

## **Drivers of Racial Disproportions in Police Stops and Searches**

Charles Crawford

*Western Michigan University, USA*

Jack Glaser

*Goldman School of Public Policy, University of California, Berkeley, USA*

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The following paper on drivers of racial disproportions is broken into two parts, representing distinct, but not mutually exclusive, causes: space and stereotypes. The first section, authored by Charles Crawford, describes theory and research to promote an understanding of the role that geographical space, particularly vis a vis racial/ethnic composition, plays, interacting with policing behaviors and priorities. The second section summarizes social psychological research on stereotyping, applying that to police and racial profiling. References for each section are provided, separately, at the end of the document.

### **Part I: Racial Profiling and Space**

Charles Crawford

*Western Michigan University, USA*

Sociologists and criminologists have acknowledged over the decades that all behavior including crime have a spatial and economic context. From the early ecological neighborhood

research on crime and delinquency of Shaw and McKay (1942) to the current research examining contested space in urban areas (e.g. Crawford, 1995; Loukaitou-Sideris & Ehrenfeucht, 2009), location, place, and geography have gained serious research attention. Policing in America is no exception, as it remains a highly territorially organized and decentralized occupation. The spatial terms of district, beat, sector, jurisdiction, and boundaries all have deep meaning for police officers as they must essentially know where they are, and establish a geographic framework to do their job with confidence (e.g. Rubinstien, 1973). From the police use of force, to issuing traffic citations, space matters. As Terrill and Reisig (2003) point out, traditionally those that have conduct research on police actions have attempted to explain the incidents through sociological factors (e.g. socio-economic class, or age), situational factors (e.g. demeanor, or mental status), or psychological factors (e.g. the officer's experiences, outlook, or prejudicial attitudes). Others have explored organizational factors such as the formal structure and political environment of the department (e.g. Wilson, 1968) or the informal police culture (e.g. Brown, 1981).

While these frameworks and approaches have contributed greatly to our understanding of various police actions, most fail to explore the spatial context of these behaviors. Police actions and enforcement efforts are not evenly distributed across the city and if we are to gain a better understanding of the complexities of actions such as racial profiling, space must be taken into account.

### *Space and the Police*

One of the major criticisms of the research on racial profiling has been the lack of theory or at least a general framework guiding the data collection. While there are many attempts to link social structure and police actions, the more specific examination of the space or location

characteristics may provide the missing links between neighborhoods, police-citizen interactions, and police policy. As Klinger 1997 states, police officers have known from experience what social scientist have “discovered” that is deviance is influenced by spatial or territorial attributes such as living standards, crowding, and graffiti which in turn determine how police handle crimes with either vigor or inaction. Extending this awareness, Parker et al. (2004) call for a community level approach in understanding racial profiling, and further state “by including the ecological characteristics of an area in the study of racial profiling, researchers will be able to provide theoretical guidance about the complex interactions between neighborhood characteristics, community members, and police behavior (p. 944).

There has been a renewed ecological focus in criminology that has led to a closer examination of space and police actions most notably with the use of force (Klinger, 1997; Mastrofski, Resig, and McCluskey, 2002). While this renewed interest is refreshing, a history of examining the ecological context of law enforcement does exist. For example, Wetherman and Piliavan (1967) interviewed police officers in two California cities and found that officers rely on geographic cues whereby certain spaces are seen as suspicious, and by extension the people encountered in these areas were seen as bad or distrustful—possibly receiving a more aggressive style of policing including greater numbers of stops, use of force, and arrests (supported by the findings of Bayley and Mendelsohn, 1969). Other researchers have found similar patterns and connections between space and police actions (see Crawford, 2010). For example, Smith (1986) explored the impact of neighborhood context on police behavior, and found that suspects that were stopped in lower income neighborhoods had a higher risk of being arrested. Furthermore, Smith found Black suspects in Black neighborhoods were more likely to have coercive force used against them than Black suspects in White Neighborhoods.

