Racial Profiling: Towards Simplicity and Eradication

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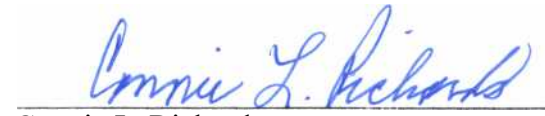
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ABSTRACT

Racial profiling has been studied, analyzed, and been the subject of policy formulation for some period of time now; the assessment conducted herein yielded interesting and informative data on the subject of 'Racial Profiling' and seeks to contribute further to policy formulation both at the jurisdictional and agency levels. Historically, methods that have been developed to determine the existence of racial profiling have been used to prove discriminatory intent injudicial settings and as such, have been characterized by the heavy use of advanced statistical methods. However, Court rulings, particularly the *Whren* (1996) decision, has made proving discriminatory intent a nearly insurmountable hurdle. The primary purpose of this study was to examine police commanders' perceptions as to the usefulness of an easier to understand tool to determine the existence of racial profiling. This study does not seek to divorce statistics from the process; however, the underlying thought process is that those with the most cause to use and discuss racial profiling, do not fully understand the statistically complex methodologies currently in use. The study revealed that a decided majority of police commanders affirmed the usefulness of an easier to understand tool to determine the existence of racial profiling. Specifically, police commanders indicated that they do not believe that the complex methodologies are easily understood by themselves, their Law Enforcement Officer (L.E.O.) counterparts, or community stakeholders. As a result the researcher develops this more practical, easier to understand method of determining racial profiling. The researcher also sets forth a framework, consisting of a multi-pronged approach designed to eradicate racial profiling at the agency level by, among other things, establishing a watchdog-like entity and assigning individual officers a racial profiling statistic.

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# LIST OF ABBREVIATIONS AND ACRONYMS

| | |
|---|---|
| AVG | Average (mathematical) |
| ACLU | American Civil Liberties Union |
| BJS | Bureau of Justice Statistics |
| DHS | Department of Homeland Security |
| DOJ | Department of Justice |
| DPS | Department of Public Safety |
| FOP | Fraternal Order of Police |
| HWP | Highway Patrol |
| IACP | International Association of Chiefs of Police |
| L.E.O. | Law Enforcement Officer |
| NOBLE | National Organization of Black Law Enforcement |
| OJP | Office of Justice Programs |
| ORL | Office of Rights and Liberties |
| PERF | Police Executive Research Forum |
| RRD | Reason, Result, Duration |
| MOA | Memorandum of Agreement |
| S.B. | Senate Bill |
| SD | Standard Deviation (mathematical) |
| SQF | Stop and Frisk |
| $x^2$ | Pearson's Chi-square (statistical) |

# ACKNOWLEDGEMENTS

DEDICATION

This dissertation is dedicated to my Great Grandmother, Annie C. Young (1909 - 2013), who spent her 103 years on this planet nurturing. I will never forget how you would act as if you won the lottery whenever myself or another of your many grandchildren would come to your home to visit you; when in truth, it was us who won the jackpot by having you. You are missed.

Chapter I

INTRODUCTION

Race related issues have plagued the American society and will likely continue to do so. This study investigated the issue of racial profiling and racially biased policing. It was argued here that a more practical method need be developed to determine whether or not racial profiling or racially biased policing is occurring; this more practical method should be one that is truly understandable by the "majority" police commanders, community members, civil rights groups, policy makers and other stakeholders. Hence, this study evaluated the need for a more practical method to determine the existence of racial profiling/racially biased policing by surveying police commanders [lieutenant and above] as to the usefulness of such an object. Police commanders [lieutenant and above] did affirm the need for such a tool. Additionally, the study determined that a police commanders' 'rank' or 'level of education' did not have a statistically significant impact on the perception that racial profiling exists; other factors, which are too numerous list, were not measured in an effort to limit scope. This chapter frames the issues of racial profiling; the next section provides a brief history beginning with the nascency of the term 'racial profiling' followed by a brief outline of the Country's historical reactions surrounding issues of race; followed by a section focused on contemporary issues that keep the study of racial profiling pertinent and necessary. Lastly, this chapter will outline the remaining four chapters that comprise the remainder of this study.

Study Overview

The term 'Racial Profiling' is relatively new in the American lexicon, entering into mainstream media circa 1987 (Barnes 2005, 1095; Skolnick and Caplovitz 2001, 36). The term is now entrenched in the lexica of police professionals, academics, civil rights activists, law professionals and most of the World's citizens. Although the term is a relatively recent one, Katherine Barnes posits that 'racial profiling' [what she defines as], the act of investigating a particular racial group because of a belief that members of the group are more likely to commit certain crimes, has a long history in the United States (U.S.); in fact, Barnes argues that it [racial profiling] predates the Country, beginning in colonial times, "when Blacks were subject to greater policing because of a belief that they were more likely to commit crimes" (Barnes 2005, 1090; Middleton and Lombard 2011, 287). That such a long-standing practice deserves continuous study should be axiomatic; since its reemergence as a prominent issue in contemporary times, racial profiling remains a hotly discussed, debated, and researched topic. However the media coverage given to the topic has 'ups and downs' in a quasi on again/off again fashion; beginning in the late 1980s to early 1990s as a product of the 'War on Drugs' before briefly lulling, only to be revived again as a byproduct of the events following September 11, 2001 and the 'War on Terror', followed by another lull before resurfacing as a part of the debate surrounding the handling of illegal immigrants and most recently the 'Stop and Frisk' phenomenon in law enforcement (Whitney 2008, 263; Fagan, Gelman and Kiss 2007, 813).

Since the year 2000 alone, racial profiling has received prominent attention surrounding three separate subject matters: the detaining of Middle Eastern men after

terrorist attacks on the World Trade Center Buildings in New York City on September 11, 2001

(Ahmad 2004; Barak Erez 2009; Chon and Arzt 2005; Hassan 2002; Stuntz 2002; Thobani 2004;

Tumlin 2004; etc.) (this area is listed but not included in further discourse because many of the

issues involved new grounds in American jurisprudence, many testing aspects of new legislation

such as the Patriot Act); but most recently (within the last five years), the detaining and

subsequent immoderate handling of immigrants during enforcement actions [including

immigration policies] (Thobani 2004; Lopez et al. 2011; Tumlin 2004) and lastly, the

disproportionate number of investigatory stops of Black and Latino males during aggressive stop

and frisk campaigns.

Additionally, it should be noted that the initial focus of racial profiling, the disparate

treatment of minorities during vehicular investigations (traffic stops), was most likely continuing

to occur. Racial profiling has times when it receives less media attention than others [lulls], but

these lulls should not be considered emblematic of times where acts of racial profiling are less

prevalent (Gandy and Baruh 2006, 312 318; Warren and Farrell 2009, 60). The fact that racial

profiling constantly resurfaces at every major event where civil liberties are threatened should

serve as ample proof that the problems of racial profiling and its attendant issues do not cease to

exist.

Contemporary Issues and the Continued Relevance of Studying Racial Profiling Law

Professor Russell Jones argues that racial profiling is "a form of racism that America must

abandon if she intends to set an example of freedom for others" (2007, 623); he goes on to

acknowledge that; "public and political attention to this phenomenon [racial profiling] has

waned." Periods of media inactivity where racial profiling is concerned does not indicate a period

of inactivity where the practice of racial profiling is

concerned. Therefore, careful examination of the practice should remain a constant; police administrators should continuously examine whether or not the practice is occurring within its ranks, and not just when a complaint is made [and then it should be investigated properly not using some inappropriate baseline or benchmark—this will be discussed in more detail later]. Academia should conduct constant queries into why the practice occurs, who is affected and what can be done to eliminate it. Activists and public policy makers should remain vigilant keeping a watchful eye over those who threaten civil liberties in the form of racial profiling. Professor Jones cautions society that, "it is important to restart the conversations and studies of racial profiling to reach solutions to the problem" (2007, 623); this author agrees with this assertion, while adding, among other things, that a paradigm shift away from the heavy handed use of statistics in the detection and study of racial profiling could be beneficial; in fact, the research conducted herein provides evidence that police commanders are receptive to such a shift.

The U.S. has had a long history of sanctioning transgressions against civil rights and liberties across racial lines; so much so, that it has been said that, "the presence of people of color haunts the U.S., yet American public discourse has seldom been forthright about the existence and implications of American racism" (Perea et al. 2001, 1653). There is considerable evidence demonstrating the persistence of racial discrimination in the U.S. (Cable and Mix 2003, 183). This is particularly true when national security and feelings of personal safety are at issue. The most notable event fitting these criteria was the internment of Japanese people in the 1940s (Chon and Arzt 2005, 215 216; Gross and Livingston 2002, 1424). When examined in this context, it is not odd that, "support for racial profiling increased since 9/11: while people once

considered profiling primarily a means to harass black people [minorities], now it is viewed more as a legitimate method to prevent domestic attacks on a massive scale" (Harvard Law Review 2009, 1718)—only time will tell how recent terroristic events like the bombing of the Boston Marathon will shape the profiling issue surrounding the handling of major sporting events.

While the issues are less pronounced and the tactics more covert (Seidman 2004, 28; Harris 2001, 381; Harvard Law Review 2001,2104 2105), the immoderate handling of minorities in the U.S. during police investigations still persists, this is evidenced by the mere fact that the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (DOJ, OJP, BJS) finds it necessary to publish data pertaining to "Contacts between Police and the Public" triennially since 1999 (2002, 2005, 2008, 2011); additionally the BJS has published other related reports such as, "Characteristics of Drivers Stopped by Police, 2002," BJS Fact Sheets, "Traffic Stop Data Collection Policies for State Police, 2001; Traffic Stop Data Collection Policies for State Police, 2004," and most recently, a Special Report entitled, "Police Behavior during Traffic and Street Stops, 2011" (Langton and Durose, 2013). Therefore, it would certainly appear as though the topic of racial profiling will remain in the forefront of American discourse and a continuously relevant and appropriate subject of investigation.

Immigration

In 2010, the State of Arizona enacted its own immigration law, Senate Bill 1070, the "Support Our Law Enforcement and Safe Neighborhoods Act," now simply referred to as Arizona S.B. 1070, or S.B. 1070 for short. Many saw the law as "transparently unconstitutional" (Sharma 2012, 1). Others saw the law as necessary to stem Arizona's

urgent problem with undocumented aliens. It is not a controversial issue that the Arizona legislature took action aimed to help alleviate a widely acknowledged problem. In fact, Arizona has passed much legislation aimed at immigrants in the not too distant past. The controversy and emotion came into play over how the legislature sought to implement. S.B. 1070 granted state and local police vast powers including the right to demand evidence of immigration status from every individual stopped, even for a simple traffic violation or minor civil infraction, if they have a reasonable suspicion that the person is in the U.S. unlawfully (Sharma 2012, 1). According to some, the law, "amounts to the unlawful establishment of a Police State" (Sharma 2012, 1); one in which the state of Arizona would have held the power to decide whether [something as minor as] a loud noise complaint or jaywalking qualifies as said "minor civil infraction" (Sharma 2012, 1).

Many others joined in the fight against S.B. 1070 and its perceived racial bias since its enactment. On several occasions, thousands marched against S.B. 1070 in the spring and summer (Sexton 2012, 1). Prominent Princeton philosophy professor and noted 'Champion for Racial Justice,' Cornel West, challenged Arizonians "who've been hesitant to publicly fight the state's new immigration law to get involved" (Sexton 2012, 1). According to Dr. West, "Not enough people are standing up.. .we want rights for everyone...That's the moral dimension. That's the spiritual dimension..." According to others, "Arizona's immigration law is awful, but it's constitutional" (Nowrasteh 2012, 1). Rather than focus on important issues such as the inherent racial bias in the S.B. 1070, "The Supreme Court case is simply about boring and rather technical legal questions of preemption; the Justices will not consider the most damaging portions of the Arizona immigration law" (Nowrasteh 2012, 1).

The U.S. government sued the State of Arizona over S.B. 1070 not because the law raised concerns over possible racial discrimination, although it clearly does; in fact, "it touches on immigration, it touches on civil rights, and it touches on state and federal powers" (Hing 2011, 1). The latter issue, a breach of Federal Powers, is why the U.S. brought suit against Arizona [according to the U.S. government, immigration policy requires one voice and not 50 individual voices—several foreign governments came out against the law, a highly unusual reaction to state legislation (Lopez 2011, 1)]. There were many who were, "disappointed that the issue of racial profiling did not arise, and in fact was ignored in the briefing" (Hoffman 2012, 2); however, the issue of racial profiling was addressed by the amici:

> **C. Citizens of Color will disproportionately bear the burden of "papers please" policing.**
> Jim Shee is a 71 year old American citizen of Hispanic and Asian descent who had been stopped several times and asked for papers by Arizonian law enforcement Officers. Mr. Shee's story reflects the reality that citizens of certain ethnic and racial backgrounds would have more frequent contact with law enforcement. Under S.B. 1070, these citizens will likely have to prove their status many times each year. This **"aggregation of thousands of petty indignities has a substantial impact on freedom"**—and **undermines the status of citizens of color** who find themselves in Arizona.
>
> People of color in Arizona are far more likely to be stopped by police than are their white counterparts. In Maricopa County—by far Arizona's largest Latino drivers are over four times more likely than whites to be searched, and are detained for longer periods of time despite the fact that they are less likely to be found in possession of contraband. Section 2(B) will exacerbate these patterns, subjecting citizens of color to yet greater scrutiny and detention.
>
> Finally, in the vast run of cases, racial and ethnic perceptions will spawn the "reasonable suspicion" that Section 2(B) requires before an officer may further detain an individual while trying to ascertain

that person's immigration status. Perhaps recognition of this inherent defect, Petitioners do not even attempt to articulate the content of Section 2(B)'s "reasonable suspicion requirement." (S.C. 11 182).

In addition to the more than perceived potential for racial discrimination, there were many unforeseen consequences attendant to S.B. 1070; consequences that had disparate impact on minorities who were U.S. citizens. According to a recent study, "S.B. 1070 had many unforeseen consequences for youth, including young adults without their primary caregivers, early teen marriages, stress related health issues, declines in school attendance and performance, lack of parental involvement in schools, and increasing reluctance to contact the police" (Lopez et al. 2011, 2). Many youth are members of "mixed status" families, in which some family members have legal status and others do not; the sudden departure of loved ones [who fled haphazardly in fear of increased scrutiny] may have far ranging consequences on these young [citizens' of the U.S. who remained or were left behind] academic performance, personal health, and emotional stability have all suffered since S.B. 1070 was signed into law (Lopez et al. 2011). According to Lopez, et al. these consequences come with real social and economic costs for the state, and should be a prime consideration for other states considering similar legislation (2011).

The Supreme Court ruled against the State of Arizona and struck down three main components of S.B. 1070; *not because of the potential racial implications,* but by answering the simpler question, "Does federal law preempt and render invalid four separate provisions of the state law?" By avoiding the issue of race, it can be argued that the Court chose rather to focus on the potential for mistreatment of U.S. Citizens when traveling abroad. According to Justice Kennedy, who issued the majority opinion for the

Court, "The federal power to determine immigration policy is well settled. Immigration policy can affect trade, investment, tourism, and diplomatic relations for the entire Nation, as well as the perceptions and expectations of aliens in this country who seek the full protection of its laws..." *(United States v. Arizona;* 567 U.S. _____ (2012)). Justice Kennedy goes on to state, "Perceived mistreatment of aliens in the United States may lead to harmful reciprocal treatment of American citizens abroad. It is fundamental that foreign countries concerned about the status, safety, and security of their nationals in the United States must be able to confer and communicate on this subject with one national sovereign, not the 50 separate States" *(UnitedStates* v. *Arizona;* 567 U.S._____ (2012)). Therefore, 3 of the 4 provisions being deliberated upon were struck down by the Court.

<div align="center">Stop and Frisk</div>

"Those who would give up Liberty, in favor of Safety, deserve neither Liberty nor Safety" (Wittes 2011, 1). These 'wise words' are attributed to Benjamin Franklin and seem to implore or caution citizens of the U.S. to always maintain the delicate balance between liberty and safety. Former New York City Mayor, Michael Bloomberg and New York Police Department (NYPD) Police Commissioner, Raymond Kelly sought to strike that balance for citizens of New York unilaterally. The Stop-and-Frisk program utilized by the two in New York City has been long thought to negatively impact an overwhelmingly disproportionate number of City's minorities. According to Police Commissioner Kelly, "stop-and-frisk is a great crime suppression tool" (Goldstein 2013, 1). The NYPD unilaterally imposed the Stop-and-Frisk policy/mentality for nearly a decade. Stop-and-Frisk has received much negative attention since its inception. In 2004, NYPD officers stopped 313,000 people under the program, 89% of whom were

"innocent" [meaning that no arrest or citation was issued]; that number grew to approximately 400,000 in 2005 and nearly 700,000 in 2011. Using a standard growth model, it was projected that the number of stops would reach nearly 1.3 million in 2020 [with innocents remaining in the range of nearly 90 percent]. According to Lamberth, less than 7% of stops resulted in arrest and more than half of those arrests were for old warrants—meaning no new criminal activity was afoot or that new criminal activity was uncovered in approximately 3% of the stops (2011, 2)—if your benchmark is the recovery of firearms the success rate is halved again (1.5%) (Lamberth 2011, 7).

A police policy that continuously targets a race or ethnic group for criminal activity indicates to members of the group that they are pariah; they begin to feel that the protections that are given to other races or ethnic groups will not be extended to them (Taslitz 2003, 94; Jones 2006, 629). Of the people stopped under Stop-and-Frisk each year [2003 2011], minorities accounted for roughly 87-90% [Blacks 53 55%, Latinos 32- 35%], while Whites account for 7-9% (Gwynne 2012, 2). It is important to note that minorities make up approximately 54.1% of the City's population [Blacks 25.5%, Latinos 28.6%], while Whites account for 44.0%. "There are those who contend that those high percentages [of Black and Latino stops] merely reflect the concentration of Stop-and- Frisk activity in high crime precincts that are Black and Latino.. .but the 17th Precinct has the lowest percentage of Blacks and Latinos [7.8], yet 71.4 percent of those stopped in the precinct were Black and Latino" (Gwynne 2012, 1).

In 2012, Federal Judge Shira A. Scheindlin, on her way to granting class action status to the plaintiffs stated, "that there was overwhelming evidence that top brass had put in place a centralized Stop-and-Frisk program that has led to thousands of unlawful

stops" (Powell 2012, 1). Lawyers for the City of New York argued that 'stopping and frisking' was a "time honored social institution." Judge Scheindlin followed with this admonishment, "the Defendant's cavalier attitude to wards... widespread practice of suspicionless stops, displays a deeply troubling apathy towards New Yorkers' most fundamental constitutional goals" (Powell 2012, 1). According to Judge Scheindlin, "the police favorite, 'furtive movement'? No such legal animal exists" (Powell 2012, 1). The Judge also noted that "many stops were illegal on their face and that even, according to their own records and judgment, officers' suspicion was wrong nearly 9 times out of 10" (Powell 2012, 1). Judge Scheindlin relied heavily on an evaluation conducted by renowned researcher, Dr. Jeffrey Fagan (2010).

In 2013, the same Federal Judge, Shira Scheindlin ruled that these Stop-and-Frisk tactics used by the NYPD violated the constitutional rights of minorities in the city (Goldstein 2013, 1). According to Judge Scheindlin, "the New York Police Department resorted to a policy of indirect racial profiling as it increased the number of stops in minority communities. That has led to officers routinely stopping African American and Hispanics who would not have been stopped if they were white..." (Goldstein 2013, 1). The Judge's ruling serves as more than an admonishment to the program's administrators, it stops just short of a constitutional indictment, "I also conclude that the city's highest officials have turned a blind eye to the evidence that officers are conducting stops in a racially discriminatory manner..." (Goldstein 2013, 2).

Ironically, Judge Scheindlin did not end the Stop-and-Frisk practice in New York, even with having had such harsh words to say about it; Her Honor simply ordered several remedies; this suggests that some version of an aggressive Stop-and-Frisk campaign is

plausible, and may even be acceptable or palatable to the majority; however, not the unilaterally imposed version that was used by the NYPD for so long, and not until, "the burden of Stop-and-Frisk searches is borne equitably by citizens of whatever color or ethnicity, the privacy security tradeoff can be set to a socially acceptable level" (Skolnick and Caplovitz 2002, 9; Harcourt 2003, 265). Ironically, a three judge panel [2nd Circuit Court of Appeals] overturned Judge Scheindlin's ruling, suggesting that she may have violated the code of conduct [forjudges] (NY Post 2013, 1). It is put forth here and discussed in slightly more detail later in the writing that an aggressive Stop-and-Frisk campaign, running concurrently with an aggressive campaign to monitor police officer behavior could result in lasting benefits for both the police and the community in the form of ending or severely curtailing racial profiling.

It is axiomatic that there ought to be a healthy balance maintained between 'Liberty' and 'Security.' The police should only be allowed to engage in racially discriminatory conduct only when a compelling issue cannot be addressed by other sensible means (Kennedy 1997, 161: Jones 2006, 643). There is no denying that for New York, profits were realized in the form of reduced crime, and increased tourism; human costs notwithstanding, only time will tell what the total 'cost of doing business' will be in this instance (Bard 2012, 4).

## The Present Study

At present there is no commonly agreed upon method of determining the existence of racial profiling/racially biased policing. Most models rely heavily on the use of statistics. The heavy reliance on the use of statistics has its roots in the fact that pre *Whren* federal courts had shown a willingness to allow statistical studies to rise to the

level of inferring discriminatory intent in individual litigants' cases (Whitney 2008, 274) [this paper will address the ' *Whren* issue' as part of the literature review]. Even after the *Whren* decision, methods continue to be developed that rely heavily on increasingly difficult statistical methods. While valid, these methods do not lend themselves to easy understanding by those with the most cause to employ them, police commanders, community stakeholders and civil rights groups; in fact, the majority of persons are unable to decipher these complex methods. With the exception of Ridgeway (2006), who espouses that his propensity score method is, "easier to present' to stakeholders," very few method(s) tout the fact that they are easy to understand; even still, 'easier to present' does not translate into completely understandable (Bard 2012, 26). It is argued here that an even more practical method need be developed, one that is truly understandable by "the majority" of those affected, i.e., police commanders, community members, civil rights groups, policy makers or other stakeholders. This more practical method should focus on the Reason, Result and Duration (RRD) of the investigatory stop and compare an officer's habits against those of his or her self.

This study evaluated the need for a more practical method to determine the existence of racial profiling/racially biased policing. It did so by surveying police commanders [lieutenants and above] from across the U.S. as to the practical use of such an object. Utilizing simpler methods of determining the existence of racial profiling could lead to individual officers being assigned a racial profiling statistic or "RRD Stat" that follows them throughout their career; similar to the way a major league hitters' Batting Average statistic that follows them. Configured properly, that is, so that it is truly

meaningful, the presence of the "RRD" statistic could serve to do what many have sought for so long, seriously curtail or end the practice of racial profiling.

Project Objectives

The research project encompasses the following objectives:

1. First objective - To assess the need for a simpler method; this is done by polling law enforcement commanders (at the rank of lieutenant and above);

2. Second objective - To assess police commanders' [at or above the rank of lieutenant] perceptions as to their own ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling?

3. Third objective - To assess police commanders' [at or above the rank of lieutenant] perceptions as to their constituent's ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling?

4. Fourth objective - To determine the relationship, if any, that having an advanced degree (graduate or better) has on police commanders' beliefs about the existence of racial profiling,

5. Fifth objective To determine the relationship, if any, that 'rank' has with police commanders' perceptions about the existence of racial profiling,

6. Lastly, it is anticipated that this study will show the need for, and develop a framework for a simpler, easier to understand method of determining the existence of racial profiling. This new method will focus on the RRD of the

investigatory stop and allow for subjective intent to be included in the

calculus.

<div align="center">Research Questions</div>

The specific research question sought to explain:

1. Do police commanders [at or above the rank of lieutenant] favor a more practical

   method to determine the existence of racial profiling over the 'statistically robust'

   methods that are currently used.

2. How do police commanders [at or above the rank of lieutenant] perceive their own

   ability to understand the complex equations [methods] currently used in tests to

   determine the existence of racial profiling?

3. How do police commanders [at or above the rank of lieutenant] perceive their

   constituent's ability to understand the complex equations [methods] currently used in

   tests to determine the existence of racial profiling?

4. Is there a significant difference in perceptions about the existence of racial profiling

   between commanders who have obtained graduate degrees and those who have not?

5. Is there a significant difference in perceptions about the existence of racial profiling

   between commanders of different ranks?

Summary

Racial profiling and racially biased policing is a problem that has plagued American society for a very long time, even prior to the U.S.'s actual existence according to some (Barnes 2005, 1095). The topic of racial profiling goes through periods of inactivity as it pertains to media coverage; however, the issue continues to persist and reincarnates itself often; the 'war on drugs,' the 'war on terror' after 9/11, immigration policy and most recently in the Stop-and-Frisk arena. The practice is exacerbated during times when national security is called into question (Harvard Law Review 2009, 1718). Many reliable methods have been developed that test for the existence of racial profiling and racially biased policing; however, the overwhelming majority of these methods rely heavily on the use of advanced statistics and may not be understandable with those with most cause to employ them. By determining the need for and developing a more practical/understandable tool to be used in the detection of the disturbing practice, it may be possible to close rifts that exist between police and many minority neighborhoods and eventually eliminate the practice.

It is nary formative [or possible] to discuss developing a more practical tool to use in determining whether or not racial profiling/racially biased policing exists without first discussing many attendant issues: (1) defining what constitutes racial profiling, (2) how does racial profiling affect communities/police community relations, (3) why the tendency towards statistically robust methodology, (4) the issues surrounding current methods, and (5) the suggested methodology using RRD rationale. This more practical tool can serve a modem, community oriented police department in a variety of ways: it can act as an early warning measure; it can also more easily show stakeholders on both

sides of the issue what is actually occurring utilizing methods that do not require advanced

knowledge of statistics or research methods; lastly it can serve as a 'stat' that follows an officer,

much like batting average or homeruns hit does a major league baseball player. The rest of this

paper is organized as follows:

Chapter 2 discusses a review of the literature and discuss in some detail the issues and

problems related to the study racial profiling and racially biased policing: (1) defining what

constitutes racial profiling, (2) how does racial profiling affect communities/police community

relations, (3) why the tendency towards statistically robust methodology, and (4) the issues

surrounding current methods.

Chapter 3 discusses the methods used in the current investigation—the Police

Commander Survey. A popular survey website was utilized to create the "Police Commander's

Racial Profiling Survey" and used to collect the data for this study. Previously validated

questions contained by the survey website were utilized whenever possible; however, some

question necessarily had to be modified in order to make them racial profiling specific. Chapter 3

also outlines the sampling methodology utilized. A representative sample of Police Commanders

from a graduating class from the Federal Bureau of Investigations' National Academy with the

rank of lieutenant or above [exceptions: foreign commanders were not solicited] were solicited

via email by the researcher and asked to participate in a "brief racial profiling study for police

commanders." Within this framework, a multifaceted approach was utilized to ensure adequate

representation from small populations (female commanders and 'small agencies'). Additional

issues such as controls and limitations will be discussed here as well.

Chapter 4 discusses the results of the Police Commander Survey using descriptive statistics, cross tabulations and chi-square analysis (both goodness of fit and test of independence). It was hypothesized that despite increased levels of formal educational attainment within the law enforcement community, that the majority of the police commanders would admit to not understanding the statistically robust methods (equations) that are currently used and that they would affirm the need for a more simplistic method of determining whether racial profiling is occurring—one that is more easily communicated to both members of the department and members of the community.

Chapter 5 analyzed and interprets the results of the study and revisited some of the attendant issues discussed within the study. Lastly, Chapter V sets forth many recommendations for future public policy and policing practices that seek to seriously curtail or eradicate the practice of racial profiling and racially biased policing; including outlining the suggested formula for RRD test. Some recommendations are reiterations that have been previously ignored or underused on the local law enforcement level and others will be newly minted.

Chapter II

LITERATURE REVIEW

Overview

Racial profiling and racially biased policing has been the subject of a great deal of research; therefore, one does not suffer from a paucity of information concerning the topic. While there is much consensus as to the level of seriousness that allegations of racial profiling should be handled with, there is little consensus elsewhere concerning the topic. How racial profiling is defined by the Philadelphia Police Department in Philadelphia, Pennsylvania is not necessarily the same manner in which it is defined by the Philadelphia Police Department in Philadelphia, Mississippi. Other paradigm splits occur concerning the type of test to employ as well as in determining the appropriate level of analysis—aggregate data has been most focused upon—however many problems with this approach have been identified. Another perceived problem is that many of the methods used in determining the presence of racial profiling or racially biased policing do not lend themselves to being easily understood because they rely heavily on the use of advanced statistical techniques and daunting formulae that may only properly be understood by those with advanced training in statistics and research methods [neither police commanders nor community stakeholders routinely have such expertise]; it is suggested that simpler methods be investigated and employed.

Concern about the disparate impact of police behavior on racial and ethnic

minorities has led to a significant increase in the publication of statistical reports

regarding the impact by race of police actions in the U.S. (Hernandez Murillo and Knowles 2004,

959). In the past, the practice of racial profiling has led to widespread litigation involving police

departments across the country (Banks 2003, 572). As a result, many states now require some

type of data collection concerning race and police encounters, primarily vehicular investigations

(BJS, 2011); many states have also enacted or proposed legislation requiring statewide law

enforcement agencies (State Police, Highway Patrol (HWP), Department of Public Safety (DPS),

etc.,) to record race specific data during traffic stops (Northeastern University, 2009).

## Definition

Racial profiling has several definitions all of which have mostly negative connotations; it

is generally thought to occur when police use race instead of person's conduct as an indicator of

criminality. Katherine Barnes defines the term as, "the act of investigating a particular racial

group because of a belief that members of the group are more likely to commit certain crimes"

(2005, 1090). The American Civil Liberties Union defines racial profiling as, "the *discriminatory*

*practice* by law enforcement officials of targeting individuals for suspicion of crime based on the

individual's race, ethnicity, religion or national origin" (ACLU, 2012). The National

Organization of Black Law Enforcement Executives (NOBLE) defines racial profiling as, "The

act (intentional or unintentional) of applying or incorporating personal, societal or organizational

biases and/or stereotypes in decision making, police actions or the administration of justice..."

(McMahon and Kraus, 2002). Others see racial profiling as a symptom of the larger problem

referred to as "Bias based policing," which is defined as: "the act (intentional or

unintentional) of applying or incorporating personal, societal, or organizational biases and/or stereotypes as the basis, or factors considered, in decision making, police actions, or the administration of justice" (McMahon et al. 2002). For the purposes of this study, the following definition from the DOJ will be utilized, "any police initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity" (DOJ 2012; Gandy and Baruh 2006, 308; Laney 2004, 1; Ramirez et al. 2000, 3). It does not fit the definition of racial profiling when, police are armed with a previous description of suspect(s) involving or including race and act based on this prior description; "even the most ardent critics of the police would not deny them the use of race as part of a physical description of a known criminal suspect" (Withrow 2006, 43). It is the routine use of race, ethnicity, and national origin by the police as a general indicator of criminal suspiciousness that appears to cross the threshold into racial profiling [satisfying most any definitions] (Withrow 2006, 43).

