

FACTORS THAT INFLUENCE PERCEPTIONS OF RACIAL PROFILING DURING  
POLICE/MOTORIST INTERACTIONS

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## ABSTRACT

### FACTORS THAT INFLUENCE PERCEPTIONS OF RACIAL PROFILING DURING POLICE/MOTORIST INTERACTIONS

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Most racial profiling studies are quantitative and rely on benchmarking and outcome tests. Several studies have focused on citizens' beliefs about the prevalence of racial profiling and their opinions regarding racial profiling. At this time, no research identifies the factors within a particular police/motorist encounter that lead an individual to define that encounter as racial profiling. To remedy this gap, I conducted a case study of racial profiling using focus groups to identify and discuss factors that may matter during a police/motorist interaction. The findings indicate that there are five factors that influence perceptions of racial profiling: context of the stop, the reason cited for the stop, whether a search is justified, the questions asked, and an officer's behavior and demeanor.

## CHAPTER I

### INTRODUCTION

Profiling developed as a law enforcement tool used to identify murderers and rapists (Turvey, 2008), but in the 1970s federal law enforcement agents began using profiles to help identify potential drug carriers at airports throughout the nation (Harris, 1999). As a result of the “war on drugs,” the practice extended to the states and local law enforcement where the technique developed racial characteristics (Harris, 1999; Webb, 1999). By the 1990s, “Driving While Black” became a common phrase to describe the selective traffic enforcement that Blacks experience (Gates, 1995). However, accusations of racial profiling have found little redress with the Supreme Court as a Fourth Amendment violation, and the burden of proving racial profiling is placed on the citizen (Allen–Bell, 1997).

Since the 1990s, researchers have studied the racial profiling phenomenon. However, empirical studies of racial profiling have produced mixed results. Some researchers claim that we lack a proper and consistent definition of racial profiling (Withrow, 2006), and that our methodology for identifying racial profiling is flawed and

fragmented (McDevitt, 2009; Piquero, 2009). Still others claim that we cannot identify racial profiling without measuring an officer's intention (Holbert & Rose, 2004). What empirical evidence there is and what steps are taken to prevent racial profiling provide little solace to those who feel disproportionately affected by racial profiling.

Despite the research conducted in the area of racial profiling, a void in the research remains. The research lacks a thorough understanding of racial profiling from the perspective of minority individuals. Often, profiling claims are disregarded as "playing the race card" or racial paranoia. However, this perspective discounts and over simplifies racial profiling claims. In order to better understand the racial profiling phenomenon and accusations of racial profiling, it is necessary to explore minority perspectives, as well.

Racial profiling research consists primarily of quantitative studies focused on comparing police stop data or search data to estimates of the racial/ethnic proportions within the population at risk of being stopped or searched. In other words the focus is on comparing who gets stopped with who should get stopped. The purpose of these racial profiling studies is to determine whether or not accusations of racial profiling are justified and attempting to analyze officer decision making in traffic stop situations (Lange et al., 2005; Petrocelli et al., 2003; Schafer et al., 2006; Smith & Petrocelli, 2001). No research has yet tapped into the factors that define a given situation as racial profiling.

At the heart of my study is how by-the-book police practices can appear fair and warranted to some groups and discriminatory and abusive to others. This is an issue that law enforcement and the public must contend with and that this study hopes to clarify. To do this we must account for how perceptions drive interpretations. This study is

concerned with perceptions of an incident as racial profiling or not from the perspectives of Blacks and Hispanics. To achieve this end I conducted a case study of perceptions of racial profiling and focus groups to obtain individual perspectives on racial profiling. With this study I seek to remedy a gap in the racial profiling literature by focusing solely on what *defines* a given situation as racial profiling from the motorists perspective. When presented with objective facts relating to a public incident, what factors appear to influence an individual's perception of the incident as racial profiling?

Chapter II of this dissertation brings the reader up to date on the racial profiling controversy by recapping the tenuous relationship between police and minority communities and explaining how profiling emerged as a crime-fighting tool. In this chapter I also explain pretext stops, the US Supreme Court's response to racial profiling claims, and how researchers are attempting to prove or disprove racial profiling by police. Chapter II also explores racial profiling in other areas of American life and provides a glimpse into accusations of racial profiling from a minority perspective. In Chapter III, I address the methodology for this qualitative study. Chapter IV presents the findings that emerged from focus group discussions and individual interviews. In Chapter V, I conclude my dissertation with a discussion of the findings, implications, and limitations.

It is important at this time to address terminology relevant to my dissertation. While most researchers use the term African-American, I opt to use the term Black for several reasons. First, though some researchers use the terms interchangeably, these demographic descriptors are very different. African-American signifies the respondent is an American of African decent. This term would also include African born Americans

who are White. Second, this study was not limited to respondents who share an African-American ancestry, so to label all participants as African-American discounts for example, participants of Hispanic decent who are also Black. Third, if an officer is racially profiling motorists it is doubtful the officer will be able to determine, visually, if the motorist is African-American or any other ethnicity presenting a black phenotype. As a result Black motorists that are not African-American may be just as likely to be stopped as black African-American motorists. I use the term African-American only when it is the primary term used in another study in order to honor these researchers' knowledge of the participants in their studies.

## CHAPTER II

### LITERATURE REVIEW

Presented here is literature relevant to the racial profiling controversy. An historical account of the relationship between Black communities and police is necessary to understand accusations of racial profiling. Of particular importance is learning how profiles evolved to have a racial component and how that has added to the already strained relationship between Blacks and the police. Outlined here is also the Supreme Courts' response to racial profiling claims and the role researcher's play in measuring racial profiling. This section ends with a discussion of the importance of perceptions in addressing the racial profiling controversy.

#### **Origins of the Racial Profiling Controversy**

The tenuous relationship between police and Black communities is long standing, developing from a historical practice of labeling Blacks criminals (Gabbidon, 2001; Higginbotham, 1980). This practice, some argue, has created an irrational fear of Blacks, in particular Black males (Gabbidon, 2001). From the slave patrols of the south to segregation and the atrocities of the civil rights era, repeatedly police have been enforcers

of oppressive laws and violence against Blacks (Higginbotham, 1980). Some argue the oppression of Blacks continues through the practice of racial profiling.

In the late 1600s constables in Philadelphia were instructed to collect any Blacks in public not engaged in work for their owner and without written permission from their slaveholder (Higginbotham, 1980). In the Carolinas and Virginia, during the slave patrols of the 1700s, patrollers searched Black homes, without warrant, for concealed weapons or contraband (Haddin, 2003; Maclin, 1998). Weapons, contraband, food, or any other possessions merely suspected of being stolen were also confiscated (Maclin, 1998). At the same time in Virginia, Blacks suspected of sedition, Blacks that aroused suspicion, or Blacks found away from their owner's property without written permission were arrested (Maclin, 1998). After emancipation Jim Crow laws kept Blacks segregated; however, even after separate but equal was over turned in 1954, police continued to facilitate segregation (Withrow, 2006).

As some suggest, police officers have been an agent for the ruling class—protecting its interests, and maintaining the status quo (Petrocelli, Piquero, & Smith, 2003). Others describe this as a form of Black colonization, whereby Whites relegate Blacks to a lower caste, thus ensuring a social system that reserves status and privilege for themselves (Gabbidon, 2001). Whatever the reason, police and Black communities are at odds, and racial profiling is just another development in a historically long line of injustices buttressed, if not perpetrated, by police.

The current friction between law enforcement, Black communities, and more recently Hispanic communities, has to do with the alleged use of profiling developed to aid law enforcement in identifying drug couriers. Over the years, police have used

profiling to identify hijackers, airport drug couriers, and drug couriers on America's highways. In the process however, profiling has lost much of its empirical basis. Instead, profiles developed from the hunches and sixth senses of individual police officers at local, state, and federal agencies.

### **The Emergence of Profiles and Profiling**

We know profiling by many names. Behavioral profiling, crime scene profiling, criminal personality profiling, offender profiling, psychological profiling, criminal investigative analysis, and criminal profiling are just some of the more common names for this investigative technique (Egger, 1999; Turvey, 2008). Profiling is the inspiration for television shows and movies, and it draws countless students to the field of criminal justice.

Popular television shows like *Criminal Minds* create an air of mysticism around profiling, often alluding to a supernatural or psychic component to the method (Egger, 1998). In sharp contrast profiles are grounded in psychological research and experience. Profiling is a technique developed by psychologists that is used to infer behavioral and psychological characteristics about a criminal through the crimes they have committed (Egger, 1999; Turvey, 2008). Profiles can assist investigators by answering questions like "What happened at the crime scene?" or "What type of person is most likely to have committed the crime?" and "What are the most likely personality characteristics of such an individual?" (Egger, 1998, p. 243). Profiles have proven themselves to be great tools for law enforcement helping them identify some of the 21st century's most heinous criminals.



Profiles were used as far back as World War II when psychiatrist Dr. W. C. Langer was commissioned by the Office of Strategic Services to develop a psychological profile of Hitler (Egger, 1998). Langer's profile included the decisions that Hitler would make and even predicted Hitler's suicide upon defeat (Egger, 1998).

In 1957, the New York City Police Department brought in Dr. James Brussel to develop a profile of the "Mad Bomber," George Metesky (Egger, 1998). Brussel's profile was accurate and provided details including who Metesky would likely be living with and what he would be wearing when caught (Egger, 1998). In 1964, Brussel also developed a profile that ultimately helped the Boston Police Department identify Albert DeSalvo, also known as the "Boston Strangler" (Egger, 1998). Brussel's profiles were based on his experience as a psychologist. By comparing the criminal behavior in question "to his own experiences with the behavior of patients who shared similar disorders," Brussel was able to develop profiles for the "Mad Bomber" and the "Boston Strangler" (Turvey, 2008, p. 32).

Although profiles had gained some notoriety among the law enforcement community, it was not until the Federal Bureau of Investigation developed their own approach to criminal profiling that the technique gained national and international attention (Egger, 1998). Howard Teten is credited with developing the approach to criminal profiling which most of us are familiar with today. In the 1970s, Teten taught criminal profiling techniques to agents at the Federal Bureau of Investigation National Academy (Turvey, 2008). Shortly after, the Bureau began developing profiles formally (Egger, 1998). In 1972, the FBI's Behavioral Science Unit (BSU) was created, and by 1978, a formal Psychological Profiling Program was created in the Behavioral Science

Unit at the FBI Academy in Quantico, Virginia (Egger, 1998). The FBI received federal grant funding allowing them the opportunity to “interview 36 convicted sexual murderers representing solo, serial, and mass murderers,” expanding the team’s profiling capabilities (Egger, 1998, p. 245). According to Egger:

This research resulted in classification of offenders according to whether they are organized or disorganized. The organized offenders plan their crimes, display behavioral control at the scene of the crime, leave few or no clues, and select or target strangers. The disorganized offenders do not plan their crimes, and their crime scenes show evidence of haphazard behavior. (p. 246)

Since then, Teten’s criminal profiles were adopted and morphed to serve the interests of federal, state, and local law enforcement. Today, racial profiling is a far departure from the criminal profiling technique Teten and his predecessors developed. Profiling until the 1960s and 1970s was reactionary, developed only after a crime was committed and based on specific aspects of the crime (Withrow, 2006). The role of profiles changed in response to airplane hijackers in the 1960s and again in the 1970s to fight the drug trade. Rather than infer information about the offender from the crime itself, profiles would be used to predict a person’s likelihood of being involved in a crime.

**Profiling in the 1960s.** At one time in American travel history a person could purchase an airplane ticket and board a plane without partially disrobing, passing through a metal detector, being subjected to an x-ray device, or becoming intimate with a Transportation Security Agent. However, between 1960 and 1968 there were 18 skyjackings of American airplanes, forcing major airports to increase their security and

find innovative ways of preventing any further hijackings (Holbert & Rose, 2004).

Withrow (2006) explains that profiles were developed “in an effort to equip airport security personnel with the tools necessary to identify potential hijackers,” as such “an extensive series of psychological, sociological, and statistical analyses were conducted” to differentiate hijackers from other ordinary air travelers (p. 15).

**Profiling in the 1970s.** In the late 1970s and early 1980s, the DEA tweaked the profiles used at airports to identify airplane passengers transporting narcotics (Harris, 2002). Under the DEA’s airport interdiction program, DEA agents John Marcello, Paul Markonni, and others developed a list of characteristics that would help agents identify illegal drug couriers traveling through America’s airports (Harris, 2002). Cole (1999) compiled a list of 47 traits federal agents have asserted as parts of a drug-courier profile. Gumbhir (2007) compiled the traits into eight categories (arrival time, order of deplaning, ticket purchase, luggage, travel companions, dress, conduct, and post-arrival travel) and suggested federal agents focus on:

- Passengers who arrive late in the evening, early in the morning, or in the afternoon.
- Passengers first to deplane, last to deplane, or somewhere in the middle.
- Passengers, who purchase coach tickets, first class tickets, one-way tickets, or round trip tickets.
- Passengers who with no luggage and those who carry small bags, medium bags, two heavy suitcases, or four pieces of luggage.
- Passengers who travel alone or with a companion.
- Passengers who wear expensive clothes and jewelry or dress casually.
- Passengers, who act too calm or too nervous, make eye contact with an officer, walk quickly, slowly, or aimlessly through the airport.
- Passengers who leave the airport by taxi, limousine, private car, or hotel courtesy van.

