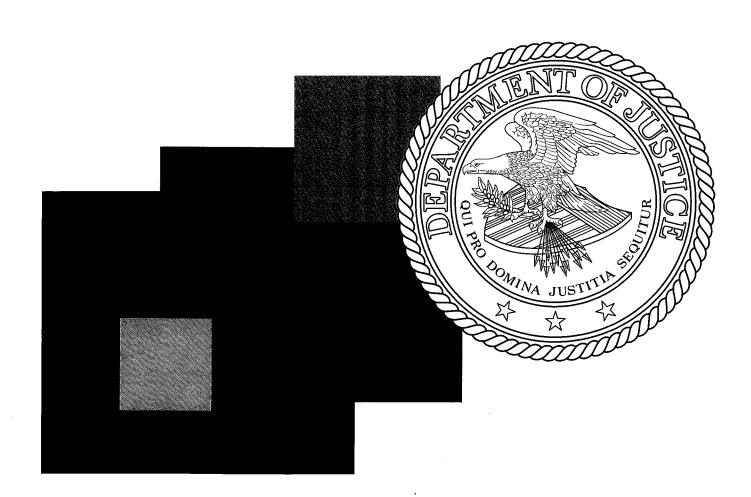# PROBLEM SOLVING GROUP

ON LAW ENFORCEMENT STOPS AND SEARCHES

REPORT ON THE PROCEEDINGS

DECEMBER 1998

PROBLEM SOLVING GROUP ON
LAW ENFORCEMENT STOPS AND SEARCHES

Report on the Proceedings

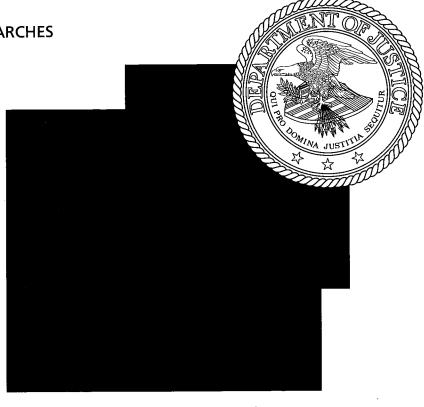U.S. Department of Justice

Attorney General
Janet Reno

Deputy Attorney General
Eric H. Holder, Jr.

Deputy Attorney General
Raymond C. Fisher

Acting Assistant Attorney General
Bill Lann Lee
Civil Rights Division

Director
Joseph E. Brann
Office of Community Oriented Policing Services

December, 1998

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Problem Solving Group on Law Enforcement Stops and Searches Report on the Proceedings

The U. S. Department of Justice (DOJ) sponsored a meeting of the Problem Solving Group on Law Enforcement Stops and Searches on December 9 and 10, 1998, at the Crystal City Marriott, Arlington, Virginia. The 70 invitees included members of the problem solving group, as well as observer-participants, representing local, state, and federal law enforcement agencies; DOJ components and other federal agencies; civil rights, training, and law enforcement organizations; and researchers. The meeting was funded by the Office of Community Oriented Policing Services (COPS). The attendee list is attached. This report is organized by agenda topic; however, subtopics have been added for readability and to highlight key areas of discussion. By agreement with participants, comments are not attributed to individual speakers, with two exceptions: (1) planned remarks by speakers listed on the agenda, and (2) summaries by Dr. Mark Moore, who was engaged to offer his perspectives on various segments of the discussion, and by Dr. Sheldon Greenberg, who served as meeting facilitator. A copy of the meeting agenda is attached.

Opening Remarks

Eric H. Holder, Jr.
Deputy Attorney General

Mr. Holder called the meeting an important opportunity to "shed our defenses and have a frank exchange" about police stops and searches, and in particular, about racial profiling. "Complaints are still too common," he said. "Discriminatory stops divide communities and make police and prosecutors' jobs more difficult." Recalling his experiences as a judge, he emphasized the negative impact discriminatory stops have on potential witnesses, causing them to distrust criminal justice officials and making them reluctant to cooperate. "People using our airports and highways must be free to travel without discriminatory stops or intrusive law enforcement encounters," he said, "yet our young people are often subjected to discriminatory stops." He noted that the War on Drugs may have encouraged this, but that if the problem is not addressed, victims will file even more lawsuits, and more tax money will be spent on these cases. Mr. Holder also noted that the legislation introduced by Representative Conyers in last years Congress would have required the Justice Department to acquire data on the number and race of individuals subjected to traffic stops by police. Mr. Holder

emphasized the importance of bringing together law enforcement, researchers, and community representatives to discuss the issues.

Nature of the Task

Steven H. Rosenbaum
Chief, Special Litigation Section
Civil Rights Division,
U.S. Department of Justice

Mr. Rosenbaum provided an overview of the nature of the task to be addressed by the Problem Solving Group. He said that the focus, in large part, will be on traffic stops and discrimination. DOJ wants all participants in the Group to share their views and to participate in the search for common ground.

Mr. Rosenbaum suggested two principles that may guide the discussion. "First, traffic stops and the resulting tickets and searches are a legitimate and effective law enforcement tool. Second, racial and ethnic discrimination in deciding who to stop, ticket, or search is wrong, both legally and morally." He emphasized that traffic stops and nondiscrimination are not at odds with one another; neither must be abandoned to accomplish the other.

Mr. Rosenbaum noted the wide range of discretion granted law enforcement officers in making stops, and said that the discussion would focus on how that discretion should be exercised, monitored, and controlled. Further, the Supreme Court has acknowledged that "even ordinary traffic stops entail a possibly unsettling show of authority." Mr. Rosenbaum added that "when that 'unsettling show of authority' is employed-or even perceived to be employed-on racial or ethnic lines, the respect for law and law enforcement is damaged. And an unfair burden is placed on law-abiding members of racial and ethnic minority groups." Mr. Rosenbaum encouraged discussion of two types of discriminatory traffic stops: highway stops based on racial profiling, often linked to drug interdiction programs; and stops in white urban or suburban areas aimed at harassing minorities and letting them know they are unwelcome.

After a full discussion of the nature of the problem, DOJ would like to hear about potential solutions, including training for law enforcement; the role of law enforcement performance measures, policies, and procedures; and officer and community involvement in developing solutions.

Overview of Perspectives from the Field

Annette Sandberg, Chief, Washington State Patrol, provided a law enforcement perspective; Professor Jerome Skolnick, New York University Law School, offered comments from a theoretical viewpoint; and John Crew of the American Civil Liberties Union (ACLU) offered a civil rights perspective. (Hilary Shelton, Director, NAACP Washington Bureau, was scheduled to offer a community perspective but was unable to attend.)

Chief Sandberg said stops are extremely important and are used routinely to deploy officers in problem areas and for drug interdiction. "Stops are a legitimate tool," she said, "but we recognize there have been abuses. Supervisors and managers have a critical role to play in training officers and handling complaints. We need to maintain citizen confidence in policing, but police also need the tools to do their jobs. We look at each and every complaint critically, including how it is being dealt with if there is some racial component."

Dr. Skolnick emphasized that many police officers do use skin color as a criterion for making stops. "We have to accept that racial character and color are noticed by police," he said. "Police are also expected to know who belongs where." Dr. Skolnick referred to a term he had developed earlier-"symbolic assailant"-and said police must consider, for example, whether an elderly man waiting near an elementary school is a child's grandfather or a potential predator, or what a group of teenagers is doing in an expensive jewelry store.

"How can we deal with this social reality?" he asked. "First we need to develop statistics on race. We have some-for example, 82 percent of juveniles arrested for robbery are black-but is this because they commit more crimes, police arrest them more frequently, or both? Statistics in New Jersey driving cases show that disproportionately more black than white drivers are stopped. This suggests an unwritten policy authorizing police to mostly stop black drivers. Once guidelines are developed, they have to be monitored internally and externally. Finally, we need training from top to bottom, because this sends a message to officers about what is really important. We need to face the fact that race is a component of policing in America today-of everything today."

John Crew. Mr. Crew noted that many civil rights complaints concern drug-related highway stops and urban/suburban "border" or "out of place" stops, especially where black people are stopped for driving in white communities. "But another type of stop," he said, "which was discussed in the Christopher Commission report, occurs when a racial minority group is the majority in a particular neighborhood and assumptions are made about young men and what they may be involved in."

Mr. Crew stated, "Some law enforcement agencies deny the existence of these problems-or there is institutional denial in the public arena at least-until civil rights activists call public attention to them." He said a starting point is to collect meaningful data and that the data is a "win-win" for law enforcement. If it shows a relative lack of disparity, it can be used to combat a widespread public misperception. On the other hand, if it shows a significant disparity, law enforcement should want to have that data so it can attack the problem with training and other solutions. "Perceptions that law enforcement treats the public unfairly," he said, "will undermine police departments' ability to build community policing partnerships in minority communities."

