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Racial Profiling: Myth or Reality in San Antonio, TX?

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Abstract

Racial profiling is one of the most pressing civil rights issues of our time. It extends beyond direct victims to negatively effect all persons of color, all generations, and all income levels. It undermines the legitimacy of the criminal justice system and hinders effective policing in the communities where large numbers of minorities reside.

This paper examines whether racial profiling actually exists in the metropolitan area of San Antonio, TX. This paper will define what racial profiling is and report the feelings of various segments of the community on the issue. It will also disclose the findings of a survey conducted of officers employed with the police department, who will directly be impacted by the new legislation on profiling effective on September 1, 2001.

It is hypothesized that racial profiling does exist in the city of San Antonio. However, the question is, is it occurring to the extent that is broadcast in the media? The minority citizens of the city have perceptions that this type of activity is occurring frequently or all the time. The police officers, on the other hand, don't believe that it is occurring and ultimately will curtail their patrol activities out offer of criminal and/or administrative reprisal, often to the detriment of the minority communities.

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Introduction

Despite considerable improvements in police community relations over the last several decades, trust and confidence in the police continues to be a serious issue in many minority communities. This is, in part, because minority residents frequently believe interactions with police officers are motivated by hate and prejudice (American Civil Liberties Union, 2001). Similarly, because of wide spread media attention, community residents may believe that the police routinely profile minority residents much more frequently than they actually do, or they believe that most instances of traffic stops or detentions are unjustified and the result of prejudicial behavior (National Institute Of Justice [NIJ], 2000). Such perceptions may foster animosity and hinder the development of closer police-community ties.

Interventions aimed at dispelling the fear of racial profiling may help improve relations between the police and the communities they serve (Harris, 1999). According to recent national surveys, the majority of white, as well as Black Americans say that racial profiling is widespread in the United States today (Lottman and Morin, 2001). Law Enforcement executives need to reflect seriously on this and respond to both the reality of, and the perceptions of biased policing (police Executive Research Forum [PERF], 2001).

Does this, however, make the police officers feel as though they are the victims, oppressed like a minority group. As this becomes more and more of an issue, being looked into by everyone from the White House to local community groups, many have begun to feel that way. The response of politicians to the outcry over racial profiling amounts to a lawmaking jamboree. But, before politicians or society can tell police what

they are doing wrong, the problem must first be defined better.

In an effort to do so, both communities that feel the issue is prevalent in their neighborhoods, as well as the police officers who patrol these areas must be sought out and involved in a joint effort to come to an agreement. San Antonio, Texas is just such a community. San Antonio's police department has been closely working with community leaders who would like to find a solution to racial profiling to develop an instrument that will track profiling data. The discussions at and the results of one of their meetings will be shared in this paper. As with any debatable issue, there is another side. How do the police officers who will be asked to gather this data feel about this measurement instrument? Will it effect the way they do their work? A survey of 100 police officers of the department of approximately 2,000, will be conducted. This should be considered an indicator as to whether or not profiling data collection will have a negative or positive impact on policing.

The real debate over racial profiling is not about stops and searches on the streets of San Antonio. It is about the degree of racism in America and the distribution of power it justifies (Toby, 1999). It is easy to believe that racial profiling is a serious problem in American communities. It fits the American profile, and now, politicians at all levels have stepped forward to give it credence as a problem. Will the issue be resolved? Probably not. Human nature doesn't seem to allow it. At best, communities like San Antonio need to come to a compromise. Both community groups and police departments must work together so that all opinions are heard and all concerns taken into consideration. Without the compromise, community relations will decline. Community members should not lose

confidence in the police and feel as though they are being profiled simply because of the color of their skin. Likewise, police officers should not be made to feel more like victims and withdraw from the duties of serving those communities that characterize them by the uniform that they wear.

Review of Literature

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. It also encompasses information that leads the police to a particular individual who has been identified as or having been engaged in criminal activity (Institute on Race and Poverty, 2001). Under this definition, if police use a person's race, ethnicity, or national origin in determining whether that individual has committed a criminal act, the officers have engaged in racial profiling (Institute on Race and Poverty, 2001).

