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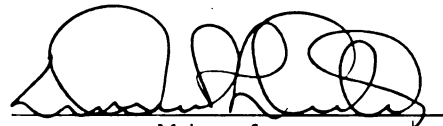
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THE ENFORCEMENT OF TRAFFIC OFFENSES BY THE POLICE:
EXPLORING THE ISSUE OF RACIAL PROFILING

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Todd Eugene Bricker

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**THE ENFORCEMENT OF TRAFFIC OFFENSES BY THE POLICE:
EXPLORING THE ISSUE OF RACIAL PROFILING**

By

Todd Eugene Bricker

A DISSERTATION

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ABSTRACT

THE ENFORCEMENT OF TRAFFIC OFFENSES BY THE POLICE: EXPLORING THE ISSUE OF RACIAL PROFILING

By

Todd Eugene Bricker

The importance of police profiling, specifically by race/ethnicity, is evident in the media and government agencies. Despite the growing publicity, there is a relative paucity of empirical research on this controversial issue. This article explores the issue of police profiling by relying on 1999 Police-Public Contact Survey data from 5341 driver-involved traffic stops. Much of the existing research centers on the disproportionality of minority drivers being stopped, searched, and arrested by police. This study contributes to the existing literature by examining other personal attributes including driver gender, age, and race/ethnicity in relation to multiple traffic stops. Analysis shows that young Black male drivers are significantly more likely to be stopped multiple times by police. Driver gender, age, race/ethnicity, the number of occupants, and the type of traffic violation are used to predict the outcome of a traffic stop. Male and Black drivers are more likely to receive a traffic citation than females and White drivers, respectively. Drivers in the 16 to 19 year age group who commit a moving violation are significantly more likely to receive a traffic citation than any other age category examined.

To Patricia Marie Bricker (1945-1995)...my hope and my inspiration.

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"Nothing is more damaging to the police image than the suspicion that certain elements of the population are 'picked on' or victimized by enforcement action" (Bufe, 1989:621).

INTRODUCTION

Our democratic society ensures all persons equal protection under the law. Law enforcement officers are sworn to uphold and enforce the laws of society without prejudice, malice, or stereotypical attitudes or beliefs. These tenets, among others, are explicitly stated in the law enforcement code of ethics:

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities (Goodman, 1998:115).

There are, however, many factors that influence police decision-making practices. Some of these factors run counter to the canons of the law enforcement code of ethics presented above. This purpose of this study is to explore one of the key functions of law enforcement officers, traffic enforcement. This topic will be explored with specific emphasis on identifying variables that aid in predicting whether particular drivers are stopped by police on a traffic stop on more than one occasion. One variable of special concern is race or ethnicity. Much attention has been given to the topic of racial profiling by police from the media, special interest groups and government agencies. This study will attempt to shed some light on the impact of race/ethnicity and other salient variables that

predict being a driver involved in a second or subsequent traffic stop. The second part of this study will shed some light on the relationship of certain variables including age, gender, and race/ethnicity with the outcome or disposition of a traffic stop.

Prior to delving into the analysis, it is important to discuss some of the many influences on police behavior and decision-making practices. Although many of these factors will not be examined in this study, they are important in providing a foundation for further discussion. Some of the factors that influence officer decision-making are: ethical principles and beliefs, morals, agency policy, personal values, the police subculture, training, police deployment, and case law. Each of these factors will be discussed in some detail in chapter two. Some of them are briefly presented here.

Perhaps the most prevalent and overarching factor that impacts police behavior is the socialization process and influence of the existing police subcultures. Evidence supports the existence of several subcultures within the policing profession (Reuss-Ianni, 1983; Radelet & Carter, 1994). In its crudest form it can be argued that there are two subcultures: a line level subculture (patrol officers), and a management level subculture (sergeants, lieutenants, etc.). The line level police subculture consists of a set of meanings, values and behavior patterns that are unique to line level police officers (Radelet & Carter, 1994). Management officers tend to have different values because of their unique position within the organization. These subcultures contain unwritten codes which serve to influence how officers perform their duties.

The informal or unwritten policies of an agency can also have an effect on police behavior. This can be especially true for traffic enforcement. For example, in some states, law does not permit formal or written quotas that indicate an acceptable or required number of arrests by police officers (Bartollas & Hahn, 1999). However, informal or unwritten quotas may be commonplace among agencies due to pressure to demonstrate self-initiated activity. Street officers understand that they must produce a number of arrests that is both acceptable to their supervisors in terms of sheer numbers, and acceptable to their colleagues in terms of not overproducing. The practice of overproducing contributes to making fellow officers look bad. These informal arrest quotas may apply to both criminal and traffic arrests. They are an established part of the police subculture and are reinforced via the socialization process. The presence of a community policing philosophy in many police organizations may change this practice. Because community policing officers are evaluated on problem solving in the community, the importance of writing a certain number of traffic citations may not top the list for self-initiated activity.

In agencies that still maintain a focus on arrest statistics as a measure of individual performance, officers may feel pressure to produce a satisfactory number of arrests. As a result, officers may arrest citizens who normally would not be arrested, or stop and cite drivers whose violations would normally be overlooked or handled informally with a verbal or written warning. Some officers may begin using traffic stops as a pretext to conduct automobile searches in

hopes of finding evidence of a crime. The benefit of this practice for officers is to increase the quantity of both criminal and traffic arrests.

Personal values also influence the decision-making processes of police officers. There is a debate as to whether police officers possess values in-sync with the police subculture prior to entering the police profession, or whether these values are learned via the socialization process (Dempsey, 1999; Gaines, Kappeler, & Vaughn, 1999).

Rokeach, Miller, and Snyder (1971) discuss the value differences between the police and citizens. One significant finding of their study is that the police carry values similar to particular groups in society. Recruitment of potential police officers is based on a process of searching for individuals who possess certain characteristics or beliefs. It was found that recruits placed a relatively lower value on freedom, equality, independence, and a world of beauty, and a higher value on obedience, self-control, a comfortable life, and pleasure. Some of the values possessed by police recruits contradict the law enforcement code of ethics as well as the democratic values of society.

Crank and Caldero (2000) discuss the noble cause of policing (i.e. apprehending criminals). They posit that officers often justify their behavior based on the noble cause of policing. In other words, the ends justify the means. This belief has important implications for the practice of racial profiling. Officers may be using the idea of the noble cause as a reason to stop vehicles. If officers make the assumption that more Black citizens commit crimes, they may be using

race as the only factor to initiate a traffic stop, but justifying a stop, search, and possibly an arrest based on the noble cause of policing.

Police discretion also plays an important part in the police decision-making process. Van Maanen (1974) suggests that although persons in other occupations may have discretionary powers, the police are unique because officers must make quick, possibly life threatening, decisions with a minimal amount of information.

Traffic enforcement is one area where there is little restriction in terms of which vehicles officers may stop, and which violations deserve a citation. Brooks (1993: 161) asserts that: "It appears as though organizational characteristics, neighborhood factors, situational cues, officer characteristics, and lastly, officer attitudes, all play some part in the decisions that police make regarding their behavior." Bartol (1983) states that the use of discretion is influenced by additional factors such as training, supervisors, politicians, agents of the criminal justice system and the public.

Another issue of importance is the deployment of police. Research on crime patterns and trends allows criminal justice policy makers to examine the distribution of crime in American society. Research, such as Burgess's concentric zones of a city and Shaw and McKay's theory of social disorganization, revealed that crime is associated with the central areas of a city. These areas are characterized by ethnic homogeneity, population instability, transience, a lack of informal social control, and increased crime (Vold, Bernard, & Snipes, 1998).

Due to research findings of this nature, criminal justice policy makers and police managers alike, deploy additional resources in terms of police manpower into these disorganized areas. If one examines the racial composition of the inner city areas, one finds that it is predominantly comprised of a mix of racial minorities. This issue raises a question concerning racial profiling. Are the police engaging in practices that target specific minority groups, or is the enforcement of traffic and criminal laws explained by the deployment of police resources?

Police behavior and values that conflict with the pure essence of the law enforcement code of ethics create instances of inequity or perceived inequity, not only in relation to law enforcement practices, but within the criminal justice system as a whole. However, these instances foster feelings of tension and distrust between the police and the public. One of the major causes of tension and distrust, which is currently receiving much attention, is the practice of racial profiling.

Racial and ethnic minorities constitute a substantial and growing segment of the American population. Accusations of police profiling threaten our system of justice and law enforcement efforts. Empirical research on racial profiling is limited. Much of the research has been conducted from the early 1990's to present. Of the studies located, all were agency-specific. None examined the issue of racial profiling on a national basis. Additionally, the issue of drivers being stopped multiple times has not been examined. If we make the assumption that racial profiling is occurring and that people are creatures of

habit, with many of us driving similar routes to and from work or to and from social gatherings, then we should find that significantly more racial minorities are being stopped multiple times by police. Caution is in order here. By no means is this author suggesting that this study can or will show the existence or nonexistence of racial profiling. What this study can do is add to the existing literature by examining driver reports of traffic contacts with the police and possibly reveal some similarities among those drivers stopped by police. Any findings can be used to guide further research efforts. In the end, this study should raise more questions than it answers.

There are many concerns surrounding the issue of racial profiling, but the primary question that requires clarification is whether police are stopping more minority motorists only because of their race. This is a difficult question to answer. It requires getting inside every officer's head and ascertaining the reason(s) behind every traffic stop that is made. It also requires the collection of violator data—a record of the race and other relevant characteristics of all drivers who commit traffic violations. This data can then be used to compare to those drivers who were stopped by police. One recent phenomenon that is spreading across the country is the collection of race data by police on traffic stops. There are several reasons why police agencies should implement data collection systems to collect traffic stop-related data:

- Evidence from a 1999 Gallup Poll indicating a strong public perception of profiling by police, suggests a need for data collection and the identification of problems

- Police agencies cannot manage what they do not measure
- State Legislatures are likely to require data collection
- It provides evidence of police accountability
- It contributes to bridging the gap between minorities and the police

(U.S. Department of Justice, 2000: 4)

However, some law enforcement officers and researchers alike, suggest that police officers are the target of unfair criticism. They suggest that the incidence of profiling is based on speculation and improper interpretation of statistics. This study attempts to shed some light on the issue of police profiling by exploring police-citizen encounters on traffic stops.

The Importance of Studying Racial Profiling

In the late 1990's racial profiling was a popular topic among the news media. Increased media coverage since that time has spurred a flurry of research in this area. There are two related problems stemming from police profiling: (1) Profiling based on personal attributes (i.e. age, gender, or race) runs counter to the equitable system of justice we strive to uphold, and (2) public perceptions of inequity can tarnish the police image and have adverse effects on police-community relations. Public perceptions are an important consideration and should not be taken lightly. In many cases perceptions are more important than reality. Thus, if eventually we can be assured that racial profiling is not occurring, we still must deal with the problem of public perceptions.

Past studies that measured community support for the police have generally shown a positive view of the police (see Flanagan & Maguire, 1992; Gallup Poll, 1999). This favorable view of police has remained constant over time. Confidence in the police is also evident in the literature. In a citizen poll, Maguire and Pastore (1997) reported that confidence in the police (59%) was second only to the military (60%) when citizens were asked to indicate their level of confidence in several key public institutions. However, when specifying the race of the respondent, Blacks indicate less support for police than Whites.

Public perceptions are important to the police because their legal mandate, resources, and crime reduction programs depend on public support. National surveys have verified that most citizens, regardless of race, consider racial profiling a significant societal problem. A 1999 Gallup Poll revealed that half of Americans polled believe that police engage in racial profiling, and 81 % indicated their disapproval of the practice. Perceptions based on the race of the respondent show that Blacks believe more strongly in the pervasiveness of racial profiling, and felt that they were more likely the victims of racial profiling than Whites.

The results of police support surveys and racial profiling polls signify the need for law enforcement to focus on improving relationships with members of Black and other minority communities. Perceptions of racial profiling caused by proactive enforcement, saturation patrol, criminal interdiction, looking beyond the traffic ticket, or other enforcement tactics may result in further damage to police-community relations. The end product will be the demoralization of the

community and the destabilization of law enforcement efforts. In this light, it is necessary to explore the issue of police profiling. One method of identifying a problem and ascertaining the extent of it is by collecting and analyzing traffic stop data.

This study is designed to examine traffic stop data collected by the Police-Public Contact Survey (PPCS). A national random sample of drivers was interviewed about their face-to-face encounters with police. In this study, several independent variables are examined in relation to being stopped multiple times by police and the outcome of the traffic stop (a warning or a citation). It is hoped that this study will shed some light on what personal attributes such as age, gender, and race, are important in predicting the number of traffic stops and the disposition of a traffic stop.

Resistance to Collecting Race Data on Traffic Stops

It is natural for police to be defensive when challenged with the accusation that officers are employing race or another individual characteristic as a criterion to effect motorist stops. Impropropriety by officers in one agency may tarnish the reputation of the entire profession. Therefore, it is in the best interest of police to defend themselves against any action that may place police officers in a negative light. In response to an allegation of racial profiling on traffic stops, one reaction may be to resist the collection of data that can be used to identify a problem and/or gauge its severity.

The Illinois Law Enforcement Training and Standards Board was met with such resistance in April 2000. The board convened a meeting with Illinois police representatives to develop a response to raised concerns about racial profiling by police. Although the various police associations and unions attending the meeting condemned the practice of racial profiling, the suggestion of mandatory data collection procedures of all police traffic stops was met with resounding resistance. Resistance to the suggestion of data collection procedures was met with suspicion. However, representatives of the police agencies presented the following twenty reasons for the opposition (Hoover, 2000:1-4):

- Data collection will have a chilling effect on stops**
- Officers will have to ask motorists “What is your race?” – creating hostility**
- Litigation prevents police administrators from even talking about the issue of racial profiling on traffic stops**
- Media attention will reinforce the perception among minorities that race is indeed the only reason for traffic stops**
- Generalization phenomenon – A single unfavorable statistic will create the perception that the practice is widespread**
- It places yet another divisive wedge between management and line officers – implied accusation**
- The accuracy of the data that are gathered – officers may distort information**

- In many jurisdictions one can expect blatant political exploitation – police cannot win
- There is no standard for what constitutes racial disproportionality - statistical variation alone will result in less than a precisely equivalent ratio to population proportion
- Population anomalies are common
- Inaccuracies exist in census data, particularly undercounting Hispanics
- It will create excessive report writing time
- The more paperwork that is required, the less amount of time officers will spend on an activity
- Statistically, more minorities may be stopped, but not necessarily due to police profiling
- Police deploy proportional to demand. Thus, there are more officers in poor, minority neighborhoods. Thus, there are more stops.
- Poverty and race correlate in America – poverty is a frequent problem indicator (i.e. vehicle equipment violations)
- It may generate spurious stops of whites to “balance the books”
- False accusations by disgruntled employees are likely
- Police administrators can defend an accusation with specifics, but cannot defend accusations of a general practice
- It places police administrators in the same position of accused communists during the McCarthy era

The officers were very commonsensical and calculating when presenting reasons supporting their opposition. Their reasons can be grouped into four primary areas of concern: (1) effects on police practices and behavior, (2) media effects on public perception of police, (3) inaccuracies with and exploitation of the data, and (4) ramifications on police administrators and relationships with line officers. The four primary areas of concern are discussed here.

The primary concern about the collection of race data was that it would produce a “chilling effect” on traffic stops. It was argued that officers would begin to ignore traffic violations for fear of reprisal from administrators for stopping too many minority operators. This, in turn, would lead to a decrease in proactive patrol efforts and ultimately result in increased crime (particularly in minority areas). Police representatives relied on the logic of the broken windows theory of James Q. Wilson and George Kelling to support their contention. They reasoned that the lack of proactive patrol would permit disorderly activities to flourish in neighborhoods thereby fostering an atmosphere for more serious crime to arise.

Although this argument does hold some merit, it is not a valid reason for failing to collect data. There are two primary reasons why a dramatic drop in traffic citations is unlikely to occur. Relying on many years of police experience, it is this author’s opinion that it is unlikely that an officer would overlook a blatant traffic violation for fear of reprisal from administrators. The noble cause of apprehending violators created and reinforced by the police subculture would override any fear of punishment. However, there may be pockets of resistance

to initiating traffic stops within an agency due to a vengeance response toward administrators. Some officers may reason that the collection of race data is another way for the Chief to control their behavior, thus threatening their autonomy. It is unlikely, however, that the entire department would take this stance.

A second reason for the unlikely decrease of traffic stops is due to the possibility of *informal* quotas that exist within police agencies. In general terms, a quota can be defined as, “a requirement, in writing or otherwise, regarding the number of arrests made or the number of citations issued within a defined period of time by a law enforcement officer, or regarding the proportion of the arrests made and citations issued by the law enforcement officer relative to the arrests made and citations issued by another law enforcement officer” (Title 40A New Jersey Statutes, 2000).

Officers are customarily evaluated annually or biannually, and one criterion for evaluation may be self-initiated activity (i.e. proactive patrol). Although *formal* quotas (defined above) that require a specific quantity of arrests and/or traffic citations are customarily banned in many states, the quantity of traffic stops may be used as one measure of officer productivity. Police administrators can circumvent the illegality of quotas by defining self-initiated activity as contacts with the public. One method of public contact is via traffic stops. Administrators may suggest that a written warning for a traffic offense is just as good as a citation. In the definition of a quota provided by the New Jersey

State Legislature, a written warning is not included. Therefore, requiring officers to issue warnings on traffic stops does not fall within the parameters of a quota.

Annual evaluations are important to an officer's career. Failing to initiate any activity (i.e. traffic stops, arrests, and written warnings) may result in informal punishment by police administrators. Evaluations are often used as a basis for special assignments, training schools, and possibly as a promotion criterion. If the adage of "a ticket a day keeps the Chief away" that was emphasized in the author's former agency holds true, it is unlikely that officers will cease making traffic stops.

The second area of concern is in relation to the media. It is true that the media latches onto sensational stories, running with them in hopes of boosting ratings. Perhaps Meda Chesney-Lind (1997) said it best when she described the sensationalizing of news stories by the media: "If it bleeds, it leads" (p. 6). The concern that the media will paint a negative picture of policing for the public is a legitimate one. However, the process of the media creating and perpetuating myths has been established. Kappeler, Blumberg, and Potter (2000:22-24) present several techniques employed by the media, government officials, and interest groups for creating and perpetuating myths. Although they are presented in the context of crime myths, they are applicable to racial profiling by the police. The techniques include:

- Presentation of opinion as fact
- Masking opinions through sources
- Using value-loaded terminology

- Selective presentation of fact
- Undocumented sources of authority
- Stripping fact from its context
- Selective interviewing

Some of the aforementioned techniques were concerns of the police representatives in Illinois. However, if it is known that media presently engage in this practice, it is something that police agencies are already dealing and coping with on a regular basis. A lack of traffic stop data collection will only result in the perception that the police have something to hide, and it is this story that the media will report.

The third area of concern is the inaccurate recording of data by police, and the exploitation of data by politicians. This is a legitimate concern that has been experienced in other experimental studies of the police (see Kelling, Pate, Dieckman, & Brown (1974); Sherman & Berk (1984)). It is true that some officers, fearing the threat of punishment from administrators, may distort data that appears unfavorable. However, many officers will accurately record the data. There is some error in all studies. Therefore, the question remains, is this a legitimate reason for failing to collect race data?

The second part of this argument is a “catch-22” situation. Officers are fearful that politicians will exploit the police by using unfavorable findings from the data. If there are no unfavorable findings, politicians will discount the data as erroneous, suggesting that there still may be a problem with racial profiling. This argument is based on a lack of trust of administrators and politicians responsible

for overseeing the police agencies. It is unlikely that this argument would arise unless there have been incidents that have occurred in the past which influenced officers to distrust management and politicians. The issue becomes one of reducing officer fear and increasing trust within the various police organizations.

The fourth area of concern is an increase in strained relations with administrators. It is suggested that line officers will perceive the request to collect race data as a method of implying that officers are doing something wrong and administration is merely searching for specific officers to reprimand for impropriety. This argument is based on line officers' suspicion of administrators. There is an obvious lack of trust within police agencies in Illinois. As previously discussed, this is an issue of reducing officer fear and increasing trust within the organizations.

