A Policy Paper

RACIAL PROFILING:
Issues and Responses for the
Lansing, Michigan Police Department

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*D*riving While Black has become an all too common euphemism for the allegation that police officers stop and detain citizens of color solely on the basis of race or ethnicity. At one extreme of the continuum, minority group members portray most police behavior as being motivated by racial prejudice. At the other end, police officers typically argue that their behavior is not influenced by race at all; that they make investigative stops solely on the reasonable belief that the person is involved in some kind of criminality. Minority group members assert that police officers stereotype all people of color as being involved in crime. Police officers respond that there is more criminality in poor communities and that a disproportionate number of minorities live in poor neighborhoods, thus the probability of a minority group member being stopped will increase. The points and counterpoints continue, however, in disputes, absolute points rarely exist, rather, the truth is somewhere in the middle of the continuum.[1] (*See* Figure 1)

Evidence from the authors' experience and research suggests that the notable majority of police officers do not consciously make decisions to conduct traffic or investigatory stops of people based exclusively on race or ethnicity, however, demography is too frequently one of the factors considered by officers when assessing whether a person is "suspicious". Consequently, it is probable that race or ethnicity is an unconscious decision blended with other facts which is the basis for police action rather than being overt or insidious discriminatory behavior. Nonetheless such stops are improper behavior, albeit a product of factors other than "institutionalized racism" or conscious targeting of minorities.

Without question, racial profiling is an important social topic which has emerged in many venues. On June 9, 1999 President Clinton stated:

> Today, I am directing my Cabinet agencies to begin gathering detailed information on their law enforcement activities. The Justice Department will then analyze this data to assess whether and where law enforcement engage in racial profiling and what concrete steps we

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[1]For a balanced view of issues see: *Policy.com: The Policy News and Information Service*, http://www.policy.com/news/dbrief/dbriefarc253.asp
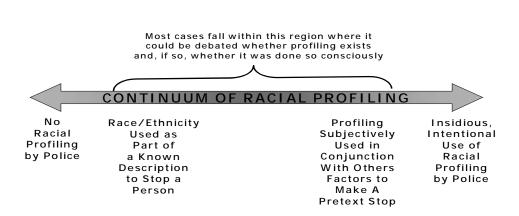
need to take at the national level to eliminate it anywhere it exists.[2]

The issue was also one of the central discussions at both the 1999 and 2000 semi-annual meetings of the Police Executive Research Forum (PERF). Furthermore, it received an important national forum when discussed in the second Presidential debate.[3] Consistent with this trend, the American Civil Liberties Union stated:

> One of the ACLU's highest priority issues this year [2000] is the fight against the outrageous practice of racial profiling. Our recently released report *Driving While Black: Racial Profiling On Our Nation's Highways*, documents this practice of substituting skin color for evidence as a grounds for suspicion by law enforcement officials.[4]

The debate is more complex than simply arguing whether the police are discriminatory or not. Factors related to social psychology, occupational socialization, and law are integral to understanding and remedying the problem. The intent of this paper is to provide an objective, policy-oriented view of racial profiling based on an empirical assessment of issues. This will serve as the basis for the Lansing Police Department's anti-racial profiling policy.

Figure 1
Continuum of Racial Profiling

Most cases fall within this region where it could be debated whether profiling exists and, if so, whether it was done so consciously

CONTINUUM OF RACIAL PROFILING

| No Racial Profiling by Police | Race/Ethnicity Used as Part of a Known Description to Stop a Person | Profiling Subjectively Used in Conjunction With Others Factors to Make A Pretext Stop | Insidious, Intentional Use of Racial Profiling by Police |

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[2] *See* http://www.whitehouse.gov/WH/Work/060999.html

[3] Wednesday, October 11, 2000, Wake Forest University, Winston-Salem, North Carolina.

[4] *See* http://www.aclu.org/profiling/

What is Racial Profiling?

Simply stated, the concept argues that the police target minorities—mostly Blacks[5] and Hispanics—for exploratory stops to determine if they are involved in criminality. It is generally asserted that police officers use a "pretext stop"—typically a minor traffic or vehicle equipment infraction—as the "legal reason" to stop a person of color for what is really an exploratory investigation. Thus, racial profiling may be defined as: "any police-initiated action that relies upon the race, ethnicity, or national origin of an individual rather than the behavior of that individual or information that leads the police to a particular individual who has been identified as being engaged in or having been engaged in criminal activity."[6]

The Idea of Profiling

In law enforcement, a profile refers to a combination of unique demographic and behavioral patterns which are based on an analysis of objective information that suggests a probability beyond randomness that a person who manifests these characteristics, attributes, and behaviors is likely to be involved in a specific type of criminal offense.

