Article

The Impact of Race on the Police Decision to Search During a Traffic Stop: A Focal Concerns Theory Perspective

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Abstract

Racial profiling is an important issue in contemporary policing. Research in this area, especially in the decision to search, has relied on an outcomes test and correlates that are largely devoid of theory. Thus, the research is unable to provide a clear understanding of police decision making during a traffic stop. The purpose of the present study was to examine this process. Using data from more than 36,000 traffic stops from Louisville, KY, the present study applies the focal concerns theory to this decision-making process. The research results indicate that blameworthiness is the primary reason that searches are performed for the entire sample of traffic stops as well as those for the Black and White subsamples.

Keywords

policing, search, focal concerns theory, racial profiling

Race remains a pertinent concern throughout the criminal justice system. It has certainly been a consistent problem at every stage of the system, including police decision making (Gabbidon & Greene, 2005, 2009; Higgins, 2010; Walker, Spohn, & DeLone, 2000). This issue has prompted some states and the federal government to collect data to detect specific targeting of racial minorities even if is part of a larger profile, which is now known as racial profiling (Withrow, 2006).

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To date, some researchers have taken up the charge to understand racial profiling (Engel, 2008; Engel & Tillyer, 2008; Novak, 2004; Ramirez, McDevitt, & Ferrell, 2000; Tomaskovic-Devey, Mason, Zingraff, 2004). Some researchers have emphasized racial profiling in the context of searches (Farrell, Rumminger, & Mc Devitt, 2005; Harcourt, 2004; Hernandez-Murillo et al., 2004; Higgins et al., 2008; Knowles, Persico, & Todd, 2001; Persico & Todd, 2004, 2008), but these researchers have either relied on the outcomes test or just correlates of searches. Some studies in the racial profiling literature have used theory for a deeper understanding (Engel, Calnon, & Bernard, 2002).

Theory is important for several reasons. First, theory provides researchers with a rational method of organizing their data (Higgins, 2005). That is, theory outlines concepts and components of these concepts that researchers may use to organize their individual measures. Second, theory provides a rationale as to why a concept behaves in the manner that it does. Thus, a theory would provide more understanding of the decisions that police officers make that result in disparities (Engel et al., 2002). A theory allows researchers to organize their data in a rational way that can lead to new empirical understandings of a particular behavior (Higgins, 2005). Devoid of theory, research results are only descriptive and are not based on a set of concepts that have important relational links (Bernard & Ritti, 1990; Kraska, 2004). Engel et al. (2002) argued that this is an important issue in racial profiling research. Some researchers have answered this call and attempted to develop theory and use it in understanding parts of racial profiling (Novak & Chamlin, 2008; Parker, MacDonald, Petrocelli, Piquero, & Smith, 2004; Smith & Alpert, 2007; Tomaskovic-Devey et al., 2004; Warren, Tomaskovic-Devey, Smith, Zingraff & Mason, 2006). Building on these developments, Tillyer and Hartley (2010) cogently argue that Steffensmeier's (1980) version of focal concerns may be used to understand racial profiling issues. Focal concerns theory was originally developed for understanding sentencing disparities. Steffensmeier's (1980) theory suggests that judges use three concepts (i.e., blameworthiness, protection of the community, and practical constraints) to arrive at a myriad decisions that include sentencing.

The purpose of the present study is to contribute to the literature on racial profiling in a few ways. First, this study provides more evidence of racial disparities in police officers decision to search individuals. Second, this study helps to clarify our understanding of the traffic stop search literature by using the focal concerns theory. Thus, this study specifies the need for this theory and theoretically applies it to police decision making.