Although the representative officers did arrive at some logical concerns for resisting the collection of race data, the majority of them can be refuted or explained away by the possibility of underlying or pre-existing problems within the agencies. It is this author's opinion that the concerns presented by the board do not justify the failure to collect and analyze race data on traffic stops. However, their concerns do suggest that caution must be used when interpreting results.

Statement of the Problem

Although police officers have many roles and responsibilities, this study is limited to the examination of police-public encounters during traffic stops.

Vehicle codes contain thousands of traffic laws, making it possible for police officers to stop nearly any vehicle on the road. If virtually any driver can be stopped for committing a violation, it becomes important to what attributes stopped drivers have in common. It is also important to examine driver behavior and driver attributes in relation to the outcomes of traffic stops.

Two primary functions of the police are order maintenance and law enforcement. Traffic enforcement accomplishes both of these functions. Stopping unsafe drivers indicates to the drivers that their behavior will not be tolerated. It also creates police omnipresence, which could deter other drivers from operating vehicles in an unsafe manner. Stopping unsafe drivers maintains order in the community and enables officers to enforce traffic laws.

However, a significant portion of the American public believes that police actively engage in profiling based on the race of the driver, and a majority of the public indicated their disapproval of the practice (Gallup Organization, 1999). A profile can be based on factors other than race. Drivers may be profiled because of their age or gender. The practice of profiling becomes problematic when officers rely solely on factors such as race, age, or gender as a reason for stopping vehicles.

This author is not suggesting that targeting or profiling is an entirely negative practice. Profiles can, and do, serve a legitimate purpose in law enforcement. The Federal Bureau of Investigation creates and relies upon profiles to identify and locate serial killers and more recently, terrorists. In this capacity, profiles serve a legitimate crime control/prevention function.

Additionally, police are trained and instructed to target specific areas of a jurisdiction characterized by a high incidence of crime. This practice is in-sync with the order maintenance and law enforcement functions.

The data collection process and the interpretation of results are two problematic areas when attempting to examine police profiling. The primary question requiring an answer is: Are police engaging in the practice of profiling based solely on race, age, gender, or another personal attribute of drivers when making traffic stops? Arriving at an answer to this question is more difficult than it appears. If we are going to accuse officers of improper conduct, then we need to ensure that our data collection procedure, analysis, and interpretations are correct. Simply comparing the race of stopped drivers with census statistics to arrive at a conclusion regarding the existence of profiling is unreasonable. (This process is the generalization phenomenon presented in the previous section). Traffic stops, as well as other police-citizen encounters, are dynamic processes that require the examination of many variables. Drawing conclusions based on the examination of a single variable (i.e. race) results in selective reporting.

Carter and Katz-Bannister (2000) concur that the interpretation of statistics is problematic. Everyone will have their own interpretation: Police and police supporters, police critics, the media, government officials, and ultimately the public. They also suggest the use of caution and present several important factors to consider when interpreting police profiling data:

- Actual population demographics**
- Accuracy of Census data**

- Transient population in the area
- Demographic changes in the area based on time
- Extent of calls for service
- Quantity of community complaints received
- Reported crime in the area
- Accuracy of information reported by officers (p. 11)

Many of these factors suggest that researchers should examine police profiling at the organizational level. It is logical to assume that some agencies may have a problem with profiling while others do not. However, it becomes problematic to examine some of these factors with national data.

Purpose of the Study

The primary purpose of this study is to explore the issue of police profiling on traffic stops by using a national sample of self-reports from drivers who were stopped by the police in 1999. The data were collected as part of the Bureau of Justice Statistic's (BJS) 1999 Police-Public Contact Survey. To date, there is a paucity of empirical research regarding police traffic stop practices. No other studies have examined this issue on a national scale or examined the relationship of salient variables with second or subsequent traffic stops.

This study attempts to address some concerns regarding the analysis and interpretation of data gathered for the PPCS. Rather than limiting the analysis to police profiling by driver race, the first part of this study also examines driver age and driver gender. The second part of this study examines the association

between the same independent variables (plus the number of vehicle occupants and type of traffic violation, and driver demeanor), and the disposition of a traffic stop (i.e. citation or warning). Two primary questions will be explored in this study:

1. Can certain personal attributes be used to predict whether a driver is stopped multiple times by police?
2. Are there any significant differences in the disposition of traffic stops based on driver attributes, number of vehicle occupants, type of violation, or driver demeanor (i.e. being verbally abusive)?

Basic Assumptions

Social scientists make specific assumptions when conducting research. The assumption made at the onset of this study was that data collected for the PPCS is appropriate for exploring the issue of police profiling on traffic stops. The data is from self-reports of drivers and passengers stopped by police. However, after thinking about the best way to measure police profiling, it was realized that this data can only provide descriptive and exploratory information about drivers who reported being stopped by police. The limitations section discusses this issue further.

It has been suggested that police should collect data on every traffic stop so that it can be analyzed and used to indicate the presence of profiling. One criticism of making the claim that police are profiling based on race or another personal attribute is that officers do not accurately report data. A solution to this

problem is to collect self-report data from stopped drivers. However, it is important to consider that faulty memory, intentional deception, or providing socially acceptable responses could impact the validity of self-report data and the results. It is also important to note Hagan's (2000) concern that in some cases, survey responses may reflect expressed or claimed behavior rather than true behavior. It is possible that other methods, such as direct observation through field research, may be somewhat more appropriate in attempting to characterize the true nature and extent of police profiling.

Another assumption made in this study is that drivers who were stopped by police possessed neutral attitudes about the issue of racial profiling. In other words, none of the drivers stopped were predisposed to believe that they were the victims of profiling. This assumption may be false. We may be starting with data collected from many drivers who already believe that any stop involves profiling, thus they may report that they were unfairly targeted and stopped by police. One way to assess this issue is to examine whether stopped drivers perceived the traffic stop to be legitimate.

Limitations

Two questions that researchers would like to answer are: (1) whether racial profiling exists, and (2) to what extent racial profiling exists. Unfortunately, the data collected for the PPCS cannot be used to answer either of these questions. The survey only contains demographic information for drivers and passengers involved in a traffic stop. Thus, the data can only be used to reveal

racial and other differences among the drivers and passengers stopped by police, as well as how often they were stopped. Any differences found between Black and White drivers are not necessarily evidence that police officers are using race as the solitary reason to initiate a traffic stop. There is a missing piece of the puzzle. Violator data would be necessary in order to provide a better picture of the existence and extent of racial profiling. Specifically, one would need to show that all things being equal, Blacks were no more likely than Whites to commit traffic violations and the police stopped Blacks at a higher rate than Whites. John Lamberth collected this type of data for studies involving the traffic enforcement practices of the New Jersey and Maryland State Police.

The problematic portion of attempting to measure racial profiling is controlling for all influential variables, other than race, that may affect an officer's decision to stop a vehicle. It would require the ability to get inside an officer's head, being able to see and understand what he or she sees, interprets, and decides to do. Even under the best circumstances, racial profiling is rather difficult to distinguish from morally and legally acceptable rationales for stopping vehicles. There are many factors that may impact officer decision-making processes. Some of them include: A sense of ethics and morality, the influence of the police subculture, formal and informal training, policies, discretionary practices, and case law. These and other issues relevant to officer decisions regarding traffic enforcement are discussed in detail in the next chapter. Although these issues cannot be examined in this study, they are included because all of them may have an impact on officer perceptions of racial profiling.

DISCUSSION OF ASSOCIATED LITERATURE

Definitions of Key Concepts

There are several important concepts contained in this study. In order to enhance the clarity of purpose, the following concepts will be discussed: profiling, racial profiling, reasonable suspicion, probable cause, moving violation, non-moving violation, aggressive driving, pretext traffic stop, and dual motive traffic stop. The concepts and definitions presented in this section will be used throughout this study. Readers should refer back to this section for any necessary clarification.

Profiling is a generic term. According to the Massachusetts Executive Office of Public Safety (2001), profiling is the practice of detaining or stopping a suspect based on a broad set of criteria which cast suspicion on an entire class of people without any individualized suspicion of the particular person being stopped. Profiles in law enforcement have been used extensively in the past. The primary impetus for using profiling in policing was related to the war on drugs in the 1980's. It was believed that if police could identify specific characteristics of drug couriers, the United States could win the war on drugs. For example, in the mid to late 1980's, it was discovered that Jamaicans and Rastafarians were known to operate and transport narcotics in specific types of vehicles: Toyota Corollas and Cellicas, Datsun B-210s, and Volvos (Institute of Police Technology and Management, 1991). This information was disseminated throughout the law enforcement community via training seminars. It resulted in traffic enforcement

officers stopping vehicles for relatively minor traffic violations in order to search for narcotics. Although a traffic violation did occur, the underlying reason for the traffic stop was that the driver or vehicle fit the current drug courier profile. Targeting people because they possess certain personal attributes (i.e. Jamaican, Rastafarian, or African American) runs counter to the fabric upon which this nation was founded: individual rights, liberty and justice.

Although there has been a flurry of attention brought to the topic of racial profiling in the past several years, this issue has been prevalent in law enforcement for some time. This study will explore the issue of traffic enforcement with some emphasis on racial profiling.

Perhaps the simplest definition of racial profiling is taken from Ramirez, McDevitt, and Farrell (2000). Racial profiling is defined as any police action that is based on the race, ethnicity, or national origin of an individual. This definition is further specified by excluding the behavior of an individual or information that leads the police to locate and/or detain a particular individual who has been identified as having been involved in criminal activity. This is an important distinction. It explicitly states that the police may not use race, ethnicity, or nationality as a reason to stop and/or search an individual. However, in the greater interest of public safety, police may use race, ethnicity, or nationality to stop an individual who matches the description of a criminal suspect.

Fridell et al. (2001) discuss racial profiling by stating that the term racial profiling is inappropriate. The meaning of this term is often restricted by police to law enforcement activities that are initiated solely on the basis of race. Officers

may use other personal attributes such as age, gender, or ethnicity to guide their decisions. They may also use probable cause or reasonable suspicion in combination with race to guide decisions. For example, officers may stop Black drivers for inoperable headlights and not stop White drivers. In this scenario, the police are using probable cause of a traffic violation and the race/ethnicity of the driver as stopping criteria. This type of situation would not fit into a limited definition of racial profiling. As such, Fridell et al. (2001) use the term racially biased policing. Based on observations of police-citizen focus groups, they found that the citizens were apt to cite racial profiling as any form of racial bias by police. Thus, in order to appropriately study this issue on a national scale, the most inclusive definition should be used.

Racially biased policing involves the use of legal standards of proof to stop vehicles. As such, it is important to include a discussion of this topic here. There are two standards of proof that police officers may use to provide legal justification for initiating a traffic stop: reasonable suspicion and probable cause. Reasonable suspicion was established as a legal standard of proof in *Terry v. Ohio* (1968). In its decision, the Court stated that reasonable suspicion requires more than an officer's "inchoate and unparticularized suspicion or 'hunch,' [rather, it requires] the specific reasonable inferences which he is entitled to draw from the facts in light of his experience" (p. 27). In essence, reasonable suspicion is more than a gut feeling (Bohm & Haley, 1999). It is a standard of proof that leads a reasonable person to believe that criminal activity is afoot (that a crime is being committed, will be committed, or has been committed)

(Dempsey, 1999). Reasonable suspicion includes the ability to articulate reasons for the suspicion in a court of law.

Probable cause is a greater standard of proof. It is the amount of evidence necessary for a reasonable person to suspect that a crime has been committed and that a certain person committed it (Dempsey, 1999). Any violation of the motor vehicle code provides an officer with probable cause that a traffic offense has been committed.

The vehicle code, motor vehicle code, or traffic code, is an all-encompassing set of laws designed to provide for the safety of the motoring public and pedestrians. Police officers receive training on the vehicle code in the police academy. Upon graduation from the academy, traffic stops are usually one of the first aspects of the job that are experienced by a rookie officer. There are several reasons for this. First, it provides the rookie officer with the opportunity to decide if a traffic offense has been committed and whether reasonable suspicion or probable cause exists to make a traffic stop. Second, it provides training and experience on the ability to divide one's attention on many tasks such as: pursuing a violator, using the emergency lights and possibly the siren, calling in the stop, safely operating the police cruiser, and properly positioning the cruiser behind the violator to ensure officer safety.

Third, upon making the stop, it provides an opportunity for the officer to interact with a member of the public. The citizen may test the officer's professional conduct during the traffic stop. The citizen may become irate due to the fact that he/she was stopped and may possibly receive a traffic citation. And

finally, the traffic stop is a situation that is easier to control. The officer is usually in a position to maintain control of the situation by keeping the driver contained within the stopped vehicle. Thus, traffic stops can provide an officer with the entire gambit of police activities in a semi-controlled environment. It is the use of probable cause or reasonable suspicion in conjunction with a personal attribute such as race when executing law enforcement that creates problems with racially biased policing.

There are two primary types of vehicle code violations that provide probable cause to initiate a traffic stop: moving violations and non-moving violations. Moving violations consist of speeding, failing to stop at a stop sign, fleeing the scene of an accident, failing to use a turn signal when turning, and driving through a red traffic signal, to name a few. Non-moving violations can include equipment violations such as a non-functioning headlight, taillight, or license plate light, a cracked windshield, a missing muffler, or some other vehicle defect.

The concepts of disorderly versus non-disorderly can be applied to the two types of vehicle code violations. Disorderly behavior upsets the disorder or peaceful existence of a community. When applying this concept to the two types of vehicle code violations, it can be logically reasoned that moving violations are examples of disorderly behavior and non-moving violations are examples of non-disorderly behavior.

A speeding vehicle constitutes a hazard to the community. It risks the safety of the occupants of the speeding vehicle as well as occupants of other

vehicles and pedestrians. The National Highway Traffic Safety Administration (NHTSA) advises that “speeding, [including] exceeding the speed limit or driving too fast for conditions, is one of the most prevalent factors contributing to traffic crashes.” Speeding was a commonality in 29% of all fatal crashes in the United States and the District of Columbia in the year 2000 (NHTSA, 2001e: 1). As a result of this information, police officers may be more apt to enforce speeding, regardless of the race, gender, age, or ethnicity of the driver, as a disorderly violation; one that poses a danger to a community.

The concept of aggressive driving is closely related to disorderly moving violations. Over the past few years there has been an increase in enforcement efforts aimed at curbing aggressive driving on the nation’s highways. NHTSA specifies that instances of aggressive driving occur “when individuals commit a combination of moving traffic offenses so as to endanger other persons or property” (NHTSA, 2001a: 1). Some of the moving violations encompassed in the definition of aggressive driving are: speeding, failing to use a turn signal, driving through a red traffic signal, following too closely, and failing to stop for a posted stop sign, to name a few.

Many police agencies across the country have initiated programs to address aggressive driving enforcement. For example, the Pennsylvania State Police use two programs that are based on saturation patrol: Operation Centipede and TAG-D (NHTSA, 2001b). The Ohio State Highway Patrol initiated Operation TRIAD (Targeting Reckless, Intimidating, and Aggressive Drivers) (NHTSA, 2001c). The Maryland State Police’s Aggressive Driving Video and

Non Contact Enforcement (ADVANCE) program also involves the deployment of several officers. A vehicle is positioned to photograph speeding vehicles and the recorded information is used to generate traffic citations (NHTSA, 2001d). It is important to note that race, gender, or ethnicity is not a factor considered in aggressive driving enforcement programs.

The notion of a pretext traffic stop is also important in the discussion of police profiling. Another name for a pretext traffic stop is a dual motive traffic stop. The strategy underlying this concept is to encourage officers to think of each traffic stop they initiate as having a dual purpose: (1) to make the streets safer, and (2) to discover a more serious traffic offense (i.e. driving under the influence), or evidence of criminal activity (i.e. drug possession). Thus, this type of traffic stop is one in which a police officer stops a vehicle due to a traffic violation, but also because he/she desires to check out the occupants or possibly search the vehicle. It is this type of traffic enforcement strategy that sets the stage for the racial profiling debate. Critics charge that officers are being trained to use minor violations of the vehicle code, ones that would not normally be enforced, to stop persons of a certain race in order to question them and search their vehicles.

The vehicle code is a comprehensive set of laws designed to protect both motorists and pedestrians alike. It is a powerful tool that officers have at their disposal in their day-to-day operations. The format of a pretext or dual motive traffic stop is the following: An officer on routine patrol observes a driver who looks suspicious and decides that he/she would like to stop the vehicle. The

officer knows that reasonable suspicion of a violation, or probable cause is necessary to initiate a traffic stop. Therefore, he/she may follow the driver and look for a moving or non-moving violation so that there is probable cause to initiate a traffic stop. Once the vehicle is stopped and the occupants detained, the officer will check the identity of the driver and ask the driver for consent to search the vehicle. It is the officer's discretion whether or not to cite the driver for the initial offense. The justification for this type of stop is provided by the vehicle code that was written and enacted by the legislature, and the courts affirm the standard of proof for such traffic stops.

At first glance, one might suggest that the police are engaging in proper police functions by initiating these types of traffic stops. They are trained to be suspicious and to use their instincts to search for and apprehend violators and potential violators. This view may be especially true now, following the September 11, 2001 terrorist attacks in New York City and Washington, DC, and the bio-terrorist attacks on the east coast. However, the primary question regarding this type of traffic stop revolves around the issue of legality. All levels of courts, including the U.S. Supreme Court have heard and ruled upon cases involving pretext traffic stops (see *Whren v. United States* discussed in a later section). There is also an ethical issue at stake. Is deception an ethical practice? Is deception a behavior that should be condoned by the courts? Due to the recent targeting of Arab-Americans because of the fear of terrorism, there will likely be a flurry of additional cases brought before the courts in the years to come.

Police Ethics and Morality

The topics of police ethics and morality are important in the discussion of police profiling. The Law Enforcement Code of Ethics states that police should be impartial and enforce the law on an equitable basis. Poor ethical and moral principles of police officers may adversely impact law enforcement practices and create racial tension between the police and the community.

The police deal with problems of human behavior on a regular basis. These problems require the police to act legally, ethically, and morally. Jones and Carlson (2001) make a distinction between ethics and morals. They suggest that morals refer to human behavior and ethics refer to the study of morals and morality. Close and Meier (1995) concur by stating that ethics is “a branch of philosophy that concerns the study of right and wrong, duty, responsibility, and personal character” (p. 3). Andre and Velasquez (1999) suggest that ethics is not a static set of standards; it is a living, evolving set of beliefs that we, as a society, must examine and live up to as a part of our everyday lives.

The concept of ethics is both philosophical and pragmatic. Police officers rely heavily on the practical aspects of ethics. As Radelet and Carter (1994) suggest, police employ the perspective of applied ethics during the course of their duties (i.e. during reasoned decision-making processes). Thus, individual attitudes, morals, and occupational socialization and experiences coalesce to guide the behavior of police officers.

Sources That Guide Ethical Decisions

The importance of discussing ethics is obvious. Police are required to set an example for the rest of society to follow. Proper behavior and decision-making is imperative. It is sometimes easy for police officers to go astray and make decisions that are unethical. Such is the case with racially biased policing. Gaines et al. (1999) discuss several sources that guide police officers in making ethical decisions: justice, law, agency policy, a professional code of ethics, and social norms and personal values. Each of these sources is critical in explaining the decision-making practices of police officers as they relate to law enforcement.

Justice

Gaines et al. (1999) state that justice is difficult to define, however, this concept implies fairness. Plato wrote of justice in The Republic, a personal account of his thoughts on the shaping of society. He too experienced difficulty defining this concept. As Gaines et al. (1999) suggest, it is relatively easy to provide examples of circumstances in which justice is lacking. Plato identified the conflict between the affluent and the indigent as a primary injustice in society.