Perhaps the earliest widespread familiarity with law enforcement profiling emerged from the research of the FBI's Behavioral Sciences Services Unit (BSSU) examining serial murderers and serial rapists. Based on research conducted by the BSSU Team, investigators learned how to interpret an array of crime scene clues and evidence to develop a list of traits and behaviors which would uniquely describe the offender. These traits—collectively known as the profile—would be used as a tool to guide the investigation. Thus, specific identifying offender information was not known, yet the profile was used to

> "There is institutionalized racism in the police department."
> **Community Member**

> "We do our job as best we can with the information that's available. The public wants us to be aggressive but not bother them. They can't have it both ways."
> **Officer**

focus the investigation toward people who matched these collective attributes even though there may not be specific evidence linking the individual to a particular crime. The profile was expressly developed as an investigatory tool.

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[5]Throughout this paper the authors use the descriptor "Black" rather than African-American because "Black" is a more accurate descriptor. For example, Blacks from Canada, the United Kingdom, and the Caribbean would not be accurately described as "African-American". In addition, the proximity of Michigan State University to Lansing and the large MSU international student enrollment increases the numbers of Black, non-Americans in the population.

[6]Ramirez, D.A., J. McDevitt and A. Farrell. (2000). *A Resource Guide on Racial Profiling Data Collection Systems.* Unpublished report. Washington: U.S. Department of Justice.

Profiles have also been used by the U.S. Customs Service to identify potential offenders at U.S. Ports of Entry.[7] Based on an analysis of data from a history of arrests and seizures, Customs officials have developed profiles that define characteristics and behaviors for different types of offenders. The profiles differ based on offenses—drug smugglers versus antiquities smugglers versus those trying to avoid customs tariffs are examples.

When used by law enforcement, offender profiles are typically explicit and based on an analysis of known offenders. The weakness, however, is in the application of the profile's protocol by an officer. This has important implications for officer training, supervision, and performance evaluation.

> **"I fear for my son to drive at night because of what the police might do to him."**
> *Community Member*
>
> **"I'm white and work in an area that is mostly Black and Latino—I guarantee that most of the people who I stop will be minorities."**
> *Officer*

As an illustration, the idea of racial profiling has a portion of its roots in a tactical intelligence protocol called "Operation Pipeline". This lengthy protocol, developed jointly by the Drug Enforcement Administration (DEA) and Arizona Highway Patrol, gave officers a wide range of variables to examine for which, in combination, suggested that the person possessing those variables was a probable drug trafficker. When employed correctly, the protocol identified drug traffickers with a reasonable degree of consistency. However, the process was time consuming and awkward to employ, particularly if an officer was following a target and attempting to assess variables in the protocol while traveling down the road.

While "operation pipeline" has not been scientifically evaluated, anecdotal evidence suggests that in application officers truncated the protocol, isolating selected variables rather than using the total protocol. As an example, in the allegations of profiling by the New Jersey Highway Patrol (NJHP), it was alleged that NJHP officers would select variables such as a young black male driving a rental car. Even though the protocol may include these variables, the protocol would include additional variables such as location, time, furtive conduct, position of the car (suggesting weight), and other factors. These were essentially ignored. Had the NJHP officers received comprehensive training on application of the protocol, the importance and need for using all protocol variables and had on-going, proactive supervision monitoring their behavior, then the allegations of racial profiling would likely have carried less weight by evidence of a high

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[7]Customs and Immigration services of most developed countries use some form of profile to identify potential offenders. The effectiveness of these profiles has been the subject of debate with Customs officials noting their substantially different authority and responsibility compared to local law enforcement.

proportion of arrests for offenses for which the profile was designed to target.

The important point to note is that offender profiling, per se, is not improper. Indeed, it can serve the best interests of a community and be an efficacious tool for law enforcement if it is based on objective information and applied properly by law enforcement officers.

Legitimate Policies of "Targeting" Different Areas of the Community

A significant law enforcement trend is the use of crime analysis and crime mapping to aid police in the reduction of crime. Perhaps the best known initiative is the New York City COMPSTAT (COMPuterized STATistics) program where timely, on-going analysis of reported crime is used by precinct commanders to employ targeted enforcement tactics to stop specifically identified crime trends. While there are a number of elements in the COMPSTAT process, the concept's premise is to increase police accountability for crime reduction by *offender targeting* and *targeting geographic areas of a community* where problems are identified through crime analysis.

A "target" is essentially a profile. However, it is a specifically defined profile based on expressly known characteristics associated with crime trends. Officers are instructed to use those profiles in a specific manner in the belief that it will suppress—or at least displace—criminality and capture offenders.