Randall Kennedy posits that racial profiling should be defined as, "the policy or practice of using race as a factor in selecting whom to place under special surveillance" (2002). According to Kennedy, "[Police] officials often prefer to define racial profiling as being based *solely* on race; and in doing so they are often seeking to preserve their authority to act against a person partly on the basis of race" (Kennedy 2002, ). Profiling is not per se evil; in fact, racial profiling is just one among a number of different types of criminal profiling (Gandy and Baruh 2006, 300). By pooling collective police experience in a manner that renders it comprehensive, solid, and accurate; potential criminals can be identified by the creation of profiles. Profiles are commonly employed in efforts to

identify serial killers, rapist, hijackers and drug couriers. Gandy and Baruh (2006) increase awareness by highlighting the difference between racial profiling and other forms of profiles; according to them, the use of race as a rationale for differential treatment of suspects on the basis of predictions of criminality raises heightened constitutional concern due to the special status assigned to different forms of racial discrimination. It is important to note that *racial profiling is practiced by police officers of all races,* not just by Caucasians (Del Pozo 2001; Kennedy 2002; Engel, Calnon and Bernard 2006). Often times, people lose sight of that fact and when they hear the term racial profiling, the image of a Caucasian [and presumably racist] officer clouds the mind but that officer only makes up an extremely small slice of actual profiling population of officers.

The ideal criminal justice system would command the trust and confidence of its citizenry by, "successfully walking the line between being 'tough on crime' without overreaching or infringing upon personal liberties" (Durocher and Benson, 2001); one in which most crimes are deterred, and those which are not are intercepted before an innocent person has been harmed by a criminal (Jones, 2007). Indermaur and Roberts posit that, ".. .confidence in the criminal justice system needs to be understood as a multidimensional construct with distinct differences in levels of confidence between the three major components of the system - police, courts and corrections" (2009); they go on to state that, public confidence declines from the police, to courts, to prisons, suggesting the public views each component individually, rather than the criminal justice system as a whole. Few police actions damage the police community trust relationship and diminish the public's confidence in policing [and the entire criminal justice system]

more severely than does racial profiling; it does damage commensurate with widespread police brutality and blatant corruption scandals.

## Discussion

It is easy to take the normative stance which emphasizes that there is no place in the 'Ideal Criminal Justice System' for racial profiling. Although Carbado and Harris caution against making normative claims, "our tendency both in law and public discourse to treat normative claims about race as empirical ones—put another way, the dominant analytical framework treats "should" or "ought" as "is" or "does" (Carbado and Harris 2008, 1204 1205). As an example Carbado and Harris offer, among others, the following normative to contest racial profiling in the context of both everyday policing and terrorism "Police officers should not take race into account. They should ignore it" (Carbado and Harris 2008, 1204); they continue: "far too often our public policy discussions proceed as though our normative racial aspirations were our empirical racial conditions,.. .the transmutation of the normative into the empirical masks the extent to which race consciousness is pervasive, and not just manifested in affirmative action policy, and prevents robust conversations about how we might want race to matter. That is, because the normative 'we should not' functions as the empirical 'we do not' we short circuit a meaningful conversation about 'the whether and how'..." (Carbado 2005, 968; Carbado and Harris 2008, 1205).

Racial profiling is viewed largely as an illegitimate practice; therefore, astute police commanders seek to eliminate the practice, understanding that legitimacy in the eyes of the public is a requisite condition to the effectiveness of authorities (Engel 2005, 474). However, every instance where race is used as a factor in determining whether to

stop or search some individual need not be based on racial animus, but instead may be based on the actual, estimated, or assumed statistical association of race with criminality (Gandy and Baruh 2006, 301). Also, racial profiling and/or racially biased policing does not occur when or where law enforcement officers are armed with a prior description involving or including race of suspect(s) and act based on this prior description—even the most ardent critics of the police would not deny them the use of race as part of a physical description of a known criminal suspect (Withrow 2006, 43). "Racial profiling is one area in which skin color routinely trumps one's bank account or accumulated graduate degrees" (Forman 2012, 134). Critics of the practice [racial profiling] suggest that even in the absence of racial animus, institutionalized practices that generate racially disparate outcomes, such as higher rates of interdiction for African Americans, should be banned as incompatible with commitments to egalitarian principles (Gandy and Baruh 2006, 301; Domimtz 2003, 415).

Some have suggested that racial profiling and racially biased policing can be eliminated through the use of advanced technology that eliminates police decision making in favor of technology doing so (Joh 2007, 205). Elizabeth Joh explains just how difficult a task eliminating police decision making or "police discretion" can be; inasmuch as, it poses "an uncomfortable paradox" in a democratic society (Joh 2007, 205). According to Elizabeth Joh, "...we entrust police to enforce the law, to maintain order, and to use legitimate force if necessary.. .but we also expect them to accomplish these tasks by treating the public in a fair and even handed way..." she goes on to argue that, "yet, it is difficult to confirm, let alone guarantee [because] this happens since the character of police work [involves] decisions 'bom of exigency yet made in isolation'...

'covertly and with minimal oversight' [because of this] we very seldom know why the police choose some options over others" (Joh 2007, 206). This article would limit its concern to why police rely on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads to a particular individual who has been identified as being, or having been, engaged in criminal activity to as determination in enforcement actions.

According to a well-cited, national poll conducted by Gallup, nearly 8 of every 10 Blacks believe that racial profiling is a "widespread" problem; while only 56% of Whites felt that profiling was widespread (1999). That same poll indicated that more than 70% of young Black males age 18-34 felt they have been the victim of racial profiling (Gallup, 1999). Unfortunately, not much has changed with perceptions since these polls were taken (Brunson and Miller, 2008). As it was alluded to earlier, the existence of racial profiling damages relationships between police and the community as a whole; it particularly damages the police's relationships with predominantly minority communities because they are the biggest victims of the negative costs associated with the unpopular practice of racial profiling—costs which are not just felt by those who are victimized by the practice—but by their children, families, neighbors, and the nation as a whole (Forman 2012, 104).

How Racial Profiling Affects Police Community Relations

When citizens perceive police as biased or disrespectful, they are less likely to trust them, less compliant with their [police] requests, and less willing to engage with law enforcement to reduce crime (Warren and Farrell 2009, 62). It can in fact lead to a rise in tensions and result in "an ugly crisis in relations between police departments and

minority communities" (Gross and Livingston 2002, 1432). According to Eric Luna (2003), "in the racially charged, dysfunctional conditions of many jurisdictions, law enforcement tends to view the black [minority] community as an obstacle and ignores claims of officer misconduct, while blacks do not trust cops, no matter what the numbers say" (187). He goes on to refer to the dysfunction between African American communities as a "Gordian Knot of massive proportions"—one that is unlikely to be unraveled with a discrete, singular solution... (Luna 2003, 188). Melissa Whitney states that, "Racial profiling has become a pervasive practice in recent times, beginning with the 'War on Drugs' and gaining new followers in the 'War on Terror'" (2008, 263).

Amnesty International estimates that nearly 26 million Americans are victimized by racial profiling yearly, with Blacks and Hispanics comprising nearly 94% of the total (Amnesty International, 2012). Whether racial profiling by police officers is a matter of perception or reality loses significance when one considers the attendant social costs; whether practiced or a simple perception, racial profiling beliefs contribute to minority cynicism and mistrust towards the criminal justice system. This distrusts presents itself in a number of ways: (1) people are less likely to cooperate with people they mistrust and may develop doubts regarding all aspects of the criminal justice system, (2) individuals with these perceptions may respond inappropriately to law enforcement officers out of mistrust or may retaliate for past, perceived injustices—causing situations to escalate unnecessarily putting both the citizen and officer at risk of injury, (3) safety concerns for officers and community members may be increased in hostile environments, (4) left unchecked [as it has gone in the past], mistrust towards the criminal justice system can

lead to civil unrest, lastly, (5) mistrust of the police [and/or criminal justice system] can lead to jury nullifications (as in the O.J. Simpson trial) (OHRC 2012, 12).

As it pertains to disproportionate minority contacts experts argue that, "few issues in the social sciences simultaneously generate controversy and silence as do those that involve race and ethnicity, especially those related to crime" (Piquero 2008, 60). Racial profiling not only harms those who are unfairly targeted; as it contributes to the racial concentration of incarceration it has the potential to: (1) undermine neighborhood's stability, (2) impede effective law enforcement by bolstering minorities' distrust of the [police and] criminal justice system, which can lead to the development of a siege mentality [us versus them] amongst community members, and a breakdown of the community structure [when a disproportionate number of males are removed from neighborhood through incarceration], and (3) intertwines race and crime in a way that fortifies the racial divide (Banks 2003, 573). In line with Banks' claim that racial profiling undermines the stability of neighborhoods, Piquero et al. (2006) informs us that disproportionate incarceration [which is arguably attendant to disproportionate minority contact] may have a profound effect on community well being; he goes on to state that "Black offenders are incarcerated at nearly six times the rate of Whites, while Hispanics are incarcerated at nearly double the rate of Whites.. .the highest White incarceration rate (Oklahoma, 740 per 100,000) did not even approach the lowest black incarceration rate (Hawaii, 851 per 100,000)."

Civil rights groups and the media frequently attempt to galvanize protests of the practice of racial profiling by focusing on innocent, middle and upper class minorities who have been unfairly targeted: the Black dentist who has been stopped more than 50

times by New Jersey State Troopers; the Black Harvard educated lawyer made to sit by the side of the highway in freezing rain while his car is searched; and the Black politician who was asked by police "if he knew which town he was in" while driving through a predominantly White neighborhood, are all repeated examples cited when discussing racial profiling (Banks 2003, 576; Ramirez, et al. 2000). "Individual cases can be explained, dismissed and justified. In their aggregate, the stream of anecdotal cases which suggest that Blackness can be equated with criminality has social consequences" (Russell 1999, 721). It can be argued that even the most egregious or prolific, minority drug dealer—one carrying an untold number of kilograms of cocaine in the trunk of their car— should be free from the fear of being targeted solely on the basis of race. Police are expected to operate within the framework of the law and reasonableness while engaging the public—even the suspected drug dealing public.

Racial profiling is one of the most complex and controversial issues facing law enforcement professionals today (Leach 2001, 1). Agencies accused of the practice of racial profiling often find themselves under intense scrutiny from civil rights groups, community groups, the media, and at times the U.S. DOJ. An allegation of racial profiling can cause serious concerns and poses serious threats for agency heads. In 1999, then director of the New Jersey State Police, Colonel Carl Williams, was fired after he was quoted saying that it was proper to stop more minorities because they were most likely to be involved in drug trafficking (Del Pozo 2001; Finkelstein 1999, 1; Gross and Livingston 2002, 1433; Heaton 2010, 33). According to Colonel Williams, "...cocaine and marijuana traffickers were most likely to be members of minority groups" (Finkelstein 1999, 1). It is hard to imagine that Colonel Williams was alone in his

opinion; however, it is unlikely that others sharing this opinion would be primed to do so publicly.

More than a decade after the firing of the Colonel, the topic of race still evokes controversy causing it to rank among the most studied aspects of the U.S. criminal justice system; as it pertains to racial profiling it provokes impassioned debate and extensive division within all segments of the community (Drakulich 2009, 39; Leach 2001, 1). To restore public trust and improve the community police relationships, law enforcement agencies must address both the concerns of the community at large that are relevant to discriminatory policing, and the allegations of racial profiling made by ordinary citizens (Leach 2001, 1).

Astute police chiefs, commanders and administrators who place a premium on the police department's relationship with the community understand that overcoming the perception that racial profiling is occurring, either by providing understandable evidence that the perception is erroneous or by rooting out the offensive practice, will gamer support from community stakeholders on a wide range of issues; including but not limited to police brutality, the handling of citizen' complaints, and other potentially volatile topics. It was hypothesized here that most officers at the 'command rank' level understand the delicacy of situations involving race, and these commanders, being increasingly educated in the liberal arts, political and social sciences (Maguire and King, 2004) are aware of how some 'institutionalized' practices go unnoticed and would affirm that they perceive that racial profiling does exist in the U.S.; later it will be shown that this is true. However while it is believed and argued here that 'rank' will affect the beliefs' of an individual officer, it is believed that at the "command rank" level, this

affect is minimized and therefore negligible and not significant, statistically or otherwise when comparisons are made between ranks, i.e., lieutenants vs. captains vs. majors, vs. Lt. colonels, etc.

## How, *Whren,* and Why Stats Still Heavy Handed

The literature is replete with varying suggestions of tests and methods to be used in determining whether racial profiling or racially biased policing exists. At present, there is no commonly agreed upon method. Most models rely heavily on the use of statistics. It has been argued that, "the heavy reliance on the use of statistics has its roots in the fact that courts have shown a willingness to allow statistical studies to rise to the level of inferring discriminatory intent in individual litigants' cases" (Whitney 2008, 274). In principle, the greater acceptance of statistical evidence would better enable courts to see potential patterns of discrimination and to assess whether certain aspects of the criminal process are structured appropriately to minimize discrimination (Harvard Law Review 2001,2111). It has been argued that "... even if an effective court imposed remedy were unavailable, acceptance of statistical evidence in courts would impress the problem of discrimination on both government actors and the public at large..(Harvard Law Review 2001, 2111). However, it has been suggested that this strict reliance on statistics and statistical robustness may be for naught; inasmuch as, the courts (with *Whren)* have effectively made the hurdle to clear when asserting an equal protection claim [14th Amendment] or a Fourth Amendment claim for racial profiling an insurmountable one (Whitney 2008, 265).

Although many studies have consistently found that a disproportionate number of minority motorists are pulled over while acting no differently than their White

counterparts, the Court in *Whren v. United States* nonetheless validated pretextual stops and searches of cars under the Fourth Amendment (Harvard Law Review 2001, 2109). In fact, according to some, one only needs to examine *Whren* v. *The United States* 517_U.S._806 (1996) to see the Supreme Court effectively shutting the door on Fourth Amendment claims. Karen Glover argues that the *Whren* decision was a defining moment in the history of state protection of people of color in the U.S. (2009, 34). In Glovers' opinion, "the Justices virtually ignored the racial realities of the twenty first century... [and] considered a case that was essentially about race and the racial structure of our land and decided not only to not give the case a thorough review of the racial matter at its core, but to increase the law enforcements powers that were an inherent part of the problem being brought to their attention..." (Glover 2009, 34). In delivering the opinion of the Court, Justice Scalia states, . .we of course agree with the petitioners that the Constitution prohibits selective enforcement of the law based on considerations such as race. However, the constitutional basis for objecting to intentionally discriminatory application of laws is the Equal Protection Clause, not the Fourth Amendment. Subjective intentions play no role in ordinary, probable cause Fourth Amendment analysis" *(Whren* v. *The United States 517_U.S_806 (1996)).*

The fact that subjective intentions no longer play a role in determining probable cause is problematic. It can be argued that the *Whren* decision freed officers to use race [or any other 'suspicionless' factor; such as, observing an occupant wearing a hoody, turban or burka] to decide to investigate automobile occupants, just so long as a legitimate violation is also observed [or fabricated] no matter how obscure the statute or observed violation is; effectually, law enforcement officers who do not have probable

cause or who cannot articulate reasonable suspicion now have legal cover to intervene on behalf of the (racial) state (Glover 2009, 35). According to Brandon Del Pozo (2001), "by removing the subjective motivation of the arresting officer from the Fourth Amendment calculus, the *Whren* Court effectively stripped defendants of their ability to establish that unlawful considerations such as race played a part in the decision to stop and arrest them..." (Del Pozo 2001, 290). *Whren* is not only problematic where race is concerned, even in non racial contexts, *Whren's* validation of the use of minor violations or technical infractions as a basis for intrusive searches or seizures is troubling (Carter 2004, 31; Whitney 2008, 280). The potential for ' *Whren* abuses' is readily apparent.

Harvard law professor, William Stuntz posits that *Whren* v. *United States* and [another closely related Fourth Amendment doctrine case] *Atwater v. City of Lago Vista (99 1408)_532 U.S. 318 (2001),* [which held that the Fourth Amendment does not forbid a warrantless arrest for a minor criminal offense, such as a misdemeanor seatbelt violation punishable only by a fine] may have been weakened or "might have fallen by the wayside" had it not been for the terrorist threat brought on by the events of 9/11 (Stuntz 2002, 2158). According to Stuntz, "taken together, *Atwater* and *Whren* allow police officers to use trivial 'crimes' like minor traffic violations [real or fabricated] as an excuse to detain and search people whom they suspect of more serious offenses." (2158). Stuntz goes on to argue that, "in legal terms, the debate about racial profiling on the highways is largely a debate about the merits of these two rules... [because] With them, officers can select a few speed limit violators out of a large universe of such violators (all drivers speed) and stop them in order to search for drugs—and that course of action is perfectly legal" (Stuntz 2001,2158).

Police administrators should understand this potential [for abuse] and take convincing actions, which are, more than just putting some words on a policy page. Police administrators should put meaningful checks and balances in place. Later, it will be recommended in this paper that police administrators and/or policymakers should be required (as a matter of policy) to put a stern watchdog in place. Many departments have checks in balances in name only, but those charged with ensuring that discriminatory practices are not occurring, have little incentive to uncover when such practices are occurring, largely because if uncovered, these practices are within the chain of command of those implementing the checks or safeguards. According to Engel (2005), despite the constitutionality of pretextual stops and the aggressive use of traffic stops for further investigatory purposes [allowed by *Whren}*, many police administrators across the country have recognized the need to formally sanction such behaviors. Dr. Engel continues, "... for police officers to gain legitimacy with minority citizens, departmental administrative rules must be implemented that ***regulate and control*** police use of pretext traffic stops..." (473).

Opponents of racial profiling relying upon the Equal Protection Clause, assert that racial profiling constitutes intentional disparate treatment in the administration of criminal justice. Under the Equal Protection Clause, unequal governmental treatment based on a person' race is subject to a high degree of suspicion, subject to 'strict judicial scrutiny' (Carter 2004, 61). However, as it pertains to assessing racial profiling, courts have viewed the use of race as a predictor of possible criminal behavior with great leniency, holding that racial profiling does not trigger 'strict judicial scrutiny' unless race was the only reason for suspicion. According to Carter (2004, 30), "the Fourth and

Fourteenth Amendment attacks on racial profiling have been nearly unanimously rejected by the courts or given such limited application as to be virtually useless."

Plaintiffs must not only show that the officer's stop practices have a disparate impact on their racial group, but also that these practices constitute an intentional pattern of discrimination. Whitney argues that the nearly insurmountable discriminatory intent requirement amounts to a complete bar, making equal protection claims due to racial profiling virtually illusory (2008, 282). It may be hasty to proclaim, [as many have] that, "from here on, it is doubtful that plaintiffs will prevail absent open admissions that race was the sole factor used." Harris (2001) acknowledges that the Court decided *Whren* unanimously, "without even a single cautioning concurring opinion recognizing the potential dangers in the implications of the decision" (37), but Harris points out that the possibility exists that the decision was merely the position the Court took in order to maintain a "healthy federalism" (2001, 30). He goes on to point out Justice Brennan's urging that state courts respond to weakened federal protection for individual liberties by using their state constitutions to do more to protect those freedoms (2001, 30).

Wayne Lafave (2004) reminds all that, the *Whren* decisions did not encourage or anoint 'pretextual activities' by the police as desirable, but only that case by case litigation of the pretext issue is not permissible when the police action was grounded by probable cause (1870). Following *Whren,* some states have decided that their constitution does grant citizens a 'higher degree of protection' than federal constitutional provisions (Harris 2001, 31; Ward 2002, 731). Stuntz's argument, that *Whren* [and *Atwater]* were on their way towards being lessened or overturned is not without some merit. According to Stuntz, "Before September 11, one might plausibly have predicted that *Atwater* and

*Whren* would not long survive, at least not in their current form. *Whren,* [decided in 1996], was unanimous; by the time the related issue in *Atwater* was posed [in 2001], the Court split 5-4" (2002, 2158). He argued that the reason for the shift was not hard to discern: "The *Atwater* dissent noted the specter of racial profiling hanging in the background, and the *Atwater* majority was careful to premise its holding on the absence of large scale strategic behavior [of the sort described in the preceding paragraph]. Whatever the Court might have done on this score, it seemed certain that its decisions were in some basic sense going to be 'about' profiling and pretextual traffic stops" (Stuntz 2002, 2158).

To illustrate the difference between a completely randomized stop, (as typical of the randomized manner used in most vehicular checkpoints, a practice upheld in *Michigan Department of State Police* v. *Sitz_No 88 1897)* and a stop based on "individualized suspicion" as characterized in *Whren,* Harcourt and Meares (2011), juxtapose the two cases in the form of what respective stop distributions would look like (Harcourt and Meares 2011, 853). A comparison of the *Sitz* Curve and the *Whren* Curve illuminates (as shown below in Illustration 1 and Illustration 2 respectively) serious differences: The authors note, "...in the typical checkpoint [Illustration 1] the median person stopped is likely to be the median population member. Also, note that the bulk of people stopped are likely to cluster around the median..." (Harcourt and Meares 2011, 854). In Stark contrast, the *Whren* curve [Illustration 2] is more heavily skewed to the left; as such, the median person stopped is poorer, less educated and more likely to be black than his counterpart on the *Sitz* Curve (Harcourt and Meares 2011, 854). These

illustrations should serve as another one of the many cautions created by the *Whren* decision.

*Illustration 1: Sitz Curve*
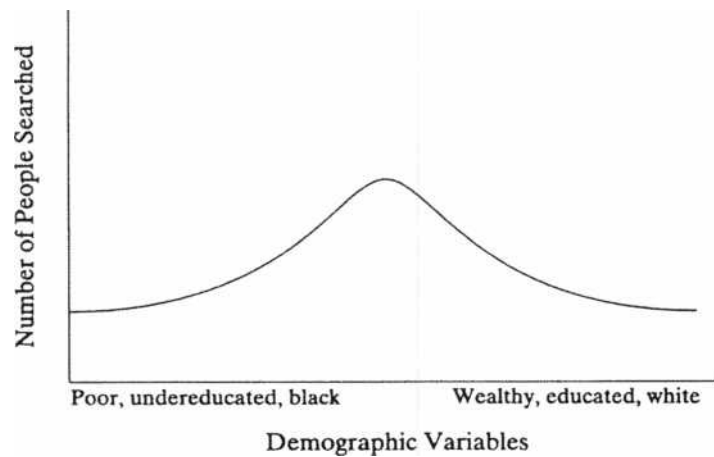


Harcourt and Meares (2011).

*Illustration 2: Whren Curve*
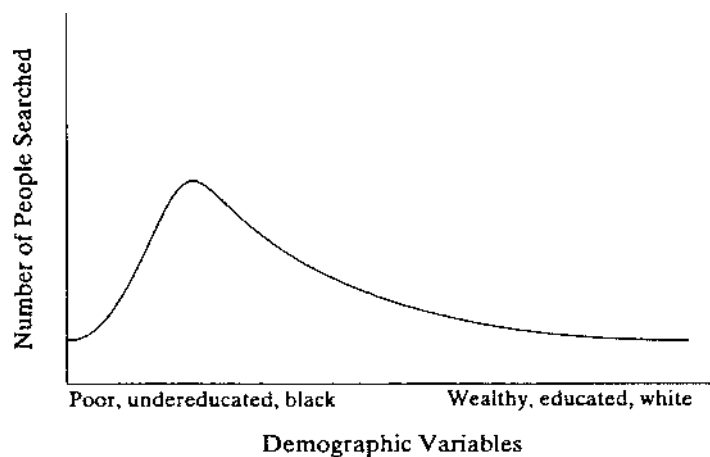


Harcourt and Meares (2011).

Common Problems Associated with Measurements

There are several common problems surrounding testing for racial profiling/racially biased policing; many of the issues concern the 'what to compare'?—or in academic terms— what to use as a 'benchmark'? Another issue or question is, "what is

the appropriate level of analysis"?—many studies focus on the 'whole' and utilize aggregate

data—there are issues associated with this practice. The model alluded to

throughout and developed in the last section seeks to sidestep the well published "Aggregate" and

"Benchmarking" problems that plague researchers and others who investigate racial profding and

racially biased policing. Remember, no method is without shortcomings, nor can any method

account for all possible variables or potentialities:

<center>The Benchmarking Problem</center>

According to Brian Withrow, "...stop data information relating to the racial and ethnic

proportional representation of individuals stopped by the police are all but meaningless unless

compared against an acceptable benchmark that accurately measures the proportional racial and

ethnic representation of individuals available to be stopped.. (Withrow 2006, 47). It has been

argued that the use of appropriate benchmarks "may be the single most important issue in the

design of any data collection effort—and probably also the one most often ignored" (Harris 2003,

186). According to Harris (2003), To get an answer to the question of whether a given police

department stops a disproportionate number of minorities, the data collection effort must result in

the calculation of two different numbers: (1) first, how many drivers of each racial or ethnic

group (or pedestrians, if conducting an inquiry of Stop-and-Frisk activity) police stopped during

some particular period of time; (2) then the first number must be compared to something in order

to know whether the number of stops of each group is out of line with what we should expect

(2003, 186).

Population benchmarking is an (external measure) that compares the number or

percentage of drivers stopped of a particular race to the percentage of that race in the

<center>37</center>

jurisdiction's population (census); according to some, this is by far the most popular method (Withrow, 2006, 47). Typically, only the population of driving age (> 16 years) is utilized as a baseline. Sometimes that comparison is made against the make-up of that particular race within the population of licensed drivers within the jurisdiction or the overall population of licensed drivers in the county, state or country. Essentially, this method informs us of the proportion of drivers of a certain race who are stopped and or searched as compared to the proportion of that particular race in some mostly indiscriminate population and therefore statistical generalizations are mostly inappropriate.

The crucial question involves the proper baseline, benchmark, or denominator to use in analyzing traffic stop data. The general population cannot serve as a valid baseline since it does not reflect the racial composition of drivers at risk of being stopped (Walker 2001, 69). The next question would then be to determine how much of a difference amounts to a disparate difference? Additionally, there are several limitations in drawing statistical inferences from population comparisons (Whitney 2008, 277): (1) it is difficult or near impossible to control for transient drivers, (2) cannot rule out differences in traffic law violations by race,[in fact, using unadjusted residential population or census figures as a benchmark is a mistake, because the racial mix of the population that lives in an area is frequently different from the population of people who drive through it] (Harris 2003, 187); and (3) census data may prove less than accurate, etc. In fact, the problems associated with population data may be too numerous. According to some, "such analyses [population benchmarking using census data] are done either by the media or those who do not understand the limitations of this benchmark..." (Farrell et al. 2003, 40).

The internal benchmarking method uses comparisons between officers within the same geographic area, time, and assignment [similarly situated] as statistical evidence sufficient to demonstrate discriminatory intent (Whitney 2008, 277). The justification for use of such data is that by "matching" on factors such as geographic area patrolled, assignment given, and time of day on patrol, one can compare different officers' behavior toward the same baseline driving population and the same pool of violators, thereby determining whether a certain officer stops a disproportionate number of drivers from a particular racial group (Whitney 2008, 277). Thus, the baseline in this approach is the behavior of other officers working comparable assignments [those who are similarly situated]; it can be argued that this provides for a much more meaningful comparison than does population benchmarking. Walker suggests that when analyzed through the framework adapted for a police early warning system, that the internal benchmarking method is most appropriate (2001, 89). Walker argues that, "it not only provides a meaningful framework for analyzing the data but also points towards appropriate and effective corrective action: some form of intervention directed toward the officers who appear to be the worst offenders" (2001, 89). The biggest limitation of this method which compares the individual officer to similarly situated officers is that if the practice of racial profiling is widespread [if everybody's doing it], then internal benchmarking will point out extremely egregious offenders; as Whitney states, "It's comparing a bad apple to other bad apples..." (2008, 278).

Another method of benchmarking is the use of Observations or Observational benchmarks; "first used by Dr. John Lamberth in 1993, observation benchmarking refers to the use of surveyors to measure the racial and ethnic driving population. Surveyors

visually identify and record the race and ethnicity of drivers that they see..(Lamberth et al. 2005, 19). According to the architect of observation benchmarking, "observations may be thought of as a 'direct' measurement of the roadway traffic, because surveyors directly measure the race and ethnicity of drivers at a particular location by observing driver characteristics and recording what they see..." (Lamberth et al. 2005, 20).

Lamberth points to the fact that using surveyors to conduct observations is a well- established and often used method of gathering data in the social sciences (Lamberth et al. 2005, 20). As with all measures, observation benchmarking has shortcomings; even trained observers will not accurately record race 100% of the time.

## The Aggregate Problem

Researchers readily recognize the problems of generalizing and interpreting the results of examinations of aggregate data. Largely because the existence of seeming disparities may be easily explained by some relevant variable not considered in the aggregate. In fact many questions are left without definitive answers: Do disparities in the aggregate rates of stops and/or searches necessarily imply racial prejudice? How can we empirically distinguish between statistical discrimination and racism? Can the use of aggregate data prove discriminatory intent towards a particular plaintiff? It is commonly understood that, "it is [entirely] possible that when examining the aggregate search outcomes... we would reach a conclusion that the police as a whole are not racially prejudice [or vice versa] but this may seriously underestimate the harassment experienced by both White and minority motorists" (Anwar and Fang 2006, 130). Hernandez Murillo and Knowles (2004) inform that, "in regards to traffic stops and vehicle searches, these data typically confirm the hypothesis of disparate impact by race.. .but it is not clear how

or even whether such aggregate data can be useful in measuring discrimination against minorities by police" (Knowles 2004, 959). Analyzing aggregate data minimizes the ability [strictly speaking] to hold certain relevant variables constant (Harcourt 2004, 1294).

Additionally, as officers who do engage in the pernicious practice of racial profiling, have their data increasingly mixed with officers who do not engage in the practice of racial profiling, the effects will appear minimized and/or diluted. Eventually it will appear as if racial profiling is not occurring as the level of analysis becomes more aggregated. Employing the "bad apple" analogy, as the "bad apples" [individual officers who engage in racial profiling] become mixed with increasingly larger numbers of good apples, the bad apples become harder and harder to detect, eventually it will appear as if these "bad apples" do not exist (Whitney 2008, 279). Aggregate data studies have been employed specifically because they lack a 'surgical focus.' "The data will only be collected, used and analyzed in the aggregate..." In defense of this approach it was explained, "What we tried to move away from with the Justice Department was the idea that numbers alone dictate results. If it were the case that an officer had some proportion of a certain kind of stops [which taken alone would mean very little], that would not trigger a conclusion of any kind, they raise a red flag that we then pursue to see if there is a problem" (Ramirez, 2000). According to one report, data that is not disaggregated "precludes full assessment..." (U.N. CERD, 2009).