Immediately, it becomes apparent that the list was not intended to discriminate between drug couriers and average travelers (Cole, 1999). The characteristics hardly helped

identify any specific person; rather the list of characteristics was so broad and vague that any traveler could fit the profile.

In addition to these traits, other profiles included the departure and destination points of the travelers and whether those points were known narcotics distribution centers (Allen–Bell, 1997). Most drug departure points however, were from Latin America, and so countless minorities were subjected to interrogations and searches by the DEA and customs (Holbert & Rose, 2004).

**Profiling in the 1980s.** Up to this point, profiles are largely confined to airports. The 1980s ushered in a full-blown “war on drugs” that broadened profiling from the airports to American roadways and enlisted the help of state and local law enforcement (Harris, 1999; Holbert & Rose, 2004). Highway drug courier profiles were extensions of the profiles already in use at airports that consisted of features law enforcement had identified as common among drug smugglers (Allen–Bell, 1997; Warren & Tomaskovic-Devey, 2009). The DEA adopted the drug courier profile created by Florida Highway Patrolman, Robert L. Vogel Jr. Because Vogel had no psychological training, he based his profiles on observations made throughout his career (Webb, 1999). Vogel developed a set of characteristics to look for in potential drug couriers on Florida’s highways (Harris, 2002; Webb, 1999). Rather than call them *profiles*, Vogel referred to these characteristics as “cumulative similarities” and included:

The driver’s demeanor, vehicles not registered in the driver’s name, driving overcautiously, things that looked out of place (such as a spare tire in the backseat), use of large late model car or rental car, driving in the

early morning hours, and male drivers and occupants who avoided eye contact. (Harris, 2002, p. 22)

Vogel's aptitude for apprehending drug couriers gained the attention of the DEA who adopted Vogel's profile and used it in their drug interdiction program Operation Pipeline.

Operation Pipeline, a relatively unknown highway drug interdiction program, trained police officers in agencies across the US to use profiles in order to combat the flow of drugs into and across the US (Harris, 1999; Warren & Tomaskovic-Devey, 2009). Operation Pipeline ultimately trained approximately 27,000 officers under 301 police commands in 48 states across the nation (Harris, 1999; Harris, 2002; Webb, 1999). While Vogel's cumulative similarities did not involve race, trainees of Operation Pipeline emerged with a set of racial and ethnic characteristics to focus on (Harris, 2002). The DEA denies that race was the sole factor in the profiles, but rather one of many factors (Harris, 2002). However, trainings conducted by various agencies and the profiles that emerged tell a different story. According to Harris (2002), one New Mexico State Police video "presents several mock traffic stops designed to demonstrate the dos and don'ts of the method. In all of the mock stops, the driver has an Hispanic surname" (p. 48). In a New Jersey training video, "an off-screen voice tells trainees that Jamaicans dominate certain aspects of the drug trade. A picture shows a Black man in informal dress and dreadlocks" (p. 49). Another image displays a well groomed and well-dressed Black man followed by a voice that "admonishes trainees that they should not be fooled; these drug dealers can look like anything at all" (p. 49).

Webb (1999), an investigator for the California Legislature, was sent in to investigate a branch of Operation Pipeline in California, after hearing reports that

California Highway Patrol officers were pulling over Latino motorists, without cause, to search for drugs and weapons. What Webb learned is that the targeting of minority motorists was not confined to California; but in fact the tentacles of Operation Pipeline and the complaints that came with it extended across the U.S. According to officers interviewed, the purpose was to just pull over as many people as possible until they got a hit: “It's sheer numbers,” stated a supervisor, “our guys make a lot of stops. You've got to kiss a lot of frogs before you find a prince” (Webb, 1999). However, of the near 34,000 motorists pulled over by the CHP, only two percent were found to be carrying drugs (Webb, 1999). The blatant disregard for motorists’ privacy rights did not seem to be a source of contention for most officers. One officer claimed to pull people over on a regular basis just to keep in practice (Webb, 1999).

Drug courier profiles gained widespread use but varied by law enforcement agencies and spawned numerous variations on the profile, including racial attributes (Allen–Bell, 1997). According to Allen–Bell (1997), the Virginia State Police Department utilized a drug courier profile that attached suspicion to Black and Latino males driving Florida rental cars northward. The Eagle County sheriff's office in Colorado used a drug courier profile that looked for the presence of fast-food wrappers strewn in the car, out-of-state license plates, and dark skin. Delaware's drug courier profile targeted young minority men driving late model cars and carrying pagers or wearing gold jewelry. The profile also considered the ages of the car and whether it is a rebuilt car with compartments.

In a special report to the ACLU, Harris (1999) discusses how the Task Force on Crime in South Florida established some common drug carrier characteristics on which police should focus. The guidelines cautioned troopers to be suspicious of rental cars,

"scrupulous obedience to traffic laws," and drivers wearing "lots of gold," or who do not "fit the vehicle," and "ethnic groups associated with the drug trade" (para. 21).

Behind these profiles was a belief that minorities are disproportionately involved in the buying, selling, and transportation of drugs (Harris, 1999). Therefore, race should be a component of profiles and represents efficient police practices (Engel, 2008; Gelman & Fagan, 2007; Withrow, 2006). For this reason, many law enforcement professionals justify the use of profiles. Others argue that this is a self-fulfilling prophecy (Harris, 1999; Ramirez, McDevitt, & Farrell, 2000) that perpetuates a vicious cycle (Barlow & Barlow, 2002).

As Harris points out, the premise of racial profiling is that minorities are disproportionately engaged in drug related crimes. Ramirez, McDevitt, and Farrell (2000) point out that, "existing data on the productivity of searches across racial groups suggest that stop-and-search practices have become a game of search and you will find," whereby officers arrest more Blacks not because they are disproportionately involved in crime, but simply because officers are "stopping and searching many more people of color than whites" (p. 11). Whites, on the other hand, are perceived as being less involved in drug crimes. Therefore, they receive less police attention, ultimately allowing White drug dealers and couriers to go unnoticed (Harris, 1999; Harris, 2002). For instance, in 1981 it was estimated that 10 million Americans used cocaine regularly; cocaine generated the highest illicit income and was the number one selling drug with marijuana in second place (Time, 1981). Despite these statistics, law enforcement concentrated their efforts on the sale of crack cocaine, which was predominantly used by Black cocaine users (Harris, 1999; Holbert & Rose, 2004). Public concern and relentless media coverage of the crack

epidemic and drug related gang violence spurred on the creation of law enforcement programs to aggressively tackle street level drug dealing (Harris, 1999; Holbert & Rose, 2004). Harris (1999) explains how programs like “Operation Pressure Point” in New York were “an attempt to rid the predominantly Hispanic Lower East Side of the drug trade” (para. 22). Likewise, “Operation Invincible in Memphis, Operation Clean Sweep in Chicago, Operation Hammer in Los Angeles, and the Red Dog Squad in Atlanta,” targeted “poor, minority, urban neighborhoods where drug dealing tended to be open and easy to detect” (para. 22). Furthermore, reports of the crack epidemic fostered tougher penalties for crack versus powder cocaine, an act that disproportionately incarcerated Black males (Allen–Bell, 1997; Peffley & Hurwitz, 2002; Sampson & Wilson, 1995).

**Profiling in the 1990s.** The use of drug courier profiles on America’s highways produced numerous accounts of innocent Black motorists pulled over for minor traffic infractions, detained, and subsequently searched for drugs. Few words could describe the phenomenon Black motorists were experiencing, other than the phrase “Driving While Black” (Gates, 1995). The 1990s brought the racial profiling issue to the forefront as it gained attention from both the media and organizations like the American Civil Liberties Union and the National Association for the Advancement of Colored People (Harris, 2009; McDevitt, 2009; Warren & Tomaskovic-Devey, 2009). Media attention and pressure from these organizations forced law enforcement agencies to examine their procedures and collect traffic enforcement data in their jurisdictions (McDevitt, 2009; Warren & Tomaskovic-Devey, 2009). In some cases the media attention decreased the number of searches executed on Black motorists and ultimately led to state legislation condemning racial profiling (Harris, 2009; McDevitt, 2009; Warren & Tomaskovic-



Devey, 2009). However, most citizens who believe they have been victims of racial profiling have found little relief in the United States' highest court.

### **Racial Profiling and the Law**

At the heart of the racial profiling controversy is the pretext stop. When an officer pulls over a citizen for a bona fide reason, such as excessive speed or running a red light, that is viewed as a legitimate traffic stop. On the other hand, a pretext stop is the use of a minor, though legitimate, traffic infraction, such as failing to signal while changing lanes or a broken license plate light, to stop a driver for an illegitimate reason. The Fourth Amendment holds that police cannot stop and detain citizens without reasonable suspicion or probable cause. Pretext stops require reasonable suspicion to execute; any further police action requires probable cause (Gamrath & Johnston, 1997). The stop itself is not the source of conflict, but rather the subsequent questioning, search, and/or subsequent arrest of the motorist that is in question (Dillion, 1997). A traffic stop is a relatively minor, intrusive inconvenience that does not violate a motorist's expectation of privacy. A pretext stop, however, "violates a motorist's expectation of privacy by unreasonably expanding the scope of the search into areas in which the motorist has a continued expectation of privacy" (Dillon, 1997, p. 742).

In order to deter police misconduct, without reasonable suspicion or probable cause, any evidence obtained from a pretext stop is inadmissible in court (Gamrath & Johnston, 1997). However, reasonable suspicion and probable cause are not clearly defined either in the Fourth Amendment or by the Supreme Court. The Supreme Court acknowledged this void in *Ornelas v. United States* (1996), stating that, "Articulating precisely what reasonable suspicion and probable cause mean is not possible." Assuming

that officers can cast aside personal prejudices and be objective executors of the law, the Supreme Court gives police officers the benefit of the doubt (Allen–Bell, 1997). Not surprisingly, Supreme Court rulings consistently side with law enforcement on accusations of racial profiling.

Traffic laws provide police sufficient reason to execute a stop. The multitudes of minor traffic rules a motorist can break provide ample reasons for a pretext stop. However, in the course of traveling, it is virtually impossible for any driver *not* to break one of the many traffic laws on the books. Therefore, an officer has only to follow a driver for minutes before they break some minor or obscure traffic law, giving them the probable cause necessary to execute the stop.

**Challenging pretext stops.** The Supreme Court assumes that officers’ intentions are pure when they state the reasonable suspicion or probable cause for a pretext stop (Allen–Bell, 1997). Proof to the contrary is necessary to bring forth any racial profiling claims. However, there is no scientific method for indicating the officers’ motivation was anything other than pure. Therefore, any ruling on the validity of a pretext stop assumes that the officer had valid intentions for stopping the citizen unless proven otherwise (Allen–Bell, 1997).

There are, however, three tests that can be applied to determine the validity of a pretext stop: the subjective test, the objective test, and the “would” test. The subjective test looks at officer motivation for making the stop (Gamrath & Johnston, 1997). Barring the officer stating that the motivation for the stop was something other than the traffic infraction, the subjective test is easily satisfied. The objective test focuses solely on the traffic violation the officer used as reason for the stop and any subsequent action taken

(Gamrath & Johnston, 1997). If the stop could have been made solely on the traffic violation, despite any alternative motivation the officer may have had, then this test is also easily satisfied. The last test is the “would” test. This test asks whether another reasonable officer would have stopped the driver for the traffic infraction cited (Gamrath & Johnston, 1997). For instance, would another reasonable officer pull over a citizen for driving with their license plate bulb out? If yes, then this test is satisfied. If no, then the pretext stop is invalid. The “would” test holds the key to dismissing any crimes that were committed because the officer pulled over the offender for a motivation other than the traffic infraction itself, however, many state courts blend this test with the objective test, creating “a line of cases that confuses the constitutional analysis of pretext stops” (Gamrath & Johnston, 1997, p. 2). Though these tests act as checks for officers’ use of pretext stops, improperly using these tests does little to deter police from executing a pretext stop on improper grounds.

**The Supreme Court’s position on racial profiling claims.** The Supreme Court makes it virtually impossible to establish a legal claim of racial profiling. First, the court presumes police are acting in a valid nondiscriminatory manner. The Supreme Court stated, “In the absence of clear evidence to the contrary, courts presume that they [law enforcement] have properly discharged their official duties” (*U.S. v. Armstrong*, 1996, para. 18). Second, the court looks at the totality of circumstances, giving officers leeway to cover up any discriminatory practices, for instance, by citing minute traffic infractions (Allen–Bell, 1997). Most importantly, however, the Supreme Court places the burden of proof on plaintiffs to show discriminatory intent (Allen–Bell, 1997; Whitney, 2008). As a result, the Supreme Court has consistently sided with police officers, protecting them

from liability, and in the process supported the use of racial profiling as a law enforcement tool. The following cases have established the position taken by the Supreme Court on racial profiling claims.

