

**VI.** *Addressing Racial  
Profiling: Creating a  
Comprehensive Commitment  
to Bias-Free Policing*



# ADDRESSING RACIAL PROFILING: CREATING A COMPREHENSIVE COMMITMENT TO BIAS-FREE POLICING

The practice of racial profiling has no place in law enforcement. It is an activity that undermines the public trust vital for an effective community policing organization. Police must be perceived as both providers of public safety and deferential to the civil liberties of those they have sworn to protect and serve. While the majority of police officers serve their communities in a professional and ethical manner, the debate over the reality of racial profiling as a practice in law enforcement is loudest on the side of its existence on a national level.<sup>1</sup>

**Chief Russ Leach, Riverside (California) Police Department**

## Introduction

Questions regarding the existence of and the extent to which racial profiling is practiced among police officers are subject to fervent debate in the media, in academia, and in law enforcement agencies themselves. In this debate, perspectives vary broadly. Some observers suggest that the extent of racial profiling is wildly exaggerated and go so far as to call racial profiling a myth. Others consider racial profiling to be a widespread and systematic problem in law enforcement agencies across the country. Still others, however, fall in between these views. Some of these latter observers feel that racial profiling may be endemic to particular departments or particular units within departments, but not generally widespread. Others acknowledge the existence of racial profiling and express their grave concerns but assert that it is a rare practice invoked by only a few officers. In his 2001 address before a Joint Session of Congress, President George W. Bush put the problem of racial profiling in the following context:

“[Racial profiling] is wrong, and we will end it in America. In so doing, we will not hinder the work of our Nation’s brave police officers. They protect us every day, often at great risk. But by stopping the abuses of a few, we will add to the public confidence our police officers earn and deserve.”<sup>2</sup>

Public opinion polls reveal that racial profiling is a concern to a clear majority of Americans. A recent Gallup Poll found that 81 percent of Americans thought racial profiling to be wrong and that 59 percent felt that racial profiling was widespread.<sup>3</sup> While the poll revealed expected differences between the perceptions of Whites and African-Americans, a solid majority of White (56 percent), and more than three out of four African-American (77 percent) survey respondents indicated they believed the practice was widespread. However prevalent racial profiling actually is, public perceptions implore police executives to address it.

Many law enforcement executives deserve credit for their proactive approaches to bias free policing. Their earnest attempts at preventing racial profiling—through issuing strong policy directives, providing comprehensive training, requiring supervisory review and accountability, and collecting and reviewing stop and search data—are impressive. These efforts are especially remarkable because they are often complex, resource intensive, and politically thorny. Data collection, in particular, is a complicated undertaking. Currently, civil rights groups, the media, and state and federal government officials are making increased demands for racial profiling data collection. Many agencies are required to collect data on racial profiling as part of their mandated statewide data collection or as a result of legal decisions or settlements including federal consent decrees and memorandums of understanding. No law enforcement agency— including an agency that has not been singled out for engaging in racial profiling or that has a racially or ethnically homogeneous population—is immune to the potential of confronting the complexities of racial profiling data collection. Indeed, as more agencies collect data—whether mandated or voluntarily—it may become increasingly difficult for other agencies to withstand the pressure to do so. As a result, enforcement leaders are increasingly looking for guidance regarding this multifaceted and volatile issue.

## Chapter Overview and Objectives

Racial profiling is a remarkably complex topic. Beginning with an in-depth consideration of the various and differing definitions of racial profiling, this chapter acknowledges that complexity. It still strives, however, to offer law enforcement leaders clear and compelling directives on steps they can take to address and prevent problems within their individual agencies. To this end, the chapter explores the five core responsibilities that every department has (1) to design policies prohibiting the practice of racial profiling, (2) to implement a sound training regimen that reinforces departmental policies, (3) to sustain accountability mechanisms that measure adherence to professional, legal, and ethical standards as well as the specific effectiveness of training, (4) to communicate with the community, and (5) to establish consistency and continuity in the pursuit of all of these efforts.

Having offered these directives, the chapter turns to the consideration of racial profiling data collection and analysis. While this practice appears to be increasingly prevalent, the standards guiding it are still evolving. Law enforcement leaders struggle with questions ranging from whether to collect data, to what data to collect, to how that data should be analyzed to yield definitive conclusions. This chapter does not recommend that every department pursue racial profiling data collection and analysis. Instead, it is intended to help police make informed decisions and navigate the complex statistical, political, and public relations issues related to this practice.

The chapter concludes with a series of recommendations for law enforcement leaders working to prevent racial profiling within their departments. Still, the chapter is not intended to provide exhaustive coverage or even definitive conclusions regarding all facets of racial profiling. Readers interested in exploring the issues surrounding racial profiling in greater detail should reference the documents listed under Suggestions for Further Reading at the end of this chapter.

## Differing Definitions of Racial Profiling

As law enforcement agencies work to address perceptions of racial profiling in the community and to self-assess agency performance in this area, it is vital that they understand what racial profiling is. Regrettably, no single, standard definition of racial profiling exists. Differing definitions reflect the differing perspectives of attorneys, police officers, civil rights activists, and researchers. Although few among them would condone racial profiling as a legitimate law enforcement technique, there is only limited consensus on what particular behaviors actually constitute racial profiling. Police leaders must concern themselves not just with their own departments' definitions of racial profiling; they must be able to articulate and explain these definitions in operational terms to representatives from media and the public who may have entirely different perspectives on what constitutes racial profiling and how the term is defined.

### **An Evolving and Broadening Concept**

What is clear to all observers, however, is that the issue of racial profiling has expanded in the public consciousness and that the categories of persons who may be “racially profiled” have expanded beyond those that existed when the term first became popular. Racial profiling initially emerged out of concerns that African-Americans and Hispanics were more likely to be stopped by police and were being treated differently by police during those stops than other citizens. In the 1980s, some drug interdiction efforts targeted African-American and Hispanic drivers on the presumption that they were more likely to be involved in drug trafficking. Thus, the terms “driving while black” and “driving while brown” were among the earliest expressions of racial profiling.

Now, however, some observers more broadly construe racial profiling to include any police action—not merely traffic stops—that targets an individual based on a variety of group statuses other than race. Concerns over racial profiling extend beyond the African-American and Hispanic race categories. For instance, “flying while Arab” and “flying while Muslim” are now considered part of the racial profiling lexicon. In fact, the focus on “racial” profiling actually extends well beyond race. In addition to considering the race, ethnicity, color, national origin, or ancestry of an individual that is subject to police action, the term is often extended to address groups of individuals defined by gender, sexual orientation, religion, age, occupational status, socioeconomic status, immigrant status, or ability to speak English.

Although alternative terms such as “bias policing” have been used to convey this broader focus, for the purposes of this chapter we will continue to use the term “racial profiling” with the understanding that it applies to broadly defined police actions on the basis of broadly defined group statuses. Through constant attention by the media, the term “racial profiling” has become a household word that, as most people understand, addresses a spectrum of groups beyond just those defined by race.

### Sorting Through Definitions

Given this broader understanding, it is critical to consider the more common definitions of racial profiling and briefly assess the implications of each. In general terms, definitions often vary in the degree to which they allow for race—or another group status—to be a factor in police action. Differing definitions of racial profiling hold that race should:

- Not be considered the **sole** factor in a police action.
- Not be the **primary** or **motivating** factor in a police action.
- Not be a factor in a police action **except** in the manner that hair color, weight, or other physical descriptors are used in instances of identifying a suspect for a specific crime. Commonly referred to as the “be on the lookout” or BOLO exception, this definition is often used in combination with or as an elaboration of the above definitions.
- Not be a factor in a police action under any circumstances.

### Factor-Based Definitions

The basic difference in racial profiling definitions is how much of a role race can, or should, play as a factor in those decisions. These definitions consider the circumstances under which race may be considered in deciding whom to target as well as how restrictive those circumstances must be. As evidence of the existence of various definitions of racial profiling, consider the following passages, drawn from a variety of sources including police policy directives, that carry different implications about the degree to which race, ethnicity, national origin, or other group status can be used in police decisions.

The Texas American Civil Liberties Union (ACLU) report cited, but did not endorse, the following definition of racial profiling as common in a number of Texas law enforcement agencies:

Acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual’s race, ethnicity, or national origin or on the basis of racial or ethnic stereotypes rather than upon the individual’s behavior.<sup>4</sup>

The following definition, published on the Fairborn (Ohio) Police Department web site, prohibits police actions that rely on race as a primary or motivating factor:

Except as provided in this policy, race/ethnicity/human diversity shall not be *motivating factors* in making law enforcement decisions.<sup>5</sup> (Emphasis added.)

Source: Fairborn (Ohio) Police Department  
Agency Profile: Population 33,000; Officers 45

The following definition, an excerpt from a U.S. District Court case, prohibits police actions other than the BOLO exception:

The term ‘racial profiling’ means the consideration by an officer in any fashion or to any degree, of the race or ethnicity of any civilian in deciding whether to surveil, stop, detain, interrogate, request consent to search, or search any civilian; except when officers are seeking to detain, apprehend or otherwise *be on the lookout* for a specific suspect sought in connection with a specific crime who has been identified or described, in part, by race or ethnicity and the officer relies, in part, on race or ethnicity in determining whether reasonable suspicion exists that a given individual is the person being sought.<sup>6</sup> (Emphasis added.)

These directives, which capture the sole factor, primary or motivating factor, and BOLO exception prohibitions regarding racial profiling, are representative of those definitions that most commonly appear in police policy directives and training curriculum. As is evident, in order of presentation, the definitions range from narrow prohibitions to broad prohibitions of using race (or other status) as a basis for police action. None of the definitions prohibit the consideration of race altogether.

Few individuals inside or outside of law enforcement would argue that race should never be used as a factor in police action. Within the context of all of the above examples, race can and should be considered a factor when police are responding to the description of a suspect for a particular crime. In such a context, race is merely a descriptor of the suspect in the same sense as hair color, weight, age, and gender. Indeed, many agency policies stipulate that the BOLO exception is the only exception under which race may be used in police decisions to stop or search a person.

#### Clarification of the Term Profiling

The term *profiling* has a long history in law enforcement. It is important to distinguish the practice of *racial profiling*, which is unlawful, from other types of profiling—such as *criminal*, *psychological*, and *geographic profiling*—that have useful and lawful roles in policing. Criminal profiling, for instance, is used to discern investigative leads when suspect information is sketchy, such as was the case in the Washington, D.C.-area sniper case in 2002. Criminal profiling involves using evidence gathered from crime scenes, coupled with information about subject modus operandi and suspect behavior obtained from victims and witnesses, to develop an offender description based on psychological and other scientific principles. The goal of criminal profiling is to provide a description of the probable suspect or suspects based on scientific principles. The suspect description often comprises psychological traits—behavioral tendencies, personality traits, or psychopathologies—and demographic descriptors such as expected gender, age, race, or geographic location.

### **Race-based versus Behavior-based Definitions**

The above definitions addressed how much of a role race could play as a factor in police decisions. An alternative approach stresses that behavior rather than race should be the operative factor. The definition below from the U.S. Department of Justice publication, “A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned,” defines the prohibited act of racial profiling as based on the person rather than behavior.

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.<sup>7</sup>

Another approach is illustrated in the definition from the U.S. Department of Justice’s “Guidance Regarding the Use of Race by Federal Law Enforcement Agencies,” dated June 2003, which describes the unlawful practice in the following terms:

“Racial profiling” at its core concerns the invidious use of race or ethnicity as a criterion in conducting stops, searches and other law enforcement investigative procedures. It is premised on the erroneous assumption that any particular individual of one race or ethnicity is more likely to engage in misconduct than any particular individual of another race or ethnicity.

### **Criticism of Sole-Factor Definitions**

Sole-factor definitions of racial profiling attract frequent criticism because they are perceived as too narrow with regard to the behavior they prohibit. Critics believe that the sole-factor definition of racial profiling is operationally too easily exploited. Specifically, critics contend that if an officer can articulate any reason for his or her action other than race or other group status, then the real underlying reason is masked and the legal onus of racial profiling is lifted.

This argument is sometimes broached by referring to the term ‘pretext stops.’ Although the precise meaning of the term may be debated, pretext stops are those in which an officer can cite a reason or reasons for the stop other than the actual reason. As the Supreme Court has stated, pretext stops are generally legal and permissible.

The decision in *Whren v. U.S.* provides the legal precedent that most observers agree effectively permits pretext stops. In this case, Washington, D.C. Metropolitan police officers who had identified a suspicious vehicle in a known drug area used the violation of traffic laws as the stated basis of the stop. Drugs were found as a result of the stop and the officers did not deny that the traffic violation was a pretext for general drug related suspicion. In its decision, the U.S. Supreme Court ruled that “subjective intentions” were not relevant to establishing probable cause. In other words, the fact that the suspects were stopped on the “pretext” of a traffic violation was determined by the court not to matter. In the language of the federal appeals court ruling, which was upheld by the U.S. Supreme Court, “a traffic stop is permissible as long as a reasonable officer in the same circumstances *could have* stopped the car for the suspected traffic violation.” [emphasis added]<sup>8</sup>

However, as critics of the sole factor definition contend, pretext stops are problematic if the real reason for the stop is race. Under the sole factor definition, a police officer intent on stopping someone on the basis of race merely needs to wait for some violation to occur to use it as the stated reason for the stop. Even if the officer concedes that race played a role in the stop, it isn't the sole reason for the stop.

In short, critics argue that under the sole-factor definition, a hypothetical officer who routinely stops African-Americans for rolling stops or obscured license plates but does not stop Whites for the same infractions is not technically engaging in racial profiling because a reason other than race can be used to justify the stops. Critics of the sole-factor definition argue that the real question should be whether race influenced the officer's decision to stop the individual.

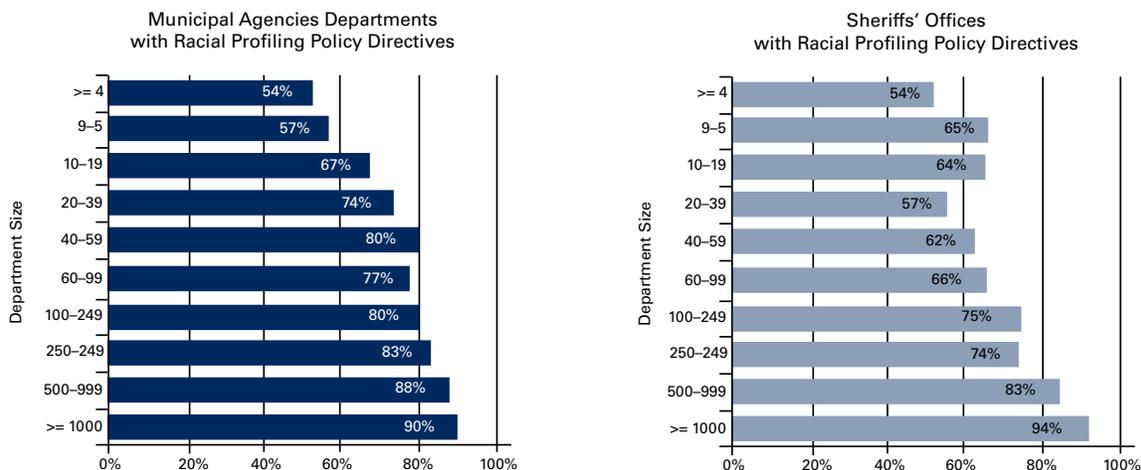
Through the efforts both within and outside of law enforcement—including local chapters of the ACLU, civilian review boards, as well as organizations like the National Organization of Black Law Enforcement Executives and the National Latino Peace Officers Association—so-called sole-factor definitions are increasingly being abandoned in favor of definitions which are seen as clearer and broader in their definitions of unlawful stop activity, and more effective in protecting civil rights.

## The Prevalence of Efforts to Address Racial Profiling

Whether racial profiling is perceived as an isolated practice or a widespread problem, every agency must work toward the goal of bias-free policing. To this end, many agencies have already begun to address racial profiling through developing sound policies, training, and adequate supervision and accountability mechanisms.

### Prevalence of Policies

Policies on racial profiling and bias-free policing are now commonplace in most law enforcement agencies, particularly larger agencies. Results from the 2003 Sample Survey of Law Enforcement Agencies (LEMAS), conducted by BJS, reveals that 43 of 48 (90 percent) state police agencies responding to the survey reported having policy directives on racial profiling. Based on the survey, 62 percent of municipal police departments and 63 percent of sheriffs' offices reported having racial profiling policies. As is evident in the graphs below, the prevalence of racial profiling policy directives generally increases with department size. Details about LEMAS methodology and data are available in the text box on page 31 in Chapter 2.



### Prevalence of Racial Profiling Training and Accountability

The LEMAS survey did not address the presence of training or accountability with respect to racial profiling. No national data was available to address this issue. As we have discussed in other chapters, however, the collection of racial and ethnic data is central to many accountability strategies now being used in police departments. For instance, to help ensure accountability, agencies are increasingly relying on their existing early intervention systems (see Chapter 3) and incorporating traffic stop data as a way to assess the performance of individual officers. Through the reliance on citizen complaint processes and related data analysis (see Chapter 4), law enforcement leaders and supervisors can assess which communities are experiencing problems with the department, including complaints that specify biased treatment. In addition to these efforts, many agencies have begun to collect and analyze racial profiling data either voluntarily or by mandate as a result of state regulation or individual lawsuits. This chapter will address the prevalence of data collection in a later section.

### Multiple Motivations for Addressing Racial Profiling

Law enforcement leaders must make every effort to prevent acts of racial profiling. The foremost reason to take an unequivocal position against the practice and deal with the issues in a forthright manner is because it is the right thing to do. Racial profiling is unlawful and unconstitutional. The use of race by law enforcement agencies is strictly limited by the Equal Protection Clause of the 14<sup>th</sup> Amendment and Title VI of the Civil Rights Act of 1964 which prohibits agencies that receive federal funding from engaging in racially discriminatory practices. Increasingly, through legislation or executive orders, states have mandated that law enforcement agencies establish policies banning racial profiling.

Other motivations for taking steps to prevent racial profiling, and proactively addressing community perceptions of racial profiling, include the following:

- **Sustaining the equality that is fundamental to ethical policing in a democratic society:** The fundamental focus on equal protection under the law is an established hallmark of policing in democratic societies. During the last 2 decades, growing commitments to community policing and service-oriented approaches in the United States has served to extend the concept of equal protection to one of equal service. All consumers of police services—whether they are living, working, or visiting the jurisdiction—expect and deserve both equal protection and equal service under the law. Bias policing, in any form, undermines this fundamental right.
- **Enhancing trust and confidence in the police:** To the extent that racial profiling is allowed to exist or that perceptions of racial profiling persist, the legitimacy of police authority is diminished. This may be felt most strongly among historically disadvantaged and disenfranchised communities that ironically are often most dependent on police services for public safety. A community's trust and confidence in the police is directly related to the extent to which a department takes a proactive approach to prevent racial profiling and address alleged racial profiling in a forthright manner.

- **Enhancing the philosophy and practices of community policing:** Racial profiling reinforces a negative us-versus-them mentality within communities and law enforcement agencies. Communities that feel they are racially profiled are less likely to report crime, less likely to cooperate as witnesses, and less willing to form constructive problem-solving partnerships with police. Members of these communities who come into contact with the police may act with more hostility because of real or perceived biased treatment. As Lorie Fridell (2005) suggests in a publication issued by the Police Executive Research Forum, “Decades of profound reform reflected in community policing are threatened by perceptions of racially biased policing and its practice.”<sup>9</sup> By addressing the communities’ concerns about racial profiling, law enforcement agencies realize the full benefits of community policing.
- **Building capacity to recruit minorities and other qualified individuals to work in law enforcement:** Many agencies work toward the ideal of mirroring the demographic composition of the jurisdictions they serve. Real or perceived racial profiling directly undermines efforts to recruit minorities and other qualified individuals who may perceive an agency—or the entire law enforcement profession—as being fundamentally biased against certain groups. This is a particularly pressing concern for departments that struggle with shortages of recruits. Meaningful efforts to address racial profiling can reduce feelings of disenfranchisement and make law enforcement careers more desirable. Moreover, a proactive approach to addressing racial profiling will help draw candidates of all backgrounds who share a commitment to bias-free policing and are motivated by public service ideals.
- **Limiting financial liability:** Allegations of racial profiling may result directly in payouts associated with civil lawsuits and settlements. An ounce of prevention may be worth a pound of cure. Agencies that take proactive steps to prevent racial profiling can reduce the costs associated with these payouts.

## Core Components for Addressing and Preventing Racial Profiling

Police departments benefit as they succeed in addressing and preventing the perception, as well as the actual occurrence, of racial profiling. Although departments’ efforts to address and prevent racial profiling may differ according to management priorities and legal mandates, the enactment of five core components will offer all departments the best possibility of success.

### Component One: Clear and Compelling Policies

To address and prevent racial profiling, departments must establish clear and comprehensive policies against it and agency missions that promote equal protection and equal service to all.

The first step in preventing racial profiling is the development of a clear departmental policy banning the practice. This policy directive must unambiguously define and denounce racial profiling. Ambiguous policy definitions and directives are of no assistance to officers on the street and have no value for developing relationships of trust between the department and the community.

Departmental policies should clearly convey that behavior and evidentiary standards—not race—should guide police stop-and-search decisions. To this end, departmental policies should specify that race should play no role in decisions of whom to stop or search except under very

narrow circumstances where race descriptors are linked to a suspect for a particular crime (the BOLO exception). Finally, departmental policies should reinforce the legal standards for stops, searches, and other police actions. These policies should deter officers from making racially discriminatory pretext stops by stipulating that officers must be able to articulate how they established reasonable suspicion or probable cause for every stop or search.

Departmental policies to address and prevent racial profiling should move beyond a focus only on equal protection. In most departments, the majority of police activity revolves around service rather than enforcement of the law. Departments' commitment to fair and equitable policing and to the tenets of community policing should ensure that all persons, groups, and communities within a jurisdiction are afforded equal service.

