

Eroding Trust, Policing Anger

How Racial Disparities in Traffic Stops Threaten Democratic Values

Frank R. Baumgartner¹
Derek A. Epp
Kelsey Shoub

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Since the shooting of Trayvon Martin in 2012 and the organization of the Black Lives Matter movement in 2013, police–community relations have been in the news. Of course, friction between police departments and the communities they serve is a perennial issue in urban America. The 1992 Los Angeles riots were in response to the acquittal of police officers for the shooting of Rodney King, an unarmed black man killed the year before. The 1967 Detroit riots were sparked by a police raid of a black nightclub. Many of the riots of the 1960s erupted in communities where black neighborhoods were policed by largely white police forces and where trust eroded beyond the breaking point. There is nothing new, in other words, about problems of trust between the black community and the men in blue. However, the last several years have seen unprecedented and consistently high levels of concern, media discussion, and community engagement that have forced or allowed many difficult conversations about race, policing, and citizenship.

A turning point in the 1960s civil rights movement was when peaceful demonstrators marched from Selma to Montgomery, Alabama, fully aware that Bull Connor’s police dogs would attack them, officers would beat them with clubs, drench them with fire hoses, and that many would die. But the iconic photos and national news coverage of these events changed the views of many white Americans living far from the areas where the civil rights demonstrations were taking place. They were appalled, and suddenly more aware, of what had long been happening in other communities.

Cell phone videos of police shootings may be playing a similar role today. New data analytic tools made possible by the routine collection of traffic stop and other types of data on police encounters with citizens have allowed us to document surprisingly large but previously undocumented disparities in the treatment of different racial groups. Many white Americans have traditionally assumed that the “official version” of events is unassailable, but some of the videos suggest that minority concerns deserve greater credence. Statistical evidence has certainly raised more questions about whether police behave similarly when encountering citizens of different racial groups. The power of the videos, constantly replayed in social media and in the mainstream press, to show the brutality of shooting to kill when a police life is not in danger has

¹ Baumgartner is the Richard J. Richardson Distinguished Professor of Political Science at the University of North Carolina at Chapel Hill; frankb@unc.edu. Epp is Post-Doctoral Fellow at Dartmouth University; derek.a.epp@dartmouth.edu. Shoub is a graduate student in political science at UNC-Chapel Hill; shoub@live.unc.edu.

galvanized many inside and outside of the minority community. Dry data analytics have backed up these vivid illustrations.

In this book we ask how did we get here, and we focus on the rigorous statistical analysis of millions of routine traffic stops to explore differences in how drivers of different racial, age, and gender groups are treated by the police. Since the 1970s, aggressive police targeting within the minority community has been justified by the “war on drugs.” Even routine traffic stops were seen as a means by which the police could target drug couriers and put an end to the epidemic of drug abuse that has long generated so much concern. The police strategy of targeting individuals who fit a “profile” said to be associated with drug activity was validated by the U.S. Supreme Court in its unanimous 1996 decision *Whren v. United States*. Here the Court validated the right of police officers to pull over a car for any traffic violation, but ruled that there was no constitutional requirement of equity in treatment of traffic offenders. By breaking the law, any law, offenders opened themselves up to the possibility of police action. That action need not be equitable, the Court said. The police were not expected to stop all speeders, all those veering slightly out of their lane as they drive, all those driving in the passing lane of a freeway, or all of those with a cracked brake light, a dangling mirror, or an obscured license tag. Officers could pick and choose those offenders who seemed to be of greater interest. And, with hundreds of traffic laws and great discretion in their interpretation, officers could pull over virtually any car. Once pulled over, officers could seek consent or use probable cause to conduct a search of the driver, passengers, or the vehicle. Effectively, the Court permitted the use of routine traffic stops for targeted criminal investigations. The war on drugs was the justification for these actions. Here we seek to document what has not been fully documented before: This strategy is a poor tool for catching “bad guys” and instead generates distrust, anger, and alienation among those the police are sworn to protect.