Discussion: Discriminatory Profiling by Law Enforcement

Additional Perspectives from the Field

The first segment of this discussion involved six members of the problem solving group representing a law enforcement perspective. Their comments tended to fall into five categories:

- Types of discriminatory stops
- Data collection
- Discrimination and community policing
- Recruitment
- Changing police behavior

Types of Discriminatory Stops. With regard to urban/suburban "border" stops, one participant cautioned against broad generalizations, explaining that his officers make stops in target areas where most residents on both sides of the county-city border are black. These stops "have to do with crime, not race," he said.

Data Collection. Several participants said data on stops can help agencies develop training, solve problems, and show whether discriminatory stops are being made by only a few officers or by many. However, some participants expressed reservations about collecting data. One said "officers may feel they are being asked to discriminate even more by having to develop profiles of those they stop." Another said that, because many stops are made for drug and gun interdiction purposes, studies need to look at where drugs are com-

ing from and how they are being transported. "It is not enough to simply collect statistics on stops," he said.

Discrimination and Community Policing. Several participants emphasized that stops based on race foster distrust of the police and can hamper community policing. Comments included these:

> *Perceptions that law enforcement treats the public unfairly will deter police departments' ability to build community policing partnerships in minority communities.*

> *People are negative because they don't believe the police . . . The oppressive actions of some officers shape perceptions all around the country.*

> *We need to focus on the amount of anger in our country from people of color, and a feeling of disenfranchisement in urban communities, not just among African Americans but among Latinos and Asians as well. This anger is driving some wedges between police and communities. . . People of color are not participating in community policing as much as we would like, and race-based stops will hamper this.*

One participant pointed out that, based on community policing outreach efforts, his department learned African American residents in drug- and gun-crime target areas wanted "a high visibility uniformed police presence doing traffic stops and making the community safer." Another said,

> *There is confusion in minority communities. Residents want crime reduced, but they also want a sense of respect. Not everyone of color needs to be stopped, searched, or treated disrespectfully."*

Recruitment. Two participants noted that race-based stops contribute to departments' difficulties attracting officer candidates who are members of racial and ethnic minority groups. One said police "can't get young people of color to become law enforcement officers," especially when a department has a reputation both for making race-based stops and for unfair promotional practices. Another said it is important to focus not only on training, which often gets cut when budgets are tight, but also on recruiting, so that officers reflect the racial makeup of the community.

Changing Police Behavior. Several participants commented on the importance of strong policies, supervision, monitoring, and training for changing police behavior. One explained that in his department, two complaints or one excessive force complaint against an officer in any two-month period results in a formal interview with management and review (in addition to reviews through customary investigative channels); that training is provided all officers who participate in traffic stops in drug- and gun-crime target areas; and that area commanders monitor the stops, which must be based on observable violations. Another stressed the importance of strong anti-discrimination policies:

> *Our focus should be on changing police behavior...We need very strong policies about discriminatory practices, dis criminatory stops, and race based policing. Training gives officers skills but it doesn't replace management and super vision.. . . We need a strong policy, clear data, and then training to change police behavior.*

Others made these comments related to changing police organizational culture:

> *What we're talking about here is police culture. Police want to get the bad guys, and when they find some successes, they get into patterns, look for shortcuts, go back to the same haunts. . . You also have to hold supervisors accountable. If you do, then the culture can start to change.*

> *You have to ask how the police department fits into the community itself. I see racism across the board-in policing, in politics, in factories. If a police department tolerates racism, this will come back on the department. The department is a mirror of the community. What should be done with the small segment of officers that are racist? Training is important, but we need to include the officers in the process, not simply tell them "you will now learn to be diverse."*

Summary of Perspectives from the Field: Remarks by Mark Moore

One way to frame the issue we are considering is to identify the important values that are at stake when policies governing stops are redesigned, and when racial characteristics are incorporated into policies that guide stops. Suppose there is a policy or procedure that tells which stops to make. One set of values clusters around the idea

that, if police can use their authority and funding to make stops, violence and crime can be reduced. But there is another cluster of values: when we use government authority, it should be used fairly, particularly with regard to race and ethnicity. Americans weigh this second cluster of values quite heavily, believing this is what it means to be a good police department. Further, individuals have rights that must be considered in pursuit of law enforcement goals.

A series of prudential arguments were made. Participants agreed that a good relationship with the community is a strategic asset to a police department and to the justice system. We need the community's help. If citizens have no confidence in the police, they will not testify, serve on juries, or call when they have been victimized. Several participants also pointed out that we need their faith in order to be able to recruit from among them.

Often when we have two clusters of values (law enforcement effectiveness on one hand, and fairness and non-discrimination on the other, for example), we think we may need to make an important tradeoff between them. In some cases, this can be quite challenging.

Suppose, for example, we had a policy guiding traffic stops that was non-discriminatory on its face or was constitutionally authorized if it did use race. Suppose the policy were properly implemented and it operates as we intended. Despite this, the burden of stop and arrest still falls very heavily, although objectively, on the minority community. And despite all our arguments, it still feels discriminatory to the community most affected. Would we back off from that policy (which was effective and legal) in the interest of protecting a relationship with some members of the community? This seems to be an important strategic question. Do we have the right to ask police to do less effective enforcement in the interest of protecting these relationships? We must remember, the issue of tradeoffs only arises when choosing between technologies that are the best at achieving the two values.

In Prince George's County, Maryland, a new chief inherited a bad drug problem and a dissatisfied public. After analyzing drug and gun locations, stops were designed so they were surgically targeted and well executed. Further, the strategy was unique because the department took on outreach to the community, explaining the stops to residents beforehand, and also providing documents to those stopped explaining the strategy. The chief went the extra mile to legitimate his policies with the affected community even though he was on good legal and effectiveness grounds already. In this case, he worked hard to achieve all three values: law enforcement effectiveness, fairness, and community support.

Clarifying the Issues

This segment of the discussion included other members of the problem solving group and dealt with the following subtopics:

- Race and ethnicity as a proxy for criminality or suspicion
- Treatment of minorities who are stopped
- Potential uses and misuses of data collected on police stops
- Training and policy
- Hiring
- Questions about the effectiveness of stops

By the end of the session, there was considerable agreement that a broader discussion framework was needed; that the rationales for various types of stops and searches should be examined; and that these rationales should be weighed against goals for both crime reduction and improved police relationships with members of racial and ethnic minority groups.

Race and Ethnicity as a Proxy for Criminality or Suspicion. Several participants expressed concerns that a high number of people stopped and searched are not arrested or prosecuted because nothing illegal is found. Others commented on how this erodes trust and respect. For example:

> *The majority of stops are like this. It contributes to public unwillingness to trust police officers. This has to get our attention if we hope to get anything out of community policing.*

> *It eats away at community confidence in law enforcement and affects [black children's] ability to respect themselves and trust authority figures.*

One participant added that police officers rank high among professionals people trust, but in a recent Gallop poll, about two-thirds of African Americans and one-half of whites said African Americans are treated less fairly by police.

Several others gave specific examples of "who is being stopped":

- African Americans, including those who are wealthy, stopped for simply "driving while black." Many have been stopped numerous times.
- African Americans, particularly young men, by virtue of their residence or presence in poor, high crime neighborhoods.
- Latinos living near U.S. border areas who are citizens or are trying to become permanent U.S. residents; other Latinos subjected to traffic and drug-related stops.
- White residents of rural areas who are stopped because of marijuana interdiction efforts, many of whose cultures historically have been hostile to law enforcement stops and other government intrusions.
- Teenagers and young adults of color who are subjected to "border stops" upon entering white neighborhoods.

One participant said, "The community of color has to be honest. There are disparities in criminal behavior . . . We do have a crime problem, despite the many reasons. But what do you do about that disparity, what do you do with the knowledge that you get a higher hit rate if you stop blacks?" The speaker concluded that using race as a proxy for suspicion places too great a tax on innocent minority individuals.

Treatment of Minorities Who Are Stopped. Many participants said one of their greatest concerns was the lack of respect accorded minority persons who are stopped. Comments included these:

Questions about fundamental fairness usually center around how we are treated.

[We are concerned about] the abusive manner on the part of law enforcement. . . People who meet the criteria are made to feel like criminals. We can solve these problems in ways that do not violate the civil rights of those in the Latino community.

People of color want crime reduced but feel police don't respect them or their children. . . . Much anger exists regarding stops. What are the values are at stake? From our perspective, 1-respect, and 2-effective race relations. Who gets stopped? The perception is that it's young African American males. The second part is how people are treated once they're stopped, especially minority kids.

In addition, several African American participants recalled instructing their own children on how to conduct themselves when stopped by the police or when crossing urban/suburban boundaries.