Many such policies are already in place and successfully allow departments to address and prevent racial profiling. The policy of the Dearborn Heights (Michigan) Police Department, for example, addresses racial profiling and unequivocally prohibits the practice, yet contains language that does not compromise on aggressive enforcement:

#### **I. PURPOSE**

The purpose of this policy is to explicitly state that racial and ethnic profiling in law enforcement are totally unacceptable; to provide guidelines for officers to prevent such occurrences; and to protect our officers from unwarranted accusation when they act within the directives of the law and policy.

#### **II. POLICY**

It is the policy of the Dearborn Heights Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while insisting that citizens will only be stopped or detained when there exists reasonable suspicion to believe they have committed or are committing an infraction of the law.

#### **Discussion**

A fundamental right that is guaranteed by the Constitution of the United States to all who live in this nation is the equal protection under the law. Along with this right to equal protection is the fundamental right to be free from unreasonable searches and seizures by governmental agents. Citizens are free to walk and drive our streets, highways and other public places without police interference so long as they obey the law. They also are entitled to be free from crime and from the depredations of criminals, and to drive and walk our public ways safe from the actions of reckless and careless drivers.

The Dearborn Heights Police Department is charged with protecting these rights for all, regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other belief system.

Because of the nature of our business, police officers are required to be observant, to identify unusual occurrences and law violations and to act upon them. It is this proactive enforcement that keeps our citizens free from crime, our streets and highways safe to drive upon, and detects and apprehends criminals.

This policy is intended to assist our police officers in accomplishing this total mission in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential lawbreakers that if they break the law, they are likely to encounter the police. This policy is to address the agency accepted protocols for conducting all motor vehicle stops with the exception of “high risk” stops.

Source: Dearborn Heights (Michigan) Police Department<sup>10</sup>  
Agency Profile: Population 60,000; Officers 88

**Departments that successfully establish clear and comprehensive policies denouncing racial profiling and expressing a commitment to equal protection should underscore this message in their mission statement. Below are several examples of the countless law enforcement agency mission statements that embrace these ideals.**

Our mission, collectively as a department and as individual officers, is to provide an exemplary level of service and protection to the residents and businesses of the City of Town & Country and to all those who may visit, work in, or travel through our community.

We will serve the community through professional conduct at all times and the enforcement of criminal and traffic laws without prejudice or bias, with respect for the rights of all people, to assure a safe and secure environment for all.

Source: Town and Country (Missouri) Police Department  
Agency Profile: Population 10,894; Officers 34

It is the mission of the Hamden Department of Police Services to protect the rights and integrity of all persons without prejudice or bias against race, religion, ethnic and national origin or sexual orientation within its jurisdiction; to safeguard the diversities of our communities and its citizens, to be free from criminal attack, threats of violence and persecution, secure in their possessions, and vigilant that together we can enjoy peace and harmony.

Source: Hamden (Connecticut) Police Department web site  
Agency Profile: Population 55,000; Officers 107

## **Component Two: Meaningful Training**

To address and prevent racial profiling, departments must move beyond rote training and standard lectures. Training should inculcate attitudes of bias-free policing.

Departmental policies that define, prohibit, and denounce racial profiling form a critical foundation, but the existence of even the best policy is not, by itself, enough. Training officers to avoid racial profiling and to practice bias-free policing is a critical responsibility for all departments. Police executives must ensure that all training strategies are coordinated, free of internal contradictions, and clearly and consistently communicated across the command structure. To this end, police executives must be vigilant in ensuring that training about racial profiling policies in the academy is not subverted by field training officers (FTO) or front-line supervisors who tell their officers to forget what they learned in the academy. FTOs and departmental culture must not be allowed to contradict explicit department policies and clear messages communicated through training. Training at every level must send the clear message that department policies are to be taken seriously.

The scope and content of racial profiling training will necessarily depend on the specific programs in effect in a particular department. For instance, if an agency is involved in racial profiling data collection, specific instruction on data-collection protocols should be included. Racial profiling training for all departments, however, should include instruction on relevant legal and ethical standards, instruction on handling stops effectively, and instruction on diversity and cultural awareness.

As departments offer training in these critical areas, many are discovering that particular training techniques are especially effective. Many departments have found that to engage officers, the use of active, scenario-based trainings are more effective than passive, lecture-based training. Many departments have also found that to instill a commitment to bias-free policing in officers, positive, nonaccusatory trainings are more effective than those that stress compliance based on negative sanctions or fear.

### ***Understanding the Legal and Ethical Rationale for Bias-Free Policing***

Racial profiling training should stress adherence to the constitutional protections afforded every citizen as well as to the state and local laws that prohibit racial profiling. Based on clear definitions and scenario training, officers should be taught to apply these standards in real-life settings. Officers must understand that all citizens are guaranteed equal protection under the law. Officers should also understand that preventing racial profiling is an ethical as well as a legal imperative. Training should alert officers to the detrimental effects of racial profiling on effective policing and community relations.

### ***Developing an Understanding of Cultural Diversity***

To prevent racial profiling, departments commonly offer training in diversity and cultural awareness. Diversity and cultural awareness training sensitizes officers to the multicultural communities in which they work. This training often encourages officers to acknowledge and come to terms with any biases they may have as a first step in overcoming them. It also encourages officers to build respect for the diverse cultures among which they work. It accomplishes this by encouraging officers to develop a fuller understanding and appreciation

of different ethnic or cultural groups within their jurisdiction. This training addresses the different value systems that may define various cultural groups. It offers officers practical instruction on interpreting such value systems and the behaviors that may result from them. Such training may focus specifically on how officers ought to treat members of major cultural groups within the jurisdiction in day-to-day encounters.

Police Chief Gary R. Coderoni of the Muscatine (Iowa) Police Department acknowledges the power of diversity and cultural awareness training to build on officers' understanding of multiple cultures to incorporate them into the community they police. In an *FBI Law Bulletin* article, "The Relationship between Multicultural Training for Police and Effective Law Enforcement," Coderoni writes:

Cultural diversity training helps police break free from their traditional stance of being "apart from" the community to a more inclusive philosophy of being "a part of" the community. Realizing the difficulty of becoming a part of something that they do not understand causes a desperate need for an intense and ongoing educational process for developing an understanding of cultural differences and how those differences affect policing a free and culturally diverse society....With appropriate, well-developed training, law enforcement agencies can provide their officers with the tools to understand, appreciate, and deal with the cultural differences that impact their daily interactions with the citizens they are sworn to protect.<sup>11</sup>

Departments' ability to prevent racial profiling is enhanced through continual diversity and cultural awareness training. Changes in community demographics, such as the emergence of new immigrant groups within a department's jurisdiction, make continual training a necessity. Similarly, changes in the political climate, such as a potential backlash crimes against Arab, Muslim, and Sikh populations following September 11, 2001, also necessitate continual review and adjustments of diversity and cultural awareness training. Officers who better understand the cultures with which they are surrounded provide better services to individuals within these cultures.

The Community Relations Service (CRS) of the U.S. Department of Justice has developed training material to promote awareness of Arab, Muslim, and Sikh cultures. This outreach has resulted in various regional train-the-trainer seminars. In addition, CRS sponsored the development of *The First Three to Five Seconds*, a video on Arab and Muslim cultural awareness suitable for play at roll call.<sup>12</sup>

### ***Courtesy and Respect in Stops***

From a technical standpoint, racial profiling occurs when race or other group status is an inappropriate factor in an officer's decision to stop an individual or to take action (i.e., search or arrest) subsequent to that stop. Perceptions of racial profiling, however, may arise as a result of the way in which even an appropriate stop is handled. Departments that train and supervise officers in handling stops with courtesy, professionalism, and respect may diminish perceptions of racial profiling.

All departments should train officers to handle stops effectively by doing the following:

- Introducing themselves at the time of encounter
- Stating the reason for contact as soon as possible even if the civilian does not ask
- Keeping detention time as short as possible
- Answering all relevant questions posed by the civilian to the fullest extent possible
- Referring the civilian to an appropriate source within the department if unable to answer all questions
- Providing the civilian with complete name and badge number upon request
- Remaining respectful and polite
- Thanking any civilian who turns out to be cleared of any wrongdoing for his or her time and apologizing for the inconvenience.

The motorist who is approached with courtesy, professionalism, and respect; told the reason for the stop; and detained for a minimal amount of time is less likely to perceive bias—be it racial, gender, etc.—as the reason for the stop than an individual treated disrespectfully. Officers' behavior can have a beneficial effect on diminishing community perceptions of racial profiling.

### **Component Three: Maintaining a Culture of Accountability**

To address and prevent racial profiling, departments must maintain a culture of accountability by establishing the proper accountability mechanisms and developing a culture of accountability.

Departments that have established policies against racial profiling and have instituted ongoing training should then monitor officers' responsiveness to these policies and training. Establishing and maintaining external and internal accountability mechanisms should be a critical piece of every department's efforts to address and prevent racial profiling. Externally, departments should ensure the open receipt and thorough assessment of citizen complaints regarding racial profiling. Internally, departments should ensure that early intervention systems or personnel performance systems are fully operational, used effectively by supervisors, and contain quality data that are complete and up-to-date.

As an external accountability mechanism, citizen complaints can provide valuable information regarding racial profiling for at least three reasons. First, the citizen complaints may expose isolated incidents of racial profiling that would otherwise remain hidden within aggregate statistics. For instance, racial profiling by a few officers might be masked by overall patterns of equal enforcement within a department's stop-and-search data. Second, citizen complaints will allow law enforcement officials to assess the extent to which perceptions of racial bias exist in different communities or geographic sectors. The more that officials know about where perceptions of racial bias exist, the better they can use this information to inform internal training, community outreach, and community education programs. Finally, citizen complaints can be tracked alongside stop-and-search data as a way of validating or cross-checking trends. While citizen complaint data serve this useful role, it is important to remember that merely counting complaints of racial profiling is not necessarily a statistically reliable gauge of racial profiling itself. Not all persons complain and complaint activity is affected by how open and accessible a department's complaint process is to the community.

As an internal accountability mechanism, departments operating early intervention or personnel performance systems should incorporate stop-and-search data into these systems, which will allow law enforcement supervisors to compare individual officers with their peers. If an officer exhibits inordinately high ratios of minority stops compared with peers serving in similar duties and geographic areas, intervention may be warranted. Supervisors must first review the circumstances that may have given rise to any statistical disparity based on race or ethnicity. When appropriate, supervisors should provide training and counseling to officers for whom data suggest racial profiling patterns in enforcement activity or delivery of services and for whom the behavior is determined to be unintentional. When supervisors detect a pattern of willful and blatant racial profiling, they must use appropriate disciplinary processes. The proper selection and training of supervisors clearly is key to the success of this approach.

Departmental hiring and promotion processes should be designed with these commitments to bias-free policing in mind. To the extent possible, departmental hiring processes should seek out individuals who demonstrate conscientious attitudes about equal protection and equal service. These processes should screen out persons who demonstrate racial bias or animus. Similarly, departmental processes should seek to retain and promote persons who demonstrate effective law enforcement practices while upholding the ideals of unbiased enforcement and equitable provision of services.

#### **Component Four: Maintaining Broad-based Community Relations**

To address and mitigate community groups' perceptions of racial profiling, departments must communicate regularly with the communities they serve.

Having established clear and comprehensive policies against racial profiling, training strategies, and accountability mechanisms, departments should avail themselves of every opportunity to communicate these efforts with their communities. At the level of individual street encounters, officers should demonstrate the effectiveness of departmental training by ensuring that every subject who is stopped understands the reason for the stop as well as the subject's right to complain if he or she feels that the police action was racially based or the subject feels mistreated in any way. On a departmental level, police executives should publicize departmental policies and mission statements that advocate bias-free policing through agency web sites, annual reports, and other vital forums for communicating with the public. Additionally, police executives should be willing to meet with concerned community groups and leaders to discuss racial profiling and to develop collaborative solutions to this problem. Finally, a department's commitment to equal protection and service and bias-free policing should be a central tenet of the department's community policing strategy.

#### **Component Five: Sustaining a Systemic Approach**

To address and prevent racial profiling, departments must ensure the ongoing consistency of the policies, training, accountability mechanisms, and community outreach that they establish.

Departments will succeed in addressing and preventing racial profiling to the extent that they recognize that their efforts to establish policies, offer training, maintain accountability, and communicate with their communities do not exist in isolation from each other. Each department must ensure, on a continuing basis, that these efforts are consistent with each other as well as with all departmental policies. To the extent that departments succeed in this

regard, the existence of racial profiling policies, training, accountability mechanisms, and means of communicating with their communities will enable them to detect early on any trends in behavior that might result in negative perceptions among community members or in violations of the standards of bias-free and community policing.

## **Beyond the Basic Components: Considering Racial Profiling Data Collection and Analysis**

In addition to the above-mentioned efforts to prevent racial profiling that the International Association of Chiefs of Police (IACP) recommends to all departments, there currently is a marked trend toward the collection and analysis of racial profiling data. A growing number of states are mandating collection of traffic stop data to assess patterns of potential racial bias. In addition, local agencies may be required to collect racial profiling data as a result of lawsuits, court settlements, consent decrees, and memorandums of understanding. Finally, a growing number of local agencies are collecting data voluntarily to proactively respond to public concerns.

At this point, the IACP believes that a blanket recommendation that all departments should engage in the collection and analysis of racial profiling data is premature. Although the IACP does not offer a general recommendation, it acknowledges that officers' behavior is being increasingly scrutinized and that, as increasing numbers of agencies collect stop-and-search data, pressure to collect data will increase. Against this backdrop, the issue of whether and how best to collect racial profiling data will need to be continually reassessed by law enforcement leaders. A basic understanding of data collection and analyses processes and controversies is critical, even for those executives who are not currently facing the challenges of racial profiling allegations or data collection.

Many departments have found value in partnering with universities to enhance research and evaluation across a wide spectrum of policing practices and strategies. A recent publication by the IACP, *Improving Partnerships Between Law Enforcement Leaders and University Based Researchers*, addresses these issues.<sup>13</sup> University researchers can also provide valuable assistance with methodology, analysis, and drawing conclusions from data collected on racial profiling, and can enhance credibility. It is also important, however, that the researchers are able to approach the problem from a practical, rather than "ivory tower" perspective. They should have an appreciation of police work as it is experienced in the streets.

### **Assessing the Prevalence of Racial Profiling Data Collection and Analysis**

Although racial profiling data collection is becoming increasingly prevalent, there is no precise count of the number of police agencies engaged in these efforts. The fact that more agencies are collecting data as mandated or voluntarily is obvious. For instance, the collection of data on traffic stops was required for 8 of 14 law enforcement agencies that currently are, or have been, under federal agreements (consent decrees or memorandums of agreement [MOA]) with the Civil Rights Division of the Department of Justice. In other agreements, for instance

with the Cincinnati Police Department, the MOA required the department to videotape traffic stops. Additionally, several recent statewide assessments of racial profiling data collection and analysis efforts recently released their findings:

- In May 2004, the Institute on Race and Justice at Northeastern University released a study of racial profiling in Massachusetts, addressing data on approximately 250 law enforcement agencies.<sup>14</sup>
- In February 2005, a report by the Steward Research Group and the Texas Criminal Justice Coalition analyzed data from more than 1,000 law enforcement agencies in Texas. The data on which the report was based had been mandated by Texas Senate Bill 1074, which required law enforcement agencies across the state to collect data and report detailed statistical summaries of traffic stop data. This particular report, rather than focusing on stop rates, addressed disparities in search rates and rates at which contraband was found.<sup>15</sup>
- On July 1, 2005, Illinois released its racial profiling report, *The Illinois Traffic Stop Study*. The analysis, conducted by the Northwestern University Center for Public Safety, addressed data from nearly 1,000 municipal, county, and state police, and special jurisdiction agencies for the calendar year 2004.<sup>16</sup>

As is evident from these three recent statewide efforts, data collection has become the norm in some areas of the nation. Despite this, however, it is rather difficult to assess national trends. Individual states have their own policies, data-collection protocols, and other idiosyncrasies. The same holds true for departments that have initiated data collection on their own.

The Data Collection Resource Center, part of the Institute on Race and Justice at Northeastern University, maintains a web site that assesses a complex array of information about mandatory and voluntary data-collection efforts on a state-by-state basis. Data available on this site underscores how each state's approach to racial profiling data collection (as well as requirements about policies, training, and the processing of complaints) is unique. Some states have enacted legislation requiring data collection while others have enacted legislation that encourages collection. Still, other states require data collection only from certain departments. Most states that require data collection have stipulated a limited window of time under which data collection is required. Colorado House Bill 1114 enacted in 2001, for instance, mandated data collection for all traffic stops occurring between July 1, 2001 and December 31, 2004. Other states have similar provisions. As a result, classification of states into a simple dichotomy of *requires data collection* and *does not require data collection* would be extremely difficult because the conditions vary and the time frames are dynamic.

States also vary in the type of events for which data collection is required. Some require data to be collected for all traffic stops, while others require data collection only for traffic stops resulting in defined actions (e.g., citations, arrests, or use of force). Some expressly include pedestrian stops, and others do not. In some states, mandatory data collection is required by *all* agencies, while in other states only specified agencies are mandated to collect data. Northeastern University's Data Collection Resource Center provides a valuable resource for keeping up with the status of state legislation and executive orders. It is also links to information about data collection and other efforts of state legislatures and executives to promote bias-free policing.

## The Benefits and Limitations of Racial Profiling Data Collection and Analysis

In determining whether or not to collect and analyze racial profiling data, individual departments must consider the benefits and limitations of the process. Departments should weigh not only financial considerations, but also considerations of department morale, community relations, public perceptions, and the potential use—or misuse—of collected data. While departments may realize benefits in addition to those they realize as they work to prevent racial profiling through other means (policies, training, and an internal accountability mechanism), they may expose themselves to additional risks if they elect to collect data. The potential benefits and risks, presented below, underscore why individual agencies must consider this choice carefully. Decisions about data collection can have a profound effect on the department and the community it serves, particularly in those communities where perceptions of a problem exist.

### **Benefits**

Racial profiling data collection may result in specific benefits in addition to those benefits that agencies gain through other efforts, such as clear policies and training, to promote bias-free policing. Potential benefits include the following:

- **Creating an effective management tool that is consistent with evolving data-driven management standards:** Analyses comparing racial profiling data on officers who perform similar duties in similar neighborhoods may enable agencies to identify officers who may be engaging in racial profiling and to determine in what instances intervention or discipline may be appropriate.
- **Sending a clear message to the community:** The fact that an agency collects racial profiling data may have an important symbolic value. Data collection sends the message to the community that the department is willing to assess itself. Denying that there is a problem and refusing to address the issue can result in substantial community resentment.
- **Establishing a foundation for constructive dialogue with the community:** Agencies that collect racial profiling data can use the results to establish an important foundation for constructive dialogue with the community, particularly when data collection and analysis is approached from a perspective of partnership and in the context of genuine community policing.
- **Ensuring control and flexibility to meet particular agency needs:** Agencies that take proactive steps to collect data ensure their own control and maintain more flexibility in instituting a process that meets their needs. Failure to take proactive steps can result in a mandated data collection process that may be inflexible and out of the agency's control.

### **Limitations and Drawbacks of Data Collection and Analysis**

Although the collection of racial profiling data collection and analysis can potentially provide the benefits discussed above, specific risks are also associated. Potential risks include the following:

- **Draining agency resources:** Data collection efforts often are costly and time-consuming. They can take resources away from other areas of priority. Absent concerns articulated by citizen groups or problematic histories involving allegations of racial profiling, agencies may find little need to collect these data. Collecting data proactively when there is no

pattern of past behavior that would warrant these efforts could cause undue financial burdens, particularly in times of budgetary shortfalls or when staffing levels are below target.

- **Effect on agency morale:** Data-collection requirements that appear to be imposed unilaterally by a chief, by state law, or by court mandate can cause morale problems. In particular, mandated collection may drive a wedge of distrust between first-line supervisors and front-line officers. (If the department is required to collect data or determines that data collection is warranted, efforts should be made to mediate these problems through effective leadership, communication, and supervisory practices.)
- **Inconclusive results:** Analyses of racial profiling data seldom yields unequivocal results. Although analyses may reveal disproportionalities in stop rates, data seldom definitively reveal whether or not an agency is engaged in systematic racial profiling. Given methodological challenges, such as benchmarking, alternative interpretations will exist even when racial disparities in stops appear pronounced. Even when disparities are not evident, some may feel that that racial profiling still exists and that the data either mask the problem or are misleading. While racial profiling data collection presents the hope that a complex problem can be adequately understood by being measured, some observers feel that the analysis of these data generates more confusion rather than helping resolve a problem. (Most proponents of data collection concede that data collection and analysis problems exist, but counter that the effort is a step in the right direction.)
- **Arming critics with data:** Related to the previous limitation, some observers contend that collecting racial profiling data, which is inevitably open to interpretation, arms those who may be predisposed to believe that racial profiling exists with data to challenge and critique the police. Law enforcement agencies are being asked to bear the burden and cost of collecting information that ultimately may be used against them.
- **Depolicing:** At the individual level, fear of being implicated as a racial profiler could result in officers avoiding activity that might expose them to this label. In an effort to avoid accusations of profiling, the number of traffic stops or pedestrian stops individual officers make may decline. At the department level, this depolicing may result in diminished public safety and less effective law enforcement. Again, however, if the agency deems that racial profiling data collection is necessary or is required by state mandate, these concerns should be mediated with effective leadership, supervision, and accountability mechanisms.
- **Potential of encouraging spurious stops:** Some have argued that the imposition of traffic stop data collection may result in spurious stops of nonminority drivers as officers attempt to offset statistical disparities that might otherwise exist. Again, however, these concerns can be abated by imposing proper supervisory and accountability mechanisms.

