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A CRITICAL ANALYSIS OF RACIAL PROFILING

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree of

Doctor of Philosophy

Lynn University

By

John E. McLaughlin

Lynn University

2009

Order Number: _____

A CRITICAL ANALYSIS OF RACIAL PROFILING

John E. McLaughlin

Lynn University 2009

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A CRITICAL ANALYSIS OF RACIAL PROFILING

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ABSTRACT

This paper focuses on a critical examination of racial profiling. It includes the history of racial profiling and the laws and requirements that have been implemented to control and eliminate this practice, which utilizes race and ethnic background as indicators in the discretionary process of law enforcement. The purpose of this analysis is to learn if there are steps that police departments can take to eliminate, or at least minimize and control, this practice that plagues communities and departments across the country. This paper will include an exploration of the theoretical and empirical literature regarding the improvement of laws and police policies that can be implemented to prevent certain groups of people from future unnecessary law enforcement targeting. This paper will identify research trends in the literature and provide recommendations for areas of future scholarly inquiry.

TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	i
ABSTRACT	iii
LIST OF TABLES	viii
CHAPTER I: INTRODUCTION TO THE STUDY	1
Introduction and Background of the Problem	1
Racial Profiling	2
Definition of the Problem	3
Racial Timeline for Riots Resulting From Police Action	4
Illegal Acts	6
Litigation and Civil Liability	7
Divisiveness	9
Definition of Terms	11
Purpose of the Study	15
Significance of the Study	16
Delimitations and Scope	17
Organization of the Dissertation	18
CHAPTER II: REVIEW OF THE LITERATURE	20
Introduction to Racial Profiling	20
History of Racial Profiling	21
Overview and Purpose	28
Interest, Significance and Rationale for the Critical Analysis	28
Authorization for Police Stops	29
Police Citizen Encounters	29
Stop and Frisk	29
Reasonable Expectation of Privacy	30
Equal Protection Under the Law	31
Reasonable Suspicion	31
Plain-Feel Doctrine	33
Racial Profiling Studies	37
Theories on Racial Profiling	60
Hard Profiling and Soft Profiling	62
Outcome Test	63
Hit Rates Test for Racial Bias	64
Critical Race Theory	65
Community Policing	67
Script Theory	67

TABLE OF CONTENTS

(Continued)

	Page
Police and Gender	69
Police Suspicion Theory	69
Differential Offending Theory	70
Differential Enforcement Theory	71
Stop Discretion by Race and Ethnicity	71
Previous Research Focuses	72
Casualties Related to Racial Profiling	72
Legislation	73
Shortage of Law Enforcement Officers	74
Under Representation of African-Americans in Law Enforcement	74
Patterns of Training	75
Operation Pipeline and Operation Convoy	75
Patterns of Retraining	77
Employment Diversity: Socio-Demographic Representation in the US Work Force	77
Explanations for the Underrepresentation of "Diverse Groups" in Law Enforcement	78
Excessive Force in Contact With Minorities	78
Possible Solutions	79
 CHAPTER III: RESEARCH METHODOLOGY	 81
Research Design	82
Methodology	82
Population and Sampling Plan	84
Target Population	84
Racial Make Up of the Neighborhoods	86
Traffic Observation	87
Analysis of Study Data	88
Data Analysis	88
Combined Data Analysis	90
Analysis of Neighborhood Data	91
Predominantly Caucasian Neighborhoods	92
Observers	92
Instrumentation	93
Research Questions	93
Research Hypotheses	94
Research Questions Data	94
Procedures	95
Ethical Considerations	95
Data Collection	96

TABLE OF CONTENTS

(Continued)

	Page
Interrater Reliability	97
Observation Methods	97
Data Analysis	97
Evaluation of Research Method	98
External Validity	98
Internal Validity	99
Threats to Validity	99
Procedures	99
Ethical Considerations and Data Collection Methods	99
Alpert (2004) Data	100
CHAPTER IV: RESULTS	105
Data Collection	105
Study Parameters	106
Drivers Counted	107
Main Analysis	112
Traffic Violators by Number	112
Traffic Violators by Percentage	113
Analysis	114
Race Percentage Comparisons	115
Hypotheses	116
First Hypothesis	116
Second Hypothesis	117
Third Hypothesis	117
Research Questions	118
Research Question One	118
Research Question 2	119
Research Question 3	120
Alpert 2004 Study Comparisons	123
Race Percentage Comparisons	125
CHAPTER V: SUMMARY OF FINDINGS	129
Racial Profiling	131
Review	133
General Findings	135
Theoretical Considerations	136
Conclusions	137
Limitations	140
Future Research	141

TABLE OF CONTENTS

(Continued)

	Page
Recommendations for Future Research	141
Implications	141
Final Thoughts	142
Recommendations	142
REFERENCES	144
COURT CASES	153
APPENDIXES	
Appendix A: Websites	156
Appendix B: Abbreviations	158
Appendix C: Intersections Selected	160
Appendix D: Map of Miami	162
Appendix E: Consent Letter From Geoffrey, Ph.D.	164
Appendix F: Protocol	167
Appendix G: Consent Form	169
Appendix H: Lynn University IRB Approval	173
Appendix I: MDPD Approval	175
Appendix J: Form 1	178
Appendix K: Form 2	180
CURRICULUM VITA	181

LIST OF TABLES

Table 3-1	Number & Percentage of Driving Violations by Race & Gender	101
Table 3-2	Violation Rate Broken Down by Race and Gender	101
Table 3-3	Percentage of Drivers by Race and Gender	102
Table 3-4	Violations Predominantly Caucasian Neighborhoods	103
Table 3-5	Neighborhood Racial Characteristics	104
Table 4-1	Counting Driver Comparisons	107
Table 4-2	Drivers Counted	109
Table 4-3	Speeders	110
Table 4-4	Traffic Violations By Race and Gender	111
Table 4-5	Total Violations	112
Table 4-6	Race Percentage Comparisons	116
Table 4-7	Number & percentage of Driving Violations by Race & Gender	118
Table 4-8	Total Known Violators by Gender	121
Table 4-9	Total Known Violators by Race	121
Table 4-10	Known Driving Population by Race	121
Table 4-11	Combined Traffic Violators by Race	122
Table 4-12	Drivers Counted by Race Combined	122
Table 4-13	Counting Drivers Comparisons 2004 & 2009 Studies	124
Table 4-14	Race Percentage Comparison	125
Table 4-15	Comparison of Drivers Observed and Violators 2004 & 2009	126
Table 4-16	Number & Percentage of Driving Violations and Stops By Race and Gender	127

CHAPTER 1

INTRODUCTION TO THE STUDY

Introduction and Background to the Problems

Racial profiling in America is an issue of epidemic proportion that has been under intense media scrutiny for the past several decades. Racial profiling has been defined by Ramirez, McDevitt and Farrell (2008) in the *U.S. Department of Justice's Resource Guide to Racial Profiling Data Collection Systems*:

Racial profiling is defined as any police-initiated action that relies on race, ethnicity, or national origin rather than behavior of an individual or information that leads the police to a particular individual who been identified as being or having been engaged in criminal activity (p. 3).

Racial profiling according to Lamberth (1994) is an issue that affects races differently. Lamberth's study indicated that the perceptions of police departments are divided along racial lines. In the Lamberth study, a majority of whites had a positive perception of their police and were quite confident in the job that they were doing. The same study indicated that the majority of African-Americans had a negative perception of the police department and very little confidence in the job that they were doing.

The police and African-Americans have endured many decades of mistrust and misunderstanding. This mistrust and misunderstanding between sections of the population and the police has resulted in tension and a general ineffectiveness in those populations. Nationwide, African-Americans report most of the tension that they feel toward the police has been generated by their previous experiences with the police in racial profiling incidences. A 2004 Gallop poll reported that 53 percent of all adults and

67 percent of African-Americans believe that racial profiling is widespread. The same poll indicated that only 31 percent of all adults and only 23 percent of African-Americans believed that the practice of racial profiling was justified (Carlson, 2004).

Racial Profiling

Studies indicate that racial profiling does not affect all Americans equally and that most Caucasians are supportive of the performance of their local police departments. The statistics indicate that minorities and African-American males specifically, are the most affected by racial profiling and they have the most mistrust of the police officers they encounter (Carlson, 2004).

The End Racial Profiling Act has been reviewed by the U.S. House of Representatives and the U.S. Senate but never received the degree of support that was necessary to pass a national law prohibiting racial profiling by name. There have been 23 states that have banned racial profiling. In addition 4,000 police departments have agreed to collect racial profiling data in an effort to monitor their departments' activities (Farrell, Rumminger, & McDevitt, 2005).

Even though the End Racial Profiling Act has never passed, racially profiling is still technically a violation of constitutional law in all 50 states. Treating people differently under the law is still a federal violation. It would be better if there was a law that specifically stated it was a violation of law, but in the meantime, it still violates the Constitution of the United States to treat people with disparity based on their race, ethnicity, gender or place of origin (U.S. Constitution, 1776).

Most racial profiling studies utilize U.S. Census Bureau information as their benchmarks. They compare police ticket data with the percentages of the population, and

from those percentages determine if racial profiling exists. For example if African-Americans are 12 percent of the population then they should only receive 12 percent of the police departments' traffic tickets. Studies have shown that the data collected is not accurate for several reasons. First, census data is only done each decade so the numbers during the decade are only accurate the year in which they are published. Second, numbers during the decades are only estimates.

Alpert (2004) conducted an observational study of the Miami-Dade Police Department that actually counted drivers and separated them by race and gender. Alpert found that determining ethnicity was practically impossible. After reviewing the current literature, he determined that the best way to get an accurate account of the driving population is by doing an observational study of the exact area. The Alpert study found that minorities and African-American did not always rely on driving as a means of transportation so census data was not be an accurate benchmark. The study indicated that once the driving population was determined, then and only then, is there be an accurate benchmark that can be used to determine is there is a problem with racial profiling in a certain city, county, state, or area. Alpert While measuring the driving population, Alpert also measured traffic violations at certain intersections throughout Miami-Dade County. Violations at the intersections were documented and recorded using college interns trained in recording this data (Alpert, 2004).

Definition of the Problem

Four decades ago, the *Kerner Commission Report* (Holton, 2003) documented the unfair and harsh violent treatment of African-Americans by their local police. The report stated that many of the altercations that African-Americans had with the police started

out as traffic stops and then escalated. This problem, although documented and reported, continued to exist and never received proper attention until the media began catching some of the abuse on video. It was after the public began to see the police abuse on television and after the media began to show it on prime time, when the public began to demand changes. Changes in this country are often slow and are sometimes only implemented after costly litigation.

Throughout the history of the United States race has always been an issue. Since police officers are a product of their environment, they have consistently struggled in dealing fairly with minorities, and especially other races. Below are examples of racial incidents that have developed into major disputes as the races strive to get along.

Racial Timeline for Riots Resulting From Police Action

- 1965 Watts Riot. Following a traffic stop, originally for speeding and later determined to be and arrested for DUI, a crowd gathered and was not happy to see the intoxicated prisoner singing and dancing in front of the officers. The officers were waiting for a prisoner van to pick up the prisoner, but the crowd mistakenly thought the officers ordered the prisoner to sing and dance for their entertainment. The Watts' riots left 34 dead in Los Angeles.

- 1967 Newark Riots. An African-American cab driver named John Smith was arrested for tailgating a police car and allegedly beaten by police who accused him of resisting arrest. This set off six days of riots, looting, violence, and destruction ultimately leaving 26 people dead, 725 people injured, and close to 1,500 arrested.

- 1980 Miami Riot. Four Miami-Dade officers were found not guilty after beating to death Arthur McDuffie, who was stopped for speeding and according to the officers, resisted arrest.

- 1989 Miami Riot. A City of Miami Officer was acquitted after he shot and killed motorcyclist Clement Lloyd for failing to stop for a speeding violation. His passenger Allen Blanchard died a day later from his injuries due to the crash.

- 1992 Los Angeles Riots. A traffic stop captured police brutality on video. In a reaction to the acquittal of the Los Angeles police officers involved in the videotaped beating of Rodney King, riots broke out mainly involving African-American youth in African-American neighborhoods.

- 1996 St. Petersburg Riot. After a white officer stopped 18 year old African-American Tyron Lewis for speeding, his car lurched forward causing the officer to fire his weapon, killing the teenager. Riots broke out and lasted for 2 days.

- 2001 Cincinnati Riots. In a reaction to the acquittal of a white officer after the fatal shooting of an unarmed young African-American male, Timothy Thomas, during a foot pursuit, riots broke out over the span of a few days.

- 2003 Benton Harbor Riot. A small minority of the residents in Benton Harbor rioted for two days when African-American motorcyclist Terrance Shurn, being chased by a police officer, crashed into a building and died.

Racial profiling has been a persistent problem throughout the United States even though it is an illegal act protected by Title 42 U.S.C Section 14141 of the United States Constitution also known as pattern and practice (U.S. Constitution). In addition to being illegal, racial profiling is an act that has resulted in litigation and civil liability for many

police departments, cities, counties and states. Racial profiling is also a problem because the practice divides populations along racial lines and provides a rationale for portions of the communities to mistrust and have no confidence in their police departments (Holton, 2004).

Illegal Acts

Although there is no specific law outlawing racial profiling throughout the United States, the act of using race, gender, ethnicity or place of origin as the sole criterion in making a traffic stop is illegal.

It is a crime for any person acting under color of law to willfully deprive any person of any rights or privileges guaranteed under the Constitution. This law prohibits any person to be subjected to different punishments or penalties because of citizenship, color, or race. Punishments can include a fine, imprisonment, or both. (Title 18, Section 242, U.S. Code).

Although it is against the law to treat people differently under the Constitution of the United States, laws are not always evenly enforced. The Fourth (Search & Seizure), Fifth (Due Process) and Fourteenth (Equal Protection) Amendments prohibit law enforcement officers from engaging in discriminatory behavior based on an individual's race, ethnicity, or national origin. The Fourth Amendment protects against illegal searching without justification (U.S. Constitution, Amendments, 1787).

The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by all recipients of federal financial assistance (42 U.S.C. 2000d). The *Omnibus Crime Control and Safe Streets Act of 1968* prohibits discrimination on the basis of race, color, national origin, sex, or religion by law enforcement agencies that

receive federal funds pursuant to that statute (42 U.S.C. 3789d). A 1994 statute grants the Attorney General the authority to seek injunctive relief when a state or local law enforcement agency engages in a pattern or practice of conduct that violates the Constitution or federal law, regardless of whether the agency is a recipient of financial assistance (42 U.S.C. 14141).

The Fourth Amendment guarantees the rights of people to be secure from unreasonable searches and seizures. The temporary detention of individuals during a stop equates to a seizure within the meaning of the Fourth Amendment (U.S. Constitution, Amendments). The Constitution prohibits selective enforcement of the law based on considerations such as race, but the constitutional basis for objecting to intentionally discriminatory application of laws is the equal protection provisions of the Constitution and not the Fourth Amendment (U.S. Constitution).

The Fourteenth Amendment's Equal Protection Clause uses the strict scrutiny standard when a law or policy classifies individuals based on race. In order for the law or policy to be upheld, the standard requires a compelling state interest and that the classification is necessary or narrowly tailored, to further that interest. The Fourth Amendment, or the reasonableness standard, asks whether using race as a factor to establish probable cause or reasonable suspicion is reasonably related to efficient policing (Smith, Makarios, & Alpert, 2006).

Litigation and Civil Liability

Because of allegations of disparity and unequal treatment, numerous lawsuits have been filed in a number of states. Many of these law suits later turned into racial profiling studies by states and the federal government. Lawsuits have been filed in

Oklahoma, New Jersey, Maryland, Illinois, Florida, Pennsylvania and Colorado. These lawsuits have resulted in millions of dollars in judgments for the plaintiffs (Holton, 2004). The 1996, case of the State of New Jersey v. Pedro Soto (734 A.2d 350 N.J. Super. Ct. Law Div.) indicated that racial disparity in traffic stops was a prima facie case of discrimination. The court decided that the police had an obligation to record racial profiling data. The court felt that if the police recorded this information then officers would be on notice that the information was being tracked and compel them not to violate the policy of treating races equally.

Reviews of the Soto, Wilkins and Whitfield v. Board of County Commissioners found that the practice of racial profiling stems from drug courier profile training initially taught by the United States Customs as a way to spot drug couriers. In 1986, the practice was continued by the Drug Enforcement Agency in their nationwide *Operation Pipeline* training, a training program that was supposed to train local law enforcement and state police to assist in the war on drugs. The profile training used behavior and conditional factors to identify persons who transported drugs across the nation's highways. Pipeline training encouraged law enforcement officers to find ways to search subject's cars by obtaining a consent search as a way of bypassing the Fourth Amendment which required a search warrant. The training also depicted profiles of numerous African-American and Hispanic males as transporters of choice. The Drug Enforcement Agency admits providing the nationwide training, but denies that the training instructed law enforcement officials to target certain groups of people (Buerger, 2002).

The Wilkins case (1993) was one of the first cases actually able to document, through traffic stop data, that African-Americans were being stopped and searched more

than other groups of people. The Wilkins case resulted in a large compensation award against the State of Maryland, along with a court order for more research, court mandated changes, and training for law enforcement officers.

The Soto (1996) case was also a turning point in racial profiling litigation, as it set a standard for what was needed to identify racial profiling. The Soto case led to a consent decree with the State of New Jersey and the U.S. Department of Justice. The consent decree mandated a quarterly review of all traffic stop and search data. In this case, the court identified racial profiling as any disproportionate stopping of minorities in comparison to their population percentage. The case resulted in a significant financial loss to the State of New Jersey and initiated several more costly lawsuits in many more states.

Divisiveness

Throughout this nation there have been a great number of complaints from persons who perceived that they were stopped, ticketed, searched, and arrested solely on the basis of their race. The law enforcement practice of using race and ethnicity as a basis for stops is an issue that needs to be resolved, because it is illegal and it causes disparity and mistrust in the African-American community. For police departments to function at full capacity without alienating a substantial segment of the population, something needs to be done (Holton, 2003). When the community has a perception of mistrust of their law enforcement officials, the community is less likely to cooperate with their police. Police departments need the full cooperation of the public to be successful. The police need the entire community to think of them as respectful, fair, and unbiased (Ramirez, McDevitt, & Farrell, 2000).

A reason why police officers aggressively fight the war on crime is for the financial benefit that they receive. Police officers that conduct a large number of searches traditionally recover a large amount of contraband and cash. An officer is often rewarded for large seizures by accolades and commendations which are useful for getting choice assignments and overtime pay, which are often incentives. Police officers who bring in many seizures are traditionally rewarded by attending court during their off duty status, which is normally at the time and one half rate of pay. Police managers do not mind paying overtime to productive officers as they bring very profitable revenue to their department because a police department keeps a percentage of the money they seize after the case is closed (Harris, 1999).

Officers seek out high crime, high drug trafficking areas with the direct knowledge that they will find more contraband and cash in those areas. While officers are not told to directly target minorities and African-Americans, they indirectly target these areas when targeting high crime areas. The department's deployment practices can lead to an indirect result of targeting African-Americans. A common practice by police managers is to deploy their resources where they receive the most calls for service. It is not uncommon for the most calls for service to come from the minority or predominantly African-American community. Deploying a larger proportion of resources to the minority community, results in more enforcement in the African-American community. More enforcement results in perceptions of unfair targeting of African-Americans, which can be documented through racial profiling studies (Buerger and Farrell, 2002).

Differential rates of offending is a justification for disparity in deployment of law enforcement resources and organizational management in targeting minority

communities. However, there are no known studies to date that can document that any one group of people violate the laws more than any other. More research should be conducted to determine if any group of people violate laws more than others (Harris, 1999).

Definitions of Terms

For the purpose of this study, the following terms need explanation.

Beyond a Reasonable Doubt:

The legal standard that must be proved in order to convict a defendant in a criminal trial (Gumbhir, 2007).

Civil Rights Act of 1964:

Prohibits discrimination on the basis of race, color, or national origin by all recipients of federal financial assistance (42 U.S.C. 2000d).

Civilian:

A person who does not perform law enforcement duties, and is not employed in a sworn capacity (Holton, 2003).

Consent Decree:

A legal agreement entered into by courts and departments whereby a department corrects problems for past mistakes to avoid costly litigation in exchange for a complainant dropping or settling the complaint at a reduced rate saving both parties significant time and money (Ramirez, McDevitt, & Farrell, 2000).

Consent Search:

Verbal or written permission given by the driver and/or passenger(s) for the search (Holton, 2003).

DWB:

Driving while black, a term that is commonly used to refer to persons of color who are stopped by law enforcement personnel (Meeks, 2000).

Equal Protection Under the Law:

The Fourteenth Amendment to the U.S. Constitution guarantees every person within our borders equal protection under the law, and ever since *Mapp v. Ohio* (1961), the Supreme Court has declared that no state can abridge this right that is guaranteed under the Federal Constitution.

Equipment Violation:

The stopped vehicle has an equipment violation as listed by state, county or city statute (Holton, 2003).

Memorandum of Understanding:

A written agreement between two parties, normally a law enforcement agency and a government or government supervisory agency, to prevent disagreements over the collection of data. This is similar to, but normally with fewer sanctions than that of a consent decree, and is normally a preventative document rather than one composed after a violation has been discovered (Ramirez et al., 2000).

Omnibus Crime Control and Safe Streets Act of 1968:

Prohibits discrimination on the basis of race, color, national origin, sex, or religion by law enforcement agencies that receive federal funds pursuant to that statute (1968, 42 U.S.C. 3789d).

Plain-Feel-Doctrine:

According to *Minnesota v. Dickerson*, (1983), the plain-feel- doctrine states that there is no distinction as to which sensory perception the officer uses to discover contraband. The sense of touch, grounded in experience and training, is as reliable as recognizing the object as contraband by sight. If the object contour and mass makes its identity immediately apparent, its discovery is legitimate and the item may be seized (*Minnesota v. Dickerson*, 1983).

Police Citizen Encounters:

An encounter is defined as when a police officer comes into contact with a citizen in a voluntary manner without having conducted any sort of stop (Holton, 2003).

Pretextual Traffic Stop:

A traffic stop by a police officer that does not require probable cause, but is predicated on the defendant committing a traffic infraction (Gumbhir, 2007).

Probable Cause:

An officer holding a belief that there is substantial objective basis for believing that, more likely than not, an offense has been committed or is about to be committed (Holton, 2003).

Racial Profiling:

Any police-initiated action that relies on race, ethnicity, or national origin rather than the behavior of an individual, or information that leads the police to a particular individual who is identified as being or having been engaged in criminal activity (Department of Justice, 2006).

Reasonable Expectation of Privacy:

The U.S. Constitution clause that establish the right of privacy, or the right to be left alone, if citizens are not breaking the law (4th Amendment, U.S. Constitution).

Reasonable Suspicion:

Suspicion that is more than a mere hunch, but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that an infraction of the law has been committed, is about to be committed, or is in the process of being committed by the persons under suspicion. This can be based on the observations of a police officer combined with training and experience and/or reliable information received from a credible outside source (Johnson, Lacey, & Voas, 2005).

Search Incidental to Arrest:

The obligation of an officer after an arrest to search a prisoner in order to ensure that no weapons or contraband are being transported to the correctional facility (Petrocelli, 2006).

Stop and Frisk:

A stop is a second-level encounter, and a stop invokes the Fourth Amendment. A stop is permissible when the detention is temporary and reasonable under all circumstances providing the officer has a well-founded suspicion based on articulable facts. A stop may not be based on a hunch, gut feeling, or mere suspicion. It may be based on training and previous experience. A stop that is lawful may also involve a limited search, or frisk, of the individual for weapons (Lundman & Kaufman, 2003).

Traffic Infraction:

A minor traffic violation to include vehicle performance problems, illegal lane change, running red lights, speeding, or license plate restrictions (Dunn, 2004).