Eliminating conflict in society can be achieved by using reason. Reason is a characteristic of a thinking and knowledgeable person. This type of person will perform moral acts. Ignorance results in immoral acts. Plato suggested that, "our object in the construction of the state is the greatest happiness of the whole, and not that of any one class" (as cited in Jones & Carlson, 2001: 32). The notion of the greatest happiness of the whole is explicit in the concept of

utilitarianism formulated by John Stuart Mill and Jeremy Bentham. Plato's statement as well as the concept of utilitarianism has many implications for law enforcement practices.

Even after examining the writings of Plato, one still is left wondering how to define justice. Is justice the same for all people? Is it absolute or is it relative? Gaines et al. (1999) suggest that justice and injustice differs based on a person's point of view. Perceptions matter. For example, the police perceive injustice by witnessing offenders walking through the "revolving door of justice." Offenders perceive injustice in the manner in which police conduct themselves.

The clarity of justice is further confounded by the debate of absoluteness (i.e. right or wrong) versus relativity (i.e. gray areas between right and wrong). For example, is stealing a loaf of bread always bad, or is it acceptable if the thief has no money and is stealing it to feed his starving family? Justice is a complex concept involving human behavior, an evolving set of beliefs, individual characteristics and circumstances, and individual perceptions.

Officers who have a warped sense of justice may be those engaging in racially biased policing. Justice is compromised when officers are permitted to use race, age, or gender as an important criteria in stopping vehicles.

Law

Law is an instrument of social control. It has a dual function in society. It is a source of governmental control over people, and a source of citizen control over the government. As such, it is a social contract entered into by consenting

parties. The idea of the social contract originated in the writings of Thomas Hobbes. A social contract refers to the rules of justice and how society and government responds to them. It is an agreement between parties regarding the moral and ethical behavior of its members. The controversy surrounding this issue is trust. For a social contract to be effective and lasting, a certain amount of trust is imperative. Viewing this issue from the position of the citizenry one can ask, since police activities are often times conducted outside the public's view, can one be certain that the police will act in an ethical manner?

If the law permits officers to make pretext traffic stops, what impact does this have on the social contract between citizens and the police? Can we trust that police are not enforcing laws based on personal bias?

Agency Policy

All law enforcement agencies have policies and procedures. Policies can be formal (written) or informal (unwritten). Goodman (1998) suggests that when something is established in writing, "we notice it, read it, refer to it, remember it, and ultimately adhere to it" (p. 4). Most formal policies specify procedures to be employed by officers. For example, situations in which the use of force is justified, police pursuit guidelines, and the impounding and searching of vehicles. These policies are often recorded and a copy provided to each officer in the department. Other formal policies set behavioral guidelines in terms of acceptable and unacceptable officer conduct.

Formal policies are beneficial to the department, individual officers, and the citizens. If a controversial issue arises in which the behavior of an officer is questioned, department managers and citizens can compare the circumstances of the incident to existing policy and adequately and equitably evaluate the officer's behavior.

Although some officers may view written policies as a method of censure or limit to their autonomy, they too benefit by the enactment of formal policy. If a situation should arise in which a policy exists, officers can refer to policy guidelines in arriving at a resolution to the problem.

Informal policies are more problematic in terms of ethical behavior. Because informal policies are not recorded, evaluating the correctness of officer behavior becomes problematic. Challenges to officer behavior now become rooted in instances of past practice. Challenges to informal policy often result in the creation of formal policy. Formal policies remove the "gray areas" of behavior. (The creation and reliance on informal policy in relation to police training and the police culture will be discussed further in subsequent sections).

Police Policies Regarding Racial Profiling

Over the past several years there has been increasing concern over the practice of police profiling based on race, ethnicity, or gender. This concern has spawned action from the Office of the President of the United States, other governmental agencies, and individual police organizations. On June 9, 2001, President Clinton introduced new legislation regarding racial profiling. The

Memorandum on Fairness in Law Enforcement was introduced in order to help build the trust of all Americans regarding law enforcement. The memorandum states:

No person should be subject to excessive force, and no person should be targeted by law enforcement because of the color of his or her skin. Stopping or searching individuals on the basis of race is not effective law enforcement policy, and is not consistent with our democratic ideals, especially our commitment to equal protection under the law for all persons. It is neither legitimate nor defensible as a strategy for public protection. It is simply wrong (Memorandum on Fairness in Law Enforcement, 1999: 1).

Federal agencies were directed to collect and report data concerning law enforcement activities relating to race, ethnicity, and gender.

President George W. Bush followed President Clinton's directive with a memorandum instructing the U.S. Attorney General to:

Review the use by federal law enforcement authorities of race as a factor in conducting stops searches, and other investigative procedure...work with the Congress to develop methods or mechanisms to collect any relevant data from Federal law enforcement agencies and work in cooperation with state and local law enforcement in order to assess the extent and nature of any such practices (President Bush's Directive on Racial Profiling, 2001:1).

Attorney General Ashcroft followed this directive with the creation of a United States Senate Subcommittee on the Constitution, Federalism, and Property Rights. This subcommittee was first to address the scope of the problems relating to "driving while black." Harris (2000) introduced several reasons why the identification of racial profiling is in the best interest of law enforcement. One of the more prominent points was the rational discrimination argument. This argument deals with the mentality that Blacks commit a disproportionately high number of certain crimes and therefore should be

targeted in order to make the best use of law enforcement efforts. Statistics have shown that “hit rates” (i.e. finding contraband) in vehicle searches have been lower for both Blacks and Hispanics than for Whites.

A second important point was the creation of “corrosive cynicism.” Racially targeted traffic stops have caused Blacks to mistrust the fairness of the police and courts. This cynicism has become so pervasive in the general public that it includes White citizens who often believe that Blacks are unfairly targeted. As a result of the subcommittee's concerns, 25 states introduced programs dealing with the issue of racial profiling. Many of them contain similar elements. Rhode Island and Massachusetts are provided as examples.

The Rhode Island Legislature declared that racial profiling as the sole basis for stopping or searching motorists is against policy and a violation of civil rights. An advisory committee was developed to collect information regarding the reasons for traffic stops. Variables were noted such as the date and time of the stops, the ethnicity, gender and age of the driver, whether vehicles were searched, the results of the search, and whether any warning, citation or arrest was made as a result of the stop (Rhode Island Chapter 251, 2000).

Massachusetts developed the most comprehensive anti-racial profiling law in the country. This provision seeks to identify and eliminate unlawful racial and gender profiling by police officers. Several key provisions were implemented:

- Development of a model policy on racial and gender profiling to be included in the criminal justice training council's curriculum
- Initiation of a public awareness campaign

- Establishment of a toll free hotline number for complaints of racial profiling
- Revision of the MA Uniform Citation to include a field indicating that a vehicle search was conducted
- Creation of a protocol instructing officers on recording race, sex, and vehicle searches
- Updating the Driver Education Manual to add a section informing drivers how to file a report of racial profiling
- Data collection and analysis to identify practices of racial profiling (Massachusetts Executive Office of Public Safety, 2001: 1)

Code of Ethics

August Vollmer's vision of policing in the 1920's involved the notion of professionalism. His belief was that officers should view police work as a moral commitment, and that they possessed the ability to control crime while remaining value-neutral about social issues (Carte & Carte, 1975). He advocated the use of intelligence and psychological tests for selecting police recruits as well as the incorporation of university training as part of police training (Dempsey, 1999). Vollmer's conception of the ideal officer was one who was highly educated, knowledgeable and skilled in the latest technological advances, and committed to police work (Crank & Caldero, 2000).

As a result of Vollmer's professionalism effort, policing in the United States began to change from an occupation dominated by political patronage and

corruption to a profession characterized by increased training and moral commitment (Sykes, 1989). It has been stated that every profession is governed by a code of ethics (Gaines et al., 1999). A code of ethics provides acceptable and unacceptable standards of behavior (Hess & Wroblewski, 1997). In response to Vollmer's professionalism efforts, the International Association of Chiefs of Police (IACP) decided that one criterion necessary for policing to be considered a profession was a unified code of ethics. The first law enforcement code of ethics was adopted in 1957.

Pavula (2001) asserts that a code of ethics is a living, breathing document whose content must change in conjunction with changes in a profession and with the shifting expectations of society. The process of developing, challenging, and modifying the tenets of a code of ethics is the responsibility of the members of a particular profession. A code of ethics should not merely be a framed document that is displayed on a wall and forgotten.

Since its inception in 1957, the law enforcement code of ethics has undergone several modifications by the IACP. The IACP adopted the most recent version of the law enforcement code of ethics and the code of conduct for law enforcement during the 1991 annual conference (see Appendix A for the Law Enforcement Code of Ethics and Appendix B for the Police Code of Conduct). The ideals contained in these codes are rooted in the morals and values purported by August Vollmer.

Pollock-Byrne (1989) advocates the significance of ethical conduct in police work by stating:

A set of ethics will help the officer make decisions in a lawful, humane, and fair manner. A code of ethics also helps to engender self-respect in individual officers; self-pride comes from knowing that they have conducted themselves in a proper and appropriate manner. Further, a code of ethics...helps in the development of an esprit de corps. As with any profession, an agreed-upon code of ethics is a unifying element and one that can help define the occupation as a profession... (p. 73)

However, the positive value of a code of ethics is debatable. Gaines et al. (1999)

propose:

The police code of conduct...offers little control over police officers and provides only the external trappings of professionalism because there exists no professional standards committee that reviews and sanctions police officers for violations of their own code. The police code of ethics and conduct...is an expression of mutual concerns that have historically gone unenforced by the police as a professional group. (p.343)

Harrison (1996) expands on this conviction by stating: "Codes of ethics do not motivate people to behave well. They assist only the people who already want to do so" (p.307). Implied in these quotations is the idea that law enforcement officers fail to understand the meaning behind the code of ethics.

Davis (1995) compares police officers with lawyers, physicians, and engineers by stating that police officers experience much more confusion about the meaning and application of ethical principles as the latter three professions. This author disagrees. Police officers do understand what it is to behave in an ethical manner, and they understand the concept of a profession. What Davis is trying to describe is not confusion; it is conflict and reality. One cannot compare the police with other occupations in terms of decision-making processes (discretion). The police differ from the medical profession, lawyers, and engineers in one important aspect: Police officers must make rapid decisions

based on minimal information. Often times, police officers do not have the luxury of gathering additional information prior to making a decision at an active incident. However, physicians can perform medical tests before arriving at a diagnosis, lawyers can conduct legal research prior to a trial, and engineers can rely on research and computer models to design and construct a structure.

In terms of confusion, Davis (1995) later contradicts himself when he states: "The police department's formal code of ethics and its informal code of ethics are entirely different. The informal code of ethics results from what is commonly referred to as the police subculture" (p. 87). The police are aware that the values and beliefs inherent in the formal code of ethics (how things should be done) often contradict those of the informal code of ethics (how things are really done). They also understand what values and beliefs are important to abide by within the police subculture. Officers often operate according to the informal code because it is this code that was learned and reinforced on the job. It is this code that binds officers together. Davis (1995) also incorrectly characterizes the police subculture when he suggests that the moral support system of the police, in terms of reinforcing ethical behavior and maintaining standards, is the "code of silence." By making this statement, he is implying that all officers are unethical and/or corrupt.

If we do accept the reasoning provided by Davis and others, perhaps the police code of ethics is a document that looks nice hanging on the wall, but is rarely upheld. In applying this idea to racially biased policing, perhaps what is needed is for all agencies to continue on the current path of developing policies

that forbid racially biased policing rather than racial profiling. If policy is in place, which spells out punishment for violations, it may be possible to at least lessen the occurrence of racially biased incidents. What is still problematic is identifying racially biased actions by officers.

Social Norms and Personal Values

As previously discussed, norms and values are inherent in the formal and informal codes of ethical behavior. Norms and values are learned and developed through the socialization process. In policing, officers experience a socialization process that creates and/or reinforces specific norms and values. Officers internalize learned norms and values and live by them for their entire careers. Once the process of internalization is achieved, officers become part of the police subculture.

Values are an important aspect of police policy. Some agencies have begun to incorporate value statements into policy (i.e. democratic values). Value statements are designed as a clarification tool so that officers know what is expected of them and so that citizens understand what the police are trying to accomplish and how they will attempt to accomplish it. Questionable in this approach to designing and implementing policy is whether police and citizens possess similar values.

Rokeach et al. (1971) conducted one of the important studies on this topic. They defined values as “an enduring belief that a specific mode of conduct or end-state of existence is personally or socially preferable to its opposite” (p. 5).

In order to measure values, Rokeach et al. relied on a set of scales, one containing terminal values (preferred end states) and one containing instrumental values (preferred modes of behavior). They tested four hypotheses and found: (1) the police had a different value system than the policed, (2) the police possess values similar to particular groups in society, (3) the socialization process that incorporates police norms and values occurs prior to an individual becoming a police officer; police are selectively recruited from specific groups of people who possess values similar to the police subculture, and (4) occupational socialization has no impact on police officers' values.

When comparing the values of police to private citizens, the results of the Rokeach et al. study revealed that police officers were more oriented toward the personal goals of an exciting life and a sense of accomplishment, and less interested in social goals such as world peace and equality. In a review of the literature on police values, Burbeck & Furnham (1985) found that police place a higher emphasis on terminal values such as family security and a sense of accomplishment, rather than on social values such as equality. Other scholars found similar results in replicating the Rokeach et al. study (see Caldero, 1997 and Zhao, He, & Lovrich, 1998).

These findings have important implications for racially biased policing. Officers who strive for a sense of accomplishment and security may be embracing the noble cause approach to policing (i.e. apprehending criminals). This approach may cause officers to rely on race as a factor in making decisions

about whom to stop, search, or arrest. If so, the question becomes a matter of how to change officer values.

Relying on police socialization values research, it can be reasoned that personal values of police officers are developed through two socialization phases: (1) one that occurs prior to gaining employment, and (2) one that begins in the police academy and continues throughout an officer's career. The values obtained from the varying sources that guide the ethical behavior of police officers are often in conflict with one another. Value conflicts cause officers to make choices. Following a principle of equal respect, police officers make decisions that result in the equal treatment of everyone, regardless of the circumstances, and regardless of race, age, and gender.

The Noble Cause

Late nineteenth century policing was dominated by politics. Police officers were not impartial and professional public servants; they were tools of the politicians (Walker, 1998). The primary task of police during this era was to serve as the enforcement arm of the political party in power (Dempsey, 1999). Officers were often expected to contribute a portion of their salaries to the dominant political party (Haller, 1976). The function of police during this era was primarily crime control and order maintenance.

The selection and hiring of officers was achieved through a system of political patronage. Kelling and Moore (1988) state: "Police were often recruited from the same ethnic stock as the dominant political groups in the localities, and

continued to live in the neighborhoods they patrolled” (p. 4). Walker (1998) also emphasized the influence of politics by purporting that an individual with the proper connections could be hired even if he was not qualified. New officers would then receive field training from experienced officers who also taught the methods of graft and evasion of duty.

August Vollmer’s professionalism movement in policing focused on promoting excellence through changes in selection and hiring practices, and proper training of officers. Vollmer believed that police could be reformed while still remaining committed to the goals of policing: crime control and order maintenance. He strived to rid policing of economic corruption that plagued policing since its inception. However, one thing that Vollmer overlooked was another type of corruption, the corruption of noble cause.

The term noble cause is discussed by Delattre (1996). He suggests that the manner in which we think about our own self-worth is reflected in the causes that we accept. The noble cause in policing relates to the function of policing: crime control. Upon entering the profession of policing, officers take on the “cause” of policing. Through training and socialization with fellow officers, newly recruited officers internalize the belief that the most important goal in policing is to apprehend and convict criminals. In many instances, it is suggested that the means of achieving the goal can be justified by the ends.

Placing the notion of noble cause within the context of this study, one can inquire if it is appropriate or justifiable to stop a vehicle based on the personal attributes of the driver (i.e. race, gender, or age) in order to achieve the ultimate

goal of crime control? In other words, do ends justify means? These are by no means easy questions to answer. Good ends contribute to the correctness of an act, and malevolent intentions count against it (Delattre, 1996). Good ends can also conflict with one another. For example, is crime control paramount to the protection of individual rights? Should we, as a society, forsake justice and the abuse of law in lieu of a reduction in crime? Perhaps Camus (1974) provides the best response to this question when he states that there are means that cannot be excused. Delattre (1996) concurs by suggesting that ends justify means to a point, by not simply or unqualifiedly.

Evidence abounds in the media of allegations of police misconduct including planting evidence, providing false testimony, conducting illegal searches, faking or altering reports, using excessive force, and racial profiling. All of these behaviors can be explained by the noble cause. Crank and Caldero (2000) propose that Vollmer's professionalism movement, which stressed the reduction of economic corruption and increased commitment to the occupation, may have opened the door for noble cause corruption; the corruption caused by caring about the goals of police work too much.

There are many practices that officers can engage in which can be considered noble cause corruption. Pretext vehicle stops are one example. The ultimate goal in a pretext traffic stop is to detect criminal activity, apprehend violators, and convict them. In pretext traffic stops the vehicle code is used as a means or justification for a greater goal or end. Pretext traffic stops fall under the purview of racially biased policing.

There are three ways that an officer can eliminate the implication that race or another driver characteristic was a reason for a traffic stop. First, because the vehicle code is a comprehensive set of laws, it is relatively easy for an officer to find a violation to justify a traffic stop so that the “race card” does enter into the equation. Second, it is possible that in officers’ minds the ability to use reasonable suspicion (rather than probable cause) as legal grounds for a traffic stop reinforces the belief that the noble cause is paramount. The third way is to justify actions ex-post facto, or simply lie. For example, an officer could state that he/she stopped a vehicle because the registration plate was illegible due to an accumulation of dirt. This reasoning is based on individual perception.

In any event, the noble cause is significant in the discussion of police conduct. It is related to the issues of justice, law, morality, social norms, and personal values discussed previously. It is also important to the topic of racially biased policing. The police cannot improperly enforce the law with impunity. The “I am the law” perspective undermines justice in its most rudimentary sense (Crank & Caldero, 2000).

Police Subculture and Socialization

Any study examining the issue of racial profiling or racially biased policing would not complete without discussing the police subculture and socialization process. Being a police officer is not merely a job; it is a way of thinking; it is a way of life. The subculture of policing is possibly the most influential factor in shaping officer behavior. It is specifically related to the topic of racial profiling

because if this practice is accepted and/or endorsed by the subculture, officers are influenced to engage in it. It is socially unacceptable to use race or another personal attribute as a reason to perform the law enforcement function of policing. The following discussion describes the police subculture and presents a well-known stage model of the police socialization process. The relationship with profiling is interjected within the description.

Life experiences shape our existence and our character. An important aspect of life experience is the process of becoming socialized into the norms and values of society. A wholesome upbringing may or may not precede excellence of character. However, if one does not develop excellent character during childhood and adolescent years, it can be reformed later in life (Delattre, 1996). The dual phases of police socialization, one prior to employment and one that begins in the police academy, both have an effect on the development of character. The latter is a fundamental part of the police subculture.

Often times the terms culture and subculture are used interchangeably. However, there is a significant difference between the two terms. According to Gaines et al. (1999), a culture is used to describe differences between large social groups such as Americans and Germans. Each of these social groups have unique beliefs, laws, and customs that set them apart from each other. A subculture is formed when people band together and form an exclusive group within a culture, such as the police. The members of a subculture share similar values as members of the dominant culture, but they also share other values distinctive to the subculture.

One of the more insightful inquiries into the police subculture was undertaken by John P. Crank (1998). The impetus for his book was a slogan observed on a shirt worn by an off-duty police officer that summarizes the notion of a police subculture. It read: "It's a Cop Thing. You Wouldn't Understand." Crank purports that being a police officer is a state of mind and delving into the police subculture is a compelling way of examining the police and police behavior.

According to Crank, culture is a confluence of themes of occupational activity, a carrier of institutionalized values shared by a group, and an avenue for emotional expression that captures the emotion and spice of police work. Some of the many themes that converge to form the police culture are: suspicion, danger, force, guns, unpredictability, common sense, and solidarity. These terms are sometimes used in the literature to characterize police behavior.

Culture is also a carrier of significant values that are shared by officers. Sometimes officers respond in a certain manner because they believe that it is the proper way to respond. This could be the case in a department that endorses the use of race or other personal attribute as a criterion for stopping motorists.

