

The Environmental Context of Racial Profiling

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Racial profiling describes the practice of targeting or stopping an individual based primarily on his or her race rather than any individualized suspicion. Such profiling came under considerable public scrutiny beginning in the 1990s when the media drew substantial attention to racial profiling in traffic stops. This study examines whether the heightened public scrutiny generated by the media as well as legislative and organizational changes that ensued changed police officers' patterns of searches among black and white drivers. Using traffic stop data from Rhode Island between 2001 and 2005, the results demonstrate that racial disparities in searches are significantly reduced when news media coverage is putting more pronounced pressure on police organizations and police departments to make changes in leadership. These findings suggest that public scrutiny through the media and administrative commitment to fairness may be important first steps in reducing biased behavior in traffic stop enforcement.

Keywords: race; racial profiling; police searches; media; law

Prior research has consistently demonstrated that minorities are more likely than whites to perceive that they are singled out and unfairly targeted by police (Bayley and Mendolsohn 1969; Brunson and Miller 2005; Warren et al. 2006; Weitzer and Tuch 2004). Aggressive police patrols, excessive use of force, and racially biased policing have all been cited as bases for these perceptions. A national study of citizen encounters with the police found that 40 percent of blacks compared to only 5 percent of whites

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report that they have been stopped by the police just because of their race (Weitzer and Tuch 2004). Public-police surveys have also found that black motorists report more stops than do whites (Engel and Calnon 2004). These patterns, along with frequent media accounts of violent treatment of minority citizens, such as the Rodney King beating in Los Angeles and the Amadou Diallo shooting in New York, have focused public attention on the problem of racially biased policing.

Racial profiling describes the practice of targeting or stopping an individual based primarily on his or her race, rather than on any individualized suspicion. Such profiling became particularly politicized in the late 1990s when U.S. law enforcement was publicly scrutinized for disproportionately targeting minority drivers during traffic stops (American Civil Liberties Union [ACLU] 1999; Harris 2002). A number of studies conducted across the United States seemed to substantiate claims of widespread racial profiling. For example, Lamberth (1997) found that while blacks make up 79 percent of all vehicular stops in New Jersey, they constitute just 42 percent of the driving population in this state. Researchers found similar levels of racial disparity in Delaware and Maryland (ACLU 1999).

In light of such findings, the ACLU and the National Association for the Advancement of Colored People collaboratively launched national media campaigns calling for a ban on racial profiling. These initiatives, along with continuous media attention, made law enforcement agencies across the United States acutely aware that their practices were being monitored. In response to media scrutiny, a number of states passed legislation that banned the use of racial profiles and required data collection on the race and ethnicity of individuals detained during traffic stops (Fridell 2004). In addition, a number of police departments were forced to change leadership as they directly faced allegations of racially biased policing. In reply, police organizations across the United States became proactive in their efforts to address concerns about racial profiling (Fridell 2004).

Despite the steps taken by police departments to address racial profiling, scholars have not examined whether public attention and policy initiatives surrounding racial profiling directly, or indirectly, influence patterns of enforcement (for exceptions, see Mas 2006; Prendergast 2001). This study attempts to fill this gap by explicitly examining whether officers change search patterns of black and white citizens as a result of heightened public scrutiny generated by the media as well as legislative and organizational changes. We focus on changes in search practices because they are the key behavior implicated in political charges of racial profiling.

Conceptual Argument

Media and public concern about racial profiling

The news media has long served as a source for citizens' perceptions of police behavior, and it has been particularly influential in bringing the problem of racial profiling to national attention (Surette 1998). In the late 1990s, news media

exposed practices of racial profiling and highlighted problems associated with its use. In 1998, *Time Magazine* ran an article titled "DWB: Driving while Black," which chronicled accusations of racial profiling by the state police in Maryland and New Jersey. While concerns about racial bias in police enforcement were not new, the *Time* article was one of the first to focus on police bias in the enforcement of traffic laws (Barovick 1998). The following year, *Esquire* magazine featured an article detailing how the Drug Enforcement Agency's training of state and local police promoted practices of racially biased policing (Webb 1999). The *Esquire* article was quickly followed by a *New York Times Magazine* article titled "The Color of Suspicion," which highlighted the growing problem of racial profiling while also detailing local and state police officers' perceptions of the necessity of using race-based enforcement practices for drug interdiction (Goldberg 1999). This coverage, along with national campaigns by civil rights groups to publicize the problem of racial profiling, set the stage for a sharp increase in media coverage of this issue.