Purpose of the Study

The purpose of this observational non-experimental study is to determine and record drivers' data and traffic violations in African-American, Caucasian, and racially mixed neighborhoods throughout Miami-Dade County, Florida. The study will analyze and observe the Miami-Dade County, Florida traffic, and obtain an accurate benchmark of the driving population by counting and verifying the percentages of the different populations that drive, broken down by race and gender. Several previous studies (Alpert, 2004) relied on census information. Studies such as the one done by Alpert (2004) indicated that African-Americans utilize public transportation more than other races. The study also found that African-Americans do not drive in direct correlation with their census data. Therefore the way to gain an exact number of drivers and obtain an accurate benchmark is to count them and compare their actual number in accordance with their demographics (Alpert, 2004).

The primary researcher in this study will see which groups are violating the law and at what rate, by monitoring intersections with six trained observers. , The observers will be broken into three groups. The first group will record the race and gender of the drivers. One observer will call out the race and driver of each vehicle that they can observe and identify the race and gender of each driver. There will be cars that will be unidentifiable due to speed and window tinting or design of the vehicle. The second group of two will record any violations of speed. The second group of observers will be

trained to record any violation of speed by using a police certified radar gun. One person will observed the violations and the other will be the recorder. The third group of observers will record any other violations of law such as improper changes of lane, illegal u-turns and disobeying traffic control devices. The information will be recorded and broken down by race and gender.

Significance of the Study

According to Holton (2004) racial profiling has been a national problem in the United States for many decades and may need a national solution to resolve. The problem with a national solution is that it would need a national consensus. Racial profiling legislation has been proposed, but has yet to be approved by either the House of Representatives or the Senate.

In the meantime, there is a need for a solutions and the only way to reach the solutions is through education and research. Most people in the United States are aware that there has been a problem, however, there has not yet been a consensus on how to resolve the problem.

If successful, this study could lead to additional research, which may finally lead to a successful solution to the problem of ending racial profiling.

Racial profiling is both an issue of national importance and local importance. In Miami-Dade County race relations have been strained over several highly publicized incidents that started out as traffic stops. Racial profiling is among the biggest issues nationwide facing the police and the African-American community and Miami-Dade County is no exception.

All of the racial incidents that have taken place in the past three decades in Miami-Dade County were the results of police confrontations with African-Americans. The riots of 1980, 1982, and 1987 in Miami-Dade County all started at stops by the local police.

Racial profiling is an issue that is not limited to the United States. Globalization has taken this issue around the world as was found in Canada by a study in Kingston, Ontario (Wortley, 2004). Canada's study indicated that more training and education are needed in the area of racial profiling or it will become an epidemic like it is in the states. Wortley (2004) noted that Britain has been accumulating racial profiling data for the past decade. Racial profiling studies have also been done in Denmark, but this study will focus on American issues as a matter of convenience for this writer.

Delimitations and Scope

This study will be an observational, non experimental study of racial profiling. This study will be limited to Miami-Dade County, Florida. Miami-Dade County is a very diverse, predominantly Hispanic community, stretching across 2,000 square miles. This study will replicate methods used in the Alpert Group study in 2004. The study will measure the driving population at selected intersections and provide demographics at those locations for race, gender and ethnicity. These locations were selected due to their convenience for this writer and because they were selected by the Alpert group.

Organization of the Dissertation

The study has been developed into five chapters:

Chapter one is the introduction and defines the problem and provides background information on racial profiling. It also contains an overview of the study and an introduction to the research problem. The chapter is comprised of the following sections: a discussion of racial profiling and the issues that it causes; a statement of problem areas; the definition of terms; the purpose of the study; the significance of the study; and the assumptions, delimitations, scope, and the organization of the study.

Chapter two reviews the literature on racial profiling and critically examines the previous research and studies. It provides a review of the theoretical framework leading to propositions that will be tested by the research questions and hypotheses addressed in the study. The major gaps in the literature consist of the following: (a1) many empirical studies on racial profiling and police procedures and policies utilize different benchmarks on how to measure the driving populations; (b) a limited number of states have directly addressed the issue of racial profiling and there is still no law in place that applies to all states to prevent racial profiling; and, (c) there are a limited number of empirical studies investigating racial profiling and methods of prevention. The theoretical framework presented in Chapter two emphasizes the effects of racial profiling on individuals as well as its negative effect on society.

Chapter three reflects the research methodology, as well as the research questions and hypothesis. It consists of the research design, the target population, sampling, research instruments, procedure of data collection, ethical considerations, methods of data analysis, and the methodology evaluation.

Chapter four includes the findings of the research. It includes the original research questions and that data collected in formulating the conclusions.

Chapter five presents a summary of the findings, conclusions and study limitations. This chapter recommends future research, indicates the study's limitations, and provides final thoughts concerning racial profiling and future studies and the importance of enacting strict national legislation.

CHAPTER II

REVIEW OF THE LITERATURE

Introduction To Racial Profiling

The U.S. Department of Justice (2006, p. 3) defines racial profiling “as any police related action that relies on race, ethnicity, or national origin rather than the behavior of an individual or information that leads police to a particular individual who has been identified as being, or having been, engaged in criminal activity.” Two principles that the Department of Justice utilizes in their definition are that the police may not consider race or ethnic stereotypes in selecting whom to stop and search, but they may use race or ethnic background when matching a description to a crime. However they may never use it as the only source of a stop.

According to Petrocelli (2006, p.4), “profiling refers to the practice of ascribing certain behavior (positive or negative) to a certain personal characteristic.” Petrocelli reported that there were more than eight different definitions of profiling, and many different occupations use forms of profiling. According to Petrocelli, police officers often have a difficult time dealing with the concept of profiling and the public’s perceptions of it. The focus of this paper consists of a critical scholarly inquiry utilizing theoretical and empirical studies. There are no specific selected journals or texts chosen for this search, and the journal search is limited to government and police studies and peer-reviewed sources such as criminal justice journals with a focus on the years 2000 through the present. Problems encountered with the search consisted of limited information and conflicting research data on the topic of racial profiling. Articles after

September 11, 2001, for example, seem to shift the focus of racial profiling from race to ethnic backgrounds, which is also an issue that should be studied.

A critical analysis of this topic is presented for two main reasons. The first is to gain a successful understanding of the effects of exposing certain segments of the population to different treatment by the police. The second is to determine the effect that this treatment can have on a segment of the population or the population as a whole. In addition, there are challenges affecting the police and the way that they currently treat people where terrorism is now a credible threat. There will also be a discussion of states and their concerns, as well as the federal government's views and issues of this highly divisive topic. The critical analysis of the literature will be finalized with recommendations and possible solutions.

Additional police studies on racial profiling look for evidence of the profiling, but very seldom do they target the why. In addition to the targeting of African- Americans and Hispanics, very rarely does a study consider the rationale police officers use to target males for stops, rather than females.

History of Racial Profiling

According to Smith, Makarios, and Alpert (2006), the history of racial profiling in the United States was initially associated as an empirical inquiry into studies of police discretion. These studies have persisted for more than 40 years, and still very little is known about the common practice. They believe that police attitude is a key element in the study of racial profiling and one that is often overlooked. Engel, Calnon, and Bernard (2002), also noticed this in their studies, and they noted that studies consistently omit a

connection between officer attitudes and their decision making process in their use of discretion.

Racial profiling is not a recent phenomenon but a growing problem established in law enforcement practice (Scoville, 2000). Scoville stated that racial profiling discussions are further complicated by the numerous definitions of racial profiling and reasons provided for profiling. Meeks (2000) defined racial profiling as the tactic of stopping someone only because of the color of his or her skin and a fleeting suspicion that the person is engaging in criminal behavior. He also noted that young African-American men and women are often the target of racial profiling. Discussions of racial profiling increased in popularity after the 1999 revelation that the New Jersey State Police had an explicit policy of racial profiling (Harris, 2005). Another example of the popularity of racial profiling can be found in the responses of the United States government and various citizens to the terrorist attack of September 11, 2001, (Holton, 2004). In response to the government's actions after the terrorist attack, Yahya Basha, an Arab American, stated,

I understand that civil liberties may be off the agenda for now, until we all feel safe and secure; we don't want to stand in the way of national security; but we ask for a reasonable balance between protecting our country and civil liberties (Warikoo, 2005, p.1).

Ironically the roots of racial profiling are the tough crime tactics that began with the "war on drugs" in the early 1980's (Scoville, 2000). This declaration of war gave police a reason to stop individuals who they thought looked like criminals. According to the American Civil Liberties Union (ACLU, 2000), based on the war on drugs and

various other wars against crime, skin color makes Blacks suspects in America. Therefore, Blacks are more likely to be stopped, searched, arrested and imprisoned.

According to Scoville (2000, p.16), the United States of America is referred to as, "The land of the free and the home of the brave." The importance of freedom is stated in the Constitution of the United States of America. This freedom provides a certain quality of life for the residents of the United States. The Preamble of the Constitution states--- "We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility...secure the blessing of liberty to ourselves and our prosperity...establish the Constitution of the United States of America" (*U.S. Constitution*, 1787).

All laws must conform to the principles set forth in the Constitution. Although the Constitution of the United States supports justice and liberty for all citizens, racial profiling continues to occur in our society (Scoville, 2000).

According to Cohen, Lennon, and Wasserman (2000), most police officers are honest and work hard to fight crime utilizing the resources that they are given. In these times of globalization, this often requires them to do more with less. Police officers today are held accountable for crime in their areas of patrol. They are not normally given the total deployment of resources from their departments, especially for routine patrol. Usually, only specialized units receive the technologically updated information that can assist in tackling crime in the geographical areas that produce the most crime. Instead, they are forced to rely only on their knowledge, expertise, and suspicion to individually combat crime. This process of not providing or making available all of a department's

resources is one reason individual officers sometimes depend on mere hunches in deciding who to stop or not stop (Cohen et al., 2000).

Cohen et al. (2000), argue that some persons in the law enforcement community perceive that minorities play a larger role and are statistically more likely to be involved in crime. However, they cite no evidence to substantiate those perceptions. Since there is no evidence to support the allegations that minorities play a larger role in criminality, the process of targeting minorities for no reasons creates disparity and a perception that people are being treated differently (Cohen et al., 2000).

Law enforcement has a right to target criminals and should actively engage in targeting persons that are involved in drug trafficking. When police engage in a crime reduction strategy, it will benefit the entire community. For police to be successful, they need to rely on the cooperation of the community in which they patrol. Crime reduction strategies in San Diego, New York City, and Rochester utilized input from their communities and treated all citizens with respect, while enforcing zero tolerance on crime. These cities found that approach to be extremely successful and benefited the entire community (Cohen et al., 2000).

Many of the race riots in this country were initiated by a strong perception of unequal treatment fuelled by incidents that many times were as trivial as a traffic stop. The Watts riots in Los Angeles, California, occurred in August of 1965 when Marquette Van Frye, an African-American, was stopped for speeding. After the traffic stop, it was determined that Van Frye was under the influence of alcohol. While waiting for a prison van, Frye decided to dance and a large crowd began to gather. As the officer continued his paperwork the crowd became hostile thinking the prisoner was being made to dance.

The officer was oblivious to the intent and demeanor of the crowd until it was too late (Lundman, 2003).

In 1979 in Miami, Florida, a riot began after an African-American named Arthur McDuffie was stopped for running a red light on his motorcycle. As the officer approached on foot, McDuffie fled the scene and an eight minute chase ensued. When McDuffie was apprehended by four Miami-Dade police officers, a ten minute struggle left McDuffie dead from a fractured skull that was a direct result of several blows from a large five-cell flashlight. Upon hearing that all officers were cleared from criminal wrong-doing, the city of Miami went up in flames (Lundman, 2003).

African-Americans have been protesting for decades that the police routinely target them as well as other minorities. African-Americans claim that the policies of targeting them and other minorities are a standard practice of police nationwide. African-Americans claim that the police practice of profiling is based on stereotypes of minorities that are perpetuated by the media (Kappeler, 2000).

In March 1991 after a high speed chase, four Los Angeles Police Department officers were videotaped striking Rodney King, an African-American, over 50 times with batons before handcuffing the beaten motorist. The acquittal of three of the officers sparked riots that left 53 persons dead. The Department of Justice later indicted four officers on federal charges of violating the civil rights of Rodney King. Two of the officers were later sentenced to 30 months in federal prison. Even after the convictions, there was still public outrage over the leniency of the sentences (Gumbhir, 2005).

In May 1992 Robert Wilkins, an African-American Harvard Law School graduate, was a passenger in a vehicle that was stopped and searched without cause by

Maryland State Police Troopers (MSP). After a document surfaced that instructed the police to target African-Americans and Hispanics, Wilkins' suit was settled out of court (Harris, 1999).

Bass (2001) believes that the alleged practice of racial profiling has had such a profound impact on the police and the public that it has caused an over- representation of African-Americans in the criminal justice system. He thinks that this over-representation has perpetuated a system that allegedly violates the civil rights of minority citizens nationwide and has led to the phrase, "racial profiling." Because of this phrase, and the media attention that it continues to generate, many states and police departments have joined suit by enacting laws and policies that prohibit this behavior. According to Petrocelli's (2003) study on racial profiling, minorities are stopped more frequently by law enforcement officers than non-minorities, and have been ticketed at a much higher rate. In spite of laws and regulations existing on the books, throughout history many of these civil rights laws were overlooked or not fairly enforced.

Pursuant to Title 18, Section 242 of the United States Code, it is a crime for any person acting under color of law to willfully deprive any person of any rights or privileges guaranteed under the constitution. This law prohibits any person to be subjected to different punishments or penalties because of citizenship, color, or race. Punishments can include a fine, imprisonment, or both. (Title 18, Section 242, U.S. Code).

Although it is against the law to treat different people differently under the Constitution of the United States, laws are not always evenly enforced. It took legislation

and litigation to make progress and open the eyes of America to a situation that had been in existence for many years (Petrocelli, 2003).

A majority of the racial profiling studies were a direct result of litigation and incidences of disparity that were brought to the attention of the public through the media. In cases where the states were not enforcing the laws uniformly, the federal government intervened and mandated change, often through consent decrees to minimize litigation (Engle, 2002).

In 2006, the Bureau of Justice Statistics reported 326,968 full-time law enforcement officers working in the United States. Within this employment classification the demographics were as follows: White (81%), African-American (10%), and Hispanic (7%). According to the U.S. Census Bureau, the population of the United States was 281,421,906 in 2006. The demographic breakdown of the population was as follows: 194,552,774 (69.1%) White; 33,947,837 (12.1%) African-American; and 35,305,818 (12.5%) Hispanic.

A review of these numbers reveals an imbalance between the various races and their corresponding representation in law enforcement. However, when one compares these ratios to the 2006 prison population there is even a more drastic change in representation. The Department of Justice 2006 prison population census indicated that in the year 2006, Blacks represented 46.2% of the nearly 2 million individuals in prison, while Whites and Hispanics represent 35.7% and 16.4% of the prison population, respectively. These numbers alone do not answer any questions and serve to only generate more questions. However, some individuals believe these numbers are indicative of a larger problem—Racial Profiling (Bureau of Justice Statistics, 2006).

Overview and Purpose

Racial profiling is seen by some as an effective law enforcement tool, and in other instances as a way in which individuals can make informed decisions regarding other groups of individuals (Fridell, 2001). However, the effects of racial profiling may have resulted in African-Americans being underrepresented in the law enforcement profession. Since there is now a national shortage of law enforcement personnel, departments are taking steps to recruit, train and retain minority personnel with the overall goal of maintaining quality minority personnel. The purpose of this analysis is to critically examine racial profiling, to examine strategies being used in police departments to disprove the perception that police target persons based solely on their race, and to identify future areas of scholarly inquiry.

Interest, Significance, and Rationale for the Critical Analysis

A Gallup Poll (2005) found that most Americans of all races believe racial profiling to be a problem. The same poll found that 81% of them found the practice to be unacceptable. Most Americans also believed that the problem was widespread.

According to a bill spearheaded by Senator Kendrick Meek (2001), who was a former Florida State trooper, all police departments in the state of Florida must have an anti-racial profiling policy in place by January 1, 2002. In addition, the state of Florida is mandated to develop training programs for officers to better deal with minorities. Moreover, the bill requires all police departments to include policies for dealing with racial profiling complaints. Many departments such as the Florida Highway Patrol are now tracking race and ethnicity data in order to head off and monitor potential racial profiling.

Authorizations for Police Stops

Police Citizen Encounters

An encounter is when a police officer comes into contact with a citizen in a voluntary manner, and without having conducted any sort of stop. In order to conduct an encounter, the officer need not have any suspicion that the person is involved in any criminal activity. To support the voluntary nature of the encounter, the courts will look to such factors as: whether the individual was physically stopped by the police officer from going on his or her way or whether the individual was free to leave; was his or her freedom of movement restricted in any way and whether the officer was simply asking questions of the individual (any demands made by the officer can turn an encounter into a stop). During an encounter, a citizen is free to choose to answer the officer's questions or not, and he or she may choose to stay or to walk away without any repercussions (*Florida v. Royer*, 1983).

Stop and Frisk

A stop is a second-level encounter, and a stop invokes the Fourth Amendment. A stop is permissible when the detention is temporary and reasonable under all circumstances providing the officer has a well-founded suspicion based on articulable facts. A stop may not be based on a hunch, gut feeling, or bare suspicion. It may be based on training and previous experience. A stop that is lawful may also involve a limited search, or frisk, of the individual for weapons. (*Popple v. State*, 1993).

To conduct a frisk, the officer must be justified in believing the person is armed or presents a threat to the officer's safety. When an officer reasonably believes that a person has committed, is committing, or is about to commit a crime, the officer may temporarily

detain such a person for the purpose of ascertaining the identify of the person and the circumstances surrounding the person's activities (Popple v. State, 1993).

A stop and frisk cannot be a regular practice of a police officer. A police officer must be able to verbalize the factual basis for the threat or fear for personal safety. No person shall be temporarily detained longer than is reasonably necessary to affect the purpose of the stop. Such temporary detention shall not extend beyond the place where it was first affected or the immediate vicinity thereof. If at any time after the stop, the probable cause for arrest of the person shall appear, the person shall be arrested. If after inquiry no probable cause for the arrest of the person shall appear, the person shall be released (Florida v. Royer, 1983).

When an officer engaged in a stop has probable cause to believe the person whom the officer has temporarily detained is armed with a dangerous weapon and, therefore offers a threat to the safety of the officer, the officer may search the person to disclose the presence of a weapon. If a weapon or any evidence of a criminal offense is disclosed, it may be seized.

Reasonable Expectation of Privacy

The U.S. Constitution contains clauses that establish the right of privacy, or the right to be left alone, if citizens are not breaking the law. The Fourth Amendment to the U.S. Constitution protects people from being stopped at random or from being forced to produce identity cards and searched for simply disagreeing with the government (U.S. Constitution).

Equal Protection Under the Law

The Fourteenth Amendment to the U.S. Constitution guarantees every person within our borders equal protection under the law, and ever since *Mapp v. Ohio* in 1961, the Supreme Court has declared that no state can abridge this right that is guaranteed under the Federal Constitution (Harris, 1999).

Reasonable Suspicion

The U.S. Constitution and state and federal court decisions indicate that police can make stops on foot or in vehicles only with reasonable suspicion. Reasonable suspicion is less than probable cause, which is required for all full custodial arrests. Reasonable suspicion requires specific observation to support a suspicion to stop someone who is believed to have committed an infraction or crime, or are about to commit a crime or infraction (Harris, 1999).

Traffic violations are a reasonable suspicion to stop a vehicle and make further inquiries that can lead to more information and evidence of more serious crimes. An officer with a good sense of awareness can observe and utilize investigative skills to turn a minor traffic offense into a felony arrest. According to the U.S. Code 42 Sec. 14141, bias-based profiling is prohibited, and in many cities and states there are laws and regulations against profiling. In some states where the federal government has observed violations, they have enacted laws and consent decrees explicitly prohibiting the practice of biased profiling. A consent decree is an agreement by a court and another entity that agrees to certain actions in exchange for leniency in a court action. In many states where consent decrees are enacted, the reporting of racial profiling data is required (Meeks, 2000).

In the U.S. Supreme Court case of *Wren v. U.S.*, (1996) it was stated that the court is not required to consider an officer's motive for a stop as long as a traffic infraction was committed. According to that decision, pretextual stops do not violate the constitution. The court went on to say that it is legal to use a traffic stop as a pretext to stop someone that police suspect of criminal activity, but it is wrong to stop someone solely because of race, ethnicity, gender or sexual orientation.

In *Holland v. City of Portland* (1996), the first Circuit Court of Appeals has held if an objective showing of documentation that African-Americans were arrested more often for a specific offense than Whites, then a different result than that reached in *Wren* could occur. This means if discrimination could be proved then the case of *Wren v. U.S.* (1996) could be overturned.

In *U.S. v. Sokolow*, (1989), the U.S. Supreme Court held that drug courier profiles, as long as they were rationally related to a specific crime, were legal so that reliance on the profile was reasonable under the fourth amendment. In *Travis v. U.S.*, (1996) the Supreme Court ruled that police investigations that have a disproportionate impact on minorities offend the Constitution if the targeting is based solely on race. In *U.S. v. Lorenzo Sanchez Guillen*, (1996), the Ninth Circuit Court of Appeals ruled that Border Patrol agents cannot consider Hispanic appearance as a factor in deciding to stop and question motorists near the Mexican border because there are many law abiding persons of Hispanic appearance crossing the border every day for legitimate reasons. The court said that stops based on race or ethnic appearance send the underlying message to our citizens that those who are not White are judged by their skin color alone. The court

went on to say that such stops send a message that persons who are not White enjoy a lesser degree of constitutional protection.

Plain-Feel Doctrine

According to *Minnesota v. Dickerson* (1983) the plain-feel doctrine holds that there is no distinction as to which sensory perception the officer uses to discover contraband. The sense of touch, grounded in experience and training, is as reliable as recognizing the object as contraband by sight. If the object's contour and mass makes its identity immediately apparent, its discovery is legitimate and the item may be seized.

In *Jordan v. State* (2005), the court said in addition to the plain feel the officer must present proper testimony to support his experience. For example, the officer's testimony should include tactile experience on previous arrests, and narcotics training that aided the officer in being able to identify the narcotics being impounded. Otherwise, the mere touch of an object would not be enough to justify an arrest or detention (*Minnesota v. Dickerson*, 1983).

The courts have indicated police officers need to be able to articulate suspicion and not just say the individual was stopped due to their suspicion. The court has outlined factors of suspicion such as the location, time, appearance and unusual behaviors or actions. In *Jordan v. State* (2005) the court stated that nervous evasive behavior is a factor to consider as suspicious, especially something as blatant as unprovoked flight. In *Illinois v. Wardlow* (2000) the court said flight is indicative of wrongdoing, and a justification for a police stop.

The third level encounter is a seizure, which invokes the Fourth Amendment. A seizure or a formal arrest must include probable cause. Probable cause is a reasonable

belief from a reasonable person that a crime has been or is about to be committed. A seizure does not occur until that person is in actual physical custody, subdued by an officer, or submits to an officer's authority. According to *California v. Hodari*, 1991), an officer's high crime area claim must be supported by crime statistics. An officer needs to be able to articulate on the witness stand at the Motion to Suppress hearing the reasons for their presence at the scene, including a detailed description of a drug or criminal activity sought to be interdicted, a description of the area as a high crime area supported by departmental statistics of calls for service and arrests, and the defendant's unprovoked flight from the area. All these would constitute founded suspicion, if not reasonable grounds, to stop and detain or seize the suspect. That being the case, whether the drop occurred prior to, or subsequent to, the detention of the subject, the contraband recovered should not be suppressed and should be admissible in the criminal case (*California v. Hodari*, 1991).

The U. S. Supreme Court has been liberal in permitting law enforcement to stop, search and seize vehicles, without the need for profiling. In *Wren v. United States* the court has held that:

the constitutionality of a traffic stop is not dependent on the motivations of the individual officers involved, but only whether any probable cause for the stop existed. A valid violation of traffic law provides sufficient probable cause to make the subsequent search and seizure reasonable (1996).

In *Pennsylvania v. Mimms* (1977), the court decided that when a police officer stopped a vehicle for a traffic summons, ordering the driver from the vehicle was

reasonable. The court went on to say that an officer can search the occupants of the vehicle if the officer's feels they are armed and dangerous.

