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# Racial Profiling: The Criterion of Disproportionate Numbers

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Abstract. This article critiques a common criterion employed to identify examples of racial profiling in law enforcement.

During the first week of June, the governor of Missouri, a state in the central United States, signed into law a legislative bill that purportedly outlaws racial profiling. The bill defines racial profiling--in the context of police stops of motorists--through a review of statistics that would show a disproportionate number of stops involving members of racial and ethnic minority groups. In fact, agencies that do not comply with the law would find that portions of their budget would be withheld. Unfortunately, as there are semantic and political problems in defining race and ethnicity, there are many difficulties in defining a "disproportionate number."

A disproportionate number of a group is often defined as being significantly different from what would be expected from that group's statistical representation in some general population. So, if there are 12% of a racial group in a general population, but 30% of all people being stopped by police are of that group, and the 30% is significantly different than 12% based on the absolute numbers of group members and of the general population, then a disproportionate number of group members may be said to have been stopped. A test of statistical significance is the ultimate arbiter of a disproportionate difference.

A second approach to "disproportionate number" is similar to the above--except that the significant difference between representation of the group in the general population and representation of the group in the population of stopped motorists is not based on some test of statistical significance. Instead, some estimate of a practically significant difference is developed and employed. This practical significance may entail some degree of political uproar by various special political interest groups advocating that there is some disproportionate stopping of motorists. Another example might entail the appearance of some general concern about disproportionate stopping based on a story from the mass media. One in a million may be as practically significant or even more so than nine hundred thousand in a million.

A third approach to "disproportionate number" is that the very minority status of certain racial and ethnic groupings might too easily lead to grossly biased judgment and mistreatment--even if only very small numbers of a grouping are being stopped. The odds that such biased judgment and mistreatment are deemed great enough so that disproportionate stopping is said to occur even without out demonstrating statistically or practically significant differences. Special treatment--as in more positive treatment than afforded members of other groupings--may then be judged necessary because of what could happen as opposed to what has happened in a particular case.

All three approaches do not address a racial or ethnic group's base-rate behaviors that warrant being stopped by law enforcement representatives. For it may well turn out that a minority group does indeed commit a proportion of criminal behaviors much higher than what would be expected by that group's statistical representation--perhaps even the majority of a specific type of crime committed in the

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general population. What seems disproportionate proportionately reflects an accurate incidence and prevalence of criminal behavior.

Some analysts may quickly attack this last perspective as dangerous and intrinsically racist or ethnocentric. However, in a racist or ethnocentric society, a group that is discriminated against may indeed be accurately implicated in such a degree of crime. In this situation, the very use of the construct of crime begets a subjugating discourse. This discourse reinforces an ideology about the individual who has but few venues to instrumentally obtain the fruits of a society available to so many others. The use of the construct of crime also begets an hegemonic status of the representatives of social authority who maintain such an environment. Thus, the base rate perspective does not necessarily belittle or dehumanize members of the racial or ethnic minority group but illustrates that--when severely and chronically mistreated--they are but human. (See Ards, S., Chung, C., & Myers, S. L., Jr. (1998). The effects of sample selection bias on racial differences in child abuse reporting. *Child Abuse and Neglect*, 22, 103-115; Aviation security: An analysis of opposition to evaluating racial profiling. (January 21, 2000). *IBPP*, 8(3); Aviation security: An analysis of opposition to evaluating racial profiling II. (January 28, 2000). *IBPP*, 8(4); Dawkins, M., Ostrov, E., Dawkins, M., & Cavanaugh, J. (1997). Assessing bias in the psychological screening of police recruits. *Psychology: A Journal of Human Behavior*, 34, 15-21; Gushue, G. V., & Carter, R. T. (2000). Remembering race: White racial identity attitudes and two aspects of social memory. *Journal of Counseling Psychology*, 47, 199-210; Missouri governor signs bill on racial profiling. (June 6, 2000). *The New York Times*, p. A18.) (Keywords: Missouri, Racial Profiling.)