### ***Assessing Benefits and Limitations of Data Collection and Analysis***

When not required to do so by state law or agency mandates specific to the agency (e.g., consent decrees, litigation settlements, or judgments), a police executive's decision about racial profiling data collection is complex and will often be made in a politically charged environment. Decisions about data collection also entail legitimate and highly practical concerns about resource allocation and the potential complexities of data analysis and

interpretation. As a result, chief executives must consider the problem of whether or not to voluntarily collect racial profiling data in the broadest context. This process, however, must include a forthright appraisal of an agency's past history and its reputation across the entire community. Absent a specific problem, some chiefs and sheriffs may feel completely confident in their decisions not to collect data, particularly when they already benefit from widespread community support.

In short, this guide does not offer a blanket recommendation about the advisability of collecting data to assess racial profiling. Clearly, the perception or actual practice of racial profiling is an issue with which all law enforcement executives must concern themselves. Because of differences in demographics, in police functions, and historical circumstances, each executive will have to address this critical issue from his or her agency's own perspective. Whether or not a department collects racial profiling data, however, it should be prepared to confront the issue through clear and compelling policies, training, and accountability mechanisms. Departments must also demonstrate to the community, through mission statements and targeted outreach where necessary, that they are committed to bias-free policing.

### **Basic Questions Addressed by Racial Profiling Data Collection and Analysis**

If agencies decide to collect data, racial profiling data collection and analysis can serve as an accountability mechanism to ensure that a department's policies against and training about racial profiling are effective. Departments that collect and analyze racial profiling data generally try to determine whether minority groups are stopped more often than other groups and whether they are treated differently during those stops.

To answer the first part of this question, analysis is first directed at establishing whether minorities are stopped in proportion to—or disproportionately to—their representation in the population. For instance, results from *The Illinois Traffic Stop Study* found that minority drivers accounted for 32.77 percent of traffic stops while they made up 28.48 percent of the estimated driving population. Expressed as a ratio, the minority stop ratio was 1.15 (32.77/28.48), compared against a theoretical baseline ratio of 1.0 (28.48/28.48), which would be the situation if minorities were stopped in equal proportion to their representation in the estimated driving age population. Individual department ratios varied around the statewide average. For instance, ratios in the three largest cities were 1.15 for Chicago, 2.07 for Rockford, and 1.71 for Peoria. The ratio for the Illinois State Police was determined to be 0.6, meaning that the state police stop fewer minorities than are estimated to be in the Illinois driving population.

In the Illinois study, and in nearly every study of racial profiling data, the first analytical step is to establish whether disproportionality in stops exists. It is important to note, however, that the mere existence of disproportionality does not necessarily mean that racial profiling is taking place.

The collection of stop data is also necessary to address two key questions: (1) whether minorities are searched more or less often when stopped; and (2) whether minorities are more or less often found to possess contraband as a result of those searches.

## Steps in Data Collection and Analysis Process

To help illustrate the complex data collection and analysis process, the following sections break the process into a sequence of steps. These sections are not intended to provide an exhaustive discussion of the myriad issues related to data collection and analysis. Readers should also recognize that this is a rapidly evolving area of studying terms of policy, data collection, and research methodology.

### Step One: Collecting Racial Profiling Data

Any agency that decides to collect and analyze racial profiling data confronts the critical decision of what data to collect. Agencies may collect information regarding drivers, legal and procedural variables, passengers, and the officers themselves. While the scope of data collection varies widely across agencies, language from federal consent decrees and MOAs helps bring clarity to this complicated issue. The consent decree of the Pittsburgh Bureau of Police (PBP), for instance, includes the following requirements:

The City shall develop, and require all officers to complete, a written report each time a PBP officer makes a traffic stop. The record shall include the officer's name and badge number; the race and gender of the individual searched or stopped; approximate time and location; whether the stop involved a frisk or pat-down search; any weapons, evidence, contraband found during the search; whether the individual involved was arrested or cited, and if so, the charges.<sup>17</sup>

Differences of opinion exist about the advisability of collecting various data. For instance, controversy still exists as to whether information should be collected about officers involved in stops and how that information may be used. To varying extents, this is affected by local bargaining agreements, policies, or state law.

Drawing on data from the federal agreements, related literature, and individual agency practice, the IACP staff identified the following data elements that are often collected and analyzed. Individual consent decrees and MOAs between police agencies and the U.S. Department of Justice stipulated different data elements, depending on the particular circumstances that existed at each locale.

The list of the broad range of data elements in the subsections below does not imply that these are the scope of data that the IACP recommends to collect across all agencies engaged in data collection. Other resources, including the Department of Justice Office of Community Oriented Policing Services publication on *How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on It!*, should also be referenced as a resource.<sup>18</sup> Clearly, each agency should make its own decisions based on available resources and the issues that it feels need to be analyzed. The data elements are organized under general categories and are meant to serve as reference points to aid agency personnel in assessing what data should be collected. The potential relevance and analytic function of each data element is discussed briefly.

### **Driver Characteristic Data**

- Race/Ethnicity of Driver

The officer should record the race/ethnicity of the driver. Clearly a critical data element, this is a remarkably challenging one to collect and analyze. The officer may not know what the driver's race/ethnicity is and may not find this information on a driver's license. In such circumstances, most departments encourage officers themselves to identify, to the best of their ability, the race/ethnicity of the driver. Although this remains a contentious topic, departments offer two justifications for this approach over having officers ask the driver to identify his or her race/ethnicity. First, the officer's own perception of the driver's race/ethnicity is what really matters given that racial profiling is focused on potential police bias.<sup>19</sup> Second, asking individuals to identify their race/ethnicity is awkward and potentially offensive even in routine conversation. The potential for offense is heightened in a traffic stop situation.

Classifying this information to analyze it effectively presents additional challenges. Currently, there is no definitive classification scheme. Data systems vary not only in their categorization of race/ethnicity, but in their treatment of these as single or separate dimensions. Many departments, through forms and data systems, for example, require officers to determine whether a driver is White, Black, Hispanic, Asian, or Native American. In some departments, this may be sufficient. In others, it will not be sufficient. For instance, allegations of racial profiling rose sharply after September 11, 2001 in areas with high concentrations of Arabs, Muslims, and persons of Middle Eastern origin. Appropriate analysis of racial profiling data can occur only to the extent that appropriate categories of race/ethnicity are used. Similarly, departments must ensure that their categories of race/ethnicity correspond to the categories of the population groups to which they will be compared. For instance, if departments intend to use census data to measure the proportions of minority populations in their jurisdictions, they will have to convert this census data—with its more complicated race/ethnicity categories—to be consistent with their own terminology.<sup>20</sup>

- Gender of Driver

The officer should record the gender of the driver. Racial profiling has often been identified as particularly problematic for gender subgroups such as African-American and Hispanic males. Recording the gender of the driver allows departments to analyze these subgroups separately.

- Age of Driver

The officer should record the age of the driver. Racial profiling may be statistically confounded by issues of age. For instance, community demographics may be such that the age composition of African-Americans is substantially different from that of Whites. Because young drivers are stopped more often than older drivers, if one demographic group contains proportionally more young drivers than the other, the analysis ought to address this. Date of birth may be obtained from driver's license information. If not, an approximation of the age is usually sufficient.

### **Legal and Procedural Data**

- Reason for Stop

The officer should record the reason for the stop, whether it is a violation of a traffic law or suspicious behavior. In the case of a traffic violation, the specific violation should be recorded. In the case of suspicious behavior, a description of the behavior—in greater detail

than “appeared suspicious” —should be recorded. Standard forms that include checkboxes—equipment violation, moving violation, BOLO, etc.—should be extensive enough to cover and distinguish between high-discretion stops (e.g., minor equipment violations or driving a few miles above the speed limit) and low-discretion stops (e.g., reckless driving, DUI, or excessive speeding).

- Methods Used in Detection

The officer should record the method used in detecting the alleged violation or suspicion. For instance, in the case of speeding, the officer should note whether the stop was based on use of radar, by pacing, or some other method. In the case of a stop based on suspicious behavior, the officer should record the nature of the suspicion, including whether the stop was in response to a BOLO notification or specific articulable behavioral factors of the subject.

- Disposition

The officer should record the way in which the stop was disposed. Typical checkbox categories should include verbal warning, written warning, citation issued, custody arrest, or field interview card completed.

- Search

The officer should record whether a search was conducted.

- Basis of Search/Type of Search

The officer should record whether the search was consensual or based on other factors such as incident to arrest, probable cause, or inventory search. The officer should also record whether the search was of the driver, a passenger, and/or the vehicle.

- Consent Search

Some departments require officers to indicate whether the officer attempted to make a consent search and record whether or not the subject consented to be searched.

- Contraband Found/Seized

The officer should record whether contraband was found, of what type (e.g., drugs or weapons), and, if applicable, the amount seized.

- Other Items Found/Seized

The officer should record whether other items, such as instruments of crime (e.g., burglary tools) or fruits of crime were found.

- Location of Stop

The officer should record the location of the stop by reference to cross streets, the street address in front of which the stop occurred, or the highway milepost. In departments with appropriate technology, the data may be mapped and compared to maps of other activities such as crimes, police calls for service, etc. This may be a particularly useful data element in that it can be used to assess whether stops are geographically correlated with the location of other police events (e.g., calls for service, crime incident sites, or sites of frequent traffic accidents). It may be useful to know, for instance, how traffic stop locations relate to accident locations and how these patterns may be related to the demographics of neighborhoods.

- Vehicle Information

The officer should record standard information about the vehicle including make, model, year, color, license plate number, and state of issue. Officers should also report on the status of the vehicle in the event that the driver was not allowed to drive away (e.g., vehicle towed or vehicle left parked at location).

- Duration of Stop

The officer should record the duration of the stop, by noting either the beginning and ending times of the stop or by noting the duration of the stop in minutes.

- Passenger Data

- Number of passengers in car
- Race/ethnicity of passengers
- Gender of passengers
- Age of passengers.

- Officer Data

- Name of officer
- Badge/ID number of officer
- Duty status of officer (on duty/off duty).

Many departments collect officer data to ensure that their data collection and analysis efforts will result in an understanding of racial profiling at the agency level, the unit level, and the individual level. Collecting the officer's name and/or badge/ID number is critical if the agency is attempting to identify individuals who may be engaged in racial profiling. In this event, stop data can become a critical element in early intervention efforts. If supervisors determine that profiling was unintentional or based on a misunderstanding of policies and procedures, they may attempt to work with these officers through counseling and/or retraining. If profiling is determined to be blatant and intentional, disciplinary proceedings are warranted.

In other departments, however, collective bargaining agreements discourage or prohibit the collection of officer data. A compromise position between these two options exists. Some departments allow the collection of data about officers with the assurance that the data will be used only within the department. Under such provision, the identity of individual officers is not revealed. The St. Paul (Minnesota) Police Department uses an approach similar to this.

## **Step Two: Posing the Questions that Racial Profiling Data Can Answer**

To determine whether particular groups are stopped more often or treated differently during those stops than other groups, departments ask four fundamental questions based on the data collected.

### **(1) Are some groups stopped disproportionately based on race, ethnicity, or other status?**

To establish whether any given group is stopped in proportion to—or disproportionately to—its population, a department must first analyze the data it collects to determine what percentage of stops involve a particular status group and then compare this number with the

percentage of the population that the status group comprises. Determining that latter number is a complicated statistical problem that will be discussed at length below. In *The Illinois Traffic Stop Study*, the data on minority stops collected by departments was compared to the estimated percentage of minority drivers in the population. Based on that comparison, the study revealed that minorities were 15 percent more likely to be stopped than their proportion in the *estimated driving population* would suggest.

**(2) Following stops, are different groups issued citations, written warnings, or verbal warnings at different rates?**

This question of disposition seeks to understand whether different groups are treated differently once a stop has occurred. A traffic stop can involve one or more of several outcomes. Departments interested in evaluating the possible presence of racial profiling seek to determine how many citations or verbal warnings a particular status group receives when compared to other groups. Answering this question is more statistically straightforward than determining whether a group is stopped disproportionately because there is no need to establish baseline *estimated driving populations*. Departments can simply compare the outcomes for a particular group to the outcomes of other groups. For instance, *The Illinois Traffic Stop Study* determined, on the basis of statewide data, that minority drivers were issued citations in 68.00 percent of stops, written warnings in 16.50 percent of stops, and verbal warnings/stop cards in 15.48 percent of stops while the comparable rates for Caucasian drivers were 60.51 percent, 24.77 percent, and 14.71 percent, respectively.

**(3) Following stops, are different groups searched at different rates?**

Departments interested in evaluating the possible presence of racial profiling also seek to determine how many times a particular status group is subject to searches when compared to other groups. The central concern is whether minorities are more often subjected to searches subsequent to stops than other groups. On the basis of statewide data, the Illinois study found that 2.27 percent of stops of minorities resulted in consent searches while 0.88 percent of stops of Caucasians resulted in consent searches.

**(4) Following searches, do rates of finding contraband vary across the different groups?**

By asking this “hit rate” question, departments seek to determine what proportions of searches for different status groups result in contraband. *The Illinois Traffic Stop Study* did not address contraband hit rates. A 2002 Missouri study that posed this question revealed that contraband hit rates varied across drivers’ race/ethnicity.<sup>21</sup> Based on the specific categories used in that analysis, hit rates varied from 22.60 percent for Whites to 17.47 percent for Blacks, 17.26 percent for Hispanics, 14.76 percent for Asians, and 7.90 percent for Native Americans.

Findings that show variation in contraband hit rates often spur debate among observers. Some contend that the lower contraband hit rate for minorities, such as illustrated in the Missouri study, are suggestive of the fact that minorities are more often stopped at lower levels of suspicion. Relatively high hit rates for Whites suggest that they are stopped only for higher levels of suspicion that may be more consistent with reasonable suspicion standards.

### **Step Three: Analyzing Racial Profiling Data**

Having collected data and having posed the critical questions that these data can answer, departments face the responsibility of analyzing the data to provide those answers. As the discussion of the questions implied, answering the question of whether groups are stopped in proportion—or disproportionately—to their presence in the population requires more complicated analyses than answering the remaining questions regarding disposition, searches, and contraband hit rates.

To answer this question of proportionality, departments must compare their own stop data against the percentage of the population that the defined minority group or groups comprise. Establishing this comparison or baseline index, while complicated and methodologically challenging, is critical to analysis. For instance, the Illinois study measured its stop rate against an *estimated* minority percentage of the driving population *likely* to have driven in the jurisdiction. Clearly, this is not a straightforward and unambiguous measure.

Different studies have relied on a variety of baseline comparisons. For instance, in attempting to determine whether African-Americans are disproportionately stopped for speeding, traffic stop studies have calculated the stop rate by dividing the number of African-Americans stopped by the number of African-Americans who reside in the jurisdiction (census data), by the number of African-Americans in the driving age population (refined census data), or by the number of African-American persons with driver's licenses in the jurisdiction. The question of which comparison method will yield the most accurate assessment of profiling is present often is referred to as the benchmark issue.

#### ***A Conceptual Overview of Benchmarking***

Benchmarking refers to the process of measuring data against an established standard for the purpose of evaluation or judgment. In a field such as land surveying, for example, the term benchmark connotes a precise measurement (e.g., of elevation) that is established against a fixed reference point (e.g., sea level). Ideally, a benchmark provides an objective and unambiguous standard against which to judge data.

As analysts have attempted to define these baseline populations for purpose of assessing racial profiling, however, they have inevitably fallen short of this ideal. The reasons they have fallen short, however, are not due to any limitations of the analysts. Rather, there are a host of methodological and practical challenges to benchmarking that are difficult and expensive to overcome. As a result, establishing proportionality—or disproportionality—in an effort to determine whether racial profiling occurs, often falls short of the ideal notion of benchmarking that may exist in other disciplines.

#### ***A Simplified Example of Benchmarking***

To illustrate the challenges that benchmarking presents, consider a simplified municipal police department with only two groups of drivers. If the department's study finds that 25 percent of a municipal police department's traffic stops involve African-American drivers and that 75 percent involve White drivers, the department can make no inference about racial profiling unless they are able to compare these data with the percentages of African-Americans and Whites in the population. Suppose that 20 percent of the population in that municipality (based on census data) are African-American and that 80 percent are White. Clearly, African-Americans are over-represented among the traffic stop population relative to the residential

population. Expressed in the statistical terms used in *The Illinois Traffic Stop Study*, the ratio of African-American drivers stopped to their population percentage is 1.25, meaning that African-Americans are 25 percent more likely to be stopped than their representation in the population would suggest. This simplified hypothetical example raises critical questions. Does this disproportionality in and of itself indicate racial profiling? Is it based on the correct comparison population?

As the analysis of racial profiling data has progressed, more sophisticated methods of benchmarking have been developed as analysts attempt to better answer these questions. For instance, in response to early analyses of racial profiling data, many observers were quick to note that the residential population may not represent the driving age population. Now, benchmarks based on residential population are generally deemed inadequate. Alternatives have been offered, each with advantages and disadvantages of its own. To a large extent, the choice of benchmarks must be dependent on the population data available in a particular jurisdiction as well as the resources available to support racial profiling analysis. In any event, there is not yet a fixed method of benchmarking population.

### **Common Benchmarking Methods**

Different departments and different analysts rely on different benchmarks, depending on the data available to them and on the resources they have to collect benchmark data. The text that follows below provides synopses of common benchmarking options as well as the benefits and limitations associated with each as they relate to traffic stop data.

### **Alternative Benchmarks for Traffic Stop Data: Pros and Cons**

Alternative benchmarks, as presented below, represent a sequential progression in the sophistication of benchmarking methods. Most analysts agree that observational methods are preferable, but they are extremely resource intensive. New methods for benchmarking that use sophisticated driving population estimates (DPE) are being lauded as a major step forward to using standard census data. These methods are complex, but do not require the costs and time commitments necessary for observational approaches.

**Simple Census Breakdown by Race/Ethnic Groups:** The earliest and most basic method of benchmarking is to use the census data collected every 10 years. From these data, an agency can compare the racial and ethnic breakdown of persons stopped to corresponding population breakdowns based on census data. This information can be easily obtained for just about any jurisdiction whose boundaries correspond with a municipality, county, or state. If precinct or district boundaries correspond to census tracts, data can be aggregated and comparisons can be made across geographic regions within a department.

While census data are a practical and free source of information, numerous limitations have been associated with using basic census data as a benchmark.

- A law enforcement agency's categories of race and ethnicity may not match those used in the census. This may be a minor problem because census categories could potentially be converted to match the department's categories. Appendix B of the book, *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*, provides a detailed explanation and examples of this process.

- In addition, census data may not be truly representative at the time of the profiling analysis. Full census data are collected every 10 years, although some population estimates can be obtained between censuses, but these are estimates based on samples and usually are not reliable for smaller jurisdictions or areas with small population bases.
- Also limiting the value of census data is the fact that minority populations in some areas tend to be undercounted in the census. This applies to areas with concentrations of immigrants, particularly areas with high numbers of illegal immigrants. Given that counts based on “official” minority populations (the denominator) will tend to be undercounted, stop rates for these groups have the potential for being inflated.
- The racial and ethnic proportion in the general population breakdowns may not mirror the respective proportions in the driving population. Differences in age distributions between the racial and ethnic groups, for instance, may contribute to differences in the real proportion of driving age persons in the different groups. In addition, economic factors may vary between groups and contribute to different rates of car ownership, in driving patterns, or time behind the wheel.
- Perhaps the most problematic limitation of using census data about residential populations, however, is that the drivers on the road at risk of being stopped in any jurisdiction include both residents and nonresidents. The real at-risk population may be quite different from the residential population counts obtained from the census. For instance, if a predominately White suburb has a shopping mall that draws many minorities from a neighboring jurisdiction, the residential population base of driving-age individuals clearly would not be representative of persons using the roads, particularly during hours when the mall is in operation.

**Driving Age Population Breakdowns:** A better alternative to the simple population proportion is the use of driving-age population data for respective racial and ethnic groups. This corrects for the possibility of different age distributions among these groups. Most often, this is based on counting only persons above the minimum driving age (e.g., 16 years old). This requires a bit more sophistication in extracting data from publicly available census data, but is an improvement over the simple, unadjusted breakdowns discussed above. This method, however, is still subject to many of the limitations noted above (undercounting of minorities, immigrants, and not accounting for drivers who are not residents of the jurisdiction).

**Observational methods:** As an alternative and an improvement over the above two benchmarks, some researchers have sought to create an estimate of the racial and ethnic composition of drivers within the jurisdiction through observational methods. In general, this method involves using independent observers to determine a racial breakdown of drivers by establishing a statistically representative comparison sample. Since observers cannot be everywhere and cannot observe at all times, analysts typically use some type of representative sampling. While this method avoids many of the limitations of the benchmarks described above, obtaining statistically representative samples of drivers tends to be costly, time-consuming, and is not without its own limitations.

One of the often-cited limitations of observational methods is that the race/ethnicity of drivers on the road is difficult to determine reliably, particularly on high-speed highways and particularly at night. Another limitation often cited is that an estimate of drivers on the road

based on race and ethnicity categories may not account for differences in driving habits. In other words, this method assumes that the racial and ethnic groups are all equal in terms of the behaviors (e.g., speeding) and conditions (e.g., clearly visible equipment violations or expired vehicle tags) that might give rise to legitimate traffic stops.

Racial/ethnic breakdown of drivers on the road who are violating the traffic laws: To overcome the last limitation, some analysts have attempted to assess the racial breakdown of persons on the road who are in violation of the law. In essence, analysts assess both the race/ethnicity of the driver and the behavior of the driver. A study by John Lamberth, for instance, focused on the New Jersey Turnpike and compared the racial make-up of drivers who were observed driving at least 6 miles over the speed limit to the proportions stopped for traffic violations.<sup>22</sup> He found that African-Americans accounted for 14 percent of the drivers on the road and 15 percent of the drivers who were observed by researchers to be driving at least 6 miles over the speed limit. Depending on the section of highway and using only cases where police noted the race/ethnicity of the driver, at least 35 percent of those stopped were African-American.