In *Maryland v. Wilson* (1977), the case was upheld, indicating that the officer was authorized to order the subject out of the vehicle for the officer's safety. In *Michigan v. Long*, 1983), the Court held that it was reasonable to order a subject out of a car even if he was not under arrest. The Court in *New York v. Belton* (1981) stated that a search of a vehicle was permissible in a custodial arrest known as search incident to arrest.

In *Knowles v. Iowa* (1999) the Court held that without a custodial arrest a search is not permissible. In *Wyoming v. Houghton* (1999), a passenger exited the rear of the vehicle as the officer was conducting a search. The Court held that under those circumstances the officer was justified in searching the purse of the passengers as drivers have less expectation of privacy than passengers when riding in a vehicle.

The Fourth (Search & Seizure), Fifth (Due Process) and Fourteenth (Equal Protection) Amendments prohibit law enforcement officers from engaging in discriminatory behavior based on an individual's race, ethnicity, or national origin. The Fourth Amendment protects against illegal searching without justification (U.S. Constitution, Amendments).

The Fifth Amendment protects against discrimination by federal law enforcement officers, and the Equal Protection Clause of the Fourteenth Amendment protects against discrimination by state and local law enforcement officers. Two federal statutes that prohibit discrimination by law enforcement agencies that receive financial assistance are: (a) The Civil Rights Act of 1964 that prohibits discrimination on the basis of race, color, or national origin by all recipients of federal financial assistance (42 U.S.C. 2000d); and.

(b) The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, sex, or religion by law enforcement agencies that receive federal funds pursuant to that statute (42 U.S.C. 3789d). A 1994 statute grants the Attorney General the authority to seek injunctive relief when a state or local law enforcement agency engages in a pattern or practice of conduct that violates the Constitution or federal law, regardless of whether the agency is a recipient of financial assistance (42 U.S.C. 14141). The Fourth Amendment guarantees the rights of people to be secure from unreasonable searches and seizures. The temporary detention of individuals during a stop equates to a seizure within the meaning of the Fourth Amendment (U.S. Constitution, Amendments).

The Constitution prohibits selective enforcement of the law based on considerations such as race, but the constitutional basis for objecting to intentionally discriminatory application of laws is the equal protection provisions of the Constitution and not the Fourth Amendment (U.S. Constitution). Because of allegations of disparity and unequal treatment numerous lawsuits have been filed in a number of states. Many of these law suits later turned into racial profiling studies by states and the federal government. Lawsuits have been filed in Oklahoma, New Jersey, Maryland, Illinois, Florida, Pennsylvania and Colorado.

Racial Profiling Studies

- *1992 Colorado Study*

In Colorado, a class action suit was filed on behalf of 400 individuals who asked the court to stop a sheriff's department highway interdiction unit from continuing its practice of racially based stops. The sheriff's department insisted that traffic infractions

were the reason for the stops, but traffic citations were never issued. The court ruled that the investigatory stops based solely on motorists matched with drug courier indicators violated the Fourth Amendment's prohibition against unreasonable searches. A settlement was reached which awarded damages to the plaintiffs and disbanded the unit (Whitfield v. Board of County Commission, 1993).

- *1992 Volusia County Florida Study*

The Volusia County Florida study was conducted in 1992 after extensive media coverage by local Florida newspapers. According to Harris (1997) more than 70% of almost 1,100 motorists stopped over a 3-year period along a segment of Interstate 95 were African-American or Hispanic. These figures were astounding to Harris because the population of African-Americans of driving age in Florida was only 12%. Throughout the entire state of Florida, African-Americans only accounted for 15% of the convictions in Florida for traffic related offenses. Harris reported that African-Americans and Hispanics made up only 12% and 9% of the U.S. population, respectively. The Harris findings were based on videotapes of almost 1,100 traffic stops made by Volusia County Deputies over a three year period. The media coverage was initiated after numerous complaints from African-Americans detailed a new program initiated by Sheriff Bob Vogel. The Volusia County program began in Florida shortly after receiving training from the Drug Enforcement Administration (DEA).

Two Volusia county deputies admitted that Sheriff Vogel had directed them to focus on African-American and Hispanic drivers when making traffic stops on I-95. Sheriff Vogel had stated he was targeting drug dealers on the interstate to decrease the drug trade and lower the crime rate. The county deputies had a program of stopping and

searching vehicles and making numerous seizures for little or no probable cause. Even Sheriff Bob Vogel admitted it was standard practice during selective drug stops to remove drivers and passengers from the vehicle, detain them in the back of the police cruiser where they were monitored by video recording, and then to call out a narcotics sniffing dog to search their vehicle for drugs or contraband. These searches routinely targeted African-Americans and Hispanics. The practice was stopped by the Justice Department and the department settled a costly litigation by agreeing to abide by rules mandated by the court also known as a consent decree and then disbanded the interstate unit that conducted all the searches (Webb, 1999).

- *1999 Ohio Study*

The Ohio study was done by a University of Toledo Law professor named David Harris in December 1999. In the Ohio study, Harris analyzed ticket data from municipal data in Akron, Toledo, Dayton, and Columbus. The ticket data included race, and this data was compared to the driving age population collected from the 1990 Census data. This data was then compared to a 1990 Department of Transportation survey which recorded the percentage of persons who owned vehicles in the cities. The Harris study indicated that African-Americans were more likely to be ticketed than Whites. This study attempted to show racial profiling existed in Ohio over a multiple city area.

The limitations in the formulation of this study were the use of 1990 Census and Department of Transportation data compared to 1999 ticket data. This study also did not take into account the number of persons that were stopped and not cited. A large percentage of racial profiling complaints are from persons who are not given citations (Harris, 1999).

- *1999 North Carolina Study*

This voluntary study was done in conjunction with the legislation that was being passed in North Carolina requiring the collection of traffic data. This study analyzed all citations, warnings and searches by the North Carolina State Troopers and compared them to the state driving population. Data was provided by the Department of Motor Vehicles, which listed all licensed drivers in the state with a break down of race, and gender. This study calculated the risk of being stopped, cited, and searched while driving in the State of North Carolina based on race, gender and age. This study made no mention of recording any ethnic back grounds. The study was limited in that it did not take into account the number of persons who were violating in comparison to those that were cited, and it did not evaluate if the police were deployed non-proportionately in different areas. This study found that African-Americans were more likely to be stopped, cited, searched, and arrested than Whites in North Carolina (Zingraff, Mason, Smith, Tomaskovic-Devey, Warren, McMurray, & Fenlon, 2000).

- *1999 Police Public Contact Study*

The Police Public Contact Study was a 1999 national survey of citizens conducted by the Bureau of Justice Statistics (BJS), which collected data on their perception of the police. . The survey examined citizens' perceptions of the police and their perceptions of equity and injustice. The survey measured normative factors such as perception, rather than instrumental factors such as the outcomes that they received. The study measured factors that predict citizens' perceptions of injustice.

The findings of the survey indicated that citizens were concerned with issues of fairness in addition to the actual outcomes they received from the criminal justice

officials. The study also indicated that there were significant differences of citizen's perceptions of law enforcement across racial lines.

The study found that citizens report that police nationally make traffic stops more frequently on African-American males. The study also revealed that African-Americans, both male and female, are less likely than White men to report that police had a legitimate reason for making the stop. The data suggested that the police were using excuses for making stops for reasons other than for traffic violations, also known as pretextual reasons for making the stops. The study indicated that African-American men and Hispanic men were less likely than White men to report that the police acted properly during the stop. The study also found that the reactions of Hispanics varied by gender. The study concluded that there was a need for extensive research into the philosophies of racial profiling.

The nationwide survey produced the following interesting statistics (Engel, 2005): (a) The police stopped 10.3% of all drivers; (b) Whites were recorded as 76.7% of all licensed drivers and stopped by the police 77% of the time; (c) African-Americans were 9.8% of the licensed drivers but stopped by the police 11.6% of the time; (d) Hispanics were 9.9% of the licensed drivers and stopped by the police 8.4% of the time; e) The average number of stops was greater for young African-Americans at 2.7%, while young White males was 1.7%, and Hispanic males were just marginally greater than white males at 1.8%.

- *1999 New Jersey Study*

The New Jersey study was initiated by a shooting that brought to light many inequities in the way the New Jersey state police enforced traffic laws on New Jersey

state highways. In April 1998, state troopers on the turnpike shot and wounded two African-Americans and a Hispanic after they were stopped for speeding. The men were traveling to North Carolina State University for basketball tryouts.

This study utilized observational studies, which included ride-alongs with the police officers, to compare the driving population ratios of African-Americans and Hispanics and Whites to the overall population. The results showed that the population statistics were very similar to the driving surveys. The differences, however, were in the stop data and arrest data which revealed that African-Americans and Hispanics were over represented in the stops and arrest categories. After a review of this study by the Attorney General's office, and after numerous complaints of racial profiling by the state police, it was determined that the practice was widespread and statewide and this led to a court mandated agreement that restricted the state police from conducting random stops and searches. The Superior Court in New Jersey ruled in December 1999, that the New Jersey State Police engaged in discriminatory enforcement of traffic laws. According to the court agreement, the State Police must collect motorist traffic data for all traffic stops and searches, which includes race, ethnicity, and gender. According to the study, 84% of Whites polled rated the New Jersey State Police as excellent or good. The same study found that when African-Americans were asked the same question, 63% rated the state police as poor or less than average. The implications were that either people were being treated differently or there was a distinct perception that they were being treated differently (Harris, 1999).

The New Jersey Study analyzed motorists traveling on the New Jersey turnpike and found 14% of the cars traveling on that roadway had an African-American driver or

occupant. The study found that 15% of the cars speeding six miles an hour over the speed limit had at least one African-American driver or passenger in the vehicle. In stops by police where race and ethnic background were recorded, 44% were African-American. The study further noted that 98% of all vehicles were traveling six miles or more above the speed limit. The study revealed that even though African-Americans and Hispanics were several times more likely to be stopped than other motorists, and the police superintendent was aware of the data along with many other supervisors in the chain of command nothing was ever done by the New Jersey State police until the lawsuit required them to make changes in their policies (Harris, 1999). Before the New Jersey study, African-Americans drivers on the New Jersey Turnpike stood a much greater chance than White drivers of being stopped by the state police for a random drug search. The practice ended with termination of the state police superintendent after extensive media coverage.

The New Jersey study used three methods for collecting data. The first method was choosing a section of road or highway and then observing the driver's speed from the side of the road. The second method was to travel inside a vehicle and observe the ethnicity and race of the other drivers as well as document any traffic violations observed on the New Jersey State Turnpike. The third method of data collection was to analyze the data provided by the police in their collection of data by comparing the percentage of persons cited and arrested by law enforcement and comparing them to census information (Harris, 1999).

- *2000 Maryland State Police Study*

The ACLU, along with the National Association for the Advancement of Colored Persons (NAACP) and the U.S. Department of Justice, filed a class action law suit against the Maryland State Police after 18 complaints of illegal searches by the state police, which included stopping and frisking and searches by drug dogs with no probable cause. The initial complaint was from Robert Wilkins, an African-American Harvard Law School graduate and chief of the special litigation unit in the public defenders office in Washington D.C. Wilkins stated he was stopped, searched and made to sit on the ground with his entire family along side of the road for no reason other than the fact that he was Black. Wilkins stated that he was stopped by a Maryland State Trooper and asked for permission to search his automobile. Wilkins cited the 1985 Supreme Court decision *United States v. Sharpe* which stated the officer needed to articulate reasonable suspicion for a search and refused to consent to a search. The trooper told Wilkins that he was noticing a problem with rental cars and it was common procedure for him to search all rental cars. The trooper then called a drug sniffing dog and had him search the entire vehicle which led to negative results for contraband. This initial traffic stop, led to a class action lawsuit with 19 victims, filed by the American Civil Liberties Union (Lynch, 2004).

The lawsuit also resulted in a study directed by the federal government on the way the Maryland State Police conduct their traffic stops. The Maryland study was based on 1,590 traffic stops. The Maryland State Police records showed that while 75% of drivers along 44 mile strip of I-95 were White, only 23% of the drivers that were stopped were White. The study also found that although 17% of the drivers were Black, 70% of those pulled over were Black. The study found that 63% of those who were searched were

African-American. The study also discovered that 93% of those who were searched were male. After a civil rights investigation by the Justice Department, the federal court in this case determined that the Maryland State police engaged in a pattern and practice of racial discrimination in highway stops.

The Maryland study, like the New Jersey study, used observational surveys to compare the driving public to the population data available from the Census Bureau. Similar to the New Jersey Study, the Maryland study showed that although population ratio and driving ratio were very similar to the stop and arrest data for African-Americans and Hispanics, the ratio was very different than those of Whites (Gumbhir, 2005).

The court granted a motion to suppress evidence of criminal activity by the motorists who was obtained in these controversial stops by the police. The Maryland State Police (after the study) signed and entered into a court agreement in January 2003, on changing the way traffic stops were done by the Maryland State Police. They also agreed to re-train all of the officers and establish a non-discriminatory policy that prohibits racial profiling. In addition, the lawsuit filed by the ACLU resulted in Maryland collecting traffic data. The class action lawsuit filed by the ACLU against the State of Maryland brought about a settlement that included a requirement that the state maintain computer records of all motorist searches. These records are intended to enable the state to monitor for any patterns of discrimination. The agreement requires the police maintain data on traffic stops and searches. The data must include the race, ethnicity and gender of all persons stopped for traffic violations and searches (Harris, 1997).

Engel and Calnon (2004) reported in their analysis of traffic data in a Maryland State Police study that being male was a substantial criterion for police in determining

whether to ticket, search, or arrest a subject. Their study showed being a male increased the odds by 23% for determining whether to administer a citation. Their study also found the increase was 300% for consideration for a search and 180% increase for an arrest for males.

The class action lawsuit was eventually settled out of court with a large settlement to all plaintiffs. The lawsuit resulted in the State Police's formulation of a statement renouncing racial profiling and the collection of all traffic stops and searches data. Even though a court agreement was reached in 2003, the actual law suit was not settled until May 2008. The court case lasted ten years. The federal settlement totaled more than \$400,000 and found that the Maryland State Police (MSP) were engaged in racial profiling and demonstrated a pattern and practice of discrimination. The settlement also required that the MSP hire an outside consultant for at least two years to document information and perform an assessment of how the MSP implements new policy changes to correct its past practices of racial profiling. The settlement required the MSP to conduct a forum between the plaintiffs and the Maryland Attorney General biannually to discuss the progress of the elimination from the MSP the pattern and practice of racial profiling. The agreement requires the meetings to last for a minimum of two years and for the MSP to provide publication of any new rules or policies, and copies of any training curricula. The prevailing attorneys, Hogan and Hartson, believed that the court decision, although applying directly to the State of Maryland, could be used in the future as a model for many states (NAACP v. Maryland State Police, 2008).

- *2000 City of San Jose Study*

The City of San Jose conducted a voluntary racial profiling study collecting data for a full year utilizing the Computer-Aided Dispatch (CAD) system that is prevalent in a majority of police departments nationwide. This study analyzed 97,154 traffic stops and compared it to census data. The study analyzed data which included the reason for the stop, the outcome of the stop, and the driver's race, ethnicity and gender. The study found that African-Americans and Hispanics were over-represented in traffic stops in comparison to census data. The data revealed that 9 out of 12 zones showed statistically significant levels of disparity for African-Americans and Hispanics in the percentage of stops. After reading this report, police officials attributed the over-representation to the police deployment practices, which placed more police officers in African-American and Hispanic areas based on calls for service. The authors' recommended that future studies should take into consideration the rates at which different races and ethnic backgrounds violate before reaching their conclusions. The results indicated that disparity is consistent with racial bias, but does not conclusively prove racial profiling exists (Gamble et al., 2002).

- *2001 Richmond Virginia Study*

Petrocelli and Smith (2003) conducted a multivariate traffic stop study after monitoring 2,600 traffic stops over a two-month period. Using census information as a benchmark, the study critically analyzed the ratio of stops against minorities and compared them to non-minorities.

The findings of the study were that African-Americans were disproportionately stopped in comparison to the census data. Other notable findings were that Whites were

more likely to be subjected to consent searches. Minority drivers were more likely to be warned while White drivers were more likely to be ticketed or arrested. These findings were a bit confusing since minority drivers were more likely to be stopped but Whites were more likely to receive official police action.

- *2001 Kentucky Study*

The Kentucky study was initiated voluntarily after representatives of the Justice Cabinet and state law enforcement met and developed a policy that prohibits racial profiling in the State of Kentucky. They then developed an instrument for the collection of data involving law enforcement traffic stops. The state law enforcement agency, along with 26 local and county agencies, agreed to participate in the data collection. During the 2001 session of the Kentucky General Assembly, Senate Bill 76 was passed and required all law enforcement agencies in the state to adopt a policy that equals or meets the voluntary policy developed by the Kentucky Justice Cabinet. The legislature also required all law enforcement funding to be contingent on following the requirements of Senate Bill 76.

This study provided the state with a limited amount of quantitative information that was available for analysis to determine if there were concerns relating to racial profiling. Since the data in this study was limited, it was not to be considered conclusive evidence that racial profiling existed. It was meant, however, to make departments aware of developing trends. The problem with these types of studies is that even though they are done in good faith, they can be used against the locality that provides a study. This study was the first of its kind in the State of Kentucky. The study revealed that more

qualitative information is needed, such as the conditions for the stop and that departments cannot just rely on their stop data (Wilson, 2001).

The findings of the study revealed that in the State of Kentucky, 90% of the drivers stopped are White, 8% are African-American and 2% are Hispanic. The study reported 302,578 stops over a one year period and found that race and ethnicity were not factors in Kentucky, except in the decision on whether to conduct a search. In stops on Hispanic drivers, it was determined that law enforcement conducted searches 14% more often than for White drivers. In addition, African-Americans were 6% more likely to be searched than Whites. Even though Hispanics are searched more in the State of Kentucky, they are the least likely to have a positive outcome for the search.

- *2002 City of Erie Pennsylvania Study*

The Mayor of the City of Erie voluntarily decided to examine the city's traffic enforcement statistics involving its police stops and searches after issues were raised by the Erie Concerned African-American Clergy (Concerned Clergy). The study was based on data collected from 94 pedestrian stops and 2,162 vehicle stops during the period between September 2001 and February 2002. The goal of this study was to determine the presence or absence of racial disparity in officer initiated stops (Gamble, Benekos, Hale, Gambill, Danzer, Exner, & Haltigan, 2002).

The data in this study was collected by officers who completed scantran forms after each pedestrian or vehicle stop. The data was scanned and entered into a database for analysis that was analyzed by the Mercyhurst Civic Institute pursuant to contract by the City of Erie. In conducting the study, the research team consulted with Captain Ron Davis of the National Organization of Black Law Enforcement Officers (NOBLE) and

the Oakland Police Department, who is a national spokesperson in racial profiling. In addition, the research team consulted Amy Farrell of Northeastern University who, on behalf of the Department of Justice, coauthored the *Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned in 2000*. This study resulted in many recommendations including reviewing all policies with all law enforcement officers to assure conformity with stops and searches. Another recommendation was to examine city procedures and ensure the existence of a citizen friendly process of handling and processing complaints of racial profiling. In addition it was recommended that the training process be revamped to ensure that attention is given to issues related to inhibiting implicit bias or profiling. It was also recommended that the city maintain community oriented policing and work toward improving police community relations in the inner-city. The study recommended hiring additional minority officers. The final recommendation of the study was to maintain the data collection and to set up an early warning for individuals having problems with biased policing (Gamble et al., 2002).

The study used 2000 Census Tract Data and compared it to the six city police zones and later divided those into 12 zones. The data divided the city population into racial and ethnic categories of persons 16 years and older. The study used the benchmark that each segment of the populations should produce the same percentage of law enforcement. For pedestrian stops, the traffic data was analyzed from age 10 and older. The study group did their research with the understanding that although a minimal amount of racial profiling was deliberate, the majority was unconscious and implicit or not intentional. The research group cited (Devine,2001) in their report, their research

indicated that racial profiling can exist without intent or awareness of officials and even persons who renounce racial profiling, have conflict with their decision making process.

- *2003 Arlington Texas Study*

In an effort to observe police officers perceptions officers were tested to see if there was an agreement on stereotypes on race and ethnic backgrounds that could be measured. As reported by Engle and Calnon (2004), nearly all studies reveal disparities in percentages of minorities who are stopped, cited, ticketed, and arrested as compared to non minority persons stopped. This study looked to see if the officers have any preconceived stereotypes on ethnic backgrounds. The study revealed that there was no significant agreement or preconceived stereotypes by the officers against minorities or persons of color. The study recommended that racial profiling data be collected and monitored so that researchers could conduct future testing and monitor perceptions of bias by the citizens of Arlington. The researchers also believed that much more research was needed to clarify the issues they investigated.

- *2003 Holton Dissertation Study Miami Florida*

In 2003, Dr. Richard Holton did a study for Nova Southeastern University in partial fulfillment of the requirements for the Degree of Doctor of Education. The purpose of the study was to develop a support based program that would decrease the complaints of racial profiling in the Miami-Dade Police Department. His goal was to develop an intervention process that would decrease the level of tension between the police and the African-American community. He also wanted to reduce the number of complaints made against the police in the area of racial profiling. This study brought

together academic leaders and community leaders from the African-American community and put them together with other concerned persons. Their input along with input from the law enforcement community produced training workshops to brainstorm and reach solutions and understandings of why police racially profile.

The investigator conducted a pretest and posttest before and after the workshop training. After analyzing the data from the pretest and posttests, it was determined that law enforcement and civilians alike benefited from the workshops and had a much better understanding of what each other's goals and needs were. The study demonstrated that when there is community and law enforcement partnership, it benefits both parties and builds bridges of communication that improve community relations and improve trust and understanding (Holton, 2003).

That study was unique in that it did not try to monitor racial profiling or see if it exists. This study took for granted the fact that racial profiling existed and was causing problems between the police and the community. The study was very unique in that it is the only one that actually sought to stop and resolve the situation through the processes of education and partnerships (Holton, 2003).

- *2004 Dunn Dissertation Study Cleveland Ohio*

This study was a voluntary study done by Dr. Dunn in partial fulfillment of his requirements for the degree of Doctor of Philosophy at Cleveland State University. It was very unique in that it was the first time a racial profiling study incorporated the use of a gravity model. A gravity model is a model that estimates the cities driving populations through studies. A large percentage of cities in this nation use gravity models to predict usage and growth of roads and highways. By utilizing this data, cities,

states and counties can ascertain if the roads are being used to their full potential and predict scientifically when new roads will be needed and plan in advance any future projects that will be needed to keep traffic flowing. This model is an observational model that actually records the number of drivers on a road over several days and their statistical information. Dr. Dunn took this data, already available in many cities and states, with demographic breakdowns of drivers including race, gender and ethnic background, and compared it to the number of traffic citations that were written on roads during certain times and dates. In this way, he was able to calculate if the tickets were being distributed in accordance with proportional number of drivers that the gravity model indicated were driving on those roads (Dunn, 2004).

This study analyzed traffic ticket data in the city of Cleveland, Ohio, over a two-year period in comparison to the city's actual driving population. It analyzed traffic ticket data that included 182,980 traffic citations written by the city of Cleveland Police Department. The study analyzed persons between the ages of 15-75 which Dunn determined was the driving age population of Cleveland. The data indicated that in Cleveland, African-Americans make up 40% of the population and that Whites account for 53% of the population. The study found that African-Americans are one and a half more times as likely to receive traffic tickets. They are also more than twice as likely to receive a traffic citation when compared against White drivers. These results were consistent with those from a 1999 Ohio study. This study also indicated that Whites were 57% of the recorded speeders but received only 34% of the tickets. African-Americans, on the other hand, were observed to be speeding 40% of the time and received 61% of the tickets, indicating disparity in the city of Cleveland. The author indicated that the gravity

model was a much more scientific way of measuring the driving population than using census data alone (Dunn, 2004). Dunn argued that census data is normally dated and a less scientific percentage than the gravity models. Furthermore, he asserted that the gravity model provided the most accurate and timely information on the driving population available. He utilized both census and the gravity model statistics to reach his conclusions (Dunn, 2004).