Potential Use and Misuse of Data. A considerable portion of the discussion focused on data collection and on the potential use and misuse of statistics on police stops. Most who commented advocated strongly for collecting data, although a few participants were concerned for several different reasons. Some of the points made by advocates included these:

I don't see asking those stopped their race as a problem, police have been doing it for years.

Police need to use information to formulate law enforcement policies. Officers already record all types of information on people in field stops, including race. Why should we now say we shouldn't collect this during stops? I believe this will show overall that the police are not discriminating. Why are we so bent on not collecting any thing, thus covering everyone with a discriminatory blanket?

The data is important, we ought to get a comfort level with it-it's almost malpractice for a police agency not to collect data on other things.

One speaker who commented on potential difficulties that data collection might present for law enforcement noted:

One problem with record keeping is the officer asking the driver his ethnicity. Should that be on the driver's license? We don't want to be like Nazi Germany; the ACLU needs to think about this. Police need help with how to collect data without creating more of a problem.

Training and Policy. Several participants expanded on the training issue raised earlier. One said:

The DEA does not teach profiling in any of its 100 schools...In fact, it teaches the opposite of profiling-if you use profiles, you miss the highway traffickers.

He said that, instead, a well trained officer makes a stop based on traffic law, then tries to determine if the person is also involved in criminal activity. "If not," he said, "they go on their way." Another

participant recommended teaching officers the professional benefits of making stops correctly (e.g., be more effective, avoid lawsuits). Several speakers emphasized the importance of training on courtesy and professionalism.

One speaker expressed concern about policy emphasis on asset forfeiture:

> *When policy makers encourage forfeitures, most do not set out to deliberately violate the rights of minorities, but [police] have many incentives like new computers and cruisers. We must decide on what we value . . . so we can put the emphasis there.*

Hiring. Several participants commented on the negative effects of race-based stops and workplace discrimination on departments' ability to attract minority officer candidates. For example:

> *The kids to whom I teach street law don't want to be police officers because of how officers treat them compared to how they treat residents of [wealthy, predominantly white neighborhoods].*

> *People want the police to do something about this perception problem. I hope we see some police leadership in this area, as opposed to police response. We don't let other employers hire "efficiently" by excluding black candidates.*

Effectiveness of Stops. Referring to Dr. Moore's summary of the values at stake, one participant said that in addition to fairness and due process,

> *Citizens want cops not to be afraid to do something . . . Criminals like the Oklahoma City bomber might still be at large if a cop hadn't stopped him.*

Others questioned the effectiveness of various types of stops. Comments included:

> *These [city/suburbs border] stops are not getting at the serious crimes that are tearing up the country.*

> *Is the person being stopped for a low-level traffic violation? A warrant? Because he is a known criminal? Because he fits a profile? How do you relate the pretext to the goal-that's the real issue here. . . There may be many costs in terms of resentment.*

Finally, although these possibilities were not discussed at length, one participant said implementing a truly random system of making stops might be one way to achieve fairness; and another asked whether or not a better profile should be developed.

LUNCHEON SESSION

Remarks by Acting Assistant Attorney General Bill Lann Lee

Stops and searches are legitimate tools that officers have and should have. But racial discrimination is wrong and cannot be used as a proxy for dangerousness. We have to strike the proper balance. Biased stops undermine residents' trust in the police and usually occur in communities that can least afford this. The Civil Rights Division has never had a stronger ally than Attorney General Reno—she challenges us to think outside the box.

Remarks by Attorney General Janet Reno

Harry Truman once said, "Doing what's right is easy—it's knowing what the right thing to do is that's hard." I've watched law enforcement at every level of government develop an excellence, a professionalism, and a can-do spirit. Ten years ago, we might not have come together to address the issue of race and law enforcement stops and searches. People would have said that the issue is too touchy to talk about. I have no doubt that the people here today have been able to talk through these issues in a productive way. We welcome the law enforcement professionals and the civil rights advocates here today.

Where should we begin? We recognize that traffic stops and searches are a vital tool for law enforcement and traffic safety. They are important for the interdiction of drugs and other contraband. The DEA has trained over 20,000 state and local officers on appropriate interdiction techniques—I saw the training and was impressed.

But there are so many misunderstandings. Young people tell me, "Why was I stopped? Stop picking on me." Traffic stops must be conducted in a fair and nondiscriminatory manner. So what can we do about it?

We believe that one answer is additional training. First, this training should include the legal parameters of stops and searches. Second, we must use creative methods to retain officers' interest. I found when I was State's Attorney in Dade County that videotapes for

use at roll call can be a very effective training tool. Third, we should focus on the interaction between the police officer and the motorist; role playing on how to do it right versus the wrong way to do it can be very helpful in training officers in how to talk to people.

We need to get input from others outside the Department of Justice, as we are doing today. We can pull ideas from other policing initiatives. We also should consider what other management policies are needed to make sure stops and searches are carried out in a nondiscriminatory manner. But we should also consider whether we need more than just great policies. We need to ensure that those policies are implemented. We believe that data collection should be used to support our law enforcement policies, and we need to discuss what is the best way to accomplish this data collection.

This Department believes that cooperation and negotiation is better than litigation; I applaud Bill Lee's dispute resolution skills. Now I would like to ask you, if you were Attorney General, what would you be doing?

Discussion with the Attorney General

Audience members offered the following suggestions:

- Conduct more surveys in minority communities about residents' encounters with the police and how they think these could be improved.
- Encourage officers to sit down and talk with residents; town meetings are not enough.
- Provide access to the Civil Rights Division and Attorney General.
- Consider developing a model code delineating standards of behavior citizens can expect.

The Attorney General provided her office's telephone number and said, "Also, it's a two-way street. Law enforcement needs access to information from community leaders."

One audience member expressed appreciation for the DOJ support for the Conyers bill and for the ongoing review of the DEA's Operation Pipeline training. "I recommend looking at implicit messages, even in the absence of racial profiling," he said. Finally, he noted that the community may not trust the police complaint review process.

The Attorney General replied, "I recognize obtaining current, accurate data is easier said than done. And the comment about implicit messages is well taken. There are only a few law suits that need to be filed to get the message across. My dream is that a dispute resolution course would be required of every teacher and every police officer so they can teach these skills to kids. People need to get together-the Chief of Police, the FBI, community organizations-before there is a problem, not wait until a crisis occurs."

MOVING TOWARD SOLUTIONS

This dialogue involved the observers at the meeting as well as Problem Solving Group members. There was considerable discussion about the following:

- Need to disaggregate the problem
- Preventive strategies
- Policies
- Management and oversight responsibilities
- Topics for research

Need to Disaggregate the Problem. During the first half of the session, many participants continued to discuss the need to disaggregate the problem or define it more broadly. Some said the primary purpose of traffic stops is to deal with traffic safety, and that drug and gun interdiction is secondary. The following comment reflects that view:

If we do stops for the types of violations that cause crashes, then an officer can look further for probable cause. But there needs to be a legitimate traffic reason for stopping.

However, others said the issues were more complex ("We are not talking about just one kind of stop here." "We need to redefine the problem more broadly-it is not just about traffic stops." "The issue requires different strategies for different types of stops."). Strategies mentioned included police chiefs talking to residents about what they might give up in exchange for a greater police presence, and an "enhanced motor vehicle safety program" activated with community support as an immediate response to gang-related drive-by shootings.

Other participants emphasized that racism must not be ignored, fundamental rights must not be violated, and issues of trust must be addressed. Comments to this effect included these:

There is in fact a paradox faced by African American communities: they want protection but mistrust those who are to provide the safety.

A young black can drive a Mercedes and get stopped or an old car and get stopped.
Other gun and drug situations are more general [than the example given on traffic stops in the aftermath of drive-by shootings], where it is almost impossible to articulate a rationale except,"you're out of place." You just can't stop for that reason.

With regard to trading off people's rights for protection-for example, in the case of the Chicago Housing Authority—the courts have said you can't negotiate away people's rights.

We have alluded to situations where you are looking for a suspect and you don't have enough information beyond race, so you generalize and you stop the wrong people. How much information do you need before you start stopping people?

Preventive Strategies. Three main types of preventive approaches were discussed: (1) employing crime mapping to portray problem locations and help document the need for intensified enforcement actions, as well as data-driven "early warning systems" to identify problems with units or officers; (2) involving the community *before* implementing special enforcement strategies; and (3) ensuring that training and hiring practices reflect a strong commitment to eliminating discrimination.

Several participants criticized stop and search programs undertaken without community consent. For example:

Where does the notion come from that I have to give up a little bit of my rights in order to get protection? People in [high income neighborhoods] don't do that. It's like blaming the victim for the situation. We police with the consent of the people. . . .Bring me in on the discussion before developing the strategy, rather than asking after the fact.

Departments need to be seeking the community's permission instead of talking so much about partnerships.