Consistently through the war on drugs, police agencies have made clear that “you have to kiss a lot of frogs before you find your prince”—very large numbers of traffic stops would have to occur before an officer might interdict a significant drug shipment. Unstated in that calculation was that many Americans would be subjected to police investigations so that a small number could be searched or arrested in the hope of finding a large cache of drugs. Those who were momentarily detained were said by the Court to have suffered only a trivial inconvenience. The key element in this targeting, which kept it hidden for so long from those who might have objected, was that middle-class Americans were largely exempt from its consequences. On the other hand, members of minority groups, especially young men were subjected to a lot more than just an occasional trivial inconvenience. Police routinely targeted poor neighborhoods, individuals with certain forms of dress, males rather than females, younger people rather than older ones, and minorities rather than whites. The poor were particularly targeted because of the number of vehicle violations associated with broken tail-lights, equipment problems, and expired registration tags, issues that are more likely to occur among the poor than among the middle class. Thus, millions of Americans have been targeted for more intensive police attention outside of the gaze or knowledge of most middle-class whites. And it has not been trivial at all. It has been humiliating, frustrating, and unfair. Most of all, it has been ineffective.

While civil rights attorneys and members of minority communities have long complained of these targeted police activities, the very targeted nature of them kept them from the

consciousness of most middle-class whites. Americans all understand that excessive speeding may well lead to flashing lights in the mirror, and no one enjoys a police encounter leading to a ticket. But we also know the difference between a legitimate, if unwelcome, traffic ticket and a pretextual or targeted enforcement. Being stopped and ticketed is one thing, being asked to justify or explain your whereabouts, your destination, or the car you are driving is something else entirely. When Philando Castile was shot and killed in St. Paul, Minnesota in 2016 after a routine traffic stop, he had been pulled over at least 46 times from the time he learned to drive until his death 14 years later; he had had various suspensions of his license and fines for such violations as driving without a license or not having valid insurance. These totaled over \$6,000, meaning that he had spent virtually his entire young life as a driver fighting various fines, court fees, and license suspensions (see Peralta and Corley 2016). Many poor drivers, especially in minority communities, do the same. Of course, these troubles are virtually unheard of in middle-class America; for one, poverty keeps many from paying the initial fine, leading to accumulating court sanctions, fees, and penalties.

Until individuals such as Mr. Castile were cast into the national spotlight when videos of their violent deaths were played on national television and reporters delved into their backgrounds, few were asking about the collateral consequences of these large-scale police dragnets. The US Department of Justice investigation of police practices in Ferguson Missouri brought many of these elements to light: The city relied on its poorest residents for traffic fines, court fees, and arrests because all of these were income-generating activities for the city. In effect, the city was financed through selective and targeted enforcement of various laws that did little to make people safer, but which imposed a severe burden on those least able to bear it. In this book, we measure the racial disparities associated with police traffic stops and assess the costs and benefits of enlisting the traffic police in the war on drugs.

The costs associated with these policies have been born almost entirely by young men of color, and therefore have been invisible to most Americans. But, as many other scholars have recently begun to argue and document, adverse encounters with the police, even short of arrest, erode trust in government, reduce the ability of individuals to get and maintain jobs, and have many other consequences when they are so highly targeted on a narrow segment of the population. We document the degree of targeting and thereby illustrate the high cost paid by so few.

The benefits of the war on drugs and the *Whren* decision have been to allow police great leeway in using the traffic laws as they please to target certain individuals. If drug couriers, but no others, routinely fit the profile then it might be very beneficial to stop those who appear to be drug runners. But our data show how these benefits have been fleeting, rare, and many times none at all as those actually found to be transporting large quantities of drugs have successfully argued that their rights were violated when they were searched based on little more than some external indicators that did not add up to probable cause of being involved in a crime: wearing a certain type of cap, or driving a car registered in another state, is not probable cause.