Studies of Traffic Stop Searches and Racial Profiling

The literature on traffic stop searches includes studies that use the outcomes test (on the productivity of police searches) and those that explore its correlates. We begin with the studies that use the outcomes test. For instance, Knowles et al. (2001) examined data on police searches of vehicles stopped on Interstate 95 in Maryland between January 1995 and January 1999 ($N = 1,590$). They determined that 29% of the

searches were conducted on White drivers, whereas 63% of the drivers stopped and searched were African Americans although their assumed proportion of the driving public was only 18% (Knowles et al., 2001, p. 218). The outcome rate (the percentage of searches that uncovered drug contraband) for these drivers was nearly equal—a finding that does not imply racial prejudice (African Americans 34%, Whites 32%; Knowles et al., 2001, p. 219). In contrast, the low outcome rate for Hispanics (11%) was "suggestive of prejudice against this group" (Knowles et al., 2001, p. 222). This demonstrates that Hispanics were not carrying drug contraband at a high-enough rate to justify their search and the outcome rate was one third less than for Blacks and Whites (see Persico & Todd, 2008).

Similarly, an analysis of statewide traffic stop data from Missouri from 2001 (1,389,947 traffic stops resulting in 99,860 searches and 76,567 arrests) analyzed the outcome rate of searches of drivers by race (Hernandez-Murillo & Knowles, 2004, p. 968). They determined that both African Americans and Hispanics were stopped and searched disparately in terms of their proportion in the population of drivers. In terms of the outcome rate, drugs were more likely to be found in searches of White (19.7%) than either African American (12.3%) or Hispanic (9.8%) drivers (Hernandez-Murillo & Knowles, 2004, p. 973). Therefore, searches of minorities in Missouri appeared to be the product of racial bias.

The outcomes test was applied to analyze the outcomes of traffic stops in Wichita that took place during the first 9 months of 2001 that included a vehicle search (N = 2,288). They determined that the proportion of Black drivers stopped (21.45%) and searched (32.65%) exceeded their proportion in the population of drivers searched (11.4%). The proportion of Whites searched was slightly lower than their percentage in the population (63.61% vs. 65.2%). Hispanics were stopped at roughly the same rate as their proportion in the population but were searched at a somewhat higher rate (Persico & Todd, 2004, p. 14). However, the outcome rate for drug contraband discovered during searches was "very similar across groups of motorists (Persico & Todd, 2004, p. 17)." Persico and Todd determined that these rates also did not differ by gender or age and concluded that "individual officers in Wichita chose their search strategies to maximize efficiency in finding contraband and not out of racial bias" (Persico & Todd, 2004, p. 20).

Despite the relative consistency of findings of racial bias in the outcome of searches following traffic stops, the outcome rate test is not without its critics. Farrell et al. (2005, p. 88) note that the differences and similarities between such search results varies depending on what is categorized as a "hit" (type of drugs, amount, and so on) and which searches are used as a denominator. Harcourt (2004, p. 1314) concludes that this type of economic analysis is "inadequate" because it fails to consider the effect of the search on crime rates (rather than the productivity of the search) and they do not use multivariate analysis to consider the impact of variables other than race on search results (see also McMahon, Garner, Davis, & Kraus, 2002; Engel & Tillyer, 2008 for additional criticisms).

Other researchers have explored the correlates of traffic stop searches. Using data from Wichita, Withrow (2004a, 2004b) found moderate to high correlations between the race of individuals stopped and the predominant racial representation of the beat. He also noted that Black drivers tend to be overrepresented in predominantly White neighborhoods and that White drivers are overrepresented in predominantly Black neighborhoods. Decker and Rojek (2002) showed that Blacks were more likely to be searched incident to an arrest. Cox, Pease, Miller, and Tyson (2001) showed that male drivers of all races were more likely to be searched than female drivers. Schafer, Carter, Kats-Bannister, and Wells (2006) found that race and sex were factors in an officers' decision to conduct a search. Higgins, Vito, and Walsh (2008) used traffic stop data from Louisville, KY to show that race was one of many factors that officers used to make the determination of whether to perform a search (see also Vito & Walsh, 2008). To put the racial disparities of searches into context, we use Tillyer and Hartley's (2010) modified version of focal concerns theory.

Focal Concerns Theory

Some researchers have used theory to understand racial profiling. For instance, Parker et al. (2004) argued that macro-level theories that included social disorganization, racial threat, and concentrated disadvantage are important in understanding racial profiling and others have agreed with this sentiment (Novak & Chamlin, 2008; Petrocelli, Piquero, & Smith, 2003). Others have focused on racial animus and organizational profiles (Tomaskovic-Devey et al., 2004; Warren et al., 2006). Smith and Alpert (2007) proffered a theory that builds on stereotypes to understand racial profiling. We add to these studies by examining the importance of focal concerns theory to understand racial differences in searches by the police.

