

THE STOP AND FRISK CONTROVERSY

One of the major police controversies of recent years involved the New York City program of aggressive stops and frisks of people on the street. In the end, a federal District Court found the program an unconstitutional violation of both the Fourth Amendment (illegal searches) and the Fourteenth Amendment (denial of equal protection to people of color).¹⁰⁸

Stops of people on the street, sometimes referred to as field interrogations (FIs), is a traditional police practice. The underlying crime-fighting strategy is that stops will both successfully catch criminal offenders and deter people in the area from committing crime. The Supreme Court in *Terry v. Ohio* held that a “stop” (which is less intrusive than an arrest) is constitutional if the officer has *reasonable suspicion* that a person is committing or about to commit a crime.¹⁰⁹ The officer has to have some specific and articulable reason to justify the suspicion. The Court also held that an officer may “frisk” (which is less intrusive than a search) a stopped person through a pat down of the person for the purpose of determining whether the person has a weapon. The purpose of a frisk is limited to ensuring officer safety and does not extend to a search for evidence (although a weapon or other incriminating evidence might be discovered).

In the New York City Police Department (NYPD) stop and frisk program, the number of stops increased from 97,296 in 2002 to 685,724 in 2011. Over half of those stopped (55.7 percent) were frisked. A strong pattern of racial and ethnic bias existed in the pattern of stops. Young African-American and Hispanic males between the ages 14 and 24 accounted for 41.6 percent of all stops in 2011, even though they represented only 4.7 percent of the city’s population. The frisks were extremely unproductive in terms of both officer safety and crime control. Only 1.9 percent of all frisks resulted in the finding of a weapon.¹¹⁰

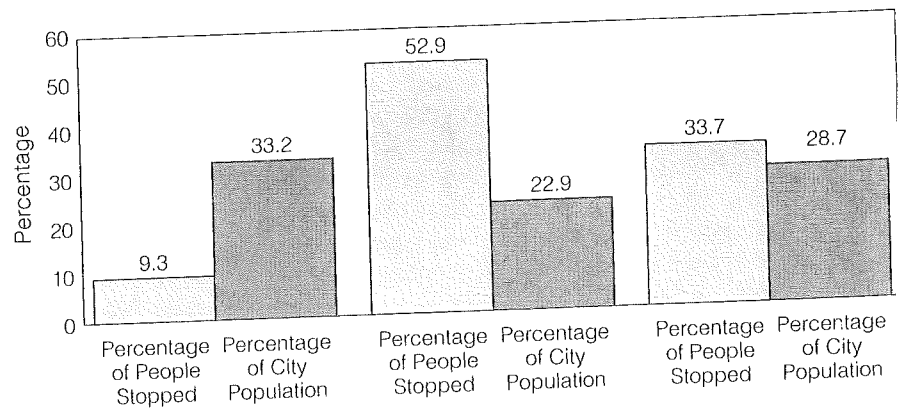


FIGURE 4.1 Persons Stopped by New York City Police versus Percentage of the City Population, by Race and Ethnicity

Source: New York Civil Liberties Union, *Stop and Frisk 2011: NYCLU Briefing* (New York: NYCLU, 2012).

Civil rights groups sued the NYPD, and in 2013, a U.S. District Court ruled the NYPD policy to be an unconstitutional violation of the Fourteenth Amendment guarantee of equal protection of the law, and the Fourth Amendment protection against unreasonable searches and seizures. The court ordered the NYPD to revise its policy on stops and frisks, including an improved stop and frisk report form, and also to improve its training of officers on the law of stops and frisks.¹¹¹ In short, the court-ordered reforms followed the policy approach we have discussed with regard to deadly force, excessive force, and traffic stops.

