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Racial Profiling

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## Abstract

Behavior profiling, as an investigative analysis, was initiated by the Federal Bureau of Investigation (FBI) to aid law enforcement in identifying criminals. However, when strategies that target criminal offenders are unevenly and incorrectly applied, it becomes discrimination, a phenomenon that has been coined as “Racial Profiling.” It has been suggested that law enforcement officers routinely use ethnicity as a proxy for criminality that disproportionately subjects minorities to law enforcement stops and searches. While profiling has a legitimate place in law enforcement, racial profiling has become a shibboleth of the 1990’s. Racial profiling is an emotionally charged issue that merits review because it has made minorities feel they are victims of a negative stereotype. To set the framework for a critical analysis of racial profiling, close scrutiny must be applied to the disproportionate numbers of minorities, as compared to white motorists, being stopped and searched while driving on America’s streets and highways.

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## **Introduction**

To professional law enforcement officers and the public, racial profiling is blatantly objectionable and indefensible. Basically, it amounts to the improper practice of selecting potential criminal suspects because of their race or ethnicity. Consequently, while racial profiling is prejudice, criminal behavior profiling if properly applied by qualified investigators, is a valuable tool that aids police investigations of serial offenses.

This study seeks to eliminate confusion regarding a difficult social issue, coined as racial profiling, as compared to criminal behavior profiling. Profiling is a poorly understood topic that has been misunderstood and misused many times. This research seeks to eradicate the confusion through a thorough clarification of legitimate criminal behavior profiling, while at the same time, defining what is unfair persecution and discrimination, referred to as racial profiling. In order to accomplish this task, one must explicitly research the background of criminal behavior profiling as initiated by the Federal Bureau of Investigation. The researcher will then perform a thorough investigation of the accusations made by the citizens that, “minorities are being stopped, detained, and searched by the police based solely on their race, ethnicity, or nationality.” Specifically addressed in this paper will be the question; do police systematically harass racial and ethnic minorities?

First, there have been too many misunderstandings and concerns regarding traffic stops and searches not to review statistics involving minority stops by police. To begin this study, one must realize that police working in minority communities would obviously encounter more minorities than white citizens. However, the law requires a traffic stop to be based on probable cause that is substantiated by articulable facts, not on

an inference or intuition. The problem occurs when there is considerable overlap of the concepts that leads to the perception of racial profiling. While the perception may be incorrect, the perception in itself creates a problem for police and anyone who may believe this perception to be true. Hence, many times a situation must be evaluated on the basis of the circumstances and articulated by factual information (Fredrickson & Siljander, 2002).

The implications of this impropriety have led to legislation mandating written agency profiling policies, data collection, public education and awareness of racial profiling, as well as close monitoring of all traffic stops. The *Fourth Amendment* protects individuals from improper police action, while the *Fourteenth Amendment* is the legal basis for law enforcement action. The key to proper police behavior requires that officers receive the proper training and education to understand the difference (Fredrickson & Siljander, 2002).

This research involves a review of prior studies, social science journal articles, professional articles, self-reporting surveys, and books about racial profiling and criminal behavior profiling. Findings will offer a more realistic understanding of racial profiling as opposed to criminal behavior profiling. And, as such, racial profiling research will aid in the enactment of proper safeguards to protect ethnic and racial minorities, as well as police from bias. Such policies will offer police guidelines that will allow officers to continue to operate at maximum efficiency without violating individual rights.

Anticipated findings are expected to indicate, there have been abuses of police powers during traffic stops and searches by law enforcement personnel. Such abuses are not believed to meet the reasonableness standard required by opinions issued by the

Supreme Court (*U.S. v Cortez, 1981 & Terry v Ohio, 1968*) as far back as the 1960's. Probable findings are also expected to indicate that education and training for the police as well as the public will improve police-community relations. Such findings along with strict police policies and monitoring, combined with legal sanctions and ramifications, are necessary to protect individual rights. It is believed that there are only a small percentage of police who are actually racists and intentionally discriminate against ethnic minorities. However, it is this small percent that make headlines on the national news media, leading the general public to conclude that all police are prejudiced.

The benefit of this research will show that written policies, cultural awareness, ethical leadership, training, and continual monitoring are important for officers. When scrutinizing the numerous aspects involved in issues concerning criminal behavior profiling, as compared to racial profiling, it becomes important to understand the differences. When officer discretion becomes discrimination it is time to perform an in-depth study to prevent future occurrences of racial prejudice (Fredrickson & Siljander, 2002).