The focal concerns theory was originally written to assist in understanding the link between judges or other court actors and sentencing (Steffensmeier, 1980). At the heart of this theory, rational judges or court actors base their decisions on sentencing an individual using three focal concerns—blameworthiness, protection of the community, and practical constraints and consequences. Blameworthiness is consistent with an individual's culpability and having the punishment fit the crime. Protection of the community is based on the goals of incapacitation and general deterrence, and on assessments about offenders' future behavior such as dangerousness or recidivism. Practical constraints and consequences are the concerns about the organizational costs incurred by the criminal justice system, the disruption or disposition to the family, and other potential issues that may occur for the public. Although these are the three main focal concerns, the individual's prior criminal record or current offense is also important in determining sentences (see Steffensmeier, Ulmer, & Kramer, 1998).

This theory takes into account the difficulty in making legally oriented decisions because of the ambiguity or uncertainty for arriving at certain decisions (Albonetti, 1991). The uncertainty stems from differences in sentencing goals and the difficulty in predicting the risk and seriousness of recidivism. Judges need to make decisions based

on an abundance of information that may "overload" them, so they may resort to a form of "perceptual shorthand," so that decisions are made on certain attributes of the individual. Once this shorthand is in place and reinforced, this pattern becomes resistant to change. In effect, judges make situational imputations about the defendants' character and expected future. These imputations come from the focal concerns above.

Disparities in sentencing come from the application of the focal concerns. In a utopian world, the focal concerns are applied evenly regardless of race or ethnicity. However, in the real world, the focal concerns are driven by the individual's place in society based on their social structure (i.e., race or ethnicity). That is, Blacks and Hispanics are more likely to receive harsher sentences than White defendants because of the belief that they are more dangerous, more likely to recidivate, and less likely to be deterred (Steffensmeier, 1980). This perspective has been applied to the sentencing literature (see for example, Johnson, Ulmer, & Kramer, 2008; Demuth & Steffensmeier, 2004; Spohn & Beichner, 2000; Steffensmeier & Demuth, 2001, 2006).[1]

Although Steffensmeier's (1980) theory was developed to understand potentially disparate judicial sentencing, the theory may be applied to police officer's decisions to search an individual. The decisions that police officers have to make in the field are very complex, repetitive, and frequently constrained by time, space, and resources that generate a substantial amount of uncertainty or ambiguity to arrive at a satisfactory decision. For a police officer, a situation where this may be heightened is a traffic stop (Silberman, 1978; Skolnick, 1966). During a traffic stop, the police officer has some information, but usually does not have definitive information about the character of the individual. The information that officers do have may come through mobile computers or other forms of communication that may create an information overload that makes their digestion of the information difficult. To adapt to this information overload, police officers may use a form of shorthand to make the digestion of information and decision making manageable. This view is consistent with a variety of theoretical developments in racial profiling. For example, Smith and Alpert (2007) wrote that racial/ethnic disparities in outcomes of traffic stops are the result of unconscious profiles and manifestations of unconscious stereotypes. In Smith and Alpert's (2007) view, the profiles are developed and reinforced through interactions and social identities. The profiles are primarily based on a citizen's race/ethnicity, but they showed that these profiles may be influenced by gender and age and are a reflection of group differences (Smith & Alpert, 2007).

The success of this shorthand reinforces its use and makes it resistant to change. Tillyer and Hartley (2010) argued that police officers are not resilient to the human tendency to be influenced by the media that portrays racial/ethnic individuals as criminal (Bobo, Kluegel, & Smith, 1997) and that promotes racial typification (Chiricos, Welch, & Gertz, 2004; Weitzer & Tuch, 2006). Like citizens, police officers internalize the media portrayals as profiles that become reinforced during their routine traffic stops and outcomes. Police officers use the focal concerns to make decisions about a driver's character and expected future behavior. Similar to judicial sentencing decisions, police officers use their discretion to search individuals. Tillyer and Hartley

(2010) argued that the officers' experience increases the likelihood of the development of an unconscious profile that may influence their decision making.

