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Tracing the History of Racial Injustice in Policing and Working Towards Justice through Data Analysis

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Tracing the History of Racial Injustice in Policing and Working Towards Justice through Data Analysis

by

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Working Paper #1: Historical Context of Police Bias in the U.S.

Introduction

There is an extensive history of racial disparity in the criminal justice system that has influenced the issue of racial bias in policing which continues to be a prominent issue even up to this day. The Sentencing Project (2008) explains that racial disparity "exists when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population" (1). It is important to note that there is a difference between the modern use of "disparity" and the historic subjugation and control. Back in the 1600s to the 1900s, Black people were put under control by laws whereas today, they suffer an unjust disparity. Starting with slavery in the 1600s to Jim Crow laws in the 1800s to disproportionately targeting minority communities in today's policing, it is evident that there is a long and ongoing issue of racial disparity. This racial disparity is so prevalent that several scholars have asserted that "the whole criminal justice system has historically been used to maintain racial hierarchies" (Soto, 2018, 2; Alexander, 2010). To better understand why systemic racial injustice occurs it would be beneficial to draw upon the ethnic competition theory.

The ethnic competition theory is helpful for understanding why systemic racial injustice occurs because it provides an explanation for intergroup conflict. Cunningham (2012) explains that the "ethnic competition theory builds on Barth's (1969) emphasis on the socially constructed boundaries through which ethnic groups ascribe difference" (3). Cunningham (2012) goes on to share, "Competition, stemming from overlap in the economic or political activities of multiple

ethnic groups, becomes a key mechanism through which particular boundaries are reinforced. This enhanced salience of ethnic divisions, in turn, can contribute to the emergence of ethnic conflict" (3). Keeping the framework of the ethnic competition theory in mind will help make sense of the history that will be discussed in this paper. Davenport, Soule and Armstrong II (2011) explains that it is valuable to understand the historical context of racial disparity in the criminal justice system to see how history has shaped today's policing practices. The purpose of this paper is to outline the history of racial disparity in the criminal justice system and how it has influenced today's policing practices.

The Slave Codes (1705)

Starting with slavery, it is evident that Black people have faced a long history of oppression. Slavery in America started in 1619 when the first slave ship landed in Point Comfort, Virginia (Robinson 2017). Alexander (2010) explains that "the growing demand for labor on plantations was met through slavery" (23). As more slaves arrived, states started implementing "laws to govern the enslaved Africans and enslaved African ownership" (Robinson, 2017, 2). More specifically, states implemented the Slave Codes, which were influenced by the Barbadian Slave Law (Robinson, 2017). Robinson (2017) explains that "the Barbadian Slave Codes were laws set up by the British to justify the practice of slavery and legalize the planters' inhumane treatment of their enslaved Africans" (2). Under the Slave Codes, the enslaved Africans had no human rights and could not participate in the same activities as their White owners. Furthermore, "the Slave Codes permitted masters to inflict punishment on enslaved Africans for what they deemed unacceptable behavior" (Robinson, 2017, 2). The Slave Codes led to the implementation of slave patrols.

Slave patrols, also known as paddy rollers by some of the enslaved Africans, were responsible for policing enslaved Africans (Robinson, 2017). Slave patrolling first started in the colony of "Carolina around 1704, followed by Virginia in 1727, North Carolina and Tennessee in 1753, and Georgia in 1757, and by the end of the 18th century, slave patrols were in every slave state in the country" (Robinson, 2017, 3). To further elaborate, Parenti (2001) explains that

> A typical night on patrol involved three to six armed white men on horseback riding the country roads in search of black people, stopping at farms and plantations where they were authorized, regardless of the property holder's wishes, to search slave quarters for visitors, escapees or contraband like weapons, liquor, books and excessive provisions that might indicate plans to flee. Violation of local regulations led to on-the- spot whippings.

Not only were slave patrollers responsible for policing the slaves, they were also responsible for "protecting the Southern way of life" (Robinson, 2017, 3). Slave patrollers are considered the first advancement towards today's modern policing (Robinson, 2017). The Slave Codes were the first set of many laws that were implemented to limit Black people's rights.

Fugitive Slave Laws (1793)

Following the Slave Codes, Congress passed the Fugitive Slave Laws in 1793. The Fugitive Slave laws of 1793 enforced article 4, section 2 of the Constitution of the United States, which stated,

> No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. (U.S. Constitution Article 4 Section 2, repealed 1864)

The Fugitive Slave Laws "allowed for runaway enslaved Africans to be returned to their owners" (Robinson, 2017, 4). Later, as an attempt to build relationships with the Southern states, congress revised the Fugitive Slave Law by adding "more restrictions and harsher penalties" (Robinson, 2017, 4). The Fugitive Slave Laws of 1850 allowed "enslaved African owners, or anyone with an

affidavit stating that he owned an enslaved African, the right to return the individual in question to the holder of the affidavit" (Robinson, 2017, 4). Similar to the Slave Codes in the 1700s, the Fugitive Slave Laws also denied Blacks the basic human rights that Whites had. For instance, Blacks were not given the rights to a trial nor could they testify on their own behalf (Robinson, 2017). Robinson (2017) shares that "Later, in 1864 around the start of the Civil War, the slave patrols were disbanded as slavery was abolished with the 13th Amendment" (4). Though slavery and slave patrols was disbanded, there continued to be laws that oppressed and restricted the rights of Black people.

The Black Codes (1865-1866)

Though slavery ended with the adoption of the 13th Amendment, Southern legislators continued to find ways to limit Black people's rights and freedom. According to Edwards and Thompson (2010), "Shortly after the adoption of the Thirteenth Amendment, states began adopting legislation commonly referred to as the Black Codes in order to limit the civil rights and liberties of Blacks newly freed from slavery" (150). For instance, the Black Codes denied Black people the right to vote. Additionally, the Black Codes forced Black people to sign yearly labor contracts (Robinson, 2017). Those who refused to sign yearly labor contracts "risked being arrested for vagrancy, paying heavy fines, or being forced into unpaid labor" (Robinson, 2017, 6). Furthermore, Black people were not allowed to work any occupation that was not a farmer or servant, however, Black people could work in other occupations as long as they paid higher annual taxes (Robinson, 2017). The Black Codes were enforced by "all-white police and state militia forces" ("Black Codes", 2019). The Black Codes "thrived in the south in 1865-1866" until they were deemed unlawful with the passing of the 14th Amendment (Robinson, 2017).

Despite the fact that another period of racial tyranny came to an end, these codes influenced the movement towards the Jim Crow Laws (Edwards & Thompson, 2010).

The Jim Crow Laws (1800s - WWII)

Shortly after the Black Codes were abolished, the Jim Crow laws were adopted. Robinson (2017) explains that "the Jim Crow laws ushered in another era of White supremacy that was even more rigid and oppressive to Black people" (6). Robinson (2017) goes on to explain that "the fictional name, Jim Crow, was widely used as a derogatory term for Blacks and the 'Jim Crow' laws referred to the highly repressive laws and customs that were designed to restrict Black rights" (6). The Jim Crow laws were based off of the Black Codes and enforced the segregation between Black and White people. Edwards and Thompson (2010) explain, "This segregated use of space ensured that White Americans were treated in a superior manner not only in their neighborhoods, but also in schools, restaurants, and a myriad of places in their communities" (145). In addition to creating a divide between Black and White people, the Jim Crow laws were used to control where Black people could work. Roback (1984) provides an example of how the Jim Crow laws controlled where Black people could work:

> (1) enticement laws and contract-enforcement laws, which were designed to limit competition in the labor market to the beginning of each contract year; (2) vagrancy laws, which were designed to prevent Blacks from being unemployed or otherwise out of the labor force; (3) emigrant-agent laws, which were designed to restrict the activities of labor recruiters; and (4) the convict-lease system, which provided punishment for Blacks who violated the above or other laws. (pp. 1163-1164)

To elaborate on what convict-leasing systems are, Whitehouse (2017) explains that "The convict-lease system served to rebuild the United States' war-torn infrastructure that began in the late 1800s and reigned as the dominant structure up until the Second World War" (95). To expand, a lot of the buildings in the South were destroyed in the war so the Southern states

claimed that they did not have a way to imprison inmates (Whitehouse, 2017). In order to address this issue, "state prisons entered into lease agreements with private parties - such as farmers, railroads and business owners - for the prisoners' labor" (Whitehouse, 2017, 95). Whitehouse (2017) goes on to share, "In exchange for feeding and housing the prisoners and a small fee, the private enterprises were given incredibly cheap labor for which the prisoner laborers themselves were not compensated" (95). Convicts faced poor working environments and were treated abysmally due to the fact that lessees did not have to invest as much as slaveholders did (Whitehouse, 2017). To further illustrate, convicts were often "viciously whipped and overworked", which typically resulted in their deaths (Whitehouse, 2017). Convict leasing came to an end because of economic purposes. Whitehouse (2017) explains "companies that leased prison labor could provide their goods and services to the public at a much lower cost, unions argued that they were unfairly undercutting companies that did not use cheap prison labor" (96).

Shortly after convict-leasing came to an end, chain gangs became the new form of cheap prison labor. Chain gangs were very similar to convict-leasing in the sense that it provided cheap prison labor, however, "it differed predominantly in whom the prisoners were leased to" (Whitehouse, 2017, 96). According to Whitehouse (2017), "the convict-lease system leased convicts to private enterprises" whereas in chain gangs "the prisons leased labor to the states" (96-97). In 1950, the use of chain gangs were abolished throughout the states.

In addition to convict-leasing and chain gangs, peonage was another way that the white people used to oppress and force Black people into cheap labor. Birckhead (2015) explains that "The Black Codes… presaged the system of peonage as the South's answer to the Thirteenth Amendment" (1612). Peonage, also known as "debt slavery", is a "system where an employer

compels a worker to pay off a debt with work" ("Slavery v. Peonage", n.d.). Legally, peonage was banned by Congress in 1867, however, after Reconstruction, "many Southern black men were swept into peonage through different methods, and the system was not completely eradicated until the 1940's" ("Slaveryv. Peonage", n.d.). Though the Slave and Black codes were abolished, white people continued to control Black people through convict-leasing, chain gangs and peonage.

The Jim Crow laws were also used to control the etiquette Black people were expected to use around White people as well as their interactions with White people. For instance, "A black male could not offer his hand (to shake hands) with a white male because it implied being socially equal" ("What Was Jim Crow", n.d.). To provide another example, "Blacks and whites were not supposed to eat together. If they did eat together, whites were to be served first, and some sort of partition was to be placed between them" ("What Was Jim Crow", n.d.). If Black people violated any of the Jim Crow laws, they increased the likelihood of being the target of brutal police force (Robinson, 2017). The Jim Crow laws were enforced by White policemen and continued through the 1960s (Robinson, 2017). Jim Crow laws came to an end in 1964 when President Lyndon B. Johnson signed the Civil Rights Act, which legally ended discrimination and and segregation that had been implemented by the Jim Crow laws.