- *Terry v. Ohio* (1968): Officers were granted the right to stop and frisk individuals without probable cause.
- *United States v. Brignoni-Ponce* (1975): The Supreme Court upheld the right of officers to stop and detain individuals that appeared to be of Mexican ancestry in order to determine their immigration status.
- *Washington v. Davis* (1976): The Supreme Court held that a law that is *prima facie* neutral does not encroach upon the Equal Protection Clause simply because the law affects one group differently than another.
- *McCleskey v. Kemp* (1987): The Supreme Court refused to accept statistical evidence that indicated race was a factor in imposing the death penalty.
- *United States v. Sokolow* (1989): The Supreme Court upheld the use of drug courier profiles claiming that the validity of a stop should be based on the totality of circumstances.
- *Whren v. United States* (1996): Supreme Court suggested that the appropriate avenue for discrimination claims would be the Equal Protection Clause of the Fourteenth Amendment rather than the Fourth Amendment to the Constitution.
- *United States v. Armstrong* (1996): In cases alleging selective prosecution, the Supreme Court assumes a prosecutor has not violated equal protection, and the defendant must present clear evidence to the contrary.
- *Virginia v. Moore* (2008): The Supreme Court ignored the race of the plaintiff in their decision to uphold the search and subsequent arrest of a motorist mistaken for another suspect.

*Washington v. Davis* (1976) also set the precedent for what plaintiffs must prove in order to establish discriminatory law enforcement practices (*Washington v. Davis* 1976; Whitney, 2008). Furthermore, the burden of proof is on the plaintiff to prove that the practice has both disparate impact and discriminatory intent (Whitney, 2008).

In order to prove disparate impact the plaintiff must show that “similarly situated individuals of a different race” are not stopped as often and that this “disparity cannot be explained by some other nondiscriminatory factor or chance variations in selecting whom to stop” (*U.S. v. Armstrong* 1996, para. 21; Whitney, 2008, p. 263). However, proving disparate impact requires a comparative benchmark of all drivers that can be stopped, the race of all drivers who have committed offenses, and the race of motorists stopped and subsequent action taken (Whitney, 2008). Unfortunately, police departments neither consistently nor accurately collect the data required to prove disparate impact. Thus, plaintiffs are forced to execute their own studies if they intend to prove disparate impact (Whitney, 2008).

For a plaintiff to prove discriminatory intent they must show what constitutes an “intentional pattern of discrimination” (Whitney, 2008, p. 282). In other words proving discriminatory intent amounts to explaining what factors led to the occurrence or rather, explaining causation (Allen–Bell, 1997; *U.S. v. Armstrong* 1996; Whitney, 2008). If a plaintiff can prove causation, the burden of proof would shift to the defendant or in this case, the law enforcement agency to prove otherwise (Whitney, 2008). However, currently, there are no tests that can prove discrimination (Engel, 2008). Therefore, short of an officer admitting bias, a department explicitly stating that officers should stop minorities, or corroborating evidence of an officer’s racial animus, discriminatory intent is virtually impossible to prove (Holbert & Rose, 2004; Withrow & Dailey, 2012).

**The problem with proving discrimination.** When testing for racial profiling there are two issues that researchers must contend with. The first is a demonstrating disparity in stops or searches. Then, if a disparity exists, whether it is a result of

discrimination. Answering these questions, however, has proved difficult. The research in this area has produced mixed results and only a disparity in stops has been shown.

According to racial profiling scholars, part of the problem with racial profiling research today is establishing an operational definition (Piquero, 2009; Withrow, 2006). The likelihood of a study identifying racial profiling based on discrimination varies based on the definition used. The most common conceptual definition comes from a U.S. Department of Justice report by Ramirez, McDevitt, and Farrell (2000). The authors used the following conceptual definition of racial profiling for a report on data collection systems:

... racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity. (p. 3)

Using this definition of racial profiling, researchers must determine that the officer was aware of the driver's race prior to the stop and also determine that race was the motivating factor for the stop (Withrow, 2006). Most of the racial profiling studies (80 percent) that use this definition conclude that minority drivers are over-represented in traffic stops. However, only 20 percent of these researchers conclude racial profiling produces the disparity (Withrow, 2006).

A few researchers use an operational definition of racial profiling (Withrow, 2006). Of those that do, the most common definition used comes from John Lamberth's report for *New Jersey v. Pedro Soto*, where the defense alleged that New Jersey State

Troopers were unfairly targeting minority drivers (Lamberth, 1996; Withrow, 2006):

...when minorities are stopped at disproportionately higher rates than they are represented within the benchmark that indicates the proportional racial representation of actual roadway users.

Using this definition of racial profiling, all researchers must demonstrate is that minority drivers are over-represented in police stops (Withrow, 2006). Again, most studies (80 percent) find that minority drivers are over-represented in traffic stops, and in this case these researchers conclude racial profiling has caused the disparity (Withrow, 2006).

### **Measuring Racial Profiling**

There are several tests that have been used in order to prove disparate impact or discriminatory intent. However, according to Engel (2008) at this time no “statistical technique can determine the source of police racial bias because of the limitations of the existing official data gathered regarding police stop and search decisions” (p. 27). All these tests can do is determine if there is a disparity in stops. Two of these tests, benchmarking (internal and external) and outcome tests, are discussed here.

**External and internal benchmarking.** External benchmarking involves comparing stop and search rates across racial/ethnic groups in order to determine if there is any disparate impact on a particular race or ethnicity (Engel, 2008; Whitney, 2008). Internal benchmarking compares stop and search rates among similarly situated officers within the agency to determine if officers are deviating from the norm. However, these tests do not prove racial profiling (Engel, 2008; Whitney, 2008). They simply indicate that more Blacks are pulled over. In order to prove racial profiling, the intention of the

officer must also be proven (Holbert & Rose, 2004). Short of an officer admitting to pulling over Blacks based solely on the color of their skin, intention is virtually impossible to prove (Holbert & Rose, 2004).

### **Outcome Tests.**

In an attempt to prove intent, some researchers have applied game theory to the racial profiling phenomenon. Outcome tests or “hit rate” tests focus on the number of successful searches an officer conducts rather than the number of vehicles that are stopped (Engel, 2008; Persico & Todd, 2009; Whitney, 2008). The theory behind this model is that an officer will attempt to conduct searches that maximize their chances of finding contraband, thus influencing their enforcement behavior (Persico & Todd, 2008). Likewise, motorists will alter their behavior if they know they have a chance of being targeted. Continuous modification of both the officer and motorist behavior leads to an equilibrium that when reached increases the likelihood of a successful search, regardless of the pool of motorists the officer chooses from (Engel & Tillyer, 2008; Persico & Todd, 2008). An outcome test could certainly show discriminatory intent if, despite reaching equilibrium, the officer continues to search minority drivers more so than any other race.

Still, even outcome tests cannot prove conclusively that officer’s intentions were discriminatory. Furthermore, this model suffers from unsubstantiated presumptions that are made in order to assume equilibrium has been reached for the model to work. For the outcome test to apply, one has to assume that a) officers are unbiased, b) that officers have complete discretion regarding who they search, c) that officers ignore visible characteristics such as the demeanor of the driver and/or occupants, and any visible contraband, d) that officers are motivated to maximize their searches, and e) that officers



are aware of other officers' biases and account for that in their own behavior (Engel, 2008; Engel & Tillyer, 2008). Ultimately, the outcome test relies heavily on obtaining equilibrium, which some authors argue is difficult and unlikely to ever be achieved (Engel & Tillyer, 2008).

The qualitative methodology used to conduct this study is a departure from the traditional quantitative methods typically used in racial profiling research and criminal justice research, in general. Though criminal justice has its roots in sociology, and sociology its roots in qualitative methods, criminal justice researchers are reluctant to embrace the use of qualitative methods. Therefore, research in this area is confined largely to analyzing count data and administering surveys. Neither of these are suitable methods for obtaining the depth and breadth of information necessary for this study. With these types of analysis, the richness of the participant's life experiences and reasoning behind whether or not an incident involves racial profiling are lost. Simply analyzing demographic variables, count data of traffic stops, or administering short questionnaires does not capture the breadth of emotion behind the arguments of minority groups who feel marginalized, targeted, and victimized by the practice of racial profiling.

### **Racial Profiling in Other Areas**

It is important to note that the racial profiling controversy is not exclusive to criminal justice. The concept of racial profiling has in many ways permeated every aspect of life including shopping, housing, and medicine for as long or longer than racial profiling in law enforcement. Most Americans, including Blacks, rarely interact with law enforcement. As a result, we are far more likely to experience racial profiling in these

other areas. Therefore, perspectives of racial profiling by police officers may be influenced by experiences in other areas of life.

**Shopping while black.** Just as Blacks adopted the term “Driving While Black” to express the reality of being a Black motorist on America’s highways, Blacks adopted the term “shopping while Black” to express the retail discrimination many Blacks experience. Some researchers suggest that retail discrimination may be more pervasive than the racial profiling experienced by motorists. Black customers cite being ignored and treated rudely as signs of retail discrimination, but by far the most overt form of discrimination experienced is over surveillance (Schreer, Smith, & Thomas, 2009). Following Black customers is not exclusive to non-Black ethnicities; Black customers report Black storeowners behave in a similar manner (Gabbidon, 2001).

America’s obsession with declaring war on just about everything has lead retailers to launch their own war—a “war on shoplifting.” Many of the same justifications provided for racial profiling are used to justify targeting minorities, in particular Blacks, in retail establishments. Like the war on drugs, the war on shoplifting is similarly justified as efficient security practices stemming from a belief that Blacks are disproportionately involved in shoplifting (Gabbidon, 2001; Schreer, Smith, & Thomas, 2009), despite research indicating that Whites and White juveniles constitute the majority (over 66 percent) of shoplifters (Gabbidon, 2001). Gabbidon (2001) argues that the practice of labeling people of color as criminals is “an outgrowth of the continuing historical criminalization of Blacks” (p. 347), which as some have argued of the practice of racial profiling, becomes a self-fulfilling prophecy (Harris, 2002).

**Racial profiling in housing.** Residential segregation by race continues today much as it did at the start of the 20<sup>th</sup> century (Pager & Shepard, 2010). In an effort to increase employment, strengthen the construction industry, and increase home ownership after the Great Depression, the federal government instituted a series of housing programs: the Home Owners Loan Corporation (HOLC), the Federal Housing Authority (FHA), and the Veterans Administration (VA) (Nier, 1999). The HOLC, charged with appraising neighborhoods in cities across the nation, developed a color-coded rating system evaluating the risk associated with making loans to specific urban neighborhoods: green (good investment), blue (established neighborhood, but still a good investment, yellow (area is in decline), and red (area has declined) (Nier, 1999). However, the HOLC “incorporated the notions of ethnic and racial worth” and evaluated the socioeconomic characteristics of a neighborhood by monitoring the movement and “density of black settlement” (Nier, 1999, p. 622). HOLCs evaluation system gained widespread use by private banks thereby “institutionalizing and disseminating the practice of racial redlining” (Nier, 1999, p. 622). The practice of denying loans and investments to minorities and minority neighborhoods became known as “redlining,” a term now used to describe similar practices in credit, insurance, banking, healthcare, and access to jobs (Nier, 1999; Pager & Shepard, 2010; Roscigno, Karafin & Tester, 2009)

The Fair Housing Act was enacted in 1968 and had “two major goals: to expand minority housing opportunities and to foster residential integration” (Nier, 1999, p. 628). The Fair Housing Act also included provisions to eradicate racial redlining (Nier, 1999). Yet, more than four decades after the passage of the Fair Housing Act, most metropolitan areas suffer from extreme segregation (Roscigno, Karafin, & Tester, 2009). Some

researchers argue that this process of “redlining” continues today in more subtle ways by offering “less information offered about units, fewer opportunities to view units, and in the case of home buyers, less assistance with financing and steering into less wealthy communities and neighborhoods with a higher proportion of minority residents” (Pager & Shepard, 2010, p. 8).

**Racial profiling in medicine.** In medicine racial profiling can mean the difference between life and death. Researchers have recognized that there is a disparity in the medical treatment of minority patients that cannot be explained away by “benign factors like economic status, health insurance status, or condition upon presentation” (Bowser, 2001, p. 80; Ingram, 2003). Empirical evidence in this area indicates “inferior medical care for similarly situated Black and white patients,” but as in racial profiling research, studies fail to provide any explanation why or if the disparity in treatment is “indicative of a systemic pattern” (Bowser, 2001, p. 85).

Similar to the differential offending argument, explanations of disparity in treatment place the blame on Blacks, claiming that White patients prefer more treatment services than Blacks and that the “perceived risks and benefits of the procedure and other factors, such as one's trust in medical approaches involving advanced forms of high technology differs by race” (Bowser, 2001, p. 92). Some researchers however, reject this argument. A kidney transplantation study revealed that Blacks are referred less to transplantation centers for evaluation or to be placed on a waiting list (Bowser, 2001). Furthermore, Blacks are less likely to report receiving adequate information about surgical procedures, which could ultimately affect the decision to elect surgery as treatment (Bowser, 2001). Again, a belief turned self-fulfilling prophecy.

### **What we Know About Perceptions of Racial Profiling**

Ultimately, researchers have made little headway in proving discrimination by law enforcement (Piquero, 2009). Realizing that racial profiling is an issue that deeply impacts minority communities, other researchers have focused on perceptions of the prevalence of racial profiling by average citizens and also minority officers (Rice & Piquero, 2005; Tyler, 2005; Weitzer & Tuch, 2002; Weitzer & Tuch, 2005).