In our view, this theory may provide an understanding of the decision to search an individual. Racial profiling studies have stressed that discriminatory actions during traffic stops are most likely to be practiced within the search decision made by the police. The focal concerns theory indicates why and how the officer may make this decision. In addition, there are two reasons why racial bias is an even greater concern in the context of searches. The search decision raises the intrusiveness and seriousness of the traffic stop for the driver because it changes the potential suspicion from a traffic violation to an implication of criminal activity. Yet this decision is not without legal limits. Searches must meet the legal requirement of probable cause (e.g., observation of some evidence that the driver or passengers are committing a crime—drugs, alcohol, or firearms in plain view or odor of burning marijuana). The officer may also conduct a search for a multitude of other reasons.

Second, the driver may also voluntarily consent to a search and thus eliminate the need to establish probable cause (Farrell et al., 2005, pp. 82-83). Some scholars have argued that the consent search is the ultimate exercise of police search discretion because the officer is not "duty bound" to conduct a search (Totman & Steward, 2006, p. 1). In their analysis of statewide Texas traffic stop data from 2003, Totman and Steward (2006, p. 5, 10) found that two thirds of law enforcement agencies reported consent searching of Blacks or Latinos at higher rates than Anglos following a traffic stop and that they "rarely uncover wrongdoing." However, a study by Lichtenberg (2006) of traffic stop consent searches made by the Maryland State Police from 1995 through 1997 suggests that race may be a valid predictor in the apprehension of serious drug couriers. Here, the telling point was the amount of drugs uncovered rather than the percentage of persons of a certain racial group who were found with contraband. Although African American drivers were the least likely group to be found with marijuana, they had the highest average amount seized (395.1 grams versus 1.8 grams for Whites and 18.5 grams for Orientals)—a pattern that held true for cocaine and crack cocaine as well (Lichtenberg, 2006, pp. 55-57).

Thus, although evidence of discrimination may or may not be present in the decision to stop drivers, it may be evident in the decision to perform a search. The focal concerns theory may provide some context as to why officers decide to search more racial/ethnic groups than others, thereby, creating a disparity that gives the implications of racial profiling. Although the theory may provide import, this theory may account for some of these decisions to search, but it is not likely to account for all of these decisions to search. The theory has not been empirically applied to racial profiling, specifically in the area of searches.

Present Study

The purpose of the present study is to examine traffic stop data to determine and understand racial disparities among those that were searched. The current literature

does not use a theory to understand this issue. The present study advances the literature by using a theory to understand this potential disparity. To be clear, we have two expectations: (a) we expect that Blacks are more likely to be searched than Whites, net the focal concerns; (b) we expect that the focal concern theory will help understand the differences between Blacks and Whites being searched. This research will extend the use of focal concerns theory to the realm of police discretionary actions.

Method

Data Collection and Sample

This analysis examines traffic stop data collected by the Louisville Police Department during the period January 1, 2002 and December 31, 2002.[2] Data were collected using a two-sided Scantron form. The forms were completed by individual officers who made the traffic stop and were reviewed by their supervisors. Once the district supervisors completed their reviews, the forms were forwarded to Staff Services for additional review for completeness and accuracy. Forms that contained errors or incomplete information were returned to the district for corrections. The data from the Scantron forms were scanned directly into a database. The database file was then converted to the Statistical Package for Social Science (SPSS) 11.0. Forms that contained incomplete or incorrect data, as well as forms that were rejected, were returned to the department for further processing.

