

Social Sciences Report to the Traffic Stop Task Force

Abstract and Summary:

From a legal perspective, the entire discussion of this issue must be in the context that police officers are legally entitled to make traffic stops based not only on traffic safety but also if there is probable cause to believe that the car contains people who have committed a crime, or may do so in the near future. The Supreme Court has repeatedly upheld this view. On the other hand, these stops must not be made on the basis of race.

The fact is that during the time that this legal doctrine has been upheld, throughout the nation and in Urbana, African-Americans are stopped in their cars by police officers out of proportion to their numbers in the population. Further, their cars and persons are subject to search out of proportion to the numbers of stops. It is illuminating to consider the motives for the stops; whether they are purely for traffic safety or whether they have an investigatory component; that is, whether part of the reason for the stop is due to a suspicion by the officer that the stop might yield evidence to solve a non-traffic crime, or whether the stop is solely motivated by dangerous driving or equipment violations. The literature suggests that the racial disparities show up almost entirely in stops with an investigative component, as opposed to purely safety stops. This suggests a further question: To what extent are the suspicions behind the investigatory stops warranted, and to what extent are they based purely on the race of the driver? To the extent they are warranted, they may help to deter or solve crimes that jeopardize the public safety. To the extent they are on the basis of race, they needlessly create animosity between the African-American community and the police, and unfairly impose an economic and psychological cost on members of the African-American community.

We do not expect to finally resolve the above issue in this report, but the literature suggests ways to resolve it. The literature suggests that “hot-spot policing” in which resources are concentrated in areas that have more calls for service does reduce crime, but may also exacerbate community-police tensions in those communities which have more calls for service. Community policing, on the other hand, seems to have little effect on crime rates but does serve to reduce community-police tensions.

Other people than the author may interpret the data differently, but to the author of this section the data suggest that “hot spot policing” is justified to reduce crime, but that it should be accompanied by community policing to reduce community-police tension, plus much greater transparency than we have so far had with respect to the criteria used by officers when making stops with an investigatory component.

No discussion of this topic would be complete without making reference to the recent Justice Department Report on Ferguson, Missouri. We do not see evidence that the Urbana Police Department and the Champaign County court system exhibit the systematic and purposeful targeting of African-Americans exhibited by their counterparts in Ferguson. On the other hand, given the pervasive racial biases that persist in our society, it would be naïve to assume that our local criminal justice system is completely free of such biases, or that we could not benefit from a thorough examination of our system in that regard.

