

4

CONCEPTUALIZATION AND MEASUREMENT

In Chapter 1, it was stated that concepts are human-created ideas that represent reality. Concepts allow researchers to gain a better understanding of the social world we live in. For example, intelligence is a concept—a human-created idea to measure how smart an individual is. Researchers interested in intelligence and its relationship to other variables (crime, for example) could not study varying levels of intelligence in individuals and whether it influences behaviors without first conceptualizing what intelligence is and constructing methods for measuring it. Intelligence has been measured in the past by an intelligence quotient (IQ), in order that persons can be compared on this concept. Incidentally, IQ has been used both as a dependent variable (which individual or societal factors influence someone's IQ) and an independent variable (IQ's influence of other behaviors such as crime). Psychologists continue to debate whether current methods for measuring IQ are accurate and whether IQ should be measured uniformly across all groups and cultures in society (Weinberg, 1989). This debate notwithstanding, intelligence is a concept that has been defined and measured to make it possible for researchers to study it.

Conceptualization is a very important step in the research process. Researchers cannot study particular phenomena unless they first define what it is exactly that they are studying. Conceptualization involves identifying important attributes and describing and defining them to make them amenable for study. Blalock (1982) states that “conceptualization involves a series of processes by which theoretical constructs, ideas, and concepts are clarified, distinguished, and given definitions” (p. 11). A primary reason why researchers often come to contradictory conclusions in studies of the same topic is that individual researchers have conceptualized the same phenomenon in slightly different ways. Crime, for instance, is a very broad concept, and depending on how a researcher conceptualizes crime, different variables may be shown to be influential in the occurrence of it.

For example, if a researcher wants to study the influence of gender on crime, the types of criminal behaviors included in the study will greatly influence whether gender has an effect on crime. If the researcher only studies violent crime, he or she may find a large gender effect (males have a greater likelihood to commit violent crime); however, if the same

researcher includes only property and public order crimes in his or her conceptualization of crime, a gender effect may be less pronounced. Beyond conceptualization, a researcher must also construct ways to operationalize concepts. The way in which concepts are measured may also influence the significance of the relationship between independent and dependent variables.

CONCEPTUAL VERSUS OPERATIONAL DEFINITIONS

Researchers almost always report the ways in which their independent and dependent variables were conceptualized and operationalized in their research. This helps the consumers of this research understand exactly what the researchers studied and may also help interpret some of the findings from the study. Researchers usually distinguish between conceptual and operational definitions of concepts. A conceptual definition might be found in a dictionary, whereas an operational definition is more empirical and outlines how a concept will be measured or observed for study (Ellis, Hartley, & Walsh, 2010).

For example, say a researcher believes that religiosity is related to crime; the hypothesis is that those who are more religious are less likely to be criminal. Religiosity is a common concept; less obvious is how religiosity can be measured in an individual. Perhaps church attendance would be a good measure of religiosity. The researcher may want to collect information on how many times per year or month an individual attends church services. Maybe, however, there are some persons who are very religious but do not attend church. The same researcher may also want to ask individuals about their belief in a higher power, or whether or not they pray. These preceding measures might all be ways to operationalize religiosity so that the absence or presence or variability of

religiosity can be observed for selected individuals in order to assess religiosity's relationship to criminal offending.

Issues in conceptualization and operationalization in criminology and criminal justice research are ever present as there is always debate about the most appropriate ways to measure certain phenomena and because researchers across the globe adopt different methods for measuring the same concepts of interest. From a research standpoint, conceptualization and operationalization are important steps in transforming abstract concepts about the social world into more concrete, observable ideas. There is also a great deal of debate about how accurate and exact measures of crime and justice variables should be.

VALIDITY, RELIABILITY, AND PRECISE MEASUREMENT

Although variables can be measured at different levels (Stevens, 1946; see also Bachman and Schutt, 2008 for a more in-depth discussion of levels of measurement), accuracy, consistency, and precision in measurement are also important steps in the research process. In order to advance knowledge in the discipline, researchers have to make their best attempts to ensure that their measures are accurate. In other words, are researchers observing what they intended to observe? Accurate observations are critical to getting accurate results and making conclusions that reflect the true reality of phenomena. Some concepts are easier to accurately measure than others; a respondent's age, sex, and education level can be measured more accurately than their attitudes or opinions of a particular subject. Measurement error is one of the most persistent problems threatening social and behavioral science researchers' ability to get accurate results. Accuracy in measurement is comprised of three elements: validity, reliability, and precision (Ellis et al., 2010).