Most criminologists credit former FBI chief in charge of research, Howard Teten, with inventing (or at least popularizing) the term "profiling." In the late 1950's Teten developed a technique where he looked at the evidence provided at crime scenes to build a psychological profile of a criminal. This also encompassed the personality of the criminal and his mental status. Teten's techniques helped solve many crimes, and in 1969 he began teaching courses on profiling for the FBI. Within a decade, agents who had taken courses in profiling began teaching the technique to local and state police departments. Teten felt that the technique of identifying a criminal's personality traits and the nature of his crime, was expanded too quickly by police who had limited knowledge in the field of psychology

(Cloud, 2001). Teten thought of profiling as a tool primarily for murder investigations. However, police official's expanded the practice of profiling to investigations involving robberies and narcotics. Teten felt that police officials had expanded the concept of profiling too far and too fast, with little or no training in the method.

A 1999 Gallup poll found that nationally, 42% of African-Americans believe that they have been stopped by police because of their race, 77% of African-Americans believe racial profiling is widespread, and 87% disapprove of the practice (Institute on Race and Poverty, 2001). The widespread perception among minorities is that the police unfairly target them because of their color and that has led to a lack of trust. Mistrust of the police makes people less likely to cooperate with the police by reporting crimes and aiding police investigations. The investigation and eradication of racial profiling serves the common interest of police and minority communities.

The first step toward addressing racial profiling, according to civil rights activists is for law enforcement agencies to collect data on the race of all the drivers that they stop, as well as related data about the character of the stops (Epstein, 2001). Data collection is necessary for identifying the problem and giving direction to any efforts to eliminate profiling both as a practice of individual officers and as an institutionalized departmental policy. Looking at the number of stops conducted by the department as a whole as well as the number of stops made by individual officers determines this. It is then determined if the people stopped are disproportionately minorities as compared to the percentage of minorities in a particular community (Montgomery, 2001). Civil rights activist maintain that data collection is a monitoring tool for protecting civil rights and ensuring ongoing

achievement of key law enforcement goals. Data collection is not simply a tool for measuring the magnitude of a problem at a particular point in time. Based on this viewpoint, civil rights activists have aggressively petitioned local, state, and national representatives to require mandated data collection by local, state, and federal law enforcement agencies. The categories that are felt to be essential to accurate data collection are the location, date, time of the stop, and data relating to searches. The report will require the recording of search data as to whether there was a search, the authority for the search, and whether any contraband was discovered (Dunbar, 2001).

Law enforcement managers are concerned that the reporting process will result in lower activity rates by officers who purposely avoid contact with minority members, a term referred to as “de-policing” or “disengagement” (Labbe, 2001). Some media accounts have publicized interviews with officers who have stated that they will curtail their activities due to fear of possible administrative or criminal actions when investigated for accusations of racial profiling (Oliver,2000). Law enforcement officials fear that this might erode the gains made in reducing the crime rate (Forgave and Tizon, 2001).

Studies done by the Department of Justice attempt to address this issue of “disengagement.” A study was conducted in 5 geographical areas, San Jose, CA; San Diego, CA; North Carolina, and New Jersey (Farrell and Ramirez, 2000). The study showed inconsistent data in North Carolina and New Jersey, where the requirement to document was met with much opposition by the officers in both states. The officers in these departments felt that the documentation would be used against them in a disciplinary process when complaints were filed by members of the minority community. The San

Diego Police Department felt that there was no disengagement evident based upon statistics of previous years. However, the chief of police appears to downplay the effects of the study by stating traffic enforcement has never been a priority of the police department (Farrell and Ramirez, 2000). The only department that showed an increase was the San Jose Police Department. This is attributed to a positive training program and stressing to the officers that the reporting criteria is for statistical analysis and not for disciplinary reasons. There has also been information relating to cities that have tense relations between the police department and members of the community, that has led to acts of violence and rioting. Cities such as Seattle, W A, Cincinnati, OH; and Milwaukee, WI; have shown dramatic decreases in police citations and arrests (Macdonald, 2001). This has been attributed to officers not enforcing traffic laws due to fears of complaints from citizens of being racially profiled by the officer. (Verhovek, 2001).

Ultimately, trust is vital to the success of policing in a democratic society, and community outreach is essential for gaining trust (PERF, 2001). Gaining the trust of minority groups is particularly challenging in light of the long history of strained, and sometimes volatile, relationships between the police and minorities. However, doing so is critically important in the wake of nationwide concern about “racial profiling.” Both the incidents and the perceptions of racially biased policing lead to mistrust of the police (Ly, 2001). Relying as they do on resident input, support and compliance, the police cannot function effectively in communities where tensions are high. Outreach to minority communities is an important component of any departmental strategy to respond to racially biased policing and the perceptions thereof.