COMPSTAT is the *strategy* which is used to develop profiles based on known data. Police officers "on the street" use *tactics*—such as directed patrol or problem solving—as the methods to operationalize the strategy. For example, research on directed patrol dates back thirty years. It has been found that when officers concentrate their efforts on specifically defined behaviors and offenders (i.e., profiles), then the targeted crime trend will either be displaced or suppressed. Perhaps the best known example of this practice is the Selective Traffic Enforcement Program (STEP) where an analysis is done of traffic accidents. At locations where there are multiple accidents on a consistent basis, the data are assessed to document the location; time of day; day of week; and the most common type(s) of traffic violations contributing to the accidents. Officers are given this information and told to observe

> "I don't think the police see me and say, 'He's black so I'll stop him.' They just don't realize that the main reason they stop me and treat me the way they do is because I'm African-American."
> *Community Member*
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> "If we see a problem with an officer, we confront them. None of us wants to work with someone like that."
> *Officer*

the locations during peak accident times and write citations for the types of violations found in the accident analysis. The point to note is that locations and driver behaviors are targeted—or profiled—based on objective data analysis for an explicit reason. The result is fewer traffic accidents at the targeted locations.

> "Yes, I think some officers racially profile African-Americans. But I'm willing to put up with these stops as long as it helps keep my community safe. I just want to be treated right when I'm stopped."
>
> *Community Member*
>
> "That's all there is to it [collecting traffic stop data]? I don't have a problem with that."
>
> *Officer*

Similar types of targeting/profiling are done for criminal offenses and nuisance calls. For example, if there is a series of burglaries, crime analysis will identify consistent trends which link the different burglaries together. Since most burglars are repeat offenders, it is likely that a large number of burglaries will be cleared with one arrest (just as future burglaries can be prevented by incapacitating the offender). In many such cases, forensic evidence and investigative leads may suggest a profile of the offender. This may include gender, race/ethnicity, age, vehicle type, and collateral information (e.g., if the burglar uses a large hammer to break in doors, officers would look for such a hammer when investigating suspects). Thus, if the analytic information indicates that the burglar was a Black male, 17-23 years of age and driving a light colored mid-sized four door car, in a general area where the burglaries are occurring (including a "trend line" of likely future burglaries), then this would be a profile that has a legitimate basis for officers to use to conduct an investigative stop.

The important points to note are:

- ✓ Profiles can serve a legitimate purpose for law enforcement and crime prevention.
- ✓ The profiles must be based on objective data analysis which includes multiple descriptive variables which can isolate a narrow range of possible offenders thereby providing a legitimate investigatory stop.
- ✓ The profile must be of sufficient detail to make a reasonable person believe there is reason warranting further investigation for the crime(s) associated with the profile.
- ✓ Officers using this profile will likely conduct legitimate investigatory stops of people who match the profile characteristics but who are not involved in the crime(s).
- ✓ It is proper for officers to stop, detain, conduct a frisk for weapons, and conduct an investigatory questioning of people

matching the profile to determine if an individual is a true suspect in the crimes.

✓ Officer behavior may include safety procedures (i.e., getting occupants out of a car; having multiple back-up officers; placing one's hand on the weapon) which may be deemed offensive to the person stopped but are necessary and reasonable safety precautions—depending on the crimes involved—until the person stopped is in a safe position and/or until the officer is satisfied that the person stopped is not the criminal suspect or a safety risk.

✓ Officers have the obligation to fully inform the person stopped of the reasons for the stop; to take actions which are reasonable for investigation and safety, but are not overly intrusive; apologize to persons stopped who, based on the officer's investigation, are not involved in the crime(s) being investigated; and provide the person stopped with the officer's name and badge number, if requested.

Thus, the integration of objective data-based profiling provides the police with legal and managerially sound strategies and tactics which can be used to reduce crime and apprehend offenders. The obligation of the police is to ensure all appropriate safeguards are in place to ensure the propriety and effectiveness of these tactics. The obligation of the public is to recognize that such strategies are legitimate and are in the community's best interest even though there are instances wherein such tactics will be offensive to the individual.

> "The police have to understand how we feel. People of color are stopped by the police because of the way we look. It's not our imagination—it happens"
> *Community Member*
>
> "I will not tolerate any form of discrimination by my people."
> *Police Supervisor*

Problems With Data Collection Which Must Be Considered

Because of problems associated with improper police use of profiles in traffic stops, the national movement—including explicit state laws—is to collect circumstantial and demographic information about drivers whom police stop. Legislation from Missouri is often cited as the model statute for police data collection. The statute states, in part, "Each time a peace officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, the police officer shall report [demographic, arrest and search] information to the law enforcement agency that employs the officer."[8] The intent is for police agencies to

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[8] *Revised Statues of Missouri*, Section A, Chapter 560, Section 650.

analyze these data to determine if there are anomalies suggesting that traffic stops are based on race/ethnicity or other discriminatory variables. In addition, the *Traffic Stops Study Act* was introduced in the U.S. Congress in 1999[9] and reintroduced in 2000 to document driver demographics and police activity (e.g., enforcement action, searches) in traffic stops. Similarly, the *Law Enforcement Trust and Integrity Act of 2000*[10] addresses issues associated with police-minority relations, including racial profiling. Clearly, the trend is to collect data on police traffic stops in order for some assessment to be made about police stops of minority group members.

