
Are Los Angeles police stops and searches affected by racial profiling?

Driving While Black in the City of Angels

Lily S. Khadjavi



In many regions of the United States, there is the perception that decisions by law enforcement officers are not always based purely on criminal behavior. For example, if African-American or Latino drivers are pulled over because of their race, it is referred to as “driving while black” or “driving while brown.” Middle Eastern travelers may be suspected as terrorists and searched because of their ethnicity. In general, such practices are called racial profiling. A U.S. Department of Justice guide by Deborah Ramirez formally defines racial profiling as “Any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.”

There are many reasons to be concerned about whether racial profiling exists. It creates negative feelings about the police if innocent people are targeted. It may be an ineffective method of law enforcement, thus wasting public resources. A Department of Justice fact sheet from June of 2003 condemns the practice, forcefully stating “Racial profiling sends the dehumanizing message to our citizens that they are judged

by the color of their skin and harms the criminal justice system by eviscerating the trust that is necessary if law enforcement is to effectively protect our communities.”

Since 2002, the Los Angeles Police Department has made public the data from traffic stops, which is collected under the terms of an agreement with the Department of Justice. Recent data is the basis for this article. In the first section, we discuss public perceptions and describe a related New Jersey court case. Next, we consider data collection in Los Angeles and the problem of finding an appropriate statistical benchmark to which to compare the data. In the absence of such a benchmark, we shift the question to one of police practice once a stop is made to see if African-American drivers typically have similar experiences to white drivers. We find that search rates for African Americans are, in fact, dramatically higher and that the difference is not attributable to chance. We then test two theories posited to explain the differing search rates, one

related to efficacy of searches and the other to parole status of drivers.

Public Sentiment

Even if racial profiling officially is disavowed, many still believe it is practiced. A widely cited 1999 national Gallup poll found that 42% of African Americans felt they had been stopped by police because of their race; only 6% of whites felt the same way. Overall, 77% of African Americans and 56% of whites thought the practice was widespread. The large difference between these percentages and the fact that a majority of Americans believe racial profiling occurs are both major causes for concern.

David Harris’s book *Profiles in Injustice* gives a compelling account of a 1998 Department of Justice national summit on the issue. He relates the testimony of Saul Green, a U.S. attorney from Michigan. While others at the summit debated whether profiling existed and the negative effect even studying it might have on law enforcement, Green chose to relate a more personal story.

When his son, Tarik, turned 16 and obtained his driver's license, his father had a talk with him. Of course, any parent might address driving safety with a teenager. However, as an African American, Green discussed what to do if Tarik were stopped by the police and how to navigate potential racism. Harris quotes Green, "Here I am a member of law enforcement, a person who is truly part of the system who believes in the system, and yet here I had to have this discussion with my son because as a father I felt it was important that he have all the warnings for his safety and his well-being."

Other African-American parents discuss having "the talk" with their children, giving advice such as "have your driver's license in a convenient place where you don't have to do a lot of reaching," "your main goal is to leave the situation and get home safely," "put both hands on the wheel so the police can see you don't have a weapon," and even—from a police officer—"you're black, you're out in the neighborhood, it's a fact of life you're going to be stopped."

It is easy to see the topic is politically charged. One way to approach claims that racial profiling does—or does not—exist is to examine police practice.

Two major early court cases dealing with charges of racial profiling relied on expert testimony from John Lamberth, a psychologist and statistician at Temple University. In the first, *State v. Pedro Soto*, Lamberth studied traffic on the New Jersey Turnpike. Out of nearly 43,000 vehicles observed, 13.5% of cars were thought to have African-American drivers or passengers. Next, a rolling survey was conducted to count those drivers who were speeding. With a count of more than 2,000 cars, the researchers concluded that about 15% of violators were African-American. Of those stopped by the police, however, about 35% were African-American. In other words, African Americans were 4.85 times as likely to be stopped. More details can be found in the court opinion (case number 734 A. 2d 350). Heavily citing Lamberth's study, the judge found against the state of New Jersey in this case.