Measures

The measures for the present study include the theoretical concepts (i.e., blameworthiness, protection of the community, and practical constraints and consequences) and control measures.[3]

Dependent measure. The dependent measure for this study was whether a consent search was conducted. Because the data are cross-sectional and to use untainted searches (i.e., searches that are attached to arrest), we removed all of the cases that were associated with an arrest. This reduced the sample from more than 36,000 cases to 3,717. As we argued earlier, consent searches are different from searches that do not have consent. We used the officer's report of whether the individual had been searched during the traffic stop with and without consent—note the consent search will be referred to as search or searched henceforward. Whether the individual was consent searched was coded as 0 for *no* and *1* for yes. The sample size for those that were consent searched after giving consent was 26%, and those that were searched without giving consent was 74%.

Blameworthiness. Steffensmeier (1980) argued the blameworthiness was the culpability of the individual and that the punishment should fit the crime. In racial profiling

research, this culpability is not a clear issue. The job of a police officer is not to determine guilt, which as at the root of culpability. As close as the officer comes to determining guilt is the determination of probable cause. This may be a sliding scale given if enough evidence is present for action. Police officers do punish (i.e., citations) or they can begin the process for punishment. With enough probable cause, the police officer has the authority to search a vehicle with or without consent. In other words, the individual is blameworthy when enough probable cause is present to warrant a search. In this study, we operationalized this measure using two items. For each traffic stop, the officer reported two separate pieces of information: (a) whether contraband was in plain view and (b) whether they were able smell the odor of drugs. For each item, the responses were coded as 0 = *no* and 1 = *yes*. Thus, the minimum for this measure was 0 and the maximum was 2. Higher scores on this measure indicated a greater suspicion of blameworthiness.[4]

Protection of the community. Steffensmeier (1980) argued that protection of the community emphasized the goals of incapacitation and general deterrence and assessments about offenders' future behavior such as dangerousness. To emphasize the dangerousness of the individual, we measured this using a single item. The item that was used was whether a records check was performed. The officer noted whether the records check occurred during the traffic stop using 0 = *no* and 1 = *yes*; thus, the officer is protecting the community when the records check (i.e., checking whether the individual has a previous criminal history, registration, and drivers' license) is performed and pursue the investigation via a search.[5]

Practical constraints and consequences. Steffensmeier (1980) argued that practical constraints and consequences were the organizational costs incurred by the criminal justice system, the disruption of the ties to children or other family members, and the potential impact of offender recidivism that results in public distress. We used two items to measure this concept: did the officer have preexisting knowledge of the individual or was there a call for service?[6] The officer recorded their response to each of these items using a 0 for *no* and 1 for *yes*. The two items were combined to generate a scale of 0 to 2, and higher scores on this measure indicated that the officer more likely to pursue the investigation via a search.

Control measures. We used several control measures for this study for the individuals that were searched. Tillyer and Hartley (2010) argued that demographic measures help make important distinctions and potential interactions. First, we coded biological sex as 0 for *female* and 1 for *male*. Next, we coded race as 1 for *Black* and 0 for *White*. Then, we coded *city resident* as 1 and 0 for *noncity resident*. Age of the individual being stopped was an open-ended measure.[7]

Analysis Plan

The analysis plan takes place in three steps. The first step is a presentation of the descriptive statistics to present the distribution of the measures and a cross-tabulation to explore the intersection between race and searches.

The second step is a presentation of the logistic regression analysis of the entire sample to explore the theoretical correlates (i.e., focal concerns) and demographics of individuals being searched during a traffic stop. Regression analysis—Ordinary Least Squares regression—is a statistical technique for understanding the values of a dependent measure based on the values of one or more independent measures (Everitt, 2001; Freund & Wilson, 1998). OLS regression requires the dependent measure to be continuous, but the present study uses a dependent measure that is dichotomous. Bachman and Paternoster (2004) argued, in this situation, logistic regression is the proper method for analyzing the data. Tillyer and Hartley (2010) argued that multilevel models were the proper models to account clustering for decision making. In our data, we did not have data about the context of the decision making, but we did take into account the clustering in all of our logistic regression analyses using a cluster variable—the stop beat that the consent search took place. We used Stata 10.1 to perform this analysis.

