*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of happiness.*
                                                                                -Constitution

**Introduction**

One of the most complex values of governance is social equity. Applying a simple definition is not sufficient. However, the essence of social equity is fairness *(Pearson, 1993)*. The difficulty in defining the concept of social equity is its subjectivity. Genuine fairness can only be determined in the eye of the beholder. Another group may not perceive what is fair to one person or group as fair. The big dilemma is how government decision makers balance individual rights, responsibilities and the common good. Social equity planning can lead to the expansion of opportunities and the creation of more choices not only for those in need, but for the broader community as well.

*Section 1*
*The origins, essences, pros and cons of the existence of the concept of social equity and governance*

Social equity is a legitimate goal of governance and there is much debate surrounding the possibility of its attainment. The increasing diversity of today's society is continually adding to the complexity and challenges to reach this goal but also making it more imperative to address *(OECD, 2001)*. Over the years, philosophical frameworks attempt to address social equity on some level. It begins with utilitarian philosophy, Rawlsianism, and expands to capability perspectives. However, before describing these philosophical frameworks I shall identify the basic concepts of equity and introduce the ideal of social equality.

*Concepts of Equity & The Idea of Social Equality*

The five concepts of equity are equal treatment for all, demand, need, preferences and willingness to pay *(Lucy)*. Each of these concepts has inherent questions that must be answered. Does equal treatment for all mean equal service is necessary? Whose articulated demands are being heard and fulfilled? If needs vary should not services vary? Are preferences being elicited and if so are they authentic or adaptive? Is willingness to pay or ability to pay the determining factor? These are the concepts and questions that government decision makers must consider when determining if proposed or existing policy and programs are equitable. Some assert there is a greater possibility that equity is achieved when these concepts are considered in the context of social equality. The following information explains this notion.

As noted above the concept of social equity is mainly focused on distribution. However, there is another perspective that includes social equality as a factor. When social equality exists, everyone in the community has equal standing no matter what their unequal ratings are in other dimensions of their lives. They enjoy equal status and equal rights as citizens. If these citizens are not being treated equally in this sense and are not associated politically as equals, social equity cannot be realized. Although this notion of social equality is not necessarily distributive in nature, there definitely are inherent distributive implications. *(Mason, 1998)*

**Philosophical Frameworks of Social Equity**

Next I will describe four (4) philosophical frameworks that attempt to address social equity. They are the utilitarian approach of Jeremy Bentham and John Stuart Mill, John Rawl's Theory of Justice, Amartya Sen's capability approach and Martha Nussbaum's expansion of Sen's capability perspective.

However, before describing these frameworks, I would like to make a point of clarification regarding the terms equity and justice. During my research I recognize there were many instances when justice and equity were used interchangeably. However, in my search for definitions equity is defined as the quality of being fair and justice pertains to what is rightly due *(Pearson, 1993*). The assumption is that in the process of being fair there must be consideration for what is rightly due. These writings assume that these two terms are interdependent. Utilitarian philosophers Jeremy Bentham and John Stuart Mill believe that a just society maximizes the sum total of a group's utility, utility being defined as a person's sense of being better off or their sense of receiving a greater sum of benefits *(Glassman, 1989*). However, every person's utility is given the same weight whether rich or poor. The approach maximizes the expected average of utility of all individuals. This is known as the "greatest good principle" *(Weimer, 1999).* Unfortunately, this notion does not include equity of distribution, or address individual satisfaction or well-being. It also does not protect individual rights or assure minimum allocations to individuals *(Morris, 2002*). Generally, the utilitarian approach may increase the welfare of society as a whole, but does so at the expense of individual members. The next philosopher, John Rawls, attempts to address some of the flaws in the utilitarian approach.

John Rawls' theory of a just society does not allow harm to some citizens in order to benefit the masses. Rawls asserts two principles of justice as fairness. The first principle is "each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty of all." The second principle is "social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least

advantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity." *(Callinicos, 2000)*

Rawls recognizes there is scarcity of resources and the greatest benefits are realized by the least advantaged. He believes if people are asked to decide on a social system in which they are unaware of their station in life, they would improve the position of the least advantaged, which leads to greater equality of outcomes. The criticism of this philosophy is that it reduces incentives to create wealth. However, it does assure some minimal level of allocation to individuals to pursue their life plans. *(Weimer, 1999)*

While Rawls' focus is on the distribution of mainly financial and material goods, Amartya Sen, a welfare economist, declares that financial and material resources do not predict what a person will be able to do with these resources. His perspective of social justice includes fair distribution of capabilities. He contends there is great inconsistency in a person's ability to convert resources into valuable functioning. He believes this is a very important implication for distributive justice that cannot be ignored if desired results are to be attained. Sen emphasizes that a just society has to focus on a person's freedom to achieve valuable functioning. *(Morris, 2002)*

His theory for evaluating a just society is determined by the capability of the members of society to "lead the kind of lives they have reason to value." He sees development as an expansion of this capability or freedom for a person to do what he wants to do and be what he wants to be. These "doings" and "beings" are called functionings and provide the informational base to evaluate society. *(Basudeb, 2002)*

Sen's capability framework is being successfully applied by low-income neighborhoods to strengthen community and improve quality of life. The framework assists in identifying inventories of individual and community assets and helps individuals to become self-reliant. The approach concentrates on areas of well-being that focus on choice and opportunity. (Jasek, 2001)

Criticism of Sen's capability approach points out that he failed to come up with an index that ranked individual capabilities. The diversity of individuals and the lack of an index make it very difficult to compare and equalize capabilities of different people. *(Callinocos, 2000)* The final philosopher, Martha Nussbaum, expands upon Sen's perspective of capabilities.

Martha Nussbaum is a law professor and is considered a political philosopher. She includes human dignity as a foundation of her capabilities perspective. She believes that everyone should have the chance and power to exercise self-determination and to achieve valuable functioning. She also does not believe that a person should loose their individuality by being a part of a group. *(Morris, 2002)*

Nussbaum lists 10 central capabilities that she believes all citizens have a right to demand from the government. She also contends that it is morally wrong to permit any tradeoffs of these capabilities. The capabilities include having a normal length of life; having bodily health; being able to go from place to place; being able to think, imagine and reason in a "truly human way;" being able to have attachments to things and people; having protection of the liberty of conscience to reason; affiliating with others; being able to live and show concern for animals and nature; playing and enjoying recreational activities; and controlling how to govern one's life.

