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# Are Minneapolis Cops Really Guilty of Racial Profiling?

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*This article first appeared in The Weekly Standard in August 2001.*

Five years ago, Minneapolis was nationally notorious as “Murderopolis.” The murder rate was soaring, and many citizens walked in fear, especially in poor neighborhoods. A few short years later, there’s been an astonishing turnaround. Today, thanks partly to a new initiative by local police, crime in Minneapolis has plummeted to its lowest level since 1966—and, in an added benefit, citizen complaints about the police are down 40 percent, though arrests have risen rapidly. Apparently, officers have managed to bring crime under control while dealing correctly with those they encounter when enforcing the law.

Yet instead of congratulations, police are catching brickbats. The department is under siege in the media, accused of making racial bigotry a standard operating procedure. The outcry began in January 2001, with the release of demographic data suggesting that officers who made traffic stops were pulling over proportionately more black drivers than white, and taking black drivers into custody more often. Activist groups quickly charged that police were targeting minorities because of their race, not their illegal conduct, and branded the department with the scarlet letter of racial profiling.

Like the decline in crime, the rancor over racial profiling is a national phenomenon. And as in Minneapolis, so in dozens of cities, studies of police stops by race are fueling the debate. Already, traffic-stop studies have been completed or are proceeding in locales as disparate as San Jose, California, and Volusia County, Florida. At least ten states have passed laws requiring studies of traffic stops, and many others are considering legislation. At the federal level, Representative John Conyers and Senator Russ Feingold have introduced legislation that would require the Department of Justice to conduct a nationwide study of traffic stops.

The cost of these studies is often significant, both in dollars and in officer time. But their chief drawback is something deeper. Though ostensibly undertaken to diagnose the problem, these studies to date don't begin to support the conclusions that the media and activist groups are drawing from them. The crusaders against racial profiling would have us believe that their findings rip the veil off a widespread abuse of civil liberties, and prove that police are targeting minorities because of their race. But the studies do nothing of the kind. To conclude from traffic-stop numbers like those gathered in Minneapolis that the police are racist is about as justified as it would be to conclude from the fact that 95 percent of Minnesota's prison inmates are men that police are sexist. A closer look at the Minneapolis experience makes this plain.

## ***Finding a Benchmark***

For six months beginning in May 2000, the Minneapolis police department gathered information on every traffic stop, noting the driver's race, the date, the location, and whether the driver was warned, ticketed, or taken into custody. The raw data—released under pressure from a local newspaper—appeared disturbing at first glance. Though blacks make up 18 percent of Minneapolis's population, they accounted for 37 percent of traffic stops, while whites, 65 percent of the population, accounted for only 43 percent of stops. No significant disparities turned up in the rates at which different racial groups received tickets, but black, Hispanic, and Indian drivers were more than twice as likely as whites to be taken into custody. And these figures are only the beginning: Minneapolis is now conducting a more detailed two-year study. More challenging is to determine what the figures mean.

Here's the problem: to analyze raw traffic-stop numbers accurately, one must have an appropriate benchmark against which to measure them. But no one knows what the proper benchmark is. In the example of prisoners' sex, to determine whether Minnesota has "too many" male inmates, we must compare the proportion of males in the prison population with the proportion of males in the *criminal* population, not the population at large, since in Minnesota, as elsewhere, men commit the vast majority of imprisonable offenses. Where traffic stops are concerned, however, no one has devised an appropriate benchmark, since the factors

affecting who gets pulled over are numerous and complex.

Lacking a meaningful basis for comparison, study proponents usually take the easy way out: They compare the racial breakdown of traffic stops to the racial breakdown of the general population of, say, the relevant county or metropolitan area. Then they attribute to racism any deviation that appears to “favor” whites. But this simplistic approach merely gives a patina of science to what is essentially an ideological project.

So what would a meaningful benchmark be? Obviously, to determine whether an officer is stopping “too many” minority drivers, we must first know the racial breakdown of the motorists *on the roads he patrols*. For instance, suppose that over six months, an officer who patrols Minneapolis’s heavily poor and minority Phillips neighborhood stops 80 percent black drivers, while another officer who works the swank Lake Harriet beat, where investment bankers jog, stops only 15 percent black drivers. Can one conclude that the first officer is a racist, while the other isn’t? Of course not.

To learn whether either cop has stopped “too many” minority drivers, we need a street census of the neighborhoods in question—something few studies include. The time of day that the stops occurred is also likely to be crucial. Thus, between 4:00 p.m. and 6:00 p.m., traffic on Minneapolis’s Portland Avenue, a major artery in Phillips, is made up largely of white suburban commuters. But between 9:00 p.m. and 3:00 a.m., when most enforcement

takes place, drivers on Portland are far more heavily minority. Since most stops occur when suburban motorists have left the area, traffic stops on Portland are likely to include a disproportionately high share of minority drivers.

But knowing who was on the roads when stops took place is only one requirement for meaningful analysis. We must also know whether some racial groups commit more traffic violations than others; if so, their stop numbers should reflect this.

For example, traffic stops often involve cars with faulty equipment, like broken tail lights, loud mufflers, or cracked windshields. Motorists who drive older cars—which tend to be in relatively poor repair—are more likely than other drivers to be stopped for such violations. Presumably, black drivers in Minneapolis drive older cars, on average, than white drivers do. (According to 1990 Census data, the per capita income of the city’s black residents is less than half that of white residents.) Under these circumstances, one would expect proportionately more black than white drivers to be pulled over for equipment violations.

