

# RACIAL PROFILING & THE LAPD

## A SUMMARY OF PROFESSOR IAN AYRES' REPORT ON RACIALLY DISPARATE OUTCOMES IN THE LOS ANGELES POLICE DEPARTMENT

A report by **Professor Ian Ayres**, an economist and professor at Yale Law School and Yale School of Management, analyzes the LAPD's own data and finds substantial racial disparities in the rates Angelenos are stopped, frisked, searched, and arrested. The Ayres Report concludes that these disparities aren't explained by differing crime rates in predominantly black or Latino neighborhoods or the likelihood that a search of a person of color will yield evidence of crime.

### RACIAL PROFILING IN LAPD: REFORM & RESISTANCE

Los Angeles officials have yet to acknowledge the scope of the problem of racially biased policing or to fully embrace solutions. Over the last five years, the LAPD has received nearly 1200 citizen complaints alleging racial profiling. The Department hasn't sustained a single one. The 2001 federal Consent Decree that mandates reforms for the LAPD includes provisions designed to address racial profiling, by requiring that officers collect data on who they stop and what they do on stops — whether they frisk or search, cite or arrest. But the LAPD has not used this data to uncover the full extent of the problem of racial profiling. The Department commissioned only one analysis, released in 2006, that looked at a single year of data and ultimately refused to draw any conclusions about whether or not racial profiling occurs in the LAPD.



*“The results of this study raise grave concerns that African Americans and Hispanics are over-stopped, over-frisked, over-searched, and over-arrested.”*

[Ayres Report at Page 27]

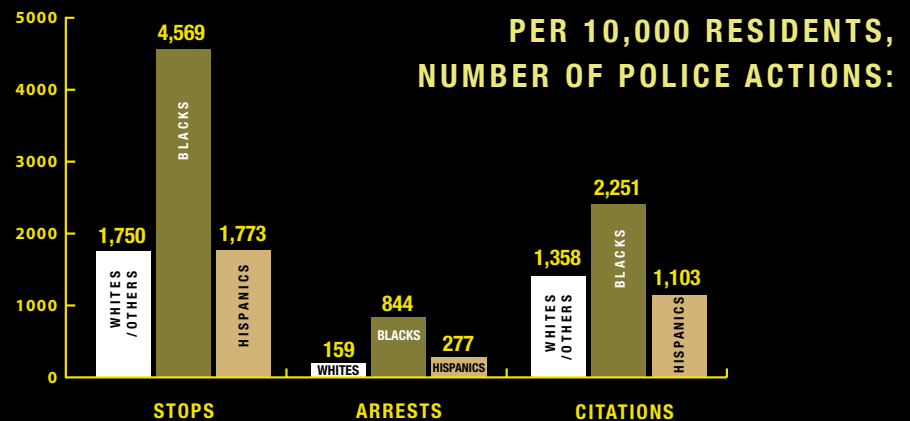
## LOWER CITATION RATES FOR AFRICAN AMERICANS?

The Ayres Report finds that once a stop occurs, the likelihood that the officer will write a citation is lower for black subjects than for white subjects. Does this suggest LAPD is more lenient with blacks on citations? Not when the rest of the data is considered. While an African American who is stopped may be less likely to get a citation on that stop, black residents are stopped so much more often that black residents still get citations at nearly twice the rate that whites or Hispanics\* do. This result suggests that the lower citation rate doesn't indicate leniency, but that African Americans are more often subject to stops without justification where no ticket could be issued. Another fact supports this conclusion—black officers show much less disparity in citation rates for black subjects. This result suggests not that black officers are tougher, but that they are less likely to stop black subjects who haven't committed any offense.

\* Because the LAPD uses the racial category "Hispanic" in collecting stop data, this report uses that term where discussing the LAPD data.

# THE AYRES REPORT: BASIS & FINDINGS

THE REPORT PREPARED FOR THE ACLU BY PROFESSOR IAN AYRES RESTS ON THE VERY SAME DATA USED FOR THE LAPD'S 2006 REPORT, BUT REACHES VERY DIFFERENT CONCLUSIONS.