Although she did not rank the capabilities, she does declare some capabilities to be more important than others. Nussbaum draws from Aristotle with her emphasis on identifying and

insuring a political environment that allows for a truly human life. Many say Nussbaum's list is extreme. However, it is her philosophical view that the capabilities listed above are the bare minimum necessary for human dignity. She states, "The capabilities approach is aimed at creating a base-line of abilities that are guaranteed in order to create an environment of potential human flourishing." She also contends that all governments should implement basic constitutional principles that ensure these central capabilities. *(Butler, 2001).*

As noted above the notion of social equity has many viewpoints. Utilitarianism stresses that you should do what you can for the greatest number of people, acknowledging that some will be left empty handed. Rawls declares that you must provide financial and material resources for the disadvantaged members of society. Sen claims that not only are financial and material resources needed but also the assistance to convert them into valuable functioning. Then Nussbaum adds the holistic piece of human dignity to 10 central capabilities governments must ensure for which there are no trade-offs. Please do note that those viewpoints described are just a few of the many frameworks that attempt to address the issue of social equity. There still remains the daunting challenge for government decision makers to determine the appropriate framework or combination that will lead to more equitable policies and programs.

**General Criticisms of Social Equity**

Despite the difficulties in application of equity to governance, it is not politically correct to devalue its importance (Foster, 1983). However, beyond the inherent difficulties of attaining the goal of social equity and the noted criticisms of the frameworks presented, there are some general criticisms.

Economists have been the most vocal with their criticism of social equity and they offer their criticism in the name of efficiency. They contend that government often addresses equity concerns by stopping efficient actions and creating inefficient programs, rather than simply compensating the losers from the rewards and benefits that greater efficiency creates. They also contend that politics aside, it is difficult to design compensation systems that seem fair to all concerned. The difficulty is in the identification of short-term and long-term losers and providing them with appropriate compensation. Lastly, they assert that generally the cost of equity is just too high. (Rhoads, 1985)

**Social Equity Conclusion**

Some of the frustration experienced by advocates of social equity was endured in the process of writing this piece. Seeking concrete and definitive answers was futile. Many philosophical frameworks and writers on the subject just added to the list of questions rather than provide answers. I found that even in applications of particular approaches there is no definite evidence that equity is achieved.

There are so many diverse facets to explore while seeking equity it sometimes appears to be too daunting a task. However, the institutional significance and need for social equity in governance outweighs its complexity. Public administrators must not allow the complexities of this issue to breed paralysis. They must continue to seek balance in addressing individual interest vs. collective rights and responsibilities.

Many contend that as society becomes more diverse in the 21$^{st}$ century, governance must become more decentralized and address policy issues in a participatory process at the lowest levels possible (OECD, 2001). Others suggest that government make greater efforts to figure out the magnitude and

incidence of gains and loses from policy measures in order to eliminate some equity issues up front (Rhoads, 1985). Lastly, some suggest that the best start to tackling a policy issue may be accepting that no one may clearly know what is equitable but most instinctively know what is not. The challenge is for government decision makers to determine the alternative of minimum regrets (Reisch, 2002).

### *Section 2*
### *The public policy area and the specific sub-public policy area in the Richmond metropolitan area*

Over the last half century, racial disparity in the American criminal justice system has grown dramatically. According to Weich and Angulo (2000), our criminal laws, while facially neutral, are enforced in a manner that is massively and pervasively biased. Unfortunately, this biased behavior begins during the first stage of our criminal justice system, the law enforcement stage. Although the primary duties of law enforcement agencies are to maintain order and to enforce criminal laws, recent studies have revealed that minorities feel that they are disproportionately targeted and receive unfair treatment from law enforcement officers. Further, the studies have shown that minorities are far more likely to be stopped and searched based solely on race or ethnic background. This practice has lead to distrust of the law enforcement agencies that are supposed to protect the rights of all Americans.

Concerns about racial disparity in the American criminal justice system are not confined to law enforcement. Regrettably, this disparity exists in the courts system. Sentencing for drug-related offenses is a prime example of this disparity. Studies reveal that 36% of those arrested for drug offenses are African American, and roughly 59% of those convicted for drug offenses are African American. And of those convicted, African Americans go to prison more frequently and for longer terms (Sterling, 2001). In the case of crack, a large number of minorities are sentenced for selling crack and only a small percentage of whites are sentenced. Although the majority of crack users are white, this disparity still exists.

Racial disparity can also be found in the corrections system. Disappointingly, the parole program is another example of racial disparity. In a significant number of cases, the minority inmates who meet all the requirements for parole are denied parole in greater numbers than white inmates. Recent reports of this alarming data have spurred several states to investigate their parole boards for racial disparity.

As indicated recent findings show that racial disparity exist in all stages of the criminal justice system. However, the most recurring complaints by minorities are that they are targeted by law enforcement agencies as criminal suspects. Stops for petty traffic violations such as having an illegible license plate are common occurrences for many minorities. Reform of the criminal justice system to stop the widespread problem of racial disparity must start at the beginning of the system with local law enforcement agencies.

To address the growing concerns and allegations of racial profiling in the metropolitan Richmond area, two of the three local law enforcement agencies, City of Richmond Police Department and Henrico County Police Department, voluntarily began to collect traffic data. In 1999, the Richmond Police Department freely created the Traffic Stop Taskforce to analyze data relating to biased policing, specifically racial profiling. This taskforce, comprised of over twenty citizens, police officers and police administrators, examined data, legislation, complaints and litigation relating to racial profiling. Based on the taskforce's recommendation, the Richmond Police Department developed an electronic survey instrument to collect data relating to traffic stops.

The initial study was conducted for a ten (10) week period and all officers were expected to collect data. After the study was completed, the police department enlisted the assistance of Dr. Michael R. Smith, Professor of Criminal Justice at Virginia Commonwealth University, to analyze the data. Dr. Smith (2000) found in his final report to the City of Richmond Department of Police that it was not

necessarily representative of traffic stop practices over time. Furthermore, Dr. Smith surmised that there was no guarantee that the data was reported accurately. Moreover, Dr. Smith (2000) said "it is impossible to determine from the current data whether minorities are being stopped disproportionately to their percentage of the traffic violators in the City." (p. 5)

In 2000, the Chief of Police of Henrico County established a similar type of taskforce. However, the Henrico taskforce consisted of only police officers. The taskforce reviewed traffic data, ACLU documents, traffic cases and other sources. After examining the data and other documents, the taskforce decided to solicit the help of Dr. Janet Hutchinson, Professor of Public Administration at Virginia Commonwealth University, to develop a survey instrument to collect data on traffic stops. After analyzing data collected over a 90-day period, Dr. Hutchinson found that there was no relationship between the officer race and the race of the motorist. (CPT Dabney, personal communication, November 10, 2002)

Contrary to the Richmond and Henrico police departments, Chesterfield County has not elected to collect data or to conduct any studies on racial profiling; however, there is no state mandate for law enforcement agencies to collect traffic data for the purposes of studying racial profiling. Currently, Chesterfield County collects data required on the Uniform Traffic Violation Form issued by the Virginia State Police. This data is submitted to the Virginia State Police on a quarterly basis (CPT Austin, personal communication, November 18, 2002). Although data collection is not currently a state requirement, Chesterfield County as well as other local law enforcement agencies may be required to collect data as earlier as 2003 if House Bill 280 becomes law.

