racial Profiling*.

Theoretical Concepts

Conflict Theory

The conceptual framework for this thesis is conflict theory. The basic premise of conflict theory is that society is composed of various competing interest groups. Criminologists began to apply conflict theory to the study of crime in the late 1950's and early 1960's. Conflict theory refocused criminological thought away from theories concerned more with the behavior of criminals and moved it towards analyzing macro social structures that define deviance and criminality (Akers, 1999). One of the premises of conflict theory within the study of criminology is that the "criminal justice reflects the unequal distribution of power in society" (Walker, Spohn, and DeLone, 2000).

At the very core of conflict theory lies the inherent belief that interest groups compete for control in defining the goals, norms, and values of a society. Dominant interest groups seize the right to form norms as well as to define what constitutes deviant and criminal behavior. Historically in the U.S., the dominant interest group has been composed mainly of white males who still occupy the overwhelming majority of

government official positions, and hence, officials of the law as well. Conflict theories argue that those in power pass laws and procedures to help maintain their power. Thus, the powerless experience a systematic disadvantage. In the United States, relative advantage or disadvantage has been associated with characteristics such as race, class, gender, and sexual orientation.

Activities of the poor, as well, have historically been deemed deviant and criminal by lawmakers, and this pattern continues to today. Given that sociopolitical factors have resulted in large numbers of racial minorities in the United States occupying the lower socioeconomic strata, they face the double jeopardy of both lower social class and race. From a conflict perspective, it is not surprising that the behaviors engaged in by impoverished racial minorities have a greater likelihood of being defined by the dominant interest group as being deviant. Again, history illustrates this point.

“For example, research shows that the first campaigns against opium in the late nineteenth century disproportionately focused upon Chinese Americans. Also in the late 1880s, the campaign against cocaine was triggered due to racist beliefs about African Americans, despite its widespread popularity among Caucasians. Chicanos have been traditionally the focus of marijuana interdiction efforts going back to myths in the 1930’s that migrant workers caught smoking marijuana were more prone to violence” (Markowitz and Jones-Brown, 2000).

Conflict theorists argue that the historical practices that target racial minorities continue to this day. Labeling theories further refine conflict theory.

Labeling Theory

As discussed above, conflict theory suggests that the definition of deviance is determined by the interest group whose values have been accepted as norm. This theme

is elaborated on by labeling theorists. Key themes from labeling theory also guide this work.

A basic principle of labeling theory is that those individuals who are initially branded as social deviants will then continue to act out deviant conduct as a result of the individuals adapting to changes in their self concept. Howard Becker articulated the two key parts of labeling theory; the first part is how people become labeled, and the second part is how the label ultimately effects the labeled person(s) (Williams and McShane, 1988). In their discussion of Becker's work, McWilliams and Shane quote Becker

“..social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender’. The deviant is the one to whom that label has successfully been applied; deviant behavior is behavior that people so label (emphasis in original) (McWilliams and Shane, 1988).

An important aspect of labeling theory is the analysis of which people are most likely to be labeled. Theorists propose that the label is most likely to be applied to some social groups and not others. Just as the powerful are able to define what is and is not deviant, they also are able to define what social group is most at risk for labeling.

In their discussion of labeling theory, Williams and McShane write that the groups most at risk for labeling are those with particular primary traits that the powerful groups have deemed appropriate targets for labeling. Labeling theories argue that ascribed statuses, such as race, gender and sexual orientation, are the primary traits used by the dominant group(s) in deciding who should and should not be labeled. For example, although there are notable exceptions, white females are at less risk for being

labeled deviant than black males of all ages. Secondary traits, which are less obvious, can make individuals at risk as well. (Williams and McShane, 1988).

Labeling theorists argue that primary traits, for example, being black, and secondary traits, for example, having a criminal record, can become master statuses. Being a black male is a master status in the U.S. and unfortunately, the status is considered negative and associated with criminality. Therefore, it is not a surprise that when agents of the criminal justice system develop profiles for likely suspects of some types of criminal behavior, they include black male as a key characteristic. The heightened suspiciousness and the perceived threat of criminal behavior toward blacks could result in increased risk of black arrest and incarceration.

Williams and McShane acknowledge from labeling theory that traits can be identified as being primary (those traits which are most notably outstanding to others), or secondary (less central or palpable) (Williams and McShane, 1988). Anecdotal accounts from victims of alleged racial profiling by police in traffic stops provide a framework that race is principally the master status most frequently used in determining the potential criminality of a suspect. Victims of both high and low socioeconomic status complain of the practice with the common denominator being that they belong to a racial minority group. The master status premise becomes more applicable to those victims who complain of being stopped for being “out of place” or for driving luxury vehicles presumed to be ill affordable to racial minorities. Despite an apparent status of wealth or locale in a wealthy neighborhood, criminality is nonetheless ascribed to individuals based primarily by the apparent racial identity of the driver.

Definitions of Racial Profiling

As I alluded to before, the various definitions of racial profiling in use among practitioners and scholars can be organized into two general categories. In the first, race is the *sole* factor used in predicting criminal behavior. In the second, race is an important, but not the only, characteristic used.

When trying to determine the "nature and scope" (Ramirez, McDevitt, and Farrell, 2000) of racial profiling, the United States Department of Justice uses the following definition:

For this guide, racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin, rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been engaged in criminal behavior (Ramirez, et. al., 2000).

Researchers for the United States Accounting Office (GAO) write that racial profiling (of motorists) is "...using race as a key factor in deciding whether to make a traffic stop..." (GAO, 2000). Similarly, Meeks defines racial profiling as the "...tactic of stopping someone only because of the color of his or her skin and a fleeting suspicion that the person is engaging in criminal behavior" (Meeks, 2000).

When the above definitions are used, the unfairness of racial profiling seems obvious. Legal challenges should be easy. But this is not the case. To the contrary, racial profiling becomes an almost non-existent occurrence when defined in particular contexts.

The injustice that results from this definition is that the police can use race as the central feature in their suspicions of criminal behavior while denying that they are engaging in biased profiling. The distinction between the police relying on race instead

of the behavior is not as clear-cut in practice as this definition implies. If the police see three young black men huddled together on a street corner and approach them because the police suspect a drug deal, is it the behavior of these men, their race, or the combination of the two which leads to suspicion? If it were only their race, then an instance of profiling would have occurred using the Department of Justice definition. However, if it were the combination of race and the behavior that led to the police actions, then this would not be counted as an instance of racial profiling. Given that behaviors are often interpreted differently depending upon who is observing them, as labeling theorist argue, the Department of Justice definition could result in massive undercounting of racial profiling instances from the perspective of those who are its targets.

Another set of definitions of racial profiling allows for race to be one of several factors used. An example of how race is incorporated with other traits of criminal behavior is what is known as the “drug courier profile.” The drug profile has been widely used and defended. Schott writes:

...the “drug courier profile” has long been recognized as an investigative technique used by narcotics investigators. This “drug courier profile” has been described as the collective or distilled experience of narcotics officers concerning characteristics repeatedly seen in drug smugglers (Schott, 2001).

An important component of the drug courier profile (perhaps the most important factor) is race. Because of the belief that Blacks are more likely to be drug couriers, police use race as the justification to stop Black drivers and look for drugs in spite of evidence to the contrary. Ramirez, et al, contend that:

Although some members of the police community suggest that race-based searches are justified because more minority drivers are found

with contraband, the empirical evidence amassed to date tends to discredit such arguments. In Lamberth's study on I-95 in Maryland, he found that 28.4 percent of Black drivers and passengers who were searched were found with contraband and 28.8 percent of White drivers and passengers who were searched were found with contraband (Ramirez, et al, 2000).

In this study, I define roadway racial profiling as the stoppage and or searching of racial or ethnic minority drivers based solely on race. If racial profiling exists, then the result should be more pullovers of Blacks than Whites proportionally.

Constitutional Concerns

Under the terms of the Fourth Amendment, a police officer may not order a pedestrian or motor vehicle to halt or remain in a particular place unless the officer has reasonable, articulable suspicion that a criminal offense has been or is being committed (Meeks, 41).

Historically, complaints of racial discrimination in the legal system either focus on bias in the implementation of the law or whether laws are designed to treat all persons equally in the first place (Schott, 2). Demonstrating the latter has been a clarion cause of civil rights workers.

The Fourth Amendment legislates that individuals have the right to be secure against unreasonable searches or seizures. As argued by Meeks, "Under the terms of the Fourth Amendment, a police officer may not order a pedestrian or a motor vehicle to halt or remain in a particular place unless the officer has reasonable, articulable suspicion that a criminal offense has been or is being committed (Meeks, 2000).

Although it would seem that the Fourth Amendment would easily prevent racial profiling, this is not the case. Schott notes, "...courts will not inquire into the subjective motivation of police as long as their searches are objectively reasonable" (Schott, 2001), possibly allowing for abuse by police. Once consent for the search is given, courts then

have no need to question the officer's reason for requesting consent. In other words, if an officer requests to search a vehicle and the driver allows, then the courts consider any bias reason for suspicion by the officer to be null and void. "Granting permission to an officer means that you waive your Fourth Amendment rights—voluntarily" (Meeks, 2000). Schott writes that in order to prove the illegal prejudicial motivations of an officer, it must be shown that the officer has a bias towards issuing searches or seizures to only alleged offenders of particular groups (relating to gender, race, ethnicity, etc...) with some consistency. (Schott, 2001). An example of illegal prejudicial motive could be as simple as a particular officer with a traffic stop history bias, involving only sports cars or vehicles of a certain color or make.