Finally, culture is an avenue for the expression of emotions. Although police operate and are governed by rules, regulations, the law, and policies, these things do not provide a complete reflection of police behavior. Feelings and personal sentiments are also an important part of the police subculture. Certain officers may believe that it is acceptable to use race with other criteria as

a basis to stop someone on a traffic stop (a pretext stop). As such, one must look beyond the influence of organizational structure to fully examine and understand police behavior.

Reuss-Ianni (1983), studied the street cop subculture. She found that this culture originates from the old days of policing and continues to present day. It is characterized by the social networks of street officers that define the day-to-day job of policing. The street cop culture is viewed as the grounding stage of being a police officer.

Many scholars emphasize the importance of the police socialization process in the development and maintenance of Reuss-Ianni's street cop culture. The socialization process experienced by newly appointed police officers is quite complicated. Perhaps the most prominent analysis of the police socialization process is that of Van Maanen (1974, 1975). He states that the occupational culture of policing can be characterized as a four stage socialization process: (1) entry into the organization, (2) introduction to the occupation, (3) encounters with colleagues in the field, and (4) a metamorphosis or changing of attitudes about police work.

The first stage, entry into police work, introduces police applicants to the culture of policing. It includes a long application and selection procedure. Many recruits are encouraged to apply for a position by friends or acquaintances that are already working as police officers. Therefore, some of these recruits are introduced to the police subculture and possess some of its tenets prior to entry.

The second stage begins at the police academy, where recruits are exposed to a sometimes arbitrary system of discipline when they fail to abide by the rules and regulations. As a form of “protection”, the recruits form tight bonds with one another in order to avoid disciplinary action. In this respect, the academy begins reinforcing the “us vs. them” mind-set. It can also create an “us vs. them” divide between the police and the community.

Upon completion of the academy, a recruit believes that he/she is equipped with the knowledge and skills necessary to fulfill the responsibilities associated with being a police officer. However, it is soon realized that this is not the case; there is an entirely different world that exists outside the academy. The third stage of the socialization process begins with the new officer being introduced to the complexities of being a street cop.

New officers are usually assigned to a field training officer (FTO) in order to “learn the ropes”. Many experienced officers have developed the belief that the average patrolman must be re-educated before he/she reaches the streets. In most cases, the first thing that is said to the new officer is to forget about what was learned in the academy, they will now be shown how things are really done (Rubenstein, 1973; Weistart, 1974).

The third stage is a significant turning point in learning the values and beliefs inherent in the police subculture. It is at this junction that the ground rules are set. Reuss-lanni (1983) refers to these rules and guidelines as the “cops code.” This unwritten code regulates relationships between fellow street officers and between street officers and management. Some of the elements of the cops

code are related to the practice of profiling. The code includes such things as concerns for officer safety, staying out of trouble, maintaining productivity within set parameters, loyalty to other officers, never violating the trust of another officer, never giving up another cop, and always cover your ass from management.

Manning (1997) elaborates on the process of an officer covering his/her ass. He purports that officers who fear discipline may lie to a supervisor in order to avoid punishment for violating a department policy or regulation. Thus, if an officer is engaging in the practice of racial profiling or racially biased policing, he/she may not admit so for fear of reprisal.

The culmination of Van Maanen's police socialization process is a metamorphosis. This stage is characterized by a change in the attitude and behavior of new officers. It occurs approximately six months after beginning the job. At this point an officer's attitude begins to resemble that of more experienced officers. This stage is important in terms of the values and beliefs that are instilled by the subculture. If racially biased policing is endorsed, all officers may be contributing to the perceptions and reality of racial profiling.

Another perspective on the police subculture suggests that officers are diverse in their means of reconciling the use of force (Muir, 1977). Muir's typology can be applied to the practice of profiling. Muir suggests that there are four types of officers: the professional, the reciprocator, the enforcer, and the avoider. Different levels of passion and perspective characterize each type. Passion is a moral virtue, reconciling oneself to using morally dangerous, violent

means to achieve the ends. Perspective is an intellectual virtue, seeing the big picture or respecting the pain and sorrows of others.

Professionals and enforcers are the two types that can be used to characterize profiling. The professional possesses both passion and perspective. Law is invoked in a professional manner after careful consideration of the circumstances. This type of officer would be least likely to engage in profiling because he/she carefully considers the circumstances. The enforcer has passion but lacks perspective. For this type of officer, the enforcement response is aggressive and the officer does not consider the circumstances surrounding the event. This type of officer would be most likely to use profiling as a means of law enforcement and also see no problem in doing so.

While evidence exists that there is a subculture unique to policing, it is problematic to suggest that the elements of the subculture can predict police behavior in every situation. There are many factors that affect police behavior.

Police Training

Police officers must balance their learned skills and enforcement knowledge against the prospect of discriminatory practices based on race, gender, and age. Police training plays a vital role in attempting to decipher this provocative and complex issue. One critical part of becoming and maintaining the status of a sworn law enforcement officer is training and experience. There are three primary sources of training: recruit or academy training, field training, and in-service training.

Recruit training is the initial training that police officers receive. The primary purposes of recruit training are to orient new officers to the police department, expose them to the department's objectives, and provide them with the skills necessary to address the diverse problems of every day police work (Gaines & Forester, 1983). The content and length of recruit training programs vary among agencies. This stage of training can consist of two weeks of firearms training or include four to six months of academic and physical fitness training (Cole, 1992). Other elements of the training process may include emergency vehicle operations, emergency first aid training, law and procedure, ethics, ethnic diversity, human relations, and departmental policy training.

All three stages of training are elements of the police socialization process discussed previously. However, recruit training is at the forefront of exposure to the police subculture. Rookie officers emerge from the academy as a product of life experiences and training (Alpert & Dunham, 1997). The nature and the quality of the training that recruits receive is of the utmost importance. Training needs to emphasize the ability to make proper decisions. Obviously, it is virtually impossible to instruct recruits on responses to every type of situation that they will encounter in the field. However, instructors can provide a foundation for recruits to rely upon when making decisions. One element of this foundation is the infusion of values. Training in values is a recent phenomenon (Kleinig, 1990; Delattre, 1996). Human relations and ethnic diversity training are also important areas of instruction. In essence, recruits should graduate the academy with the ability to quickly understand situations and the consequences of their actions.

Formal field training officially began in the 1970's (Alpert & Dunham, 1997). Prior to this era, rookie officers were immediately placed on patrol and expected to perform adequately. However, new officers prior to formal field training were still instructed or guided by veteran officers. As such, new officers did receive informal field training.

In terms of the police socialization process and the police subculture, new officers are exposed to traditional methods of performing the job during field training. Rookie officers learn what is acceptable behavior by interacting with other officers on calls and during coffee breaks where officers reflect on calls received and responses meted out. Field training may have a dramatic effect on officer behavior regarding the initiation of vehicle stops. If an officer is instructed in the use of the vehicle code as a tool for making pretext traffic stops, then there may be a problem with using race, age, or gender as a criterion for deciding to stop a vehicle. It is a field training officer's responsibility to inform new officers that relying on race, age, or gender as a basis for a traffic stop is not acceptable.

In-service training is also important in the prevention of the practice of racial profiling. Officers are required to attend annual mandatory in-service training classes. The classes customarily train officers in changes in criminal and vehicle laws. Other classes may include relevant topics such as ethnic diversity or domestic violence. If officers were to receive training on racial profiling in a classroom setting, it may correct existing problems and prevent any future problems from occurring.

Additional training schools are available to officers throughout their careers. Some of the more controversial training programs, in terms of racial profiling and pretext traffic stops, are narcotics training programs. One such program is provided by The Public Agency Training Council on Drug/narcotic Interdiction and Investigation for the Street Officer. The first page of the training manual instructs officers to look beyond traffic violations when stopping vehicles on the highways. The ultimate goal is to locate drug couriers, stop their vehicles, search them, and seize illegal contraband.

The manual continues by providing several key characteristics that officers should be cognizant of when deciding to initiate a traffic stop including: displaying rental tags, vehicles rented from the airport, and Jamaicans or Rastafarians because they have been known to operate and transport narcotics in several types of vehicles. A list is provided of the makes and models of vehicles. The instructors do not suggest that officers should use the race of a driver as a reason for a traffic stop. Officers are instructed to rely on the many violations contained in the vehicle code as probable cause to stop a vehicle. In essence, they are supporting the notion of pretext traffic stops (racially biased policing).

College education is another important issue in regards to police behavior. One question frequently asked is if college educated officers make better police officers? Radelet and Carter (1994:152-3) summarize the benefits of higher education for police officers, some of which are presented here:

- It provides a broader base of information for decision-making**

- It develops the ability to handle difficult situations with greater creativity or innovation
- It fosters greater understanding and tolerance for persons with diverse lifestyles and ideologies
- It encourages the use of discretion and application of the spirit of the law rather than the letter of the law
- It enables officers to accept and adapt better to organizational change
- It enables officers to adapt their styles of policing to a wider range of social conditions and classes

Some of the benefits listed above may prevent officers from engaging in racial profiling. If higher education does foster greater understanding of diversity, then officers may not use race, gender, or age as deciding factors to initiate a traffic stop. Radelet and Carter (1994) suggest that regardless of a specific intent, college education appears to make an officer more effective in the performance of his/her duties.

Police Discretion

Discretion is at the heart of the criminal justice system. Prosecutors decide which cases to prosecute, jurors decide the innocence or guilt of defendants, probation and parole officers decide which clients should return to prison and which ones deserve a second chance, and judges decide punishment. However, nowhere in the system is discretion so readily necessary

and evident than in policing. Every police-citizen encounter involves some level of discretion. Police officers are given great latitude in making decisions in the field. Police use discretion when considering to arrest, to use force, to stop vehicles and issue citations, to take a report, and to investigate a crime.

There are many reasons why discretion is an essential part of police work. Sheehan and Cordner (1989) present several reasons why police exercise discretion:

- Total enforcement ties up officers causing a lack of public protection
- Complete enforcement would overwhelm the criminal justice system
- Some laws are vague and require interpretation
- Complete enforcement would adversely impact police-public relations

Hess and Wroblewski (1997) also cite three reasons why discretion is necessary. First, the letter of the law overreaches. There are traffic law violators that have “legitimate” or reasonable justifications for breaking the law. For example, a man may be speeding because he is taking his pregnant wife to the hospital because she is in labor. Speeding is a traffic violation, but is the reason for speeding justifiable?

A second reason supporting the necessity of police discretion is to maintain the spirit of the law. Suppose a speeding motorist indicates that she is a school bus driver and has never received a citation in her life. Also, she is a

single mother with three children, and if issued a citation, she will lose her job and not be able support her family. Again, speeding is a traffic violation, should the spirit of the law prevail over the letter of the law?

The third reason for discretion is due to the impossibility of legislators and/or police administrators establishing guidelines on every social and criminal situation that police could encounter. Therefore, we must rely on the morals and ethics of officers to properly exercise discretion. The success of any attempts to regulate police discretion is subject to officer compliance.

Although police departments can provide guidance through rules, regulations, and supervision, rarely are specific dispositions specified in criminal laws or agency policies. Officers are given the power to decide who has violated a law and what should happen to the violator. One noteworthy exception to mandated dispositions is contained in pro-arrest policies for domestic violence. As a result of the Minneapolis Domestic Violence Experiment (Sherman & Berk, 1984), which revealed that arrest reduced the recurrence of violence, many police agencies adopted pro-arrest policies. These policies limited the discretionary power of officers and required them to effect an arrest if certain clues or factors were present. Discretionary power on traffic stops can be limited by prohibiting the use of racially biased policing.

One method of understanding discretion is to examine the two models of criminal justice proposed by Packer (1968): the due process model and the crime control model. The due process model centers on legal safeguards and individual rights. The precept is justice and equity within the system. The crime

control model emphasizes protecting the interests of society. Thus, the police are endowed with discretionary powers to protect society. The apprehension of suspects is paramount. As such, the noble cause of policing takes precedence over individual safeguards. The police are placed in a quandary and must balance both models of criminal justice in the regular performance of their duties.

Traffic enforcement is one area where there is little restriction in terms of which vehicles and drivers officers may stop, and which violations deserve a citation. Officers can stop any vehicle they choose. Brooks (1993: 161) asserts that: "It appears as though organizational characteristics, neighborhood factors, situational cues, officer characteristics, and lastly, officer attitudes, all play some part in the decisions that police make regarding their behavior." Bartol (1983) states that the use of discretion is influenced by additional factors such as training, supervisors, politicians, agents of the criminal justice system and the public.

Administrators, politicians, and the public encourage traffic enforcement. Administrators often base officer evaluations on productivity, which includes the number of traffic citations and arrests. Seldom is an officer chastised for producing a large volume of traffic citations and arrests. Politicians encourage traffic enforcement as a means of protecting society and saving lives. Reduced crime and increased safety provides a strong foundation for a political platform. Although few people enjoy being stopped by the police and/or receiving a traffic citation, citizens do understand that traffic enforcement is a necessary role of the police.

According to Kappeler, Sluder, and Alpert (1998), discretion holds the potential for abuse. Officer decisions to act or fail to act can be based on inappropriate criteria such as gender, race, age, physical appearance, or other biases held by officers. A police response based on prejudice or bias is an inappropriate use of discretion.

Radelet and Carter (1994) agree by stating that the use of discretion may turn into discrimination. They also concur that the use of the inappropriate criteria presented by Kappeler et al. as a basis for making decisions does occur. If Wilson (1968: 21) is correct in stating that, "The patrolman believes... that teenagers, Negroes, and lower income persons commit a disproportionate share of all reported crimes," then this belief may support the idea of profiling motorists in order to achieve the noble cause of policing (apprehending criminals).

There are variables other than gender, age, and race/ethnicity that may affect police discretion. Officers may rely on the seriousness of the offense and the demeanor of the offender. Many studies have shown that the seriousness of an offense is the most important factor that influences an officer's decision to make an arrest (La Fave, 1965; Wilson, 1968; Black, 1971; Smith & Visher, 1981; Sealock & Simpson, 1998; Mastrofski, Snipes, Parks, & Maxwell, 2000). The more serious the offense, the more likely officers are to handle the incident in a formal manner, including arrest. Jacob (1973:27) notes, "a serious crime leaves the police less freedom...to ignore it or exercise discretion." The same can be true for traffic offenses. More serious offenses may demand more serious action by police.

Demeanor is also associated with police decision-making practices.

Existing research indicates that respectful citizens are the recipients of respectful attention from the police. Citizens who are uncooperative, show disrespect, or provoke the police are more likely to be the recipients of police force (Westley, 1953) and more likely to be arrested (Piliavin & Briar, 1964; Black & Reiss, 1970; Ericson, 1982; Smith & Klein, 1984; Lundman, 1996; Worden & Shepard, 1996). Drivers who are disrespectful to police during a traffic stop may be more likely to receive a citation, even if the officer had initially decided to issue a warning. In essence, the driver talks him/herself into a ticket.

Deployment of Police

The allocation and deployment of police are critical aspects of police administration. In the early years of policing, resources were squandered by basing allocation decisions on political considerations. More recently, police administrators recognized the need to assign manpower and expend resources based on necessity, relying on crime rates and patterns as well as citizen requests (Sheehan & Cordner, 1995).

The collection and analysis of activity data assists in the proper and efficient allocation of manpower. Directed patrol is one outcome of activity data analysis. Directed patrol is an alternative to random routine patrol in which officers are provided with specific responsibilities or goals when not responding to calls for service. One notable example of directed patrol is the Kansas City Gun Experiment. In this experiment, computer analysis of gun data was used to

identify a hot-spot area. Officers were instructed to focus patrol efforts in this area, focusing on confiscating illegally possessed firearms. A primary method of gun detection was traffic stops. During the twenty-nine weeks of the experiment, participating officers initiated thousands of traffic stops. As a result of increased traffic enforcement, public fear of crime was reduced.

Directed patrol was one reason used by Illinois law enforcement representatives to justify police resistance to collecting race data on traffic stops (Hoover, 2000). They argued that calls to police vary by neighborhood, and the poor call upon the police more often than the wealthy. This proposition is supported by Black's (1976) study of the sociology of law. In his study he found that the affluent are less likely to rely on formal control mechanisms (i.e. calling the police) than the indigent because they have other resources. The indigent rely on the police for problem resolution because they have no other means at their disposal.

The police representatives characterized poor neighborhoods as consisting of predominantly minority residents. Based on the Peelian principle of deploying police by time and area (i.e. proportional to demand), it was argued that more officers are directed to neighborhoods with a high police call rate. Therefore, if more police are assigned to directed patrol in minority neighborhoods, it is logical to assume that there will be an increased number of traffic stops involving minority drivers.

The police representatives offer a valid argument, based on logic, organizational principles, and statistical evidence. However, it does little to refute

the collection race data on traffic stops. What it does provide is a context for examining race data by identifying variables that must be considered by researchers conducting future analyses.

Traffic Enforcement as a Role of the Police

If asked to identify the role of the police in society, the list may contain such things as crime control, order maintenance, social service provider, plumber, electrician, babysitter, mediator, or investigation. Along with these things is the role of traffic regulator. Traffic laws exist to permit the efficient and effective movement of vehicular traffic on our nation's traffic ways. Individual traffic laws are compiled in state vehicle codes. These codes may contain upward of thousands of traffic laws, all of which can be used by police in the performance of their duties. This author, along with other current police officers have stated that it is possible to find at least one reason to stop every vehicle if it is followed long enough.

Bufe (1989: 621) notes the significance of traffic enforcement by the police: "Enforcement is a unique police contribution...to the entire structure of PTS [police traffic services]." Although there are other agencies that assist in the safe and efficient flow of traffic (i.e. the Department of Transportation and local highway departments), the police are the only agency afforded the legal authority to enforce traffic laws.

Traffic regulation is where most citizens have their first and sometimes only contact with the police (Radelet & Carter, 1994; Hess & Wroblewski, 1997).

The instance of being stopped by the police creates stress and tension in drivers. The initial feelings of anxiety are often followed by frustration and embarrassment due to being caught violating a traffic law. Feelings of frustration are sometimes transformed into anger. Traffic citations carry with them a substantial fine and possibly points assigned to a driver's license upon conviction. All of these emotions are directed at the officer making the traffic stop.

Researchers have speculated on the traffic role of the police. Thibault, Lynch, and McBride 1998:154) characterize the traffic role as follows:

- The identification of prospective traffic hazards
- The prevention of congestion and traffic accidents
- Parking regulation
- Accident investigation
- Enforcement of traffic regulations
- Arresting violators

The common denominator underlying all of the aforementioned characteristics is community safety. Although safety is important, there are other functions of the traffic enforcement role of the police. The traffic role has been associated with crime reduction or prevention. Traffic stops can lead to criminal arrests, recovering stolen property, and the apprehension of fugitives.

Officers are often trained to look beyond the traffic ticket when deciding which vehicles to stop. Some training topics that may be helpful to officers engaging in this practice include: patrol interdiction, interview techniques, human behavior analysis, drug recognition, gang awareness, and search and seizure

procedures. Traffic enforcement is viewed as an integral part of criminal interdiction and community policing. Officers are encouraged to view traffic stops as a method of ensuring public safety as well as a mechanism for discovering criminal activity. NHTSA (1997) presents several characteristics regarding traffic enforcement: (1) It is universal to law enforcement, (2) it is an effective tool for reducing criminal activity by providing a visible deterrent, and (3) officers are versatile generalists who enforce traffic laws and apprehend criminals. They cite these reasons in support of the practice of looking beyond the ticket.

This practice has resulted in success for some agencies. One example is the Peoria, Illinois Police Department who found that in 1994-1995, traffic crashes decreased by 12%, citizen calls for service decreased by 7%, and Part I Index Crimes decreased by 6% (NHTSA, 1997). Another example is the Grand Prairie, Texas Police Department whose focus on traffic enforcement resulted in approximately 30% of the agencies criminal arrests (Morford, Sheehan, & Stuster, 1996).