Policing During Post WWII and the Civil Rights Era

Even after World War II as well as during the Civil Rights Era, police officers continued to control Black communities by implementing tough-on-crime law enforcement policies. There were commissions and studies organized to investigate police officer's actions as well as keep police officers accountable for their unjust actions. According to Ward (2018), in Patterson's

(1951) book, "We Charge Genocide", "the Civil Rights Congress documented hundreds of cases of racist police violence and injustice in an effort to force and inform redress" (172). To further illustrate, "We Charge Genocide", included about five hundred instances that involved "'tragically voluminous, of 'acts committd with intent to destroy, in whole or in part, a national, ethnical, racial or religious groups as such'" (Ward, 2010, 171). The goal of the book "was to substantiate genocide complaints to the United Nations" (Ward, 2018, 172). In addition to "We Charge Genocide", President Johnson established the President's Commission on Law Enforcement (King & Conley, 1994, 1). The goal of the President's Commission on Law Enforcement was to "study the American criminal justice system" as well as "address the causes of crime and delinquency and recommend how to prevent crime and delinquency" (King & Conley, 1994, 15).

In the summer of 1967, over 150 cities exploded into violence as a result of the cities' black communities' suppressed frustrations towards police cruelty as well as other forms of racial injustice (Lewis, 2018). President Johnson responded to the violence by organizing a commission, the National Advisory Commission on Civil Disorders also known as Kerner's Commission, which was comprised of lawmakers and law enforcement officials from around the country (Lewis, 2018). Similar to the President's Commission on Law Enforcement, the goal of Kerner's commission was "to understand what caused the violence that left scores of people dead and caused millions of dollars in damages" (Lewis, 2018). The Kerner Commission found that "the nation is moving towards two socties, one black and one white - separate and unequal" (Lewis, 2018). Though the Kerner Commission found that black people were experiencing inequality, President Johnson was planning on running for re-election and worried that the white

voters would not agree with the commission's findings (Lewis, 2018). That being said, "While the black community pushed for police reform alongside socioeconomic improvement, the federal government responded by equipping police with new tools to control violent expressions of civil unrest" (Lewis, 2018). About six months after the Kerner commission submitted its report, President Johnson signed the Omnibus Crime Control Act of 1968 which "authorized $400 million in grants to states to provide new equipment and technical assistance to local police forces" (Lewis, 2018). Even though the commissions pointed out the inequality that Black communities were facing and made recommendations on how to fix the injustice, law enforcement ignored the recommendations and continued to control and oppress Black people.

Modern Policing

Even though there is no form of slavery or laws that restrict Black people's rights in today's society, Black people continue to be disproportionately targeted and victimized by policemen. This is evident in arrest records, prison populations, traffic stops and so forth. LeCount explains "when compared with similarly situated whites, African Americans are more likely to be subject to a traffic stop, more likely to receive a citation, more likely to be frisked or searched, likely to receive longer sentences, and more likely to be subject to capital punishment" (2017, 1052). To provide an example, a New York Civil Liberties Union (NYCLU) stop-and-question report from 2011 shows that out of the 685,724 stops that were conducted, 52.9% (350,743) were blacks (5). This is one of the many statistics that indicate that Black people are being disproportionately targeted. Not only do policemen disproportionately target Black people, they also target other minority communities, such as Latinos, in attempt to capture undocumented immigrants. Becerra, Wagaman, Androff, Messing and Castillo (2017) explain

that with "the large number of Latinos, including authorized and undocumented immigrants, combined with the increase in anti-immigration policies and enforcement strategies" police officers have been disproportionately targeting minority communities. Furthermore, Davenport, Soule and Armstrong (2011) did a research study exploring the effect of protesters' race on police response to protests. Even in protests, it has been found that "African American protesters were more likely than white protesters to have police monitor their events" (Davenport et al, 2011). It was also found that "at African American protest events, police were more likely to use force/violence in conjunction with arrests or to use arrests" (Davenport et al, 2011). SQF, immigrants and protests are only some of the few examples of how minority communities are disproportionately targeted. Michelle Alexander wrote a book, "The New Jim Crow: Mass Incarceration in the Age of Colorblindness", and Alexander's central premise is that mass incarceration is, metaphorically, the new version of the Jim Crow laws. In other words, though there have been great strides towards achieving racial equality, today's racial caste system has taken the form of mass incarceration (Alexander, 2010). This concept can be applied to today's policing practices in the sense that over policing of black people has become the new form of control.

Conclusion

To conclude, there is a long history of racial disparity that has influenced today's policing practices. As pointed out, white people have utilized various forms of control to oppress Black people such as the Slave Codes, the Black Codes, convict-leasing, and the Jim Crow laws. It is important to understand the history of racial disparity in order to understand today's policing practices as well as why it may be racially biased. Robinson (2017) explains, "Understanding the

origins of the slave patrols may help shed light on the early origins of American law enforcement

as they were born out of the need to police enslaved Africans and control the behavior of Black

people" (3). Fortunately, there were several efforts such as Kerner's Commission and the

President's Commission on Law Enforcement that were made to address the unjust practices.

Despite the efforts to remedy the issue at hand, there continues to be a great racial disparity that

is evident in arrest records, SQF statistics, and traffic stops.

References

Alexander, M. (2010). The New Jim Crow: Mass Incarceration in the Age of Colorblindness. New York: New Press.

Andrews, E. (2014, January 29). Was Jim Crow a real person? Retrieved from https://www.history.com/news/was-jim-crow-a-real-person.

Barth, F. (1969). Ethnic Groups and Boundaries. Boston: Little, Brown.

Becerra, D., Wagaman, M. A., Androff, D., Messing, J., & Castillo, J. (2017). Policing immigrants: Fear of deportations and perceptions of law enforcement and criminal justice. *Journal of Social Work*, *17*(6), 715–731. https://doi.org/10.1177/1468017316651995

Birckhead, T. R. (2015). The new peonage. *Washington and Lee Law Review, 72*(4), 1595-1678. Retrieved from https://ezproxy.rit.edu/login?url=https://search.proquest.com/docview/1756543850?accountid=108

Black Codes. (2010). Retrieved from https://www.history.com/topics/black-history/black-codes.

Cunningham, D. (2012). Mobilizing Ethnic Competition. Springer Science and Business Media B.V. DOI 10.1007/s11186-012-9178-4

Davenport, C., Soule, S., & Armstrong, D. (2011). Protesting While Black? The Differential Policing of American Activism, 1960 to 1990. *American Sociological Review, 76*(1), 152-178. Retrieved from http://www.jstor.org/stable/25782184

Edwards, F. and Thompson, G. (2010). "The Legal Creation of Raced Space: The Subtle and Ongoing Discrimination Created through Jim Crow Laws." Berkeley Journal of African American Law and Policy 12, no. 1: 145-67.

King, D., & Conley, J. A. (1994). The 1967 President's Crime Commission Report: Its Impact 25 Years Later. *The Police Journal*, *67*(3), 269–274. https://doi.org/10.1177/0032258X9406700313

Lewis, N. (2018). The Kerner Omission: How A Landmark Report on the 1960s Race Riots Fell Short on Police Reform. Retrieved from https://www.themarshallproject.org/2018/03/01/the-kerner-omission

Parenti. (2001, September 13). Policing the Color Line. Retrieved from https://www.thenation.com/article/policing-color-line/.

Reed, A., Jr. (2017). The Kerner Commission and the Irony of Antiracist Politics. *Labor: Studies in Working-Class History of the Americas 14*(4), 31-38. https://www.muse.jhu.edu/article/683339.

Roback, J. (1984). Southern labor law in the Jim Crow era: Exploitative or competitive?
    The University of Chicago Law Review, 51, 1161-1192.

Robinson, M. A. (2017). Black Bodies on the Ground: Policing Disparities in the African
    American Community—An Analysis of Newsprint From January 1, 2015, Through
    December 31, 2015. Journal of Black Studies, 48(6), 551–571.
    https://doi.org/10.1177/0021934717702134

Slavery v. Peonage. (n.d.). Retrieved from
    http://www.pbs.org/tpt/slavery-by-another-name/themes/peonage/.

Soto, W. D. (2018). Do Police Officers in the USA Protect and Serve All Citizens Equally?
    Social Sciences, 7(10), 190. doi:10.3390/socsci7100190.

The Sentencing Project (2008). Reducing Racial Disparity in the Criminal Justice System: A
    Manual for Practitioners and Policymakers. Washington, D.C. Retrieved from
    http://www.sentencingproject.org/doc/publications/rd_reducingracialdisparity.pdf

What was Jim Crow. (n.d.). Retrieved from https://www.ferris.edu/jimcrow/what.htm.
    Whitehouse, M. (2017). Modern prison labor: reemergence of convict leasing under theguide of
    rehabilitation and private enterprises. Loyola Journal of Public InterestLaw, 18(1), 89-[x].

Working Paper #2: Scope of the Issue

Racial bias in policing is a prominent issue. Racial bias, as defined by Gates (2016), is "a harmful aversion to, stereotyping of, or discrimination against a race" (Gates, 2016). In other words, a police officer may be more likely to stop, search, and arrest a person solely because of their skin color. Racial bias in policing is an issue because it leads to the creation of a racial disparity. The Sentencing Project (2008) explains that racial disparity "exists when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population" (1). There are many instances, statistics and research studies that suggest that racial bias in policing is an issue. Bell (2017) states that "there is significant contemporary data showing widespread racial discrimination in policing practices documented both by the Justice Department and by police scholars" (7). To further illustrate, evaluating the racial demographics of people who have have experienced stop, question, and frisk (SQF), traffic stops, use of force and so forth, it is pretty evident that persons of color (POC) are overrepresented relative to their proportion in the general population. For example, black drivers make up 22% of North Carolina's population and make up 30% of all drivers stopped in North Carolina (Baumgartner & Epp, 2012). Another research study found that 63% of 2,673 traffic stops conducted by police officers in Richmond, VA involved minority drivers (Smith & Petrocelli, 2001). Traffic stops are one of the many policing practices where POC face

a higher risk for criminal justice contact, which appears racially biased. The purpose of this paper is to point out and discuss the severity of racial bias across various policing practices.

Measurement Methods & Challenges

Before discussing the severity of racial bias across various policing practices, it is important to discuss the different methods that have been used to measure and evaluate whether or not racial profiling is occuring. In addition to understanding the different measurement methods, it is also important to understand the challenges of utilizing such methods. Herb (2007) explains, "Acquiring an accurate method to generate benchmarks is an extremely important task when analyzing racial profiling data" (35). A benchmark, as defined by Holbert and Rose (2004) is "a point of reference from which measurements, evaluations, and comparisons can be made" (192). Recognizing that racial bias in policing is a prominent issue, researchers have used various measures such as census data and field observations as an attempt to measure racial bias, however, some researchers have faced challenges with reliability and validity in their measurement methods. This section will discuss the different measurement methods and challenges for measuring racial bias in SQF, traffic stops, and wrongful use of force.
In order to determine whether or not racial profiling in traffic stops are occuring, researchers must measure two things: 1) "the racial and ethnic proportions within the population of individuals stopped" and 2) "a measure of the racial and ethnic proportions within the population of individuals available to be stopped" (Smith et al, 2016, 2). Tillyer, Engel, and Cherkauskas (2010) list several benchmarks which "include the use of residential census population data, 'adjusted' census population data, drivers' license data, not-at-fault vehicle accidents, blind enforcement mechanisms, observations of roadway usage and law-violating

behavior, and internal comparisons" that have been utilized in research studies (78). Each benchmark provides its own strength and weaknesses. Researchers often rely on census data, however, Herb (2007) points out that solely utilizing census data is not the best method for measuring the driving population due to the fact that there may be some systematic differences in driving that are correlated with race. For instance, there could be a correlation between race and access to vehicles, work commute, and so forth. Such correlations are not present in census data which poses an issue in accurately measuring the driving population. Herb (2007) states, "Another problem with utilizing census data was that it became old and inaccurate very fast. With the census only being conducted every ten years, it did not take long for the data to become stale" (36). Fortunately, there are other methods that can be used for benchmarks.