Once there is a bias of any sort significantly shown, only then, can the Fourth Amendment rights of a traffic stop victim be considered to have been violated. The actual motivations for an officer searching an alleged offender only become relevant if there appears to be a trend in his or her arrest patterns or that of the officer's department as a whole. The ACLU, and other organizations that call for an end to racial profiling in traffic stops, look for such grand patterns. The most noticeable pattern is that proportionately, blacks are more likely to be stopped by traffic officers than are whites. Whites make up a considerably larger number of licensed drivers (almost 18 white licensed drivers for every black licensed driver) (GAO, 2001).

The Fourteenth Amendment to the U.S. Constitution is the other platform for racial discrimination complaints by individuals and groups that are opposed to profiling by race. The Equal Protection clause of this amendment states that no person shall be

denied the right to equal protection under the law and that "...every state govern impartially" (Schott, 2001).

Harvard law professor Randall Kennedy acknowledges that the failure to provide equal legal protection for blacks can be traced back to the era of slavery within the U.S. (Kennedy, 1997). Kennedy writes:

There did exist a small cadre of free blacks. State governments, however, frequently treated free blacks and enslaved blacks similarly because whites decided that keeping the latter securely in thrall entailed degrading the status of the former (Kennedy, 1997).

Drug Courier Profile Characteristics and History

One of the criminal profiles where race is frequently used is the drug courier profile. Because the drug courier profile often has been used as the justification for stopping blacks while driving, understanding the development and use of the profile provides valuable background for this work.

Profiles are used for a variety of purposes by law enforcement agencies even though their utility is questioned. After reviewing the history, development, and accuracy of the use of profiles by legal officials, Johnson, as cited in Markowitz and Jones-Brown, concluded that profiles in the criminal justice system should be "immediately abandoned unless law enforcement ...can demonstrate its value as an interdiction tactic" (Markowitz and Jones-Brown, 2000).

The drug courier profile was developed by the Drug Enforcement Agency in the early 1970's following the putative success from using airplane hi-jacking profiles in airports. Characteristics initially used in drug courier profiles by airport authorities were based on broad behaviors such as "carries too little luggage," "carries too excessive

luggage,” “nervous appearance,” “travel from source city” (for example, a city known for producing large amounts of illegal drugs for exportation), “frequent travel to source cities.” and “one-way ticket.” (Markowitz and Jones-Brown, 2000).

Research by Morgan Cloud (1985), as cited by Johnson via Markowitz and Jones-Brown, questions the success by airport authorities in apprehending drug couriers. Cloud analyzed 200 court cases disputing the use of profiling. Of the 15 characteristics in the profile, “only 3 characteristics were present in more than half of the cases, and only 6 were present in more than one-third of the cases. Of the 3 characteristics present in more than half of the cases, 2 of which are so poorly defined that they provide little substantial clues as to the actual characteristics of drug couriers”(Markowitz and Jones-Brown). One of the three most common characteristics was “travel to or from a source city.” This characteristic could describe the destination of the average salesman or businessman with a frequent travel agenda. With major corporations, as well as major drug centers, being located in most large cities in the U.S., the inclusiveness of this characteristic eliminates no one from being a drug courier suspect. "Nervousness" and "a noticeable lack of luggage" were the other two most common, but highly questionable, characteristics of the profile. Needless to say, nervousness casts a wide net for suspicion since many travelers carry a healthy fear of flying, crashing, airline terrorism, and worries about pick pocketing or having their luggage lost or stolen in a crowded airport. Concerning "lack of luggage," Cloud found among those fitting this characteristic of the profile a large percentage checked luggage with the airline, and most others both had carry on luggage as well as checked luggage--all behaviors of most every day airline passengers.

Although the profiles of drug couriers used by airport authorities have come under attack, race remains the centerpiece of profiles in other settings.

Is Profiling By Race a Valid Practice?

There are, proponents of using racial characteristics in order to attempt to prevent or punish crime. Richard Bloom, an associate professor at Embry-Riddle Aeronautical University writes on the ERAU home page of a purposeful side to profiling by race. He defines racial profiling as being much of any group characteristic, including attire, surname, hair color, stature, or even spoken language that the “experts” have deemed associated with a specific behavior (Bloom, 1995, 2nd paragraph). Serious issue can be taken with this definition for this study or any study because it takes into account much more than racial identification characteristics, i.e. language and surname. These characteristics are far too broad in conception. More than likely, this statement will be referring to white males in charge of law enforcement. Although Bloom says that some level of harassment does come from profiling, it can be kept at a minimum through careful practice.

Richard G. Schott, J.D. gives an example in the following narrative of how profiling that includes race as a major factor in a profile can be very dangerous:

Narrative Four

In Brown v. City of Oneonta, 62 a 77-year-old woman was attacked near Oneonta, New York. The victim reported to the New York State Police that her assailant was a young black male and that he had cut his hand with his knife during the attack. A police canine unit tracked the assailant’s scent from the scene of the crime toward the nearby campus of the State University of New York College at Oneonta (“SUCO). Only 2 percent of the SUCO students were black. Based on this information, the police contacted SUCO and obtained a list of all black male students. They then attempted to

locate and question every black male student at SUCO. When this effort produced no suspects, the police conducted a “sweep” of Oneonta. They questioned non-white persons on the streets and inspected their hands for cuts. Several people questioned, as well as those on the SUCO list, brought a civil action against various police departments, individual officers, and others. Their claims for damages included allegations that their rights under the Fourth and Fourteenth Amendments were violated (Schott, 2001).

The likelihood that such a mass sweep of white males in an area would have been conducted had the assailant been described as a young white male seem to be extremely improbable. Yet the fact that black males belong to a racial/ethnic minority group makes the profile appear to be more viable for police use.

The Gallup Poll lends a much different, yet important definition of racial profiling that is much more applicable toward this study. “Racial profiling is defined in the question as the practice by which ‘police officers stop motorists of certain racial or ethnic groups because the officers believe that these groups are more likely than others to commit certain types of crimes,’” (Gallup Poll, 1999). The key difference between this definition and other given interpretations of racial profiling is that it clearly mentions that racial or ethnic groups may be perceived to be involved in criminal activity. This inference follows the historical patterns of policing mentioned earlier with references to *Night Riders*. To say that racial profiling follows the guidelines of stereotypes towards racial minorities accepts that the possibility of criminality exists, yet does not give any suggestion that racial minorities are necessarily more likely to commit crimes.

Despite the varying definitions and its scientific or practical validity (or lack thereof), it appears racial profiling, regardless of what all is encompassed, is an issue among Americans that most do believe is a common practice. The Gallup Poll conducted a telephone survey in December of 1999 asking several questions that evaluate opinions and occurrences of racial profiling incidents. From a sample of 2006 persons (1001

blacks and 934 whites), 60 percent of the total sample felt that racial profiling was widespread, with 77 percent of surveyed blacks believed profiling was widespread. An overwhelming majority of those surveyed did not feel that race should be used as a factor in profiling for criminal activity by police.

Studying Racial Profiling

Profiling and Data Collection

Though racial profiling has been pushed toward the forefront of issues concerning the police, very little written research has been done to explain the phenomenon. This is more than likely due to the fact that data is only recently making itself available through the form of surveys and statistical evidence where previously, information may have been missing. As will be examined, it is possible that the past lack of public interest in the subject could be attributed to the disbelief that racial profiling was widespread.

Anecdotal and public opinion evidence has brought the issue of racial profiling to such a level of national concern that the “End Racial Profiling Act of 2001” was arranged for legislation, calling for the collection of data by police agencies who receive funding from the government. But many call for complete statistical evidence that profiling by any definition actually takes place, and occurs on a grand scale. Others say that no amount of data collection will demonstrate proof of racial profiling’s existence because currently practical methods have not been constructed for collecting data to show who actually breaks traffic laws to compare with data from traffic stops.

Many people believe that data collection is necessary to end racial profiling. Others believe data collection offers no practical value and simply validates what is already known. Opponents of data collection often cite the lack of credible analysis benchmarks as their primary basis

of opposition. Consequently, the issue of data collection and analysis is the most controversial issue surrounding racial profiling (Davis, 2001).

There has been a push since 1998 attempting to amass data, which would either justify or disqualify the mass accounts of racial profiling claims involving traffic stops in particular. The bulk of these studies are either state wide, in local cities, or are somewhat regional. There are varying reasons for this, primarily being the fact that each police jurisdiction has different procedures for going about traffic stops and recognizing unlawful violations. There are also varying traffic laws by state, county, and city jurisdictions. Also, only recently are states and cities even beginning to record data applicable to the study of racial profiling.

As of 1999, only nine state law enforcement agencies had policies in place to record specific demographic data as far as traffic stops are concerned (BJS, 1999). By the year 2001, the number of states recording demographic data from traffic stops had increased to 16. Of the remaining 33 agencies, 23 only collected demographic data concerning stops that resulted in arrests or physical force by the police (BJS, 2001). Why should police agencies decide to use self-monitoring data? According to the researchers at Northeastern University, “in the long run, the systematic collection of statistics... support community policing by building trust and respect for the police...” (Ramirez, et al, 2000). “Implementing a data collection system also sends a clear message to the entire police community, as well as to the larger community, that racial profiling is inconsistent with effective policing and equal protection” (Ramirez, et al, 2000).

