

Pulled over: how police stops define race and citizenship

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of how gender impacts the decision-making process of women drug traffickers in other parts of the world.

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Epp, Charles R., Steven Maynard-Moody & Donald Haider-Markel 2014. *Pulled over: how police stops define race and citizenship*. Chicago: University of Chicago Press. ISBN-13 978-0-226-11399-9. pp. 272, \$25.00, pbk, \$75.00 cloth.

Epp, Maynard-Moody, and Haider-Markel's *Pulled Over* is a timely and captivating book. Central to their argument is that there is a fundamental difference between investigatory stops and traffic stops. The latter follow serious traffic violations, such as suspicion of driving under the influence, running a red light, or speeding in excess of 7 mph over the limit. In contrast, the former are those stops for minor traffic violations (e.g. failure to signal when changing lanes, expired license tag, speeding less than 7 mph over the limit) which are merely used as a pretext to search for contraband in hopes of making an arrest. If the reader is willing to accept this distinction, the remainder of the book is intriguing. Here I will hone in on what I view as the three major takeaways of the book.

First, the use of investigatory stops is an *institutionalized* practice in policing. After a brief disappearance during the 1970s in the wake of the Civil Rights Movement, the investigatory stop regained prominence with the Broken Windows movement in the 1980s and remains touted as one of the best crime-fighting tools available to the police (endorsed by empirical research and professional organizations such as the International Association of Chiefs of Police). After all, the more people the police stop and search, the greater their chances of finding evidence of criminal behavior. In this vein, police officers are trained from day one to use stops as a way to search for evidence of more serious criminal activity. In fact, the DEA's "Operation Pipeline" trained officers on how to use drug-courier profiles to select citizens for investigatory stops by relying on training films that depicted minority citizens as more likely to be carrying drugs. Similarly, Charles Remsberg's *Tactics of Criminal Patrol*, used by agencies all across the nation, provides a detailed outline of how officers should use the investigatory stop to maximize contacts and "explore the full arrest potential of each." And throughout their careers, officers are rewarded for their productivity, often measured by the number of arrests or "big busts" they make. The problem with this logic, however, is that by casting a wider net the police inevitably stop (and search) more innocent people. Even

more problematic is that—as the title of this book suggests—investigatory stops have a lasting impact on citizens. Most people stopped for investigatory reasons have not committed any serious crimes, yet they drive away feeling like a criminal after being questioned as to why they were in a certain neighborhood, where they were headed, or if they had any contraband in their vehicle. In essence, the citizen leaves the stop feeling like an object of suspicion rather than a citizen with civil rights.

Second, racial disparities in vehicle stops are a product of these investigatory stops. Using a stratified random phone survey of over 2,300 drivers in the Kansas City metropolitan area—and detailed follow-up interviews with a subsample of 35 drivers who had been pulled over in the previous year—the authors demonstrate that (a) black drivers were far more likely to be pulled over than other drivers, and (b) they were disproportionately targeted for investigatory stops. Importantly, driver race did not predict the likelihood of being pulled over for traffic-safety reasons, but it was the strongest predictor of being pulled over for investigatory reasons. This effect held up even while controlling for several other variables including gender, age, vehicle value, amount of time spent driving, tendency to violate traffic laws (e.g. speeding, running red lights), vehicle customization (e.g. tinted windows, custom wheels), and illegal vehicle conditions (e.g. cracked windshield, burned-out taillight). Thus, the authors conclude, how a person *drives* determines the likelihood of being pulled over for traffic-safety reasons, whereas how s/he *looks* determines the likelihood of being pulled over for investigatory reasons. Such bias—whether deliberate or implicit—is detrimental to police-minority relationships. It furthermore contributes to the racial divide in the US: using a two-item dependent variable that measured racial identification, the authors found that white drivers who had experienced an investigatory stop felt less “white,” while black drivers felt more “black.”

The third takeaway is that change is possible and the authors suggest it can start *tomorrow*. They provide three recommendations. First, police leaders should promote a new norm of not stopping drivers or pedestrians without clear evidence of criminal behavior. Professional associations, training academies, and in-service training should echo this sentiment. Second, agencies should create a system of oversight similar to those currently used to regulate use of force. That is, officers should be required to document the reason for their stop and agencies should regularly review these reasons. Criminal records checks should be allowed if and only if the reason for the stop has been reported and recorded. Finally, consent searches should be prohibited. Searches should be based on probable cause and should only be allowed after obtaining approval from a supervisor. Changing the culture of policing in this way may seem far-fetched, but the authors refer back to the once common “fleeing felon” rule (which allowed police to shoot at suspects who ran from them) as evidence that change is possible. This practice contributed to extreme racial disparities in police shootings, but was defended by many as necessary: if the police could not shoot those who run away, wouldn’t every-

one run? Yet, as progressive police leaders began embracing a new “defense of life” standard, and eventually with help from the US Supreme Court decision in *Tennessee v. Garner*, racial disparities in police shootings declined as the police stopped shooting at fleeing suspects. So too can change be initiated with respect to the investigatory stop, according to the authors.

In the end, Epp and his colleagues make a compelling argument that the police should reconsider using the investigatory stop. The return on investment just is not sufficient. *Pulled Over* can be incorporated into criminal justice classes at both the undergraduate and graduate level. It is short (roughly 165 pages of narrative text), the analyses are straightforward, and it is sure to generate spirited classroom discussion. It is simply a must read for anyone with an interest in policing or race and the criminal justice system more broadly.

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