

# **ADDRESSING BIASED POLICING IN WASHINGTON, DC: NEXT STEPS**



**REPORT AND RECOMMENDATIONS OF THE**

**POLICE COMPLAINTS BOARD**

**TO**

**MAYOR ADRIAN M. FENTY,  
THE COUNCIL OF THE DISTRICT OF COLUMBIA, AND  
CHIEF OF POLICE CATHY L. LANIER**

**May 17, 2007**

**POLICE COMPLAINTS BOARD**

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## I. INTRODUCTION

Over the past few months, the Metropolitan Police Department (MPD) and the Office of Police Complaints (OPC) have issued reports in connection with MPD's Biased Policing Project, which was launched in March 2001 to take a "thorough look at the issues that might impact [MPD's] commitment to provide equitable and unbiased police services to all residents, workers and visitors in the District of Columbia."<sup>1</sup> Both the MPD study and the OPC report addressed racial and ethnic profiling by the police in Washington, D.C., and made recommendations regarding how MPD, with input from various community and advocacy groups, could implement steps towards the goal of ensuring bias-free policing.

The Police Complaints Board (PCB), which oversees OPC, recommends as an initial step that MPD officially reestablish and expand the Biased Policing Task Force,<sup>2</sup> which was part of the Biased Policing Project and was disbanded in December 2006. Once the task force has been reconstituted and expanded, it can then provide input to MPD on the development of an action plan to confront the disparity findings discussed in the MPD study and OPC report, and move forward with proactive solutions.

PCB has had an interest in biased policing issues going as far back to the time that the PCB issued its own report and recommendations in January 2002.<sup>3</sup> As the U.S. Department of Justice Bureau of Justice Statistics report released on April 29, 2007, indicates, police stops of minorities at disproportionately high rates continue to be a nationwide issue that must be addressed.<sup>4</sup> A growing body of evidence suggests that race-influenced decisions in a variety of

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<sup>1</sup> Karen L. Amendola and Edwin E. Hamilton, Police Foundation, "Biased Policing Project" 1 (2004) (quoting MPD press release). One of the research organizations hired by MPD to review biased policing issues, the Police Foundation, released a report in September 2004 finding that 75% of Latino drivers and 56% of African-American motorists in the District "felt that the type of neighborhood that they were in played a role in their being stopped." *Id.* at 5. The Police Foundation's report recommended, among other things, that MPD establish a data collection program in order to "monitor patterns of profiling among various units or by individual officers" and "incorporate data on stops into the Personnel Performance Management System in order to assess racial profiling of individuals or units." *Id.* at 117.

<sup>2</sup> Members of the Biased Policing Task Force have included several representatives of MPD management, along with the following individuals who are not affiliated with MPD: James D. Berry, Jr., Public Defender Service for the District of Columbia; Stephen Block, American Civil Liberties Union of the National Capital Area; Cynthia Brock-Smith; D.C. Chamber of Commerce; Philip K. Eure, Office of Police Complaints; Ronald Hampton, Civil Rights Task Force; Christopher Lively, Advisory Neighborhood Commissioner; Alexander Padro, Advisory Neighborhood Commissioner; Richard Rosendall, Gay and Lesbian Activists Alliance; Mark Thompson, NAACP Metropolitan Police & Criminal Justice Review Task Force; and Nawar Shora, American-Arab Anti-Discrimination Committee.

<sup>3</sup> See "Racial Profiling in Washington, D.C." (2002). PCB's report is available on OPC's website at <http://dcpc.dc.gov/occr/cwp/view,a,3,q,514699.asp> and the Board's recommendations are available at <http://dcpc.dc.gov/occr/cwp/view,a,3,q,514706.asp>.

<sup>4</sup> See U.S. Department of Justice, Bureau of Justice Statistics, Special Report: Contacts between Police and the Public, 2005 (2007) (finding that in 2002 and 2005, African American and Hispanic drivers were more likely to be searched during police stops than whites).

contexts, including police stops, may often be driven by subconscious attitudes.<sup>5</sup> There is no reason to believe that MPD's workforce is any more immune to these research findings than other segments of American society.