One speaker who agreed community involvement was important also said stops in poor, minority neighborhoods may be justified because "residents have already given up rights like going out at night, or at least some kind of convenience," or because "wealthy people can afford private security but poor people can't." Others pointed out obstacles to community involvement and the use of monitoring systems, including:

- Difficulty getting consent from the young people affected by the problem
- Difficulty determining who the informal community leaders are
- Disparities in department resources (some cannot afford early warning systems or crime mapping).
- Disagreement among citizens about appropriate tactics (e.g., some oppose stops while others (including citizens in some minority neighborhoods) ask the police to make them).

Two specific programs were mentioned as having overcome some of these obstacles while generating few citizen complaints: the Prince George's County, Maryland, traffic stop program in high crime areas, and the National Highway Traffic Safety Administration (NHTSA) nationwide seatbelt initiative. Another effort noted was the ongoing development of citizen surveys by DOJ's Community Relations Service and the Criminal Justice Policy Foundation. Other preventive strategies suggested were:

- Emphasize ethics in hiring practices, since police officer discretion is so critical
- Have officers work with community organizations as part of recruit training
- Provide special training to officers making stops in communities of color
- Consult with the NHTSA about public education and media coverage related to seat belt enforcement initiatives.

Policies. Although there was consensus on the importance of having strong policies that ban stops based on race, other policy issues were not resolved. Participants continued to ask:

What should the policies be, and how do we get these policies across to the rank and file?

Given that a large percentage of motorists violate the law, who do we stop and why do we stop them?

In addition, several participants emphasized that policy statements alone are not enough. For example:

Profiling is being taught in the media—blacks are more crime prone-and police pick up on it. You can have a policy, but the chief can't ride with every officer. We want to know what punishment will happen when an officer violates the policy.

Is racism alive and well in America? Yes. Racial profiling is a snapshot of institutional racism. At the academy, I got subtle and not so subtle messages about where I should police. This is still the case. [Regarding solutions], community involvement is a key. Law enforcement standards and training must be involved.

A range of other questions were raised or re-introduced in the context of their bearing on policy development. These included:

- If you don't have the data and mapping, how can you be responsive to your community?
- If police are already collecting data (from traffic tickets, reports on stops, etc.), what information should be provided to the intelligence or internal affairs unit?
- How can departments get away from measuring what officers do by relying on numbers and quotas?
- How will departments identify officers who should be disciplined?
- Given disparities in training, intuitiveness, and powers of observation, how can we be sure officers are interpreting the term "reasonable suspicion" correctly and consistently?
- Can we develop a model policy that includes (1) an emphasis on how people are to be treated once they have been stopped, (2) consequences for not adopting the policy?
- Can DOJ mandate that multi-jurisdictional task forces and other federal grantees require training of subgrantees before they receive funding?

Management and Oversight Responsibilities. There was consensus that police management must provide strong leadership and oversight. One participant expressed it this way:

Most police departments have good quality recruit and in-service training about how to conduct stops, but the anecdotal data is off the charts. There should be no officer who could stop only minorities and the supervisor not know it. Oversight is critical.

Other management responsibilities mentioned by various participants included:

- Develop more comprehensive plans for getting data.
- Ensure that ("unlike hate crime data") data on stops is collected and submitted.
- Make sure employee evaluations have "teeth" and are tied to performance.
- Focus on training first-line supervisors, certify the trainers, and consider other training recommendations made at a recent IACP conference.
- Where traffic safety is the goal, perform evaluations based on how officers deal with traffic problems, not just on the number of tickets they write.
- Promote changes in internal culture, with the chief leading this effort.
- Stop abuses of forfeiture laws.

Several participants raised concerns related to forfeiture, including "dash for cash," other "no-dope seizures," taking small amounts of cash from individuals, and a lack of forfeiture oversight. One said, "Many police departments and task forces that are doing stops don't write tickets if no dope is found, as that just slows them down." He also noted that forfeiture laws provide big financial incentives, and that many district attorneys in his area take cases to the DEA or FBI for forfeiture follow up. He continued:

DOJ can take some of the incentive out of that. . . . I'm not recommending to get rid of forfeiture but to improve the oversight of forfeiture. The bad cases could raise political questions about the use of forfeiture.

Topics for Research. Various participants mentioned the following:

- Inform the debate on disparity by race in drug dealer arrests (i.e., claims that fewer whites are arrested because "they don't deal on the streets," or "they don't use the drugs they sell").
- Conduct an examination of what law enforcement organizations are actually teaching about stops and

searches.
- Conduct studies of pretext stops that examine the assumption, "it's worth it to stop many to catch a few."
- Develop methods for "how to evaluate the mass of stops to decide if discrimination is occurring."
- Conduct experiments on random stops.

Regarding random stops, one participant said police in New York City have had mixed results using random point stops, with some precincts receiving many community complaints and others seeing a significant decline in complaints.

In addition, the idea of "developing a better profile" was raised. There appeared to be some interest in the possibility of devising citizen-supported, limited-purpose, time-limited profiles; but the general notion of developing a better profile was largely rejected for several reasons:

- Race would still be an implicit, if not explicit, part of it.
- The data are lacking.
- Some segments of the population would still be, or would still feel, improperly targeted and disrespected.
- Law enforcement experience shows "the best profile is no profile." They are not useful for drug interdiction; organized criminals change their methods as soon as they become aware of a profile; and airport profiling systems have not been particularly effective.

Summary of the First Day's Discussion: Remarks by Mark Moore

In thinking about how to summarize the day's work, several questions came to mind: What subject have we been discussing? What values are at stake? What approaches can we use to solve problems? What can we do to legitimate and give standing to these approaches? How should we implement them? What types of statistics and performance measures are needed?

Participants tried many times to define the subject. One view of the problem is that there is a deep sense of alienation in minority communities. Particularly poignant was the testimony from African American law enforcement officials who encountered the problem of teaching their own children to get accustomed to unjustified stops. Contributing to the alienation might be the inappropriate use of traffic stops-they feel arbitrary, discriminatory. Maybe we can't attribute the alienation solely to the stops, but they often exacerbate

and symbolize the problem. We can't take up the whole problem of alienation today. Rather, we are looking at the narrower issue of traffic stops and searches. The subject, then, is to develop guidance for the police on traffic stops and their attendant searches, although some say this subject is too narrow, and some say all stops should be considered.

What would give the police guidance in making traffic stops? One way is use a profile. But there is a broader definition of a profile, which is an explicit written policy. A profile could be implicit or explicit in that written policy. It could be based on behaviors or characteristics over which individuals have no control. Conversely, a profile could have been carefully developed and tested. We could have constructed a profile based on data, or we could have just assumed we knew. The more it has been tested, the more legitimate the profile.

When a profile includes a racial characteristic, we could say the profile would be objectionable on its face. We could shift to such things as an old car or an accent, but those are racially connected and have no predictive or explanatory power, and are thus as objectionable as an explicit racial characteristic. If we had information that was correlated with race (not race itself), but the consequences of acting on that information would fall more heavily on one population, that population might say we don't believe you; we believe this is racially motivated, even though by your standards you're doing the right thing. This could happen even with a better profile.

In considering *law enforcement effectiveness*, there are many purposes for which police could use traffic stops: improve traffic safety, reduce the availability of drugs and guns, reduce violence associated with gangs, criminal apprehension. These appear to be important law enforcement functions. Some of these functions have been enormously aided by technology, speed guns, breathalyzers, video cameras. We can now do a more intensive and accurate search without being as intrusive. Apprehensions are also aided by technology. It is not clear that technology has helped much yet in drug and gun enforcement and violence prevention, but it is possible it could.

There are also inappropriate uses of traffic stop powers. Based on the discussion today, we could say improper stops are (1) "border stops" (between suburbs and cities) and searches to protect the homogeneity of neighborhoods; (2) stops made solely to get money or cars through forfeitures; and (3) stops made because officers are asserting their own biases.

One of our values is law enforcement effectiveness, but we should treat the effectiveness of traffic stops as something of an unknown. We don't know how big an effect they are having. Other values are related to community understanding and support. Policies that are lawful and constitutional are not enough. The issue is not simply whether or not the city likes a policy, but how it is accepted among the people on whom it is imposed. You could imagine police voluntarily doing less than the Constitution says they can do in the interest of developing better relationships with the community.

At least two main policy options emerge: (1) limit stops to enhancing traffic safety, and (2) construct a better profile. It may be possible to make a better profile that results in fewer errors of both types (false positives and false negatives), but there is technical work to be done. We should use only behavior, not characteristics, and we should specifically exclude race.

