

# TELEMASP BULLETIN

## TEXAS LAW ENFORCEMENT MANAGEMENT AND ADMINISTRATIVE STATISTICS PROGRAM

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### Interpreting Racial Profiling Data

The passage of Senate Bill 1074 by the 77<sup>th</sup> session of the Texas State Legislature has placed a new and substantial responsibility upon Texas police agencies. The bill mandates that effective January 1, 2002, every agency in the state compile data regarding the race/ethnicity of persons issued traffic citations. Further, if an agency does not install a forward-facing video camera in patrol cars or obtain an exemption by January 1, 2003, then the agency must also compile data regarding the race/ethnicity of all traffic and pedestrian stops made by its officers. This *Bulletin* addresses issues pertaining to appropriate analysis of such data.

A previous Bill Blackwood Law Enforcement Management Institute of Texas publication, *Racial Profiling Resource Guide* (see [www.shsu.edu/~lemit/index.htm](http://www.shsu.edu/~lemit/index.htm)), provided guidelines to agencies regarding stipulations of the statute and data gathering requirements. There is enormous potential for misinterpretation of data gathered under the requirements of SB1074. Agencies should not expect that the racial/ethnic composition of persons with whom patrol officers have contact will match exactly the racial/ethnic composition of their jurisdiction. Reasons are explained below.

Importantly, what agencies should expect is media scrutiny of the data. When traffic citation data gathered by DPS showed that in only 26 of 254 counties was there any imbalance (mostly rural counties), the *Dallas Morning News* nevertheless ran the headline as "Race Disparity Found in Traffic Stops" (October 4, 2000). When the data gathered by Arlington indicated only a 14% to 17% disproportionality (easily accounted for by factors described below), the *Fort Worth Star Telegram* reported that the data indicated profiling. Media representatives are often uninformed regarding the issue. The immediate assumption on the part of many

media representatives is that if there is so much as a 1% difference between citizen contact rates and population composition rates, there must be racial profiling. It is imperative that police managers are prepared in the coming months to respond to queries regarding the meaning of racial profiling data. Assuredly, being prepared to respond thoughtfully will not stop sensationalist headlines or indicting 30-second sound bites on the evening news. But after the sound bite, citizen groups will want explanations, city councils will want explanations, and personnel within the law enforcement agency itself need to have explanations.

#### What We Know from Previous Efforts

A number of police agencies have already gathered data regarding the racial/ethnic makeup of persons subjected to either traffic or pedestrian stops. Their experience is almost universal—data indicate that racial/ethnic minorities are stopped more frequently than whites. (See, for example data from Lansing, Michigan: Blacks constituted 27% of the traffic stops vs. 22% of the population. <http://www.lansingpolice.com/>, click on Special Efforts, Profiling Project) Numbers vary substantially, but it is not unusual to find that, proportionately, members of racial/ethnic minorities are stopped twice as frequently as their numbers in the population would predict. The issue is, of course, why?

#### Background

The issue of racial profiling catapulted into the national consciousness with allegations that the New Jersey State Police were employing race as a criterion for presumptive traffic stops to search for drug trafficking through the state. The result of the allegation was eventually a consent decree



with that agency. However, the issue has now touched virtually every large police department in the United States. And in Texas, as noted above, every agency is now gathering data on the race/ethnicity of drivers issued traffic citations. Media coverage has been persistent. The issue is the subject of talk shows, and has so permeated our national consciousness that a newspaper headline recently used the term "business profiling," recognizing that the reading public would correctly identify the topic of the story as involving racial discrimination.

**Biased enforcement as the broader issue.** Concern about biased enforcement of the law did not suddenly emerge with the accusation of racial profiling by the New Jersey State Police. The practice of discriminatory enforcement has been a long-standing issue in American law enforcement. Concern about the practice predates the Civil Rights Movement and has been the topic of legislation, litigation, and professionalization of law enforcement for decades. Nevertheless, the recent attention given to racial profiling during the practice of general traffic enforcement and presumptive traffic stops for drug enforcement has brought the issue back into the forefront of public attention. The accusation has renewed concern that entrenched, systematic bias in enforcement exists throughout law enforcement in the United States.