The story may be similar with moving traffic violations, though data are hard to come by. Writing in *City Journal*, journalist Heather Mac Donald points out that random national surveys of drivers on weekend nights have found that blacks were more likely to fail breathalyzer tests than whites. Likewise, the National Highway Traffic Safety Administration has found that blacks were 10 percent of drivers nationally, 13 percent of drivers in fatal

accidents, and 16 percent of drivers in injury accidents. (Mac Donald notes that lower rates of seat-belt use may contribute to these figures.)

Age is another important variable. Young drivers are more likely than older drivers to violate traffic laws, and to drive negligently or recklessly, as any parent knows who's footed a teenager's insurance bill. Minneapolis's black population is significantly younger than its white population, and thus presumably includes a larger proportion of young drivers. (While blacks are only 18 percent of the city's total population, they are 31 percent of residents under 18.) This racial age disparity reflects a national pattern. In Chicago, for example, blacks are 34 percent of residents over 18, but 44 percent of those under 18; in Boston, the figures are 22 percent and 40 percent. Most likely, this sizable age disparity contributes significantly to the black-white difference in traffic stops.

Clearly, many factors can explain *legitimate* racial disparities in traffic stops. But one factor appears to dwarf all the others: the extraordinary disparities in the rates at which various racial groups commit crimes. Nationally, blacks commit murder at seven times the rate whites do. Likewise, though blacks are 13 percent of the population, they commit 46 percent of all robberies. In Minneapolis, the disparity is even starker. Blacks are 18 percent of the population, but crime victims report that blacks commit 66 percent of serious offenses, like murder, rape, and robbery, and 58 percent of "quality of life" crimes, like prostitution and vandalism.

The implication is tragic, but undeniable: If police are to curtail crime, they will inevitably interact more with some racial groups than others.

### ***Deploying the Police***

Racial crime rates affect traffic-stop disparities most directly by shaping patterns of police deployment. If the police concentrate their activity in a relatively small number of neighborhoods, drivers there will have a higher chance of being stopped for traffic violations than drivers in less heavily policed areas. If these neighborhoods have relatively large minority populations, the share of minority drivers pulled over will be relatively high.

Minneapolis police do precisely this. The city is divided into eighty-four residential neighborhoods for purposes of law enforcement and administration. During the traffic-stop study, twelve of these neighborhoods accounted for 50 percent of the city's crime, while a mere five neighborhoods—home to one-quarter of the city's black population—accounted for one-third of its crime. (These figures reflect calls for police assistance, a proxy for crime.) Under CODEFOR, the computerized crime-fighting strategy launched in January 1998 by police chief Robert Olson and mayor Sharon Sayles Belton, officers and squad cars are concentrated in high-crime neighborhoods, and traffic stops there are important to maintaining order. The stops assist officers in their effort to get guns and drugs off the street, discourage robberies, find stolen cars, and find people wanted for arrest.

In April 2001, an independent agency under contract with the Minneapolis Police Department released an analysis of the city's raw traffic-stop data. The report found that stops of black drivers were heavily concentrated in the city's five highest-crime neighborhoods. It also found strong evidence that racial disparities in stops were due to more intensive overall policing in such neighborhoods, rather than to a tendency on the part of officers there to conduct more traffic stops than their peers patrolling elsewhere. However, the report also cited a need for additional data. Its findings were largely ignored. Despite this evidence that neighborhood crime rates are the chief explanation for racial disparities in traffic stops, Minnesota's media and activist groups continue to point to police bias as the culprit, portraying it as a serious civil liberties problem that requires urgent countermeasures.

One real and very negative consequence of the irresponsible, ideologically driven use of traffic-stop studies—and they are likely to remain the preferred tools of police critics for some time to come—is the growing public belief that police bias is widespread. Among minorities, the perception of bias is undermining police authority and dissuading young citizens from joining police forces they insist harbor racist thugs. Defense attorneys, too, seek to discredit police actions by routinely invoking racial profiling in court. This ploy appears to be increasingly successful, especially in drug-related cases.

Most seriously, however, the perception of police bias is generating pressure for de facto racial quotas in all law enforcement activities, from traffic stops to searches to arrests. A Clinton-era law compounds the problem by giving the Justice Department power to sue local police departments for tolerating "a pattern and practice" of misconduct in racial matters. (The feds are unlikely to suspect such a pattern, of course, if de facto racial quotas govern stops and arrests.) In the last few years, both Pittsburgh and Los Angeles have sought to avoid action under this law by agreeing to federal oversight of their law enforcement activities. Currently, the spotlight is on racially troubled Cincinnati, where the American Civil Liberties Union has filed suit alleging a thirty-year pattern of racial profiling. Together, the trends toward racial quotas and federal oversight threaten to undermine local control of law enforcement and roll back the nation's recent striking gains in public safety.

By their nature, quotas are contrary to the fair, responsible exercise of professional judgment on the part of police, which alone can build confidence in law enforcement over the long haul. The rhetoric of racial profiling and the pseudoscience of traffic-stop studies, though deployed in the name of justice, actually inflame mistrust between police and citizens. Regrettably, they are driving the agenda of the activists further from the agenda of the people, who crave more than anything the right to walk safe streets. ■