An alternative approach would be to construct limited profiles for limited purposes. What if we thought of traffic stops as we do wiretaps, where we have to get something like a warrant that states why we want to rely on an elevated level of traffic enforcement and who would be exposed to it? We could advertise it, which might have some deterrent effects. This would be consistent with problem solving. Use it, but only for those limited purposes.
What would we do with a policy if we had one? Check its constitutionality, check it against best practices. Again, you may not want to use every scrap of authority you have.

Participants also proposed several benchmarks from the efforts to reform police practice on deadly force and high speed chases. They emphasized the importance of training and supervision. But as one participant reminded us, you will also get from cops what's in their hearts, not just what's in the policies and procedures. This means that it is important to let cops work through these things in the training. Also, there were recommendations to identify and discipline the "bad apples," and to consider following discipline with training. Again, drawing from experience with deadly force and chases, external monitors are important.

Use of statistics and measurements were touched upon. One use of statistics is a national survey that asks: What is the nature of the problem? Are stops and searches creating a problem in the minority community? If so, how big and deep is the problem?

Another type of survey could help identify the policies and procedures now guiding police agencies. Statistics could be valuable for developing and testing some of the different profiles. Also, they could be helpful in developing information systems departments could use.

Remarks by Joseph E. Brann
Director, Office of Community Oriented
Policing Services

Many of my personal views have been shaped by 26 years of law enforcement experience, but my perspective has changed over the past four years as COPS Office Director. I understand the comments about the need to disaggregate the issues. Police want to use profiles but must also be realistic about the abuses that have taken place. Thirty years ago I never heard the term *profiling* used to refer to a practice. Profiles had more to do with serial rapists and murderers; they were developed with help from forensic psychologists and were used by experienced investigators. Later, profiles were used at airports, then on highways. Profiling now—although usually done for good reasons—is often being done by inexperienced officers. Police are always seeking shortcuts, and there are dangers in that. Officers can slip into a lazy or haphazard work ethic; and race is the easiest shortcut of all. Training, individual experiences, and biases all influence officers, and it would be disingenuous to deny that race is a factor in police behaviors. Racism can be subtle or overt, and it can be condoned by an organization. I personally believe profiling can be a powerful and effective tool in many situations. But the problem is, it is too often used as a shortcut. This is complicated by the fact that officers operate under very little direct supervision Also, we are sometimes unwilling or unable to keep on top of the changing data. Police also need training, but training does not get at the need for organizational change. We cannot let police stops lead to systemic mistreatment of minorities.

Community policing is a powerful tool for addressing these concerns, where the community holds police accountable, the police do outreach, and the police organization reflects the composition of the community. We can't train out bias, but we can build healthy organizations, and a closer relationship with the community can help overcome bias. It is easier to question or modify our programs than to challenge some of the practices that have evolved over time from various tactics. We may be misapplying some of those practices today. The Attorney General said we have an opportunity to effect change without leaving the police organization hamstrung. The presence of so many organizations here and the level of discussion that has occurred are very important.

Many of you have said it cannot stop here. We need to recreate opportunities for these discussions across the country.

OPENING SESSION, DAY TWO

Sheldon Greenberg
Johns Hopkins University

Dr. Greenberg opened the discussion by listing the possible solutions mentioned on the first day. These included:

- Develop concrete standards and elevate police professionalism as it relates to traffic and other law enforcement stops.
- Develop a national model policy, even if it has to be broken down in various ways.
- Develop structured, announced, purpose-specific traffic stop programs.
- Consider random stop experiments as part of an overall research agenda.
- Increase and improve data collection efforts.
- Take advantage of the data that already exists.
- Obtain community approval before undertaking a law enforcement stop effort.
- Involve more of the constituents who have a stake in the subject (for example, police officers and troopers as well as citizens).
- Survey our communities. Focus on measuring citizen tolerance for law enforcement stops, especially in the communities most adversely affected by them.
- Assess both the subtle and direct messages we send our officers and troopers that profiling to seize assets is good and will be rewarded.
- Impose sanctions on officers who abuse forfeiture laws and make race-based stops.
- Change our system of evaluation so it does more than simply reward officers who make stops just to build up statistics.
- Hold more public discussions and meetings, especially for young people.
- Increase the monitoring of stops.
- Fund and make greater use of in-car video cameras.
- Require supervisors to randomly review videos, especially videos of officers who are known for doing a lot of profiling.
- Stop discussing profiling as a collective. The issues

involve not only traffic stops but border stops, drug interdiction, blatant discrimination, stops that are agency supported and purpose specific, and profiles generated by individual officers who consider it the morally responsible thing to do for the greater good.

One member of the Problem Solving Group added several others:

- Cease pretext stops.
- Cease the use of race in profiles.
- Focus on successes (for example, officers who are making stops and not receiving complaints).
- Challenge others in the justice system, including prosecutors and judges, to be more responsible in con fronting the police about the negatives they observe.
- Survey prosecutors and judges about what they hear, and get judges and prosecutors more involved in discussions.

Dr. Greenberg noted several themes emphasized during the first day, including ethics and integrity; the need to get various organizations involved in developing training on stops and searches; and the need to get the community involved. For the discussion on designing training strategies, he asked participants to consider training goals and expected outcomes, content, delivery, and how to assess the results of the training.

Discussion: Designing Training Strategies

Several members of the problem solving group offered comments on training content and delivery methods.

Training Content. One participant said that her agency policy requires that training developed on all high-risk, high-liability issues begin with a policy review; but for training on stops and searches, outside reviewers are used, including the local ACLU representative. Two others noted some of the training topics covered in their jurisdictions, including:

- Being alert for criminal activity, not just drugs.
- Officer safety.
- "Respect, courtesy and ownership," starting in the academy.
- The relationship between courtesy and officers' ability to be good crime fighters.
- What happens after the traffic stop, including how to handle persons who become angry (e.g., accuse an officer

of racism).

- Techniques that reflect the shift from "911-driven to solution based programming" (such as having officers first give their name, organization, and reason for the stop, rather than demanding "license and registration").

Another participant pointed out that, even if officers are no longer trained to use racial profiles, citizens are still subject to their individual decisions, which may be "based on shortcuts of the past and other experiences that produced fruitful stops in terms of arrests." He questioned whether the focus should be on the types of officer behaviors that insult citizens, or on when to stop or not stop, noting that officers usually have probable cause to stop, but their demeanor is usually what fuels citizens' anger.

Mr. Rosenbaum agreed that most officers can justify their traffic stops on the basis of traffic violations, and said training has to "get beyond that level of discussion. . . . The discrimination issues we are looking at are not related to probable cause but to how the person is treated." Training and policy development efforts, he said, need to address these issues:

- Is there discrimination in terms of what minorities are being stopped for? Are minorities more likely to be subjected to the more discretionary stops (for example, stops for not using a turn signal)?
- What happens after the stop? When do you take a stop to the next level? This is where there may be discrimination problems if a high percentage of those who are asked for a consent search are minority.
- How can a training program be developed that addresses the potential for violent encounters? The Supreme Court has called traffic stops a "potentially unsettling show of authority." For the officer, there are legitimate safety issues involved, but police excessive force incidents often start as routine traffic incidents.

Training Methods. One participant said troopers want training to involve more role playing and videos; and they wanted volatile, race-related situations included as training scenarios. Another said current training sessions begin with an introduction by the chief, and supervisors are required to attend with officers. A third participant said misunderstandings can be avoided by training the chief and executive staff first, then moving down through the supervisory ranks and training officers last.

Other techniques noted were requiring a written exam and involving officers in identifying performance and outcome measures.

SUMMARY OF TRAINING RECOMMENDATIONS

The discussion on training was followed by small group work and a brief report-out session on recommendations for (a) training content, and (2) training delivery methods. Participants also submitted their handwritten notes, and the following list of recommendations is based on those notes. Although it is not possible to determine priorities from this process, items that received the greatest number of mentions were ethics, legal foundations and issues, departmental policy, consequences of law and policy violations, cultural sensitivity, respect and courtesy, officer safety, "after the stop" issues, conflict resolution, and internal cultural messages.

Several participants also recommended involving community members in the curriculum development process, as well as collaboration with various law enforcement training organizations, including IACP, NSA, NOBLE, PERF, IADLEST, IATA, and state POSTs.

Recommendations for Training Content

- Ethics-including integrity, truthfulness in reporting, truthfulness in stating reasons for stops, concept of informed community consent, reporting violations, law enforcement as public service, complaint process.
- Legal foundations and issues-Fourth and Fourteenth Amendments, statutory and case law, search and seizure, probable cause, reasonable suspicion, unlawful detentions, citizens' rights, immigration and other laws local police cannot enforce.
- Department policy-explanation of the policy, the rationale for it, its applicability to all levels; types of stops that are banned; how the agency will hold officers accountable, handle complaints, and measure success.
- Consequences of law and policy violations, including criminal and civil liability.
- Cultural sensitivity, diversity, race relations.
- How to incorporate respect, courtesy, code of conduct, and professionalism into initial approach while providing an explanation for the stop.
- Officer safety.
- What happens after the stop-a strong focus on race relations, respect, courtesy, professionalism; risk

assessment; discretion in various stop situations; specific techniques to detect criminal activity; circumstances under which officers can/should conduct consent searches; use of informed consent forms.