The racial profiling literature indicates that Blacks, Whites, and Hispanics differ in their perceptions of racial profiling. Though national surveys indicate that all Americans, regardless of race, believe that racial profiling is widespread (Ramirez, McDevitt, & Farrell, 2000), researchers have found that the extent of those beliefs vary. According to a study conducted by Weitzer and Tuch (2002) Blacks believe that racial profiling is more widespread than Whites. More Blacks than Whites also perceive that police treat Blacks unfairly (Weitzer & Tuch, 2002). A study that focused on perceptions of Hispanics regarding racial profiling indicates that Hispanics believe that racial profiling is more widespread than non-Whites (Reitzel, Rice, & Piquero, 2007). Additionally, Blacks' perceptions of the prevalence of racial profiling vary by income and education (Weitzer & Tuch, 2002). Middle class Blacks believe that racial profiling is more prevalent than lower class Blacks. Likewise, higher educated Blacks, more so than their less educated counterparts, indicate greater disapproval of racial profiling and believe it is more pervasive. Similarly, middle class and higher educated Blacks are more likely to feel that they have experienced racial profiling.

**Objective Truth Versus Perceptions.** Though the empirical information gathered about racial profiling is limited and mixed (McDevitt, 2009; Piquero, 2009),

what has been learned provides little relief to those who feel targeted because of their race by police. Ultimately, no empirical evidence can alleviate the injustice felt by those that feel they have been racially profiled. This has not been more evident than in the reactions of the Black community to several high-profile race-related incidents where the objective truth is obscured by perceptions, correct or not, held by Blacks.

***O.J. Simpson.*** Many of us vividly remember the O.J. Simpson case, from the infamous white Bronco car chase to Johnny Cochran’s poetic, “If it doesn’t fit, you must acquit.” Many of us also remember that long before the verdict it seemed the public had decided Simpson’s guilt or innocence, and no amount of testimony or DNA evidence could sway either side (Cole, 1999). The trial of the century, as it would become known, was experienced just as the century was, different according to race. As Cole explains, Whites viewed the trial’s outcome as a travesty of justice, while Blacks viewed Simpson’s acquittal as a victory for Blacks.

The Simpson case, as one scholar put it, was the “first highly-visible opportunity for many white Americans to experience collectively what they perceived as misconduct by the criminal justice system. Blacks experience this phenomenon on a day-to-day basis” (Stewart, 1995, p. 44). The acquittal, for some (mainly Blacks) was retribution for all the Black males who have been “subjected to a racist criminal justice system” (Gaines, Jr., 1995, p. 46). Simpson was held up as a “tragic hero” and as “an Othello for the 1990s” (Gaines, Jr., 1995, p. 47). The irony of it, however, is that Simpson was not your typical Black American navigating the criminal justice system (Gaines, Jr., 1995; Stewart, 1995). As one commentator noted, “How random and shallow the discontent

must seem if O.J. Simpson is made the measure of black oppression” (Williams, 1995, p. 338). Nonetheless, Simpson’s acquittal was viewed as a triumph for Black communities.

*Henry Louis Gates, Jr.* With the 2009 election of the nation’s first multiracial president, Americans hoped that this historic event would usher in a new era of race relations. Shortly after the election, however, an incident took place between a white police officer and a Harvard University professor. Media coverage of the Henry Louis Gates incident was ample, and as a result of this incident, a spotlight shined on police practices and the accusation of racial profiling.

On July 16, 2009, the Cambridge Police Department received a phone call regarding a possible break-in of a residence (Crowley, 2009). When police arrived on the scene the caller, Lucia Whalen, was waiting for the officers. Whalen explained to the officers that she observed two Black males on the porch attempting to force entry into the Gates residence (Crowley, 2009). Officer Crowley made contact with Gates, who was inside the home and asked to speak with him outside (Crowley, 2009). In the process of asking for identification to verify that Gates resided at the home, Gates began yelling claims of racism and racial profiling by the officer and the Cambridge Police Department (Crowley, 2009). As the officer and Gates moved outside the home, Gates continued to yell accusations of racism (Crowley, 2009). After several warnings by Officer Crowley to cease yelling, the disorderly behaviors that Gates exhibited led the officer to arrest Gates and transport him to the Cambridge Police Department for processing (Crowley, 2009).

The incident garnered attention as high up as the president (a personal friend of Gates), who claimed the officers involved “acted stupidly,” despite admitting "I don't know, not having been there and not seeing all the facts, what role race played" (CNN,

2009). The president went on to point out what so many Black Americans use as a litmus test for police/citizen contacts: “that there's a long history in this country of African-Americans and Latinos being stopped by law enforcement disproportionately” (CNN, 2009).

**Trayvon Martin.** On February 26, 2012, in Sanford, Florida, George Zimmerman placed a call to the police department about a suspicious person walking through his neighborhood (French, 2012). As head of the neighborhood watch, Zimmerman was on patrol that evening when he saw Trayvon Martin, a 17 year old Black male, walking through the neighborhood. The facts from this point on are murky and yet unknown to the public. What is known is that Zimmerman made contact with Martin, an altercation ensued, and Martin was shot and killed. Zimmerman was arrested, but no charges were levied against him. Zimmerman has since been arrested on 2<sup>nd</sup> degree murder charges and is awaiting trial.

Though little is known about the incident, this case has already taken its position as the most racially charged case since the OJ Simpson trial, certainly of this decade (French, 2012). However, the public’s reaction to this case has not been as diametrically opposed as the views of Simpson’s trial and Gates’ arrest, but the reaction has been stronger and widespread. The Martin case has even spawned a new term “walking while black” (French, 2012) and roused a slew of anecdotal evidence of lessons Black parents teach their children to avoid being killed (Hanley, 2012). In cities and on school campuses nationwide, protests and walkouts took place demanding Zimmerman’s arrest. In an extreme and controversial move, the New Black Panther Party offered a bounty of \$10,000 for Zimmerman’s capture, dead or alive (Christopher, 2012). Public outcry and



allegations of racism on behalf of the police department for not arresting Zimmerman forced the Sanford Police Department's police chief to resign, though his resignation was denied (Lysiak & Kennedy, 2012). In short, Zimmerman has been tried in the court of public opinion without any evidence of wrongdoing.

### **The Importance of Perceptions**

Perceptions are important. Perceptions drive our interpretations of events. How we perceive and interpret the world is influenced by our participation in society (Johnson, 2000). From a constructivist position, "meanings are constructed by human beings as they engage with the world they are interpreting" (Crotty, 2003, p. 43). Interpretations of events are neither right nor wrong. Because we each bring with us a unique worldview, all interpretations are valid (Crotty, 2003).

As people age their understanding of the world changes. In other words how they view the world (their worldview) changes and influences how they perceive events in the world around them (Johnson, 2000). In policing as elsewhere, understanding perceptions is important. Though most Americans rarely interact with police, they nonetheless form opinions and have perceptions about police (Weitzer & Tuch, 2004). These perceptions are shaped by their own experiences, as well as vicarious experiences (Brandl, Frank, Worden, & Bynum, 2004; Weitzer & Tuch, 2004). Additionally, perceptions of police change from childhood to adulthood. Because policing necessitates a high level of public trust, it is important to understand how the public perceives racial profiling and how that perception affects citizen cooperation, trust, and confidence in their police.

Generally, children are introduced to police either through school, television, or by their parents, at an early age. By the age of five, many children have some

understanding of the role of police as someone they can trust and someone that can help them in a crisis (Sarat, 1977). This idealized perception of police however, changes as children mature. By adolescence negative opinions of police have formed (Sarat, 1997). There is a racial component to this as well. Negative attitudes toward police occur more rapidly and at an earlier age in Black children (Sarat, 1997). These perceptions transfer into adulthood as well. Brandl, Frank, Worden, & Bynum (2004) found that citizens who hold favorable views of police are more likely to perceive their contacts with police in a positive light. Conversely, citizens who hold negative views of police are more likely to interpret encounters with police negatively (Brandl, Frank, Worden, & Bynum, 2004). Blacks are also more likely to perceive that police bias is a problem against Blacks and other minority groups (Weitzer & Tuch, 2005). Net all other factors, this perception is largely driven by personal and vicarious experiences with racially biased policing (Weitzer & Tuch, 2005). Additionally, repeated exposure to media accounts of police abuse also appears to influence citizens' perceptions of racially biased policing (Weitzer & Tuch, 2005). What is unknown is how much of perception is driven by actual racial bias or perceived racial bias. Regardless, a citizen's perception of a police interaction is just as important as the objective reality of that interaction.

**Black paranoia.** Accusations of racial profiling are often dismissed as “anecdotal, uninformed, or overly sensitive” (Barlow & Barlow, 2002, p. 335). Racial profiling claims are discounted as “playing the race card” or the idea that Blacks are motivated to perceive racism in order to protect their interests (Adams, O'Brien, & Nelson, 2006). Others suggest that these accusations stem from deep-seeded paranoia of a White conspiracy against Blacks (Adams, O'Brien, & Nelson, 2006). What is apparent is

that Blacks have an adversarial worldview that, while often misunderstood, does not discount its merit.

Adams, O'Brien, & Nelson (2006) suggests Blacks' fears of a conspiracy are not unfounded. As an installment of the comic strip *Boondocks* points out, sometimes the paranoia is warranted (McGruder, 2005).



Many Blacks claimed that the levee's that broke after Hurricane Katrina did so deliberately to flood the Black portions of Louisiana (Adams, O'Brien, & Nelson, 2006). While many dismissed this claim as a conspiracy theory or paranoia, the accusation was based on an event that occurred during what is known as the Great Mississippi Flood of 1927.

Fearing devastation from the rising river, rich New Orleanians sought to relieve pressure on levees that protected the city by dynamiting levees and intentionally flooding other areas, including poor Black communities in St. Bernard Parish. During and after the flood, African Americans (numbering as many as 300,000) were not only denied Red Cross supplies and forced to live in deplorable conditions at displacement camps, but also were compelled at gunpoint to repair the compromised levees. (Adams et al., 2006, p. 222)

Taking into account the dubious relationship between law enforcement, Whites, and the Black community, it is easy to understand accusations of racial profiling. As some social scientists have suggested, for Blacks “from a survival standpoint it is better to err in the direction of identifying potential acts of discrimination (even though they may not be apparent) compared to the cost of not detecting actual oppression” (De la Peña, Bachman, Istre, Cohen, & Klarman, 2010, p. 371). Furthermore, as Cooke (2011) suggests, in order to understand Black paranoia you must see that “paranoia operates as a socially supported knowledge system and second, that when blacks speak of *conspiracy*, an entirely different discourse operates than when Whites invoke the term” (p. 616). Others argue that “[c]onspiracy theories provide discursive resources for voicing and challenging racial inequality” in a post-Civil Rights Era that “emphasizes ‘sameness’ while ignoring or denying the reality of racial inequality” (Gosa, 2011, p. 187;199).

Whatever the reasons, accusations of racial profiling cannot be discounted. To argue that incidents are considered racial profiling only when an officer is White, when the accuser is playing the race card, or that accusations stem from paranoia are overly simplistic, dismissive, and obscure the context in which those claims are produced.

## CHAPTER III

### METHODOLOGY

This dissertation is a qualitative case study of racial profiling. Four focus groups were conducted in order to obtain perceptions of racial profiling during a police/motorist interaction. Participants completed a short demographic survey and viewed a videotaped vignette of a traffic stop prior to participating in the focus groups. Also, I conducted individual interviews with Black, and Black and Hispanic professionals who work for state or county government, at-risk youth, and television media.

The objective of this study was to gain a deeper understanding of the racial profiling phenomenon through perceptions from Black and Hispanic students and professionals. To do so, participants were asked to discuss what racial profiling is to them and lead to discuss specific factors that indicate a police encounter is racially motivated. Instrumental in this was the use of a vignette, which I used to place participants in the frame of mind of a police encounter, to give participants something to draw from for comparison or if they lacked the experience of a traffic stop, and to include elements often cited in racial profiling accusations.

## Qualitative Case Study

Case study research attempts to describe a particular phenomenon through the stories of those involved (Creswell, 2007). Case studies are used to conduct holistic and in-depth analyses of specific systems, programs, policies, or people (Tellis, 1997). However, case studies focus on a particular problem that is explored through one or more “cases” (Creswell, 2007), by focusing on the multiple perspectives of the actors involved (Tellis, 1997). In the process case studies often provide voice to the voiceless (Tellis, 1997). This is just one advantage of case studies that is particularly important to the current study.

In order to capture individual points of view, I conducted focus groups. Focus groups help researchers uncover differences in perception since no one group is alike in their understandings. Focus groups are a quick and affordable way of garnering a lot of information in a short period of time (Onwuegbuzie, Dickenson, Leech, & Zoran, 2008). Focus groups involve quasi-formal discussion about a given topic (Denzin & Lincoln, 2008). This relaxed atmosphere can help put focus group participants at ease. A focus group with good dynamic can produce “spontaneous responses” and provide “a setting where the participants can discuss personal problems” (Onwuegbuzie et al., 2008, p. 2). As such, focus groups have a history of bringing together the disenfranchised to build community and agency for change (Denzin & Lincoln, 2008). Focus groups are important to us as they are strong tools that can also elicit powerful, raw, emotions from its participants (Denzin & Lincoln, 2008).