On January 9, 2002, House Bill 280 (2002), adding the Virginia Racial Profiling and Traffic Statistics Reporting Act to Title 52 of the Code of Virginia, was introduced in the General Assembly.

This bill authorizes the Department of State Police to adopt and implement a written policy that

prohibits the practice of racial profiling; establish a uniform statewide system and database; and collect

and analyze data regarding traffic stops to determine the existence and prevalence of the practice of

racial profiling. House Bill No. 280 (2002) states, "Data collected and analyzed shall include by locality

(1) the number of persons stopped for traffic violations and investigative motor vehicle stops (2) the

race, ethnicity, color, age, and gender of persons stopped for alleged traffic violations and investigative

motor vehicles stops, (3) the specific traffic offense committed by the person that resulted in the stop,

(4) whether a warning or written citation was issued, (5) whether the person or his vehicle or passengers

were searched, and (6) whether the person or his passenger were arrested." Furthermore, House Bill 280

(2002) mandates that localities adopt and implement a written policy that prohibits racial profiling;

collect and correlate data pertaining to traffic stops or investigative motor vehicle stops; and maintain

certain records relating to traffic stops and investigative motor vehicles stops. The bill also mandates

that the findings and recommendations resulting from this data analysis be submitted to the Attorney

General of Virginia, the Governor, and the General Assembly on an annual basis beginning on July 1,

2003. If this bill is passed during the January session of the General Assembly, all law enforcement

agencies in the Commonwealth of Virginia will be required to collect data on biased policing.

Before House Bill 280 was introduced, the General Assembly acknowledged the seriousness of

racial profiling in the Commonwealth of Virginia. House Bill 1053 was passed to improve racial equity

in the Commonwealth of Virginia's criminal justice system. House Bill 1053 (2001) empowers the

Department of Criminal Justice Services to "establish compulsory training standards for basic training

and the re-certification of law enforcement offers to ensure sensitivity to and awareness of cultural

diversity and biased policing;" to "review and evaluate community policing programs in the

Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards can strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and biased policing; to publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law enforcement personnel are sensitive to and aware of cultural diversity and biased policing. Such policy or guideline shall incorporate appropriate provisions for the vigorous investigation of complaints inconsistent with such policy or guideline." Training standards established by the Department of Criminal Justice Service's public safety committee would be mandatory for all training academies in the Commonwealth of Virginia effective July 1, 2003.

Based on the findings from the two law enforcement agencies within the Richmond metropolitan area that collected data, racial profiling appears not to be a significant problem in the Richmond community. However, the Commonwealth of Virginia appears to acknowledge that this national epidemic has spread to the Commonwealth. Recent legislation prohibiting this form of profiling by law enforcement agencies is the best start to ending racial disparity in the Richmond area as well as the nation.

## *Section 3*
### *The most important social equity issues and concerns in the sub-policy area*

Social equity is the principle upon which our nation was founded: all men are created equal. In the public policy area of racial profiling we have to ask ourselves if this is really true or not. Racial profiling always raises concerns regarding the Constitution. Today, police departments and national security issues argue that racial profiling is a means by which to stop crime. There are many issues and concerns in this sub-public policy area of racial profiling. I will now begin to discuss them.

The issue of racial profiling is based on the characteristics of crime. This means that an idea of what drug dealers, thieves, robbers, and murders resemble is relayed to the public in statistics about crimes and prison. The "war on crime and drugs has disproportionately targeted people of color for arrest, prosecution and long mandatory prison sentences so that today, one-third of all black men in their twenties are either behind bars, on probation or on parole," (http://www.aclu.org).

One issue or concern surrounding racial profiling is the fact there are competing definitions of racial profiling. The term "profiling" refers to the police viewing certain characteristics as indicators of criminal behavior (Webster's Dictionary). The term racial profiling "is relatively a new term and, thus, there is not yet a clear consensus on its meaning," (*Information Brief on Racial Profiling Studies in Law Enforcement*). The narrow definition of racial profiling occurs when a "Police officer stops, questions, arrests, and/or searches someone solely on the basis of the person's race or ethnicity," (*Information Brief on Racial Profiling Studies in Law Enforcement)*. The narrow definition is typically used when condemning racial profiling. The broader definition of racial profiling is that it "occurs whenever police routinely use race as a factor that, along with an accumulation of other factors, causes as officer to react with suspicion and take action" (*Information Brief on Racial Profiling Studies in Law Enforcement*). The concern with not having a good definition of racial profiling is that it leaves room for discussion and the opportunity of someone having their civil liberties violated.

When the question of racial profiling comes into play it often has to do with the action of traffic stops. For years there have been statistics and studies done on this context of racial

profiling. Over the past couple of decades the context of racial profiling has changed, and the

events of September 11 have had a great impact on the context of racial profiling:

- Traffic stops by the state and by local authority;
- Police questioning and searching of pedestrians in public places in urban areas;
- Immigration status checks by INS officials of person either driving or walking across the nation's borders;
- Airport checks or searches of people or luggage by drug enforcement (DEA) officials; and
- ID (age) checks of bar or club patrons by bouncers.

*Information received from Information Brief on Racial Profiling Studies in Law Enforcement: Issues and Methodology.

Even though racial profiling is seen in a somewhat different light after the terrorist

attacks there is an important question to be asked: "When is racial profiling okay?" Current

events tend to shape and mold the ideas of how society looks and feels about racial profiling. If

you speak with the average American citizen they will say racial profiling has to be used to

secure our airlines and our homeland. This issue has prompted information and reports to be

released that have led to police searches of suspicious types. "The Terrorism Bill would allow

police acting on credible information to stop, search, and demand the names and addresses of

anyone who fitted the broad description of a potential terrorist," (http://www.smh.com.au). The

outline of this legislation states the details of the police powers and states that a description along

racial lines will not be enough. These proposed police powers scare people because fighting and

challenging these powers would be nearly impossible. The question of "when is racial profiling

okay" becomes important because some people feel that in light of recent events it is more

acceptable to do racial profiling as long as it involves people of Arab and Middle Eastern descent

or practitioners of Islam. Individuals who appear to be of Arab, Muslim, or Middle Eastern

descent "have been asked to leave airplanes for no reason other than their appearance."