- *2004 Iowa City Police Department*

The Iowa City Police Department (ICPD) study was a private study conducted at the request of the chief of police, R.J. Winkelhake. The study was a comprehensive comparison of data stops compared to the population statistics over a 12-month period. The study was conducted utilizing researchers from the University of Louisville. The university was selected to avoid any conflict of interest for local persons with possible conflicts of interest. The investigators monitored traffic stops by the ICPD for a one year period monitoring 13,459 traffic stops from April 2001 through December 2001 and 9,702 stops in 2002. During this study, officers were required to enter traffic data into a mobile data terminal (MDTs) after each traffic stop interaction. An initial concern in the preparation of the study was that officers would fail to report the data as directed. This concern was dismissed as verification of the reports was received monthly at a rate of 95-100%. That study collected data on race, sex, age, residency and vehicle registration. In addition data was recorded about the location of the stop, the time of occurrence and the reason and out come of the stop including whether an arrest or search were conducted. The results showed that 84% of the drivers stopped were White, 16% were African-American, 63% of the drivers stopped were males, and 70% of the drivers stopped were

below the age of 30. Most searches done were search incidental to arrest which was 64% and consent searches were at 38%. The most common outcome of the stops at 54% was verbal warnings. Only 7% of the stops led to an arrest and 38% led to a citation. This study utilized a chi-square automatic interaction detector (CHAID). The CHAID is a multivariate technique that predicts the events of the stop based on the segments of the population and events in the stop. The CHAID technique is used to see if any elements in the stop or search or arrest are out of the ordinary based on items such as race. The advantage of this system is if race is a factor or determinant out of sync with other events in the stop, it will be revealed by this process (Grossi, Vito, & West, 2004).

The study found no significant differences between population statistics and the occurrence of traffic stops among minorities and non minorities. The only discrepancy noted by the researches was that male drivers were three times more likely to be stopped than female drivers (Grossi et al., 2004). The researcher recommended that the department continue to monitor all traffic data.

- *2004 Miami-Dade Police Alpert Study*

The Miami-Dade Police Study concluded in 2004 by Dr. Alpert was very unique in as much as it was not the result of a law suit or a federal consent decree. The Miami-Dade police study was done at the request of the Miami-Dade Board of County Commissioners as a preempted act to see if the county had any issues that they needed to resolve. The County Commissioners were monitoring the media and observed that many police departments were being caught by the federal government and required expensive litigation that they sought to avoid. In 2002, a new state law required all police departments in the state of Florida to develop a written policy prohibiting racial profiling

and required all state certified law enforcement officers to undergo four hours of training, every four years, in professional traffic stops, that reviewed that state and federal and department prohibitions against racial profiling. In addition, the state law that was effective in 2002 required all law enforcement officers to undergo four hours of diversity training every four years (Alpert, 2004).

The data used by the 2004 study done by the Alpert group on the Miami-Dade Police Department required the police officers to complete a citizen contact card on each traffic stop that was conducted. The data analyzed traffic stops in excess of 66,000 stops over a three-month period. The contact cards captured demographic information on the area stop on the subject stopped and the officer conducting the stop.

In an effort to analyze police suspicion, the Alpert Group (2004) included in their citizen contact cards data on three items that they used as dependent variables. The first variable was whether or not the officer filled out and filed an interview report. This report is required whenever a police officer comes in contact with a person suspected of criminal activity. Information collected on a field interview card can be beneficial in law enforcement in knowing who was or was not at a certain location at a certain time. It also normally lists the method of travel and description and all other persons in the presence of the subject. In the Alpert study, field interview cards were only completed on 14% of the subjects of traffic stops. Even in arrest situations field interview cards were only completed 62% of the time.

The second variable was whether or not the officer requested a background check on the subject. Running a record check on someone is normally an indication of additional suspicion by the officer in that they are checking if they have an outstanding

warrant or criminal history. On the Alpert study, only 25% of all stops resulted in a record check.

The Alpert Group's theory of suspicion and the police decision making infers that suspicion will influence the probability of arrest. In accordance with their theory, police are more suspicious of men and they will arrest more men than women. In their study, they found this to be true in as much as women represented only 11% of all arrests.

When the officers completed the citizen contact cards, they were checked by supervisors. Any card that was incomplete was returned to the officer. In addition, the number of tickets written during previous years was checked and the numbers were consistent with normal fluctuations. A computer check also revealed the number of traffic stops taken over the police radio was within the normal or traditional amounts. Third, random samples of the cards were verified against data provided by the State Department of Highway and Motor Vehicles. The data was seen to be consistent with their data with the exception of one card which was in error. Furthermore, before the start of the study the officers were notified in writing that they would not face any discipline based upon the findings in this study.

The Alpert Group results were consistent with their theory that the level of police suspicion is higher for males than for females. This was demonstrated in the measurements of field interview cards and subject checks. Age had an influence in suspicion with older subjects receiving less suspicion than younger subjects.

In addition to gender, the Alpert Group found race to be a significant factor in suspicion. Whereas Hispanic subjects elicited suspicion in their study, the strongest suspicions were among African-American subjects. Furthermore, time of day was

determined to be an indicator of suspicion with nighttime being the most suspicious time of day.

Not evaluated in the Alpert Group study was attitude or demeanor. According to Feagin (1991), demeanor or attitude is an element that affects police suspicion. Knowles and Perisco (2001) reported that behavioral attitudes were associated with deceit and caused suspicion in police officers. According to the Alpert Group, race was not as significant a factor as suspicion.

Alpert (2004) indicated the theory of differential suspicion shows police develop suspicion scripts after extensive contacts with subgroup populations. These unconscious cognitive schemas can cause police officers to become suspicious of groups after encountering crime and violent situations. Once the schemas become imprinted, police officers are likely to act on them subconsciously, which could result in additional sanctions normally not consistent with the decision making process.

The Alpert study (2004) focused on the theory of differential suspicion. This theory offers insight into why some officers treat some minorities differently. In their study, gender was a very important variable. The study also showed that race was a non-significant variable when suspicion was held as a constant. They also noted that suspicious scripts of African-Americans may have greater salience for police and a stronger influence on decision making. Their theory indicates that suspicious scripts originate as a result of a disproportionate contact by police with African-American offenders.

The Alpert Study data indicated that police did not routinely stop an extraordinary number of African-American motorists. The Alpert Study views racial profiling as a

cognitive bias. According to U.S. v. Armstrong (1996) discriminatory intent is a prerequisite and required to prove racial profiling. Most research does not prove that and the differential exposure theory posed by Alpert 2004 offers an alternative. It states that racial profiling may exist, but if it does it, may not be intentional. It suggests that racial profiling is due to subconscious influences on attitudes caused by exposure to group criminality.

- *2005 Michigan State Police Study*

A Michigan state police study found that African-American drivers were 2.36% more likely than Whites to be ticketed, although they were pulled over at about the same rate. The perception in this study was that there was a negative interaction after the stop that was causing the discrepancy. Twenty-five percent of the African-Americans stopped stated they were never given a satisfactory explanation for the stop. This study indicated that minority citizens may be more distrustful of the police and less willing to discuss the violation with the officer. The study demonstrated that poor interaction and a perceived hostile attitude by the motorist due to poor officer/ motorist communications influenced the officer's decision to write a ticket. The Michigan study found 70% overall compliance with mandatory laws did not extend to African-Americans. The study showed a compliance of only 54% for African-Americans and a meager 23% for young African-American males. This Michigan study led to a federal consent decree and improved training for the police in Michigan (Johnson, 2005).

- *2005 Gumbhir Eugene, Oregon, Dissertation Study*

This study was done in partial fulfillment of the requirement for the degree of Doctor of Philosophy. The motivation for the study was several highly publicized cases along with intense media scrutiny. This study was designed to gather information conducted by its officers and analyze the issues of racial profiling in Eugene, Oregon. The Eugene Police Department (EPD), upon advice from the Department of Justice (DOJ), created a Racial Profiling Data Collection Task Force Group. The data collection included a survey that measured 19 items and was mandated for all officers conducting self initiated vehicle stops (Gumbhir, 2005).

The goal of the study was to describe in detail vehicle stops and identify differences in racial and ethnic groups in comparison to enforcement practices. Following recommendations from the U.S. Justice Department (USJD), the data was collected for two years. The study looked at data and analyzed traffic vehicle stops focusing on a thorough statistical description of enforcement dynamics in Eugene to examine not only the direct impact of race and ethnicity but also the overall context of the Eugene Police Department's enforcement practices.

The study found patterns of differential enforcement related to race and ethnicity. This study also found little evidence of differential offending between racial and ethnic groups. The study did find race and ethnicity were important variables in enforcement patterns. The analysis revealed important differences in vehicle stop practices between Asian, African-American and Hispanic drivers in comparison to White drivers. The logistic regression analysis in this study confirmed that several of the differences in treatment were directly associated with differences with the drivers race and ethnicity. The findings indicated that enforcement patterns were influenced by a number of factors

that included the time of stop, the location of the stop, the driver's age and sex, and the violation that led to the stop. This study found that while offending played a vital role in shaping the enforcement practices; it rejected the idea that differential offending is responsible for the observed differences. The researchers analyzed stop data by utilizing a formula that broke down the percentage of stops by stops per 1,000 people. This number was achieved by multiplying the number of stops by 1,000 and then dividing the population of the group of people. This study analyzed 36,011 stops over a two year period and suggested strongly that the Eugene Police Department consistently targeted African-Americans and Hispanics for pretextual stops (Gumbhir, 2007).

Theories on Racial Profiling

Victims of racial profiling state their 4th and or 14th Amendment Rights are being violated (Meeks, 2000). Meeks also noted these victims come from all economic levels, however, they are all from the minority (Black community); further, this phenomena has produced the term "DWB" – Driving While Black (Meeks, 2000). These same victims have noted instances of racial profiling in more areas of their life than law enforcement (Meeks, 2000).

According to Newport (1999), African-Americans as a whole are more negative toward police than Whites. Newport also stated that among young Black men, more than half of them have an unfavorable opinion of the local police in their area. These negative attitudes and opinions are spread throughout various communities. Thus individuals in these communities are less likely to desire careers in law enforcement.

This issue of racial profiling and its affect on society is becoming a growing concern. Racial profiling began as a law enforcement/crime prevention tactic and was

largely associated with traffic stops. Investigation and court cases have revealed that racial profiling exists and continues to be an issue of concern. Based on the results of investigations, court cases, and community demands, the law enforcement community has taken steps to reduce/eliminate racial profiling. While the community appreciates these moves, racial profiling also occurs in several areas of society including shopping, walking, education, and obtaining taxicabs (Meeks, 2000). Realizing the problems of racial profiling was identified when reviewing traffic stop data, efforts to reduce this issue and its affect on society is becoming a growing concern. This point has been brought to the forefront since the terrorist attack of September 11, 2001, changed the United States forever; this attack threatened the freedoms Americans enjoy. President Bush stated, "We are a country awakened to danger and called to defend freedom. Our grief has turned to anger and anger to resolution. Whether we bring our enemies to justice or bring justice to our enemies, justice will be done" (Bush, 2001).

Hard Profiling and Soft Profiling

According to MacDonald (2001) profiling can be considered in two different contexts. McDonald describes hard profiling as racial profiling where only race or ethnic backgrounds are used as the rational for the stop. An example of hard profiling would when an officer sees an African-American and without more to go on pulls him over for a stop and search of his vehicle. The premise is that African-Americans are more likely to carry drugs or firearms.

This premise is different than soft profiling which considers race and ethnic background as only one of many factors in deciding whether to make a stop or not. Soft profiling takes into consideration all other factors such as the time of day, if the vehicle

was seen leaving a known drug house, and whether persons were seen loading suspicious items, such as garbage bags or duffle bags, into the vehicle.. According to McDonald, hard profiling is used infrequently by law enforcement, but soft profiling is a common occurrence (MacDonald, 2001).

Outcome Test

Engle (2008) defined the outcome test as an analytical strategy to determine racial and ethnic discrimination by police. The outcome test compares police searches to the success rate of the searches and then compares them against racial and ethnic categories. The tests are based on a number of assumptions involving police and citizen behavior during the decision making process on the factors that leads to officer's decisions on whether to search or not. This method considers a successful search as one that results in the recovery of contraband. The method scrutinizes data from all of the stakeholders in their testing procedure by analyzing the input from police, police administrators, researchers, court officials, citizens groups and individual citizens alike.

This test was designed as an attempt to determine if racial bias existed in conducting searches by the police. This test was initially designed by economists who believed this statistical test would be an easy way to determine if police searches were biased or not. They thought they could measure the number of searches that police conduct and compare them to whether or not they were successful, and then further compare them across racial and ethnic lines. However, the tests rely on assumptions of the police decision making process that have not been accepted by the majority of criminal justice practitioners (Engel, 2008).

This test utilizes a perspective of viewing bias in four categories. The first category is the legalistic, which focuses on racial and ethnic equality in the police process and procedure of making traffic stops and searches. The second area addressed by the outcome test is the normative process, which concerns itself with substantive and procedural equality. The next category examined is the criminal justice approach, which focuses on understanding police behavior. The last of the four categories is the economic perspective, which determines the equality of outcomes of police behavior. These procedures provide an understanding of police bias and racial and ethnic discrimination (Engel, 2008).

The outcome test looks at police bias in two forms. The first form of police bias the outcome test examines is based on bigotry. The outcome test views bigotry as a decision making process where police make decisions on African-Americans based on their individual hatred. The second form of decision making bias looked at in the outcome test are officers who indicate they make decisions based on their perceptions that African-Americans commit more crime than non African-Americans. Both biases are perceptions and not supported by any scientific study or data. Litigation in bias requires a litigant to distinguish the type of bias. According to Smith and Alpert (2002), to be successful a litigant must show a discriminatory purpose or effect. In other words a litigant does not need prove if the officer intended to discriminate, but only must establish that the actions caused a discriminatory effect. Discriminatory bias is normally intentional and discriminatory effect does not require intent. The courts have looked at bias in the decision making process and ruled that in order to be successful in litigation; a litigant must show the court more than selective enforcement.

The outcome test is a new test that employs analytical techniques to determine racial bias of the police. The shortcomings of the test, according to Tomaskoivc-Devey (2004), are that the test cannot determine officer's intent and their source of racial bias. In the case of Anderson v. Cornejo (2004), the court stated that the differences in the success rate that the outcome test sought to prove does not necessarily indicate a disparate impact. Ayres (2005) also noted that the outcome test can show racial difference even when no disparity exists. Even though the outcome test does not prove or disprove disparity, it can be used as a tool for providing locations of interest for police departments interested in addressing concerns of perceptions of racial profiling (Fridell, 2004).

Hit Rates Test for Racial Bias

Hit rates for racial bias is a rational choice model of police citizen contacts originally developed by Knowles, Perisco, and Todd (2001) to determine racial bias in motor vehicle searches. This model provides a test for detecting bias in law enforcement through the success rates of their searches. In this method there is an implication that if the police conduct searches based on a success rate, the rate should be equal across racial and ethnic lines. This method, like the outcome test, had its origination in the economics field and then was applied to the criminal justice field. An examination of this process finds bias, if the search rate is higher for one group than for other groups. The weakness of this method of determining racial bias is the assumption that racial bias is intentional when it may not be. Like the outcome test, this method is not absolute proof of bias but it can be used as a measurement tool in conjunction with other tests. It should not be used by itself as an absolute indicator of bias (Engel, 2008).

Critical Race Theory

Critical Race Theory (CRT) is a radical movement by a collection of activists including lawyers and scholars interested in studying and improving the relationship between race and power (Delgado & Stefanic, 2002). Critical race theorists attempt to inject the cultural viewpoints of people of color, derived from a common history of oppression, into their efforts to reshape a society suffering from racial discord (Gross & Barnes, 2002). CRT investigates beliefs beyond the calls for the equal rights and seeks to re-evaluate the notions of equality, which perpetuate the differences of power between groups. CRT originated in the mid-1970s when Derrick Bell, Alan Freeman, and Richard Delgado got together and began to challenge the subtler forms of racism that were beginning to take place (Delgado & Stefanic, 2001).

According to Harris (2001) the first CRT conference took place in 1989 in Madison, Wisconsin. It began as a critique of legal studies and quickly spread into other disciplines. Soon a growing number of scholars began to make race a focus of their research analysis (Ladson-Billings & Tate, 1995; Rubin, 1996; Wing, 1996; Taylor 1999). CRT was brought out of academia and into the public forefront after the controversy over President Clinton's nomination and withdrawal of Lani Guinier to be the first Black woman to head the Civil Rights Division of the Department of Justice (Guiner, 2002).

Even though CRT theorists come from different backgrounds and have different theories all agree that: (a) racism is endemic to American life; (b) CRT must challenge history and pursue a contextual and historical analysis of social issues; (c) CRT is an interdisciplinary set of research practices that is still evolving and developing; and (d)

CRT should incorporate the common experiences and shared experiences of the other side that oppressed people bring into the struggle to reshape knowledge (Barnes, 1990).

Critical race theorists assert that both the procedures and the substance of American law are structured to maintain White privilege (Valdes, Culp, & Harris, 2002). Ultimately, critical race theory seeks to transform our present society into a just, rational, humane, and reconciled society (Jensen, 2003). Although much progress has been made since the civil rights movement, racial bias still exists. “Power, access, status, credibility, and normality are all manifestations of privilege,” as, stated by Rocco and West (1997, p. 171). The goal of CRT is to reshape power relationships. Race and ethnicity are seen as fluid constructs that have changed over time (Waters, 2000) and have no genetic or biological basis.

Community Policing

Although community policing is improving police-minority relations, some residents still lack confidence and trust in the police. The Justice Department has stated minority residents frequently perceive interactions with police as tainted by bias and prejudice. Incidents of discourteous police actions, which include excessive force and aggressive enforcement, continue to drive a wedge between the police and the minority community. Most law enforcement officers are excellent public servants but a few misguided individuals can ruin the perception of all officers if they are left to violate the law and practice racial profiling (U.S. Justice Department, 2006).

Script Theory

Tompkins (1992) believed the procedure by which the police process and store information is larger than necessary because of suspicion and the psychological processes affecting their working lives. Script theory was developed as a way of explaining how people can react to new and unexplainable situations. This theory provides rules to examine, understand, and predict scenes in one's life. Tompkins thought certain situations in a person's life can depict an emotional stimuli that can magnify their responses in future situations. Tompkins utilized cognitive theory in the understanding that learning is affected by the significance that the individual places on learning, and the extent of that association related to previous life experiences. Each individual develops their own perspective, which is effective in predicting their future performances. Individuals can also develop biases to individuals or groups of individuals that exhibit these certain traits. Future judgments, according to Sherman, Judd, and Park (1989) are then affected by a person's stored information, which then affects attitude and influences behavior. After multiple contacts, this stored information can influence beliefs and cause stereotypes with similar persons or similar groups.

Police and Gender

Willememse and Meyboom (1978) in their Netherlands study found gender a very significant factor in getting stopped, ticketed and arrested. Their study showed that indicators such as race and gender were prominent indicators of suspicion and that police officers consistently looked at males with more suspicion than females, even in similar situations.

According to Worden and Shepard (1996) police encounters with subjects that were male significantly increased the probability that an arrest would be made. Quinton,

Bland, and Miller (2000), conducting research in Europe analyzed police suspicion and focused on such basic things as time, place and appearance. According to Holmberg (2000), a Denmark study that looked into police suspicion noted that the indicators police used to describe suspicion were race and gender. Novak, Frank, Smith and Engel (2002) also found that being male significantly increased the likelihood of arrest in similar situations. Lundman and Kaufman (2003) reported in their traffic stop study that women stated that they were significantly less likely to be stopped by the police than their male counterparts.

A study by Memon, Vrij and Bull (2003) found that gender was an important variable in developing suspicions. This study looked at facial expressions, speech patterns and gaze aversions to determine deceit in subjects. The literature on police decision making and suspicion and gender as a predictor for arrest or sanction is very limited and requires more extensive research. An understanding of police decision making and stereotyping could be the key to understanding police racial profiling.

Police Suspicion Theory

The U.S. Supreme court gave credence to police suspicion in their landmark case of *Terry v. Ohio* (1968). This case recognized Detective McFadden's nearly four decades of experience when it coined the term reasonable suspicion. In the *Terry* case, the court distinguished between probable cause as the standard for arrest and reasonable suspicion as a standard for a police stop. Rubenstein (1984), in his police study in Philadelphia, noted that rookies were astonished at how observant veterans were in their initial training phases. They often stated that they did not see or observe things that the experienced veteran officers did until it was pointed out to them. Skolnick (1993)

examined police training and experience and noticed police routinely rely on their sense of suspicion to determine what is normal and not in any given circumstance. The ruling in *Terry v. Ohio* is still recognized and was recently reaffirmed in the case *U.S. v Arvizu* (2002). In this case, the court held that not looking at an officer when he spoke to you was illustrative of suspicious behavior.

According to Lundman (2003), disrespect for citizens or differential treatment for minorities can develop into reputations of racial discrimination. In some communities, these suspicions over time develop into reputations of increased suspiciousness for minorities (Smith, Visser, & Davidson, 1984). Smith and Petrocelli (2001) believed that crime is unequally distributed throughout American society and Bureau of Justice Statistics (2002) indicated that violent crimes are more prevalent in certain neighborhoods than others.

According to Crank (2004) police viewed themselves as crime fighters and develop, with training and socialization, a "them against us attitude," which fosters a sense of suspicion. Crank further stated that police are conditionally suspicious of all persons who do not wear their uniform. Crank also said that the suspicion developed by police personnel is not always evenly distributed. According to Crank, police attitudes are developed through a variety of individual characteristics such as race and gender.

According to Tomaskovic-Devey, Mason and Zingraff (2004) prejudice in police attitudes or cognitive bias develops more with officers that are assigned to minority neighborhoods with high incidences of major crime. They argued that there is sufficient data demonstrating cognitive bias with gender and that more studies should be done to identify cognitive biases of race.

Differential Offending Theory

This theory uses a differential rate of offending perspective to explain racial and ethnic differences in law enforcement. The theory claims that racial and ethnic groups commit crimes at varying rates and alleges that minorities, such as African-Americans and Hispanics, are disproportionately involved in criminal activity. According to Gumbhir (2005) there have been a large number of studies that demonstrate the over representation of African-Americans and Hispanics in the jail populations and allege that this is proof of their over representation in criminal activity. The theory has shown that the jails and prisons are over represented by African-Americans and Hispanics, but has not able to provide the reasons why one group is more prone to criminal activity than another. There two types of differential offending that are important to racial profiling: differences in drug offenses and differences in driving behavior. Studies that have attempted to demonstrate that certain groups are more prone to criminal activity have been inclusive at best, but have failed to specify a cause for the differential offending rate (Gumbhir, 2005).

Differential Enforcement Theory

The differential enforcement theory cites the uneven application of the law and the uneven distribution of law enforcement resources across racial and ethnic lines as the reason for the differences in the arrest rates of African-Americans and Hispanics. This theory holds that African-Americans and Hispanics are arrested and ticketed more by law enforcement because more law enforcement is deployed in their neighborhoods based upon discriminatory assumptions. Most police administrators, when questioned about this, will state that the officers are deployed based on the number of calls for service that

are received in the African-American and Hispanic neighborhoods. This leads to a disproportionate number of officers in the predominately African-American and Hispanic neighborhoods. Differential enforcement theory holds that the improper use of racial and ethnic information by officers in their decision making is the reason for criticisms associated with racial and ethnic bias in policing (Gumbhir, 2005).

Stop Discretion by Race and Ethnicity

A stop made by a law enforcement officer may be categorized as either low discretion or high discretion. A low discretion stop is one where the officer is almost required to make a stop. Even though most law enforcement officers have discretion for all traffic misdemeanors, low discretion incidents are a severe traffic offense like reckless driving or speeding in excess of 15 miles per hour over the speed limit. In cases like these, police officers are almost always compelled by policy to issue a citation. Whereas, in high discretion cases like a minor equipment violation, an officer is more likely to give a warning rather write a citation. This discretionary process is one that needs further study as any discretion exercised in a biased manner is a concern of police departments. Biased discretion either intentional or not is an issue that should be monitored to prevent racial profiling or the perception of racial profiling (Gamble et al., 2002).