North Carolina was the first state in the nation to mandate the collection of demographic data following any traffic stop, passing the law in 1999. Beginning on January 1, 2000 for the State Highway Patrol, and in 2002 for all but the smallest police agencies, officers have recorded the age, race, and gender of every driver pulled over, why they were stopped, and the outcome of

that stop. Based on the analysis of almost 20 million of these records, we focus on racial differences in the likelihood of various outcomes, with a particular focus on whether the officer searches the driver or the car. Very few traffic stops lead to a search; just about three percent. But searches are highly targeted at young men of color; over twenty percent of those stopped are searched in some cities. The majority of these searches yield no contraband, and when there is a contraband “hit” the amounts involved are rarely those associated with a dealer or a courier. In fact, courier-level contraband hits are vanishingly rare.

If searches associated with traffic stops were justified as a means to catch drug “kingpins” or couriers, they have been extremely ineffective. In North Carolina alone, millions have been pulled over for minor violations—equipment problems, expired registration tags and for other reasons that could well be pretexts (fully allowed by the Court in *Whren*) rather than because of excessive speeding, drunk driving, or other serious safety concerns. Disproportionately, these traffic stops, and hundreds of thousands of fruitless searches that followed from them, have been targeted at those fitting a “drug courier profile”: Young men of color. The disproportionate weight of the war on drugs in these communities is an important component of a larger discussion about mass incarceration, citizenship, and belonging.

We focus on traffic stops and document sustained and troubling disparities in how racial groups are treated in routine traffic stops. These disparities are robust to controls for the purpose of the stop and whether the stop occurred on a weekend evening, late at night, or during the morning rush hour. They are both institutional and officer-based. That is, we can identify individual “bad apple” officers who have particularly wide disparities in their treatment of drivers by race. But the causes of the disparities are much broader than only a few bad apple officers.

Across the state, various police and sheriff’s departments have higher and lower levels of disparity in their treatment of drivers of different racial, ethnic, age, and gender groups. Further, the disparities vary over time. Looking both over time and across different agencies, we explore the causes and consequences of racially targeting search and arrest patterns. Individual police officers, sheriff’s deputies, and state troopers are identified by a unique ID number. While the identity of the officer is unknown, and therefore we cannot analyze whether officer demographics influence their traffic stops, we can identify individual officers who have high and low rates of search, high and low rates of racial disparity in their stops and searches, and from that identify “bad apple” officers: those with the most marked disparities in the rates at which they search drivers by race. With that information, we can then test whether these officer-level differences explain the patterns of racial disparities seen across the database. While they contribute to them (by definition they must), they by no means explain the bulk of the variance in racial disparity that we observe.

When we compare every community in the state both across space and time, we find that those with the highest levels of racial disparity are systematically related to: Higher poverty, smaller size, and lower political power for blacks. That is, controlling for the poverty rate and the size of the city, greater political empowerment of the black community generates lower rates of racial disparity in the police department. We measure black political empowerment as a combination of three factors: the black shares of the population, the voting population, and the elected officials. These three factors are of course highly interconnected, so we treat them as one. The bottom line

in our research predicting where disparities are high and low, however, comes down to this: Where blacks are politically weak, disparities are strong; where blacks are fully mobilized politically and share in the governance of their local community for example by having seats on the city council, the local police have lower rates of disparity. Lerman and Weaver (2014) documented that disparate treatment by police can stimulate reduced voting turnout and involvement in politics by those affected by their interactions with police. We provide further evidence of the importance of this finding: where disparities are high, the voting share of the black population is lower.