Criminal behavior profiling is a complex issue that requires continuous training for police. Criminal profilers must cross train in several disciplines such as: psychology, sociology, criminalistics, and forensic pathology (Turvey, 2003). Modern behavioral profiling and criminal investigative analysis, as practiced by the behavioral science units of the National Center for the Analysis of Violent Crime, are taught at the Federal Bureau of Investigation center in Quantico, Virginia (Douglas & Olshaker, 2000). Behavior profiling is not racial profiling; it is the ability to interpret forensic evidence from a behavioral standpoint (Douglas & Olshaker, 2000). Based on the extensive training

required and the many areas to consider, profiling becomes extremely complicated and mistakes can be easily made. Profilers must elicit individual meaning from complex individual behavior that is multifaceted and dynamic (Turvey, 2003). Criminal profiling of a specific crime is designed to narrow the pool of suspects and offer potential interrogation techniques once a suspect is developed, not target a specific ethnicity (Turvey, 2003).

## **Literature Review**

Criminal behavior profiling involves tangible evidence, background information, and forensic evidence arranged in a pattern that corresponds to a reconstruction of the crime scene (Clegg, 2002). The purpose of profiling is to aid police in identifying the individual who committed the crime or identify individuals who are likely to commit a certain type of offense (Clegg, 2002). The Federal Bureau of Investigation (FBI) began criminal behavior profiling as a tool to apprehend dangerous serial offenders. Seven steps are involved in profiling a suspect (Douglas & Olshaker, 1997):

- 1. Evaluation of the criminal act itself.*
- 2. Comprehensive evaluation of the specifics of the crime scene(s).*
- 3. Comprehensive analysis of the victim(s).*
- 4. Evaluation of preliminary police reports.*
- 5. Evaluation of the medical examiner's autopsy protocol.*
- 6. Development of a profile with critical offender characteristics.*
- 7. Investigative suggestions predicted on construction of the profile.*

Criminal profiling is often confused with, and incorrectly thought to be synonymous with, the term racial profiling. This confusion is a result from a general misunderstanding of the practice of criminal profiling, and a natural aversion to what has come to be called racial profiling ( Fredrickson & Siljander, 2002). Racial profiling occurs when police stop an individual based solely on that person's perceived ethnicity or race, a type of enforcement that is considered prejudicial. This is not to be confused with criminal behavior profiling which involves various steps of forensic evidence collection combined with an extensive investigation of each case, on a case-by-case basis.

When reviewing the long history of media attention that involves differences between ethnic groups and law enforcement, one must consider the potential for abuse of power by authorities (Horizon Magazine, 2001). The term "racial profiling" rarely appeared before 1995, but press coverage of the statistical data and alleged racial motivation became intense in the late 1990's. (O'Reilly, 2002). The publicity occurred when reports were made to the news media that travelers of Maryland and New Jersey interstate 95, were allegedly stopped based on a police profile of the drivers race as an implication of possible drug trafficking (O'Reilly, 2002). New Jersey officials admitted to racial profiling in a report released on April 20, 1999. New Jersey officials were presented with this information, based on a statistical study that found racial profiling practices, the stopping of drivers based on race alone, was not just a perception but a documented reality in their area (Garlikov, 2003). New Jersey was forced to accept a massive consent decree controlling its state police, and was compelled to free dozens of



arrested drivers who had been accused of drug trafficking through the use of racial profiling (O'Reilly, 2002).

Accusations of racial profiling arise from documented statistics involving traffic stops that exhibited a disproportionate number of traffic stops and searches involving “people of color” as compared to white motorists as far back as 1969 (Bayley & Mendelsohn, 1969). Obtaining thorough and complete data about traffic stops requires additional information to substantiate the charge that “too many” minority drivers are being stopped, searched, and arrested because they are “people of color.” However, because statistics indicate there is a disproportionate number of minorities being stopped and searched, a review of departmental stops became necessary, as well as strict policies against racial profiling (Bayley & Mendelsohn, 1969).

Studies involving fifteen cities found misuse of force and threats by police in 22 percent of all blacks and 6 percent of all whites, who reported having been searched without good reason and 20 percent of all blacks and 9 percent of all whites said the police had been disrespectful (Reiss, 1972). While arrest and crime statistics are facts, the interpretation and conclusion drawn from such statistics many times are subject to different conclusions based on extenuating factors (Harris, 2002). In 1990, one out of four black males between the ages of eighteen and twenty-eight was under criminal justice control (Harris, 2002). According to 1999 National Crime Victimization Survey data, victims of violent crime did not report the crime in 53.4 percent. Almost 75 percent of all sexual assaults were not reported; almost 75 percent of all muggings, and nearly 50 percent of all household burglaries are never reported (Harris, 2002). Therefore, there is

the possibility that unreported crimes may make statistics less reliable as overall indicators of who commits crimes (Harris, 2002).

The inconsistency between media reports and the interpretation of the criminological data concerning race is not a new phenomenon (Taylor & Whitney, 2002). Earlier research found Blacks more likely to be involved in crimes, four to one with regard to violent crimes and about three to one with regard to property crimes (Wilson & Herrnstein, 1985). Therefore, it would be logical for police to closely monitor problem areas where a higher percentage of crimes occur.

