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Driving While Black

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Responding to concerns that officers were engaging in racial profiling, the Suffolk County police recently began recording the race of stopped drivers. The police officer in me is suspicious of any effort to quantify a job that is — or at least should be — qualitative. But the professor in me loves police data on race.

While some might question the logic of police officers gathering racial data in order to disprove racial profiling, the practice is hardly revolutionary. Nassau County police officers have been quietly recording similar data on stopped drivers for more than two years. But simply knowing the race of stopped drivers is virtually meaningless; the data will neither placate critics nor reflect well on what is generally a good police department.

It's no secret among minorities that police officers use race on the job. According to a 1999 Gallup poll, 42 percent of African-Americans believe they've been stopped by the police solely because of race. Race matters in America, and until it doesn't, it would be foolish, perhaps impossible, for police officers or anybody else to completely ignore it. The issue isn't that police officers observe race; it's how they act on this information.

When I was a police officer in Baltimore, probably 90 percent of the drivers I pulled over were black. Did I profile? Race was certainly one factor on my mind. But statistics don't begin to tell the story. In my part of Baltimore, 99 percent of the residents were African-American. I was very suspicious of whites driving slowly around drug corners in the neighborhood at 3 a.m. Some might say I profiled white people. I call it good policing based on professional experience and local knowledge.

Any policy that casts a blanket assumption of guilt on all police officers will not only have a devastating effect on morale, it will also change their behavior for the worse. There's an old police cliché, troubling but true, that if you don't do any work you can't get in trouble. As for racist officers, they can just fudge the data. Really, who's going to check?

Counterintuitively, officers who have to defend their professional discretion against accusations of racial bias are more likely to ticket and arrest those they stop. Giving a poor

person a verbal warning rather than an expensive fine can be both humane and effective policing. But it's no defense against an accusation of a racially biased stop. Tickets and lock-ups serve as proof of the probable cause needed for a legal stop.

Eight percent of Suffolk County and nearly 18 percent of New York State is black. Just what is the "correct" percentage of black drivers in Suffolk County for the police to stop? Traffic stops shouldn't reflect census data or even road use. Traffic stops, like arrests, should reflect the demographic characteristics of offenders.

New Jersey provides a good warning lesson. Even though the average black driver doesn't drive any differently than the average white driver, New Jersey troopers were well known for stopping blacks disproportionately. Was this profiling? Maybe, but New Jersey troopers weren't stopping average drivers. They were stopping those driving the fastest.

Eventually, a few academics noted the race of drivers speeding down the New Jersey Turnpike. It turned out that blacks — especially young black males — were more likely than whites to go 80 miles per hour or more in a 65 m.p.h. zone. The race of those stopped by the police generally reflected the race of those driving faster than 80.

But that's not the end of the story. Even if police do not pull over drivers for being black, research shows that blacks are much more likely than whites to have their cars searched. Consent is a fuzzy concept when a police officer with the discretion to impose a hefty fine casually asks if it's O.K. to search your car, ostensibly for dangerous weapons, but really to find drugs.

Highway patrolmen are especially keen to look for drugs. Nothing better justifies their job than finding a trunk full of contraband. But where they find it is determined by where they look.

In one study by the Maryland State Police, over a 21-month period black motorists accounted for more than half of searches and 59 percent of arrests. Yet the "hit rate," the odds that drugs are found in a search, is about the same for whites and blacks. Maryland police found more drugs in blacks' cars simply because more blacks were searched. That's not racial profiling; that's racist policing. And we shouldn't confuse one with the other.

So kudos to Suffolk County for gathering data on race and policing. Race is a factor in America and a factor in effective policing. Racism should never be.