Aggregate data is not devoid of purpose; when the focus is on reform rather than individual misconduct, the value of aggregate statistical evidence is more apparent; Gross and Barnes ask, "How else can one describe how an entire agency is behaving?" (2002).

Walker argues that, "it is appropriate for police departments to publish aggregate data, indicating, first, that a review of traffic enforcement activities is regularly conducted, and second, that a certain percentage of officers have been identified for counseling or training" (2001).

An analysis of the all drivers stopped in the U.S. in the aggregate using simple census population data of license drivers reveals that drivers of all races are stopped nearly in exact proportion to their representation in the overall population of licensed drivers in the U.S. The data was culled from the most recent figures available; the U.S. DOJ, BJS, "Contacts between Police and the Public, 2008; 2005 and 2002" (October, 2011; April 2007; June 2004) as well as the BJS, "Characteristics of Drivers Stopped by Police, 2002" (June, 2006) . Both Whites and Blacks are stopped at a nominally higher rate than they exist in the population of licensed drivers; while Hispanics are stopped at a rate that is nominally less than their percentage of the licensed driver population. The below chart [Figure 1] shows that Whites make up 76.2% of the licensed drivers in the U.S. and are stopped at a rate of 76.5% (+.3%); Blacks represent 10.5% of all licensed drivers and 11% (+.5) of all drivers stopped, while Hispanics make up 9.7% of all licensed U.S. drivers and represent 9.5% of all drivers stopped.

# U.S. Drivers Stopped by Race vs. Percentage of Licensed Drivers
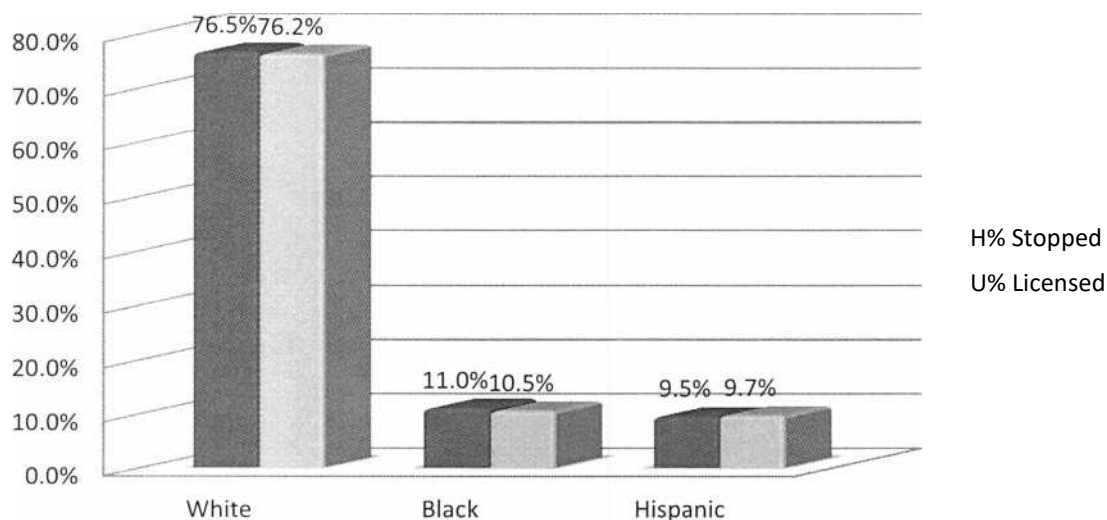


Figure 1: *U.S. Drivers Stopped by Race vs. Percentage of Licensed Drivers* Reference: BJS, "Characteristics of Drivers Stopped by Police"

When you look at the race of drivers stopped in comparison to their respective composition of the overall U.S. population using simple census population benchmarking, the data once again shows no glaring improprieties. In fact, of the three categories examined, only White drivers constituted a higher percentage of overall stops than their represented percentage in the U.S. population also. White drivers made up 73.22% of all stops, and comprise 72.41% (+.81%) of the total U.S. population. Black drivers made up 10.49% of all stops and comprise 12.61% ( 2.12%) of the overall population and Hispanic drivers made up 11.54% of all stops and comprise 15.36 of the U.S. population ( 3.82%), [Totals 100% due to rounding].

# % of Stops vs % of Total Population by Race
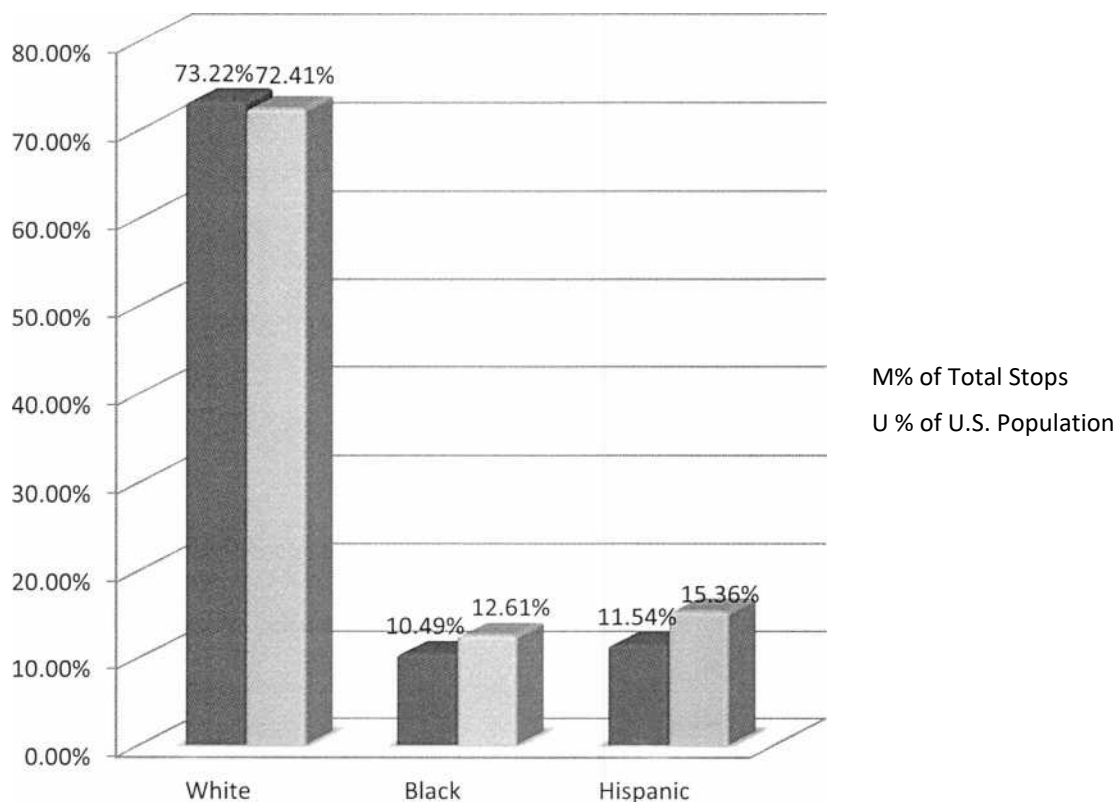


Figure 2: *Percentage of Stops by Race vs. Percentage of Race in U.S. Population* Reference: BJS, "Characteristics of Drivers Stopped by Police"

Existing Methods

In spite of apparent judicial unwillingness to accept arguments even when statistical evidence supports such claims, methods continue to be developed that rely heavily on increasingly difficult statistical methods. While valid, these methods do not lend themselves to easy understanding by those with the most cause to employ them, police commanders, community stakeholders and civil rights groups. Ridgeway, when discussing his propensity score methodology does tout that it is 'easier to present' to stakeholders; however, this is not a common theme in the literature (Ridgeway 2006, 2);

also, 'easier to present' does not translate into concepts that are 'completely understandable' (Bard 2012, 8). The researcher argued here that a more practical method needed to be developed to determine whether or not racial profiling or racially biased policing is occurring; this more practical method should be one that is truly understandable by the "majority:" police commanders, community members, civil rights activists, etc. While no method of testing for racial profiling or racially biased policing is without shortcomings, this more practical tool should limit itself to a focus on the RRD of the stop.

While it was argued here that the most commonly used methods of determining whether racial profiling exists are too statistically robust for the 'average' person to understand, it is not tantamount to saying that the average person cannot or is incapable of understanding these complex equations with proper training and foundation. Nor is it tantamount to saying that the average person is uneducated or undereducated, for it is this researchers position that only those with advanced training in advanced statistical and research methods are capable of full understanding of these complex equations and methods—and only a small slice of the population have such a foundation. Police are a microcosm of society and as such, a survey of police personnel (commanders at the rank of lieutenant and above) should yield generalizable results. Similarly, police officers have become increasingly educated; however, the type of education is most often in a Liberal Arts, political or social science field (criminal justice, sociology, public administration, etc.); none of which, typically involve higher-level mathematics.

While it was argued here that level of education would have little to no impact on the ability to understand the aforementioned complex equations, it was also believed that

'level of education' would impact an officer's [to include commanders'] perceptions as to whether or not racial profiling is occurring in the U.S. According to Maguire and King (2004), "Data on education levels of American police officers are neither current nor conclusive, but a patchwork of evidence suggests that the police workforce is becoming increasingly educated.. .however, the effects of education on policing are still not well understood" (26).

According to Rydberg and Terrill (2010), "the relationship between higher education and officer behavior remains unresolved; however, the potential for research in this area is both abundant and exciting.. .analyses which produce findings regarding the direction of education's impact on officer behavior will be useful in deciphering unresolved relationships, and those findings will certainly benefit from empirically derived, stable explanations..." (Rydberg and Terrill 2010, 22). It has been long thought that liberal arts colleges and higher educational levels foster more support for civil liberties (Dow and Lendler 2002, 552). To that end, this study will contribute to the body of knowledge of policing and education by asking "Is there a significant difference in perceptions as to the existence of racial profiling between police commanders who have obtained graduate [advanced] degrees and those who have not?"

Currently there exists no consensus on which of the plethora of commonly used and commonly cited methods is best to employ. Similarly there has been no uniform indication given as to the broad category of which type of test is preferred. Some methods focus on 'hit rates,' [the number of searches that result in the detection of contraband], as mentioned earlier, others utilize 'population benchmarking' [comparison of drivers stopped versus the makeup of a known population; such as the general population or the

population of licensed drivers], others rely on 'internal benchmarking' [comparison of target officer's behavior with other officers who are similarly situated], at least one method involves the use of propensity scores [comparison of target group stops vs. non target group stops using 'weights' to level the comparison]. The RRD model that is put forth here would operate similarly [to Ridgway's model] but in a different fashion, a more simplistic one for certain. It would simply compare an individual officer's behavior versus that same individual officer's behavior across the race of the individuals the officer stopped. To some extent, the type of test has to be shaped by the location being studied or by the type of officer assignment [it stands to reason that an officer assigned to work a major freeway may require a different type of scrutiny that one who patrols a busy residential area].

Of the methods mentioned above, population benchmarking and internal benchmarking both involve relatively simple concepts but not necessarily less statistically robust computation. Some of the most complex computations are those involved in hit rate formulae and those that attempt to determine the efficacy or cost of taking an action [as opposed to taking another action (to search or not to search)]; these complex formulae lend themselves to use in court and may serve as a piece in the 'discriminatory proof puzzle,' but alone will not prove discriminatory intent. Therefore, more practical models designed for use as tools to bring law enforcement and community stakeholders towards a firmer understanding and realization of the problem would prove more useful.

It is envisioned that in addition to circumventing both 'The Aggregate' and 'The Benchmarking' problems, the RRD model would have some utility as an early warning system. Early warning system in the sense that, administrators/commanders who observe

an officer with a high RRD Stat should use that as an indication that a more surgical or look is required; after the detailed look, training should be administered to the offender whenever possible; more stringent measures should only be taken against chronic or invidious offenders. However, the researcher believes it would prove most useful as a more definitive investigative tool when complaints of racial profiling are registered.

It stands to reason that departments who proactively investigate and take immediate and corrective actions can curry community support and avoid the potential prolonged scrutiny authorized by Violent Crime Control Act of 1994; specifically § 14141, which authorizes the DOJ's Special Litigation Section of the Civil Rights Division to take civil action to pursue equitable and declaratory relief against police agencies engaged in a "pattern and practice" that deprives individuals of their constitutional rights (Ross 2009, 189). In fact, departments can preempt the necessity of unwanted intervention by meeting with community stakeholders and forming [albeit informal] Memorandum of Agreement like (MOA) partnerships under far less formal circumstances, or simply to reassure stakeholders that mechanisms (constant scrutiny [self appointed watchdog], training, and practice adjustments) are being implemented to rectify the problems, perceived or real. Obviously, the ultimate goal would be to avoid any agreement approaching a formalized one, research indicates that the presence of such agreements (consent decrees or memorandum of agreements) does nothing to diminish serious crime and actually degrade public safety (Ross and Parke 2009, 204).

While it is beyond the scope of this investigation to undertake a lengthy discussion of all the various and differing models currently in use to detect racial profiling and racially biased policing, this next subsection will discuss several methods,

with the expressed intent of showing how statistically complicated and involved they are. In all fairness, equations shown will be out of context but for the argument here, context is not relevant in determining the 'statistical robustness' of these equations. Nothing contained in this section seeks to minimize or discredit the methods used; as stated earlier, no method is without shortcomings, nor can any method account for all possible variables or potentialities. The justification for the RRD model that is detailed in the last section of this writing is discussed in depth in this section as well; it assuredly will not overcome any of the shortcomings in the field of tests with the exception that will seek to avoid the benchmark and aggregate problems and it is argued that it will be more easily understood by all who encounter it.

## Knowles, Persico and Todd (KPT)

In 2001, researchers, John Knowles, Nicola Persico, and Petra Todd posited what is now a much quoted theory designed to determine the presence [or absence] of racial bias in the police' decision to search vehicles (Knowles et al. 2001, 206). The test is derived from a simple model of law enforcement via police searches and looks at the success rate of searches across races (Knowles et al. 2001, 206). The KPT model makes several assumptions: (1) it assumes that police maximize the number of successful searches, net of the cost of searching motorists; (2) it assumes that motorists take into account the probability of being searched in deciding whether to carry contraband (Knowles et al. 2001 206). "A key implication of the model is that if a police officer has the same cost of searching two subgroups of the population and if these two subgroups are searched at equilibrium, then the returns from searching will be equal across the subgroups" (Knowles et al. 2001, 206). According to the architects of KPT, "a key

advantage of the test is that it is feasible even when the data include only a subset of the variables used by the police in deciding whether to search a motorist" (Knowles et al. 2001,206).

KPT is not without its criticisms [it cannot be stressed enough that no method is completely unproblematic], Anwar and Fang point out that KPT makes no provisions for characteristics outside of race, that if observed by law enforcement would be indicative of the presence of contraband (2006). They also point out that "the KPT model assumes monolithic trooper behavior as it pertains to racial prejudice, an assumption that is most likely not valid" (Anwar and Fang, 2006). Several critics point out that KPT model does not generalize if potential drug carriers may not be observed by the police or if there are different levels of drug offense severity; citing that under those circumstances inherent infra marginality and omitted variables problem reemerge that invalidate it (Dharmapala and Ross, 2004; Anwar and Fang, 2006). Another possible shortcoming is that it only considers those motorists who were stopped and searched. Data on all stops may reflect different outcomes (Knowles, et al. 2006).

Figure 3 illustrates some equations associated with the KPT model. The first equation (A) [beginning D(r)] provides a test for prejudice that is implementable even in the absence of certain data. The second equation (B) [beginning S], is utilized for testing the hypothesis of no association between guilt and race, and the last equation (C) [beginning *max]* expresses probabilities of officers choosing to search based on motorists' characteristics and the officers' determination as to whether searching is profitable. The rather obvious aim of showing these equations is not to critique them, but to show the 'robustness' or 'degree of difficulty' associated with them; it continues to be

the position of the researcher that such equations [and concepts] fall outside the level of understanding of the average person who does not have advanced training/knowledge in research methods and/or statistics:

$$D(r) = \int P^*(G|c,\ r) \frac{\gamma^*(c,\ r)f(c|r)}{\int \gamma^*(s,\ r)f(s|r)ds} dc.$$

(A)

$$\sum_{r \in \mathcal{R}} \frac{(\hat{p}_r - \hat{p})^2}{\hat{p}_r} \sim \chi^2(R - 1)$$

(B)

$$\underset{y(c,W),y(c,A)}{\max} \quad 2 \quad P(G|G\ r) - r)f(c\backslash r)dc,$$

(C)

Figure 3 - KPT Model

Veil of Darkness

Grogger and Ridgeway (2006) set out to develop an approach to testing for racial profiling in traffic stops that does not require explicit external estimates of the race distribution of the population at risk of being stopped. The theory is compelling and it rests upon the assumption that during the night "Veil of Darkness," police have greater difficulty in observing the race of a suspect before they actually make a stop (Grogger and Ridgeway 2006, 880). Therefore, with all or most other things being equal i.e. travel patterns, driving behavior, and exposure to police, then racial profiling can be tested for by comparing race distribution of drivers stopped during the day to the race distribution of drivers stopped during the night (Grogger and Ridgeway 2006, 878). If stops of minorities occurring without the "veil" (in daylight) are consistently higher than the

51

number of stops of minorities occurring with the "veil" (in darkness) then under this theory, racial bias may indeed be present. Conversely, an increase in the number of stops of minorities occurring in darkness does not eliminate the possibility that bias exists [we must remember that no method is without or will be without its criticisms or limitations],

Grogger and Ridgeway begin with an "Idealized Test for Racial Profiling;" in this test they state that to be at risk [of being stopped/searched], a person must be driving a vehicle, be exposed to police, and be committing a traffic offense that would lead police to stop the vehicle if observed (2006, 878). It is that latter point that draws some contentions, it does so because if an officer is aggressively committing acts of racial profiling, a traffic offense need not be committed for the officer to initiate the vehicle investigation—the triggering violation can simply be manufactured after contraband is discovered—of course this would be in only the most egregious cases (Bard 2012, 8; Whitney 2008, 278). Another seldom mentioned problem with this method, although the authors go through great trouble to eliminate it from the equation of possible shortcomings, is that it may overestimate the effect that darkness has on an officer's ability to perceive race (Bard 2012, 8); the number of cues [as to race] available to the experienced officer are mind boggling and may not yet be completely understood. Some more obvious ones would include: the ability to accurately perceive race from something as slight as a shadow casted, driving position/style, or those gleaned from senses other than sight (e.g., the type and/or tone of music emitted) may tell an experienced officer all he or she needs to know about the occupants of a vehicle (Bard 2012). Additionally, the authors discuss the inherent problem of possible racial differences in traffic patterns between the day and night; there is no way to account for omitting this variable.

Figure 4 demonstrates some equations associated with the Veil of Darkness model. In the first equation (A), the first term is an odds ratio, the odds of being black and stopped during daylight to the odds of being black and stopped during darkness (Grogger and Ridgeway 2006, 881). The second equation (B) attempts to reconcile two visibility variables that affect risk (K) under the Veil of Darkness (VOD) (Grogger and Ridgeway 2006, 886). The third equation (C) is meant to show that A?$_{VO}$d depends on a nonlinear function of four separate stop probabilities and two visibility probabilities (Grogger and Ridgeway 2006, 886):

jiw=ovw=i) w=i)w=0)

$$\sim P(B[S,d=O)P(BlS,d=l)\ P(Bld=l)P(B[d=Q)$$

$$^{vod}"P(S|V,B)ai+P(5|V,8)(l-ai)$$

X ---- - -: ------------— ----------- , (A.4) W,B)«$_0$ +
    W,8)(l-a$_0$)

(B)

$\dfrac{3}{}$
- --- logA'voj

/ P(S\V. B) P(S\V. B) \
\ F(S| V. B) P(S|V, H) /

x P(S\V. B)P(S\V. B)

x ((P(S| V, B)^ + P(S\V,BW -«]))

x (P(S|V,B)cq H-P(5|V, B)(l -o'!)))$^{-1}$

Figure 4:   Veil of Darkness Model

Propensity Scores

In 2006 Ridgway proposed a propensity score technique to determine the extent to which race bias affects citation rates, search rates, and the duration of the stop (1). According to Ridgeway, adjusting for confounding variables using propensity scores offers an alternative to multivariate regression that is more interpretable, less prone to errors in model assumptions, and ultimately easier to present to stakeholders in policing practices (Ridgeway, 2006). The idea that the propensity score technique is easier to understand has the potential to make it a valuable tool to police officials who desire to personally understand the breadth and depth of the racial bias in their department. Ridgeway considers stops in "target groups" (black or minority drivers) and weights stops in "comparison groups" (white drivers) so that the comparison group's weighted distribution of potential confounding variables equals the unweighted distribution of the target group (Ridgeway, 2006). According to Ridgeway, "the method essentially creates, a set of stops involving white drivers that are similarly situated to the stops involving black drivers (Ridgeway, 2006). Having matched the distributions of features for stops involving black drivers and stops involving white drivers, analysis of race in post stop activity involves a straightforward comparison of the stop outcomes of the two groups (Ridgeway, 2006).

The concept utilized in the propensity score technique may be somewhat easier to understand; however, for a model to maximize its utility with those most likely to use or benefit from its use, it is the position of this writing, that it should seek to distance itself from complex formulae and computations that are beyond the capability of the 'average person' [meaning the average community stakeholder, police commander, etc.], this certainly not the case with Ridgway's model. It is arguable that the vast majority of

stakeholders on both sides of the police community coin would not fully grasp or

understand the formulae or computational concepts involved with not just the propensity

score method—but with virtually of the commonly recognized methods.

Figure 5 illustrates some of the equations associated with the Propensity Score

model. In the first equation (A) [beginning $RE =$], as the authors explain it, it seeks to

calculate the race effect *(RE)* by determining the difference between the average outcome

in the target group and the weighted average outcome in the comparison group. The

second equation (B) [beginning (p) =] illustrates the generalized boosted model (GBM)

[utilized instead of standard linear regression models]; this equation computes a non

parametric estimate of p(x) by generalizing the iteratively reweighted least squares

algorithm used in standard software for fitting logistic regression models. The last

equation (C) [beginning min{...}] essentially computes the smallest weighted percentage

of stops lasting less than 10 minutes that would be possible under the distribution and

correlation constraints imposed. Once again, it cannot be stressed enough that the obvious

aim of showing these equations is not to critique them, but to show the 'robustness' or

'degree of difficulty' associated with them; it continues to be the position here that such

equations [and concepts] fall outside the level of understanding of the average person who

does not have advanced training/knowledge in research methods and/or statistics:

$$RE = \frac{\sum_{i=1}^{N} r_i y_i}{\sum_{i=1}^{N} r_i} - \frac{\sum_{i=1}^{N} (1-r_i) w(\mathbf{x}_i) y_i}{\sum_{i=1}^{N} (1-r_i) w(\mathbf{x}_i)}$$

(A)

If

$$<(p)=£r3ogp(x)+(H)log(l^{\wedge\wedge}$$
$$\scriptstyle 1=1$$

(B)

$$milk_{0,} \mid \text{----------------------------------subject to the constraint that} \qquad \text{and } cor(/?_A j)^z \, 0$$

$$\scriptstyle 1=1$$

Figure 5:   Propensity Score Model

Reason, Result, Duration method (RRD) the Rationale

It has been argued by the researcher throughout this writing that there is a need

for a simpler, and therefore, easier to understand model to be developed to assist in the

detection of racial profiling and/or racially biased policing. The method suggested

throughout this writing is one that concerns itself with drawing inferences from

computations surrounding the RRD of a police vehicle investigation; in fact, the model is

simplistic enough in conceptualization that it can be applied to other police interactions

also [mainly pedestrian investigations and/or Stop-and-Frisk situations]. The RRD model

would simply make comparisons of stops that an officer makes with one group

[minorities] and compare them to the results obtained when that same officer stops non-

minorities. Making meaningful comparisons in this manner, seeks to sidestep the well

published "Aggregate" and "Benchmark" problems that plague researchers and others who investigate racial profiling and racially biased policing. Obviously such a model lends itself to other bifurcations, but for racial profiling applications this division is appropriate.

While it is beyond the scope of this section to fully develop such a model here, a brief look at how and why it is useful, particularly when viewed in the context of problems associated with analyzing aggregate data is appropriate. Suppose that we are examining police vehicular investigations from a hypothetical jurisdiction, that has a population comprised of only two races, 'minorities' and 'non minorities' (it is possible to only use these two taxonomies). We could examine the vehicular stop data from one officer and see that the officer's stops reflect that each race was stopped in the exact proportion as they are comprised within the jurisdiction. However, an analysis of the officer's activities applying the RRD methodology to the data, you might find that the officer stops non minorities for minor equipment or technical violations (broken taillights, obstructed rearview, and other minor violations that indicate a high degree of officer discretion, etc.) and always issues them tickets and stops non minorities for moving violations only and seldom issues them tickets. Suppose further, that it is also found that minorities are being held for traffic stops for inordinately long periods of time (35 45 minutes and longer) while that same officer rarely holds non minorities more than 10 minutes during vehicular investigations. A cursory look into the officer's activity would tend to indicate that the officer was not engaging in racial profiling [or disparate treatment of minorities]; but an in depth look into this officer's activity would reveal blatant insidious racial profiling is occurring.

Now, suppose that same officer's vehicular stop data indicates that they stop 80% minorities and 20% non-minorities. This would tend to indicate that racial profiling was occurring; however, analyzing the data using the RRD methodology, it may be found that the officer is making the overwhelming majority of the stops at one very busy intersection (some type of selective enforcement zone due to a high amount of accidents or fatalities) and the majority of stops are for making illegal left hand turns at this intersection; which have been shown to contribute to the high accident rate at that intersection. If the Results and Duration of the stops are sufficiently similar, then you would conclude that the officer was offense profiling and not racial profiling. In most circumstances, offense profiling is acceptable; in fact, it is necessary at this hypothetical intersection.

It has long been understood that officers may alter their practices knowing that data is being monitored (Ramirez et al. 2000; Walker 2001; Ward 2002; Withrow 2006, 45). There is always the possibility that an officer—being aware of the fact that statistics are kept and fully cognizant of the probability that the data will be used against them or their department—could pad their numbers to reflect a relatively even number of stops or simply provide data that is inaccurate, incomplete or false (Withrow 2006, 45). According to Lundman (2004), ".. .contemporary police officers know why data are being collected and they have strong incentives to distort or minimize what they report... police know why data are being collected and some police officers have already been detected providing false or incomplete data" (316). However, if an officer is engaging in racial profiling or disparate treatment of one segment of the community an analysis of their activity using the RRD methodology would bring to light any improprieties. The

researcher believes that as more records accrue the truest picture of the officer will also emerge.

Summary

A review of the literature illustrated several key points pertaining to racial profiling and the problems associated with testing for whether or not it [and racially biased policing] are occurring: (1) There is no universally accepted definition of the term 'racial profiling'; (2) The practice also creates rifts between police and large segments of the community, particularly, minority communities. Racial profiling can lead to "an ugly crisis in relations between police departments and minority communities" (Gross and Livingston 2002, 1432); (3) the Supreme Court's 1996 *Whren* decision, severely affected the impact of using statistics to prove discriminatory intent and effectively made the hurdle to clear when asserting an equal protection claim [Fourteenth Amendment] or a $4^{th}$ amendment claim for racial profiling an insurmountable one; (4) many statistically robust methods continue to be developed and used in the determination of racial profiling and racially biased policing; of these methods, there continue to be varying types without a clear preference being established; and last but not least, (5) all of these methods have shortcomings but some common issues involve the appropriate benchmark and level or unit of analysis (micro, aggregate, multilevel, etc.)

The position has been well established throughout that a simpler and more practical/understandable method of testing for the existence of racial profiling / racially biased policing is needed. The following analysis in accordance with the purpose of this project is to: (1) assess the need for a simpler method of determining the existence of racial profiling; this is done by polling law enforcement commanders (at the rank of

lieutenant and above); (2) assess police commanders' perceptions as to the existence of racial profiling in the U.S., (3) determine what, if any, relationship that having an advanced degree has on police commanders' perceptions about the existence of racial profiling, (4) determine what, if any, relationship that 'rank' has on police commanders' perceptions as to the existence of racial profiling and lastly, if indicated by the research, (5) to develop a framework for this simpler method, focusing on the RRD of the investigatory stop by law enforcement.

Additionally, the RRD methods seeks to sidestep the well published "Aggregate" and "Benchmark" problems that plague researchers and others who investigate racial profiling and racially biased policing. It was anticipated that the results of this research will confirm the following: (1) police commanders will perceive that current methods used to test for racial profiling and racially biased policing (at least their statistical components) are not easily understood by those with the most need to utilize them, and that a more practical or 'easier to understand' method would be useful; (2) that the majority of police commanders will perceive that racial profiling does exists within the U.S.; and (3) that the 'level of education' is positively correlated to police commanders' perceptions as to the existence of racial profiling; (4) No relationship will be observed between police commanders' perception as to the existence of racial profiling and 'rank.'

Chapter HI

METHODOLOGY

Overview

Previous literature and studies have identified various problems associated with the practice of racial profiling. The purpose of this study was to examine the practice of racial profiling in the U.S.; specifically, to examine police commander's perceptions of the models currently used in determining the existence of racial profiling and to assess the need for a different, but simpler method. Additionally, this study sought to examine police commander's perceptions as to the existence of racial profiling; previous research, (McMahon et al. 2002, 82) had recognized what has been termed "the 60/60 Dichotomy"—where 60% of police chiefs say that racial profiling is not occurring in their departments, while 60% of the people say that it is occurring. Most models rely heavily on the use of statistics using long equations that are not easily understood by someone who does not have a background in advanced statistics or advanced research methods.

Until now discussions of the results of racial profiling complaints have been particularly one sided—police concluded that an investigation was conducted and no evidence of racial profiling could be sustained—largely because police investigating claims of racial profiling often use inappropriate benchmarks and often times do not analyze the data at the appropriate level. According to David Harris, "...many departments all over the country work without crucial information on police stops and

searches.. .even now, after several years of public controversy over profiling, many police administrators simply insist that the public should trust them when they say there is no problem, even as they refuse to collect the data necessary to back up their assertions..." (Harris 2003, 177) [Even when departments collect the required data, it is often analyzed using flawed methods]. However, if further explanation is sought, a sufficient one is beyond the grasp of the complainant to understand [because methodology is too complex] or beyond the grasp of the police commander charged with explaining the results for the exact same reason; It amounts to police issuing the albeit friendly edict that, "Racial profiling is not occurring, because I said it's not occurring."

It is posited here that because the benefactors of tests for racial profiling and racially biased policing are police executives and community stakeholders, that a more practical method need be developed, a method that is truly understandable by the "majority." Because police officers [and police commanders] are a microcosm of society, a survey of police commanders should answer the question sufficiently.

<center>Research Objectives</center>

1. First objective - To assess the need for a simpler method; this is done by polling law enforcement commanders (at the rank of lieutenant and above);

2. Second objective - To assess police commanders' [at or above the rank of lieutenant] perceptions as to their own ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling?