Another cause of variation in studies and collections could be the use of newer technologies involved in traffic stops. Camera equipment designed for use in police

vehicles may either account for a *lack* of official data collection or may serve as being an automatic demographic data collection instrument. But as shall be shown, these methods alone may not be of great service when collecting race and ethnic information.

Problems With Data Collection Methods

This lack of national data results in studies designed to evaluate more local areas, or places of higher population (especially minority populations). Also, regions may be studied based upon a location's history of racial profiling complaints. This would be the case of the state of New Jersey, in particular, the New Jersey Turnpike, as well as the state of Maryland.

New Jersey may serve as one of America's main catalysts behind racial profiling studies. As racial profiling in traffic stops mainly is performed in quasi attempts to prevent drug trafficking, the New Jersey Turnpike was the focus of early profiling studies. The Turnpike was also an area where a bulk of complaints originated concerning stops. In 1989, a local New Jersey television network aired a special concerning racial profiling, complete with interviews of drivers and state troopers who admitted that race assumptions were used in traffic stops (Ramirez, et al, 2000).

In New Jersey in 1996, a Superior Court judge ruled that there had been racial profiling on the southern NJ Turnpike over a three-year period. Black drivers were five times as likely as white drivers to be pulled over by troopers, noted the judge, who found that the police had a policy of 'selective enforcement' by 'targeting blacks for investigation and arrest'.....Then in April 1998, two white NJ state troopers fired 11 shots into a van carrying four unarmed minor males on their way to a basketball clinic, wounding three, two seriously. The troopers claimed that the driver had put the van into reverse to run them down after they had pulled the vehicle over for speeding" (Shalom, 1999).

In 1999, *The Newark Star Ledger* printed information obtained from the New Jersey State Police, reporting that in two months in 1997, three out of every four drivers arrested in traffic stops were persons of color (Ramirez, et al, 2000). With political elections to the senate forthcoming, profiling became a forefront issue and in April 1999. State Attorney General Peter Verniero called for an investigation with consent decree from the U.S. Department of Justice (Ramirez, et al, 2000) (Shalom, 1999). The interim report found that indeed, profiling by race was a reality, with blacks and Latinos making up the vast majority of vehicle searches (77.2%) (Shalom, 1999).

Some studies are more credible than others in their methods and motivations. Currently, Northeastern University is underway with its own study of traffic stops in the state of Massachusetts. They plan to evaluate around 850,000 cases of traffic stops, all occurring between April 2001 and April 2002 within that state (http://www.boston.com/dailyglobe2/157/metro/Racial_profiling_study_set_to_begin+.shtml.). The goal is consistent with previous reasons for studying and collecting ethnicity and race data concerning traffic stops: “the development of policy changes that advance the cause of social justice (<http://www.racialprofilinganalysis.neu.edu/>).

However, while some studies are designed with objectivity in mind, one recent study of the New Jersey Turnpike shows poor design and conception in what seems to be the goal of proving racial profiling to be a myth. As previously mentioned, the best way to prove or disprove theories of the existence of profiling by race is to have data on who legitimately violates traffic laws. By knowing who offends, we can get a clear view as to whether profiling is justifiable and whether it is practiced or not by police forces.

I present the following extended example to both introduce and criticize dangerous methods, which if applied to scientific studies, could lead to clearly biased conclusions about race and traffic violators. The CNN Law Center reported in April of 2002 that a study had been conducted by the Public Service Research Institute (a division of the Pacific Institute for Research and Evaluation (PIRE)) which concluded that black and Hispanic drivers were more likely to speed on the New Jersey Turnpike. When a copy of the findings was requested by this author immediately after the CNN article was posted, the reply was that a copy would be sent either by e-mail or by postal mail. I was unable to get in contact with Dr. Robert Voas, the head of the study, despite several attempts both by phone and by e-mail. Later it was discovered that the findings of the report had been blocked by attorneys in the Justice Department.

The CNN article reveals that there are many flaws in this particular profiling study. A speeding survey was conducted by matching “photographs of drivers taken by special cameras with radar-gun readings of their speed along 14 locations on the turnpike” (CNN Law Center, 1999). A Washington Post article states that the cameras and radars were located in unmarked vans. The photographs were reviewed by researchers at the PIRE to determine the apparent race of the driver of each speeding vehicle. The design of the study was supposed to help clear up the problem that faces all profiling studies. We must know if there is a disparity in traffic violators based on racial identification. However, these methods are flawed in several ways. Latino’s may be of multiple racial identities, so their level of offense can very easily be skewed. Also, the only traffic offense judged by these researchers was speeding.

While speeding was the focus here, other traffic violations could not be accounted for. Other studies and surveys attempt to account for many other accused traffic violations, as it is doubtful that speeding is the only or single offense that can trigger profiling or cause for harassment. In many cases, no traffic violation need be committed at all, as many individual complaints of profiling in the literature presented here do not involve actual violations of traffic laws. The CNN article states that the study defined the violation of speeding as “exceeding the speed limit by 15 mph” (CNN). If this is the case (the published report is still yet unavailable), then these researchers leave an extremely large opportunity for profiling to take place unaccounted for. Technically, one mile per hour over the speed limit is a violation of the law, subject to a traffic stop by police. Offenders of all races who exceeded the speed limit by up to 14 miles per hour over the speed limit (69 mph in a 55 mph zone, and 79 mph in a 65 mph zone) are left un-researched.

By far the most common complaint by members of communities of color is that they are being stopped for petty traffic violations such as underinflated tires, failure to signal properly before switching lanes, vehicle equipment failures, speeding less than 10 miles above the speed limit, or having an ineligible license plate (Ramirez, et al, 2000).

According to CNN, the findings show that blacks were likely to violate speed laws in the more rural southern sections of the turnpike than were whites. On the northern, more urban sections of the turnpike, there was no significant difference in the speeding rates of blacks and whites. Not reported was the likelihood that traffic conditions in urban areas may dictate changes in driving behavior, as well as the level of police monitoring. Lastly, the study was conducted because of a mandate by the New Jersey State Attorney’s office in order to “comply with a consent decree it entered into

with the U.S. Department of Justice which accused State Police in April 1999 of racial profiling...” (CNN, 2002).

Collecting Data

Through review, I have found that the never yielding deterrence to solid evidence or disproof of the existence of racial profiling by police is that data on traffic violation rates cannot accurately be counted. However, these collected data do reveal actions taken by police and also bring in to question the policies and data collecting activity conducted by the police. I mentioned before that increasingly, police agencies are now undertaking new data collection strategies. Audio/Visual equipment is being installed in many state trooper vehicles and even in local police precinct vehicles. This method can be very expensive, as the equipment must be purchased, maintained, and replaced. Police departments nationwide are also beginning to record the race and or the ethnicity of the driver using paper forms either filled out at the time of the traffic stop or following the incident.

While these methods may be beneficial in gathering data for further use, they do not put a large dent into racial profiling theories. Motive of the stopping officer more than likely cannot be obtained via self recorded paper formats. Data alone does not expose a purpose filled, wide spread phenomena in the U.S. Audio/Visual mechanical tools may not serve alone as capturing the proper racial identity of the person or persons stopped. However, future studies may be able to analyze whether skin tone of the driver or passengers has a determining effect on whether or not a vehicle is stopped and or searched by police officers.

From the review of literature, it is evident that there does seem to be a trend where blacks are involved in traffic stops in a disproportionate number in comparison to whites. I refer to these numbers as “trends” because that majority of studies have not been researched using a national sample. Many of the smaller studies also neglect other variables that could be of importance in traffic stop data collection, such as the racial identity of the officer involved, as well as whether the stopped vehicle was searched or not. There may also be gaps in the data concerning the reasons given for the traffic stop. By using the Police Public Contact Survey from 1999, I will be able to address many of these variables by using a national sample without the existence of some of the common biases created by prior localized studies.

I propose that this data will reflect prior data in that blacks will be shown to be disproportionately stopped, however, the disparity of the data may not be of alarming statistical significance. This disproportion will be shown to reflect the U.S. as a whole, rather than in isolated, highly populated areas only. Age and gender of the driver, as well as the racial identification of the officer of the driver involved will affect the likelihood of being stopped.

CHAPTER 3: METHODOLOGY

The purpose of this study is to examine the relationship between race and traffic stops. I will test the following hypotheses:

Hypothesis 1: Blacks and Hispanics are stopped disproportionately more than whites.

Hypothesis 2: Blacks and Hispanics are more likely to be searched than whites during traffic stops.

Hypothesis 3: There is not a significant relationship between race and the likelihood of being found with contraband during a traffic stop.

Hypothesis 4: Blacks, more often than whites, are being stopped or questioned about being in particular areas.

Hypothesis 5: Blacks are less likely than whites to report that the traffic stop was for legitimate purposes.

Methods

The data used for this particular study comes from the U.S. Bureau of Justice Statistic's Contact Between the Police and the Public 1999 National Survey, published in February, 2001. The survey was administered to 94,717 persons aged 16 and over who have had contact with the police in any manner during the prior 12 months before the date of interview.

There was a highly notable 85% response rate to the survey (80,543 persons), representing an estimated 209,350,600 people of age 16 or older. Thirty-one percent or 24,829 respondents were interviewed in person, and 69% or 55,672 respondents were interviewed via telephone.

Sample Characteristics

Fifty-two percent of the respondents were female and 48% were male. Seventy-four percent of respondents were white, 12% Black, 10% Hispanic, and 4% classified as other (Asians, Pacific Islanders, Native Hawaiians, American Indians, and Alaska Natives). The ages of the respondents for the entire sample ranged from age 16 to age 90 with the mean age being age 40 (39.47).