Territoriality is a central concept to understanding police actions in the neighborhood context. According to Sack (1986), territoriality “is a spatial strategy to affect, influence, or control resources and people, by controlling area” (p. 1). If we are to understand police actions we must acknowledge the uniqueness of the space in which they operate. Sung (2002, p. 44) points out, the policed world is essentially composed of highly organized human settlements, and the police today are not impervious to the neighborhoods they serve. As Steve Herbert (1997) further illustrates, spatial strategies are fundamental to police powers as they create and mark space, and enforce boundaries. Although race was not a key focus for Herbert’s research on the Los Angeles Police Department, he did offer some insight into how race and space can interact to shape policing actions by suggesting that police officers might view the minority space as dangerous and somehow immoral, and the people that occupy the space may be viewed more like foes than citizens, which may result in a more confrontational and aggressive style of policing (Herbert, 1997, pp. 5-6).

### *Space and Racial Profiling*

It is often the case that Black and White lower income areas are associated with higher crime rates, which in turn may generate more involuntary police-citizen contacts, and calls for the police to expand hard-line surveillance and crime control (Skogan, 1990; Bursik & Grasmick, 1993). Unfortunately, much of the research literature on racial profiling is based on large-scale aggregate areas and tends to not recognize the importance of the local spatial context. As the previous sections illustrate, policing is a territorial based enterprise and to gain an understanding of police actions involving community members and neighborhoods the focus must be localized. Racial profiling is a highly discriminatory practice of targeting individuals for suspicion of crime based on the individual’s race. As Meehan and Ponder (2002) point out, for

police officers race is strongly tied to place, as they develop common sense geography knowing which communities are Whiter or Blacker. Furthermore, space provides a linkage to race and expectations of criminality, most notably the expectations about the criminality of Black residents, which in turn leads to a justification of racial profiling as good policing.

Racial profiling can occur in several contexts, walking, cycling, taking a bus, or boarding a plane. Although profiling in vehicles and boarding planes in a post 9/11 world has received the majority of research attention, the recent “Stop, Question, Frisk,” tactics of the New York City Police Department has shifted the focus to space, pedestrians, and cyclist as dozens of officers saturate the eight block area in Brownsville, Brooklyn each night. The result of which have been nearly 52,000 stops over a four-year period (Rivera, Baker, and Roberts, 2010). Brownsville, Brooklyn is a troubled space with murders and drug dealing occurring frequently. The practices in the Brownsville area have been described as a frenzy of stops with officers giving justifications such as furtive movements, fit the description, to simply “other”. Police officials cite reports that find the practices have resulted in a reduction of some violent crimes. One measure of the efficiency of the stops is to examine the outcomes.

According to Rivera, Baker, and Roberts, 2010, six percent of stops across New York City result in arrests whereas in the roughly eight square blocks of Brownsville, the arrest rate is less than 1 percent, and of the 52,000 stops made since 2006 the police have recovered 25 guns. The allegations of racial profiling and insensitive treatment during the stops have begun to mount. As disturbing as the practice of racial profiling may be, it is often difficult to prove in cases involving either pedestrians or traffic stops and the extent of the profiling problem may never be truly known.

Meehan and Ponder (2002) offer an interesting examination of race and place for racial

profiling research. The authors examined an anonymous suburban police department and the traffic stops within two border communities, one predominately White, the other predominately Black. A major goal of the research was to understand how race and place interact as drivers move between racially segregated areas as well as the border paths between them. As Black motorists moved from border sectors to Whiter areas, the odds of being stopped or becoming the subject of an MDT query increased dramatically. More specifically, Black motorists who traveled into wealthy white neighborhoods had query and stop rates three times greater than their numbers on the roadways. By contrast White motorists (even in high crime poor White areas) had the same chance of being the subject of a query throughout the entire city.

In addition, the authors found the hit rates for these increased queries and stops were less than 10% overall for Black motorists and less than 9% for White motorists, and in places where the queries were the highest for Black motorists (e.g. in Whiter neighborhoods) the hit rates were the lowest. Overall the authors conclude that racial profiling has an important ecological distribution as officers justify greater surveillance of Blacks in White areas (Meehan and Ponder, 2002).

