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Racial bias in police stops and searches: an economic analysis

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Abstract

The purpose of this paper is to provide an economic analysis of racial bias in police stops and searches. It develops a model of policing behaviour, which is used to define discrimination, clarify its nature and identify its sources. This paper identifies two sources of discrimination—bigotry and business necessity—and suggests how they might be identified in terms of the available data. Bigotry is always inefficient but discrimination based on business necessity makes for efficient policing. However, discrimination based on business necessity may be unacceptable on equity grounds and the paper explores the tension between efficient and equitable policing. © 2001 Elsevier Science B.V. All rights reserved.

1. Introduction

"Zero-tolerance" policing—under which no offence, however trivial, is allowed to go unpunished—is increasingly viewed as the most effective method of reducing crime rates (Farrington et al., 1986; Goldstein, 1990; Wilson and Petersilia, 1995; Kelling and Colis, 1996; Bratton, 1998). This policing model, which has won admirers all over the world,[1] has dramatically altered the way that the police go about their business. A major

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[1] Including the Prme Ministers of Britain and Australia, as reported in The Economist, 3 April 1999, p.13.

casualty has been the concept of "community policing": under zero-tolerance, as Massing (1998) notes, the New York Police Department, which pioneered the use of this concept of policing, was resolved, in direct contrast to the restraint usually counseled by community policing, to adopt a more aggressive stance in the community. A major instrument of aggression was the large scale stopping and searching of suspected offenders, with young black men being particular targets. In consequence, an unfortunate, but perhaps inevitable, consequence of zero-tolerance policing has been a rupture in relations between the police and the black community in New York.

In England and Wales (E&W) too, the use of stop and search methods by the police ruffles racial sensitivities. Police officers in E&W, using their powers under the Police and Evidence Act of 1984 to stop and search suspected offenders (hereafter, abbreviated to "stops") carried out over 1 million stops in 1998. Judging by Home Office data,[2] the likelihood of being stopped was much greater for black and Asian persons than for persons who were white. In 1998, for example, 145 blacks and 45 Asians, but only 19 whites, in E&W were stopped per 1000 of their respective population (Home Office, 1998). Therefore, there can be little doubt that there was a racial bias to these stops with the police in E&W discriminating against blacks and Asians in favour of whites. The fact of discrimination, nevertheless, leaves open the question of why such discrimination should arise. Without knowing its sources, one cannot address the problem of eradicating discrimination.

The first purpose of this paper, which derives from this observation, is to develop, in Section 2, a model of policing behaviour which can be used to define discrimination, clarify its nature and identify its sources. This model is an adaptation of Longhofer and Peters' (1998) model of discriminatory behaviour by mortgage lenders. Implicit in this is a parallel between the behaviour of lenders and that of the police. Both lenders and the police have to decide on whether to detain a "client" or to allow him/her to proceed. For lenders, clients are loan applicants and detaining means refusing a loan; for the police, clients are persons who are out on the street and detaining means stopping and searching. In both cases, the decision to detain a person is based on the fear that if the person was allowed to proceed, an adverse outcome would follow: a loan would not be repaid or a crime would be committed. The decision on whether or not to detain a client is based on inferring, from certain observed characteristics of the client, the likelihood of that client "offending". Lenders study the financial history and circumstances of their applicants while police officers observe a person's age, sex, demeanour, behaviour and circumstances. In both cases, action is triggered if the likelihood of offending exceeds some threshold value: the lender rejects a loan application while the police stop a person. Discrimination arises if different groups are assigned different threshold values for triggering action.

The sources of discrimination are essentially two: a lower "action-triggering" threshold may be set for, say, black persons because the responsible authority—the police or

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