To its credit, on May 3, 2007, MPD notified the former members of its task force that a "2007 Biased Policing Project Task Force" meeting would be held on May 23, 2007. Details about how the new task force will operate and what type of influence it will have are not clear to PCB at this time, but PCB is encouraged by this development. The test for MPD is whether it will adopt a transparent and accountable process to combat the perception and practice of biased policing by recognizing and including diverse viewpoints from outside the Department to guide the city's policies in this area. Now that more than five years have passed since the issuance of PCB's report, and much work has been done, the Board wants to support the progress that has been made. Pursuant to the authority granted by District law,<sup>6</sup> PCB makes recommendations about the next steps that the District of Columbia should take.

## II. THE MPD STUDY

In December 2006, MPD released the study it commissioned entitled "Data Collection and Benchmarking of the Biased Policing Project: Final Report for the Metropolitan Police Department in the District of Columbia."<sup>7</sup> The study was performed by Dr. John C. Lamberth and his firm, Lamberth Consulting. The study was based on vehicle stop data collected at 20 sites and pedestrian stop data collected at five sites between February 2005 and January 2006. Post-stop data, such as search information, were not analyzed for this study, although task force members requested that such analysis be done. Benchmarking data were gathered at the same sites in November and December of 2005. The final draft of the MPD study was released to the public on December 29, 2006.

The study used an "odds ratio," which is a statistical calculation that compares the likelihood of a particular event occurring between two groups, to determine whether minorities were being disproportionately stopped by MPD officers. According to the study, "the odds ratio is best understood by filling in the blank in the following sentence: 'If you are a Black

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<sup>5</sup> Alan Schwarz, *Study of N.B.A. sees racial bias in calling fouls*, New York Times, May 2, 2007, at A1 (quoting Yale Law School Professor Ian Ayres, an expert on how to test for subtle racial bias, saying, "[t]here's a growing consensus that a large proportion of racialized decisions is not driven by any conscious race discrimination, but that it is often just driven by unconscious, or subconscious, attitudes. When you force people to make snap decisions, they often can't keep themselves from subconsciously treating blacks different from whites, men different from women.")

<sup>6</sup> PCB "shall, where appropriate, make recommendations to [The Mayor, the Council, and the Chief of Police] concerning those elements of management of the MPD affecting the incidence of police misconduct, such as the recruitment, training, evaluation, discipline, and supervision of police officers." D.C. Official Code § 5-1104(d).

PCB would like to acknowledge the assistance of OPC's staff in preparing this report and recommendations. This work was performed by the agency's executive director, Philip K. Eure, deputy director, Thomas E. Sharp, and special assistant, Nicole Porter.

<sup>7</sup> The full report is available on MPD's website at [http://mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/publications/researchreports/BiasedPolicingReport\\_0906.pdf](http://mpdc.dc.gov/mpdc/frames.asp?doc=/mpdc/lib/mpdc/publications/researchreports/BiasedPolicingReport_0906.pdf).

motorist/pedestrian, you are \_\_\_ times as likely to be stopped as if you were not a Black motorist/pedestrian.”<sup>8</sup> The study stated that an odds ratio of 1.0 means that “Black motorists/pedestrians are no more likely to be stopped than nonminority motorists/pedestrians.”<sup>9</sup>

The Lamberth team conducted four key analyses by assessing racial disparity in both vehicle and pedestrian stops and by assessing ethnic disparity in both vehicle and pedestrian stops. According to the MPD study, odds ratios between 1.0 and 1.5 are considered “benign.” Odds ratios between 1.5 and 2.0 require “a review of stops in these locations,” while values greater than 2.0 indicate “potential targeting” of minorities requiring “further action . . . from the agency.”<sup>10</sup>

In its December 29, 2006, news release announcing the issuance of its study, the Department stated that there was “no evidence of racial profiling” by MPD officers during traffic stops.<sup>11</sup> This language and MPD’s news release, however, did not fully and accurately describe the findings of the study.

With respect to traffic stops, the study found that at nine of the 20 traffic locations surveyed, fewer African American motorists than expected were stopped based on their representation in the driving population. However, at five traffic sites – the area surrounding the intersection of 17th and Euclid streets, N.W. (Adams Morgan), the area surrounding the intersection of 1st and Channing streets, N.W., the 3200 block of 23rd Street, S.E., the 2700 Block of 13th Street, N.W., and the area surrounding the intersection of 1st and R streets, N.W. – the odds ratio for African American motorists was either 1.5 or 1.6. Three of the District traffic sites surveyed – the area surrounding Georgia Avenue and Shepherd Street, N.W., the area surrounding Georgia Avenue and Longfellow Street, N.W., and the area surrounding the intersection of Wisconsin Avenue and M Street, N.W. (the main intersection in Georgetown) – produced odds ratios of 1.6 or above for Latinos stopped while driving. With respect to Latino motorists, it should be noted that in only seven of the 20 traffic locations surveyed were there enough Latino motorists stopped to allow for a proper analysis of the data.

