RACIAL PROFILING DATA COLLECTION: PROMISING PRACTICES AND LESSONS LEARNED

Prof. Deborah Ramirez
Executive Director, PfP
Northeastern University
Boston, MA

Budapest, Hungary
Definition of Racial Profiling (Narrow vs. Broad)

**Racial Profiling** is the practice of detaining a suspect based on a broad set of criteria or a stereotype which casts suspicion on an entire class of people without any individualized suspicion of a particular person, and without specific, concrete evidence that links race to the particular crime being investigated. Concrete evidence linking a suspect to a crime can be specific intelligence, reliable and credible informant information, witness information or other specific information.
The Bureau of Justice Statistics (2001) Reports that:

Traffic stops represented 52% of individual contacts (2001).
Perceptions of the Problem of Racial Profiling (U.S.)

**Gallup Poll (December 1999)**

59% of sample of adults, 18 and over, say that racial profiling is widespread

77% of Blacks believed racial profiling was widespread

**Kaiser Family Foundation Data (2001)**

52% of Black men report that they have been unfairly stopped because of their race.

25% of Black women report that they have been unfairly stopped because of their race.
“Abusive police raids on Romani settlement are commonplace in Greece. These raids are based on racial profiling of Roma by the police. Numerous allegations of Romani victims also indicate that ill-treatment of Romani individuals, amounting in some cases to torture, and frequently including physical and verbal abuse in police custody, is widespread. In the recent years, there have been at least three deaths of Roma in Greece due to excessive use of firearms by law enforcement officials. Police officers’ use of racial epithets in some cases of police abuse of Roma is indicative that racial prejudice plays a role in the hostile treatment to which officers subject Roma.”
### Traffic Stops and Searches Compared to Traffic Violator Population

<table>
<thead>
<tr>
<th>Racial/Ethnic Category</th>
<th>Population</th>
<th>Stops</th>
<th>Searches</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jersey (1997-98)</td>
<td>13.5% violators</td>
<td>27%</td>
<td>53%</td>
</tr>
<tr>
<td>New York (1998-99)</td>
<td>25%</td>
<td>53% (and frisk)</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Individual Searches Compared to Population

<table>
<thead>
<tr>
<th>Racial/Ethnic Category</th>
<th>Population</th>
<th>Searches</th>
</tr>
</thead>
<tbody>
<tr>
<td>England (1998)</td>
<td>7%</td>
<td>49%</td>
</tr>
<tr>
<td>Maryland (1995-1996)</td>
<td>15% violators</td>
<td>73%</td>
</tr>
<tr>
<td>Customs (1999)</td>
<td>NA</td>
<td>31%</td>
</tr>
</tbody>
</table>
Why Is Data Collection Important?

- Has the potential to change police behavior / perceptions (e.g. “we don’t we do this” or “this is good policing”)
- Addresses Community Concerns About Accountability and Transparency and thereby strengthens police/community relationships
- Management Tool for Police Departments (e.g. training, supervision and development of resources)
- Early Warning System
As of Jan 2005, all but four states are collecting data pursuant to state legislation, federal decree, or voluntarily.

- States currently not collecting data are: Vermont, North Dakota, Mississippi, Hawaii

- More vehicle stops than pedestrian stops
Sample Traffic/Pedestrian Stop Data Collection Elements

Routinely Collected Data Elements

Date, Time and Location of Stop (needed for analysis)

License Number, State and Vehicle Description (vehicle stop only, not needed for analysis)

Length of Stop

Officer Identification

Officer initiated or call for service
Sample Traffic/Pedestrian Stop Data Collection Elements

Recommended Data Collection Elements

Date of Birth
Sex
Race or Ethnicity
Reason for the Stop
Disposition of Stop
Search Information, including type of search (low/high discretion)
Recommended Protocol

Local Task Force Creation

Pilot Data Collection Design

Data Collection Elements

Mechanisms for Ensuring Data Integrity
Data Integrity

- Independent Observations
  - unmarked cars and scanners
  - deficiency: misses stops not called in
  - community can help