On the other side of the coin is the classic case of the traffic stop that caught Oklahoma City bomber Timothy McVeigh because his rear license plate was missing (O'Reilly, 2002). The officer making the stop then observed a weapon in the vehicle and arrested McVeigh on a weapons charge. While McVeigh was still in police custody, investigators of the Oklahoma City Bombing found evidence that made McVeigh a suspect in the bombing that took numerous lives. This is an indication that traffic stops are valuable when properly performed.

Normally when the police stop a motorist, few questions are asked and a routine drivers license check and warrant check of the driver is conducted. A citation may be issued for an infraction or a verbal warning given. Such checks are considered reasonable, the stop is not considered a seizure, and no warrant is needed (O'Reilly, 2002). However, should the reasonableness standard be exceeded, then rights become infringed upon. Indicating the key to preventive action is education, training, ethical leadership, departmental policies, monitoring, and discipline.

The “geography of justice” varies across this country because major racial and ethnic minority groups are not evenly distributed, resulting in a salience of race and ethnicity in various locations. More than half of all racial and ethnic minorities live in California, Texas, New York, Florida, and Illinois, with 20 percent in California. Such information must be considered when evaluating data concerning the percentage of minorities involved in police traffic stops (Walker, Spohn, & DeLone, 2000).

As America moves into the postmodern era, it would be foolish to expect individuals to be a homogeneous group; they will be a combination of different ethnicities and cultural backgrounds (Henson, 1999). This potpourri of Americans includes liberals, moderates, and conservatives; Democrats, Republicans, Libertarians as well as different religious groups (Henson, 1999). Some will be rich, while others may be middle class, and some are poor resulting in different perspectives (Henson, 1999). Such differences may involve misunderstandings that can lead to false conclusions, as represented in racial profiling. When conclusions involve the belief that racial profiling is occurring, then the perception of racial profiling in itself presents a problem to law enforcement as well as the group that believes there is a problem.

According to studies performed by the American Civil Liberties Union, (2001) Maryland state troopers searched 533 cars on Interstate 95. Over 59 percent of the drivers were Black, 10 percent were Hispanic, and overall 63 percent of the drivers forced out of their vehicles were minorities (Washing Post, 2001). According to the Post, the Maryland affiliate of the American Civil Liberties Union and more than 140 minority drivers who claim to be victims of racial profiling by the Maryland State Police, many

look at the numbers and believe this is clear evidence of racial bias (American Civil Liberties Union, 2001).

According to the American Civil Liberties Union (2001) a per capita basis, as passengers or drivers, whites experienced a rate of contact for traffic stops 6 percent above the rate estimated for blacks and 26 percent above that of Hispanics. In 1999, an estimated 113 whites per 1,000 whites in the resident population experienced at least one traffic stop as a driver or passenger. The comparable rate among black residents was 107, and among Hispanics, 90, see Figure 2 (Fidell, 2001). Persons age 18 to 19 had a per capita rate of contact arising from a motor vehicle stop of 225 per 1,000, more than 4 times the rate of traffic stops experienced by those age 50 and older. According to the American Civil liberties Union (2001) the percentage of the 43.8 million residents with a police contact in 1999 are represented as:

- Motor vehicle stop 52 %
- Report a crime 19%
- Request assistance 12%
- Report a neighborhood problem 9%
- Involved in a traffic accident 8%
- Witness to a traffic accident 5%
- Witness to a crime 3%
- Questioned as a crime suspect 3%
- Attend crime prevention meeting 1%
- Served warrant 1%

In 1999, American Civil Liberties Union estimated that 10.3% of licensed drivers were pulled over by police one or more times in a traffic stop. The 10.3% represent 19.3 million stopped drivers. The 19.3 million includes 4 million pulled over more than once during the year. An estimated 2.1% of all licensed drivers were stopped two or more times. Of the 19.3 million, an estimated 60.8% (11.7 million) were male and 39.3% (7.6 million) were female, 77% (14.9 million) were white, 11.6% (2.2 million) were black, 8.4% (1.6 million) were Hispanic, and 3% (.6 million) were drivers of other races (Figure 1).

Studies by the American Civil Liberties Union (2001) found Males 12.5% were more likely than females 8.2% to be stopped at least once, and males 2.9% were more likely than females 1.4% to be stopped more than once. Blacks 12.3% were more likely than whites 10.4% to be stopped at least once, and blacks 3.0% were more likely than whites 2.1% to be stopped more than once. Nearly twenty percent 18.2% of teenage drivers were stopped at least once. Of the 19.3 million stopped drivers, police issued a ticket to 54%, carried out a search of some type (either a physical search of the driver or a search of the vehicle) on 6.6%, handcuffed 3.1%, arrested 3.0%, used or threatened force against .7%, and used or threatened forced that the driver deemed excessive against .5%.

