



INTRODUCTION

Racial profiling is a phenomenon that has been around for many years; however, since the mid-1990s substantial attention has been given to racial profiling in general and “driving while black” (DWB) in particular. In fact, as of 2007 there had been over 200 court cases involving allegations of racial and ethnic profiling against law enforcement agencies in the United States.¹ Consequently, it is an issue of significant concern. This book investigates several aspects of this phenomenon.

Racial profiling can occur in a wide variety of instances and settings. It is a form of discrimination by which law enforcement uses a person’s race or indicators of their cultural background as the primary reason to suspect that the individual has broken the law. The term “driving while black” arose from this practice, as African American drivers frequently complain that police officers pull them over for no other reason than the color of their skin and the stereotypes associated with their race.

Arab Americans and Muslim Americans became concerned with racial profiling following the terrorist attacks on September 11, 2001. Because the perpetrators of this crime were of Arab descent, Arabs in America complain that they are placed under intense scrutiny at airports and other locations. Although whites have committed domestic terrorist attacks, they have not been profiled in this manner.

While racial profiling can affect many aspects of the lives of minorities, we will focus on the DWB phenomenon. The Government Accountability Office defines the racial profiling of motorists as “using race as a key factor in deciding whether to make a traffic stop.” Among the most frequently occurring incidences of racial profiling is traffic stops—for minor traffic violations, which often result in vehicle searches for contraband. That is the focus of this book, which includes several studies of traffic stops and assesses traffic stops from several perspectives.

One of the studies included is an analysis of reports from several states on data collected in traffic stops. These data indicate the race of the driver and the disposition of the traffic stop, i.e., race, search, and yield for contraband. This data was examined for evidence of racial discrimination. Several personal stories of DWB are also included in order to illuminate the pervasiveness of its occurrence.

A central part of this book is the report of studies of traffic ticketing in one city, Cleveland, Ohio. The approach we used in studying Cleveland's ticketing practices integrates research methods used in other studies to provide an enhanced estimate of the driving population within the particular geographic area being studied. Second, we analyze spatial and racial dynamics of the administration of justice as reflected in differential traffic enforcement practices used by the police in specific locations within the same municipal jurisdiction.

Third, we provide an analysis of the DWB issue from an institutional racism perspective rather than the traditional individual racist police officer paradigm in which the issue is generally discussed. As James M. Jones points out in distinguishing between these two forms of racism and their impact, while an individual may dislike a group of people because of their race, may call them derogatory names, give them a poor job rating, or refuse to hire them, an institutional practice or policy that systematically disadvantages a racial group and its members has consequences that are more widespread and reverberate and regenerate themselves for years.² By shifting the impetus of the discussion of racism from the individual to the institutional level, the personal burden of being labeled a "racist" and resistance to addressing the issue should be diminished.

We highlight the less obvious concomitant socioeconomic and legal ramifications of DWB such as the revocation of one's driver's license due to the accumulation of points for moving traffic violations and the various economic costs and hardships that stem from this loss of driving privileges, the possibility of multiple traffic infractions being added to a police record as was the case with Timothy Thomas, the young black man shot to death by Cincinnati police in 2001. We also discuss the implications of our findings. These include the following:

- The importance of looking at the policies, practices, and procedures in institutions.
- Racism is often in the policy and practice, not in the individual carrying out the policy.
- Systemic racism (against blacks or other minorities) can occur when the frontline actors are black or other minority themselves.

- Racially discriminatory practices can be shown to be attributes of institutions, instead of individuals.
- Considering the impact of institutional policies can facilitate meaningful discussions of remedies for racism.

STRUCTURE OF THE BOOK

The first chapter defines the problem, provides background information on DWB, discusses the literature on racial profiling, and legal rulings affecting it. In Chapter 2 we discuss cases of DWB. A study of traffic ticketing practices is reported in Chapter 3. Here we discuss approaches to defining the driving populations, and we analyze traffic ticketing patterns by race in Cleveland, including the use of a transportation planning model—the Gravity Model—to estimate the driving populations. In Chapter 4 we present the results of our study of stops, searches, and yields for contraband across several states. Chapter 5 describes the traffic surveys we conducted to assess actual speeding patterns by race, which we compared to the actual ticketing. Chapter 6 discusses institutional racism as an important perspective in assessing racial profiling. Chapter 7 discusses the consequences of racial profiling, e.g., felony records, unemployment, under-employment, poverty, etc. In Chapter 8, the Epilogue, Ronnie Dunn discusses the impact of the Cleveland study on public policy in that city and the attendant political reactions.

Please note that we tend to use the terms “black” and “African American” interchangeably. In most instances “black” would be the more appropriate term as distinctions are not being made between African Americans and other blacks.

NOTES

1. Antonovics, K. & B. G. Knight (February 2009). A New Look at Racial Profiling: Evidence from the Boston Police Department. *The Review of Economics and Statistics* 91(1): 163–177.
2. J. M. Jones, *Prejudice and Racism* (United States: McGraw-Hill Companies, 1997).