The Problem of Stereotyping and Routine Police Work

A special problem regarding racial and ethnic bias in both traffic stops and stops and frisks involves stereotypes about categories of people. In his classic study of police practices, Jerome Skolnick argued stereotyping is inherent in police work. Officers are trained to be suspicious and look for criminal activity. As a result, they develop “a perceptual shorthand to identify certain kinds of people” as suspects, relying on visual “cues”: dress, demeanor, context, gender, and age. In short, they develop a “profile” of suspects. Thus, a young, low-income man in a wealthy neighborhood presents several cues that trigger an officer’s suspicion in a way that a middle-aged woman or even a young woman in the same context does not.¹¹² In their study of traffic stops in the Kansas City metropolitan area, Epp et al. found that in investigatory stops (as opposed to traffic safety stops), the “most important influence” in making stops was not driving behavior but “how they look.” The “cues” included African Americans, men, and younger drivers. The “perceptual shorthand” (or profile), in short, involved a clear racial stereotype.¹¹³

There are two major ways police departments can curb the illegitimate use of racial stereotyping. The first is to adopt and enforce the PERF Model Policy on the proper use of race or ethnicity in policing (pp. 173). A second approach is to have all officers in the department trained on unconscious bias (see our discussion on pp. 160). The Fair and Impartial Policing project provides training for both rank and file officers and supervisors on how to recognize unconscious bias and how to curb it.¹¹⁴

VERBAL DISRESPECT AND ABUSE

Verbal abuse by police officers is one of the more common criticisms civilians have about the police. Some words, such as racial, ethnic, or gender epithets, are clearly wrong. Other words, or a harsh tone of voice, are often perceived as rude or discourteous. Common vulgarities such as “asshole” or “scumbag” are not racially or ethnically specific, but they are insulting nonetheless.

In testimony to the President’s Task Force on 21st Century Policing, Samuel Walker argued that disrespectful language by police officers inflicts several harms. It is a *psychological harm to the individual*. It *harms communities of color* when there is a pattern of abusive language. It often *provokes hostility* that leads to a physical confrontation and officer use of force. And if allowed to continue, it *undermines*

standards of professionalism in the department. The President's Task Force on 21st Century Policing recommended that police departments should "adopt policies directing officers to speak to individuals with respect."¹¹⁵

Verbal abuse is especially hard to control. The typical incident occurs on the street, often without any witnesses except other police officers or friends of the civilian, and it leaves no tangible evidence (unlike many uses of force). Consequently, most citizen complaints about verbal abuse become "swearing contests" in which the civilian claims verbal abuse and the officer denies it.

Police Officer Attitudes versus Institutional Practices

Are police officers prejudiced? Do prejudicial attitudes explain racial and disparities in stops, uses of force, and arrests? What is the relationship between police officer attitudes and the behavior of police on the street? Or are those disparities explained by departmental policies and practices?

The impact of officer attitudes on use of force or arrests is extremely complex. As Douglas A. Smith, Nanette Graham, and Bonney Adams explain, "Attitudes are one thing and behavior is another."¹¹⁶ Reiss found that officer attitudes did not reflect behavior. About 75 percent of the officers in his study made racially derogatory remarks in the presence of members of the observation team, yet the observations of police work did not find a clear pattern of race discrimination in arrests or uses of physical force.¹¹⁷

One factor limiting the influence of officer attitudes on their behavior is the bureaucratic nature of the criminal justice system. An arrest is reviewed first by the officer's sergeant and then by other criminal justice officials: the prosecutor, defense attorney, and judge (and this typically involves more than one judge; one at the preliminary hearing and another at the trial). Sergeants can and do refuse to sign off on an arrest if the evidence is weak or there are other problems with the arrest. Judges can dismiss the case if the evidence is weak, or they can exclude evidence that was obtained in violation of the Fourth Amendment. In short, other criminal justice officials can serve as a check on some of the most blatant forms of discrimination by individual officers.

Trying to explain racial and ethnic disparities in terms of officer attitudes, however, is looking in the wrong place for an explanation. As we explained, Epp et al. argue that patterns of racial injustice in traffic stops are rooted in police department crime control policies and practices that have the effect of targeting people of color. This represents a form of institutionalized discrimination, which we discussed in Chapter 1 (pp. 29).