Validity

Validity refers to the extent to which researchers measure what they planned to measure. In other words, are the variables used in the study good indicators of what the researchers are trying to study? There are different ways to assess the validity of measures. Some simply involve researchers asking themselves if their measures seem like logical and common sense ways to measure concepts (face validity). Others seek outside criteria to assess the validity of measures; researchers asking a respondent to self-report drug use could validate the response by also asking the participant to provide a urine sample (criterion validity). Further still, researchers may want to ensure that they are examining the full range or meaning of the concept (content validity) or that their measures fit with philosophical or theoretical ideas of the concept they are attempting to measure (construct validity).

Even though researchers may use all of the preceding ways in assessing the validity of their measures, problems with validity may still persist. Constructing valid measures are a continual problem in criminology and criminal justice because researchers in these disciplines study very complex and difficult concepts (Ellis et al., 2010). Hagan (2005) notes that “validity is never entirely demonstrated or proven; rather, invalidity is lessened, or researchers are able to express greater degrees of confidence in their data” (p. 280).

Reliability

Reliability, on the other hand, has to do with the consistency and stability of measures. Will the measures, if repeated using the same subjects, yield the same results? For example, a scale, if calibrated correctly, is a very reliable measure of weight—much more reliable than having someone guess a person’s weight based on his or her height and body type. The radar gun that police officers use to measure the speed of passing cars is another example of

a reliable way to measure a concept—in this case, the velocity of automobiles. Just as with validity, there are some common ways for researchers to assess the reliability of their measures. They could administer the same survey to the same respondents twice to assess consistency (test-retest methods), or have two different persons gather observations and assess the consistency between the two (inter-rater reliability). Often, researchers assess reliability of their measures using what is known as the split-half technique; the instrument or questionnaire is divided into two halves, both of which measure the same concept; however, the scores from the two halves are examined separately and compared to assess the reliability of the measures.

Although both validity and reliability are concerned with measurement accuracy, they are not the same thing. You probably know people who, to make themselves feel better, set their scale back 5 pounds. Each day they weigh themselves, provided their weight does not change much from day to day, it displays the same weight. Thus, this scale is reliably measuring their weight (consistent from day to day) but it is not valid because they set it so they weigh 5 pounds less than their true weight, and thus the scale is not accurate. Researchers would be wise to assess the validity and reliability of their measures before gathering data or making observations with the sample they intend to study. There are no remedies for invalid or unreliable measures if they are found after the data has been collected. Most researchers conduct pilot tests (tests on a small group of people) to ensure validity and reliability of their measures.

Precise Measurement

Accuracy of measurement also refers to the fact that researchers can make observations or measure variables with varying degrees of preciseness. For example, using a scale is a very precise way to measure weight; having

students guess weight, however, is a very crude way to measure weight. As a general rule, precise measurements are superior to imprecise ones; however, a high degree of precision may not be necessary for every project, nor desirable for that matter. Ultimately, it will depend on the purposes of the research. For example, measuring someone's annual income to the exact dollar, or age to the exact year, is more precise than using categories of income or age (for example, <\$10,000, \$10,001–\$29,999, \$30,000–\$49,999, \$50,000+; <19, 20–29, 30–39, 40–49, 50+). Similarly, measuring the implementation of a new policy at its exact date is more precise than measuring it by the decade it was implemented (summer of 1996 versus 1990s). However, these more precise measures may not always be necessary.

Obviously, operationalization of concepts will depend a great deal on the amount of precision that is required in the study. If knowing that someone's income is in between \$30,000–\$49,000 or that someone is in their 40s satisfies the purposes of a specific research study, then the additional effort to more precisely measure concepts may not be worth it; in other words, this may be time wasted for both the researcher and the respondent. Further, some respondents may not know their exact annual income because it varies from year to year. Researchers also want to avoid asking questions that require respondents to spend a great deal of time trying to recall answers. Measures that elicit easily recalled responses are ultimately likely to be more accurate.

RESEARCH READING

Conceptualization is an important step in the research process. If researchers want to examine social phenomena, they must first define what it is exactly that they intend to study as well as what the parameters of their research subject are. In other words, researchers need to construct both conceptual and operational definitions of their topics in order to ensure that they are observing and measuring exactly what they wanted to. The article by Gibbs makes it clear that the things researchers are interested in studying are often difficult to conceptualize and measure. Although terrorism has probably been discussed and redefined numerous times since this article was first published, it is nonetheless a good example of why conceptualization is a very important step in the research process.