There are also many examples of individual traffic stops for minor moving or equipment violations that resulted in criminal apprehensions or arrests. For example, Timothy McVeigh, who was convicted and put to death for bombing the Alfred P. Murrah Federal Building, was apprehended by the Oklahoma Highway Patrol on a routine traffic stop for speeding and operating a vehicle without a registration plate. The Utah Highway Patrol apprehended convicted serial killer Ted Bundy on a traffic stop when he sped away from an officer who illuminated

Bundy's vehicle with the high beams of the police cruiser. These two examples illustrate the importance of the traffic role of police.

Often, police utilize traffic enforcement as a form of saturated patrol to reduce crime and lessen public fear of crime. The underlying concept of this type of enforcement strategy is to convey the impression of police omnipresence, cited by O. W. Wilson as a purpose of police patrol. Wilson (1977) posited that omnipresence would eliminate the opportunity or the belief that the opportunity existed to commit crime. As such, a reduction in crime and decreased fear of victimization would result.

Traffic enforcement is also related to the order maintenance function of the police. Order maintenance was examined in the broken windows model of policing by Wilson and Kelling (1982). The idea posited by this theory was that disorder creates fear. They used the metaphor of a broken window to portray disorder. A broken window left unrepaired, sends a signal to criminals and would-be criminals that nobody cares about the neighborhood and criminal behavior will be met with little resistance. Broken windows theory can be readily applied to traffic enforcement. Allowing careless or reckless driving and dangerous vehicle defects to flourish in a community can contribute to neighborhood disorder. Unabated acts of careless driving are the beginning of a slippery slope downward, toward increased public fear and criminal activity.

There are many programs that rely on traffic enforcement as a mechanism for maintaining order in communities. The current phenomenon of road rage and aggressive driving has spurred many such programs.

The Pennsylvania State Police use two programs that are based on saturation patrol: Operation Centipede and TAG-D. Operation Centipede consists of eight to ten troopers staggered over a two-mile course of interstate highway. They position themselves in marked and unmarked vehicles and use radar to strictly enforce the speed limit. TAG-D uses fixed wing aircraft, and vehicles to enforce targeted violations on the day of the operation (NHTSA, 2001b).

The Smooth Operator Program is a multi-agency enforcement effort in the Washington D.C. area. This program involves officers from 21 police agencies utilizing radar and video cameras to record instances of aggressive driving. There are four waves of saturation patrol every year that results in thousands of citations issued every six months (NHTSA, 2001f).

The above programs illustrate the renewed focus on the importance of traffic enforcement by police agencies. Sweeney (1990) notes the importance of traffic enforcement by suggesting that redirecting our focus on traffic enforcement will make our communities safer, improve public relations, and suppress crime. However, it is critical that traffic enforcement is conducted equitably. As indicated, there are many reasons for enforcing traffic laws. Public perceptions of inequity, such as the issue of racial profiling, can tarnish the police image and create a rift between the police and the community.

The U.S. Supreme Court and Racial Profiling/Pretext Traffic Stops

The U.S. Supreme Court has addressed the issues of police racial profiling and pretext traffic stops. One decision in the United States v. Brignoni-Ponce (1975) addresses the issue of ethnicity and immigration stops. The case raises questions as to the United States Border Patrol's authority to stop vehicles in areas near the U.S.-Mexican border.

It is customary for the border patrol officers to conduct fixed checkpoints in specific locations. One evening in March of 1973, weather conditions prevented the operation of the checkpoint. Two officers decided to park along the side of the highway and monitor vehicles using the headlights of their patrol vehicle. Upon seeing a vehicle containing three occupants of Mexican descent, they pursued the vehicle and initiated a traffic stop. Both officers stated that the reason for the traffic stop was solely based on the occupants' nationality. All three occupants were arrested and the driver was charged with transporting illegal aliens.

The Supreme Court's decision was explicitly clear. It was recognized that the United States possesses an interest in protecting its borders. An officer, whose observations lead him/her to reasonably suspect that a particular vehicle may contain illegal aliens, may stop the vehicle and briefly detain the occupants and inquire about the suspicious circumstances and their citizenship and immigration status. However, roving patrols with unlimited discretion to stop any or all vehicles lacking reasonable suspicion is not reasonable under the fourth

amendment. Race, ethnicity, or nationality does not constitute reasonable suspicion for a traffic stop.

A second case, *Whren v. United States* (1996), addresses the issue of pretext traffic stops by the police. Although motor vehicle codes vary from state to state, many of the violations included lack the urgency of total enforcement. For example, the illumination of a license plate light bulb is a requirement in the state of Pennsylvania. Failing to stop every vehicle that does not have a functioning license plate light does not pose a significant threat to public safety. The point here is that there are many “trivial” vehicle code violations that an officer may use to satisfy the probable cause necessary to stop a vehicle.

A pretext traffic stop can also be called a dual motive traffic stop (Hess & Wroblewski, 1997). It is a traffic stop in which an officer uses a traffic violation as a pretext or reason for looking for something else in the vehicle or hidden on the occupants of the vehicle (i.e. narcotics). Consensus is lacking on the legality of these types of traffic stops. In the case of *United States v. Millan* (1994), the Circuit Court held that the intent of the police officer is crucial in determining the legality of a traffic stop. If an officer’s original intent when initiating a traffic stop is to examine the occupants and the vehicle, any search is deemed a violation of the fourth amendment.

Oliver (1995) examined limits on the ability to search following pretext traffic stops. He found that the Federal Circuit Courts continue to argue over the legality of this issue. While this debate raged, several states ratified their constitutions by rescinding the authority of the police to search a vehicle

subsequent to a lawful arrest. This decision could foster an additional problem when police agencies attempt to circumvent this restriction. Police managers can implement department policies regarding the impoundment and inventory of all vehicles that would remain abandoned on jurisdictional traffic ways. Thus, if an officer stops a vehicle and arrests the occupant(s), leaving no person legally capable of operating the vehicle, the vehicle will be impounded and an inventory search will be conducted. Any contraband recovered during the inventory search may be used to charge the occupant(s) with an additional crime. A problem could result from officers "trumping up" charges as a pretext to impound and search the vehicle.

Whren v. United States (1996) addressed the issue of pretext traffic stops by the police. This case attempted to put an end to the controversy of racial profiling in the Circuit Courts. Harris (1997) suggests that the Court's decision in Whren approves two disquieting law enforcement practices that represent precarious developments for an American society founded on the equal treatment of all citizens. The first is related to an issue previously implied: The scope of traffic laws is a broad and powerful tool for police. The Court's decision in Whren reinforces and sanctions this power. The second troublesome development from this case is that the police will not subject all members of the motoring public to traffic stops in the same manner. Police will stop a disproportionate number of minorities, especially African-Americans, with justification provided by the traffic laws.

Police Profiling on Traffic Stops

Research on police profiling, specifically on traffic stops, is quite limited. Data collection practices by police agencies are a recent phenomenon. During the year 2000, over 25 states introduced legislation concerning racial profiling by police. Many of them passed racial profiling legislation while others required the mandatory collection of data. There have been some analyses of the collected data, which are primarily descriptive in nature and conducted by law enforcement personnel. The following is a presentation of the bulk of existing literature on racial profiling by police.

The issue of racial profiling was brought to public attention in the late 1980's. The urgency of this issue began with complaints from citizens directed at the New Jersey State Police. The accusations claimed that Troopers were stopping motorists solely because of their race. In 1993 John Lamberth was hired to answer the question of whether the apparent disproportionate number of Black drivers being stopped, searched, and arrested could occur naturally by chance.

Lamberth (1997) embarked on an observational "rolling survey" of traffic violators on Interstate 95 in New Jersey. He first determined the percentage of Black drivers on I-95 by stationing observers alongside the road with binoculars so that they could report the race of the driver as each vehicle passed. This activity was conducted in random three-hour blocks over a two-week period. Twenty-one sessions were conducted between the hours of 8am and 8pm during the month of June at four sites.

The second part of the project was to conduct a rolling survey of drivers. Observers rode in vehicles traveling at 60 mph (5 mph above the legal speed limit). During the rides observers recorded all vehicles that passed them as speeders and those that they passed as non-violators. They also recorded the race of the driver. Of the 2096 vehicles observed, more than 98% of them were speeding. There was no significant difference in violations by race of driver. Blacks and Whites violated speed limits at equal rates. Blacks comprised approximately 15% of speeding drivers.

Lamberth compared his data to data from a study conducted by a State Police review team. They analyzed data over several time periods from 1994 to 1999. The analysis revealed that approximately 34% of all vehicle stops involved a Black or Hispanic driver, which is a much higher percentage than the Black and Hispanic population. Also, Black and Hispanic drivers were subjected to a vehicle search far more often than White drivers (Office of the Attorney General, 1999). When compared to the State Police stop data, the conclusion was that Blacks were 4.85 times more likely to be stopped by police than other drivers.

Perhaps the most disturbing part of Lamberth's interpretation of the findings for police is the following:

While no one can know the motivations of each individual trooper in conducting a traffic stop, the statistics presented herein, representing a broad and detailed sample of highly appropriate data, show without question a racially discriminatory impact on blacks and other minority motorists from state police behavior along I-95 (p. 12).

The author takes issue with two parts of his statement. First, if no one can know the motivations of each trooper in conducting a traffic stop, how can we assume

that the reason is based solely on the race of the driver? Lamberth's Second, Lamberth claims to have collected a broad and detailed sample of data.

However, the data was collected in a 63-hour period on I-95. Can we make the generalization that the troopers are profiling based on race by examining stops conducted in a 63-hour period?

A second study was conducted by Lamberth which examined traffic stops by the Maryland State Police between January 1995 and September 1996. It was found that police searched 823 motorists on I-95. Of them, approximately 73% were Black, and only 13 Troopers conducted a majority of searches. When compared to the 15% of Blacks that are eligible to be stopped, the probability of a Black driver being stopped and searched is one in one quintillion. Lamberth's conclusion was that members of both State Police agencies were profiling drivers based on race.

In a third study submitted to the North Carolina Department of Crime Control & Public Safety and the North Carolina Highway Patrol, Zingraff et al. (2000) reported that in 1998, middle-aged North Carolina Blacks were issued 23% more citations than middle-aged whites. Racial disparity in searches was also reported to be higher for Black male drivers. They were 64% more likely to be searched than White male drivers. Additionally, searches of African Americans were less likely to produce contraband. Unfortunately, racial profiling is often based on the premise that minorities commit a majority of drug offenses. This fact is untrue, but the idea is reinforced by the sheer quantity of minorities arrested, prosecuted, convicted, and incarcerated.

The city of San Jose, California analyzed police traffic stop data. The police department filed a report outlining the distribution of traffic stops in the city. The report indicated that officers were stopping higher proportions of Blacks and Hispanics as compared to the population profile. The distribution of calls for service and the increased deployment of officers in minority communities were provided as a justification for the findings (San Jose Police Department, 1999). Similar results were found in another study in Ohio that suggests that officers may be citing Black drivers significantly more than White drivers (Harris, 1999).

In recently collected data by the St. Paul Police Department it was found that the percentage of Black and Hispanic drivers who were searched during traffic stops declined in the year 2001. The reduction in minority searches is attributed to cultural awareness training, the requirement that officers distribute business cards containing their name and whom to contact with complaints, and requiring officers to read a card to all stopped motorists informing them that they do not have to consent to a search (Estrada, 2001).

A study in San Diego illustrates a problem with interpretation of data. The San Diego, California Police Department (2000) revealed that when comparing stop data to Census data, Blacks and Hispanics were more likely to be stopped, searched, and arrested than White citizens. However, police suggested that the findings are inaccurate and pointed to population distributions and their proximity to Mexico as a reason for the inaccuracy of Census data.

The most recent study was conducted by Smith and Petrocelli (2001). In this study they examined six weeks of traffic stop data collected in Richmond,

Virginia. The response rate of officers compiling data was 64%. In this light, the 36% of stops that were not recorded could affect the validity of the findings. The traffic stop data was compared to the 1999 Census figures representing the eligible driving population. They found that minority drivers were disproportionately stopped as compared with their percentage in the driving-eligible population. They were not searched more frequently than White drivers, and they were more likely to receive a warning than White drivers. They also examined officer race and found that White officers were no more likely to stop, search or arrest minority drivers than minority officers.

There are several other limitations with this study. The six-week time period does not account for seasonal differences in traffic or traffic stop practices. Also, the sensitive nature of this issue may raise doubts about the validity and reliability of the self-report data.

All of the studies cited have found that minority drivers were stopped significantly more than the minority population or the minority driving population. The latter study is one of the few that found no racial difference in terms of searches and receipt of traffic citations. Probably the best-designed study is the one conducted by Lamberth on I-95 because an attempt was made to collect violator data. However, this study is not without flaws. For example, officers are often not in the position to stop every violator on I-95. This is a busy highway and officers are usually not willing to take the risk of causing an accident to apprehend a speeding vehicle. Thus, the ease of making a stop may impact the findings.

Other variables were overlooked in many of the cited studies including: the type or severity of violation, driver gender, driver age, and the number of vehicle occupants. These and other variables may influence an officer's decision to stop a vehicle or issue a citation. The study at hand is designed to contribute to the existing literature by examining a sample of national self-report data, exploring the issue of multiple traffic stops, and identifying additional variables that predict the incidence of multiple stops and the outcome of a traffic stop. This study is not designed to prove the existence of racial profiling.

METHODOLOGY

Overview

Having discussed relevant issues related to police profiling and the purpose of the study, this chapter presents the research methodology and the research hypotheses. The chapter appropriately begins with a discussion of the use and relevance of survey methodology, the PPCS (PPCS), and its relationship to the National Crime Victimization Survey. It is followed by the description of the sample and the sampling technique utilized. The chapter culminates with the presentation of the research hypotheses and methods of data analysis including key variables to be examined.

Survey Research

Surveys serve an important function in social science research. They are a means of collecting attitudinal and behavioral data from a segment of the population. Surveys are “powerful tools for obtaining quantitative data for both descriptive and inferential studies and for addressing the issue of causality” (Hagan, 2000: 113).

According to Babbie (1995), survey research may be the best available method for collecting data to describe a population that is too large to observe directly. In this light, the use of a survey to examine the issue of differential traffic enforcement in the United States becomes appropriate. However, caution should be used when drawing conclusions from survey data. It is important to

take note of Hagan's (2000) advice by recognizing that in some cases survey responses may reflect expressed or claimed behavior rather than factual behavior. Babbie (1995) concurs by stating that "surveys cannot measure social action; they can only collect self-reports of recalled past action or of prospective or hypothetical action" (p. 274).

Surveys are useful for descriptive, exploratory, and explanatory purposes. Babbie (1973) describes several characteristics of survey research that make this method useful for social scientific inquiry. It is logical, such that empirical means may be utilized to test complex propositions. Survey results can be used to explain characteristics of a sample, as well as any observed correlations between and among variables. Surveys allow for the collection of data that can be useful for guiding criminal justice policy. Finally, survey methods are specific. Surveys yield data that is explicitly quantitative, resulting in precise findings.

There are several methods of administering a survey: self-administered, in-person, or via telephone. In this study, the PPCS was administered either during a face-to-face interview or by telephone. There are several advantages of using interviews to collect survey data. As previously stated, surveys are useful for describing the characteristics, behavior, attitudes, and opinions of a large population (Babbie, 1995). It would be difficult to directly examine police practices on traffic stops on a national scale.

Although telephone or face-to face interviews require a research team, this method of data collection is more efficient in terms of manpower and financial expenditures than direct observation. In-person and telephone interview

surveys also generally yield higher response rates than self-administered surveys. According to Babbie (1995), a response rate of 50% is adequate for analysis and reporting, 60% is good, and 70% is very good. It is logical to strive for the highest possible response rate. The response rate of the PPCS was 85%, well within the very good category.

The use of trained interviewers removes the influence of the researcher on respondents' answers to questions. The presence of an interviewer also decreases the incidence of missing data. Interviewers can probe for responses to "I don't know" answers. They can also clarify questions that may confuse respondents.

In juxtaposition with Karl Marx's dialectic method, which states that every idea has an antithesis, there are also disadvantages associated with this method of data collection. During an interview, respondents are "put on the spot" and may feel pressured to provide a response to the questions. As a result, the responses may not accurately reflect the respondents' true feelings or beliefs on issues. Respondents may fail to provide accurate or truthful answers for several other reasons including: lying, faulty memory, or the desire to provide socially acceptable responses (Hagan, 2000; Reynolds & Sponaugle, 1982). How a respondent feels on the day of the interview may also have an adverse impact on the responses provided.

Untrained interviewers may introduce bias into the study, which could result in adverse reactions by respondents. For this reason, clarification and

explanation of questions by interviewers must be controlled (Hagan, 2000; Salant & Dilman, 1994).

Tension always exists between validity and reliability. Often times there is a tradeoff between the two concepts. As previously discussed, 11% of the PPCS sample consists of NCVS non-interviews in which a proxy respondent was used to gather data. The Bureau of Justice Statistics examined the use of proxy respondents in San Jose, California and Dayton, Ohio in 1973 (as cited in the U.S. Department of Justice, Bureau of Justice Statistics, 1997). The primary issue was whether to interview each qualified member of a household individually, or allow a proxy respondent to report for all other household members. In essence, the goal was to examine the validity of the responses of proxy respondents. After conducting interviews with approximately 5,500 household members (half direct interviews and half proxy interviews), it was revealed that validity of responses was compromised when using proxy interviews in terms of two factors: the quantity of crime victimization incidents reported, and the details of each incident.

As a result, an attempt was made to interview all household members directly. However, there still exist some circumstances when a direct interview is problematic or impossible. Such situations include persons who are not capable of responding due to diminished capabilities and those who cannot be located. The PPCS sample consists of direct interviews and non-interviews (proxy interviews). Based on the findings of the San Jose and Dayton studies, all proxy interviews are excluded in this analysis.

The Police-Public Contact Survey

In 1996, the Bureau of Justice Statistics began surveying members of the American public regarding their interactions with police. The first survey was conducted as a pretest consisting of a nationally representative sample of 6,421 persons age 12 or older. Analysis of the results revealed that approximately 20 percent of the public had direct, face-to-face contact with a police officer at least once during the year preceding the survey (U.S. Department of Justice, Bureau of Justice Statistics, 2001).

Based on the initial results, a second, improved version of the PPCS was administered from July through December of 1999. It was conducted as a supplement to the National Crime Victimization Survey (NCVS) and was administered to a national sample approximately fifteen times as large as the pretest sample in 1996. The improved version collected data from all NCVS respondents age 16 and older living in households and group quarters (dormitories and boarding houses) within the United States and the District of Columbia. Members of the armed forces living in military barracks and institutionalized persons such as those in prison and in nursing homes were excluded.

The improved version of the PPCS provides greater variation in demographic differences in police-citizen contacts. It also includes detailed information about traffic stops conducted by the police. The underlying purpose of the survey was to examine the problematic nature of police-citizen encounters, specifically focusing on the frequency of contacts and the circumstances

characterizing the contacts. Distributions in the sample by gender, race, ethnicity, and age parallel the population projections of the Census Bureau.

The variables in the survey include the type of police-citizen contact, including whether contact was face-to-face, initiated by the police or the citizen, whether an injury to the officer or the citizen resulted from the contact, crimes reported, and police use of force. Demographic variables included for the citizen respondents include gender, age, and race. The only demographic variable included for police officers is race.

Sampling Design and Procedure

The PPCS of 1999 was administered as a supplement to the National Crime Victimization Survey, which is one of two Justice Department measures of crime in the United States. The PPCS collected data from all NCVS respondents age 16 and older. The survey was administered following the NCVS screening section and incident report form. The NCVS consists of approximately 100,000 individuals residing in about 50,000 sample households selected with a stratified, multi-stage cluster design.

The NCVS and the PPCS utilize cluster sampling because it is impractical to compile an exhaustive list of the elements composing the target population of all persons age 12 years or older (age 16 years or older for the PPCS) in the United States. Multistage cluster sampling involves the repetition of two basic steps: listing and sampling. This method of sampling is efficient, but it does have the disadvantage of providing a less accurate sample. The accuracy of the

sample is reduced because of an increase in sampling error. Simple random sampling is subject to a single sampling error. However, in multistage cluster sampling, sampling error is greater for each stage of sampling conducted. (I.e. the three-stage cluster sample in the PPCS contains three sampling errors).