Racial disparities in the outcomes of traffic stops naturally generate alienation among those who sense they have been targeted for unequal treatment. Largely unremarked in this debate is that those not targeted may not even be aware that the targeting is occurring, unless a family member or close friend is routinely targeted. This lack of awareness, we believe, has contributed to a large-scale lack of empathy and understanding. Over the past three years, however, cell-phone videos documenting harsh, sometimes fatal, police interactions with young men of color have awakened all Americans to these realities. The massive scale of what we observe convinces us that the diversion of routine traffic patrols into a targeted practice of aggressive search for those who fit a “profile” in the name of the war on drugs has been extremely costly, much more so than has previously been identified. Further, while members of our nation’s minority communities have long been aware of these disparities, middle-class whites are only slowly being made aware of them. Of course, understanding can only start with knowledge and acknowledgement. And repair and reform can only come from understanding.

In this book, based on a comprehensive analysis of one state’s experience with traffic stops, we add to our collective understanding of the high cost and the low benefit of diverting routine traffic patrols into the war on drugs. This decision, dating back a generation, has paid little benefit in terms of fighting drugs, but has secretly tarnished our democracy. The tarnish has been real, as very few young men of color have escaped the knowledge that they could be pulled over for a pretext, potentially subjected to search, and possibly arrested while their equivalent on the other side of town would not have to fear these events. The tarnish has been secret as well, since those not targeted by the practice may be completely unaware of it. Of course, police are not allowed to pull over drivers unless they break the law. But many of our traffic and vehicle laws allow for considerable officer discretion, and others put all of us routinely on the wrong side of the law. While the Court has not so ruled, the disproportionate application of the law in some groups but not in other groups has generated resentment, alienation, and a sense of degraded citizenship. Further, many Americans are only now becoming aware that this is even happening, though it has been going on for decades.

Similar books

The book which is most similar to ours is undoubtedly *Pulled Over: How Police Stops Define Race and Citizenship*, by Epp, Maynard-Moody and Haider-Markel (Chicago, 2014). Another touchpoint for us is Lerman and Weaver’s *Arresting Citizenship* (Chicago, 2014). Lerman and Weaver do not focus specifically on traffic stops, but incarceration and interactions with the court system generally. Their analysis of the consequences of these interactions is key to the interpretation of the data we collect. Our book is more directly comparable to Epp and colleagues’. It differs from theirs mostly by the nature of the respective datasets that are at the

core of the research reported. Epp and colleagues conducted a survey of drivers in the Kansas City metropolitan area and interviewed them about their experiences. We use official records and take on a more consistently statistical approach. Our analysis is the largest of its kind (with almost 20 million traffic stops analyzed), but is based on a single state. In our last chapter we put North Carolina into context by analyzing published reports showing the degree of racial disparity found in hundreds of other jurisdictions. We do not, however, delve into the micro-level analysis of traffic stops in other states because each state gathers slightly different information as part of their traffic statistics. We hope to explore this in a future work. Finally, the work we have conducted in North Carolina has generated or been used in a number of journalistic and legal investigations into patterns of traffic stops, or the legal justification for individual arrests. We make use of these studies wherever possible in order to gain further insights and to illustrate using particular cases the large trends which are our primary focus.

Both the Epp and Lerman-Weaver books deal with the large-scale questions of citizenship, belonging, efficacy, and alienation from government that can result from some (but not all) citizen-police interactions. In this sense, our book also fits in with recent works by Traci Burch (*Trading Democracy for Justice*, Chicago, 2013); or older works on racial disparities in criminal justice such as Jerome Miller's *Search and Destroy: African-American Males in the Criminal Justice System* (Cambridge, 1997) or Peffley and Hurwitz' *Justice in America: The Separate Realities of Blacks and Whites* (Cambridge 2010). We are also largely informed by the works of psychologists Philip A. Goff and Jennifer L Eberhardt though they have not produced similar books.

Target Audience

Our target audience is similar to the books mentioned in the previous section: advanced undergraduates, graduate students, and scholars and professionals involved in civil rights, race and ethnic politics, and criminal justice.