Previous Research Focuses

Previous research by the Alpert Group (2004) focused on theories of police and their behaviors and analyzed police suspicion. Their research looked at gender, and suspicion scripts, and their links in the decision making process. The researchers were interested in which variables had the most impact on police officer decisions on whether

to arrest or not. A 1983 study by Visser concluded that women who demonstrated middle-class characteristics were given preferential treatment by the police.

A study by Graham and Lowery (2004) gave police and probation officers subliminally exposed race related words. After the exposure an experiment discovered differences in racial attitudes among those exposed to racial stereotype words compared to those given racial neutral words.

Causalities Related to Racial Profiling

The topics discussed below contain items that many studies insinuate are directly related to racial profiling. Unfortunately, there are no empirical studies that directly link these items to racial profiling. Therefore, at best, the items can be only indirectly linked to racial profiling. Perhaps future studies will be able to directly link some of the items directly to racial profiling. Racial profiling is not limited to the African-American population of the United States but they seem to be its major target. Several large studies on different American cities document that racial profiling is an ongoing problem even though many states and jurisdictions have attempted to address the problem. A large portion of the American population does not realize that there is a problem, or understand the extent of the problem. The solution to the problem requires a national enforcement and prohibition of the practice of racial profiling.

Racial profiling has had a direct negative impact on African-Americans in the field of law enforcement and that has caused other African-Americans to think negatively about police officers and not seek employment in this very rewarding career (Gumbhir, 2005).

There are problems in this country in the area of race relations and these problems, if not dealt with, can cause additional problems throughout society. Particular attention must be addressed in the area of law enforcement, as according to Department of Justice Surveys, certain segments of the population have significantly different perceptions of their police departments (Gumbhir, 2005).

Legislation

To date, only 39 states have passed legislation regarding the collection of racial and ethnic data on motorist's traffic stops. Data collection serves as a check and balance for officers in conducting a legitimate number of stops for minorities and non minorities alike (Ramirez, 2000).

To date, there is also no national standard on what information should be collected. Most states that do collect data obtain information such as race, age, and the sex of the driver along with the reason for the stop and the outcome of the stop. A few states even collect data on the passengers and the demographics of the officers. Most studies recommend that data should be collected any time a stop is made, whether or not a citation is given (Ramirez, 2000).

Shortage of Law Enforcement Officers

According to Holton (2003), in 1998 the state of Florida instituted a new retirement program whereby persons with more than the minimum amount of retirement years could receive cash pay outs as an incentive to retire. Persons who elected this cash pay out could only work five years past their retirement date and upon retirement would receive the payout. Persons who failed to retire within the five-year period would lose

the payout. Although law enforcement shortages are nationwide, this incentive caused additional shortages for the state of Florida as all state law enforcement officers were a part of this program, as well as all county employees, of all 67 of Florida's counties. One department in Florida alone, the Miami-Dade Police department, was scheduled to lose 350 sworn officers in June 2003. In addition since most law enforcement departments were going through growing pains, the limited training resources were strained and department's were forced to focus on the beginning or basic training needs first.

Under Representation of African-Americans in Law Enforcement

According to the U.S. Census (2006) African-Americans make up approximately 12% of the population, but when it comes to employment in law enforcement they make up less than 6% nationally. With this in mind, it is clear that there is a significant under representation in the field. An increase in African-Americans in law enforcement could reduce strained racial relations and perceptions of racial inequality (Meeks, 2000).

Patterns of Training

Operation Pipeline & Operation Convoy

The Drug Enforcement Administration (DEA) first began training police officers in the techniques of profiling in regards to airplane drug couriers. The training was effective and received an enormous amount of media coverage and led to the training being expanded to smaller scale, community based and criminal based programs throughout all urban areas nationwide. In 1984 the DEA established Operation Pipeline, which was a highway drug interdiction program that trained federal, state, and local law enforcement on indicators that they should look for that would suggest possible drug

trafficking activity among motorists. A 1999 report by the American Civil Liberties Union (ACLU) stated that Operation Pipeline fostered the use of racially biased drug courier profiling, by using training material that implicitly encouraged the targeting of minority motorists. The DEA's position on the report was that it did not teach or advocate the use of race as a factor in their profiles in traffic stops. A review of the DEA's training by the Justice Department's Civil Rights Division, which investigates statutory provisions against discrimination, concluded the Operation Pipeline training did not instruct officers to use race as a factor in traffic stops (ACLU, 1999).

The program was covert in the beginning and only given to law enforcement. The program later spread in 1990 to include drivers of large trucks including eighteen wheel vehicles and this training was termed Operation Convoy. Both training programs disseminated drug courier profiles and interdiction techniques that identified drivers and vehicles that were involved in the drug trade (Holton, 2003).

In addition to distribution of drug courier profiles the training included the practice of pretextual vehicle stops. The training directed officers to follow a vehicle if their suspicions were aroused and observe the vehicle until it committed a violation of the law. Once the vehicle was stopped, the officers were trained to question the occupants and visually observe any indicators that would fit the profile. The next step would be to request permission for a voluntary search, and if this was not granted, a drug dog would be called to search and sniff the car (Harris, 1999). The operations included three separate functions. The first function was the training. The next function was the communication, and the last was the analytical support. The training was to provide law enforcement officers information on interdiction laws and to increase their knowledge of

drug trafficking. In addition the officers were given training on how to detect highway couriers. The training covered items such as law, ethics, and trafficking trends. The controversial part of the training was that it used characteristics as a tool to identify drug couriers. Critics stated the training perpetuated the concept of racial profiling because many of the profiles of couriers were those of minorities; a claim the DEA denies.

Unfortunately the majority of the subjects identified in the training were African-American or Hispanic and the training was given to over 27,000 law enforcement officers in 48 states. Copies of the training and guidelines were distributed to the Florida Department of Highway Safety and Motor Vehicles, which included instruction to officers to be suspicious of racial and ethnic minorities who often engage in drug trafficking (Harris, 2002).

Effective January 2002, the state of Florida requires four hours of racial profiling training every four years for all of its law enforcement officers. All officers in the police academy must also complete four hours of racial profiling training and four hours of cultural diversity and sensitivity training. Many other states have similar laws and training requirements (Holton, 2003).

Patterns of Retraining

Additional training in racial profiling must be completed every four years for all sworn law enforcement officers in the state of Florida. In addition to racial profiling training, officers also get retrained in cultural diversity and sensitivity training (Holton, 2003).

As of 2001, the Kentucky State Police and Department of Criminal Justice both require that all in service training and basic law enforcement training include blocks of training in racial profiling, and cultural awareness (Wilson, 2001).

Strategies Used by Police Departments to Increase Minority Representation

Recently, the City of Hollywood, Florida developed an extremely innovated way of recruiting law enforcement officers. They located a college in Haiti where a significant number of Haitian-Americans attended and went there and recruited students in an effort to increase the minority status of the department. The Hollywood Police Department has recently had a large influx of Haitian residents, but at the time of the recruitment, it only had one Haitian-American officer (Holton, 2003).

Employment Diversity: Socio-Demographic Representation in the U.S. Work Force

The negative impact of racial profiling on minorities in law enforcement is compounded by the fact that the overall applicant pool for hiring, retaining and promoting Law Enforcement personnel is decreasing. According to Johnson (2005), this trend has caused alarm throughout the law enforcement community. The Department of Justice estimated that state and local jurisdictions would experience, at least a 25% turnover in 2006. Johnson (2005) insinuated that racial profiling had an exponentially negative affect on minorities, especially African-Americans, who were underrepresented in law enforcement (Johnson, 2005).

Explanations for the Under Representation of "Diverse Groups" in Law Enforcement

According to Holton (2003), police recruiters claimed the reason why there were not many African-American male police officers is that only a few applied to fill

vacancies. However, when looking at the statistics across the country, a different picture emerges. Most national statistic indicated that African-Americans are significantly more likely to be stopped, ticketed, searched, and arrested. With this environment existing in a large number of states throughout the country, it is no wonder there is not a great desire for African-Americans to enter law enforcement (U.S. Department of Justice, 2006).

Racial profiling, and the effects thereof, reflects in a negative effect on the hiring process of law enforcement as persons who have extensive traffic past and arrests records are routinely eliminated from the selection process. In order to recruit more African-Americans, law enforcement needs to utilize more discretion in enforcing minor traffic laws and minor infractions of the law (Harris, 2002).

Excessive Force in Contacts With Minorities

According to Engel (2005), the Police Public Contacts Survey showed that minorities who had personal contacts with police reported a greater percentage of force in comparison to non-minorities. The largest group reporting the use of force in the encounter was African-Americans, who reported encounters with police resulted in force 2.1% of the time. Hispanics reported force was used by police in 1.85% of the encounters. Buerger and Farrell (2002) reported that after reviewing a 1998, traffic stop by New Jersey State troopers, they opened fire on a group of Hispanic teenagers after the vehicle accidentally slipped into reverse. The officer's initial report indicated they fired after they were in fear that the vehicle was going to strike them. Eye witnesses on the scene, along with forensic evidence, indicated the officers were in no danger when they opened fire on the teenagers. The officers who opened fire had previously received

disciplinary action for illegal discriminatory conduct, including the falsification of official records used to track race and ethnicity in police and citizen contacts.

Possible Solutions

According to Cohen, Lennon, and Wasserman (2000), law enforcement needs to deploy their information technology more effectively. They stated that instead of using race as tool for locating criminals, law enforcement needs to develop technology and make decisions based on data. They indicated that the technology exists to improve the collection, processing and spreading of information across the total criminal justice system. Technology can also assist the community by providing the police with information they can use to solve crime related problems.

The strategy of the police should be to concentrate their crime fighting efforts on the hot spots. A number of research studies document that violent crime is heavily concentrated in certain geographical areas. Police should saturate these areas and focus their resources on stopping and searching persons based on suspicion and hunches. The hot spots should be saturated with all aspects of law enforcement, including police, probation, and prosecutors, for the full effect of the criminal justice system until the situation resolves.

The police should focus on the high risk offenders as many studies show that a small percentage of the criminal population is responsible for a majority of all of the violent crime. All law enforcement resources should be deployed on the most violent of offenders. Police training should be improved to catch up with today's technology. Police entry level and training standards should be improved so only the best qualified are enforcing the law in our communities. Law enforcement needs to be provided with the best technology so they can utilize accurate trends and indicators of criminal activity while maintaining the community policing philosophy (Cohen et al., 2000).

CHAPTER III

RESEARCH METHODOLOGY

Chapter III presents a description of the methodology that is used in this study of racial profiling. The research questions and hypothesis evolve from gaps in the literature and the need to critically examine racial profiling. This chapter begins with a discussion of the research design and continues with the study's population, sampling plan, data collection procedures, ethical aspects, data analysis, methods of racial profiling and an evaluation of the study's research methods. This study is a non-experimental, observational study.

The study observes, evaluates and compares traffic violations and accurately records them while determining the violator's race and gender. This study is unique in that many other studies rely on estimates of the demographic breakdowns of race and gender, while this study actually counts violators by race and gender. The exact locations that were observed and the demographics of Miami-Dade County, Florida, are highlighted in detail in this chapter.

According to Alpert (2004), gaps in the literature indicated many previous studies avoid actually counting the violators and their demographics because of the cost involved in doing so. To accurately count the violators and record their demographics requires manpower. The researcher in this study overcame the cost of labor by utilizing college honor students who were required to do volunteer hours to maintain their status. The honor society selected was Alpha Phi Sigma, the national criminal justice honor society. In the initial study by Alpert (2004), the Miami-Dade Police Department, of Doral, Florida, selected Dr. Geoff Alpert of the University of South Carolina because of his

expertise and experience in the field of police studies. The study utilized paid observers who were hired temporarily by the Miami-Dade Police Department.

Research Design

The purpose of this replication study is to reproduce the observational portion of the (2004) Alpert study. The Alpert (2004) study included a ride along component, an observational component, and a citizen contact card component. The only component of the study that did not rely on personal bias is the observational portion. The observational component relies solely on numbers and does not take into consideration the possibility of personal bias. The ride along component can be influenced by the presence of the ride along observer, and may cause the officer to act differently when someone is inside the police vehicle monitoring the officer's action. The citizen contact card is similar, because it can influence an officer's decision making process, as the officer knows their statistics are being monitored and recorded. Therefore an officer, consciously or unconsciously, could manipulate the statistics by altering their normal behavior to make their statistics look favorable. For example, if the officers knew they have already stopped several African-Americans, they may then stop several non African-Americans to make their statistics look favorable, thereby skewing the statistics (Alpert, 2004).

Methodology

The methodology utilized in this study will replicate the Alpert study (2004). Alpert's design used a two-part methodology in order to obtain a sample neighborhood for the analysis. The design of this study seeks to compare the data from the Alpert study

and compare it to the results of this study. By analyzing the data in the Alpert study, and comparing it to the data of the current study, it will either validate the Alpert's study data or question its findings. This study seeks to observe intersections throughout Miami-Dade County, Florida, and determine an accurate benchmark for measuring racial profiling. Previous studies have relied solely on data from the U.S. Census Bureau, which is an accurate source on population demographics, but may or may not be an accurate source of the number of drivers and their demographics (Dunn, 2004).

Many municipalities throughout this nation utilize many different methods to measure racial profiling. According to Dunn (2004) some of the studies that do not utilize the U.S. Census Bureau rely on citation data as a benchmark for measuring racial profiling. Again, this is an estimate and does not provide for an accurate measurement. This observational study seeks to develop a benchmark to accurately count the demographics of the driving population of Miami-Dade County, Florida. Many jurisdictions do not like to utilize an observational counting approach, as even though it is more accurate, as it requires time and labor. This study employs this method in an effort to ensure accuracy.

In the Alpert (2004) study, a list of intersections of Caucasian, African-American, and mixed neighborhoods were selected in unincorporated Miami-Dade County, Florida. These intersections were selected in accordance with their high traffic volume while avoiding overly busy intersections such as those on U.S. Highway 1 (US1) and expressway traffic. The intersections selected were located in eight different police districts that the Miami-Dade Police patrol. The intersections included the highest crash area intersections, which were identified as high in the Florida Buckle Up Campaign (a

campaign that the Department previously enforced seat belt violations). The total intersections selected in the Alpert study was 16, and this study will monitor the entire sixteen to replicate the Alpert (2004) study, and, as a matter of convenience (Alpert, 2004).

Population and Sampling Plan

Target Population

This study focuses on the same population utilized in the Alpert study, which is the 2,000 square miles of Miami-Dade County Florida. Utilizing the same county is a matter of convenience for this researcher, as well as maintaining the continuity of the previous Alpert (2004) study. The methodology of this study will incorporate various traffic observation sites. Intersections were selected based on availability and appropriate safe vantage points. This study will not use intersections determined as dangerous in the original study, in order to provide safe vantage points from which to observe the intersection (Alpert, 2004).

Intersections that were considered safe were those that had the space to allow the observers to be at least 30 feet off the roadway or those with large elevated medians that gave observers a good vantage point for observation and protection from possible traffic accidents. Any indication of insufficient space for reaction time for the observer disqualified the intersection. Dangerous intersections with no medians or observation points were eliminated. The observers in this study were positioned alongside the intersection to afford themselves a direct vantage point, while maintaining their safety. The goal is for these observers to be close enough to the intersection to be able to observe

traffic violations, race, and gender of the drivers, but far enough away so they do not get involved in any traffic incidents (Alpert, 2004).

Previous police research indicates the required distance for people to be able to react and move to a safe area is 21 feet. This safe distance is a standard used by most police departments nationwide, and is known as the “reactionary gap”. Since the standard for police is 21 feet, personnel in this study will utilize 30 feet, allowing an additional barrier of safety. Previous practice in the Alpert study indicated that observers at a 30 foot distance can safely observe traffic and still have clear visibility to determine the race and gender of the drivers. Thirty feet away from the roadway puts observers in a safety zone that allows them several seconds of reactionary time to be able to avoid any traffic incidents that may occur on the roadway (Lewinski, 2003).

In the Alpert (2004) study, once the intersections were selected, monitoring was done by Dr. Alpert to determine if the intersections were predominantly African-American, Caucasian, or mixed. This was done through a review of census data tracts. Census tract data ensures that intersections which were selected, maintained a racial balance. Four intersections were determined to be predominantly African-American. It was determined that one intersection was predominantly Caucasian, and three of the intersections were predominantly Hispanic. The remaining intersections were determined to be mixed intersections (Alpert, 2004).

The selection of intersection criteria in Alpert (2004) was to avoid intersections which connected, to prevent sampling the same pool of drivers. The goal of intersection selection was also to avoid major roadways where traffic was too heavy and too fast to observe race and gender, such as those connected to expressways and highways, while

providing the best geographical distribution available. Traffic intersections where speed limits were very high make it dangerous and difficult for observers to record the data accurately. Every effort was taken to locate safe intersections which provided ideal observational vantage points. Appendix C presents the intersections selected for the study.

A map of Miami-Dade County, Florida intersections is shown in Appendix D.

Racial Make Up of the Neighborhoods

According to Alpert (2004) the racial make up of the neighborhoods was important for two reasons. First, the study sought a variety of neighborhoods so that the research findings were representative of unincorporated Miami-Dade County, Florida. Secondly, police research on behavior and strategies indicated policing varies widely from district to district. Police districts are neighborhoods that are divided by the police department for their convenience so that they can provide an equal distribution of police services based on the volume of calls they receive each year. Therefore, the neighborhood intersections were selected to give an accurate reflection of the traffic violations in Miami-Dade County, Florida by race and gender (Alpert, 2004).

Demographic criterion used was that of the United States Census Bureau figures of 2000. The year 2000 census figures were selected as the exact numbers are only updated each decade. Figures updated yearly are only estimated on predicated growth and are not always accurate as anticipated growth changes yearly in Miami-Dade County, Florida for a variety of reasons such as changes in immigration issues (Alpert, 2004).

The 2000 Census figures indicate that the African-American population in Miami-Dade County, Florida is 20.3%. The African-American population in Miami-Dade County, Florida is not, however, evenly distributed. For purposes of this study, the definition of an African-American neighborhood was determined to be one where the population of African-Americans is larger than 30%, which is consistent with the 10% over margin analysis often used as an indicator in many racial profiling studies (Alpert, 2004).

The Census Bureau also shows that the Caucasian population of Miami-Dade County is 78.9% and others are listed as .08% (less than one percent). For study purposes, the Caucasian populations are rounded of to 80 %. Caucasian populations for the purposes of this study are those listed at 90% or more, when using the plus ten formulas. Using the plus 10 formula, mixed neighborhoods are those whose population have less than 30% African-American and less than 90% Caucasian (U.S. Census, 2000).

The issue of characterization creates a conflict when the neighborhood census population is in conflict with the driving population. Those neighborhoods where the numbers are in conflict are categorized as heterogeneous or racially mixed (Alpert, 2004).

Traffic Observation

The researcher along with six trained observers will monitor traffic intersections during the morning and afternoon shift. The monitoring is to be done in four hour shifts with a five minute break each hour. The days of observation are to be varied, Monday through Saturday, with Sunday not used as an observation day. The midnight shift will not be utilized as past testing in the Alpert (2004) study showed that identifying race in an observational study during darkness was not practical as racial characteristics such as

color could not be distinguished within a reasonable certainty. Hours tested will be set at 8 a.m.-12 p.m., and 1 p.m.-5 p.m.

Analysis of Study Data

The first analysis in the study includes all of the areas that are observed. The second analysis includes the areas of analysis broken down by the type of area (African-American, Caucasian, and mixed). The analysis showcases two comparisons utilizing the three different rates. The first rate to be observed is the driving rate, which is a count of the drivers that is recorded by observing the traffic and counting the number of drivers along with their race and gender. The second rate to be recorded is the violation rate, which is to be recorded by also observing the traffic. The violation rate will focus on and observe speeding, violations of traffic control devices, and violators making illegal turns. These observed violators will be categorized into groups by their race and gender.

Data Analysis

The comparison to be made is between the various violation rates, and the driving rate of the race and gender groups. The measures and comparisons will be analyzed by utilizing the formula listed below, which is a standardized formula used for determining proportions. The reason for the proportions formula is to determine if African-Americans or Caucasians violate traffic laws in proportion to their driving rate.

The comparisons are to be made on the sample proportions. The difference of proportions is to be calculated and will determine whether the compared proportions were significantly different from one another. The test is a way of seeing and comparing the significance of the differences. The higher the level of significance, the greater the

degree of difference should be. If there are no differences, it will indicate that the police are stopping violators in proportion to their offending rate. If the differences are significant, this will indicate that the police are stopping violators at a disproportionate rate than their violation rate (Levin & Fox, 2002).

The test to determine significance is to be calculated by utilizing the standard formula designed to determine proportions (Levin & Fox, 2002, p.232). To obtain the proportion is a four step process. In utilizing the formula, the first step is to obtain the proportions from both groups and the combined sample proportion.

$$P_1 = \frac{f_1}{N_1} \quad P_2 = \frac{f_2}{N_2} \quad P^* = \frac{N_1 P_1 + N_2 P_2}{N_1 + N_2}$$

The second step is to compute the standard error of the difference.

$$S_{P_1 - P_2} = \sqrt{P^* (1 - P^*) \left(\frac{N_1 + N_2}{N_1 N_2} \right)}$$

The third step is calculating the *T* ratio by dividing the difference between proportions by the standard error of the difference.

The final step is to compare the obtained *Z* value to the critical value from the bottom row. If the obtained value exceeds the critical value, the difference will be accepted and if not, the null hypothesis of no difference will be accepted (Fox, et al., 2002, p. 232).

$$Z = \frac{P_1 - P_2}{S_{P_1 - P_2}}$$

Combined Data Analysis

The study will combine the data recorded and compare it to the previous data recorded in the Alpert study. The Alpert (2004) study observed 93,251 drivers. These drivers included 41,129 Caucasian males (44%), 28,074 Caucasian females (30%), and 13,302 African-American males (14%), and 10,746 African-American females (12%). More than 12,000 violations were observed at the selected locations. These figures will be analyzed and compared to this researcher's study data.

Table 2 displays the number and percentage of violators and the race and gender categories of the Alpert (2004) study. The percentages for each category were similar for the types of the violations. The Alpert (2004) study data will be compared and analyzed with this researcher's study data. The data to be compared will be the number and percentage of driving violations broken down by race and gender. Violations of traffic will include speeding, illegal turns, and violations of traffic control devices.

Table 2 indicates that Caucasian males are 44% of the driving population, but they are 51% of the violating population. That indicates that Caucasian males violate seven percentage points above their proportion of the driving population. Caucasian females are 30 % of the driving population and violate at 27% which is three percent less than their driving population (Alpert, 2004).

African-American males in the Alpert (2004) study on the other hand are 14% percent of the driving population and violate at exactly the same rate at 14%. African-American females are 12% of the population and violate at eight percent which is four points below their driving population rate. These statistics are very significant as they demonstrate that African-Americans males do not violate at a higher rate than Caucasian

males, and, therefore, should not receive more law enforcement attention than Caucasian males (Alpert, 2004).

Table 3 lists the percentage point differences between the percentage of driving violations and the percentage of drivers by race and gender. This data will be analyzed in comparison to the data retrieved in the future study.

Analysis of Neighborhood Data

Focusing on the neighborhood analysis is important, because the different neighborhoods represent the totality of Miami-Dade County, Florida. Past research on police behavioral strategies indicate policing varies from neighborhood to neighborhood. For that reason, this study will focus on the many different neighborhoods, which include African-American, Caucasian, and mixed populations (Alpert, 2004).

Table 4 demonstrates the number and percentage of drivers recorded in each race and gender group with the type of neighborhood where they were observed in the Alpert (2004) study. A total 93,251 drivers were observed in the Alpert (2004) study. Caucasian males represented 44% of all drivers, Caucasian females represented 30%, African-American males represented 14%, and African-American females represented 12% of the driving population. The four categories of drivers were found to be consistent with their driving populations. The data from the Alpert (2004) study will be compared to this researcher's study. According to Alpert (2004) study Caucasian males and females drove less in the African-American neighborhoods. African-American males and females drove in African-American neighborhoods in comparison to Caucasians.