The fact that concern about the issue waxes and wanes over the years does not trivialize the problem. The Texas Commission on Law Enforcement Officer Standards and Education has long recognized that this is an issue which deserves constant and vigilant attention. Mandatory TCLEOSE basic training curricula stipulated for police patrol officers includes instruction specifically addressing nondiscriminatory enforcement, community relations, human relations, and law enforcement ethics. Although public concern about use of race as one criterion to judge the efficacy of a traffic stop may diminish with time, concern in the law enforcement community with discriminatory practices will remain constant. Discrimination in enforcement can occur in numerous contexts. Racial and ethnic minorities may be inappropriately targeted for enforcement of certain statutes, field interrogations may be disproportionately aimed at members of particular racial or ethnic groups, police services may be delivered in a shabby manner to minority group members, et cetera.

An important premise is that when a problem arises within a profession, it is best corrected within that profession. Although public sentiment may lean toward immediate draconian controls imposed from the outside, long-term behavioral changes occur more rapidly and are better sustained if they occur within the ethos of the profession itself. When the internal ethics of a law enforcement agency regard corrupt behavior as repulsive, outside anti-corruption commissions

are not necessary. When the internal values of an agency regard the use of excessive force as destructive, use of federal investigative agencies is unnecessary. It is important that Texas law enforcement agencies respond to SB1074 with a sincere commitment to gather meaningful data. Commitment in this respect transcends merely "not doing the wrong thing," and embraces the concept of "doing the right thing." Doing the right thing translates to careful analysis of racial profiling data, not merely filling out a form.

**Ambiguity in definition.** Although many members of the public believe that biased enforcement is immediately recognizable and universally agreed upon, this is, in fact, not the case. Biased enforcement is not necessarily a conscious act. It can occur when an officer subconsciously makes more traffic stops of racial group members other than his or her own, provides lesser quality of response when responding to calls for service, or even fails to provide extra care and attention that might be provided to members of his or her own racial group. It can be as innocuous as providing driving directions less thoroughly to members of other racial groups. Further, although the recent focus of national attention has been discrimination against black citizens, biased enforcement is potentially a multidirectional phenomenon. Black officers might treat Hispanics less well than black citizens, Hispanics might treat whites less well than they treat other Hispanics, and so forth.

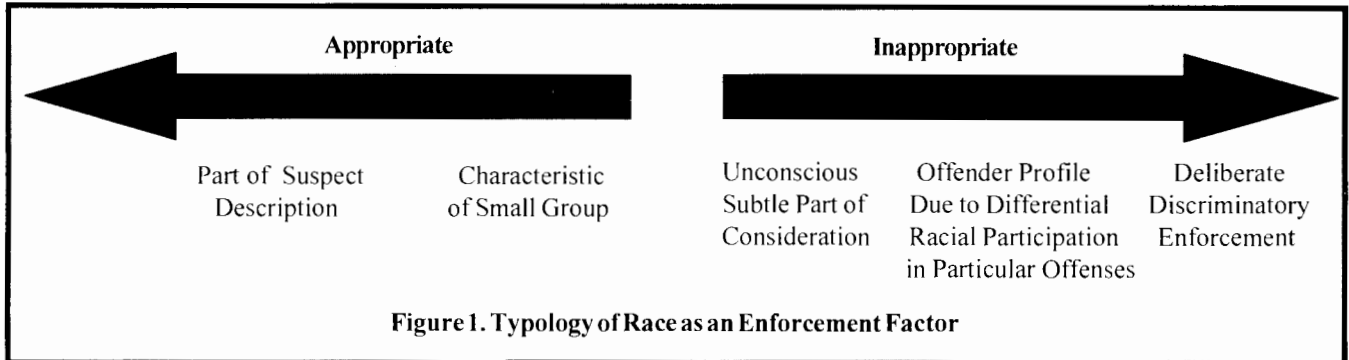
Further, it is often difficult to attribute differential treatment to racial bias. The issue of cultural, gender, or economic differences engendering differential service provision has received enormous attention. Additionally, the issue is not confined to law enforcement. For example, the medical profession has been suspected of bias in aggressiveness of heart attack treatment between males and females. Whether that difference is real or a product of subtle assumptions made by physicians regarding the necessity of aggressive treatment is open to debate. Interestingly, the opposite concern has been expressed with regard to gender-based differences in cancer treatment—with the assertion made by some that breast cancer is treated much more aggressively than prostate cancer, to the detriment of males. Is there gender bias, or are other factors influencing treatment decisions?

