

RACIAL PROFILING: A SURVEY OF AFRICAN AMERICAN POLICE OFFICERS

DAVID E. BARLOW

MELISSA HICKMAN BARLOW

University of Wisconsin–Milwaukee

This article is an effort to provide data on racial profiling that are not as easily dismissed as anecdotal accounts of individual motorists. The authors conducted a survey of African American police officers in the Milwaukee Police Department in Wisconsin regarding their personal experiences of having been racially profiled, defining racial profiling as any situation in which race is used by a police officer or agency to determine the potential criminality of an individual. This study was not an investigation of the Milwaukee Police Department or of racial profiling within the department but rather of the extent to which Black police officers perceive they have been subjected to racial profiling by any police officer or agency. Police officers understand the intricacies, strategies, and techniques of law enforcement. Therefore, the observations of Black police officers on the reasonableness of situations in which they have been stopped by police have exceptional validity.

After being arrested for a crime he witnessed someone else commit, a young Black law student at Harvard University wrote a “Bill of Rights for Black Men” (Bain, 2000). On *60 Minutes*, the young man described his experience of “Walking While Black” and why he believes that the U.S. Bill of Rights

This article was presented at the American Society of Criminology Meeting in San Francisco in November 2000. Funding for this project was provided by the School of Social Welfare, University of Wisconsin–Milwaukee and approved by the university’s Institutional Review Board for the Protection of Human Subjects. The authors wish to thank the executive director of the Milwaukee Fire and Police Commission, Joseph J. Czarnetzki, for providing us with the names and work addresses necessary to complete this project. A very special thank you goes to the African American Milwaukee police officers who took the time to complete the survey.

POLICE QUARTERLY Vol. 5 No. 3, September 2002 334–358

© 2002 Sage Publications

does not apply to young Black men in America, whom he claims are regularly subjected to a police practice that has become known as *racial profiling*. Bryonn Bain is not alone in believing that Black men are often stopped, questioned, and even arrested by police because of their race. A poll conducted by the American Institute of Public Opinion indicated that 60% of Americans aged 18 and older believe that the practice of racial profiling is widespread. The percentage of Whites who reported believing that racial profiling is common was 56%, whereas 76% of African Americans said they believed it to be a common practice of police (Kurlander, 2000). Even President George W. Bush, in his first message to Congress, indicated that he had asked Attorney General John Ashcroft to develop recommendations to end racial profiling.

What is racial profiling? Definitions vary, and it is important to know what definition is being used to know what to make of such high-profile statements regarding the practice. Indeed, the strongest denunciations of racial profiling have often come from those who define the practice so narrowly (i.e., race as the *only* reason for stopping, questioning, or arresting someone) that we can imagine only the most extreme bigots engaging in it. Using such a definition, racial profiling is easy to both denounce and deny. The real question is how public officials and politicians respond to racial profiling as described by the many individuals who, like Bryonn Bain, believe that their rights have been violated—that their race has been used by police to deny them the protection against unreasonable search and seizure promised by the Fourth Amendment to the U.S. Constitution.

In fact, many government officials dismiss the testimony of Black and Brown Americans who claim that race has been used by police to determine their potential criminality. The personal experiences of people of color who have been victims of racial profiling are often rejected as being anecdotal, uninformed, or overly sensitive. Even leaders in law enforcement who are seriously committed to putting an end to racial profiling lack confidence in the ability of the general public to identify it. For example, the President of the International Association of Chiefs of Police, Chief Ron Neubauer, has stated that any officer who uses racial profiling should be removed from police work. “The IACP recommends zero tolerance . . . the officers who still commit racial profiling need to be weeded out of the force” (as quoted in Strandberg, 1999, p. 65). However, Neubauer and other police executives attempting to address the problem of racial profiling suggest that many incidents are simply problems of perception because the public does not understand the intricacies, strategies, and techniques of law enforcement.

Neubauer stated, "What appears to be racial profiling to the general public may be nothing of the sort" (as quoted in Strandberg, 1999, p. 62).

RACIAL PROFILING AND THE LAW

Despite claims by some that civil rights for racial minorities have been fully achieved in the United States, racial disparities in the criminal justice process remain and appear to be expanding (Leadership Conference on Civil Rights, 2001). Racial disparities exist at each phase of criminal justice processing, and it is the police who are the gatekeepers to that process (Barlow & Barlow, 2000; Chambliss, 2001; Cole, 1999; Mauer, 1999; Miller, 1996). As a result of decades of Supreme Court decisions limiting restrictions on law enforcement, police have tremendous discretion with respect to search and seizure in the context of traffic stops (see, for example, *Maryland v. Wilson*, 1997; *New York v. Belton*, 1981; *Ohio v. Robinette*, 1996; *Pennsylvania v. Mimms*, 1977; *United States v. Ross*, 1982; *Whren v. United States*, 1996; *Wyoming v. Houghton*, 1999). With the *Whren* decision, the Supreme Court enhanced the extensive power of police to detain individual citizens under the banner of the war on drugs by allowing pretext stops through the "objective" standard. Police officers who wish to stop a car for purposes of drug enforcement need not articulate reasonable suspicion that persons in the car are engaged in drug crimes. They need only show probable cause to stop for a traffic violation (Bast, 1997; Harris, 1997, 1999).