Police officers tend to oppose the idea of data gathering as part of a racial profiling monitoring policy for two primary reasons.[11] First, such a policy infers that all officers profile minorities—as expressed in the Lansing community meetings, many people of color are convinced this is true. One community member commented, "We don't need a study to find out if racial profiling exists. We *know* it exists" (Emphasis in original statement).

The presumption of guilt about officer behavior is not only offensive to officers it undermines the sense of fundamental fairness stressed in the justice system. Those who call for and support data collection argue that officers themselves are undermining this same sense of fairness by stopping people simply based on race or ethnicity. These views represent dichotomous positions which are difficult to reconcile to both groups' satisfaction. A policy goal should be to fully educate officers that data collection is intended to be a check on officer behavior which can as easily exonerate the police as it can convict them.

It is naïve to say that if officers are doing their job properly, they have no need to worry about the collective demographic results of their traffic stops. Just as some officers will profile racial and ethnic minorities, there are also minority group members who will "profile" all officers as being brutal or attempt to use the racial profiling controversy in the hope of being

> "I spend a lot of time patrolling on the back streets which are not well lighted. The area I work is largely racially mixed. At night when I stop a car, I simply can't tell the race of the driver until I get to the car."
>
> *Officer*

> "I think the Lansing Police Department is doing a great job. Thanks for talking to us about this."
>
> *Community Member*

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[9] House Resolution 1443, Rep. Conyers (D-MI) and Senate Bill 821, Sen. Lautenberg (D-NJ).

[10] Introduced in the House in March 2000 by Rep. Conyers (D-MI).

[11] Concepts in the following discussion are based on the article: Hoover, Larry. (2000). "Why Police Resist Collecting Race Data on Traffic Stops." *Police Labor Monthly*, (July) Vol. 19, No. 2, Justex Systems, Huntsville, TX.

released from a citation. The knife cuts both ways and all parties must recognize this.

Police leaders, elected officials, and citizens must recognize there will likely be a chilling effect on officer-initiated activity when a police department begins collecting demographic data during traffic stops. Officers have repeatedly expressed concern that they will be labeled as a racist if "their numbers don't look right". The safest way to prevent this, in many officers' minds, is to significantly decrease proactive work and only respond to calls. While this decreases service to the community, officers respond, "that must be what the community wants."

The second reason officers are concerned about data collection lies in the well known axiom of statisticians: Statistics can lie. The critical element of data collection in traffic stops is not the data, per se, but the *interpretation* of the data. As an example, let us say that a white male police officer's traffic stop data show that 85% of all persons he stopped for traffic violations were Black. What this means depends on the interpretation. Several interpretations can arise as examples:

> **"Citizens think we are all bigots."**
> *Officer*
>
> **"Cops think all African-American males are criminals."**
> *Community Member*

- ✓ The officer is generally stopping Blacks for equipment violations and whites for moving violations, thus he is using the traffic violations as a pretext stop, therefore he is profiling.
- ✓ The officer is generally stopping Blacks for equipment violations and whites for moving violations, however, the area is poor and residents are predominantly Black. Because of poverty, there is a greater likelihood that vehicles remain in disrepair, thus more equipment violations among the residents and less likelihood the officer is profiling.
- ✓ The officer is assigned to an area where 95% of the residents are Black. Since only 85% of the traffic stops were Black, the officer was either not profiling or perhaps the officer was intentionally stopping more white drivers to make his statistics "look better".
- ✓ The area where the traffic stops are made is 65% Black, however, there is a large commuting workforce of Blacks and most stops are for moving violations during rush hour, thus the likelihood the officer is not profiling.
- ✓ An analysis of traffic accidents shows that most accidents occur between 4:00 PM and 6:00 PM on weekdays at a given intersection as a result of drivers making illegal left turns. Analysis of the officer's traffic citations shows that the citations issued are for left turn violations during the peak traffic problem hours thus no profiling.

On the theme of interpretation, a common concern of officers was expressed by the question, "What percentage of people from different races will be acceptable for my traffic stops?" Herein lies the difficulty of interpreting the data. There is no standard which can be used to definitively conclude that racial profiling is occurring. As will be discussed later, any comparative standard for data is inherently dynamic, varying by time, geography, transience, reported crime, and calls for service. Despite this analytic complexity, data collection of traffic stops is an important empirical tool for monitoring officer behavior. However, the interpretative standard will be variable and viewed in aggregate form.

