

Introduction

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I was a brand-new assistant professor at the Pennsylvania State University (PSU) in the fall of 1998. Sometime during those first few months, a high-ranking official from the Pennsylvania State Police (PSP) whom I happened to meet casually asked me what I knew about racial profiling. My reply was honest: “Not much.” It was through this chance encounter with a PSP official that my work in racial profiling research began. I suspect that many researchers around the country had similar “chance” meetings and conversations that shaped their research agendas for years to come. Being both curious and eager as I started my career, I began to research what was known about racial profiling. My search did not take very long. I learned that a handful of studies from the mid-1990s were conducted, but there were flaws in the methodology and conclusions generated. I realized that the study of traffic stops was in its infancy and there was still much to learn. I also realized rather quickly that the rich information we had learned from years of studying police behavior somehow was not included in the new discourse of “racial profiling.” Even the use of the new term itself—racial profiling—implied that this was a *new* problem. Yet my years of study in graduate school of the body of research surrounding police behavior indicated otherwise.

I laid out a research plan for the PSP after receiving requests from police officials for information on racial profiling. After presenting this plan at a meeting with the PSP command staff, legal counsel, and political advisers, a PSP adviser took me aside and told me that if I could “figure this out,” there would be requests from police agencies around the country. He described the political and legal complexities of the issues and the dire need for police agencies to better understand and incorporate racial profiling research into their agencies. It was at that meeting that I realized the true enormity of the issues that lie before the research community. I can think of few other topics in criminal justice where researchers have had such an immediate and dramatic impact on practitioners—and ultimately on the treatment of citizens. And so, my colleagues and I went to work. Within just a few short years, racial profiling research exploded in police agencies around the country; and so did the debate among academics, researchers, practitioners, politicians, and citizens. This discourse spanned academic disciplines—law professors, practicing attorneys, criminologists, sociologists, statisticians, and psychologists all entered the mix. As the field expanded, different methodologies, statistical techniques, and conclusions were generated. The

research and conclusions produced were as diverse as the backgrounds of the investigators. All the while, the litigation and politicking surrounding racial profiling continued. Most important, the legitimacy of the police continued to be questioned as citizens demanded equitable treatment.

In 2002 I wrote an article with my colleagues Jennifer Calnon and Thomas Bernard that questioned the underlying context, methodologies, and conclusions of the early research available regarding racial/ethnic differences in police traffic stops. We argued that although issues surrounding racial/ethnic discrimination and bias have long been concerns in field, the collective knowledge we had accumulated in this was not used to frame the more current concerns regarding racial profiling. In contrast to the larger body of research on police decision making, “racial profiling” research was prompted by high-profile litigation, political pressure, widespread public disapproval of policing tactics, and recommendations from social scientists. I have argued that the result was a body of research that generally failed to ask the proper questions, was methodologically weak, and was inappropriately interpreted by social scientists, the media, politicians, and the courts.¹ Why was the study of “racial profiling” so different from the study of the police behavior more generally, which included estimating the impact of race on police decision making?

Part of the difference in the research methods and conclusions generated was due to differences in the perceived behavior itself. The practice of targeting racial minorities for routine traffic and pedestrian stops originated with the war on drugs, whose advocates promoted profiling as an effective policing tactic to detect drug offenders.² The concept of a “drug courier profile” that included race/ethnicity was traced by David Harris to a report produced by the Drug Enforcement Administration (DEA) that concluded that “large scale, interstate trafficking networks controlled by Jamaicans, Haitians, and Black street gangs dominate the manufacture and distribution of crack.”³ In 1986 the DEA established “Operation Pipeline,” a highway drug interdiction program designed to train federal, state, and local law enforcement officials on the indicators of drug trafficking activities of motorists.⁴ One of the alleged indicators of drug trafficking used in the training was the race/ethnicity of the driver.⁵

The perceived legitimacy of these law enforcement tactics, however, was short-lived. The combined effects of successful litigation, pressure from politicians and public interest groups, and widespread media attention surrounding the issue of racial profiling led to a crisis of legitimacy for police departments across the country. In an effort to prove or disprove the practice of racial profiling, the courts responded by requiring the collection of data in police departments facing litigation. The federal government and the social science community supported these data collection efforts.⁶ Police departments responded—and the mass collection of traffic stop data began in earnest within police agencies across the country. But the questions quickly became: What should agencies do with these data? How should they be analyzed? What conclusions could be generated? Most important, citizens wanted to know how this research would lead to an elimination of racial/ethnic bias by police, and specifically the end of racial profiling practices. These were the questions left to the research community. Many of the proposed answers lie within the pages of this book.