(http://www.cfpa.org/issues/racialprofiling/index.cfm). Another example of a current event shaping society's view of racial profiling is the sniper case. "Everybody was looking for a white van with white people and this was racial profiling," (http://web7.infortrac.galegroup.com). Why were police looking for a white man? Statistics show most serial killers are white "but that excuse would never be accepted if police announced they were looking for black suspects simply because statistics on black crime are high," (http://web7.infortrac.galegroup.com). Current events acknowledge the racial profilers within us and show that everyone has a tendency to do it, not just the people protecting our society (police and government).

There is the issue and concern of using security reasons to gain support for racial profiling. This acceptance is gained at the loss of civil liberties to citizens. In the previous paragraph I wrote about how current events shape our attitude towards racial profiling. Here, I am referring to how our civil liberties will be breeched during these invasive security measures. The prevailing wisdom has been that American people will accept these restrictions at the natural cost of heightened security, and initial evidence suggests the public has been willing to tolerate greater limits on civil liberties. Once the support of limits on civil liberties starts to erode, there will still be permanent restrictions of civil liberties. These permanent restrictions will leave the Government with more control and the American people with less. The issue concerning civil liberties will prompt hatred against government officials. The disparity in treatment of civil liberties will cause a devastating hit to the balance of individual privacy and common good that is essential to the preservation of freedom. (http://web7.infortrac.galegroup.com. I remember watching President Bush give his speech to Congress in February. He reported, "He'd asked Attorney General John Ashcroft to develop specific recommendations to end racial profiling. It's

wrong, and we will end it in American," (http://web2.infotrac.glaegroup.com).   Now, here we are using racial profiling against people who we "think" might be terrorist. The combined effort of current events and the loss of our civil liberties to these invasive security measures taking place lead to the disparity all American citizens.

Another issue concerning society is the effect racial profiling will have on what will be defined as "police procedure."  There are many stories and statistics, which show how racial profiling is done in term of traffic stops, searches, and security reasons (etc.). There are two common elements shared in the search for drugs and the prospect of asset forfeiture. "These types of investigations have led police from the solid ground of case probability to the shifting sands of class probability in their quest for probable cause," (http://web2.infortrac.galegroup.com). Class probability refers to situations where we know enough about a class of events other than the fact that it belongs to the class in question. Case probability describes situations where we comprehend some factors relevant to a particular event. Case probability is the better of the two. This type is used as long as the information is based on evidence gathered from particular crimes. Class probability is where police set out intending to investigate a high proportion of people of some particular race or ethnic group. This type of racial profiling "may increase their chances of discovering some crimes," (http://web2.infortrac.galegroup.com). These again are examples of how police procedures can easily turn towards racial profiling and even police officers believe in order to have effective law enforcement there needs to some scope of case probability. This is believed because it is not regarded as a civil rights issue if the police stop you for questioning if they have information

gathered from a particular crime regarding someone with your description committing such a

crime.

The last issue I want to write about is in regard to police discretion. Police discretion is

used on a daily basis and most widely known in the area of traffic stops. There are two levels of

police discretion: low and high. Low discretion stops are really based on "external generated

reports, for example a description of a particular vehicle speeding or driving erratically. High

discretion stops include the traffic stops for checks on under inflated tires, safety belt warnings,

failures to signal lane changes, and other minor vehicle code and nonmoving violations. High

discretion pedestrian stops involve those who may look suspicious but are not engaged in any

specific criminal violations or activities," (*Resource Guide on Racial Profiling Date Collection*

*Systems*). The point of this being an issue and concern is based on the fact many police

departments have not "developed formal, written standards directing officers on how to use this

discretion. Instead officers often develop ad hoc methods of winnowing suspicious from

innocent motorists," (*Resource Guide on Racial Profiling Date Collection System)*. These

discretionary decisions are seldom documented and rarely reviewed and as a result individual

officers are infrequently made accountable for these decisions.

These are all important social equity issues and concerns in racial profiling. Social equity

is the quality of being fair or impartial and it also pertains to the life, welfare and relations to

human beings.  When social equity is shown disparity in criminal justice through racial profiling

it leaves room for injustices to our fellow citizens. The system is suppose to maximizes the sum

total of a group's utility and if everyone's utility is given the same weight than injustices are not

warranted. However this concept does not protect individual rights. Only "we," as society can

accomplish this by examining the social equity issues and concerns of racial profiling in criminal

justice.

### *Section 4*
### *The most important Indicators and Scorecards needed to track Social Equity issues in racial profiling.*

Indicators and scorecards are important in tracking social equity issues in many areas. They are

used to determine how social, economic and other problems will be affected by different governmental

policy choices. It also considers the extent to which a policy achieves its objectives and why it is

successful or falls short.

Public Administration is an activist part of government. It is a means by which

government seeks to intervene in aspects of the economy, society and policy. For example,

public administration has been used to try to prevent imbalances in the treatment of individuals

based on race; and provide assistance to those who need help. It also seeks to protect the legal

rights of the citizenry. When public administration looks at the issue of racial profiling its focus

tends to be on constitutional integrity, equal protection and fairness.

Indicators and scorecards are used at different times in understanding social equity

concerns surrounding this issue but together, provide you with a clearer picture on which to base

decisions. Indicators are tools used to help people understand what the social equity problems are

surrounding racial profiling. They are used in a descriptive manner, which will help identify

racial profiling when it is seen happening and make you question whether social equity issues

exist around this problem. Scorecards on the other hand are used after a problem is identified.

They are used as evaluation tools to help generate solutions that will be effective remedies to the

problem. They help you answer the question: Did we find an effective solution? In the event that

you do not find an effective solution, they can be used to help you come up with a better solution for the future. In the issue of racial profiling scorecards are used to look at how well we have done on addressing the social equity issues surrounding this topic.

The research on this topic is very overlapping. The Fourth Amendment to the Constitution was used as a basis on which to develop both the scorecards and indicators. It is used as both a tools to indicate that there is a problem as well as provide grounds on which victims can use to say racial profiling is wrong. Many administrative agencies use this amendment as basis on which their current rules and policies have been created surrounding this topic.