There are two methods of reducing sampling error: increasing the sample size and increasing homogeneity of the elements being sampled. In the case of the PPCS, the sample is improved by utilizing stratification. The end result is a refined sample with sampling error kept to a minimum.

The first stage of the sample involves selecting primary sampling units consisting of counties, groups of counties, or large population areas. The primary sampling units are then grouped into strata by using similar geographic and demographic characteristics as determined by the 1990 Census statistics.

The sample of housing units within each primary sampling unit is selected in two stages. The first stage consists of selecting enumeration districts from the primary sampling units. (An enumeration district is a geographic area ranging in size from a city block to several hundred square miles containing a segment of the population of approximately 750 to 1500 people). The second stage of the sampling process involves dividing each enumeration district into clusters of approximately four housing units. The elements of the housing units are obtained from a list of addresses compiled during the 1990 census. A sample is then selected from these clusters of housing units.

In order to account for houses under construction or those approved for construction at the time of the survey, a sample of building permits is drawn. For

those areas that do not issue building permits, a sample of small land area segments is sampled. Other living quarters, such as dormitories and boarding houses, are also sampled and included in the survey.

Rate of Response

The NCVS sample consisted of 94,717 persons age 16 or older. Eleven percent of the PPCS sample was NCVS non-interviews. (A non-interview occurred when the individual who experienced contact with police was not available for the interview and someone else in the household was interviewed about the contact). There were also 986 cases in which the individual refused to participate or the researcher failed to indicate the reason for the absence of data. The largest reasons for the absence of data are due to the lack of mental or physical competency of the potential respondent or proxy interviewees could not accurately describe the details of the contact with the police.

In sum, 80,543 of the 94, 717 persons sampled were interviewed. This results in a PPCS response rate of 85% (in comparison to an 89% response rate for the NCVS). Two methods of interviewing were conducted: in-person and by telephone. Of all the interviews conducted, 31% were conducted face-to-face and 69% were conducted by telephone.

Key Variables and Hypotheses

Number of Traffic Stops

Existing studies of racial profiling or racially biased policing examine driver attributes of those who were stopped, searched, and/or arrested by the police. The primary focus is on racial disparity among those stopped by police. These studies fail to consider drivers who are stopped multiple times. This is an important issue to examine because many of the anecdotal tales of racial profiling involve the police stopping motorists several times within a short time frame. It is the incidence of multiple stops coupled with the driver perception that there was no legitimate reason for the stop that stirs emotions and feelings that the police may be stopping drivers based on the color of their skin.

This study examines the relationship between several independent variables and the number of traffic stops experienced by a driver. The dependent variable contains two attributes: stopped once, or stopped more than once. Respondent drivers in the survey were asked how many times police stopped them in the preceding twelve months. The remaining data regarding the traffic stop is for the most recent stop prior to being interviewed. The independent variables in this segment of the study include: driver gender, driver age, and driver race/ethnicity. The following subsections discuss each of the independent variables. Relevant literature is cited to support a hypothesized relationship between the variables.

Gender and Traffic Stops

The National Highway Traffic Safety Administration (2001e,g) reported that female drivers under age 50 have a lower fatality rate than male counterparts on a per mile driven basis. Additionally, in all age categories examined, more male drivers than female drivers involved in fatal crashes were speeding. Speeding is cited as one of the most prevalent factors contributing to traffic crashes. These statistics do not suggest that males commit more traffic violations than females; it does however imply that males may be more aggressive in their driving habits.

This information is important because it may influence how the police enforce traffic regulations. Officers who are knowledgeable about these statistics may focus their attention on speeding vehicles, regardless of driver gender, in order to make the trafficways safer. Therefore, it is logical to assume that officers may be looking for the presence of a traffic violation rather than the gender of the driver. This rationale provides the basis for the first hypothesis:

H1: Male drivers are not more likely be involved in multiple traffic stops than female drivers.

Age and Traffic Stops

Age in the PPCS was recorded as the actual age in years for each respondent. In order to facilitate analysis of the data, age was recoded into seven age groups: 16-19, 20-24, 25-34, 35-44, 45-54, 55-64, 65 and older.

These age groups provide the most normal distribution of the variable and correspond to the age categories created the NHTSA.

The question about age, driving, and traffic stops is whether drivers of certain ages are unsafe? Younger drivers lack driving experience and maturity, and have a tendency toward reckless behavior. Statistics from the National Highway Traffic Safety Administration support this statement. Motor vehicle crashes are the leading cause of death for 15 to 20 years olds (NHTSA, 2001g). In 2000, 14% of all drivers involved in fatal crashes were young drivers. A driver in the 15 to 20 year old age group has a fatality rate that is four times higher than drivers who are 25 to 69 years of age. Additionally, 17% of all drivers involved in police-reported crashes were in the 15 to 20 year old age group.

If drivers in this age group take more risks, drive faster and more recklessly, then they may be more apt to draw police attention than drivers from other age groups. This leads to the second hypothesis:

H2: Younger drivers are more likely to be stopped by the police multiple times than older drivers. The younger a driver is, the more likely he/she will report being stopped more than once.

Race/ethnicity and Traffic Stops

The research on the influence of driver race/ethnicity on traffic stops is in its formative years. Currently, the focus is on proper data collection methods and statistical analysis and interpretation. The New Jersey State Police were the first

to examine the relationship between race/ethnicity of a driver and being stopped by police. In an analysis of data in several collection periods from 1994 to 1999, it was found that approximately 34% of traffic stops involved a Black or Hispanic driver. This percentage is much higher than the Black and Hispanic population figures (Office of the Attorney General, 1999). John Lamberth found similar results in an observational analysis of traffic stops initiated by the Maryland and New Jersey State Police in which he compared violator data with data of drivers stopped by police (Lamberth, 1997). The San Jose, California Police Department also reported that officers were stopping higher proportions of Blacks and Hispanics as compared to the population profile (San Jose Police Department, 1999).

One problem with these and other studies that claim to show the existence of racial profiling or racially biased policing is that they do not have violator data for comparison purposes. In the case of the Lamberth study, which did have violator data, it is questionable whether the observers were properly trained to know what types of traffic violations were being committed and the elements necessary for each violation. Thus, validity of the violator data is questionable.

Additionally, the rolling survey procedure, in which observers were driving on I-95 and looking for traffic violations, only permits the recording of violations observed at the location of the observer. By having the observer driving the length of the highway, he/she may fail to observe many of the violations that occur to the front or to the rear of the vehicle. Again, the validity of the violator data is questionable.

Other studies which claim to have shown the existence of racial profiling based on a comparison of traffic stop data with population profiles may be inaccurate for several reasons. Some of these reasons are discussed by Carter and Katz-Bannister (2000): (1) Census data is not accurate, (2) There may be demographic changes in an area based on time, (3) Police deployment in minority neighborhoods, (4) Community complaints for speeding, etc. Based on possible flaws in data analysis and interpretation, and the lack of accurate violator data for comparison purposes, this author remains unconvinced that racial profiling or racially biased policing is as large of a problem as the statisticians claim. Again, it is important to reiterate that because of data limitations, this study cannot ascertain the existence or nonexistence of racial profiling, or the extent of the problem. However, the intent here is to examine race/ethnicity in relation to multiple traffic stops to add another piece to the puzzle. The third hypothesis is as follows:

H3: Black drivers are not more likely to be involved in multiple traffic stops than White drivers.

Traffic Stop Disposition

One factor included in the debate over racial profiling is that police may subject Black drivers to harsher punishment than White drivers after being stopped on a traffic stop. In order to explore this issue, a disposition variable was created which includes two attributes: warning or citation. Several

independent variables are compared to examine any relationship with traffic stop disposition. They include: driver gender, driver age, driver race, number of vehicle occupants, and type of traffic violation. Each of these independent variables is discussed below.

Gender and Traffic Stop Disposition

Research on the relationship of gender and arrest suggests that gender may or may not be a critical factor in decisions to arrest. Smith and Visser (1981) found that there was no significant difference in arrest rates for male and female offenders when encountered by the police. Additional analysis by Visser (1983) indicates that the importance of the traditional, romanticized role and behavior of the female as being passive, polite, and ladylike is a vital element in the police decision to arrest. Females who deviate from traditional female behavior are more likely to be arrested. The female behavioral role relates more to driver demeanor, which cannot be analyzed in this study because of inadequate sample size. Driver demeanor is discussed in a subsequent subsection.

In a third study that examined juvenile offenders, it was found that females were less likely to get arrested than their male counterparts (Sealock & Simpson, 1998). The findings of this study imply that both age and gender may change the disposition of a traffic stop. Interaction effects will be examined in a logistic regression analysis.

The findings of the Smith and Visher's (1981) study are used to support hypothesis four:

H4: Male drivers are not more likely to be the recipients of a traffic citation than female drivers.

Age and Traffic Stop Disposition

The age of the driver should not have any bearing on the outcome of a traffic stop. If officers are merely looking for traffic violations, other factors identified in the literature such as the severity of the violation or the demeanor of the driver should have more influence on whether the driver receives a citation. Another variable of interest would be the day of the month that each driver was stopped. It may be possible that more traffic citations are issued near the end of a month due to the existence of informal department quotas. Unfortunately, this data was not collected in the survey. This reasoning leads to the fifth hypothesis:

H5: Younger drivers are not more likely to be the recipients of a traffic citation than older drivers.

Race and Traffic Stop Disposition

Results of studies that examine the effect of race on police practices are somewhat mixed. In a study of police field interrogations, Bogomolny (1976) found that the police were more likely to stop Black males when controlling for a

city's Black population and arrest rate. Another study conducted by Dannefer and Schutt (1982) revealed that race was a factor used by police in deciding to arrest and transport juveniles to court. However, some studies reveal the importance of a community's racial composition in influencing police discretion to arrest (Powell, 1981; Smith, Visher, & Davidson, 1984). In these studies, associations between the race of the suspect and the probability of arrest are attributable to a larger proportion of Black residents rather than racial discrimination by police.

A more recent analysis of race and legal sanctions on traffic stops found that race was the strongest correlate of punitive disposition than other factors examined (Smith & Petrocelli, 2001). Minority drivers were 50% more likely than White drivers to receive a warning than a legal sanction. As a result of the mixed findings regarding the relationship between race and arrest, this author believes that no firm conclusion can be drawn as to the influence of race/ethnicity on the outcome of a traffic stop. Therefore, hypothesis six is as follows:

H6: Black drivers are not more likely to be the recipients of a traffic citation than White drivers.

Number of Vehicle Occupants and Traffic Stop Disposition

Drivers in the PPCS were asked to indicate how many occupants were in the vehicle during their most recent traffic stop. Responses ranged from 1 to 18. (The 18 passengers were most likely riding in a bus). This variable was recoded

in the following attributes that were amenable to analysis: 1 = one, 2 = two, 3 = three or more.

The presence of multiple vehicle occupants may or may not have an impact on the outcome of a traffic stop. Factors such as the demeanor of additional occupants and the concepts of justice and equity, discussed previously, may affect an officer's decision about the outcome a traffic stop. The effect of these concepts weighs equally in terms of the two outcomes: warning or citation. An officer may decide to issue a citation in order to convey the message that careless driving or failing to maintain the proper condition of a vehicle is not tolerated in the jurisdiction. The officer may also issue a citation so as not to appear impartial, thereby maintaining a sense of justice and equitable, consistent law enforcement. On the contrary, the officer may not issue a citation because he/she wants to appear fair by operating in the spirit of the law. The driver may have a legitimate, rational reason for committing the violation, thus the officer may issue a warning. This behavior also promotes a sense of justice and equitable law enforcement. The lack of research on this topic and the mixed message provided by the rationale above provides a basis for the seventh hypothesis:

H7: Drivers with multiple vehicle occupants are not more likely to be the recipients of a traffic citation than drivers who are alone.

Type of Traffic Violation and Traffic Stop Disposition

Respondents indicated the reason for their most recent traffic stop. The reasons varied from a check of the driver to a vehicle defect to speeding, to suspicion of driving under the influence. A disposition variable was created to account only for moving violations and non-moving or equipment violations.

Many studies have shown that the most important factor influencing an officer's decision to make an arrest is the seriousness of the offense (La Fave, 1965; Wilson, 1968; Black, 1971; Smith & Visser, 1981; Sealock & Simpson, 1998; Mastrofski, Snipes, Parks, & Maxwell, 2000). Officers are relatively untroubled by the notion of overlooking or reacting in a less formal manner to a minor offense (i.e. mischief). However, they often feel compelled to take action on more serious offenses (i.e. rape and murder). Jacob (1973:27) notes, "A serious crime leaves the police less freedom...to ignore it or exercise discretion." Police administrators, politicians, and the public would become alarmed if police chose not to arrest serious offenders (i.e. murderers in the case of criminal law, and drivers under the influence of alcohol or narcotics in the case of traffic law).

Similar logic can be applied to the seriousness of traffic violations. Traffic violations can be grouped into two basic types: moving and non-moving. Moving violations involve actual operation of the vehicle and include such things as speeding, reckless driving, failing to signal prior to turning, and so forth. It can be argued that this type of violation is more serious because of the potential to cause a traffic crash. Non-moving violations are primarily vehicle defects. Violations such as a non-functioning headlight or a cracked windshield are

examples. Non-moving violations may be considered less serious than moving violations because they do not necessarily endanger other drivers.

Members of a community are more likely to complain about speeding drivers in their neighborhood than vehicles with an inoperable headlight. Citizens generally feel that speeding and other moving violations are unsafe and disorderly. Because of the nature of moving violations, police may be more likely to issue citations for moving violations than non-moving violations. Hypothesis eight is as follows:

H8: Drivers who commit moving violations are more likely to be the recipients of a traffic citation than drivers who commit non-moving violations.

Driver Demeanor and Traffic Stop Disposition

One goal of this study was to examine the effect of driver demeanor on the outcome of traffic stops. Demeanor has been found to be associated with police decision-making practices. Existing research indicates that respectful citizens are the recipients of respectful attention from the police. Citizens who are uncooperative, show disrespect, or provoke the police are more likely to be the recipients of police force (Westley, 1953) and more likely to be arrested (Piliavin & Briar, 1964; Black & Reiss, 1970; Ericson, 1982; Smith & Klein, 1984; Lundman, 1996; Worden & Shepard, 1996).

Behaving in a hostile and uncooperative manner triggers a specific response from the police. Van Maanen (1978) describes the hostile, disrespectful behavior of a citizen as an “affront” or a challenge to a police officer’s authority and his/her chosen response to a situation. All police-citizen encounters can be described as moral contests between citizens and the state. The officer’s badge or shield is a symbol of the power to impose the state’s moral authority on citizens.

Unfortunately, this variable was not amenable to analysis in this study. When the frequency of drivers who reported being verbally disrespectful to police was examined, it was found that it was nearly a constant. Only .2% (12 out of 5341) of drivers involved in a traffic stop reported that they were verbally disrespectful to police. There are several possible explanations for this. Either there are many courteous drivers on the road, drivers do not consider some comments to be disrespectful when police officers do (a matter of perception), or respondents provided socially acceptable answers to that particular question. In any event, driver demeanor was removed from the analysis.

Interactions Between Variables

The first part of the analysis will examine simple bivariate relationships between salient variables presented above. However, these simple variable relationships only skim the surface of the issue at hand. Further analysis is directed at examining the same variables in two regression models. The purpose of this analysis is to see if any of the variables are significantly predictive of being

stopped multiple times by police or can be used to predict the outcome of a traffic stop. Within the regression models, the capability exists to examine any interactions between variables. For example, it may be found that officers are stopping young, Black, males significantly more than drivers in other age-race/ethnic-gender categories.

ANALYSIS AND FINDINGS

Overview

Due to the relative paucity of empirical research on police profiling, this study will attempt to contribute to the body of literature as well as invite further research on this topic. This study is primarily exploratory in nature, however, in examining a portion of the nature of traffic stops, it is also inferential. Data analysis will be comprised of both descriptive statistics and inferential statistics. The analysis consists of two primary stages: (1) an examination of variables associated with being a driver involved in multiple traffic stops, and (2) an examination of variables associated with the outcome of a traffic stop.

Restricting the Sample for Analysis

This study relies on traffic stop data collected for the 1999 PPCS. Data collection procedures were previously discussed. To enhance the clarity of the analysis, attributes of five variables were selected out to purposely limit the final sample.

First was the elimination of proxy interviews (interviews of individuals other than those who had direct contact with police, but who claimed to know the details of the encounter). The 1973 Bureau of Justice Statistics study in San Jose, California (discussed previously) provides evidence of threats to validity with the inclusion of proxy interviews. Second, since the study is designed to explore motor vehicle stops, the sample was restricted to only those respondents

who were involved in a traffic stop. Third, only driver interviews were included. There were two reasons for this limitation. Some traffic stops only involved one vehicle occupant: the driver. In order to maintain consistency across the sample, only driver data was included. Additionally, police may not have spoken to vehicle passengers other than the driver, and passengers may not have heard any conversation between the officer and the driver. As such, reported reasons for traffic stops and any other perceptions of officer conduct by other passengers may be inaccurate. Fourth, race/ethnicity was restricted to Black or White only. The categories of Hispanic and Other were excluded. This limitation is based on the central issue in much of the racial profiling literature: the issue of whether police officers are targeting, stopping, and searching Black drivers because of their race/ethnicity. Lastly, the sample was restricted to those drivers who received a traffic warning or a traffic citation. Other variable attributes such as being tested for drunk driving, being arrested for drunk driving, and being questioned about being in the area were excluded. Another issue surrounding this variable is that a driver who is stopped by police could receive both a warning and a citation as a result of the same stop. Analysis of the data confirmed that 97 of the 5341 stopped drivers were in fact the recipients of both. As a result, the disposition variable was recoded to include the 97 cases as citations based on the fact that a citation is a more severe disposition than a warning.

Restricting the sample using the above variable attributes resulted in the sample being reduced from 94,717 individuals who reported having contact with

the police to 5341 Black or White drivers who were stopped by the police within the twelve months prior, interviewed in person or by telephone, and received a citation or a warning as a result of the traffic stop. It also important to note that for those drivers who reported being stopped more than once, information regarding a traffic stop was reported for the most recent stop.

Transforming Variables for Analysis

Several study variables were recoded for the analyses: Age, Number of vehicle occupants, type of violation, and disposition. Age was recoded from individual age in years to an age group (16-19, 20-24, 25-34, 35-44, 45-54, 55-64, 65 and older). These age groups were created because it provided a distribution that was closest to a normal distribution. They are also the age groups used by the U.S. Census Bureau and the National Highway Traffic Safety Administration.

The number of vehicle occupants ranged from 1 to 18, but after 3 occupants, the frequency in each category was not amenable to analysis. Therefore, the number of vehicle occupants was recoded from the actual number to three attributes: one, two, and three or more.

Type of traffic violation was computed from several PPCS variables, which included speeding, other traffic offense, vehicle defect, driver check, driver suspected of something, or other reason. A new variable, 'type of violation', was created from the existing variables. Type of violation consists of two attributes, moving violations and non-moving violations. Moving violations included

speeding and other traffic offenses that were not vehicle defects, stops to check a driver, stops for a driver suspected of something, or another reason for a traffic stop. Non-moving violations were all other reasons not coded as a moving violation.

A 'disposition of traffic stop' variable was also created. The attributes of this variable include being issued a warning or being issued a citation.

Sample Characteristics

Table 1 presents characteristics of the sample. The respondents were 5341 female and male drivers (2265 women and 3076 men). The age of the respondents ranged from 16 to 88 years with a mean age of 36.2 years. When collapsing individual ages into groups, the age group of 25 to 34 years contains a majority of respondents.