The standard that prevailed prior to the movement toward the objective standard now sanctioned by *Whren* was the "reasonable officer" standard. This standard required that an officer stop a vehicle for a traffic violation only if a reasonable officer would have made the stop. The reasonable officer standard prohibited police officers from using a minor traffic infraction as an excuse to stop a car for other purposes, such as to search for drugs. The intent of the officer was very important. In the face of a claim that a stop was made for reasons other than traffic enforcement, such as racial bias, previous policing patterns could be reviewed to determine whether the officer was enforcing the law without bias. The *Whren* decision's objective standard opens the door for police subterfuge. In the *Whren* case, it did not matter to the Court that the officers lied about their intent, that they were violating departmental policy to make the stop, or that they really wanted to stop this car because it contained two African American men who sat at a stop sign for 20 seconds in an area known for drug dealing. Under the objective

standard, the motivation of the officer and previous enforcement patterns become irrelevant (Bast, 1997; Harris, 1997, 1999).

Whren clearly opens the door for racial profiling because it allows police officers to stop anyone they want without reasonable suspicion or probable cause, thus providing a mechanism for circumventing the Fourth Amendment requirements of the U.S. Constitution. Because minor traffic violations are numerous, to limit stops to the observation of a traffic violation is no limitation at all. If a police officer wants to stop a car, but does not have the legal authority to do so, all the officer has to do is to follow it until the driver gets nervous and at some point turns right without a turn signal, drifts across the center line, or simply fails to come to a complete stop at a stop sign. Ironically, if a police officer follows a car for a long time and the driver fails to make any driving error, then the driver fits the old established criminal profile of driving too cautiously. In this case, the police officer can stop the car for excessively careful driving, such as using the right turn signal every time, never crossing the center line, or always coming to a complete stop. Upon observing a minor traffic violation—or the suspicious absence of any minor traffic violation—the police officer can stop the driver and attempt to pressure him or her into giving consent for the car to be searched. This technique has long been used by police, but now the Supreme Court has legitimized the procedure. It is clear that the Supreme Court knew full well the implications of the *Whren* decision because Justice Scalia went to great lengths in his majority opinion to state that selective enforcement of the law based on race remains unconstitutional. Nevertheless, the Court has systematically removed nearly every tool available to determine whether selective enforcement is racially motivated (Bast, 1997; Harris, 1997, 1999).

POLICE PERSPECTIVES ON RACIAL PROFILING

Many police officers view racial profiling as an appropriate form of law enforcement. Although they might not use the term *racial profiling* to describe what they do, police officers participate in this practice because they believe it is precisely what their supervisors and the majority public want them to do. In a cultural diversity awareness training class for police officers conducted by one of the authors, a police officer explained why he stops Black people who are driving through his suburban community even though it makes him uncomfortable. Although most officers presumably justify their stops based on presumed criminality, this officer stated that he

stops and questions African Americans because it is precisely what his supervisors want him to do. He stated, "When someone from a \$350,000 home calls the police and wants us to stop someone, we are going to do it and the chief is going to make sure we do it." The officer went on to ask, "Now, how do I stop that person without him thinking I'm a racist?"

As long as the courts do not take an active role in putting a stop to this practice or at least make it uncomfortable for them, police will continue to feel that it is condoned. Racial profiling is not a case of a few bad apples or rogue cops. It is a systematic strategy, often rationalized by a false belief that racial minorities are more criminal and more likely to use illegal drugs than White people. Some police officers defend racial profiling, maintaining that it is based on probabilities. They believe that it is a statistical reality that young men of color are disproportionately likely to commit crimes (Harris, 1999; Hughes, 2000). Disturbingly, the courts have frequently supported this viewpoint, primarily through allowing drug courier profiles to stand in for reasonable suspicion. As Cole (1999) noted, some profiles explicitly include race whereas others implicitly encourage reliance on racial characteristics. Cole cited numerous cases and reviews of court decisions indicating that drug courier profiles result in the disproportionate targeting of racial minorities as suspects. Courts have ruled that although stops based solely on race would violate the equal protection clause of the Constitution, race can be one of several factors used by officers in determining whom they choose to stop and search (see, for example, *United States v. Avery*, 1997; *United States v. Travis*, 1995). Kennedy (2000) noted that the rationale provided in support of such decisions is that the burden of brief detentions on law-abiding citizens of color is a minor and necessary inconvenience in the war on crime, suggesting that little damage is done by the practice of racial profiling. This perspective fails to acknowledge that these brief detentions grow into regular occurrences, breeding resentment and anger both in the citizens who are stopped and the police officers who confront hostility arising out of the realization that just because race is couched within other factors does not mean there is no racial discrimination (Kennedy, 2000).

When police officers use race as a factor in criminal profiling based on presumed statistical probabilities, they contribute to the very statistics upon which they rely (Harris, 1999; Hughes, 2000; Leadership Conference on Civil Rights, 2001). Therefore, police officers justify profiling, stopping, searching, and thus arresting African Americans disproportionately precisely because African Americans are profiled, stopped, searched, and

arrested disproportionately. The vicious cycle continues as more minority arrests and convictions perpetuate the belief that minorities commit more crimes. The reasoning employed by police officers who use racial profiling for drug enforcement is particularly flawed because Whites use illicit drugs at a rate similar to the rate for Blacks and higher than that of Latinos. Recent estimates indicate that Whites account for nearly 70% of drug users (Substance Abuse and Mental Health Services Administration, 2001). Although African Americans comprise only 12% of drug users, they account for 35% of those arrested for drug abuse violations (U.S. Department of Justice, 2000).

The major problem with arrest statistics, then, is that they do not reflect the reality of crime as much as they reflect patterns in policing. Chambliss (1994) conducted ride-along research in which he observed that police officers stopped a large number of cars containing racial minorities, often using minor traffic infractions as a pretext to stop drivers whom they suspected of involvement with drugs. Officers routinely used manipulation or intimidation to convince drivers to submit to searches of their cars. Most of the drivers were then released, often with no ticket and no record. In a small fraction of the stops, drugs were found and individuals arrested. Because Whites were not stopped and searched to the same extent as Blacks, African Americans accounted for most of the arrests resulting from these encounters.