Ideally, focus groups are homogenous. In order to foster open communication, focus groups should consist of members of same or similar races or ethnicities, income levels, ages, or any other characteristic that could cause tension or restraint. This is

particularly important for sensitive topics like, racial profiling. For this reason, the focus groups conducted consisted of same race or ethnicity participants. Other factors like age or income levels were identified after the focus groups took place. Therefore focus groups consisted of a variety of ages and income levels. However, this did not appear to affect communication during the focus group discussions.

### **Instruments**

Participants completed a short demographic survey prior to focus group discussions or individual interviews. Participants also viewed a vignette prior to discussing the elements of a police/motorist interaction, which may lead them to believe the stop was racially motivated.

**Survey.** Participants completed a short questionnaire consisting of four demographic questions (race/ethnicity, age, sex, income) and one question that asked if they felt they had ever been stopped for an unjust reason (see Appendix 1). In order to ensure confidentiality, the participants were assigned participant numbers. The only document containing their name then, was the consent form. The purpose of the survey was twofold. First, the demographic survey let me see the variety of participants that were sampled. While the sample was purposive stratified by race, within those grouping I hoped to obtain a maximum variation of participants. Second, administering a survey allowed me to correctly attribute transcribed narratives to the correct participant. Additionally, the demographic information provided by the participants provides an added level of detail to their experiences and perceptions. Participants' quotes are reflections of their perceptions. Perceptions that were likely shaped by they're answers to

the demographic questions asked. Understanding the participant's positionality may provide greater understanding of their perceptions.

**Vignette.** Participants were presented with a video of a recreated traffic stop (Appendix 2). The vignette was not intended to measure any factors in particular. I created the vignette for several reasons. First, my intent was to put participants in the mindset of a traffic stop situation by presenting them with a recreated traffic stop. Second, the vignette served as a reference point for those participants without prior experience with a traffic stop. Third, the vignette would allow participants who have been stopped to compare the vignette to their own encounters. Last, I included an element of a search that many participants may not have experienced.

The vignette focuses on a Black or Hispanic motorist who has been stopped for a minor violation—a dirty license plate—which the officer claims makes the license plate difficult to read. The officer asks the motorist for his license and registration and returns to his patrol vehicle. When the officer returns, he informs the motorist that he will receive a warning and asks the motorist to sign the ticket. Meanwhile, the officer asks the motorist where he is traveling. The motorist responds as he hands the ticket book back to the officer. After the officer hands the motorist the copy of the ticket, the officer removes a large flashlight from his duty belt. The officer shines the light into the backseat for a quick visual search of the vehicle.

Several elements were purposefully included. First, the reason cited for the stop is minor and fulfills the element of a pretext stop. Second, the motorist receives a warning. Receiving a warning rather than a ticket is often cited as an element of racial profiling.



Third, the search was included because, like the pretext stop, the search is also a source of racial profiling accusations.

It was important to present real world situations to the participants. To do so, several measures were taken. First, the vignettes were written in collaboration with experts in police systems and practices and the racial profiling research agenda. Second, the person playing the role of police officer in the vignettes is an actual police officer. In order to elicit a real response, it was necessary to have a seasoned officer who would present himself to the actors as he would any motorist on the road. Furthermore, it was necessary to convey the impression an officer's appearance can have on a motorist; therefore the officer wore his department issued uniform along with any standard weapons (i.e. baton, TASER, pepper spray, and firearm), and restraint aids (i.e. handcuffs and plastic zip ties) traditionally carried. Third, a male officer was chosen because female officers are still the minority at most police departments, and therefore motorists are less likely to encounter a female officer during a traffic stop.

Research indicates that nationally White male drivers are more likely to be stopped by police (Bureau of Justice Statistics Special Report, 2006). However, African-American male drivers are stopped by police in greater numbers than their percentage in the population (Lundman & Kaufman, 2006). Additionally, Black and Hispanic male drivers, subsequent to a stop, are issued traffic citations more than White male drivers (Bureau of Justice Statistics Special Report). Both Hispanic and African-American, more so than White male drivers, report illegitimate reasons for stops and negative encounters with police (Lundman & Kaufman, 2003). For these reasons, each vignette purposely

uses the same police officer interacting with a Black or Hispanic appearing male motorist.

The motorists were chosen for their stereotypical racial/ethnic features. The Black motorist is dark skinned, has dark brown hair, and dark brown eyes. The Hispanic motorist has light brown skin, dark brown hair, and dark brown eyes. The Black motorist is in his early 30s and the Hispanic motorist is in his early 40s. Both are males.

### **Sample**

Participants were sampled from race or ethnicity centered student organizations at a Hispanic serving institution in the Southwestern United States. Organizational presidents and advisors were contacted via email and invited to participate in the study. Eight organizations designated as race or ethnicities centered were contacted. Eight organizational representatives responded. Four organizations ultimately participated in the study. A total of 30 focus group members and four individuals participated in this study. To increase participants' confidentiality, participants were assigned pseudonyms. Below are descriptions of each organization's mission and summaries of participant demographics. Following each description are tables displaying the pseudonyms participants were assigned and participants ages (see Tables 1-4).

**Focus group one.** The purpose of this organization is to foster an environment for dialogue that establishes an empowerment system, promotes academic, life-long success, and strengthens unity amongst Latino/Hispanic males. This is an all male organization. Nine members of the organization participated in the focus group discussion. Five participants reported being raised in low-income earning families, three from middle-

income earning families, and one from upper-middle income earning families. One participant reported ever being racially profiled.

Table 1  
*Pseudonyms and Ages for Hispanic, all Male, Focus Group Participants*

Pseudonym	Age
Abel	22
Eric	21
Gary	21
Jose	19
Lazaro	22
Lorenzo	22
Melvin	20
Norman	24
Umberto	20

**Focus group two.** The purpose of this organization is to establish a liaison between the university and the Black students on campus. This is a mixed gender organization. Nine members of the organization's executive council participated in the focus group discussion. The group consisted of three males and six females. Six participants reported being raised in middle-income earning families. Three participants reported being raised in an upper-middle income earning families. Four participants reported never being racially profiled. One participant reported being racially profiled at least six times. The remaining could not say for certain if they had ever been racially profiled.

Table 2  
*Pseudonyms and Ages for Black, Male and Female, Focus Group Participants*

Pseudonym	Age
Carmen	20
Colby	19
Ivette	19
Jaimey	20
Jaydin	20
Jorge	21
Malik	22
Melissa	21
Sandra	20

**Focus group three.** The purpose of this organization is to advance the economic condition, educational attainment, political influence, housing, health and civil rights of the Hispanic populations of the United States. This is a mixed gender organization. A total of five members participated. Four participants reported being raised in middle-income earning families. One participant reported being raised in a low-income earning family. Two participants reported being racially profiled.

Table 3  
*Pseudonyms and Ages for Hispanic, Male and Female, Focus Group Participants*

Pseudonym	Age
Ardiss	22
Elisa	22
Joseph	26
Paul	21
Yadira	21

**Focus group four.** The purpose of this organization is to empower African-American woman through self-exploration, community service, and fellowship with others. This is an all female organization. A total of seven members participated in the focus group discussions. Two participants reported being raised in low-income earning

families; four reported being raised in middle-income earning families; and one participant reported being raised in an upper-middle income earning family. One participant reported being raised in a low-income earning family. One participant reported being racially profiled.

Table 4  
*Pseudonyms and Ages for Black, all Female, Focus Group Participants*

Pseudonym	Age
Abbi	19
Carrie	19
Dahlia	19
Joan	20
Kiera	19
Theresa	19
Veronica	21

Individual interviews were also conducted. Four individual interviews were conducted with Black and mixed race Black and Hispanic professionals. One of those interviewees is a member of an organization identified as multicultural that did not participate in the focus group discussions. I have listed him as a Black professional because, although he is a student, he also works for the state's legislature. The other participants are Black and mixed race professionals. I discussed racial profiling with these participants in the months leading up to the study. Their input helped guide my interview questions. Also, because these participants are older than the students who participated in the focus groups, their ages, professions, and life experiences could add another level of detail to experiences with police and perceptions of racial profiling.

**Individual interviewee one (Kevin).** This interviewee works in state government. He is a Black male, age 19. He reported being raised in a middle-income

earning family and believes that he has been racially profiled at least twice, and as recently as Summer 2012.

**Individual interviewee two (George).** This interviewee is a former juvenile probation officer for the state in which this study took place. He currently works with at-risk youth and leads after-school programs for at-risk youth. He is a Hispanic Black male, 32 years of age. He reported being raised in a low-income earning family and believes that he has been racially profiled an unknown number of times, and as recently as 2012.

**Individual interviewee three (Selma).** This interviewee is a legal professional working for a District Attorney office in the state in which this study took place. She self identifies as bi-racial, Hispanic and Black. She is 38 years of age. She reported being raised in a low-income earning family and believes that she has been racially profiled at least three times, and as recently as 2012.

**Individual interviewee four (Rashad).** This interviewee is a former NFL player who currently works as a sportscaster. He is 32 years of age. He reported being raised in a low-income earning family and believes that he has been racially profiled at least eight times, and as recently as 2012.

Focus groups work best when they consist of four to seven participants (Onwuegbuzie et al., 2008). This allows everyone to have a chance to speak and the group is small enough for the moderator to guide effectively. Unfortunately, I was not able to keep the groups to between the four to seven participant ranges. Time constraints limited my ability to conduct multiple focus groups with the same organizations. Focus group sizes ranged from 8-12 with members in some groups participating very little.

## Procedures

The procedures for this study were carefully considered to insure participant's well being, confidentiality, and to promote discussion. Participants completed consent forms and were informed of their rights as a participant. The survey participants completed provides valuable information, but also helps insure participant confidentiality. The vignette participants viewed helped promote discussion and gave participant's something to reference if they had no prior stops. It also gave participants something to reference if they preferred to conceal their personal experiences.

Prior to participation in the study, participants completed a detailed consent form outlining, the reasons I am doing the study, benefits of the study, potential risks to participant, four ways I would collect data, the time the study would take, how I increased the protection of the participants' privacy, rights of participants in this study, and contact information for results or copy of the dissertation.

Because we spoke talking together as a group, I could not promise that what participant's said would remain confidential. However, I asked that participant's and all other group members respect the privacy of everyone in the group. All study data was kept on a password-protected computer that only the primary investigator could access. Surveys and consent forms were kept in a locked filing cabinet in two separate locked offices. This offered limited data access and kept participants' name away from their answers. Participants' names were not connected to any of the answers from the survey and were not included with any of the results connected to this research. To protect participants' identities, participants were assigned participant numbers and were referred

to by their number throughout the discussion. To further protect participant's confidentiality, participants have been assigned pseudonyms.

Once participants completed the surveys, I played a vignette with the Black motorist or Hispanic motorist. Black participants viewed the vignette with the Black motorist and Hispanic participants viewed the vignette with the Hispanic motorist. Playing a vignette with a motorist of the opposite race may have lead the participants to focus on the race of the motorist and present their perceptions based on that, rather than the interaction itself.

Participants were asked a series of questions about the vignette and any prior experiences where they felt they were racially profiled. To gain a deeper understand of racial profiling from the perspective of minorities, I steered them to discuss why certain elements in the vignette led them to believe what they had viewed was an example of racial profiling. After discussing the vignette, participants were lead in a general discussion about racial profiling and any experiences they have had that would shape their perception of the topic.

### **Data Collection**

Focus group discussions with members of organizations identified as multicultural and interviews with Black professionals were digitally tape-recorded. To aid with transcription, members were assigned participant numbers. A transcriber attended the focus group discussions to insure narratives were attributed to the correct participant. To do so the transcriber noted the participants' number and their first few words when they spoke. The transcripts from the focus group and the corresponding audio file were then cross-referenced to verify the transcripts captured participants'



statements verbatim. To insure we captured the meaning behind their statements, words that participants emphasized were italicized, bolded, or capitalized.

### **Analysis Procedures**

The methods used to analyze the focus group discussions and individual interviews were emergent (as opposed to predetermined) based on the data gathered. To familiarize myself with the data, I read and re-read the transcripts and listened to the audio file while following along with the transcript. While reading the transcripts I noted key words used repeatedly throughout focus group sessions and interviews. I used the Key Word in Context method (KWIK) to analyze words repeated throughout focus group sessions and interviews within the context they were used. I used a method called open coding to analyze sentences, multiple sentences, and large segments of text. This method allowed me to interpret what participants were saying. During this process concepts were identified and grouped into common categories. Not all categories that emerged pertained to the study. Therefore, the categories were reduced to only those factors participants deemed important during a police motorist interaction. These are the factors that appear to influence an individual's perception of an interaction as racially motivated.

To insure my interpretations of participant's narratives were consistent, I elicited the help of peers and participant's. These methods of triangulation help insure interpretations of the data are valid. I achieved this by performing member checks and peer checks. Member checks provide the emic (insider) perspective. These were conducted with the individual interviewees. Peer Checks provide the etic (outsider) perspective. These were conducted with classmates.