As greater attention was given to racial profiling in the media, public recognition of this problem increased. National opinion polls confirmed that regardless of race, a majority of Americans believe that racial profiling in police stops is a significant social problem. For example, a Gallup poll in the late 1990s found that 57 percent of white respondents and 77 percent of black respondents believe that racial profiling is widespread (Gallup 1999). Thus, people widely perceive that law enforcement routinely and unfairly targets minority citizens.

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Legislative mandates

To monitor the practices of law enforcement, the federal government and many state governments called for legislation that would end racial profiling and hold police organizations accountable for systematically targeting minority citizens (Dominitz 2003). President Clinton's final report to Congress strongly advocated

for civil rights legislation outlawing racial profiling and the collection of data on the demographics of traffic stops to increase police accountability (Holmes 2001). He also signed an executive order banning racial profiling and requiring all federal law enforcement agencies to collect and report racial and ethnic data for individuals detained. In response, the U.S. Department of Justice's Civil Rights Division took an aggressive role in prompting state and local accountability by launching investigations to determine if racially disparate traffic enforcement constituted a violation of civil rights. These investigations often ended in federal consent decrees or agreements between police organizations and the federal government on steps they would take to reduce or prevent profiling.

State legislators also heeded public demands for accountability. To avoid federal investigations, twenty-seven states passed legislation explicitly banning racial profiling and requiring state and local law enforcement agencies to develop programs to address this problem. To support these efforts, the federal government convened national training conferences and awarded grants to departments to assist them in developing strategies for reducing and preventing profiling.

We expect that regulation, such as mandates to collect demographic data during police stops, reduces racial disparities in traffic stop searches. This would occur because organizations that depend on the state for resources should be responsive to political pressures in their environment (Thompson 1967). As Staw, Sandelands, and Dutton (1981, 501) note, "Organizations cope with potential sources of adversity that arise from external sources by taking the necessary action to rebuild a positive position in the social environment." The potential efficacy of mandates to reduce profiling is suggested by the fact that thousands of agencies across the country began collecting data even if they were not mandated to do so (Farrell, Rumminger, and McDevitt 2005).

The politics of racial profiling in Rhode Island

At the same time that racial profiling in traffic enforcement was drawing national attention, communities in Rhode Island were struggling with their own high-profile controversies related to police and racial bias. In January 2000, Cornel Young Jr., a black police officer working in Providence, was shot and killed by fellow officers at the scene of a robbery. Racial bias on the part of the officers responsible for Officer Young's death was suspected (Associated Press 2001). The officers were eventually cleared of wrongdoing, but the incident left deep divides in a city that had struggled for decades with tenuous police-minority community relationships (Sabar 2000). In the months following the shooting, the governor of Rhode Island signed an executive order creating a special panel to study the role of race in shaping police practices across the state. During the same year, the U.S. Department of Justice launched an investigation into potential civil rights violations by the Providence Police Department (PPD), and the state legislature began pursuing responses to the problem of racial profiling.

As these political processes were unfolding, media coverage of allegations of racial bias by the police was also bringing public attention to this issue. For

example, the first reference to “racial profiling” and “driving while black” appeared in the *Providence Journal* in the spring of 1998; in April 1999, this newspaper ran an editorial highlighting the problem of “driving while black” and discussing national and local trends in racially disparate police enforcement (*Providence Journal* 1999). By July 2000, the *Providence Journal* had published more than 150 articles referencing racial profiling by the police.

Rhode Island passed the Traffic Stop Statistics Act (Rhode Island General Laws, Section 31-21.1-4) on July 13, 2000. This law banned

the detention, interdiction or other disparate treatment of an individual on the basis, in whole or in part, of the racial or ethnic status of such individual, except when such status is used in combination with other identifying factors seeking to apprehend a specific suspect whose racial or ethnic status is part of the description of the suspect, which discretion is timely and reliable. (31-21.1-5b)

It also required state and municipal law enforcement agencies to collect demographic information on the characteristics and outcomes of routine traffic stops for external analysis. A second bill was passed in 2004 (the Racial Profiling Prevention Act of 2004; Rhode Island General Laws, Section 31-21.2) affirming the ban on racial profiling, extending the time for traffic stop data collection, and adding provisions to strengthen prohibitions against racially biased enforcement.¹

Legislative changes and media attention necessitated that the PPD develop strategies to reduce racial profiling and restore public confidence. One of its first steps was to change organizational leadership by appointing a new police chief in January 2003. The city conducted a national search to bring in a new police chief from outside the organization. The chief was tasked with making necessary staffing changes and instituting new policies to address the allegations of racial profiling being launched against the department (Milkovitz 2004). The new chief instituted a number of new changes including developing a “no tolerance” policy for racial profiling and disciplining officers who engage in racially disparate enforcement practices.