Status of the manuscript

Our book is organized into ten chapters, as outlined in the attached short chapter summaries. We expect the final manuscript to run approximately 80,000 words with 50 figures. We have completed drafts of all the analysis needed to complete the book (though some needs to be updated with a more recent version of the dataset) and full drafts of four chapters: 4 on stop outcomes; 5 on Contraband; 6 on Officer-level variation and “bad apple” officers; and 8 on how the Political Power of the Black community can reduce disparities. We expect a complete draft of the entire manuscript to be available by May 1, 2017. We hope that the feedback we receive from reviewers on this outline as well as the three sample chapters will allow us more efficiently to complete a full draft that will meet the expectations of these same reviewers.

About the authors

Baumgartner is author or co-author of many books including *The Politics of Information* (Chicago, 2015, winner of the Brownlow Award from the National Academy of Public Administration), *Lobbying and Policy Change* (Chicago, 2009, winner of the Epstein Award from the APSA Section on Political Organizations and Parties), *The Decline of the Death Penalty and the Discovery of Innocence* (Cambridge, 2008, winner of the Kammerer Award

from the APSA as the best book on US public policy), and other works. Epp completed his PhD in 2015 and is author of the forthcoming Chicago title, *The Structure of Policy Change*. He is currently a post-doctoral fellow at Dartmouth College. Kelsey Shoub is a graduate student at UNC-Chapel Hill and expects to receive her PhD in 2018. Together with Bayard Love, we previously published “Targeting Young Men of Color for Search and Arrest during Traffic Stops: Evidence from North Carolina, 2002-2013” (*Politics, Groups, and Identities*, forthcoming 2016).

Chapter Outlines

Chapter 1. Fighting the War on Drugs with Traffic Stops

The war on drugs has transformed policing. Even routine traffic patrols became a mechanism for routing out drug “kingpins” and couriers. However, a generation of experience with these police strategies shows that it has resulted in little benefit, but come at a tremendous, but under-appreciated cost. The cost has been borne almost exclusively by those targeted: Young men of color. Their alienation, frustration, and anger with government is understandable when we consider the disproportionate targeting that they have suffered through these policies and enthusiastic Court ratification. In this chapter, we provide the historical background on the development of this new form of policing. We introduce the distinction between “investigatory” and “safety-related” traffic stops and discuss how the traditional safety function of traffic patrols has been diverted into an investigatory tool. We explore the negative consequences of this based on previous studies, US Department of Justice investigations, and foreshadow our own findings. We then introduce the chapters to come.

Chapter 2. Traffic Stops in North Carolina

“Driving while black” became a national concern in the 1990s, and North Carolina was the first state to enact legislation to track the demographics of traffic stops. We review these historical developments, the passage of the legislation, and discuss what its backers were expecting to be able to show with the statistics they collected. Although the legislation explicitly requires the Attorney General to provide biennial reports to the Governor and the General Assembly presenting “scientific study” of the resulting data, none has ever been performed. After explaining the background and motivation of the legislation, we then review in detail the data that are collected, providing summary statistics for each of the variables included in the form, explaining what is available, and also what is missing in the state-mandated data collection. Through the end of 2015, almost 20 million traffic stops have been recorded, making this the largest database of its kind. All agencies serving populations of more than 10,000 individuals are required to submit, leading to over 300 agencies included in the database. Approximately half of the traffic stops come from one agency, the NC State Highway Patrol, and the 25 largest agencies constitute the vast bulk of the data recorded. Police departments (whose chiefs are typically appointed), sheriff’s offices (elected), and state-wide agencies such as the highway patrol are all included.

Chapter 3. Who Gets Stopped?