In policing, an officer might react differently to members of racial groups other than his or her own not because of either conscious or even unconscious discriminatory bias, but because of cultural differences. The issue is widely recognized as problematic, indeed so widely recognized that it is taught in most police academies. Recruits are cautioned about allowing cultural differences to influence their judgment. Thus, the issue of differential response is complex. It is not a simple matter of every variation immediately equating to racial discrimination.

## A Profile of Racial Profiling

A perspective on the range of behaviors in question is depicted in Figure 1. Figure 1 is a typology, not a continuum. At one end of the typology is the use of race as part of a known suspect's description. Almost no one would characterize this as racial profiling.

**Profiling as a legitimate police practice.** One must understand that profiling is an accepted law enforcement practice. That is, in law enforcement, certain on-scene behaviors are translated into a descriptive offender profile. The Federal Bureau of Investigation's Violent Criminal Apprehension Program (VICAP) is organized to provide local law enforcement agencies profiles of aggressive sex offenders, in particular.



A second category of the typology does not occur often, but raises interesting philosophical issues—the incorporation of race into a description of a small group of individuals thought to be involved in criminal behavior. The most frequent example is whenever a street gang is organized along racial lines and is the focus of targeted enforcement. Such targeting clearly includes “race” as part of the descriptive profile, but is not usually thought of as racial profiling. The question after 9/11 is, of course, “does this also describe airline hijacking and being of Middle Eastern descent?”

The third category of the typology is the use of race as criteria for enforcement attention on a subconscious level by law enforcement officers. Such subconscious targeting may be due to out-and-out bias. However, disproportionate offending rates among minorities may also generate subconscious targeting. The fifth category of the typology is when race is an acknowledged part of a profile of generic criminal activity. That is, if members of a particular racial minority tend to be involved proportionately more often in a particular activity than members of other racial groups, then race might be incorporated as part of that profile. This was indeed the issue with regard to the New Jersey State Police, where it was acknowledged that race was one of the criteria used to increase the probability of a judgment that an individual was transporting drugs.

Finally, at the right extreme of the typology is insidious discrimination based upon race. When citizens refer to the crime of “driving while black,” this is usually what they have in mind. That is, in this category of behavior, the police single out racial minorities for traffic stops and/or citations simply because they are members of racial minorities.

The unit has achieved success in being able to characterize not only the race and age of an offender but personality characteristics as well.

To illustrate the practice as part of routine police work, take the following scenario. The Texas Department of Public Safety receives a report of an armed bank robbery in Palestine. An individual wearing a ski mask robbed the bank; thus, the gender, race and age are unknown. The assailant was seen leaving in an automobile with two other occupants, but no description of the automobile or other occupants is available. A DPS trooper northbound toward Palestine on Texas Highway 19 observes two vehicles passing him in the opposite direction. One vehicle is a 1988 Eagle Talon in disrepair occupied by three white males in their late teens or early twenties. The second vehicle is a 2001 Ford Windstar minivan driven by a white female in her late forties with two middle-age female companions as passengers. The officer must decide which of the two vehicles to stop. It would take a stretch of credibility to suggest that there is equal probability that either vehicle was involved in the armed robbery. This is profiling, without a racial characteristic, at its simplest level.

**Race as a special issue.** The issue is not whether the police should use personal characteristics as probability indicators of involvement in a criminal offense, or even a pattern of criminal offenses. The issue is whether race may be used as one of those characteristics for non-specific general enforcement. Strident debate ensues over the issue of whether race should ever be used as a probability characteristic, or whether it should indeed never be used. Consensus of opinion is emerging that race should be used only in the rarest of circumstances. Indeed, the circumstances in which race might be used is usually identified as Point 2 on the typology



depicted in Figure 1, when it was a characteristic of a very small group with an established history of criminal activity. If one had a report that a member of the Texas/Mexican Mafia was carrying drugs through DFW International Airport, it would hardly make sense to focus one's attention on middle-aged black females. Beyond those rare instances, however, consensus is that race should not be used as a profile characteristic.