Preliminary analysis shows that 8.7% (8,236) of this sample was involved in traffic stops in the 12 months prior to the interview. Of this number, 81% (6687) reported being stopped only once, while 19% (1549) reported being stopped more than once. The racial distribution for those involved in at least one traffic stop during the six month period is 86.4% white, 10.2% black, and 3.5% other. The gender distribution for those involved in traffic stops showed more males, 56%, than females, 44%, being stopped, unlike the distribution of males and females in the total surveyed sample which contained more females.

Variables

Independent Variables

Race is the primary independent variable that will be focused on in this study. The attributes for the variable “race” are white, black, American Indian, Aleut, Eskimo, Asian, Pacific Islander, and other. For the purposes of this analysis, the variable race will be recoded into three categories: blacks, whites, and other. Because the visual features of those of Hispanic origin might be distinguishable from those of whites, the variable “Hispanic origin” will be included as well. The attributes for Hispanic are “yes” and

“no”. In some parts of the analysis, the intersection of Hispanic origin and race will be combined to help to clarify the relationships between race, ethnicity and traffic stops. However, because the percentage of respondents in the category of "other" is small (4%), I will not be examining the category of “other” in my analysis.

Dependent Variables

Multiple dependent variables will be examined in this analysis. The key dependent variable for this study is whether or not the respondent was involved in a traffic stop. This variable is measured by the responses to the statement on the survey “You were in a motor vehicle stopped by the police” with possible answers being “once”, “more than once”, or “not at all”. Only respondents replying to “once” or “more than once”, are examined for further analysis.

The next dependent variable of interest measures how many times the respondent was stopped. Respondents stopped more than once were asked “You said that you were in a motor vehicle that was stopped by the police on more than one occasion in the last 12 months. How many different times were you stopped?” The question was open-ended and respondents were free to specify their answer.

Three variables in the survey measured the searching of the vehicle. The questions posed were “Did the police officer(s) search the vehicle?”, “At any time during (this the most recent) incident did the police officer(s) ask permission to search the vehicle?”, and “Did you give the police officer(s) permission to search the vehicle?” with the response categories for each question being “yes”, “no”, or “don’t know”.

Two questions were used to measure whether or not contraband was found in the vehicle. The respondents were asked “Did the police officer(s) find any of the following items in the vehicle” with response categories being “Illegal weapons”, “Illegal drugs”, “Open containers of alcohol, such as beer or liquor”, “Other evidence of a crime (please specify)”, and none of the above. Respondents were free to list their reply to “Other evidence of a crime”. Respondents were then asked “Did the police officer(s) find any of the following items on or near you?” using the same response categories for the previous question.

A third grouping of dependent variables important to this study of profiling by race are survey questions concerning the given reason issued by the officer for conducting the traffic stop. Respondents were asked “Did the police officer(s) give a reason for stopping the vehicle” with response options “yes”, “no”, and “don’t know”. Those who responded yes to this question were then asked “What was the reason or reasons?” with possibilities for response being “speeding”, “some other traffic offenses”, “a vehicle defect, such as a burned out tail light or an expired license plate”, “roadside check for drunk drivers”, “to check the respondent’s license plate, driver’s license, or vehicle registration”, “the police officer suspected the respondent of something”, and “some other reason” (respondents were allowed to specify their response). Next respondents were asked “would you say that the police officer(s) had a legitimate reason for stopping you?” with possible responses of “yes”, “no”, and “don’t know”.

A final dependent variable to be analyzed is the locality of the traffic stop. Respondents were asked “During (this/the most recent) incident were you questioned about what you were doing in the area?”. The respondent was able to check a

corresponding box for that particular question, indicating if they had or had not been questioned about their presence in the area in question.

Control Variables

Age and gender will be used as two of the control variables for this study. It will be critical to determine what role, if any, these factors have in whether an individual is pulled over or not. Responses for the characteristic of “sex” were “male” or “female”. The response for “age” was open ended. Also to be considered is the race of the officer(s) conducting the traffic stop. Respondents were asked two questions depending on whether there was a single officer or a group of officers involved. “Were the police officers White, Black, or some other race?” The available responses were “All White”, “All Black”, “All of some other race”, “Mostly White”, “Mostly Black”, “Mostly some other race”, “Equally Mixed”, and “Don’t know the race of any/some”. The question “Was the police officer White, Black, or some other race?” had response categories of “White”, “Black”, “Some other race”, or “Don’t know”.

Data Analysis

In the first stage of the analysis, frequency distribution will be calculated with means and modes computed as appropriate for the level of measurement for the variable. The frequencies will be presented in an appendix. The summary statistics will be included in a table in the data analysis chapter. In the second part of the analysis, cross tabulations with Chi-square values and tests of significance will be done between race and the nominal and ordinal level variables. Difference of means test, will be computed

for race (black, white) for the interval level variable. In the final stage of the analysis, control variables will be included.

Though the results of this analysis should neither prove nor disprove that police officers purposely stop drivers of color solely based upon their race, should the results prove to be extraneous, this study may suggest that 1) police harassment is a likely occurrence, 2) race is a primary (although not necessarily the sole) contributor toward the likelihood of being stopped, and 3) whether the use of race as an indicator of determining criminality proves to be worth further investigation. As well, if these results are compared with future Police Public Contact Surveys, gender, age, and race differences will help to identify if there are suspected trends in who are alleged to be drug couriers.

CHAPTER FOUR: ANALYSIS AND FINDINGS

To test the five hypotheses, cross tabulations and binomial logistic regression analyses were conducted. Descriptive statistics and the results of statistical tests are presented in this chapter. Because of some limitations of the data, for example, having too few cases in some categories, I discuss patterns seen in the data as well as the results of the statistical tests.

The number of people who participated in the *Police Public Contact Survey* was 94,717. This number included some who had no contact with the police and also those who chose not to be part of the survey. Since it was not possible to distinguish between these two participant types, only those who had some contact were included in the analyses. In addition, for reasons explained in Chapter 3, those who indicated "other" as their racial category were also excluded from the analysis. After eliminating the cases with incomplete information as well as those who self identified as "other", 76,991 respondents remained who had some contact with the police. Forty-five percent of respondents were male and 55% were female. Eighty-nine percent answered white and 11% answered black (see Table 1 for the frequency distributions for the variables used in these analyses).

Of those who had contact with the police, 7,929 respondents (10% of the sample) had contact in the form of traffic stops. Among those who had been stopped, 7,107 respondents stated that they were the driver of the stopped vehicle. Among those who had been stopped at least once, 1461 respondents replied that they had been stopped on more than one occasion in the past 12 months.

Six dependent variables were used to test the hypotheses. They are 1) Whether the respondent was stopped, 2) whether the respondent's vehicle was searched, 3) whether the respondent was physically searched or frisked during the stop, 4) whether the respondent was questioned about being in the area, 5) whether the respondent felt there was a legitimate reason for the traffic stop, and 6) whether the respondent felt there was a legitimate reason to have been physically searched. The frequency distributions and coding explanations for these dependent variables are presented in Table 1.

Table 1: Frequency Distribution and Coding for All Variables

Variable	Response Category Coding	Number and Percent of Respondents
Race	0 - white	68551 (89%)
	1 - black	8440 (11%)
Gender	0 - male	34756 (45%)
	1 - female	42235 (55%)
Respondent was involved in a traffic stop at least once	0 – No	69062 (90%)
	1 – Yes	7929 (10%)
Respondent was the DRIVER and involved in a traffic stop	0 – No	69884 (91%)
	1 – Yes	7107 (9%)
Respondent was involved in a traffic stop one or more times	0 – No	69062 (90%)
	1 – Stopped Once	6468 (8%)
	2 – Stopped 2 times	1004 (1%)
	3 – Stopped 3 times	240 (0.3%)
	4 – Stopped 4 times	90 (0.1%)
	5 – Stopped 5 times	35 (0.1)
	6 – Stopped 6 times	34 (0.1)
	7 – Stopped 7 or more times	58 (0.1)
	Mean: 0.13	
Respondent was Involved in a vehicle search (I capitalized)	0 – No	6394 (95%)
	1 – Yes	331 (5%)
		380 missing cases
Respondent was found with contraband in vehicle	0 – No	289 (87%)
	1 – Yes	42 (13%)
Respondent was found with contraband on their person	0 – No	317 (96%)
	1 – Yes	14 (4%)
Respondent was physically searched	0 – No	6466 (95%)
	1 – Yes	271 (5%)
Respondent was questioned about being in the area	0 – No	6384 (94%)
	1 – Yes	407 (6%)
Respondent did not feel traffic stop was legitimate	0 – No	992 (84%)
	1 – Yes	5333 (15%)

Hypothesis One: Traffic Stops

Table 2 shows the results of the cross tabulations and significance test for hypothesis one. Hypothesis one states that blacks are stopped disproportionately to whites.