Over fifteen years later, the social scientific research in this area has advanced

significantly from the pioneer work that made “racial profiling” part of the American lexicon. Researchers responded by first broadening the inquiry to once again consider the examination of all racial/ethnic bias by the police. The scientific and practitioner communities now refer to “bias-based policing.”⁷ Inquiries span across all type of police-citizen encounters and examine different types of coercive outcomes. In *Race, Ethnicity, and Policing*, it is widely recognized that racial/ethnic bias by police may result in many different outcomes for citizens. Readers are first introduced to the delicate issues surrounding perceptions of race/ethnicity through a reprint from Jerome Skolnick’s 1966 classic book *Justice Without Trial*. It is through his discussion of the symbolic assailant that readers are reminded that the issues surrounding race and policing are not simply the use of profiles to target drug traffickers on interstates. Rather, this field of study must grapple with the intricate nature of all social interactions and better understand how all in society—including police—respond to racial/ethnic groups. The reprint of Skolnick’s work is a vivid reminder that officers’ perceptions of race/ethnicity during their daily work often reflect our own biases. Further, it serves to encourage scholars to consider the issues surrounding “racial profiling” in a much broader context than simply debating a strategy of targeting minorities for purposes of drug interdiction. In addition, scholars have also come to understand that one of the most important considerations of police bias is the impact on citizens’ perceptions of police legitimacy. As Tyler and Fagan remind readers, how citizens are treated during the course of police-citizen encounters is just as important as the outcomes they receive, and this treatment affects citizens’ perceptions of fairness and legitimacy, and ultimately their compliance with the law.

Due to the landmark litigation against the state police in Maryland and New Jersey in the mid-1990s, this field of inquiry has been, for better or worse, inextricably linked to the political arena. In *Race, Ethnicity, and Policing*, the context of the field is provided through the selection and reprint of seminal works by John Lamberth and David Harris. In an original chapter, Delores Jones-Brown and Brian Maule further describe the legal and legislative literature that surrounds these issues.

Chapters also examine the role of race/ethnicity on multiple coercive outcomes, including police stops, searches, arrests, and use of force. While most scholarship examining “racial profiling” has focused exclusively on traffic stops and searches, *Race, Ethnicity, and Policing* expands the field of inquiry to the use of force literature. A classic in the field, James Fyfe’s comparison of police use of deadly force in Memphis and New York had one of the most important and lasting effects in the field of criminal justice. Including this reprint reminds readers that racial/ethnic bias by the police can have deadly consequences. This point is further illustrated by an original contribution by Michael White and Jessica Saunders examining the impact of race/ethnicity on the use of less-lethal force, including electro-muscular disruption devices.

One of the greatest areas of growth and scholarship in bias policing research has been the enhancement of our methodology and statistical analyses. This field of study has evolved considerably over the last fifteen years. In this volume, Greg Ridgeway and John MacDonald meticulously document the journey of our field in search of an accurate comparison group (i.e., benchmark) to better understand levels of racial/ethnic disparities in police-citizen contacts across racial groups. They document the

limitations of different approaches and caution researchers against making interpretations from statistical analyses that are often built on faulty assumptions. In another chapter, Meaghan Paulhamus and her coauthors reconsider some of these data collection and methodological issues. Both contributions remind scholars to be careful and deliberate in their interpretations of statistical analyses. The original research included in this collection does exactly that—for example, I, along with Charles Klahm and Rob Tillyer, remind scholars of the importance of considering previously unmeasured factors in traffic stop research (such as citizens' demeanor) that have been shown repeatedly to affect police behavior in other settings. The reprint of work produced by Patricia Warren and her colleagues further demonstrates the importance of using sophisticated statistical analyses balanced with careful consideration of the implication of those analyses. Using a different approach, Rod Brunson demonstrates the importance of incorporating qualitative methods into our investigations of bias policing. Compare this approach to the use of geographic information systems and spatial analyses demonstrated by Matt Nobles and it is obvious that the understanding of the impact of race/ethnicity on police behavior must take multiple forms and analytical methods.