This study is noteworthy for its attempt to control for differences in the risk of being stopped based on specific driving behavior that violates the law. It was limited, however, by the fact that it did not take into account other types of violations (e.g., equipment violations or erratic driving). Some critics also question how realistic this criterion was. Would the 6 mile-per-hour over the speed limit criteria used to define the comparison (or baseline group) actually result in many stops by the police in real-life circumstances? Critics contend that analysis based on a different threshold (i.e., a presumably more realistic 10 or 15 miles per hour over the speed limit), or analysis that included other reasons for traffic stops besides speeding might have yielded markedly different findings.

**Driving Population Estimates Accounting for Resident Mobility between Jurisdictions:** New methods being developed are based on sophisticated travel models that attempt to estimate the racial and ethnic breakdown of drivers. These models address the shortcomings associated with the previous methods, most notably the problem of not accounting for the presence of nonresident drivers. To date, the most ambitious of such efforts is a DPE developed at the Institute on Race and Justice at Northeastern University. The model relies on census data for establishing a benchmark, but adjusts the census data to account for persons who come into or leave a particular jurisdiction.<sup>23</sup> This model has been called the push-pull model because it statistically attempts to account for factors that push people to drive into surrounding areas or pulls people in from outside jurisdictions. The census data used in the model are more refined than the driving-age population discussed above. The DPE model includes several relevant jurisdiction-level statistics, such as the percent of car ownership and information about the number of persons commuting to and from work.

As with any statistical model, the DPE model is a simplification of highly complex human behavior; however, it has been cited as being highly promising and is a clear improvement on other nonobservational methods. While the model was developed for analysis of data from Rhode Island and Massachusetts, it may not be as well-suited for use in areas with different population characteristics or road networks. Indeed, the developers themselves caution that the model should be further refined and would have to be adapted to suit other types of jurisdictions.<sup>24</sup> Readers can refer to the original study for a more detailed explanation.

Comparison to Accident Data: Some agencies and consultants have attempted to use accident data as a reasonable proxy for a benchmark for drivers on the road. In some cases, the benchmark has been set against those drivers involved in accidents who were not at fault or to those not involved in hit-and-run accidents. The presumption is that these groupings of drivers are less likely to be statistically biased in racial/ethnic composition. While this may be a convenient source of information (not as difficult to obtain as observational methods or statistically complex driving population estimates), they are problematic in several ways. Notably, they may reflect variations in accident reporting (for instance, certain population groups such as the uninsured and illegal immigrants may under-report accidents) and geographically based risk (in some areas minority populations are concentrated in areas with heavier concentrations of traffic and accidents). Some of this bias can be addressed by comparing the relevant populations (stopped persons versus not-at-fault accident drivers) within specific geographic areas such as a stretch of highway known for being dangerous and where accidents are unlikely to go unreported. Some analysts see such a geographically specific approach as a potential proxy for observational methods that can be cheaper and less time-consuming to collect. While expressing some caution, for instance, the Alpert Group believes that not-at-fault accident data holds promise as a benchmark:

[A]ccident data will not necessarily reflect the driving population for an entire city, county, or state, but rather will reflect the driving population in those areas where accidents are most likely to occur. Nonetheless, in the context of a racial profiling study, the effect of this bias is minimized because police traffic stops tend to be concentrated on the same roadways on which accidents occur. Consequently, *if they can be validated* as an approximation of the driving population through traffic observation or other means, then not-at-fault accident data should provide an excellent benchmark against which to compare police traffic stop activity, most of which occurs conjointly with traffic accidents [emphasis added].<sup>25</sup>

#### **Step Four: Drawing Inferences from Proportionality Findings**

Some observers suggest that the proof of racial profiling is in the outcome and that findings of disproportionality in traffic stop data automatically imply that racial profiling exists. As the above discussion of data analysis reveals, however, the questions about how disproportionality is determined and whether disproportionality can be equated with racial profiling are subject to intense debate. Does the fact that *The Illinois Traffic Stop Study* revealed some level of disproportionality in the cities of Chicago, Rockford, and Peoria mean that racial profiling is necessarily taking place in those cities? In addition to the difficulties of establishing an objective and unambiguous population benchmark, alternative explanations may exist for disproportionalities. Such explanations may include the following:

- The differences in stop rates may reflect differences in behavior. Minorities might be stopped more because they more often engage in traffic violations or drive older vehicles more likely to have visually apparent equipment violations.
- The differences in stop rates may reflect differences in police deployment. Minorities, particularly African-Americans and Hispanics, are more apt to be poor and live in areas

where crime is high and police presence is greater. Their higher stop rates might be attributable to a greater police presence in their neighborhoods.

- With respect to search rates, differences between groups might be attributable to variations in educational levels and in knowledge that consent search requests can be denied.

### **Pedestrian Stops: The Unique Challenges of Street Encounters**

Much discussion and debate surrounding racial profiling focuses on traffic stops. In many urban areas where car ownership rates are low and where reliance on public transportation is high, the issue of racial profiling frequently arises in the context of pedestrian stops. Indeed, the Los Angeles Police Department Consent Decree requires the collection of data on pedestrian stops that parallels data collected on traffic stops. Pedestrian stops raise concerns about racial profiling that are similar to traffic stops. Data collection and analysis for pedestrian stops is probably even more challenging, controversial, and convoluted than for traffic stop data.

Pedestrian stops present at least two unique challenges for departments determined to collect and analyze racial profiling data. First, police officers stop pedestrians for reasons that may not appear as straightforward as their reasons for traffic stops. The Austin (Texas) Police Department presents both traffic and pedestrian stop data on its web site. As the selected portions of text below indicate, differences in the factors that affect the traffic stop and pedestrian stop rates are clearly noted.<sup>26</sup>

**Traffic and Pedestrian Stops, 2003**

	Traffic		Pedestrian		Total Stops		Austin Demographics
White	91,663	52%	9,108	46%	100,771	51%	53%
Hispanic	56,025	32%	5,254	26%	61,279	31%	31%
Black	23,069	13%	5,477	27%	28,546	14%	10%
Asian	4,062	2%	107	1%	4,169	2%	5%
Other	2,375	1%	67	0%	2,442	1%	1%
Grand Total	177,194	100%	20,013	100%	197,207	100%	100%

“Traffic stops make up 90 percent of all stops and the background of the drivers closely mirrors the demographics of Austin. The primary reason for making a traffic stop is a violation of the transportation code (speeding, illegal turn, etc.) Pedestrian stops make up 10 percent of all stops and reflect the neighborhoods where walking beat officers patrol: downtown and east 11th and 12th Streets. The primary reason for a pedestrian stop is when someone is acting suspicious.”

Source: Austin (Texas) Police Department  
Population 623,327; Officers 1,189

Where the primary reason for most traffic stops is relatively concrete—a perceived violation—the primary reason for pedestrian stops is more subjective—generalized suspicion. This challenge, noted by the Austin Police Department, is likely to apply to other urban departments as well.

A second challenge is that traffic stops are easy to identify and count, whereas perceptions of what constitutes a pedestrian stop can be more ambiguous. Police encounters with pedestrians include a wide range of interactions that police might call “consensual contacts,” “walk and talks,” “field interviews,” and “stop and frisks.” Although civilians may not always be cognizant of the legal distinctions among these types of encounters, police officers are. From the police officer’s perspective, the critical and operative distinction among these interactions is the occurrence or absence of detention. For instance, Texas Senate Bill 1074 stipulates the following definition for use throughout the state.

“Pedestrian stop” means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

Similarly, beginning in 2003, the Chicago Police Department started encouraging the collection of “Contact Cards” containing demographic data about persons whom officers encounter and who are not necessarily considered suspicious persons.<sup>27</sup> These stops are discretionary, but detailed information about the stopped person’s address, aliases, and gang affiliations may be noted. Persons who are subjected to these discretionary contacts may feel they are being singled out or even racially profiled and may never be cognizant of whether the encounter was a street detention or not. The question about disproportionality in nondetention stops has received scant attention relative to questions about traffic stops and street encounters that are considered detentions.

Thus, potential problems exist to the extent that the police officers’ and civilians’ perceptions of their street interactions differ. While it is relatively easy to ensure that all traffic stops are recorded, this might not be the case with pedestrian stops. Officers may fail to perceive or record instances of detention, or some officers may wittingly decide that they can get away with not recording them. Courts have generally defined the difference between a detention and other types of contact as lying within the reasonable civilian’s perception. If a “reasonable person” would feel free to leave after such an encounter, even if the civilian in the encounter claims to have felt differently, then the encounter is considered consensual. If a “reasonable person” would not feel free to leave, then the civilian is, by definition, detained. A detention need not be explicitly stated. Rather, it can be implicit in the officer’s words and deeds. As a result, pedestrian stop data may be incomplete.<sup>28</sup>

One solution to such a problem is to treat pedestrian stops as equivalent to traffic stops. Rather than leaving the distinction between a street detention and other street encounters unarticulated—and therefore within the perception of a “reasonable person” whose perspectives may differ—department policy and training should require that the officer articulate when a detention stop is being made. This requirement could help ensure that data collection related to pedestrian stops would be completed.

## Recommendations

On the basis of its assessment of federal consent decrees and memorandums of agreement as well as the preceding discussion, the IACP offers the following recommendations. These recommendations correspond to the imperatives of creating clear departmental policies prohibiting racial profiling, implementing sound training, and sustaining accountability mechanisms. Specific recommendations are also offered to agencies engaged in racial profiling data collection and analysis.

### ***1. Develop a clear and unequivocal departmental policy prohibiting racial profiling.***

This policy directive should include a clear and unambiguous departmental definition of racial profiling and related terminology. The policy should clearly convey that behavior and evidentiary standards—not race or ethnicity—should guide police stop-and-search decisions. In writing policies, departments should be aware of the potential message conveyed by clauses such as “solely on the bases of race, ethnicity.....” The consensus opinion of advisors to this project is that such language is to be avoided. The policy should specify that the only circumstances where the consideration of race (or other group status) is permissible is in “be on the look-out” (BOLO) situations.

### ***2. Ensure that the departmental policy is, at the very least, consistent with all laws and professional standards applicable to its jurisdiction.***

Many states have specific legislation or Police Officer Standards Training (POST) standards that prohibit racial profiling. Any local departmental policy should be consistent with these standards or more exacting than these standards.

### ***3. Ensure that departmental policies and practices designed to promote bias-free policing are designed to protect all relevant groups within the jurisdiction.***

Departments vary in the extent to which they specify which groups should be protected from profiling and are entitled to equal service. Department policies should be written to be as inclusive as possible. If the department makes reference to a specific list of group statuses, it would be advisable to include a “but not limited to” clause to assure that other groups are not by implication excluded from these protections. For the purposes of training and outreach, an agency must make efforts to remain aware of the relevant demographic groups within its jurisdiction. Given expanded concerns about racial profiling in the post-September 11 world, agencies should make certain that their policies and training address fair and equal treatment of persons of Middle Eastern, Arab, Muslim, and Sikh backgrounds.

### ***4. Develop comprehensive and effective training programs to reduce racial biases among all personnel engaged in stop-and-search activity.***

The departmental commitment to preventing racial profiling must be reinforced with officer training that focuses on legal and ethical standards, handling stops, and cultural awareness.

**5. Ensure that training is ongoing, comprehensive, relevant, and compelling.**

Training on issues of racial profiling should include all relevant topics including operational definitions, legal considerations, accountability mechanisms, and (if applicable) data-collection requirements. This training should be ongoing and addressed in all instructional settings, i.e., in the academy, during field training, and as part of in-service training. Training should address the complexities of racial profiling in a forthright manner. The best way to achieve meaningful and memorable training is by incorporating realistic examples, scenario-based training, and active discussion among participants.

**6. Reinforce bias-free policing throughout agency culture.**

While racial profiling training should begin in the academy, as part of field training, and be regularly updated through in-service training, the message should be routinely reinforced in a variety of settings. Any changes in policies or procedures should be routinely addressed in roll calls and any apparent problems identified through early intervention systems or citizen complaints should be clearly communicated. Executives must periodically reinforce this message as part of comprehensive and coordinated community outreach strategies.

**7. Embed the ideals of bias-free policing within the department's mission statement.**

The department's commitment to bias-free policing should be reinforced in the agency's mission statement. Often appearing on agency web sites or in annual reports, the mission statement provides the department with a critical medium for communicating its commitment to bias-free policing to the public as part of the agency's core values.

**8. Ensure that the departmental commitment to bias-free policing is part of an ongoing community outreach program.**

In addition to setting the tone with a clear policy directive against racial profiling and a mission statement advocating bias-free policing, departments should avail themselves of every opportunity to reinforce this message with community groups and through public service announcements.

**9. Incorporate stop-and-search data as performance indicators in early intervention systems.**

Early intervention systems that incorporate stop-and-search data will enable departments to identify and intervene on behalf of officers who seem to unwittingly demonstrate biased behaviors.

**10. Use appropriate disciplinary mechanisms for officers who show a pattern of willful racial profiling.**

Willful and blatant racial profiling is unethical and unlawful. Appropriate disciplinary processes should be use in response to any officer displaying such behavior.

**11. Continually and systematically maintain organizational personnel practices that reinforce bias-free policing and a commitment to equal protection and service.**

To the extent possible, department hiring and promotion processes should assess candidates and officers on their commitments to maintain bias-free policing and a service-oriented approach. Performance assessments should include measures addressing and rewarding these attributes.

**12. Promote a diverse police force that is reflective of the community that the police department serves.**

Racial profiling may arise out of misperceptions about other groups. Departments can help limit misperceptions by encouraging a diverse police force that reflects the demographics of the community. All personnel will be better informed about and more sensitive to issues of racial bias to the extent that they learn directly from their peers. A diverse and representative police force will also help bridge gaps between the police and the community and may help diminish perceptions of racial bias.

**13. Rely on citizen complaints as a gauge of perceptions of racial profiling.**

Departments that pay careful attention to, and that systematically assess, citizen complaints will better understand the perceptions of racial bias that exist in the community. Such an understanding will enable departments to refine racial profiling training and enhance related community outreach and public education efforts.

## **Recommendations to Agencies Engaged in Racial Profiling Data Collection and Analysis**

**14. Ensure the quality and accuracy of stop-and-search data.**

Whether racial profiling data is collected voluntarily or by mandate, departments should ensure that the data are complete and accurate. Data auditing procedures should be conducted routinely to ensure that all stops and all searches are recorded. Officers who fail to complete stop-and-search data forms as stipulated in department policy should be held accountable through retraining or discipline. Auditing procedures also should ensure that the information officers record is accurate, recognizing that there may be some reasonable differences when officers are asked to determine race through their own observations.

**15. Set the foundation for discussions with the community before the release of racial profiling data.**

Once data are released, individuals and groups within the community inevitably will make their own assessments about the meaning of stop data. Law enforcement leaders will be in a better position to influence a productive discussion, however, if they have established cooperative and trustful relationships prior to the release of data. Toward that end, a police agency should make certain that the community is aware of the policies, training, and

accountability mechanisms that the agency uses to prevent racial profiling. Ideally, the community should be aware that disproportionality does not necessarily mean that profiling has occurred. Departments that already are thoroughly engaged in community policing efforts have a head start in these discussions and in maintaining a favorable image with the community.

**16. Use racial profiling data-collection efforts and findings as a basis of dialogue with the community.**

Police leaders should be prepared for a variety of opinions and viewpoints in response to release of data, including some respondents who automatically equate disparity with bias. Many members of the community, however, will realize that variations in the manner in which police are deployed across the community and variations in concentration of police may contribute to the disparity. Police leaders may find it useful to reenforce the message that stop data often relates to other indices such as calls for service and crime incidents. It so doing law enforcement executives must be careful not to be defensive or dismissive of community concerns. The inclusion of academics or outside experts in data analysis and presentation may prove helpful and can add credibility. These experts should be independent of the department so that they are perceived as credible.

## Conclusion

This chapter has attempted to address the highly complex topic of racial profiling. It should be clear to police leaders that they must develop policies, training, and accountability practices to address the issue of racial profiling, both being attentive to community perceptions and committed to preventing its occurrence.

As to the formidable challenges of data collection, the foregoing discussion may have raised more new questions than it has answered. Some law enforcement agencies are required to collect data, and in many of those circumstances the methods of data collection are prescribed. Other law enforcement leaders need to be as aware of the complex issues as possible and assess voluntary data collection from a cost-benefit perspective. Major considerations in that analysis are the type and the extent of data to be collected as well as the sophistication of the benchmarking method to be used. Each of these considerations has implications affecting cost, data analysis, and conclusions that will be drawn from data. When presenting racial profiling data to the community, law enforcement leaders need to be aware of the limitations of analysis and the existence of various plausible explanations for disparities the data may reveal. In addition, they need to work carefully with the community to foster an understanding of the findings in the proper context.

## Suggestions for Further Reading

For more information about some of the complex questions and issues raised in this chapter, the reader may want to refer to the following publications.

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**VII.** *Personnel Management  
Issues in the Context of  
Protecting Civil Rights and  
Serving the Community*



## PERSONNEL MANAGEMENT ISSUES IN THE CONTEXT OF PROTECTING CIVIL RIGHTS AND SERVING THE COMMUNITY

The hiring of a law enforcement officer is the single most important function of any law enforcement agency. It is the officers whom we hire who provide service to our community members. The quality of all law enforcement service is reduced to the officers our community members are dealing with. No amount of organization or equipment will replace the human relation skill of the individual officer. Selecting the best candidates in the marketplace is paramount.<sup>1</sup>

**Chief Patrick Oliver (retired), Fairborn (Ohio) Police Department**

### Introduction

Among the most important steps that law enforcement leaders can take to ensure ethical policing and respect for civil rights is to maintain, protect, and preserve their agencies' most valued resource—their employees. Law enforcement leaders must develop targeted recruitment strategies, maintain careful selection processes, and retain experienced, high-quality officers. They must make their agencies places where officers want to establish and pursue long-term careers. Law enforcement leaders also must inspire their command staff and human resources personnel to be motivated by the goals of identifying, hiring, and keeping the best candidates. These candidates are those who possess not only the aptitudes and attributes to engage in traditional, action-oriented policing, but also those who will perform in increasingly multifaceted policing environments. Law enforcement leaders must establish and then sustain a cadre of officers who are dedicated to ethical service-oriented policing that is respectful of the civil rights of all community members while maintaining safety and public order.

Law enforcement leaders today face many challenges in recruiting, hiring, and retaining high-quality officers. With many departments facing a shortage of police applicants,<sup>2</sup> law enforcement leaders struggle to maintain targeted staffing levels while trying to attract the best candidates. Many factors have converged to contribute to the recruitment shortfalls that plague many departments. Low unemployment and a strong job market in the late 1990s meant that prospective candidates could approach agencies selectively or opt for higher paying jobs in the private sector. And, more recently, the military call-up in response to September 11 terrorist attacks has reduced the pool of potential candidates as well as the ranks of sworn officers who have been called to fulfill their commitments as military reservists.<sup>3</sup> Together, these factors have contributed to record lows in the number of police applicants.

Law enforcement leaders also confront the challenge of retaining the officers they had successfully recruited, particularly young, college-educated recruits. These individuals are too often lured into private industry or other agencies. One study estimated that 14 percent of state and county officers in Florida and 20 percent of local police officers terminate within 18 months of their hire date.<sup>4</sup> A recent study of North Carolina agencies found a 14.2 percent attrition rate overall, with smaller agencies experiencing a higher average attrition rate (18.2 percent) than larger agencies (10.2 percent). Officers leave the law enforcement profession entirely or seek employment in other agencies for many reasons including varied opportunities, better pay, and less stressful environments.

Regrettably, high turnover is costly and presents a significant challenge to law enforcement leaders. Training and recruiting are considerable expenses. This investment is lost when officers leave to join a neighboring jurisdiction or a different industry with better pay or better working conditions. Besides the recruitment and training costs, agencies confront an even higher cost when their experienced officers leave the force. Research in several departments has demonstrated that officers with more tenure are more judicious in their use of force<sup>6</sup> and less likely to have complaints lodged against them.<sup>7</sup> The benefits of having a good balance of experienced officers to complement and mentor new recruits cannot be underestimated. The retention of highly experienced, high-caliber officers committed to protecting the civil rights of the community they serve is critical for agency stability. Failure to select and retain exemplary officers can have devastating negative effects in the long run, including poor community relations and cooperation and increased fiscal liability through lawsuits and high turnover.

## Chapter Overview and Objectives

This chapter offers a series of recommendations on how to handle the challenges that law enforcement leaders and personnel managers confront as they work to recruit, hire, and retain high-quality officers. The recommendations in this chapter are offered with the recognition that law enforcement agencies are continually being asked to do more with less and while many face shortages in applicants. This chapter urges law enforcement leaders and personnel managers to act with diligence and innovation. It also advocates that law enforcement leaders and personnel managers remain steadfast in their commitment to attracting and retaining qualified officers. The need to uphold the core values of community oriented policing, customer-service approaches, and civil rights protections—even in the face of significant recruitment and retention challenges—remains vitally important.

## Recommendations

Recommendations for recruitment, selection, and hiring are provided under separate headings. Throughout this guide, community policing and protection of civil rights have been stressed as complementary themes. These recommendations are offered with this focus in mind and are not meant to be an exhaustive list of considerations for recruitment, selection, and hiring.

## Recommendations for Recruitment and Hiring

In their efforts to recruit, select, and hire qualified officers committed to effective law enforcement while protecting the civil rights of all in the community, law enforcement agencies should do the following:

### **1. Undertake an agencywide self-assessment to determine the attractiveness of the agency as a workplace.**

To meet current recruiting and hiring challenges, law enforcement leaders and their managers should undertake a serious assessment of their agencies then take the necessary steps to improve the attractiveness of their agencies as a workplace. Current officers are a vital source of information on workplace quality and satisfaction. Police management should rely on formal (e.g., focus groups or anonymous surveys) and informal methods to elicit officers' opinions on agency strengths and weaknesses.