There is evidence that a similar dynamic is at work on our nation's highways. As Kurlander (2000) has pointed out, racial profiling is mandated by official and published guidelines, such as the 1985 guidelines for the Florida Highway Patrol. Within these guidelines, the profile for drug couriers included "the use of rental cars, scrupulous obedience to traffic laws, drivers wearing 'lots of gold,' drivers who do not 'fit the vehicle,' and '*ethnic groups associated with the drug trade*' [italics added]" (p. 148). Along these same lines, evidence in a 1992 class action suit filed by the Maryland American Civil Liberties Union (ACLU) included a Maryland State Police memorandum instructing officers to be on the lookout for drug dealers and couriers, described as "predominantly black males and black females" (*Wilkins v. Maryland State Police*, 1992).

Administrative directives such as those described above suggest the role of police leadership in racial profiling. Police administrators provide much of the impetus for racial profiling by encouraging and rewarding drug arrests. As Chambliss (2001) noted, drug arrests in poor urban communities, often largely populated by racial minorities, are easier to make than in most other contexts because of the open street-market dealing characteristic

of these communities. Ease of arrest is also enhanced by the fact that residents of impoverished communities generally lack the political and economic clout to resist aggressive police practices. Police departments come to rely on federal funds tied to their ability to demonstrate success in the area of drug enforcement, and large numbers of drug arrests are offered up as evidence that a police department is successfully winning the hopeless war against drugs.

Another contribution of police administrators to racial profiling is how they manage their departments and discipline their officers. One of the authors, a former police officer, worked for police administrators who would discipline officers for eating lunch outside the patrol area, driving over the speed limit, speaking rudely to someone, being late to work, or not wearing one's hat when outside the patrol car; but would take no action at all if an officer violated someone's civil and human rights. In fact, if an illegal stop and search led to an arrest for drug possession, the only punishment was that the evidence might be thrown out as inadmissible. Suggesting the degree to which drug arrests result from either unsubstantiated or illegally obtained evidence, Miller (1996) noted that a 1993 study by the California State Assembly found that 92% of Black men arrested by police on drug charges were subsequently released for lack of evidence or inadmissible evidence. Aware of the large percentage of drug arrests that do not result in conviction, officers who make such arrests say, "You may beat the rap, but you can't beat the ride." If the person subjected to an illegal stop and search is ultimately arrested for disorderly conduct or resisting arrest because they become agitated in the face of a gross injustice, this individual will not beat the rap or the ride.

EMPIRICAL RESEARCH ON RACIAL PROFILING

As a result of legal challenges and increasing public discourse surrounding racial profiling, there are a number of ongoing empirical investigations designed to measure the extent of this phenomenon. Currently, these studies involve efforts to gather data on racial disparities in traffic stops by police. A recent report by the U.S. General Accounting Office (2000) identified five quantitative analyses, the cumulative results of which suggest that minority motorists, and African Americans in particular, are more likely than Whites to be stopped by police. The extent to which Blacks are disproportionately represented among traffic stops in comparison to their representation among motorists is evidenced by a statistical analysis mandated as a result

of litigation in Maryland. This study showed that between 1995 and 1997, Black motorists made up more than 70% of those stopped by Maryland State Troopers along the Interstate 95 corridor, though they made up only 17% of motorists in the same time period (Russell, 1999). A recent report by the New Jersey attorney general provided evidence of racial disparities in traffic stops on New Jersey's roadways as well (Verniero & Zoubek, 1999).

A study currently being conducted in North Carolina attempts to address a number of key questions in the investigation of racial profiling through the use of a multimethod research design (Zingraff, Smith, & Tomaskovic-Devey, 2000). This study combines analysis of official data, baseline estimates of driving behaviors, a statewide citizen survey, focus groups of state troopers and supervisors, and citizen focus groups. Recognizing the complex nature of the phenomenon of racial profiling, the North Carolina investigators are exploring what officers do and why they do it, perceptions of racial profiling among the general public, and the experience of African Americans with regard to traffic stops (Zingraff et al., 2000).

The difficulty with gathering scientific data in this area is that it is nearly impossible to measure whether stops are racially motivated. Racially motivated stops are usually predicated on some other justification or pretext or the racial factor is conspicuously, and often skillfully, left out of police reports. Nonetheless, efforts to quantify racial disparities in traffic stops should continue. In the meantime, other methods for investigating racial profiling, such as the one described here, can further the agenda of adding social science knowledge to the shared personal knowledge amassed from the lived experiences of African Americans and other racial minorities in the United States. The importance of such research cannot be overstated. As Russell (1999) put it, "individual cases can be explained, dismissed and justified. In their aggregate, the stream of anecdotal cases which suggest that Blackness can be equated with criminality has social consequences" (p. 721).

CONTEXT FOR THE STUDY

In the past 2 years, we have become involved with the National Association for the Advancement of Colored People (NAACP), the ACLU, and Milwaukee's Angela Davis Chapter of CopWatch in their respective endeavors to gather information about racial profiling in Milwaukee and Wisconsin as part of a broader effort to put an end to this practice. One of the major stumbling blocks in this struggle has been the denial by prominent

government officials, most notably by former Wisconsin governor Tommy Thompson, that racial profiling occurs. In October 1999, then-Governor Thompson vetoed a budget item that would have appropriated money to gather demographic data on traffic stops to investigate the problem of "Driving While Black or Brown" stops. He stated that the extra time standing out in the road to write down the information would put police officers at too great a risk. Furthermore, Governor Thompson stated that because there is no evidence that racial profiling exists, there is no need to collect data on it. In support of this veto, Milwaukee Police Chief Arthur Jones, who is African American, and Milwaukee County Sheriff Lev Baldwin, who is White, denied that their departments engage in racial profiling. Governor Thompson further said that state law enforcement, almost as one voice, raised concerns over the costs involved in recording a driver's age, gender, race, or ethnicity; the nature of the search of the vehicle; and whether a citation or warning was issued. In lieu of providing for data collection that might shed light on the practice, Governor Thompson appointed a Task Force on Racial Profiling.