As an alternative to census data, "One method is to examine the search and seizure practices of a given department" (Herb, 2007, 44). By collecting and analyzing data on the search and seizure rates, researchers can determine whether minority drivers are being stopped at a rate that is disproportionate to white people (Herb, 2007). Furthermore, such data analysis allows researchers to evaluate hit rates which is the number of contrabands that are found in a vehicle (Herb, 2007). Herb (2007) explains that "a general sign that racial profiling practices may be present would be a high rate of minority drivers being searched despite a low rate of contraband hits (45). Secondly, researchers can utilize Census Transportation Planning Package (CTPP) which is a "collection of data put together by the United States Census Bureau every ten years" (Herb, 2007, 45-46). The purpose of the CTPP is to provide helpful information about commuting and transportation for transportation planners (Herb, 2007). Herb (2007) states that "residential commuting data appears to be a fairly accurate predictor of an area's overall driving

population" (46). In addition to hit rates and the CTPP, researchers have also utilized a veil of darkness method. The veil of darkness method is a test based on the number of stops conducted before and after the sun sets (Pierson et al, 2019). Pierson et al. (2019) explains "because the sun sts at different times throughout the year, one can examine the racial composition of stopped drivers as a function of sunlight while controlling for time of day" (1). By utilizing the veil of darkness method, researchers can compare the number of Blacks stopped before and after the sun sets. Pierson et al. (2019) explains "If black drivers make up a smaller share of stopped drivers after sunset, when it is difficult to determine a driver's race, that suggests black drivers were stopped before sunset in part because of their race" (1). Smith, Rojek, Petrocelli and Withrow (2016) share, "Consistently, racial profiling studies report that racial and ethnic minorities are stopped at higher proportions than they are represented in benchmarks, regardless of the benchmark used" (3).

In regards to benchmarks for SQF, researchers have employed census-based benchmarks, arrestees benchmarks, and criminal suspect as a benchmark. Similar to benchmarks for traffic stops, SQF benchmarks, too, have challenges. For instance, depending on which benchmark is used, research may generate different results. For instance, Ridgeway (2007) found "when using arrestees as a benchmark... Blacks were underrepresented in total stops but overrepresented in stops for certain types of crimes, namely, drug and weapons-related stops" (Smith et al, 2016, 169). Furthermore, "using criminal suspects as a benchmark [it was] found that Blacks were significantly underrepresented among those stopped, while whites, and to a lesser extent Hispanics, were overrepresented" (Smith et al, 2016, 169). As pointed out, it is a challenge to

accurately measure racial bias in policing practices due to the fact that different benchmarks generate different results.

As for measuring racial disparity in the use of deadly force, a commonly used method is simply comparing "the odds of being fatally shot for Blacks to the odds of being fatally shot for Whites" (Cesario et al, 2019, 1). In order to configure the odds of Blacks and Whites being shot, requires comparing the population of each race to each race's raw shooting numbers (Cesario et al, 2019, 1). For instance, "Blacks represent ~13% of the U.S. population; if Blacks represent more than ~13% of U.S. citizens shot, this is taken as evidence of racial disparity" (Cesario et al, 2019, 1). A challenge with utilizing this method is that there is a "critical assumption: the opportunity for the event to occur is equally likely for every person within each group" (Cesario et al, 2019, 2). This is an issue because "If this assumption does not hold, then adjusting raw fatal shooting data for overall population values is in error" (Cesario et al, 2019, 2). To reduce the likelihood of error, Cesario et al. (2019) analyzed "the odds of being killed by police gunfire for Blacks versus whites, benchmarked against measures of criminal activity for each race" (2).

Stop, Question, and Frisk (SQF)

SQF is one of the commonly used police practices that has been used to target POCs. Weisburd, Wooditch, Weisburd and Yang (2016) explain, "SQFs are also known as Terry stops because the 1968 Supreme Court decision in Terry v. Ohio gave officers the right to stop and detain a person when there was reasonable suspicion that he or she was in the act of committing a crime or about to commit a crime" (32). In simpler terms, SQF "allow officers to stop and question pedestrians and frisk or search them for the presence of weapons" (Evans & Williams, 2017, 687). One of the main goals of SQF is to discourage people from "carrying firearms and

other weapons in public" (Evans & Williams, 2017, 687). However, a flaw of the SQF is that it "infringes on Fourth Amendment protections against unlawful police searches and seizures" (Evans & Williams, 2017, 687-688). The discussion of whether or not SQF is constitutional has become a controversial and heavily debated topic. Some argue that SQF gives police officers too much discretion that they are violating people's Fourth Amendment rights (Evan & Williams, 2015). Others believe that SQF is an effective method for deterring crime (Evan & Williams, 2015). To elaborate, "proponents of stop-and-frisk believe that the practices enables police to better prevent, detect, and respond to crime. They also argue that it makes many citizens feel safer in public places as it deters offenders or potential offenders from carrying weapons in public" (Evan & Williams, 2015, 2). To determine whether or not SQF is unconstitutional, there are many research studies that evaluate the number of SQF conducted on POCs as well as the hit rates. Hit rates, as defined by Pierson et al. (2019), are "the proportion of searches that successfully turn up contraband" (5). Hit rates help determine whether or not racial profiling is occurring. For instance, if more minority people are being stopped and have a lower hit rate, then this suggests that police officers are being racially biased. The general finding in a majority of these research studies was that SQF did indeed disproportionately target POCs and had low hit rates (Evans & Williams, 2017; Weisburd et al, 2016).

The New York Civil Liberties Union (NYCLU) has been generating quarterly reports on stop-and-frisk data that has been collected from the New York Police Department (NYPD) database. The NYCLU has been doing so since 2002 to 2019. Despite the fact that the number of stops increased and decreased, the finding that POCs were more likely than Whites to be stopped and frisked remained consistent throughout the years. According to a New York Civil Liberties

Union (NYCLU) stop-and-question report from 2011, out of the 685,724 stops that were

conducted, 52.9% (350,743) were Blacks and 33.77% (223,740) were Latinos (5). To put these

numbers in perspective, "minorities, specifically Blacks and Latinos, account for 55% of the

New York City population, but comprised approximately 90% of those subjected to

stop-and-frisk in 2011" (Evans & Williams, 2015, 3). Even in the precincts that have a low

minority population, minority people continued to account for a majority of the stops conducted

(NYCLU, 2011). For example, precinct 17 (Kipps Bay, Murray Hill, Turtle Bay) in New York

City, 7.8% of its population are either Black or Latino and make up 71.4% of the stops

conducted in precinct 17. The NYCLU (2011) report goes on to share, "Remarkably, the number

of stops of young black men last year actually exceeded the total number of young black men in

the city (168,126 as compared to 158,406)" (7). This statistic means that some of the young

Black men were stopped more than once.

Hetey and Eberhardt (2018) did an analysis on pedestrian stops made in Oakland,

California and found a racial disparity similar to NYCLU's. It was "found that 60% of police

stops were of African Americans, though they make up only 28% of the population of Oakland"

(Hetey & Eberhardt, 2018, 1). Hetey and Eberhardt (2018) go on to share "A similar pattern has

emerged in other places, including Boston; Greensboro, North Carolina; Los Angeles; and New

York City" (1). Not only do SQF target minority communities, they target young men of color.

The report goes on to note that "young black and Latino men were the targets of a hugely

disproportionate number of stops" (NYCLU, 2012). To further illustrate, "Though they account

for only 4.7% of the city's population, black and Latino males between the ages of 14 and 24

accounted for 41.6% percent of stops in 2011" (NYCLU, 2012). As pointed out, SQF have been found to over target minority communities.

In addition to analyzing the number of SQF on POCs, several research studies also evaluated the number of hit rates as a way to measure the effectiveness of SQF. Few research studies suggest that the SQF is effective. For instance, data from 2011 indicate that stop-and-frisk practices led to the seizure of 780 firearms (New York Civil Liberties Union, 2012). However, when comparing the number of hit rates to the number of SQF conducted, hit rates are extremely low. Evan and Williams (2015) explain "Based on data that demonstrate that police conducted more than 685,000 stop-and-frisks in 2011, stop-and-frisk only led to the confiscation of a firearm in less than 1 out of every 800 stops" (3). Furthermore, a NYCLU report explains, "the NYPD conducted 524,873 more stops [in 2011 compared to 2002] but recovered only 176 more guns. This amounts to an additional recovery rate of three one-hundredths of 1%" (New York Civil Liberties Union, 2011, 2). In regards to hit rates based on race, "a weapon was found in only 1.8 percent of Blacks and Latinos frisked, as compared to a weapon being found in 3.8 percent of whites frisked" (New York Civil Liberties Union, 2011, 10). This finding is ironic because even though POCs are stopped at a much higher rate, statistics indicate that POCs are less likely to have some kind of contraband. This finding also suggests that the legitimacy of police's so called reasonable suspicion are not accurate and are racially biased.

Traffic Stops

Similar to SQF, traffic stops are another policing practice that allow police officers to pull over vehicles to investigate a possible crime or minor violation of law (Baumgartner & Epp,

2012). There are substantial data that suggests that POCs are so frequently stopped that there is a concept, Driving While Black (DWB), that refers to "police officers stopping, questioning, and even searching Black drivers who have committed no crime, based on the excuse of a traffic offense" (Harris, 1999). The Traffic Stop Statistics Act (TSSA) was implemented in various states, such as North Carolina, Illinois, and Maryland, as an effort to assess whether or not race was a variable in police stops ("An Evaluation of Racial Profiling", n.d.). Baumgartner and Epp (2012) explain that policy makers "anticipated that systematic data would reveal such allegations to be false - or, alternatively, validate the allegations and set the stage for immediate steps by police leaders to end disparate practices". Traffic stop data analysis conducted by several researchers revealed that POCs are indeed stopped more frequently than Whites (Baumgartner & Epp, 2012; Ghandnoosh, 2015; Weiss & Rosenbaum, 2008; Hogan, Rutherford & Fueston, 2018).

Baumgartner and Epp (2012) conducted a traffic stop statistics analysis where they provided an extensive breakdown of over 13 million traffic stops in North Carolina starting in January 2000 to June 2011. In their report, it was found that Blacks make up 21.5% of North Carolina's population, but accounted for 30% of those pulled over (Baumgartner & Epp, 2012). Not only are Blacks more likely to be stopped, they were more likely to be searched and arrested. The report shared, "Minorities are consistently more likely to be arrested, and therefore less likely to receive a warning, for the same types of infractions as Whites" (Baumgartner & Epp, 2012). To further illustrate, "for speed limit violations, Blacks are 80% more likely to be searched, and Hispanics are 174% more likely to be searched" (Baumgartner & Epp, 2012).

Several other researchers in different states conducted traffic stop analysis similar to Baumgartner and Epp's (2012) traffic stop analysis and found similar results.