Scholars are also turning their attention to ecological contexts in addition to their focus on individual police-citizen encounters. Ronald Weitzer convincingly describes the importance of the recent trend to consider neighborhood context. Likewise, Karen Parker and her colleagues describe how search rates differ across communities, while Fagan and his coauthors revisit pedestrian stops in New York City within a community context. It is obvious that the initial studies of racial profiling that examined a few miles of interstate patrolled by Maryland state troopers have evolved into a much larger focus on how and why place matters. The push to consider community context—particularly for pedestrian stops—has become a revitalized area of interest in this field.

Further, the importance of considering the impact that bias policing has on racial groups other than Blacks is noted. For example, in this collection Ramiro Martínez directs our attention to the understudied impact of police on Latinos and immigrants. Additional pieces by Brian Stults and his colleagues, along with Karen Parker and her colleagues, consider Hispanic disparities in coercive outcomes during police-citizen encounters. Likewise Stephen Rice and William Parkin describe potential issues that surround the policing of Muslim Americans.

Finally, a handful of scholars in the field have stepped back from this type of detailed research and asked the broader, important, and often neglected questions. For example, Michael White describes the issues that surround police accountability and the difficulty with changing racially biased behaviors. Matthew Hickman further challenges the hypocrisy of the notion of democratic policing in the United States, calling for a greater understanding of citizens' perceptions of fairness and legitimacy of police. Finally, *Race, Ethnicity, and Policing* concludes with a thought-provoking chapter in which Bernard Harcourt asks readers to consider whether the systematic targeting of particular offenders—regardless of their race/ethnicity—is an effective and legitimate policing technique. Harcourt essentially challenges the bases for the use of actuarial methods across the entire criminal justice system.

From the comprehensive detailing of specific methodologies and statistical approaches to the global assessments of what democratic policing “should be,” the collection of work compiled in *Race, Ethnicity, and Policing* gives readers an overview of the myriad concerns generated in this field of study. I know of no other work that brings these pieces together more succinctly. The majority of the chapters represent original pieces from authors at the forefront of study in bias policing; these pieces are skillfully interwoven with reprints from seminal works. This book is unique in that all aspects of police bias are considered, and through its pages the history of the field of study unfolds. Readers will find the pioneer work, the search for the ever-elusive comparison “benchmark,” and the latest statistical advances in the area.

Equitable treatment of citizens across racial/ethnic groups by police is one of the most critical components of a successful democracy. It is only when agents of the state are viewed as efficient, effective, and *legitimate* that citizens will comply with the laws that govern their society. Our communities have too often experienced the damage and utter destruction that has accompanied racial/ethnic bias (or perceived bias) by police. There are significant challenges facing law enforcement officials in their efforts to provide unbiased police services, and the research community has a central role to play in assisting police officials to overcome these challenges. The issues surrounding the study of racial/ethnic bias by the police are plentiful. In *Race, Ethnicity, and Policing*, readers are guided by the editors through the complexity of these issues, the ecological and political contexts that surround these issues, and the groundwork laid for future discussions.

Based on my review of the work included in this book, I have been given the opportunity to reflect back to my chance meeting with that PSP official, and his encouragement for me to “figure it out.” While I can say that I know a lot more about race and policing than I did over a decade ago, I still have more questions than answers. The latest perplexing issue that I am examining is why Hispanic motorists across the country are more likely to be searched, but less likely to be found in possession of contraband compared to Whites. Some have indicated that the answer is obvious—police bias. I still search for the not-so-obvious answers. Is it possible that officers across the country, with different training, different policies, different supervisors, all have the same bias? Possibly. But are there other explanations that must be explored? Definitely. And so my quest to “figure it out” continues.