Despite the individual results for each traffic site examined, the MPD study made use of “weighted” odds ratios. By using this averaging method and collapsing the data, the MPD study reported that the weighted odds ratio for African American motorists stopped (at the 20 sites analyzed for African Americans) was 1.0.<sup>12</sup> The MPD study also reported that the weighted odds ratio for Latino motorists stopped (at the seven sites analyzed for Latinos) was 1.1.<sup>13</sup> The

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<sup>8</sup> John C. Lamberth, “Data Collection and Benchmarking of the Bias Policing Project: Final Report for the Metropolitan Police Department in the District of Columbia” 46 (2006).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Press Release, MPD, New Report Finds No Evidence of Racial Profiling in Traffic Stops by Metropolitan Police Officers (Dec. 29, 2006).

<sup>12</sup> *Id.* at 47.

<sup>13</sup> *Id.* at 50.

MPD study provides an explicit “caution” about aggregating the odds ratio in this manner, however, pointing out that it is not for analytic purposes.<sup>14</sup>

The MPD study also found that at one of the five sites surveyed for pedestrian stops – the Georgetown site – African American pedestrians were nearly six times as likely to be stopped by MPD officers as non-African American pedestrians. The MPD study noted that such a high odds ratio at the Georgetown site was “difficult to explain absent targeting of African American pedestrians.”<sup>15</sup> At another pedestrian site surveyed – the Adams Morgan site – African American and Latino pedestrians were approximately twice as likely to be stopped by MPD officers as non-African American and non-Latino pedestrians. Pedestrian stop data for Latinos at four of the five sites could not be analyzed because of insufficient sample sizes.

As a result of its findings, the study commissioned by MPD recommended that the Department monitor stop practices at certain pedestrian locations and conduct analyses of motorist and pedestrian searches.<sup>16</sup> The study also recommended that MPD: (1) analyze pedestrian data at the Georgetown and Adams Morgan sites, as well as other sites that have large numbers of pedestrian stops;<sup>17</sup> (2) examine its operational practices with respect to pedestrian stops to make sure that the practices were consistent with the Department’s policy prohibiting biased policing;<sup>18</sup> and (3) review lesson plans, as well as recruit and in-service training curricula, to ensure that MPD officers receive training on how to effectively perform law enforcement duties without engaging in profiling.<sup>19</sup> Finally, the study recommended that MPD “continue to work with the [Biased Policing Task Force] to provide updates and dialogue on agency activities that accompany the Biased Policing Project[,]” encouraging MPD to “[i]nclude members of the Task Force in educational and training opportunities and solicit sponsorship from Task Force members for future community outreach programs.”<sup>20</sup>

Despite the recommendations of the MPD study, in December 2006, the Department announced that it was concluding the work of the Biased Policing Task Force. In a letter dated December 28, 2006, and addressed to task force members, former Police Chief Charles H. Ramsey stated that “[t]he Metropolitan Police Department’s work on the Biased Policing Project has concluded.”<sup>21</sup> That same month, MPD also notified its officers to cease collecting stop data. Task force members were not aware of MPD’s plan to disband the group, nor were they told of MPD’s decision to halt the collection of stop data, until after MPD had made these decisions.

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<sup>14</sup> *Id.* at 47.

<sup>15</sup> *Id.* at 58.

<sup>16</sup> *Id.* at 60.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 61.

<sup>19</sup> *Id.* at 61-63.

<sup>20</sup> *Id.* at 63.

<sup>21</sup> Letter from former Chief Charles H. Ramsey, MPD, to Community Police Task Force Members (Dec. 28, 2006).