The Current Study

In this study, we use traffic stop data from 2001 to 2005 for the PPD to examine the effect of environmental pressures as generated by the media, new state legislation, and change in organizational leadership in reducing racial disparities in discretionary searches. Specifically, we ask whether media reporting, legislation for monitoring police enforcement practices, and a change in police leadership influence racial disparities in police searches.

We focus on searches pursuant to traffic stops because they are among the most problematic aspects of racially disparate traffic enforcement. Such searches transform a routine traffic stop into an accusation of suspicion of criminal activity. In particular, minority motorists perceive traffic stops that result in discretionary

searches as simply pretexts justifying the searches and related harassment (Harris 2002). Citizens are generally willing to accept citations resulting from traffic stops as justifiable. However, the response to searches is less accepting because they are more invasive and have serious consequences for motorists.

Data and Methodology

Data and sample

As required by the Traffic Stop Statistics Act, between 2001 and 2005 police officers in Providence, Rhode Island, collected information on 38,437 individual traffic stops including the date, time, and location of the stop; reason for the stop; driver's age, gender, and race; and whether a search was conducted, its legal basis, and its outcome. Motorists' age and gender are obtained from drivers' licenses. Race is reported by the officer based on his or her own perception. Law enforcement officers recorded information on standardized traffic stop cards collected at the end of each month. Data were cleaned and prepared at Northeastern University. The PPD is one of thirty-eight agencies collecting traffic stop data in Rhode Island. We focus on this agency because it is the largest municipal department in the state, and Providence is where the majority of concerns about racial profiling have surfaced. We limit the analyses to cases involving discretionary searches because they are most vulnerable to accusations of racial profiling.²

Measures

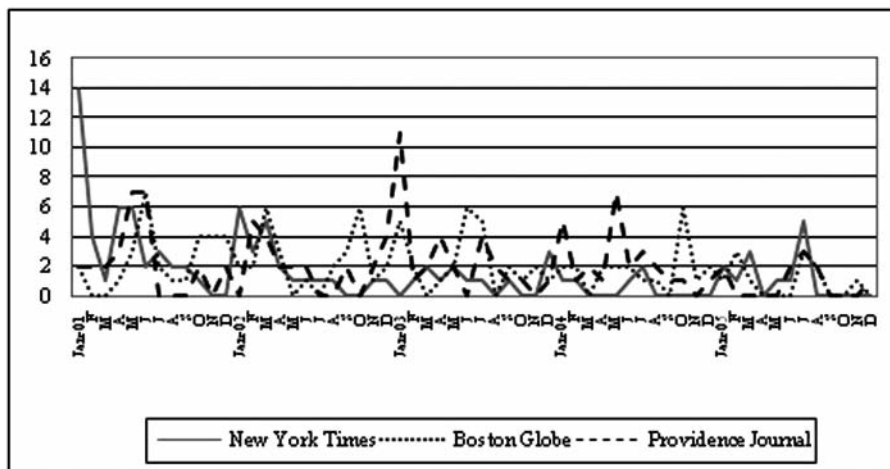
Dependent Variable

Racial disparity in police searches is measured as the ratio of the percentage of black drivers who are searched out of those who are stopped and cited relative to the percentage of white drivers who are searched out of those who are stopped and cited. This ratio is calculated for each month of 2001 to 2005. Citations are used as the denominator because doing so assumes no racial bias in the decision making on the part of the officer (Smith et al. 2003). That is, there must be a clear and identifiable violation prior to the officer's issuing the citation.

Independent Variables

Media. The first explanatory variable is a media measure. This variable captures the number of news stories generated by the *New York Times*, the *Boston Globe*, and the *Providence Journal* in each month. We use these media sources because they represent the largest and most widely read newspapers in Rhode Island. To ascertain the number of relevant stories, we conducted a Lexis-Nexis search using the terms "racial profiling," "racially biased policing," and "driving while black." Stories were reviewed for their relevance to the topic of racial

FIGURE 1



NOTE: Number of articles published about racial profiling per month (2001-2005).

profiling, and the total number of stories for each outlet was tabulated for each month. The counts for each paper were combined into a factor score (eigenvalue = 1.694). Figure 1 illustrates the number of articles about racial profiling from each outlet per month.

