



Illinois Law Enforcement Training and Standards Board

FORUM

Illinois Law Enforcement Executive Institute



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Racial Profiling: Law Enforcement's New Blemish

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At no time in the history of American police have we undergone such scrutiny and suspicion by the public than we have in the last decade. Police corruption, the use of excessive force, and poor community relations has plagued the police for years. Today our greatest source of the public's distrust is related to racial profiling.

Racial profiling has many definitions depending upon whom you ask. Many proclaim racial profiling is running rampant in America's police forces. While there are no empirical studies, which verify this, there have been numerous surveys, which support the notion that individuals in many cases feel they have been stopped by the police more because of their race than because of some infraction of the law. *Law and Order* (2001) recently published an excerpt from Aether Systems' Mobile Government Division report which stated, "A Mark Penn Poll conducted in June 2000 found that 75% of Americans believe 'racial profiling' is a problem and 69% believe that police should be prohibited from taking race into account when targeting people as suspects. A Gallop poll supported this finding in their work in 1999, when they found that 81% of Americans disapprove of the use of racial profiling by police and 59% believe it is a widespread practice used by the police. Forty-two percent of one survey involving African-Americans believes that they have been stopped based upon their race rather than any infraction of the law (Overcoming, 2001).

Kenneth Meeks (2000) in his book *Driving While Black* provides us with one operational definition of racial profiling: "... The tactic of stopping someone only because of the color of his or her skin and a fleeting suspicion that the person is engaging in criminal behavior." While this definition applies to those of different races, there are many situations in which persons believe they are stopped because of their status as a college student, because they have long hair, or because they appear to be "out of place" in the community they are traveling. Profiling, in any definition, can occur to anyone at anytime. The definition can change from area to area, but the concept of stopping someone only because of their outward appearance rather than articulable cause is not condoned by the courts or society today. Where has this level of distrust and doubt come from in our society?

Police and other law enforcement agencies were first created as a reaction to urbanization and industrialization of America and the powers to be wanted to control the citizens via a legal means, thereby protecting their power and interests. The first police departments were created by political powers in developing cities that wanted to control the new immigrants coming to their communities. The first state police agency in America was created to protect the interests of mining companies of Pennsylvania from the miners who were on strike. Sheriff's departments in America grew out of the original slave patrols of the south that were empowered to collect taxes and hunt down runaway slaves. Law enforcement

has always been under suspicion of being supportive of one group of people at the cost of liberty to another group.

It is no wonder that as time passed, corruption became part of daily life in police work. In some areas, a man (women were not permitted to become police officers until later in history, and then their role was confined to clerical duties and handling youthful offenders) could be appointed to the police department with a \$200 donation to his local politician. Promotions were not made upon merit or hard work, but upon the amount of donation made to a politician's treasure chest. When a new political power came to office, entire police departments would be replaced or command structures revamped. The police were responsible to their local politicians and not to the obligations of duty, honor, and integrity.

Police and law enforcement departments were often based on the first modern police force, created by Sir Robert Peel in 1829 in London, England. In his 11 principles, he stressed that officers should be responsible to the community. Sir Robert Peel also advocated a separation between the police and politics, being responsible to their duty rather than who happens to be in charge.

In the last ten years, police and law enforcement officers have come under greater scrutiny and suspicion by the public. Incidents in many major metropolitan areas as well as in many smaller communities have created an environment in which all police officers are suspect and must suffer for the actions of a few bad officers in our midst. Anyone in policing and many Americans believe in the integrity of the institution of policing, but question the actions of individual officers and in some cases, entire departments. Given the history of American policing, is it any wonder many Americans today have doubts regarding the motives behind police action?

Police are not the only institution that is under scrutiny for targeting persons because of their race. In a recent article in *Security* (April 2001), incidents of racial profiling in retail environments were examined, and it was found that many members of minority groups have experienced discrimination while shopping, eating out, and at work. Civil action law suites against retail establishments are on the increase. In a notable case, the Denny's restaurant chain settled a discrimination suite for \$54 million dollars (O'Connell, 2001).