Participants' words were edited for clarity, to maintain confidentiality, and provide anonymity for the participants. Editing was done carefully so as to not alter significantly the participants' original narrative. Grammar or slang terms were corrected if the narrative is unclear. Specific references to people, cities, or police, were removed and replaced with general terms such as "this/that person," "this/that city or town," "this/that police department," or "police officer(s)."

It was not my intention to emphasize differences between the responses of Black participants and Hispanic participants. The racial profiling phenomenon affects members of both groups. Therefore, any comparison between groups runs the risk of trivializing one perspective or another. However, with each quote I included pseudonyms and basic descriptors for the participants that can help clarify or contextualize the narratives.

## CHAPTER IV

### FINDINGS

Participants discussed personal encounters with what they perceived as racial profiling. This included any instance where they felt they were discriminated against. Experiences participants recounted included not only racial profiling by police, but also by retailers, teachers, airport security, and border patrol. Because this dissertation pertains to racial profiling by police officers, and more specifically racial profiling of motorists, the focus was on narratives that highlighted elements that influence perceptions of racial profiling during a traffic stop. However, participants also presented historical and contextual factors that appear to influence initial perceptions of racial profiling that warranted mentioning.

In the following sections, I present my findings of the discussions and interviews that led to the factors participants suggested introduce, augment, or dispel perceptions of racial profiling during a police/motorist interaction. First, I present the definitions participants provided for racial profiling. Understanding how racial profiling is

conceptualized is important and can help clarify participants' perceptions. Next, I discuss the role history and experiences appear to play in initial perceptions of racial profiling. Last, I introduce the factors participants indicated influence their perception of racial profiling during a police/motorist encounter.

### **What is “Racial Profiling”?**

Participants used the term racial profiling for all situations where they believed race was the motivating factor for discrimination. Rather than indicate the difference between the act of racial profiling by police and stereotyping, prejudice, or discrimination, I chose to let participants use the terms interchangeably. Ultimately, whether participants understood what was meant by the term “racial profiling” did not matter. As one participant, Paul, stated, “In order to indicate racial profiling all the officer has to do is something that doesn't make sense.” Therefore, when an officer was perceived to be racially profiling, participants drew solely from what they understand racial profiling to be, not what it may be in actuality. Furthermore, that we in criminal justice define racial profiling as one thing does not mean that the public makes the same distinction. Therefore, any discussion of racial profiling from the perspective of the citizen runs the chance of being incorrect by definition, but nonetheless is perceived as racial profiling.

Across focus group discussions and individual interviews, participants used the term racial profiling to define any instance of stereotyping, prejudice, or discrimination. Participants also used the term racial profiling to define any encounters with police that were perceived to have involved race as the motivating factor. As a result, when

participants were probed to define the term racial profiling, their definitions were broad and encompassed elements of stereotyping, prejudice, and discrimination. Some of the definitions presented were, “using stereotypes to identify someone and use that against them,” or “judging someone by their outer appearance,” and “relying on non-verbal cues, like what they’re driving, what they look like.” These definitions contributed significantly to their evaluation of the vignette and their own experiences with racial profiling.

However, these definitions do not distinguish between racial profiling generally and racial profiling by police. A distinction was not made. The definitions provided by the participants encompassed all forms of prejudice or discrimination by anyone, including police. However, participants were able to identify contextual cues they believe officers rely on when deciding to stop a motorist. Participants also identified factors during a police/motorist interaction that can influence perceptions of racial profiling.

### **Factors that Matter During a Police/Motorist Interaction**

Though definitions of racial profiling were broad, participants were able to identify a number of elements during a police motorist interaction that dictate whether the encounter involves racial profiling. The results of this study indicate that there are two main categories that influence participants’ perceptions of racial profiling. First, current and historical issues of social, racial, and economic inequality influence perceptions of police in general, and racial profiling. Second, police procedures, officer behavior, and officer demeanor can introduce, augment, or dispel perceptions of racial profiling.

**History.** A person's worldview influences their perceptions of interactions and events. A person's worldview is shaped by a person's experiences. Negative personal or vicarious experiences with police officers shaped these participants' perceptions of law enforcement in general. Media accounts of police violence, police violence against minorities, minorities as criminals, and negative portrayals of police officers further reinforced already negative perceptions of police officers. Negative perceptions of police officers and how they deal with minority citizens appear to form the basis for perceptions of racial profiling.

Participants stressed how social and personal history affects perceptions of racial profiling. From their perspectives there are dominant groups who set out to oppress minority groups in order to maintain power. According to some participants, police officers are agents for dominant groups and are conditioned to believe their purpose is to control segments of the population. This stigma is not exclusively applied to White officers. Perceptions are that "all officers" regardless of race or ethnicity, are "indoctrinated in this country" to believe that "certain people" commit "certain types of crimes." Consequently, as Selma explained, officers "see this shell of a person" and assume "they're up to no good."

Hispanic and Black participants indicated minority citizens are conditioned to believe that law enforcement serve the interests of dominant and oppressive groups. This is particularly prevalent in lower income neighborhoods where negative experiences with police officers in their communities, lived, witnessed, or heard about, reinforce the already negative perceptions of police officers. Joseph put those negative experiences in terms others might understand, "I definitely have carried it with me or I mean it's stuck

with me. It's just like a child who was abused as a child, that kind of stuff doesn't leave you. Or a small girl who was raped—that kind of stuff doesn't leave you; it stays with you. Our experiences.”

As a result, social and personal histories can prime perceptions of racial profiling prior to any communication with the officer. As an example of this, Gary shared, "I think sometimes the person being pulled over goes in thinking that they're gonna be racially profiled against, that's what they've always thought. That they're just out to keep me down, they're just gonna look down on me, and so they go in automatically thinking that he's gonna say something to me, and so it may kind of be on just the officer."

Others are affected by personal negative experiences. Colby described how a negative experience with a police officer has made him hyper vigilant of his driving and of police officers, "I don't want to give a police officer a reason to pull me over so I always make sure I have my tags, my lights—make sure everything's working. And I'm always polite." Unfortunately, his experience with one police officer has influenced his perception of all police officers, "I don't really like police officers necessarily just because of that incident. Cause I feel like I was targeted cause I was black."

Personal histories appeared to influence perceptions of racial profiling, particularly for people who were raised in low-income areas and where if crime was rampant, they perceived police officers indiscriminately targeted residents and treated them differently than residents of higher income, non-minority neighborhoods. Sometimes these areas are targeted for crime fighting programs that, while beneficial in the short run, can leave long lasting negative impressions of police, particularly on the

children of those communities. Participants provided insight in to the unintended consequences these programs may incur. Selma shared that in the neighborhoods where she grew up, she perceived that “police were not for the people of the community” and that officers only saw the community as a “Petri dish” or “farm for crime” that officers “were to eradicate.” how for police programs to target high crime areas.” Joseph added, that “crackdowns” like those he experienced in his neighborhood criminalized all residents because police “automatically assumed that many of the people in the community were affiliated with gangs or drugs,” resulting in “a lot of bad tension between the police department and the community”. Consequently, younger residents of the community may grow up with negative perceptions and fear of police.

Perceptions are not only shaped by one’s personal experiences, but also the experiences of others. Moreover, events witnessed by participants in their childhood have shaped their perceptions of police. Participants recounted negative experiences, lived or witnessed, in their youth involving police officers, which have influenced their perceptions of police today. Yadira recalls an encounter that occurred when she was ten. Her family was involved in a car accident. The other driver, a White female, was at fault. The participant and her family (mother, father, and two younger siblings) were in the vehicle when the accident occurred,

This lady hit the back of my dad’s truck and we spun out of control. We called the police, of course to report the accident. And when the police officer showed up, I remember that instead of going to us, cause it’s like my mom and then you know the three kids—he goes to the woman that actually hit us and she’s a White woman. Here you have this Hispanic family on the side of the road and he goes



immediately to her first, even though she was the one that hit us and we were the ones that called the police.

When this incident took place, Yadira was 10 years of age and did not think any wrong had occurred. However, her experiences since then have shaped that once neutral perception of the incident into a negative perception of the incident, “I mean as a child I didn’t see that as you know, wrong, but as I grew up in that neighborhood and I started to see more and more interaction with police officers, it affected me a lot.”

Additionally, media portrayals of police officers further reinforce negative perceptions of police. Participants, whether they had personally experienced racial profiling or not, expressed the impact media accounts of police violence have on their perceptions. George explained that, “shows like Cops” play a role in shaping perceptions of police because “that’s where we get most of our information—the media.” Furthermore, as George points out, “Who are they chasing?” “Who are they running after?” “Who they got the helicopter on?” “What side of town are they on?” “What kind of criminals are they catching?” Alluding to the high representation of minorities as criminals in the media.

As a result, the images the media portray shape people’s perceptions. Citizens, who have never had a negative experience with a police officer, nonetheless develop perceptions that may influence their interpretations of events. Therese shared, “nothing like that has ever happened to me personally, but I mean you do hear a lot of news stories about bad things that happened between an officer and a motorist.” Consequently, media

portrayals may influence perceptions of police officers and perceptions of who the likely offender (or victim) may be.

Participants suggested that, as a result of their experiences, the experiences of others, and events portrayed in the media, they have a conscious fear of police. Fear affects their perceptions of police officers, but argue that often that fear is warranted. That fear is often referred to as “black paranoia,” but as Lorenzo explained that fear of the police is not “unfathomable” because police are not “innocent, there have been problems with police officers and brutality against people of color for decades.” The fear Lorenzo discusses is a response to a “problem founded in fact”, therefore the fear is a logical reaction and a reaction that is not exclusive to Blacks.

As a result, participants indicated that minority motorist’s travel with conscious fear of being stopped for their race. Participant’s claimed that, “People are like trained to not to say it’s because we’re black, but in the back of your head, it’s there this whole time...but we’re trained not to say it.” Other participants reiterated the sentiment implying that the fear is constant, “it’s in the back of my head this whole time. I just don’t want to say it...you don’t want to just automatically assume that it’s just because he’s black, but then again.”

For some participants, when the stop occurs, that fear is realized. As Rashad explained, it is merely a waiting game for many Blacks,

I’m black. I don’t know when. I don’t know where and I don’t always know how or why, but absolutely I expect it... at any given time it could happen to me

because I'm Black. Based on my experience, based on what I know and what I've seen, I expect it. (Rashad)

Furthermore, individual interviewees expressed that once they perceive they have been racially profiled, minorities have limited recourse for escaping the situation unscathed and expressed fear of the enormous power of officers. Specifically, participants fear that an officer will fabricate charges against them. Therefore "it's a catch 22 for the minority person," who "can't win" because "once you're in that position with an officer, they almost HAVE to find something wrong." Furthermore, because of an officer's position, they have nowhere to turn for assistance. Participant's cited the importance of videotaping the stop to protect the citizen. George asserted that, "documentation can be written up the way they see it. If that camera isn't on, then you are at the mercy of the police officer."

Participants in this study indicated that being stopped because of their race is a very real fear for them and that they have the experiences to warrant that fear. It is not my intention to claim that all minorities drive with a conscious fear of being stopped because of their race. However, history and experience play such significant roles in shaping perceptions, that failure to consider how minority motorists' fears influence perceptions of racial profiling would be a major oversight. Therefore, I submit that officers may already be accused of racial profiling prior to any contact with a minority motorist and it becomes the officer's responsibility, whether merited or not, to dispel that perception. In the following section I present the factors participants considered when deeming a police/motorist encounter as racial profiling.

**Context.** Context appears to influence initial perceptions of racial profiling.

Participants acknowledged that a motorist's race is not always apparent to the officer prior to the stop. If the motorist's race is not apparent for instance if the stop occurs at night, participants claimed that officers rely on contextual cues and vehicle cues to determine the race of the driver. If the motorist's race is apparent, participants claimed that officers evaluate a motorist's race and the type of vehicle driven when deciding to stop. Perceptions are that officers will stop motorists of color driving expensive vehicles you would not normally associate with that race or ethnicity. Likewise, officers rely on the context of a situation to determine if the driver "fits" the vehicle, the driver "fits" the area, or a combination of the two, and what they may imply.

Participants believed that when a motorist's race is not apparent, officers rely on contextual cues to determine the race of the motorist. Participants indicated that officer's "assume in certain areas that you're from a certain demographic" and that if the area is mostly "Latino's and Blacks" officers will assume a member of either of those minority groups are driving. Participants also asserted that if an officer *can* see a motorist, "they are surely relying" on race. Participants specifically considered the type of neighborhood a motorist is traveling through when stopped. Participants identified the neighborhood's income level, resident demographics, and crime as contextual factors an officer considers when deciding to stop a motorist.

Participants appeared to have their own preconceived notions of what vehicles minorities operate and projected those as cues on which officers rely. Sandra commented that the driver in the vignette did not fit the car, "I felt because he had a nice car and he was of some type of minority, that's why the cop suspected him, because he drives a car

like that.” Other participants echoed that perception. Referring to the vignette, Kevin questioned the officer’s motivation, “the officer made it *seem* like he was trying to help by pulling him over, when in actuality it was just the fact that he saw a Black or a minority driving a really nice car.” Jadin recounted her own experiences driving a luxury vehicle, and commented that she “wouldn’t say the car has to fit the area. But does the person driving the car fit the area where he’s driving the car?”