As a first step in describing and analyzing the data collected, we first make comparisons between the local population and those pulled over. State-wide and individually for each of the police agencies and sheriff’s departments where there are sufficient stops to analyze, we compare the

local census of the population to those stopped, looking at the percentage of whites, blacks, and Hispanics in each group. There are, of course, several problems with such an analysis: driving populations differ from the larger population numbers (blacks and Hispanics drive less than whites; see Tal and Handy 2005); we do not know which drivers are speeding or breaking the law in another manner; and drivers may cross state or municipal lines so that the local driving population may not mirror the local residential population. Acknowledging these concerns, we nonetheless present a number of comparisons. First, minorities are over-represented in the vast majority of communities, compared to their population numbers, despite the fact that they are known to drive less; and second, some kinds of stops appear to be particularly focused on minority drivers. We use this chapter not to test any hypotheses but simply to show preliminary evidence that minorities are targeted for traffic stops disproportionately compared to their population shares, and that this is the case in virtually every police jurisdiction in the state.

Chapter 4. What Happens After at Stop?

If there are legitimate concerns about comparing who is stopped with who lives in certain communities, when we look at the outcomes of traffic stops, we know both the numerator and the denominator in the equation. That is, we know both the number of drivers with a certain outcome and the number of drivers having been pulled over for a given reason. The possible outcomes following a traffic stop are several: no action, verbal or written warning, citation, and arrest. Any of these outcomes may also be associated with a driver or vehicle search. We review the likelihood of these outcomes for each racial and gender group. Minority males are more likely to be released with no action, marginally less likely to get a ticket, and much more likely to be searched or arrested. We find very robust patterns by which black and Hispanic men, especially young men, are much more likely to be searched and arrested, whether we look at simple rates per traffic stop, or in a more rigorous logistic regression where we control for as many factors as the official statistics allow: why the car was pulled over; the time of day and day of week of the stop; age; race/ethnicity; gender; and officer- and agency-level fixed effects. For arrests, we also include whether contraband was found. In both models, we find powerful evidence that minorities are about twice as likely to be searched or arrested as compared to whites. The findings are much more powerful among men than among women (where the racial disparity is on the order of 30 percent). Young men of all races are targeted, but young minority men much more so.

Chapter 5. Finding Contraband

When asked about the logic behind the Drug Enforcement Agency's (DEA) Operation Pipeline, a California Highway Patrol sergeant famously explained that "It's sheer numbers. Our guys make a lot of stops. You've got to kiss a lot of frogs before you find a prince" (Webb 2007). In this chapter, we focus on this practice of "kissing frogs" but we emphasize the extremely low rates at which significant amounts of contraband are found. Some level of contraband is found in about one-quarter to one-third of searches, so if traffic stops lead to search about 3 percent of the time, and contraband hits occur about in about one-third of these searches, but significant amounts of contraband are found only in about 1 in 100 cases of contraband hits, then the odds of making a significant hit are: (Traffic stops) x .03 [e.g., cases with searches] x .30 [contraband hits] x .001 [significant hits], or 9 times per 1 million traffic stops. We then focus on consent and probable cause searches (search types where officers have the most discretion) and demonstrate that racial disparities in both have been increasing over time, but that minorities

have been consistently less likely than whites to be found even with the small amounts of contraband that these searches typically yield. Multivariate regressions predicting the occurrence of contraband after different types of search shows that this racial differential is robust to various controls. Further, when we explore officer-by-officer search rates and contraband hit rates, we find that there is no correlation; that is, officers with high (or low) search rates do not systematically have higher or lower contraband hit rates. Theoretically, one would expect that those officers who search “too often”, subjecting a high percentage of citizens to fruitless searches, would learn to adjust their behavior to search only those with greater probability of contraband; similarly, those officers who almost always find contraband are perhaps using too high a threshold, allowing potential criminals to escape their attention by not searching them. Not only is this lack of correlation apparent at the officer-level, but it is also true when we look across the 97 police agencies with at least 1,000 traffic-based searches. Perhaps surprisingly, there is no correlation between searching more and finding less. Rather, the pattern is consistent with pure randomness. We conclude here with a discussion of the inefficiency of traffic stops as a means for searching for drug kingpins and couriers.