> "All we want is fairness and respect."
>
> *Community Member*
>
> "So a citizen calls making a complaint about a suspicious car. If we don't act on the complaint, we are accused of not paying attention to the public. If we do check out the car, we are accused of racial profiling. How can we win?"
>
> *Officer*

As noted previously, some members of the minority community state that there is no need to collect data because they know from their personal experience that officers use profiling. There is no doubt that this is a sincere belief, however, policy and personnel actions cannot be taken without some form of objective evidence. Thus, both collection and interpretation of the data are critical ventures with long-ranging implications for the community, officers, and the department as a whole.

The issue of interpreting statistics from demographic data collection is therefore critical. While the data should be public record, it must be recognized that this leaves open opportunities for all people—e.g., police supporters, police critics, and the media—to draw their own conclusions. Even if the intent is to interpret the data accurately, it must be recognized that such interpretations are complex and cannot simply be a matter of comparing officer stops to general demographic characteristics of an area. Interpretation must consider such factors as:

- ✓ Actual population demographics
- ✓ Accuracy of Census data
- ✓ Transient population in area (e.g., major streets)
- ✓ Demographic changes in the area based on time (e.g., employers and businesses)
- ✓ Calls for service received by the police from the community (e.g., suspicious persons; prowlers; etc.)
- ✓ Community complaints received by the police (e.g., speeding traffic; open air drug markets; prostitution; noise; etc.)
- ✓ Reported crime in the area (including types of crime; when crimes are occurring; known suspects' characteristics; etc.)
- ✓ Accuracy of information reported by officers

If officers are improperly stopping drivers by considering race or ethnicity as a criteria to stop, then police officials clearly want this practice stopped. If an officer's behavior is the product of insidious discriminatory practices, then the officer should be disciplined. If the officer's behavior is a product of unconscious consideration of race/ethnicity as one factor in an equation to stop motorists, then closer supervision and training may be the best remedies. One must be careful, however, to avoid generalization of all police practices based on spurious incidents.

Beyond the philosophical issues addressed above, there is a pragmatic issue which must be addressed: the cost of the data collection process. Citizens and city officials alike must recognize that there are expenses associated with data monitoring. While each traffic stop form may only take about thirty seconds to complete, when multiplied times the number of officers times the number of forms completed in a year's time, it can become a surprisingly high time commitment. Added to this is the time involved in processing the forms, the printing costs, and analysis time—which is very labor intensive—then one can see that the costs rise quickly.

Discussing issues of race is always a sensitive process—it makes people uncomfortable and there is always a fear of offending someone or being given an unfair label. Despite this sensitivity, if the issues are not openly discussed, then progress cannot be made. On this theme, one may find that statistically racial and ethnic minorities may indeed be stopped more frequently, but not necessarily due to police profiling. Police departments deploy officers proportional to demand. There is typically a disproportionate amount of reported crime and calls for services in impoverished areas of all American cities. Unfortunately, minorities—notably Blacks and Hispanics live disproportionately in lower income neighborhoods. As a consequence, there are higher levels of contact between the police and minority communities. Factors such as these must be part of any data interpretation.

> "I only want the police when I call them. No other time."
> *Community Member*
>
> "I'm tired of people finding fault with everything we do when we're just trying to do the job the way we were trained. It's safer just to answer calls and not do anything else."
> *Officer*

Issues and Concerns of Perceptions

Advertising works because all human beings "judge books by their covers". That is, people make quick judgments about others based on a wide range of factors: age, gender, race/ethnicity, clothing, car, manner of speaking, behavior, the attitude one displays,

background of the person making the judgment, and any number of other subtle variables. Moreover, humans tend to generalize their judgement—stereotyping—to a wide range of people: the police are all brutal; young black males wearing Fubu clothing are involved in drugs; or blondes are slow-witted.

Focus groups of officers and comments from citizens in the community both displayed stereotyped perceptions which are the essence of the conflict associated with racial profiling. Police and citizens alike must understand the premises of this process. First, perceptions are based upon the *limited information that a person receives*. Second, that information is *interpreted* using *one's own experiences which are inherently limited*. Third, a *judgement is made* about the incident and *applied to all persons of the same group*.