3. Third objective - To assess police commanders' [at or above the rank of lieutenant] perceptions as to their constituent's ability to understand the

complex equations [methods] currently used in tests to determine the existence of racial profiling?

4. Fourth objective - To determine the relationship, if any, that having an advanced degree (graduate or better) has on police commanders' perceptions about the existence of racial profiling,

5. Fifth objective To determine the relationship, if any, that 'rank' has with police commanders' perceptions about the existence of racial profiling,

6. Lastly, this study developed the framework for a simpler, easier to understand method of determining the existence of racial profiling. This new method focused on the RRD of the investigatory stop and allows for subjective intent to be included in the calculus.

## Research Questions

The specific research question sought to explain:

1. Do police commanders [at or above the rank of lieutenant] favor a more practical method to determine the existence of racial profiling over the 'statistically robust' methods that are currently used.

2. How do police commanders [at or above the rank of lieutenant] perceive their own ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling?

3. How do police commanders [at or above the rank of lieutenant] perceive their constituent's ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling?

4. Is there a significant difference in perceptions about the existence of racial profiling between commanders who have obtained graduate degrees and those who have not?

5. Is there a significant difference in perceptions about the existence of racial profiling between commanders of different ranks?

<div align="center">Hypotheses</div>

The following hypotheses are put forth:

Hi - A survey of police commanders will reveal that a more practical and understandable method would be useful in determining the existence of racial profiling and racially biased policing.

Ho - A survey of police commanders will not reveal that a more practical and understandable method would be useful in determining the existence of racial profiling and racially biased policing.

H2 - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] do perceive that racial profiling does occur.

$H_{O2}$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] do not perceive that racial profiling is occurring.

H3 - As the police commanders' [lieutenant and above] 'level of education' increases, the perception that racial profiling does occur increases as well.

$H_0 3$ - No relationship is observed between a police commanders' [lieutenant and above] 'level of education' and perception as to whether or not racial profiling occurs in the U.S.

$H_4$ - As the police commanders' [lieutenant and above] 'rank' increases, the perception that racial profiling does occur does not increase.

$H_{O4}$ - As 'rank' increases, a police commanders' [lieutenant and above] perception that racial profiling does occur increases as well.

$H5$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] conclude that they do not understand the complex equations [methods] that are currently used to determine the existence of racial profiling.

$H_o 5$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] do not conclude that they do not understand the complex equations [methods] that are currently used to determine the existence of racial profiling.

$He$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] conclude that their constituents do not understand the complex equations [methods] that are currently used to determine the existence of racial profiling.

$H_0 6$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] conclude that their constituents are capable of understanding the complex equations [methods] that are currently used to determine the existence of racial profiling.

Study Measures/Instrumentation

Police Commander Racial Profiling Survey

Utilizing a popular survey creation website a 10 question [16 items] survey was created. The survey items in this study were developed as result of an analysis of previous study questions, discussions with practitioners in the field, and a review of the literature; the survey is included and attached as Appendix C of this study. According to Remler and Van Ryzin (2011), "in a relatively short time, Web surveys [also called Internet surveys or Online surveys] have emerged as one of the most important and widely useful alternatives to the more traditional modes of survey data collection" (221). Survey questions were culled and selected from a database of previously refereed questions [some questions slightly altered to fit the target audience of police commanders {lieutenant and above}].

The survey instrument is functionally divided into three sections. Section One [Items 1-4] collects demographic information on the respondent, including whether or not the respondent perceives that racial profiling occurs in the U.S., and if so, to what degree. Section Two [Items 5-9] collects demographic information on the respondent's agency [size, policies, data tracking, training, and investigative techniques used]. Section Three [Items 10a-1 Of] addresses the respondent's perception as to their ability to understand some of the complex equations utilized in determining whether or not racial profiling exists; Section Three also assesses the respondent's beliefs or perceptions as to the ability of their peers and community stakeholders to understand these 'complex equations.'

All survey questions were pretested using a small group of preselected police commanders (n = 4). The pretesting commanders hold the following ranks [or equivalent] within their respective organizations of Chief of Police, Lieutenant Colonel, Major and 66

Lieutenant. The group's highest level of education attained is: 2 - PhDs, 2 - Masters Degrees. The pretesting commanders reviewed the questions for the following: to ensure concise phrasing and terminology, to remove unnecessary jargon or difficult/nebulous wording, eliminate assumptions made, and also ensuring that questions are simplistic. This review ensured that each item was clear and easily understood; interpreted as intended; the items have an intuitive relationship to the study's topic and goals, and that the intent behind each item is clear to colleagues knowledgeable about the subject matter (Suskie 1992, III). (See Appendix C for complete survey)

<div align="center">Sample and Participants</div>

According to Remler and Van Ryzin (2011) sampling for qualitative research often involves some form of purposive sampling, defined as: the choosing of people who have a unique perspective or occupy important roles (156). As stated earlier, this study sought the unique opinion of some of those who have reason to be concerned about racial profiling, that is police commanders at the rank of lieutenant and above; as such, purposive sampling was utilized.

In order to get a representative sample of the nation's police commanders, police commanders were randomly selected from a list of graduates of a session of the Federal Bureau of Investigation's (FBI's), National Academy. Academy graduates represent agencies of various sizes in terms of jurisdiction served and the actual agency's size itself. After eliminating graduating police commanders of other countries from the Population, a random sample was collected from the remaining population of commanders (N = 270) [Exception: in order to ensure that female police commanders are represented, none of the female police commanders in the total population were skipped].

A short email was then sent to the randomly selected commanders explaining the purpose of the survey and asking that they participate, the request did include the link to the survey. Because this study did employ some qualitative measures, and to ensure that certain populations were sufficiently represented in the participant sample [respondents]; snowball sampling [also known as chain sampling—where interviewees are asked to refer people they know to the researcher for inclusion in the sample] was utilized in the recruitment process. The researcher asked female commanders and those commanders from departments believed to be smaller than 500 sworn employees to forward the soliciting email (containing the survey link) to other similarly situated commanders [female and those commanders at the rank of lieutenant and above in their departments]. Sample email request #1

Hello fellow graduate of the FBI National Academy. I am XXXXXXXXX XXXX, of graduating class #XXX. I will be conducting a study about racial profiling / racially-biased policing; specifically, about the perceptions of police commanders (lieutenant and above) concerning the practice of racial profiling and racially-biased policing. It would be a great help if you could take this brief survey, it takes less than 3 minutes, please follow the link below. The results will be published at a future date.
Thank You

Sample email request #2 (Female Commanders)

Hello fellow graduate of the FBI National Academy. I am XXXXXXXXX XXXX, of graduating class #XXX. I will be conducting a study about racial profiling / racially-biased policing; specifically, about the perceptions of police commanders (lieutenant and above) concerning the practice of racial profiling and racially-biased policing. It would be a great help if you could take this brief survey, it takes less than 3 minutes, please follow the link below. I would also like to ask that you forward this request to other female police commanders (lieutenant and above). The results will be published at a future date. Thank You

Sample email request #3 (Smaller departments)

Hello fellow graduate of the FBI National Academy. I am XXXXXXXXX XXXX, of graduating class #XXX. I will be conducting a study about racial profiling / racially-biased policing; specifically, about the perceptions of police commanders (lieutenant and above) concerning the practice of racial profiling and racially-biased policing. It would be a great help if you could take this brief survey, it takes less than 3 minutes, please follow the link below. I would also like to ask that you forward this request to other police commanders (lieutenant and above) from your department. The results will be published at a future date. Thank You

Procedures and Statistical Analyses

It is hardly necessary to conduct further inquiry into the numbers surrounding stops as they pertain to race in the U.S.; the U.S. DOJ, OJP, BJS conducts such an analysis (of the all drivers stopped in the U.S. using simple census population data of licensed drivers [16 and over]). The DOJ's Reports such as the "Contacts between Police and the Public" [published triennially since 1999] (2002, 2005, 2008); additionally the BJS has published other related reports such as, "Characteristics of Drivers Stopped by

Police, 2002" (June 2006), BJS Fact Sheets, "Traffic Stop Data Collection Policies for State Police, 2001; Traffic Stop Data Collection Policies for State Police, 2004" and the latest iteration, a Special Report: "Police Behavior during Traffic and Street Stops, 2011" (September 2013), continually tell a similar story. For the most part, the numbers reveal that drivers of all races are stopped nearly in exact proportion to their representation in the overall population of licensed drivers in the U.S. but that Black and Hispanic drivers are searched at disproportionately high rates.

According to the U.S. DOJ's, BJS, Both Whites and Blacks are stopped at a nominally higher rate than they exist in the population of licensed drivers; while Hispanics are stopped at a rate that is nominally less than their percentage of the licensed driver population. In 2008, Whites made up 76.2% of the licensed drivers in the U.S. and were stopped at a rate of 76.5% (+.3%); Blacks represented 10.5% of all licensed drivers and 11% (+.5) of all drivers stopped, while Hispanics made up 9.7% of all licensed U.S. drivers and represented 9.5% of all drivers stopped. About 5% of all drivers were searched during traffic stops (Eith and Durose 2011, 1); glaring differences appear as it pertains to search data. Black drivers (12.3%) were about three times as likely as White drivers (3.9%) and about two times as likely as Hispanic drivers (5.8%) to be searched during a traffic stop (Eith and Durose 2011, 10).

This study analyzed and interpreted the results of a racial profiling survey of police commanders using descriptive statistics, chi-square significance testing, and cross tabulation comparisons. The overarching purpose of this survey and study was to assess the need for the development of a more understandable/practical method or test to be used in determining the existence of racial profiling; however, several attendant research

questions (listed above) were addressed as well. The commander's perceptions were tallied, cross-tabulated and juxtaposed across several informative categories. The data was collated using the data management system of a popular survey creation website. Once the survey website collected the data it was capable of performing basic statistical analysis as well as, exporting the collected data to another statistical program for the purpose of analyses. The researcher exported the data in, Excel® and SPSS® and as such, certain analyses were done utilizing these programs.

## Study Limitations

One of the limitations of selecting police commanders in this fashion, even selecting them randomly, is that having a 4-year degree is now often an unstated requirement for nomination/acceptance into the FBI's National Academy; therefore, respondents indicating college attendance/degree may be severely overrepresented in the Population [sampling frame] and in the sample population.

Another limitation identified in this study is that because snowball sampling was utilized, the study design made no allowances to quantify the actual number of departments included in the study and therefore could not make generalizations about departments in the U.S. based on mere descriptive statistics with the exception of generalizations pertaining to agency size.

In an effort to limit scope and focus the researcher was limited to discussing only those factors hypothesized to have a relationship. There are many other factors that may or may not affect a police commander's perception about whether or not racial profiling does occur in the U.S. (or in their particular jurisdiction or region). Some of these factors are characteristics attributable to the individual commander (such as, assignment(s)

worked, number of complaints against, number of complaints about subordinates received and investigated, nature of police community working relationship, etc.); or to the agency/jurisdiction (such as, community diversity, location [rural, urban, etc.], history of agency, presence of a strong community policing strategy, etc.) and these factors were not measured here but should be included in a future investigation into the topic.

This study assumes that police are a microcosm of the society they represent and thusly, the opinion of police commanders would mirror that of society. This can most certainly be viewed as a limitation of this study simply because the assumption may not be a valid one based on the fact that policing creates a definitive subculture that may permeate thought sufficiently to cause it to differ from public opinion. Even so, police commanders' opinions about the practice of racial profiling should be considered when investigating the practice [of racial profiling] and therefore should serve as a sufficient proxy to determine the need for a more practical tool in determining the existence of racial profiling.

Lastly, the use of snowball sampling [the practice of asking study participants to recommend other participants—also referred to as 'chain sampling'] with potentially underrepresented groups, in this instance, female police commanders and commanders from smaller departments [agencies with less than 500 sworn employees] makes accurate calculations of response rate impossible for this study.

## Summary

It was posited here that police are a microcosm of society and that as such, this survey of police commanders would reveal that a more practical and understandable method would be useful in determining the existence of racial profiling and racially

biased policing; in fact, this formed the major hypothesis of the study. This chapter

presented an overview of the procedures and statistical analyses that followed in the next

chapter. In order to do so clearly, it puts forth the study's hypotheses, explains survey

instrumentation utilized to collect study data, describes the study sample and participants,

and discusses the limitations or shortcomings of the study.

The next section of this study tests the research questions posed by this study in

the form of hypotheses, by giving the results of the Police Commanders Racial Profding

Survey. This survey of police commander's perceptions about racial profiling and racially

biased policing has not been done previously in a similar fashion. The data collected is

quantitative and categorical in nature and lends itself to analyses utilizing various methods

including but not limited to: descriptive statistics, cross tabulations, chi-square (X ) testing,

and means testing in the form of average. These comparison were made for the purpose of

making generalizations as to the opinions and beliefs of police commanders (lieutenant and

above) from across the U.S.

Chapter IV

FINDINGS

Overview

The results and observations contained herein are intended to be descriptive of the results of the Police Commander Racial Profiling survey, thereby informing future approaches towards the handling of racial profiling at the municipal, state, and federal level. These observations along with the discussing of "a model multipronged approach" towards eradicating racial profiling are meant to shape policy primarily at the agency level, but also within the municipal and state legislatures. Factors will be discussed that are thought to directly affect a police commander's perception as to whether or not racial profiling exists. In an effort to limit scope and focus the researcher was limited to discussing only those factors hypothesized to have a relationship (rank, level of education, seniority, agency size, policies prohibiting profiling and training offered).

There are many other factors that may or may not affect a police commander's perception about whether or not racial profiling does occur in the U.S. (or in their particular jurisdiction or region). Weitzer and Tuch (2005) studied some sixteen factors during an investigation of "determinants of citizen's perceptions of racially biased policing:" (Education, Income, Gender, Age, Residence, Region, Safety [day/night], Neighborhood crime, Media Exposure, Personal Experience, Vicarious Experience, Bias Against Individuals, Bias Against Neighborhoods, Prejudice, and Racial Profiling). Some of the same factors may affect police perceptions also (Weitzer and Tuch 2005, 1015).

Some other factors are characteristics attributable to the individual commander (such as, assignment(s) worked, number of complaints against, number of complaints about subordinates received and investigated, nature of police community working relationship, etc.); some factors are attributable to the agency/jurisdiction (such as, community diversity, location [rural, urban, etc.], history of agency, presence of a strong community policing strategy, population, etc.). As none of these factors were believed to affect the measuring instrument created within (RRD Method) they were not measured here, but the researcher plans a future investigation into the topic in the immediate future.

The results of the factors investigated herein are presented in several forms; in some instances simple counts are displayed, as a majority [or lack thereof] of Police Commander's perception should have proven enough to make the intended point or counterpoint. In many other cases cross tabulation analysis was used to describe the study findings within particular groupings or conditions/statuses. Also chi-square ($y^2$) analysis was used in several instances, sometimes taking the form of the "goodness of fit test" and in others instances taking the form of a pure "test of independence."

This chapter will serve as an overview of the findings of the police commander racial profiling survey. Each research question and hypotheses is specifically addressed as it pertains to the results of the study of police commanders [Lieutenant and above]. Each of the three sections of the Police Commander Racial Profiling Survey (respondents' demographics/characteristics, respondents' agency characteristics/traits, commanders' perceptions as to ability to understand complex formulae used to determine the existence of racial profiling) will be summarized.

Respondents

In all, requests were made of more than 100 police commanders [lieutenant and above] from a graduating class of the FBI's National Academy who were asked to participate in the Police Commander Racial Profiling survey (as mentioned earlier, snowballing was used where underrepresented populations were concerned, female commanders and those commanders from smaller agencies [less than 500 sworn employees]; therefore, the total number of police commanders asked to participate in the survey and the response rate is unknowable). At the time of this report, there were 109 respondents (N = 109). The respondent's length of service in law enforcement is illustrated in Table 1. The majority of respondents, (n = 68 or 62.4%) had between (20 and 30) years of law enforcement service; second most were those commanders with (30 or more) years of service (n = 23 or 21.1%); third were those respondent commanders with more than 15 years but less than 20 years, (15 or more) of service (n = 17 or 15.6%). There was only one (n = 1) respondent indicating that they had (10 or more) years of service; and no commanders (n = 0) responded as have Tess than 10' years of during the survey. Utilizing categorical means, the average Police Commander Racial Profiling Survey respondent possessed 25.63 years of law enforcement service.

*Table 1: Years of Law Enforcement Service*

| Years of Law Enforcement Service | | |
|---|---|---|
| Variables | Response Percent | Response Count |
| 30 or more | 21.1% | 23 |
| 20 - 30 | 62.4% | 68 |
| 15 or more | 15.6% | 17 |
| 10 or more | 0.9% | 1 |
| less than 10 | 0.0% | 0 |

Source: Police Commander Racial Profiling Survey

Table 2 illustrates the "Rank" held by each of the respondents. 'Lieutenants' (n = 35) were the highest group of respondents with 32.4%; 'Captains' (n = 29) were the second most found group of respondents in the survey with 26.9%. The rank category of 'Major or above' was checked third most by the respondents (n = 16 or 14.8%); while 'Chief and 'Assistant Chief tied for fewest respondents with fourteen (n = 14 or 13.0%) each. One respondent did not provide an answer for this query. The researcher attributes higher responses from the lower command ranks (lieutenant, captain, etc.) as symbolic of the fact that the numbers decrease drastically as you go up the chain of command in any organization—there must be more Indians than Chiefs; the principle of span of control and Parkinson's Law both dictate this

*Table 2: Rank.*

| Rank | | |
|---|---|---|
| **Variables** | **Response Percent** | **Response Count** |
| Chief | 13.0% | 14 |
| Assistant Chief | 13.0% | 14 |
| Major or above | 14.8% | 16 |
| Captain | 26.9% | 29 |
| Lieutenant | 32.3% | 35 |
| **Total** | 100.0% | 108 |

Source: Police Commander Racial Profiling Survey

    a. One response was not captured, N = 108 for this query

Table 2a illustrates the cross tabulation comparison of "Years of Law Enforcement Service" and "Rank." There were 23 respondents (21.29%) who indicated that they had '30 or more' years in law enforcement; of that total, Chief was 21.7% (n = 5), Assistant Chief was 4.3% (n = 1), Major of Above was 21.7% (n = 5), Captain was 34.8% (n = 8), and Lieutenant was 17.4% (n = 4). There were 68 respondents (62.96%) in the '20 - 30' years of service range; of that total, Lieutenant accounted for the greatest number with 27.9% (n = 19), Captain was next with 25.0% (n = 17), Assistant Chief was third most with 17.6% (n = 12), with 'Major and Above' and Chief rounding out the category with 16.2% (n = 11) and 13.2% (n = 9) respectively. 16 respondents indicated that they had '15 or more' years, the majority of whom were the rank of lieutenant, 68.8% (n = 11), 25.0% (n = 4) held in the category held the rank of Captain; while 6.3%

(n = 1) of the respondents held the rank of Assistant Chief. Less than 1% of the surveyed

commanders (n = 1) had less than 15 years of service.

*Table 2a: Comparison of Years of Service and Rank*

| | | Rank | | | | | |
|---|---|---|---|---|---|---|---|
| | | Chief | Assistant Chief | Major or above | Captain | Lieutenant | Total |
| Yrs-Serv 30 or more Count | | 5 | 1 | 5 | 8 | 4 | 23 |
| | % within Rank | 35.7% | 7.1% | 31.3% | 27.6% | 11.4% | 21.3% |
| 20- 30 Count | | 9 | 12 | 11 | 17 | 19 | 68 |
| | % within Rank | 64.3% | 85.7% | 68.8% | 58.6% | 54.3% | 63.0% |
| 15 or more Count | | 0 | 1 | 0 | 4 | 11 | 16 |
| | % within Rank | 0.0% | 7.1% | 0.0% | 13.8% | 31.4% | 14.8% |
| 10 or more Count | | 0 | 0 | 0 | Q | 1 | 1 |
| | % within Rank | 0.0% | 0.0% | 0.0% | 0.0% | 2.9% | 0.9% |
| Total | Count | 14 | 14 | 16 | 29 | 35 | 108 |
| | % within Rank | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |

Source: Police Commander Racial Profiling Survey

a. One response was not captured, N = 108 for this query

Table 3 illustrates the highest level of school or highest degree conferred. More than

seventy-six percent of the respondents (76.2%) (n = 83) indicated that they possessed a

bachelor's degree or higher; it was mentioned as one of the study's limitations that the

number of respondents indicating that they have a college degree is likely to be extremely

overrepresented, this is due to the fact that the Population used as a base for this study came

from the membership rolls of an exclusive organization (the FBI, National Academy

Graduates) agencies sending candidates to the FBI's National Academy typically require a 4

year degree of their nominees. It is doubtful that the level

of police commanders in the U.S.' overall population of police commanders [lieutenant and above] will have as high a concentration of 4 year degree holders.

The survey results indicated that forty-four (n = 44 or 40.4%) of the respondents indicated that they have a Graduate Degree. Thirty-six commanders [lieutenant and above] (n = 36 or 33%) had earned a Bachelor's degree. Nine respondents (n = 9 or 8.3%) indicated that they possessed associate degree. Seventeen respondent commanders (n = 17 or 15.6%), did not possess a college degree—with only one commander, indicating no college at all. Three respondents possessed some form of doctoral degree (PhD, JD or Professional Doctorate, etc.). (N = 109, for this response): *Table 3: Level of Education*

| Level of Education | | |
|---|---|---|
| **Variables** | **Response Percent** | **Response Count** |
| High school diploma or equivalent (e.g., GED) | 0.9% | 1 |
| Some college but no degree | 14.7% | 16 |
| Associate degree | 8.3% | 9 |
| Bachelor degree | 33.0% | 36 |
| Graduate degree | 40.4% | 44 |
| PhD, JD, or Professional Doctorate | 2.7% | 3 |
| **Total** | 1 00.0% | 109 |

Source: Police Commander Racial Profiling Survey

As represented by Table 4, the majority of the police commanders [lieutenant and above] surveyed indicated that they did believe that racial profiling did occur in the U.S. According to the survey results (N = 109), in total, nearly 90% of the respondents (n = 98

or 89.9%) responded in the affirmative when asked, "Do you believe that racial profiling /racially-biased policing occurs in the U.S.; with 67.9% of the respondents (n = 74) stating that they "believed that it does happen but the practice is not widespread," and 22.0% of those affirming its existence (n = 24) stating that they "believed that it does happen and that the practice is widespread." A mere 5.5% (n = 6) of commanders indicated that they "do not believe that it happens" and only 4.6% of those surveyed (n = 5) responded that they "did not know how they felt about whether or not racial profiling occurs."

*Table 4: Perceptions of Racial Profiling*

| Does Racial Profiling Occur | | |
|---|---|---|
| Variables | Response Percent | Response Count |
| Yes, I believe that it does happen and the practice is widespread | 22.0% | 24 |
| Yes, I believe that it does happen but the practice is not widespread | 67.9% | 74 |
| No, I do not believe that it happens | 5.5% | 6 |
| I don't know how I feel about whether or not it occurs | 4.6% | 5 |
| Total | 1 00.0% | 109 |

Source: Police Commander Racial Profiling Survey

a. N = 109 for this query

It was stated earlier that previous research provided evidence of the "60/60 Dichotomy," where 60% of police chiefs say that racial profiling is not occurring in their

81

departments, while 60% of the people say that it is occurring; based on this previous research, the researcher performed a chi-square goodness of fit test. The researcher utilized this particular form of analysis because, "A chi-square goodness of fit test allows us to test whether the observed proportions for a categorical variable differ from hypothesized proportions" (IDRE 2013, 1; Ray 2013, 1; Remler 2011, 275). Here the Null was formulated as, "A survey of police commanders [lieutenant and above] will reveal that the majority [60%] of police commanders [lieutenant and above] do not perceive that racial profiling is occurring." and was rejected with a high degree of confidence, indicating that something other than chance was responsible for the obtained results ($p < .05$; critical value = 5.99); $\%^2$ (2) = 147.88, $p < .005$. Table 4a shows the corresponding results.

*Table 4a: Chi-square Perceptions*

| | Valie | df | Cri alvahes for p | |
|---|---|---|---|---|
| Pearson Chi Square | 147.88 | 2 | 0.05 | 5.99 |
| | | | 0.01 | 9.21 |
| VaB Cases | 109 | | 0.005 | 10.597 |

Source: SPSS statistical software analysis

Respondent's Agencies

As evidenced by Table 5 (below), the total respondents (N = 108) were nearly evenly split between "large" and "smaller" agencies; with 53.6% of the respondent commanders coming from "large" agencies (with five hundred or more sworn employees) (n = 58) and 46.2% of the respondents coming from "smaller" (less than five hundred sworn employees) agencies (n = 50) [one response was not recorded]. In terms of actual agency size (category wise), the rank [in terms of reported frequencies], highest to lowest, was as follows: (1) 'Greater than or equal to 1,000' [but less than 3,000] (n = 28 or 25.9%); (2) 'Less than 500' (n = 24 or 22.2%); (3) 'Greater than 3,000' (n = 21 or 19.4%); (4) 'Less than or equal to 100' (n = 17 or 15.7%) and (5) both 'Greater than 500' [but less than 1,000] and 'Less than 50' accounted for 8.3% of the responses (n = 9). Agency size is a variable that deserves further investigation and should be studied in depth in future studies [population served also].

*Table 5: Agency Size*

| Agency Size | | |
|---|---|---|
| **Variables** | **Response Percent** | **Response Count** |
| Greater than or equal to 3,000 Employees (3,000+) | 1 9.4<X> | 21 |
| Greater than or equal to 1 ,OOO Employees (1,000 - 2,999) | 25.9% | 28 |
| Greater than or equal to 5 00 Employees (500 - 999) | 8.3% | 9 |
| Less than 5 00 Employees (499 - 1 O 1 ) | 22.4% | 24 |
| Less than or equal to 1 OO Employees ( 1 OO - 51) | 15.7% | 1 7 |
| Less than or equal to 5 0 Employees (5 0 - 1 ) | 8.3% | 9 |
| Total | 1 00.0% | 1 08 |

a. One response was not captured, N = 108 for this query

As noted in the review of the literature, the subject of racial profiling has received a great deal of attention and therefore astute politicians, policy makers, police commanders, etc. cannot afford to ignore the issue. As such, many municipalities and law enforcement agencies have adopted policies prohibiting the practice of racial profiling. Table 6 examines how the respondent's agencies and jurisdictions have chosen to speak to the issue through policy. A decided majority of the respondents (n = 76 or 69.7%) indicated that their respective agency has a policy prohibiting racial profiling; 25.7% of the respondents (n = 28) that both their jurisdiction and their agency had a policy prohibiting the practice of racial profiling. That 95.4% of the study participants (n = 104) indicated that a policy prohibiting the practice of racial profiling is in place in at either level, speaks volumes as to the magnitude of the level of importance the subject has garnered since its emergence. Less than 3% of the individuals surveyed responded that neither their agency nor their jurisdiction had a policy prohibiting the practice (n = 3 or 2.8%). Table 9a: illustrates agencies with policies in terms of 'jurisdiction size' in the U.S.