Table 2: Percentage of Respondents Involved in Traffic Stops for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & Older	
	Males % Stopped	Females % Stopped	Males % Stopped	Females % Stopped	Males % Stopped	Females % Stopped	Males % Stopped	Females % Stopped
Whites	17.3**	11.1**	20.2	11.9	11.1	7.4	4.1	1.7
Blacks	8.6	4.3	20.3	12.8	12.0	6.9	5.8	1.1
N	356	228	1084	761	2438	1878	227	135

* $\leq .05$, ** $\leq .01$, *** $\leq .001$

Support for the first hypothesis was mixed, according to these cross tabulations. Contrary to the hypothesis, white males who were ages 16 to 19 were stopped statistically significantly more than black males (17.3% and 8.6% respectively) in that same age group. Likewise, white females were stopped statistically significantly more than black females (11.1% compared to 4.3%) in the 16 to 19 age group. The differences were large and were not predicted to head in those directions. However, different patterns emerge for the other age groups. Although the differences were small and not statistically significant, black males reported a higher percent of traffic stops than white males in all other age groups. Black females, however, have a different pattern from that of black males. Black females only reported being stopped more often than white females if they

were in the 20 to 29 age group. Thus, the expectation of racial profiling was not found in the youngest age group, and only marginally so for black males in other age groups.

Surprised by these findings, additional analyses were done by looking at the number of times respondents reported having been stopped during the previous calendar year. It could be the case that racial profiling manifests itself through the number of times a black person is stopped compared to the number of times for white persons. Hypothesis one was tested again using recoded responses to the question “how many times were you stopped?” The mean number of times stopped for the full sample was 1.19 when those who had zero stops were included.

A series of bivariate correlations were done to explore the relationships between the number of times stopped and race for the prior 12 months. The results of these tests were again mixed and are presented in Table 3.

Table 3: Bivariate correlations between race and number of times stopped

	Number	Correlation
Ages 16 - 19		
Males	2214	-.04
Females	2257	-.07**
Ages 20-29		
Males	5374	.03*
Females	6332	.01
Ages 30-64		
Males	21767	.02*
Females	25610	-.00
Ages 64 and older		
Males	5401	.03
Females	8036	-.01

* $\leq .05$, ** $\leq .01$, *** $\leq .001$

0 = whites

1 = blacks

Within the age group 16-19, race and the number of times stopped was related and statistically significant. The negative correlation ($r=-.07$, sig. $\leq .01$) indicates that white females had been stopped more times than black females. The correlation between race and number of times stopped ($r=.03$, sig. $\leq .05$) is also statistically significant, in this case indicating that blacks males were stopped more times than white males in the 20-29 age group. The final statistically significant association is the for males in the 30-64 age group ($r=.02$, sig. $\leq .05$). This finding indicates that black males were stopped more times than white males.

When comparing the data from Table 2 with data from Table 3, important differences emerge. Among the 16 to 19 age group, white males were found to report being stopped more than black males with statistical significance. However, when the total number of times stopped was used, the relationship is no longer statistically

significant. For the dichotomous variable, no difference was found between white and black males in the 20 to 29 age category. In contrast, when using the total number of stops, a statistically significant difference was found with blacks being stopped more times than whites. Again, among the age group of 30-64 different conclusions were drawn when using the two measures. Using only stopped versus not stopped, no differences were found for males. However, when examining multiple times stopped, I find a statistically significant difference with black males being stopped more times. For females, in contrast, findings similar to the dichotomous stopped/not stopped variable were obtained using the recoded variable for multiple stops. Without information on the number of times stopped, it could be concluded mistakenly that significant disparities in traffic stops between blacks and whites do not exist. However, using an improved measure, I find evidence that here, there is a valid basis in arguing that racial profiling, as previously defined, does occur on a national level.

Hypothesis Two: Vehicle Searches

In testing the second hypothesis, I examined whether respondents replied if their vehicle had been searched during any of the traffic stops. The pattern of responses provides support for hypothesis two. Hypothesis two states that there is a relationship between race and having the vehicle searched with blacks being searched more than whites. The number of respondents who reported having been searched in the prior year was 6,725. As Table 4 shows, black males were searched more than white males for all ages with the exception of those aged 65 and over. No black males over 65 reported having been searched in the prior 12 months. Although there was a clear pattern, the

difference was only statistically significant for respondents aged 30-64. The same pattern occurs for black females. In all cases, they report being searched more than white females of the same age.

Table 4: Percentage of Respondents Involved in Vehicle Searches for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & older	
	Males % Searched	Females % Searched	Males % Searched	Females % Searched	Males % Searched	Females % Searched	Males % Searched	Females % Searched
Whites	15.9	5.0	10.1	2.4	4.1	1.1	1.6	.9
Blacks	24.0	14.3	14.9	3.0	10.0**	1.4	0.0	14.3
N	56	12	109	18	110	21	3	2

* $\leq .05$, ** $\leq .01$, *** $\leq .001$

Hypothesis Three: Contraband in Vehicle

The hypothesis three states that there are no significant relationships between race and contraband found in the vehicle or on the drivers. Thirteen percent of all vehicles searched had contraband (N=42). None of the comparisons were statistically significant. However, based on the pattern of responses, this hypothesis is tentatively rejected, and it is in the opposite direction that racial profilers would expect. The pattern indicates that whites, both males and females, were found with contraband in their vehicles more often than blacks. Out of the 44 white women who were searched, six were found with contraband. The only exception to whites being found with more contraband in their vehicles is for black males who are 20-29, who have higher rates than their white counterpart. No black females were found with contraband in their vehicles, although

admittedly few black women had their vehicles searched (N=9). The evidence provided in Table 5 undermines the justification provided by those who advocate racial profiling's effectiveness in crime prevention.

Table 5: Percentage of Respondents Who Had Contraband in the Vehicles for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & older	
	Males	Females	Males	Females	Males	Females	Males	Females
	% Contraband in Vehicles		% Contraband in Vehicles		% Contraband in Vehicles		% Contraband in Vehicles	
Whites	20.0	50.0	9.5	6.7	14.0	0.0	0.0	0.0
Blacks	16.7	0.0	21.4	0.0	4.2	0.0	0.0	0.0
N	11	5	12	1	13	0.0	0.0	0.0

* $\leq .05$, ** $\leq .01$, *** $\leq .001$

Another place that contraband might be found during a search is on the person. Five percent (N=14) of drivers who were searched (N=271) were found with contraband on them. This second part of hypothesis three is presented in Table 6. Based on the pattern of responses and within the limitations of these data, there is reason to reject hypothesis three. The data suggest the opposite of the expectation of those who attempt to justify racial profiling. The same pattern was seen for finding contraband on the drivers as with finding contraband in the vehicles. Again, in all cases for age groups where contraband was found, whites, both males and females, were found with contraband more than blacks who were personally searched. The only exception to this is again for black males who were 20-29. In fact, no blacks, male or female, were found with any

contraband except for black males who are 20-29. Similar to the results of vehicle searches, out of the six black women who had a personal search done, none of them were found with contraband. Out of the 32 white women, who were personally searched, only three were found with contraband and all three of them were in the 16-19 age category.

Table 6: Percentage of Respondents Who Had Contraband on Themselves for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & older	
	Males % Contraband on Drivers	Females % Contraband on Drivers	Males % Contraband on Drivers	Females % Contraband on Drivers	Males % Contraband on Drivers	Females % Contraband on Drivers	Males % Contraband on Drivers	Females % Contraband on Drivers
Whites	2.0	30.0	5.3	0.0	4.7	0.0	0.0	0.0
Blacks	0.0	0.0	7.1	0.0	0.0	0.0	0.0	0.0
N	1	3	6	0.0	4	0	0	0

* <= .05, ** <= .01, *** <= .001

Hypothesis Four: Being in the Area

Hypotheses four stated that there is a relationship between race and being questioned about being in an area by officers during traffic stop, with blacks being questioned more than whites. Six percent (N=407) of those stopped (6384) were questioned. The results of the cross tabulations are presented in Table six. There is statistically significant support for this hypothesis among males who are 20-29. Fifteen percent of black males in this age range replied that they had been questioned about being in the area compared to nine percent of white males. No other statistically significant relationships were found and there was no clear pattern seen across age groups within this variable. White males were questioned more than black males in the youngest and oldest

age groups. For females, the opposite was found. White females were questioned less than black females in the youngest and oldest and more often in the middle two age groups.

However, after examining this variable carefully, and comparing which age groups show significance across all of the analyzed dependent variables, a pattern emerges. The 20 to 29 age group consistently displays percentages that are either equal or higher for blacks than whites in their self-reporting. This is the first time, however, that this age group shows a significant relationship with respect to a higher percentage of reporting that blacks had been asked about being in the area more than whites.

No other statistically significant relationships were found, and there was no clear pattern seen across age groups. White males were questioned more than black males in the youngest and oldest age groups. For females, the opposite was found. White females were questioned less than black females in the youngest and oldest and more often in the middle two aged groups.