Another example of how research on racial profiling can use spatial awareness as a framework comes from a 2009 report by Ridgeway et al. on behalf of the Rand Corporation report on police-community relations in Cincinnati. As a part of the report, the researchers examined the issue of racial profiling by creating an internal benchmark that examined each officer's stop and compared them to officers patrolling in the same areas at the same time. Essentially, the officers were exposed to the same citizens and spaces. The researchers found the racial distributions of the stops were not equal, as there appeared to be a small number of officers who stopped a much larger portion of Black motorists than other officers. Furthermore, the racial

differences were also spatially conditioned, as Black motorists were more likely to be stopped, and have the duration of the stop exceed ten minutes depending on the neighborhood.

High discretion search rates of Black and White motorists were nearly identical as well as the hit rates for low discretion searches. However, Black motorists did have a slightly higher hit rate than Whites on high discretion searches. As the authors note, the burden of increased stopping fell on Black motorists as: “Cincinnati’s black residents were more likely to be stopped under conditions, either because of neighborhood or time of day, that elevated the chance of a search” (Ridgeway et al., 2009, p. 59). Quite simply, without examining the localized, geographically, and time sensitive data on racial profiling, the nuances of race and place discovered by Meehan and Ponder (2002), and Ridgeway et al. (2009) would be lost. Again, for the exploration of the complex topic of racial profiling—space matters, or to paraphrase Rodney Stark (1987), there must be something about places.

### *Conclusion*

The investigation into racial profiling will most likely continue to mature and develop as researchers uncover new and sophisticated methods of exploring this complex topic. The attempts to explain racial profiling from the individual level of the officer hold merit and may assist with certain aspects of the problem such as how the location or neighborhood is perceived. However, the space in which these actions take place cannot be ignored. Racial profiling is a product of racial segregation and perceptions of race in society. While these beliefs may reside in the individual officer who may in turn use their position of authority to act on their preconceived notions of who is dangerous and most likely to be involved in crime, to truly understand the practice and assess possible solutions we must move past the individual motivations and solutions of instituting sensitivity, and cultural awareness training for officers. These activities

have their place, yet they do not address the larger structural issues reflected in the space in which the officers work, which in turn may condition their actions.

Policing in American society will always be closely tied to space, it is an essential element of law enforcement as officers work to maintain boundaries and control territory. Department policy that seeks to address the issue of racial profiling and disproportionate actions against motorists would benefit from recognizing how they are used in certain spaces which may ultimately undermine the police legitimacy given the context of location. While sensitivity training and awareness promote basing law enforcement actions on behavior or what a person does, not what they look like, police officers are aware of the people they encounter, and they do notice race. As officers develop a geographic awareness of the spaces in which they work they may come to view those spaces as bad, or immoral and may attach those spatial characteristics to the citizens that inhabit or pass through these locations, which may in turn justify excessive stopping and searching. Employing an ecological framework for data collection and research may give a better understanding of how officers respond to spatial cues in neighborhoods and how the cues subsequently influence the officers' behavior. In studying any social phenomena particularly something as multifaceted as racial profiling, and if we are to develop programs, proposals, or effective policy change, a deeper appreciation and understanding of spatial context is paramount.

## **Part II: Psychological Drivers of Disproportions: Stereotypes of Race and Crime**

Jack Glaser

*Goldman School of Public Policy, University of California, Berkeley, USA*

As Harris (2002) and Harcourt (2007) have amply documented, disparities have often resulted from formal policies based on very deliberate, actuarial analyses that have attempted, with varying degrees of success, to link demographic variables (e.g., gender, age, race, ethnicity) to offending rates. This is no doubt a major cause of drug courier profiling and terrorist profiling since the 1970s. However, the influence of suspect race and ethnicity on law enforcement behavior long precedes formal, actuarial profiling. It has occurred for as long as there has been law enforcement and stereotypes associating some groups with crime.

The present thesis is that much of the cause of racial disparities in police-initiated stops and searches continues to be cognitive biases on the part of individual officers. The logic behind this claim is simple: In the U.S., there is a prevailing stereotype that African Americans are prone to criminality; it is normal human cognition for stereotypes to influence judgments and behaviors, particularly in ambiguous situations; police are normal human beings, often making determinations of suspicion under conditions of considerable ambiguity; therefore stereotypes of race and crime *cause* police to stop and search African Americans (and other minority groups) at rates that are disproportionately high relative to their rates of offending.