For example, police training has traditionally taught officers that effective tactical patrolling includes being aware of people "who do not fit the area". The assumption has been that such a person has a likelihood of being involved in a crime therefore warranting a stop and investigation by the officer. The conclusion that a person "does not fit an area"[12] is a perception based on a stereotype—whether it is the teenaged black male driving a old car in a predominantly white, middle class neighborhood (e.g., the assumption is that the youth may be casing homes for burglaries or looking for a car to steal) or whether it is a white person driving an upscale car in a predominantly Black low income neighborhood (i.e., the assumption is that the person is looking for an open air drug market). The important point to note is that in both cases officers are frequently acting on perceptions and stereotypes rather than fact-based observations and reasons that suggest the person is involved in criminality. The Fourth Amendment has the provision of "particularity"—in these cases, the officers must be able to *articulate* particular facts and behaviors which make the officer believe the person has committed, is committing, or is about to commit a crime. Without such reasons, and relying simply on a perception, the stop of the person is improper.

> "Why bother making a complaint against a cop? Nothing is ever done about it."
>
> *Community Member*
>
> "If a citizen has a problem with an officer, they must make a complaint. If they don't, how am I going to know about it? If I don't know about it, how can I take care of the problem?"
>
> *Police Supervisor*

Conversely, citizens also have inaccurate perceptions of officers and stereotype those perceptions to all police. A belief expressed multiple times

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[12]Harris refers to this as "Rational Discrimination". See: Harris, D. (1999). "The Stories, the Statistics, and the Law: Why 'Driving While Black' Matters." *Minnesota Law Review*. Vol. 84, No. 2:265—326; refer to p. 294.

in community meetings was that there was "institutionalized racism in the police department". There is no doubt that those expressing that perception sincerely believe it. However, the basis for that perception typically comes from several sources—including unsubstantiated word of mouth or "urban legends—and is stereotyped. For example, a common complaint is that when officers stop a Black male, one or two back-up police cars appear and that the officer may approach the car with his/her "hand on their gun". A common citizen perception is that the officer's behavior is predicated on the fact that the driver was Black. On the issue of a back-up officer, the citizen must realize that this is a common procedure used for most car stops, particularly those stops at night—officers, by practice, will provide back-up regardless of the demographic characteristics of the driver. While the citizen knows he/she did not commit a crime, the officer does not know this until the investigatory stop is completed. Typically, the officer will not place his/her hand on a weapon without some reason—for example, the car that is stopped may match the description of one wanted in a crime. The two diverse perceptions collide, thereby creating conflict. Communication becomes an important key to resolving this conflict as does the recognition of perceptions.

Both the community and police must recognize that their beliefs are based on stereotyped perceptions. Both must develop an empathy for the view of the other and both must recognize the limitations of their perceptions. The burden on the public is that if a citizen believes that an officer's behavior is improper, the citizen must file a complaint with the police department. If there is a problem officer, little action can be taken without a formal record, including complaints. The burden on officers is to ensure that official actions are based on legitimate reasons which can be clearly articulated as being crime-related not perceptions, including traditional police practices which have since become antiquated: Investigations based simply on "suspicion" (i.e., perceptions) are improper relics of past police procedures which must cease.

While there is debate about the existence of racial profiling[13] and the exact character of the problem, there are clearly significant beliefs which must be addressed. For example, in December 1999, the Gallup Organization released a Social Audit Poll on Black/White Relations in the U.S. Among the findings were:

> The majority of white, as well as black, Americans say
> that racial profiling is widespread in the United States
> today. Fifty-nine percent of a sample of national adults
> aged 18 and older say that racial profiling is widespread.

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[13]Dichotomous views can be found in:
- ✓ Strossen, N., I. Glasser, and K. Clark. (2000). *Driving While Black: Racial Profiling on our Nation's Highways.* New York: American Civil Liberties Union.
- ✓ McQuiggan, F. (2000). *Racial Profiling: Who is Stereotyping Whom?* http://www.domelights.com/racprof1.htm

Eighty-one percent of the American public say they disapprove of the practice. Americans were asked if they had ever been stopped just because of their race or ethnic background. More than four out of ten blacks responded "yes." For blacks, such incidents are not isolated events. About six out of ten of those who say they have been stopped because of their race say it has occurred three or more times, including 15% who say it has happened eleven or more times. For whites, the numbers who have been treated unfairly by any of these three entities is very small: 7% for local police. For blacks, the numbers are larger. Almost three out of ten blacks--27%--say they have been treated unfairly by their local police. The differences by age and gender on this message of perceived treatment by police are profound: Again, the largest perceptions of unfair treatment come with young black men, particularly in relationship to their local police. More than half--53%--of black men 18-34 say that they are treated unfairly by the local police in their area.[14]

These data show the American public believes there is a problem and that problem must be addressed.

Objective and Empirical Documentation. As noted previously, citizens concerned about racial profiling repeatedly stated in community meetings that "a study is not needed" because they "know racial profiling occurs". These conclusions are based on anecdotal experiences which have been generalized (i.e., stereotyped) to the entire police population. While this belief may be unshakable among those who hold it, the fact remains it is a perception.