Of the respondents, 10.2% were Black and 89.8% were White. Police stopped a majority of drivers in the sample only once, and of those vehicles stopped, the driver was the sole occupant. Of those stopped once and those stopped more than once, 84.3% and 80.6%, respectively, committed a moving violation with a majority of each group receiving a traffic citation (not shown in Table 1). Traffic stop disposition for the entire sample (n=5341) indicates that police officers issued significantly more traffic citations than warnings (67.4% to 32.6%). Combining the sample characteristics provides a profile of the typical respondent in this study. The typical respondent was a White, male, 25 to 34

Table 1**Characteristics of the Sample (n = 5341)**

Measure	n	%
Driver Age in Years		
16-19	453	8.5
20-24	763	14.3
25-34	1389	26.0
35-44	1304	24.4
45-54	832	15.6
55-64	373	7.0
65 plus	227	4.3
Gender		
Female	2265	42.4
Male	3076	57.6
Race/Ethnicity		
Black	543	10.2
White	4798	89.8

Table 1 (Cont'd)

Measure	n	%
Number of Vehicle Occupants		
One	4059	76.0
Two	934	17.5
Three or more	348	6.5
Type of Traffic Violation		
Non-moving	870	16.3
Moving	4471	83.7
Number of Traffic Stops		
One	4371	81.8
Two or More	970	18.2
Disposition of Stop		
Warning	1740	32.6
Citation	3601	67.4

years of age, who was driving alone in a vehicle that was stopped by police for committing a moving violation, of which the result was a traffic citation.

Empirical Tests of Hypotheses

In testing the bivariate relationships, Chi Square and Cramer's V are reported for nominal level variables and Gamma is reported for ordinal level variables. A correlation table is included in Appendix D which reinforces the findings reported below.

Number of Traffic Stops

Several variables were examined to ascertain any association with being stopped in a vehicle by police a second or subsequent time. The first bivariate analysis tested the hypothesis of no significant difference between male and female drivers in terms of the number of times they were stopped for a traffic violation. This hypothesis was rejected. The results in Table 2 show that gender is significantly related to the number of traffic stops, in that male drivers are significantly more likely to be stopped multiple times by the police (20.5%) as compared to females (15.0%). The value of Cramer's V (.070) shows a weak relationship between the two variables. This slight difference could be due to males being more aggressive drivers, in general, than females.

The relationship between age and the number of traffic stops was also examined. Age was recoded from the actual age in years to several age groups.

Table 2

Bivariate Analysis of Gender by Number of Traffic Stops (n = 5341)

		<u>Gender</u>	
		<u>Female</u>	<u>Male</u>
Number of Traffic Stops	Once	85.0%	79.5%
	More Than Once	15.0%	20.5%
		100%	100%
		(2265)	(3076)

Chi-square = 26.261

p = .000

Cramer's V = .070

Table 3

Bivariate Analysis of Age by Number of Traffic Stops (n = 5341)

		<u>Age</u>						
		<u>16-19</u>	<u>20-24</u>	<u>25-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65 +</u>
Number of Traffic Stops	Once	64.5%	72.0%	80.5%	86.0%	88.3%	91.2%	95.2%
	More Than Once	35.5%	28.0%	19.5%	14.0%	11.7%	8.8%	4.8%
		100%	100%	100%	100%	100%	100%	100%
		(453)	(763)	(1389)	(1304)	(832)	(373)	(227)

Gamma = -.357

p = .000

Although some detail is lost by creating age categories, recoding enhanced the manageability of the data. The results in Table 3 show that age is negatively associated with the number of traffic stops. The Gamma value of $-.357$ indicates that significantly more respondents in younger age groups reported being stopped more than once by police. Stated another way, the older a respondent is in terms of age group, the less likely he/she is to be stopped more than once by police. The result of this analysis supports the second hypothesis. This finding also supports the notion that younger drivers may be more inexperienced and willing to take more risks while driving. Thus, police are attracted to their poor driving behavior, which results in an increased number of traffic stops.

The third hypothesis was tested by computing the relationship between race/ethnicity and the number of traffic stops. This relationship is especially important in the exploration of racial profiling by police. The results shown in Table 4 reveal that the two variables are statistically independent, thereby supporting the hypothesis. Although being Black or White is not related to the number of times a respondent is stopped by the police on a traffic stop, Black drivers reported being involved in multiple stops more than White drivers.

Traffic Stop Disposition

Several salient variables were subjected to statistical tests of independence to ascertain their relationship with the disposition of a traffic stop (warning or citation). Table 5 presents the results of the first analysis. The findings reveal a significant relationship between driver gender and traffic stop

Table 4

Bivariate Analysis of Race/Ethnicity by Number of Traffic Stops (n = 5341)

		<u>Race/Ethnicity</u>	
		<u>Black</u>	<u>White</u>
Number of Traffic Stops	Once	80.8%	82.0%
	More Than Once	19.2%	18.0%
		100%	100%
		(543)	(4798)

Chi-square = .400

p = .527

Cramer's V = .009

Table 5

Bivariate Analysis of Gender by Traffic Stop Disposition (n = 5341)

		<u>Gender</u>	
		<u>Female</u>	<u>Male</u>
Disposition	Warning	35.7%	30.3%
	Citation	64.3%	69.7%
		100%	100%
		(2265)	(3076)

Chi-square = 17.153

p = .000

Cramer's V = .057

disposition. Although the difference in raw percentages is less than the generally accepted criterion of 10%, the value of Cramer's V of .057 reveals a weak relationship between the variables. Of all drivers who reported being stopped on a traffic stop by the police, significantly more male drivers (69.7%) received traffic citations than females (64.3%). This finding is contrary to the hypothesized relationship between the variables, thus the null hypothesis of statistical independence is rejected.

Further analyses of these variables were conducted by examining any difference between drivers who reported being stopped once and those who were stopped more than once (table not shown). The findings revealed a similar pattern regardless of the number of traffic stops. For example, among the 4371 males and females who reported being stopped only once, significantly more male drivers (70.5%) received traffic citations than female drivers (60.5%).

Age was also cross-tabulated with traffic stop disposition. It was hypothesized that the two variables would not be related; age would have no bearing on the outcome of the stop. The results in Table 6 support the hypothesis. Age and traffic stop disposition are independent. It is interesting to note that in terms of raw percentages, all seven age groups remained within 6% of one another in terms of receiving a traffic citation. This may indicate that officers basing the decision to cite drivers on the seriousness of the violation.

The relationship between race/ethnicity and disposition was also examined and the results are presented in Table 7. It was found that race/ethnicity was significantly associated with traffic stop disposition. Black

Table 6

Bivariate Analysis of Age by Traffic Stop Disposition (n = 5341)

		<u>Age</u>						
		<u>16-19</u>	<u>20-24</u>	<u>25-34</u>	<u>35-44</u>	<u>45-54</u>	<u>55-64</u>	<u>65 +</u>
Disp.	Warning	33.3%	30.4%	32.9%	31.3%	33.2%	36.2%	35.7%
	Citation	66.7%	69.6%	67.1%	68.7%	66.8%	63.8%	64.3%
		100%	100%	100%	100%	100%	100%	100%
		(453)	(763)	(1389)	(1304)	(832)	(373)	(227)

Chi-square = 6.159

p = .406

Cramer's V = .034

Table 7

Bivariate Analysis of Race/Ethnicity by Traffic Stop Disposition (n = 5341)

		<u>Race/Ethnicity</u>	
		<u>Black</u>	<u>White</u>
Disposition	Warning	25.4%	33.4%
	Citation	74.6%	66.6%
		100%	100%
		(543)	(4798)

Chi-square = 14.123

p = .000

Cramer's V = .051

drivers who were stopped by police received significantly more citations than White drivers, 74.6% versus 66.6% respectively. However, the value of Cramer's V of .051 indicates only a weak relationship. This finding does not support the hypothesized relationship.

Additional analysis was conducted to examine any racial or ethnic Differences between those drivers stopped once versus drivers stopped more than once (table not shown). Of drivers stopped only once, significantly more Black drivers (75.6%) received traffic citations than Whites (67.5%) at $\alpha = .001$. However, of those drivers stopped a second or subsequent time, race/ethnicity is not related to traffic stop disposition ($p = .128$).

The final two variables, number of vehicle occupants and type of traffic violation were subjected to similar bivariate analyses. Table 8 and Table 9 present the results of these analyses. It was found that the number of people in the vehicle is not related to the outcome of the traffic stop. However, the type of traffic violation is significantly associated with the outcome. Of those drivers who reported committing a moving violation, 70.5% received a traffic citation, while only 51.8% of those who committed a non-moving violation received a citation. The value of Cramer's V of .147 is the highest among all of the variables examined. It reveals a somewhat moderate relationship between the type of traffic violation and the result of the traffic stop. One would expect that significantly more citations would be issued for moving violations than non-moving violations due to the increased disorderly and serious nature of moving violations like speeding. This hypothesis was supported.

Table 8

Bivariate Analysis of Number of Vehicle Occupants by Traffic Stop Disposition

(n = 5341)

		Occupants		
		<u>One</u>	<u>Two</u>	<u>Three +</u>
Disposition	Warning	32.0%	35.0%	32.8%
	Citation	68.0%	65.0%	67.2%
		100%	100%	100%
		(4059)	(934)	(348)

Chi-square = 3.133

p = .209

Cramer's V = .024

Table 9

Bivariate Analysis of Type of Traffic Violation by Traffic Stop Disposition

(n = 5341)

		<u>Violation</u>	
		<u>Non-moving</u>	<u>Moving</u>
Disposition	Warning	48.2%	29.5%
	Citation	51.8%	70.5%
		100%	100%
		(1740)	(3601)

Chi-square = 114.894

p = .000

Cramer's V = .147

Predicting Subsequent Vehicle Stops

Due to data limitations, the analysis in this study is limited to examining variables that may predict whether a driver was stopped two or more times. Predicting the decision to make an initial traffic stop requires accurate violator data (a comparison group of drivers who committed traffic violations but were not stopped by police). Table 10 presents a logistic regression analysis of salient variables that were hypothesized to predict a second or subsequent traffic stop. Variables entered in the model include gender, age, and race/ethnicity of the driver.

The analysis reveals that driver gender and driver age are significant predictors in the model ($p < .001$). Driver gender was positively correlated with the number of traffic stops. In general, 630 male drivers were stopped more than once as compared to 340 female drivers. This translates into a male-to-female second or subsequent stop ratio of 1.85:1. The odds ratio from Table 10 illustrates this difference. All things being equal, being a male driver increased the likelihood of being stopped more than once by 46.1%.

One fact about multiple regression analysis is that it is sometimes difficult to determine the quantity of variance in the dependent variable explained by each independent variable. Logistic regression analysis was used in this study because the distributions of the independent variables grossly violate the assumption of normal distributions. There is no problem with intercorrelations among the independent variables. The highest correlation among the independent variables is between gender and race (.038). However, in order to

Table 10

Logistic Regression Analysis for Variables Predicting Drivers Being Stopped

More Than Once (n = 5341)

	Number of Stops^a		
	B	Significance	Odds Ratio
Driver gender ^b	.379***	.000	1.461
Driver age	-.374***	.000	0.687
Driver race/ethnicity ^c	.127	.280	1.136

Note. Model chi-square = 250.618, $p < .000$. Nagelkerke R-square = .046.

a. 0 = once, 1 = more than once.

b. 0 = female, 1 = male.

c. 0 = White, 1 = Black.

*** $p < .001$.

obtain some idea of the effect of gender on the dependent variable, the normality assumption of linear regression was violated and the OLS model indicated that gender contributed only .005 to the explained variance in the dependent variable.

A bivariate analysis of gender and type of traffic violation for all respondents who reported being stopped by the police (not shown) revealed that there is no significant difference in the type of traffic violation committed by male and female drivers. 17.0 % of male drivers committed non-moving violations as compared to 15.3% of female drivers. Additionally, more females (84.7%) committed moving violations than males (83.0%). This finding suggests that there are simply many drivers of both genders committing each type of violation.

Driver age was also moderately associated with the number of traffic stops. The distribution of the number of traffic stops indicates a pattern of younger drivers being stopped more often than older drivers. For example, 35% of drivers in the 16 to 19 age group were stopped more than once, as compared to 28% of the 20 to 24 age group, and 19% of the 25 to 34 age group. The logit model shows that as driver age increased by age group, the odds of being stopped more than once decreased by 31.3%.

Race or ethnicity of the driver was not significantly predictive of being a driver involved in multiple traffic stops by police. Caution should be used in using this finding to suggest that the police are not relying on race or ethnicity as a reason to initiate subsequent traffic stops. In the absence of accurate violator data, it is inappropriate to make such an assumption. The best conclusion that

can be drawn is that in the model presented, race/ethnicity alone cannot be used to predict the occurrence of a second or subsequent vehicle stop.

Therefore, it can be concluded that age and gender independently account for 4.6% of the explained variance in the dependent variable of being stopped multiple times by the police. A model including only driver age indicated that this variable explains most of the variance in the dependent variable (Nagelkerke R-square = .041). It is possible that several or all of the three variables may interact to produce an effect on the dependent variable. If an interaction effect is discovered, it no longer makes sense to talk about the effects of the individual variables in the interaction term. Instead, the effects of the variable interaction become important.

Interaction effects between the variables were also examined for significance, model Chi square changes, and changes in the $-2 \log$ likelihood statistic, which indicates how well the model fits the data. An interaction term between all three variables, gender, age, and race/ethnicity was found to be significant in the model. Age was entered as a categorical variable in order to account for differences in each age category. The seventh age category, 65 and older, was eliminated from the model by the statistical program. The interaction did add to the explained variance, increasing R-square from .046 to .049; and the $-2 \log$ likelihood decreased from 4810.855 to 4790.558 which indicates that the model including the higher order interaction term is the best fit to the data.

The results in Table 11 show that among the six age groups, groups 2 and 3 are significant at alpha equal to .01. Black, male drivers who are between the

Table 11

Logistic Regression Analysis for Variables Predicting Drivers Being Stopped

More Than Once With Interaction Term (n = 5341)

		Number of Stops ^a		
		B	Significance	Odds Ratio
Age*Gender*Race/ethnicity^b				
	1	1.012	.055	2.753
	2	1.093**	.004	2.985
	3	0.849**	.008	2.338
	4	-0.245	.590	0.782
	5	.700	.124	2.013
	6	.730	.285	2.076

Note. Model chi-square = 270.915, p < .000. Nagelkerke R-square = .049.

a. 0 = once, 1 = more than once.

b. Gender - 0 = female, 1 = male; Age - 1 = 16-19, 2 = 20-24, 3 = 25-34, 4 = 35-44, 5 = 45-54, 6 = 55-64; Race/ethnicity - 0 = White, 1 = Black.

**p < .01.

ages of 20 and 34 have the highest probability of being stopped multiple times over any other gender-race/ethnic-age category examined. In essence, being a young, Black, male increases the odds that a driver will be involved in multiple traffic stops. The odds of a Black, male, age 20 to 24 years of age being stopped multiple times by police is approximately 198% more than a White, female, age 55 to 64, while a 25 to 34 year old Black, male has a 133% chance of being stopped multiple times over the same group.

Predicting Traffic Stop Disposition

Table 12 presents a logistic regression analysis of salient variables that were hypothesized to predict the disposition of a traffic stop. Variables entered in the model include driver gender, age, and race/ethnicity, the number of vehicle occupants, and the type of violation. The results of Table 12 show that four variables, driver gender, age, race/ethnicity, and type of violation are significant in predicting the outcome of a traffic stop. Of the four significant variables, the slope of .833 for type of violation suggests that this variable is the most useful in predicting the outcome of a traffic stop. In a model including only type of violation as a predictor, this variable explained 2% of the 2.9% variation in traffic stop disposition. Drivers who commit a moving violation and are stopped by the police increase their odds of receiving a traffic citation by 130%.

Driver race and gender also explain a significant portion of the variance in disposition. Black drivers are more likely to receive traffic citations than White drivers. The odds for receiving a citation as a Black driver are 59.4% higher than

Table 12

Logistic Regression Analysis for Variables Predicting Disposition of a Traffic Stop
(n = 5341)

	Disposition ^a		
	B	Significance	Odds Ratio
Driver gender ^b	.276***	.000	1.318
Driver age	-.041*	.036	0.959
Driver race/ethnicity ^c	.466***	.000	1.594
Number of vehicle occupants	-.071	.155	0.930
Type of violation ^d	.833***	.000	2.300

Note. Model chi-square = 155.362, $p < .001$. Nagelkerke R-square = .029.

a. 0 = warning, 1 = citation.

b. 0 = female, 1 = male.

c. 0 = White, 1 = Black.

d. 0 = non-moving, 1 = moving.

* $p < .05$

*** $p < .001$.

that of a White driver. Additionally, male drivers are 31.8% more likely to receive a traffic citation than female drivers.

Although driver age is significant, the significance level is only $p=.05$. The slope for age indicates that this variable, although significant, has a very weak association with disposition. The odds ratio is essentially equal to 1, which means that the age of a driver does not change the probability of receiving a traffic citation as a result of a traffic stop. The significant relationship observed is more likely an effect of sample size or an interaction effect with one of the other variables. With larger samples, a very small difference will prove significant. However, interpreting the slope, younger drivers are slightly more likely to receive a citation than a warning. Theoretically, this finding makes sense. It was previously shown that younger drivers are the victims of more traffic stops. As such, officers may be demonstrating a more proactive enforcement strategy with younger drivers in order to deter future violations of traffic laws. Thus, younger drivers receive more citations as a deterrent for unsafe driving.

Second and higher order interactions were also examined in this model. Table 13 shows the results of an interaction between driver age and the type of traffic violation. Including this interaction term in the model increased the fit of the model. Only the age category of 16 to 19 year olds was significant. The findings show that a 16 to 19 who commits a moving violation is approximately 327% more likely to receive a traffic citation than a 55 to 64 year old driver who commits a non-moving violation.

Table 13

Logistic Regression Analysis for Variables Predicting Disposition of a Traffic Stop
With Interaction Term (n = 5341)

		Disposition^a		
		B	Significance	Odds Ratio
Age*Violation^b				
	1	1.145**	.002	4.273
	2	0.799	.080	2.224
	3	0.632	.146	1.881
	4	0.668	.129	1.951
	5	0.823	.074	2.277
	6	0.348	.509	1.417

Note. Model chi-square = 171.364, p < .001. Nagelkerke R-square = .032.

a. 0 = warning, 1 = citation.

b. Age – 1 = 16-19, 2 = 20-24, 3 = 25-34, 4 = 35-44, 5 = 45-54, 6 = 55-64; Type
of violation – 0 = non-moving, 1 = moving.

****p < .01.**

SUMMARY AND DISCUSSION

This study was designed to data from the 1999 Police-Public Contact survey to explore the issue of police profiling on traffic stops. The initial intent was to try and predict the likelihood of being stopped by police based on personal attributes of the driver. However, data limitations prevented this analysis. The issue that could be explored was the instance of being stopped multiple times by police. Many anecdotal accounts of racial profiling involve being stopped several times by police over a short period of time, anywhere from a few days to a few months. Each time a stopped driver perceives that he/she is the victim of a profile, the perception of police profiling becomes reinforced.

Another important aspect of the profiling debate is inequitable punishment. The accusation is that minority drivers are unfairly targeted because of their race and then subjected to harsher treatment by police. This treatment may be the increased likelihood of being searched, or the simple fact of receiving a disproportionate number of traffic citations. Whatever the case, it is an important issue to explore.

The existing literature on police-citizen encounters during traffics stops and the controversial practice of racial/ethnic profiling is quite limited. In all of the studies examined, racial profiling by police appears to be problematic. Anecdotal evidence has provided the impetus for police data collection on traffic stops. This practice appears to be a national trend. The data will be analyzed with the intent of revealing the existence and extent of profiling. This study was undertaken in

order to provide further insight into the profiling issue. Attention was given to driver gender, age, and race as it relates to the quantity of traffic stops and the disposition of the most recent traffic stop. Several hypotheses were tested:

- H1: Male drivers are not more likely be involved in multiple traffic stops than female drivers.
- H2: Younger drivers are more likely to be stopped by the police multiple times than older drivers. The younger a driver is, the more likely he/she will report being stopped more than once.
- H3: Black drivers are not more likely to be involved in multiple traffic stops than White drivers.
- H4: Male drivers are not more likely to be the recipients of a traffic citation than female drivers.
- H5: Younger drivers are not more likely to be the recipients of a traffic citation than older drivers.
- H6: Black drivers are not more likely to be the recipients of a traffic citation than White drivers.
- H7: Drivers with multiple vehicle occupants are not more likely to be the recipients of a traffic citation than drivers who are alone.
- H8: Drivers who commit moving violations are more likely to be the recipients of a traffic citation than drivers who commit non-moving violations.