*Stereotyping is normal (but not desirable).*

Stereotypes are beliefs about the traits disproportionately possessed by members of a particular group (e.g., women as nurturing; Jews as stingy). They have been studied exhaustively for nearly a century by social psychologists, who have explored their functions,

process, formation, and contents. Psychology has found stereotypes, like other beliefs, to be a part of normal human cognition.

*Function.* Stereotypes serve very practical functions. The first is to help people justify inequities (e.g., Eagly & Steffen, 1984). The primary function of stereotypes, however, appears to be a "heuristic" one. Stereotypes are *cognitive shortcuts* that allow us to filter through and process more information than we can handle. It has been demonstrated that when people have fewer cognitive resources available (they are tired or distracted) they are more likely to make stereotype-based judgments (e.g., Bodenhausen, 1990).

*Process.* The general process by which stereotypes bias our judgments and behaviors is to *disambiguate* inherently ambiguous information, such as the behaviors and characteristics of other people to whom we have had limited exposure. In one particularly straightforward demonstration of this, Darley & Gross (1983) found that people judged a young girl's academic aptitude, based on performance in identical videos, as above or below grade level when she was signaled to be from a high vs. low socio-economic background, respectively. Similarly, Sagar and Schofield (1980) found that children judged behaviors by Black perpetrators as more mean and threatening than identical behaviors perpetrated by Whites. Importantly, Devine (1989) demonstrated that *mere knowledge* of a stereotype, even if it is consciously repudiated, is sufficient to cause it to bias judgments. Merely trying to stop ourselves from using stereotypes can have ironic effects; they can rebound with greater influence once the suppression efforts abate (MacRae, Bodenhausen, Milne, & Jetten, 1994).

*Formation.* Stereotypes can form through a variety of channels, including direct experience with the particular group or indirect experience (e.g., what we see in the media). But it is rarely if ever the case that we have extensive and *representative* exposure to information that

could be the basis of a complete and accurate stereotype. Furthermore, completely spurious stereotypes can and do form through a process called "illusory correlation" (Hamilton & Gifford, 1976); when people observe the co-occurrence of rare events, they tend to overestimate their correspondence. Because crime and minority status are both unusual, they are ripe for illusory correlation. Once formed, stereotypes, like other beliefs, tend to be resistant to change (Weber & Crocker, 1983).

*Content.* The contents of a stereotype -- the specific attributes -- vary from group to group, although racial and ethnic minorities tend to be stereotyped more negatively. Psychologists have been cataloguing stereotypes of a number of groups for about 80 years (e.g., Katz & Braly, 1933; Devine & Elliot, 1995). One of the consistent findings is a strong, longstanding stereotype associating Blacks with crime and aggression. This stereotype has been shown to be promoted by biases in media coverage of crime, which are compounded by stereotype-driven memory biases; i.e., research participants are more likely to remember a crime perpetrator when he is dark-skinned (Dixon & Maddox, 2005).

While, like other beliefs, some stereotypes will better reflect real group differences than others, debates over stereotype "accuracy" tend not to be productive because no individual has a truly accurate understanding of the prevalence of a given trait for a given group. Furthermore, stereotypes tend to be inaccurate due to "illusory correlation," confirmatory biases, and resistance to change. Even if a stereotype is *directionally* accurate in the aggregate, it is unlikely to be *proportionally* accurate, and nevertheless can lead to errors in judgments of individuals.

#### *Measuring stereotypes*

People are increasingly disinclined to admit to holding negative stereotypes. Negative stereotypes are therefore generally underestimated when measured directly. Consequently,

researchers have developed *indirect* measures of stereotypes. One variety involves asking people not what *they* believe themselves, but what they think *others* tend to believe about a particular group. These questions tend to reveal stronger, and more negative stereotypes, but the answers are nevertheless predictive of discriminatory behavior by the respondent. For example, Correll, Park, Judd, and Wittenbrink (2002) found that research participants' reports of the American cultural stereotypes (but not reports of their *personal* beliefs) of Blacks as aggressive were positively correlated with "shooter bias" (the tendency to shoot armed Blacks faster than armed Whites in a computer-based simulation).