The "special status" of race as a personal characteristic, clearly distinguishable from ascribed characteristics such as gender and age, is relevant here. First of all, in the United States, race is not evenly apportioned. Even if it were, concern would still remain that race can engender a kind of discrimination not comparable to age or gender. At some time in a normal life span, each of us occupies every one of the age brackets. It is not an ascribed characteristic that is static. Further, we all recognize that behaviors do indeed vary by age—the youthful average age of prison inmates underscores the point. No one suggests that the majority of inmates are youthful because of systematic discriminatory enforcement by the police. We all recognize that 18-year-olds, of every race and gender, commit more offenses than 80-year-olds.

It has been suggested that the criminal justice system is both more severe and more lenient in dealing with females. (Evidence is mixed.) Further, although we might be concerned about phenomenon such as glass ceilings in the workplace, we simply have not encountered systematic police enforcement bias premised upon gender. Gender is indeed different as an ascribed characteristic than race. The old joke that "the war between the sexes is difficult to wage because of so much fraternization with the enemy" is relevant here. We have both a mother and a father, both brothers and sisters, both daughters and sons. Systematic gender bias may occur, but it is certainly rare. Indeed, traffic stop data indicate that males not only receive considerably more citations, but are also subjected to far more investigatory stops.

Race, however, is different. Racial discrimination is an undisputed historical fact. Economic and social opportunities still vary by race. And on Sunday mornings, America is still a segregated society. Race as a profiling characteristic is of legitimate concern. The phrase, "some of my best friends are . . ." underscores the point. Some of my best friends may be, but not my mother, not my brother, and not my daughter. Race is different. Hence, it must be treated differently by law enforcement.

With this in mind, let's return to our rural Texas robbery scenario. This time, we will make it tougher. The state trooper must choose this time between two similar vehicles both occupied by three male youth—but one group is black and the other white. Should race be considered? Should the trooper consider the fact that proportionally in Texas (and

every other state) more blacks are incarcerated for robbery in the Texas Department of Criminal Justice Institutional Division than whites? If, for the first scenario, the probability association between age, gender and observable social/economic status and robbery commission rates led to stopping the three male youths in the Eagle Talon, allowing the females in the minivan to go on, why not consider probability association between race and robbery?

My response, and I believe an emerging consensus response in law enforcement, is because race is indeed different. Our public policy should be to ignore race—even if we accept as valid differential rates of offense commission. (There are those who argue, of course, that differential offense commission rates are solely a product of discriminatory enforcement. I reject this argument. Otherwise one must argue that poverty makes no difference—which is absurd.)

One recognizes that in accepting the "ignore race regardless of differential offense rates" premise, one accepts "less efficient" law enforcement. But equity in American jurisprudence always takes precedence over efficiency. We accept innumerable other inefficiencies for the sake of equity. Furthermore, one can win a battle and lose the war. If employing race as a criterion leads to the disaffection of a large proportion of the population, law enforcement will lose far more than it will gain. Individual apprehensions are sacrificed for the larger goal.

Critics might respond by asking, "What then is your Texas state trooper to do in the second scenario, flip a coin?" My response—yes.

### Problems with Traffic Stop Data

When police managers or law enforcement labor groups voice opposition to collecting data on the race of drivers involved in traffic stops, many persons assume that "there must be something to hide." Kneejerk reaction to allegations of even the remote possibility of racial profiling most frequently is "let's gather data." But the limitations and misinterpretations are numerous. Among the potential problems associated with gathering traffic stop data are:

1. Chilling effect on stops;
2. Determining race is often a problem;
3. Gathering data places yet another divisive wedge between management and line officers;
4. Accuracy of data that is gathered—officers may distort information;
5. There is no standard for what constitutes racial disproportion—statistical variation alone will result in less than a precisely equivalent ratio to population proportions;

6. Inaccuracies exist in census data, particularly undercounting Hispanics;
7. Excessive report writing time;
8. The more paperwork that is required of officers, the less amount of that endeavor will be done;
9. Statistically, more minorities may indeed be stopped, but not necessarily due to police profiling;
10. Poverty and race correlate in America. Poverty is unfortunately a frequent problem indicator, e.g., vehicle equipment violations;
11. Data collection may generate spurious stops of whites to “balance the books”; and
12. Police administrators can defend an accusation with specifics but cannot defend accusations of a “general practice.”