The second case was a study of traffic on Interstate 95 in Maryland, again establishing the racial breakdown of motorists on the interstate, of those violating the speed limit, and

of those stopped and searched by the state police. Lamberth's conclusions were similar: African Americans were affected disproportionately. In his own words, the disparities were "literally off the charts." He noted, "In layman's terms, the probability that black Interstate 95 drivers are subjected to searches at so high a rate by chance is less than one in quintillion."

Since then, many municipalities have decided or been required to collect data on police traffic stops. For example, in 2000, North Carolina became the first state to gather data mandated by state legislation. Other states voluntarily analyzing such data include Connecticut, Kansas, Missouri, and Washington.

It is worth noting that collecting data is not simply a way to examine the question of whether racial profiling exists. As the report "Promoting Cooperative Strategies To Reduce Racial Profiling" for the Oakland Police Department observes, it is imperative to restore public trust in law enforcement, especially in communities of color. We might hope studying such data will help identify potential improvements in police practice. All in all, more than 20 states have set policy or passed legislation aimed at preventing racial profiling. Certainly, national attention to the issue of profiling has only intensified in the wake of September 11.

Data Collection in Los Angeles

Los Angeles is one of a number of cities that has been collecting data on motor vehicle stop and searches by the police. This is mandated as part of a consent decree, approved by the Los Angeles City Council and Mayor on November 2000 after negotiations with the Department of Justice. Typically, such decrees are drafted in response to evidence of illegal patterns in law enforcement, and others exist in Pennsylvania, Ohio, and New Jersey. On June 15, 2001, the consent decree was entered into law.

The LA Consent Decree has many components, ranging from examination of police training and program development to audits of current police practice. One aspect focuses on drivers and racial profiling. In particular, the LAPD now must collect and publish data regarding motor vehicle stops, recorded by offi-

cers in field data reports that include information about the perceived race of drivers and passengers. This part of the agreement was designed to address public concern that minority drivers were unduly targeted by the police, the practice referred to as "driving while black or brown."

Unfortunately, initial data collection efforts reportedly were marked by high error rates, attributed both to a lack of training and to the method of data recording and scanning. In addition, the forms did not properly categorize certain information. As an example, the original forms included specific ethnic designations, such as Chinese but not Korean—a serious omission in Los Angeles. More recently, however, the use of hand-held devices has improved the accuracy of the data. In July of 2003, a new field data report was introduced with more consistent ethnic and racial data categories. The analysis below reflects time periods after these changes were made.

Establishing Benchmarks

A major difficulty, and point of much contention when studying racial profiling, is determining what figures make an appropriate comparison for traffic stops. Such figures are referred to as "benchmarks." In the Lamberth studies, recall that a benchmark was generated by observing traffic on a specific strip of a highway. However, what constitutes a benchmark for an urban residential or commercial area? Should we expect police stops to be proportional to general census data? Or census data restricted to the local area? Are these representative of the driving population, or should we use license and vehicle registration data instead? Even still, are there lurking variables that would affect the proportion of stops among groups?

Studies in other regions have addressed the lack of benchmarks in various ways. As noted above, Lamberth conducted field observations to create a comparison group. A recent study of police practices in Riverside, California, a city of about a quarter of a million, used 2000 U.S. Census data as its benchmark. In Richmond, Virginia, census data of those 16 years and older was used in order to estimate eligible drivers. Finally, a 1998 study in North Carolina used data from the Depart-

Table 1—LAPD Searches of Those Stopped

Drivers	Jan.-June 2004	July-Dec. 2004	Jan.-June 2005
African-American	9,882 of 49,439 (20.0%)	11,843 of 63,064 (18.8%)	12,016 of 61,188 (19.6%)
White	5,849 of 106,104 (5.5%)	5,551 of 111,399 (5.0%)	5,312 of 106,892 (5.0%)
All drivers	39,862 of 291,841 (13.7%)	44,299 of 322,565 (13.7%)	43,424 of 313,828 (13.8%)

ment of Motor Vehicles to approximate the driving population.