The Fourth Amendment condemns unreasonable searches, and makes it a cardinal principle that searches conducted outside the judicial process, without prior approval by judge or magistrates are unreasonable. (Lopez, 2002)  In short, the Fourth Amendment seeks to prevent searches without "adequate justification" and those arbitrarily conducted at the whim of officials. This outlines how it is applied as an indicator. It gives a specific description of things that should not be done, if they are, you are clearly in violation of this amendment.

Given the broad racial descriptions used by officers, racial profiling victims naturally turn to the Fourth Amendment as a means of redress. The common situation used to discuss this issue is related to traffic stops. The examples used in this analysis relate to that issue. While racial profiling seems prevalent in traffic stops, its presence is however felt in other situations. For example many Arab Americans are feeling this pressure after the September 11th attacks. Men particularly are being targeted as potential Al-Queda members or as having knowledge that could assist law enforcement with capturing people who commit terrorist acts. To place their claims

squarely within the ambit of Fourth Amendment protection, racial profiling victims set forth two distinct, but closely related claims. First victims maintain that police exercise their discretion in enforcing the traffic code to unjustifiably seize them on the road by stopping them for minor infractions while letting other drivers, guilty of identical infractions pass with out interference. (Dept. of Justice, 1999).

The second claim of racial profiling victims is that police violate the Fourth Amendment by conducting searches of their vehicles for drugs without probable cause or reasonable suspicion to believe that the driver committed a drug related crime. (Dept. of Justice, 1999). At the heart of many fundamental assertions is that stopping minorities for traffic infractions merely serves as a pretext to search minority driven vehicles for drugs based upon suspicion justified by nothing more than a broad racial classification of potential drug traffickers.

Indicators are the specific things used in data collection. There are many indicators that can be used for the issue of racial profiling. I have chosen to highlight a few of them specifically. The first is descriptive narrowing. Descriptive narrowing occurs in any situation or environment where a description makes it sufficiently reasonably likely to apprehend a perpetrator of a crime or planned crime. (NOBLE, 2002). For example, if the suspect is know simply to be a "man", that will not be sufficiently narrowing in general to allow police to intrude on all men, but it causes great descriptive narrowing potential in something like a woman's dormitory. Similarly, if the suspect in a robbery in a black neighborhood is known to be white, then that has descriptive narrowing power in that situation. It might even have far more descriptive narrowing power than would a description of the suspect's height, weight, age, and/or clothes, which are all possible indicators.

Descriptive narrowing makes it more likely under particular conditions that the person fitting the description is the person being sought. What makes a description narrowing is not just the characteristics described, but also the likelihood of those characteristics fitting the guilty person in comparison with the likelihood of their fitting others in that situation or environment. Hence, a description that is narrowing in one environment may not be narrowing in another. It is not the description by itself that makes it useful for identifying the likely perpetrator of a crime, but the ability of that description to distinguish the perpetrator from others in a particular environment.

If an ethical, racial or gender description is sufficiently narrowing in a particular circumstance, it ought to be allowed as evidence for probable cause, or as justification, to initiate police activity in regard to a particular individual or group of individuals. In the kinds of cases cited in the ACLU, what makes those cases egregious is that the racial characteristics by themselves do not sufficiently narrow the list of possible perpetrators to warrant stopping or following anyone. And this is compounded by the fact that, or is particularly true when, there is no known crime or any likely crime for which to investigate anyone in the first place. There is no reason to stop anyone for driving a luxury car if there are no luxury cars of that make reported stolen and if there is not an ongoing epidemic of luxury car theft in that area. Putting it in another way, "driving while black" is not by itself sufficient grounds for police investigation under any normal circumstances or in the kinds of environments where the ACLU cases occurred.

A second indicator is the threat of a crime. Descriptive narrowing should be understood to apply not only to a specific crime already committed but also to an ongoing pattern of crime, a credible threat or reasonable suspicion of crime, a series of related crimes, or to evidence of a specific planned crime. (NOBLE, 2002).

As the Fourth Amendment is a major indicator in this issue, it also plays a major role as a scorecard as well. Most racial profiling legislation uses the Fourth Amendment as grounds to build this legislation. States feel that legislation is an effective means to address this problem. Eleven states have enacted legislation addressing racial profiling using the Fourth Amendment as grounds: California, Connecticut, Kansas, Massachusetts, Missouri, North Carolina, Oklahoma, Oregon, Rhode Island, Tennessee, and Washington. Of these states, the Missouri law is the strongest. So far in 2001, legislators in another thirteen states including Minnesota, have introduced bills dealing with racial profiling. In general, the 2001 bills are stronger than the laws enacted in 1999 and 2000, with the trend in the 2001 bills being toward mandatory indefinite data collection by all states and local law enforcement agencies. The following analysis evaluates the most effective legislation aimed at eliminating racial profiling.

The first step toward addressing racial profiling through evaluation techniques is law enforcement agencies collecting data on the race of people they question, as well as related data about the character of the questioning. Data collection is necessary for identifying the problem, and giving direction to efforts to eliminate profiling both as a practice of individual officers and as an institutionalized departmental policy. Data collection is not intended as a study and should not be viewed as something that delays the implementation of a solution to racial profiling. Data collection is part of the solution. Ongoing measuring and monitoring of police performance is necessary to ensure effective police work and to serve the important mandate of protecting the civil rights of the public. Measuring performance and outcomes is an established and necessary element of effectively implementing and administering any program or policy.

Secondly police officers should be able to be identified and accountability measures in place to see who has a racial profiling pattern. For example, the Missouri law requires each law enforcement agency to adopt procedures for determining whether any officers have a pattern of disproportionately stopping people of color, and to provide counseling and training to any such officers.

Statistics produced from these two things would enable one to make intelligent inferences from the data collected, making it possible to identify organizational bias, either in operational systems or in functional programs. Statistical disparities do not automatically constitute discrimination, racial profiling or even bias-based policing. However, the degree of the disparity, the area or categories of disparities, and context in which disparities exist may signal "bias". Single data-set disparities in and of itself do not have much value. However, when they are combined with topical disparities, the data may indicate bias and identify what systems and/or programs in operation are resulting in disparate treatment.

The third step is to establish an advisory committee of legislators, police representatives and community representatives. This provision is a step toward remedying the persistent under representation of people of color in decision-making bodies addressing racial profiling. It also provides an opportunity for police representatives and community representatives to begin working together to address the problem of racial profiling, and to begin developing the cooperative relationship that will be necessary to the process of healing the divisions between police and communities of color.