During the traffic stop, police were more likely to carry out some type of search on a male 9.4% than a female 2.3%, and more likely on a black 11. % or Hispanic 11.3% than a white 5.4%. Police searched the driver or the vehicle of an estimated 1.3 million drivers (6.6% of all stopped drivers). Two-thirds 66.4% of 1.3 million searches were without the driver's expressed consent. In nearly 90% (86.7%) of the 1.3 million searches, no drugs, alcohol, illegal weapons, or other evidence of criminal activity was

found. Searches conducted without the driver's consent 12.9% were not more likely to find criminal evidence than consent searches 14.2% according to American Liberties Union (2001).

A self-reporting survey in a Police-Public Contact Survey (Bureau of Justice Statistics, 1999) found "people of color" more likely to have their vehicle searched during a traffic stop than a vehicle driven by a white individual. Survey findings, indicated Blacks 8.5% and Hispanics 9.7% as compared to 4.3% of the whites had their vehicles searched during traffic stops (Figure 2). This study found Black 8% and Hispanic motorists 7% were more likely than white motorists 3.5% to be subjected to a physical search of the driver. While the survey data can reveal various racial disparities, it cannot answer the question of whether the driver's race, rather than the driver's conduct at the time or any other specific circumstances surrounding the stop, is the reason the search was conducted. That is because the survey did not include questions about circumstances or driver conduct.

## **Methodology**

Do police systematically harass racial and ethnic minorities? To form a hypotheses on this question would be conjecture for the most part. Surveys of individuals result in skewed results in that they reflect subjective and, oftentimes, biased responses thereby resulting in ineffective treatment of the subject. However, hypothetically speaking if there is a perception of racial profiling by ethnic minorities, then there is a perceived problem that will need to be addressed.

The method of inquiry will consist of a review of scholarly journals, research studies, self-reporting surveys, criminal justice statistics, numerous books, and professional articles concerning racial profiling was conducted, as well as a complete review of the legislatively mandated requirements enacted in the Texas Code of Criminal Procedure, combined with a complete review of departmental policy and documentation. Finally, the materials were evaluated for factual information, which excluded opinions or cultural perceptions.

The final result of the obtained information analyzed was a factual documentation of the available information presented in a statistical, non-biased format. The information consists of actual studies and statistics obtained through numerous studies performed. Included in this information will be factual data utilized in criminal behavior profiling as initiated by the Federal Bureau of Investigation.

## **Findings**

Debates over the existence of racial discrimination, as seen in racial profiling, are often unproductive due to confusion over the perception of what is discrimination and what is not. While there is a significant difference between disparity and discrimination, discrimination can take different forms and involves different degrees of seriousness as with the perception of discrimination (Chiricos & Crawford, 1995). While disparity refers to a difference, it does not necessarily involve discrimination. In criminal justice, the crucial distinction is between legal and extra legal factors. Legal implications include the seriousness of the offense or an offender's prior criminal record, which are considered

legitimate legal bases for decisions because they relate to an individual's criminal behavior. Extra legal factors include race, ethnicity, gender, social class, or lifestyle and they are not legitimate bases for police action (Brownfield, Sorenson, & Thompson, 2001). Discrimination is a difference based on differential treatment of groups without reference to an individual's behavior or qualifications (Carter, 1983). The statement racial profiling means that the police make invidious distinctions based on negative judgments about an entire group of people. According to O'Reilly (2002) race-based hostility and bias is a major national issue affecting our democracy as well as a currently significant societal problem. However, policing is a thankless task under the best of circumstances and it is not unusual for the police become a target for the rage of the community when societal problems arise (O'Reilly, 2002).

While the very nature of profiling appears intrusive, it is a valuable tool when utilized to catch serial offenders and it does not violate constitutionally protected rights when it is properly applied. Certain characteristics that include race, ethnicity, and gender are descriptive and police depend on descriptions to apprehend criminals. The question arises as to when and how ethnicity or gender alone is appropriate and justified characteristics on which police ought to act (Garlikov, 2003). However, when profiling becomes the means, in whole or in part, to execute one or more acts of unfair discrimination, or persecution, it becomes illegal (Fredrickson & Siljander, 2002).

The following charts represent surveys and studies that provide information that may be insightful when determining if police harass ethnic and racial minorities.

Figure 1, shows that the number of whites experiencing traffic stops is higher than those for minorities. However, looking at Figure 2, it shows that based on a percentage of



population, the difference between whites and non-whites being stopped is less than 10%. Figure 3, presents a radical difference in the possibility of a search being executed on a traffic stop. Studies found both Blacks and Hispanics were subjected to searches twice as often as whites.