*Table 6: Policy Prohibiting Racial Profiling*

| Policy Prohibiting | | |
|---|---|---|
| Variables | Response Percent | Response Count |
| Yes, the department has a policy prohibiting the practice | 69.7% | 76 |
| Yes, the Jurisdiction has a policy prohibiting the practice | 1.8% | 2 |
| Yes, both the department and the Jurisdiction have policies prohibiting the practice | 25.7% | 28 |
| No, neither the department or Jurisdiction have policies prohibiting the practice | 2.8% | 3 |
| Total | 100.0% | 109 |

Source: Police Commander Racial Profiling Survey

a. N = 109 for this query

*Table 6a: Agencies with Written Policy on Profiling in U.S.*



Local police departments with a written policy on racial profiling by officers, 2003
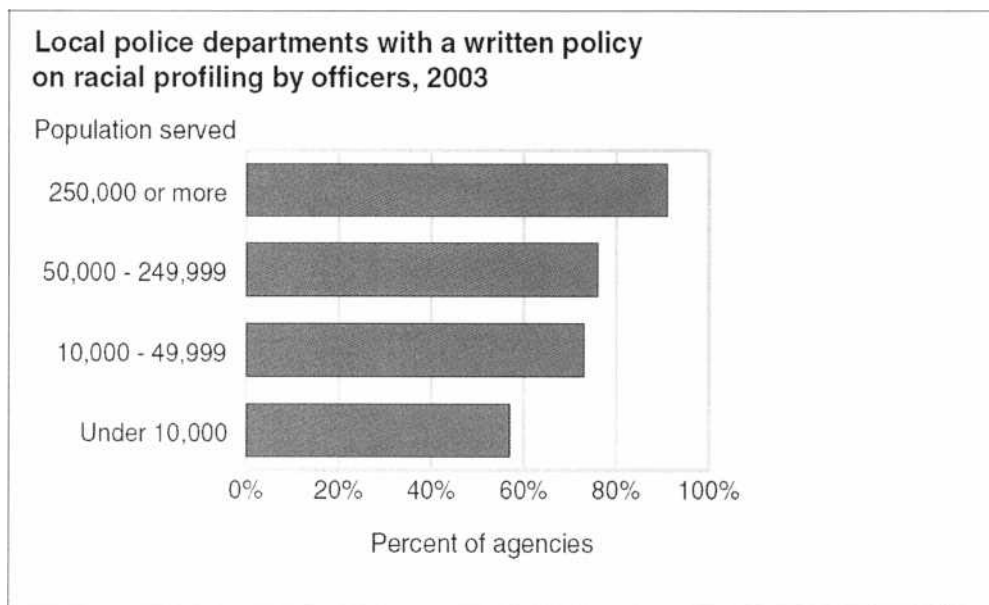
Source: Bureau of Justice Statistics; Local Police Departments, 2003

According to the Data Collection Resource Center of Northeastern University, many states require [at least] some of its law enforcement agencies to collect information about the stops and searches they conduct (2014). This trend is observable in the survey outcomes as presented in Table 7, "Data Collection Efforts" (N = 109). Slightly more than 39% of the respondents (n = 43 or 39.4%) indicated that their agency tracks [collects] data on vehicular and pedestrian stops; while 45% (n = 49) stated that their departments tracked vehicular stop data only. In all, the vast majority of those who responded indicated that police stop data was collected for the purpose of analysis (n = 93 or 85.3%). Sixteen respondents answered that no stop data is collected (n = 16 or 14.7%). *Table 7: Data Collection Efforts*

| Data Collection | | |
|---|---|---|
| Variables | Response Percent | Response Count |
| Yes, the department tracks vehicular stop data only | 45.0% | 49 |
| Yes, the department tracks pedestrian stop data only | 0.9% | 1 |
| Yes, the department tracks data on vehicular and pedestrian stops | 39.4% | 43 |
| No, the department does not track stop data of any type | 14.7% | 16 |
| Total | 100.0% | 109 |

Source: Police Commander Racial Profiling Survey

a. N = 109 for this query

Many departments and jurisdictions provide training designed to limit the practice of racial profiling [often times, this type training is required to maintain accreditation or for insurance purposes]. Table 8 illustrates the method of training utilized by each agency. Nearly 59% of all respondents (n = 64 or 58.7%) indicated that their agency provided racial profiling training as a part of the training academy curricula. While even more respondents indicated that their agency provided racial profiling training as a part of in service [or continuing education] training, (n = 81 or 74.3%). Only 11.0% (n = 12) were reported as having no racial profile training program. From the responses it can be gleaned that 48 agencies offered training at both a part of the training academy curricula and as a part of in service [continuing education] training. (Respondents were allowed to check all that apply; therefore, percentages are greater than 100%): *Table 8: Training*

| Training | | |
|---|---|---|
| Variables | Response Percent | Response Count |
| Yes, as a part of the training curricula while in the Police Academy | 58.7% | 64 |
| Yes, as a part of in-service training | 74.3% | 81 |
| No training is provided | 11.0% | 12 |
| Total | N/A | 109 |

Source: Police Commander Racial Profiling Survey

a. Respondents were allowed to check all that apply; therefore, percentages are greater than 100%

b. N = 109 for this query

When asked what method their agency used to determine whether or not an officer is engaged in racial profiling when a complaint of such is received, 51.4% (n = 55) [a majority] of the respondents indicated that they did not know which method was utilized by their jurisdiction. Table 9, "Method Used to Investigate Racial Profiling Complaints" illustrates the full findings. Given the seriousness of the issue and the amount of attention the subject of racial profiling has garnered in American discourse, this result was unexpected by the researcher. Slightly more than 22% (n = 24 or 22.4%) of respondents indicated that some form of 'population benchmarking' was used by the agency; while 20.6% of the respondents' agencies used some form of "internal benchmarking" to determine if an officer is engaging in racial profiling / racially biased policing. Expecting equal distribution among the three main choices and making allowances for five percent uncertainty, a chi-square goodness of fit test yielded the following results: $y^2 = 89.8277$, $p < .0005$, $[\%^2 (2)$ critical value $= 10.597]$:

*Table 9: Method Used To Investigate Complaints*

| Methods Used | | |
|---|---|---|
| **Variables** | **Response Percent** | **Response Count** |
| Population benchmarking? (compares percentage of individuals stopped to their overall percentage in population) | 22.4% | 24 |
| Internal benchmarking? (compares an officer's stops to those of similarly situated officers) | 20.6% | 22 |
| Hit rate comparisons? (compares successful searches) | 5.6% | 6 |
| I'm not sure | 51.4% | 55 |
| **Total** | **100.0%** | **107** |

Source: Police Commander Racial Profiling Survey

a. Two responses were not captured, N = 107 for this query

## The Research Questions and Hypotheses

Research Questions

To address research Question 1, "Do police commanders [at or above the rank of lieutenant] favor a more practical method to determine the existence of racial profiling over the 'statistically robust' methods that are currently used," respondents were presented with the statement, "Item 10F: A more practical tool would make it easier for police commanders to discuss the results [or processes] of racial profiling inquiries with community stakeholders" and asked to select a response from a Likert type scale (Strongly Disagree = 1.00, Somewhat Agree = 2.00, and Strongly Agree = 3.00) that best indicated their level of agreement with that statement. For this response [and all responses in Question 10], the researcher treated the midpoint, "Somewhat Agree, 2.00" as a neutral value and only responses of "Strongly Agree" were used to affirm a

statement. Likewise, only responses of "Strongly Disagree" were used to reject a statement. Results where the number of 'Strongly Agree'(s) are greater than the number of 'Strongly Disagree'(s) and 'Somewhat Agree' will affirm, converse results would therefore reject the statement. In response to the statement "A more practical tool would make it easier for police commanders to discuss the results [or processes] of racial profiling inquiries with community stakeholders," 82.52% of the respondents (n = 85) indicated that they "Strongly Agree." In fact, the Rating Average on the scale where 1.00 equals 'Strongly Disagree' and 3.00 equals 'Strongly Agree' was 2.74; indicating that the respondents Strongly Agreed with the statement "A more practical tool would make it easier for police commanders to discuss the results [or processes] of racial profiling inquiries with community stakeholders" by a large margin. The remaining responses (n = 18) were evenly split between 'Strongly Disagree' and 'Somewhat Agree' (9 each or 8.73% each). Utilizing a chi-square goodness of fit test, item 10F yielded a statistically significant result $y^2 = 112.155$, p < .0005. [All counts listed in Table 10: Complex Equations]

Research Question 2, "How do police commanders [at or above the rank of lieutenant perceive their own ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling," was addressed in a similar fashion. Respondents were first presented with five, non-contextual, complex equations, which are used in some tests for racial profiling and then presented with the statement, "Item 10A: I am able to understand the equations." Next respondents were asked to select a response from a Likert type scale (Strongly Disagree = 1.00, Somewhat Agree = 2.00, and Strongly Agree = 3.00) that best indicated their level of agreement

with that statement. Results where the number of 'Strongly Agree'(s) are greater than the number of 'Strongly Disagree'(s) and 'Somewhat Agree' will affirm, converse results would not. In response to the statement "I am able to understand the equations," 77.67% of the respondents (n = 80) indicated that they "Strongly Disagree," while 11.65% (n = 12) responded "Somewhat Agree," and 'Strongly Agree' was selected 10.68% of the time (n = 11) in response to 10A. . The Rating Average on a scale where 1.00 equals 'Strongly Disagree' and 3.00 equals 'Strongly Agree' was 1.33; indicating that the respondents Strongly Disagreed with the statement, "I am able to understand the equations" by a large margin. Utilizing a chi-square goodness of fit test, item 10A yielded a statistically significant difference $y^2 = 91.13$, $p < .0005$. [All counts listed in Table 10: Complex Equations]

Research Question 3 asked, "How do police commanders [at or above the rank of lieutenant] perceive their constituent's ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling." Item 10C, "Most of my community stakeholders would fully understand the equations," was put forth in order to address Research Question 3. Respondents selected a response from a Likert type scale (Strongly Disagree = 1.00, Somewhat Agree = 2.00, and Strongly Agree = 3.00) that best indicated their level of agreement with that statement. For this response [and all responses in Question 10], the researcher treated the midpoint, "Somewhat Agree, 2.00" as a neutral value and only responses of "Strongly Agree" were used to affirm a statement. Likewise, only responses of "Strongly Disagree" were used to reject a statement. Results where the number of 'Strongly Agree'(s) are greater than the number of 'Strongly Disagree'(s) and 'Somewhat Agree'(s) will affirm, converse results would

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reject. In response to the statement, "Most of my community stakeholders would fully understand the equations," 97.00% of all respondents (n = 97) selected "Strongly Disagree;" while 3.00% (n = 3) selected "Somewhat Agree," "Strongly Agree" received no selections for this item, 10C. The Rating Average on a scale where 1.00 equals 'Strongly Disagree' and 3.00 equals 'Strongly Agree' was 1.03; indicating that the respondents strongly disagreed with the statement, "Most of my community stakeholders would fully understand the equations." Utilizing a chi-square goodness of fit test, item 10C yielded a statistically significant difference $y^2$ = 176.31, p < .0005. [All counts listed in Table 10: Complex Equations]:

Table 10: Complex Equations

| Answer Options | | Response Strongly Disagree | Somewhat Agree | Strongly Agree | Total |
|---|---|---|---|---|---|
| I am able to understand the equations | Count | 80 | 12 | 11 | 103 |
| | % within above category | 77.6% | 11.7% | 10.7% | 100.0% |
| Most of my colleagues would fully understand the equations | Count | 99 | 4 | 0 | 103 |
| | % within above category | 96.1% | 3.9% | 0.0% | 100.0% |
| Most of my community stakeholders would fully understand the equations | Count | 97 | 3 | 0 | 100 |
| Only people with advanced knowledge of statistics and/or research methods would | % within above category | 97.0% | 3.0% | 0.0% | 100.0% |
| fully understand the equations | Count | 11 | 29 | 63 | 103 |
| A tool that utilized simpler methods would be easier for my community stakeholders | % within above categoiy | 10.6% | 28.2% | 61.2% | 100.0% |
| to understand | Count | 12 | 10 | 79 | 101 |
| A more practical tool would make it easier | % within above category | 11.9% | 9.9% | 78.2% | 100.0% |
| for police commanders to discuss the results [or processes] of racial profiling | Count | 9 | 9 | 85 | 101 |
| inquiries with community stakeholders | % within above category | 8.7% | 8.7% | 82.6% | 100.0% |

Source: Police Commander Racial Profiling Survey

    a.   Item 1- 10A, six responses were not captured; N = 103

    b.   Item 2-1 OB, six responses were not captured; N = 103

    a.   Item 3-10C, nine responses were not captured; N = 100

    d.   Item 4-10D, six responses were not captured; N = 103

    e.   Item 5-10E, eight responses were not captured; N = 101

    f.   Item 6-1 OF, eight responses were not captured; N = 101

Research Question 4 asked, "Is there a significant difference in perceptions about the existence of racial profiling between commanders who have obtained graduate degrees and those who have not." To address this question, respondent commanders were asked Survey Item 3, "What is the highest level of school you have completed or the highest degree you have received," and Survey Item 4, "Do you believe that racial profiling/racially biased policing occurs in the U.S." Table 11: "Comparison of Perception by Education," illustrates the cross tabulation comparison between Survey Item 3, and Survey Item 4 (Education/Perceptions [about racial profiling]):

*Table 11: Comparison of Perception by Education*

| | | Does Racial Profiling Occur | | | | |
|---|---|---|---|---|---|---|
| | | Yes, 1 believe that it does happen and the | Yes, I believe that it does happen but the | No, 1 do not believe that it happens | I don't know how I feel about whether or not it | Total |
| Edu High school diploma or equivalent (e.g, GED) | Count | 0 | 1 | 0 | 0 | 1 |
| | Expected Count | 7 | .7 | .1 | .0 | 1.0 |
| | % within Occur | 0.0% | 1.4% | 0.0 | 0.0 | 0.9 |
| | % ofTotal | 0.0% | 0.9% | 0.0 | 0.0 | 0.9 |
| Some college but no degree | Count | 0 | 13 | 1 | 2 | 16 |
| | Expected Count | 3.5 | 10.9 | .9 | .7 | 16. |
| | % within Occur | 0.0 | 17.6% | 16.7% | 40.0% | 14.7 |
| | % ofTotal | 0.0% | 11.9% | 0.9 | 1.8 | 14.7 |
| Associate degree | Count | 3 | 4 | 1 | 1 | 9 |
| | Expected Count | 2.0 | 6.1 | .5 | .4 | 9.0 |
| | % within Occur | 12.5% | 5.4% | 16.7 | 20.0% | 8.3 |
| | % ofTotal | 2.8 | 3.7 | 0.9 | 0.9 | 8.3 |
| Bachelor degree | Count | 7 | 26 | 1 | 1. | 36 |
| | Expected Count | 7.0 | 24.4 | 2. | 1.7 | 36. |
| | % within Occur | 29.2% | 35.1% | 16.7% | 40.0% | 33.0 |
| | % ofTotal | 6.4% | 23.9 | 0.9 | 1.8 | 33.0 |
| Graduate degree | Count | 14 | 27 | 3 | 0 | 44 |
| | Expected Count | 97 | 29.9 | 2.4 | 2.0 | 44. |
| | % within Occur | 58.3% | 36.5 | 50.0 | 0.0 | 40.4 |
| | % ofTotal | 12.8 | 24.8 | 2.8 | 0.0 | 40.4 |
| PhD, JD, or Professional Doctorate | Count | 0 | 3 | 0 | 0 | 3 |
| | Expected Count | .7 | 2.0 | n .L | .1 | 3.0 |
| | % within Occur | 0.0% | 4.1% | 0.0 | 0.0 | 2.8 |
| | % ofTotal | 0.0% | 2.8% | 0.0 | 0.0 | 2.8 |
| Total | Count | 24 | 74 | 6 | 5 | 109 |
| | Expected Count | 24.0 | 74.0 | 6.0 | 5.0 | 109. |
| | % within Occur | 100.0% | 100.0% | 100.0% | 100.0% | 100.0 |
| | % ofTotal | 22.0% | 67.9 | 5.5 | 4.6 | 100.0 |

Source: Police Commander Racial Profiling Survey

Perceptions affirming the existence of racial profiling by level of education were as follows: 'PhD, JD, or Professional Doctorate' was 100%; 'Graduate Degree' was 93.18%; 'Bachelor Degree' was 91.66%; 'Associate Degree' was 77.77%; 'Some college but no degree' was 81.25%; and 'High school diploma or equivalent' was 100%. In all, 89.90% of the respondents (n = 98) affirmed their perception that racial profiling does exist in the U.S. As to the depth and breadth of the problem, 24.49% (n = 24) of those affirming the perception of the occurrence of racial profiling perceived the problem as "widespread," while the others who responded in the affirmative (n = 74; 75.51%) indicated that "racial profiling does happen but did not perceive the problem to be widespread."

Here the researcher also determined if there was a statistically significant difference (p < .05) between the differing levels of education as it pertains to perception that racial profiling occurs in the U.S. The chi-square (/ ) test of independence was utilized in addition to the cross tabulation used illustrated in Table 11. The researcher conducted the original chi-square analysis on the data as presented in Table 11 and the results were recorded in Table 1 la (presented in Appendix A of this report); however, too many cells (> 10) did not meet minimum requirements of having five counts, as a result the software may overestimate certain effects, rendering these results non generalizable. In order to deal with such a problem, researchers have several options available to them; according to Ray (2013) the variables with low counts can be dropped (when entire category is empty), combined (with other like quantities), or waited on (until sufficient responses are captured) (3). Here the researcher opted to combine variables into sensible categories.

Table 1 lb: Combined Perception x Education Cross Tabulation, presents the adjusted cross tabulation results with new categories and Table 11c: Corrected x , Perception and Education presents the secondary chi-square test results when the cell count deficiencies were eliminated by combining the categories in each of the cross tabulated variables. Both Survey Item 3 'highest degree received or Education' and Survey Item 4 'Does racial profiling occur or Perception' were reduced or combined into 2 categories each. Education was changed from six categories into two, 'Undergraduate degree and below' and 'Graduate degree or better'; Perception was changed from four categories into two, 'Yes' and 'No.' Here the results are, $x = 1.253$, $p > .05$ [$x$ (1) critical value = 3.841]; once again the null hypothesis cannot be rejected but this time the results are more reliable.

*Table 11b: Combined Perception x Education Cross Tabulation*

| Variables | | Does Racial Profiling Occur | | |
| --- | --- | --- | --- | --- |
| | | Yes | No | Total |
| Level of Education Undergraduate & Below | Count | 54 | 8 | 62 |
| | Expected Count | 55.7 | 6.3 | 62.0 |
| | % within NewOcc | 55.1% | 72.7% | 56.9% |
| | % of Total | 49.5% | 7.3% | 56.9% |
| Graduate or Better | Count | 44 | 11 0 | 47 |
| | Expected Count | 42.3 | 4.7 | 47.0 |
| | % within NewOcc | 44.9% | 27.3% | 43.1% |
| | % of Total | 40.4% | 2.8% | 43.1% |
| Total | Count | 98 | 11 | 109 |
| | Expected Count | 98.0 | 11.0 | 109.0 |
| | % within NewOcc | 100.0% | 100.0% | 100.0% |
| | % of Total | 89.9% | 10.1% | 100.0% |

Source: Police Commander Racial Profiling Survey

*Table 11c: Corrected $\%^2$, Perception and Education*

| | Value | df | Asymp.Sig. (2-sided) | Exact Sig. 12-sided) | Exact Sig. 11-sided) |
|---|---|---|---|---|---|
| Pearson Chi-Square Continuity | 1.253' | | .263 | | |
| Correction[15] Likelihood Ratio | | | .425 | | |
| Fisher's ExactTest | 1310 | | | | |
| Linear-by-Linear Association | | | | .345 | .215 |
| NotValid Cases | 1.241 | | .265 | | |
| | | 1    1 | | | |

a. 1 tells (25.0%) have expected count less than 5. The minimum expected count is 474.

b. Computed onlyfora 2x2 table

Research Question 5, sought to investigate what relationship, if any, did 'rank' have on police commanders' (lieutenant and above) perception about the existence of racial profiling and was constructed as such: "Is there a significant difference in perceptions about the existence of racial profiling between commanders of different rank." Table 12: Comparison of Perceptions by Rank, illustrates the comparison between Survey Item 2, and Survey Item 4 (Rank/Perceptions [about racial profiling]). According to the survey results, perceptions affirming the existence of racial profiling by rank were as follows: 'Chief was 92.31% of all responding affirmed the perception that racial profiling does occur; 'Assistant Chief was 100% of respondents affirmed the perception that racial profiling does occur; 'Major and above' was 80.00% of all responding affirmed the perception that racial profiling does occur; 'Captain' was 93.10% of all

respondents affirmed the perception that racial profiling does occur; and 'Lieutenant' was 96.97% of all respondents affirmed the perception that racial profiling does not occur.

The researcher conducted original chi-square test on the cross tabulated data as illustrated in Table 12; Table 12a provides the results (included in Appendix A of this report); however, too many cells did not meet minimum requirements, causing potential overestimations in statistical processing. As previously mentioned, researchers have several options available to them in order to deal with such a problem; according to Ray (2013) the variables with low counts can be dropped (when entire category is empty), combined (with other like quantities), or waited on (until sufficient responses are captured) (3). Here, once again, the researcher opted to combine variables into sensible categories. Table 12b: Combined Perception x Rank Cross-Tabulation, presents the adjusted cross tabulation with new categories and Table 12c: Corrected %$^2$, Perception and Education presents the chi-square test results when the cell count deficiencies were eliminated by combining the categories in each of the cross tabulated variables. Both Survey Item 2 'highest rank achieved or Rank' and Survey Item #4 'Does racial profiling occur or Perception' were reduced or combined into 2 categories each. Rank was changed from five categories into 'Above Major' and 'Captain or below'; Perception was changed from four into 'Yes' and 'No'. Here the results are, $y^2 = .967$, $p > .05$ [$y^2$ (1) critical value = 3.841]; the null hypothesis cannot be rejected.

*Table 12: Comparison of Perception by Rank*

| Variables | | Yes, I believe that it is widespread | Yes, I do not believe that it is widespread | No, I do not believe that it happens | I don't know how I feel about whether or not it occurs | Total |
|---|---|---|---|---|---|---|
| **Rank Chief** | Count | 1 | 11 | Q | 0 | 14 |
| | Expected Count | 3.0 | 9.6 | 8 | 6 | 14.0 |
| | % within Occur | 4.3% | 14.9% | 0.0% | 40.0% | 13.0% |
| | %ofTotal | 0.9% | 10.2% | 0.0% | 1.9% | 13.0% |
| **Assistant Chief** | Count | 1 | 13 | n | 0 | 14 |
| | Expected Count | 3.0 | 9.6 | .8 | .6 | 14.0 |
| | % within Occur | 4.3% | 17.6% | 0.0% | 0.0% | 13.0% |
| | % of Total | 0.9% | 12.0% | 0.0% | 0.0% | 13.0% |
| **Major or above** | Count | 8 | 4 | 3 | 1 | 16 |
| | Expected Count | 3.4 | 11.0 | 9 | .7 | 16.0 |
| | % within Occur | 34.8% | 5.4% | 50.0% | 20.0% | 14.8% |
| | KofTotal | 7.4% | 3.7% | 2.8% | 0.9% | 14.8% |
| **Captain** | Count | h | 21 | n | 0 | 29 |
| | Expected Count | 6.2 | 19.9 | 1.6 | 1.3 | 29.0 |
| | % within Occur | 26.1% | 28.4% | 33.3% | 0.0% | 26.9% |
| | %ofTotal | 5.6% | 19.4% | 1.9% | 0.0% | 26.9% |
| **Lieutenant** | Count | 7 | 25 | 1 | | 35 |
| | Expected Count | 7.5 | 24.0 | 1.9 | 1.6 | 35.0 |
| | % within Occur | 30.4% | 33.8% | 16.7% | 40.0% | 32.4% |
| | %ofTotal | 6.5% | 23.1% | 0.9% | 1.9% | 32.4% |
| **Total** | Count | | 74 | 6 | 5 | 108 |
| | Expected Count | 23.0 | 74.0 | 6.0 | 5.0 | 108.0 |
| | % within Occur | 100.0% | 100.0% | 100.0% | 100.0% | 100% |
| | %ofTotal | 21.3% | 68.5% | 5.6% | 4.6% | 100% |

Source: Police Commander Racial Profiling Survey

*Table 12b: New Rank and Perception Cross Tabulation*

| Variables | | Does Racial Prefiling Occur | | Total |
|---|---|---|---|---|
| | | Yes | No | |
| Rank | Count | 38 | 6 | 44 |
| | „ „. Expected Count Above Major | 39.5 | 4.5 | 44.0 |
| | % within NewOcc | | 54.5% | 407% |
| | % ofTotal | 35.2% | 5.6% | 40.7% |
| 1 \Ul IR | Count | 59 | 5 | 64 |
| | r±. „, Expected Count Captain or Below | 57.5 | 6.5 | 64.0 |
| | % within NewOcc | 60.8% | 45.5% | 59.3% |
| | % ofTotal | 54.6% | 4.6% | 59.3% |
| Total | Count | 97 | 11 | 108 |
| | Expected Count | 97.0 | 11.0 | 108.0 |
| | % within NewOcc | 100.0% | 100.0% | 100.0% |
| | % ofTotal | 89.8% | 10.2% | 100.0% |

Source: Police Commander Racial Profiling Survey

*Table 12c: Corrected % Perceptions and Rank*

| | Value | df | Asymp. Sig. (2-sided) | Exact Sig. (2-sided) | Exact Sig. (1-sided) |
|---|---|---|---|---|---|
| Pearson Chi- | .967 | 1 | .325 | | |
| Continuity | .435 | 1 | .510 | | |
| Likelihood Ratio | .948 | 1 | .330 | | |
| Fisher's Exact | | | | .350 | .253 |
| Lmear-by-Linear | .958 | 1 | .328 | | |
| N of Valid Cases | 108 | | | | |

a. 1 cells (25.0%) have expected count less than 5. The minimum expected count is 4.48.

b. Computed only for a 2x2 table

Hypotheses

At the outset, the researcher set out to investigate, among other things, police commanders' perceptions or attitudes towards issues related to and surrounding racial profding; more specifically, about issues pertaining to the statistically robust measures that are currently used to determine the existence of racial profiling. Five research questions were put forth; how each specific question was addressed was contained in the preceding section. This section will discuss the results of the research as they pertain to the several hypotheses put forth by the researcher in this exploratory study.

Hypothesis 1 (Hi) posited that, police commanders would affirm the usefulness of a more practical and understandable tool to determine the existence of racial profiling and racially biased policing:

- Hoi - A survey of police commanders will not reveal that a more practical and understandable method would be useful in determining the existence of racial profiling and racially biased policing.

- Hi - A survey of police commanders will reveal that a more practical and understandable method would be useful in determining the existence of racial profiling and racially biased policing.

This hypothesis is addressed by Survey Item 10F: "A more practical tool would make it easier for police commanders to discuss the results [or processes] of racial profiling inquiries with community stakeholders." Table 10 revealed that 82.52% of the respondents affirmed this statement by indicating that they strongly agree. A simple majority of responses in agreement with Survey Item 10F should suffice to affirm the hypothesis here; however, the researcher conducted further analyses. This question was scored on a Likert type scale where a rating average nearing 3.00 indicated 'strong agreement' and a rating average approaching 1.00 evidenced a 'strong disagreement'. With more than 100 responses to this item, the Rating Average was 2.74, indicating that the respondents strongly agreed with the statement by a large margin. Utilizing a chi-square goodness of fit test, item 10F yielded a statistically significant result $y^2 = 112.155$, $p < .0005$; indicating that something other than chance resulted in these rather definitive results and therefore we can reject the null hypothesis with an extremely high degree of certainty.

Hypothesis 2 (H2) posited that the majority of police commanders perceive that racial profiling does happen:

- H$_0$2 - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] do not perceive that racial profiling is occurring.

- H2 - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] do perceive that racial profiling does occur.

This hypothesis is addressed by Survey Item 4, "Do you believe that racial profiling/racially biased policing occurs in the U.S." Table 4: Perceptions of Racial Profiling illustrates that 89.90% of the respondent commanders affirmed that they perceived that racial profiling does occur in the U.S. A simple majority of responses affirming the existence of perceptions that racial profiling does occur should suffice to affirm the hypothesis here; however, the researcher conducted further analyses. Table 4a: chi-square Perceptions, displays the results of chi-square goodness of fit test: ($p < .05$; critical value = 5.99); $y^2$ (2) = 147.88, $p < .005$; which allows for the rejection of the null hypothesis with a high degree of surety.

Hypothesis 3 (H3) put forth that the level of education that a police commander has directly influences their perception about whether or not racial profiling does occur; more specifically, that the two are positively correlated (as education increases, perceptions affirming the occurrence of racial profiling increases as well):

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- H$_0$3 - NO relationship is observed between a police commanders' [lieutenant and above] 'level of education' and perception as to whether or not racial profiling occurs in the U.S.

- H3 - As the police commanders' [lieutenant and above] 'level of education' increases, the perception that racial profiling does occur increases as well.

This hypothesis is addressed by Research Question 4 "Is there a significant difference in perceptions about the existence of racial profiling between commanders who have obtained graduate degrees and those who have not," as well as, Survey Item 3 "What is the highest level of school you have completed or the highest degree you have received" and Survey Item 4 "Do you believe that racial profiling/racially biased policing occurs in the United States" in the form of cross-tabulation comparisons. As mentioned earlier, to compensate for low counts in many cells, the researcher combined variables; both Survey Item 3 'highest degree received or Education' and Survey Item #4 'Does racial profiling occur or Perception' were reduced or combined into 2 categories each. Education was changed from six categories into two, 'Undergraduate degree and below' and 'Graduate degree or better;' Perception was changed from four categories into two, 'Yes' and 'No.' Table 1 lb: Combined Perception x Education Cross Tabulation, presents the adjusted cross tabulation utilizing the new categories and Table 11c: Corrected $y^2$, Perception and Education, presents the chi-square test results when the cell count deficiencies were eliminated by combining the categories in each of the cross tabulated variables. Here the results are, $y^2 = 1.253$, p > .05 [$y^2$ (1) critical value = 3.841]; the null hypothesis cannot be rejected.

Hypothesis 4 (H4) states that a police commander's rank and their perception as to whether or not racial profiling is occurring are not correlated. The researcher hypothesizes so because of the belief that once an officer reaches the command ranks (typically lieutenant), they more fully understand the institutionalized practices and processes and therefore are more "aware:"

- $H_04$ - As 'rank' increases, a police commanders' [lieutenant and above] perception that racial profiling does occur increases as well.

- $H_4$ — As the police commanders' [lieutenant and above] 'rank' increases, the perception that racial profiling does occur does not increase.

This hypothesis is addressed by Research Question 5 "Is there a significant difference in perceptions about the existence of racial profiling between commanders of different ranks," Survey Item 2 "What is your highest rank held" and Survey Item #4 "Do you believe that racial profiling/racially biased policing occurs in the U.S." in the form of cross tabulation comparisons. Table 12: Comparison of Perception by Rank provides a cross tabulation of commander's perceptions as to the existence of racial profiling in the U.S. and rank (five categories). Table 12 configured with five rank variables and 4 perception variables (12 degrees of freedom [df]) has an array of cells (13) below the required minimum of 5 counts necessary for chi-square analysis; therefore, the researcher combined variables in both categories to facilitate proper analysis. Survey Item 2 'highest rank achieved or Rank' and Survey Item 4 'Does racial profiling occur or Perception' were reduced or combined into 2 categories each. Rank was changed from five categories

into 'Above Major' and 'Captain or below'; Perception was changed from four into 'Yes' and 'No.' Here the results are chi-square test is as follows: $\% = .967$, $p > .05$ [/ (1) critical value = 3.841]; the null hypothesis cannot be rejected.

Hypothesis 5 (H5) posits that the majority of commanders being surveyed will not understand the complex methodologies and formulae used to determine the existence of racial profiling:

- $H_o5$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] do not conclude that they do not understand the complex equations [methods] that are currently used to determine the existence of racial profiling.

- H5 - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] conclude that they do not understand the complex equations [methods] that are currently used to determine the existence of racial profiling.

Research Question 2 "How do police commanders [at or above the rank of lieutenant perceive their own ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling" and Survey Item 10A: "I am able to understand the equations" address H5. Item 10A was scored on a Likert type scale where a rating average nearing 3.00 indicated 'strong agreement' and a rating average approaching 1.00 evidenced a 'strong disagreement'. With more than 100 responses to this item, the Rating Average was 1.33, indicating that the respondents rejected the statement by a large margin; these results are captured in Table 10. Utilizing a chi-square goodness of fit test, item 10A yielded a statistically significant difference $y^2$

= 91.13, p < .0005, indicating that something other than chance resulted in these rather definitive results and therefore we can reject the null hypothesis with an extremely high degree of confidence.

Hypothesis 6 (HQ holds that a majority of police commanders will perceive that their constituents (community residents/stakeholders) are unable to understand the complex methodologies and formulae used to determine the existence of racial profiling:

- $H_0 6$ - A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] conclude that their constituents are capable of understanding the complex equations [methods] that are currently used to determine the existence of racial profiling.

- Hg- A survey of police commanders [lieutenant and above] will reveal that the majority of police commanders [lieutenant and above] conclude that their constituents do not understand the complex equations [methods] that are currently used to determine the existence of racial profiling.

Hypothesis 6 is addressed by Research Question 3, "how do police commanders [at or above the rank of lieutenant] perceive their constituent's ability to understand the complex equations [methods] currently used in tests to determine the existence of racial profiling" and Survey Item 10C: "most of my community stakeholders would fully understand the equations." In response to the statement, "Most of my community stakeholders would fully understand the equations," 97.00% of all respondents selected "Strongly Disagree." The Rating Average on a scale where 1.00 equals 'Strongly Disagree' and 3.00 equals 'Strongly Agree' was 1.03; indicating that the respondents

strongly rejected the statement. Utilizing a chi-square goodness of fit test, item IOC yielded a statistically significant results = 176.31, p < .0005; indicating that something other than chance resulted in these results and therefore we can reject the null hypothesis with a high degree of confidence.

## Summary

This exploratory study provided extensive data as it pertains to the five research questions that the researcher sought to analyze. Its overarching purpose was to ascertain the need and usefulness of a more practical tool to be used in the detection of racial profiling or racially biased policing; thereby, leading to the formulation of a new and more practical method, leading to a discussion regarding appropriate measures and comprehensive strategies to combat the problem of racial profiling by law enforcement officers. The chapter began with an extensive review of the three functional areas of the survey instrument: (1) Respondent's Demographics [4 questions], (2) Respondent Agencies' Demographics [5 questions] and (3) Respondent's perceptions of the understandability of complex equations characteristic of currently used methods to determine the existence of racial profiling/racially biased policing [6 questions]. This opening section was followed by an in depth discussion of the research questions and the multiple hypotheses presented by the researcher.