### Stop Rates:

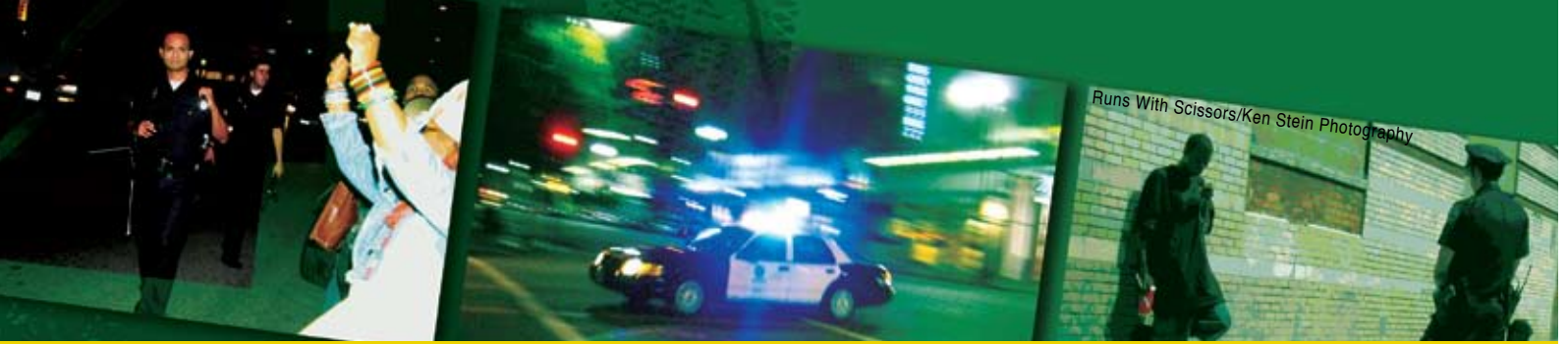
African Americans are nearly three times as likely to be stopped by LAPD as whites. These disparities are not justified by crime rates in different neighborhoods where people of color live. In regressions controlling for both violent and property crime rates in the area where the stops occurred, the stop rates were significantly higher for people of color than for whites. Nor do the disparities arise because more police are assigned to black or Latino neighborhoods. In fact, there was a greater racial disparity in stop rates in predominantly white neighborhoods than predominantly non-white neighborhoods.

*“These stark statistics . . . give a numeric lens for the lived experience of ‘driving while black’ or ‘driving while Hispanic.’”*

[Ayres Report at Page 27]

### A NEW BENCHMARK FOR DISPARITIES – “SAME RACE” STOPS

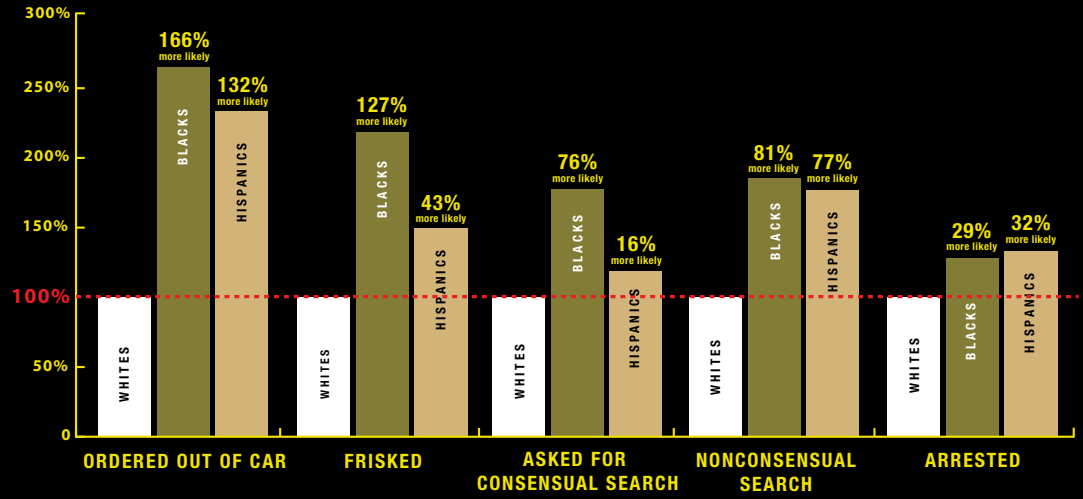
Assuming that an officer of the same race as the subject is less likely to be affected by racial bias, racial disparities that shrink when limited to “same race” interactions are more likely caused by racial bias. The report found that the disparities in arrest rates for stopped African Americans were smaller when the stops were conducted by African American officers, and African American officers were less likely to subject African Americans to “no action” stops (stops where no action was taken, calling into question the justification for making the stop in the first place).