These are all valid issues. The primary problems, however, are: (1) disproportionate deployment of police resources to minority neighborhoods, and (2) the problem of using census data as the divisor for determining proportionality.

### The Deployment Problem

Crime is not evenly distributed across American society. Aristotle said over 2000 years ago that poverty is the root of crime and revolution. It is still true. Wealth is not distributed proportionally by race in the United States. Minorities are disproportionately poor. Poverty breeds crime. The police deploy to where crime occurs. And where the police are deployed, more traffic stops will occur.

Further, deployment by crime rates is reinforced by deployment by demand for service. The number of 911 calls received by a police department varies dramatically by neighborhood. The poor call upon the police far more often than the rich. The poor disproportionately live in circumstances breeding greater conflict. Dilapidated apartment dwellings with thin walls bring complaints of disturbing noise from neighbors. Crowded parking lots lead to conflict. Insufficient or inadequate play areas bring other problems. Thus, not only is crime disproportionately clustered in poor areas, but also calls for police service to manage conflict are disproportionately clustered in poor areas. Since minorities are disproportionately poor, we inevitably find increased police presence in minority neighborhoods.

Since police officers are deployed proportional to demand, more officers are placed in neighborhoods that generate a higher proportion of calls for service. If this approach were not followed, the police would be unavailable to respond to such calls, or response would be substantially delayed. Indeed, there is no other defensible way to deploy the police other than proportional to demand for service. One of the hallmarks of American police service is its democratic nature — when the telephone rings, the police will come. The callers

are not asked their economic status, how much they paid last year in taxes, who they know at city hall, or whether they live in the “right” area of town. But placing more police officers in economically disadvantaged neighborhoods, i.e., minority neighborhoods, means there will be more traffic stops made in those neighborhoods. For a jurisdiction as a whole, this factor alone will cause the statistics to reflect substantial disproportionate stops of minorities.

Recent efforts at more effective police procedures have even included rapid redeployment by crime pattern every day, or at least every week. With its genesis in New York City’s COMPSTAT program, the practice of “deployment by analysis” is now widespread. It is being practiced in several major Texas cities, including El Paso, Houston and San Antonio. Modern information systems have allowed real time analysis of crime patterns and trends, and law enforcement agencies have capitalized upon this capability by virtually instantaneous redeployment of resources to problem areas. This only exacerbates the problem.

Hard evidence is emerging that supports the assertion that deployment patterns significantly impact the racial proportion of traffic stops. In Richmond (Virginia), the average Part I crime rate is 45% higher in majority African American census tracts compared with majority white census tracts (Smith and Petrocelli, 2001). And, indeed, analysis indicated that Richmond officers proportionately stop more black citizens. In an analysis of traffic stops in San Jose (California), the fact that Hispanics and blacks were stopped at rates higher than their population representation (43% of stops vs. 31% population for Hispanics, 7% vs. 4.5% for blacks) was attributed by the agency to concentrated deployment in minority neighborhoods to handle greater per capita volume of calls for service (San Jose Police Department, 1999). The disproportionality (27% vs. 22%) in Lansing, Michigan, cited earlier, was also attributed by researchers at Michigan State University to deployment variation (Carter, Katz-Bannister, Schafer, 2001).

No one would argue that the police should do anything but attempt to make every neighborhood in which they are deployed as safe as they can make it. And proactive police interventions are an established way to do so. The “broken windows” concept emerging out of the Newark Foot Patrol Experiment underscored the value of vigorous enforcement of all statutes, and controlling in particular petty incivilities, as a valuable technique to reduce crime. Vigorous enforcement means numerous field interrogations and numerous traffic stops. If the police are disproportionately deployed in minority neighborhoods, minorities will disproportionately be the targets of such tactics.