Chapter 6. Search and Arrest Patterns by Officer and Agency

In this chapter, we explore the tremendous variability with which different police officers and police agencies issue citations, make arrests, conduct searches, and the degree to which we can explain this variation by looking at the mix of reasons for which they pull drivers over. The typical outcome of a traffic stop is a ticket, but individual officers have ticketing rates covering the full range of zero to 100 percent. Similarly, arrests and searches are statistically very rare (just 2 and 3 percent of all traffic stops), but many officers have no searches or no arrests, and others have rates over 20 percent. Even looking at particular stop purposes, such as seat belt violations for example, some officers rarely give a ticket and others almost always do. With this tremendous level of discretion, it is no wonder that racial patterns in stops and search rates are extremely varied from officer to officer. We identify hundreds of officers with much higher rates of stopping blacks compared to whites and explore whether this is related to rates of searching each race. We find there is a very mild negative correlation: those who may operate in an area with a higher black driving population have slightly lower rates of difference in their search rates. The highest disparities in search rates occur among those officers who pull over the fewest blacks compared to the number of whites they pull over. Racial disparities in search decline slightly as the mix of drivers the officer stops becomes predominantly black. We show that these disparities are stronger when the drivers are stopped for investigatory reasons as opposed to safety ones. Finally, we demonstrate that entire agencies have these same patterns, and that blacks are significantly more likely to be stopped for investigatory reasons, not safety ones. For blacks, pretextual stops as part of the war on drugs are a part of life. For whites, the police enforce traditional traffic safety norms. Identifying the tremendous variability from officer to officer allows us then to develop an indicator of “bad apple” officers and to test whether the large racial disparities in traffic stop outcomes documented in earlier chapter can be attributed to broad institutional practices or to “bad apples.” We find that institutional practices are more important, though we do indeed identify some officers with highly disparate patterns of behavior.

Chapter 7. Profiling Hispanics, Profiling Blacks

In most of our book we focus on black-white comparisons; blacks constitute over 20 percent of the NC population, and Hispanics are a much lower percentage. However, the number of

Hispanics stopped has increased significantly over time. Further, Hispanics are subjected to slightly different patterns of profiling in traffic stops, as the police may be concerned with illicit drugs as with other minorities, or they may be evaluating immigrant status. We pay careful attention to the different patterns apparent when we compare Hispanic to white drivers in this chapter, compared to the black-white comparison which are our focus in other chapters. We find a number of similarities (young Hispanic men are much more likely to be target for search and arrest; Hispanics are much less likely to be found with contraband after a search); and a number of differences (officer-level disparities are more balanced; gender and age work less in favor of Hispanic women and older drivers as compared to blacks). We explain these similarities and differences with regards to police targeting and note the dual dynamic of Hispanic targeting: drugs, as well as immigration.

Chapter 8. Black Political Power and Disparities in Policing

Looking across time and across all of the communities where we can measure racial disparities, what factors predict higher and lower levels? Controlling for poverty and population size, we find powerful evidence that black political mobilization is the key. In cities with low black population share, low black share of voting in the most recent elections, and low black share of elected seats on the city council or in the mayor's office, disparities are higher. Police in such cities may feel less pressure to accommodate a large and politically powerful black community. By contrast, where blacks are more powerful politically, disparities are significantly lower. We believe there are two aspects to the driving forces in this relationship, one consistent with previous findings by Lerman and Weaver (2014) in which they showed that adverse contact with police generates political withdrawal. At the higher end of racial disparities, many members of the minority community may be driven to anger not only at the police but toward government in general, withdrawing from participation in politics and not voting. At the higher end of political representation and power among blacks, police may be more careful to avoid alienating such an important part of the local community. Either way, political representation of blacks, in particular voting and achieving representation on the city council, is strongly associated with reduced bias in the behavior of the local police.