First-line supervisors or designated personnel managers should also perform routine exit interviews with employees leaving the department to identify both the attributes that make the agency a good place to work and those that contribute to job dissatisfaction. In particular, exit interviews with officers leaving after a short tenure or through lateral transfers should focus on what specific benefits and changes in the organizational culture, if any, might have persuaded them to remain with the department.

Although police management may not be able to address all perceived agency workplace weaknesses—law enforcement leaders, for instance, have little influence over base salaries or standard benefits—they will enhance their ability to recruit and hire high-quality officers as they address deficiencies within their control.

Large agencies with sufficient financial resources may wish to hire outside consultants to perform management studies focused on recruitment, hiring, and retention issues. All agencies should continually strive to make themselves aware of the strengths and weaknesses of their departments as a place to work. This must remain a critical focus of law enforcement leaders and their personnel managers.

### **2. Build on the results of agency assessment to develop a recruiting and hiring strategy.**

Given current shortages of potential police applicants, law enforcement leaders can no longer passively wait for applicants to come to them. To attract high-quality applicants, law enforcement leaders must develop proactive recruiting and hiring strategies that emphasize the strengths of their agencies when considered in contrast to private sector workplaces or other law enforcement agencies.

### **3. Capitalize on agency personnel for recruitment efforts.**

Law enforcement leaders should use agency officers to recruit others. No one is better able to represent the strengths of a law enforcement agency than the officers who work within that agency. Two strategies are common.

The first is to offer incentives to existing personnel who refer successful candidates. Incentives can be monetary or something else of value such as days off. To ensure that staff are referring appropriate clients, the incentive should be tied to some achievement milestone for the referred recruit, such as qualifying for the academy or successfully completing academy training.

A second strategy is to identify particular officers who can be used specifically for recruitment and outreach, typically on a part-time basis. These officers will staff booths at job fairs or community functions and who can be identified as points of contact for interested persons.

Selecting which agency officers to use in recruiting efforts should be purposeful and result in putting forward those officers who most favorably represent the department, exhibit enthusiasm for the job, and are good ambassadors of the department. Leaders must carefully choose officers who represent the highest qualities of the agency and who will convey the agency's mission effectively and accurately. Police executives and senior officers should make certain that these recruitment positions are held in high esteem in the agency and are perceived as positions of status by those who fill them. Quality recruiting officers who exhibit the attributes most valued by the department are the most likely to draw recruits with similar characteristics.

***4. Recognize police explorer troops, police athletic leagues, and other youth organizations as promising forums for future recruits.***

Police agencies can succeed in attracting more recruits by beginning the recruiting process early. They can attract recruits of high quality and motivation by focusing on persons who are already predisposed to law enforcement careers. Hundreds of youth gain familiarity with agencies through explorer troops and police athletic leagues. Many law enforcement agencies recognize the potential of such programs to serve as pools of potential recruits. Agencies that currently do not support these programs should consider creating them. Developing these youth programs and actively encouraging program participation throughout the community can pay dividends once participants reach the age of eligibility.

Besides their recruitment benefit, these programs also provide the advantage of improving community outreach with youth. Involving youth from at-risk neighborhoods, may benefit the youth, the community, and the law enforcement agency. The structure and direction offered by these programs can steer individuals along the right path, while helping to draw recruits from the neighborhoods that are often under-represented within the ranks of policing.

***5. Recognize civilians involved in community policing efforts as promising recruits.***

Besides focusing on youth, law enforcement leaders and personnel managers also should recruit among the graduates of citizen police academies and persons involved in community policing efforts such as neighborhood watch groups or attendance at agency-community meetings. Among the individuals brought together by these activities are those already

familiar with law enforcement work and generally possess a strong commitment to law enforcement agencies and their missions. Appropriate individuals within these programs might be convinced to make law enforcement a second career. Agencies not currently engaged in these programs should consider creating them for recruitment and other benefits.

**6. Consider changing maximum age restrictions.**

Law enforcement leaders and personnel managers are increasingly looking to experienced adults as promising recruits. Many departments have increased the maximum age restrictions for recruits, while some departments have even done away with these restrictions altogether. Law enforcement agencies, such as the Hillsborough County Sheriff's Office discussed below, are realizing the benefits of hiring mature individuals with significant life experiences. Older recruits may handle stress more effectively and may be less prone to impulsive action than their younger counterparts with less life experience. Mature candidates with previous life experiences may be more attracted to community policing and the customer service facets of policing, on average, than young recruits who may be drawn by action-oriented facets.

Departments that have increased or done away with maximum age restrictions can expand their pool of potential recruits. Clearly, other considerations such as physical fitness and mental health must continue to be considered.

**7. Develop recruitment strategies tailored to ethnic and minority communities.**

Law enforcement leaders have long recognized the benefits of having agency personnel who mirror the communities they serve. While most agencies are dealing with overall recruiting and hiring challenges, many are experiencing even more acute challenges in recruiting and hiring minority and female candidates. The limited availability or hesitancy of minority group members to seek out careers in law enforcement is a reality in many jurisdictions. Research has consistently found that African-Americans and Hispanic-Americans have less favorable opinions of the police on average than do nonminorities. In addition, recruitment of candidates from within immigrant communities often is forestalled by requirements for U.S. citizenship. Recruitment remains difficult even among naturalized citizens or children of immigrants. Many children of immigrants may not perceive policing as a viable career, often because the police from their home parent's native countries are perceived as corrupt and as instruments of government repression. A text box on page 41 of Chapter 2, for instance, discusses how police in St. Paul, Minnesota, developed a citizens' academy specifically for the sizable Hmong population residing there. Similar outreach programs, geared toward educating immigrant populations about local policing practice and building trust, are becoming more commonplace in other jurisdictions.

The quality of relationships between individual departments and local minority communities varies widely. Some agencies still find themselves in the position of needing to overcome high levels of distrust within minority communities, yet many are making strides in minority recruitment. Certainly, the agency's wider approach to community outreach and record of

accomplishment in civil rights are important factors in building trust. The specific strategies discussed below should be considered when seeking to recruit more minority candidates. They are also consistent with the key tenets of community policing.

- ***When recruiting within ethnic and minority communities, work through existing community organizations, social and faith institutions, and media outlets particular to those communities.*** Particular attention should be focused on those organizations that have both stature in the relevant communities and a positive working relationship with the police.
- ***To enhance recruiting within ethnic and minority communities, develop and maintain good relations with key stakeholders including clergy, educators, business owners, and representatives of community organizations.*** A general commitment to reaching out to a wide cross-section of stakeholders across all communities in the jurisdiction creates a sense of equity and inclusion that can pay dividends in recruitment. Law enforcement leaders need to remain keenly aware of demographic changes and dynamics within all neighborhoods within their jurisdiction to identify new organizations and new leaders.
- ***When recruiting within ethnic and minority communities, select recruiters from within the department who have connections to these communities.*** Ultimately, the goal is to use high-caliber officers who can personally attest to the qualities of the department. Persons with a similar background as the potential recruits are able to relate more directly to the candidate.

The Farmington (Connecticut) Police Department applies several of these strategies in its efforts to attract minority and female recruits. A description of its recruiting efforts is posted on the department web site.

The department will work in conjunction with the Town Manager's office in establishing the recruitment efforts for the police department. Female and minority employees will participate in job fairs and other functions in area high schools to demonstrate a commitment to equal employment. Job fairs and similar community events will be a primary focus of the Town's effort to attract more minority candidates...The Department will send notification to community organizations with information for our website link to gather information on job openings. In addition, the consultant hired to do the testing process [will place] announcements in [multiple newspapers]. The department will update the website in conjunction with recruitment processes. The recruitment plan will be evaluated annually in October by the police department and Town Manager's Office.<sup>8</sup>

Source: Town of Farmington (Connecticut) and Police Department  
Agency Profile: Population 23,641; Officers 411

**11. Develop recruitment materials that accurately reflect agency interests in balancing traditional policing and community policing.**

Departments that have adopted community policing approaches still retain traditional law enforcement functions. In an era of budget constraints, demands resulting from confronting the challenges of terrorism, and diminished federal funding for personnel, law enforcement agencies are required to do more with less. Consequently, today's officers are expected to be more well-rounded than ever before. Today's recruits need to meet the physical, cognitive, and moral standards that have long been the foundation of policing. They must possess the ability to cope with stressful situations. They must also possess other attributes that suit them to the unique demands of community policing and to work ethically, professionally, and effectively with culturally diverse communities. As one author states, "the model community policing officer must have the traits of kindness—not to be mistaken for weakness—and desire to serve as a potential mentor for young adults."<sup>9</sup> While the need for officers with a wide array of attributes presents recruiting challenges, the call to hire officers on the basis of their commitment to service and their ability to interact with youth can actually expand the pool of potential recruits if police executives and their managers think outside of traditional policing.

When it comes to recruitment, many agencies still present themselves as largely paramilitary organizations with an emphasis on the action-oriented rather than service-oriented elements of the job. Some do this despite their concerted efforts to incorporate community policing alongside traditional policing in day-to-day operations. Recruitment materials should present an accurate and balanced image of all of the attributes expected of police officers. While agencies should continue to express the need for candidates who are physically fit and capable of reacting quickly to crisis situations, they must also communicate the need for candidates who possess considerable analytic ability, strong communication skills, a sense of diplomacy, and a commitment to community service. Agencies should make their allegiance to community policing evident in all recruitment materials. As they do so, they are more likely to target the right recruits. Edward J. Tully, a former FBI special agent and former director of the Major City Chiefs Association, summarized this approach well:

Do not use your limited resources pursuing individuals looking for the excitement in policing, as they will join anyway! Rather, look for those that believe and support the values of your organization. It is the part-time waiters or waitresses at your local restaurants, the tellers at your community financial institutions, the substitute teachers at your children's schools, or the salespersons at your favorite stores that can be the future of your agency.<sup>10</sup>

The textbox describing a program used by Hillsborough County Sheriff's Office in Florida outlines a comprehensive hiring strategy—including many of the elements contained in the recommendations above—that is grounded in a customer-service model of policing.

Hillsborough County Sheriff's Office: Hiring in the Spirit of Service

Building on their implementation of a community policing strategy that originated in the late 1980s, the Hillsborough (Florida) County Sheriff's Office developed a *Hiring in the Spirit of Service* program in August 2004. The comprehensive strategy addresses marketing, community involvement, job analysis, and candidate screening. The program integrates two mutually re-enforcing objectives; allowing the community to provide input on personality attributes that the sheriff's office should use in selecting recruits and hiring deputies who are devoted to community service. As a result of these efforts, the sheriff's office has devised a highly targeted marketing strategy to attract the officers who are committed to the agencies' mission and who strive to reflect the attributes that the community most desires.

After a series of meetings with community groups, the sheriff's office identified a set of desired traits for deputies: leadership, integrity, flexibility, interpersonal communication, and community service. This information obtained from the meetings led to the development of a questionnaire that was distributed to a cross-section of community group members. That questionnaire indicated that the top five skills desired were communications, admission of shortcomings, lack of procrastination, work patterns, and frustration tolerance.

As part of their recruitment strategy, the sheriff's office uses a cadre of deputies who convey to potential candidates their personal experiences and the reasons why they personally find their jobs rewarding. Printed testimonials from these deputies are used as part of the process and a high-quality printed recruitment packet, "*Courage, Integrity, Compassion: Could You Answer the Call?*," is widely distributed. The packet includes series of testimonials and basic information about the department, including agency mission, candidate requirements, and job benefits. The overall recruitment and outreach strategy is designed to achieve diversity within the department, not only demographically but also in terms of life experiences. The sheriff's office does not have a maximum age limit (but does require physical agility), which allows them to appeal to persons who may be looking for second careers.

Instead of just focusing on the paramilitary skills traditionally emphasized in law enforcement recruiting, the broad goal of recruitment is to attract persons with sound managerial, organizational, communication, and people skills. Recruitment strategies integrate the qualities of deputies valued by the community and incorporate them into the sheriff's office's pre-employment screening and testing processes.

The press release announcing the program is available at [www.hcso.tampa.fl.us/Press\\_Releases/2004/August/04-326.htm](http://www.hcso.tampa.fl.us/Press_Releases/2004/August/04-326.htm).

Brochures and videos of "Hiring in the Spirit of Service" can be obtained from program manager, Lorelei Bowden, Hillsborough County Sheriffs Office ([lbowden@acso.tampa.fl.us](mailto:lbowden@acso.tampa.fl.us))

Source: Hillsborough County (Florida) Sheriff's Office  
Agency Profile: Population 1,055,000; Officers 1,125

***12. If necessary, recruit broadly beyond the jurisdictional boundaries.***

Unfortunately, law enforcement agencies find themselves competing for scarce candidates. The New York City Police Department, the Los Angeles Police Department, and other large departments are engaged in ambitious national recruiting campaigns. As a result, small agencies and agencies whose salaries are below the regional norm face stiff competition. This not only affects their risk of losing qualified candidates but also puts them in the position of losing trained rookies and experienced officers through lateral transfers to other departments.

To remain competitive with agencies that recruit ambitiously at the national level, agencies must broaden their recruitment efforts while continuing to stress the benefits associated with working in their particular jurisdiction. Recruitment need not—and, indeed, should not—be limited to jurisdictional boundaries.

While potential recruits from smaller municipalities may be drawn to the big cities, the same big cities may contain potential recruits who may be lured by the benefits associated with smaller jurisdictions. Realistically, smaller departments may not have the power to draw candidates to the same degree that larger departments do, but they still should strive to recruit regionally. In addition, these departments could benefit by devoting some effort to assessing where current members of the force had been living when they applied and by comparing notes and strategies with nearby departments, particularly those of similar size.

**13. Consider the benefit of using the Internet for recruiting and processing applicants.**

Many departments are leveraging the Internet to inform the public about their agency and specifically to broaden their reach in recruiting candidates. While web sites can be an added resource for recruitment, they are not a panacea and may give rise to more work. For instance, a poorly designed web site may draw candidates who are not well suited for the agency's policing mission. This creates more candidates to process, many of which will be screened out. It is paramount for agencies to design their web sites so that they are consistent with their agency's mission and provide details about specific qualifications.

The following excerpts from San Antonio (Texas) Police Department, the Littleton (Colorado) Police Department, and the Phoenix (Arizona) Police Department demonstrate the ways in which web sites can become effective recruitment tools for hiring candidates committed to community service.

Our department is seeking men and women from all backgrounds who welcome a challenge, and share our philosophy of community service. To those who accept the challenge, we offer not only excellent training, great pay and benefits, and ample opportunities for advancement, but also the opportunity to provide a service to the community as San Antonio Police Officers.<sup>11</sup>

Source: San Antonio (Texas) Police Department  
Agency Profile: Population 1,144,646; Officers 2,054

The mission of the Littleton Police Department, in partnership with our community, is to protect life and property, safeguard constitutional rights, enhance the quality of life, and reduce fear through professionalism, problem solving, and personal commitment.<sup>12</sup>

Source: Littleton (Colorado) Police Department  
Agency Profile: Population 43,000; Officers 72

"A great force in a great city"—The slogan used on recruiting billboards around Phoenix in 1955 really is as true today as it was back then. The main difference is that we don't refer to our department as a "police force", because we go beyond just being a "force" in the community. The Phoenix Police Department is a professional organization dedicated to providing unparalleled service to the community we represent. As such, one thing certain to never change is the fact that being a police officer is "A Job You Can Be Proud Of". This section of our web site is devoted to providing you with everything you need to know about becoming a police officer for our agency.<sup>13</sup>

Source: Phoenix (Arizona) Police Department  
Agency Profile: Population 1,300,000; Officers 2,800

Using the Internet can reach a wider audience and, when carefully designed, can provide an opportunity to streamline a paperwork process. More departments are allowing applicants to provide basic information on line, which saves resources because department personnel do not have to enter information from pen-and-paper forms. In addition, more departments are following a strategy that now is widespread in the United Kingdom, using a “Do you have what it takes?” approach. These web pages can be effective ways to market the department, while providing an opportunity for prospective recruits to prescreen themselves.

Examples of interactive online application forms:

- Pennsylvania State Police ([www.psp.state.pa.us](http://www.psp.state.pa.us))
- Philadelphia Police Department ([www.ppdonline.org/career/career\\_apply.php](http://www.ppdonline.org/career/career_apply.php)).

The British approach to the online recruitment and applications can be found at the following sites:

- [www.policecouldyou.co.uk/home](http://www.policecouldyou.co.uk/home)
- [www.policecouldyou.co.uk/apply](http://www.policecouldyou.co.uk/apply).

As discussed above, these Internet approaches must meet “truth in advertising” standards. An attempt to lure persons with action-oriented narrative and graphics may attract the wrong balance of candidates. It will result in the need to screen out a significant number of applicants and may result in attrition when the action-oriented recruits find out what the job really entails.

## Recommendations for Retention

Having worked hard to recruit and hire qualified officers committed to public safety and the protection of community members' civil rights, law enforcement leaders and personnel managers must continue to work to retain them. In their efforts to retain qualified officers, law enforcement agencies should do the following:

### ***14. Provide opportunities for diverse and challenging work that is tailored to the specific interests of individual officers.***

On a national level, the traditional commitment to establishing a career within a single organization is being replaced by a notion of serial employment. Law enforcement employment, however, continues to be presented as a career, with good reason. Law enforcement agencies can counteract the tendency of favoring serial employment by offering careers in which officers continually feel productive, valued, and challenged.

Law enforcement leaders and personnel managers should ensure that individual officers who exhibit aptitudes for particular types of work are recognized for special skill sets and are given opportunities to have exposure to or specialize in these areas. Agencies should offer training and educational opportunities to hone individual officers' skills and interests. For instance, individual officers could be encouraged to act as liaisons with particular communities, to perform outreach to schools, to engage in language immersion programs, or to become field training officers.

Law enforcement leaders should work particularly hard to establish recognition and esteem for all department positions. For instance, law enforcement leaders and personnel managers must recognize the critical role of patrol officers. In the event that opportunities for advancement within such roles are limited, they should create specialized positions, such as master patrol officers, to sustain the interest of their officers and create value and esteem for all positions.

### ***15. Create an environment in which officers feel genuine ownership in the agency.***

One of the most promising ways to retain high-quality officers is to ensure that they share in the agency's mission and act as vital contributors to that mission. Law enforcement leaders and personnel managers must empower their officers to become stakeholders in the organization. In many ways, community policing strategies are well designed to achieve this objective. Although community policing is implemented in a variety of ways in different jurisdictions, there is some evidence to suggest the community policing is associated with higher levels of job satisfaction.<sup>14</sup> A genuine sense of joint ownership in the agency and the community is a promising strategy for retention.

**16. Offer competitive compensation and benefits.**

To the extent possible, law enforcement leaders and personnel managers should ensure that their officers are competitively paid and supported through job benefits. The level of pay itself is not the sole factor in retaining quality police officers. The total package of benefits as well as the quality and reputation of the department can be important considerations in drawing recruits.

The impact that law enforcement leaders can have on salary and benefit packages may be limited. At the very least, however, police executives should remain up to date about how surrounding jurisdictions compare in pay and benefits. They should also be prepared to make the case to potential recruits that some benefits may compensate for lower pay. Better health benefits or more opportunities for advancement and educational opportunities, for instance, may compensate for lower starting salaries.

**17. Ensure that officers are given the support they need to handle the stresses of their occupation.**

Law enforcement will always be a stressful occupation, but the varied expectations placed on today's officers heighten that stress. Today's officers are both crime fighters and engaged community problem-solvers. An officer may deal with a traumatic accident, put himself or herself in danger, handle a routine traffic stop, and respond empathically to a lost Alzheimer sufferer during the course of a single shift. The resulting stress manifests itself in higher-than-average rates of suicide, substance abuse, domestic violence, and symptoms such as post-traumatic stress disorder. Stress can reduce officer effectiveness as well as heighten the risk for verbal mistreatment of civilians and use of excessive force. Too many officers leave law enforcement prematurely because of stress. Stress can contribute to the need for disciplinary action and, ultimately, dismissal. Stress may shorten careers when officers feel compelled to leave because health concerns or concerns about relationships at home.

Law enforcement leaders and personnel managers must ensure that officers are given the support they need to deal with a stressful and demanding job. Law enforcement leaders may offer this support, in part, through the development of genuine early intervention systems and associated supervisory practices explored extensively in Chapter 3 of this guide. Early intervention strategies allow supervisors to identify problematic behavior and provide nondisciplinary intervention to help officers get back on track. In this sense, these systems aid law enforcement leaders in retaining officers by providing them with the support they need to deal with a stressful environment. Apart from or in conjunction with early intervention systems, many agencies also rely on employee assistance programs to provide support to personnel and their families in times of need. Law enforcement leaders and personnel managers must be steadfast in ensuring that these programs are perceived as aids to individual officers and not as parts of a punitive disciplinary system.

## Conclusion

Recruiting, hiring, and retaining good officers who can simultaneously respond to the physical demands and stress of policing while maintaining a commitment to community service and respect for civil rights is a daunting task. This work is time-consuming and can be expensive. Careful recruitment and selection procedures should be thought of as a long-time investment. In responding to shortages, quick fixes such as lowering standards or hiring officers who have left other departments under questionable circumstances can have negative and costly repercussions, both in the short term and the long term. Lowering standards may result in higher rates of dismissal. Attempting to lure officers with flashy action-oriented recruitment drives with an emphasis on weaponry and high technology could result in attrition by officers once they discover that the job is not what was promised. Recruitment should not be treated as a process isolated from overall management. The image that the department projects to recruits must be consistent with the department's mission statement and reflective of its culture. Truth in advertising is critical for maintaining a department's credibility with the recruits, with existing staff, and with the community.