POLICE CORRUPTION AND COMMUNITIES OF COLOR

Police corruption has historically had a special impact on minority communities. Most police corruption involves vice activities, such as drug trafficking, gambling, prostitution, or after-hours night clubs. Historically these activities have been confined to low-income and racial minority neighborhoods where residents lack the political clout to ensure full and fair law enforcement.¹¹⁸

In the 1990s, the New York City Mollen Commission exposed a pattern of corruption and violence in the poorest African-American and Hispanic neighborhoods in which corruption was at the root of abusive and illegal behavior. Officers took bribes for protecting the drug trade, beat up drug dealers, broke into apartments, and stole drugs and money.¹¹⁹

Police corruption harms communities of color in several ways. First, allowing vice activities to flourish in these communities represents an unequal and discriminatory pattern of law enforcement. Second, the existence of open drug dealing or prostitution degrades the quality of neighborhood life, and criminologists argue that this has criminogenic effects. Third, open drug dealing provides an opportunity for young people to become involved in drug use and dealing. Fourth, vice activities encourage secondary crime—the patrons of prostitutes are robbed; after-hours clubs are the scenes of robbery and assault; and competing drug gangs have shoot-outs with rival gangs. Fifth, community awareness of police corruption damages the reputation of the police. In 2008, 16 percent of African Americans thought the ethical standards of the police were “low” or “very low,” compared with only 8 percent of whites.¹²⁰

IMPROVING POLICE–COMMUNITY RELATIONS

In response to the riots of the 1960s, most big-city police departments established special police–community relations (PCR) programs to resolve racial and ethnic tensions. Most of these programs involved a separate PCR unit staffed by officers who spent most of their time speaking to community groups or in schools.¹²¹ Other PCR programs involved neighborhood storefront offices where community residents could bring their concerns or complaints. Finally, many departments developed “ride-along” programs, which allowed citizens to ride in a patrol car and view policing from an officer’s perspective.

The PCR programs of the 1960s were not effective, however. A Justice Department report concluded that they “tended to be marginal to the operations of the police department,” with little direct impact on patrol and criminal investigations, the most important police operations.¹²² Public education and ride-along programs generally reached only people who already had favorable attitudes toward the police. By the 1970s, PCR units almost all disappeared.

In recent years, a number of other programs designed to improve relations with communities of color have been developed. Some community policing programs, for example, have involved regular neighborhood meetings between the police and the local residents. Skogan and Hartnett found that in the Chicago community policing effort (known as CAPS), the neighborhood “beat meetings” had a positive impact on public attitudes. Both African Americans and whites who lived in community policing districts were less likely to believe that police use of excessive force was a problem; similarly they were less likely to believe that the police stopped too many people.¹²³

The most important way to improve police–community relations is to reduce officer misconduct, which angers and alienates communities of color. As we have already discussed, the basic approach is to adopt policies that clearly spell out

FOCUS ON AN ISSUE

Improving Police–Community Relations: Recommendations of the President’s Task Force on 21st Century Policing

The President’s Task Force on 21st Century Policing made a number of recommendations designed to build community trust and confidence in the police. Department’s should:

- “adopt procedural justice as the guiding principle for internal and external policies and practices to guide their interactions with the citizens they serve” (Recommendation 1.1);
- “establish a culture of transparency and accountability in order to build public trust and legitimacy” (Recommendation 1.3);
- “acknowledge the role of policing in past and present injustice and discrimination” (Recommendation 1.2);
- “collaborate with community members to develop policies and strategies” for policing for communities

“disproportionately affected by crime” (Recommendation 2.1);

- establish “some form of civilian oversight” of the department (Recommendation 2.8);
- officers “should be required to identify themselves” by name and rank “and provide that information in writing to individuals they have stopped” (Recommendation 2.11);
- police departments should direct officers “to speak to individuals with respect” (Action Item 4.4.1);
- police training programs should include “content around recognizing and confronting implicit bias and cultural responsiveness” (Recommendation 5.9).

These are but a few of the many Task Force recommendations directly related to improving police–community relations.¹²⁴

lawful and appropriate officer actions. To summarize that discussion, sound policies should address the issues we have discussed: use of deadly force, use of physical force, stops and frisks, and offensive language. The accompanying “Focus on an Issue” lists some of the recommendations of the President’s Task Force on 21st Century Policing for improving police–community relations.