Charts displayed in Figures 4 and 5, present a better picture of how and why racial profiling is occurring. Figure 4 represents attitudes toward racial profiling within police departments. It shows that almost 60% of the respondents felt that racial profiling was not a problem. This might be an indication that complaints of racial profiling were falling on deaf ears because the department leaders do not perceive the high percentage of minorities being stopped and searched as a problem. Figure 5 is even more interesting in that while Formal Internal Discussion occurs in 38% of the departments, modifications to policies and training were found to be below 20%. This may be an indicator that the departments are more intent on discussion rather than action, further delaying much needed changes. Statistics displayed in the charts and graphs came from Fidell et al, (2001).

## **Discussion**

To restate the problem, one must ask what has brought about the perception of racial profiling, is it a reality or misperception? To evaluate this problem one must keep in mind that law enforcement and communities have different goals, and as such, it is not uncommon for issues to develop. Many times, such issues are the result of misunderstandings, however, statistics appear to indicate minorities are being stopped

and searched more than whites. To compound this quagmire, the media has broadcast their interpretation of such statistics into almost every home in America, thus exacerbating the problem. While statistics alone do not take into account the many extenuating circumstances involved in the traffic stop, it does lend to the perception that racial profiling is occurring. This type of inference affects community-police relations.

The hypothesis of this study is that, if there is a perception of racial profiling; there is a problem. This discernment began when the war on drugs was initiated by over zealous officers who misused a stereotype. Such misunderstandings develop into very real problems that appear stronger than the truth; a perception which the national news media has sold to the majority of Americans, creating a very real problem in correcting this issue. Such issues do not just disappear on their own; they must be addressed and overcome. To accomplish this task is no small undertaking. Americans demand equal justice for everyone because this country has matured through the generations in areas of social equality. Therefore, steps must be taken to prevent, as well as, dispel this perception of injustice and guidelines must be established before the American public will believe the issue has been resolved.

Based on the numerous misunderstandings involving racial profiling, it is difficult to conceive that criminal profiling has a legitimate and successful history when properly applied by qualified investigators to serial offenders. Offenses that are profiled by the Federal Bureau of Investigation include multiple homicides, serial rapes, serial hijackers, child molesters, and arsonists. Those who are familiar with criminal profiling of serial killers and child molesters are aware of the correlation between young white males and such crimes. This is a significant observation considering that the racial component of

criminal profiling appears to be objectionable only when minorities are identified as being disproportionately involved in certain types of crimes (Fredrickson & Siljander, 2002). Criminal behavior profiling involves identifying psychological calling cards left at crime scenes by serial offenders that reveal psychological traits of the offender that aid police in identification of the suspect (Keppel & Birnes, 1997).

Subsequent conclusions indicate that racial profiling has become a national issue, or shibboleth, involving socially unacceptable practices initiated by some police. While social order involves a complex cluster of individuals bound together by the rule of law, those who enforce the law are deemed responsible and held accountable for dealing with all of society, within the limits of the law. Police must fairly deal with many cultures, subcultures, families, traditions, gender arrangements, health conditions, and loose agreements that inform the decisions and actions of groups and individuals (Hofheinz, 1989). Studies do indicate disproportionate numbers of “people of color” are being stopped and searched. Therefore, government is called upon to take measures to protect the rights of these individuals.

“Integrity” is universal to the human experience; it can be considered the measure of an individual, an agency, an institution, a discipline, or an entire nation (Gardner, 1999). Integrity is a yardstick for trust, competence, professionalism, and confidence. Deep within every human being is the subconscious ability to interpret behavior and events as a mark of integrity or a violation of trust (Gardner, 1999). It is this universal tendency that makes integrity complex, challenging, and important. Policing in a democracy requires high levels of integrity if it is to be acceptable to the people (Gardner, 1999).

To maintain the integrity of the criminal justice system, racial profiling must be defined as totally unacceptable. To ensure the integrity of racial profiling policies, proper written guidelines must be provided such as those mandated by legislative amendments to the Texas Code of Criminal procedure. Such policies unequivocally state that racial and ethnic profiling in law enforcement will not be allowed (Code of Criminal Procedure, 2002). Racial profiling policies provide guidelines for officers to prevent such occurrences, and to protect officers when they act within the dictates of the law and policy from unwarranted accusations.

Racial profiling results in unequal justice that leads to systematic police harassment of racial and ethnic minorities and, as a result, Senate Bill 1074 puts into effect requirements that law enforcement agencies create multiple new policies and procedures at both the administrative and operational levels. Agencies must conduct public information campaigns, research and implement technological changes, and educate officers in all of the pertinent changes. This legislation also requires the collection, analysis, and reporting of statistical information relating to officer initiated traffic stops.

Racial bias is not a one-dimensional issue it is complex and confusing (Fridell et al, 2001). While the vast majority of police are not biased, complex social and structural issues exist that present problems. Surveys indicate that significant numbers of minority citizens harbor deep mistrust of the police, a misperception that must be corrected because it places police and citizens at a greater risk of harm (Fridell et al, 2001).