Predominantly Caucasian Neighborhoods

The driving violations in the predominantly Caucasian neighborhoods are listed in Table 5 from the Alpert (2004) study. There are some minor differences in the violations by race, but it does not appear to be significant. The information in Table 5 lists the number of violations in Caucasian neighborhoods including speeding, violations of traffic control devices, and illegal turns. This data will be compared to this researcher's data.

Observers

To complete the study, observers will be selected from Alpha Phi Sigma National Criminal Justice Honor Society as a matter of convenience through a flyer presented at criminal justice honor society's Miami office. Members will be awarded community service points for their participation, which is required as a part of their membership obligations from their society.

Volunteers will be given eight hours of training before beginning the study on the purpose and requirements of the study and basic training on how to observe traffic violations that include the operation of a handheld radar speed measuring device. Training and instruction will be provided to the volunteers by the lead researcher who is a certified Florida law enforcement instructor and a certified speed measuring device operator.

Each intersection observation will require six volunteers for traffic monitoring for each four hour shift. The traffic observation monitors are required to count all drivers passing through the selected intersection by race and gender. They are also required to count all drivers by race and gender who drive five miles over speed limit or greater. They are also required to count all violations of traffic control devices and violations of

lane or u-turns at the intersection, and record them by race and gender. Since there are three functions at each intersection, two observers are required for each function. One observer will call out and the other observer will record. Each team of two will also change responsibilities each hour to provide an opportunity to participate in both functions.

According to Alpert (2004) and Denton & Massey (1989), ethnicity is not able to be determined in moving vehicles in a reasonable certainty. For that reason, ethnicity is not recorded and the only determinations by the volunteers will be of race and gender.

Instrumentation

As in Alpert (2004) there are no formal instruments to be used for this non-scientific observational study. There are forms that will be used in the collection of data. The forms were constructed for convenience, allowing the observers to collect data while maintaining a close watch on the traffic. The form utilized to document the data for Groups 1 and 2 is provided in Appendix J and the data collection form for Group 3 is shown in Appendix K.

Research Questions

Q1. What is the actual percentage of African-Americans and Caucasians that drive throughout key intersections within Miami-Dade County, Florida?

Q2. What is the percentage rate that African-Americans and Caucasians violate traffic laws throughout key intersections within Miami-Dade County, Florida?

Q3 Do African-Americans violate traffic laws at a higher rate as compared to the percentage of their driving population, throughout key intersections within Miami-Dade County, Florida, that would justify an increase in police scrutiny?

Research Hypotheses

H1 African-Americans and Caucasians drive at the same percentage rate as their population.

H2 African-Americans and Caucasians violate traffic laws at the same percentage as their population rate.

H3 African-Americans and Caucasians violate traffic laws at the same percentage as their population percentage. .

Research Questions Data

Using a non-experimental observational study, three research questions will be explored in this study. For research question 1, the percentages of drivers will be measured by utilizing college student volunteers from Alpha Phi Sigma. All students are graduate students and members of the criminal justice honor society. The students will receive a minimum of eight hours training before beginning their measurements.

For research question 2, the rate at which people speed will be measured by utilizing college student volunteers from Alpha Phi Sigma. All students will be seniors and members of the criminal justice honor society. The seniors will receive a minimum of eight hours training before beginning their measurements.

For research question 3, the percentage at which people violate traffic laws in comparison to other groups will be measured by using data from research questions 1 and 2, and comparing it to other groups. The data will be analyzed by utilizing a formula designed to determine proportions (Levin and Fox, 2002, p.232).

Three hypotheses will be tested in this study. The first hypothesis to be tested is whether different groups of people drive in comparison to their census population. The benchmark of utilizing the U.S. Census Bureau for proportions of populations is a common practice in racial profiling studies (Dunn, 2004). If people do not drive in direct comparison to the census percentages, the process of measuring racial profiling should not be measured by utilizing that data. For the second hypothesis, measuring the rate at which different groups of people violate, the observational non-experimental method will again be utilized. The measurement for the second hypothesis will again determine the rates at which different groups of people violate traffic laws. The third hypothesis to be tested is that all groups of people violate at the same rate. This measurement will be determined by utilizing the data from the rates at which the different groups of people speed violate lane changes, violate traffic control devices, and make illegal turns at intersections (Alpert, 2004).

Procedures

Ethical Considerations

Prior to beginning this study, all volunteer observer participants were given an explanation that the study attempted to critically analyze previous racial profiling research. All volunteer observer participants were given clear instructions on all rules regulations and requirements before they consented, thereby, authorizing their

participation, and being made aware of any risks they could encounter. All volunteer observer participants were kept aware of any findings of the study and given copies of all results. All volunteer observer participants were given eight hours of instruction before any observations began. All volunteer observer participants were trained in the traffic laws that they would observe and trained in the operations of an electronic speed (radar) measuring device.

Data Collection

Observers were broken down into three groups of two, and recorded data without bias to race, gender, or ethnic background. Group one will count and recorded all drivers at the intersections and determined gender and race. Group two counted and recorded all drivers who violated the speed limit by utilizing an electronic speed measuring device and determining race and gender of all violators. Group three counted and recorded all violators of lanes and traffic control devices and recorded the drivers by race and gender.

All observers were trained, given eight hours of instruction, and supervised by certified law enforcement instructors. The groups were broken down into groups of two, to allow for a second rater. The second rater assisted the first rater to ensure accurate reliability of observation. The primary rater's in each group were responsible for observations. The primary rater reported to the second rater, and the second rater's responsibility was to record the observation of the first rater. In cases of uncertainty, the second rater's observations were used. Only data that was certain was reported. Data that was uncertain, where both raters were not in agreement, were not recorded.

Interrater Reliability

Two raters were used for each group to ensure interrater reliability. Using two raters prevented recording questionable data and improved the reliability of the data. An example of questionable data was when weather conditions did not allow the observers to be able to ascertain with reasonable certainty the race, or gender of the driver. When this happened, the second rater offered their opinion and if both raters could not agree with certainty, the data was discarded. Another example of questionable data was if the window tinting on the vehicles (which is legal in the state of Florida) is such that it prevents an accurate determination of race and gender.

Observation Methods

Consistent with methods established in the Alpert (2004) study, the researcher selected locations for observations that were safe and utilized in the Alpert study. The vantage points selected were at a safe distance while still allowing for observation. Medians were not used unless they were elevated and provided insulation from the moving traffic.

The data will first be observed with reasonable accuracy by the first rater, and then recorded by the second rater. If the second rater is not in agreement with the first rater the data will not be recorded. Any issues will be promptly reported to the researcher who will be on the scene to provide advice and guidance to all observers.

Data Analysis

Once all of the data is recorded it will be compiled, analyzed, and sorted into groups by race and gender. Any data obtained, where there is a discrepancy of the raters,

will not be included in the analysis and will be discarded. Any data that is recorded and is not legible will also not be included in the final analysis. The second rater will need to insure legibility at all times while recording the data.

Evaluation of Research Methods

External Validity

The external validity seeks to determine that the data recorded is done in a manner that can be duplicated in other studies, in other locations, and utilizing different populations. All safeguards including methods that have been successfully utilized in the past studies will be incorporated. The first step taken to insure external validity is that the same population sample that was previously utilized will be used again. In addition, the same methods of population sampling will be utilized. The population selected included the population of Miami-Dade County, Florida. The sampling of the population included eight different locations, which were representative of Miami-Dade County, Florida. In addition to the different locations, different days of the week, and varying hours, were utilized. The only hours not utilized will be the hours of darkness because they do not allow accurate visibility to the observers. This study was conducted in varying locations, at varying hours, and times, and monitored a diverse population from multiple neighborhoods. Race, gender, and violation rates were captured during the data collection process.

This study was previously successfully conducted in (2004) by Dr. Geoffrey Alpert and no unanticipated events were realized that affected the study. The only uncontrollable circumstance foreseen is the unpredictability of the south Florida weather,

which at times can make visibility difficult. Since the study was conducted over a one week time period, weather was not an issue in the overall reliability of the study.

Internal Validity

Internal validity is relevant in this study, as this study attempted to establish a casual relationship with the previous Alpert (2004) racial profiling study. This study attempted to replicate all aspects and safeguards from the previous Alpert (2004) study. This study critically examined the police practice of racial profiling by accurately recording violations of traffic laws and then recording them in proportion to their groups of race and gender. Items that are relevant to this study are the violation rates of group's persons by race and gender in proportion to their driving rates. This study sought to validate all aspects of the Alpert study and documented all data recorded for this research, to make it available for future research.

Threats to Validity

The population was selected as a matter of convenience for the researcher. The intersections selected were those selected in the previous Alpert (2004) research. Future researchers may consider selecting random intersections and different sampling populations.

Procedures

Ethical Considerations and Data Collection Methods

The following procedures were implemented prior to data collection for this project.

1. Permission was granted in writing from Dr. Geoffrey Alpert to replicate his 2004 study. (Appendix E)
2. A consent form (Voluntary Consent Form provided by Lynn University) was included in the packet of information provided to raters (Appendix G). The consent form provided information to the participants regarding the study, identified the purpose of the study, the procedures, possible risks and/or benefits, confidentiality, their right to withdraw, along with contact information for this researcher, as well as the faculty advisor for the project. The participants were requested to complete the form and return it to this researcher. A copy of the consent form was not required per Lynn University IRB.
3. The entire package was presented to the IRB for approval, along with IRB Form 1, Part A. Application for Review of Research Involving Human Subjects; IRB Form 1, Part B – Certification and Signatures; and IRB form 1 Part C – Research Protocol (Appendix F).
4. IRB Approval was received _____ (Appendix H) and a copy was provided to the participants for their records.

Alpert (2004) Data

Table 3-1 reflects the number and percentage of driving violations and stops by race and gender reported by Alpert (2004) in his study.

Table 3-1

Number and Percentage of Driving Violations and Stops by Race and Gender

Violation	Caucasian Males		Caucasian Female		African-American Males		African-American Females		Total
	44%		(30%)		(14%)		(12%)		
Speeding	4015	52%	2075	27%	1035	14%	565	7%	7690 100%
Red Light	1740	48%	1007	28%	558	15%	362	10%	3667 100%
Illegal Turns	480	57%	207	25 %	107	13%	49	6%	843 100%
Total Violation	6235	51%	3289	27%	1700	14%	976	8%	12,200 100%

(Alpert, 2004)

Table 3-2 indicates driver violation rates by race and gender from the Alpert (2004) study.

Table 3-2

Violation Rates Broken Down By Race and Gender

Violation	Caucasian Male	Caucasian Female	African-American Male	African-American Female
Speeding	8***	-3***	0	-5***
Red Light	4***	-2***	1*	-2***
Illegal Turn	13***	-5***	-1	-6***
Total	7***	-3***	0	-4***

(Alpert, 2004)

*Significant at .05level **significant at .01 level ***significant at .001 level

Table 3-3 provides information on the percentage of drivers by race and gender in neighborhood types found by Alpert (2004) in his study.

Table 3-3

Percentage of Drivers by Race and Gender Groups for Neighborhood Types

Neighborhood Types	Caucasian Males	Caucasian Female	African-American Males	African-American Females	Total
Caucasian	14198	10551	1223	707	26679
	53%	39%	5%	3%	100%
African-American	6894	4885	7683	6355	25817
	27%	19%	30%	24%	100%
Racially Mixed	20037	12638	4396	3684	40755
	49%	31%	11%	9%	100%
Total	41129	28074	13302	10746	93251
	44%	30%	14%	12%	100%

(Alpert, 2004)

Table 3-4 reflects the number and percentage of traffic violations in predominantly Caucasian neighborhoods identified by the Alpert (2004) study.

Table 3-4

Violations Predominantly Caucasian Neighborhoods

Violations	Caucasian Males		Caucasian Females		African-American Males		African-American Females		Total	
	53%		39%		5%		3%			
Speeding	1656	59%	984	35 %	126	5%	61	2%	2827	100%
Red Light	563	58%	337	34%	45	5%	34	4%	979	100%
Illegal Turns	154	61%	75	30%	16	6%	6	2%	251	100%
Total Viol.	2373	59%	47	43%	187	5%	101	2%	4057	100%

(Alpert, 2004)

Table 3.5 reflects the racial characteristics of sampled neighborhoods as reported in the Alpert (2004) study.

Table 3-5

Neighborhood Racial Characteristics

Sampled Neighborhoods	Police Dept. Definition	% African- American By block	% African- American By Tract	% African- American Driver Observed	Designation of Intersection
152 Street & SW 112 Avenue	AA	52%	56%	53%	AA
186 Street & NW 57 Avenue	M	18%	17%	39%	M*
68 Avenue & 183 Street	AA	22%	24%	28%	M
104 Street & NW 137 Avenue	W	5%	7%	8%	W
26 Street & SW 127 Avenue	W	3%	<1%	1%	W
187 Street & NW 67 Avenue	AA	13%	18%	31%	M*
41 Street & NW 107 Avenue	M	2%	2%	10%	W
88 Street & Snapper Creek Expressway	M	1%	1%	7%	W
152 Street & SW 137 Avenue	M	11%	11%	16%	M
88 Street & SW 107 Avenue	M	4%	4%	11%	M*
72 Street & SW 137 Avenue	M	2%	3%	6%	W
79 Avenue & NW 36 ST	M	5%	3%	14%	M*
119 Street & NW 27 Avenue	M	83%	68%	55%	AA
36 Street & NW 72 Avenue	M	1%	12%	11%	M
167 Street & NE 6 Avenue	M	34%	31%	50%	AA
79 Street & NW 27 Avenue	AA	13%	41%	71%	AA

Intersection legend: AA=African-American M=Racially Mixed W=White
Alpert (2004)

CHAPTER IV

RESULTS

On April, 25, 2009, twenty-six volunteer personnel who participated in this study were given eight hours of training by six sworn law enforcement personnel. The first four hours of training was classroom training and the second four hours of training was in the field training. All persons were trained in the introduction to the problem, purpose of the study, research design, data collection procedures, ethical aspects, safety, Florida laws, and operating procedures of a Kustom Signals Incorporated Falcon police radar speed measuring device also known as a police radar gun.

Data Collection

The data was collected April 25, 2009, through May 1, 2009, at the 16 selected intersections throughout Miami-Dade County, Florida through field observation which included two intersections from each of the County's eight police districts. In addition to the volunteers, eight off duty law enforcement officers from three different law enforcement departments volunteered to assist in this study. The law enforcement officers were from the Miami-Dade Police Department, the City of Miami Police Department and Hallandale Beach Police Department. The volunteers collected data eight hours a day for a one week period. They worked from 8:00 A.M. to 5:00 P.M. each day collecting data. They were given a ten minute break each hour and a one hour break for lunch. At all times, the volunteers were supervised by off duty sworn law enforcement personnel.

The primary researcher in this study along with 26 volunteers observed which groups of motorists were violating the law and at what rate. While monitoring the

intersections with six trained observers, the observers were broken into three groups. The first group recorded the race and gender of the drivers. One observer called out the race and driver of each vehicle that they observed, and identified the race and gender of each driver. There were cars that were unidentifiable due to speed and window tinting or design of the vehicle. The second group of two observers recorded any violations of speed. The second group of observers were also paired in groups of two and were trained to record any violation of speed over 5 mph over the posted speed by using a police certified radar gun. One person observed the speed violations and the other was the recorder. The third group of observers recorded any other violations of law such as improper changes of lane, illegal u-turns and disobeying traffic control devices. Again, the information was recorded and broken down into race and gender.

Study Parameters

The parameter of this replication study was to reproduce the observational portion of the (2004) Alpert Miami-Dade County study. The observational component portion relied solely on numbers and did not take into consideration the possibility of personal bias.

Significantly, African-Americans in Miami-Dade County during this (2009) study drove 1 % percent less than their census data percentages. Caucasians at the same time during this study drove 1 % more than their census data percentage. Therefore, if this study had relied solely on the census data estimate of the driving populations of Miami-Dade County, the data could have been off by as much as 2 % points. Another interesting item revealed in the data was that even though the volunteers were trained in observing race and gender, 254 times (1.4 %) they were unable to make that

determination. Table 4-1 compares the census data with the data collected in the (2009) study (U.S. Census 2005-7).

Table 4-1

Counting Drivers Comparison Miami-Dade County 2005-7 U.S. Census and 2009 Study

Race Percentage Comparisons

	African-Americans (Blacks)		Caucasians (Whites)	
2005-2007 U.S. Census Bureau American Community Survey Miami-Dade County	20 %		80 %	
2009 Miami-Dade Study	19%	2,719 Males	81%	12,492 Males
		1,835 Females		6,927 Females

Drivers Counted

This (2009) study counted 24,227 drivers in one week at the 16 different intersections. In the current (2009) study, four hours were spent at each intersection to retrieve the data. The total number of drivers was broken down into their respective races and genders. Of the total drivers, 4,554 or 19 % were determined to be African-American. Of the 4,554 African-American drivers 2,719 (11.34%) were males and 1,835 (7.65%) were females. The Caucasians counted in the (2009) study totaled 19,419 (81%) of which 12,492 (52.10%) were males and 6,927 (28.89%) were females. Of the 24, 227 drivers counted during the study there were 254 (1.05%) drivers where the race could not be determined

or agreed upon. These unknowns were discarded and not used to provide percentages of the Miami-Dade County, Florida drivers. Most volunteers before beginning the study stated that during the training they believed that the police could always determine race and gender before making a stop. After one week of counting cars, the consensus of volunteers was that determining race and gender for a violator was much more difficult than they initially perceived. Before beginning the study, the unanimous consensus of the volunteers was that they all could determine the race and gender of any passing vehicle. They also thought that the police could determine the race and gender of any passing vehicle and all believed that it was a determining factor used by the police on a regular basis. After the study all volunteers had a much different perception of the tasks of law enforcement.

Significantly, African-Americans in Miami-Dade County, Florida during this (2009) study drove 1% percent less than their census data percentages indicated. Caucasians at the same time during this study also drove at 1 % more than their census data percentage. Therefore, if this study had relied solely on the census data estimate of the driving populations of Miami-Dade County, Florida, the data would have been off by as much as 2 % points, which is more than 480 drivers, and highly substantial. Another interesting item revealed in the data was that even though the volunteers were trained in observing race and gender, 254 times (1.4 %) they were unable to make that determination.

Table 4-2, Drivers Counted, shows the drivers that were counted at the 16 different intersections broken down by race and gender. The total combined breakdown of the races by intersections is 19% for African-Americans and 81 % for Caucasians.

These numbers are substantially similar to U.S. Census data figures provided by the (2005-7) American Community Survey. The U.S. Census data list Miami-Dade County, Florida at 80 % Caucasian and 20 % African-American. Table 4-2 also indicates that African-American males are 11.34 % of the driving population in Miami-Dade County Florida during the testing period. African-American females are 7.65 % of the driving population during the study period. Caucasian males represented 52.10% of the driving population and Caucasian females represented 28.89 % of the Miami-Dade County, Florida population during the study period. All data captured in the Drivers Counted table was significantly similar to the data captured in the U.S. Census Data. The largest difference in the comparison of the U.S. Census data to the Drivers Counted data was the African-Americans at 1% less and the Caucasians at 1% more. Utilizing these figures could skew the data 2% (U.S. Census Bureau, American Community Survey, 2005-2007).

Table 4-2

Drivers Counted

African-American Male	African-American Female	Caucasian Male	Caucasian Female	Unknown
2,719	1,835	12,492	6,927	254
11.34%	7.65%	52.10%	28.89%	1.05%
	19% African-American		81% Caucasian	Discarded

Table 4-3, Speeders, indicates that African-American males and females in Miami-Dade County, Florida, speed at a percentage rate that is below their driving rate.

Male and female African-Americans combined in Miami-Dade County, Florida, speed at 16.64% and their driving rate is 18.79%. The difference between their speeding rate percentage and their driving rate percentage is 2.15 % less. The combined driving rate percentage of male and female Caucasians was 80.2%, while their speeding rate speed was 79.79%. The difference between their driving rate and speeding rate is .41%. Of the race and gender groups, the only group found to speed at a higher percentage rate than their driving percentage rate is Caucasian males. The Caucasian driving rate is 51.57% and their speeding rate is 51.68%.

TABLE 4-3

Speeders

	African-American Male	African-American Female	Caucasian Male	Caucasian Female	Unknown
TOTAL	522	277	2,482	1,350	172
%	11.3%	6 %	53.59%	29.15%	3.58%
4,803		17.3 %		82.7 %	Discarded

Table 4-4, Total Combined Traffic Violators, indicates that African-Americans violate traffic laws at a percentage rate below their driving rate percentage. The African-American driving percentage is 18.79 % and their total combined traffic violation rate is 18.08. African-Americans therefore commit traffic violations at .71% less than their driving population rate. The Caucasians driving population percentage rate is 80.16% and their percentage violation rate is 77.34%. Caucasians therefore violate at 2.82 % below their driving percentage population rate. These figures change slightly when the unknown figures are eliminated from the percentages.

Table 4-4 includes the combined observed traffic violation totals broken down by their site location, race and gender. T in Table 4-4 indicates any traffic lane or turn violations while S indicates any speeders.

TABLE 4-4

Traffic Violations by Race and Gender

	African-American Male			African-American Female			Caucasian Male			Caucasian Female			Unknown		
	L	T	S	L	T	S	L	T	S	L	T	S	L	T	S
Total	141	174	522	60	109	277	492	567	2,482	279	316	1,350	82	70	172
	2.0%	2.4%	7.3%	.08%	1.5%	3.9%	6.9%	8.0%	34%	3.9%	4.4%	19%	1.1%	.09%	2.4%
	837			446			3541			1945			324		
	12.4%			6.6%			52.3%			28.7%			4.6%		
	19% Total			African-Americans			81% Total			Caucasians			Discarded		
7093															

Table 4-5 portrays the number of total violations broken down by race and gender.

TABLE 4-5

<i>Total Violations</i>						
Violations	Caucasian Males	Caucasian Females	African- American Males	African- American Females	Unknown	Total
Speeding	2,482 51%	1,350 28.1%	522 10.9%	277 5.8%	172 3.5%	4,803
Red Light	492 46.7%	279 26.5%	141 13.4%	60 7%	5. 7.7%	1054
Illegal Turns	567 45.9%	316 25.6%	174 14.1%	109 8.8%	70 5.6%	1236
Total Violations	3541 48.1%	1945 26.7%	837 12.8%	446 6.8%	324 4.6%	7093
		75%		20%	5%	

Main Analysis

The major purpose of this study was to provide a critical review of racial profiling. The existing body of research found in the literature review suggested that many studies estimated the driving population of African-Americans by using census data. Using census data does not take into consideration that many African-Americans may utilize other forms of transportation such as mass transit. Many of the other existing studies assumed that African-Americans drive in direct proportion to their census data, which is not always an accurate figure. This study sought to establish an accurate benchmark by actually counting drivers and categorizing them by race and gender.

This analysis examined and recorded whether African-Americans and Caucasians drive at the same percentage rate as their census population. This study also examined and recorded whether African-Americans and Caucasians violated traffic laws in direct

proportion to their census data. This study measured the violation rates of races to determine if one race violated more than others.

The researcher chose to replicate the Alpert (2004) study in collecting data as it was one of the few studies that actually counted the data and did not just rely on census data. The researcher selected sixteen intersections throughout Miami-Dade County, Florida. The rationale for the selections was that two intersections were selected in each of the eight Miami-Dade County Florida police districts to provide the data. These intersections had provided a substantial amount of data with high violation rates in a prior study by Alpert (2004).

Traffic Violators by Number

Table 4-5 reflects the exact numbers of violations broken down by race and gender including speeders, violation of traffic control devices, and illegal turns. The study captured 7,093 traffic violations during the monitoring of the 16 intersections. The single greatest violation was speeding where 4,803 violators were observed. The violations are broken down by race and gender. The group with the largest violations is Caucasian males, with 3,541 total violations. The second group with the most violations is Caucasian females with 1,945 total violations. The group with the third lowest number of total violations was African-American males, with 837 total traffic violations. African-American females had the lowest number of total traffic violations for the week with 446 total violations.