Official denials of the practice of racial profiling are in direct opposition to what members of the African American and Latino communities in Milwaukee have to say. Indeed, it is difficult to find a person of color who cannot relate at least one experience in his or her life of having been profiled based on race. There have been several public forums in Milwaukee during the past few years in which citizens have come forward to describe their experiences of having their civil rights violated by police. In addition, whenever the topic of a local Black radio station's morning talk show focuses on police, listeners call in to express their frustration about the frequency with which they are stopped by police because of their race. People describe feeling excluded from certain areas of the county because they are Black. Young African American men give accounts of being stopped and searched on a regular basis, usually with no ticket or citation being issued. For example, one young man reported that he had been stopped by police 18 times in a 6-month period. Employers in suburbs complain that they cannot keep employees from the inner city because they are continually stopped on their way to and from work and called on to explain their presence and show proof of employment. Mothers testify about their fear of their young sons turning 16 years old, because they know this is when it all begins.

On a panel on racial profiling at the December 1999 Big Ten Police Chiefs Conference in Madison, Wisconsin, there were 4 African Americans who averaged more than 20 years of law enforcement experience. Each of

these law enforcement veterans stated at the outset that they themselves had been racially profiled on numerous occasions. The discussion among the 40 police chiefs in the room immediately proceeded from talking about whether racial profiling takes place to exploring strategies to put an end to this practice. Discussing the matter further over lunch, the veteran Black officers spoke about how saddened they were by the fact that they have to teach their own children how to survive an encounter with a police officer because of their race. The fact that these were experienced law enforcement officers stating that there is no question that racial profiling takes place was an extremely powerful indictment against those who deny the reality of this phenomenon.

It is difficult to reject the accounts of police officers who have been subjected to racial profiling as being uninformed or overly sensitive or to challenge their interpretations of events. Police officers, after all, well understand the intricacies, complexities, and dangers of law enforcement. It is for this reason that we set out to explore racial profiling by conducting a survey of African American police officers. African American police officers as respondents to a survey such as ours have conflicting interests. As African Americans, they have a vested interest in exposing the practice of racial profiling to bring an end to it and protect themselves and their communities from mistreatment by the police. On the other hand, as police officers, they have a vested interest in protecting the integrity of their profession and, thus, not perpetuating the perception that the police are engaged in this discriminatory practice. In fact, a few officers contacted us to express their concern that the survey might project a negative image of themselves as police officers, of the police department for which they work, or of policing in general. Each officer who telephoned emphatically stated that he or she had never been racially profiled or participated in the practice of racial profiling. Because it is natural to want to protect one's chosen profession from criticism, statements by African American police officers substantiating the reality of racial profiling are especially powerful.

METHOD OF INVESTIGATION

The names and work addresses of Milwaukee police officers who were identified in official records as Black were provided by the Milwaukee Fire and Police Commission. An anonymous survey was mailed to these officers that asked them about their personal experiences of having been racially profiled by police (see Appendix A). A definition of racial profiling was

stated at the top of the survey, defining it as “when race is used by a police officer or a police agency in determining the potential criminality of an individual.” The letter emphasized that we were not conducting an investigation of the Milwaukee Police Department but, rather, an investigation of the extent to which individual police officers who are African American have been victims of racial profiling by any police officer or agency.

The Milwaukee Police Department was selected because of the relatively large number of African American police officers in that department and because the Milwaukee Fire and Police Commission agreed to provide us with the names and districts of officers for the purpose of mailing the survey. According to the Fire and Police Commission, the Milwaukee Police Department employs approximately 2,100 sworn personnel, 414 of whom are designated as Black. Each of the 414 Black officers was sent a survey with a cover letter explaining the project in detail. Three weeks later, a follow-up letter and survey were sent out to each person on the list to ensure as high a response rate as possible.

FINDINGS

THE RESPONDENTS

Of the 414 African American police officers in the Milwaukee Police Department to whom we sent the survey, 167 responded, producing a response rate of 40%. A complete summary of responses to the questions about racial profiling, and the number of respondents who answered each question, can be found in Appendix B. Ninety-nine percent of the respondents indicated being 25 or older and having been a sworn police officer for at least 1 year. The percentage of male respondents is 83, whereas the percentage of female respondents is 17. These percentages are nearly identical to the proportions of male and female officers on the list of Black police officers provided by the Milwaukee Fire and Police Commission. Respondents were asked to identify themselves with regard to skin tone. Forty-one percent identified themselves as “dark-skinned,” 31% as “light-skinned,” and 28% as “other.”

THE REALITY OF RACIAL PROFILING

The findings from this study of African American police officers substantiate what numerous citizens of Milwaukee have stated in public

TABLE 1. Police Officers Who Have Experienced Racial Profiling

	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
Stopped	69	31	166
Questioned	51	49	166
Searched	18	82	165
Ticketed	22	78	166
Arrested	7	93	166

Note: The table shows answers to the following question: "In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling as defined above? Please check all the boxes that apply."

hearings and on radio talk programs—that racial profiling is a reality. Table 1 demonstrates that more than two thirds (69%) of the officers who responded to the survey believe that they have been stopped as a result of racial profiling at some point in their lives. Roughly half of the respondents indicated that they have been questioned as a result of racial profiling. Eighteen percent have been subjected to a search, and 22% were ticketed in an encounter attributed to racial profiling. Seven percent of respondents said that they had been arrested as a result of racial profiling. The large gap between the percentage stopped and the percentage arrested in a racial profiling encounter is consistent with other accounts, indicating that such stops are generally made without reasonable suspicion (Chambliss, 1994; Cole, 1999; Miller, 1996). In essence, stops based on racial profiling are "fishing expeditions" in which officers hope to obtain consent to search the person or vehicle, find some justification for a search, or identify some probable cause for an arrest. When these expectations are not fulfilled, which is most often the case, the officer initiating the stop lets the person go, with very little evidence (such as a ticket or an arrest report) left behind that the stop even occurred.