## Suggestions for Further Reading

Police personnel issues evolve as the police profession evolves and society changes. Addressing current shortages in candidates for policing, while maintaining commitment to integrity, high standards, and sustaining a service-oriented mission, presents a formidable challenge to today's law enforcement executive. The two recent publications listed below speak to current challenges and efforts to overcome those challenges.

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Taylor, Bruce, Bruce Kubu, Lorie Fridell, Carter Rees, Tom Jordan, and Jason Cheney. *The Cop Crunch: Recruiting and the Hiring Crisis in Law Enforcement* (presented in a three-part series) The Police Foundation, Washington, DC; May, 2006. [www.policeforum.org](http://www.policeforum.org)

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**VIII.** *Data-Management*

*Issues in the Context of  
Protecting Civil Rights and  
Serving the Community*



# DATA-MANAGEMENT ISSUES IN THE CONTEXT OF PROTECTING CIVIL RIGHTS AND SERVING THE COMMUNITY

To work effectively with the community law enforcement must be willing to share information. We must first have the ability to collect and manage information before we develop strategies to disseminate the information in ways that will inform and benefit the community. This openness will build trust.<sup>1</sup>

**Chief James Hussey, Cohasset (Massachusetts) Police Department**

## Introduction

To what extent can data-management strategies—particularly those that have been credited with helping police agencies improve efficiency in personnel management and public safety—be of help to police executives pursuing commitments to protecting civil rights and to policing from a customer-service perspective? Despite the fact that law enforcement agencies have made great strides in data management over the last decade, the answer to this question is still unfolding.

During the last decade, more agency leaders have asserted that data-driven strategies have played a major role improving the management of police agencies, perhaps even a direct role in crime reduction. Data-driven management is considered a cornerstone of the highly popular CompStat approach, which originated in the New York City Police Department (NYPD) and now is being emulated in scores of law enforcement agencies throughout the United States and the world.<sup>2</sup> According to Jack Maple, a former NYPD transit officer who later became a deputy superintendent, the success of CompStat relies on “accurate, timely intelligence clearly communicated to all.”<sup>3</sup>

The overall value of data for improving the functioning of law enforcement agencies has never been more clearly recognized and valued than in the present. Leaders have witnessed increases in the volume of data collected and the proliferation of CompStat-like data-driven strategies. The Chicago Police Department’s CLEAR (Citizen Law Enforcement Analysis and Reporting)<sup>4</sup> program and the Tucson Police Department’s TOP (Targeted Operational Planning)<sup>5</sup> program are two recent examples of ambitious data-driven management systems that are receiving acclaim for their comprehensiveness and sophistication.

Despite these broad and far-reaching advances, the new era of data-driven management still remains largely focused on *traditional* police data and missions. This traditional focus persists even though the mission of law enforcement agencies has expanded greatly over the

same decade in which technological advances have taken place. With proper organization and sound data-management policies, this chapter asserts that agency leaders can take action to ensure that data management strategies are used to enhance more contemporary (less traditional) agency missions, including the protection of civil rights, improving community outreach, and enhancing residents' engagement in the civil process.

## Chapter Overview and Objectives

This chapter underscores the lessons addressed in previous chapters about the effective use and dissemination of data and highlights promising practices. This chapter stresses that the same benefits that have been derived from management and analysis of traditional police data can be achieved by using less-traditional data to improve contemporary police missions.

As policing has evolved from a reactive model to one that stresses proactive and preventive approaches, data collection has also evolved. As part of this process, some agencies are focusing more attention on indicators of police performance relevant to civil rights and community policing models that stress partnership, service orientations, and problem solving.

Prudent leaders are proactive in their use of both traditional and non-traditional data. Rather than waiting for crises to occur and potentially having their own data used against them, law enforcement leaders are taking proactive steps to use data to manage their performance and hone their public image. They are embracing data-driven management strategies not only to limit liability, but also to improve agency performance in the areas of civil rights and community policing. They are collecting data about issues such as use of force and citizen complaints to clarify their missions, enhance responsiveness to the community, measure progress, improve transparency, and to showcase their successes.

This chapter begins by briefly reviewing data-management issues raised in preceding chapters and then presents four core reasons why law enforcement executives should consider augmenting their collection of traditional data with nontraditional data. In addition, this chapter offers a series of recommendations consistent with this approach.

This chapter's recommendations regarding data collection, analysis, and dissemination focus specifically on nontraditional data. In many ways, however, these data create the same types of methodological questions and challenges raised by traditional measurements of police performance, data such as Uniform Crime Reports (UCR), calls for service, citations issued, arrests, and clearance rates.

Whether tracking crime or assessing officers' performance in respecting civil rights, law enforcement leaders must take the necessary steps to ensure optimal quality data and fully acknowledge the capacities and limitations of their data. Administrative data, no matter how carefully collected, will always carry inherent limitations. An intimate understanding of an agency's data-collection processes and data quality is critical. This is true whether conducting analysis solely for internal use or when sharing information with the public.

## Data-Management Issues Raised in Preceding Chapters

The importance of data collection and analysis in the protection of civil rights is interwoven throughout the preceding chapters of this guide. As was discussed in Chapter 2, law enforcement agencies committed to community policing and community outreach often depend on data-driven management for problem-solving strategies and often rely on surveys of residents to assess performance from a customer service perspective. In departments of all sizes, successful early intervention strategies (Chapter 3) depend on systematically collected information that helps supervisors make informed decisions regarding interventions designed to address problematic behavior in officers before they escalate to misconduct that require disciplinary means. Early intervention strategies in a growing number of large departments are built around computerized data-management systems, some of which rely on very ambitious and comprehensive data-collection efforts. Data on civilian and internal complaints (Chapter 4) and on use of force (Chapter 5) are among the indicators most commonly used to assess officer performance in these early intervention systems. Through web sites and annual reports, more agencies are making aggregate-level data about the quality of police performance, in particular use of force and civilian complaint data, available to the public. Rather than treating civilian complaints and allegations of excessive force as isolated cases that need to be administratively adjudicated, departments are now recognizing they can treat these data as a barometer of citizen satisfaction and then analyze the data to spot patterns and craft solutions. The shift from adjudication of individual cases to a more comprehensive management perspective is consistent with the tenets of problem-solving approaches.

Law enforcement leaders are also facing pressing demands in response to allegations of racial profiling and are confronting decisions about whether or not to collect data on traffic and pedestrian stops (Chapter 6). Police leaders whose agencies have chosen to—or are being required to—collect racial profiling data remain in dire need of assistance in addressing complex issues of data collection, analysis, and interpretation. They confront significant challenges regarding how to best interpret and use findings to engage in constructive dialogue with their communities.

Finally, police leaders are facing challenges in recruiting, hiring, and retaining qualified personnel to meet the new challenges of law enforcement (Chapter 7). These challenges include additional responsibilities brought about by post-September 11 demands while striving to maintain commitments to community policing. Even as they try to do more with less, many leaders continue their efforts to make their agencies mirror the communities they serve. Given these realities, it would be difficult to overstate the importance of data collection, management, and analysis in assessing and managing civil rights protections and sustaining a commitment to community policing.

## Rationales for Expanding Data Collection and Analysis by Including Nontraditional Data

Law enforcement leaders have heard the common adage that to manage effectively they must measure. Data collection and analysis are critical to effective policing, but these efforts can be daunting, time-consuming, and costly. The costs, however, of not adequately supporting data collection, maintenance, and analysis may be far greater. Quality data collection and analysis can improve law enforcement management and operational efficiency. Not having relevant data, or not having the ability to access and properly analyze the data, can increase an agency's liability risk and undermine its credibility.

In contrast, when a law enforcement agency engages in comprehensive data collection and analysis and shares that information with the public, it exhibits its ability to serve the community with fairness and transparency. Data collection and analysis can validate police performance and enhance public relations. Moreover, data can be most beneficial if managers treat data as a feedback mechanism and use it to retool policies, procedures, and practices for both traditional law-and-order missions and those defined from a customer-service perspective. As law enforcement leaders broaden their missions under the banners of community policing or improving quality of life, they must make every effort to spotlight their successes in these areas by using concrete measurement, systemic analysis, and public dissemination of findings in formats that the public can readily understand.

Police agencies benefit when they collect and analyze traditional crime data such as calls for service, traffic citations issues, crime incidents, arrests, and response times. Many of these are traditional measures that police executives use to focus on internal agency functions. Increasingly, police managers are recognizing the benefit of collecting and analyzing less traditional data, including indices such as community meeting attendance, citizen complaints, and satisfaction surveys, all of which help police gauge how well they are serving the community and protecting the rights of citizens.

Collecting and sharing nontraditional data relating to civil rights protections and community outreach can benefit law enforcement in at least four ways.

### **Benefit One: Data collection and analysis promote effective management and accountability**

The first rationale for collecting and analyzing nontraditional data is the same as for collecting traditional data: data are critical to effective management. Even if law enforcement agencies collect these data only for internal uses (for some reason opting not to share data and analysis with the public), effective managers can capitalize on this information to assess officer performance, modify policies and training, fine-tune practices, develop new strategies, and hold individuals responsible. As has been discussed in the preceding chapters, leaders can readily track and analyze indices such as civilian complaints, civilian commendations, and use-of-force deployments with these objectives in mind. Fundamentally, this requires a commitment to collect and analyze these nontraditional indices with the same vigor and diligence that agencies routinely commit to collecting traditional police data.

Under CompStat-style management strategies, commanders may be held liable for spikes in crime or rewarded for crime reductions. They are reprimanded or rewarded based on their unit's ability to meet performance measures such as crime rates, activity levels, clearance rates, or reductions of overtime hours. If nontraditional data are collected, analyzed carefully, and understood in context, commanders can also be held responsible for upswings in civilian complaints or spikes in use-of-force incidents. At the same time, they could be rewarded when civilian complaint data show decreases or when citizen commendations attributed to unit personnel increase.

### **The Importance of Context in Analyzing Data Trends**

As discussed with respect to early intervention systems in Chapter 3, contextual factors are always a critical consideration in the analysis of data. Increases in deployment of reportable use of force, for instance, may not necessarily be indicative of lapses in restraint among a department's officers. If analysis indicates that this trend corresponds to increases in subject resistance, the focus of attention could be directed to problematic groups or areas within the community rather than to officers. In a similar vein, use-of-force deployments and levels of civilian complaints will track statistically to some extent with levels of crime and arrest. Taken together, different work shifts and geographic assignments often correspond to different levels of risk exposure and different types of police-civilian encounters. Neighborhoods with higher densities of late-night liquor license establishments, for instance, may give rise to higher incidences of reportable use-of-force deployments and civilian complaints stemming from altercations with police. Managers and analysts always must gauge their interpretations of trends with these contextual factors in mind.

While it would be unwise to hold qualitatively different precincts or divisions to the same expectations, comparisons within units can be made over time. Each subdivision/shift can be assessed over time to determine whether it is moving in the right direction and in a manner that is consistent with the department's overall trends. A prototype for this type of analysis was illustrated clearly in the study "Can Effective Policing Also Be Respectful? Two Examples in the South Bronx."<sup>6</sup> In that study, researchers found that while crime was dropping in New York City during a period in the 1990s, there was a corresponding citywide increase in civilian complaints. Although some observers would speculate that this indicated that increases in citizen complaints were an inevitable outcome of crime-control efforts, the researchers found evidence to refute that generalization. Specifically, they identified two precincts in the Bronx where both crime and citizen complaints dropped during the study period. On closer examination, the researchers were able to identify how the commanders in these precincts were able to oversee drops in both indices. Common contributing factors in both precincts were the strong leadership qualities of the commanders and their ability to identify and hold accountable those officers responsible for a disproportionate share of complaints. Although outside researchers conducted the analysis, similar analyses could be conducted by department analysts to assess internal trends and identify promising practices within a department that are worthy of emulation throughout the department.

**Benefit Two: Data collection and sharing help enhance the credibility of the agency and contribute to building trust with the community.**

A second rationale for law enforcement to engage in collection and analysis of nontraditional data is that these efforts can help engage the community and other important constituencies as allies, rather than as mere consumers of police services. Data presented in clear and compelling formats can go a long way toward informing the public, managing public relations, and actively engaging residents in community policing strategies. Agency leaders who strive to be proactive and deliberate in sharing data are in a better position to ensure that information is understood in context and will be better positioned to demonstrate their successes. In addition, law enforcement leaders can help cultivate common understandings of civil rights issues and remedies by routinely sharing outcome measures with the public. These proactive approaches clearly are better than those that are apt to be seen as reactive or defensive, such as responding *only* when critical incidents spark outside requests for data.

Sharing information with the public can facilitate two-way communication. Objective and clear data routinely made available to the public can help communities develop a fairer and more balanced perspective of the police and the actions that they take. At the same time, police will be in a better position to access accurately and realistically the public's reaction to the data and their general perception of the agency.

**Benefit Three: Data collection and analysis support broadly defined problem-solving strategies and partnership building.**

A third rationale for collecting and analyzing nontraditional data is closely related to the second. Collection of these types of data can expand police-community problem-solving efforts. While community members expect departments to keep them safe, they also expect departments to be responsive to their needs and treat them respectfully and fairly. In some jurisdictions, residents have come to rely on the police to help them become more engaged in civic processes. The same problem-solving strategies that have won favor in addressing crime and public disorder can be used to assess civil rights and community outreach problems and to craft joint solutions.

Analysts may uncover, for instance, that the police are responding to a flood of calls from an immigrant community but are not getting members of that community to attend local precinct meetings. When a police leader takes proactive measures to reach out to leaders within this community, the department can begin to develop broader community networks.

Discussions about the data and continued analysis of information with leaders from the immigrant community can be useful for developing collaborative approaches and building partnerships. Having cemented relationships with key community stakeholders, police can work collectively with leaders to help foster new relationships with the wider immigrant community and to cultivate long-term relationships. Several examples of just this approach were provided in the Chapter 2 on community policing. Data help the police and community to understand and define issues from a similar perspective; data form a foundation for constructive partnerships; and data provide the ability to measure progress. These are key components of the problem-solving process.

**Benefit Four: Data collection and analysis efforts can be used to establish new allies and bring more resources to the table.**

A fourth reason for expanding data collection and analysis efforts is that relevant outcomes, particularly successful ones, can be widely shared. When police inform journalists, legislators, and other government officials about what they do they take a proactive role managing their public image. Officials from other government agencies, such as the mayor's or governor's office, will want to associate themselves with successful practices and positive outcomes. This can result in positive exposure and the funding necessary to maintain effective practices.

**Risks of Not Sharing Data with the Public**

If the benefits of sharing data are not enough to convince leaders, considering what happens when agencies do not share data may be compelling. In the absence of adequate data sharing, the public, the media, and oversight agencies may be prone to draw their own conclusions. Without the proper context, they may be more apt to engage in knee-jerk responses to exceptional events like a highly publicized use of lethal force, or fall back into the politically expedient response of blaming the police.

Collecting and sharing relevant data can be invaluable to law enforcement leaders by helping put isolated incidents in a broader and more definitive context. A chief with reliable and compelling data about an overall downward trend in use-of-force deployments or civilian complaints, for instance, will be in a better position to quell public outcries when controversial incidents occur. Similarly, a sheriff who can readily demonstrate that his or her deputies' lethal-force deployment rates compare favorably to similar jurisdictions will be in a better position to manage public relations when isolated use-of-force deployments raise public concern.

## Recommendations

Recognizing the benefits discussed above, this chapter's recommendations are focused on basic data-management issues that will promote data sharing and will optimize the value of the data shared, particularly data that relate to civil rights and community outreach.

These recommendations are not intended to be an all-inclusive treatise on data management. Presented in this manner, law enforcement executives need not be experts in data management or statistical analysis to find the recommendations useful. Recommendations appear under three categories: data collection, data analysis, and data dissemination.

### Data Collection Recommendations

In their data collection efforts, all law enforcement agencies should do the following:

#### **1. Capitalize on sources of data that already exist within the department.**

To assess and manage their performance in protecting civil rights and promoting community policing, law enforcement agencies should make full use of data that they already routinely collect. As police agencies have expanded their mission beyond traditional policing, data other than those associated with reactive responses to crime have become increasingly relevant. As a result, a fair amount of data relevant to civil rights protection and community policing is already collected for routine administrative purposes.

Although these data are collected with increasing frequency, the data are not always fully used for purposes of management and evaluation. For instance, data on citizen complaints or reportable uses of force may be tracked to assess individual officers through an early intervention system. Partially as a result of alleged civil rights violations and the imposition of several consent decrees and memorandums of agreement, for example, more departments are tracking their deployment of canines as a force-control option. Departments and units are being held accountable for reducing the overall deployment of canines in this manner and for keeping their bite-to-release ratios to a minimum.

These types of data are being used in departments to assess the overall direction of the department or to compare whether all units are moving in the right direction. Prudent police executives and managers should make the best use of the following types of information and use it to assess and refine their protections of civil rights.

- Use-of-force incidents, ideally broken down by types of deployment/equipment use, by geographic unit, and by subject demographics
- Citizen complaint data, ideally broken down in the manner mentioned above
- Traffic stop and pedestrian stop data with sufficient detail to assess racial profiling
- A broad range of data used within early intervention or personnel performance management systems.

The public expects both equal protection and equal service from the police. Police also have at their disposal administrative data that can be used to assess whether they are serving the needs of the public and whether they are serving all constituent groups within their community effectively and equitably. Administrative data used to assess and refine community policing could include the following:

- Community participation at police-sponsored meetings (e.g., monthly precinct or beat meetings), for comparison purposes ideally broken down by the participants' gender, age, race/ethnicity, and area of residence
- Police attendance and involvement in community-sponsored meetings and activities, including those sponsored by churches, civic organization, or tenant associations
- Community participation in police-sponsored activities such as police athletic leagues, police explorer programs, or citizen academies, ideally broken down by the demographic categories listed above
- Community volunteer participation in the agency.

Police agencies should use such information to identify particular groups or neighborhoods for which additional outreach efforts may be warranted as well as to document agency successes such as improvement in minority participation.

## ***2. Agencies should continually seek to expand nontraditional data-collection efforts***

To assess and manage their performance in protecting civil rights and promoting community policing, law enforcement agencies should review and expand their data-collection efforts on a continuous basis. As police agencies have adopted community policing and customer-oriented approaches, many have successfully expanded their use of surveys and customer feedback. This enables agencies to compensate for limitations associated with administrative data. For instance, little research exists to shed light on the extent to which the volume of citizen complaints that an agency receives is a reflection of the behavior of its officers or its openness and willingness to receive and investigate complaints.<sup>7</sup> Collecting data on citizens' opinions of police performance through systematic surveys is one way to offset some of the limitations associated with administrative data. Survey data can also serve as a method of cross-validating administrative data. If survey data indicate that satisfaction is increasing and that misconduct complaints against officers are also increasing, this may actually indicate that efforts to make the citizen complaint process more open have been effective.

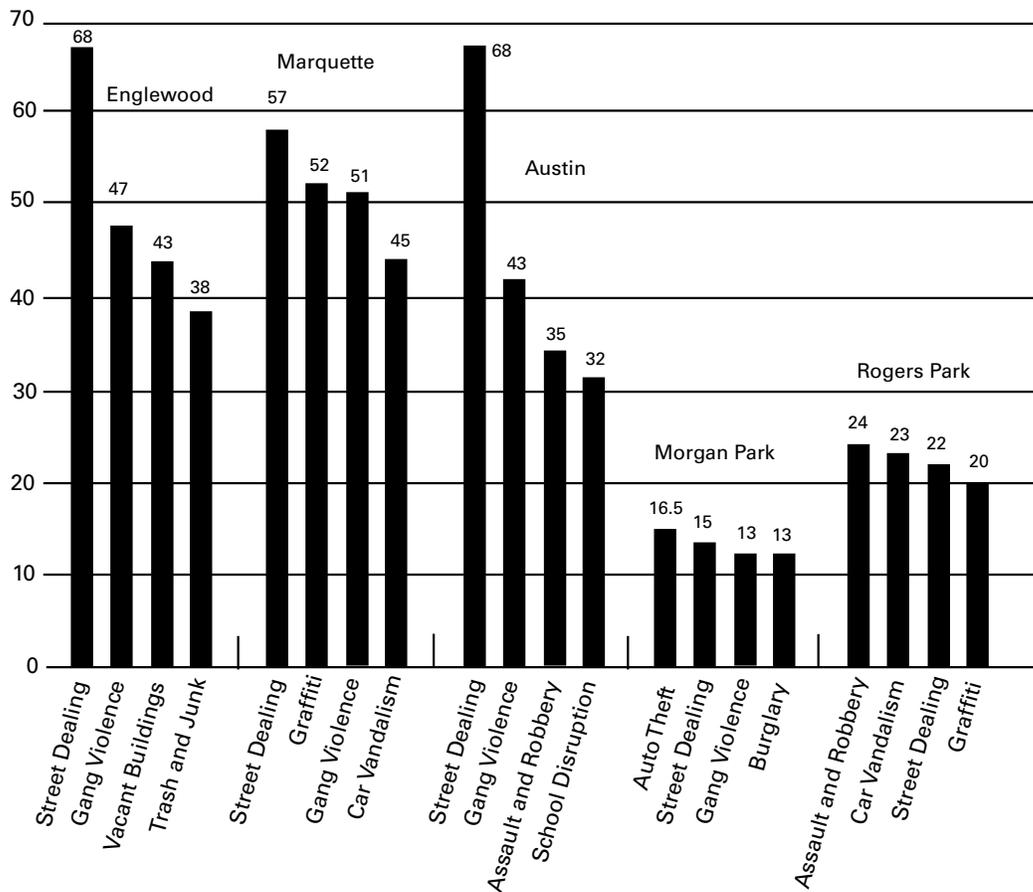
Using citizen complaints to assess police performance is critical, for instance, but it must be recognized that not all persons who have experienced negative encounters with the police will report them. Indeed, the willingness to complain (or to compliment) the police may vary considerably across the jurisdiction or by demographic groups. Surveys, whether sophisticated and scientific or more modest in design, can be of great benefit, as discussed below.