**Traffic Stops (In Millions)**

Figure 1

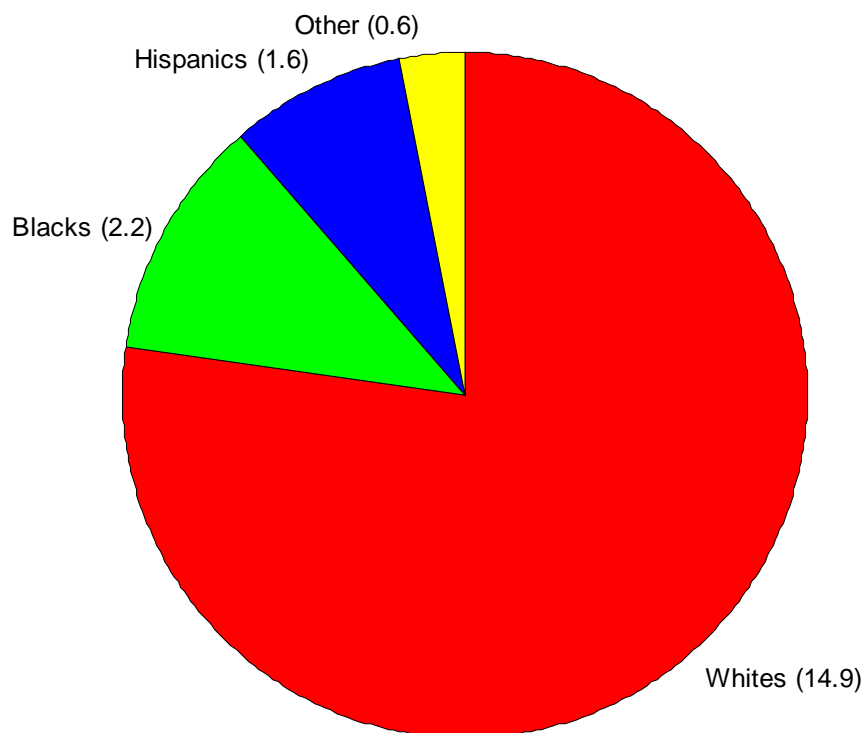
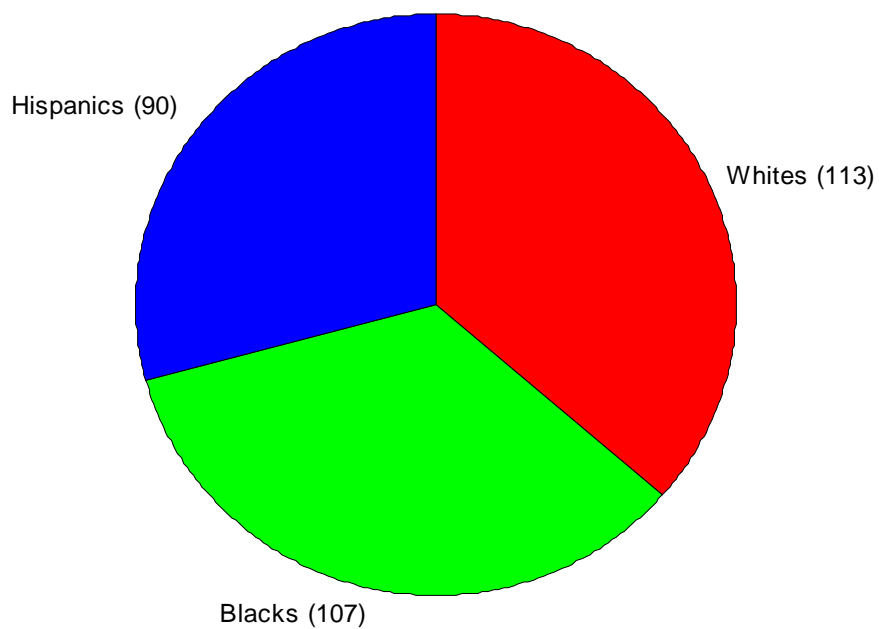
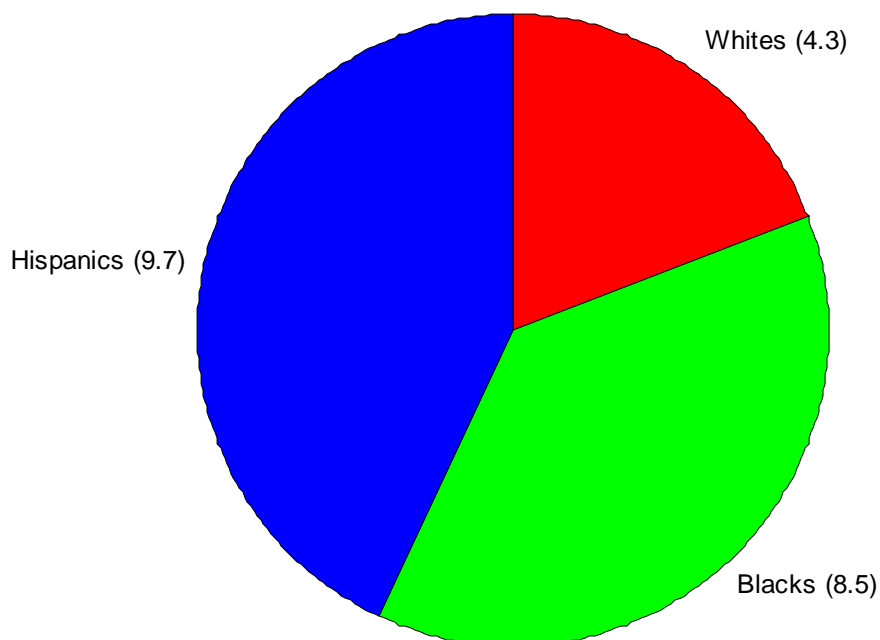
**Traffic Stops(Per 1000 Resident Pop.**