Table 2 demonstrates that racial profiling is not just a thing of the past. Forty-three percent of respondents said that they had been stopped as a result of racial profiling in the past 5 years. One in four said they had been subjected to racial profiling in the past year. Every one of the officers who stated that they were subjected to racial profiling in the past year was a sworn police officer at the time of the incident. As would be expected, the percentages for having been searched, ticketed, and arrested are smaller than the percentages for having been stopped and questioned.

TABLE 2. Police Officers Who Have Experienced Recent Racial Profiling (in percentages)

	<i>Past 5 Years (n = 165)</i>		<i>Past 12 Months (n = 164)</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
Stopped	43	57	26	74
Questioned	26	74	12	88
Searched	7	93	1	99
Ticketed	5	95	2	98
Arrested	3	97	1	99

Note: The table shows answers to the following question: "In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 5 years? In the past 12 months? Please check all boxes that apply."

DOES IT HAPPEN IN WISCONSIN?

One of the primary purposes of this survey was to gather data relevant to statements made by government officials, including Wisconsin's governor, the Milwaukee County sheriff, and the Milwaukee chief of police, that racial profiling is not practiced in the state of Wisconsin, the county of Milwaukee, or the city of Milwaukee. The information in Table 3 contradicts these statements, indicating that racial profiling is a current reality in Milwaukee and Wisconsin.

In the past 5 years, 43% of respondents were subjected to racial profiling in Wisconsin, 39% in Milwaukee County, and 38% in the city of Milwaukee. In the 12 months prior to the survey, 23% were racially profiled in Wisconsin and 20% were racially profiled in Milwaukee County. Perhaps most disturbing is that nearly one of five police officers who responded to our survey were subjected to racial profiling in the past year in the city where they serve as law enforcement officers.

THE BLACK MALE

Of particular importance to understanding the phenomenon of racial profiling are the societal stereotypes that plague young Black men in the United States. Researchers have suggested that racial stereotypes and fears about Black men as being more criminal, more involved in illegal drugs, and more violent than other social groups penetrate the social consciousness of much of our society (Anderson, 1990; Hall, 1996; Russell, 1998). It is also widely agreed that the attitudes of police officers reflect the stereotypes and prejudices found throughout the rest of society and that young African American

TABLE 3. Police Officers Who Have Experienced Racial Profiling in Wisconsin, the County of Milwaukee, and the City of Milwaukee

	<i>Past 5 Years</i>			<i>Past 12 Months</i>		
	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
State of Wisconsin	43	57	164	23	77	164
County of Milwaukee	39	61	164	20	80	164
City of Milwaukee	38	62	165	18	82	163
In another state	20	80	162	10	90	163

Note: The table shows answers to the following question: "In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 5 years or in the past 12 months in the state of Wisconsin, the county of Milwaukee, or the city of Milwaukee? Please check all the boxes that apply."

TABLE 4. Police Officers Who Have Experienced Racial Profiling by Gender (in percentages)

<i>Gender</i>	<i>Ever Been Racially Profiled (n = 166)</i>		<i>Racially Profiled Past 5 Years (n = 165)</i>		<i>Racially Profiled Past 12 Months (n = 164)</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
	Male	74	26	48	52	29
Female	45	55	21	79	10	90

Note: The table shows answers, by gender, to the following question: "In your professional opinion, do you believe that you have ever been stopped as a result of racial profiling? In the past 5 years? In the past 12 months?"

men are often perceived as symbolic assailants or as potential threats to the police (McConahay, 1986; Sears, 1988; Walker, Spohn, & DeLone, 2000). Much police research has established that although many racial/ethnic groups have had a history of confrontation with police, the group most consistently involved in conflict with the police is African American men (Barlow & Barlow, 2000). Thus, there is much to suggest that Black men are more likely than other groups to experience racial profiling at the hands of the police.

The only other group with which our data provide a basis for comparison to African American men is African American women. The findings in Table 4 appear to support the expectation that Black men are more likely to be victims of racial profiling by the police than Black women. Among respondents, male officers were more likely to report having been racially profiled than female officers in each of the time frame categories. Nearly 3 out of every 4 male respondents (74%) said that they had been subjected to

racial profiling at some time in their lives, compared with 45% of female respondents. Almost half of the males (48%), compared with one fifth of the females (21%), said that they had been racially profiled in the past 5 years. Nearly 1 of every 3 male respondents (29%) reported having been racially profiled in the in past 12 months, whereas the rate for female respondents in the same period was 1 in 10 (10%).

SKIN TONE

Georges-Abeyie's (1989) theory of social distance suggests that discriminatory treatment of persons of color by police and other criminal justice personnel results in part because of the social distance created by differences in skin color between racial minorities and the White majority. Social distance theory suggests that discrimination will be greatest against those whose skin color is most different from the light skin tones of the majority. Tatum (2000), in an excellent discussion of the literature on race and skin color, concludes that dark-skinned African Americans experience the greatest social distance from the White majority of any subgroup of the American population. Based on this literature, it is reasonable to expect that dark-skinned Blacks are victimized by racial profiling at a higher rate than Blacks with lighter skin tones.