Likewise, participants indicated that officers also rely on other vehicle cues to deduce the race of the motorist. Participants focused on vehicles that are “torn down” and vehicles with race or ethnicity specific bumper stickers. Umberto described if the vehicle has “a Mexican radio station bumper sticker” an officer might rely on these cues to deduce the race of the motorist “is going to be Mexican.”

Participants described the importance of context during a police/motorist interaction. Participants in all focus groups and individual interviews included the time of day, type of vehicle, and neighborhood, when discussing how context influences a police officer’s decision to stop a motorist. Context appears to play an important role when defining a situation as racial profiling. While context does not appear to affect perceptions that presume racial profiling from the onset, context does appear to influence the perceived justification for the stop, presumed reason for the search, and the appropriate questions the officer asked.

**The stop.** The pretext stop is at the heart of the factors participants indicated influence their perceptions of racial profiling. Initial perceptions of racial profiling are introduced, reinforced, or dispelled by the justification for the stop. If the stop is

perceived as unjustified, any subsequent action an officer takes is also perceived as unjustified. Some examples of reasons participants deemed unjustified were: the dirty license plate cited in the vignette, driving <ten miles over the speed limit, and swerving within your lane. Principally, participants weighed the public safety concern the violation posed, to determine a stop was warranted. Stops for more serious violations are perceived as justified.

Discussions began focused on the “dirty license plate” featured in the video, but participants subsequently presented other traffic violations viewed as just and unjust reasons for stopping a motorist. Participants suggested that if the reason cited for the stop is minor or arbitrary, then the stop is seen as unjustified. On the other hand, if the stop is justified then perceptions of racial profiling are put on hold until further evidence is introduced. When determining the validity of a stop, participants weighed the public safety concern for the reason cited. Elisa explained, “if it was something bigger, let’s say a taillight is—cause that actually is proving a risk to somebody [...] that’s an actual danger.” Participants also assessed whether a White motorist would be stopped for the same traffic violation to determine if a stop is racially motivated.

Participants indicated that officers use minor traffic violations to justify racial profiling. Participants cited reasons for which they have been stopped that they perceived were minor such as, driving into a crosswalk or going two miles over the posted speed limit. When participants were asked to point out any elements in the vignette that stood out to them as racial profiling, focus groups indicated the minor traffic violation used to rationalize the stop was unjustified and substantiated their perceptions of racial motivation. Universally focus group participants viewed the reason cited for the traffic

stop in the vignette, as unjustified or arbitrary. Ardis questioned “why stop a man if you’re gonna just let him off with a warning?” and that the stop seemed like an excuse to “go over and look what’s behind there or like see if there was anything possibly wrong.” This is just one example how from the onset, participants were skeptical of the officers’ motivation. Other participants commented, “The fact that he is getting pulled over for dirty plate, really? He’s getting pulled over for that? How dirty can the plate’s be?” “It doesn’t seem like something you would pull somebody over for,” “it seems kind of random that he got pulled over just for his license plate being dirty,” and that “the excuse itself seems really arbitrary...what constitutes ‘dirty’, he [the officer] never really says.” Additionally, participants presented personal experiences where they believed they were stopped for minor or arbitrary violations. When describing personal experiences, participants used phrases such as “supposedly that was the reason,” “everyone does X,” and “would a White person \_\_\_\_\_,” to indicate they questioned officer’s motivations for targeting them.

In addition, to the public safety concern for the reason cited, participants assess whether a White motorist would be stopped for the same traffic violation. Rashad explained how this element of fairness can be violated, “if I’m doing something that somebody else was doing and they weren’t a minority and they would’ve got away with, it doesn’t seem right to me.” Other participants responded in the same manner to the vignette. Ardis claimed, “you mean to tell me like ten people other people that have driven through that are probably a White male the same way? You didn’t pull them over?” Likewise, Elisa questioned if the officer would have stopped “a White male who is driving the same truck, dressed the same way?”

Even when racial profiling is not suspected, perceptions of an incident can change based on subsequent observations. Abbi recounted an experience with a White police officer who stopped her and her boyfriend for entering through a “Do Not Enter” area of a parking structure. Abbi perceived the stop was justified and did not presume she and her boyfriend were racially profiled. However, the following day she witnessed the violation occur with a White motorist and the same officer, “So the next day we drove by and this is when I really did think it was cause we’re Black. White people in a car drove in. Same cop just sitting there and he didn’t pull them over.” Because the officer did not stop the White motorist, she then perceived her experience as racial profiling. Witnessing a White motorist “get away” with the same infraction deprived her of that element of fairness also used by participant’s to gauge the justification for the stop.

Participants perceive that officers use their discretion more liberally with Whites than with other minorities. That is, if an officer has the option to stop a minority (in our case, Blacks or Hispanics) or a White person, the officer is more likely to stop the minority motorist. As Rashad explained, “when making those discretion calls, say the guy’s five miles over, seven miles over the speed limit. Some people may let that go. If it’s a black guy, you’re more inclined to stop him.” Furthermore, Rashad asserted that when on the road they “need to be more careful” because they are “less inclined to get a warning” or be “pardoned” for his mistakes.

If the stop is perceived as unjustified, then any subsequent questioning, search, or detention is also seen as unjustified. However, a justified stop is not an absolute indicator that racial profiling is not occurring. Even if the stop is justified the subsequent actions



the officer takes can introduce perceptions of racial profiling, augment perceptions of racial profiling, or dispel perceptions of racial profiling.

**Vehicle Search.** Participants perceived the search of the vehicle as unjustified because the initial stop was perceived as unjustified. Participants universally agreed that the minor violation cited did not warrant a search. Likewise, because the motorist appeared cooperative, participants asserted that a search was unnecessary.

Participants noted that the reason for the stop did not justify the visual search the officer performs in the vignette and questioned the officer's motivation for pulling the driver over. Participants suggested that what they deem as an unjustified search of a vehicle indicates the officer is *seeking out* incriminating evidence. Melvin explained his perception of the vehicle stop in the vignette was that the officer "was hoping to find something else, something that's an actual crime." Participants used the term "fishing" and phrases like, "looking for" "hoping to find," and "trying to find," when describing the search. These terms suggest the participants propose to know the officers motivation for the search. Participants echoed this perception across all focus groups and individual interviews. Participants stated the officer was "trying to find something to pin on him, so he had a more valid reason for pulling him over." Other participants reiterated the illegitimacy of the stop and claimed the officer was trying to "find a better reason" or "trying to make more of [the] situation than it already is."

Thus, the officer in the vignette created the minor violation, 1) as a reason to stop the minority driver, 2) in order to search the vehicle, 3) with the hope of finding incriminating evidence. However, if the reason cited for the stop poses a public safety

concern and the motorist believes anyone else would be stopped for the same reason, then the stop may be perceived as justified.

Participants did acknowledge that officers must protect themselves and made allowances if the search was to look for weapons or a passenger who may pose a threat. Though, participants did not specify how they would identify a search an officer is making to protect his or her safety, and an officer who is searching for something that will incriminate the motorist. Additionally, even if the stop is justified, participants considered the severity of the reason cited for the stop and the overall interaction to determine if a search of the vehicle was necessary. Likewise, if the reason for the stop is justified, but the actions the officer takes are perceived as excessive or unnecessary, then the stop and search are once again perceived as unjustified.

**Questioning.** Participants distinguished between appropriate and inappropriate questions an officer might ask during a traffic stop. Participants considered the questions the officer in the vignette asks the motorist when assessing whether an officer is racially profiling. Participant's also recounted personal experiences with police officers, the questions the officer asked, and the questions to which the officer responded. The types of questions participants felt were inappropriate were personal questions, probing questions, or accusatory questions.

Participants indicated that they use the justification for the stop to also determine the validity of the questions an officer asks a motorist. For example, the officer in the vignette asks the motorist "Where are you heading this evening?" Participants perceived this question was inappropriate because it is a personal question and where the motorist

was traveling to or from did not pertain to the reason cited for the stop. Participant's perceived that questions like "Where are you going today" are inappropriate, unnecessary, or irrelevant, given the reason cited for the stop. Participant's contended that the officer "pulled him over for something that didn't have anything to do with where he was going," and did not understand why the officer "needs to know."

Participants claimed that where the motorist is "not relevant" and that personal questions like these may lead a motorist to question the officer's motivation. Kevin explained that "to ask more questions would insinuate [the officer] is trying to know more about you than I necessarily may need to know." It is important to note that seemingly benign questions like "Where are you heading?" are a common part of drug interdiction enforcement. Using these questions, the officer is looking for inconsistencies. Generally, if the reason for the stop is minor, then any personal questions or persistent questioning are inappropriate. Participants asserted that appropriate questions should relate to the stop itself.

Participants also discussed personal experiences with police officers, where they perceived the questions they were asked were unwarranted in comparison to the reason cited. Joseph asserted that an officer does not "have to say anything about [his] race" to suggest racial profiling. Asking questions like, "I've been to jail, if I've done drugs, if I have a record, what do I have in my trunk? Do you mind if I search it?" are inappropriate questions that may suggest to the motorist that they have been racially profiled. Likewise, persistent questioning can influence perceptions of encounters. Selma explained how one officer asked "what's your name, what's your DOB, what's your address, where do you

live, continuously” and even though her answers were consistent, the questions were “asked again, again, again”, by the third time, she perceived “something’s wrong.”

According to participants, if an officer does not respond to a motorist’s questions, the motorist may conclude that something other than a routine stop is occurring. Delayed or lack of justification for the stop was a common theme among participants who recounted negative encounters with police. Often, participants were not told the reason for the stop until well after initial contact. Participants recall that, “reasons are given well after” and that it is in those situations “where you know you're definitely being profiled, because of what you look like.” Other participants have left encounters without ever receiving a reason for the stop, Carrie referred to an incident where she was traveling as a passenger, “[referring to driver] she was like, ‘Why are you pulling me over?’ And he was just like, ‘License and registration.’...He just didn’t *want* to answer the question. He never told us why he pulled her over.” Failure to give the reason cited may in turn introduce or augment perceptions that a stop is racially motivated. Additionally, participants indicated they have a sense of what a typical traffic stop routine feels like. Malik told of an experience that led him to suspect the officer’s true motivation for the stop, “usually that’s the routine. They tell you why you’re pulled over. They ask for your insurance and drivers license. Well he didn’t ask me for none of that.” When that routine is broken it may indicate that the stop was racially motivated.

While many of the questions an officer asks are standard, motorists may perceive the questions as probing or accusatory. Participants explained how certain questions may be interpreted. For instance, stopping someone for a broken taillight, but asking them if they have been drinking. Probing questions like these may suggest the officer is looking

for more than the reason cited for the stop. Accusatory questions come down to wording. For instance, asking a motorist, “Do you have anything in the vehicle I should know about?” versus “Do I need to check your vehicle?” The difference is subtle, but in the first question the officer is asking the motorist if they have something in their vehicle, whereas in the second example the officer is presuming there is something in the vehicle. The intention of the officer may not be to presume or appear to be presuming, but a subtle difference in the words used and word order may be enough to influence perceptions of racial profiling. Overall, participants indicated questions should pertain to the reason cited for the stop and should be questions, not accusations disguised as questions.

**Behavior and Demeanor.** Participants focused on an officer’s behavior and demeanor throughout their assessment for racial profiling during a police/motorist encounter. Participants repeatedly brought up an officer’s behavior and demeanor as factors that can suggest racial profiling is occurring, reaffirm perceptions of racial profiling, or dispel perceptions of racial profiling. Aggressive behavior or demeanor was perceived as a response to race.

George and Norman commented that, “racial profiling all in the manner of the approach, of the initial conversations, the initial energy that you put off” and that “it’s not just your word selection, but also the tone in which you say it. Whether you raise your voice or not, whether you change pitches, things like that. Your body movements...” Participants describe negative encounters with officers where they perceived the officer exhibited aggressive behavior or demeanor. Participants described officers they have encountered using terms such as “nasty,” “aggressive,” “intimidating,” “rude,” and “unfriendly.” Participants were particularly sensitive to perceived aggression. If the

officer approaches the vehicle in an aggressive manner the motorist may suspect that it is a response to their race. Participants indicated that they rely on body language to determine if the officer is behaving aggressively. Some of the elements participants mentioned were approaching the vehicle with your hand on the duty belt, standing too close to the motorist, and speaking loud or curt.

Aggressive behavior was perceived as unnecessary, particularly if the motorist is cooperative. Joseph explained how perceived aggression whether intended or not, may be misconstrued as a response to the motorist, “I haven’t shown any aggression or I haven’t given you reason to put your hands anywhere on any of your—your belt”(Joseph). Gary echoed that comment, “when they approach I see they have their hand on their gun or they have their hand on their baton or TASER or something like that, that’s not necessary.” Aggressive behavior can introduce perceptions of racial profiling but also augment them, fixing the encounter in the mind the motorist as racial profiling. George recalled an encounter he had with a Hispanic officer. George’s driver’s side window was broken so he had to open his door to speak to the officer, when he did George claims the officer “ran up and posted himself” at his door “in a confrontational manner.” George described this as “close and almost in my body space.” George claimed the stop had already “triggered things” in his mind and this further reinforced the “officer was up to no good.”