In a meeting with then-acting MPD Chief Cathy Lanier on January 26, 2007, OPC Executive Director Philip Eure requested that Chief Lanier reconvene the Biased Policing Task Force. OPC followed up the meeting with a letter to Chief Lanier on February 12, 2007, reiterating the request that the police chief reestablish the task force.<sup>22</sup> That same month, the NAACP Metropolitan Police & Criminal Justice Review Task Force wrote to Chief Lanier urging her to reconstitute the task force. Finally, while testifying at Chief Lanier's March 16, 2007, confirmation hearing, Rick Rosendall, Vice President for Political Affairs for the Gay and Lesbian Activists Alliance, requested that Chief Lanier re-establish the task force immediately.<sup>23</sup> During her testimony at the confirmation hearing, Chief Lanier said that she was getting up to speed on the Biased Policing Project, but stated that she did not have enough details about the matter at that point to make a decision about whether to reestablish the task force.<sup>24</sup>

On May 3, 2007, MPD sent an e-mail to the former members of the task force informing them that a "2007 Biased Policing Project Task Force" meeting was planned for May 23, 2007. It is not clear yet whether the current composition and responsibilities of the task force will change or remain the same.

### III. THE OPC REPORT

In June 2006, OPC retained a consultant, Dr. Lorie Fridell, to help OPC staff understand the complex issues that would be presented in MPD's forthcoming study and to assess the study. OPC also tasked its consultant with developing a set of recommendations concerning how MPD should proceed following the release of MPD's report.<sup>25</sup> Dr. Fridell issued her report, entitled "The Metropolitan Police Department's Biased Policing Project: A Review of the Vehicle/Pedestrian Stop Study and Recommendations for Next Steps," on January 30, 2007.<sup>26</sup>

In her report, Dr. Fridell noted that there are areas of the MPD study that are based upon sound and well-developed survey techniques and statistical methodologies. However, Dr. Fridell voiced strong concern about MPD's failure to release "auditing" information to the task force documenting that officers fully and reliably submitted stop data for the study.<sup>27</sup> Dr. Fridell also questioned the inclusion of minorities and non-minorities in the reference group when assessing possible bias against a particular minority group, instead of using only whites as a reference

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<sup>22</sup> Letter from Executive Director Philip Eure, OPC, to Acting Chief Cathy L. Lanier, MPD (Feb. 12, 2007).

<sup>23</sup> Confirmation Hearing of MPD Police Chief Nominee Cathy L. Lanier, Council of the District of Columbia, Committee on Public Safety and the Judiciary (March 16, 2007) (testimony of Rick Rosendall, Vice President for Political Affairs, Gay and Lesbian Activists Alliance).

<sup>24</sup> *Id.* (testimony of Chief Lanier).

<sup>25</sup> Dr. Fridell is a social scientist, university professor, and former director of research for the Police Executive Research Forum (PERF) who has an extensive background in biased-policing issues.

<sup>26</sup> The full report is available on OPC's website at [http://dcpc.dc.gov/occr/frames.asp?doc=/occr/lib/occr/info/pdf/Biased\\_Policing\\_Project.pdf](http://dcpc.dc.gov/occr/frames.asp?doc=/occr/lib/occr/info/pdf/Biased_Policing_Project.pdf).

<sup>27</sup> Dr. Lorie Fridell, *The Metropolitan Police Department's Biased Policing Project: A Review of the Vehicle/Pedestrian Stop Study and Recommendations for Next Steps* 20 (2007).

group.<sup>28</sup> The effect could be to reduce the amount of disparity measured. Finally, Dr. Fridell noted that in previous reports done by the author of the MPD study, the 1.5 to 2.0 odds ratios were described as an indicator, in the absence of other explanations, that targeting of minorities may have been occurring.<sup>29</sup>

Significantly, Dr. Fridell asserted that the statistical findings of the study should not be used to “prove” or “disprove” the existence of biased policing, but should rather be used “to help pinpoint the decisions, geographic areas, and procedures that might be priority attention when the agency, in concert with concerned residents, identifies its next steps for addressing the problem or perception of racial profiling.”<sup>30</sup> According to Dr. Fridell, the results of the study “can serve as a basis for constructive dialogue between police and residents, which can lead to (1) increased trust and cooperation and (2) action plans for reform.”<sup>31</sup>