Table 5 demonstrates that respondents who described themselves as "dark-skinned" reported having been racially profiled in the highest percentages for each of the three time periods (ever, in the past 5 years, and in the past 12 months). When considering the lower percentages of having been racially profiled for those who identified themselves as "light-skinned" and as "other," it should be noted that respondents who selected the category "other" generally described themselves as having medium, brown, or tan skin tones.

THE USE OF RACIAL PROFILING

The final quantitative question in the survey asked respondents about their personal use of racial profiling in the performance of their job as a sworn police officer in the Milwaukee Police Department. The findings indicate that 90% of the respondents stated that they do not use racial profiling when they police and that they do not believe it to be a necessary and legitimate tool for police officers to use. However, considering the widespread condemnation of the practice of racial profiling by police executives,

TABLE 5. Police Officers Who Have Experienced Racial Profiling by Skin Tone (in percentages)

<i>Skin Tone</i>	<i>Ever Been Racially Profiled</i> (n = 165)		<i>Racially Profiled Past 5 Years</i> (n = 164)		<i>Racially Profiled Past 12 Months</i> (n = 163)	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
Dark-skinned	75	25	50	50	34	66
Light-skinned	67	33	39	61	22	78
Other	62	38	38	62	19	81

Note: The table shows answers, by skin tone (as self-identified by respondents), to the following question: "In your professional opinion, do you believe that you have ever been stopped as a result of racial profiling? In the past 5 years? In the past 12 months?"

the International Association of Chiefs of Police, and the National Organization of Black Law Enforcement Officials, along with the historical fact that racial profiling is an oppressive form of control of African Americans and other people of color, it is somewhat surprising to find that 1 in 10 respondents stated that they use racial profiling and that 1 in 10 stated that they believe racial profiling is a necessary and legitimate tool for police officers.

DESCRIPTIONS OF SPECIFIC CASES

The final item on the survey was open-ended and asked respondents who have been subjected to racial profiling to describe the most recent time they had experienced such an encounter. Seventy of the respondents wrote nothing in the space provided. Fourteen used the space to state that they had not experienced racial profiling. One used the space to tell us that our time would be better spent examining the comparative lack of police protection for African Americans. One respondent indicated an unwillingness to share the details due to the possibility of repercussions. One gave a phone number, stating that the experience was too long to write about. Eighty respondents did provide a written description of the most recent time they were subjected to racial profiling.

Although we plan to discuss the qualitative portion of the survey in a separate article, it is worth mentioning here that the descriptions provided by the police officers in our study are dramatic. Many describe the first words uttered by the officers who stopped them as abrupt and offensive questions, such as, "What are you doing here?" "Is this car stolen?" "Do you work

here?" "Do you have a job?" When respondents asked why they had been stopped, they were told, "It's my job to ask the questions, not yours," "You were speeding," or "You fit the description of a suspect." Shortly after such statements, the respondents identified themselves as police officers. At this point, in many of the encounters described in the narrative accounts, the police officer initiating the contact quickly backed off and released the respondent. When the respondent attempted to continue the conversation and obtain clarification regarding the reason for the stop, the police officer was not able to give a reasonable justification and quickly left the scene. In one case, after the respondent requested that the officer provide his name and badge number and send for his supervisor, the police officer turned, ran back to his patrol car, and drove away.

DISCUSSIONS AND CONCLUSIONS

The purpose of this investigation was to provide data on the experience of racial profiling that cannot easily be dismissed by those who regard the accounts of ordinary citizens as unreliable and based on a lack of understanding of police work. Although some law enforcement leaders lack confidence in the ability of the general public to identify racial profiling, it could also be argued that denials of the reality of racial profiling by White authorities are unreliable and based on a lack of understanding of being Black in America. African American police officers have the unique vantage point of having the lived experience of being Black in America along with the professional knowledge and experience that comes with being police officers.

More than two thirds of the officers in our study reported having been on the receiving end of racial profiling at some point in their lives. Indicating that racial profiling is not just a thing of the past, 43% of respondents said that they had experienced racial profiling in the past 5 years, and 1 in 4 reported having been racially profiled in the past year. The degree to which racial profiling is a particular problem for Black men is indicated by the fact that nearly 3 out of every 4 of the male respondents to our survey said that they had been subjected to this practice. Suggesting that dark-skinned African Americans are targeted to an even greater degree than those with light or medium skin tones, respondents who identified themselves as "dark-skinned" reported the highest percentages of having been racially profiled. Finally, despite having obvious reasons to oppose racial profiling, 1 in 10 of

the officers in our survey reported that they engage in racial profiling themselves and believe it is a necessary tool of law enforcement.

The responses of the African American police officers in this survey must be added to the growing body of evidence of racial disparities in traffic stops and to the stream of first-person accounts by African Americans from all walks of life showing that racial profiling is a reality. Unfortunately, the obstacles faced by those who wish to bring an end to racial profiling include a context in which this practice is both denied and condoned. Even as police administrators deny the reality of racial profiling, they reward officers for effective use of drug courier profiles that rely on racial stereotypes. Even as the Supreme Court claims to guarantee equal protection for all citizens, it has all but condoned racial profiling by allowing police to use the pretext of traffic enforcement to stop anyone they want. Despite claims by some that civil rights for racial minorities have been achieved in the United States, racial discrimination continues to contaminate the criminal justice process. Though police officers are the gatekeepers to that process, they do not create their own marching orders. Bringing an end to racial profiling will require strong leadership dedicated to putting an end to racially biased policing in all its forms. Because of the failure of the Supreme Court to take decisive action to end racial profiling, police administrators must aggressively develop clear and direct policy guidelines that severely restrict police discretion when it comes to the use of race as a factor in determining potential criminality. These guidelines should be strictly enforced with disciplinary procedures for their violation. There must be an unequivocal message that racially biased policing will not be tolerated.