Evidence of unreasonable searches in individual cases serves as a foundation to challenge the practice of racial profiling as a general investigative tool. Armed with evidence recorded

prior to searches, minority groups could ban together to bring a class action suit against police

departments and states utilizing racial profiling to identify potential criminals. In fact the

American Civil Liberties Union recently filed a class action suit alleging that the Maryland State

Police used racial profiling to target minorities along one particular Maryland interstate. In each

case, police found no evidence of criminal wrongdoing in the minority driven vehicles. Because

the lack of contraband recovery is not the *sine qua non* of unreasonable searches, a record of the

facts used by the officer to justify suspicion provides the tier of fact with a clearer picture of the

totality of circumstances involved with the search in the case. In the end, if class action suits are

successful, using documented evidence of suspicion not only strengthens individuals challenges

to racial profiling, but also removes the incentive for police officers to search minority driven

cars following minor, normally unpunished traffic violations with out justifiable suspicion. In

more general terms, if the fruits of the unreasonable search sour, the desire to pursue the fruits

erodes.

On the fundamental level, the failure to hold officers accountable for unreasonable

discretionary searches highlights the disparate experiences with criminal law enforcement by the

various racial segments of the nation's population. (Taylor, 2002) Any police practice where

racial disparities in enforcement exist not only serves to heighten the tension between police and

minority communities, but also challenges the race-neutral legitimacy of the law.  A prime

example is when police search the vehicles of minority drivers for drugs, the number of

minorities charged with narcotics violations reflect their efforts. In turn, the elevated number of

minorities charged with drug-related crimes provides a foundation to continue using the racial

profile. As a result, a feedback loop develops where suspicion of minority drivers on the road not

only justifies racial disparities in law enforcement in the eyes of the police, but also generates the general minority perception that the eyes of Justice do not see them as equal citizens (Lynch, 2002). Despite the ostensible success of the civil rights movement, a vast schism remains between theory and reality in the most penal aspect of our body of law. Although Justice is theoretically blind in criminal matters, she sees color.

**Section 5**
**Recommendations and Strategies for Improving Social Equity and Racial Profiling**

Before one can begin to propose recommendations and discuss various strategies for improving Social Equity as it relates to racial profiling, one must be certain that the correct macro, overarching problem is identified. There are numerous examples in the field of public administration of solutions that are devised that purport to solve problems in Social Equity, such as racial profiling. Often times, these solutions only solve the problem temporarily or provide a "quick fix" to a recurring problem; or, at best, the solutions will aim to solve the many micro problems instead of the overarching macro public administration problem. By attacking the macro issue head on, the public administrator solves any micro problems that may ensue. In order to discuss what obstacles the Richmond Metropolitan Area may face in implementing strategies to improve Social Equity in racial profiling, a discussion of the past and current initiatives regarding racial profiling is in order.

There have been several initiatives in the Richmond Metropolitan Area to change the disparity in racial profiling. The social inequity of racial profiling has long been in existence. This issue had apparently been placed on the back burner and was not brought to the forefront until several Virginia lawmakers expressed concerns over the disparities. The Virginia State Police commissioned an analysis of racial profiling in Virginia pursuant to the request of

Delegates Roger McClure and Mary Christian who vehemently voice concerns regarding

allegations by constituents that law enforcement officers in Virginia were targeting African-

Americans and other minorities on the sole basis of racial and ethnic stereotypes. As a result of

the Delegates' request, the Virginia State Police prepared a report consisting of the following: (1)

Steps that local and state law enforcement agencies in the Commonwealth of Virginia have taken

to determine the extent to which arrests and tickets are occurring based upon the racial profile of

vehicle drivers; (2) Steps that local and state law enforcement agencies in the Commonwealth of

Virginia have taken to ensure that arrests and tickets are not based upon the racial profile of the

person driving the vehicle; (3) Recommendations on any changes in state law, rules, or

regulations to ensure arrests and tickets issued to drivers are not based upon race (Massengill,

2002).

One part of this analysis consisted of surveying members of the Virginia Association of

Sheriffs' and the Virginia Association of Chiefs of Police. The survey generated similar results

from each organization; each organization claiming that they had not received a significant

number of complaints from citizens about racial profiling. The Virginia Sheriffs' association

went on to suggest that while there was not substantial evidence to indicate racial profiling was a

"significant problem," the General Assembly should consider some recommendations including

passing legislation requiring written policies and practices of racial profiling and training of law

enforcement officers. This statement alone is contradictory and perhaps illustrates why the issue

of racial profiling in the Richmond Metropolitan Area and in the Commonwealth of Virginia has

been stagnant. On one hand the Sheriffs' association claims that racial profiling in Virginia is not

a "significant problem," yet they recommend the Virginia General Assembly enact several pieces

of legislation to solve a problem that is nonexistent, according to their gatherings. The overall

analysis and general conclusions of the report produced by the Virginia State Police found that

racial profiling was not a problem in Virginia. Data from the City of Richmond, Henrico County

and Chesterfield County were unanimous in their assertion that racial profiling was not prevalent

in Virginia (Massengill, 2002).

The results of the Virginia State Police report are conclusive. While the report

acknowledges that racial profiling is not a serious problem in Virginia, it nevertheless concludes

by placing the ball back in the court of the Virginia General Assembly, calling on the legislative

body to enact law to ameliorate any perceived problems with racial profiling. In order to suggest

recommendations and/or strategies to improve Social Equity in racial profiling, the Virginia

Association of Sheriffs, the Virginia Association of Chiefs of Police and others in the field of

Criminal Justice, need to acknowledge that racial profiling exists and recognize racial profiling

as a problem.

The Virginia General Assembly has already responded to the Virginia State Police

report's recommendation of racial profiling legislation by enacting House Bill 1053. This bill

simply ensures law enforcement officers are sensitive to cultural diversity and the potential for

biased policing. Virginia State Senator Henry L. Marsh introduced legislation during the 2002

General Assembly legislature that would establish uniform collection of traffic stop data for all

local and state law enforcement agencies (Racial Profiling Data Collection Resource Center,

2002). The bill was not very well received by the Committee for Courts of Justice. As a result,

the bill was carried over to the 2003 session where it will be considered again. Senate Bill 280

provides that police in each locality "shall collect and correlate data pertaining to stops for

alleged traffic violations and investigatory motor vehicle stops, which shall include (1) the

number of persons stopped for traffic violations and investigatory motor vehicle stops, (2) the

race, ethnicity, color, age, and gender of persons stopped for alleged traffic violations and

investigatory motor vehicle stops, (3) the specific traffic offense committed by the person that

resulted in the stop, (4) whether a warning or written traffic citation was issued, (5) whether the

person or his vehicle or passengers were searched, and (6) whether the person or his passengers

were arrested (Senate Bill 280, 2002). If Senate Bill 280 passes during the 2003 General

Assembly session, it would be a monumental step in improving Social Equity in racial profiling.