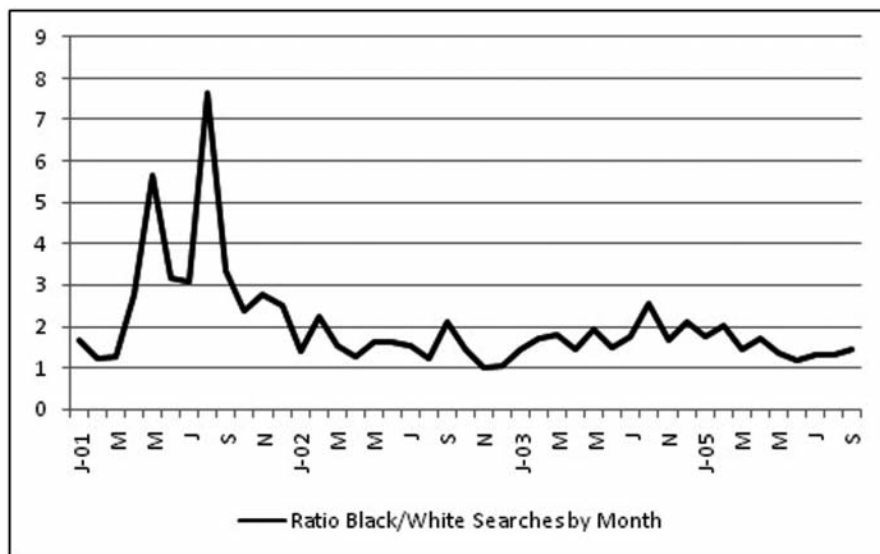
New legislation. The second explanatory variable represents the passage of traffic stop legislation in Rhode Island. Although two laws were passed, the 2004 Racial Profiling Prevention Act placed greater accountability on officers than the 2000 legislation. Therefore, we use the enactment of the 2004 law as our legislative measure. It is coded as 0 from the beginning of the study period thru the passage of the legislation and 1 thereafter.

New police chief. The final measure reflects the organizational leadership change in the PPD that occurred during the period of increased allegations of racially biased policing. In January 2003, the city hired a new police chief with the primary mission of restoring public confidence in the police and reducing concerns about racial profiling. The variable is coded as 0 for all months before January 2003 and 1 thereafter.

Analytic strategy

We use time-series analysis to model the racial disparities in searches and to test and correct for the autocorrelation that often exists when data are ordered by time. If substantial autocorrelation is present, the standard errors are biased, which

FIGURE 2



NOTE: Ratio of Black to White drivers stopped by police (2001-2005).

affects significance tests. To test whether autocorrelation is a problem in our data, the Durbin Watson statistic was examined, and significant positive autocorrelation was found. Using the Prais-Winsten estimator, the standard errors are reweighted, which corrects for the autocorrelation. Moreover, because it is unlikely that the explanatory variables have contemporaneous effects on racial disparity in searches, each of the variables is measured with a lag of five months ($t-5$).³

Results

Figure 2 illustrates the ratio of black drivers who were stopped by the police and subjected to a discretionary search compared to white drivers searched by month (calculated as percentage black drivers searched divided by percentage white drivers searched). Larger ratios represent greater disparities between black and white search rates. In the first year of the study, black drivers were between two and seven times more likely than white drivers to be searched. Over time, the disparity between black and white drivers decreased and then leveled off. To understand why the decrease occurred, a series of multivariate models are developed. The models assess the combined effects of the media, new legislation, and changes in organizational leadership on racial disparity in searches.

TABLE 1
TIME-SERIES ANALYSIS OF RACIAL DISPARITY IN SEARCHES, 2001-2005

	Model 1	Model 2	Model 3
Media _(t-5)	-0.475° (0.309)	-0.794** (0.318)	-0.825** (0.325)
Legislation _(t-5)		-1.874** (0.879)	-1.544 (1.018)
New police chief _(t-5)			-0.479° (0.734)
R ²	.122	.321	.345

NOTE: Standard errors reported in parentheses.

° $p \leq .05$. ** $p \leq .01$.

Table 1 presents a series of multivariate models examining the relative influence of the media, legislation, and organizational changes on racial disparities in police searches from 2001 to 2005. Model 1 includes only the media measure, as it was one of the most important avenues through which racial profiling became a part of the national dialogue. The results suggest that the media ($b = -.475$) has a significant negative effect on race disparities in searches. Searches are significantly lower in periods following greater media coverage of racial profiling. This finding is consistent with the contention that the external environment can have profound effects on officer behavior. It is also supportive of prior research showing that police weakened their enforcement particularly among black drivers after the media brought increased attention to alleged racially disparate policing practices (Mas 2006; Prendergast 2001).