APPENDIX A

Questionnaire on Racial Profiling

Consent Statement: "Filling out this survey indicates that I am at least 18 years of age and I am giving my informed consent to be a subject in this study."

Instructions: Please do not put your name on this survey. Please answer all of the following questions and then return the completed survey in the enclosed self-addressed, stamped envelope. If you believe that any of the demographic information could be used to identify you, please feel free to skip those questions and continue on to the racial profiling information questions.

Definition: For the purposes of this survey, "racial profiling" in policing refers to any situation in which race is used by a police officer or a police agency to determine the potential criminality of an individual.

Demographic Information

1. What is your age?

- Under 25 25-35 36-45 Over 45

2. Are you male or female?

- Male Female

3. How long have you been a sworn police officer?

- Less than 1 year 1-5 years 6-10 years
 11-20 years More than 20 years

4. Would you describe yourself as dark-skinned or light-skinned?

- Dark-skinned Light-skinned Other, specify _____

Racial Profiling Information

5. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling as defined above? Please check all the boxes that apply.

- | | | |
|------------|------------------------------|-----------------------------|
| Stopped | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Questioned | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Searched | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Ticketed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Arrested | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

6. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 5 years? Please check all the boxes that apply.

- | | | |
|------------|------------------------------|-----------------------------|
| Stopped | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Questioned | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Searched | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Ticketed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Arrested | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

7. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 5 years in the state

of Wisconsin, the county of Milwaukee, or the city of Milwaukee? Please check all the boxes that apply.

- | | | |
|----------------------------|------------------------------|-----------------------------|
| In the state of Wisconsin | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In the county of Milwaukee | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In the city of Milwaukee | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In another state | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

8. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 12 months? Please check all the boxes that apply.

- | | | |
|------------|------------------------------|-----------------------------|
| Stopped | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Questioned | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Searched | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Ticketed | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Arrested | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

9. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 12 months in the state of Wisconsin, the county of Milwaukee, or the city of Milwaukee? Please check all the boxes that apply.

- | | | |
|----------------------------|------------------------------|-----------------------------|
| In the state of Wisconsin | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In the county of Milwaukee | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In the city of Milwaukee | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| In another state | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

10. Do you use racial profiling in the performance of your job?

- Yes No

11. Do you believe that racial profiling is a necessary and legitimate tool for police officers?

- Yes No

12. If you have ever been stopped, questioned, searched, or ticketed as a result of racial profiling, please share with us a brief description of the last time it happened to you. This information will greatly help us better understand this phenomenon.

APPENDIX B
Frequency Distributions From the
Questionnaire on Racial Profiling

Demographic Information

1. What is your age?

<i>Under 25</i>	<i>25-35</i>	<i>36-45</i>	<i>Over 45</i>	<i>n</i>
1%	43%	37%	19%	167

2. Are you male or female?

<i>Male</i>	<i>Female</i>	<i>n</i>
83%	17%	167

3. How long have you been a sworn police officer?

<i>Less Than 1 Year</i>	<i>1-5 Years</i>	<i>6-10 Years</i>	<i>11-20 Years</i>	<i>More Than 20 Years</i>	<i>n</i>
1%	25%	32%	26%	15%	167

4. Would you describe yourself as dark-skinned or light-skinned?

<i>Dark- Skinned</i>	<i>Light- Skinned</i>	<i>Other</i>	<i>n</i>
41%	31%	28%	165

Racial Profiling Information

5. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling as defined above? Please check all the boxes that apply.

	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
Stopped	69	31	166
Questioned	51	49	166
Searched	18	82	165
Ticketed	22	78	166
Arrested	7	93	166

6. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 5 years? Please check all the boxes that apply.

	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
Stopped	43	57	165
Questioned	26	74	165
Searched	7	93	165
Ticketed	5	95	165
Arrested	3	97	165

7. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 5 years in the state of Wisconsin, the county of Milwaukee, or the city of Milwaukee? Please check all the boxes that apply.

	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
In the state of Wisconsin	43	57	164
In the county of Milwaukee	39	61	164
In the city of Milwaukee	38	62	165
In another state	20	80	162

8. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 12 months? Please check all the boxes that apply.

	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
Stopped	26	74	164
Questioned	12	88	164
Searched	1	99	164
Ticketed	3	97	164
Arrested	1	99	164

9. In your professional opinion, do you believe that you have ever been stopped, questioned, searched, ticketed, or arrested as a result of racial profiling in the past 12 months in the state of Wisconsin, the county of Milwaukee, or the city of Milwaukee? Please check all the boxes that apply.

	<i>Yes (%)</i>	<i>No (%)</i>	<i>n</i>
In the state of Wisconsin	23	77	164
In the county of Milwaukee	20	80	164
In the city of Milwaukee	18	82	163
In another state	10	90	163