The passage of Senate Bill 280 is critical. Although there are several jurisdictions in

Virginia that voluntarily collect data on traffic stops, Senate Bill 280 would require all

jurisdictions to collect this information, where it would be maintained in a statewide database

established by the Virginia State Police (Racial Profiling Data Collection Resource Center,

2002). Improving Social Equity in racial profiling begins with measures such as this, mandatory

data collection. The Virginia State Police report found that racial profiling was not a serious

problem that warranted immediate changes in policy and procedures. It is extremely difficult, if

not impossible; to corroborate a claim that racial profiling does not exist when there is no data to

substantiate such a claim. Data collection is the first step to improving Social Equity in racial

profiling because it would give evidence indicating the degree to which racial profiling exists. A

strong argument could be made that since data collection does not occur, there is no substantial

evidence that racial profiling actually exists. Someone arguing this position may further note that

the media sensationalizes the few instances of racial profiling that occur; and, there are only a

small number of isolated cases where racial profiling of African-Americans and other minorities actually exists.

If Senate Bill 280 musters sufficient support for passage, localities across the Commonwealth of Virginia would be required to collect data on traffic stops. Change in any organization, whether in public administration or the private sector, is often times met with opposition. There will be obvious obstacles to implementing an astronomical change such as requiring police to collect data regarding the stops for alleged traffic violations and other investigatory motor vehicle stops. As in any organization, the people who will actually be executing the policy changes should be consulted and solicited for their input in regards to how the policy should be carried out. In this example, the Chiefs of Police or the top administrator over the police officers should partner with the officers to devise the best method to carry out data collection. This may eliminate the obstacle of having police officers that are resistant to the new policy. If their input is solicited and considered in the policy-making process, it is more likely that the policy will be more amicable to those officers whom the policy affects.

If Senate Bill 280 fails during the 2003 General Assembly session, the next viable alternative may be to commission another study on racial profiling performed by an independent, non-biased agency or organization. Many people would probably question the validity and reliability of the Virginia State Police analysis on racial profiling. This is obviously a "hot button" issue. Acknowledging that racial profiling is eminent in the Richmond Metropolitan Area and in the Commonwealth of Virginia would subject many law enforcement agencies to strict scrutiny. If another organization, which did not have personal stakes, spearheaded the analysis of racial profiling in Virginia the findings probably would have been different.

Delegates Roger McClure and Mary Christian should have requested than an independent agency such as the Joint Audit and Review Commission (JLARC) conduct the study of racial profiling. Allowing a non-biased party to review the Social Equity disparity in racial profiling would have produced the most accurate results.

Before any progress can be made in improving social equity in racial profiling, the law enforcement agencies need to recognize racial profiling as a problem and devise the best possible solution to ameliorate this disparity. The first step is to ensure that the macro problem is identified. An independent agency or commission, such as JLARC, should carry the research out to ensure that the information is reliable and valid. The agency or commission should not have any stakes at hand. Once the independent agency or commission has established that racial profiling is rampant and is an eminent problem, strategies should be employed to improve Social Equity in racial profiling. Mandatory data collection needs to be implemented and is the first step to improving the Social Equity in racial profiling, after there is evidence to substantiate a claim that racial profiling is indeed a problem. Senate Bill 280, which would require localities to collect and correlate data, would be a step in the right direction and would make significant progress in improving the Social inequity in racial profiling. Nevertheless, recommendations and strategies for improving Social Equity in racial profiling will be moot until racial profiling is recognized as a problem by law enforcement agencies.

## Conclusion of Paper

One of the first places I imagine when I think of social equity (social equality) is a place called Utopia. This is a place commonly given to an imaginary land where everything is supposed to be perfect. Saint Thomas More wrote a book called Utopia. The book was supposed to give a view of Sir More's ideal government, but it also criticized the social and economic

conditions of Sir More's time. Utopia presented a society where all men are equal, prosperous,

educated, and wise. Another book I read that was written in a utopian style was Plato's Republic.

Both of these book support equality and social justice. How can people write with such

considerable amounts of knowledge about how society should be? In terms of social equity it just

leaves us with the feeling of such disappointment in ourselves and how our society has

developed.

## **Bibliography for Social Equity**

*Section 1*

Biswas, Basudeb. Development as Freedom. American Journal of Agricultural
        Economics, Feb. 2002 v84 il p252.

Butler, Brian E. Nussbaum's Capabilities Approach: Political Criticism and the Burden
        of Proof. International Journal of Politics and Ethics, Spring 2003 v1 il p71.

Callinicos, Alex. Equality. Malden, MA:  Blackwell Publishers, Ltd, 2000.

Glassman, Ronald M. Democracy and Equality. New York, NY:  Praeger Publisher, 1998.

Foster, James and Mary C. Segers. Elusive Equality: Liberalism, Affirmative Action and
        Social Change in America, Port Washington, NY: Associated Faculty Press, 1983.

Jasek-Rysdahl, Kelvin. Applying Sen's Capabilities Framework to Neighborhoods.
        Review of Social Economy, Sept. 2001 v59 i3 p313.

Lucy, William and Kenneth R. Mladenka. Equity and Urban Service Distribution,
        Washington, DC:  The National Training & Development Service.

Morris, Patricia McGrath. The Capabilities Perspective:  A Framework For Social
        Justice. Families in Society:  the Journal of Contemporary Human Services, July-
        August 2002 v83 i4 p365.

Mason, Andrew. Ideals of Equality, Malden, MA:  Blackwell Publishers, Ltd, 1998.

Pearson, Dorothy. Perspectives on Equity and Justice in Social Work, Alexandria, VA:
        Council on Social Work Education, 1993.

Organisation for Economic Cooperation and Development. <u>Governance in the 21<sup>st</sup></u>
        <u>Century.</u> Paris, France: OECD, 2001.

Reisch, Michael. Defining Social Justice in a Socially Unjust World. <u>Families in Society:</u>
        <u>The Journal of Contemporary Human Services,</u> July-August 2002 v83 i4 p343.

Rhoads, Steven E. <u>The Economist's View of the World,</u> New York, NY:  Cambridge
        University Press, 1985.

Weimer, David and Aidan R. Vining. <u>Policy Analysis Concepts and Practice. Prentice-
        Hall, Inc.</u> Upper Saddle River, New Jersey, 1999.

