

## Literature Review

### The "Impossible Dilemma" of the African-American Community

In analyzing the results of a large survey of African-Americans on the subject of criminal justice policy, Mark Ramirez<sup>1</sup> wrote "The policy preferences of black Americans in the criminal justice domain are complex and multi-faceted. Blacks often live in neighborhoods with high drug use, property theft, and violence. The need for law enforcement and crime reduction strategies is of utmost importance in these neighborhoods. Yet, residents of these neighborhoods are also more likely to experience discrimination at the hands of the criminal justice system: police brutality, jury bleaching by prosecutors, and tougher judicial sentencing. The competing pressures facing black Americans—the need for policies to reduce crime, but not wanting to provide power to a system that treats them unfairly, has led to what some have called "joint frustration syndrome"<sup>2</sup>, "urban frustration"<sup>3</sup>, or the "impossible dilemma"<sup>4</sup>."

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### Traffic Stop Rates

Based on studies conducted in many parts of the United States, African-American drivers have been found to be subject to traffic stops out of proportion to their representation in the population.<sup>5</sup> On the other hand, a nationwide survey of just under 58,000 individuals on police-civilian contacts throughout 2008 found no such disparity in numbers of traffic stops, either for White, African-American, or Hispanic drivers, but did show a major disparity in searches.<sup>6</sup> African-American drivers were approximately 4 times as likely to White drivers to undergo a search, either of vehicle or person or both, and about twice as likely as Hispanic drivers. Assuming both the local studies and the national study had equally good methodology (and neither on careful reading had obvious flaws) it appears there is substantial variability in communities across the nation in how race and ethnicity play out in traffic stops. In any event, as described in the next section of this report, there is no

<sup>1</sup> Ramirez, Mark D. "Racial Discrimination, Fear of Crime, and Variability in Blacks' Preferences for Punitive and Preventative Anti-crime Policies." *Political Behavior* (2014): 1-21.

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<sup>2</sup> Meares, Tracey L. "Charting race and class differences in attitudes towards drug legalization and law enforcement: Lessons for federal criminal law." (1997): 137-174.

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<sup>3</sup> Brooks, Richard RW. "Fear and fairness in the city: Criminal enforcement and perceptions of fairness in minority communities." *S. Cal. L. Rev.* 73 (1999): 1219.

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<sup>4</sup> Loury, Glenn. "The impossible dilemma." *The New Republic* 214, no. 1 (1996): 21-25.

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<sup>5</sup> <http://www.nij.gov/topics/law-enforcement/legitimacy/pages/traffic-stops.aspx>

<sup>6</sup> Eith, Christine, and Matthew R. Durose. "Contacts between police and the public, 2008." Washington, DC (2011). Available at <http://bjs.gov/content/pub/pdf/cpp08.pdf>