10. Do you use racial profiling in the performance of your job?

<i>Yes</i>	<i>No</i>	n
10%	90%	167

11. Do you believe that racial profiling is a necessary and legitimate tool for police officers?

<i>Yes</i>	<i>No</i>	n
10%	90%	167

REFERENCES

- Anderson, E. (1990). *Streetwise*. Chicago: University of Chicago Press.
- Bain, B. (2000, April 26–May 2). Walking while Black: The bill of rights for Black men. *Village Voice Online*. Retrieved October 25, 2000, from <http://www.villagevoice.com/issues/0017/bain.shtml>
- Barlow, D. E., & Barlow, M. H. (2000). *Police in a multicultural society: An American story*. Prospect Heights, IL: Waveland.
- Bast, C. M. (1997). Driving while Black: Stopping motorists on a subterfuge. *Criminal Law Bulletin*, 33, 457-486.
- Chambliss, W. J. (1994). Policing the ghetto underclass: The politics of law and law enforcement. *Social Problems*, 41(2), 177-194.
- Chambliss, W. J. (2001). *Power, politics and crime*. Boulder, CO: Westview.
- Cole, D. (1999). *No equal justice: Race and class in the American criminal justice system*. New York: New Press.
- Georges-Abeyie, D. (1989). Race, ethnicity, and the spatial dynamic: Toward a realistic study of Black crime, crime victimization, and criminal justice processing of Blacks. *Social Justice*, 16(4), 35-54.
- Hall, R. (1996). Impact of skin color upon occupational projection: A case for Black male affirmative action. *Journal of African American Men*, 1(4), 87-94.
- Harris, D. A. (1997). "Driving while Black" and all other traffic offenses: The Supreme Court and pretextual traffic stops. *Journal of Criminal Law and Criminology*, 87(2), 544-582.
- Harris, D. A. (1999). Driving while Black: Racial profiling on our nation's highways. *American Civil Liberties Union Online*. Retrieved October 25, 2000, from <http://www.aclu.org/profiling/report/index.html>
- Hughes, J. (2000). Some straight talk on profiling. *Law Enforcement News*, 26(530), 15.
- Kennedy, R. (2000). Suspect policy. In Joseph L. Victor (Ed.), *Annual editions: Criminal justice* (24th ed., pp. 102-106). Guilford, CT: McGraw-Hill.
- Kurlander, N. (2000). Software to track traffic stop data. *Law Enforcement Technology*, 27(7), 148-153.
- Leadership Conference on Civil Rights. (2001). Justice on trial: Racial disparities in the American criminal justice system. *Leadership Conference Education Fund*. Retrieved October 25, 2000, from <http://www.civilrights.org/publications/cj>
- Maryland v. Wilson, 519 U.S. 408 (1997).

- Mauer, M. (1999). *Race to incarcerate*. New York: New Press.
- McConahay, J. (1986). Modern racism, ambivalence, and the modern racism scale. In J. Dovidio & S. Gaertner (Eds.), *Prejudice, discrimination, and racism: Theory and research*. New York: Academic Press.
- Miller, J. G. (1996). *Search and destroy: African-American males in the criminal justice system*. New York: Cambridge University Press.
- New York v. Belton, 453 U.S. 454 (1981).
- Ohio v. Robinette, 519 U.S. 33 (1996).
- Pennsylvania v. Mimms, 434 U.S. 106 (1977).
- Russell, K. K. (1998). *The color of crime: Racial hoaxes, White fear, Black protectionism, police harassment, and other macroaggressions*. New York: New York University Press.
- Russell, K. K. (1999). "Driving while Black": Corollary phenomena and collateral consequences. *Boston College of Law Review*, 40(3), 717-731.
- Sears, D. (1988). Symbolic racism. In P. Katz & D. Taylor (Eds.), *Eliminating racism*. New York: Plenum.
- Strandberg, K. W. (1999). Racial profiling. *Law Enforcement Technology*, 26(6), 62-66.
- Substance Abuse and Mental Health Services Administration. (2001, June). *National household survey on drug abuse, population estimates 2000*. Washington, DC: Substance Abuse and Mental Health Services Administration.
- Tatum, B. (2000). Deconstructing the association of race and crime: The salience of skin color. In M. W. Markowitz & D. D. Jones-Brown (Eds.), *The system in Black and White: Exploring the connections between race, crime, and justice* (pp. 31-46). Westport, CT: Praeger.
- United States v. Avery, 128 F.3d 974 (6th Cir. 1997).
- United States v. Ross, 456 U.S. 798 (1982).
- United States v. Travis, 62 F.3D 170 (6th Cir. 1995).
- U.S. Department of Justice, Federal Bureau of Investigation. (2000). *Crime in the United States, 1999*. Washington, DC: Government Printing Office.
- U.S. General Accounting Office. (2000). *Racial profiling: Limited data available on motorist stops*. Washington, DC: National Institute of Justice.
- Verniero, P., & Zoubek, P. H. (1999). *Interim report of the state police review team regarding allegations of racial profiling*. Newark: New Jersey Office of the Attorney General.
- Walker, S., Spohn, C., & DeLone, M. (2000). *The color of justice* (2nd ed.). Belmont, CA: Wadsworth/Thomson Learning.
- Whren v. United States, 517 U.S. 806 (1996).
- Wilkins v. Maryland State Police, C.A. No. MJG-93-468 (D. Md. 1992).
- Wyoming v. Houghton, 526 U.S. 295 (1999).
- Zingraff, M. T., Smith, W. R., & Tomaskovic-Devey, D. (2000). North Carolina highway traffic and patrol study: "Driving while Black." *The Criminologist*, 25(3), 1-4.

David E. Barlow is an associate professor of criminal justice at the University of Wisconsin-Milwaukee. He earned a Ph.D. in criminology from Florida State University in 1991. Dr. Barlow has published a number of scholarly journal articles on multicultural issues in policing and the history,

ideology, and political economy of crime control. He is coauthor of the book Police in a Multicultural Society: An American Story, recently published by Waveland Press. Dr. Barlow is currently researching racial profiling and the history of police and African Americans in Milwaukee and is working on a new book titled, A People's History of Criminal Justice in the United States.

Melissa Hickman Barlow is an associate professor of criminal justice at the University of Wisconsin–Milwaukee. She received her Ph.D. in criminology and criminal justice from Florida State University in 1991. Professor Barlow teaches courses on theories of crime, race and criminal justice, and crime and justice in the media. She has published articles related to the race and class politics of crime control policy and is coauthor of Police in a Multicultural Society: An American Story. Dr. Barlow is currently researching the history of relations between police and African Americans in Milwaukee and the role of the Milwaukee media in police-community relations.