Unfortunately, there is much dispute over which figures would form an appropriate comparison in Los Angeles. Census data, for example, tends to undercount minorities and may not be representative of the areas where police are most active. The LAPD has established no benchmarks for the driving population. (Although census data may not provide the benchmark that all researchers deem appropriate, for some perspective, we note the population of Los Angeles is roughly 10% African-American and 30% white.)

However, the LAPD collects data indicating not only that a driver was stopped but also what the outcome was, including whether the driver or car was searched and whether a citation or warning was issued. Hence, in the analysis below, we sidestep the population benchmark disputes by focusing not on whom the police pull over to begin with, but rather on what happens once a driver is stopped, to see if there are disparities along racial lines. According to a 2002 U.S. Bureau of Justice Statistics national study, about 5% of all police traffic stops result in a search. However, about 10.2% of African-American drivers were searched or had their cars searched versus 3.5% of white drivers. We can ask if there are differences between search rates for African-American and white drivers in Los Angeles.

Data and Analysis

Below, we compare police actions in dealing with African-American and white drivers using data available via the City of Los Angeles web site, *www.lacity.org/lapdstops*. The LAPD search data in Table 1 was collected in three, six-month periods from January of 2004 through June of 2005. A search may be of a person, vehicle, container, or some combination. (Data for frisking a driver is recorded separately and was not included here.) Although we will comment on only the most recent data, for the interested reader, all three time periods are given. Notably, we can observe that the search rates are relatively consistent over time.

In the New Jersey court case, Lamberth notes the percentage disparity between stop rates and driving population, and this figure is cited by the judge in his ruling. Here, given the 2005 figures, we can compute the frequency of African Americans out of the total stopped and of the total searched. We find that African Americans make up 19.5% of all stopped but 27.7% of those searched—an absolute disparity of 8.2%. The relative disparity, which is the absolute disparity divided by the proportion of African-American drivers stopped, is almost 42%. Overall, the data in Table 1 indicate African Americans who are pulled over are almost four times more likely to be searched than white drivers.

Although the comparison of percentages indicates a great disparity in police searches, we can ask if this could have somehow happened by chance. Because of the large sample size—thousands of drivers—we might guess correctly that this is extremely unlikely. More formally, we can compute the statistical likelihood of such data arising by chance. This is what Lamberth did in his studies, and the judge cites these odds in addition to the absolute and relative disparities. While varying standards of statistical significance may be used within the law, the judge notes the convention that a statistic is significant if it would occur by chance less than 5% of the time (over two standard deviations). However, if we test the proportion of African Americans searched with that of white drivers, say in the 2005 data, we obtain more than 95 standard deviations. This is even more extreme than the value Lamberth arrived at, described as “off the chart.” Moreover, it is apparent in the table that a lower-than-average proportion of white drivers are searched, and we might instead make a comparison to the proportion of all non-African-American drivers searched. However, this computation also yields an absurdly high standard deviation, one that far exceeds any standard significance cut-off. Clearly, the great disparity in search rates is not due to chance.

Table 2—LAPD Searches with Discovery Made (“hit rate”)

Drivers	Jan.-June 2004	July-Dec. 2004	Jan.-June 2005
African-American	3,766 of 9,882 (38.1%)	5,506 of 11,843 (46.5%)	5,134 of 12,016 (42.7%)
White	3,221 of 5,849 (55.1%)	3,096 of 5,551 (55.8%)	3,006 of 5,312 (56.6%)
All drivers	21,721 of 39,862 (54.5%)	26,369 of 44,299 (59.5%)	25,250 of 43,424 (58.1%)

Table 3—LAPD Searches Not Due to Parole Status

Drivers	Jan.-June 2004	July-Dec. 2004	Jan.-June 2005
African-American	8,422 of 47,979 (17.6%)	9,879 of 61,100 (16.2%)	9,865 of 59,037 (16.7%)
White	5,365 of 105,620 (5.1%)	5,070 of 110,918 (4.6%)	4,813 of 106,393 (4.5%)
All drivers	37,013 of 288,992 (12.8%)	40,522 of 318,788 (12.7%)	39,406 of 309,810 (12.7%)