- Conflict prevention, management, resolution (including how to disengage if you are wrong, diffusing tension, dealing with difficult people, managing personal stress, dealing with limited English speakers, handling accusations of racism and how to behave in a way to avoid such accusations).
- Internal cultural messages and "mindsets" (e.g., "code of silence," stereotypes about race/ethnicity and statistics that refute them).
- Data collection and analysis-what to record, how this will be subject to review, tracking officer patterns, tracking results of tactics.
- Rationale for the training (e.g., community concerns; also, an emphasis that training is not an accusation, "informative and sensitizing rather than remedial in nature").
- Basic communication skills (including information sharing with the public at large).
- Alternatives to stops-philosophy of no more intrusion than necessary, effectiveness/ineffectiveness of profiling.
- Perceptions of communities about racial profiling and resulting cynicism, illegality and resulting loss of court cases (suppression of evidence), litigation by plaintiffs and DOJ, loss of needed grant funding, loss of respect by large segments of their constituencies, leading to tense relations.
- "Dash for cash" issue-misuse of forfeiture laws.
- Stress management.
- Departmental complaint process (including how to explain it to citizens who indicate they want to file a complaint).

Content Recommendations Specifically for Executives and Managers

- How to take a complainant's issue and turn it into a positive.
- All aspects of traffic stops and criminal interdiction including policies, how to develop a policy, review of data-does profiling work, what issues are at stake?
- Emphasis on using crime mapping to identify problems.
- Involving the community in policy development, under

standing how to engage the community in discussing traffic safety and crime reduction goals.
- Development of agency policy on and civil rights implications of officers' enforcement actions, and effective discipline for violations.
- How to improve professionalism in traffic enforcement.
- How to monitor/discipline for instances of police misconduct.

Content Recommendations Specifically for Supervisors

- Accountability measures.
- How to do counseling on sensitivity.
- How to monitor effectively.
- How to establish performance measures and share results with all stakeholders, including the community.
- Appropriate supervisory review in dealing with complaints arising from traffic stops.

Recommendations for Training Delivery

- Role playing, including role reversals (non-minority officer in role of person being stopped).
- Videos, interactive videos (including scenes where stopping officer is accused of racism, officer apologizes for a wrongful stop, situations that have positive outcomes).
- Case studies, especially real cases from department or DOJ Civil Rights Division.
- Bringing young people in to discuss how they view police practices; using other community members as volunteers or paid participants.
- Roll call refreshers (including use of videos for roll call training).
- Having recruits work in civilian clothes in the community (e.g., as a cooperative effort with the Urban League).
- Use of certified trainers only.
- Use of trainers who represent various cultures.
- Continual training reinforcement/refreshers, especially for officers working in target areas.

DISCUSSION: OTHER PARTICIPANT SUGGESTIONS

This session involved small group work, with participants brainstorming the broader issues that need to be addressed, including the role of the government. This was followed by a brief report-out. Again, participant notes were submitted and were used to compile this section of the report. In some instances, participants made suggestions that could not be carried out within the authority of the Department of Justice. However, there was not enough time during this session to discuss more specifically how the suggestions might be implemented, or to discuss the authority under which various agencies (within and outside of DOJ) might proceed.

Model Policy Development

A significant number of participants wanted to see national standards or a model policy developed on conducting law enforcement stops and searches. Several said the IACP, other police organizations, and civil rights groups should be involved in developing such a policy, and that it should include a strong message that discrimination will not be tolerated. One participant said a model process for monitoring such a policy should also be developed.

Training

Many participants made suggestions for training development and for various types of federal support related to training. Several emphasized that many different law enforcement training and membership organizations should be involved in the training development process, and that a model training curriculum should include modules for managers and supervisors, not just line officers. Several participants stressed a need for review and comment by various citizen groups as part of the curriculum development process, and others emphasized "in-service sensitivity training" and "civil rights training for law enforcement officers and managers."

The vast majority of participants did not specify which federal agency or agencies they thought should spearhead curriculum development at the national level; however, one suggested DOJ consider having DEA "collaborate with IACP to develop a training curriculum and certification process for roadside criminal interdiction." One participant suggested DOJ play a "train the trainers" role and also "take the lead by supporting national training goals." Another recommended that DOJ "require through the Byrne Grants a federal presence on committees that determine where the money is

going" to help ensure that training on law enforcement stops and searches is delivered. In terms of specific training products, suggestions were made to develop a roll call tape and an interactive video on CD-ROM with some form of DOJ support. Another recommendation was to consider offering matching grants for video cameras and the related training required to use them.

Several participants' suggestions reflected concerns about the quality and effectiveness of training related to law enforcement stops and searches. They said, for example, that there should be "a continual review of training programs," a "review of local and state training programs on drug interdiction for any race references, implicit or explicit," state-level certification of curricula on stops and searches as well as certification of trainers, and "research and evaluation on the impact of training." However, as noted earlier, this was a brainstorming session and most participants did not indicate which agencies or organizations they thought might appropriately conduct the recommended reviews, or which agencies would be authorized to do so.

Finally, suggestions included several approaches DOJ might take to help ensure a model training curriculum on law enforcement stops and searches is delivered. These included adding training mandates to existing grants to state planning agencies; making grants to individual communities and providing technical support to implement the training; nationally marketing the training and encouraging local political leaders to support it; and "using its pattern and practice authority to deal with problem agencies that do not respond to training."

Leadership, Advocacy

Many participants' suggestions were related to DOJ playing a strong leadership role in advocating against discriminatory stops and searches. Suggestions included providing "greater funding, energy, and publicity for pattern and practice cases" by taking a "road show" out to explain DOJ pattern and practice authority and possible results; using DOJ's authority as leverage to negotiate; and following through and removing federal funding when discrimination is found. Several participants suggested using as a model the successful DOJ efforts made to increase awareness of and combat sexual harassment.

Other suggestions were to encourage open, honest discussion of the issues by sponsoring national and regional forums across the country (including some forums geared to small cities); broaden the

problem statement beyond law enforcement traffic stops and searches; and provide strong leadership in "proactive prevention" and "the integration of research results into policy."

Data Collection, Research, and Evaluation

Participants offered several additional suggestions for DOJ related to data collection, research, and evaluation: collect and distribute ideas for data collection and best practices; collect the data where there is a multi-agency task force with a federal presence (e.g., DEA); and sponsor research and evaluation efforts to identify alternatives to profiling traffic stops that would be cost effective without having a negative impact on race relations.

CLOSING REMARKS

Raymond C. Fisher
Associate Attorney General

The issues discussed here are very important to the Department of Justice and the Attorney General, as are the experiences and viewpoints of police, civil rights, and community representatives. We are willing to listen to critical comment about what we do.

The Rodney King tape and the Christopher Commission investigation provided lessons not only to Los Angeles but to law enforcement around the world. I am sensitive to and aware of what these types of confrontations mean. Recently, for example, there have been complaints in Los Angeles about "driving while black"— this is a persistent issue. It is important that legitimate techniques of law enforcement be used to combat drug trafficking. We want these techniques available, but we don't want them abused. Any confrontation or encounter with an officer can be scary. A model code alone would be a major stride forward, with an emphasis on individual officers' courtesy. We need to listen to the comments made about parents who are members of racial and ethnic minority groups preparing their sons for police stops, but we also have to attend to allegations that large numbers of officers' enthusiasm for law enforcement was chilled by the Rodney King incident and subsequent hands-off policies. Several years after the Rodney King beating, the Los Angeles mayor questioned the police chief about allegations that officers feared retribution from Internal Affairs and thus were not making as many arrests or enforcing traffic laws. One area of Los Angeles had commissioned a study of traffic stops. The data showed some truth on both sides, but the fear was not as extreme as suggested by media coverage and anecdotes from police managers.

We therefore commend the notion that we need to pursue some form of empirical data collection so we can better ascertain what is really going on in the field. It can be hard to collect data when a stop is made at three in the morning-we are sensitive to that. Even so, having empirical data to refute myths or support allegations is a very important step. Also, training is extremely important, and DOJ can make a positive contribution to support high quality training. I've spoken at roll calls and have seen the eyelids drop, but there are ways to communicate effectively through roll call training.