CITIZEN COMPLAINTS AGAINST THE POLICE

For decades, civil rights groups have argued that police departments do not seriously investigate citizen complaints against officers and do not discipline officers found guilty of misconduct. They have denounced internal police complaint procedures as “white washes” and “cover-ups.”¹²⁵ In fact, only a small percentage of complaints are successfully sustained in favor of complainants. Sustain rates across the country generally average between 10 and 15 percent of all complaints.¹²⁶ All racial and ethnic groups express some dissatisfaction with police complaint procedures. A survey in Washington, DC, found that 81.8 percent of Asians, 75.3 percent of African Americans, 65.6 percent of Hispanics, and 56.1 percent of whites think that police complaint investigations are biased.¹²⁷

Police departments have had a long practice of discouraging people from filing complaints and even threatening potential complainants. The 1991 Christopher Commission report found that officers at Los Angeles police stations discouraged people from filing complaints and sometimes even threatened them with arrest. Additionally, officers frequently did not complete the official complaint form after people had come into a police station to file a complaint, which meant that there was no official complaint and therefore no investigation.¹²⁸

African Americans are disproportionately represented among people filing complaints against the police. In New York City, for example, African Americans made 56.3 percent of all complaints filed with the Civilian Complaint Review Board (CCRB) in 2014, even though they represent only 23 percent of the city's population. The Hispanic complaint rate (25 percent of all complaints), on the other hand, was slightly lower than the percentage of Hispanics in the city's population (27 percent).¹²⁹

Several factors explain the low complaint rate among Hispanics. As we learned in our discussion of "Insecure Communities" in Chapter 1 (pp. 26), many Hispanics, even those who are legal residents, are reluctant to contact the police out of fear of triggering an investigation of the immigration status of themselves, family, or friends. Many recent immigrants are not fluent in English, and if a police department does not provide information and materials in Spanish, they will be hindered in filing a complaint. Many immigrants (including immigrants from all countries) do not always understand the American legal process and incorrectly think that you need a lawyer to file a police complaint.¹³⁰ Some immigrants, moreover, come from countries where complaining against the police can result in serious retaliation, including death. Finally, as we learned in our discussion of "Insecure Communities" in Chapter 1, many Hispanics worry that filing a complaint will invite a police investigation of the immigration status of themselves, family members, or friends.¹³¹

One of the greatest barriers to sustaining citizen complaints has been the police officer "code of silence." The traditional police subculture has emphasized group solidarity and a refusal to testify against fellow officers.¹³² The Mollen Commission investigating police corruption in New York City found "the pervasiveness" of the code of silence "alarming." The commission asked one officer, "Were you ever afraid that one of your fellow officers might turn you in?" He answered, "Never," because "cops don't tell on cops."¹³³

An alternative to traditional complaint investigation is to mediate complaints. Mediation is a voluntary process in which the complainant and the officer meet face-to-face (usually for about an hour) with a professional mediator supervising the session. Mediation is not designed to determine whether the officer was guilty of misconduct but instead to foster a dialogue between a complainant and an officer and to build mutual understanding.¹³⁴ The Denver Office of the Independent Monitor for the police department in 2014 successfully mediated 53 citizen complaints, making it the most successful mediation program in the country in terms of mediations per 1,000 officers.¹³⁵

Mediation has special relevance to issues of race and ethnicity. Vivian Berger, an experienced mediator in New York City, argues that while many complaints are officially about discourtesy or disrespect, "they are really about race." That is, the complaint is the result of misunderstandings and distrust that are rooted in

racial or cultural differences. Mediation provides a structured process in which both sides have to listen to each other. In important ways, this process can help bridge the racial divide in American policing.¹³⁶

Citizen Oversight of the Police

Because of widespread distrust of police internal affairs units, civil rights groups have demanded external or citizen oversight agencies. There are two models of oversight agencies: CCRBs and police auditors or inspectors general.¹³⁷

Citizen review boards involve an agency independent of the police department and staffed by people who are not police officers. The assumption is that investigators who are not officers will be more independent and objective in investigating complaints. Despite strong opposition from police unions, civilian review has spread rapidly in recent years. According to the National Association for Citizen Oversight of Law Enforcement (NACOLE), there are now about 200 oversight agencies in the United States, covering almost all of the big cities and many smaller cities.¹³⁸