Chapter 5 discusses in detail the significance of these findings and the implications for future policy as well as makes several recommendations; including providing a detailed framework for the more simplistic tool to detect the presence of racial profiling and racially biased policing that has been discussed and outlined earlier in the writing (RRD Method). Additionally, the chapter makes the recommendation for the

implementation of a comprehensive or multipronged strategy that could help eliminate

the widespread practice of racial profiling and the many attendant consequences. Lastly,

Chapter 5 suggests the next steps in this particular strain of research as well as, for the

field of racial profiling as a whole.

Chapter V

DISCUSSION

Racial profiling has been studied, analyzed, and been the subject of policy and processes formulation for some period of time; the assessment herein yielded still more interesting and informative data on the subject of 'Racial Profiling,' particularly regarding police commander's perceptions on the subject of racial profiling/racially biased policing and the usefulness of a more practical tool. Here the researcher, who also boast many years of practical experiences in the field of criminal justice, formed many hypotheses and opinions based on these practical experiences as well as, an in depth review of the associated literature.

The results determined that police commanders do perceive that a more practical tool to determine the existence of racial profiling would be useful in helping police commanders discuss investigations into the practice with community stakeholders and other law enforcement professionals. In fact, the respondent police commanders agreed that a more practical tool is necessary by more than a 4 to 1 margin when asked directly. Police commanders were almost as concrete in their resolve that simpler methods would help their community stakeholders understand the methodology or processes involved when police undertake an investigation surrounding allegations of racial profiling.

Also, the results found that an overwhelming majority of police commanders, of all ranks, perceive or believe that racial profiling does happen in the U.S. (n = 98 or 89.90%); these results differ from those found in previous research as discussed and

identified in the literature review, where evidence was provided that what has been termed as "the 60/60 Dichotomy" exists (where 60% of police chiefs said that racial profiling was not occurring in their departments, while 60% of the people said that it is occurring) (McMahon et al. 2002, 82).

Based on the results of the study conducted herein, the researcher makes several calculated suggestions that seek to address the issues uncovered within; mainly the suggestions are designed to eradicate racial profiling at the agency level. The respondents are men and women entrusted with the responsibility to lead the Country's law enforcement agents on a day to day basis, that police commanders profess that racial profiling does occur should not be contested; in fact, it should be accepted as fact and measures taken to eradicate or "deal with" it in the context of maintaining advances in crime reductions and shrinking budgets. What follows is a discussion that is intended to explain the research outcomes, develop a more practical tool to determine the existence of racial profiling (one that is easier to understand), make recommendations as to how to go about handling [or attempting to eradicate] the issue of racial profiling at the agency [or jurisdictional] level, and outline what comes next (from the researcher's perspective). What comes next refers to in this line of questioning as well as other future, potential investigative or practical endeavors.

<div align="center">Research Question Outcomes</div>

The overall of demographic of the respondents was as follows: The years of experience of the typical respondent was highly skewed towards those with many years of service in law enforcement. The majority of the respondents indicated that they had between (20 and 30) years of service in law enforcement (n = 68 or 62.4%); the second

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highest percentage of respondents (n = 23 or 21.1%) indicated that they had (30 or more) years of service. The researcher theorizes that this is because the policy of many agencies mandates that employees have certain minimum 'time in grade' at entry level and each subsequent rank following promotion before becoming eligible for promotion to each subsequent rank. This minimum time in grade requirement often times precludes an individual from attaining a supervisory rank (yet alone a command rank) before reaching seven to ten years of service in the agency's employment. This is particularly true of smaller agencies where the opportunity for promotion is less prevalent than in larger organizations. In fact, none of the respondents to this study indicated that they had (less than 10) years of service (n = 0). As mentioned earlier, the average length of service fell within the second highest range on the survey, 'between 20 and 30 years' (M = 25.63 years of law enforcement service).

As it pertains to rank, Lieutenants [the lowest rank allowed to participate in the study] made up the highest category of respondents (n = 35 or 32.4%), closely followed by Captains (n = 29 or 26.9%). However, this fact should not cause any alarm. The researcher attributes higher responses from the lower command ranks (lieutenant, captain, etc.) as emblematical of the fact that the numbers decrease drastically as you go up the chain of command in any organization—there must be more Indians than Chiefs; the principle of span of control and Parkinson's Law both dictate this. Chief and Assistant Chief tied in terms of respondent (@ n = 14 or 13.0%); together (n = 28 or 26.0%).

Law enforcement agencies that track their officers' stop data are becoming ubiquitous; many states have laws that require [at least] some of its law enforcement agencies to collect information about the stops and searches conducted by its personnel

(DCRCNU 2014). Most of the survey respondents indicated that their agency tracks some type of stop data; only 16 respondents indicated that their agency does not track stop data of any type (n = 16 or 14.70%). Restated differently, an overwhelming majority of respondents indicated that their agency tracks police stop data for the purpose of analysis. 45.00% or respondents indicated that their department tracks vehicular stop data only; while 39.40% of respondents indicated that their agency tracks both vehicular and pedestrian stop data (n = 43). Data collection is a necessary component of responsible management and has become an interwoven part of the Zeitgeist in contemporary American law enforcement. Later, while discussing policy implications it will be suggested that data collection continue to be mandated through legislation at the state and local levels. That fact that most agencies engage in some form of data collection already, makes the suggestion of its continued use one that does not require significant [additional] expenditures. This is important in these times of shrinking budgets, where policymakers, agency executives and managers must exhibit fiduciary responsibility; to do so is paramount.

Police commanders indicated that they favor a more practical method to determine the existence of racial profiling over the more statistically complex methods that are currently being and that have been used. When asked whether they favor a more practical method to determine the existence of racial profiling, police commanders decisively agreed by more than a 4 to 1 margin (82.52%). On a scale where 3.00 equals strongly agree and 1.00 equals strongly disagree, the Rating Average for this item was 2.74. When analyzed using chi-square tests, the results were equally as conclusive ($\%^2 = 1\ 12.1555, < .0005$). It is unclear how prevalent complaints of racial profiling actually are,

but it is clear that when they do become formal complaints that police commanders are willing to review and discuss the processes with citizens.

As discussed extensively in the literature review, astute police commanders will recognize the grossly negative consequences associated with the perception that racial profiling is occurring, as it undermines a neighborhood's stability, impede effective law enforcement by bolstering minorities' distrust of the [police and] criminal justice system, which can lead to the development of a siege mentality [us versus them] among community members, and a breakdown of the community structure [when a disproportionate number of males are removed from neighborhood through incarceration] and lastly, intertwines race and crime in a way that fortifies the racial divide (Banks 2003, 573).

These commanders also recognize the potential for community support to be gained from eradicating or 'cracking down' on such a practice; as people's reactions to legal authorities are based on their assessments of the fairness of processes by which legal authorities make decisions and treat members of the public (Tyler 2003, 284). Once again, the research conducted herein was decidedly conclusive, and once again the researcher urges that the respondent's opinions should be valued and acted upon. The researcher does heed the direction and as such, develops the RRD methodology.

The primary reason that police commanders affirm the usefulness of a more practical tool to determine the existence of racial profiling is that, according to the commanders who participated in this study, they do not believe that they or their community stakeholders would be [or are] able to fully understand the methods used in investigating claims of the practice. When questioned as to their own abilities to

understand the complex methods used, 77.67% of the respondents indicated that they did

not understand the complex methods (or equations) used [the item did not seek to glean

information as to whether or not the commanders thought they could be taught to

understand such measures/methods], Analyzed using chi-square tests, the results were

equally as conclusive; $y^2 = 112.1555$; $p < .0005$. Based on these results, inferences can be

drawn that police commanders do not feel comfortable discussing complaints about racial

profiling because they do not fully understand methodologies used; likewise, community

stakeholders feel less than comfortable with the results of these investigations—which are

often contrary to commonly held neighborhood beliefs—because they do not understand

the methods when adequately explained to them or they are not being explained in a

manner that is satisfactory.

The respondents were equally misanthropic as it pertained to their perceptions

about their colleagues' ability to fully understand the complex methodologies (equations);

96.10% of those surveyed indicated that they 'strongly disagreed' when with the

statement: "most of my colleagues would fully understand the equations." In contrast,

61.2% of all respondents (n = 63) answered that they 'strongly agreed' with the statement,

"only people with advanced knowledge of statistics and/or research methods would fully

understand the complex methodologies (equations)"; while only 10.60% 'strongly

disagreed' with the statement. Seventy-eight point two percent of the respondent

commanders affirmed that a simpler method would be easier for community stakeholders

to understand the processes involved.

As it pertained to the method an agency used to determine [investigate] whether or

not an officer is engaged in racial profiling when a complaint of such is received,

50.5% (n = 55) [a majority] of the respondents indicated that they 'did not know' [I'm not sure] which method was utilized by their jurisdiction. Given the seriousness of the issue and the amount of attention the subject of racial profiling has commanded in the U.S., this result was unexpected by the researcher. The respondents were allowed to choose from a non-exhaustive list of methods that included three additional choices, 'Population Benchmarking,' 'Internal Benchmarking' and 'Hit Rate Comparisons' (each option was succored by a brief definition or explanation of the term). The researcher did not investigate this phenomenon further; nor did the researcher venture a hypothesis as to why or how this phenomenon could occur.

This only bolsters the inferential data that suggests that police commanders may be uncomfortable discussing the results of racial profiling complaints because in addition to not understanding the complex equations/methodologies used themselves, most commanders do not know what manner their agency uses to investigate racial profiling. Utilizing chi-square goodness of fit testing, and expecting equal distribution among the three main choices while making allowances for 5% uncertainty the following results were obtained: $y^2 = 490.77$, $p < .0005$, $[\%^2 (2)$ critical value $= 10.597]$, To drill down further, the chi-square results for each individual item was: 'Population Benchmarking' $\%^2 = 2.883$, 'Internal Benchmarking' $\%^2 = 4.167$, 'Hit Rate' $y^2 = 22.946$ and 'Tm Not Sure' $y$ accounted for 460.770 of the total result (93.88%) [If equal distribution among answers was expected then 'I'm Not Sure' results are $y^2 = 29.834$ or 63.40% of the new total]. Clearly a simpler tool would go a long way towards bridging gaps and toward helping law enforcement agencies and communities that feel victimized by these agencies to review these issues together. The previously listed study results and the ensuing

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discussion are intended to influence policy as it pertains to minimizing or eradicating the practice of racial profiling, both at the agency and the jurisdictional levels.

Recommendations

The researcher recommends or strongly suggests that the optimal way to deal with such a complex and entrenched practices such as racial profiling are to attack it with a comprehensive multipronged strategy. Too often, as it pertains to law enforcement agencies, racial profiling is frowned upon on paper only. Measures put in place are most often forced; seen as necessary to stave off federal oversight, or as part of an agreement with a civil liberties entity; they amount to an agency putting a policy in place for the sake of being able to say, "That they have a policy in place..." It is argued here that data collection, training and policies prohibiting racial profiling amount to window dressing, or colorfully distracting embroidering that gives only the appearance of attacking racial profiling.. .but in actuality does little more than nothing to improve upon conditions or eliminate the practice. This particular part of the discussion is not meant to cast aspersions on any particular agency, but many law enforcement organizations, large or small, implement incredibly flawed designs. For instance, it stands to reason that police commanders would monitor what goes on within their commands, after all, that is a sound management and supervision practice; however, a supervisor or commander should not be expected to perform the 'official' audit functions [or part of] for sensitive items within their own commands: for policing that includes, affidavits of probable cause as well as search and seizure warrants, racial profiling, informant payments/expenditures or other integrity related issues. For these matters, an outside or external auditing entity should be used or at the least an internal [other departmental] entity that reports directly

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to the highest authority; those charged with investigating racial profiling and racial biased policing should have a scope limited to that only.

Additionally, it appears to fly in the face of traditionally normative stances against racial profiling/racially biased policing that taking a position against racial profiling would not constitute taking a position against all arenas where racial profiling gains momentum; such as, aggressive Stop-and-Frisk campaigns. It is the position of this researcher that these programs have been shown to successfully reduce crime, and that such an overarching burden is owed to the 'collective of individuals' or 'community' by 'law enforcement;' therefore, no gains made in crime reduction should be 'given back' in an effort to minimize law enforcement infringing on any one individuals' rights [or any one group of individuals' rights]. An absolute prohibition on Stop-and-Frisks campaigns or on any other [legal] measures that have had an evidence-based history of success in crime suppression is counterintuitive. Instead, the researcher favors the implementation of measures designed to root out and eliminate unwanted practices within the existing framework that has shown [itself] to be conducive to crime suppression. As addressed in full in previous sections, including the literature review, it is peculiarly American to be willing to give up certain (civil) liberties in the name of increased security; particularly where national security is concerned, but also where neighborhood security is involved as well—to relinquish certain rights in favor of others is a basic tenet of the social contract that binds society. It is the position of this researcher that the belief that one must near completely give up some of one to obtain more of the other (security/civil liberties) is fallacious and Americans should be disabused of this notion.

Emblematical of the willingness to part with civil liberties were the results of a brief shock poll where New York City voters favored continued reduced crime over Stop-and-Frisk reform (Unattributed 2013, 1). According to this researcher, the fallacy rests in the assumption that you must always trade one in favor of the other. It is the position of the researcher that some version of an aggressive Stop-and-Frisk campaign is plausible, and may even be acceptable or palatable to the majority; however, not the unilaterally imposed version that was used by the NYPD for so long. Until such time as, "the burden of Stop-and-Frisk searches is borne equitably by citizens of whatever color or ethnicity, the privacy security tradeoff can be set to a socially acceptable level" (Skolnick and Caplovitz 2002, 9; Harcourt 2003, 265).

What is needed is an aggressive campaign to monitor police officers' behavior [as a part of a model multipronged approach towards tackling racial profiling/racially biased policing, running concurrent with an aggressive Stop-and-Frisk campaign [when utilized] could result in lasting benefits for both the police and the community and simultaneously be acceptable to civil rights and liberty groups. In fact, the absence of a pronounced and aggressive campaign aimed at curtailing racial profiling amounts to a 'tacit approval' of police behavior that violates civil liberties. To 'comedown' hard on violators after the fact, means little. That an elected official or chief of police would take harsh actions against an officer caught on tape committing transgressions against civil liberties is to be expected and should do little to appease those who are transgressed or those charged with defending civil liberties. That these same officials do not aggressively and preemptively go after would be violators, (and it heretofore has not been a law enforcement paradigm to do so) even when data collection systems are in use, is reprehensible.

The multipronged approach that will be advanced here is not heretofore unheard of, meaning that it is not altogether composed of original ideas; however, these items have largely been put forth as individual components, a piece put forth here—and another piece put forth there. What follows is an amalgamation of new and existing ideas and suggested practices aimed at minimizing racial profiling or the immoderate handling of citizens of minority status during police encounters. The author takes and synthesizes these ideas, singularly focused as a multipronged approach towards attacking and/or eradicating the issue of racial profiling.

## Multipronged Approach

The multipronged approach recommended and discussed is directly tied to observation made herein, where police commanders have warned society through the decisive results that racial profiling does exist in the U.S. It is argued here that the multipronged approach should involve the following several steps, (1) restrictions being placed on Stop-and-Frisk zones as to the ability to establish and the duration of Stop-and-Frisk event; (2) the establishment of a watchdog like entity at either the agency or supra agency level, this watchdog like entity need not create new rules or laws but simply enforce those already in place [assuming existing sanctions are adequate] (Taslitz 2003); (3) the implementation of an easily understood tool by which to detect racial profilers and racially biased policing that utilizes the simpler RRD methodology; and (4) if eradication is the grand aim the agency has in view [and it should be], the RRD tool should be used to create and assign a 'racial profiling statistic' (RRD Stat) to individual officers; this statistic should be a part of the calculus when determining an officers' suitability for promotion, transfer or other preferential assignments.

Establishment of Stop-and-Frisk Zones (Procedures)

As discussed by the researcher in some detail in several sections of this writing, it is a part of the American Heritage to be willing to sacrifice currently held civil liberties in favor of increased security. On a national scale, Professor Bruce Ackerman argues that by the year 2050 American's civil liberties will be in serious peril [if the current trends are allowed to continue]; according to Ackerman, "...we urgently require new constitutional concepts to deal with the protection of civil liberties" (Ackerman 2004, 1029). He explains that a downward cycle threatens civil liberties, whereby, [an attack occurs and politicians come up with repressive laws and promise greater security.. .then], "after each successful attack, politicians will come up with repressive laws and promise greater security [this is often demanded and expected by the American people],.When the next attack occurs this cycle of repression reoccurs, and so on, and so on (Ackerman 2004, 1030).

It is unlikely that any politician has won or will ever win an election running on the platform of being, "soft on crime." While many police chiefs have publicly endorsed Stop-and-Frisk efforts, no police chief could publicly favor any blatant violation of civil rights; however, the search for a police chief that would willingly give back gains made [in the area of crime suppression] due to aggressive Stop-and-Frisk tactics would certainly be a hard-pressed search. In fact, from some perspectives being extremely pro civil rights and liberties is tantamount to be "soft on crime" [or those who are deemed as the ones committing crimes]. Therefore, the researcher does not suggest methods that entail eliminating measures that have proven to be successful in the 'fight against crime;' inasmuch as, it is unlikely that such methods would be utilized by those charged with

protecting citizens from crime. The researcher merely suggests, albeit strongly, that mechanisms be superimposed on or erected within these existing structures to afford citizens better protections from law enforcement officers, who would as a matter of common practice violate civil liberties, by aggressively seeking these types of officers out and taking the appropriate measures to quash or alter their behavior. Responsibility and accountability is the grand aim the researcher has in view.

Bruce Ackerman posits that those who consider themselves 'defenders of freedom' [protectors of civil rights and liberties] must consider provisions for short term emergency measures, in lieu of more long lasting or permanent mechanisms or what he termed "to avoid a repeated cycle of repression" (Ackerman 2004, 1030). "Great care must be taken to ensure that any emergency measures are short lived with a system of checks and balances to ensure that these emergency measures remain temporary..." (Ackerman 2004, 1031). Ackerman suggests that designing emergency provisions [for a limited state of emergency] is "tricky business" (Ackerman 2004, 1031); he goes on to state that "unless careful precautions are taken, emergency measures have a habit of continuing well beyond their time of necessity. Governments should not be permitted to run wild even during the emergency; many extreme measures should remain off limits.. .however, an emergency regime may well be the best available defense against a panic driven cycle of permanent destruction..." (Ackerman 2004, 1031).

Not to suggest that emergency constitutions be drawn at the state level or emergency city charters/ordinances at the local level; it is merely to invite the application of Ackerman's open minded thought processes to the problem of crime fighting, particularly when aggressive policing tactics like Stop-and-Frisk campaigns and the likes

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are utilized, and balance them with the need to minimize transgressions on civil liberties. Accepting that a municipality's chief executive (Mayor, City Manager) or Police Chief has the right to declare a state of emergency and/or establish aggressive Stop-and-Frisk zones/campaigns, it is important to outline what such a program would look like when properly administered with the appropriate checks and balances. If established such a program should be: (1) accountable to a governmental authority and reasonably expected to achieve a legitimate public safety objective (in this case lowering incidences of crime and nuisance behaviors), (2) the community or affected people should be made aware of the general area of enforcement and, (3) have the opportunity pre and post implementation to express views and suggest or propose changes in execution (Taslitz 2002, 183). This brief discussion will speak to the issues from the perspective of a Mayor Council form of municipal government when necessary for illustrative purposes, but is applicable to all forms of government.

A sustained pattern or significant incident of criminal activity occurs in an area and an elected official (mayor, councilperson, aiderman, etc.), or police chief announces that a major initiative will take place in the area to include, among other enforcement activities, the employment of an aggressive patrol tactics like a Stop-and-Frisk campaign. The duration of this enforcement action should be limited in nature (a predetermined length 90, 120 or 180 days), and be subjected to some form of external oversight; perhaps most appropriately by the City Council or a subcommittee of such. The maximum duration should be set by statute or city ordinance with provisions for continuation of the Stop-and-Frisk campaign [state of emergency] after which time; continuation must be

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approved by the legislative body (such as City Council in this example) after proper justification by the Mayor or Police Chief.

Even after continued approval, there should be upper bounds placed on the amount of time that police can operate an aggressive Stop-and-Frisk campaign; however the amount of time will vary by jurisdiction as each area has its own unique characteristics and differing needs. Constraints on the length of these enforcement actions are important as, "politicians will have a powerful incentive to abuse the reassurance function. In their eagerness to calm the prevailing panic [here caused by local crime] and destroy [some] civil and political liberties on a permanent basis..." (Ackerman 2004, 1040). After the initial Stop-and-Frisk approval or enactment, any subsequent enactment should require the approval of "escalating supermajorities, sixty percent, then seventy percent; and eighty thereafter..." (Ackerman 2004, 1047). Once again, here it is more important to follow the blueprint; near exactness or strict adherence is not a requirement for success.

### Establishment of Watchdog like Entity

Professor Christopher Edley, while a member of the U.S. Commission concerning minimizing the encroachment of anti terrorism efforts onto civil liberties suggests that, "the courts have historically done little to protect the narrowing of individual rights.. .moreover, the sheer volume of concerns and bipartisan war fever renders congressional oversight unlikely and unduly deferential. Furthermore, a 'watchful public' will not protest.. .without transparency, public debate will be ill informed or nonexistent" (Edley 2002, 1; Taslitz 2003, 295). Edley's solution would be to create an independent Office of Rights and Liberties (ORL); this office would seek to "enforce the rules set

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down by other authorities and to collect the information necessary...and be solely focused on monitoring compliance with civil liberties and civil rights norms..." (Taslitz 2003, 296). Andrew Taslitz suggests, and this researcher/practitioner easily agrees that Edley's proposal could be a model for the establishment of ORL in municipal police departments; thereby, ensuring constant monitoring and presumably compliance where profiling starts, on the local level (Taslitz 2003, 296).

The 'Office' can be mandated through legislation by City Council and be required to report to the Council several times per year, if not monthly or created by a Police Chief at the agency level. The unit can also be created and controlled at the supra agency level, headed by a civilian of sufficient qualifications [which should be spelled out by the legislation]. Even if established within local government, an ORL should then be established at the agency level and headed by someone with sufficient authority, Assistant Chief (or equivalent), that reports directly to the Chief of Police and the 'ORL' at the supra agency level [if applicable]. What is most important is that the "Rights and Liberties Officer" have the formal education, aptitude for research and training commensurate with the rank, position, and required tasks; Edley suggests that the unit/agency head should act as a "super inspector general" but [one that is] focused solely on monitoring compliance with civil liberties and civil rights norms (Edley 2002, 2). One or both offices should publish yearly, semiannual, or quarterly reports as mandated by statute or ordinance.

The responsibilities of the Office of Rights and Liberties (ORL) should not be confused with but may sometimes, in certain limited circumstances, partially overlap with those of traditional Internal Affairs Offices or the more contemporarily named

Office of Professional Standards; to the extent that an investigation into one allegation can logically uncover violations of other sorts. The Justification for a stand-alone ORL surrounds the need for specificity and expertise. Internal Affairs investigative personnel have typically handled complaints of racial bias and/or racial profiling but lack the specific training and expertise necessary to properly handle these complaints. Additionally, Internal Affairs and Professional Standards investigators lack the ability to remain focused on racial profiling or racially biased policing; these investigators from Internal Affairs or Professional Standards are typically generalist who handle investigations as they come in on a rotational basis (an assignment wheel); racial profiling complaints and those claiming biased policing should be investigated by specialists, because of the many problems associated with these types of investigations, similar to the way that crimes of a sexual nature are investigated by those with specific and narrowly focused investigatory skills.

It is within the ORL, that racial profiling for the entire agency should be monitored constantly and rigorously. The ORL should become that ever vigilant, watchful eye protecting individual liberties from within. The ORL should not limit itself to monitoring data culled from Stop-and-Frisk areas; however, the ORL should be active and aggressive investigators of police Stop-and-Frisk practices within the entire jurisdiction including these Stop-and-Frisk zones. Officials who are truly responsible to the public that they purport to serve should take whatever steps necessary to ensure that citizens, particularly law abiding citizens, are treated properly—this means, not being immoderately handled, physically or verbally and not subject to detention without proper legal justification. The ORL can accomplish this mandate using a number of investigative

tactics including but not limited to, the enhanced use of video cameras in designated Stop-and-Frisk zones (fixed, pan tilt zoom, dash mounted, body mounted, etc.), the use of a simpler, more understandable test to detect the practice [discussed in detail in the next section], and the possible use of increased integrity checks (which could take many forms).

To date, no major departments boast an ORL; however several major departments have requested that aspects of their departments be reviewed by the DOJ (Wood 2013, 1; Ott 2013, 1 3). That the Department Homeland Security recognizes and has an Office of [Civil] Rights and [Civil] Liberties to police itself (Ridge 2002, 1; Ridge 2004, 2), underscores the value and importance of such an entity; forward thinking police commanders should most certainly follow suit. Doing so would be a nominal expense especially if balanced against the potential cost associated with the need for federal intervention which is often comes with an exuberant price tag and is often times ineffective (Ross and Parke 2009, 204). The establishment of an ORL, headed by the "Rights and Liberties Officer" could go a long way towards correcting a long standing wrong; however Andrew Taslitz supplies reason for pause as it pertains to becoming complacent if and when such an office is established, according to Taslitz:

> Such an office [the Office of Rights and Liberties (ORL)] would be no substitute for independent auditors. Any government entity faces dangers of fund starvation [that is why embedding within the police department is an attractive idea; inasmuch as, it requires little, if any additional funding] and capture by those they regulate..." He goes on to state that, "governmental entities cannot by definition constitute the engaged action of an independent citizenry that the best democracies require..." (Taslitz 2003, 297). Furthermore, according to Taslitz, "having an Office [of Rights and Liberties] whose primary goal is to monitor department wide police compliance with civil liberties norms and to shed light on norm violations may serve an important symbolic function in reminding police that they are bound by the broader society's standards of political morality

and not only by the local standards of police morality... (Taslitz 2003, 297).

Just as the astute police commander recognizes the need to proactively address the

issue of racial profding and seek to eliminate the practice, understanding that legitimacy

in the eyes of the public is a requisite condition to the effectiveness of authorities (Engel

2005, 474); so should their astuteness lead them to understanding the potential problems

associated with making these sweeping changes. Change is often met with resistance; this

is particularly true within the subculture of law enforcement and law enforcement

executives such be prepared for pushback from officers and collective bargaining units;

where at all possible, the researcher suggest allowing collective bargaining units input in

the process to allow for most smooth implementation. According to the International

Association of Chiefs of Police (IACP), some other areas of concern will involve: (1)

agency morale, (2) concerns over discipline, (3) arming critics with data, (4) what the

IACP terms as "depolicing," and (5) encouraging spurious stops (IACP 2006, 171):

- Agency morale: As discussed earlier, many officers are worried about
  being branded "racist" (Harris 2003, 183), the establishment of an ORL
  and implementation of the RRD model (discussed more fully in the next
  section) will do nothing to assuage those concerns. That the morale of an
  agency will be affected is understandable; in many agencies, even rather
  large agencies the implementation of a data collection program resulted in
  fewer police stops of citizens (Cleary 2000, 28). The researcher suggests
  implementation in consultation with the collective bargaining agency or
  union because policies that seek to limit officers' discretion or control their
  actions often breed distrust between management, first line

supervisors and front line officer (IACP 2006, 171) involving these agencies in the process should palliate these types of concerns from front line officer.

- Concerns of Discipline: Officers and union officials also fear that they will be disciplined based on data collection results, that such a fear would be magnified with the establishment of an office referred to here as an "ever vigilant, watchful eye protecting individual liberties" is understandable. To countermand these concerns the researcher suggests that any observed indicators [of racial profiling or racially biased policing] should be seen by administrators as points for further investigation and opportunities to train personnel further. Only the most invidious and persistent violators should face more punitive disciplinary actions (reassignment, suspension, dismissal, etc.).

- Arming critics with data: Some have argued that because data is commonly believed to be open to interpretation, "those who may be predisposed to believe that racial profiling exists with data to challenge and critique the police" (IACP 2006, 171). The researcher does acknowledge that there exists individuals and groups on the extreme end of the continuum that would "rally behind Satan if the police had him pulled over," but believes that such transparency is an important step in the democratic process.

- Depolicing: Fear of being branded "racist" or as a "racial profiler" may result in inactivity by police officers, who seek to avoid the label (IACP

2006, 171). At the agency level, depolicing may result in diminished public safety and less effective law enforcement; Cleary (2000) points to severely decreased citation issuance by its members as the impetus for the Houston Police Department reversing its policy of data collection using officer identification (Cleary 2000, 28).

- Potential of encouraging spurious stops: According to the IACP, some have argued that the implementation of data collection [and the researcher includes the Office of Rights and Liberties] would encourage the immoderate handling [or at least the spurious stopping] of non-minority drivers "as officers attempt to offset statistical disparities that might otherwise exist" (IACP 2006, 172). The researcher would argue that the idea that an officer would go to extreme of mistreating a non-minority, when other more positive options exist, among them: "treating minorities better" speaks volumes as to the necessity of these programs. However, according to the IACP, "these concerns can be abated by imposing proper supervisory and accountability mechanisms..." (IACP 2006, 172). Implementation of Reason, Result, Duration Model - RRD

Lastly, the third prong of this multipronged attack on racial profiling is the construction of the basic format for a more practical and understandable method of testing for the presence of racial profiling. This more practical method will focus solely on the RRD of the stops made by a particular officer; effectively comparing how this officer behaves in comparison with their own self across the races [or at least when comparing behavior with minorities and non minorities] and creates a RRD statistic for

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the officer in question. If used properly, this RRD statistic can go a long way towards eradicating the nasty habit of racial profiling; particularly if the statistic played a major role in the calculus of promotions and special assignments, or even with the ability to accrue certain forms of overtime. The next section will also develop this more practical and easier to understand method.

In the past half century racial profiling and issues surrounding racially biased policing as well as racial bias in the Criminal Justice System as a whole have been subject of an incredible amount of research and discourse; so much so, that uncovering sources hardly resembles a laborious chore. In fact, this writing brings more than 130 sources to bear in furtherance of its theses; very few of which, perhaps with the *sole* exception of Ridgeway (2006), attempt to make processes used more understandable to the stakeholders involved, police commander and officers, as well as citizens, and civil rights groups. Ridgeway's model should be seen as a valuable starting point but not quite the 'simpler' and 'more practical' tool required for the average stakeholder.

It has been argued throughout this writing that there is a need for a simpler, and therefore, easier to understand model to be developed to assist in the detection of racial profiling and/or racially biased policing. It will be mentioned again for emphasis, that the police commanders surveyed determined that this tool was necessary and would help them to better understand and relate the results of racial profiling investigations to their constituents, and subordinates. The method suggested throughout is one that concerned itself with drawing inferences from computations surrounding the RRD of a police vehicle investigation; in fact, the model is simplistic enough in conceptualization that it can be applied to other police interactions also [mainly pedestrian investigations and/or

Stop-and-Frisk situations—this will be the focus of a future writing by the researcher]. Similar models can be constructed to test and examine practices in other criminal justice organizations, such as courts and corrections. Some will be confounded by the simplicity of such a model, but the researcher believes that over time, it will accurately depict the amount of racial profiling as well as any of the more 'statistically robust' models.