Chapter 9. Reforms that Work

As attention to the research presented in this book has increased, several cities have adopted important reforms to reduce racial disparities and to repair the broken trust between the police and minority communities. Two of these are Fayetteville, where strong NAACP-led protests led to the replacement of the police chief in 2013, and Durham, where the outgoing police chief fought strongly against reform until being invited to take his retirement on December 31, 2015. A comparison of the reforms enacted (or reluctantly accepted) in the two cities is instructive. Both cities mandated that officers obtain written permission before conducting a consent search; the permission forms contain a clear statement that the signature is voluntary and may easily be withheld. In both cases, consent searches of drivers or vehicles declined precipitously (by over 90 percent in Fayetteville). In Durham, however, this dramatic decline in consent searches was accompanied by an even greater increase in probable cause searches, and police leaders signaled before the reform was adopted that officers often have that discretion. We compare the mix of traffic stops by purpose, showing that in Fayetteville powerful leadership from the top moved officers to emphasize safety-related stops, deemphasizing broken taillight and expired tag stops, and that these administrative reforms were powerfully related to reduced racial disparities in the

outcomes of the stops. Further, we show that there was no associated increase in crime. Results for Durham are quite different though a new leader starting in 2016 may reverse the pattern there. Our point is that simple administrative reforms are possible and effective for those police leaders who seek to reduce racial disparities and build community trust.

Chapter 10. Traffic Safety and the High Cost of the War on Drugs

In our conclusion, we review our findings and emphasize the extremely high cost of the generations-long diversion of our traffic police into warriors on drugs. Significant drug arrests come from good intelligence, powerful and targeted police work focusing on actual drug dealers, not those driving old cars, wearing certain kinds of clothes, or just anyone living in a “high crime area.” Tragically, the strategy associated with routine police decisions in the past generation has unfairly subjected millions of Americans to unjustified but routine violations of their equal status as citizens. Naturally, those who feel that they have been unfairly targeted have the sense that their rights were violated, that they have been humiliated, or that they are not valued members of the community. Further, as Epp and others (2014) have documented, drivers know the difference between a justified and a pretextual stop when they are behind the wheel. We review recent North Carolina criminal cases where actual drug couriers have been interdicted on the highways with kilos, not ounces, of contraband but where the charges were reduced or thrown out completely because the patterns of traffic stops previously conducted by the officers involved showed that were “kissing frogs” in their search for the elusive prince. Thousands, perhaps tens of thousands, of individuals have been wrongly targeted for investigation on the thinnest of suspicion in a war on drugs that has been a diversion from the start. Good driving and obeying the laws on the highways is an important part of community health and safety. Diverting our police efforts from safety into an elusive and inefficient “war on drugs” has been a failure on its own terms. But it has also come at tremendous cost in terms of alienating entire communities who have rightly understood that their rights to be treated as equal citizens due the protection of the law, were being trampled. Police-community relations have been shattered in the process. It is time for repair.

References

On-Line Appendices

Details of the SBI-122 form and Robustness Checks

1. Copy of the form
2. Checkpoints and passengers not analyzed and why
3. Duplicate records: same stop time, perhaps related to passengers being wrongly coded as drivers, so there are two drivers for the same stop; discuss solutions and robustness of findings to these issues, including robustness of our key findings while excluding or including these records.
4. Officer ID issues: typos, etc. and how we handle that.

Analysis of Passenger data

1. replicate some simple rates to show that whatever racial dynamics we find for drivers are even stronger for passengers

Supplemental Analysis for each Chapter

To follow, chapter by chapter, as needed.

Replication Datasets

We make available on our web site the full replication datasets for all the analyses presented in our book, including the data associated with each of the figures, the code used to generate each analytic table, and a variety of spreadsheets providing greater detail on various topics covered in each chapter. We also link to the NC DOJ office which provides the raw data on which our book is based and makes it publicly available.