The San Francisco Office of Citizen Complaints (OCC) and the New York City CCRB are among the few independent complaint procedures that have original jurisdiction over complaints and do the initial investigations. Most citizen review agencies, however, examine the complaint files that represent the investigations done by the police department's internal affairs unit. The Kansas City OCC is one example of this approach.¹³⁹

No matter who does the investigation, citizen complaints are inherently difficult to sustain in favor of the complainant. Typically, there are no independent witnesses and the complaint becomes a "swearing contest" between the complainant and the officer. And as we have already discussed, the police officer "code of silence" is a major barrier to the effective investigation of complaints. This is one major factor underlying the low sustain rates for citizen complaints.¹⁴⁰

The police auditor or inspector general form of citizen oversight involves an independent agency that has the authority to investigate any and all issues within a police department. The purpose is to identify policies and practices that need correcting and then to issue public reports with recommendations for reform. Police auditors and inspectors general do not investigate individual citizen complaints, but they do audit the police department's citizen complaint process. The Inspector General for the NYPD, which began operations only in 2014, has already issued major reports on the NYPD's use of force policies and on lawsuits against the department.¹⁴¹

POLICE EMPLOYMENT PRACTICES

"Not Your Father's Police Department"

As America changes, police departments have also changed their recruitment patterns (although not as fast as communities of color would like). As a result, today's police departments are far more diverse in terms of race, ethnicity, and gender.

Law Professor David Sklansky sums up the changes by characterizing today's police department as "Not Your Father's Police Department."¹⁴²

Discrimination on the basis of race and ethnicity in the employment of officers of color has a long history. During the segregation era (1890s–1960s), southern cities did not hire any African-American officers. Even in northern cities, African-American officers were seriously underrepresented. The Kerner Commission found that in 1967, African Americans were 23 percent of the population in Oakland, California, but only 2.3 percent of the police officers. And the issue of Hispanic officers was not even discussed in those years.¹⁴³ In Chapter 1 (pp. 31), we discussed the laws that prohibit employment discrimination on the basis of race or national origins: the 1964 Civil Rights Act; the 1972 Equal Employment Opportunity Act; and the federal regulations governing affirmative action.

The former Boston police commissioner Paul Evans recognized the need for a diverse workforce in terms of practical law enforcement. He stated, "I know that having African American and Hispanic and Vietnamese officers, people of different backgrounds and cultures who can conduct comfortable interviews with crime victims and can infiltrate crime rings that aren't white—I know the need for that is just common sense."¹⁴⁴

Employment discrimination occurs in three different areas of policing: initial hiring, assignment to shifts and specialized units, and promotion to higher rank. Initial hiring is the most visible and easiest to control. Assignment to specialized units is much less visible to the public, but it has significant impact on an officer's potential for promotion.

Trends in African-American and Hispanic Employment

Since the 1960s, significant progress has been made in the employment of police officers of color. In 1960, an estimated 3.6 percent of all sworn officers in the United States were African Americans. By 2013, the figure had increased to 12 percent, although that figure had not changed since 2007. Hispanics represented 11.6 percent of all sworn officers 2013, up from 10.3 in 2007. Asian/Native Hawaiian/Pacific Islanders represented 2.4 percent, while Native American/Alaska Native represented 0.6 percent of all officers.¹⁴⁵

More important than national data on police employment is the racial and ethnic composition of local departments. The key issue is whether a department reflects the community it serves. The accreditation standards for law enforcement agencies require that "the agency has minority group and female employees in the sworn law enforcement ranks in approximate proportion to the makeup of the available work force in the law enforcement agency's service community."¹⁴⁶

Few departments reach the ideal of having their officer workforce match the city population. In San Jose, California, Hispanics are 33 percent of the population, but only 23 percent of the police officers. For African Americans, the figures are 3 percent of the population and 4 percent of the police officers. Asian Americans are 32 percent of the population but only 15 percent of the police officers. Non-Hispanic whites are 29 percent of the population and 54 percent of the police officers.¹⁴⁷ In New York City in 2014, 34 percent of population

was white, compared with 52 percent of the police officers; 29 percent of the population was Latino, compared with 26 percent of the officers; 23 percent of the population was African American, but only 16 percent of the police officers; finally 12 percent of the population was Asian, compared with only 6 percent of the officers.¹⁴⁸

