

The New York Times, May 13, 2001, Sunday

The Fallacy of Racial Profiling

By David Cole and John Lamberth

It is no longer news that racial profiling occurs; study after study over the past five years has confirmed that police disproportionately stop and search minorities. What is news, but has received virtually no attention, is that the studies also show that even on its own terms, racial profiling doesn't work.

Those who defend the police argue that racial and ethnic disparities reflect not discrimination but higher rates of offenses among minorities. Nationwide, blacks are 13 times more likely to be sent to state prisons for drug convictions than are whites, so it would seem rational for police to assume that all other things being equal, a black driver is more likely than a white driver to be carrying drugs.

But the racial profiling studies uniformly show that this widely shared assumption is false. Police stops yield no significant difference in so-called hit rates -- percentages of searches that find evidence of lawbreaking -- for minorities and whites. If blacks are carrying drugs more often than whites, police should find drugs on the blacks they stop more often than on the whites they stop. But they don't.

In Maryland, for example, 73 percent of those stopped and searched on a section of Interstate 95 were black, yet state police reported that equal percentages of the whites and blacks who were searched, statewide, had drugs or other contraband. In New Jersey, where police have admitted to racial profiling, searches in 2000 conducted with the subjects' consent yielded contraband, mostly drugs, on 25 percent of whites, 13 percent of blacks and only 5 percent of Latinos.

A study of stop-and-frisk practices in New York City in 1998 and 1999 found that while police disproportionately stopped young black men, the hit rates were actually marginally higher for whites than for blacks or Latinos. And while 43 percent of those searched at airports by the Customs Service in 1998 were black or Latino, illegal materials were found on 6.7 percent of whites, 6.3 percent of blacks and 2.8 percent of Latinos.

Other studies corroborate that drug use and dealing are equal opportunity offenses. The Public Health Service reports, based on anonymous surveys, that blacks, at 13 percent of the population, account for 15 percent of illegal drug users. Hispanics are 11 percent of the population and 8 percent of illegal drug users, and whites are more than 70 percent in both categories. A National Institute of Justice study found that most users report getting their drugs from dealers of their own racial or ethnic background; so dealing rates are likely to track user rates. These figures suggest that race and ethnicity are simply not useful criteria for suspicion.

The Customs Service's experience is illustrative. In late 1998, the service adopted reforms designed to eliminate racial and gender bias in its searches. In 2000, it conducted 61 percent fewer searches than in 1999, but seizures of cocaine, heroin and Ecstasy all increased. From 1998 to 2000, hit rates for whites and blacks increased by about 125 percent, from less than 7 percent to 15.8 percent, while hit rates for Latinos increased more than fourfold, from 2.8 percent to 13.1 percent.

Perhaps most important is that every year the vast majority of both blacks and whites are not arrested for anything. A generalization linking race or ethnicity to crime will therefore inevitably sweep in many innocent people. And police will miss guilty people who don't fit their stereotypes. As cities from New York to Cincinnati have seen, reliance on race corrodes the legitimacy of the criminal justice system by renegeing on its promise of equality. But that's old news. The new news is that racial profiling just doesn't work.