Shortly after North Carolina implemented laws that mandated the collection of traffic stop information, Illinois, too, implemented a traffic stop law in 2002. According to Weiss and Rosenbaum (2008), "Illinois launched a significant effort to identify racial bias in police traffic stops". Similar to Baumgartner and Epp (2012), Weiss and Rosenbaum did a report that provides an in depth analysis of traffic stop information in Illinois from 2004 to 2008. Based off of the traffic stop statistics, it was found that "a minority driver was roughly 13 percent more likely to be stopped than a Caucasian driver" (Weiss & Rosenbaum, 2008). Weiss and Rosenbaum also analyzed the likelihood of being cited and found that minority drivers were 10% more likely to be cited (2008). Weiss and Rosenbaum (2008) also examined the likelihood of discovering a contraband. According to the report, "police officers found contraband 24.4% of the time. By contrast when a vehicle driven by a minority driver was consent searched, officers found contraband 15.1% of the time" (Weiss & Rosenbaum, 2008). Traffic stop hit rates are similar to SQF hit rates in the sense that minority people are stopped more frequently but have a lower likelihood of a contraband discovery.

In addition to these traffic stop studies, the Stanford Open Policing Project, a collaboration between the Stanford Computational Journalism Lab and the Stanford Computational Policy Lab, has "compiled and analyzed a dataset detailing nearly 100 million municipal and state patrol traffic stops conducted in dozens of jurisdictions across the country" (Pierson et al, 2019, 1). The Stanford Open Policing Project first measured "potential bias in stop decisions by examining whether black drivers are less likely to be stopped after sunset, when a

'veil of darkness' masks one's race" (Pierson et al, 2019, 1). Applying the veil of darkness

method, Pierson et al. (2019) found that there is "evidence of bias against black drivers both in

highway patrol and in municipal police stops" (1). Next, the Stanford Open Policing Project

"investigated potential bias in decisions to search stopped drivers" (Pierson et al, 2019, 1). The

general finding was that Blacks and Hispanics were searched more often than whites. However,

based on the data collected from 16 state patrol agencies, "search rates were 3.8%, 3.6%, and

1.6% for stopped black, Hispanic and white drivers, respectively" (Pierson et al, 2019, 5). In

regards to municipal police department, there was a 15%, 13% and 11% search rate for Black,

Hispanic and white drivers (Pierson et al, 2019). Not only is it important to collect and

understand the search rate based on race but also the hit rates of those searches. Pierson et al.

(2019) shares "The threshold test incorporates both the rate at which searches occur, as well as

the success rate of those searches, to infer the standard of evidence applied when determining

whom to search" (1-2). By applying the threshold test to the data collected, it was shown that

police officers searched Black and Latinos despite the lack of evidence when compared to whites

(Pierson et al, 2019). Lastly, the Stanford Open Policing Project "examined the effects of

legalizing recreational marijuana on policing in Colorado and Washington state" (Pierson et al,

2019, 1). Pierson et al. (2019) shares that evidence shows that "legalization reduced the total

number of searches conducted for both white and minority drivers, but we also find that the bar

for searching minority drivers is still lower than for whites post-legalization" (1). These research

studies reveal statistics that indicate that traffic stops and post-stop search decisions are

conducted in a racially discriminatory manner.

Wrongful Use of Force

In addition to SQFs and traffic stops, POCs are at a higher risk than white people for becoming targets of wrongful use of force by police officers. Many research studies have found that police officers are more likely to shoot African Americans than white people. LeCount shares, "Studies show that police officer study participants are more likely to shoot an unarmed black target than an unarmed white target" (2017). Kahn and Davies (2017) did a research study assessing how race, neighborhood and clothing influenced police officer's decision to shoot. Kahn and Davies (2017) conducted this research by using a shooter bias program which consisted of 15 practice trial runs and then 100 trial runs that were broken into two conditions: 1) gun versus no gun and 2) black versus white. In other words, the shooter bias program is based on the player's immediate determination on whether the individual is a threat. As a result of this research study, it was found that there were more shooter errors with black targets than there were with white targets (Kahn & Davies, 2017). In addition to Kahn and Davies' (2017) research study, Swencionis and Goff (2017) conducted a very similar research study. They have also found that "in laboratory simulation settings show racial bias in shooting errors, erroneously 'shooting' unarmed Black targets more frequently than unarmed White targets, and doing so faster, and also choosing 'don't shoot' more frequently in response to armed White targets compared with armed Black targets, and also doing so faster" (2017). Seeing how evident racial bias is in laboratory simulation settings and shooter bias programs, it is easy to assume that the same mindset will be used out in the field.

There are many high profile cases that correlate with the statistics stated above. One of the most well-known cases is the shooting of Michael Brown. Brown, an 18 year old, was fatally shot while unarmed by a white police officer, Darren Wilson, in August 2014 ("What Happened

in Ferguson", 2014). Wilson was not indicted for his action which "set off another wave of protests" ("What Happened in Ferguson", 2014). Another well-known case is the shooting of Philando Castile. Castile was pulled over by a police officer, Jeronimo Yanez, because his car's brake lights were out (Croft, 2017). During the traffic stop, Castile informed Yanez that he had a firearm on him and proceeded to pull out his license for the firearm which is when Yanez shot Castile (Croft, 2017). Another instance is where Tamir Rice, a 12 year old African American, was also shot and killed by police officers because he was carrying a fake gun and pointing it at people (Heisig, 2017). The fatal shootings of Brown, Castile and Rice are only three of many more cases where African-Americans have been wrongfully killed by police officers.

To shed light on the likelihood of minority people becoming the targets of unarmed shootings, Robinson (2017) conducted an analysis on unarmed shootings that occurred between January 1, 2015 and December 31, 2015. Robinson (2017) counted "101 White men, 79 Black men and 39 Latino men" (561). Robinson (2017) goes on to explain that "The 79 African American men killed by police represent approximately 36% of unarmed men killed by police yet African American males are only 7% of the U.S. population" (561). In an analysis of the number of unarmed men killed per 100,000, it was found that "unarmed Black men were killed at an alarming rate of .41 per 100,000 as compared with Latinos at .14 and White men at .08 per 100,000" (Robinson, 2017, 561). This means that "unarmed Black men were killed at a rate of close to 5 times that of White men" (Robinson, 2017, 561). Robinson (2017) also analyzed the data from 2015 by state and found "that unarmed Black men killed by police in 15 of the former slave-holding states represent 41% of unarmed individuals killed by police across the United

States" (561). To further illustrate, Robinson (2017) points out the unarmed killings of black men in various states,

Maryland has five deaths which account for 83% of unarmed men killed by police in thestate. Virginia has three deaths which represent 75% of the unarmed men killed by police; Florida has six deaths representing 43% of unarmed men killed by police followed by Texas with six deaths as well, accounting for 38% of the deaths of unarmedmen by police (562).

To make matters worse, officers involved in wrongful shootings are rarely ever punished for their wrongdoing. Ghandnoosh (2015) shares, "Officers involved in these killings are rarely indicted, much less convicted, for excessive use of force" (3). Unfortunately, there is no official count for the number of police officers that have wrongfully killed people. McKinley and Baker (2014) share, "No precise figures exist for the number of people killed by the police in the United States" (McKinley & Baker, 2014). McKinley and Baker (2014) go on to explain that police officers work closely with the district attorney that when it comes to charging police officers with wrongful manslaughter, it is hard for the district attorney to do so objectively. This is evident in the death of Eric Garner. Officer Daniel Pantaleo killed Eric Garner, an African American, by choke holding him. Despite the fact that there was video footage and several witnesses, "a medical examiner ruled Mr. Garner died because of the compression of his chest and neck during the struggle, but also listed his obesity, asthma and high blood pressure as contributing factors" (McKinley & Baker, 2014). The wrongful death of Eric Garner is one of many wrongful killings by police officers.

Though there is substantial research and statistics that suggest that Black people face a higher likelihood of being the victims of wrongful use of force, there are research studies that indicate that there is no correlation between race and use of force. For instance, Terrill and

Mastrofski (2002) did an analysis on the Project on Policing Neighborhoods (POPN) data and found that "citizen race (non-white) was weakly, but significantly, correlated with higher levels of force" (Smith et al, 2016, 171). Furthermore, a research study by Garner et al. (2002) reported that "black suspects were more likely to be the recipients of physical force by police but that this disparity became statistically non-significant once suspect demeanor and resistance were taken into account" (Smith et al, 2016, 172). The type of benchmark being used to examine the correlation between race and use of force can also show different results. For instance, Cesario et al. (2019) initially found that Blacks were 2.5 times more likely to be killed by police officers compared to whites when utilizing population proportions as a benchmark. However, as a result of benchmarking police shootings to crime data, it was found that white people were more likely to be killed by police officers compared to Blacks (Cesario et al, 2019). Researchers have also studied the correlation between taser usage and race. In an analysis of 1,209 use of force reports from a state patrol agency during the years of 2005-2007, Gau et al. (2010) found that "suspect race was not a statistically significant predictor of TASER use overall but that officers were more likely to use TASERs as the first option against Hispanic suspects and less likely to use them against Blacks on the first application of force when compared to whites" (171). As pointed out, the findings regarding the influence of race on decision for use of force is mixed. However, Black people still suffer a great deal from unfair and mistreatment from police officers and it is vital to continue collecting use of force data as well as conduct research on the correlation between race and decision to use force.

Conclusion

To conclude, racial bias in policing is a prominent issue. As pointed out, there are many research studies and statistics that indicate that police officers often act in a racial discriminatory manner. Racially discriminatory actions lead to the issue of racial disparity which is very evident in SQF, traffic stops and wrongful deaths by police. To further illustrate, Ghandnoosh (2015) explains "Once arrested, people of color are also likely to be charged more harshly than whites; once charged, they are more likely to be convicted; and once convicted, they are more likely to face stiff sentences" (11). It is extremely valuable to collect and analyze statistics on SQFs, traffic stops and wrongful deaths by police because by doing so can potentially help policy makers better understand the severity of the issue at hand as well as how to remedy the issue. Robinson (2017) shares, "Historically, the relationship between Blacks and police has been tempestuous at best" (7). However, the relationship between Blacks, and other minority communities, and police officers have the potential to improve as long as policy makers along with law enforcement agencies continue to collect and utilize data to keep police officers accountable for their actions.

References

An Evaluation of Racial Profiling Data Collection and Training. (2002). Retrieved from
https://lao.ca.gov/2002/racial_profiling/8-02_racial_profiling.html

Baumgartner, R. F. & Epp, D. (2012). *North Carolina Traffic Stop Statistics Analysis: Final Report to the North Carolina Advocates for Justice Task Force on Racial and Ethnic Bias.* Department of Political Science, University of North Carolina at Chapel Hill

Bell, J. (2017). The Symbolic Assailant Revisited. *SSRN Electronic Journal*. doi:10.2139/ssrn.2955845

Cesario, J., Johnson, D. J., & Terrill, W. (2019). Is There Evidence of Racial Disparity in Police Use of Deadly Force? Analyses of Officer-Involved Fatal Shootings in 2015–2016.

Social Psychological and Personality Science, 10(5), 586–595. https://doi.org/10.1177/1948550618775108

Evans, D. N., & Williams, C. (2017). Stop, question, and frisk in new york city: A study of public opinions. *Criminal Justice Policy Review, 28*(7), 687-709. doi:10.1177/0887403415610166

Fryer, R. (2016). An Empirical Analysis of Racial Differences in Police Use of Force. doi: 10.3386/w22399

Garner, J.H., Maxwell, C.D. and Heraux, C.G. (2002), "Characteristics associated with the prevalence and severity of force used by the police," Justice Quarterly, Vol. 19, pp. 705-746.