Police agencies have long recognized the deleterious effects of this pattern. They have made special efforts to establish



structured community relations programs in minority neighborhoods, at least partially to offset the negative effect of well-intentioned vigorous enforcement efforts. It is widely recognized that minority youth are more likely to have been picked up for petty misbehavior than white youth, simply because more police were present to catch them. Police recruitment efforts aimed at attracting minorities into the police service have recognized this phenomenon and even incorporated expanded tolerance limits for petty misbehavior for youth from such neighborhoods. But all of these efforts do not eliminate the problem.

However, no one suggests that deploying the police proportional to crime or call for service demand constitutes racial discrimination. Indeed, the opposite would be the case. If we deployed the police absolutely proportionately across a jurisdiction ignoring crime rates and demand for service, the quality of police service in minority neighborhoods would plummet, and criminal victimization would increase.

If statistics on traffic stops or field interrogations are calculated for a jurisdiction as a whole, the practice of concentrated deployment in poor minority neighborhoods will result in a larger proportion of minority traffic stops. In effect, efforts to provide the highest possible quality of police services to minority communities, and to make those communities as safe for the residents as possible, results in a statistic which indicates that the police are doing the opposite—insidiously discriminating against minorities. For this and other reasons, police agencies are loath to allow themselves to be judged by the statistical proportionality of traffic stops or field interrogations.

### **The Denominator Problem**

A primary issue regarding the racial/ethnic proportionality of traffic stops is, "What is an appropriate proportion?" The issue here can be captured by the phrase, "the denominator problem." The simple proportion of the population classified as minority by the Bureau of Census will always be suggested as the divisor when deciding whether a disproportionate number of minorities are being stopped for traffic violations or other purposes. That figure is, of course, the resident population—those individuals reporting to the Bureau of Census that they sleep in that jurisdiction. The average hourly population of the jurisdiction may vary dramatically from that figure. A jurisdiction with industries or businesses employing a high proportion of minorities will, in terms of racial composition, be inaccurately reflected by the Bureau of Census data. Neither the Bureau of Census nor any other government agency publishes any data by race other than residential population. Further, the minority proportion by police beat is not a known figure. The Bureau of Census subdivides jurisdictions into census tracts, but these do not coincide with the boundaries of beats. Jurisdictions attempting

to demographically profile their beats have found this to be an enormously difficult undertaking.

A formula which would account for virtually every demographic or policy variable that might affect statistics concerning the race of drivers stopped for traffic infractions would be extremely cumbersome. Any such formula would have to contain at a minimum the following four elements:

1. The proportion of the residential population by race/ethnicity.
2. The proportion of the workforce population by race/ethnicity.
3. The proportion of individuals who engage in commercial activity in a community by race/ethnicity.
4. The proportion of through commuters by race/ethnicity.

The formula would have to then account for the degree of traffic-related contact that might be expected as generated by each of the factors listed. Thus, one would have to make certain assumptions regarding the proportion of all traffic stops that involve residents of the community. Next, one would have to estimate the proportion of traffic stops generated by individuals who do not reside in the community but work there. Just as residents are not on the highway 24 hours a day, it is also true that workers commuting into a community are not on the highway for 8 hours a day. Their "exposure" to a potential traffic stop would have to be calculated against the proportional hours they were driving in the community.

Next, one would have to account for individuals who drove into the community for commercial activities, such as shopping in a mall. Although for a number of communities, this figure would not differ substantially from the racial proportion of the residential population, for some it might. The presence of a major shopping mall, for example, in a community that was overwhelmingly white might draw in high numbers of members of racial/ethnic minorities that would otherwise not be present in the community, but would generate traffic stops. Next, an estimate would have to be made of the racial proportionality of individuals who simply drove through a community. Again, in many instances, this number would not differ significantly from the racial composition of the residential population, but there are exceptions. Exceptions are particularly problematic whenever communities are relatively homogeneous in racial composition. The presence of a thoroughfare or interstate highway under such circumstances might skew data substantially. Think of a rural county which is overwhelmingly white but through which a major U.S. highway or interstate highway passes. Clearly, the drivers on that highway are far more racially diverse than the residential population of the county. (Potentially, the cause of the DPS citation disproportionality in the 26 counties cited by the *Dallas Morning News*.)