In addition to physical cues that can indicate aggression, participants also noted that motorists rely on the officer’s demeanor and tone to determine if an officer is racially profiling. Some of the cues participants used to gauge an officer’s demeanor are the

officer's tone of voice, the friendliness of the interaction, and the officer's receptiveness to motorist's questions.

An assertive tone of voice may be perceived as aggressive and participants suggested it may be perceived as a response to their race. Participants presented questions they were asked in a tone they perceived as aggressive such as, "Do I need to check your car?" "Do you have anything in your car that you need to tell me about?" "Do you have any illegal substances?" "You've been drinking tonight?" "Where are you coming from?" "Why do you have all these people in your car?" and "Are you guys drunk?" While these questions may seem benign, it is the manner and tone with which they are asked that can alter how they are perceived. Kevin explained that, "the difference is in *asking* me why I was speeding and *telling* me I was speeding." These questions can be perceived as "an attack versus an attempt to gather more information to find out why I was speeding."

Several participants also referred to how an officer's perceived aggression can be dehumanizing to the participant. Participants commented that perceived aggression signifies the officer does not see them as an equal, "I'm a part of the community as much as anybody else. When you treat me like I'm more of a threat than a person [...] I feel like you've now made me –not a human." Colby echoed this sentiment or being criminalized, "respect that I'm a human, don't assume that I'm some volatile individual who is going to come out holding a gun and try to pop you in the head." Participants recognize the need for an officer to protect his or her safety, but point out "there's a balance," and that sometimes officers "go over the top with protecting themselves they forget that they're protecting citizens."

Officer behavior and demeanor can be interpreted in many ways. The examples participants presented may be just some of the many cues a Black or Hispanic motorist might consider when assessing their situation. Overall, aggressive behavior and poor demeanor can introduce or augment perceptions of racial profiling. On the other hand, friendliness and small talk appear to dispel perceptions of racial profiling.

If questions are asked in a friendly and conversational manner, then the officer is perceived to be engaging the motorist in casual conversation, rather than aggressive questioning, and perceptions of racial profiling lessen. This appears to have the opposite effect of dehumanizing the participant. Instead, the participant perceives that the officer sees them as an equal. Participants presented phrases that suggest friendliness and small talk. In the following quotes, Kevin presents examples of what he perceives as friendliness,

“Good evening, good morning, good afternoon. How are you doing? I’m officer so and so. Do you know why I stopped you today?” “Um, no I don’t.” “Well I stopped you because—“ and then those are the reasons. It should be just that simple.

Kevin then compares the demeanor of the officer in the vignette and how his demeanor indicated the stop was racially motivated. Specifically, how the officer could have asked the same questions participants deemed inappropriate, in a manner that would transform them into appropriate questions,

If the officer initially came off as somebody, “Oh hey, how’s it going? Where ya heading today? I just noticed that your license plate was a little dirty and I



couldn't read it so you know, you should really get that checked." It was more so what the officer *didn't* say that said so much—so many more volumes of what the situation was. I'd take the time to show that to—to show that person they're a human being.

Thus the manner in which questions are asked and if casual conversation takes place indicate that the officer perceives the motorist as any another motorist, and not a motorist of color. Additionally, leniency is well received, not because the motorist dodges a ticket, but for a more profound reason. Here, Rashad explains that there are certain things that people love, regardless of color, "people love when you give them grace. People love when you extend an olive branch" and you say, 'you know what, I understand.'" The leniency aspect of an interaction and its contributions to perceptions of racial profiling, is further discussed in the section Behavior and Demeanor.

Participants identified behavioral cues that would indicate aggression such as the officer's body language and tone of voice. Specifically, an officer's body language is perceived as aggressive if the officer walks up to the vehicle with his hand on his duty weapon or other items on his duty belt. Another example might be how close the officer gets to the motorist. The officer's tone of voice is closely linked to the manner in which he asks the motorist questions. Participants provided examples of questions spoken in an aggressive manner and questions spoken in a friendly and understanding manner. Though participants frowned upon personal questions, if the officer asks personal questions to relate to the motorist, they are appropriate. For instance, "Going home to see the family?" or "Oh you have kids? How old are they?" or "Had a long day?" These are all questions that one might consider "small talk" rather than questioning, if the officer asks them with

a light and friendly tone of voice. Overall, friendliness appears to dispel perceptions of racial profiling. Whether friendliness negates actions that have led to perceptions of racial profiling is still unclear. Ultimately, it appears that it is within the officer's power to alter perceptions of an interaction as racial profiling to a just and routine traffic stop by simply being aware of their tone of voice, the style of questioning they use, or how their demeanor may be perceived.

### **Does Race Matter?**

In this study participants asserted that the race of the officer has little if anything to do with racial profiling. When participants described negative encounters with police the officer was typically a White male. However, participants indicated that racial profiling has less to do with race, than it does with the individual and the prejudices they hold. Few participants made a distinction between an encounter with a White police officer and an officer of a different race. Participants asserted that racial profiling varies by individual, that "it's a personal choice," that "not all officer's profile" and "like any profession there's corruption that exists." However, when participants described hypothetical scenarios, the police officer was presented as male and White. Recollections of actual events typically involved White male police officers, though in a few circumstances other races or ethnicities were also involved. Negative encounters involved White, Black, and Hispanic police officers.

All participants that commented on this topic asserted that they try to keep an open mind and rely on the evidence to determine if racial profiling is occurring. That

said, when participants distinguished between interactions with White officers and Black officers, the preference was for White officers.

It appears that participants are more critical of Black officers' actions. Participants used terms phrases like, "one of your own," "we're the same," or "why would you do that to us" to express their disappointment when they perceive they have been racially profiled by an officer or their race. I suspect the preference for White officers has more to do with this element of disappointment than a genuine appreciation for White officers. Officers of other races or ethnicities were not discussed.

## CHAPTER V

### CONCLUSION

Profiling originated as a legitimate law enforcement tool. Racial Profiling's legitimacy came under fire with its introduction as a law enforcement tool in the "war on drugs." What followed are countless accusations of race and ethnicity specific targeting by police. In response, researchers attempt to measure racial profiling attributes, but fall short. The problem with racial profiling is measuring an officer's motivation – a virtually immeasurable construct. The current methods used to identify racial profiling only indicate disparities in stop or search rates, not racial animus. Rather than attempt to measure an officer's motivation, this research develops a deeper understanding of what racial profiling is from the violator's perspective. As a qualitative study, this research seeks a thorough understanding of racial profiling from individuals who are particularly at risk. This research goes beyond the limitations in this research agenda because it does not rely on quantitative measures to assess what really are personal feelings. The findings of this study could not have been achieved without the open discussions had between the participants and the participants and myself.

Two areas, history and the encounter itself, appear to influence participant's perceptions of racial profiling. Current and historical issues of social, racial, and economic inequality influence police/motorists interactions and affect perceptions of racial profiling. Consequently, officers may have no control over whether or not they are perceived to be racially profiling a motorist, which may lead to unfounded accusations. Participants suggested that it may be an officer's responsibility to prove otherwise.

Participants identified five key factors occurring during the stop itself, which influence their perceptions of racial profiling. According to participants, those factors are the context of the situation, the reason cited for the stop, if a search is justified, the officer's behavior, and the officer's demeanor.

Table 5  
*Summarizing the Five Factors Identified by Participants, Their Perceptions of Those Factors, and how that may Influence Their Interpretations of a Stop*

Factors	General perceptions	General Interpretations
Context	When a motorist's race is not apparent, officers rely on vehicle and contextual cues to determine the race of the motorist.	Officer's rely on negative stereotypes to determine who they will stop based on the context of the situation. In most situations, that will be a minority.
Reason for the Stop	If the reason cited for the stop is minor or arbitrary, then the stop is seen as unjustified.	The officer is looking for a legitimate violation or something more serious with which to cite the driver.
Justification for the Search	Officer motivation for a stop is questioned if the reason for the stop does is not perceived to justify a search.	Unjustified search of a vehicle suggests the officer is seeking out incriminating evidence.
Questions the officer asks	Validity of questions an officer asks may be based on the justification for the stop. Appropriate questions pertain to the stop itself.	Personal, probing, or accusatory questions suggests the officer is searching for something more to justify the stop. Failure to answer motorist questions suggests the officer does not have a legitimate reason for the stop, and may introduce or increase perceptions of racial profiling.
Officer Behavior & Demeanor	Aggressive behavior and/or demeanor may introduce or augment perceptions of racial profiling. Friendly demeanor may dispel perceptions of racial profiling.	Aggressive behavior and demeanor suggest the officer perceives the motorist as a threat, rather than a human or equal.

Ultimately, an officer's demeanor appears to be the most important factor when defining a police/motorist interaction as racial profiling. Regardless of the justification for the stop, an officer's demeanor has the ability to introduce, augment, or dispel initial perceptions of racial profiling. The officer's demeanor did not appear to influence perceptions of the search that took place in the vignette. Participants did not introduce personal experiences that involved searches. Therefore it is unknown if an officer's demeanor has any influence over perceptions of a search as racial profiling. However, officer demeanor is closely linked with the manner in which questions are asked. An officer's tone of voice and choice of words when asking questions, whether they are deemed appropriate or inappropriate, influences perceptions of racial profiling. Participants indicated that an aggressive tone or unfriendly manner is dehumanizing and leads them to believe the officer perceives them as a threat or as less than a person. For the most part it is unclear if the race of the officer has any influence on perceptions of racial profiling.

### **Limitations**

However, there are limitations to note. First, because this is a qualitative study focusing on individual perceptions, the results should not be generalized. Second, due to time constraints, I was not able to complete as many focus groups as I would have liked. I believe gaining the perspectives of a greater number of Blacks and Hispanics might lead to deeper and richer explanations of the factors that define a situation as racial profiling. Third, Black males and Hispanic females were underrepresented. Attempts were made to schedule focus groups with all male Black organizations and all female Hispanic organizations, but time constraints and scheduling conflicts prevented these groups from

participating. Fourth, focus group participants' associations in race or ethnic specific organizations may influence their perceptions of race, race issues, and racial profiling. Last, there may be regional differences in perceptions of racial profiling. Because this study took place in a border state, perspectives of Hispanic participants may represent particular Hispanic ethnicities. Additionally, several Black and Hispanic participants referenced lack of diversity in a city or region may result in misunderstanding race, which may influence officer decisions to stop.

### **Future Research**

This research can and should be extended to include other groups affected by racial profiling. The same methods can be used to identify factors that indicate racial profiling to individuals of Middle Eastern decent at airports. Or perceptions of racial profiling in states that have recently passed anti-illegal immigration laws like Arizona's SB1070. Researchers should also undertake this sort of study with police officers. It is important to understand what officers perceive as racial profiling just as much as what minority citizens perceive as racial profiling.

Clearly, the research in this area needs to expand to include other disciplines like sociology, psychology, and linguistics. I believe with input from other disciplines criminal justice researchers can begin to explore the racial profiling phenomenon at a deeper and more meaningful level. If nothing else comes of this dissertation, I hope that I have at least provided some insight for law enforcement into the racial profiling controversy from the perspectives of Blacks and Hispanics.

## APPENDIX 1

### DEMOGRAPHIC SURVEY

Thank you for agreeing to participate in my study. I would like you to answer a few questions before we begin. If you do not feel comfortable answering a question, that's OK. Move on to the next one.

Again, thank you for your participation.

Michele Quiñones, Ph.D. candidate

1. How old are you? \_\_\_\_\_
2. What is your race/ethnicity? \_\_\_\_\_
3. What is your sex?  
 Male  
 Female
4. Would you describe your family as: (mark one)  
 Low income  
 Middle income  
 Upper-middle income  
 High income
5. Have you ever been stopped by the police for what you thought was an unjust reason?  
 Yes       No  
If yes, how many times? \_\_\_\_\_ When was the last time? \_\_\_\_\_



## APPENDIX 2

### TRANSCRIPT OF VIGNETTE

[Video begins with a shot of the motorist, a Black or Hispanic male, in a blue Toyota Tundra truck. The camera then focuses on the driver's side view mirror. In the mirror you can see the officer walking up to the truck.]

**Officer:** Afternoon, I'm officer Levers with Midtown Police. Driver's license and insurance, please.

[Motorist turns to passenger seat to retrieve documents. Officer continues talking.]

**Officer:** You were stopped today because your license plate is dirty and it was difficult to read.

**Motorist:** Oh, I didn't even realize that.

**Officer:** you'll be receiving a warning for it. Take care of that. I'll be back in a minute. OK?

**Motorist:** Thank you officer. Sure.

[Officer returns to patrol car, then walks back to vehicle with ticket book in hand.]

**Officer:** Again sir, this is a warning. No fee or fine attached. But I'll need your signature here, please.

**Officer:** So where are you heading to today?

**Motorist:** Oh, I'm just heading back home.

[Officer hands the driver a warning, then removes flashlight and looks in to the backseat of the vehicle.]

**Officer:** Here's your drivers license and insurance. If you don't have any questions you're free to leave.

**Motorist:** OK. Thank you officer.

[Officer walks back to patrol vehicle]

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