Gates, P. J. (2016). 5 Steps to Understanding Racial Bias. Retrieved from https://www.huffingtonpost.com/john-fitzgerald-gates-phd/5-steps-to-understanding-racia l-bias_b_7446510.html

Gau, J.M., Mosher, C. and Pratt, T.C. (2010), "An inquiry into the impact of suspect race onpolice use of Tasers", Police Quarterly, Vol. 13, pp. 27-48.

Ghandnoosh, N. (2015). Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System Obtained from

https://www.sentencingproject.org/publications/black-lives-matter-eliminating-racial-inequity-in-the-criminal-justice-system/

Harris, D. (1999). The Stories, the Statistics and the Law: Why 'Driving While Black' Matters. University of Minnesota Law Review, Vol. 84, No. 2, U. of Pittsburgh Legal Studies Research. Available at SSRN: https://ssrn.com/abstract=199508

Herb, M. (2007). Racial Profiling and the Police: Utilizing the Census Transportation Planning Package to Benchmark Traffic Stops made by the North Carolina State Highway Patrol.

Hetey, R. C., & Eberhardt, J. L. (2018). The Numbers Don't Speak for Themselves: Racial Disparities and the Persistence of Inequality in the Criminal Justice System. *Current Directions in Psychological Science*, *27*(3), 183–187. https://doi.org/10.1177/0963721418763931

Hogan, L., Rutherford, K. B., & Fueston, G. V. (2018). *Fourteenth Report to the State of Maryland Under Transportation Article, 25-113 2017 Race Based Traffic Stop Data Analysis*, Governor's Office of Crime Control & Prevention

Holbert, S., & Rose, L. (2004). The color of guilt and innocence: Racial profiling and police practices in America. San Ramon, CA: Page Marque Press.

Kahn, K. B., & Davies, P. G. (2017). What Influences Shooter Bias? The Effects of Suspect Race, Neighborhood, and Clothing on Decisions to Shoot. *Journal of Social Issues, 73*(4), 723-743. doi:10.1111/josi.12245

LeCount, R. J. (2017). More Black than Blue? Comparing the Racial Attitudes of Police to Citizens. *Sociological Forum, 32*, 1051-1072. doi:10.1111/socf.12367

McKinley, J. & Baker, A. (2014). Grand Jury System, With Exceptions, Favors the Police in Fatalities. *The New York Times*. Retrieved From http://www.nytimes.com/2014/12/08/nyregion/grand-juries-seldom-charge-police-officers-in-fatal-actions.html.

New York Civil Liberties Union. (2012). Stop-And-Frisk 2011. Obtained from https://www.nyclu.org/sites/default/files/publications/NYCLU_2011_Stop-and-Frisk_Report.pdf

Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Jenson, D., Shoemaker, A., Ramachandran, V., Barghouty, P., Phillips, C., Shroff, R., and Goel, S. (2019). A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States. Stanford Computational Policy Lab.

Robinson, M. A. (2017). Black Bodies on the Ground: Policing Disparities in the African American Community—An Analysis of Newsprint From January 1, 2015, Through December 31, 2015. Journal of Black Studies, 48(6), 551–571. https://doi.org/10.1177/0021934717702134

Smith, M. R., & Petrocelli, M. (2001). Racial Profiling? A Multivariate Analysis of Police Traffic Stop Data. Police Quarterly, 4(1), 4–27. https://doi.org/10.1177/1098611101004001001

Smith, M., Rojek, J., Petrocelli, M. and Withrow, B. (2017), "Measuring disparities in police activities: a state of the art review", *Policing: An International Journal*, Vol. 40 No. 2, pp. 166-183. https://doi.org/10.1108/PIJPSM-06-2016-0074

Swencionis, J. K., & Goff, P. A. (2017). The Psychological Science of Racial Bias and Policing.

Psychology, Public Policy, and Law, 23(4), 398-409. doi:10.1037/law0000130 Tillyer, R., Engel, R. and Calnon Cherkauskas, J. (2010), "Best practices in vehicle stop datacollection and analysis," Policing*: An International Journal*, Vol. 33 No. 1, pp. 69-92. https://doi.org/10.1108/13639511011020601

Terrill, W. and Mastrofski, S. (2002), "Situational and officer based determinants of police coercion", Justice Quarterly, Vol. 19, pp. 215-248.

The Sentencing Project. (2008). Reducing Racial Disparity in the Criminal Justice System A Manual for Practitioners and Policymakers.

https://www.sentencingproject.org/wp-content/uploads/2016/01/Reducing-Racial-Disparity-in-the-Criminal-Justice-System-A-Manual-for-Practitioners-and-Policymakers.pdf

Weiss, A., & Rosenbaum, P. D. (2008). *Illinois Traffic Stops Statistics Study 2008 Annual Report*. University of Illinois at Chicago

Weisburd, D. , Wooditch, A. , Weisburd, S. and Yang, S. (2016), Do Stop, Question, and Frisk Practices Deter Crime?. Criminology & Public Policy, 15: 31-56.doi:10.1111/1745-9133.12172

What Happened in Ferguson? (2014). Retrieved from https://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html

Introduction

There is a great deal of racial bias in policing practices such as SQF, traffic stop and use of force. LeCount (2017) shares, "For example, when compared with similarly situated whites, African Americans are more likely to be subject to a traffic stop, more likely to receive a citation, more likely to be frisked or searched, likely to receive longer sentences, and more likely to be subject to capital punishment" (1052). Not only is racial bias in policing unjust, it also raises questions about the legitimacy of police officers as well as ruins police-citizen relationships. Fortunately, jurisdictions have implemented policies and reforms to address the issues of racial inequality. These policies and reforms designed to address the issue of racial bias in policing range from body worn cameras (BWC) to implicit bias training to data-driven approaches. Some of the policies and reforms implemented have made demonstrable results while others are in need of more research to determine its effectiveness. The purpose of this paper is to outline and discuss the different policies and reforms implemented as well as share some additional recommendations that should be taken into consideration.

Body Worn Cameras (BWC)

To address various issues with police officers, some law enforcement agencies have implemented a policy mandating that their police officers wear BWCs. BWCs are "relatively small devices that record interactions between community members (e.g., the public, suspects, and victims) and law enforcement officers" ("Body-Worn Camera Frequently Asked Questions",

2015). BWCs come in different designs and can be worn in various ways such as glasses, chest, shoulder, or hats (Aishwariya, 2017). It is important to note that BWCs are not mandated in all police departments. In fact, to this date, only five states (California, Connecticut, Nevada, Florida and South Carolina) require their police officers to use BWCs ("Body-Worn Camera Laws Database", 2018). There are several goals of the BWCs which include improving police-community relationships, keeping police officers accountable, providing more transparency and reducing disparity (Ariel et al, 2014).

Though one of the goals of implementing BWCs is to reduce disparity, research on the effectiveness of BWCs "is both limited and mixed" (Ghandnoosh, 2014, 22). Ghandnoosh (2014) goes on to share that "there is some evidence that body cameras can reduce the use of force by police" (22). For example, the first research study on BWCs was conducted in Southern California by the City of Rialto Police Department. Ariel, Farrar, and Sutherland (2014) tested the use of BWC by "measuring the effect of videotaping police-public encounters on incidents of police use-of-force and complaints, in randomized-controlled settings" (509). Over the span of 12 months, the researchers randomly assigned officers to two different groups: 1) experimental-shifts and 2) control-shifts (Ariel, Farrar, & Sutherland, 2014). The experimental-shift group required the officers to wear BWC whereas the control-shift did not (Ariel, Farrar, & Sutherland, 2014). As a result, it was "found that the likelihood of force being used in control conditions were roughly twice those in experimental conditions" (Ariel, Farrar, & Sutherland, 2014, 510). There have been several fatal officer shootings of Black people which have caused tension between the Black community and police departments. To further illustrate, Robinson (2017) did an analysis of unarmed shootings that occurred between January 1, 2015

and December 31, 2015. In his analysis, Robinson (2017) found that 36% of unarmed shootings were African American men even though they only account for 7% of the U.S. population. Statistics on the deadly use of force on Black people are the reason why so many people are in favor of BWC, especially if they show evidence in reducing use of force incidents.

Research has also found that the use of BWCs have resulted in a lower amount of complaints filed against police officers (Lum et al, 2019; Ariel et al, 2016; White, 2014; Ariel, Farrar, & Sutherland, 2014). For example, the Rialto research study found that "the number of complaints filed against officers dropped from 0.7 complaints per 1,000 contacts to 0.07 per 1,000 contacts" (Ariel, Farrar, & Sutherland, 2014, 510). Furthermore, another research study that evaluated the impact of BWC in the Phoenix Police Department found that "complaints against the police declined significantly. Complaints against officers who wore the cameras declined by 23%, compared to a 10.6% increase among comparison officers and 45.1% increase among patrol officers in other precincts" (Katz, et al, 2015).

In addition to evaluating the effectiveness of BWCs, researchers have also conducted research studies to better understand citizens' perceptions of police officers who wore BWCs. When conducting their research, researchers assumed that "citizens who interacted with patrol offices who wore BWCs would have significantly better perceptions of police legitimacy, satisfaction with their interactions, and views of police professionalism compared with citizens who interacted with officers who did not wear BWCs" ("Citizen Perceptions of Body-Worn Cameras", 2017, 4). Surprisingly, one research study found that in a comparison between the treatment (interactions with officers who wore BWCs) and control (no BWCs) groups, there were no differences between citizen perceptions of the individuals who interacted with officers

who wore and did not wear BWCs. The research study also looked at the differences in perception based on race and found that perception is more influenced by the officer involvement type rather than race itself. In other words, "witnesses and victims expressed far better perceptions of police than persons who had involuntary contacts with the police" (3).

Though citizens and civil rights organizations, such as the American Civil Liberties Union (ACLU), generally support the use of BWCs, there are some concerns and downsides to BWCs. White (2014) lists a few concerns "privacy, health and safety, investments in training and policy, and resources" (25). Despite the drawbacks of implementing BWCs, people continue to favor BWCs. Robinson (2017) asserts that "body cams should be mandatory for all police officers as they can help to deter abuse and misconduct as well as support the patrolmen's actions throughout the day as they perform their duties" (15). While BWCs offer several advantages, they are most likely not a stand-alone remedy for improving racial bias in policing. Fortunately, BWCs are not the only initiatives that have been put into place to address racial bias in policing.

Procedural Justice & Legitimacy

Procedural justice is another form of addressing the issue of racial bias in policing. Procedural justice can be defined as "the idea of fairness in the processes that resolve disputes and allocate resources" ("What is Procedural Justice", n.d.). Furthermore, procedural justice is "a movement [that] promotes positive organizational change, upholds police legitimacy in the community, and enhances officer safety" ("What is Procedural Justice", n.d.). Procedural justice is built on four pillars: 1) fairness, 2) impartially, 3) giving voice and 4) transparency ("What is Procedural Justice", n.d.). There is an equation to better understand the concept of procedural

justice which is "assessment = outcome + process" (Kunard & Charlene, 2015, 3). In other words, "The ways in which community members develop opinions about a specific interaction with an officer (their assessment) is based primarily upon two things: the outcome of the encounter (whether they received a ticket, for example) and the process of the encounter (how the officer came to the decision about whether to give a ticket and whether the officer explained their decision making process)" (Kunard & Charlene, 2015, 3). Put simply, procedural justice is essentially a process-based criterion where individuals evaluate whether or not they were treated fairly (Tyler & Wakslak, 2004).