The third step is a presentation of split sample logistic regression analysis to explore the theoretical correlates, by race, of an individual being searched during a traffic stop. Tillyer and Hartley (2010) argued that demographics, such as race, may interact with other measures. To address this issue, we split the sample as a form of interaction effects. This form of analysis allows us to understand how the measures of focal concerns works for each race (i.e., within analysis). To determine the statistical difference between the races, we used the Brame, Paternoster, Mazerolle, and Piquero (1998) *z*-score for equivalent coefficients. Using the Brame et al. (1998) *z*-score, allows use to understand the differences of the coefficients for each of the measures across the racial groups (i.e., between analysis). Thus, the combination of the within and between analysis provides the interaction of race. To clarify, if the coefficients operate differently within Blacks and Whites and between Blacks and Whites, we can conclude that race interacts with these measures.

Results

Step 1

In this step, the descriptive statistics provide some understanding of the distribution of the sample and the distribution of the measures that will be used in later analyses. Table 1 shows the descriptive statistics indicate that a small percentage of this sample is searched during the traffic stop after consent was given (26%). This includes both consent and nonconsent searches. The sample is comprised of more than 50% Black individuals (53%). The sample is 87% male. The sample is 77% city residents. The average age of the individuals in the sample was 32 years old. The theoretical measures showed that blameworthiness had a mean of 0.29, protection of the community had a mean of 0.68, and that practical constraints and consequences had a mean of 0.14. That is, from a theoretical perspective the measures did not have high averages.

Table 2 presents a cross-tabulation to explore whether Blacks are consent searched more than Whites. Among Whites, 73.2% of the sample is not consent searched, whereas

Table 1. Descriptive Statistics of the Measures

Measure	Mean	Standard deviation	Min	Max
Blameworthiness	0.29	—	0	2
Protection of community	0.68	—	0	1
Practical constraints and consequences	0.14	—	0	2
Control measures				
Black	0.53	—	0	1
Male	0.87	—	0	1
City Resident	0.77	—	0	1
Age	32.95	12.30	16	92
Dependent measure				
Consent search	0.26	—	0	1
$N = 3,717$				

Table 2. Searched by Race of Driver

	Race		
Consent search	White	Black	Total
No	1226 (73.2%)	1422 (74.4%)*	2648 (73.8%)
Yes	448 (26.8%)*	490 (25.6%)	938 (26.2%)
Total	1674 (100.0%)	1912 (100.0%)	3586 (100.0%)

Chi-square = 71.38, 1 *df*
*$p = .000$.

among Blacks 74.4% of the sample are nonconsent searched. Differences are present when we consider race and being consent searched. Here, we see that Whites are consent searched 25.6% of the time and Blacks are consent searched 26.8% of the time. These significant results are supportive of our expectation that Blacks are searched more than Whites, but the differences are not very large. Additional analysis will help determine if the racial differences will persist when including other measures.

Step 2

To address our expectation that focal concerns are important to understand the decision to search after consent is given, we performed an overall logistic regression analysis (see Table 3). The results indicate support for using the focal concerns perspective in understanding why an individual may be consent searched during a traffic stop, after giving consent. Specifically, officers are 1.56 times more likely to consent

Table 3. Overall Clustered Logistic Regression Analysis

Measure	b	SE	Exp(b)
Blameworthiness	0.44****	0.11	1.56
Protection of the Community	−0.07	0.08	0.93
Practical Constraints and Consequences	0.07	0.12	1.07
Male	−0.00	0.11	1.00
City Resident	−0.22***	0.08	0.81
Black	−0.04	0.08	0.96
Age	−0.00***	0.08	0.99
−2Logliklihood = −118,217.55			
N = 3,717			

*$p < .10$. **$p < .05$. ***$p < .01$. ****$p < .001$.

search an individual, after giving consent, because of blameworthiness ($b = 0.44$, $Exp(b) = 1.56$). Our results do not indicate that other concepts of the focal concerns theory have an impact in this decision.

In terms of the demographics, city residents were less likely than noncity residents to be consent searched during a traffic stop ($b = −0.22$, $Exp(b) = 0.81$) after giving consent. The older the stopped individual, the less likely they were consent searched ($b = −0.00$, $Exp(b) = 0.99$). Importantly, no racial differences were found when including the control measures. The racial effect maybe masked by these measures because it may interact. In short, these results help us understand that contraband in plain view and an odor in a vehicle contribute to the decision to consent search after consent is given (i.e., blameworthy).