Table 7: Percentage of Respondents Who Were Questioned about Being in a Particular Area for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & older	
	Males % Questioned	Females % Questioned	Males % Questioned	Females % Questioned	Males % Questioned	Females % Questioned	Males % Questioned	Females % Questioned
Whites	14.7	8.4	8.8	5.2	5.6	3.9	1.6	.9
Blacks	12.0	21.4	14.9**	1.9	7.0	1.9	0.0	14.3
N	50	20	98	34	134	66	3	2

* <= .05, ** <= .01, *** <= .001

Hypothesis Five: Legitimacy of Stop

The final hypothesis for this study was measured with questions of whether the respondent felt that their traffic stop was for a legitimate reason and whether the respondents felt that a personal search for contraband was legitimate. I hypothesized that blacks, more than whites, would indicate that the stop and the search were not legitimate. First, in examining the cross tabulations between race and feelings that the officer had a legitimate reason to stop them, five statistically significant relationships were found. Black males, aged 20-29, were statistically more likely than whites to say the stop was not legitimate. Again, the pattern for this age group continues, this time, suggesting elements of harassment. Black males and females who are 20-29, black males and females ages 30-64, and black females who are 65 or older all statistically significantly more than whites in the same age groups indicated that they thought the stop was not legitimate. The percent of blacks who felt this way is revealing. Referring to Table 7, we see that among those groups with a significant difference, a low of 20% blacks to a high of 50% blacks indicated they believed the stop to be not legitimate. Among whites in this same group, 11% was the lowest and 17% was the highest percent who felt this way. Black females who are 16-19 also said more than white females that they felt the stop was not legitimate, although this difference was not statistically significant (25% compared to 15%). Excluding those 65 and older, the percent of whites who indicated that the stop was not legitimate ranged from a low of 11% to a high of 18%. In contrast, the range for blacks was 10% to a high of 28%. In fact, 28% for three groups of blacks did not find the stop legitimate. These numbers are displayed in Table 8.

Table 8: Percentage of Respondents Who Felt Officer Did NOT Have a Legitimate Reason for the Traffic Stop for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & older	
	Males % Stop Not Legitimate	Females % Stop Not Legitimate	Males % Stop Not Legitimate	Females % Stop Not Legitimate	Males % Stop Not Legitimate	Females % Stop Not Legitimate	Males % Stop Not Legitimate	Females % Stop Not Legitimate
Whites	17.9	14.6	16.9	10.8	16.4	11.8	15.8	9.0
Blacks	10.0	25.0	28.0**	19.6**	28.0**	27.9**	5.6	50.0*
N	54	31	176	82	382	227	28	12

* <= .05, ** <= .01, *** <= .001

In analyzing whether the respondent felt that there was a legitimate reason for the officer to search, no statistically significant relationships were found. However, in all cases but two, blacks, both male and female, were more likely than whites to indicate that the reason for searching them was not legitimate. Most blacks and whites viewed the searches as not legitimate. The percentage of people who felt that being searched was unnecessary was much higher than the percentage of people who felt that their traffic stop was unwarranted. Table 9 shows these correlations.

Table 9: Percentage of Respondents Who Felt the Officer Did Not Have a Legitimate Reason to Physically Search Them for Each Age and Gender Category

	Ages 16-19		Ages 20-29		Ages 30-64		Ages 65 & older	
	Males	Females	Males	Females	Males	Females	Males	Females
	% Legitimate to Search Person		% Legitimate to Search Person		% Legitimate to Search Person		% Legitimate to Search Person	
Whites	65.7	66.7	57.9	75.0	63.2	40.0	0.0	0.0
Blacks	80.0	100.0	85.7	66.7	70.6	0.0	0.0	0.0
N	27	5	58	8	60	8	0	0

* <= .05, ** <= .01, *** <= .001

Logistic Regression Models

By conducting negative binomial logistic regression analysis, it is revealed in what direction the associations between race and the selected variables for this study are directed. It is also important to note which of the regression analyses show statistical significance. Included in the analysis, as shown in Table 10, is the interaction variable of race by gender, showing the combined effect of both variables on each dependent variable.

The regressions show significantly that gender and all age categories have significant effects on respondents being stopped. Race, however, is not shown to have a significant effect on whether or not a respondent was stopped in this survey. The beta score for race was slightly skewed toward white respondents and likewise, the interaction variable was insignificant. Males were significantly more likely to report having been in a traffic stop during the past 12 months.

Race and all age categories, on the other hand were found to have significant effects on the likelihood of respondents reporting having been searched, with blacks showing an odds ratio of 1.918. This means that blacks are almost twice as likely when compared to whites to have their vehicle searched during a traffic stop according to PPCS respondents. Once again, the interaction term was not found to be significant.

Black males in the survey are more likely than whites and black females to report having been physically searched during a traffic stop at a significant level, according to regression analysis. The interaction term is not found to be significant. No independent factors in the study were found by regressions to significantly effect if the respondent felt that there was not a legitimate reason to be frisked or personally searched.

Respondents in the survey were more likely to dispute the legitimacy for the traffic stop if they were white males. This is shown to be significant even for the interaction term. Finally, and surprisingly, race was not found to be a significant factor in respondents confirming that they had been questioned about being in a particular area. Males are significantly found to report this, therefore, gender may be considered to be a predictor for this dependent variable.

Table 10. Logistic Regression Models of Involvement in Traffic Stops, Vehicle Searches, and Contraband Found in Vehicle Dependent Measures on Explanatory Measures

Explanatory Measures	Traffic Stop Conducted			Vehicle Search Conducted	
	b Odds (s.e.)	Interaction		b Odds (s.e.)	Interaction
		b Odds (s.e.)			b Odds (s.e.)
Race	-.049 (.041)	.001 (.057)		.651** (.160)	.696** (.177)
Gender	.953 -.533** (.153)	1.001 -.522 (.027)		1.918 -1.401 (.153)	2.006 -1.361** (.167)
Age 16-19	.587 1.651** (.070)	.594 1.651 (.070)		.246 2.275** (.471)	.256 2.277** (.471)
Age 20-29	5.214 1.891** (.05)	5.211 1.892 (.059)		9.727 1.673** (.461)	9.749 1.678** .462
Age 30-65	6.624 1.261** (.056)	6.629 1.261 (.056)		5.330 .822** (.461)	5.354 .824 (.461)
Race x Gender	3.530	3.531 -.102 (.082)		2.275	2.281 -.232 (.412)
Chi-Square	1948.848	.903 1950.405		224.082	.793 224.407

* p < .05, ** p < .01

Explanatory Measures	Personal Search Conducted		Legitimate Reason to Frisk	
	b Odds (s.e.)	Interaction	b Odds (s.e.)	Interaction
		b Odds (s.e.)		b Odds (s.e.)
Race	.732** (.172)	.753** (.185)	-.783 (.403)	-.762 (.429)
Gender	2.078 -1.793** (.193)	2.123 -1.764** (.214)	.457 -.206 (.426)	.467 -.183 (.459)
Age 16-19	.166 3.582** (1.013)	.171 3.583** (1.014)	.814 -.182 (.337)	.833 -.182 (.377)
Age 20-29	35.931 3.108** (1.007)	35.976 3.110** (1.008)	.833 -.010 (.294)	.834 -.008 (.294)
Age 30-65	22.372 2.317** (1.007)	22.426 2.319** (1.007)	.990	.992
Race x Gender	12.150	10.163 -.148 (.495)		-.463 (.220)
Chi-Square	221.588	.862 221.679	4.670	.845 4.689

* p < .05, ** p < .01

Explanatory Measures	Legitimate Reason for Stop		Questioned about Being In Area	
	b Odds (s.e.)	Interaction	b Odds (s.e.)	Interaction
		b Odds (s.e.)		b Odds (s.e.)
Race	-.732** (.099)	-.533** (.133)	.087 (.166)	.301 (.193)
Gender	.481 .354** (.209)	.575 .419 (.079)	1.091 -.547** (.112)	1.351 -.472** (.117)
Age 16-19	1.425 -.265 (.209)	1.521 -.260 (.208)	.579 2.245** (.469)	.624 2.250** (.469)
Age 20-29	.767 -.156 (.184)	.771 -.145 (.184)	9.436 1.681** (.460)	9.488 1.693** (.460)
Age 30-65	.856 -.190 (.177)	.865 -.185 (.177)	5.369 1.227** (.457)	5.438 1.233** (.457)
Race x Gender	.827	.831 -.414* (.198)	3.409	3.433 -.716 (.387)
Chi-Square	73.704	.661 78.041	91.515	.489 95.233

* p < .05, ** p < .01

CHAPTER FIVE: DISCUSSION AND CONCLUSION

Discussion

The motivation of this study is to explore the significance of race as a factor in traffic stops and to investigate if conflict theory and labeling theory are supported. If so, these theoretical positions may provide insight to the bases for racial profiling as a national practice in the United States. If traffic stops are indeed being used as a tool of racism, then blacks will be stopped by the police more than whites and or manifest itself in differential treatment surrounding traffic stops. This differential treatment would provide evidence in support of social theories that were derived from the historical contexts of racism in America. The questions for this student then are twofold. Are blacks reporting different experiences with traffic stops in contrast to whites? Do the survey results support or refute the theories underlying this research?

Involvement in Traffic Stops

The data for this research does support the theory that race is a significant factor in traffic stops nationwide. Initially, when examining the dichotomous variable of whether or not a respondent was stopped, there was no evidence that race had a significant relationship with traffic stops. In fact, younger white males were found to report having been stopped more than blacks in this case. The same was true for younger white females in comparison to younger black females (Table 2). Interaction variables from regression analysis, however, showed that there simply was not a significant relationship to be seen between race and stops overall (Table 9). In contrast, using a different variable in the correlations, black males between the ages of 20 and 64 years old were more likely to report being involved in traffic stops than black females, white males and white females in the same age groups. Statistical significance for a relationship between white males and being stopped once was not present when examining having been

stopped multiple times. It was surprising to note that white teen females age 16 to 19 were statistically significantly different from the other groups. To measure traffic stops only in instances of one stop per respondent may be short sighted. A contribution of this work is the importance for social scientists to take into account whether respondents are stopped on multiple occasions when tackling the issue of racial profiling in traffic stops.