Figure 2



### Traffic Stops Resulting in Searches(%)

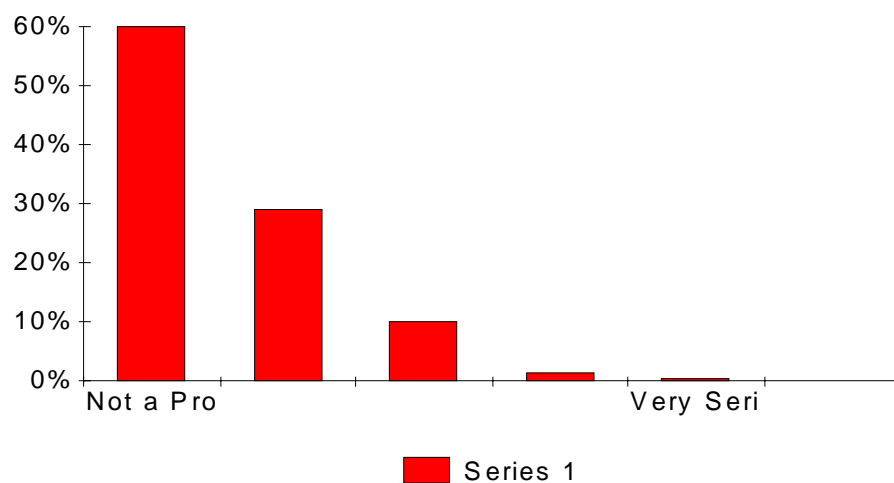
Figure 3



Information and statistics displayed on the graphs came from studies by Fidell et al (2001).