Policy and personnel actions must be based on empirical evidence which is objectively documented. If unconscious racial profiling is occurring because of residual effects of antiquated police practice or the misapplication of law, then the department must have empirical evidence which documents the character and extent of the problem. Without this information, effective remedies cannot be implemented. Similarly, if a police officer is involved in improper behavior, both standards of law and collective bargaining agreement provisions assure the officer of explicit rights, including objective, documented evidence supporting the specific allegations of misconduct. The law specifies the burden of proof is on the department to show misconduct has occurred and this requires more than allegations or generalized beliefs.

The important point to note is that in both the cases of departmental policy change and allegations of officer misconduct, the police department

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[14] http://www.gallup.com/poll/releases/pr991209.asp

can rely on neither stereotyped perceptions nor emotional exhortations. There is no alternative except to collect, analyze, and document evidence to fully and objectively understand the true nature of the problem before remedies can be imposed.

Management Responsibilities and Remedies

Police departments have the responsibility to respond to concerns of the community as well as to proactively monitor officer behavior. A clear trend is that communities are asking police agencies to ensure accountability of officers to contemporary standards of law and procedural behavior in the course of conducting traffic stops. As a result, there are several management responsibilities which are intended to align LPD policies and practices with these standards.

It must be recognized that regardless of the actions and remedies that are taken to eliminate racial profiling, the chance of its re-occurrence nonetheless remains. An analogy of a common issue illustrates this point. There are explicit guidelines about when an officer can pursue a fleeing car. The officer must make a quick judgement—if the officer decides to pursue, and a subsequent investigation finds that the pursuit was not justified under policy, any discipline must be weighed in relation to the facts known to the officer at the time, the type of judgement the officer used, and any collateral injury or damage resulting from the pursuit. That is, the departmental response is balanced with the facts. A similar balance must occur in allegations of racial profiling. To be sure, the department will respond to founded allegations, but the remedy must be weighed in consideration of all the facts. Because of this, and the complexity of issues associated with this problem, the Lansing Police Department will employ multiple approaches to ensure accountability and respond to improprieties.

Leadership. A police organization needs to have leadership at all levels of the organization for new initiatives to be successfully implemented. The Chief of Police must provide the stimulus for change and set the tone for the department. In Lansing, this is being accomplished through definitive statements and actions by the Chief clearly demonstrating that…

- ✓ …there will be no tolerance for racial profiling in Lansing;
- ✓ …there will be a traffic stop data collection initiative to monitor the aggregate behavior of LPD officers;
- ✓ …if anomalies appear to exist with respect to the demography of those stopped for traffic violations, appropriate corrective action will be taken on a continuum ranging from supervisory action to discipline;
- ✓ …input from officers will be gathered prior to the implementation of policy to determine the issues, concerns, and observations police officers have with respect to issues of racial profiling;

✓ …input from the community will be gathered prior to the implementation of policy to determine the issues, concerns, and observations citizens have with respect to racial profiling

Once the Chief sets the tone and values for the department, leadership continues throughout the organization. Every person in managerial and supervisory positions has the responsibility to reinforce the Chief's tone and carry these leadership values throughout their responsibilities. Informal leaders in the department must similarly reinforce these values in order to ensure that the department's culture is consistent with the Chief's vision. Thus, leadership is the first key step in assuring accountability on racial profiling issues.

Data Collection. It was noted previously that there is a clear national trend to collect demographic data of drivers stopped for traffic offenses. There are both philosophical and practical reasons for the Lansing Police Department to implement a traffic stop data collection system. Practically, given that several states already have legislation requiring such data collection by police departments, it appears that such a mandate nationwide is inevitable. As such, a planned, measured initiative designed and implemented by the police department will be easier to integrate and more fully address the particular needs of Lansing.

> "Nothing is going to change the way officers' behave until you change the culture in the police department."
> **Community Member**
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> "We all simply have to re-evaluate what we do and how we do it, then make the changes that are needed."
> **Police Supervisor**

Philosophically, data collection will provide information which permits the monitoring of police practices to empirically measure what, if any, types of problems exists; the nature of those problems; trends associated with identified problems; unique characteristics associated with profiling problems; and documentation of any particular individual showing a pattern of improper behavior in order for the department to resolve problems.

Training/Changing the Organizational Culture. To change operational procedures and the organizational culture, a key mechanism is training. The training foundation begins with inculcating the issues, values, and tone reflecting the Chief's vision. Building on this, is a foundation of substantive information which is used to address issues and procedures which will be changed. The underlying role of this process is to prevent any racial profiling including unconscious behaviors which are vestiges of past police generations.