Methodology

This administrative research paper has two purposes. The first is to interview members of the minority communities of San Antonio and determine if racial profiling is occurring in their neighborhoods; if so what corrective measures should be implemented to address the issue? The second purpose of this paper is to interview police officers and determine if data collection regarding traffic stops would have a positive or negative impact on their jobs. It is believed that such data collection will lead to a phenomenon regarded as depolicing or disengagement. Officers may become more reactive rather than proactive due to fear of criminal or administrative repercussions.

First, in an attempt to address the aforementioned concerns, the San Antonio Police Department, under the direction of Chief A1 A. Phillipus, reached out to community members and leaders. They sought their input into the development of an accountability system that would provide racial data on traffic stops. A public meeting was held between representatives of the police department and representatives from community groups across the city. The department, taking community concerns into consideration, established a data reporting system that documents the race of the person being stopped, reason for stopping the person, whether or not a search was made, and whether or not the search was consensual.

The other side to this coin, leaves the question remaining, will such a system of data collection and documentation lead to disengagement? A confidential survey was conducted of members of the San Antonio Police Department in an attempt to gauge their feelings or viewpoints on the issue of racial profiling, documentation, and possibly, disengagement. The reason for the confidentiality was to ease the apprehensions of

participating officers in that the survey could be used against the members for possible administrative disciplinary action. It should be noted that this survey was only conducted on a faction of the members of the department and may not truly represent the consensus of the nearly two thousand members of the San Antonio Police Department. The survey polled one hundred officers at the field level since they would be faced with the immediate impact of the reporting requirements and because they conduct the majority of the traffic stops in the police department. The survey was a simple 5-question survey. Of the 100 officers surveyed, there was a one hundred percent response rate. This was due to the ease of the survey in that all responses were simply yes or no.

It is believed that the data collection system for traffic stops will indicate whether or not officers are engaging in racial profiling. If there is indeed a problem, corrective measures such as profiling training or even disciplinary action for department members will be necessary.

Findings

In the year 2001, the San Antonio Police Department, in response to citizen pressure and pending legislation that mandated the collection of data about traffic and pedestrian stops, decided to develop a plan that would maintain a delicate balance between the concerns of the community and law enforcement. Police Chief A1 A. Phillipus reached out to community members and sought their input into a reporting system that would be feasible.

On September 25, 2001, there was a public meeting between representatives of the police department and representatives of minority communities from across the city. In

attendance at this particular meeting were representatives from the local chapters of the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Colored People (NAACP). Prior to this meeting, representatives from segments of the community attended meetings to address racial profiling among their particular interest groups. These interest group leaders represented groups such as League of United Latin American Council, National Organization of Women, LA RAIZA (The Race) and leaders from the local gay and lesbian community. The concerns of these groups at prior meetings were considered during the September 25th meeting and were taken into account when final decisions were being made on the racial profiling issue.

The purpose of the meeting held on September 25th, was to put the finishing touches on a form used by the department to report encounters with officers and members of the minority community. The result of the meeting was the development of a reporting format that exceeds the required data by the State. There are six race categories (white, black, Hispanic, Asian/Pacific Islander, Native American, and Middle Eastern/Eastern Indian). The report, which will closely mirror one published in Houston, TX, will reflect the total number of traffic stops by officers. These traffic stops will then be broken down by percentages into the six race categories, types of violations and dispositions of the stops. The report will also include search information. The search category will show the percentage of the searches that were consensual or non-consensual and the results of the searches. Finally, the report will show the disposition of the search. This will include the percentage of stops that resulted in citations, arrests, warning citations, individuals who were released outright, field contacts, and curfew violations.

Meetings in the past, according to Deputy Chief Steven Baum of the San Antonio Police Department, have at times been very tense yet also very productive (personal interview, September 25, 2001). Chief Baum said that the meetings had turned into each individual group attempting to gain an advantage for their own particular interest. When the purpose of the meeting was emphasized, some of the groups became disenchanted with the process and failed to attend any of the successive scheduled meetings. One of the main problems was that the department and the members of the community had a difficult time defining exactly what racial profiling is and the exact impact it is having on members of the community in San Antonio, TX.