Model 2 adds the 2004 racial profiling legislation variable to the model. The results show that this factor also significantly reduces racial disparities in searches. This suggests that when the Rhode Island Legislature increased police accountability and penalties for unfairly targeting black drivers, officers changed their search practices, reducing the disproportionate application of discretionary searches of black drivers relative to white drivers. Even taking into account this legislative action, the media effect remains significant and is even stronger than in model 1.

Model 3 incorporates the effect for change in organizational leadership. The results show that the swearing in of a new police chief led to significant reductions in racial disparities in searches. This appointment was one of the most significant organizational changes that occurred in the PPD. The new chief was appointed after several allegations of racial profiling were launched against the department. When this organizational change measure is included, the legislation effect is negative but no longer significant. Thus, racial disparities in searches continued to decline after the legislation, but they were not significantly lower than their levels before the new police chief was appointed. The media effect remains significant and is similar in size to its influence in model 2.

In sum, the results presented here provide some baseline evidence that police organizations are responsive to the external environment. When monitoring in

the form of media attention is coupled with increased administrative accountability, the scrutiny that is generated apparently yields more equitable law enforcement.

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Discussion and Conclusion

In recent years, scholars have sought to closely examine enforcement practices such as traffic stops that may lead to racial disparities in the administration of justice. Concern about racial profiling grew in the wake of public accounts of unwarranted treatment of minority citizens during routine traffic stops. While prior studies have examined racially disparate traffic stop and search practices, to date few have explored how environmental influences change officers' patterns of differential enforcement. The present study examined this issue by exploring whether media coverage, new legislation, and change in organizational leadership influence race disparities in searches.

The results demonstrate that pressure from the media and changes in police leadership significantly influence officer behavior in Providence, Rhode Island, in such a way as to reduce racial inequality in aggressive enforcement practices (see also Mas 2006; Prendergast 2001). Although police agencies, and to a lesser degree police officers, are often thought of as independent, our findings suggest that they can and do make changes in response to public pressure and directives of the highest-ranking police official.

This study is an important and relevant first step toward understanding how factors internal and external to a police agency can promote changes in racially disparate enforcement practices. A number of factors, however, limit the conclusions we can draw. First, the present analyses focus on the experiences of only one metropolitan police agency, which may not be representative of police departments around the country. Second, the relationship between media coverage and police

agency response may be more complex than examined here. For example, increased media attention to the issue of racial profiling may actually prompt legislative and organizational responses. When civil rights issues including racial profiling become salient in news coverage, public officials may be less likely to leave matters of how to handle the problem to officer discretion and become more precise in their directions and sanctions regarding expected responses (Gormley and Balla 2004). Thus, increased media attention may lead legislators and policy makers to enact more restrictive laws and to push for organizational changes in leadership. Future research is necessary to untangle these issues of causal order in the influences of broad environmental factors on the disparate treatment of citizens by law enforcement officials.

As the most frequent form of contact that criminal justice officials have with the citizenry, police interactions with community members during routine traffic stops that are (or are perceived to be) biased have the potential to significantly harm community perceptions of police legitimacy. When citizens perceive police as biased or disrespectful, they are less likely to trust them (Tyler 2004), less compliant with their requests (McCluskey 2003), and less willing to engage with law enforcement to reduce crime. The results reported above suggest that public scrutiny through the media and administrative commitment to fairness may be important first steps in reducing biased behavior in traffic stop enforcement and, therefore, in public perceptions of police bias. This, in turn, should foster greater perceived police legitimacy.

Notes

1. The changes included (1) provisions for individuals who believed they were victims of racial profiling to file for civil damages against a police agency or individual officer; (2) prohibition on the use of consent searches when a motor vehicle was stopped solely for traffic violations; (3) prohibitions on the detention of an automobile or its passengers beyond the time needed to address the traffic violation, unless there was probable cause or reasonable suspicion of criminal activity; and (4) requirement that all state and municipal law enforcement agencies report the steps taken to reduce racial profiling in their agency to select state agencies for review.

2. Discretionary searches exclude those searches incident to a lawful arrest, because if there is sufficient evidence to arrest, the search is considered routine practice. Racial disparity in searches is not by itself a definitive measure of racial profiling. There are numerous potentially legitimate explanations for racial differences in search rates such as differences in offending (see Engel 2008; Warren et al. 2006). Racial differences in searches have been used to understand the relationship between race and differential levels of police suspicion.

3. A five-month lag time was used since data from the Traffic Stop Statistics Act were released sixty days following the end of each quarter of data collection. This lag allows time for the data to be collected, the reports to be released, and news media or other responses to the data to take effect.

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