A natural question to ask is whether the police are somehow justified in making searches disproportionately among drivers. We test this by considering whether a higher search rate corresponds to more contraband (weapons, drugs, other illegal possessions) being found. Typically, the police may conduct searches to stop activity involving illegal drugs, open alcohol containers, or stolen property. Thus, common grounds for a warrantless search can include the odor of illegal substances or the sight of other contraband. The LAPD also may conduct a warrantless search when the driver is being arrested, the car is being impounded, or the driver consents. This last category, driver consent, is the most frequent reason given by the LAPD for searches of African-American and white drivers, especially so for African Americans.

Some researchers define a “hit rate,” that is, the percentage of searches that yield a discovery, in order to analyze differences in search rates. In order to test LAPD justification for searches, we compute the hit rates. Data for hit rates for the same three time periods as above are given in Table 2.

Evidently, while African Americans are searched at a higher rate than other drivers (Table 1), the hit rate is lower (Table 2). Hence, such searches are not explained by the discovery of contraband. For instance, during the most recent time frame—the first half of 2005—African Americans made up 27.7% of those searched but 37.9% of those where nothing was found. In terms of the disparities computed earlier for searches, here we find an absolute disparity of 10.2% and relative disparity of 36.8%. In particular, the high search rates are not explained by discovery of illegal activity.

Because other grounds for search include parole status, some of these


searches may not happen purely at the discretion of the police. Generally, parolees are not afforded the same rights to privacy as others. In Los Angeles, a majority of those stopped are male, and a higher percentage of African-American men than white men are on parole. Hence, we may wonder if this provides an explanation for such disproportionate search rates, where the police are required to conduct a search in certain cases. Indeed, a sizeable number of searches conducted of African Americans are attributed to parole or probation status. We revisit the search data, this time eliminating those searches mandated by parole status.

As African Americans are over-represented among those searched due to parole status, in the absence of other biases, we would expect this subtraction to result in similar search rates for both African-American and white drivers. However, from the data in Table 3, we see an African-American driver is still between three and four times more likely to be searched than a white driver. In 2005, African Americans made up 19.1% of those stopped but 25.0% of those searched—an absolute disparity of 6% and relative disparity of 31.4%. In other words, we cannot attribute the large disparity between search rates in Table 1 to mandatory searches.

Conclusions and Future Study

Consistent with the national picture, in Los Angeles, African-American drivers are subjected to search by police at a much higher rate than white drivers. Such disparities are great enough to be statistically significant—in fact, they are much greater than what one typically would note as significant. Moreover, in the many searches police conduct without discovering any illegal activity, African Americans

again are impacted disproportionately. Finally, the data demonstrate mandatory searches based on parole status does not account for the difference in search rates. In short, we cannot eliminate the possibility of racial profiling by the LAPD during traffic stops. Regardless of police motivation, in a climate where there is suspicion of racial profiling, the statistics do not dispel such concerns.

To better understand police practice, it would be useful to study LAPD traffic stops further, in particular by separating discretionary from nondiscretionary police searches. In this discussion, the subtraction of searches by parole status was a first step toward this goal. However, the public data are aggregated in a way that does permit comparison of hit rates for different types of searches. Future study would involve considering the hit rate between different warrantless search categories—for example, of searches motivated purely by parole status or arrest versus those by consent. As noted above, African Americans are asked to consent to a search much more frequently than other drivers are. Knowing which types of searches are most useless in discovering illegal activity could inform police practice and improve relations with the public. 

Additional Reading

- Fridell, L. (2004) *By the Numbers: a Guide to Analyzing Race Data from Vehicle Stops*. Washington, DC: Police Education Research Forum.
- Harris, D. (2002) *Profiles in Injustice: Why Racial Profiling Cannot Work*. New York: New Press.
- Ramirez, D., McDevitt, J., and Farrell, A. (2000) *A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned*. Washington, DC: U.S. Department of Justice.