

Op-Ed: Looking Deeper at Racial Profiling

By Jack McDevitt and Lisa Bailey

Boston Globe, August 2, 2003, pg. A19

The recent Globe series on the enforcement of traffic stops has provided a service by documenting some of the costs associated with racial disparities in traffic stops.

Previous media stories have focused on particular cases of individual traffic stops and allegations of bias. The analysis has taken an important step in moving the discussion beyond anecdotes and toward a more systematic analysis of one aspect of the racial profiling discussion: the role race, age, and gender play in the decision to give either warnings or citations to motorists stopped by the police.

The analysis has documented that disparate treatment by law enforcement has significant monetary costs to those who are treated differently. The two most significant costs are the additional expense of receiving a citation rather than a warning and the additional surcharges on the driver's insurance premium.

While such monetary costs are relevant to the discussion of racial profiling, disparate treatment produces more dramatic social costs. Individuals singled out for disproportionate enforcement will experience personal costs in terms of embarrassment and a feeling of being treated as a criminal just because they belong to a particular group. As a consequence, those who are subjected to disparate traffic enforcement may experience a loss of respect and trust in their local police.

This is important as more law enforcement agencies adopt a community policing philosophy that relies on a high level of trust between the police and their community. Individuals who believe they have been singled out for harsher treatment because of their race, ethnicity, or gender will be much less willing to work with the police when asked for their help to solve public safety problems in their community.

There can also be costs associated with studies of racial disparities. Not all racial disparities are the result of profiling; some may be the result of legitimate enforcement practices. If, for example, members of a local neighborhood group from a predominantly African-American neighborhood ask the police to enforce traffic laws strictly because they are concerned about speeding cars and the safety of the youth who live there, the subsequent enforcement actions may disproportionately target African-Americans because they are the most common drivers in that neighborhood.

The disparity might look like racial profiling in the statistics, but it might be a legitimate law enforcement reaction to the traffic safety concerns of a community.

If studies jump to conclusions that are not supported by the data, the costs to the local police agency can be very high. Studies of racial profiling that incorrectly or inaccurately label law enforcement agencies as engaging in racial profiling can seriously damage the reputation of a department and consequently the ability of the agency to serve their community.

The best way that we can assure that all of these potential costs are considered in any racial

profiling study is to include members of the community and members law enforcement as true partners during the analysis of the data.

The Executive Office of Public Safety in Massachusetts has chosen to adopt this community based approach by approving a proposal from Northeastern University's Institute on Race and Justice to employ a task force based approach to studying racial profiling in the Commonwealth.

This task force approach can improve the overall study by allowing law enforcement to offer legitimate explanations for racial, ethnic or gender disparities identified in the analysis and by allowing representatives from the community to inform the study by offering their experiences of what appeared to be disparate treatment at the hands of law enforcement.

Traditionally, social science has not attempted to include community members as partners in their analysis but we at the Institute on Race and Justice believe that this is the best way we can assure that our study will be fair and represent all the nuances involved in the analysis of such a complex phenomenon.

In Massachusetts we have begun a process that will do just this.

We have established a task force and a working group that will meet over the next six months to inform and to provide insight to the analysis being conducted by Northeastern University.

For most communities in Massachusetts the Globe's analysis is the first opportunity for law enforcement to review data on their traffic enforcement practices and the costs these practices place on members of their communities. Across the country most police agencies keep detailed records on crimes that occur in their jurisdiction but keep almost no information on the characteristics of traffic stops conducted by their officers. This is even more surprising in the context of a recent US Department of Justice study that identified traffic stops as the most frequent type of interaction between law enforcement officers and members of their community. A small number of Massachusetts police agencies, including Cambridge, Provincetown, Brookline, Boston and Lowell, have decided to voluntarily collect information on traffic stops so that they could identify any racial, ethnic or gender disparities that exist. It is our hope that all law enforcement agencies will use the information to implement strategies to eliminate any racial, ethnic, or gender biases that are identified in the traffic enforcement practices of their officers.

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