Overall, police officers are trying to do a good job-they are just people like us-but clearly some get carried away or don't know the proper techniques. Performance measures, then, are also very important. For example, the LAPD was driven by arrest statistics at one time. We have to be careful not to create incentives for cops to do the wrong thing. And community involvement means more than involving only citizens invited to be part of a precinct commander's inner sanctum, or civil rights advocates. Their participation is important, but there are many others who don't go to meetings or don't participate in other ways. Police need to go to homeowners' meetings, meetings at schools, and other forums out in communities. Anecdotal information-but useful information-comes out of these efforts. Police must also communicate a professional, courteous attitude. As managers, we have to set the standards and clearly state what's right and what's wrong. If we treat everyone with respect, many of these problems can be addressed.

This Attorney General and this Justice Department do listen and follow up. Our next step is for us to carefully review what you have suggested here.

PROBLEM SOLVING GROUP ON LAW ENFORCEMENT STOPS AND SEARCHES

Office of Community Oriented Policing Services
U.S. Department of Justice

| AGENDA

December 9 - 10, 1998
Crystal City Marriott
Arlington, Virginia

8:00 a.m. - 8:30 a.m.	Registration and Coffee Service
8:30 a.m. - 8:45 a.m.	Welcome and Opening Remarks

Eric H. Holder, Jr.
Deputy Attorney General
U.S. Department of Justice
Washington, DC

Moderator:	Mark H. Moore Professor Program in Criminal Justice Policy and Management Kennedy School of Government Harvard University Cambridge, Massachusetts

8:45 a.m. - 9:00 a.m.   Nature of the Task

Chief Steven H. Rosenbaum
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
Washington, DC

9:00 a.m. - 10:00 a.m.   Overview of Perspectives from the Field: Law Enforcement, Community, and Legal/Theoretical

Chief Annette Sandberg
Washington State Patrol
Olympia, Washington

Hilary Shelton
Director
Washington Bureau
National Association for the
Advancement of Colored People
Washington, DC

Jerome Skolnick
Professor
New York University Law School
New York, New York

10:00 a.m. - 10:15 a.m.   Break

10:15 a.m. - 11:45 a.m.   Discussion: Discriminatory Profiling by law Enforcement

- Race and Ethnicity as a Proxy for Criminality or Suspicion
- Law Enforcement's Interaction with Diverse Communities
- Legal Issues and Liabilities
- Early Indicators of Problems
- Performance Measures of Individual Officers, Units, and Departments
- Barriers to Race Neutral Law Enforcement

11:45 a.m. - 1:15 p.m.   Luncheon

Introduction:	Bill Lann Lee Acting Assistant Attorney General Civil Rights Division U.S. Department of Justice Washington, DC
Keynote Speaker:	Janet Reno Attorney General U.S. Department of Justice Washington, DC

1:15 p.m. - 3:00 p.m.   Discussion: Moving Toward
                          Solutions

- Preventive Strategies
- Policies and Procedures
- Management Responsibilities, Practices, and Techniques
- Line Officer Input
- Community Involvement
- Topics for Research

3:00 p.m. - 3:15 p.m.   Break

3:15 p.m. - 4:00 p.m.   Input from Observers

4:00 p.m. - 4:30 p.m.   Summary of the Day's Discussion
                          and Review of Tomorrow's Agenda

                          Mark H. Moore
                          Professor
                          Program in Criminal Justice Policy
                          and Management
                          Kennedy School of Government
                          Harvard University
                          Cambridge, Massachusetts

4:30 p.m. - 4:45 p.m.   Closing Remarks

                          Joseph E. Brann
                          Director
                          Office of Community Oriented
                          Policing Services
                          U.S. Department of Justice
                          Washington, DC

8:00 a.m. - 8:30 a.m.   Registration and Coffee Service

8:30 a.m. - 8:45 a.m.   Brief Review of Previous Day's Work

Moderator: Sheldon Greenberg
                          Chair
                          Department of Interdisciplinary
                          Programs
                          Johns Hopkins University
                          Baltimore, Maryland

8:45 a.m. - 10:00 a.m.   Discussion: Designing
                          Training Strategies

- Academy, Roll Call, and In-Service
- Differences in Training for Line Officers and Supervisors
- Effective Training Techniques

10:00 a.m. - 10:15 a.m.   Break

10:15 a.m. - 11:30 a.m.   Discussion: Content of Training

11:30 a.m. - 11:45 a.m.   Closing Remarks

                          Raymond C. Fisher
                          Associate Attorney General
                          U.S. Department of Justice
                          Washington, DC

PROBLEM SOLVING GROUP ON
LAW ENFORCEMENT STOPS AND SEARCHES

Attendee List

December 9-10, 1998
Arlington, VA

Dave Adams
Supervisory Special Agent
Internal Audit
Office of Internal Audit
Immigration and Naturalization Service
425 I Street, NW, Room 3260
Washington, DC 20536
202-514-0956
202-514-7244 (Fax)

Beverly Alford
Senior Policy Analyst
Office of Community Oriented
   Policing Services
U.S. Department of Justice
1100 Vermont Avenue, NW
Washington, DC 20530
202-616-9268
202-616-9613 (Fax)
alford@justice.usdoj.gov

Marilena Amoni
Director
Office of Traffic Injury Control Programs
National Highway Traffic Safety
   Administration
700 Seventh Street, SW, NTS-10
Washington, DC 20590
202-366-4913
202-366-7721 (Fax)

Patricia H. Andrew
Senior Program Specialist
National Center for State, Local, and
   International Training
Federal Law Enforcement Training
   Center
Building 67, First Floor
Glynco, GA 31524
912-267-2342
912-267-6437 (Fax)
paandrew@fletc.treas.gov

Kenneth Austin
General Counsel
The National Urban League
120 Wall Street, Eighth Floor
New York, NY 10005
212-558-5330
212-344-5188 (Fax)

Merrick Bobb
Special Counsel
Los Angeles County Sheriffs' Office
c/o Morrison & Forester
Los Angeles, CA 90013-1024
213-689-4440
213-892-5454 (Fax)

Joseph E. Brann
Director
Office of Community Oriented
   Policing Services
U.S. Department of Justice
1100 Vermont Avenue, NW
Washington, DC 20530
202-616-2888
202-616-2914 (Fax)
jbrann2@ojp.usdoj.gov

Pam Brewington
Attorney
Coordination and Review Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66560
Washington, DC 20035-6560
202-307-3212
202-307-0595 (Fax)

John Brown
Special Agent in Charge
El Paso Intelligence Center
11339 SSG Sims Street
El Paso, TX 79908-8098
915-564-2011
915-564-2677 (Fax)

Joseph Brown
Executive Director
Citizens Opposing Profiled Police Stops
555 Frenchurch Street, Suite 405
Norfolk, VA 20351
757-623-4700
757-623-3896 (Fax)

John Crew
Director
Police Practices Project
American Civil Liberties Union
1663 Mission Street, Suite 460
San Francisco, CA 94103
415-621-2493
415-255-8437 (Fax)

Richard H. Deane
U.S. Attorney
Northern District of Georgia
75 Spring Street, SW, Suite 1800
Atlanta, GA 30335
404-581-6000
404-581-6181 (Fax)

John Esquizel
Assistant Chief
U.S. Border Patrol
Immigration and Naturalization Service
425 I Street, NW, Room 4226
Washington, DC 20536
202-616-0238
202-514-3478 (Fax)

John S. Farrell
Chief of Police
Prince George's County Police
   Department
7600 Barlowe Road
Palmer Park, MD 20785
301-772-4742
301-772-4788 (Fax

Daphne S. Felten-Green
Attorney Advisor
Office for Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-305-3010
202-616-9865 (Fax)

Raymond C. Fisher
Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 5241
Washington, DC 20531
202-514-9500
202-514-0238 (Fax)

Luke Galant
Senior Advisor to the Director
Bureau of Justice Assistance
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-616-3211
202-616-2421 (Fax)

Gilbert Gallegos
National President
Fraternal Order of Police
5900 Jefferson NE, Suite F
Albuquerque, NM 87109
505-344-3159
505-342-1004 (Fax)

Saul. A Green
U.S. Attorney
Eastern District of Michigan
211 W. Fort Street, Suite 2300
Detroit, MI 48226
313-226-9100
313-226-2311 (Fax)

Reuben M. Greenberg
Chief
Charleston Police Department
180 Lockwood Boulevard
Charleston, SC 29403
843-720-2401
843-722-4085 (Fax)

Sheldon Greenberg
Chair
Department of Interdisciplinary
   Programs
Johns Hopkins University
201 North Charles Street, Suite 310
Baltimore, MD 21201
410-516-0769
410-659-8440 (Fax)
greenb_s@jhu.vms.hcf.jhu.edu

Ronald Hampton
Executive Director
National Black Police Association
3251 Mt. Pleasant Street, NW
Washington, DC 20010
202-986-2070
202-986-0410 (Fax)

David Harris
Professor
University of Toledo Law School
2801 West Bancroft Street
Toledo, OH 43606
419-530-2877
419-534-2724 (Fax)