With those twin goals in mind, Dr. Fridell recommended that MPD adopt a number of measures to address the perception or practice of biased policing. Those recommendations, together with those contained in the MPD study, are incorporated in the next section. Similar recommendations were made by Dr. Fridell in her March 2007 report prepared for San Francisco Mayor Gavin Newsom after city officials expressed alarm over the high felony arrest rate among African Americans. Most notably, Dr. Fridell recommended in her report to the mayor that San Francisco Police Chief Heather Fong develop a task force, or advisory board, to “work with her to implement [a program to facilitate fair and impartial policing] and otherwise enhance police-community trust.”<sup>32</sup> According to a published report, San Francisco’s mayor pledged to “aggressively implement” all of the report’s 28 recommendations, stating that the city would soon have in place an advisory board to help carry out the recommendations, and asserting that “there is unanimous support for the core tenets of [the] report.”<sup>33</sup>

The recommendations of MPD’s expert and OPC’s consultant that MPD actively engage in dialogue with a revitalized Biased Policing Task Force over solutions are consistent with San Francisco’s proactive approach and with best practices. According to racial profiling researchers at Northeastern University, “[o]ne model that jurisdictions have employed to help bring both police and community representatives together to resolve questions about racial profiling is a community-police task force . . . Bringing together stakeholders from the police agency and the community to participate in the data collection and analysis phases of the project fosters the development of mutually agreed upon problem-solving strategies based on the findings from the research. The task force model, in theory, becomes a vehicle through which both sides can express their views about the problem of profiling, review relevant research findings, and seek

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<sup>28</sup> *Id.* at 28-29.

<sup>29</sup> *Id.* at 30.

<sup>30</sup> *Id.* at 39.

<sup>31</sup> *Id.* at 4.

<sup>32</sup> Dr. Lorie Fridell, *Fair and Impartial Policing: Recommendations for the City and Police Department of San Francisco 7* (2007).

<sup>33</sup> Susan Sward, *SFPD reforms urged to prevent racial profiling*, *San Francisco Chronicle*, April 4, 2007, at A1.

mutually agreeable solutions.”<sup>34</sup> MPD would serve the public well by adopting this approach and applying its community policing philosophy in the context of the Department’s anti-biased policing initiative.

#### **IV. RECOMMENDATIONS**

Based on its examination of the information and issues discussed above, PCB recommends that:

- MPD officially reconvene and expand the Biased Policing Task Force, with respect to both membership and responsibilities, to provide input to MPD on future steps to address biased policing in the District. At a minimum, the newly organized task force should consist of both new and established members of the District’s African American, Latino, Muslim, Asian, and Lesbian, Gay, Bisexual, and Transgender (LGBT) communities. The task force should also consist of representatives from all levels and ranks of MPD, including patrol officers. Finally, in an effort to pinpoint areas where police-community relations could be strengthened, task force members should come from various geographic areas in the District, and, in particular, those areas where the MPD study found that disproportionate numbers of minorities were being stopped. Having a diverse group of community advocates and MPD officials on the task force would give the task force better practical knowledge about officer and community perceptions throughout the District. Such knowledge would greatly facilitate the Department’s efforts to achieve state-of-the-art practices to address the problem and perception of biased policing.

In addition, PCB recommends that MPD, with the input of the Biased Policing Task Force:

- Review MPD’s policy prohibiting racially biased policing and make changes where needed.
- Educate officers on how to most effectively interact with people of varying races, ethnicities, and traditions and provide officers with professional traffic and pedestrian stop training.
- Develop and implement strong police supervision and accountability systems and practices. Such police supervision and accountability mechanisms could possibly include the installation of car surveillance videos to identify and address any biased policing issues.

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<sup>34</sup> Data Collection Resource Center at Northeastern University, Problem Solving: Reporting and Analysis, <http://www.racialprofilinganalysis.neu.edu/reporting/problemsolving.php> (last visited May 4, 2007).

- Develop screening mechanisms such as background investigations and personal interviews to identify biased behaviors in candidates and establish a police workforce that can use its police powers in an unbiased manner and in a manner that reduces perceptions of bias.
- Conduct outreach to diverse communities in order to increase trust and cooperation between police officers and residents.
- Evaluate the MPD study and OPC report, and determine whether further stop data collection is needed to address issues raised in the study and report. MPD should also, with the input of the Biased Policing Task Force, determine whether expanded data collection and analysis is needed to examine post-stop practices such as searches and arrests, as well as biased policing issues involving Muslim, LGBT, and other diverse communities.