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Michael Graczyk
College of DuPage

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Racial Profiling Stop Cards: Will The Data Eliminate Profiling?

by Michael Graczyk

(Criminal Justice 151)

The Assignment: Write a research paper involving a constitutional issue.

I. The Beginning of Racial Profiling “Stop Cards”

There is no doubt that the majority of society believes racial profiling is wrong. Do you know that if you are pulled over in Illinois, the police officer is required to fill out a traffic stop data sheet or stop card with your information even if a ticket is not issued? What information is required to fill out this card? The information required is as follows: Name, address, sex, and the race of the driver. The date, the time of the traffic stop, the police officer’s name, badge number, and the officer’s agency is also required.

II. The Question

Will gathering data on traffic stops eliminate racial profiling? From a civil rights perspective it is a start to a more equal future. From a law enforcement viewpoint, it adds more paperwork and criticism to a job that already involves much documentation. Most police feel that it is just an attempt to limit police discretionary powers. As a U.S. citizen and a resident of Illinois I am troubled on how uneducated the public is regarding traffic stops that police administer. My purpose in writing this paper is to better educate the public on the data that police in Illinois, along with other states, are required to obtain during traffic stops.

III. History of Racial Profiling

A “profile” is defined as a coherent set of facts, known conditions and observable behavior, which indicates a particular individual, may be engaged in criminal activity. The “profiling” technique is common and has been a widely used law enforcement tactic.

During the late 1970s, the Drug Enforcement Administration (DEA) started Operation Pipeline, and analyzed the methods in which drug networks transported bulk drugs to drug markets. The DEA began training state and local police in establishing a drug courier profile in order to establish techniques to stop drug trafficking. While working Operation Pipeline, police were trained to establish a profile that included evidence of concealment in vehicles, indications of fast, point-to-point driving, as well as age, and race of drivers. During the course of the Operation, officers were stopping a lot of subjects with an African-American and Hispanic ethnicity.

The U.S. Department of Justice investigated the New Jersey State Police in 1998 for racial profiling certain ethnic groups during traffic stops and for petty criminal offenses. From this incident on, American news media expanded coverage throughout the county on racial profiling incidents.¹

In June 1999, President Bill Clinton spoke at the Strengthening Police-Community Relations conference in Washington, D.C. At the conference President Bill Clinton declared the racial profiling practice to be “morally indefensible” and made an announcement that he supported Congressman John Conyers idea for collecting ethnical statistics from law enforcement traffic stops.²

February 27, 2001, President George W. Bush directed the Attorney General to review racial issues by federal law enforcement agencies, and to work with Congress to develop data collection methods.³

Racial Profiling has been an issue since the development of our Constitution. For centuries, the government and the public have worked at adopting new laws to eliminate the problems associated with it. From a law enforcement perspective, allegations of racial profiling began in the early 1980s. The term “Racial Profiling” originated from America’s war on drugs. Law-enforcement officers have stopped and detained members of minority groups in vehicles more than whites. Officers in the past have made the assumption that minorities are more likely to commit the drug offenses. In a recent study from Northeastern University, law professor Deborah Ramirez stated “minorities are not more likely to be in possession of contraband than whites. In many of these studies Latinos are less likely to be carrying contraband.” Race has not been proved to be a reliable way to profile criminals. Even with a majority of black dealers being arrested and filling jail cells, whites continue to engage in illicit crimes.⁴

IV. Collection of Data

Many police municipalities started collecting racial data on traffic stops before new legislation took place in many states. Highland Park Police Department along with Mt. Prospect Police Department in Illinois started recording this data because of lawsuits by minorities claiming racial profiling incidents by police. With the new legislation in Illinois, each law enforcement agency is required to record the data and send it to the Secretary of State in an annual report. Illinois Department of Transportation (IDOT) is handling the collection of racial profiling data along with analysis. IDOT submits analyses to the Governor, the General Assembly, and each law enforcement agency no later than July 1st of 2005, 2006, 2007, and 2008.⁵

V. Problems with Data

Problems have already been recorded with the collection of data for 18 states. For instance, drivers are pulled over in areas where they do not reside. Because of this, comparing the data is not always exact. Officers may not ask the race of the driver, they guess! Arab-Americans have been profiled more since September 11, but they don’t have a race category on the sheet. Many are marked white, or other.⁶

VI. Recent Case Studies in Illinois

Two racial profiling cases within Illinois sparked national attention on racial profiling incidents. The two agencies involved were Highland Park Police Department and Mount Prospect Police Department. In the Highland Park Police Department case, members of the Department came forward with allegations of racial profiling practices occurring in town.

While the investigation was pending, two African-American residents of Highland Park came forward also stating they were stopped and interrogated by police due to their race.

The City of Highland Park, Illinois along with the residents involved in the lawsuit agreed on a class action settlement developing a consent decree. The City of Highland Park agreed to stop racial profiling, keep records, install AV equipment in squad cars, and establish a public complaint system, along with extra training. This was established before Illinois legislation required “stop cards” to be filled out during traffic stops.⁷

The Village of Mount Prospect also settled a lawsuit filed by three of its police officers alleging the Police Department targeted Latinos during traffic stops. The Village denied the allegations, but settled the lawsuit, agreeing to pay three officers \$900,000. The Village made an agreement with the officers not to return to the force in return for the settlement. This settlement changed the way Mount Prospect Police Department along with other police jurisdictions handle racial profiling. Mount Prospect Police Department agreed to record the race of drivers stopped by officers, and eliminated the use of monthly arrest quotas.⁸

VII. Law Enforcement Perspective

According to most state laws, law enforcement officers are mandated to fill out “stop card” information during every traffic stop. This, however, has not made the police officer’s job any easier. Many law enforcement officials do not totally understand the scope of the legal obligations they must fulfill. Many officers complain that the form adds more paperwork, time, and extra expense. Some officers even believe the data will single them out, while others are fully cooperative with compliance.⁹

From a law enforcement viewpoint, “stop cards” add more paperwork and criticism to a job that already involves much documentation. Most police feel that it is just an attempt to limit police discretionary powers.