Employing more officers who can speak Spanish facilitates positive relations with the Hispanic community. On a 911 call, officers need to be able to communicate effectively with the people involved. Hispanic officers who are fluent in Spanish will accomplish this goal, but a department can also recruit white non-Hispanic officers who speak Spanish and/or offer incentives to officers to learn Spanish. Full fluency in the language is not necessary, as officers can master a level of "street Spanish" related to police work. A study of police and Hispanic civilian interactions in a midwestern city found that although language barriers did not create any major crises (even violent incidents arising from an inability to communicate), they did create delays in the delivery of services and some frustration on the part of officers. When handling a situation in which the civilians did not speak English, officers either found a family member or bystander who could translate or simply "muddled through" with "street Spanish."¹⁴⁹

With just a few exceptions, relatively few Native Americans and Asian Americans are employed as sworn police officers in big-city departments. In tribal law enforcement agencies, Native Americans are about 56 percent of all sworn officers.¹⁵⁰ And in cities with large Asian American populations, there are often more Asian American officers. In New York City, for example, Asian Americans were 6 percent of all officers in 2014.¹⁵¹

Discrimination in Assignment

Discrimination also occurs in the assignment of police officers. In the South during the segregation era, African-American officers were not assigned to white neighborhoods and were not permitted to arrest whites.¹⁵² Many northern cities also confined minority officers to minority neighborhoods. Reiss found that some police departments assigned their incompetent white officers to racial minority neighborhoods.¹⁵³ Seniority rules that govern the assignment in most departments today make blatant discrimination difficult. Officers with the most seniority, regardless of race, ethnicity, or gender, have first choice for the most desirable assignments. Seniority rules can have an indirect race effect, however.

A particular problem today involves discrimination in assignment to special units, such as criminal investigation, the gang unit or the canine unit. In most departments, assignments to special units are discretionary and are not governed by seniority rules. Special units involve desirable types of police work (especially criminal investigation) and because they are important steps toward promotion to higher rank. The Special Counsel to the Los Angeles County Sheriff Department identified two categories of desirable positions. "Coveted" positions were those that officers sought because they are interesting, high paying, or convenient (in terms of work schedule): the Narcotics Bureau and precinct station detective assignments. "High-profile" positions, however, are those likely to lead

to promotion and career advancement. These include operations deputy, the Recruitment Training Bureau, and field training officer positions.¹⁵⁴

An investigative study by the *New York Times* found that African-American male officers were seriously underrepresented in the elite units of the NYPD. The 124-officer mounted patrol unit had only three African Americans, and there were only two in the 159-officer harbor patrol unit. It is well understood in the NYPD that selection for an elite unit depends on having a friend who will sponsor you—a “hook” or a “rabbi” in the slang of the NYPD. With few people in high command and in elite units, African-American officers often find their career paths blocked in those areas.¹⁵⁵

Does the Composition of a Police Department Make a Difference?

Does the racial or ethnic composition of a police department make a difference? The assumption behind having a diverse police workforce is that it will improve police–community relations. But does it?

There has been little research on this subject. One study, however, found positive changes in the attitudes of police officers over 15 years as a result of a consent decree requiring the LAPD to hire both more officers of color and more women. The study surveyed officers in two waves: 1992 and 2007, asking officers whether “in your opinion, closer personal contact between police and the community will”; “improve citizen’s opinions of police officers”; “make people more willing to help police stop crime”; and make officers “more sensitive” to the community. It also asked three questions regarding a possible negative effect (e.g., “give citizens too much control over officers”).¹⁵⁶

In the initial 1992 survey, African-American and Hispanic officers were more positive about the effect of police–community contact than were whites. The attitudes of all officers became more favorable by the time of the 2007 survey. Particularly significant, the attitudes of white officers rose at a higher rate than they did for African-American and Hispanic officers (which did rise). The authors of the study argue that this “unexpected finding” suggests that the introduction of more African-American and Hispanic officers into a department “served to ‘unfreeze’ and change many of the preexisting, less community-oriented attitudes” held by white officers. In short, diversifying the workforce can help to change internal culture of a police department.

Do Officers of Color Perform Better?

