

## **Testimony Before the House Democratic Policy Committee, 1999**

Thank you for the opportunity to testify this morning. I would like to spend the time I have in addressing what Racial Profiling is in statistical terms, commenting on how widespread it is and then in a few comments concerning the importance of legislation which is the underlying reason for these hearings.

I was one of the statistical experts in the case of *New Jersey v. Pedro Soto, et al.* In that case we developed statistics which indicated that black motorists were more likely to be stopped on the New Jersey Turnpike by the New Jersey State Police than were non black motorists and also more likely to be arrested. In that case—and this points up the importance of the legislation that has been introduced in the Pennsylvania legislature, we were unable to obtain data which related to searches by the New Jersey State Police. I surmised at that time that the percentage of blacks searched by the New Jersey State Police would be significantly greater than the percentage of those stopped, but not as great as the percentage of those arrested. Recently, New Jersey has admitted that it's State Police were targeting black motorists and they have made available stop and search data.

If you would I would like you to refer to a very simple chart that defines, statistically what I have called "Consensus Racial Profiling. These are data from the Attorney Generals Report in which he admitted that racial profiling was going on. The column labeled black violators

comes from my research in the Soto case and indicates the percentage of motorists who are black and violating traffic laws. Here we see that 15% of the motorists on the highway who were violating the law were black, 28.7% of those stopped were black and 53.7% of those searched were black. This is a statistical definition of racial profiling—stopping too many black motorists and searching even more.

Having defined racial profiling, I would like to move on to the question of how widespread it is. Unfortunately, this practice seems to be very widespread. I have had the opportunity to conduct research in Maryland looking at the same issue. The next chart that I have for you to look at reflects the data from Maryland in the case of Wilkens v. the Maryland State Police. 17.5% of the motorists violating traffic laws were black, 28.8% of those stopped were black and 63.4% of those searched were black. These data look very much like the data in New Jersey, but the state police in Maryland continue to deny that they are profiling.

I have also seen evidence of racial profiling in North Carolina, Ohio, Florida and Illinois and I know that there are concerns about the practice in other states including Oklahoma, California, Massachusetts, Virginia and Rhode Island. In all of these states, the anecdotal evidence is quite similar. Minority motorists complain that they have been stopped and/or searched because they are black or hispanic. This same sort of evidence is abundant in Pennsylvania.

But why is this legislation needed? I think the answer is simple. You will remember that I said in the case of *New Jersey v. Soto*, we were unable to obtain search data. The State Police claimed that they didn't have it. The Attorney General was able to obtain these data from the State Police, albeit from a later time. These data are routinely kept by many police departments. Given the magnitude of the emerging problem, the police should be the first people to want data kept—if they are not profiling.

Unfortunately, sometimes the police themselves do not understand that they are profiling. In August of last year I published an article in the *Washington Post* that detailed my research in both the *Soto* and *Wilkins* cases. Shortly thereafter, I received a letter from the Superintendent of the Maryland State Police, David B. Mitchell. In that letter, which by the way is not complimentary, he said that the Maryland State Police, in an effort to clearly show that they are not stopping and searching only African Americans, troopers at the JFK Barrack began keeping demographic data of all traffic stops on June 16, 1996. He then proceeded to provide me with the data which is contained in the third handout which you have. These data indicate that even though 17.5% of the motorists violating the law are black, 30% of those stopped are black and 53% of those searched are black. These data, from the Superintendent himself indicate that blacks are twice as likely as non-blacks to be stopped ( $B = .30 / .175 = 1.7$ ;  $W = .70 / .825 = .85$ ;  $1.7 / .85 = 2$ ) and

5 times as likely to be searched ( $.53/.175=3$ ;  $.47/.825=.57$ ;  $3/.57=5.3$ ). I cannot imagine why the Superintendent would send me these data if he understood what they mean. Incidentally, these data differ somewhat from data that the Maryland State Police have provided in the Wilkens and as different from the data I provided to you in the second chart. The story is the same, however—only the degree of profiling differs. I have the letter from the Superintendent available and would be happy to provide copies should you wish them.

So I think the importance of this legislation is apparent—either the data are hard or impossible to come by or the police don't realize that their data show they are profiling. Either way, data should be available if we are to understand which departments are profiling and, as importantly, which are not. I strongly recommend that this legislation be passed so that the citizens of the Commonwealth can determine whether police in Pennsylvania are stopping and searching minority motorists because they are minorities.

Thank you for your time and attention.