*Implicit Stereotypes.* Drawing on theory and research methods from cognitive psychological research on "implicit" (nonconscious) memory, social psychologists have developed computerized reaction time measures of implicit attitudes, including stereotypes. These measures, most prominently the Implicit Association Test (IAT), are able to gauge implicit stereotypes by measuring the strength of the mental association between the group and the trait. There are now hundreds of published studies demonstrating the existence and predictive validity of implicit stereotypes (see Greenwald, Poehlman, Uhlmann, & Banaji, 2009, for a review; visit [www.projectimplicit.org](http://www.projectimplicit.org) for demonstrations). Implicit measures have also been shown to predict important behaviors (see Jost, Rudman, Blair, Carney, Dasgupta, Glaser, & Hardin, 2009, for a review), such as different rates of prescribing appropriate treatment for ostensible Black patients (Green et al., 2009), and the previously described shooter bias (Glaser & Knowles, 2008).

*Police, Stereotypes, and Decisions to Stop and Search.*

How would police officers' stereotypes regarding race and crime cause them to stop and search Blacks at a rate disproportionate to their offending rate? Regrettably, there has been very

little research on stereotyping with police samples done to date, and none that has linked police stereotypes to stop/search rates. However, the link is not difficult to make. As the research on stereotype processes has shown, people “disambiguate” others’ behavior with stereotypes. Police seeking to identify suspects or suspicious behavior are dealing with inherently ambiguous behaviors, particularly in “stop and frisk” types of situations, where no visible evidence of crime is present, and where contraband hit rates are usually very low, often in the 10% ballpark. When assessing the suspiciousness of a suspect, the belief that that person belongs to a group that is more likely to engage in crime is bound to influence that judgment.

Although research linking stereotypes held by police to stop/search data is, to date, lacking (the Consortium for Police Leadership in Equity is planning to add implicit and explicit race-crime stereotype measures to forthcoming data collections in a range of departments), police have been shown to possess these stereotypes, and they do appear to relate to relevant behaviors. Eberhardt, Goff, Vaughn, and Davies (2004) demonstrated that police officers, when subliminally primed with Black faces (i.e., the faces were flashed too quickly to be consciously perceived), were faster to identify ambiguous images of weapons. Specifically, they took less time to determine that a decreasingly degraded image was a weapon. In another experiment, Eberhardt et al. (2004) found that police officers who were asked to identify faces of individuals who looked relatively criminal chose more Black faces, and especially stereotypically Black (e.g., dark-skinned) faces.

Other criminal justice professionals have exhibited implicit race bias effects in judgments. Rachlinski, Johnson, Wistrich, and Guthrie (2009) have shown that real judges, when subliminally primed to think of Blacks were more likely to judge a defendant as guilty. Eberhardt, Davies, Purdie-Vaughns, & Johnson (2006) found that real convicts in Florida capital

cases who had more stereotypically Black facial features were more likely to have been sentenced to death, even after statistically controlling for factors like crime severity and prior convictions. More direct evidence that police officers are likely to engage in racially biased behaviors caused by stereotypes comes from Correll's shooter bias research. Correll and colleagues (2002) and Glaser and Knowles (2008) have shown shooter bias to be predicted by stereotypes associating Blacks with aggression and weapons, respectively. And Correll et al. (2007) have found police samples to exhibit shooter bias. If police exhibit stereotype-driven biases in something as dire as a decision to shoot, it is likely that they will in something as relatively mundane as the decision to stop.

*Conclusion.*

To summarize, stereotype-based judgments and behaviors are a ubiquitous part of normal human cognition, and police are normal humans who, like others, apply stereotypes of race and crime to judgments of minorities. This doubtless contributes to racial disproportions in police stops and searches. The implications are that racial disparities in police stops are not solely caused by institutional practices, but also by commonplace stereotypes held by police officers.

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