Civil rights activists have traditionally argued that police departments should employ more African-American and Hispanic officers because they will be better able to relate to communities of color and be less likely to use deadly force or physical force. Is there any truth to this argument? The evidence on police work clearly indicates that race or ethnicity is not a factor in how police officers perform. Fyfe’s research on the use of deadly force found that African-American

officers were neither more nor less likely to use deadly force. Being assigned to a high-crime precinct was the most important predictor of officers' use of fire-arm.¹⁵⁷ Albert Reiss found that white and African-American officers used excessive physical force at about the same rate, while Donald Black, using the same data, found no significant differences in the arrest patterns of white and African-American officers.¹⁵⁸ It is also worth noting that the performance of male and female officers on these issues does not differ in any significant ways. (The one exception involves officers with repeated instances of brutality or other forms of serious misconduct; in every study, these officers are all male.)¹⁵⁹ Finally, the data on citizen complaints in both San Jose, California, and New York City indicate that officers of different races and ethnicities receive citizen complaints in almost the same proportion as they exist in their departments.¹⁶⁰ In short, race, ethnicity, and gender are not strong factors in police officer performance.

Some community activists have argued that departments should assign more African-American officers to African-American neighborhoods and more Hispanic officers to Hispanic neighborhood. The problem with this idea is that it would "ghettoize" officers of color and deny them the variety of assignments and experience that helps lead to promotion. With respect to the Hispanic community, as we mentioned earlier, departments can recruit Hispanic or non-Hispanic officers who are fluent in Spanish, or offer incentives for officers, regardless of their race or ethnicity, to achieve a level of fluency that will allow them to do police work more effectively.

CONCLUSION

Is there justice on the street? Is American policing free of racial and/or ethnic bias? The evidence we have examined in this chapter indicates that patterns of racial and ethnic disparities do exist, along with other indicators of patterns of injustice. They include:

- African Americans hold significantly less favorable attitudes toward the police compared with whites, while the attitudes of Hispanics are less favorable than whites but not to the extent that African-American attitudes are;
- A three-to-one disparity in African-Americans shot and killed by the police, compared with whites;
- Problematic relations between the police and the Hispanic community, in part because of significant immigrant populations that make many Hispanics reluctant to call the police to report crimes or seek police assistance;
- A pattern of police using force against young African-American men more often than against whites or Hispanics;
- Inadequate police protection on Native American reservations, with the result that many Native Americans do not receive protection against crimes of violence;

- African-American men are more often the subjects of intrusive investigatory traffic stops than are white men, and with that pattern of stops causing deep resentment against the police and the American society as a whole.
- The New York City stop and frisk program resulted in blatant racial and ethnic disparities in persons stopped by the police until a federal court declared the program unconstitutional.

We have also found many examples of where sound policies and practices can significantly reduce racial and ethnic disparities.

- The defense of life police on the use of deadly force has reduced the disparities in the fatal shooting of African Americans by police, particularly in the shooting of unarmed men;
- A strict policy governing stops and searches reduced racial and ethnic disparities by U.S. Customs agents;
- The Police Executive Research Forum Model Policy on the use of race and ethnicity in police work provides specific guidelines to reduce stops and other police actions based solely on the race or ethnicity of the person;
- The Fair and Impartial Policing Project provides training for rank and file officers and supervisors on how to identify and control police actions based on unconscious racial or ethnic stereotypes;
- The policy of de-escalation holds great promise in reducing unnecessary police use of force;
- The President's Task Force on 21st Century Policing made many recommendations for improving police-community relations.

In the end, many problems exist with respect to relations between the police and the communities of color. At the same time, however, a number of effective policies have been developed to address those problems and improve the quality and fairness of policing. Much more, however, remains to be done.

DISCUSSION QUESTIONS

1. What is meant by a contextual approach to examining policing, race, and ethnicity?
2. How is policing in Native American communities different from policing in the rest of the United States?
3. When does police use of force become "excessive" or "unjustified"? Give a definition of *excessive force*.
4. Are there any significant differences between how Hispanics and African Americans interact with the police? Explain.
5. Is there racial or ethnic discrimination in arrests? What is the evidence on this question?
6. Discuss how traffic stops can be more or less intrusive, and how the difference affects communities of color.