Agencies should consider two basic types of surveys and recognize the relative benefits and limitations of each.

- Use community surveys that strive to be representative of the jurisdiction at large and that can represent the view of distinct communities within the jurisdiction

Law enforcement agencies that embrace community policing often consider community surveys a core component of their data-collection strategy. Community surveys are very flexible. Questions on community surveys can be tailored to address issues that are of concern to police managers or issues that are of concern to community members. Questions also can be designed to identify and compare issues confronting different communities served by the police department. The communities may be defined geographically or by demographic traits.

Biggest Problems in Experimental Districts: Wave 1 Survey Results



The graph displayed here, for example, illustrates the responses elicited through a community survey conducted in five police districts in Chicago at a time when the police department was piloting its community policing program.<sup>8</sup> These responses demonstrate quite clearly the types of problems that are shared across these communities as well as those

that are unique to particular communities. Such data can be valuable to district commanders when planning their community policing strategies and working with the community to establish neighborhood-specific problem-solving priorities.

While similar types of conclusions could possibly be gleaned from existing data sources, such calls to station houses or crime reports, these would be subject to a reporting bias because different communities may be more or less willing to call the police. A random scientific survey can compensate for some of these statistical biases and can help to validate inference drawn from administrative data.

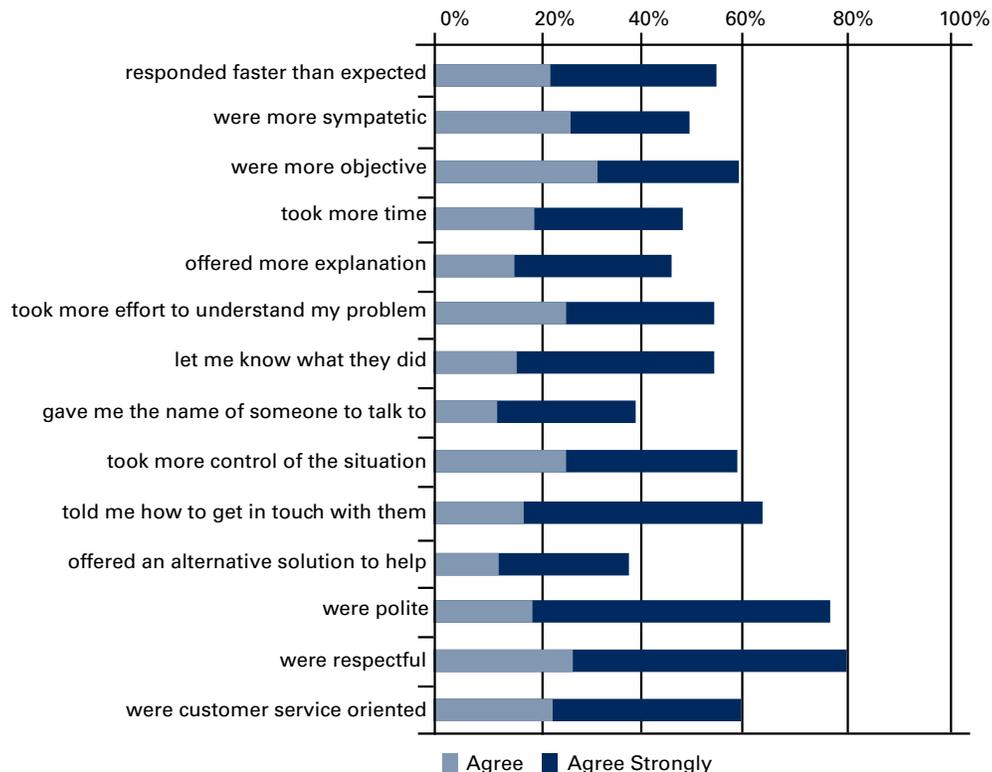
Community surveys, in particular, can be crafted to assess whether citizens are satisfied with different facets of police service. The graph titled “2004: Citizen Satisfaction with Police Responsiveness” illustrates how residents in Shoreline, Washington who reported having direct interactions with officers from the King County Sheriff’s Office—the agency with which the city contracts to provide police services—rated officer responsiveness in 2004.<sup>9</sup>

**Citizen Survey Results Re: Officer Responsiveness**

The City of Shoreline via Northwest Research Group administered the Police Satisfaction Survey in 2004. Shoreline anticipates surveys again in the fall of 2007.

Citizens of Shoreline *who interacted with the police* gave the following responses to survey questions about police officer responsiveness.

**2004: Citizen Satisfaction with Police Responsiveness**



Community satisfaction surveys can also assess whether levels of satisfaction vary across communities. Groups within a jurisdiction may vary in their satisfaction with police services. In larger jurisdictions, agencies may wish to collect survey data in sufficient sample sizes and with full demographic information about the respondents to make comparisons across different geographic areas and across different groups defined by variables such as race/ethnicity, age, gender, and home ownership status. A wide variety of studies and national opinion polls demonstrate that levels of citizen satisfaction are statistically related to these demographic factors.<sup>10</sup> For assistance in conducting community surveys see the publication *Conducting Community Surveys: A Practical Guide for Law Enforcement Agencies*.<sup>11</sup>

• **Use opportunistic (nonscientific) surveys.**

Police departments need not limit themselves to scientific surveys. Surveys that are designed to be scientifically representative can be expensive and time-consuming, in large part because of the rigorous procedures and standards required for obtaining random samples. Other options, such as short questionnaires distributed in neighborhoods, distributed on car windshields, or made available on an agency’s web site, can be collected more easily and cheaply. They can still be very useful, but must be interpreted with more caution than representative scientific surveys.

Increasingly, police departments are collecting data using consumer-based feedback approaches through the Internet. While similar in format to those discussed earlier, these surveys are considered *opportunistic* rather than *scientific* because participation is voluntary. The graphic represents a portion of an opportunistic survey form made available on the web from the Kent Police in England.<sup>12</sup>

Q4) In your opinion what priority should Kent Police give to each of the following? (Please tick the appropriate answers)				
	High Priority	Medium Priority	Low Priority	No Priority
Reducing serious crimes i.e. murder, rape	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protecting children from abuse	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Fighting Drugs	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing burglaries for peoples homes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing information and advice to the public	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Answering 999 telephone calls	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Providing a visible Police presence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reassuring victims and witnesses of crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing vehicle crime	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Responding to 999 calls for assistance	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing public disturbances i.e. fights	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Protecting people from domestic violence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Answering non-999 telephone calls	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reducing crime against minority groups	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

While such data collection can be of real benefit to police departments, it is important to sound a clear note of caution regarding opportunistic sampling. The voluntary nature of these types of surveys makes them prone to statistical bias. Responses are likely skewed by the fact they are available only to persons with web access. Also, people with the strongest opinions—either for or against a given policy or practice—are most likely to respond to surveys such as these. No generalizations can be made about the wider community because the findings based on opportunity samples reflect only those opinions of persons responding to the survey or data-collection instrument. If data from opportunistic surveys are shared with the public, the information must include a disclaimer to the effect that the data reflect the results of a nonscientific survey.

Another example of an opportunistic data-collection effort is the Maryland State Police’s use of traffic stops as an occasion to get feedback from motorists. The form below provides a systematic way to collect both commendations and complaints of citizen-trooper interaction in traffic stops.

<b>COMMENDATION/COMPLAINT FORM</b>	
Please provide the following information if you wish to commend or express your concerns about the actions of a Maryland state trooper.	
YOUR NAME _____	or call 1-800-525-5555 <b>In Maryland</b>
YOUR ADDRESS _____	1-800-333-9890 <b>Outside Maryland</b>
DATE/TIME/LOCATION OF ENCOUNTER _____	<b>TDD</b> 1-410-486-0677
TROOPER’S NAME & ID _____	
DESCRIBE ENCOUNTER _____	
_____	
_____	
_____	
_____	
_____	
MSP 225(8-03) DETACH THIS CARD, PLACE IN ENVELOPE, APPLY POSTAGE AND MAIL TO ADDRESS ON REVERSE SIDE.	

In this particular example, the respondents are allowed to describe the nature of the contact in their own words. This narrative information is systematically reviewed by supervisors to assess the performance of individual officers and to assess aggregate patterns in the agency and across geographically defined troops.

This type of free-field response format does not limit the type of information a person may submit. Since the response is open-ended, the type of information submitted may be rich in content but may be more difficult to analyze statistically. Supervisors or analysts at the Maryland State Police first would have to code information from the text to tabulate how many complaints alleged rudeness, excessive force, or racial profiling.

Agencies are increasingly relying on their web sites to collect both complaint and commendation information. The Fairfax County (Virginia) Police Department<sup>13</sup> ([www.fairfaxva.gov/Police/inform.asp](http://www.fairfaxva.gov/Police/inform.asp)) and the Phoenix (Arizona) Police Department<sup>14</sup> ([www.phoenix.gov/EMAIL/emcommend.html](http://www.phoenix.gov/EMAIL/emcommend.html)) are two of many examples by which feedback can be submitted online.

### **3. Agencies must pay close attention to data quality and completeness.**

All organizations collecting data confront data quality and completeness issues. Given the scope of administrative data collection occurring in law enforcement agencies, these concerns range from mundane issues such as mis-keyed data to major issues such as misclassifications of crimes.

In law enforcement agencies, data analysts and data consumers must also recognize that data frequently tell only a partial story. For instance, law enforcement leaders recognize that UCR data reflect only those crimes known to the police rather than all crimes occurring within a jurisdiction. In addressing data relevant to civil rights protection and the promotion of community policing, data quality concerns are critically important.

The following recommendations specify further law enforcement agencies' obligations to control the quality of the data they collect.

- **Collect data in a standardized and uniform manner.**

Law enforcement agencies must make every effort to ensure that data are collected in a standardized and uniform manner. This is true whether the agencies rely on existing administrative data, community surveys, or customer feedback forms. Even in the case of administrative data, the importance of quality assurance and consistency of data collection cannot be overstated. The collection of racial-profiling data, for instance, illustrates the complications that can arise in the process of standardization. The collection of racial-profiling data is an inherently subjective determination—officers must ascertain the race or ethnicity of a motorist based on their perceptions—and yet every effort must be made, through training and data instrument design, to assure as much consistency as possible. Agencies must train officers specifically on how to fill out traffic stop forms. If, for instance, a traffic stop form contains the options “Black,” “White,” and “Hispanic,” the agency must prepare an officer to record information about an individual he perceives to be Black and Hispanic. Perhaps the agency will change its form to include categories such as “White-Hispanic,” “White-non-Hispanic,” “Black-Hispanic,” “Black-non-Hispanic,” etc., or perhaps the agency will direct officers to record Hispanic ethnicity in a field separate from race. In any event, standardization is critical.

- **Offer clear operational policies on data collection.**

Just as agencies must ensure that officers collect data in a standardized and uniform manner, they must ensure that officers know when such data must be collected. Agencies must offer clear operational policies on data collection. For instance, an agency must specify whether or not it requires officers to collect racial profiling data for all traffic stops or only for those stops that result in a formal action. Alternatively, in the case of pedestrian stops, agencies must

draw clear distinctions between a street detention that requires the completion of a form from any other type of pedestrian-officer interaction that does not require data collection. Departmental policies and training must be consistent and clear. If they are not, officers will not complete data forms consistently and, as a result, missing observations will become a threat to the integrity of the agency's data collection and analysis efforts. Inconsistencies in data collection can skew results. Agencies must not collect incomplete or inconsistent data only to have analysis of these data result in misinformation.

- ***Engage in routine data auditing and validation.***

To maximize the collection of complete, consistent, and accurate administrative data, agencies should engage in routine data auditing and validation. Law enforcement supervisors routinely and rigorously review and approve traditional data-collection forms such as incident and arrest reports, as well as nontraditional data-collection forms, including use-of-force report forms and citizen complaint forms, which are used to assess civil rights protections and to promote community policing. In the case of racial profiling data forms, for instance, agency supervisors may check officers' designations of driver race/ethnicity against department of motor vehicle data to ensure accuracy. Routine data auditing may reveal whether particular individuals or units exhibit a greater-than-normal tendency to fall back on "unknown" or "not applicable" as a response. The same review and quality assurance measures that are undertaken for the purpose of assessing individual officers and to make sure that the forms are in compliance with policy also will enhance the reliability of aggregate statistical analyses.

To ensure compliance with operational policies governing data collection, agencies have been known to use sting audits. For instance, in its consent decree with the Los Angeles Police Department, the Department of Justice calls for sting audits to identify officers "who discourage the filing of a complaint or fail to report misconduct or complaints."<sup>15</sup> While the main purpose of these audits is to ensure compliance with policies, procedures, and ethical requirements, such audits also help to enhance the reliability of the data collected and analyzed.

## **Data Analysis Recommendations**

Once data have been collected, the data must be analyzed. Data analysis generally requires specialized skills, including a familiarity with statistics and research methodology. To respond productively to the results of data analysis, police executives, managers, and, when appropriate, the public, must understand the information. Law enforcement data analysts, therefore, must ensure that the results of their analyses are accessible, are presented in a straightforward manner, and are comprehensible. The following recommendations address such steps.

### ***4. Acknowledge the limitations inherent in data.***

An accurate understanding of data analysis and results depends on a keen awareness of the limitations often inherent in administrative data. Data analysts must make such limitations clear to their chief, supervisory personnel, and the public. In the analysis of traditional

crime data, for instance, when presenting a department's annual UCR crime counts or rates, analysts routinely make clear that they have analyzed "reported" crime or "incidents known to the police." It is important to distinguish between these known data and the total number of crimes (which includes an unknown number of unreported crimes).

The same caveats routinely applied to traditional data should be applied to nontraditional data. Analysts should make clear that indices such as citizen complaints, for example, are prone to similar underreporting. Not every citizen who has a grievance against an officer will file a formal complaint.

Analysts should also make clear that the implications of such underreporting could be affected by a host of factors. In the case of citizen complaints, for instance, it is important for analysts to communicate the fact that the number of citizen complaints filed can be affected by factors such as the openness of the complaint process and that, for this reason, making comparisons of the number of complaints filed across different law enforcement agencies is inadvisable.

#### ***5. Analyze and interpret data in context.***

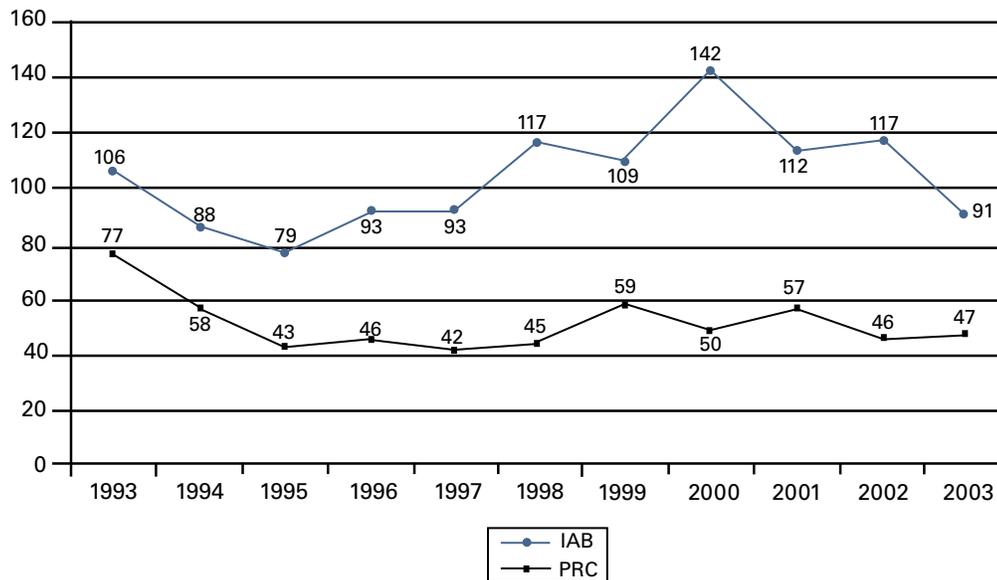
Analysts should make clear that the results of their data analysis must be placed in context to be understood correctly. The public—and sometimes even police executives and managers—may see rising and falling trends in crime incidents, use-of-force incidents, or citizen complaints and feel inclined to make inferences about these trends without considering context. For instance, community members may be alarmed to learn that the number of crimes in a jurisdiction rose 30 percent in a given year until they understand that the jurisdiction's population increased by 40 percent in the same year.

Similarly, community members may be concerned about a rising trend in citizen complaints. If this increase, however, is the result of policy changes dictated by a federal consent decree that required the agency to make its citizen complaint process more accessible and less burdensome, an apparently alarming spike in citizen complaints should be presented and interpreted in the proper context. Analysts, whether they are sworn officers or civilian employees, must be trained and proficient in data analysis and familiar with the capacities and limitations of agency data so that the information can be presented in the proper context.

The general term for putting one data measure in the context of another data measure—such as understanding the number of crimes in the context of a population shift—is called normalizing the data. Following the logic of data normalization, analysts should assess trends in citizen complaints or use-of-force incidents within the context of those police activities most likely to generate complaints or necessitate the use of force. For instance, if the number of traffic citations and arrests rise, a commensurate increase in the number of use-of-force incidents may not be alarming.

Analysts should regularly normalize data. In general, the number of citizen complaints should be presented in the context of the number of police-citizen contacts. Similarly, the number of use-of-force incidents should be presented in the context of the number of arrests. Analysts who establish ratios of such as these, allow police executives, managers, and, when appropriate, the public to understand trends in their proper context.

**Comparison of Numbers of Complaints Received –  
PRC & IAB**



Analysts also facilitate understanding of data by establishing comparisons between data. Graphics should provide viewers with the opportunity to compare and contrast related indices. The graph included here illustrates trends of citizen complaints for the Berkley (California) Police Department by comparing those processed through the independent Police Review Commission (PRC) to those processed by the department’s Internal Affairs Bureau.<sup>16</sup>

**6. Analyze data over sufficient periods of time.**

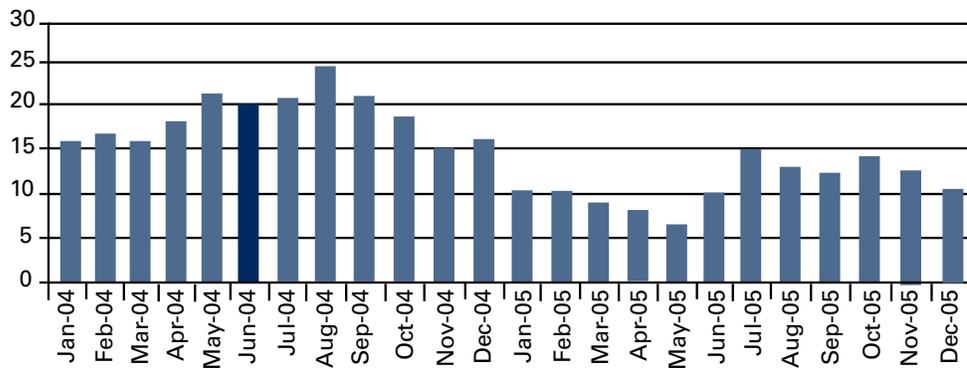
Of course, trends in data emerge over time. Analysts must assume responsibility for ensuring that law enforcement executives, managers, and, when appropriate, the public, understand trends accurately by presenting them over a sufficiently long period of observation.

Truncated periods of observation may yield inaccurate or misleading results. For instance, in the following hypothetical example, the first graph would seem to suggest that a department’s verbal judo training had no clear impact in the 6-month period following

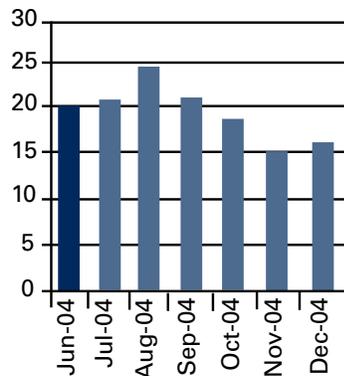
implementation. If the period of observation is extended to include a longer period both before and after the training, however, the implications about the effectiveness of the training are altogether different.

The second graph allows the viewer to recognize that use-of-force incidents are seasonal and that use-of-force deployments generally increase in the summer months. As a result, the viewer presented with the first graph may inaccurately conclude that the department's verbal judo training failed while the viewer presented with the second graph is likely to attribute the increase in use-of-force incidents immediately following the verbal judo training to the arrival of summer. As a result, while the viewer of the first graph may advocate discontinuing verbal judo training, the viewer of the second graph would recognize—accurately—that the number of monthly use-of-force incidents from January to May 2004 is substantially lower than that for January to May 2004 and recommend that the training be continued.

**Use-of-Force Incidents: Before and After Verbal Judo Training in June 2004**



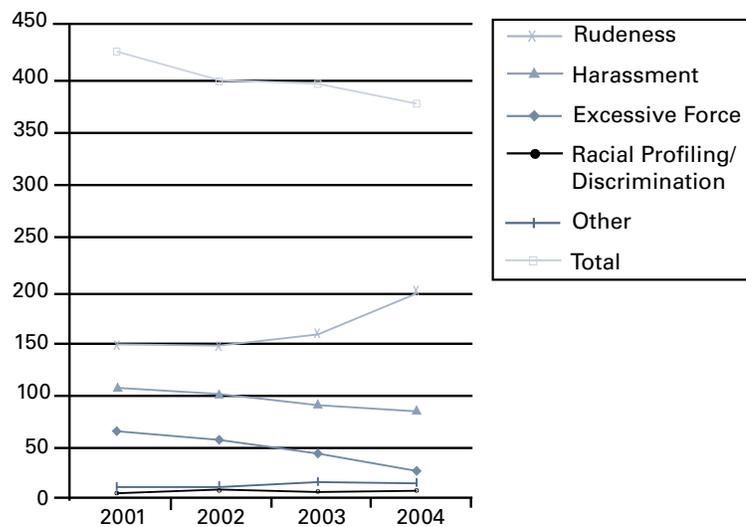
**Use-of-Force Incidents: 6 Months Following Verbal Judo Training in June 2004**



This hypothetical example illustrates a general truth: it is vitally important to assess trends over a sufficiently long period of observation. This is true when police executives are assessing the impact of a programmatic change, a change in policy, or assessing the impact of the introducing new equipment. Ensuring that a sufficiently long period of observation is established may be particularly critical following the introduction of practices or equipment that may be viewed as controversial. For instance, analyses regarding the introduction of conducted energy devices (CEDs or Tasers™) should track data for months before and after their introduction to provide an accurate appreciation for the effects of this new technology. Examining trends over the long term results in more meaningful, reliable analyses.