What I have learned from my peers working in this area is profound. Collectively, the field of study surrounding police bias has advanced considerably. An important sampling of that knowledge from multiple perspectives and academic disciplines is included in the pages before you. I have read these pages with interest and curiosity. It is only through a continual reflection of what we know that we can be led in new directions. The research and discussions within *Race, Ethnicity, and Policing* will provide researchers, students, and practitioners with that guidance. There is no other collection currently available that is as comprehensive and introspective. The body of work that lies before you in this book is quite impressive and very encouraging. Perhaps one day I will be able to say that our field has “figured it out” and that we can reliably measure, predict, and reduce racially biased policing practices. Without doubt, the work included in *Race, Ethnicity, and Policing* moves us closer to this goal.

NOTES

1. See Engel, Calnon & Bernard, 2002; Smith & Alpert, 2002; Tillyer, Engel & Wooldredge, 2008.
2. Harris, 2002; Tonry, 1995.
3. Harris, 1999.
4. GAO, 2000.
5. ACLU, 1999; Harris, 2002.
6. GAO, 2000; Ramirez, McDevitt & Farrell, 2000.
7. Fridell et al., 2001.

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Overview

Stephen K. Rice and Michael D. White

Information is readily available to us. Where shall wisdom be found?

Irrespective of limitations in the perspectives employed in extant scholarship (e.g., criminological, legalistic, economic), methodological shortcomings in assessing police profiling and bias (e.g., determining benchmarks, or “denominators”), or arguments regarding the appropriate framing of deeply felt cultural subtexts (e.g., Amadou Diallo, the Jena Six, Sean Bell, Abner Louima, Henry Louis Gates Jr., Genarlow Wilson, Jean Charles de Menezes, FBI interviews of Muslim Americans, the depiction of undocumented immigrants as criminal aliens), at day’s end the study of race, ethnicity, and policing centers on whether police tend to respond to ascribed characteristics, to situations, or to a combination thereof as they do their jobs. This determination is critical to understanding the “social location” of police and the conditions under which the public choose to defer to, or to defy, authority.

Race, Ethnicity, and Policing: New and Essential Readings is structured to provide the reader with requisite knowledge in four areas that are critical to answering these questions. First, “The Context” provides an overview of key propositions from criminology, social psychology, sociology, and the law that are important in understanding possible typifications (categorizations) of “symbolic assailants” by police, how race and ethnicity are more nuanced than their treatment in most existing scholarship, how perceived procedural justice shapes public support for police and the effective rule of law, how early questions about “driving while black” and “driving while brown” entered the public lexicon, and how courts and legislatures have responded to claims of racial and ethnic bias in policing. Second, “The Methods” introduces the reader to the major techniques that have been utilized in the study of race/ethnicity, bias, and policing (i.e., quantitative, qualitative, visual) and provides an overview of current measurement and analysis controversies and recommendations for ways forward. Third, “The Research” immerses the reader in empirical scholarship spanning the methodological (e.g., the need for multiple data sources at multiple levels of analysis), the definitional (e.g., expanding conceptions of race/ethnicity beyond black and white toward intra-ethnic, intra-racial continua), and the behavioral (e.g., broadening the range of police activities that warrant examination). Finally, “The Future”

outlines areas of inquiry that have remained largely untapped—topics such as the role of spatial dynamics and neighborhood characteristics on stop rates; calls for a greater focus on the experiences of Latinos, Muslim Americans, and other understudied populations; the potential role for randomness (versus actuarialism) in police decision making; and the importance for police departments and researchers to better explicate accountability and the democratic ideal in policing.

In total, we are hopeful that *Race, Ethnicity, and Policing: New and Essential Readings* will afford a more holistic approach to the study of race, ethnicity, and policing—an approach that accounts for what we know about effective and ethical policing, is grounded in empiricism and forward-edge methodologies, and affords a humanist sensibility in understanding the contemplations of those who perceive injustice in their interactions with agents of social control.

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Epigraph: Harold Bloom, *How to read and why* (New York: Scribner, 2000).