George E. Henderson
Counsel
Community Relations Service
U.S. Department of Justice
600 E Street, NW, Suite 2000
Washington, DC 20530
202-305-2935
202-305-3005 (Fax)

Eric H. Holder, Jr.
Deputy Attorney General
U.S. Department of Justice
Tenth Street & Constitution Avenue, NW
Washington, DC 20530
202-514-2101
202-514-4371 (Fax)

Barbara Huie
Acting Director
Community and Intergovernmental
   Programs
Office of Policy and Planning
Immigration and Naturalization Service
425 I Street, NW, Room 7309
Washington, DC 20536
202-616-7986
202-353-0221 (Fax)

Brian A. Jackson
Associate Deputy Attorney General
Deputy Attorney General's Office
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 4216
Washington, DC
202-514-2073
202-514-6897 (Fax)

Richard Jerome
Deputy Associate Attorney General
Associate Attorney General's Office
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 5245
Washington, DC 20531
202-514-8696
202-307-3904 (Fax)

Carmen Joge
Civil Rights Policy Analyst
National Council of La Raza
1111 19th Street, NW, Suite 100
Washington, DC 20036
202-776-1753
202-785-1792 (Fax)

Michelle Jong
Special Agent
El Paso Intelligence Center
11339 SSG Sims Street
El Paso, TX 79908-8098
915-564-2491
915-564-2677 (Fax)

Robert J. Kaminski
Social Science Anlayst
Office of Research and Evaluation
National Institute of Justice
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-6169135
202-307-6394 (Fax)
kaminski@ojp.usdoj.gov

Mark Kappelhoff
Attorney
Criminal Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66018
Washington, DC 20035-5463
202-514-5463
202-514-8336 (Fax)

Mark Lane
Counsel to the Director
Executive Office of U.S. Attorneys
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Room 2261
Washington, DC 20530
202-514-6267
202-305-4937 (Fax)

Bill Lann Lee
Acting Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
P.O. Box 65808
Washington, DC 20035-5808
202-514-2151
202-514-0293 (Fax)

A. Leon Lowry
Program Director
Professionalism Program Services
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302
850-410-8611
850-410-8606 (Fax)

Robert F. Lunney
Consultant
Police Executive Research Forum
1120 Connecticut Avenue, NW, Suite 930
Washington, DC 20036
202-466-7820
202-466-7826 (Fax)

George Mazza
Attorney Advisor
Office of Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, NW, Room 8117
Washington, DC 20531
202-305-3146
202-616-9861 (Fax)

Phyllis P. McDonald
Social Science Analyst
National Institute of Justice
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-616-3653
202-307-6394 (Fax)
pmcdonald@ojp.usdoj.gov

James W. McMahon
Superintendent
New York State Police
1220 Washington Avenue
Building 22
Albany, NY 12226
518-457-6721
518-457-3207 (Fax)

Gregory Mitchell
Attorney Advisor
Domestic Criminal Law Section
Office of Chief Counsel
Drug Enforcement Administration
Washington, DC 20537
202-307-8030
202-307-3603 (Fax)

Mark H. Moore
Professor
Program in Criminal Justice Policy
    and Management
Kennedy School of Government
Harvard University
79 John F. Kennedy Street, T316
Cambridge, MA 02138
617-495-1113
617-495-0996 (Fax)
markm@ksgl.harvard.edu

Charles A. Moose
Chief of Police
Portland Police Bureau
1111 S.W. Second Avenue, Room 1526
Portland, OR 97204
503-823-0000
503-823-0342 (Fax)

Aldine N. Moser
Executive Director
National Sheriffs' Association
1450 Duke Street
Alexandria, VA 22314
703-836-7827
703-683-6541 (Fax)

Robert K. Olson
Chief
Minneapolis Police Department
350 S. Fifth Street, Room 130
Minneapolis, NN 55415
612-673-2853
612-673-2613 (Fax)

Chuck Peltier
Chief
Traffic Law Enforcement Division
National Highway Traffic Safety
   Administration
400 Seventh Street, NW, NTS-10
Washington, DC 20590
202-366-4295
202-366-7721 (Fax)

Thomas Perez
Deputy Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
P.O. Box 65808
Washington, DC 20035-5808
202-514-3828
202-307-2572 (Fax)

Thomas E. Perryman
Senior Special Agent
Investigations Branch
Office of Field Operations
Immigration and Naturalization Service
425 I Street, NW, Room 7114
Washington, DC 20536
202-307-411
202-616-2726 (Fax)

Mark A. Posner
Senior Trial Attorney
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66400
Washington, DC 20035-6400
202-307-1388
202-514-0212 (Fax)

Deborah Ramirez
Professor
Northeastern University Law School
400 Huntington Avenue
Boston, MA 02115
617-373-5149
617-373-5056 (Fax)
dramirez@slaw.neu.edu

Phillip Recht
Deputy Administrator
National Highway Traffic Safety
   Administration
400 Seventh Street, NW, NTS-10
Washington, DC 20590
202-366-2775
202-366-2106 (Fax)

Steven Rosenbaum
Chief
Special Litigation Section
Civil Rights Division
U.S. Department of Justice
P.O. Box 66400
Washington, DC 20035-6400
202-514-6255
202-514-0212 (Fax)

Annette Sandberg
Chief
Washington State Patrol
P.O. Box 42601
General Administration Building AX-12
Olympia, WA 98504
360-753-6540
360-664-0663 (Fax)

Ellen Scrivner
Assistant Director
Training and Technical Assistance
Office of Community Oriented
   Policing Services
U.S. Department of Justice
1100 Vermont Avenue, NW
Washington, DC 20530
202-633-1495
202-633-1354 (Fax)
ellen.scrivner2@usdoj.gov

Tammy Shelton
Program Manager
Discretionary Grants Program Division
Bureau of Justice Assistance
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-305-2361
202-616-2421 (Fax)
sheltont@ojp.usdoj.gov

Jerome H. Skolnick
Professor
New York University Law School
New York University
40 Washington Square South
Room B45-G
New York, NY 10012-1099
212-998-6361
212-995-4692 (Fax)
jhs@aol.com

Robert Stewart
Executive Director
National Organization for Black Law
    Enforcement Executives
4609 Pinecrest Office Park Drive, Suite F
Alexandria, VA 22312-1442
703-658-1529
703-658-9479 (Fax)

Christopher E. Stone
Director
Vera Institute of Justice
377 Broadway, 11th floor
New York, NY 10013
212-334-1300
212-941-9407 (Fax)
cstone@vera.org

Earl Sweeney
Director
New Hampshire Police Standards and
    Training Council
17 Fan Road
Concord, NH 03301-7413
603-271-2133
603-271-1785 (Fax)
esweeney@compuserve.com

Phillip W. Thomas
Section Chief
Corruption/Civil Rights Section
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, Room 3155
Washington, DC 20535
202-324-2801
202-324-1860 (Fax)

Robert Thomasson
Manager
U.S Department of Transportation
Federal Highway Administration
Office of Motor Carriers
Drug Interdiction Assistance Program
4600 N. Fairfax Drive, Suite 700
Arlington, VA 22203
540-459-9632
540-459-8775 (Fax)

Kathleen Timmons
Unit Chief
Color of Law Unit
Federal Bureau of Investigation
U.S. Department of Justice
935 Pennsylvania Avenue, Room 3043
Washington, DC 20535
202-324-4272
202-324-3155 (Fax)

Michael Troop
U.S. Attorney
Western District of Kentucky
510 W. Broadway, 10th floor
Louisville, KY 40202
502-582-5911
502-582-5097 (Fax)

David Walchak
Senior Policy Advisor
Office of Community Oriented
    Policing Services
U.S. Department of Justice
1100 Vermont Avenue, NW
Washington, DC 20530
202-305-0724
202-616-2914 (Fax)

Martin Walsh
Regional Director
Community Relations Service
U.S. Department of Justice
99 Summer Street, Suite 1820
Boston, MA 02110
617-424-5717
617-424-5727 (Fax)

Atkins W. Warren
Regional Director
Community Relations Service
U.S. Department of Justice
1100 Maine Street, Suite 1320
Kansas City, MO 64105
816-426-7433
816-426-7441 (Fax)

Chuck Wexler
Executive Director
Police Executive Research Forum
1120 Connecticut Avenue, NW
Suite 930
Washington, DC 20036
202-466-7820
202-466-7826 (Fax)

Hubert Williams
President
Police Foundation
1201 Connecticut Avenue, NW
Suite 200
Washington, DC 20036
202-833-1460
202-659-9149 (Fax)

Jenifer L. Wood
Program Manager
Office of Research and Evaluation
National Institute of Justice
U.S. Department of Justice
810 Seventh Street, NW
Washington, DC 20531
202-616-5191
202-332-1974 (Fax)
woodj@nij.usdoj.gov

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