Chief Baum stated that the police department is mandated by state legislature to document five areas; the total number of stops conducted annually by officers of the department, the breakdown of those stops into categories showing the percentage of minorities stopped, whether a search is conducted in conjunction with the stop, whether the search is consensual or non-consensual, and the disposition of the search. The problem with the collection and measurement of data is the accurate definition of a benchmark to compare whether the stops are singling out members of the minority community. This is a problem that is occurring in other cities and questions have arisen about the validity and accuracy in the reported data (Cloud, 2001).

Thomas Rockenmoore, who was the representative of the local chapter of the NAACP, brought several concerns to the September 25th meeting. He wanted to address the practice of issuing minority juvenile suspects misdemeanor citations for curfew violations. Mr. Rockenmoore felt that this was another issue of racial profiling and would

unnecessarily label black youth and have a negative effect on them as they progress through life. Mr. Rockenmoore was informed that once a person reaches adulthood in the State of Texas, juvenile records are sealed and there is no mention or reference to previous criminal activity, regardless of race (personal interview September, 25,2001).

Mr. Rockenmoore was also concerned about the benchmark issue. The consensus among the group was to use census figures for the Bexar County area to determine the population figures and the percentage of minorities in the county. There was suggestion made by Mr. Rockenmoore to use the number of citations written in the study year to be the benchmark for measuring succeeding years (personal interview, September 25,2001). This idea was discussed and it was decided that there needs to be a constant benchmark and the measuring of citations from the previous year would not be accurate.

Finally, Mr. Rockenmoore, wanted the annual report to show the number of African-American males who were stopped and the disposition of the stop recorded. This idea was discussed between Mr. Rockenmoore and members of the department. In the end, it was decided that, since it was not required in the current data collection mandates by the State, it would not be included.

The final concern of the department is “disengagement” or “de-policing” by officers of the department (Labbe, 2001). These practices are reportedly occurring in other major cities that are required to collect data on traffic stops. Police departments in these cities where record keeping is mandated, have reported dramatic decreases in traffic citations and arrests. The San Antonio Police Department has an interest in not only maintaining an open dialogue with the community, but is also attempting to establish a

system that will not make officers fearful to perform their jobs.

Everett Turner of the ACLU was also in attendance at the meeting and he also had a few concerns. His concerns dealt with the amount of training the officers with the San Antonio Police Department receive and whether that included diversity training (personal interview, September 25,2001). Mr. Turner also felt that the demeanor of officers toward minorities could go a long way in reducing tensions between the police and members of the minority community. The members of the committee, both citizen and police officials appeared to be satisfied with the work of the group after the September 25th meeting. The members of the group agreed to meet in the future to discuss the results of the study. Unfortunately, a solution to one problem may directly cause a new problem to surface. In this case, it is the issue of depolicing or disengagement. In an effort to predict if such a suggestion merits truth, a confidential survey, consisting of five simple questions, was conducted of members of the San Antonio Police Department. The answers to the questions were simple yes or no responses. The response to the first question that asked if officers believed that racial profiling was occurring in San Antonio was reported as one hundred percent of the officers surveyed feeling that it was not occurring. The response to question number two which asked if the officers themselves had ever engaged in racial profiling, once again returned a response of one hundred percent saying that they have never engaged in racial profiling. Question three attempted to ascertain if the officers felt that the media was responsible for sensationalizing the topic of racial profiling. The response to this question was one hundred percent of the officers feeling that the media was responsible for overplaying the issue. The fourth question

asked if officers would deal with minority citizens differently? The response was split. Seventy percent said that they wouldn't treat minority citizens differently, while thirty percent said that they would. The final question asked if the officers would become more reactive or proactive while working in minority communities. Ninety percent of the officers surveyed responded that they would become more reactive, while ten percent said that they would still continue with proactive law enforcement.