## Responding Administratively

The likely outcome of the racial profiling uproar will be decreased enforcement in many jurisdictions. A police officer will almost always effect a traffic stop whenever a blatant violation has occurred. However, there are innumerable circumstances where discretion is involved. Minor violations can be overlooked, an officer may be "too busy" to make a stop, stops premised upon suspicious behavior may not occur, and the like. In short, the fear of retribution on the part of patrol officers from unfavorable data may cause a precipitous drop in proactive patrol efforts. This, in turn, could lead to more crime. Ironically, and tragically, the effect will be particularly felt in high crime minority neighborhoods.

One could logically expect that collecting any type of data that might be employed later to impugn the integrity of an officer will cause behavioral changes. Those who believe that racial profiling is a common practice might indeed say, "That is precisely what we are trying to accomplish." However, a return to strictly reactive patrol styles is certainly not desirable. In particular, the successful practice of "broken windows" enforcement will be affected. The broken windows philosophy, developed by professors James Q. Wilson and George Kelling, assumes that enforcement of laws regarding disorderly behavior, disruptive actions, and street incivilities improves the quality of life in a neighborhood so dramatically that serious crime is also less likely to occur. Research generally supports this supposition. However, it is precisely the "broken windows" stops—highly discretionary and subject to second-guessing regarding the criteria an officer employed—that are most likely to be curtailed by fearful officers. Data from many jurisdictions support this contention. When Houston began gathering race data in the fall of 1999, traffic citations dropped precipitously. Thus, the fear among police administrators of this effect is not merely hypothetical. Police managers must monitor the situation, and respond quickly if "depolicing" is indicated.

There is a second major danger. Both police administrators and rank-and-file officers legitimately expect that the public will assume they behave professionally, that they respect and uphold the United States Constitution, and that they treat individuals equally regardless of gender, race or economic status. Many officers are deeply offended by legislation that requires every citizen contact to include racial documentation. Racial profiling is as repugnant to professional police officers as it is to any other member of the public. Professional officers believe that they should not have to defend themselves ten times a day, every day of the week, by documenting the race of every citizen with whom they have contact. They should not have to assert ten times a day, "I am not a bigot." When public servants are forced to constantly deny that they abuse their authority, cynicism and withdrawal follow. Police managers in Texas need to actively address these feelings among their personnel.

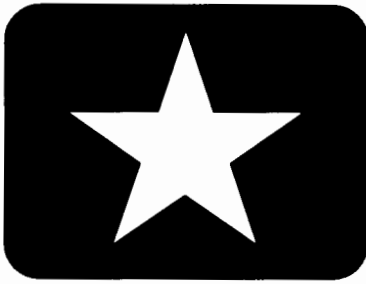
**What can be done?** The dilemma is reasonably straightforward. Within the profession we know full well that traffic stop/field interrogation data typically will not reflect the racial proportionality of a given community. Police managers know that the disproportionality is largely a function of deployment to high call for service demand, high crime neighborhoods. But if police administrators resist gathering data, it is assumed that they are hiding improper behavior. If they do gather data, assuredly naïve interpretations will lead to accusations of improper behavior. Unfortunately, the police response to the racial profiling issue can best be captured by the pessimistic phrase, "you can't win."

There is no magic bullet for deflecting criticism of racial bias. Police managers can mitigate the damage, however, by aggressively broadcasting in advance to concerned groups, "Don't expect the data to show exact racial proportionality to our residential population." Use a catch phrase like the D<sup>2</sup> Problem—the deployment and denominator issues taken together will skew these data. Communicate this to city managers, city council, and community groups. Like it or not, Texas law enforcement agencies have been mandated to collect traffic stop data. Making the best of the situation requires active intervention. It goes without saying that if data do indicate a problem, police managers are expected to aggressively intervene. But if the data are a product of legitimate deployment practices and/or the inappropriateness of census data as a denominator, a police manager should likewise aggressively defend the legitimate enforcement efforts of rank and file officers.

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