To begin, contemporary issues and arguments associated with racial profiling are gleaned from research on a national scale. Using this

framework, the police officer focus groups and community meetings provide specific insight on this issues directly in Lansing while identifying unique local concerns. These materials are collectively integrated into a training program which permits explanation, discussion, and understanding of racial profiling in Lansing. This is followed by training on the specific Lansing policies and procedures as well as the practical process of completing and submitting the traffic stop data collection report.

Training is only the first step in re-socialization—that is, changing the organizational culture. Desired changes in attitudes and processes must be continually reinforced and policy standards must be adhered to. All parties must recognize, however, that the change process for all institutions is slow. While procedural changes can be implemented immediately, attitudinal change is significantly more complex and can take a great deal of time. As long as progress is being made, all parties must be patient.

Training the Community. It was suggested in community meetings that training sessions also be held for community members. The intent of these sessions would be to explain police policies and practices in order to provide more insight on police behavior and practice. Such training merits consideration as not only public education but also as a mechanism to open dialogue.

Supervision. The re-socialization discussed previously unquestionably requires effective supervision. This includes observing officer behavior, discussing issues and problems, and providing direction when subordinates are not following either the letter or spirit of policies and values of the department. Personnel in supervisory positions have the responsibility to reinforce the Chief's vision and to enforce departmental directives. Supervision is a critical ingredient for successful organizational change.

Evaluation. There are four forms of evaluation which need to be considered in this initiative. *Process evaluation* assesses whether a new policy, procedure, or practice is operating the way it was intended. For example, are the traffic stop data forms being completed, collected, and processed in an efficient and effective manner. Frequently such processes need fine-tuning once in the implementation phase. Process evaluation identifies the problems which need to be corrected.

Outcome evaluation measures the aggregate effect of the policy, procedure, or practice. Thus, assessments will be made of the traffic stop data to, as previously discussed, identify any anomalies in traffic stop processes and impose remedies for those anomalies.

Performance evaluation refers to specific assessment of individual officers by supervisors to determine the quality of their work as stipulated by policy, procedures, and organizational values. If problems exist, supervisors have the responsibility to provide a remedy to ensure that the officer's on-

duty performance and behavior meet the standards and expectations of the department.

Complaint monitoring exists at two levels. The first is the investigatory follow-up allegations of officer misconduct made by a citizen. Departmental internal affairs directives provide guidance on these processes. The second type of monitoring is to look at aggregate complaint data to determine if any trends exist. For example, if there is a disproportionately high number of complaints against a specific officer, even if the officer is exonerated, there may be factors which need to be addressed in the officer's behavior, such as his/her communication style with the public. As another example, if there is a disproportionate number of complaints against officers who work for a specific Sergeant, closer examination may find that the Sergeant is an ineffective supervisor. Whenever any discernible trends exist in complaints, the trends warrant closer analysis to learn if there are subtle problems which need to be addressed.

Technology. While different forms of technology can be used to record and analyze traffic stops, perhaps the most important technology for ensuring accountability is a front window mounted video camera with a videotaping system. Widely available for years, these systems provide important independent evidence which can be used to document racial profiling incidents as well as to exonerate officers who may be accused of the practice. In addition, the cameras have a preventive component in that officers may be more cognizant to evaluate criteria used to stop drivers to ensure they are not profiling. In this regard, President Clinton's 2000 Crime Bill included the provision of "$10 million to help police departments purchase more video cameras to protect both the safety of officers and the rights of the individuals they stop".[15]

For in-car cameras to accomplish their goals, policies and procedures must be in place to control the cameras' use. For example, explicit policy must stipulate that cameras are turned on for all traffic stops and remain on until the driver leaves the scene. There must also be policy on videotape retention and storage. Finally, Supervisors must ensure that officers are adhering to this policy on all traffic stops and take corrective action should a subordinate not use the cameras as directed.

Certainly other technologies should be explored as a means to support anti-racial profiling policies. A data base to monitor complaints and serve as an "early warning system"; the ability for citizens to submit complaints via the police department web page; and on-line education programs for the police and community alike are all examples of technological applications.

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[15]http://www.whitehouse.gov/WH/Work/060999.html

CONCLUSION

Racial profiling is not just a police issue—it is a social issue that has persistently existed in many forms: loan applications, service in restaurants, access to educational opportunities, and access to housing are examples. As a microcosm of society, it is not surprising that conflicts in police-minority relations have continued. Importantly, the greater concern for racial discrimination as it relates to law enforcement stems from the authority vested in the police to use force against citizens and deprive people of their liberty: these are anathema to our free society and as such must be monitored carefully. This initiative seeks to accomplish this end in Lansing.