TABLE 1 Survey Questions and Responses

<i>QUESTION</i>	<i>Yes</i>	<i>No</i>
Do you believe San Antonio Police officers are racially profiling suspects?	0%	100%
Have you, during the course of your career, racially profiled a suspect?	0%	100%
Do you feel the media is overplaying how law enforcement is involved in racial profiling?	100%	0%
Will racial profiling cause you to react differently to minority citizens?	30%	70%
Do you feel racial profiling will cause you or other officers to become	90%	10%

Discussion/Conclusion

Is racial profiling occurring, and, if so, what can be done to curb it without the detriment of police-community relations and police disengagement? The answer is truly not clear cut. A need to satisfy the community's demands regarding racial profiling has led to the development of systems that collect and collate data from police stops. These systems are used in an attempt to determine if a department or officer is engaged in racial profiling. Looking at the number of stops conducted by the department as a whole as well

as the number of stops made by individual officers determines this. It is then determined if the people stopped are disproportionate as compared to the percentage of minorities in a particular community (Montgomery, 2001). There are concerns from law enforcement officials and labor organizations about the collection of such information. Law enforcement managers are concerned that the reporting process will result in lower activity rates by officers who purposely avoid contact with minority members, a term referred to as “de-policing” or “disengagement.” Some media accounts have publicized interviews with officers who have stated that they will curtail their activities due to fear of possible administrative or criminal actions when investigated for accusations of racial profiling (Oliver, 2000). Law enforcement officials fear that this might erode the gains made in reducing the crime rate (Forgave and Tizon, 2001). Labor officials that represent police unions are concerned about whether the information gathered would be used against an officer in either an administrative matter resulting in disciplinary measures or possibly even criminal actions.

San Antonio is experiencing this dilemma. Meetings and interviews with representatives from various community groups provides evidence that their concerns and fears mirror that of the nation. Are we to have a low crime society, in which cops are violent cowboys, or a high-crime culture, in which cops can't stop a mob without written Justice Department approval? Congress has established the End Racial Profiling Act, which forces local police to record the race of everyone subjected to a traffic or pedestrian stop and punishes officers who rely on race when determining whether to stop someone. San Antonio got a jumpstart on this mandate. The police department, with the input of

community leaders, has devised such an accountability system. It will, inevitably, yield mountains of data in the next few years as police departments begin to release figures on the people they stop. The hard part, however, will still be in figuring out why they stop them-and whether race should ever be part of that reason.

Ultimately, one person's perception is another person's reality. The interviews conducted with members of the community show that they are truly concerned about racial profiling in their neighborhoods. Although none of the people interviewed could relate or share personal encounters with the police, each had a secondhand account from friends and relatives about how the police mistreated them.

There is a concern that the collection of data will cause police officers to reduce traffic stops or encounters with citizens of minority communities. In departments that have already implemented data collection methods, there is evidence that this is occurring in other major metropolitan cities and the survey conducted of members of this department indicates that disengagement could ultimately happen in San Antonio, TX. Police officers with the department are trained to conduct their stops based on constitutional requirements of reasonable suspicion and probable cause. This does not rule out the possibility that officers are profiling minorities. The real victims of this entire process may be members of the minority communities themselves. The practice of disengagement may cause officers to become more reactive than proactive and not take action against minor criminal offenses that are occurring in minority communities. This could ultimately lead to higher crime rates because officers may become less visible in minority communities that desperately require their services. Furthermore, the withdrawal by the officers may hinder

community relations between the police department and minority citizens.

Profiling should not be totally discarded or abandoned. It still should be regarded as a very valuable law enforcement tool when used under the appropriate circumstances. For example, in light of the terrorist attacks on September 11, 2001, there is evidence that the FBI profiled some of the terrorists themselves and was fortunate to apprehend them. Coincidentally, one of the main characteristics that the FBI used in the apprehensions was the race of the suspect. The appropriate circumstances call for either agents of the FBI or local law enforcement officers to be trained in profiling. The training should include stopping subjects based on reasonable suspicion or probable cause and the joint sharing of information between agencies. This ultimately could lead to more effective law enforcement and the elimination of innocent people being detained and minority citizens feeling that they are being harassed just for the color of their skin.

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APPENDIX

OFFICER SURVEY

1 Do you believe San Antonio Police Officers are racially profiling suspects?

Yes

No

2 Have you during the course of your career racially profiled a suspect?

Yes

No

3 Do you feel the media is overplaying how law enforcement is involved in racial profiling?

Yes

No

4 Will racial profiling documentation cause you to react differently to minorities?

Yes

No

5 Do you feel racial profiling will cause you or other officers to become more reactive than proactive in dealing with crime?

Yes

No