**7. Break data down into meaningful categories (disaggregation).**

Whenever possible, data should be broken down into discrete categories to make the analysis more meaningful. While it is useful to know, for instance, whether citizen complaints are rising or falling, it is even more meaningful to know more specifically whether citizen complaints regarding rudeness, racial profiling, and excessive force in particular are rising or falling.

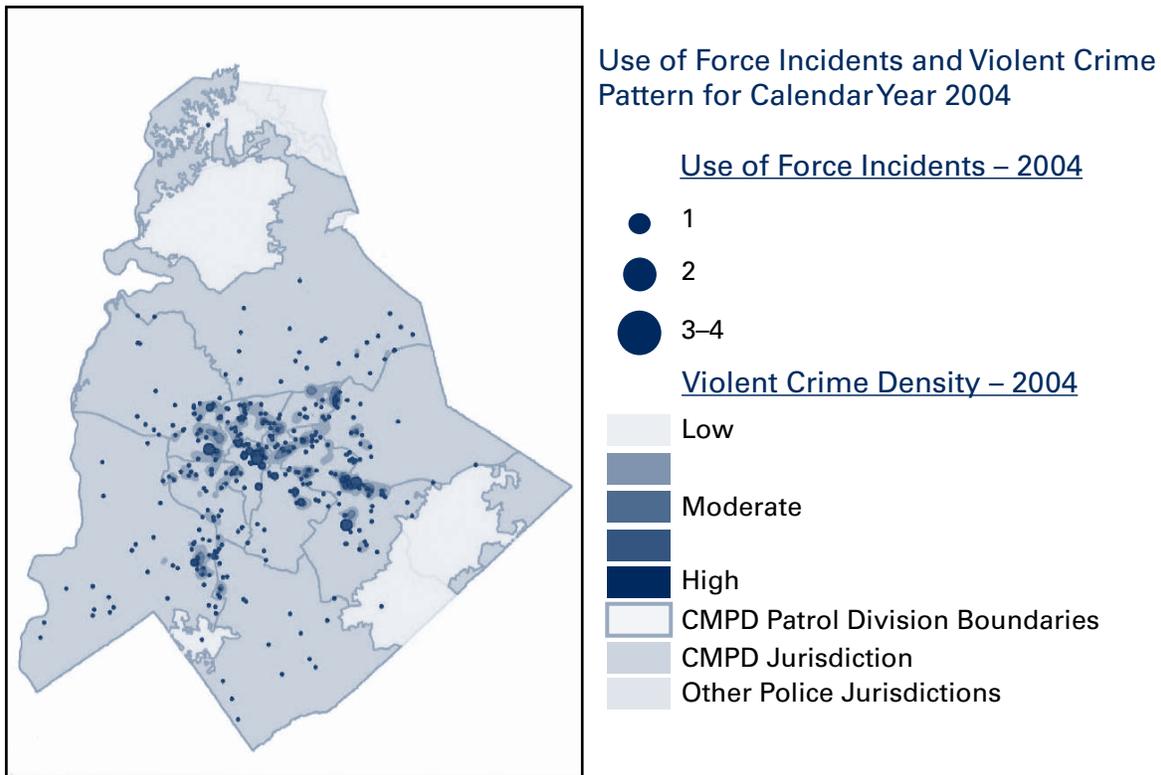


The hypothetical graph presented here demonstrates the usefulness of dividing total citizen complaints into discrete categories. Police executives and managers responsible for designing training initiatives would surely want to note that while the number of total complaints has fallen during 4 years, the number of complaints regarding officer rudeness has actually increased.

Data should also be presented with relevant contextual factors. Indicating the rate of complaint per officer would be particularly important, for instance, if the size of the department changes appreciably over time.

**8. Map data and results when possible.**

During the last decade, law enforcement analysts have embraced mapping as an effective way to understand the distribution of crime within their jurisdictions and to respond more effectively to public safety problems through tactical and strategic analysis. Agencies are now beginning to realize these same benefits as they work to protect civil rights and promote community policing. Analysts within the police and from community-based organizations now are beginning to map use-of-force incidents and citizen complaints to understand their geographic distribution, interpret the patterns, and to plan accordingly.



Analysts should be sure, when mapping nontraditional data such as use-of-force deployments or citizen complaints, to normalize the data or put it into its proper context. The graphic included here, from the Charlotte-Mecklenburg (North Carolina) Police Department's 2004 Internal Affairs Annual Report, illustrates the utility of such data normalization in mapping.<sup>17</sup>

The map clearly shows that the geographic concentrations of use-of-force incidents correspond to the concentrations of arrests. The department uses similar maps to illustrate that use-of-force incidents also geographically corresponded to other police activities such as violent crime incidents, citizen calls for service, and officer-initiated computer-aided dispatch calls. Such maps can be effective tools for guiding discussions with community leaders about the factors associated with the use of force.

**9. If necessary, hire staff with data analysis skills and/or use consultants, including university based researchers.**

Data analysis ranges from the basic, such as tracking crime levels or community meeting attendance over time, to the highly complex. Collecting, analyzing, and drawing inferences from racial profiling data or engaging in scientifically defensible evaluations of innovative agency programs, for instance, require expertise in statistics and research methodology. Executives in larger agencies sometimes have the luxury of hiring skilled analysts and researchers that smaller departments cannot afford. Leaders of agencies of any size occasionally may need to hire research experts.

A recent IACP publication on improving partnerships between police leaders and university based researchers provides practical solutions for making the most of these partnerships.<sup>18</sup> Independent and objective assessment of agency performance is among the benefits of these partnerships. Openness to sharing data and being evaluated by outside experts also helps build community trust. Use of university based researchers can be more cost-effective than hiring private consultants, particularly when the data analysis meets the needs of both the police agency and the university researcher. The work of independent university researchers may be supported by grant funds and a department's willingness to engage outside researchers and evaluators can increase its opportunity to obtain grant funds. Under fiscal constraints and general tenets of accountability, federal and state funding agencies are being more selective in the programs they support. Increasingly, funding decisions are being made on an empirically based "what works" standard.

### **Data Dissemination Recommendations**

In addition to the basic rules of data collection and data analysis, there are useful guidelines to follow when sharing data with the public. The following recommendations can help to ensure that law enforcement agency data will not be misinterpreted.

**10. Assess carefully and continually what—and in what format—information should be shared with the public.**

While most of the graphs and maps illustrating this chapter were drawn from publicly available annual reports or web sites, law enforcement leaders and their data management staff must carefully and continually assess what information to share with the public and in what format that information should appear. Although sharing data with the public can be a double-edged sword, law enforcement leaders should recognize the net benefits of data sharing. It is true that when trends are not favorable, data sharing creates the potential for public relations challenges. It is also true, however, that when trends are favorable, data may serve to enhance the image of the department.

Sharing both favorable and unfavorable data sends the message that the department is committed to transparency and has nothing to hide. When such transparency is coupled with sustained outreach to all communities within the jurisdiction, police executives will be well positioned to address any negative trends and work cooperatively with a community from a problem-solving perspective to address any concerns raised by the data.

With any commitment to data sharing, certain safeguards must be in place. Foremost among these is that all legal and administrative requirements regarding the privacy and confidentiality of the subject and of police officers must be upheld. Just as important, no data should be released if release would constitute a breach of public safety. Departments must also be sensitive to the restrictions on sharing certain types of data that may exist as a result of collective bargaining agreements.

***11. Revisit data presentation strategies and formats to ensure optimal effectiveness in public information.***

Consistency in reporting data is a hallmark of good analysis because it permits analysts and consumers of that data to compare performance over time. Departments, however, should not let commitments to consistency inhibit them from changing or enhancing formats when necessary. Clearly, if data report formats result in confusion or are not understood by the intended audiences, then alternative forms of presentation should be considered. Actively sharing data and seeking feedback from the public on a continuous basis, through public meetings or in the course of problem-solving, will help ensure that data are being presented meaningfully and clearly, in ways that both the police and the public can understand.

Changes in policies, procedures, or the addition of new units may affect reporting formats and trends. For instance, if a department switches from internal review of citizen complaints to the use of a citizen review board, new report data and outcome formats will be required. Likewise, if a department changes the level of force for which reports are required, adjustments should be made and noted in standardized reports. Similar modifications should be made if changes are made to geographic boundaries (e.g., new alignments or an existing unit being split in two).

## Conclusion

This chapter addressed how law enforcement agencies can collect, analyze, and share data related to their missions to protect civil rights and to reach out to their constituents and partners in the community. Overall, this chapter stressed that law enforcement leaders should incorporate these outcomes, alongside traditional law enforcement measures, in their efforts to capitalize most effectively on data-management strategies. Several illustrative examples were provided. Examples, however, are becoming more prevalent and novel approaches, such as mapping civilian complaint and police use-of-force locations, continue to emerge. Data management should be considered a core component of any community outreach plan and as a tool to assess an agency's effectiveness in protecting and promoting the civil rights of all persons within the community it serves.

## Suggestions for Further Reading

Data management and analysis affect all facets of law enforcement. Publications that address data collection from the perspective of protecting civil rights and promoting community partnerships and trust include the following.

Carter, David L. *Law Enforcement Intelligence: A Guide for State, Local, and Tribal Law Enforcement Agencies*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C.: 2004. [www.cops.usdoj.gov/Default.asp?Item=1439](http://www.cops.usdoj.gov/Default.asp?Item=1439).

Skogan, Wesley G., Susan M. Hartnett, Jill DuBois, and Jason Bennis. *Policing Smarter Through IT: Lessons in Enterprise Implementation*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C.: 2004. [www.cops.usdoj.gov/Default.asp?Item=1331](http://www.cops.usdoj.gov/Default.asp?Item=1331).

Fridell, Lorie A. *Understanding Race Data from Vehicle Stops: A Stakeholder's Guide*. U.S. Department of Justice Office of Community Oriented Policing Services, Washington, D.C.: 2005. [www.cops.usdoj.gov/mime/open/pdf?Item=1577](http://www.cops.usdoj.gov/mime/open/pdf?Item=1577).

Weisel, Deborah. *Conducting Community Surveys: A Practical Guide for Law Enforcement Agencies*. U.S. Department of Justice Office of Justice Programs, Washington D.C.: 2003. [www.ojp.usdoj.gov/bjs/pub/pdf/ccspglea.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/ccspglea.pdf).

## Endnotes

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- <sup>5</sup> See reference to the program in *Strategic Visions: Our Blueprint for the Future* (Tucson [Arizona] Police Department 2002 Annual Report). Tucson Police Department, 2002.
- <sup>6</sup> Davis, Robert C., Pedro Mateu-Gelabert, and Joel Miller. "Can Effective Policing Also Be Respectful? Two Examples in the South Bronx." *Police Quarterly*, 2005: pp. 229-247.
- <sup>7</sup> Skogan, Wesley, and Kathleen Frydl, eds. *Fairness and Effectiveness in Policing: The Evidence*. The National Academy Press (National Research Council of the National Academies), Washington, D.C.: 2004. (See page 161).
- <sup>8</sup> Reproduced from: Skogan, Wesley G. "Measuring What Matters: Crime, Disorder, and Fear." *Measuring What Matters: Proceedings from the Policing Research Institute Meetings*. U.S. Department of Justice: National Institute of Justice and the Office of Community Oriented Policing Services, July 1999, pp 37-54. [www.ncjrs.org/pdffiles1/170610-2.pdf](http://www.ncjrs.org/pdffiles1/170610-2.pdf).
- <sup>9</sup> *Service Efforts and Accomplishments 2004: Fifth Annual Report of Police Performance*. King County Sheriff's Department for the City of Shoreline, Washington: 2004. [www.metrokc.gov/sheriff/downloads/partners/seasho04.pdf](http://www.metrokc.gov/sheriff/downloads/partners/seasho04.pdf).
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- <sup>11</sup> Weisel, Deborah. *Conducting Community Surveys: A Practical Guide for Law Enforcement Agencies*. U.S. Department of Justice Office of Justice Programs; Washington D.C.: 2003. [www.ojp.usdoj.gov/bjs/pub/pdf/ccspglea.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/ccspglea.pdf).
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- <sup>15</sup> *United States v. City of Los Angeles Consent Decree* (June 15, 2001). [www.usdoj.gov/crt/split/documents/laconsent.htm](http://www.usdoj.gov/crt/split/documents/laconsent.htm).
- <sup>16</sup> *City of Berkley Police Review Commission: 2003 Statistical Report*. [www.ci.berkeley.ca.us/prc](http://www.ci.berkeley.ca.us/prc).

- <sup>17</sup> Internal Affairs 2004 Annual Report. Charlotte-Mecklenburg Police Department. [www.charmeck.org/Departments/Police/Home.htm](http://www.charmeck.org/Departments/Police/Home.htm).
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*Appendices A–E*



## APPENDIX A

### IACP Civil Rights Committee

The following people either are current members of the IACP Civil Rights Committee or were members during the time that the *Protecting Civil Rights* project was in progress.

#### Chairs

**John J. Finnegan**

Chief of Police  
Barnstable (Massachusetts) Police  
Department

**Barbara S. Wallace**

(previous chair)  
Chief (retired)  
Community Relations Unit  
Federal Bureau of Investigation  
Washington, D.C.

**John J. Bennett**

Chief of Police  
Caln Township (Pennsylvania) Police  
Department

**Erik G. Blake**

Chief of Police  
Oak Bluffs (Massachusetts) Police  
Department

**Lawrence C. Burnson**

Chief of Police  
Homewood (Illinois) Police Department

#### IACP Board Members with Committee Oversight

**Joseph C. Carter**

Chief of Police  
Massachusetts Bay Transportation Authority  
Police Department  
Boston, Massachusetts

**Melvin J. Carraway**

Federal Security Director (retired)  
U.S. Department of Homeland Security  
Washington, D.C.

**Michael J. Carroll**

Chief of Police  
West Goshen Township (Pennsylvania)  
Police Department

**Mary Ann Viverette**

(previous oversight /current member)  
Chief of Police  
Gaithersburg (Maryland) Police Department

**John P. Chase**

Chief of Staff, Preparedness  
U.S. Department of Homeland Security  
Washington, D.C.

#### Committee Members

**Francis Amoroso**

Regional Director  
New England Regional Office  
Community Relations Service  
U.S. Department of Justice  
Boston, Massachusetts

**Leonard G. Cooke**

Director  
Virginia Department of Criminal Justice  
Services  
Richmond, Virginia

**Janet A. Crumley**

Captain  
Carter County (Tennessee) Sheriff's  
Department

**Shanetta Y. Cutlar**

Chief  
Special Litigation Section  
Civil Rights Divisions  
U.S. Department of Justice  
Washington, D.C.

Edward J. Delaney (retired)  
Chief of Police  
Orange (Connecticut) Police Department

**Dean M. Esserman**

(past member)  
Chief of Police  
Providence (Rhode Island) Police  
Department

**Preston L. Felton**

First Deputy Superintendent  
New York State Police

**Sharee Freeman**

Director  
Community Relations Service  
U.S. Department of Justice  
Washington, D.C.

**Rafael P. Hernandez, Jr.**

Deputy Chief  
Tallahassee (Florida) Police Department

**James M. Hussey**

Chief of Police  
Cohasset (Massachusetts) Police Department

**Scott M. Jordan**

Chief of Police  
Tustin (California) Police Department

**Charles R. McDonald**

Chief Investigator  
Illinois Law Enforcement Training and  
Standards Board  
Edwardsville, Illinois

**William McManus**

Chief of Police  
Minneapolis (Minnesota) Police Department  
(formerly with Dayton, Ohio Police  
Department)

**Bobby D. Moody**

Chief of Police  
Marietta (Georgia) Police Department

**Jerry Oliver**

(past member)  
Chief of Police (retired)  
Detroit (Michigan) Police Department

**Patrick Oliver**

Chief of Police (retired)  
Fairborn (Ohio) Police Department

**Sonya T. Proctor**

Chief of Police and Security  
Amtrak  
Washington, D.C.

**Louis F. Quijas**

Assistant Director  
Law Enforcement Coordination  
Federal Bureau of Investigation  
Washington, D.C.

**Richard J. Rappoport**

Chief of Police  
Fairfax City (Virginia) Police Department

**Charles D. Reynolds**

Chief of Police (retired)  
Dover (New Hampshire) Police Department

**Susan Riseling**

Chief of Police  
University of Wisconsin-Madison Police  
Department

**Marcia Thompson**

Mediator  
Resolving Conflict Institute, LLC  
Alexandria, Virginia

**Paul Vorvis**

(past member)  
Inspector  
Toronto (Canada) Police Service

## APPENDIX B

### IACP Professional Standards Committee

The following people either are current members of the IACP Professional Standards Committee or were members when the *Protecting Civil Rights* project was in progress.

#### Chair

**Charles A. Gruber**

Chief of Police  
South Barrington (Illinois) Police  
Department

#### IACP Board Members with Committee Oversight

**Mary Ann Viverette**

Chief of Police  
Gaithersburg (Maryland) Police Department

**Joseph Estey**

(previous oversight)  
Chief of Police  
Hartford (Vermont) Police Department

**Joseph Polisar**

(previous oversight)  
Chief of Police  
Garden Grove (California) Police  
Department

#### Committee Members

**Elena Danishevskaya**

Chief of Police  
Memphis (Tennessee) Police Department

**James W. McMahon**

Director  
New York State Office of Homeland Security  
New York, New York

**Ronald Miller**

Chief of Police  
Kansas City (Kansas) Police Department

**Mark O'Toole**

Captain  
Lynn (Massachusetts) Police Department

**Dennis E. Nowicki**

Chief of Police (retired)  
Charlotte-Mecklenburg (North Carolina)  
Police Department

**Steven J. Sarver**

Chief of Police  
Colerain Township (Ohio) Police Department

## APPENDIX C

### Project Advisory Group

The following people participated in the Project Advisory Group meeting in Memphis, Tennessee in April 2004 to help launch the *Protecting Civil Rights* project. They provided feedback on the substantive outline of the project and helped define the scope of the *Leadership Guide*.

**James H. Bolden**

Director of Police (retired)  
Memphis (Tennessee) Police Department

**Pamela Cammarata**

Deputy Director  
Office of Community Oriented Policing  
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**Allyson Collins**

Deputy Director  
Police Assessment Resource Center  
Los Angeles, California

**Steve Conrad**

Chief  
Glendale (Kentucky) Police Department  
(formerly assistant chief, Louisville Metro  
Police Department)

**Edward T. Crawford**

Chief of Police (retired)  
Kent (Washington) Police Department

**Shanetta Y. Cutlar**

Chief  
Special Litigation Section  
Civil Rights Division  
U.S. Department of Justice  
Washington, D.C.

**Ronald Davis**

Chief of Police  
East Palo Alto (California) Police  
Department  
(formerly with the Oakland Police  
Department)

**Joseph R. Fuentes**

Superintendent  
New Jersey State Police  
West Trenton, New Jersey

**Jim Ginger**

Chief Executive Officer  
Public Management Resources, Inc.  
Willis, Virginia

**Charles A. Gruber**

Chief of Police  
South Barrington Police (Illinois)  
Department

**Bobbie J. Johnson**

Superintendent  
Boston (Massachusetts) Police Department

**Russ Leach**

Chief of Police  
Riverside (California) Police Department

**Robert McNeilly**

Chief of Police (retired)  
Pittsburgh (Pennsylvania) Bureau of Police

**Dennis E. Nowicki**

Chief of Police (retired)  
Charlotte-Mecklenburg (North Carolina)  
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**Carl Peed**

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U.S. Department of Justice  
Washington, D.C.

**Richard J. Pennington**

Chief of Police  
City of Atlanta (Georgia) Police Department

**Timothy Ross**

Research Director  
Vera Institute of Justice  
New York, New York

**Jeffrey Schlanger**

President  
Kroll Government Services  
Washington, D.C.

**George Selim**

Special Assistant to the Director  
U.S. Department of Justice  
Community Relations Service  
Washington, D.C.  
(formerly with the Arab American Institute)

**Ronal W. Serpas**

Chief of Police  
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## APPENDIX D

### Project Focus Group

The following people participated in the Project Focus Group in Pittsburgh in April 2005. They provided feedback on chapter content and helped hone recommendations for policies and practices that were included in the *Leadership Guide*.

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Chief of Police  
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**Brenda Bernot**

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Pennsylvania State Police  
Harrisburg, Pennsylvania

**Shanetta Y. Cutlar**

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Director  
Office of Professional Accountability  
Seattle (Washington) Police Department

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Chief of Police  
Village of Skaneateles (New York) Police  
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Assistant Chief  
Pittsburgh (Pennsylvania) Bureau of Police

## APPENDIX E

### Community Relations Service U.S. Department of Justice

#### **National Headquarters**

Community Relations Service  
U.S. Department of Justice  
600 E Street, N.W., Suite 6000  
Washington, DC 20530  
Voice: 202.305.2935  
Fax: 202.305.3009  
Web: [www.usdoj.gov/crs](http://www.usdoj.gov/crs)

#### **Region I – New England Region**

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Fax: 617.424.5727

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