VIII. The Public Perspective

From a civil rights perspective it is a start to a more equal future. From research, the public has mixed reactions. Some welcome the idea of collecting data, while others who are pulled over want their information kept private and feel it is a violation of their rights.

While there are many civil rights groups working strongly at ending racial profiling, the American Civil Liberties Union (ACLU) is one of the most publicized civil rights groups when it comes to racial profiling. The ACLU has represented most of the defendants involved in racial profiling lawsuits. The ACLU has set up a racial profiling complaint form that is available on their website. They also printed a “know your rights, bust card” which instructs a person what to do in situations when pulled over on traffic stops, being arrested, driving while intoxicated, etc. The ACLU is also heavily involved in getting new legislation passed to restrict and eliminate racial profiling.¹⁰

There is no doubt in most of society, that racial profiling is wrong. The question I pose is the following: Will gathering data on traffic stops eliminate the racial profiling issue? Police Departments are making a point to end racial profiling along with the integration of new racial profiling policies. Lawmakers are fighting to implement new legislation to eliminate racial profiling. Sometimes issues are created from added legislation, but one could only wonder if society will adjust to this one.

Endnotes

- ¹ History of Racial Profiling Controversy: Data Collection Resource Center, <http://www.racialprofilinganalysis.neu.edu/>
- ² Adams, Bill. "U.S. Secretary Of Transportation Slater Calls For Zero Tolerance For Racial Profiling. U.S. Department of Transportation, Office of Public Affairs News. 8 April 2000. DOT 75-00.
- ³ Data Collection Resource Center, <<http://www.racialprofilinganalysis.neu.edu/>>
- ⁴ Fauchon, Christina. "Counterpoint: the case against profiling." International Social Science Review, Fall-Winter (2004): v79, i3-4, 157-160
- ⁵ Data Collection Resource Center, <<http://www.racialprofilinganalysis.neu.edu/>>
- ⁶ Childress, Sarah. "Profiling: Profiling The Police." Newsweek 9 February 2004: P9
- ⁷ Carr, James R. and Elrod, Steven. "Racial Profiling Lawsuit Settlement Hailed as National Model. Holland + Knight, Government Notes: August 2001; Volume 4, Issue 1
- ⁸ Nickel, Heather. "Driving while black: Charges that police target black and Hispanics for traffic stops have been grabbing the attention of lawmakers in statehouses throughout the country. Illinois Periodicals Online. 19 June 2000. <<http://www.lib.niu.edu/>>
- ⁹ McNeil, Brett. "Police balk at new study of profiling; State seeks more data on traffic stops." The Chicago Tribune. 4 January 2004, Chicago final ed.: p. 4C.1
- ¹⁰ Racial Justice", <http://www.aclu.org>

Works Cited

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- Adams, Bill. "U.S. Secretary Of Transportation Slater Calls For Zero Tolerance For Racial Profiling. U.S. Department of Transportation, Office of Public Affairs News. 8 April 2000. DOT 75-00.
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"Racial Justice", <http://www.aclu.org>

TRAFFIC STOP DATA SHEET / STOP CARD

Agency Code _____ No. _____
 Date of Stop (MM/DD/YY) _____ Time of Stop _____
 Officer Name _____ Badge # _____

****DRIVER INFORMATION****

Name of Driver _____
 Address _____
 City _____ State _____ Zip Code _____
 Vehicle Make _____ Vehicle Year _____

1. Driver's Year of Birth: _____ (Ex: 1957)
2. Driver Sex: 1. Male 2. Female
3. Race: 1. Caucasian 2. African/American 3. Native American/Alaskan
 4. Hispanic 5. Asian/Pacific Islander
4. Reason for Stop: 1. Moving Violation 2. Equipment 3. License Plate/Registration
5. If Moving Type of Violation: 1. Speed 2. Lane Violation 3. Seat Belt
 4. Traffic Sign or Signal 5. Follow too Close 6. Other
6. Result of Stop: 1. Citation 2. Written Warning 3. Verbal Warning/(Stop Card)
7. Type of Roadway: 1. Interstate 2. U.S. Highway 3. State Highway
 4. County/Township Road 5. City Road
8. Beat Location of Stop: _____
9. Search Conducted: 1. Yes 2. No

****IF THE STOP DID NOT RESULT IN A SEARCH THE STOP CARD IS COMPLETE****

Indicate if a search was conducted during the traffic stop of any of the following and indicate type of search conducted for each of the following:

Search Types: 1-Consent 2-Reasonable Suspicion 3-Probable Cause 4-Incidental to Arrest 5-Custodial Arrest 6-Drug Dog Alert 7-Other

- | | | | | | | | |
|-----------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| 10. Vehicle | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 11. Driver | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 12. Passenger 1 | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 13. Passenger 2 | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 14. Passenger 3 | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 15. Passenger 4 | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 16. Passenger 5 | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 17. Passenger 6 | 1. <input type="checkbox"/> | 2. <input type="checkbox"/> | 3. <input type="checkbox"/> | 4. <input type="checkbox"/> | 5. <input type="checkbox"/> | 6. <input type="checkbox"/> | 7. <input type="checkbox"/> |

The following questions are optional.

18. Contraband Found: Yes No
19. If Yes what was found: 1. Drugs/Alcohol/Paraphernalia 2. Weapon
 3. Stolen Property 4. Other