



Racial Profiling and Street-level Crime

The national significance of the Trayvon Martin case has ignited a heated discussion about bias and racial profiling in this country. The prologue for this conversation was established in communities across the country where racial profiling by law enforcement has been commonplace for years.

Notwithstanding the fact that racial profiling is unconstitutional, and despite the emphatic declaration from the federal government that the practice is “invidious,” “wrong,” “ineffective,” and “harmful to our rich and diverse democracy,” quantitative and qualitative evidence collected at the federal, state, and local levels confirms that racial profiling persists.

Empirical evidence confirms the existence of racial profiling on America’s roadways and that police actions taken during traffic stops are not uniform across race and ethnicity. The U.S. Department of Labor’s Bureau of Justice Statistics reports that for the year 2005:

- Black drivers (4.5 percent) were twice as likely as White drivers (2.1 percent) to be arrested during a traffic stop, while Hispanic drivers (65 percent) were more likely than White (56.2 percent) or Black (55.8 percent) drivers to receive a ticket.
- In addition, Whites (9.7 percent) were more likely than Hispanics (5.9 percent) to receive a written warning, while Whites (18.6 percent) were more likely than Blacks (13.7 percent) to be verbally warned by police.
- Black (9.5 percent) and Hispanic (8.8 percent) motorists stopped by police were searched at higher rates than Whites (3.6 percent).

Quantitative evidence reported in several states confirms this nationwide data.

- A study in Arizona shows that during 2006–2007, the state highway patrol was significantly more likely to stop African Americans and Hispanics than Whites on all the highways studied, while Native Americans and persons of Middle Eastern descent were more likely to be stopped on nearly all the highways studied. The highway patrol was 3.5 times more likely to search a stopped Native American than a White, and 2.5 times more likely to search a stopped African-American or Hispanic motorist.
- A February 2009 study of traffic stops and searches in West Virginia revealed that African-American motorists were 1.64 times more likely to be stopped than White drivers. Hispanics were 1.48 times more likely to be stopped. After the traffic stop, non-Whites were more likely to be arrested, yet police in West Virginia obtained a significantly higher contraband hit rate (*i.e.*, the discovery of contraband or evidence of other illegal conduct) for White drivers than for minorities.
- In Minnesota, a statewide study of racial profiling during 2002 found that African-American, Hispanic, and Native American drivers were all stopped and searched more often than Whites, yet contraband was found more frequently in searches of White drivers’ cars. Had all drivers been stopped at the same rates in the 65 local jurisdictions reporting data, 22,500 more Whites would have been stopped, while 18,800 fewer African Americans and 5,800 fewer Hispanics would have been stopped.

- In Illinois, data collected after the 2003 passage of the Illinois Traffic Stops Statistics Act, showed the number of consent searches after traffic stops of African-American and Hispanic motorists was more than double that of Whites. The consent searches found White motorists were twice as likely to have contraband.
- A 2005 study analyzing data gathered statewide in Texas reveals disproportionate traffic stops and searches of African Americans and Hispanics, even though law enforcement authorities were more likely to find contraband on Whites.

Just as minority motorists are subject to racial profiling, so too are minority pedestrians.

- This is especially true following the adoption of community-based policing strategies that often provide street-level law enforcement authorities with wide discretion to “clean up” the communities they patrol.
- As is the case in the “Driving while Black or Brown” motorist context, such discretion in the pedestrian context is often exercised to racially profile minorities who are perceived to pose a threat to public safety even if they have done nothing wrong. Harvard Law School Professor Charles Ogletree, who is African-American, has stated, “If I’m dressed in a knit cap and hooded jacket, I’m probable cause.”
- In recent studies of the stop-and-frisk practices of NYPD officers and LAPD officers, researchers found that that Blacks and Latinos have a greater likelihood of being stopped-and-frisked by police officers at a rate significantly disproportionate to that of Whites. In both cases, researchers found that these higher stop-and-frisk rates were not justified by higher minority criminality, in that hit rates among African Americans and Hispanics stopped and searched by the police—whether driving or walking—were lower than or similar to hit rates for Whites who were stopped and searched.

Though defenders of racial profiling argue that that certain crimes are more likely to be committed by members of a particular racial, ethnic, national origin, or religious group, and that members of that group are more likely than non-members to be involved in that type of criminal activity, **the statistics cited above render implausible any defense of racial profiling on the ground that African Americans and Hispanics commit more drug-related or other street-level crimes than Whites.**

For more information on why the assumptions underlying racial profiling are false, read [Restoring a National Consensus: The Need to End Racial Profiling](#), a report of The Leadership Conference on Civil and Human Rights.

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