As law enforcement professionals under scrutiny, we must do all we can to restore the faith and confidence of our citizens. A dominant positive influence on our reputation is the advent of community policing in cities and communities across our nation. A recent report, by the U.S. Department of Justice, Office of Justice Programs, advised that state and local law enforcement agencies had nearly 113,000 police officers assigned to community policing, compared to 21,000 in 1997. In addition, 79% of local police departments (serving 96% of the citizens) met with community groups in the past year, and 40% of departments, serving 71% of residents, formed problem-solving partnerships within the past three years (Hickman & Reaves, 2001). Nationally, we must do all we can to encourage interaction and positive communication between the police and the communities they serve. Communication which incorporates problem-solving techniques will help break down the barriers that separate the police and the citizens.

It is incumbent upon each department to do all they can to break down barriers and ensure the integrity of their officers' actions. We must take a positive stand to ensure confidence in our communities before the legislative bodies impose it upon us. Currently, the *Traffic Stop Statistics Study Act of 2000* is pending before the United States House of Representatives. Eight states currently have laws, which include data collection, and at least 26 other states are considering legislation. In Illinois, Senate Bill 0335 requires traffic stop data collection by all police departments in the State. Collection of data on race, gender, age, violation, searches conducted, and results would be required.

The Illinois State University Police Department (University Police) has responded to the concerns of its community and began a series of positive steps to clearly and completely establish a standard of behavior for its officers in relation to traffic stops. The first step in any review of ethical behavior is to examine the Mission Statement of the department. The main purpose of this statement is to state the overall goal of the department. While each department must be responsive to their own specific situation, the mission statement must clearly state without reservation that the laws will be equally enforced without regard to race, gender, age, national origin, sexual orientation, and so on. While the mission statement is not all-inclusive, in theory, it drives all other policies and procedures within the department. The mission statement sets the tone of behavior for the rest of the operational directions for the department. It must clearly state that all persons will be treated with respect, dignity, and within the parameters set out by law. Specially, no action shall be taken against anyone solely because of his or her race, national origin, gender, sexual orientation, or other special status.

The second step taken by the University Police was to establish a standard of professional behaviors during traffic stops. Traffic stops, in compliance with current law, will be based upon articulable cause. While great latitude must be given to police officers to provide them with all possible tools to enforce the law, officers must clearly understand that they are responsible for the enforcement actions they undertake, and those actions are accountable to the department through the chain of command. The department, via the Chief of Police, is in turn responsible to the community it serves.

Documentation of conduct is of primary importance in today's environment of litigation and citizen's complaints. I can remember as a young recruit in 1980 going through the training academy and an instructor telling us the importance of documenting your actions by keeping a notebook of your activities. I remember thinking to myself how ridiculous that was because we had a radio dispatcher who kept those records. Punch cards were the favorite form of recording officers' actions and behaviors in those days, and besides "I'm a cop, I don't do record keeping." Though I did not know it at the time, what a wake-up call I was in for. In my first few weeks, I realized the importance of documentation, not only in criminal cases, but also in keeping myself out of trouble. Many a time, I was able to document my activities and actions through a variety of methods. Reports, those dreaded punch cards, and the little notebook I kept in my gear back for writing down various actions and incidents gave me the information I needed to complete my reports and account for my actions. In time, I came to see this documentation as a trusted friend and not an enemy.

Today is no different for officers. Accurate documentation on the incident can be a great resource to officers on the street, and in turn, for the supervisors who must account for an officer's actions. Documentation is by no means a panacea for the issue of racial profiling, but having complete and accurate records is essential for defending yourself against complaints. Twenty years later as a police captain, I am required to account for the actions of the officers assigned to me. While I have full and complete confidence in the behaviors and actions of those officers, it often takes more to convince the public. The foundations of mistrust and corruption exist in the world, and consequently when people perceive they have been wronged, they are not likely to accept the actions of the police on face value. Documentation makes that job easier.

The University Police Department undertook a review and analysis of the existing records as they relate to traffic stops and arrests. By using the traffic citations issued as the data set, we examined the overall performance of the officers in the department related to the demographics of citations. Looking at this data and comparing them with the demographics of our campus and the community which surrounds it, we can determine a baseline performance for our officers. While there are some concerns over the reliability of the data as they relate to racial profiling, they are the only data available to examine. Overall, we found the data supported our beliefs that officers were not engaged in racial profiling when compared to the demographics of our community.

In an attempt to gather the appropriate data for this type of analysis, the University Police Department has instituted a data recording policy which mirrors the conditions of Illinois House Bill 0335, which requires data collection on traffic stops. The role of data collection in preventing racial profiling is to provide information for examining the conduct of officers. Much as the log I kept as a patrol officer verified my actions on numerous occasions, officers who do their jobs as expected should not fear data collection. Public review of police conduct is a long-standing practice in American policing, much in the same way the military accounts to civilian authority via elected officials. Data collection should be viewed as a tool to verify the appropriate conduct of your employees, not as a stick to beat them with.