Traffic Violations by Percentage

Table 4-6 displays the violations of the different races and genders as percentages. The Caucasian males are the largest violators of traffic violations at 48.1 %. Their driving percentage is 51.7 %, which indicates that Caucasian males violate at 3.6% below their driving rate. Caucasian females are second largest group of violators with a violation percentage of 26.7%. Their driving population percentage rate is 28.59% so, Caucasian females violate at 1.89 % below their driving percentage rate. The third lowest violation group is African-American males. African-American male violated traffic laws at 12.8 %. Their driving population rate is 11.22 %. African-American males, therefore, violated traffic laws at 1.58 % below their driving percentage population rate. African-American females violated traffic laws at the lowest percentage rate of all groups, 6.8%. African-American females are 7.57 % of the driving population in this study and they violated at .77 % below their driving rate. The totals traffic violation percentage by race for violations is 75% for Caucasians and 20% for African-Americans. In 5% of the observed violations, race and gender could not be determined in comparison to 1% where the observers were only counting drivers.

Analysis

The purpose of this observational non-experimental study was to determine and record drivers data and traffic violations in African-American, Caucasian, and racially mixed neighborhoods throughout Miami-Dade County, Florida. The study analyzed and observed Miami-Dade County, Florida traffic and obtained an accurate benchmark of the driving population by counting and actually verifying the percentages of the different populations that drive, broken down by race and gender. Several previous studies had

relied solely on census information. Studies such as the one done by Alpert (2004) indicated that African-Americans utilize public transportation more than other races. The study also indicated that African-Americans do not always drive in direct correlation with their census data. Therefore, the method to gain an exact number and an accurate benchmark would be to count them and compare the actual number in accordance with their demographics.

Race Percentage Comparisons

Table 4-6 lists race percentage comparisons. The first line is the race percentages as listed in the U.S. Census American Community Survey, Miami-Dade County, (2005-2007). The second line is the data listed in the U.S. Census American Community Survey for the entire United States, which indicates that African-Americans in Miami-Dade County, Florida are represented at a much higher rate than in the rest of the United States. The third line of the table is the data captured in the Alpert (2004) study, which showed the driving percentages by race in 2004. The fourth line indicates the driving percentages by race for 2009.

TABLE 4-6
Race Percentage Comparisons

	African-American (Blacks)	Caucasian (Whites)
2005-2007 U.S. Census Bureau American Community Survey Miami-Dade County	20 %	80%
United States Nationwide	12.4 %	87.6%

Hypotheses

This study investigated whether there is measurable benchmark on the driving percentages of African-Americans. Many racial profiling studies take for granted that African-Americans drive at the same rate as their population rate. This study measured that rate and verified if the driving rate and population rates are proportional.

First Hypothesis

The first hypothesis proposed that African-Americans and Caucasians drive at the same percentage rate as their population. The data from this study indicates that there was not a large difference in the census estimates and the driving population of Miami-Dade County, Florida at the 16 selected intersections from April 25, 2009, through May 1, 2009. The 2005-2007, U.S. Census Bureau American Community Survey, counted the population as 80% Caucasian, and 20 % African-American, in Miami-Dade County, Florida. The research data revealed, after counting 24,227 cars, that 81% of the driving population of Miami-Dade County, Florida is Caucasian and 19 % of the driving population is African-American. These figures are less than one percentage point different for both races. Most research utilizes census data as it is easier and less expensive to obtain. A previous study by Alpert (2004) indicated that census data was not always accurate. In this study, during the dates observed, the driving population and census data was off only by 2 percentage points. The difference of 1 percentage point less for African-Americans and 1percentage point more for Caucasians would have caused an error of 2 percentage points. Further research is needed to determine if the U.S. Census data is always within the 2percentage points of the driving populations.

Research by Alpert (2004) indicated that the census was not always an accurate indicator of the driving population.

Second Hypothesis

The second hypothesis proposed that African-Americans and Caucasians violate traffic laws at the same percentage as their population rates. The combined violation rate for African-Americans was 18.1 % out of a driving population of 19%. Therefore African-Americans violate .9 % less than their driving population. When compared to the census population, African-Americans violate 1.9 % less than their census population rate.

Caucasians combined violated at a rate of 77.34 % with a driving population rate of 80.16 %. Therefore Caucasians violated at 2.82 % below their driving population percentage rate. This percentage rate is below the population rate, but above their U.S. Census Bureau rate of 80.3 %. Caucasians violated at 2.96 % of their U.S. Census Bureau rate (U.S. Census Bureau, 2005-2007).

Third Hypothesis

The third hypothesis proposed that African-Americans and Caucasians violate traffic laws at the same percentage rate as their population percentage rate, and police would not be justified in increased scrutiny.

The data from this study indicated that African-Americans violated 1.9% below the U.S. Census Bureau (2005-2007) rate and .7% below their driving population rate. Therefore, the police should not give African-Americans more scrutiny. Caucasians

violated at a violation rate of 78 %, and are 80.16 % of the driving population.

Therefore, Caucasians violated at 2.16 percentage points below their driving population.

Table 4-7

Number and Percentage of Driving Violations by Race and Gender

Violation	Caucasian Males		Caucasian Female		African-American Males		African-American Females		Total
	44%		(30%)		(14%)		(12%)		
Speeding	4015	52%	2075	27%	1035	14%	565	7%	7690 100%
Red Light	1740	48%	1007	28%	558	15%	362	10%	3667 100%
Illegal Turns	480	57%	207	25 %	107	13%	49	6%	843 100%
Total Violation	6235	51%	3289	27%	1700	14%	976	8%	12,200 100%

Alpert 2004 Miami-Dade County Racial Profiling Study

Research Questions

Research Question One

The first question investigated the actual percentage of African-Americans and Caucasians that drive throughout key intersections within Miami-Dade County, Florida.

This study monitored 16 intersections for a period of one week during daylight hours and counted 24,227 drivers in Miami-Dade County, Florida. Of the drivers counted, 19 % were African-American and 81 % were Caucasian. Of the total drivers counted, 1% of the race and gender could not be determined. Of the violators, 4.6 % could not be determined as to their race and gender. This data is strikingly similar to the data retrieved from the U.S. Census Bureau American Community Survey (2005-2007),

which found that African-Americans represented 19.7 % and Caucasian 80.3 % of the population of Miami-Dade County, Florida. The total difference between the two data bases is only 1.2% percentage points.

Research Question Two

The second question investigated was the percentage rate African-Americans and Caucasians violate traffic laws throughout key intersections within Miami-Dade County, Florida.

African-Americans total combined traffic violations were 18.08 % of the driving population of Miami-Dade County, Florida. The results of this study indicated that African-Americans drive at a percentage rate that was slightly less than their population census percentage rate. The slight difference between the population census rate and the actual driving rate suggested that it may not justify the cost of a study that pays persons to get an exact count of the number drivers. The total combined traffic violations percentage of Caucasian drivers was 77.34 % of the driving population of Miami-Dade County, Florida. Of all traffic violators, 4.6% were persons whose race and gender could not be determined by the volunteers recording the data. The undetermined violator's percentage rate was 3.5 percentage points higher than the percentage of undetermined drivers counted, as it proved to be more difficult to determine the race and gender of violators than drivers.

Research Question Three

The third question investigated if African-Americans violate traffic laws at a higher rate as compared to the percentage of their driving population, throughout key intersections within Miami-Dade County, Florida in order to justify an increase in police scrutiny.

The original data collected by Alpert (2004), indicated that during the study period, the African-Americans total combined traffic violations rate throughout key intersections of Miami-Dade County, Florida was 18.08 % of the total driving population of Miami-Dade County, Florida. That figure was less than the actual driving rate of 18.8 % that was recorded during the study. The present study found that African-Americans actually violated at a percentage rate lower than their driving percentage rate and lower than their population census data percentage rate.

Table 4-8

Total Known Violators by Gender

African-Americans			Caucasians		Totals		
Male	837	12 %	Male	3541	52%	4378	64%
Female	446	7 %	Female	1945	29%	2391	36%
19 % Total			81% Total		6769	100%	

Table 4-9 depicts the total violation rates broken down by race and gender. During the study African-Americans committed 19% of the observed violations. Caucasians committed 81% of all of the observed violations. Males were observed to commit 64% of all violations. Females were observed to commit 36% of all violations.

Table 4-9

Total Known Violators by Race

African-Americans	Caucasians	Totals
1283	5486	6769
19.0 % Total	81.0%	100%

Table 4-10 shows the known driving population by race.

Table 4-10

Known Driving Population by Race

African-Americans	Caucasians	Totals
4,554	19,419	23,973
19.0 % Total	81.0%	100%

When you eliminate the 324 (4.6 %) unknown violators whose race and gender could not be determined, the numbers and percentages change slightly. The percentage of African-Americans becomes 19%, and the total known percentage of violators for Caucasians becomes 81%. The figures are interesting because when you take out the 1% of the unknown driving population by race, the figures become equal as the violation rate and driving population rate is 81% and 19%.

Table 4-11 combines the genders of the respective races and gives a total percentage of violations by race. In this study, Caucasians committed 81% of the total traffic violations and African-Americans committed 19% of the observed traffic violations during the study period at the selected intersections. These figures are

interesting because as later depicted in Table 4-16; African-Americans totaled 19% of the driving population of Miami-Dade County, Florida at the selected intersections during the study period. Caucasians also totaled 81% of the driving population during the study period. Once the unknown data was removed the driving population rate and the violation rate were equal.

TABLE 4 -11

<i>Combined Traffic Violators by Race</i>		
TRAFFIC VIOLATORS	COMBINED	BY RACE
Total	African-American 1,283	Caucasian 5,486
Total Violators	African-Americans	Caucasians
By Percent	19%	81%

Table 4-12 displays the number of drivers counted by race combined.

TABLE 4-12

Drivers Counted by Race Combined

	African-Americans	Caucasians	
Total	4,554	19,419	23,973
%	African-Americans	Caucasians	
Total	19%	81%	100%

Alpert 2004 Study Comparisons

The (2004) Alpert study observers recorded 93,251 drivers and more than 12,000 violations in the 16 selected intersections. The intersections selected were two intersections from each of the eight police districts of the Miami-Dade County, Florida Police Department. They were considered as intersections that would produce substantial data as they were high traffic intersections with a constant flow of traffic. The current study counted 24,227 drivers. The drivers were broken down into their respective races and genders. Of the total number of drivers, 4,554 or 18.9 % were determined to be African-American. Of these 4,554 drivers, 2,719 (11.22%) were determined to be male and 1,835 (7.57%) were female. The Caucasians totaled 19,419 (80.16%) of which 12,492 (51.57%) were male and 6,927 (28.59%) were female. Of the 24, 227 drivers counted during the study there were 254 (1.05%) drivers where the race could not be determined or agreed upon.

The Alpert (2004) study statistics were similar in that 74% of their drivers counted were Caucasian and the break down was 44% male and 30 % female. In addition the Alpert (2004) study found a total of 26 % percent of the drivers was African-American (Alpert, 2004). The Alpert (2004) study included a ride-along component, an observational component, and a citizen contact card component. The only component of that study that did not rely on personal bias was the observational portion (Alpert, 2004).

The ride along component could have been influenced by the presence of the ride along observer, and may have caused the officer to act differently when someone was inside the police vehicle monitoring the officer's actions. The citizen contact card was similar, because it could have influenced the officer's decision making process, as the officer knew their statistics were being monitored and recorded. Therefore, the officers

could have manipulated the statistics, consciously or unconsciously, by altering their normal behavior to make their statistics look favorable. For example, if the officers knew they had already stopped several African-Americans, they could have then stopped several non-African-Americans to make their statistics look favorable, thereby skewing the statistics. Therefore, the observational component of the Alpert study was the only portion selected for replication. Since the (2004) study data and the present study gathered data from the same intersections, the only differences in the two studies was the (2004) study collected data for a longer period at each intersection.

Table 4-13
Counting Drivers Comparisons 2004 and 2009 Studies

	Race Percentage Comparisons	
	African-Americans (Blacks)	Caucasians (Whites)
2004 Miami-Dade Study	26 %	74 %
2009 Miami-Dade Study	19%	81%

Race Percentage Comparisons

Table 4-14, Race Percentage Comparisons, compares the race percentages from four sources. The first source is the 2005-2007 U.S. Census Bureau American Community Survey. The U.S. Census Bureau lists African-Americans (blacks) at 20 % and Caucasians (whites) at 80 %. The second comparison is a nationwide breakdown of the two races, which shows African-Americans at 12.4 % and Caucasians at 87.6 % for the total U.S. population. The data indicates that African-Americans in Miami-Dade County, Florida are represented at 7.3 percentage points higher than in the rest of the

United States. The third line of the table is the Alpert (2004) study results, which found that African-Americans were 26.0 % of the Miami-Dade County, Florida driving population and that Caucasians were 74% of the driving population. The fourth line of the table is the present study data, which found that African-Americans are 19% of the driving population and that Caucasians are 81% of the Miami-Dade County, Florida driving population.

TABLE 4-14

Race Percentage Comparisons

Data Source	African-American (Blacks)	Caucasian (Whites)
2005-2007 U.S. Census Bureau American Community Survey Miami-Dade County	20 %	80%
United States Nationwide 2005-7 U.S. Census Bureau Nationwide	12 %	88%
2004 Miami-Dade Study	26.0 %	74.0 %
2009 Miami-Dade Study	19 %	81%

Table 4-15 provides a comparison of the number of drivers counted and observed traffic violations in the Alpert (2004) study and the present study.

Table 4-15

Comparison of the Number of Drivers and Observed Traffic Violations in the Albert 2004 Study and the Present Study.

Number of Drivers Counted		Number of Traffic Violations Observed	Percentage Rate	
(2009)	24,227	7093	(2009)	29%
(2004)	93,251	12,000	(2004)	13%

Although the present study counted 69,024 less drivers, it found a 16 percentage point increase in the number of traffic violations that occurred over the study period at the selected intersections. The percentage of violators in (2004) was 13 % and in (2009) it escalated to 29% for a 44.7 % increase in observed traffic violations at the same intersections (Alpert, 2004).

The (2004) Alpert study observers recorded 93,251 drivers and more than 12,000 violations in the 16 selected intersections. The (2004) Alpert study data revealed a 13% violation rate throughout their study and the current study data revealed a 29% violation rate. This indicates that the drivers of Miami-Dade County, Florida are now committing traffic violations at a higher rate than they were in the (2004) study. The present study reveals that speeding still is the most common traffic violation as it counted 4,803 speeders at the 16 selected intersections. The intersections selected were two intersections from each of the eight police districts that were considered intersections that would produce substantial data as they were high traffic intersections with a constant flow of traffic. The Alpert (2004) study statistics were similar in that 74% of their drivers counted were Caucasian and the break down was 44% male and 30 % female. In

addition the Alpert (2004) study counted a total of 26 % percent of their drivers as African-American.

Table 4-16 provides data on the number and percentage of driving violations and stops by race and gender for the Alpert (2004) study.

TABLE 4-16

<i>Number and Percentage of Driving Violations and Stops by Race and Gender</i>									
Violation	Caucasian		Caucasian		African-American		African-American		Total
	Males		n Female		Males		Females		
	44%		(30%)		(14%)		(12%)		
Speeding	4015	52%	2075	27%	1035	14%	565	7%	7690
									100%
Red Light	1740	48%	1007	28%	558	15%	362	10%	3667
									100%
Illegal Turns	480	57%	207	25%	107	13%	49	6%	843
									100%
Total Violation	6235	51%	3289	27%	1700	14%	976	8%	12,200
									100%

CHAPTER V

SUMMARY OF FINDINGS

The purpose of this observational study was to determine and record driver-s data and traffic violations in African-American, Caucasian, and racially mixed neighborhoods throughout Miami-Dade County, Florida. The study analyzed and recorded the Miami-Dade County, Florida traffic demographics at 16 selected traffic intersections and obtained an accurate benchmark of the driving population by counting and actually verifying the percentages of the different populations that drive, broken down by race and gender. Several previous studies had relied solely on census information. However, Alpert (2004) indicated that African-Americans utilize public transportation more than other races. The Alpert study also indicated that African-Americans do not drive in direct proportion with their census data. Therefore, this study recorded the exact number of motorists, with a break down of race and gender. This strategy was selected to get an accurate benchmark by counting motorists and comparing their actual number, in accordance with their demographics.

The primary researcher and volunteers in this study observed which groups were violating the law and at what rate by monitoring intersections with six trained observers, broken into three groups. The first group recorded the race and gender of the drivers. One observer called out the race of the driver of each vehicle that they observed, and identified the race and gender of each driver. There were cars that were unidentifiable due to speed and window tinting or design of the vehicle and these were not counted. The second group of two observers recorded any violations of speed. This group of observers was trained to record any violation of speed by using a police certified radar

gun. One person observed the violations and the other was the recorder. The third group of observers recorded any other violations of law such as improper changes of lane, illegal u-turns and disobeying traffic control devices. Again the information was recorded and broken down into race and gender.

According to Holton (2003), racial profiling has been a national problem in the United States for many decades and requires a national solution to resolve. He stated that the only way to reach a solution is through education, research, and training.

Racial profiling, according to Lamberth (1994), is an issue that affects different races differently. Lamberth's study indicated that the perceptions of police departments are divided along racial lines. In the Lamberth study, a majority of the whites had a positive perception of their police and were quite confident in the job that they were doing. The same study indicated that the majority of African-Americans had a negative perception of the police department and very little confidence in the job that they were doing (Lamberth, 1994).

The police and African-Americans have endured many decades of mistrust and misunderstanding. This mistrust and misunderstanding between sections of the population and the police has resulted in tension and a general ineffectiveness in those populations. African-Americans nationwide have reported that most of the tension that they feel toward the police has been generated by their previous experiences with the police in racial profiling incidences. A Gallop (2004) poll reported that 53 percent of all adults and 67 percent of African-Americans believe that racial profiling is widespread. The same poll indicated that only 31 percent of all adults and only 23 percent of African-Americans believed that the practice of racial profiling was justified (Carlson, 2004).

Racial Profiling

Studies indicate that racial profiling does not affect all Americans equally. Studies further indicate that most Caucasians are supportive of the performance of their local police departments. The statistics indicate that minorities and African-American males specifically are the most affected by racial profiling and they are the ones that have the most mistrust for the police officers they encounter (Carlson, 2004).

The End Racial Profiling Act has been reviewed by the U.S. House of Representatives and the U.S. Senate but never received the degree of support that was necessary to pass a national law prohibiting racial profiling. There are 23 states that have banned racial profiling. In addition, 4,000 police departments have agreed to collect racial profiling data in an effort to monitor their department's activities (Farrell, Rumminger, & McDevitt, 2005).

Even though the End Racial Profiling Act has never passed, racially profiling is still technically a violation of constitutional law in all 50 states. Treating people differently under the color of law is a federal violation. It would be better if there was a law that specifically stated it was a violation law, but in the mean time, it still violates the Constitution of the United States to treat people with disparity based on their race, ethnicity, gender or place of origin (U.S. Constitution).

Most racial profiling studies utilize U.S. Census Bureau information as the benchmarks for their studies. They compare police ticket data with the percentages of the population and determine if racial profiling exists. For example, if African-Americans are 12 percent of the population, then they should only receive 12 percent of the police department's traffic tickets. Studies have shown that this data is not accurate for the

following reasons. First, census data is only done each decade so the numbers are only accurate the year in which they are published. In addition, the numbers during the decades are only estimates. Alpert (2004) conducted an observational study of the Miami-Dade Police Department that actually counted drivers and separated them by race and gender. Alpert found that determining ethnicity was practically impossible (Alpert, 2004).

After reviewing the literature on racial profiling, Alpert determined that the best way to get an accurate account of the driving population is by doing an observational study of that exact area. The Alpert study established that minorities and African-American did not always rely on driving as a means of transportation, so census data was not an accurate benchmark. The Alpert study indicated that once the driving population was determined, then and only then, could there be an accurate benchmark that could be used to determine if racial profiling existed in a certain city, county, state, or area. While measuring the driving population, Alpert also measured traffic violations at certain intersections throughout Miami-Dade County. Violations at the intersections were documented and recorded using college interns trained in recording this data (Alpert, 2004).

The goal of this observational study was to examine and record driver's data and traffic violations throughout Miami-Dade County, Florida. This study sought to contribute to the existing literature on racial profiling. The research found during the literature review suggested that there was a common practice of utilizing census data as a short cut to collect data as it was readily available rapidly, without expending time or resources. The study analyzed and observed the Miami-Dade County, Florida traffic and

obtained an accurate benchmark of the driving population by counting and actually verifying the percentages of the different populations that drive, broken down by race and gender. Studies such as the one done by Alpert (2004) indicated that African-Americans utilize public transportation more than other races. The study also indicated that African-Americans did not drive in direct proportion to their census data. This study was done to gain an exact numbers of the driving population to obtain an accurate benchmark, and compare the actual number to their demographics.

The primary researcher in this study analyzed drivers by race and gender, to determine which groups were violating the law and at what rate. By monitoring the sixteen intersections with six trained observers, the observers and the lead researcher were able to record the race and gender of the drivers that passed through the selected 16 intersections. The lead researcher and observers recorded all violations of speeding through the sixteen intersections by utilizing a Miami-Dade County Police issued radar gun. The lead researcher, along with observers, also recorded all other violations of law such as improper changes of lane, illegal u-turns and disobeying traffic control devices. This information was then recorded and broken down into race and gender. This study found that in fact African-Americans drive at a rate less than their population rate. It also found that the rate difference was very slight and recommends that other studies should be done to confirm that this rate is consistent nationally.

Review

According to previous studies such as Alpert (2004), census data was not always an accurate indication of the driving population. This research to date has not been challenged and has been accepted by many researchers of racial profiling. The present

study found that African-Americans drive at rate lower than their population rate, very limited the difference in the data recorded and the census data recorded was very small. It is recommended that when available, researchers should always use the driving rate, but if it is not available, the census data should be used with the understanding that the driving rate can be different than the population rate. Racial profiling is both an issue of national importance and local importance. In Miami-Dade County, race relations have been strained over several highly publicized incidents that started out as traffic stops. Racial profiling is probably the biggest issue nationwide facing the police and the African-American community, as well as in Miami-Dade County, Florida.

All of the racial incidents that have taken place in the past three decades in Miami-Dade County were the result of police confrontations with African-Americans. The riots of 1980, 1982, and 1987 in Miami-Dade County all started as stops by the local police (Holton, 2004).

Racial profiling is an issue that is not limited to the United States. Globalization has taken this issue around the world as was indicated in the Kingston, Ontario study (2004) that was done in Canada. Wortley (2004) noted that Britain has been doing racial profiling data collection for the past decade. Canada's study indicated that more training and education are needed in the area of racial profiling or it will become an epidemic there like it is in the United States. Racial profiling studies have also been done in Denmark, but this study will only focus on American issues as a matter of convenience for this writer.

General Findings

This study found out that African-Americans that drove during the study time period at its selected intersections drove at a rate one percentage point lower than their population rate. Based on a comparison of the collected data, in comparison to the census data, there was not a significant difference that would justify the cost and time required to collect the driving population data for most jurisdictions or departments. Noting that this study found that African-Americans drove at a rate lower than their census data, indicating that census data should never be used as an absolute, and should be used knowing that the driving rate and the population rate are not always the same. Previous data showed that African-Americans and other minorities use other forms of transportation, such as public transportation, at a rate higher than Caucasians (Holton, 2004).

This study found that African-Americans violated traffic laws at a rate lower than their population rate and equal to their driving rate. Since African-Americans violate equal to their driving rate and drive at a rate lower than their population rate, police should give them less scrutiny. The only group that violated at a level higher than their population and driving rates was Caucasian males, who violated at a rate that was 1percentage point higher. Considering the possible margin of error in some of the estimates, this difference may not be statistically significant. The only way that police would be justified in giving African-Americans and minorities more scrutiny in law enforcement and traffic enforcement would be if they violated at a rate higher than their population rate. Population rates should only be used as a benchmark for comparison in racial profiling only when the population rate and the driving rate are equal. As long as

African-Americans and other minorities continue to drive at a rate that is lower than their population rate, the population rate should not be used as a measure in racial profiling studies. A more detailed and more accurate national study should be done to ascertain the exact rate at which African-Americans and other minorities drive at. Once that figure is ascertained, then that figure should be used as the benchmark for all future racial profiling studies (Holton, 2004).