Regression analysis shows that blacks in the survey were more likely than whites to report that their traffic stops were unwarranted. Interestingly, this was the only variable for which the interaction term of race and gender was statistically significant, reflecting that black males were most likely to report that their traffic stops were without legitimate reason. Conflict theory would suggest that this may be evidence of racially based harassment during stops by police.

Searches During Traffic Stops

The data also supported the second hypothesis that blacks would report having their vehicles searched more than whites. Significantly, blacks were almost two times as likely to have their vehicles searched during traffic stops when other variables were controlled for. The important finding for this variable was the relationship between black males age 30 to 64 and searches during stops. Similarly, blacks were over 2 times as likely to be personally searched during a traffic stop according to the regression analysis. This was certainly predicted. This disparity can be interpreted as racial bias, given the previous data presented in the literature. This finding is additionally important given the lack of significant differences by race when correlated with both contraband variables.

The most unanticipated element of the study concerns the survey question pertaining to being asked about being in the area. This variable is important to the study considering the prior literature that speaks about historical control of location and mobility of blacks by white authorities. Given this, it was hypothesized that blacks would surely report being asked about their location during a traffic stop more so than whites. The correlations between race and this variable were insignificant. White males under the age of 20 reported having been asked more than black males of the same age, although this was not statistically significant. The only significant relationship found was that black males, ages 20 to 29, were asked more than of the same age and gender about being about their presence in a particular location.

Significance of Measures

These analyses used different variables than the Lundman and Kaufman (2003) study conducted on race and traffic stops, which also used the same data. Their analyses included additional background variables obtained from other portions of the *Contacts between Police and the Public: Findings from the 1999 National Survey*, such as the respondents' income level and the population size from which respondents reside. Nevertheless, their findings are consistent with those shown. Young persons (both blacks and whites) reported being stopped statistically significantly more than other age groups. However, unlike Lundman and Kaufman, cross tabulations in this study did not indicate a significant correlation between race and whether the respondents were stopped or not from the sample of those who had contact any contact with the police. The Lundman and Kaufman study did find a significant relationship between driver race and whether or not they were involved in a traffic stop. This difference may be due to the fact that this study only examined black and white respondents, while their study includes blacks, whites, Hispanics and others--all of which were significantly related to stops.

Conclusion

Significance of Empirical Findings

From the findings, the conflict theory appears to be a fruitful approach for examining how and why profiling by race during traffic stops occur. As previously mentioned in this chapter, blacks were more likely to report that their traffic stops were unwarranted and more likely to be searched for contraband. With a significant difference in self-reports concerning unwarranted traffic stops, the elements of harassment and mobility control that is evidenced in the treatment of blacks by legal and extralegal officials dating back to slavery are clearly shown here in the analysis.

These results are not unlike those found in previous literature regarding the differential treatment of blacks under the legal system. With blacks being searched at almost a two to one ratio in the survey, this lends credibility to labeling theory as well. Although the data concerning contraband was not presented in table form, the data reflects that there were no significant findings between race and contraband found either in the respondents' vehicle or on their person. Those who support the drug courier profile say that blacks are more likely to be traffickers of contraband than whites, thus justifying a higher rate of stops and searches for black motorists. However, labeling theory also predicts that minority groups, regardless of their behavior, are more likely to be labeled. Given there is a clear lack of any evidence that blacks are found with significant amounts of contraband when compared to white drivers, racial bias seems to be occurring at this level of law enforcement, which is as conflict theory predicts.

This study also makes suggestions for future research. As mentioned in the literature review, poor research techniques were used when trying to determine if race could be accurately identified by physically viewing a person or by viewing photographs of drivers. Consequently,

more research is needed to determine if police officers can even identify the race of drivers in many instances. Additionally, one's racial categorization or ethnic identity is dependent on one's skin color alone, but is often inferred by skin color alone. Among those of the ethnic group Hispanics, they may be either black or white in skin tone. Thus, a police officer who is attempting to stop a non-Hispanic black, may incorrectly do so. Additionally, research indicates that when subjects were told to identify Hispanic drivers then could not be visually identified. Although this study used only the racial categories of white and black. Given the small amount of research that indicates the difficulty in identifying Hispanics as a distinct group, including Hispanics as a category is not sufficient. For example, a self-identified Hispanic may not be identified as such by a police officer attempting to stop primarily blacks. Nonetheless, it is equally problematic in areas that have a high population of Hispanics to exclude them. For smaller, non-national, police district researches on profiling, it might prove to be more advantageous to examine other racial categories which may be of higher populations depending on the area. Even without the inclusion of Hispanics and 'others' in this study, other data do support that these groups (especially Hispanics), do express unequal treatment to whites in ways expressed here (Meeks, 2000; Lundman and Kaufman, 2003).

Limitations of the Research

As with all research, this study has limitations. For some key variables, such as those dealing with contraband being found, there simply were not enough respondents for statistical tests. For some variables it was not possible to determine whether the survey questions were pertaining to the driver of the vehicle only, or whether the question was asked of a passenger in the car. The inability to distinguish between the two groups could have affected the results in some unknown way.

Another weakness of the data was its focus on only the most recent stop. After determining that a respondent had been involved in at least one traffic stop, questions that were related to events during the stop were to refer only to the most recent traffic stop. It could be argued that the focus on the last stop would have a similar effect for blacks and whites. However, as determined in the data, racial bias does not occur in whether or not one has been stopped, but in the frequency of stops. Blacks, then, might not have been treated fairly in the recent stop, but differential treatment might have been present in one or more of the earlier stops. Given that blacks have more stops on average than whites, the focus on the last stop may be more important than it first seems. An improved design of the PPCS would be to ask about the recent stop and then also ask about previous stops.

Whenever data are collapsed from interval to ordinal as they were here for age in some analyses, there is always the case that the results are an artifact of the decision of the researcher. Although I followed the categories used by Lundman and Kaufman (date), different results might have been found if I had used other age categories.

Recommendations for Research

This study explored variables that might demonstrate differences between racial categories and the likelihood of traffic stops between. However, the PPCS offers a wide variety of variables that are worthy of future research. These include:

- The race(s) of the officer(s) who stopped the respondent
- The number of officers present at the time of the stop
- Whether the officer *asked* to search the vehicle (in comparison to those who responded that they were searched)
- The number of passengers who were in the stopped vehicle
- Whether the respondent was arrested (or threatened with arrest)

and many other variables that measure the treatment of the respondent during or following a traffic stop by police, especially those regarding the use of physical force.

More national surveys similar to the PPCS should be conducted at regular intervals. It is important to include national samples when examining race and traffic stops. However, district and state level samples are still critical to examining racial profiling. As there is no national standard by which police units operate concerning traffic stops, each division, district, and state has its own policies concerning the legal stature of using race as a determining factor in traffic stops, the amount of discretion allowed the officers, and the collection of data on race, ethnicity, and gender during traffic stops (Brown, 1981). It would be useful to draw comparisons between the national sample data and the data from those police units who do record race for statistical purposes. It might also prove beneficial to examine the PPCS results against the traffic stop statistics collected by police officers concerning driver race that are measured consistently across states.

Finally, it is important to recognize that factors that effect whether or not traffic stops occur operate within particular contexts. Future research may wish to include elements other than, or in combination with, skin color that trigger prejudice in stops. Possible examples could be the make of the vehicle, paraphernalia and vehicle accessories, audible music, visible hair and other physical characteristics of the driver, and bumper stickers (which may reflect evidence of socioeconomic statuses).

Is Racism Practiced in Traffic Stops?

The data analysis shows that the majority of both black and white respondents reported that their traffic stops were for a legitimate violation. However, blacks were significantly more

likely than whites to feel that there was not a legitimate reason for their stops in the two age categories that constitute the greatest amount of drivers (ages 20-29 and 30-64). Furthermore, the analyses here show that though blacks (black males in particular) are searched more often than whites, they were generally found less often with contraband. Even among the age groups, where black males were searched more often, blacks were not found to have more contraband than whites. If the use of race as a primary predictor of criminal behavior in the drug courier profile is supposed to be valid in its application, no data in this study reflects that profiling by race could be effective as a source of quality policing in traffic stops. Notions that race is a predictor of criminal intent or offense will have to be challenged in policy making and future research (Markowitz and Jones-Brown, 2000).

Without a demonstrated relationship between race and contraband, it could and should be presumed that ulterior motivations, such as racism in police discretion should be investigated. As previously stated, it appears that nationally, the actions of police authorities still reflect the historical contexts of racism in the U.S. (Meeks, 2000). Both social theories applied to this research appear to be supported by the results of this particular study. Conflict between police authorities and blacks, in traffic stops, are consistent with unequal treatment and disparities between blacks and whites at other levels of the criminal justice system. The presumption of criminality based upon skin color was seen in the disparities in vehicle searches as well as self-reports of the views on the legitimacy of the stop. Results concerning racial differences in the reporting of illegitimate stops in the survey lends support to not only police harassment of black motorists, but also presumptions of criminality based upon racial stereotypes and labeling of black drivers.