Training on intercultural communication is another initiative the University Police have undertaken to bridge the gap between the police and public. The University Police has historically participated in cultural diversity programs through the Mobile Training Unit of the Local Law Enforcement Standards and Training Board. In addition, the University Police provided special opportunities for all sworn officers to participate in additional training in cultural diversity and police integrity programs. A nationally known expert in cultural diversity and police work conducted an eight-hour training program exclusively for our officers. In addition, all officers participated in a 16-hour training program on police integrity provided by the National Organization of Black Law Enforcement Executives. High-quality training is essential for officers to not only understand the nature of the problem, but to provide them with the tools to combat the problem. Furthermore, training makes the officers more capable of doing their jobs and provides them with current and relevant information on changes in the profession; however, police training no matter how good will not be effective if it is presented only once in an officer's career. Police work is constantly in a state of change and

adaptation. New theories, philosophies, methods of combating crime, laws, and court decisions all add to the constant state of change in this profession. Training must begin day one of an officer's career and should not end until he or she retires from the profession. To this end, the University Police Department is expanding its training in areas of communication and cultural differences. Training will be conducted on an ongoing basis as a constant refresher for the staff.

Investigation of citizen's complaints is another critical device in preventing racial profiling. While I have full faith and confidence in the conduct of our officers, citizens have every right to question conduct directed towards them by a police officer. Completing a full and complete investigation on allegations of racial profiling will serve two goals. First, by fully investigating citizens' complaints and returning the findings to the complainants they will begin to believe in the integrity of their police department. While not always having the outcome the citizen expects, having the allegations examined by an independent source serves to validate either the citizen's concerns, or more realistically, the fact that the officer has committed no misconduct. Secondly, by having citizens' complaints investigated, officers know that any conduct they perform which is inappropriate may be brought to the attention of their superiors. The result could be any one of a full range of disciplinary actions. Officers must be confident that they will either be cleared or their improper conduct will be discovered.

The University Police has maintained a long-standing history of working with the remainder of the University community to meet the overall needs of its citizens. Historically, police on college campuses began because the needs to the campus community were not being met by larger police organizations in times of trouble. The first police department on a college campus was founded because of a series of riots and violence on college campuses in the mid-1800s. The police on campus were assigned from the local police department to bridge the gap between the students and citizens. In time, the college found that the officers were so valuable, they hired them full-time. Since that time, university police across the nation have responded to the needs of their communities. The Illinois State University Police have also maintained a long history of being responsive to the needs of the greater community.

It is this long-standing history of positive, cooperative dialog that serves us well today. We have expanded our interactions with students, faculty, and staff to bridge these differences. The University Police Department strives to interact with all students as often as possible. We utilize foot and bicycle patrols, participate in programming and activities on many parts of the campus, sponsor two student organizations, and attend planning and discussion sessions on many topics related to the campus and the greater community as well. Many of our officers are college graduates and can therefore relate to the college experience. In addition, in 1999, the University Police Department began a series of diversity barbecues where minority students were invited to attend a pot-luck dinner at the University Police Department where everyone could get to know others as persons and not just officers in a uniform.

The University Police Department continues to strive to make the departmental demographics reflective of our greater community. It is our belief that to be truly understanding of the community, we must be a microcosm of that community.

We must also strive to extend ourselves outside of our own comfort zones so we can experience different cultures and beliefs, thereby creating a basis of understanding. Illinois State University has a very active international student program where students from other countries come to our campus to share their culture with American students who do the same. We built upon this idea, by creating environments in which all students and police could interact with each other in an open and friendly atmosphere. Only by this type of mutual sharing and understanding can we overcome the obstacles of prejudice and work towards a better environment for all.

Finally, the University Police Department encourages and solicits open and frank discussions on the hard issues, such as racial profiling. We understand and accept that everyone can do their job a little better. We also recognize that many citizens make judgments based upon limited information and knowledge of police work. We strive to maintain an open dialog with University and community leaders so that when they have concerns about actions taken by police officers, they feel comfortable coming to us for discussion. This communication is the foundation for all other building blocks in working towards a common goal: equal protection under law.

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