Theoretical Considerations

According to Holton (2003), the use of race as the sole criterion in the enforcement of law enforcement is a perception by many African-Americans and other minorities throughout the United States of America. While most Caucasians do not have the same perceptions of law enforcement, the perceptions among the African-American and minority communities are substantially lower as most do not have confidence in their police departments (Gallop Poll, 2006). According to Rocco (2005) the only way Caucasians can correctly understand the issue of racial profiling is to utilize the lenses of critical race theory. Rocco believes that since Caucasian are treated differently by the police, they have a different perception of the job that the police are doing. He thinks they are unable to perceive the treatment that minorities and African-Americans see on a daily basis unless they look through lenses utilizing critical race theory (Rocco, 2009).

According to Dunn (2004), utilization of cities and metropolitan areas gravity model plans are excellent sources of data for benchmarks on race, gender and ethnic backgrounds driving percentages. Gravity models are prepared by sociologists and city and metropolitan planners to verify the utilization of major roads and highways and the smaller roads and highways that feed into them. The data is captured to plan for future

road projects and city and metropolitan growth. When available, this information has been proven to be a very accurate measure of who is driving on our roads and highways as the information is broken down by race, gender, and ethnic backgrounds (Dunn, 2004).

Quasi-induced exposure is a racial profiling theory that has been developed using readily available data. The theory provides that the data of innocent victims in traffic crashes is a good and accurate indication of the driving population. The data is readily available to insurance companies for many years and could be utilized to obtain baseline percentages of the actual driving populations of states and cities (Kirk & Stamatiadis, 2001).

Census data is accurate information collected by government employees. The problem with the census data is that it is normally only collected every ten years and using data that can be outdated by as much as ten years. When census data is less than five years old, it could be considered accurate and reliable, but data more than five years old should be verified (Dunn, 2004).

Conclusions

This research data provided valuable information that can be utilized in the field of criminal justice and in future racial profiling studies. Research data indicates that racial profiling is a national issue that causes African-Americans and minorities to distrust, and have no or little confidence in their police departments. Since the public is the eyes and ears of the police department, it is necessary for them to have the support of all of the public, including the minority communities, for them to function successfully (Holton, 2004).

A researcher in England (Miller, 2000), found that the population of people who frequented five areas of the city of London was significantly different than that of the census data for that area. The researcher stated that in all five areas, the demographics of the persons who frequented the area contained a population with many more minorities than were included in the census data. The research was done by mounting cameras in intersections and counting the demographics of the pedestrians and motorists (Miller, 2000).

The use of census data is a cost effective way of retrieving demographic information in an expeditious manner. The problem is that not all areas have the same driving demographics as their census data. This study found that the demographics in Miami-Dade County, Florida were substantially similar to the data retrieved from the census data and from American Community Survey, which retrieves data for a three period using estimates. The regular census data is normally counted every ten years, while the other data, such as that from the American Community Survey, is tabulated using estimates. In the case of Miami-Dade County, Florida the estimates were extremely accurate; within 1.2 percentage points (Engle & Calon, 2004).

Lamberth (1997) was an early racial profiling researcher who had issue with census demographics. He developed an observational method of observing race and gender by utilizing observers on highway overpasses, to count the demographics of drivers as the drove down the highways. He also counted speeders from that vantage point, to develop benchmarks for the demographics and violators (Lamberth, 1997).

Smith and Alpert (2002) used observational methods to overcome their distrust in census data. They consistently included observational data in their studies and used

transportation data in their studies to avoid strict reliance on census figures. Their research cites large differences in population data as compared to vehicle registration data and driver's license data (Smith & Alpert, 2002).

Accurately identifying driving populations can be complicated and utilizing easily accessible existing data may not always yield the most accurate data available. The courts have also not been consistent when to accept or not accept racial profiling data. Normally, when the issue of racial profiling comes up, the courts rely on the Equal Protection Clause, which was adopted in 1868, in the 14th Amendment to the U.S. Constitution, which states that states can not pass or enforce any law based solely on any specific classification such as race, gender, religion, ethnicity or age. In *Chavez v. Illinois State Police* (2001) the court ruled that census data was not enough to prove racial profiling. The Seventh Circuit Court of Appeal stated that census data was not enough to prevail as an argument in a case for racial profiling, as census data can underestimate the demographics of a population and cannot, in and of itself, be considered accurate. The court did say that it would more likely accept an observational study, such as the one done in Maryland and New Jersey by Lamberth (1997), as the court believed that solely relying on census data was not sufficient (Lamberth, 1997).

With these cases in mind, certainly more research is needed to develop an accurate method that can be accepted by all researchers and all courts as an effective observational method to determine the driving populations of states, cities and counties.

One way for police to improve their relationships with minority communities is by hiring more minorities. Police departments should mirror their communities. If the community is very diverse, then the police department should also be very diverse.

Communities find it easier to foster trust with police departments that look like them and those that make an effort to reach out and establish relationships with them. Police departments should have monthly meetings with members of their communities and allow for input from them, as they are stakeholders in the success of the police department. When communities do not cooperate with the police, it is usually based on the fact that they do not trust the police (Holton, 2003).

Limitations

This study was limited to 16 intersections scattered throughout Miami-Dade County, Florida and limit all generalization to be restricted beyond this population. In addition to the population being limited to certain intersections, it was also limited to certain daylight hours between 8 A.M.-5 P.M. These hours were necessary because previous studies found determining race at night to be almost impossible. Miami-Dade County is a very diverse and predominantly Hispanic community that stretches across 2,000, square miles. This study replicated methods used in the Alpert Group study in 2004. This study measured the driving population at the selected intersections and provided demographics at those locations for race, gender and ethnicity. This location was selected due to its convenience for this writer and because this location was selected by the Alpert group. There are several additional limitations to this study. The length of time at each intersection was limited only to four hours. Manpower shortages prevented more intersections and more time to be spent at each intersection. Therefore the data collected at these intersections should be utilized with these limitations in mind.

Future Research

Future research is needed in the area of criminal justice, specifically in the area racial profiling. Until law enforcement can develop new methods of traffic enforcement that does not target one section of the population unfairly, there will be discontent. The racially targeted segments of the population will continue to alienate themselves from law enforcement, and without the support of the entire community the police cannot be successful (Holton, 2003).

Recommendations for Future Research

This study offers insight for future research in racial profiling studies. The research presented here provides a foundation for future studies. The research can guide others into racial profiling studies, which can find future solutions to this decades old problem. Future research should be done in Miami-Dade County, Florida to analyze the data from this study, along with the previous Alpert (2004) study, to further compare and analyze the findings for accuracy and future predictability. In addition, it is recommended that this study be replicated on a national scale and compared to the previous data to see if it is consistent.

Implications

This research investigated and emphasized the issue of racial profiling as a serious concern throughout the United States of America. Further data in other counties of Florida and other states should be gathered and compared to this data to validate these findings. In addition to studies in this country, studies should be conducted in other countries as they are also dealing with issues of racial profiling.

Racial profiling is a heated topic that is not going away and until a solution is found, it will always be an issue. In these difficult global economic times, the concept of doing more with less will impact the issue of racial profiling and make it worse as the solution requires more education and training. Unfortunately in law enforcement, during hard economic times training and education become secondary issues which could fuel the fire of divisiveness (Holton, 2003).

Final Thoughts

At the beginning of this process, the lead researcher made the distinction on how racial profiling data was obtained. Previous research has analyzed and documented the existence of racial profiling. Enacting national legislation should be the first step in eradicating racial profiling in the United States (Holton, 2004).

Racial profiling continues to be an issue that affects different races and ethnic backgrounds differently. For police to treat all members of the community equally, they need more education and training. A professional, better trained, and better educated police department is one that the community will find easier to trust and respect (Holton, 2004).

Recommendations

In an effort to treat all races equally as is guaranteed in the United States Constitution and the Bill of Rights, the following federal recommendations should be enacted.

1. Enactment of federal legislation outlawing the use of race as a sole criterion for law enforcement in the practice of law enforcement and traffic enforcement.

2. Requiring all states to monitor and apply sanctions to departments that violate traffic and arrest enforcement to races and ethnic groups at greater rates than their population percentages.
3. Requiring all law enforcement officers to have at least four hours of racial profiling training every four years along with training in cultural diversity, and racial and ethnic sensitivity training; and providing sanctions for those agencies and officers that do not attend this training.
4. Initiating early warning tracking on all law enforcement officers who enforce traffic and arrest laws to minorities at a rate greater than their population census rates.
5. Requiring and providing sanctions to all law enforcement agencies to ensure that they screen out, through the use of psychological screening, any law enforcement officer who shows signs of racial and ethnic insensitivity.
6. Requiring all law enforcement agencies to have a written policy against the use of racial profiling and sanctions for any officer who violates the policy.
7. Mandating federal law that requires when a law enforcement officer makes a stop, that it be documented on their worksheet including all information on the stop such as the date, location, reason, race, gender, and ethnic background.
8. Requiring all law enforcement officers to seek out how to change public perception on racial profiling and demonstrate compliance with constitutional requirements.

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Wren v. U.S., 527 U.S. 806 (1996)

42 U.S.C. 18

42 U.S.C. 2000

42 U.S.C. 3789

42 U.S.C. 14141

APPENDIX A

Websites

WEBSITES

<http://www.aclu.org/profiling/>

<http://www.census.gov/population/>

[http://www.ci.ann-arbor.mi.us/police/RacialProfilingReportA2_Final Report](http://www.ci.ann-arbor.mi.us/police/RacialProfilingReportA2_Final_Report)

<http://www.cincinnati-oh.gov/police/downloads/police>

<http://www.ojp.usdoj.gov/bjs/abstract/>

www.lacity.org/lapdstops

<http://www.ntia.doc.gov/>

[www.racialprofilinganalysis.neu.edu/IRJsite_docs/finalreport.](http://www.racialprofilinganalysis.neu.edu/IRJsite_docs/finalreport)

www.psp.state.pa.us/psp/lib/psp/pdf/psp_police_citizenscontact_final_report

APPENDIX B
Abbreviations

ABBREVIATIONS

ACLU American Civil Liberties Union

BJS Bureau of Justice Statistics

CHAID Chi-squared Automatic Interaction Detector

DEA Drug Enforcement Administration

DOJ Department of Justice

DWB Driving While Black

EPD Eugene Police Department

FBI Federal Bureau of Investigation

FDLE Florida Department of Law Enforcement

FHP Florida Highway Patrol

ICPD Iowa City Police Department

MDPD Miami-Dade Police Department

MSP Massachusetts State Police

NAACP National Association for the Advancement of Colored Persons

NOBLE National Organization of Black Law Enforcement

USJD United States Justice Department

APPENDIX C

Intersections Selected

Intersections Selected

1.	152 Street & SW 112 Avenue
2.	186 Street & NW 57 Avenue
3.	68 Avenue & 183 Street
4.	104 Street & NW 137 Avenue
5.	26 Street & SW 127 Avenue
6.	187 Street & NW 67 Avenue
7.	41 Street & NW 107 Avenue
8.	88 Street & Snapper Creek Expressway
9.	152 Street & SW 137 Avenue
10.	88 Street & 107 Avenue
11.	72 Street & SW 137 Avenue
12.	79 Avenue & NW 36 Street
13.	119 Street & NW 119 Street
14.	36 Street & NW 72 Avenue
15.	167 Street & NE 6 Avenue
16.	79 Street & NW 27 Avenue

APPENDIX D

Map of Miami

Map of Miami



APPENDIX E

Consent Letter From Geoffrey Alpert, Ph.D.

From: "ALPERT, GEOFFREY" <[REDACTED]>
To: [REDACTED]
Subject: RE: profiling
Date: Monday, October 20, 2008 7:50:02 AM

John:

I certainly encourage you to replicate any or all of my study in Miami-Dade County. You are more than welcome to use any of my measures or methods. The observers we used were hired by Miami-Dade County and as county employees did not sign any hold harmless agreements. The forms were merely sheets where one observer would "count" and another would record. The observers were trained by police officers in the use of a speed gun, and we trained them to count drivers. As you may recall from reading the report, we encountered problems when traffic was too much to count all cars and we ended up counting only one lane of traffic. I would suggest reading that methodology section and letting me know if you have any specific questions. We had several adult professors go out with the observers for the first few times to make sure everyone was on the same page. For example, we started gathering data at night but realized there was no way to measure accurately the race of the driver and ended our night time data collection efforts. We encountered no security problems as the students were together (at least two) at each data collection site.

Good luck and let me know if there is anything else you need.

Geoffrey P. Alpert, Professor
Department of Criminology and
Criminal Justice
University of South Carolina
Columbia, SC 29208

Office [REDACTED]
Cell [REDACTED]
Fax [REDACTED]

From: [REDACTED]
Sent: Sunday, 10/19/2008, 7:42PM
To: ALPERT, GEOFFREY
Subject: Re: profiling

Dr. Geoffrey Alpert
University of South Carolina

Dr. Geoff Alpert,

I am currently requesting permission from Lynn University and working under the direction of Dr. Karen Casey-Acevedo to replicate a portion of your Miami-Dade study. I wanted to focus on the observational study where you developed a benchmark for counting the actual African-American driving population. I also want to count the violation rate of the Miami-Dade driving population utilizing the same intersections that you used. I was interested if you still have any of the hold harmless documentation that you used for the students that you used to gather your data. I was also interested if you used any forms to record the numbers. I think this study is an accurate way of measuring the violation rates of African-Americans and Caucasians. I am also putting together a training course for the students who will do the counting and was wondering if you saved the curriculum that you used for your training. I and the school are concerned about the safety of the students that will do the counting and I was wondering if you encountered any safety issues that I should be aware of. The school is also wondering if you are willing to send a letter or email authorizing me to replicate your study. Thanks for all of your previous work and future anticipated cooperation.

Sincerely,

John McLaughlin

[REDACTED]

[REDACTED] office

APPENDIX F

Protocol

Protocol

Ethical Considerations and Data Collection Methods

The following procedures were implemented prior to data collection for this project.

1. Permission was granted in writing from Dr. Geoffrey Alpert to replicate his 2004 study. Appendix E.
2. A consent form (Voluntary Consent Form provided by Lynn University) was also included in the packet (Appendix G). The consent form provided directions to the participant regarding the study, identified the purpose of the study, the procedures, possible risks and/or benefits, information on confidentiality, their right to withdraw, along with contact information for this researcher, as well as the faculty advisor for the project. The participants were requested to complete the form and return the form to this researcher. A copy of the consent form was not required per Lynn University IRB.
3. The entire package was presented to the IRB for approval, along with IRB Form 1, Part A. Application for Review of Research Involving Human Subjects; IRB Form 1, Part B – Certification and Signatures; and IRB form 1 Part C – Research Protocol

APPENDIX G

Consent Form

Consent Form

Institutional Review Board for the Protection of Human Subjects
Lynn University
3601 N. Military Trail Boca Raton, Florida 33431

THIS DOCUMENT SHALL ONLY BE USED TO PROVIDE AUTHORIZATION FOR VOLUNTARY CONSENT

Project IRB Number: _____ Lynn University 3601 N. Military Trail Boca Raton, Florida 33431

I, John McLaughlin, M.S., am a doctoral student at Lynn University. I am studying Global Leadership, with a specialization in Educational Leadership. One of my degree requirements is to conduct a research study.

DIRECTIONS FOR THE PARTICIPANT:

You are being asked to participate in my research study. Please read this form carefully. This form provides you with information about the study. The Principal Investigator (John McLaughlin, M.S. or his/her representative if applicable) will answer all of your questions. Ask questions about anything you don't understand before deciding whether or not to participate. You are free to ask questions at any time before, during, or after your participation in this study. Your participation is entirely voluntary and you can refuse to participate without penalty or loss of benefits to which you are otherwise entitled. You acknowledge that you are at least 18 years of age, and that you do not have medical problems or language or educational barriers that precludes understanding of explanations contained in this authorization for voluntary consent.

PURPOSE OF THIS RESEARCH STUDY: The study is about racial profiling. This study sets out to critically analyze the methods in which racially profiling data is collected.

PROCEDURES: Volunteers for this study are selected by their membership in Alpha Phi Sigma Criminal Justice Honor Society. In addition to the honor society requirement of being an advanced student with a 3.2 GPA, volunteers must be seniors within one year of completion of their undergraduate studies. Volunteers will not be paid but will receive copies of all research.

POSSIBLE RISKS OR DISCOMFORT: This study involves very minimal risk. Every effort will be taken to ensure your safety and you will be supervised at all times by an experienced law enforcement professional. You will be required to work a minimum of one four hour shift at various predetermined locations throughout Miami-Dade County and be required to attend eight hours of training before beginning. In addition, participation in this study requires a very minimal amount of your time and effort.

POSSIBLE BENEFITS: There may be no direct benefit to you in participating in this research, other than gaining community service hours and knowledge may be gained which may help to understand racial profiling. The researcher will provide a copy of the results to each participant who participated in the study.

FINANCIAL CONSIDERATIONS: There is no financial compensation for your participation in this research. There are no costs to you as a result of your participation in this study.

CONFIDENTIALITY Every effort will be made to maintain confidentiality. Your identity in this study will be treated as confidential. Participation in this study is voluntary and agreeing to the consent form will constitute your informed consent to participate in the study.

The results of this study may be published in a dissertation, scientific journals or presentations at professional meetings. In addition, your privacy will be maintained in all publications or presentations resulting from this study.

RIGHT TO WITHDRAW: You are free to choose whether or not to participate in this study. There will be no penalty or loss of benefits to which you are otherwise entitled if you choose not to participate.

CONTACTS FOR QUESTIONS/ACCESS TO CONSENT FORM: Any further questions you have about this study or your participation in it, either now or any time in the future, will be answered by John McLaughlin (Principal Investigator) who may be reached at: [REDACTED] or and Dr. Karen Casey-Acevedo, faculty advisor who may be reached at: [REDACTED]. For any questions regarding your rights as a research participant, you may call Dr. Farideh Farazmand, Chair of the Lynn University Institutional Review Board for the Protection of Human Subjects, at [REDACTED]. If any problems arise as a result of your participation in this study, please call the Principal Investigator (John McLaughlin) and the faculty advisor (Dr. Karen Casey-Acevedo) immediately.

INVESTIGATOR'S AFFIDAVIT: I hereby certify that a written explanation of the nature of the above project has been provided to the person participating in this project. A copy of the written documentation provided is attached hereto. By the person's consent to voluntarily participate in this study, the person participating has represented to me that he/she is at least 18 years of age, and that he/she does not have a medical problem or language or educational barrier that precludes his/her understanding of my explanation. Therefore, I hereby certify that to the best of my knowledge the person who is participating in this project understands clearly the nature, demands, benefits, and risks involved in his/her participation.

John McLaughlin

Signature of Investigator

Date of IRB Approval: _____

If you wish to participate, you MUST check Yes below:

_____ I agree to participate

_____ I do not want to participate

Signature of Participant

Full Name of Participant (Print)

If the participant indicates no, they will not participate in the study:

APPENDIX H

Lynn University IRB Approval



Lynn University

Principal Investigator: John E. McLaughlin

Project Title: A Critical Analysis of Racial Profiling

IRB Project Number: 2009-009:

IRB Action by the Convened Full Board:

Date of IRB Review of Application and Research Protocol: 03/31/09

IRB Action: Approved X Approved w/provision(s) _____ Not Approved _____ Other _____

Comments:

Consent Required: No X Yes _____ Not Applicable _____ Written _____ Signed _____

Consent forms must bear the research protocol expiration date of _____.

Application to Continue/Renew is due:

- 1) For a Convened Full-Board Review, two months prior to the due date for renewal X
- 2) For an Expedited IRB Review, one month prior to the due date for renewal _____
- 3) For review of research with exempt status, one month prior to the due date for renewal _____

Name of IRB Chair: Farideh Farazmand

Signature of IRB Chair _____

Date: 03/31/2009

Cc. Dr. Casey-Acevedo

Institutional Review Board for the Protection of Human Subjects
Lynn University
3601 N. Military Trail Boca Raton, Florida 33431

APPENDIX I
MDPD Approval

Memorandum



Date: March 18, 2009
To: Robert Parker, Director
Miami-Dade Police Department
Via: Chain of Command
From: John McLaughlin, Lieutenant
Community Affairs Bureau
Subject: Use of Radar Gun

Recommendation:

That this writer be allowed to use two Miami-Dade Police Department (MDPD) radar guns for educational purposes for one week during the month of April 2009, in order to complete the dissertation requirements for the degree of Doctorate of Philosophy. No enforcement action will be taken with this equipment.

Background:

This writer is currently enrolled in the Ph.D. program at Lynn University in Boca Raton, Florida, and seeking a degree in Global Leadership. In order to complete all of the degree requirements, I am required to complete a study as part of my dissertation. I have chosen to replicate a portion of the University of South Carolina's Dr. Geoff Alpert's study of racial profiling. The radar detectors will be used to monitor speed for the study. No vehicles will be stopped.

I am certified in the use of the radar gun and was trained in the use of this equipment by the Metropolitan Police Institute. Sergeant Suzanne Sante of the Training Bureau was contacted and advised that they have the radar guns available and there are no radar classes scheduled during the month of April 2009. These radar guns are used for training purposes only and will not interfere with any enforcement activities.

I will be taking annual leave during the time that I will be conducting the study and no additional MDPD personnel will be needed to complete the study. I will be liable for all MDPD equipment used during this study. This study will not hinder the flow of traffic as I will not be visible to the passing motorists.

APPROVED

James DiBernardo, Major
Community Affairs Bureau

Willie B. Marshall, Chief
Uniform Services Division

DATE

3/18/09

DISAPPROVED

James DiBernardo, Major
Community Affairs Bureau

03-25-09

Willie B. Marshall, Chief
Uniform Services Division

Robert Parker, Director
March 18, 2009
Page 2

APPROVED

DATE


DISAPPROVED



Oscar Vigoa, Assistant Director
Departmental Services

3/25/09

Oscar Vigoa, Assistant Director
Departmental Services



Robert Parker
Director

3/24/09

Robert Parker
Director

JM/jm

Appendix J
Form 1

African-American Male	African-American Female	Caucasian-Male	Caucasian-Female	Unknown
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

Appendix K
Form 2

African-American Male	African-American Female	Caucasian-Male	Caucasian-Female	Unknown
1 L T LV	L T LV	L T LV	L T LV	L T LV
2 L T LV	L T LV	L T LV	L T LV	L T LV
3 L T LV	L T LV	L T LV	L T LV	L T LV
4 L T LV	L T LV	L T LV	L T LV	L T LV
5 L T LV	L T LV	L T LV	L T LV	L T LV
6 L T LV	L T LV	L T LV	L T LV	L T LV
7 L T LV	L T LV	L T LV	L T LV	L T LV
8 L T LV	L T LV	L T LV	L T LV	L T LV
9 L T LV	L T LV	L T LV	L T LV	L T LV
10 L T LV	L T LV	L T LV	L T LV	L T LV
11 L T LV	L T LV	L T LV	L T LV	L T LV
12 L T LV	L T LV	L T LV	L T LV	L T LV
13 L T LV	L T LV	L T LV	L T LV	L T LV
14 L T LV	L T LV	L T LV	L T LV	L T LV
15 L T LV	L T LV	L T LV	L T LV	L T LV
16 L T LV	L T LV	L T LV	L T LV	L T LV
17 L T LV	L T LV	L T LV	L T LV	L T LV
18 L T LV	L T LV	L T LV	L T LV	L T LV
19 L T LV	L T LV	L T LV	L T LV	L T LV
20 L T LV	L T LV	L T LV	L T LV	L T LV

L= Traffic Control Device Violation T= Illegal Turn Violation
LV= Illegal Lane Violation

024L44 | T 7341
03/15/10 39800

ff Group