The RRD model would necessarily be discriminant in nature; the RRD model would simply create two separate groups [minorities and non minorities] and make comparisons of stops that an officer makes with one group [minorities] and compare them to the results obtained when that same officer stops another group of individuals [non minorities]. It has long been understood that officers may alter their practices knowing that data is being monitored (Ramirez et al. 2000; Walker 2001; Ward 2002; Withrow 2006, 45); however, as an officer's career progresses, that is, as the number of stops he or she makes increases, a clear picture of how they treat individuals of different races will present itself in numerical form.

A model such as the one proposed here, eliminates the need for population benchmarking of any type because the demographics of an assignment area makes no difference. Similarly, the demographics of actual violators is not a part of the calculus in the proposed RRD method. This method simply answers the question: How does an officer treat one group of individuals in comparison to how the officer treats the other [another] group of individuals? (Remember only two groups are realized here: Minorities and Non Minorities but in actuality comparisons can be made as to how all races are treated). Officers, who are aware that police stop data is collected are often worried about issues such as the numbers reflecting that they only stop minorities even when they work

in an area where the population is nearly one hundred percent minority; believing that this shines a bad light on them—"Given their duty assignments, these officers simply do not patrol in areas or situations in which they would be likely to stop members of more than one race.. .this they fear, will make them look like racists when the data emerges..." (Harris 2003, 183). The RRD model would not impose penalties for proportions of individuals stopped, but simply attempt to measure differences in how individuals [of differing races] are treated when they are stopped by an individual officer (comparisons can be made at increasingly aggregate levels with the data collected, but would not be the primary focus of the RRD model).

Administrators/researchers would have to decide what to do when an officer has a limited number of stops [or no stops at all] involving one of the groups; in that case, comparisons can be made to other standards such as departmental, statewide or national averages for these categories; the researcher suggests a move toward national uniformity and therefore, using the national average may best accommodate this underlying rationale. However the researcher would acquiesce with the use of a jurisdictional average in incidents where an officer did not have enough stop data in a particular [race] category. This average can be derived from the entire jurisdiction or could be derived from a subsection (zip code) where an affluent Caucasian population resides; thereby ensuring that the comparison is made against what presumably be the lowest in the jurisdiction (if the assumption is that certain police behaviors would not be tolerated in these areas). Administrators/researchers could also resort to having a warning posted; alerting to the fact that one group has a 'limited' sample size. In theory, the model that is developed here will lend itself (with some tweaking) to other applications involving

police stop behavior as well as applications involving how groups are treated not involving police conduct, for racial profiling applications this division, RRD is appropriate.

As discussed earlier, because of the 1996 *Whren* decision, subjective intentions play no role in ordinary, probable cause Fourth Amendment analysis of vehicular stop patterns and trends. However, it was noted earlier that David Harris pointed to the fact that in rendering the opinion of the Court, Justice Brennan averred that state courts could rightfully respond to weakened federal protection for individual liberties by means of their own [state] constitutions to do more to protect those freedoms (2001,376). In fact, since *Whren,* many states have decided that their constitution does grant citizens a 'higher degree of protection' than federal constitutional provisions (Harris 2001, 376; Heaton 2010, 29; Ward 2002, 731). Individual police departments, who often opt for more stringent controls than federal or state laws require, particularly where use of force is concerned, can opt to give its citizenry more protections than constitutionally necessary as well.

Reason:

An individual police department [law enforcement agency] desirous of giving its citizenry more protections than constitutionally mandated can opt to do so by ensuring that subjective intention remains in the calculus when reviewing officer's behavioral tendencies during investigatory stops. This can be accomplished by determining through the data what information lead to the officer making the initial stop and then deciding how much weight to give it based on what 'usually' occurs with lawful stops.

For instance, if the officer is armed with a prior description of a suspect involving race and/or the make and model of a vehicle, then that stop (at least the reason component of it) should not be weighted as heavily as if an officer makes a stop based solely on a minor equipment violation and absent any other reasoning. First the stops will be sorted by race into two categories, Caucasian or Non Minority = 1, Minorities = 0 [all others will be considered 'Minority']. The 'Reason' for the stop will then be evaluated and scored in two sections, the first part of the Reason score, Reason <]), is the 'Reason for Initial Stop' [a simple check mark (^) on an electronic form done by initiating officer] and assigned a score based on a set standard presumably without the officer's knowledge as to where on the table the enumerated violation fell. Table 13: "Reason(i)- Reason for Initial Contact," is weighted according to the amount of discretion an officer had when making the stop, tempered by the seriousness of the offense. Officers making a stop with a high degree of discretion will be scored higher than an officer making a stop with a low degree of discretion. Similarly, stops for minor offenses/infractions are weighted higher than those for serious offenses. Below is a preliminary version of this standard which can be set to agency preferences but the researcher argues that it [table values] should become universally set across law enforcement agencies in the U.S. (National Standard):

*Table 13: Reason (/)—Reason for Initial Contact*

| Reason (i) - Reason for Initial Stop | | |
|---|---|---|
| Reason | Variable Code | Weight |
| Equipment Violation - Major | EV-Maj | 1.00 |
| Equipment Violation - Minor | EV-Min | 2.00 |
| Seatbelt Violation | SBV | 2.25 |
| Traffic Violation - Major | TV-Maj | 0.00 |
| Speeding <10 MPH | SpLT- 1 0 | 2.25 |
| Speeding >11 MP EE | SpGT- 1 1 | 1.25 |
| Speeding ≥ 20 MP EE | SpGT-20 | 0.00 |

Reason (2) - Legality of Stop or "Legal Sufficiency" will be determined by a supervisory officer and checked off (^) during a review stage. Stops found to have insufficient articulation will be weighted most heavily, with those stops occurring within designated Stop-and-Frisk activities (such as an administratively approved aggressive Stop-and-Frisk campaign) will be weighted even higher still. The rationale being that officers who continually stop individuals without the necessary legal requirements, which at this juncture should amount to reasonable suspicion, should be penalized. Those officers who opt to stop individuals without the requisite cause (or suspicion) will see their RRD scores increase accordingly. "Table 13a: Reason (2)-Legality of Stop" is a preliminary configuration:

*Table 13a: Reason ^-Legality of Stop*

| Reason (2) - Legality of Stop | | |
|---|---|---|
| Legal Sufficiency | Variable Code | Weight |
| Probable Cause, Observed | PC-OBS | 0.00 |
| Probable Cause, Other | PC-Dif | 0.25 |
| Reasonable Suspicion, Observed | RS-OBS | 0.25 |
| Reasonable Suspicion, Other | RS-Dif | 0.50 |
| Insufficient Articulation | In-Ail | 2.00 |
| Insufficient Articulation-SQF | In-SQF | 2.25 |
| Other (Valid Reason for Presence) | OLOS | 0.00 |

The two Reason components, Reason (p (Initial Contact) and Reason (2) will simply be added together to become the first 'R' in the RRD formulation. Using this formulation, an officer coming into initial contact with a vehicle for a minor equipment violation would receive a score of Reason (p = 2.00; supervisors observing this would be instructed that this type of stop; although legally permissible, is not the type of stop desired by the agency and therefore, must assign a score in the Insufficient Articulation category, where Reason (2) = 2.00 if the stop occurred during approved Stop-and-Frisk activities, then Reason (2) = 2.25. The overall Reason score for this stop is obtained by simply adding Reason (p with Reason (2) in this instance it would equal 4.00 or 4.25 if the stop occurred as a part of Stop-and-Frisk activities. The maximum achievable score for the category is 4.50. The overall Reason score is computed as follows:

$$Reason = Reason^\wedge + Reason^\wedge$$

Result:

In the model conceived here, 'Result' will concern itself largely with two events, which are: enforcement actions and whether or not a search was conducted [whether or not force is used is noticeably absent from this part of the equation but may appear in a future or final iteration; inasmuch as, the RRD model continues to be a work in progress] Enforcement and Search activities where officers have little discretion will naturally be weighted less heavily than those instances where the officer is deemed to have near total discretion. Once again, it would also serve to appease common sense to build in allowances or to take account of the seriousness of the offense being investigated or committed. Table 14, "Results (i) - Enforcement Action" is a weighted configuration of these outcomes and accounts for the first component of the Results score:

*Table 14: Results (i) — Enforcement Action*

| Results^ ]) - Enforcement Action | | |
|---|---|---|
| **Enforcement Action** | **Variable Code** | **Weight** |
| Arrested - Felony | Fei-Arr | 0.00 |
| Arrested - Misdemeanor | Mis- Arr | 1.25 |
| Arrested - Summary | Sum-Arr | 1.75 |
| Ticketed | Tikt | 2.75 |
| Written Warning | Wr-Warn | 1.00 |
| Verbal Warning | Ve- Warn | 0.75 |
| No Action Taken | No-Act | 0.50 |

Table 14a: "Results (2) - Search" accounts for the second component of the overall 'Results' score. Searches conducted based upon probable cause [search warrant]

will not be scored and treated as no search for statistical purpose. Searches conducted

with 'Consent' are weighted more heavily with the underlying hypothesis being that

some coercion necessarily exist when a uniformed police officer asks to search a vehicle;

inasmuch as, "no one ever really feels free to decline the request to search"; and

'Inventory' searches are given less weight with the prevailing belief being that these

types of searches are normally mandated by departmental policies. In each instance,

whether a search was conducted with or without consent those producing no criminal

evidence are weighted most heavily. The maximum total for the entire result category is

6.00.

*Table 14a: Results (2) Search*

| Results^) ~ Search | | |
|---|---|---|
| **Type of Search** | **Variable Code** | **Weight** |
| **With Consent** | | 2.67 |
| Evidence Found | WC-EVF | 2.00 |
| N o Criminal Evidence | WC-NCE | 3.25 |
| **Without Consent** | | 2.00 |
| Evidence Found | NC-EVF | 1 .50 |
| No Criminal Evidence | NC-NCE | 2.50 |
| **Inventory** | Inv-Srch | 0.00 |
| **No Search Conducted** | No-Srch | 0.00 |

The two Result components, Result $_0$) (Enforcement Action) and Result $_{(2)}$

(Search) will simply be added together to become the Second 'R' in the RRD

formulation. Using this formulation, an officer that issues a ticket as the most severe

enforcement action would receive a score of Result $_{(i)}$ = 2.75; Additionally, if the officer performs a consent search and recovers no criminal evidence the score for Result (2) = 3.25, for a total of 6.00 or Result = 6.00. As currently formulated, this is the maximum achievable score for the Result category. The overall Result score is computed as follows:

$$Result = Result^\wedge + Result^\wedge$$

Duration:

The Duration category may be the most straightforward of all the categories. Here, the 'Duration' of the stop ends when the driver is free to go or taken into custody. If a driver is free to go but the vehicle is on location for further enforcement action (tow, impounding, etc.) the timer is no longer running for the purposes of 'Duration' calculus. If the stop is prolonged whilst law enforcement awaits equipment or because of a search [this is the second time, searches are accounted for in this equation, and as such, officers who consistently search vehicles will most likely have higher RRD Stats than those who tend to engage in less search activity] the corresponding total will be added to the corresponding 'weigh.[1] The score in the Duration category can range from 0.00 [a stop lasting 0 7 minutes with no search/equipment delays] to 5.00 [stop lasting 61+ minutes, with both equipment and search delays {1.5 pts. each}]. Table 15: Duration, lists the weights as currently configured. Stops lasting less than 15 minutes are weighted least heavily [0 7 minutes = 0.30; while stops lasting between 8 15 minutes = 1.15]; the next category [which is as long as the first two categories combined; 15 minutes] is weighted accordingly: [16 30 minutes = 2.00 for a difference of .85 between the next lowest time grouping of stops]. For the entire list of possible Duration scores please review Table 15 below:

*Table 15: Duration*

| Duration | | | | | | |
|---|---|---|---|---|---|---|
| Length of Stop | Variable Code | Weight | Equip | Search | Min | Max |
| 0-7 minutes | 7-min | 0.00 | 0.15 | 0.15 | 0.00 | 0.30 |
| 7-15 minutes | 15-min | 0.15 | 0.50 | 0.50 | 0.15 | 1.15 |
| 16-30 minutes | 30-min | 0.50 | 0.75 | 0.75 | 0.50 | 2.00 |
| 31-40 minutes | 50-min | 1.00 | 1.00 | 1.00 | 1.00 | 3.00 |
| 41-60 minutes | 60-min | 1.50 | 1.00 | 1.00 | 1.50 | 3.50 |
| 61+ minutes | 70-min | 2.00 | 1.50 | 1.50 | 2.00 | 5.00 |

Overall *RRD* Score:

The Overall RRD Score for an individual stop (RRD(i))will then be calculated by simply adding all three components together that is Reason (Reason (p + Reason (2)) + Result (Results <p + Results (2)) + Duration = Overall RRD(i). The concept can be explained to stakeholders in its most simplistic form: "The score comes from us adding up the numbers for the Reason an officer stops a citizen, + a score for the Results of the Stop, and the score for Duration of the Stop." Basically, one stop is computed by adding up the scores received for RRD of the individual stops. This score will be computed for each of an officers stops within each grouping (minorities and non-minorities); doing so will allow for a multitude of comparisons between and provide a plethora of information as to the "how" an officer treats members of both groups. Overall comparisons can be made, as well as comparison within individual categories as will be shown in the next section.

Once scores are computed for each of an officer's stops within a particular grouping, calculations can be made as to how an officer 'typically behaves' with members of a group by calculating simple averages. Averages can be calculated as to overall stop scores; averages can also be calculated within categories (RR D and within any one, or all of the subcategories such as Reason (p, Reason (2), Result <p, and Result (2), etc.. Meaningful calculations and comparisons can be made across the two groupings [minorities and non-minorities]—this is the purpose of the RRD model. You can compare the overall individual recorded scores (that's the officer's average RRD score for each individual stop in a category such as 'minorities' against the same category [average RRD score] for the other [another] category 'non minorities'). And remember, the entire point of this endeavor is to create a tool that works and is easy to understand, the researcher asserts that the material put forth in this section meets both criteria and therefore can be easily discussed by police commanders with coworkers, subordinates and most importantly, with community stakeholders [constituents].

It may prove helpful to look at other measures of spread and variation such as the Standard Deviation (SD) of RRD scores for each category (minorities and nonminorities). SD computation is one on the fringe of being one of those complex computations/equations that this writing urges a move away from; however, understanding the relationship between the SD and the mean can lead to understanding meaningful results. The Standard Deviation (SD) represents how far the scores are, on average, from the mean. A small standard deviation tells you that, on average, the scores are close to the mean. A large standard deviation tells you that, on average, the scores are far from the mean (Remler and Van Ryzin 2011, 253). The RRD model has unlimited

utility; as mentioned earlier, comparisons can be made between RRD scores that an officer has with minorities versus non minorities, rendering an RRD Statistic that can follow the officer and play a part in promotional and transfer opportunities (this will send a clear message from the departmental leadership to the officers, that racial profiling and racially biased policing will not be tolerated). Knowing the Average RRD score (AVG RRD) for each group (AVG RRD (min), AVG RRD (non)) numerous comparisons can be made and an RRD Statistic (RRD STAT) can be computed for each individual officer:

*RRD STAT = [AVG RRD (min) - AVG RRD (non)] \* [SD(min) - SD(non)]* This formula can capture disparate treatment both ways—that is it can be configured [without using absolute values] to produce negative results as well. Therefore, if disparate treatment exists, the RRD model will bring that disparate treatment to light.

Another area of concern is what to do with those individuals who have been observed with what is deemed a "High RRD Stat." The presence of a high RRD Statistic should trigger a more detailed investigation in the officer's activity. As mentioned earlier, this model allows for detailed comparisons to be made between categories and subcategories, ORL personnel [or other administrator] should take a deeper look and make a determination as to what action to take with the officer. It is argued here that negative discipline should be a measure of last resorts and reserved for only the most invidious and persistent violators. Only these violators should face more punitive disciplinary actions (reassignment, suspension, dismissal, etc.). Lastly, using a reconfiguration of the RRD model [not developed here], supervisors and commanders can be assigned RRD Stats based on the behaviors of those within their span of control or

direct supervision. This iteration is not developed here but will be detailed in a future publication.

## Implications for Public Policy

It is evident that any program that seeks to reduce or eliminate the practice of racial profiling or racially biased policing must use police stop data as a basis for forming knowledge about what its personnel is doing. Therefore, a valid data collection program is a prerequisite. Because of this, many states now require some type of data collection concerning race and police encounters, primarily vehicular investigations (BJS 2011); many states have also enacted or proposed legislation requiring statewide law enforcement agencies (State Police, Highway Patrol (HWP), Department of Public Safety (DPS), etc.,) to record race specific data during traffic stops (Northeastern University 2009). Federal policies requiring mandatory data collection efforts by law enforcement agencies may not be the best method (Ward 2002, 729); as Ross and Parke (2009) showed [and as discussed in the lit review] federal intervention often comes with a high price tag. Data collection should be mandated and administered at the local level as a matter of policy (204).

According to Del Pozo (2001), "...politicians shouldn't ignore sound law enforcement techniques that can help reduce crime with politically expedient and near universal condemnation of all forms of racial profiling [or aggressive police actions like Stop-and-Frisk campaigns]. Such condemnation has served to chill the necessary academic and internal discussion police agencies need to deal with the tough issues of racial profiling without causing divisiveness and friction within police agencies and towards the communities they serve" (Del Pozo 2001,295). Del Pozo goes on to instruct

that, "while crafting policy that works against harmful and counterproductive generalizations with only marginal benefits, police departments and politicians must also recognize that there are ethical applications of racial profiling which, if neglected, would do more harm than merely encumber police officers: the neglect would place unnecessary harm on all sectors of the citizenry" (Del Pozo 2001, 296).

This researcher does not believe that racial profiling can be considered as viable policy option [Del Pozo discusses the plausibility of such a policy]; but accepts that police must consider the impact of policies designed to limit unprofessional police behavior in the context of their impact on duties owed to all residents (Del Pozo 2001, 296). This researcher also accepts as fact Del Pozo's assertion that, "...rigorous policing of Fourth (4th) Amendment violations must be undertaken lest racial profiling continue to go hand in hand with unlawful searches.. .police work must be conducted with professionalism and respect lest racial profiling be seen as synonymous with rudeness, discourtesy, and officers whose attitudes erode the relationship between the police and the community..." (Del Pozo 2001, 299). The multipronged approach suggested here represents an ideal balance [between duty owed to citizenry and the protection of rights] or an appropriate step in that direction as it pertains to other aggressive and legal police enforcement strategies.

Here, the researcher suggests that policy guide and mandate all parts of the multipronged initiative to ensure citizens' protections at all times, and particularly when an aggressive Stop-and-Frisk campaign is deployed by city officials. These same officials that call on these aggressive Stop-and-Frisk practices in order to protect the citizenry, can [and should] take action to ensure that the citizenry is fully protected from mistreatment

during the fulfillment of these more stringent protections. One piece of legislation can (1) regulate all aspects surrounding the use of Stop-and-Frisk campaigns by law enforcement agencies, (2) establish a watchdog like entity, here it is proposed that Christopher Edley's ORL becomes the standard, as established within the Department of Homeland Security (DHS) and (3) mandate that police departments /law enforcement agencies utilize the RRD methodology to monitor its employees behaviors as it pertains to engaging in racial profiling or racially biased policing.

The RRD test for racial profiling carries with it a mechanism to assign a racial profiling score or RRD Stat (statistic) that is indicative of this behavior; this legislation should mandate that law enforcement officers be assigned an RRD score beginning at the time of employment for new hires and one be calculated since the inception of departmental data collection for all other departmental employees. This legislation becomes increasingly important because it has been shown that, "given proper incentives and oversight, officers appear to be able to self regulate effectively..." (Heaton 2010, 58).

Future Research Needs

This research sought to: (1) to assess the need for a simpler method of determining racial profiling and developing that method; (2) to assess police commanders' [at or above the rank of lieutenant] perceptions as to their own ability to understand the complex methodologies used in tests to determine the existence of racial profiling; (3) to assess police commanders' [at or above the rank of lieutenant] perceptions as to their constituent's ability to understand the complex methodologies used in tests to determine the existence of racial profiling; the study also, (4) determined the relationship, if any, that having an advanced degree (graduate or better) has on police

commanders' beliefs about the existence of racial profiling, and (5) determined the relationship, if any, that 'rank' has with police commanders' perceptions about the existence of racial profiling.

The research did determine the need for and develop a framework for a simpler, easier to understand method of determining the existence of racial profiling. Law enforcement practitioners, civil rights groups and academics must ensure that careful examination of the practice remains a constant. This line of research should be continued and the knowledge gleaned herein should be refined. The researcher seeks to hone the RRD model suggested here by using a Delphi type study that involves law enforcement executives and academic subject matter experts [many of whom are quoted throughout], in an effort to more accurately capture the appropriate categories as well as to more precisely weight categories. Additionally, the researcher plans publications detailing future investigations into the factors that lead to the perception that racial profiling does or does not occur, and outlining the development of the RRD model for pedestrian investigations.

Similar to Glaser (2006), the researcher seeks to engage in hypothetical modeling or simulation of the RRD model (indeed using simulated data), explicitly acknowledging that the results are not intended to describe any real locale, law enforcement agency/police department or population (Glaser 2006, 399). Doing so will allow for the visualization of the RRD process and an RRD Stat for a known entity. In a future article the researcher will simulate data for several hypothetical officers: (a) Officer A, with stop practices are near equal as it pertains to how minorities and non minorities are treated; (b) Officer B, with stop practices that represent invidious racial profiling or disparate

treatment of minorities, (c) Officer C, with stop practices that are disparate towards minorities but somewhat more insidious, and (d) Officer D, with stop practices that are disparate towards non minorities.

As noted earlier, continued research and evaluations is necessary to gain an understanding of the racial profiling phenomenon; more specifically, to gain an understanding of the perceptions of law enforcement officials and officers pertaining to racial profiling. Several lines of questioning were not pursued in this investigation and would allow for the building of further empirical knowledge if undertaken by future researchers:

(1)      The differences between perceptions of male versus female police commanders was not explored here,

(2)      Future research should seek to see if there is a difference in police commanders' perceptions as to the existence of racial profiling by type of degree held [liberal arts, business, human resources, natural science oriented, social science, etc.],

(3)      This study investigated the police commanders' perceptions, because officers of non supervisory positions make up the rank and file of law enforcement agencies across the country, a new study aimed at gleaning their perspectives [the rank and file] could prove useful in shaping policy aimed at eliminating the practice of racial profiling.

(4)      An evaluative study of the multipronged approach in its practical application stage would also add to the field of knowledge as it pertains to the efficacy

of racial profiling prevention (particularly in the context of continued [and effective] crime suppression.

## Conclusion

Racial profiling continues to be a serious issue, one that this researcher has shown constantly resurfaces at every major event where safety and security are threatened, and its dogged persistence proves it is unlikely to go away without a concerted and proper intervention. Since it is unlikely that the practice of racial profiling will not continue to plague citizens, particularly minority citizens, as well as, police commander; those responsible for ensuring personal protections—that is the protection of unalienable rights professed by Locke and guaranteed to all by the U.S.' Constitution—must imperatively use all in their power to combat infringements upon these rights or liberties. Policies without an arm for enforcement will prove useless. Police departments, law enforcement agencies, along with policymakers nationwide can move closer to ensuring that they are not perpetrating or tacitly approving the use of racial profiling, and not, through the lack of having policies forbidding the practice, but through failing to aggressively and unforgivingly seek out those engaging in the practice of racial profiling.

The creation of a watchdog like entity with capabilities to act as an enforcement arm such as the ORL at the local level of government and\or embedding an ORL within the individual law enforcement agencies could go a long way towards accomplishing the mission of eliminating this disturbing practice. Combined with other measures that are suggested here, the establishment of clearly defined rules and regulations surrounding the use of Stop-and-Frisk zones, along with the use of the RRD test to determine individual officer behavior and the assigning officers with an RRD Stat, the practice of racial

profiling can be eradicated. This will require a paradigm shift by law enforcement executives everywhere, the researcher suspects that paradigm shift had yet to occur because law enforcement executives were hesitant to condemn or eliminate a practice that proved effective at reducing crime; however the researcher believes that giving back gains made in the area of crime reduction would be counterintuitive and nothing put forth here asks for such a sacrifice. With this understanding, the researcher believes that most law enforcement executives and commanders, whose progressive attitudes where exhibited by the results of the law enforcement commander's survey, will embrace the necessary paradigmatic shift.

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APPENDIX A:

Other Tables

*Table 1 la: Chi-square Test Perception and Education*

| | Value | df | Asymp. Sig. (2 sided) |
|---|---|---|---|
| Pearson Chi-square | 15.756[a] | 15 | .398 |
| Likelihood Ratio | 21.315 | 15 | .127 |
| Linear by Linear Association | 6.711 | 1 | .010 |
| N of Valid Cases | 109 | | |

a. 18 cells (75.0%) have expected count less than 5. The minimum expected count is .05.

*Table 12a: Chi-square Test Perception and Rank*

|  | Value | df | Asymp. Sig. (2 sided) |
|---|---|---|---|
| Pearson Chi-square | 26.915[a] | 12 | .008 |
| Likelihood Ratio | 28.094 | 12 | .005 |
| Linear by Linear Association | .914 | 1 | .339 |
| N of Valid Cases | 108 | | |

a. 13 cells (65.0%) have expected count less than 5. The minimum expected count is .65.

*Cross tabulation: Education x Rank*

| Variables | | High school diploma or equivalen | Some college but no degree | Associate degree | Bachelor degree | Graduate degree | PhD, JD, or Professional Doctorate | Total |
|---|---|---|---|---|---|---|---|---|
| Rank Chief | Count | 0 | 1 | | | 9 | 0 | 14 |
| | % within Edu | 0.0% | 6.3% | 25.0% | 5.6% | 20.5% | 0.0% | 130% |
| | % of Total | 0.0% | 0.9% | 1.9% | 1.9% | 8.3% | 0.0 | 13.0 |
| Assistant Chief | Count | o | •j | 1 | 5 | 5 | 0 | 14 |
| | % within Edu | 0.0% | 188% | 12.5% | 13.9% | 11.4% | 0.0% | 13.0 |
| | % of Total | 0.0% | 2.8 | 0.9 | 4.6% | 4.6% | 0.0 | 13.0 |
| Major or above | Count | 0 | 1 | 0 | 1 | 13 | 1 | 16 |
| | % within Edu | 0.0% | 6.3% | 0.0% | 2.8% | 29.5% | 33.3% | 14.8 |
| | % of Total | 0.0% | 0.9 | 00% | 09% | 12.0 | 0.9 | 14.8 |
| Captain | Count | 0 | 6 | 1 | 13 | 7 | % | 29 |
| | % within Edu | 0.0% | 37.5% | 12 5% | 36.1% | 15.9 | | 26.9 |
| | % of Total | 0.0% | 5.6 | 0.9% | 12.0% | 6.5% | 1.9 | 26.9 |
| Lieutenant | Count | 1 | 5 | 4 | 1 | 10 | 0 | 35 |
| | % within Edu | 100.% | 31.3% | 50 0% | 417% | 22.7 | 0.0% | 324% |
| | % of Total | 0.9 | 4.6 | 37% | 13.9% | 9.3% | 0.0 | 32.4 |
| Total | Count | 1 | 16 | 8 | 36 | 44 | 3 | 108 |
| | % within Edu | 100.% | 100.0% | 100.0% | 1000% | 100.0% | 100.0% | 100.0% |
| | % of Total | 0.9% | 14.8% | 7.4% | 33.3% | 40.7% | 2.8 | 100.0% |

*Cross tabulation: Education x Agency Size*

| Variables | | Education | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | High school diploma | Some college but no | Associate degree | Bachelor degree | Graduate degree | PhD,JD, or Sessiona | |
| Size | Count | o | 0 o.® | 1 | 4 | 14 | ^ | 21 |
| Greater than or | | | 0.® | | | 32.® | 66.® | 194% |
| ... ri | % within | 0 i® | | 11.1% | 11.1% | 13.® | 1.® | 19.4% |
| k BE | | | | 0.® | 3.® | | | |
| Greater than or | Count | 0 0.® | 4 | y | | 12 | 0 | 28 |
| Edu equal to r,OuO | % within | 0.® | 25.® | 33.® | 25® | 27.® | 0.® | 25.® |
| | % of Total | | 31 | 1® | 8.® | 11.1% | 0.® | 25.® |
| Greater than or | Count | o | ^ | 0 | 4 11.1% | j | 0 0.® | |
| | | | 121 | 0.® | 3.® | 7.® | 0.® | 8.® |
| k Edu | % within | 0.® | 1.® | 0.® | | 2.® | | 8® |
| Less than 500 | Count | 1 | 4 251 | ^ | 0 | 7 | 1 | 24 |
| | % within | 100.0% | 3.® | 22.® | 25.® | 16.® | 33.® | 22.® |
| FF | | 0.® | | 1.® | 8.® | 6.® | 0.® | 22.® |
| Less than or equal | Count | 0 | | 1 | | 5 | 0 0.® | 17 |
| ... r. | /o within | 0.® | 31.3% | 11.1% | 16.® | 11.® | 0.® | 15.® |
| EE | . 1AA | 0.® | 4® | 0.® | 5.® | 4.® | | 15.® |
| | Count | 0 o.® | 1 | ^ | 4 | ^ | 0 0.® | |
| | s*a, % | 0.® | 6® | 22.® | 11.1% | 4.® | 0.® | 8.® |
| | ofTotal | | 0® | 1.® | 3.® | 1.® | | |
| Total EE | Count | 1 | 16 100.® | 3 100.® | | 43 100.® | 3 100.® | 108 |
| | ^within | 100.0% | 14.® | 8.® | 100.® | 39.® | 2.® | 100.® |
| | ofTotal | 5.® | | | 33.® | | | 100.® |

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*Cross tabulation: Education* x *Item 10a —I understand*

| Variables | | High school diploma orqiralMu, ®)' | Somecokgebut M degree | Associate d^ee | Bachelor degree | ■jraduate siegree | ww Professional Doctorate | Total |
|---|---|---|---|---|---|---|---|---|
| | | | | | | Edu | | |
| I am able lo Uitadlk hgee c* Equations | Count | 0 | 11 | | 28 | 3 | 1 | 80 |
| | Edu | 01 | | 100.1 | 80.1 | 701 | If 7 | 17.1 |
| | MM | Of | io a | a | 27.1 | 28.1 | 11 | _____*11* |
| iWal Count | | (i | 1 | | | | 0 | ii |
| | Ei | Of. | MH | 01 | 111 | 111 | 0.1 | ii.i |
| | MW | Of | 1.1 | Of | 51 | 4.1 | | ------ *n.i* |
| StronglyAgree Count Hdn Edu | | 'J | 11 | | | 1 | 0 | n |
| | | 1001 | 14.1 | 0.1 | 11 | 111 | Of | 101 |
| | %ofTotal | If | If | 0.1 | If | 0.1 | Of | ------*101* |
| Total | Count | 1 | 14 | | | 41 | j | 103 |
| | Hwidm Edu | 1001 | 1001 | 100.1 | 1001 | 100.1 | 100.1 | 100.1 |
| | MM | 11 | IB | 8.1 | MI | MI | 11 | -----*100.1* |