Step 3

To address our expectation that the focal concern theory will help us to understand the differences between Black and Whites being searched after consent was given, Table 4 shows the split sample logistic regression analysis for each race. In this portion of the analysis, Blacks will be compared to Whites and vice versa. We present the results, Black individuals first. When officers consider the blameworthiness of Blacks, Blacks are 1.33 times more likely of being consent searched during a traffic stop after giving consent ($b = 0.29$, $Exp(b) = 1.33$). Black city residents are less likely than Whites to be consent searched during a traffic stop ($b = −0.49$, $Exp(b) = 0.61$). As age increases the likelihood of Blacks being consent searched increases ($b = 0.00$, $Exp(b) = 1.00$).

When officers consider the blameworthiness of Whites, Whites are 1.69 times more likely to be consent searched during a traffic stop after consent was given ($b = 0.52$, $Exp(b) = 1.69$). To determine the statistical similarity of the coefficients, regardless of

Table 4. Clustered Logistic Regression Analysis by Race

Measure	Black			White			z-score
	b	SE	Exp(b)	b	SE	Exp(b)	
Blameworthiness	0.29***	0.10	1.33	0.52***	0.97	1.69	−0.22
Protection of the Community	0.26	0.11	1.03	−0.18	0.13	0.83	0.90
Practical Constraints and Consequences	0.03	0.15	1.03	0.07	0.15	1.07	−0.07
Male	0.23	0.19	1.26	−0.10	0.15	0.99	0.57
City Resident	−0.49**	0.16	0.61	−0.01	0.12	0.95	−0.91
Age	0.00**	0.00	1.00	0.00	0.00	1.00	0.00
−2Logliklihood = 2111.86				1880.70			
N = 1,912				1,674			

*$p < .10$. **$p < .05$. ***$p < .01$. ****$p < .001$.

the theoretical orientation, additional testing was necessary. Specifically, we tested for differences in the coefficients to determine they were statistically different from each other. All of the coefficients except for one were statistically the same. We offer caution with this analysis in two ways. First, other measurements of the focal concerns may provide different results. Overall, these results do not suggest that the focal concern theory is without merit in this genre of research but the concepts of the focal concerns theory do not seem to interact in these data. This may occur because the Whites and Blacks are consent searched after giving consent at similar, albeit statistically different percentages.

Conclusion

The purpose of the present study was to provide an examination of racial bias in police searches during a traffic stop. This study contributes to the racial profiling literature by using a focal concerns theory (Steffensmeier, 1980) as a framework for analysis—following the plea from several scholars (Engel et al., 2001; Higgins, 2005; Kraska, 2004; Tillyer & Hartley, 2010). This theory relies on three focal concerns (i.e., blameworthiness, protection of the community, and practical constraints), to provide a lens for understanding a criminal justice actor's decision making. The original theory was developed for understanding judicial decision making, but Tillyer and Hartley's (2010) and our effort extends the reach of the theory to police officer decision making in the context of performing a search during a traffic stop. From this perspective, a search is an informal sentence that is performed to gather evidence for possible additional charges. The theory thus led to three expectations.

The first expectation is that Blacks are searched more than Whites during a traffic stop after they gave consent. The results show that this is the case but a better understanding of why this disparity exists is still unclear. We believe that the focal concerns theory provides this understanding of this disparity (Steffensmeier, 1980; Tillyer & Hartley, 2010).

The second expectation was that the focal concern theory is important in understanding a police officer's decision to search a vehicle during a traffic stop after consent was given. It was also supported by the research results supporting (Steffensmeier 1980, Tillyer & Hartley, 2010). Police officers appear to use perceptual shorthand when making decisions to search a vehicle. Our results indicate that the most prominent portion of this shorthand is the culpability of the individual. That is, police officers may ask or decide to search after consent was given because they see either contraband or evidence in plain view or they smell the odor of drugs. In our view, popular perception is that officers search vehicles for two reasons: arrest and probable cause. Some could argue that our measures of the focal concerns are nothing more than pieces of probable cause. We proffer that probable cause means different things for different individuals in different situations. Thus, our use of the focal concerns theory makes these pieces much more tangible and understandable.