Procedural justice can be directly applied to policing practices, such as stop, question and frisk (SQF), and by doing so can increase citizens' perception of police legitimacy. To elaborate, an assessment of NYPD data showed that "minorities were stopped 1.5 to 2.5 times more often than whites" (La Vigne et al, 2012). Seeing that minority people are stopped at a higher rate than White people, it provides an explanation for why there may be tension between minority communities and police officers. In fact, research has shown that specific policing practices such as SQF "make the public less inclined to view law enforcement as legitimate" (La Vigne et al, 2012, 30). However, if police departments used procedural justice in SQF, it could potentially increase citizens' perception of police legitimacy. La Vigne, et al. (2012) shares, "Studies show that when the public believes that the police exercise their authority in procedurally fair ways, they accept the legitimacy of the police" (32). In addition to police legitimacy, procedural justice offers several positive outcomes such as "increased compliance, cooperation, and citizen satisfaction with and confidence in the police" (La Vigne et al, 2014, 34).

Given a basic understanding of what procedural justice is and the positive outcomes it can produce, it is also important to note what procedural justice training is comprised of as well as where procedural justice has been implemented. In 2012, the Chicago Police Department (CPD) started a Legitimacy and Procedural Justice Training (Gilbert et al, 2015). The goal of the training was to "provide a clear understanding of the concept of police legitimacy, the principles of procedural justice and the application of those principles to police work" (Gilbert et al, 2015, 4). The training consisted of "eight-hour course with five team-taught modules designed to facilitate participation and discussion" (Gilbert et al, 2015, 4). The curriculum taught officers the definition of police legitimacy and procedural justice, how such concepts benefit them, the impact of officer cynicism on their interactions with the public and so forth (Gilbert et al, 2015). Gilbert et al. (2015) shares that a "majority of the department was trained in less than a year and in just 20 months CPD trained more than 9,000 sworn personnel" (4). The fact that the CPD was able to train its entire department, which is the second largest in the country, in about 20 months was a game changer. Gilbert et al. (2015) explains "it showed that other departments could meaningful begin to change local practice and policy relatively fast" (4). In fact, shortly after CPD completed its training, "the Oakland Police Department and community leaders and clergy in that city, the Stockton and Salinas police departments and the California Partnership for Safe Communities (CPSC) have worked together to adapt and deliver a training curriculum developed by the Chicago Police Department (CPD) to strengthen officers' skills in carrying out the principles of procedural justice" (Gilbert et al, 2015, 3). Utilizing the concepts of procedural justice is one of the various ways that racial bias in policing is being addressed.

Implicit Bias Trainings

In order to understand what the purpose of implicit bias trainings are, it is important to understand the basic definition of what bias is as well as how biases are developed. Bias, as defined by the dictionary, is "prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair" (Merriam-Webster, 2019). There are various types of biases such as conformity bias, affinity bias, confirmation bias and so forth. Boscardin (2015) defines implicit bias as "the biases that are activated at the unconscious level or unintentionally and without one's awareness". Racial bias, a form of implicit bias, "refers to the attitudes or stereotypes that affect an individual's understanding, actions and decisions in an unconscious manner" ("Racial Bias", 2019). Given the basic understanding of implicit and racial bias, it may not be clear how such biases are created which will be explained next.

Before trying to understand how racial biases are created, it is important to understand how the brain works. According to Macrae and Bodenhausen (2000), "Through socialization, our brains have created visual and aural categories, or schemas, for most of the sights we see and sounds we hear". In other words, the brain automatically places people and objects into categories (or schemas) to make sense of it. To better understand what the schema is, a metaphor commonly used for schema is a file cabinet. The schema is similar to a file cabinet in the sense that it is where the brain stores all of the information. Godsil and Johnson (2013) goes on to explain, "Based upon visual and aural cues, we make automatic judgements about what category a particular person fits within and we often act on those judgements". Oftentimes, making such categorizations and judgements benefit us, however, there is always room for error. Godsil and Johnson (2013) explains, "Our errors are usually meaningless - not recognizing that a small flat

object playing a song is an MP3 player and not a cell phone. In some instances, these errors can be life-threatening - the object in a man's hand is a cell phone and not a gun" (6). In a life-threatening situation, there usually is a higher likelihood of error because of how the brain categorizes people and objects.

Though it may be uncomfortable or challenging to recognize and accept the fact that one may have underlying biases, acknowledging biases is much more beneficial than ignoring such bias. According to Boscardin (2015), "Previous studies have shown that rather than suppressing automatic negative biases, a conscious acknowledgement of one's own biases and active efforts to refute those biases can have a positive impact" (1). That being said, there are several training programs that focus on addressing implicit bias in law enforcement agencies. For instance, one of "the first Peace Officer Standards and Training certified training on procedural justice and implicit bias in the nation was developed and offered in California in 2015" (Maryfield, 2018, 5). Another notable initiative is the U.S. Department of Justice funded Fair & Impartial Policing (FIP) program (Maryfield, 2018, 5). Maryfield (2018) explains that the FIP program "trains officers on the effect of implicit bias and gives them the information and skills they need to reduce and manage their biases" (5). Maryfield (2018) goes on to list the Chicago Police Department's use of role-playing exercises with recruits in the Department's police academy as another innovative training aimed at reducing implicit bias (6).

In addition to the various implicit bias training programs, there are also five techniques that have been shown to be effective for short and long term reduction of implicit bias (Understanding Bias: A Resource Guide, n.d.). The first strategy is stereotype replacement which involves three steps: "1) recognize a response as stereotypical, 2) label the response as

stereotypical and identify why the response may have occurred; and 3) consider alternate responses for use in the future to avoid the stereotypical response. Use these alternatives as unbiased replacement responses" (Understanding Bias: A Resource Guide, n.d., 7). The second strategy is counter-stereotypic imaging. Counter-stereotyping imaging requires making a contrasting image of a stereotype in your mind (Understanding Bias: A Resource Guide, n.d.). The third strategy is individuation which "is the process of giving individuality to persons in a group" (Understanding Bias: A Resource Guide, n.d., 8). The fourth strategy is perspective taking, which is where you simply put yourself in someone else's shoes (Understanding Bias: A Resource Guide, n.d.). The final strategy is increased opportunities for contact. To utilize this strategy, one must challenge themselves to actively "engage with stigmatized groups in a positive manner" (Understanding Bias: A Resource Guide, n.d., 8). These five strategies in addition to the implicit bias training programs show some promise for reducing racial bias, however, they are not a panacea (Smith, 2015).

Though there are several endorsed implicit bias trainings designed to address implicit bias, little is known about the effectiveness of implicit bias training. For example, Maryfield examined the effectiveness of seventeen interventions aimed at reducing implicit racial bias and found that "those that provided experience with counter-stereotypical exemplars and strategies to override biases were effective" (2018, 7). Furthermore, Smith (2015) discusses two studies that assessed the effectiveness of the habit-breaking model for implicit bias. One study, conducted by Devine and her colleagues, consisted of 91 non-Black undergraduate students that were randomly assigned either to the intervention or control group (Smith, 2015). Both groups took the Implicit Association Test (IAT). After they took the IAT, the intervention group was taught

about implicit bias, how it can cause harm and five strategies to help reduce their biased association. As a result, "The intervention succeeded at reducing implicit bias relative both baseline scores and to the control group. More importantly, the reduction persisted for two boths" (Smith, 2015, 304). Smith (2015) goes on to talk about the second study which "focused on the analogous context of gender bias" (304). The study focused on 2,000 STEM faculty-members across 92 academic departments at the University of Wisconsin (Smith, 2015). Smith (2015) explains, "Departments were paired to each other based on a number of criteria, and within each pair one department received the intervention (a two and a half hour 'interactive workshop'), and the other served as the control" (304). The intervention consisted of an "exploration of 'bias as habit' scholarship; an introduction to the various forms of gender-bias (e.g., prescriptive gender norms); and a list of the five strategies for reducing implicit gender bias" (Smith, 2015, 304). The study showed that "most participants revealed male over female bias on the IAT measure that the study employed" (Smith, 2015, 305). In other words, unlike the first study, "the intervention did not significantly alter IAT scores either three days or three months after the intervention" (Smith, 2015, 305). As pointed out, there is very minimal research done on strategies for reducing implicit bias and the research that is available show mixed results.

Data Driven Approaches

Last but not least, data-driven approaches are another method that have been employed to address the issue of racial bias in policing. Ghandnoosh (2014) explains that with careful data collection can help pinpoint and address sources of racial bias. CompStat was first utilized with the New York Police Department (NYPD) and as a result "New York City experienced

significant crime drops around the time Compstat was put in place" (Police Executive Research Forum, 2013, 16). Ever since its successful implementation in New York, various police agencies and organizations throughout the country have started using CompStat ("CompStat for Justice", 2019). For instance, the Center for Policing Equity took the concept of CompStat to develop a process called, "CompStat for Justice", to help keep police officers accountable and to show how departments can identify problematic behaviors ("CompStat for Justice", 2019). CompStat is a system that collects and uses data to help police officers focus their resources on the goal of reducing crime ("CompStat for Justice", 2019). CompStat collects data on crimes, police stops, use of force and survey ("CompStat for Justice", 2019). Furthermore, "By combining these data with census data and other geographic markers, we will be able to pinpoint and differentiate the portion of racial disparities police cannot control (e.g., poverty) and the portion they can (e.g., policies)" ("CompStat for Justice", 2019). While there are several goals in the use of CompStat, one of the main goals is to resolve the issue of racial bias in policing.

Additional Recommendations

In addition to the policies and reforms discussed, researchers have made several recommendations for addressing the issue of racial bias in policing that should be taken into consideration. For instance, Robinson (2017) states, "police departments are under no obligation to report shooting deaths to any federal agency" (14). That being said, there should be a bill that requires police departments to report officer related deaths (Robinson, 2017). Robinson (2017) explains that by mandating police departments to report officer related shootings, the data "can be used as a means of holding individual police departments accountable for the deaths of unarmed Black men" (14). In addition to data collection recommendations, Tillyer et al (2010)

has urged the implementation of a universal method for collecting traffic stop data so that racial bias in traffic stop can be better assessed. In other words, some states don't require officers to document demographic information such as race when conducting traffic stops which makes it challenging for researchers to determine whether or not racial bias is occurring across various states. Researchers have also recommended increasing the number of Black police officers because research has shown that Black people have a more positive view of African American police officers (Robinson, 2017; Ghandnoosh, 2015). Ghandnoosh (2015) notes that "Survey data suggests that black officers may be more mindful than white officers of biased policing" (23). These are some of the additional recommendations that have been made by researchers that should be taken into consideration.

Conclusion

Recognizing that there is a prominent and ongoing issue of racial bias in policing practices, there have been several policies and reforms set in place as an attempt to remedy the issue of racial bias in policing. Such policies and reforms include BWCs, procedural justice, implicit bias trainings and data driven approaches. Though these policies and reforms were implemented with the goal of addressing the issue of racial bias in policing, some have drawbacks or lack sufficient evidence to prove its effectiveness. For instance, BWCs have been heavily endorsed, however, there has been minimal research done on whether or not BWCs help reduce racial bias in policing. Similar to BWCs, research studies have suggested that implicit bias trainings are beneficial for combating racial bias, but not enough research has been done to confirm the effectiveness of implicit bias training. It is imperative to continue to collect data and conduct data analysis to better determine the effectiveness of such policies and reforms.