***Section 2***

Callaham, G., & Anderson, W. (2001). <u>The Roots of Racial Profiling: Why are police</u>
        <u>targeting minorities for traffic stops</u>? Retrieved on October 31, 2002 from
        http://www.reason.com/0108.fe.gc.the.shtml.

Colb, S. (2001). <u>The new face of racial profiling: How terrorism affects the debate</u>.
        Retrieved on October 31, 2002 from
        http://writ.news.findlaw.com/scripts/printer_friendly.pl?page=/colb/21100101.html

Muharrar, M. (1998). <u>Media Blackface "Racial Profiling" in news reporting</u>. Retrieved
        on November 1, 2002 from http://www.fair.org/extra/9809/media-blackface.html

Smith, M.R. (2000) [<u>The Traffic Stop Practices of the Richmond, Virginia Police</u>
        <u>Department: Final Report</u>]. Unpublished raw data.

Sterling, E. (1995). <u>U.S. Sentencing Commission Crack Cocaine Report: "A Disappoint</u>."
        Retrieved on December 2, 2002 from http://www.cjpf.org/sentencing/crack95.html.

Sterling, E. (2001). <u>Racially Disproportionate Outcomes in Processing Drug Cases</u>.
        Retrieved on December 2, 2002 from http://www.cjpf.org/Drug/outcomes2_html

Weich, R. & Angulo, C. (2000). J<u>ustice on Trial: Racial Disparities in the American</u>
        <u>Criminal Justice System</u>. Retrieved on December 3, 2002 from
        http://www.civilrights.org/issues/cj/details.cfm?id=61

Whitley, T. (2001). <u>Profiling exists, McEachin says: Candidate tells of 1997 incident</u>.
        Retrieved on October 31, 2002 from
        http://www.vavotes2001.com/rates/ag/archive/MGBEXONC3SC.html

<u>End Racial Profiling Act of 2001</u>, S. 989, 107<sup>th</sup> Cong. (2001).

End Racial Profiling Act of 2001, H.R. 2074, 107<sup>th</sup> Cong. (2001).

End Racial Profiling Act of 2001 Introduced in Congress June 6. (2001 June 06).
        Retrieved on November 1, 2002 from
        http://usinfo.state.gov/usa/race/profile/wf060701.htm

Memorandum on Fairness in Law Enforcement. (n.d.) Retrieved on November 12, 2002
        from http://usinfo.state.gov/usa/race/profile/clinmemo.htm

Miami-Dude Racial Profiling Study. (n.d.) Retrieved on October 31, 2002 from
        http://www.racialprofilingresearch.com/researchs.asp

Racial Profiling Education & Awareness Act of 2002, S. 2114, 107<sup>th</sup> Cong. (2002).

Racial Profiling of African, Hispanic (Latino), and Asian Americans (n.d.) Retrieved
        November 1, 2002 from http://www.ethnicmajority.com/racial_profiling.htm

Racial Profiling in the United States. (n.d.) Retrieved on October 31, 2002 from
        http://usinfo.state.gov/usa/race/profile/homepage.htm

Traffic Stops Statistics Study Act of 1999, S. 821, 106<sup>th</sup> Cong. (1999).

U.S. Department of Justice (2000). A Resource Guide on Racial Profiling Data
        Collection Systems: Promising Practices & Lessons Learned (NCJ 184768). Northeastern
        University: Ramirez, D., McDewitt, J., & Farrell, A.

U.S. Department of Justice (2002) Bureau of Justice Statistics 2002: At a Glance (NCJ
        19449). BJS Clearinghouse: Adams, D. & Reynolds, L.

***Section 3***

American Civil Liberties Union. Racial Equality. Retrieved on December 12, 2002 from
        http://www.aclu.org.

Callahan, Gene and William Anderson. The Roots of Racial Profiling. *Reason*; August
        2001, v33 i4 p37. Retrieved on December 2, 2002 on http://web2.infotrac.glaegroup.com.

Center For Policy Alternatives (CPA). State Issues:  Racial Profiling. Retrieved on
        November 27, 2002 at http://www.cfpa.org/issues/racialprofiling/index.cfm.

Gibbs, Stephen. Suspicious types to face police searches. Retrieved from Infotrac on
        November 27, 2002 at http://www.smh.com.au.

Leo, John. Seeing through Prisms. *U.S. News & World Report*, November 11, 2002

p61. Retrieved on November 27, 2002 at http://web7.infortrac.galegroup.com.

Minnesota House of Representatives Research Department. Information Brief on Racial
    Profiling Studies in Law Enforcement (June 2002). St. Paul, MN:  Jim Cleary,
    Legislative Analyst.

U.S. Department of Justice (2000). A Resource Guide on Racial Profiling Data
    Collection Systems: Promising Practices & Lessons Learned (NCJ 184768). Northeastern
    University: Ramirez, D., McDewitt, J., & Farrell, A.

Webster's Dictionary. Chicago, Il:  Chicago Press, 1987.
*Section 4*

Davis,Ronald L. National Organization of Black Law Enforcement Executives (NOBLE),

    2002.

Department of Justice. Resource Guide on Racial Profiling Data Collection. 1999.

Gross, Samuel and Debra Livingston. "Racial Profiling Under Attack", *The Columbia
    Law Review*. June, 2002.

Lopez, Alberto. "Racial Profiling and When: Searching for Objective Evidence of the
    Fourth Amendment on the Nation's Roads", *Kentucky Law Journal*. 2002.

Lynch, Michael. "Misleading "Evidence" and the Misguided Attempt to Generate Racial
    Profiles of Criminals: Correcting Fallacies and Calculations Concerning Race and Crime
    in Taylor and Whitney's Analysis of Racial Profiling", *The Mankind Quarterly*. Volume
    XLII Number 3, Spring 2002.

Taylor, Jared and Glayde Whitney. "Racial Profiling: Is There an Empirical Basis", *The
    Mankind Quarterly*. Volume XLII Number 3, Spring 2002.

*Section 5*

Massengill, Colonel W. Gerald. "Racial Profiling in Virginia: An Analysis of State and
    Local Law Enforcement Practices."
    http://www.vsp.state.va.us/Racial%20Profiling%20Study.pfd. December 2, 2002.

Racial Profiling Data Collection Resource Center at Northeastern University.
    http://www.racialprofilinganalysis.neu.edu/jurisdictions.php?state=VA. November 29,
    2002.

Virginia General Assembly. Senate Bill No. 280. http://www.legis.state.va.us.
    December 2, 3003.