The third expectation is that the focal concern theory will help understand the differences between Blacks and Whites being searched. Our results show that the focal concerns theory has import for Blacks and Whites, and should be a theory that is considered when understanding the decision to search during a traffic stop. The results for Blacks and Whites are similar to that of the entire sample. That is, the results suggest that blameworthiness is the most important factor in making the decision to search. The differences between Blacks and Whites are most important when it comes to the blameworthiness. This means that Whites were seen more as threat to the community than Blacks were; thus, they were searched more for this reason. In our view, this is telling that officers do have reasons for why there are disparities in searches, and the disparities may be more in-line with blameworthiness.

We show that the focal concerns theory concepts did not interact with race. The interaction did not take place because the differences in searches, in this sample, are not very great. In other words, our percentage difference from our cross-tabulation did not indicate a substantial difference that was maintained when other measures were included in the model. The interaction between these measures did not improve these results. This does not suggest that focal concerns theory needs to be respecified to understand consent searches, but it does indicate that additional research may be necessary to understand this issue better.

However, there are limitations to the research findings. Although we take a theoretical step in understanding searches after consent was given, Steffensmeier (1980) is not clear about how to measure the concepts of his theory. Thus, we are left to use proxy measures; however, our proxy measures were vetted by police officers attending a training academy, instructors of the academy, and attorneys. Furthermore, our result that Whites are searched more than Blacks because of blameworthiness, while

important, may be misleading. The similar sample size for Blacks and Whites is why this occurs. In addition, the data for this study come from one year and one location. Additional years and additional locations may provide different results. Finally, our study does not include multiple theories. That is, comparing theories may provide a clearer picture about how the focal concerns theory may be used in understanding police officer decisions to search during a traffic stop.

Methodological limits also apply. First of all, the data were based on the self-reports of the officers making the traffic stop. Thus, the time that they filled out the form (immediately after the stop or later) could have adversely affected their perceptions of the race of the driver. The research results are completely subject to the recall and honesty of the officers who recorded the information. In addition, the research did not included direct observation and how the traffic stops were conducted. Thus, critical information (especially the demeanor of the driver) was not included (see Engel, Klahm, & Tillyer, 2010).

Despite these limitations, the present study provides an understanding of police officers' decision to perform a search during a traffic stop. The results show that the focal concerns have links with being searched. In particular, the results suggest that blameworthiness is the most important focal concern that is followed closely by protection of the community and finally practical constraints. The results show that the differences in between Blacks and Whites are due to protection of the community. Future studies use multiple theories, data from different locations, and multiple years will improve our understanding of searches using this theory. For now, the results indicate that the focal concerns theory is plausible in understanding a police officer's decision to perform a search.

Declaration of Conflicting Interests

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Notes

1. We do not intend for our presentation to be comprehensive. Our focus was to show that the theoretical model had been successfully used in the sentencing literature.
2. It should be noted that this department no longer exists. On January 6, 2003, a merger of the Louisville and Jefferson County governments was conducted as a result of a popular vote. The new department, Louisville Metro Police Department now serves the entire county.
3. Measurement is instrumental to understanding the relevance of a theory. To ensure that we had some level of content validity, we had police officers, training officers, middle managers, and an attorney assist with the development of our measures for this study.

4. One reviewer suggested arranging the measures in some logical order of severity. The cross-sectional nature of these data precludes this from taking place. In our view, the global measure of blameworthiness that we present is a modest first step in this area.

5. In these data, a warrant check was a separate measure. The officers were instructed that these were different when the completed the information about the traffic stops.

6. Our logic for using the "call for service" measure is that the search may be the result of a call for service; thus, a call may trigger more motivation to investigate further. This is a consequence and not a constraint.

7. One reviewer pointed out that using the crime rate in the area would be a cogent control measure. We agree, but presently the crime rates are not part of this data.

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