- Telephone surveys
  - costly
  - community can help
  - quality of info
  - unlisted / changed numbers

- Cross check traffic stops with CAD data
Lessons Learned: Race Differences in Find Rates for Traffic Stops

### Hit/Arrest Rates for Persons Searched Across Racial Groups

<table>
<thead>
<tr>
<th>Selected Studies</th>
<th>White</th>
<th>Black</th>
<th>Latino</th>
<th>Asian</th>
<th>Total Survey N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998 U.S. CUSTOMS</td>
<td>5.8%</td>
<td>5.9%</td>
<td>1.4%</td>
<td>N/A</td>
<td>31,000</td>
</tr>
<tr>
<td>1995-1996 (arrest or seizure)</td>
<td>28.8%</td>
<td>28.4%</td>
<td>N/A</td>
<td>N/A</td>
<td>1,148</td>
</tr>
<tr>
<td>1997-1998 (arrest or seizure)</td>
<td>10.5%</td>
<td>13.5%</td>
<td>N/A</td>
<td>N/A</td>
<td>78</td>
</tr>
<tr>
<td>1998-1999 (arrests)</td>
<td>12.6%</td>
<td>10.5%</td>
<td>11.3%</td>
<td>N/A</td>
<td>175,000</td>
</tr>
<tr>
<td>1998 (searches)</td>
<td>33.0%</td>
<td>26.3%</td>
<td>N/A</td>
<td>N/A</td>
<td>826</td>
</tr>
<tr>
<td>1998 (arrest only)</td>
<td>11.1%</td>
<td>11.7%</td>
<td>N/A</td>
<td>9.4%</td>
<td>85,000</td>
</tr>
<tr>
<td>2000 (searches)</td>
<td>23.0%</td>
<td>24.0%</td>
<td>29.0%</td>
<td>26.00%</td>
<td>2,146</td>
</tr>
<tr>
<td>2001 (seizures)</td>
<td>22.2%</td>
<td>23.3%</td>
<td>20.5%</td>
<td>19.10%</td>
<td>36,854</td>
</tr>
</tbody>
</table>
Lessons Learned: “Hit” Rate for Customs Searches (1998 and 2000)

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># Searches</td>
<td># “Hits”</td>
</tr>
<tr>
<td>White</td>
<td>11,765</td>
<td>677</td>
</tr>
<tr>
<td>Black</td>
<td>6,141</td>
<td>365</td>
</tr>
<tr>
<td>Latino</td>
<td>14,951</td>
<td>209</td>
</tr>
</tbody>
</table>
Customs Searches* (Post 1998 Changes)

- Requirement of supervisory approval for searches
- Requirement of RAs
- Behavioral analysis
- Observations
- Inconsistencies during questions
- Intelligence
- Use of drug – sniffing dogs

* David Harris, Profiles in Injustice (2002) pp 218-220
Common Challenges to Racial Profiling Data Collection

1. How can officers determine the race or ethnicity of the citizens they stop in the least obstructive manner and without increasing the intrusiveness of the stop? (officer perception)

2. What budgetary, time, and paperwork burdens will data collection impose on police departments? (small burdens, 30 sec. to perform)

3. Will data collection procedures result in police “disengagement” by leading police to scale down the number of legitimate stops and searches they conduct? (some but small)

4. How can departments ensure the accuracy of data collection procedures and be certain that reporting requirements are not circumvented by officers who fail to file required reports or who report erroneous information? (auditing)
Common Challenges to Racial Profiling

Data Collection

5. How can departments collect enough information to provide a refined contextualized analysis without unduly burdening line officers? (limit to basic stop & search data)

6. How will the data be analyzed?

   Will the data be analyzed and compared to an appropriate measure of the statistically correct representative population?

   How do you ascertain and define the parameters of that population?

7. How will community members and stakeholders respond to the analysis?
On the Web

Partnering for Prevention & Community Safety Initiative
www.ace.neu.edu/pfp

Dept. of Justice Promising Practices Guide
www.ncjrs.org/pdffiles1/bja/184768.pdf