References

Ariel, B., Farrar, W. A., & Sutherland, A. (2015). The effect of police body-worn cameras on use of force and citizens' complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology, 31*(3), 509-535. doi:10.1007/s10940-014-9236-3

Ariel, B., Sutherland, A., Henstock, D., Young, J., Drover, P., Sykes, J. and Henderson, R. (2016). "Contagious Accountability." *Criminal Justice and Behavior, 44*(2), 293–316. doi: 10.1177/0093854816668218

Bias. (n.d.). Retrieved from https://www.merriam-webster.com/dictionary/bias

Body-Worn Camera Frequently Asked Questions. (2015). Bureau of Justice Assistance. Retrieved from https://www.bja.gov/bwc/pdfs/BWC_FAQs.pdf

Body-Worn Camera Laws Database. (2018). Retrieved from http://www.ncsl.org/research/civil-and-criminal-justice/body-worn-cameras-interactive-graphic.aspx#/

Boscardin, C. K. (2015). Reducing Implicit Bias Through Curricular Interventions. *Journal of General Internal Medicine, 30*(12), 1726-1728. doi:10.1007/s11606-015-3496-y

Citizen Perceptions of Body-Worn Cameras: A Randomized Controlled Trial. Police Executive Research Forum. (2017). Retrieved from https://perf.memberclicks.net/assets/bodyworncameraperceptions.pdf

COMPSTAT for Justice. (n.d.). Retrieved from https://policingequity.org/what-we-do/compstat-for-justice.

Ghandnoosh, N. (2015). Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System Obtained from https://www.sentencingproject.org/publications/black-lives-matter-eliminating-racial-inequity-in-the-criminal-justice-system/

Gilbert, D., Wakeling, S., & Crandall, V. (2015). Procedural Justice and Police Legitimacy: Using Training As A Foundation for Strengthening Community-Police Relationships. California Partnership for Safe Communities.

Godsil, R. D. & Johnson, A. M. (2013). Transforming Perceptions: Black Men and Boys. *Black Male Re-Imagined II. Perception Institute.*

Katz, Charles M., David E. Choate, Justin R. Ready, & Lidia Nuño. (2014). Evaluating the Impact of Officer Worn Body Cameras in the Phoenix Police Department. Phoenix, AZ: Center for Violence Prevention & Community Safety, Arizona State University.

Kunard, L., and Charlene, M. (2015). Procedural Justice for Law Enforcement: An Overview. Washington, DC: Office of Community Oriented Policing Services.

La Vigne, Nancy G., Pamela Lachman, Shebani Rao, and Andrea Matthews. (2014). *Stop and Frisk: Balancing Crime Control with Community Relations*. Washington, DC: Office of Community Oriented Policing Services.

LeCount, R. J. (2017). More Black than Blue? Comparing the Racial Attitudes of Police to Citizens. *Sociological Forum, 32*, 1051-1072. doi:10.1111/socf.12367

Lum, C, Stoltz, M, Koper, CS, Scherer, JA. (2019). Research on body‐worn cameras: What we know, what we need to know. *Criminology & Public Policy*. 18: 93– 118. https://doi.org/10.1111/1745-9133.12412

Maryfield, B. (2018). Implicit Racial Bias. Justice Research and Statistics Association. Retrieved from jrsa.org/pubs/factsheets/jrsa-factsheet-implicit-racial-bias.pdf

Police Executive Research Forum. (2013). *Compstat: Its Origins, Evolution, and Future in Law Enforcement Agencies*. Washington, DC.

Racial Bias In Criminal News in the United States. (2019). Retrieved from https://en.wikipedia.org/wiki/Racial_bias_in_criminal_news_in_the_United_States

Robinson, M. A. (2017). Black Bodies on the Ground: Policing Disparities in the African American Community—An Analysis of Newsprint From January 1, 2015, Through December 31, 2015. Journal of Black Studies, 48(6), 551–571. https://doi.org/10.1177/0021934717702134

Smith, R. J. (2015). Reducing racially disparate policing outcomes: Is implicit bias training the answer. University of Hawai'i Law Review, 37(2), 295-312.

Tyler, T. R., & Wakslak, C. J. (2004). Profiling and police legitimacy: Procedural justice, attributions of motive, and acceptance of police authority. Criminology, 42(2), 253–281.

"What is Procedural Justice?" fact sheet, (n.d.). Center for Public Safety and Justice, Retrieved from http://cops.igpa.uillinois.edu/sites/cops

White, Michael D. 2014. Police Officer Body-Worn Cameras: Assessing the Evidence. Washington, DC: Office of Community Oriented Policing Services.

Introduction

Conducting research and data analysis is vital for assessing whether or not racial bias in policing is occurring. Racial bias, as defined by Gates (2016), is "a harmful aversion to, stereotyping of, or discrimination against a race" (Gates, 2016). In other words, a police officer may be more likely to stop, search, and arrest a person solely because of their skin color. Racial bias in policing is an issue because it leads to the creation of a racial disparity. The Sentencing Project (2008) explains that racial disparity "exists when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population" (1). Fortunately, as Ghandnoosh (2014) explains, careful data collection can help pinpoint and address sources of racial bias.

There are various ways that researchers can use data to determine whether or not minorities are being disproportionately targeted. For starters, researchers can compare the number of stops between minorities and Whites. After looking at the numbers of minorities and Whites stopped, researchers can also look at the hit rate, or contrabands found (Herb, 2007). Herb (2007) explains that "a general sign that racial profiling practices may be present would be a high rate of minority drivers being searched despite a low rate of contraband hits (45). Collecting such data can help pinpoint officers and/or departments that may be racially biased in their policing. Once racially biased officers or departments have been identified, it "can lead to changes in state laws" (Anderson & Perimutter, 2019). Anderson and Perimutter (2019) explain,

"in North Carolina, accusations of racial profiling led to the passage of a state law requiring the collection of traffic stop data, which revealed massive racial disparities in the stops". As a result, some jurisdictions changed their practices, which included mandating officers to retrieve written consent before searching a car during a traffic stop (Anderson & Perimutter, 2019). As discussed, data collection is an important tool for studying and addressing racial bias in policing.

There are several researchers and organizations that have been collecting and analyzing pedestrian as well as traffic stop data in an attempt to identify racially biased practices. For instance, Frank Baumgartner, a political science professor at the University of North Carolina, noted that, "In 1999, North Carolina became the first state in the country to mandate that officers record demographic information about every person that they pull over on the highway" (Willmschen, 2018). Ever since North Carolina implemented its law requiring officers to collect demographic information, there have been over 20 million traffic stops added to the database (Willmschen, 2018). Baumgartner recognized that no state agency ever analyzed the data which is what he did in his book, "Suspect Citizens: What 20 Million Traffic Stops Tell Us About Policing and Race". In addition to Baumgartner, the Center for Policing Equity took the concept of CompStat, which was first used with the New York Police Department (NYPD), to create "CompStat for Justice". Compstat is a system that collects and uses data to help police officers focus their resources on the goal of reducing crime ("CompStat for Justice", 2019). The Center for Policing Equity uses CompStat for Justice to help keep police officers accountable and to show how departments can identify problematic behaviors ("CompStat for Justice", 2019). Similar to Baumgartner and Center for Policing Equity, the Stanford Open Policing Project, a collaboration between the Stanford Computational Journalism Lab and the Stanford

Computational Policy Lab, has also "compiled and analyzed a dataset detailing nearly 100 million municipal and state patrol traffic stops conducted in dozens of jurisdictions across the country" (Pierson et al, 2019, 1). Through data collection and analysis, both, Baumgartner and the Stanford Open Policing Project, found evidence of racially discriminatory stops. For instance, Baumgartner and Epp (2012) found that Blacks make up 21.5% of North Carolina's population, but accounted for 30% of those pulled over. Provided the importance of data analysis, the purpose of this paper is to compare and analyze data collected by the Stanford Open Policing Project on pedestrian stops conducted in New Orleans, LA to identify possible racially discriminatory stops.

- ○ Research questions: 1) Are minorities stopped more frequently than Whites? 2) What are the frisk rates and are there any race difference in frisk rates? 3) What is the hit rate of minorities compared to Whites? 4) Are there geographic areas where racial bias is more pronounced?

Data Collection

In order to analyze specific cases on pedestrian stops, I obtained stop, question and frisk (SQF) data collected by the Stanford Open Police Sentencing Project. While the Stanford Open Policing Project has collected stop data from various states, New Orleans' stop data was selected because it had the most information on each stop conducted. To elaborate, New Orleans' stop data recorded stop information such as date, time, location, race, age, sex, search conducted, contraband found, citation issued, warning issued, frisk performed, arrest made, reason for stop, and violation whereas other states had limited information.

The New Orleans Police Department (NOPD) is split up into 8 different districts. This data analysis first looked at the racial makeup of stops conducted city wide (district 1 to district 8), then focused on comparing stops made in the 2nd and 7th district. Based off of New Orleans' open data, the 2nd district has a lower rate of use of force incidents (n=353), number of complaints (n=305), and violent crimes (n=11,944). The 7th district, on the other hand, has a higher rate of use of force incidents (n=789), number of complaints (n=631), and violent crimes (n=21,131). Noting that the 2nd and 7th district have substantial differences in regards to use of force incidents, complaints and crimes, this data analysis paid close attention to see if there was any connection between the two districts and racially discriminatory stops.

Methods

The Stanford Open Policing Project provided data on over 500,000 pedestrian and traffic stops that were conducted in New Orleans during the years of 2010 to 2018, however, this data analysis focused on the pedestrian stops made during the years of 2013-2017. The first couple of years (2010, 2011, 2012) had high numbers of stops conducted, however, there was a lot of information that was not available for these stops. For instance, a majority of the contraband and outcome information were not available. As for 2018, there was a very low number of stops recorded which could be because the data collection for 2018 is incomplete. By eliminating stop data conducted in 2010-2012 and 2018, the number of stops was reduced to 23,360 stops. In regards to race, the Stanford Open Policing Project collected and organized race into the following categories: 1) Black, 2) White, 3) Hispanic, 4) Asians/Pacific Islander, 5) Other, 6) not available (N.A.) and 7) unknown. I eliminated all cases categorized as other, N.A., and unknown which brought the number of cases down to 23,269. Finally, I looked at whether or not a frisk

was performed, if there was a contraband found, and the outcome. While looking at contraband and outcome (n=7904) data, there was a substantial number of cases that had information that was not available, which was also eliminated for the data analysis making the total stops analyzed 6,102. I utilized the same process of elimination for district 2 and 7 stop data analysis. Considering that several data analyses and research studies have often found evidence of racially biased policing practices, I hypothesize the following:

- ○ H1) Blacks will have a higher stop rate while Whites will have a lower stop rate, H2) Blacks will have a lower hit rate than Whites, and H3) District 7 will have a higher stop rate and a lower hit rate of Blacks than district 2 due to the fact that district 7 has a higher number of complaints.

Findings

I analyzed and organized the stop, frisk, contraband, and arrest rate by race into the following three tables: 1) citywide, 2) district 2 and 3) district 7 which can be found below. To evaluate the number of contrabands found, I focused on those who had been stopped and frisked. As for arrest rates, I looked at who was arrested regardless of if a frisk was performed or if a contraband was found.