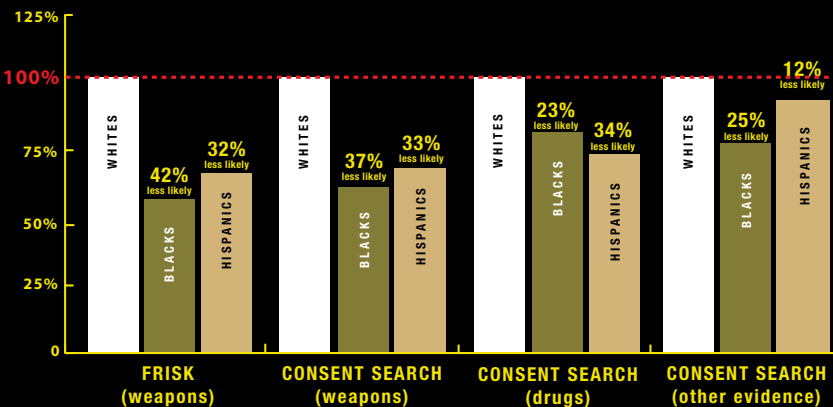
**Post-Stop Actions:**

Race can factor into officers' decisions to stop people, but also to frisk, search, cite or arrest them once they have been stopped. As the graphs show, African Americans and Hispanics are more than twice as likely to be ordered out of their vehicles than whites, and are vastly more likely to be frisked, asked to submit to a search, searched, and arrested.

**RELATIVE TO WHITE SUBJECTS, LIKELIHOOD OF SUBJECT STOPPED OF BEING:**



*“It is implausible that the higher frisk and search rates were justified by higher minority criminality, when these frisks and searches were less likely to uncover weapons, drugs or other types of contraband.”* [Ayres Report at Page 27]



**Another New Benchmark — Search Effectiveness, or “Hit Rate” Analysis**

The Report adds another analysis that no previous report has conducted on LAPD data, which examines whether searches of people of color were as effective as searches of whites. As the charts show, although African Americans and Hispanics were searched far more often than whites, these searches and frisks of African Americans and Hispanics were much less likely to uncover weapons, drugs or other contraband. This result provides powerful evidence that these elevated rates of frisking and searching arise not from legitimate police goals, but because police require less justification to search African Americans or Hispanics than to search whites.

**WERE OFFICERS’ SUSPICIONS JUSTIFIED? LIKELIHOOD THAT A SEARCH TURNED UP EVIDENCE**

# ACLU RECOMMENDATIONS:

The LAPD has taken some steps to address racial profiling and biased policing. Last fall, the Department began to change its protocols for investigating racial profiling complaints. In August 2008, the Police Commission and Chief Bratton heard reports from the Department and experts on racial profiling, ordered the Department to report quarterly on its handling of racial profiling complaints, and considered additional training that would help officers address latent biases that affect all people's judgment.

While the ACLU applauds LAPD's recent attention to the issue of racial profiling, more is needed.

## THE LAPD SHOULD DO THE FOLLOWING:

**Continuing Data Collection and Early-Warning Analysis.** The Department must not only continue to collect data, but must make better use of the data it already collects through its early warning system (TEAMS II) to identify trends and problems with racial profiling through regular analysis.

**Reform of the racial profiling complaint process.** The inquiry into racial profiling can't just ask whether an officer seemed to have legal grounds for a stop or search. Profiling complaints should trigger a mandatory analysis of the patterns of the officer, unit or station and the opportunity to intervene with additional training.

**Give the Inspector General ("IG") real-time oversight of racial profiling complaint investigations.** The civilian IG now reviews a sample of investigations for adequacy after they've been closed. Instead, the IG should review the investigations before adjudication and have the power to send them back to the Department to be improved if necessary.

**Improved, Validated Anti-bias Training Departmentwide.**  
The Police Commission is properly considering additional training focused on eliminating even unconscious bias from officers' decision-making and judgment. But all officers must benefit from this training.

CALL THE LAPD POLICE COMMISSION AT **213.485.3531** AND ASK THEM TO TAKE THESE STEPS TO ADDRESS RACIAL PROFILING.

Download a copy of this summary or the full report at:  
<http://www.aclu-sc.org/lapdracialprofiling>



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*"The robust findings of racial disparity that persist after controlling for crime rates and a host of other factors are hard to dismiss. To our mind, they shift the burden to the department to provide a response."*

[Ayres Report at Page 30]