*Cross tabulation: Education x Item 10b - Colleagues Understand*

| Variables | | High school diploma or equivalent (e.g., GED) ' | Some college but no degree | Associate degree | Bachelor degree | Graduate degree | PhD, ID, or Professional Doctorate | Total |
|---|---|---|---|---|---|---|---|---|
| My Understand | Stoney Count | 1 | 13 | Q | 34 | 39 | i | 99 |
| | %,* wotid | 100.0% | 919% | 100.0% | 97.1% | 95.1% | 100.0% | 96.1% |
| | % of Total | 1.0% | 110% | 8.7% | 33.0% | 37.9% | 19% | 96.1% |
| | Somewhat Count | 0 | 1 | 0 | 1 | | | 4 |
| | %Wlth!ll Edu | 0.0% | 7.1% | 0.0% | 19% | 4.9% | 0.0% | 3.9% |
| | % of Total | 0.0% | 1.0% | 0.0% | | 1.9% | 0.0% | 3.9% |
| Total | Count | 1 | 14 | 9 | 35 | 41 | 3 | 103 |
| | %within Edu | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | % of Total | 1.0% | 13.6% | 8.7% | 34.0% | 39.8% | 19% | 100.0% |

*Cross tabulation: Education x 10c — Stakeholders Understand*

| Variables | | Highschool diploma or equivalent (e.g. | Some college but no degree | Associate degree | Bachelor degree | Graduate degree | PhD, JD, or Professional Doctorate | Total |
|---|---|---|---|---|---|---|---|---|
| Community members raid | Strongly Disagree Count %5nto Edu | 1 100.0% | 12 92.3% | 8 88.9% 8.0% | 97.0% 0% 32.0% | 41 100.0% 410 | j 100.0% 3.0% | 97 97.0% 97.0 |
| within | Somewhat Count ^ee % Edu | 0 0.0% 0.0% | 1 7.7% 1.0% | 1 11.1% 1.0% | 1 3.0% 1.0% | 0 0.0% | 0 0.0% 0.0% | J 3.0% 3'0% |
| Total | Count % within Edll H | 1 100.0% | 13 100.0% 13.0% | Q 100.0% 9.0% | 100.0% 33.0% | 41 100.0% 41.0% | 100.0% 3.0% | 100 100.0% 100. |

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*Cross tabulation: Education x lOd-Adv. Training Understands*

| | | | Edu | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| Variables | | | High school diploma or equivalent (e.g., GED) " | Some college but no degree | Associate degree | Bachelor degree | Graduate degree | PhD, JD, or Professional Doctorate | |
| Only those with advance framing would understand ,',' | Strongly Disagree | Count | 0 | 4 | 0 | 5 | 2 | 0 | 11 |
| | | % within ",' Hof | 0.0% | 28.6% | 0.0% | 14.3% | 4.9% | 0.0% | 10.7% |
| | | Total | 0.0% | 3.9% | 0.0% | 4.9% | 1.9% | 0.0% | 10.7% |
| | Somewhat | Count | 1 | 3 | 2 | 9 | 14 | 0 | 29 |
| | | % within Edu %of | 100.0% | 21.4% | 22.2% | 25.7% | 34.1% | 0.0% | 28.2% |
| | | Total | 1.0% | 2.9% | 1.9% | 8.7% | 13.6% | 0.0% | 28.2% |
| | Strongly | Count % within | 0 | 1 | 7 | 21 | 25 | 3 | 63 |
| | | Edu Hof Total | 0.0% | 50.0% | 77.8% | 60.0% | 61.0% | 100.0% | 61.2% |
| | | | 0.0% | 6.8% | 6.8% | 20.4% | 24.3% | 2.9% | 61.2% |
| Total | | Count | 1 | 14 | 9 | 35 | 41 | 3 | 103 |
| | | % within Edu | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | | % of Total | 10% | 13.6% | 87% | 34.0% | 39.8% | 2.9% | 100.0% |

*Cross tabulation: Education x lOe — Simpler, Easier, Stakeholders*

| Variables | | Edu | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | High school diploma or equivalent (e, g,GED) | Some college but no degree | Associate degree | Bachelor degree | Graduate degree | PhD, ID, or Professional Doctorate | |
| lOe-simpler Strongly | Count | 0 | 1 | 3 | 4 | 3 | 1 | 12 |
| | % within Edu | 0.0% | | 33.3% | 11.8% | '3% | 33.3% | 11.9% |
| | % ofTotal | 0.0% | 1.0% | 3.0% | 4.0% | 3.0% | 1.0 | 11.9% |
| Somewhat | Count | 0 | 1 | 1 | 4 | 4 | 0 | 10 |
| | % within Edu | 0.0% | 7.7% | 11.1% | 11.8% | 9.8% | 0.0% | 9.9% |
| | % ofTotal | 0.0% | 1.0% | 1.0% | | 4.0% | 0.0 | 9.9% |
| Strongly | Count | 1 | 11 | 5 | 26 | 34 | 2 | 79 |
| | % within Edu | 100.0% | 816% | 55.6% | 76.5% | 82.9% | 66.7% | 78.2% |
| | % ofTotal | 1.0% | 10.9 | 5.0% | 25.7 | 33.7% | 2.0 | 78.2% |
| Total | Count | 1 | 13 | 9 | 34 | 41 | 3 | 101 |
| | %witliinEdu | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | % ofTotal | 1.0% | 12.9% | 8.9% | 33.7% | 40.6% | 3.0 | 100.0% |

*Cross tabulation: Education x lOf- More Practical is Better*

| Variables | | | High school diploma or equivalent (e.g.,GED) | Some college but no degree | Associate degree | Bachelor degree | Graduate degree | PhD, ID, or Professional Doctorate | Total |
|---|---|---|---|---|---|---|---|---|---|
| | | | Edu | | | | | | |
| Amore practical tool would make it easier for police commanders to discuss racial profiling inquiries | Strongly Disagree | Count | 0 | 1 | 1 | 3 | 3 | 1 | 9 |
| | | % within Edu | 0.0% | 7.1% | 11.1% | 8.6% | 7.3% | 33.3% | 8.7% |
| | | % ofTotal | 0.0% | 1.0% | 1.0% | 2.9% | 2.9% | 1.0% | 8.7% |
| | Somewbat Agree | Count | 0 | 3 | 1 | 3 | 2 | 0 | 9 |
| | | % within Edu | 0.0% | 21.4% | 11.1% | 8.6% | 4.9% | 0.0% | 8.7% |
| | | % ofTotal | 0.0% | 2.9% | 1.0% | 2.9% | 1.9% | 0.0% | 8.7% |
| | Strongly Agree | Count | 1 | 10 | 7 | 29 | 36 | 2 | 85 |
| | | % within Edu | 100.0% | 71.4% | 77.8% | 82.9% | 87.8% | 66.7% | 82.5% |
| | | % ofTotal | 1.0% | 9.7% | 6.8% | 28.2% | 35.0% | 1.9% | 82.5% |
| Total | | Count | 1 | 14 | 9 | 35 | 41 | 3 | 103 |
| | | % within Edu | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | | % ofTotal | 1.0% | 13.6% | 8.7% | 34.0% | 39.8% | 2.9% | 100.0% |

*Cross tabulation: Rank x Agency Size*

| Variables | | | Chief | Assistant Chief | Major or above | Captain | Lieutenant | Total |
|---|---|---|---|---|---|---|---|---|
| | | | Rank | | | | | |
| Size | Greater than or equal to 3,000 | Count | 1 | O | 11 | s | 4 | 21 |
| | | % witliin Rank | 7.7% | 0.0% | 68.8% | 17.2% | 11.4% | 19.6% |
| | | % ofTotal | 0.9% | 0.0% | 10.3% | 4.7% | 3.7% | 19.6% |
| | Greater than or equal to 1,000 | Count | O | 4 | 4 | 6 | 13 | 27 |
| | | % witliin Rank | 0.0% | 28.6% | 25.0% | 20.7% | 37.1% | 25.2% |
| | | % ofTotal | 0.0% | 3.7% | 3.7% | 5.6% | 12.1% | 25.2% |
| | Greater than or equal to 500 | Count | O | 1 | 1 | 3 | 4 | 9 |
| | | % witliin Rank | 0.0% | 7.1% | 6.3% | 10.3% | 11.4% | 8.4% |
| | | % ofTotal | 0.0% | 0.9% | 0.9% | 2.8% | | 8.4% |
| | Less than 500 | Count | 3 | 5 | 0 | 9 | -s | 24 |
| | | % witliin Rank | 23.1% | 35.7% | 0.0% | 31.0% | 20.0% | 22.4% |
| | | % ofTotal | 2.8° o | 4.7% | 0.0% | 8.4% | 6.5% | 22.4% |
| | Less than or equal to 1OO | Count | 3 | 4 | 0 | % | 5 | 17 |
| | | % witliin Rank | 23.1% | 28.6% | 0.0% | 17.2% | 14.3% | 15.9% |
| | | % ofTotal | 2.8% | 3.7% | 0.0% | 4.7% | 4.7% | 15.9% |
| | Less than or equal to 50 | Count | 6 | O | 0 | 1 | ■ | 9 |
| | | % witliin Rank | 46.2% | 0.0% | 0.0% | 3.4% | 5.7% | 8.4% |
| | | % ofTotal | 5.6% | 0.0% | 0.0% | 0.9% | 1.9% | 8.4% |
| Total | | Count | 13 | 14 | 16 | 29 | 35 | 107 |
| | | % witliin Rank | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | | % ofTotal | 12.1% | 13.1% | 15.0% | 27.1% | 32.7% | 1OO.0% |

*Cross tabulation: Rank x Item 10a — I understand*

| Variables | | Rank | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | Chief | Assistant Chief | Major or above | Captain | Lieutenant | |
| I am able to understand the complex equations | Strongly Disagree  Count | 9 | 10 | 12 | 24 | 24 | 79 |
| | Rffllk | 75.0% | 71.4% | 80.0% | 88.9% | 70.6% | 77.5% |
| | % of Total | 8.8% | 9.8% | 11.8% | 23.5% | 23.5% | 77.5% |
| | Somewhat Coiuit | 1 | 3 | 1 | 1 | 6 | 12 |
| | % within Rank | 8.3% | 21.4% | 6.7% | 3.7% | 17.6% | 11.8% |
| | % of Total | 1.0% | 2.9% | 1.0% | 1.0% | 5.9% | 11.8% |
| | Strongly Asee  Count | 2 | 1 | 2 | 2 | 4 | 11 |
| | % w'jfjiiii Rank | 16.7% | 7.1% | 13.3% | 7.4% | 11.8% | 10.8% |
| | % of Total | 2.0% | 1.0% | 2.0% | 2.0% | 3.9% | 10.8% |
| Total | Count | 12 | 14 | 15 | 27 | 34 | 102 |
| | % within Rank | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | % of Total | 11.8% | 13.7% | 14.7% | 26.5% | 33.3% | 100.0% |

*Cross tabulation: Rankx 10b - Colleagues Understand*

| Variables | | | Rank | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | | Cliief | Assistant Cliief | Major or above | Captain | Lieutenant | |
| My Colleagues Would Understand | Strongly Disagree | Count | 11 | 14 | 14 | 26 | 33 | 98 |
| | | % within p Aiik | 91.7% | 100.0% | 93.3% | 96.3% | 97.1% | 96.1% |
| | | %of Total 1 Ulul | 10.8% | 13.7% | 13.7% | 25.5% | 32.4% | 96.1% |
| | Somewha t Agree | Count | 1 | 0 | 1 | 1 | 1 | 4 |
| | | % within Rank | 8.3% | 0.0% | 6.7% | 3.7% | 2.9% | 3.9% |
| | | %of Total | 1.0% | 0.0% | 1.0% | 1.0% | 1.0% | 3.9% |
| Total | | Count % within Rank | 12 | 14 | 15 | 27 | 34 | 102 |
| | | | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | | %of Total | 11.8% | 13.7% | 14.7% | 26.5% | 33.3% | 100.0% |

## Cross tabulation: Rankx 10c- Stakeholders Understand

| Variables | | | Rank | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | | Cliief | Assistant Cliief | Major or above | Captain | Lieutenant | |
| Commimity members | Strongly Disagree would understand | Count | 12 | 12 | 14 | 27 | 31 | 96 |
| | | % within Rank | 100% | 92.3% | 100.0% | 100.0% | 93.9% | 97% |
| | | %of Total | 12.1% | 12.1% | 14.1% | 27.3% | 31.3% | 97% |
| | Somewhat Agree | Count | 0 | 1 | 0 | 0 | 2 | 3 |
| | | % witliin Rank | 0.0% | 7.7% | 0.0% | 0.0% | 6.1% | 3.0% |
| | | % of Total | 0.0% | 1.0% | 0.0% | 0.0% | 2.0% | 3.0% |
| Total | | Count | 12 | 13 | 14 | 27 | 33 | 99 |
| | | % witliin Rank | 100% | 100.0% | 100.0% | 100.0% | 100.0% | 100% |
| | | % of Total | 12.1% | 13.1% | 14.1% | 27.3% | 33.3% | 100% |

## Cross tabulation: Rankx lOd — Adv. Training Understands

| Variables | | | Rank | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | | Cliief | Assistant Cliief | Major or above | Captain | Lieutenant | |
| Only those with Advanced Training Would" Understand | Strongly Disagree | Count | 0 | 2 | 1 | 3 | 5 | 11 |
| | | % witliin Rank | 0.0% | 14.3% | 6.7% | 11.1% | 14.7% | 11% |
| | | % of Total | 0.0% | 2.0% | 1.0% | 2.9% | 4.9% | 11% |
| | Somewhat Agree | Count | 5 | 4 | 4 | 11 | 4 | 28 |
| | | % witliin Rank | 41.7% | 28.6% | 26.7% | 40.7% | 11.8% | 27% |
| | | % of Total | 4.9% | 3.9% | 3.9% | 10.8% | 3.9% | 27% |
| | Strongly Agree | Count | 7 | 8 | 10 | 13 | 25 | 63 |
| | | % witliin Rank | 58.3% | 57.1% | 66.7% | 48.1% | 73.5% | 62% |
| | | % of Total | 6.9% | 7.8% | 9.8% | 12.7% | 24.5% | 62% |
| Total | | Count | 12 | 14 | 15 | 27 | 34 | 102 |
| | | % witliin Rank | 100% | 100.0% | 100.0% | 100.0% | 100.0% | 100% |
| | | % of Total | 11.8% | 13.7% | 14.7% | 26.5% | 33.3% | 100% |

*Cross tabulation: Rankx lOe - Simpler, Easier, Stakeholders*

| | Variables | | Rank | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | | Chief | Assistant Chief | Major or above | Captain | Lieutenant | |
| 10e-sinipler | Strongly Disagree | Count | 0 | 2 | 2 | 3 | 4 | 11 |
| | | % within Rank | 0.0% | 15.4% | 13.3% | 11.1% | 12.1% | 11.0% |
| | | % of Total | 0.0% | 2.0% | 2.0% | 3.0% | 4.0% | 11.0% |
| | Somewhat Agree | Count | 2 | 0 | 0 | 5 | 3 | 10 |
| | | % within Rank | 16.7% | 0.0% | 0.0% | 18.5% | 9.1% | 10.0% |
| | | % of Total | 2.0% | 0.0% | 0.0% | 5.0% | 3.0% | 10.0% |
| | Strongly Agree | Count | 10 | 11 | 13 | 19 | 26 | 79 |
| | | % within Rank | 83.3% | 84.6% | 86.7% | 70.4% | 78.8% | 79.0% |
| | | %ofTotal | 10.0% | 11.0% | 13.0% | 19.0% | 26.0% | 79.0% |
| Total | | Count | 12 | 13 | 15 | 27 | 33 | 100 |
| | | % within Rank | 100.0°o | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |
| | | % of Total | 12.0% | 13.0% | 15.0% | 27.0% | 33.0% | 100.0% |

*Cross tabulation: Rankx lOf— More Practical is Better*

| Variables | | | Rank | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | | Chief | Assistant Chief | Major or above | Captain | Lieutenant | |
| A More Practical Tool would make it easier to discuss the results of racial profiling investigations •- | Strongly Disagree | Count | 1 | 2 | 1 | 2 | 3 | 9 |
| | | % within Rank | 7.7% | 14.3% | 6.7% | 7.7% | 8.8% | 8.8% |
| | | %of Total | 1.0% | 2.0% | 1.0% | 2.0% | 2.9% | 8.8% |
| | Somewhat Agree | Count % withiii Rank | 1 | 0 | 0 | 4 | 4 | 9 |
| | | | 7.7% | 0.0% | 0.0% | 15.4% | 11.8% | 8.8% |
| | | % of Total | 1.0% | 0.0% | 0.0% | 3.9% | 3.9% | 8.8% |
| | Strongly Agree | Count | 11 | 12 | 14 | 20 | 27 | 84 |
| | | % witliiii Rank | 84.6% | 85.7% | 93.3% | 76.9% | 79.4% | 82% |
| | | Hof Total | 10.8% | 11.8% | 13.7% | 19.6% | 26.5% | 82% |
| Total | | Count | 13 | 14 | 15 | 26 | 34 | 102 |
| | | % within Rank | 100% | 100.0% | 100.0% | 100.0% | 100.0% | 100% |
| | | % of Total | 12.7% | 137% | 14.7% | 25.5% | 33.3% | 100% |

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Complex Equations

A more practical tool would make it easier for ▮ 2.74

A tool that utilized simpler methods would b easier for my community stakeholders to. ▮ 2.66

Only people with advanced knowledge of statistics and/or research methods would ▮ 2.5

Most of my community stakeholders would fully ▮ 1.03

Most of my colleagues would fully understand ▮ 1.04

I am able to understand the equation ▮ 1.33

0   1   2   3
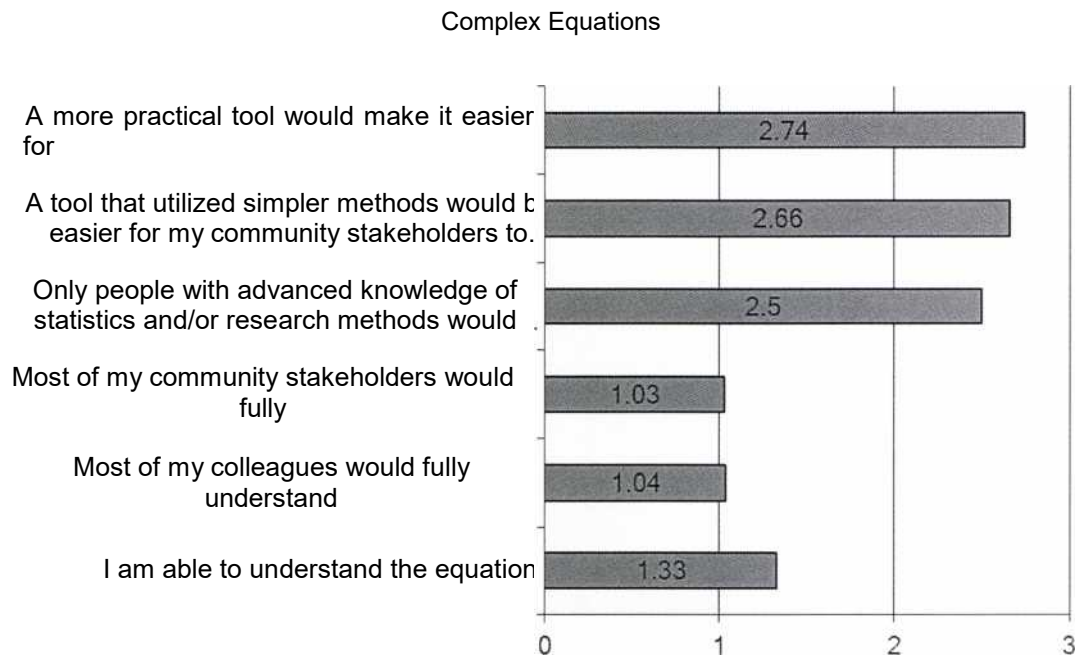
APPENDIX B:

Other Tables-Equations

| Complex Equations | | | | | |
|---|---|---|---|---|---|
| Variables | Strongly Disagree | Somewhat Agree | Strongly Agree | Rating Average | Response Count |
| I am able to understand the equations | 80 | 12 | 11 | 1.33 | 103 |
| Most of my colleagues would fully understand the equations | 99 | 4 | 0 | 1.04 | 103 |
| Most of my community stakeholders would fully understand the equations | 97 | 3 | 0 | 1.03 | 100 |
| Only people with advanced knowledge of statistics and/or research methods would fully understand the equations | 11 | 29 | 63 | 2.50 | 103 |
| A tool that utilized simpler methods would be easier for my community stakeholders to understand | 12 | 10 | 79 | 2.66 | 101 |
| A more practical tool would make it easier for police commanders to discuss the results [or processes] of racial profiling inquiries with community | 9 | 9 | 85 | 2.74 | 103 |

Appendix C:

Survey Instrument

**Definition: 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 or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity"**

## Racial Profiling Survey

1. How many years of law enforcement service do you have?

  ◯ 30 or more
  ◯ 20 - 30
  ◯ 15 or more
  ◯ 10 or more
  ◯ less than 10

2. What is your highest rank held? (If your exact rank does not appear, please pick the closest listed equivalent)

Q Chief

(^) Assistant Chief

  J) Major or above

f'~J) Captain

    lieutenant

3. What is the highest level of school you have completed or the highest degree you have received?

CZ) ^>9^ diploma or equivalent (e.g , GED?

f y Some college tot no degree

f ) Associate degree

    Bachelor degree

£ Graduate degree

f J PhD, JD. or Professional Doctorate

4. Do you believe that racial profiling racially biased policing occurs in the United States?

Q~") Yes, I be eve that it does happen arc the practice is widespread

    ) Yes. I believe that it coes happen tot t-e practce is net widespread

  J No. I co not believe that it happens

$C$~ I don't knew hew I reel acowt whether or not it occurs

## Racial Profiling Survey

5. What is the size of your agency in terms of sworn personnel?

") Greater than or equal to 3,000

j Greater than orequal to 1,000

j Greater than or equal to 500

£ ) Less than 503

J Less than or equal to 1 GO

-f^) Less than or equal to 50

6. Does your department/jurisdiction have a policy prohibiting racial profiling or racially biased policing?

f ) Yes, the department has a policy prohibiting the practice

fᵥ j Yes. the jurisdiction has a policy prohibiting the practice

f )⟋ Yes Poth the department aod the jurisdiction have policies prohibiting the practice

Ho. nether the cepartmem nor jurisdiction have policies prohibiting the practice

7. Does your department track stop data?

f Yes, the department tracks vehicular stop data only

£ J) Yes, the department tracks pedestrian stop cata cetfy

Yes, the department tracks data on vehicular and pedestrian stops

No, the department does not track stop data of any type

8. Does your department provide training designed to limit the practice of racial profiling? (Check all that apply)

2] Yes as a part of the tracing cumcula while in the Police Academy

2] ᵛes, as a part of n-service training

□ No tra n ng s provided

9. When your department receives a complaint of racial profiling what method, if any, is used to determine an officer's performance?

PooJat on benchmarking[9] (compares percentage c* ndividuais stopped to their overall percentage in pcpu atoni

) Interna? benchmarking? iccmo3ʼss an officer's stops to those of similarly sitoMed oncers)

( j HR rate comparisons? (compares successful searches)

J J I m not sure

For the next several a^esto^s please 'evtew the five non-contextual equations (used in some racial profiling tests' and choose a response that best indicates you lewd of agreement

$$\frac{\pi'^m[1 - F_g^{r_m}(\theta*(r_m; r_p))]}{\left\{\begin{array}{l} \pi'^m[1 - F_g^{r_m}(\theta*(r_m; r_p))] \\ \quad + (1 - \pi'^m)[1 - F_n^{r_m}(\theta*(r_m; r_p))] \end{array}\right\}}$$

$$\Pr(G|r_m, \theta) = \frac{\pi'^m f_g^{r_m}(\theta)}{\pi'^m f_g^{r_m}(\theta) + (1 - \pi'^m) f_n^{r_m}(\theta)} \cdot$$

T(G $V$, ^)] + [1 - 7(G $r$)$]v(c, \tau)$

$$\sum_{r \in \mathcal{R}} \frac{(\hat{p}_r - \hat{p})^2}{\hat{p}_r} \sim \chi^2(R - 1),$$

Z*(x) = argmin $a(x)$ p(x) X (1 — t)
re[0,1]

$+ b(x) p(x)$ X $t$ + c(x) X $t$

= 0      if C(A) > [a(x) — &(*)] pW

= 1      if $c(x)$ < [a(x) - h(x)] $p(x)$.

*10. Please respond to ail of the below

|  | Strongly Disagree | Somewnat Agree | Strongly Agree |
|---|---|---|---|
| I am ab^e to understand the equations | o |  |  |
| Most of my colleagues would fully understate the equations | Q | o o |  |
| Most of my community stakeholders would fully unoerstand the equations | o | o o |  |
| Only people with »3vanced knowledge of statistics and/or research methods would fully understand the equations | o | Q | Q) |
| A tod that utilized simpler methods would be easier for my communty stakeholders to understand | o | o o |  |
| A more o^actcal tool would make 1 easier for police commanders to discuss the results [or processes] of racial profimg inquires with communMy stakeholders | o | o o |  |

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APPENDIX D:

Institutional Review Board Curriculum Completion Report

# CIII Collaborative Institutional Training Initiative

Human Research Curriculum Completion Report
Printed on 8/20/2012

Learner: Branville Bard (username: bgbard)

Institution: Valdosta State University

Contact Information Department: Political Science/Public Administration
                        Phone: 2158239857
                        Email: bgbard@valdosta.edu

1RB Basic: This course is suitable for Investigators and staff conducting SOCIAL / HUMANISTIC / BEHAVIORAL RESEARCH with human subjects. The VA module must be completed if you plan to work with subjects at a VA facillity.

Stage 1. Basic Course Passed on 08/20/12 (Ref # 8487629)

| Required Modules | Date Completed | Score J |
|---|---|---|
| Introduction | 08/19/12 | no quiz / |
| History and Ethical Principles - SBR | 08/19/12 | 4/5 (80%) | |
| Defining Research with Human Subjects - SBR | 08/19/12 | 5/5 (100%); |
| The Regulations and The Social and Behavioral Sciences - SBR | 08/19/12 | 5/5 (100%){ |
| Basic Institutional Review Board (IRB) Regulations and Review Process | 08/19/12 | 5/5 (100%)j |
| Assessing Risk in Social and Behavioral Sciences - SBR | 08/19/12 | 5/5 (100%)| |
| Informed Consent - SBR | 08/19/12 | 5/5 (100%)- |
| Privacy and Confidentiality - SBR | 08/20/12 | 5/5 (100%)| |
| Valdosta State University | 08/20/12 | noqui^z J |

For this Completion Report to be valid, the learner listed above must be affiliated with a CITI participating institution. Falsified information and unauthorized use of the CITI course site is unethical, and may be considered scientific misconduct by your institution.

Paul Braunschweiger Ph.D.
Professor, University of Miami Director Office of Research Education CITI Course Coordinator

.citiprcgratn.org/ memberfc'Ieame«Wcrbystage.4rip?$trK*yE>=55E€OF21~5AS5-43E9-BF£3...

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APPENDIX E:

Institutional Review Board Oversight screening form

*Valdosta State University Graduate School*

## Institutional Review Board Oversight Screening Form

## for Graduate Student Research

Project Title: Racial Profiling: Towards Simplification and Eradication

Name: BranvflleG. Bard Jr.  Faculty Advisor: james W. Peterson, Ph.D.

Department: Political Science  Please indicate the academic purpose of the proposed research:
    E3 Doctoral Dissertation
E-mail: bgbard@valdosta.edu  Q Master's Thesis
    0 Other:
Telephone:
  XXX-XXX-XXXX

1. C YES ® NO WIH you utilize *existing identifiable private* information about living Individual? "Existing* information Is data that were previously collected for some other purpose, either by the researcher or, more commonly, by another party. ^Identifiable** means that the identities of the individuals can be ascertained by the researcher by name, code number, pattern of answers, or in some other way, regardless of whether or not the researcher needs to know the identities of the individuals for the proposed research project. * Private" Information Includes Information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place or Information provided for cpwlfir purposes that the indh/idiml can rp^cnnahly pyp^rt will not ha made public (e.g., a medical record or student record).

   *Note: If you ore using data that 11} are publicly available: (2) were collected from Individuals anonymously (Le., no identifying information was included when the data were first collected}; (3) will be decertified before being given to the researcher, (Le, the owner of the data will strip Identifying Information so that the researcher cannot ascertain the identities of individuals}; gr {4} do not include any private information about the individuals, regardless of whether or not the Identities of the Individuals con be ascertained, your response to Question 1 should be NO.*

2. □«$ NO Will you *In teract* with Individuals to obtain data? interaction'* includes communication or interpersonal contact between the researcher and the research participant, such as testing, surveying, interviewing, or conducting a focus group. It does not Include observation of public behavior when the researcher does not participate in the activities being observed.

3. □ YES S NO Will you *intervene* with Individuals to obtain data? "Intervention* includes manipulation of the individual or his/her environment for research purposes, as well as using physical procedures (e.g., measuring body composition, using a medical device, collecting a specimen) to gather data for research purposes.

*If you answered YES to ANY of the above questions, your research Is subject to Institutional Review Board oversight Please discard this form and complete and submit an IRB application. Do not begin your research until your application has been reviewed by the iRB and you are informed of the outcome of the review.*

*If you answered NO to ALL of the above questions, your research Is not subject to Institutional Review Board oversight. Stop here, sign below, secure your faculty advisor's signature, and submit this form to the Graduate School, Please remember that even though your project is not subject to iRB oversight, you should still observe ethical principles In the conduct of your research.*

STUDENT CERTIFICATION: I certify that my response^tothe above questions accurately describe my proposed research.

Student's Signature:  Date:

FACULTY ADVISOR CERTIFICATION: I have reviewed the student's proposed research and concur that It is not subject to Institutional Review Board oversight.

  Date: ¹ Z²/' 'J _____
Faculty Advisor's Signature: *James H. Peterson*

APPENDIX F:

CERTIFICATION STATEMENT


I hereby certify that this paper constitutes my own work product, where the language of others is set forth, quotation marks so indicate, and/or that appropriate credit is given where I have used the language, ideas, expressions or writing of another.


Signed: ***Bar^***