Hypotheses 2, 3, 5, 7 and 8 were supported. The alternate hypotheses were accepted for the others. The only difference between the simple bivariate

relationships and the regression models was the relationship between age and disposition. No significant relationship was found in the bivariate analysis, but age was significant in the regression model. The difference is readily explained by the interaction effect between age and type of traffic violation. The original effect of age is moderated by violation type.

Some interesting results were discovered in the logistic regression models. It was found that among the six age groups examined, Black, male drivers who are between the ages of 20 and 34 have the highest probability of being stopped multiple times over any other gender-race/ethnic-age category examined. More specifically, those who are between the ages of 20 to 24 years have the highest probability of being stopped multiple times by police as compared to White, females age 55 to 64.

Although it was found that racial and ethnic minorities were stopped more frequently, this is not necessarily proof of racial/ethnic profiling by police. There are many other factors that can explain why the police may be stopping more minority drivers. For example, the level of crime as it relates to public complaints and police deployment is an important issue to consider in any analysis. Many of the areas characterized by a predominantly minority population are plagued by high levels of crime and disorder. Calls for police service may be higher in these areas than others. As a result, police may be deployed into these areas as a practice of directed patrol. The combination of more police in predominantly minority communities will more than likely result in a higher proportion of minority drivers and pedestrians being stopped and questioned.

In predicting the outcome of a traffic stop (i.e. citation or warning), it was found that several variables were relevant: gender, age, race/ethnicity, and type of traffic violation. The latter appears to have the most influence on traffic stop outcome. Committing a moving violation is more likely to result in the issuance of a traffic citation. Black and male drivers are more likely to receive a citation than White and female drivers, respectively. An interaction was discovered between two of the predictor variables, driver age and type of violation. It was found that the odds of a 16 to 19 year old receiving a traffic citation for a moving violation were an astounding 327% over receiving a citation as a 55 to 64 year old driver committing a non-moving violation.

Perhaps one of the more troubling findings is the small amount of variance explained in the dependent variable of being stopped multiple times by the independent variables. The 5% of variance explained is comparable to that found in the most recent study on racial profiling conducted by Smith and Petrocelli (2001). In the present study it was found that driver age was responsible for most of the explained variance in being stopped more than once by police. The findings reported here suggest an additive model in explaining the likelihood of being stopped multiple times and the disposition of the stop. The remaining variance in the dependent variable could be explained by other variables such as type of vehicle, time of day, location, or by chance. The same is true for explaining the disposition of the stop. Other variables appear to be more influential in predicting traffic stop disposition. One variable may be the time of the month the traffic stop occurs. (If the department has an informal

quota, the end of the month is a time when drivers may receive more citations). Demeanor of passengers, location, special speed enforcement or aggressive driving operations may all explain some of the variance.

Data Limitations

There are several limitations of the data. The first relates directly to the issue of racial profiling. As discussed throughout this study, this data cannot be used to measure the existence or extent of racial profiling by police on traffic stops. A comparison sample of accurately collected traffic violator data would be required, as well as controlling for other variables that affect an officer's decision to stop a particular vehicle. Some of the other relevant variables are those that were discussed in the literature chapter: officer perceptions of ethics and justice, case law, department policy, the influence of the police subculture, and training. In order to make the claim that officers are profiling drivers based on race or ethnicity, then we must show that it is these personal attributes that are guiding decisions to initiate traffic stops.

This study was limited to examining variables related to being stopped multiple times by police and the disposition of the traffic stop. The data did not permit the comparison of drivers stopped and those who were not. However, being the victim of multiple traffic stops is one factor that is frequently mentioned in claims of racial profiling. Until now, no one has examined this issue.

An attempt was made to examine the effect of driver demeanor on traffic stop disposition. This analysis was not possible due to only 12 of 5341 driver

respondents reporting that they were verbally disrespectful toward police. The validity of responses to this survey item is questionable.

It was also not possible to examine the relationship between number of vehicle occupants, type of traffic violation, and being stopped multiple times. The PPCS survey only collected data from the most recent traffic stop that occurred in the prior twelve months. Data from all previous stops in that time period is necessary to examine the above relationships. If this data were available, survival analysis could be utilized to provide additional inquiry into the event of being stopped more than once.

Implications and Recommendations

This study has contributed to the existing literature in three ways. First, it explores the issue of profiling by using national self-report data. Second, personal attributes other than driver race/ethnicity are examined in relation to traffic stops, namely gender and age. Third, relationships between selected independent variables and being stopped multiple times by police are examined. This study reported several significant findings. These findings have implications for further research.

If it could be collected, national violator data would be useful in comparing to national self-report and/or police traffic stop data. By comparing these three data sources it may provide a better view of the profiling issue. However, the difficulty of collecting national violator data poses obvious problems.

Field observations by independent researchers may also be useful in providing an additional angle at which to conduct data analyses. The usefulness of this data is twofold. First, it reduces or eliminates bias in the data. Racial profiling is a sensitive subject for police and citizens alike. Police data and/or self-report data may be biased. Field researchers may also be able to study the influence of the police subculture, officer beliefs, and other factors that affect police decision-making. It is difficult to obtain this information other ways. Field data can then be compared to self-report data, police data, and baseline violator data to see if there are any discrepancies.

Another area of interest is the examination of vehicle searches and officer characteristics. Studies such as the one conducted by Smith and Petrocelli (2001) that examined these issues should be replicated in many jurisdictions. The PPCS data are amenable to limited analysis in this area.

One final implication is whether the examination of profiling should be examined on a national scale or a police jurisdictional scale. It is possible that specific agencies may report a problem with profiling, while others do not. Is it fair to make the assertion that all police officers are profiling drivers based on race/ethnicity or another personal attribute? Can we make this generalization? This author believes that thus far we do not possess proper data to arrive at a firm conclusion.

This study and other profiling research have implications for police policy, whether the problem exists statistically or perceptually. An initial response, which is already occurring in agencies across the country, is to develop policies

that prohibit the use of race/ethnicity or other personal attributes as the sole basis for initiating a traffic stop. Policies should specify that these attributes could be used in combination or with other descriptive characteristics as a basis to provide reasonable suspicion for investigative detention.

One problem with policy is enforcement. It will be difficult to detect the practice of racial profiling due to the influence of the police subculture. Officers will be reluctant to report other officers, and those that are practicing profiling will not report themselves. The fact that officers can legally use traffic violations as a pretext to stop minority drivers is a legal way to disguise profiling. The main question here is whether the police subculture is acquiescent to change.

One way of enforcing policy is to investigate all complaints of profiling. Complaints of this type will essentially be boiled down to “he said, she said” allegations; however, it is important to document all complaints so that they can be examined for signs that certain officers may have problems dealing with members of the community.

Police agencies should voluntarily collect traffic stop data as well as public survey data regarding perceptions of profiling. As previously mentioned, perceptions are sometimes more important than reality. In a recent panel discussion conducted by this author at Shippensburg University of Pennsylvania, an audience member who was a Black female stated that she was recently stopped by police. She indicated that she was dressed rather nicely and driving a newer car. The officer requested that she step out of the vehicle and guided her to his police cruiser where she took a seat in the back. She continued by

stating that the officer did not have a reason for stopping her. He told her that she was speeding and she saw a speed of 70 mph on the radar unit, but she was convinced that the officer only stopped her because she was Black. She indicated that she was not questioning her speed, only the fact that the officer picked her out of all the traffic (which was moving at a similar speed) because she was Black. This story illustrates how perceptions of police behavior can tarnish the police image and fuel the debate over racial profiling. The driver admitted to a traffic violation, but is still convinced that she was the victim of profiling.

It is understandable why officers object to traffic stop data collection. Improper data analysis and interpretation coupled with media hype contributes to advertising a problem that may not exist to the extent that previous research indicates. However, the only way to change public perceptions is to collect and analyze data to show that the problem does not exist.

Police training in ethics, department policy, and communication skills are vital to preventing the practice of racial profiling. Some officers may not be aware that what they are doing is racial profiling. They may believe that they are acting properly, in-sync with the noble cause of policing. Officers with higher levels of training also possess better communication and problem solving skills. Some of the most effective community policing initiatives combine the goals of reducing crime with a commitment to treat every person with the utmost respect. This approach has reduced crime and has resulted in fewer complaints against

the police. Making officers aware of profiling, enhancing communication skills, and making known the consequences of profiling is a first step to eliminating it.

Changing values and building on a foundation of equity and justice are issues that should be addressed. Public perceptions, officer perceptions, and the purpose of agency research are all important topics. Values and beliefs are difficult to change, but taking no legitimate action to quell public concern will increase the chasm between the police and the community.

A final topic is the use of video cameras to record traffic stops. Cameras are becoming commonplace in police cruisers. There are two sides to the video camera debate. On one side, officers may view the cameras as a mechanism for field supervision and criticism. The author has sometimes heard the camera referred to as the “electronic chief.” The officers who called it this were fearful that the Chief would review the tapes to see what officers were doing on their shifts.

On the other side, video cameras can be used to protect officers from false allegations of misconduct. They also serve an investigatory function. In many cases, video taping all traffic stops provides documented proof of traffic violations. The simple fact of recording all traffic violations may deter officers from engaging in the practice of profiling. However, there are times when officers must position their vehicles in a way that the video camera may not record the stopped vehicle, or officers may request drivers to step out of their vehicles. In these instances it is possible that nothing but the pursuit and/or stopping of the vehicle will be recorded. One way of ensuring that every traffic stop is recorded

is to design the camera to begin recording when the overhead lights are activated. A policy must be written that directs officers in the proper usage of video cameras including what events must be recorded, and to swivel the camera when the stopped vehicle is out of camera range.

The Future of Profiling: The Aftermath of September 11th

Due to the events of September 11th 2001, the practice of profiling has taken on a different light. The term profiling has been replaced with terms such as “looking for cues”, “possessing certain characteristics”, or “exhibiting specific behavior”. Replacing the term profiling is an argument about semantics rather than the practice. Whatever it is called, it is still profiling. The main question is whether profiling for the interest of national security should be accepted.

As the events of September 11th were unfolding, national security immediately became a top priority and any suspicious activity observed in government buildings or other public arenas was reported to authorities. After it was learned that those responsible for the hijackings were of Middle Eastern descent, law enforcement and security officials began to carefully scrutinize the activities of Arab-American citizens, and foreign visitors from Middle-eastern countries. Police reported increased numbers of bias incidents against Arabs in New York City including firebombing mosques and assaults (Howell & Parascandola, 2001).

In the weeks following the attacks, airports were reopened with tighter security in place. Airline passengers were searched, all carry-on baggage was

searched, and a clear pattern began to emerge regarding the type of people being scrutinized more carefully. Logic dictates that if all of the September 11th terrorists were Arab, and the terrorist network that promises further violence against the United States is Arab, then airport security should pay more attention to people who look Arab than to people who do not. Should we really ignore the one identifiable fact that we know about terrorist agents planning additional damage to the United States?

Soon after flights began to resume, the American-Arab Anti-Discrimination Committee stated that passengers who appear to be Muslim or Middle Eastern were denied boarding or were removed from planes on several occasions (Airlines... 2001). One passenger was on his way home from Seattle and was seated on the plane waiting for departure. An airline employee approached him and told him to gather his belongings and get off the plane. The passenger was told that the pilot did not feel comfortable flying with him on the plane because of how he looked. The passenger was an Iranian-born US citizen. After being detained and questioned for an hour, he was permitted to board another flight.

Another notable incident occurred in Minneapolis where three passengers of Middle Eastern descent were removed from a Northwest Airlines flight because of passenger concerns about their appearance. The men were questioned and later permitted to continue their travel on another flight. More recently, a Muslim Secret Service agent was removed from an American Airlines flight. The flight attendant indicated that she was not comfortable with the presence of the agent after she found a book on Middle Eastern history in his

jacket pocket. A passenger seated adjacent to the agent has recently come forward and is supporting the agent's claim of racial profiling (Passenger supports agent's claim...2002).

The airlines' position on racial/ethnic profiling is that passenger safety is the number one priority, but discrimination is not tolerated. Pilots have the discretionary power to make decisions regarding passenger safety, but there is no policy indicating that discrimination is permitted. A passenger profiling system has been in place since the crash of TWA Flight 800 in 1996. The Computerized Assisted Passenger Screening (CAPS) system is designed to ensure that all passengers are positively identified and subjected to security procedures before they board aircraft. A recent investigation into the use of the CAPS system on September 11th revealed that airline representatives refused to comment on whether the system was being used on September 11th. Nor would they disclose the criteria used by CAPS to profile passengers because of security considerations (Rossomando, 2001). However, Harris (2002) conducted an interview with James Padgett of the Office of Civil Aviation Security and Intelligence of the FAA who stated that race, ethnicity, national origin, or any other factors like surname, which would correlate with race or ethnicity, are used in the CAPS system.

This author is skeptical about the effectiveness of the security procedures at airports. If the CAPS system was being used on September 11th, it was not effective in detecting the terrorist plot against this country. The increased security and check-in rituals put in place after the terrorist attacks were not

successful in detecting Richard Reid who boarded a plane with explosives in his shoes and attempted to detonate them during the flight. Some would argue that rather than asking how many terrorists have we caught with existing security measures, a better question is how many terrorists have we deterred? Unfortunately, deterrence does not appear to be an issue in the case of terrorism. The September 11th terrorists were willing to give their lives for the cause. Someone with a suicide mentality is unlikely to be deterred because of the fear of being discovered.

The absence of terrorist attacks on airlines since September 11th may be generating a false sense of security in this country. The assumption that increased security efforts are working may be incorrect. It would be illogical for a terrorist group to initiate subsequent attacks using previous methods. Maybe Al Qaeda is planning on driving a car full of explosives into a Government facility or a nuclear facility. Timothy McVeigh carried out his mission at the Federal Building in Oklahoma City in this manner. Maybe we should train police to profile terrorists when conducting routine patrol including traffic enforcement. The question remains, what does a terrorist look like? What characteristics should we be looking for? Some government officials are suggesting that we are not profiling terrorists based solely on race or ethnicity. Instead, we are using a combination of attributes including age, gender, race/ethnicity, and being foreign born. In this light, and because national security is a top priority, it is argued that the terrorist profile is appropriate. However, if we refer back to the research of Fridell et al. (2001), the practice purported by government officials is still racially

biased policing. Even so, the question can still be asked whether we should permit the use of only race/ethnicity to profile terrorists in times of a national crisis, where the safety of everyone is in jeopardy? Merely relying on race, ethnicity, or nationality as a profile may be morally and legally inappropriate. However, these are traits that a terrorist cannot change or easily conceal, and perhaps in the future we will see increasing public support for the practice of profiling.

APPENDIX A: Law Enforcement Code of Ethics

As a law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courage and calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held as long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

APPENDIX B: Police Code of Conduct

All law enforcement officers must be full aware of the ethical responsibilities of their position and must strive constantly to live up to the highest possible standards of professional policing.

The international Association of Chiefs of Police believe that it is important that police officers have clear advise and counsel available to assist them in performing their duties consistent with these standards, and has adopted the following ethical mandates as guidelines to meet these ends.

Primary Responsibility of a Police Officer

A police officer acts as an official representative of government who is requires and trusted to work within the law. The police officer's powers and duties are conferred by statute. The fundamental duties of a police officer include serving the community, safeguarding lives and property, protecting the innocent, keeping the peace and ensuring the rights of all to liberty, equality and justice.

Performance of the Duties of a Police Officer

A police officer shall perform all duties impartially, without favor or affection or ill will and without regard to status, sex, race, religion, political belief or aspiration. All citizens will be treated equally with courtesy, consideration and dignity.

Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect for the position of public trust they hold.

Discretion

A police officer will use responsibility and discretion vested in his position and exercise it within the law. The principal of reasonableness will guide the officer's determinations, and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken.

Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the

confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advise rather than arrest-which may be correct in appropriate circumstances-can be more effective means of achieving a desired end.

Use of Force

A police officer will never employ unnecessary force or violence and will use only such force in the discharge of duty as is reasonable in all circumstances.

The use of force should only be used with the greatest restraint and only after discussion, negotiation and persuasion have been found to be inappropriate or ineffective. While the use of force is occasionally unavoidable, every police officer will refrain from unnecessary infliction of pain or suffering and will never engage in cruel, degrading or inhuman treatment of any person.

Confidentiality

Whatever a police officer sees, hears or learns of that is of a confidential nature will be kept secret unless the performance of duty or legal provision requires otherwise.

Members of the public have a right to security and privacy, and information obtained about them must not be improperly divulged.

Integrity

A police officer will not engage in acts of corruption or bribery, nor will an officer condone such acts by other police officers.

The public demands that the integrity of police officers be above reproach. Police officers must, therefore, avoid any conduct that might compromise integrity and thus undercut the public confidence in a law enforcement agency. Offices will refuse to accept any gifts, presents, subscriptions, favors, gratuities or promises that could be interpreted as seeking to cause the officer to refrain from performing official responsibilities honestly and within the law. Police officers must not receive private or special advantage from their official status. Respect from the public cannot be bought; it can only be earned and cultivated.

Cooperation with Other Police Officer and Agencies

Police officer will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

An officer or agency may be among many organizations that may provide law enforcement services to a jurisdiction. It is imperative that a police officer assist colleagues fully and completely with respect and consideration at all times.

Personal-Professional Capabilities

Police officers will be responsible for their own standard of professional performance and will take every reasonable opportunity to enhance and improve their level of knowledge and competence.

Through study and experience, a police officer can acquire the high level of knowledge and competence that is essential for the efficient and effective performance of duty. The acquisition of knowledge is a never-ending process of professional development that should be pursued constantly.

Private Life

Police officers will behave in a manner that does not bring discredit to their agencies or themselves.

A police officer's character and conduct while off duty must always be exemplary, thus maintaining a position of respect in the community in which he or she lives and serves. The officer's personal behavior must be beyond reproach.

APPENDIX C: Study Variables

Variable	Level of Measurement
<i>Independent Variables</i>	
Age	Ordinal
1 = 16 – 19	
2 = 20 – 24	
3 = 25 – 34	
4 = 35 – 44	
5 = 45 – 54	
6 = 55 – 64	
7 = 65 and older	
Gender	Nominal
Race/Ethnicity	Nominal
Black	
White	
Number of Vehicle Occupants	Ordinal
1 = One	
2 = Two	
3 = Three or more	
Type of Violation	Nominal
Non-moving	
Moving	
<i>Dependent Variables</i>	
Number of Traffic Stops	Ordinal
One	
Two or more	
Disposition of Traffic Stop	Nominal
Warning	
Citation	

APPENDIX D: Correlation Tables of Study Variables

Correlations of Driver Gender, Age, and Race/Ethnicity with Number of Stops

(n = 5341)

	Number of Stops ^a	
	Pearson Correlation	Significance
Driver gender ^b	.070***	.000
Driver age	-.200***	.000
Driver race/ethnicity ^c	.009	.527

a. 0 = once, 1 = more than once.

b. 0 = female, 1 = male.

c. 0 = White, 1 = Black.

***p< .001.

APPENDIX D: (cont'd.)

Correlations of Driver Gender, Age, Race/Ethnicity, Number of Occupants, and Type of Violation with Disposition of Stop (n = 5341)

	Disposition of Stop ^a	
	Pearson Correlation	Significance
Driver gender ^b	.057***	.000
Driver age	-.019	.166
Driver race/ethnicity ^c	.051***	.000
Number of Occupants	-.016	.232
Type of Violation ^d	.147***	.000

a. 0 = warning, 1 = citation.

b. 0 = female, 1 = male.

c. 0 = White, 1 = Black.

d. 0 = non-moving, 1 = moving.

***p< .001.

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