References

- (April 2, 2002). N.J. releases controversial racial speeding study. *Cable News Network (CNN) website*. Retrieved June 30, 2002, from <http://www.cnn.com/2002/LAW/03/27/nj.speeding.study/index.html>
- Akers, David L. 1994. *Criminological Theories: Introduction and Evolution*. Los Angeles: Roxbury Publishing Company
- Barkan, Steven E. 2001. *Criminology: A Sociological Understanding 2nd Ed.*. New Jersey: Prentice Hall
- Bloom, Richard (1999). Racial Profiling: Should It Be Used for Aviation Security? Retrieved November 10, 200, from Embry-Riddle Aeronautical University's ERAU Communications website: <http://comm.db.erau.edu/leader/fall99/perspec.html>
- Brown, Michael K. 1981. *Working the Street: Police Discretion and the Dilemmas of Reform*. New York: Russell Sage Foundation
- Conklin, John E. 2001. *Criminology*. Boston: Allyn and Bacon
- Cloud, Morgan. 1985. "Search and Seizure by the Numbers: the Drug Courier Profile and Judicial Review of Investigative Formulas". *Boston University Law Review*. 65 B.U.L. Rev. 843.
- Cole, David. 1999. "The Color of Justice: Courts are Protecting, Rather Than Helping to End Racial Profiling by Police." *The Nation*. 268(11): 12.
- Davis, Ronald L. (December 2001). Racial Profiling: "What Does the Data Mean?" A Practitioner's Guide to Understanding Data Collection & Analysis. Americans for Effective Law Enforcement website. Retrieved June 2, 2002, from <http://www.aele.org/data.html>
- Free, Marvin D. Jr. 1996. *African Americans and the Criminal Justice System*. New York: Garland Publishing, Inc
- Fridell, Lorie, Robert Lunney, Drew Diamond and Bruce Kubu. 2001. *Racially Biased Policing: A Principled Response*. Washington, D.C.: Police Executive Research Forum.
- Fry, Gladys-Marie. 1975. *Night Riders in Black Folk History*. Knoxville, TN: University of Tennessee Press
- Gabor, Thomas. 1994. The Suppression of Crime Statistics on Race and Ethnicity: The Price of Political Correctness." *Canadian Journal of Criminology* 36(2): 153-163.

- Gallup Poll Organization Poll Release, *Racial Profiling Is Seen as Widespread, Particularly Among Young Black Men*, Princeton, NJ: Gallup Poll Organization, December 9, 1999
- Gastwirth, Joseph L., and Nayak, Tapan K. 1997. "Statistical Aspects of Cases Concerning Racial Discrimination in Drug Sentencing: Stephens v. State and U.S. v. Armstrong." *Journal of Criminal Law & Criminology* 87: 583.
- Georges-Abeyie, Daniel. Ed. 1984. *The Criminal Justice System and Blacks*. New York: Clark Boardman Company, Ltd
- Hall, Ken. 1994. "Reservations About Race and Crime Statistics." *Canadian Journal of Criminology* 36(2): 164-165.
- Harris, David A. 2002. *Profiles in Justice: Why Racial Profiling Cannot Work*. New York: New York Press
- Harris, David A. (June 1999). Driving While Black: Racial Profiling On Our Nation's Highways. *American Civil Liberties Union Special Report*. Retrieved March 20, 2002, from <http://archive.aclu.org/profiling/report/index.html>
- Harris, David A. 1997. "Driving While Black' and All Other Traffic Offenses: the Supreme Court and Pretextual Traffic Stops." *Journal of Criminal Law & Criminology* 87(2): 544-582.
- Hawkins, Darnell F. Ed.. 1995. *Ethnicity, Race, and Crime: Perspectives Across Time and Place*. Albany, NY: State University of New York Press
- Horowitz, David 2000. *The Death of the Civil Rights Movement*. Los Angeles, CA: Center for the Study of Popular Culture.
http://www.zmag.org/sustainers/content/1999-05/may_23shalom.htm
- Jackson, Pamela Irving, and Lee Carroll. 1981. "Race and the War on Crime: the Sociopolitical Determinants of Municipal Police Expenditures in 90 Non-Southern U.S. Cities." *American Sociological Review* 46: 290-305.
- Jackson, Toby. "Are Police the Enemy." *Society* 37(4): 38-42
- Kennedy, Randall. 1997. *Race, Crime, and the Law*. New York: Pantheon Books
- Knowles, John, Nicola Persico, and Petra Todd. 2001. "Racial Bias in Motor Vehicle Searches: Theory and Evidence." *Journal of Political Economy* 109(1): 203-229
- Leitzel, Jim. 2001. "Race and Policing." *Society* 38(3): 38-42

- Lundman, Richard J. and Kaufman, Robert L. 2003. "Driving While Black: Effects of Race, Ethnicity, and Gender on Citizen Self-Reports of Traffic Stops and Police Actions." 41(1): 195-220.
- Markowitz, Michael W., and Jones-Brown, Delores D. Eds. 2000. *The System in Black and White: Exploring the Connections between Race, Crime, and Justice*. Westport, Conn.: Praeger
- Meehan, Albert J., and Michael C. Ponder. 2002. "Race and Place: The Ecology of Racial Profiling African American Motorists." *Justice Quarterly* 19(3): 399-430.
- Meeks, Kenneth. 2000. *Driving While Black: Highways, Shopping Malls, Taxicabs, Sidewalks: How to Fight Back if you are a Victim of Racial Profiling*. New York: Broadway Books
- Norris, Clive, Nigel Fielding, Charles Kemp, and Jane Fielding. 1992. "Black and blue: an analysis on the influence of Race on being stopped by the police." *The British Journal of Sociology* 43(2): 207-224.
- Ramirez, Deborah, McDevitt, Jack, and Farrell, Amy. 2000. "A Resource Guide on Racial Profiling Data Collection Systems".
- Roberts, Julian V. 1994. "Crime and Race Statistics: Toward a Canadian Solution." *Canadian Journal of Criminology* 36(2): 175-185.
- Russell, Katheryn K. 1998. *The Color of Crime: Racial Hoaxes, White Fear, Black Protectionism, Police Harassment, and Other Macroaggressions*. New York: New York University Press
- Schott, Richard G. 2001. "The Role of Race in Law: Racial Profiling or Legitimate Use?". *Law Enforcement Bulletin*, 70(1), 24-32
- Shalom, Stephen R. (1999). The Struggle Against Racial Profiling. *Z Magazine*. Retrieved May 21, 2002, from
- Taylor, Jared, and Glayde Whitney. 1999. "Crime and Racial Profiling by U.S. Police: Is There an Empirical Basis?" *The Journal of Social, Political and Economic Studies* 24(4): 485-510.
- Vold, George B. and Thomas J. Bernard. 1986. *Theoretical Criminology 3rd Ed*. New York: Oxford University Press
- Walker, Samuel, Cassia Spohn, and Miriam DeLone. 2000. *The Color of Justice: Race, Ethnicity, and Crime in America 2nd Ed*. Belmont, CA: Wadsworth/Thomson Learning

- Walker, Samuel, Cassia Spohn, and Miriam DeLone. 2004. *The Color of Justice: Race, Ethnicity, and Crime in America 3rd Ed.* Belmont, CA: Wadsworth/Thomson Learning
- Williams, Frank P. III, and McShane, Marilyn D. 1988. *Criminological Theory*. New Jersey: Prentice Hall
- Wortely, Scot. 1999. "A Northern Taboo: Research on Race, Crime, and Criminal Justice in Canada." *Canadian Journal of Criminology* 41(2): 261.
- Yates, Jeff. 1997. "Racial Incarceration Disparity Among States." *Social Science Quarterly* 78(4) 1001-1010.

Peter N. Taylor

8205 Tyndale Rd.
Richmond, Va. 23227
(804) 240-4848
petaylo2@vt.edu

OBJECTIVE	To obtain an entry level position where qualitative and quantitative social research skills can be applied.
EDUCATION	<p>Master of Science, Sociology, Earned September, 2003 GPA: 3.47 Virginia Polytechnic Institute and State University, Blacksburg, VA <i>Related Coursework:</i> Race & Mental Health, Race & Crime, Social Statistics,</p> <p>Bachelor of Science, Sociology, May 2000 Minor, Black Studies, Earned Academic Award for Highest GPA in the Black Studies Concentration GPA: 3.73 Virginia Polytechnic Institute and State University, Blacksburg, VA</p>
RESEARCH	<p>Masters Thesis: "A National Analysis of Racial Profiling and Factors Affecting the Likelihood of Traffic Stops for African Americans" Research required: Extensive library database knowledge and detailed literary study Advanced knowledge of sociological theories and historical contexts Using advanced data analysis techniques involving multiple variables for a national sample size of over 94,000 survey respondents Professional writing and presentation ability</p>
WORK EXPERIENCE	<p><i>Research Survey Interviewer</i> Center for Survey Research, Blacksburg, VA Reviewing grant proposals. Administering telephone and mail surveys to collect general population and special population studies. Accurately recording responses of participants for data analysis. May 2003 – August 2003</p> <p><i>Library Reference Assistant</i> Newman Library, Blacksburg, VA Instructed and assisted faculty and students in using over 10 of the most widely used electronic resource research databases in all subject areas. Trained patrons on specific uses of the Virginia Tech Library Systems. Directed library patrons accurately to difficult to find resources. August 2001 - December 2003</p>
AWARDS/ACTIVITIES	<p>Earned Eagle Scout Award, 1996 Instructed, moderated, and organized Virginia Tech Faculty Diversity Workshop, May 2000. Elected President of Alpha Kappa Delta Sociological Honor Society by members, 2002-2003.</p>
COMPUTING SKILLS	<p><i>Software Experience:</i> SPSS using large sample sizes, WinCati 4.1, Microsoft Office suite (Excel, PowerPoint, Word), Corel WordPerfect Suite, Netscape Composer</p>
REFERENCES	Furnished upon request