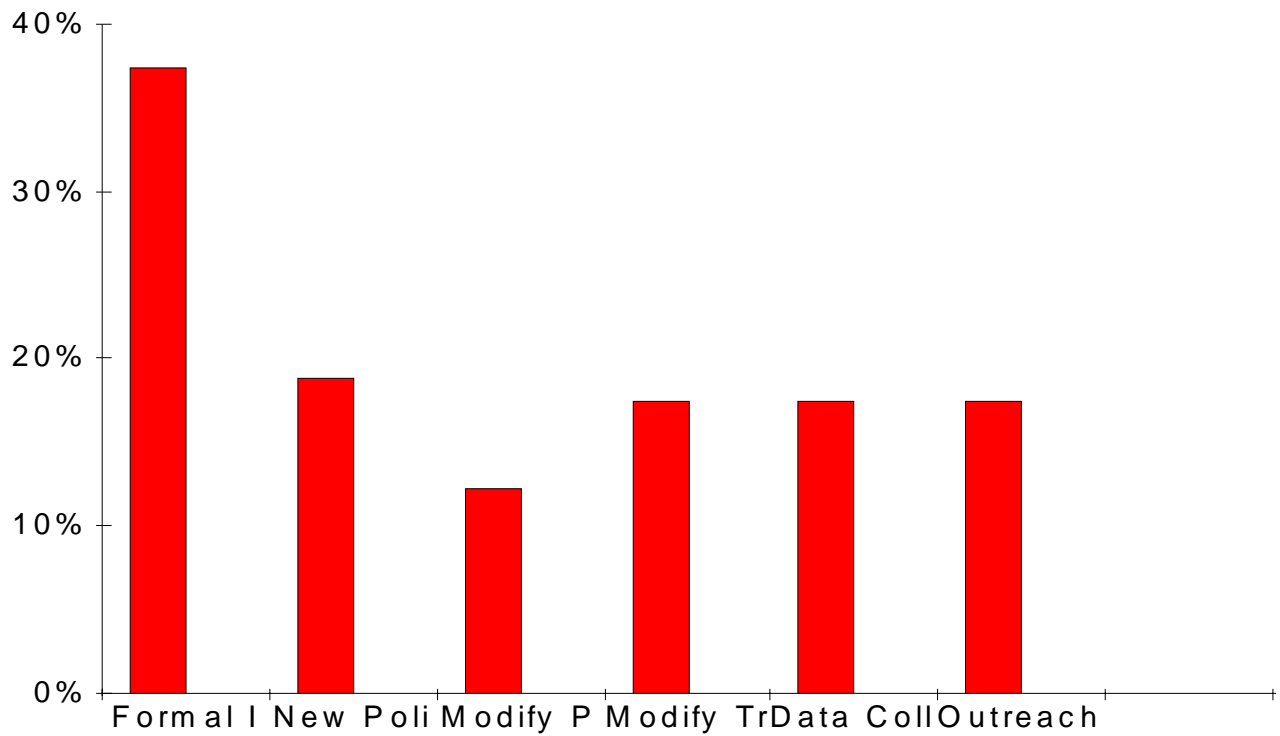
### Racial Profiling Problem Perception

Figure 4



## Departmental Responses

Figure 5



### Conclusion

When reviewing the question; “Do police systematically harass racial and ethnic minorities?” studies have found evidence of racial profiling, as may be observed in the statistics illustrated above. While more whites are stopped, “people of color” are more

likely to be searched. Therefore, this information alone lends toward the perception that racial profiling does occur.

Based on this evidence, the American public has the perception that racial profiling does exist and must be addressed. As a result, laws have been passed that contain specific guidelines pertaining to police and traffic or pedestrian stops. New legislation has mandated strict racial profiling policies as well as cultural diversity training and guidelines for police to address discriminatory behavior. In conclusion, when abuses occur or are perceived to have occurred, as those documented on Interstate 95 in Maryland and New Jersey where travelers were stopped, detained, and searched based on their race or ethnicity as an implication of drug activity, everyone loses.

Limitations were observed when age was a consideration because findings indicate younger drivers are more likely to be stopped than older individuals and young males are more likely to be stopped than young females. It is unknown if this occurs because of driver inexperience, daring, or experimentation. When age is considered, race or ethnicity did not support the hypothesis that drivers are stopped based on nationality only.

This study is relevant to law enforcement as well as those who stand to be affected by the results because many norms, both written and unwritten, rule society. Laws and acceptable behavior, as such, are designed to prevent bias from emerging into collateral problems. Relationships between citizens and government have often been a source of contention and concern, but when racial profiling is the issue, a poorly conceived solution is possible because this issue is both complex and controversial (Fredrickson & Siljander, 2002). Written laws that are both complex and controversial



reflect throughout American society and preside over almost all areas of life as we know it. Law impacts all forms of social behavior; its significance and pervasiveness resonate on all walks of life (Vago, 1994). In subtle ways and, at times, not so subtle, a complex set of laws governs our every action. It determines registration at birth and the distribution of possessions at death. Laws regulate prenuptial agreements, marriage, divorce, and the handling of dependent children (Vago, 1994). Laws set the speed limit and the length of school attendance. Laws control what we eat and where and what we buy. Laws protect ownership and define boundaries of private and public property (Vago, 1994). Laws regulate business, raise revenue, provide for redress when agreements are broken, and uphold certain institutions, such as the family. Laws are designated to protect the legal and political systems by defining power relationships (Vago, 1994).

Racial profiling laws establish a rights remedy paradigm, referred to as reasonableness by the probable cause standard (Benner, 2002). Accusations of racial profiling arise from statistics involving traffic stops that currently exhibit a disproportionate number of traffic stops and searches are conducted involving “people of color” as compared to white motorists (Bayley & Mendelsohn, 1996). Obtaining thorough and complete data about traffic stops requires additional information to substantiate the charge that “too many” minority drivers are being stopped, searched, and arrested because they are “people of color.” However, because statistics indicate there is a disproportionate number of minorities being stopped and searched, a review of departmental stops becomes necessary, as well as strict policies against racial profiling.

In the wake and magnitude of terrorist attacks on America and the threat of future attacks, police activity is justified in being suspicious of certain individuals in certain locations (Garlikvo, 2003). However, the nature and scope of the activity should commensurate with the probability that such individual is an actual terrorist under the circumstances, and also commensurate with the magnitude and scope of the potential harm that could occur based on that possibility (Garlikvo, 2003). Often there is a fine line between what can be considered a legitimate aspect of criminal behavior profiling, especially after September 11, 2002 and what is considered as a violation of one's fundamental rights as guaranteed by the Constitution. The required monitoring of police action is only a small part of addressing the problem. Stereotyping, as found in racial profiling, did not occur overnight and will not be resolved overnight. Education, training, procedural analyses, monitoring, and ethical leadership by law enforcement, community leaders, and national leaders is necessary to eliminate the perception of impropriety in police conduct.

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