City Wide Data

Below is a summary table of the stop, frisk, contraband and arrest data by race citywide in 2013 to 2017. According to the U.S. Census Bureau, Blacks account for 59.8% of New Orleans' population and make up 79.3% of the stops conducted. This means that Black citizens are being stopped at a rate higher than would be expected based on their proportion of the city's population. Whites, on the other hand, account for 34.1% of New Orleans' population and make

up 19.1% of the stops conducted. Furthermore, Hispanics and Asians/Pacific Islanders account for 5.5% and 3% of New Orleans' population and make up 1.4% and 0.2% of the stops conducted. Applying Campbell's (2007) Chi-squared test of two-by-two tables method, I compared the frisk rate between Blacks and Whites to their proportion of stops conducted. As a result, a Chi-square of 13.259 was produced, which means that Blacks stopped by the police were more likely to be frisked compared to Whites and this difference is highly significant (p=.0003). In regards to hit rates, contrary to my hypothesis, it was found that Blacks (26.3%) revealed contrabands more than Whites (20.6%), Hispanics (22.4%) and Asians/Pacific Islanders (13.3%). Hit rates in Black citizens were also found to be significantly (p=.0002) higher than hit rates in Whites. Last but not least, the arrest rates between Blacks and Whites produced a Chi-square of 3.046. In other words, White pedestrians that are stopped are slightly more likely to be arrested compared to Black pedestrians that are stopped, however, the difference is not statistically significant (p=.08) at the .05 level. Citywide stop data shows that police officers disproportionately target Black citizens. Furthermore, the data shows no evidence of great error in officer suspicion.

Table 1: Stop, Frisk, Contraband and Arrest Rates by Race Citywide in 2013-2017

Race	****Population**	**Stopped**	***Frisked**	***Contraband Found**	***Arrested**
Black	59.8%	79.3% (n=4838)	88.5% (n=4282)	26.3% (n=1126)	86.9% (n=4202)
White	34.1%	19.1% (n=1163)	84.6% (n=984)	20.6% (n=203)	88.8% (n=1033)
Hispanic	5.5%	1.4% (n=86)	88.4% (n=76)	22.4% (n=17)	84.9% (n=73)
Asian/Pacific Islander	3.0%	0.2% (n=15)	100% (n=15)	13.3% (n=2)	86.7% (n=13)
Total	100%	n = 6102			

* Statistically Significant

District 2 Data

Below is a summary table of the stop, frisk, contraband and arrest data by race in district 2 in 2013 to 2017. Due to the fact that Hispanics (n=3) and Asians/Pacific Islanders (n=1) accounted for a very small amount of stops conducted, the two groups were eliminated from this data analysis. It should also be noted that, unlike the citywide data, there is no census benchmark for district level data, which makes it challenging to compare the stop rate between the different ethnic groups. Similar to what was found in table 1, Blacks (82%) are stopped at a much higher rate than Whites (17.2%). However, looking at the frisks performed, Whites (88.2%) were frisked slightly more than Blacks (87.1%). Despite the slight increase in frisks performed on Whites, Blacks (26.7%) resulted in a higher hit rate than Whites (20%). Campbell's (2007) measuring method was utilized to see if there was any statistical significance in the frisk, hit and arrest rates between Blacks and Whites. It was found that the differences were not statistically significant. Therefore, there is no evidence that the police are less accurate in their suspicion of Black citizens as shown by similar hit rates at the citywide level.

Table 2: Stop, Frisk, Contraband and Arrest Rates by Race in District 2 in 2013-2017

Race	Stopped	Frisked	Contraband Found	Arrested
Black	82% (n=487)	87.1% (n=424)	26.7% (n=113)	87.1% (n=424)
White	17.2% (n=102)	88.2% (n=90)	20% (n=18)	88.2% (n=90)
Total	n = 594			

District 7 Data

Below is a summary table of the stop, frisk, contraband and arrest data by race in district 7 in 2013 to 2017. Again, Hispanics (n=3) and Asians/Pacific Islanders (n=8) accounted for a very small amount of stops conducted, so Hispanics and Asians/Pacific Islanders were also eliminated from this data analysis. Similar to table 1 and 2, table 3 also shows that Blacks (89.7%) are stopped at a much higher rate than Whites (7.7%). The most significant finding of this data analysis is the difference in frisk rates between Black and White citizens. 86.3% of the frisks performed were of Black citizens whereas 71.4% of the frisks performed were of White citizens, which equates to almost a 15% difference in frisk rate. The frisk rate between Blacks and Whites produced a Chi-square of 5.642 which means Blacks were more likely to be frisked than Whites. This finding was statistically significant (p=.0175). This finding is indicative of racially discriminatory policing. In regards to hit rates, table 3 shows a higher hit rate in Whites (40%) than Blacks (27.7%), however, this is not statistically significant (p=.1886). There was also no statistically significant difference (p=.4272) in arrest rates between Whites and Blacks.

Table 3: **Stop, Frisk, Contraband and Arrest Rates by Race in District 7 in 2013-2017**

Race	Stopped	*Frisked	Contraband Found	Arrested
Black	89.7% (n=410)	86.3% (n=354)	27.7% (n=98)	90.2% (n=370)
White	7.7% (n=35)	71.4% (n=25)	40% (n=10)	94.3% (n=33)
Total	n = 457			

* Statistically Significant

Discussion

The findings of the data analysis was consistent with some of the hypotheses formed prior to the data analysis. For instance, Blacks did indeed account for a majority of the stops conducted citywide as well as, both, district 2 and 7. Furthermore, at the citywide level and in

district 7, the frisk rates of Black pedestrians was significantly higher than it was for White pedestrians. This finding could be interpreted as evidence of racial bias. As for hit rates, the data showed a lower hit rate in Blacks than Whites for district 7, but a higher hit rate for Blacks than Whites in district 2. This finding is consistent with the expectation that outcomes measuring racial bias should be more pronounced in district 7 compared to district 2. Despite the finding, it should be noted that there was no statistically significant difference in the hit rates due to the small number of cases in the district-specific analyses.

Correlations Between Geographic Areas and Racial Bias

As pointed out earlier, the 2nd district has a lower rate of use of force incidents, number of complaints and violent crimes, whereas the 7th district has a higher rate. Noting that district 2 and 7 vary, I wanted to see if there was any association between the two districts in regards to racially discriminatory stops. In other words, is it possible that because district 7 has a higher rate of use of force incidents, number of complaints and violent crimes that racial bias in policing may be more evident? Based on the data analysis, it appears that in district 7 compared to district 2 and citywide, Blacks (89.7%) are stopped at a much higher rate than Whites (7.7%). Furthermore, there is a statistically significant (p=.0175) difference in the decision to frisk between Blacks (86.3%) and Whites (71.4%). This finding is consistent with what other research studies have found in regards to SQF practices. For instance, Evan and Williams (2015) found that "minorities, specifically Blacks and Latinos, account for 55% of the New York City population, but comprised approximately 90% of those subjected to stop-and-frisk in 2011" (3). As stated before, this is indicative of racially discriminatory stops which could be a contributing factor to the high number of complaints in district 7.

Seeing that there is some to no difference in hit rates in the two districts, it is valuable to know whether or not NOPD utilizes any training or policies designed to address the issue of racial bias in policing. According to an article, NOPD was "one of the first major city police departments to begin using body-worn cameras" ("NOPD Officers", 2016). In addition to the use of BWC, NOPD developed a department-wide program, Ethical Policing is Courageous (EPIC), which is "a peer intervention program developed by the NOPD, in collaboration with community partners, to promote a culture of high-quality and ethical policing" ("EPIC", n.d.). The EPIC program promotes ethical policing by training officers to identify danger signs, providing officers with the skills they need to intervene before problems occur or escalate, supporting officers who do the right thing and so forth ("EPIC", n.d.). Considering the various technological interventions and trainings that NOPD utilizes, it is possible that these approaches could have had an influence on the number of stops conducted, however, there is no known correlation.

Conclusion

To conclude, data collection and analysis is a vital step in addressing the issue of racial bias in policing. In other words, data collection and analysis has the potential to pinpoint racially discriminatory police departments and/or officers. Recognizing the value in stop data analysis, I analyzed pedestrian stop data in New Orleans during the years of 2013-2017 with the goal of identifying racially discriminatory policing. As a result of analyzing New Orleans' stop data, there was little to no evidence of racially discriminatory stops. The only evidence of racially discriminatory stops can be found in frisk rates in district 7. Furthermore, by identifying racially discriminatory police departments and/or officers can lead to the implementation of better

training to address racial bias. Several researchers and criminal justice scholars assert that data collection is valuable for remedying the issue of racial bias in policing (Ghandnoosh, 2014; Anderson & Perimutter, 2019). However, stop data cannot be analyzed if police officers are not recording stop information. That being said, all police departments should implement a policy that mandates their officers to record information (e.g. race, sex, age, frisk performed, contraband found, outcome) on stops conducted.

While there are several researchers and organizations collecting and analyzing stop data, little has been done to evaluate the correlation between the various policies and trainings implemented to address racial bias in policing. To further illustrate, it would be beneficial to identify police departments that have implemented some kind of racial bias training and assess whether or not the training has actually changed the stops conducted. For instance, did the Chicago Police Department's Legitimacy and Procedural Justice Training lead to a reduction in racially discriminatory stops? As articulated, racial bias in policing is a prominent issue, however, data collection and analysis is a promising method to identify racially discriminatory policing and should be continued to be utilized.

References

Anderson, H. R., & Perimutter, A. (2019, September 30). It's time to start collecting stop data: A case for comprehensive statewide legislation. Retrieved from https://www.policingproject.org/news-main/2019/9/27/its-time-to-start-collecting-stop-data-a-case-for-comprehensive-statewide-legislation.

Campbell, I. (2007). Chi-squared and Fisher-Irwin tests of two-by-two tables with small sample recommendations. Statistics in Medicine, 26(19), 3661-3675.

EPIC: Ethical Policing Is Courageous. (n.d.). Retrieved from http://epic.nola.gov/home/#training.

Evans, D. N., & Williams, C. (2017). Stop, question, and frisk in new york city: A study of public opinions. *Criminal Justice Policy Review, 28*(7), 687-709. doi:10.1177/0887403415610166

Gates, P. J. (2016). 5 Steps to Understanding Racial Bias. Retrieved from https://www.huffingtonpost.com/john-fitzgerald-gates-phd/5-steps-to-understanding-racial-bias_b_7446510.html

Herb, M. (2007). Racial Profiling and the Police: Utilizing the Census Transportation Planning Package to Benchmark Traffic Stops made by the North Carolina State Highway Patrol.

Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Jenson, D., Shoemaker, A., Ramachandran, V., Barghouty, P., Phillips, C., Shroff, R., and Goel, S. (2019). A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States.Stanford Computational Policy Lab.

The Sentencing Project. (2008). Reducing Racial Disparity in the Criminal Justice System A Manual for Practitioners and Policymakers. https://www.sentencingproject.org/wp-content/uploads/2016/01/Reducing-Racial-Disparity-in-the-Criminal-Justice-System-A-Manual-for-Practitioners-and-Policymakers.pdf

U.S. Census Bureau QuickFacts: New Orleans city, Louisiana. (n.d.). Retrieved from https://www.census.gov/quickfacts/neworleanscitylouisiana.

Willmschen, C. (2018). UNC professor Frank Baumgartner on race, traffic stops and why youshould care. Retrieved from https://www.dailytarheel.com/article/2018/09/baumgartner-q-and-a-race-police-0904.