Gibbs here reveals that some phenomena are not always as easy to define and measure as they may seem. Issues with conceptualization and operationalization are ever present in social science research and are often the reason for conflicting findings in research of the same topic. In considering terrorism, Gibbs provides a good example of some of the implications of definitions that are too broad or too narrow. As you will see, a definition of terrorism can be quite complex, and complexity is not necessarily what researchers want when studying a topic; however, simplifying terrorism can make researching it problematic as well.

CONCEPTUALIZATION OF TERRORISM

Jack P. Gibbs

Abstract: Many issues and problems surround the conceptualization of terrorism. Most definitions of the term are indefensible if only because they do not speak to those issues and problems. An assessment of contending definitions can transcend purely personal opinions; and an assessment can be undertaken without a theory, even though an impressive theory is the ultimate justification of its constituent definitions. The present conceptualization goes beyond a definition of terrorism by emphasizing the definition's bearing on five major conceptual questions, each of which introduces a major issue and/or problem. Then it is argued that thinking of terrorism and other sociological phenomena in terms of control promotes recognition of logical connections and/or empirical associations, each of which could become a component of a theory.

INTRODUCTION

Definitions of terrorism are controversial for reasons other than conceptual issues and problems. Because labeling actions as "terrorism" promotes condemnation of the actors, a definition may reflect ideological or political bias (for lengthy elaboration, see Rubenstein 1987). Given such considerations, all of which discourage attempts to define terrorism, it is not surprising that Laqueur (1977, p. 5) argued that

a comprehensive definition of terrorism does not exist, nor will it be found in the foreseeable future. To argue that terrorism cannot be studied without such a definition is manifestly absurd.

Even granting what Laqueur implies—that terrorism is somehow out there awaiting definition—it is no less "manifestly absurd" to pretend to study terrorism without at least some kind of definition of it; leaving the definition implicit is the road to obscurantism.

Even if sociologists should overcome their ostensible reluctance to study terrorism (for a rare exception, see Lee 1983), they are unlikely to contribute to its conceptualization. The situation has been described succinctly by Tallman (1984, p. 1121): "Efforts to explicate key concepts in sociology have been met with stifling indifference by members of our discipline."

There are at least two reasons why sociologists commonly appear indifferent to conceptualizations. First, Weber and Parsons gave the work a bad name in the eyes of those sociologists who insist (rightly) on a distinction between substantive theory and conceptual analysis. Second, conclusive resolutions of conceptual issues are improbable because the ultimate justification of any definition is an impressive theory that incorporates the definition. Nonetheless, it is crippling to assume that productive research and impressive theories are possible without confronting conceptual issues and problems. The argument is not just that theorizing without a definition is sterile, nor merely recognition that theory construction and conceptualization should go hand in hand. Additionally, one can assess definitions without descending to purely personal opinion, even when not guided by a theory.

Systematic tests of a theory require definitions of at least some of the theory's constituent terms; but test findings, even those based on the same units of comparison, will diverge if each definition's empirical applicability is negligible, meaning if independent observers disagree when applying the definition to identify events or things. To illustrate, contemplate a question about any definition of terrorism: How much do independent observers agree in judging whether or not President Kennedy's

assassination was terrorism in light of the definition? As subsequent illustrations show, simple definitions may promote agreement in answers to the Kennedy question and yet be objectionable for theoretical reasons; but the immediate point is that an empirically applicable definition does not require a theory. By contrast, given evidence that a definition promises negligible empirical applicability, no theory can justify that definition.

Still another “atheoretical” criterion is the definition’s consistency with convention. That criterion cannot be decisive, because it would preclude novel definition, but it is important when the field’s professionals must rely on “outsiders” for data and, hence, presume appreciable congruence between their definitions and those of the outsiders. That consideration is particularly relevant here, because in analyzing terrorism social scientists often rely on reports of government officials, journalists, and historians.

Conceptual issues and problems haunt virtually all major terms in the social and behavioral sciences, and any definition is ambiguous if it does not answer questions bearing on those issues and problems. There are at least five such questions about terrorism. First, is terrorism necessarily illegal (a crime)? Second, is terrorism necessarily undertaken to realize some particular type of goal and, if so, what is it? Third, how does terrorism necessarily differ from conventional military operations in a war, a civil war, or so-called guerrilla warfare? Fourth, is it necessarily the case that only opponents of the government engage in terrorism? Fifth, is terrorism necessarily a distinctive strategy in the use of violence and, if so, what is that strategy?

The questions are answered in light of a subsequent definition of terrorism, but more than a definition is needed. The pursuit of a theory about terrorism will be furthered by describing and thinking about terrorism and all other sociological phenomena in terms of one particular notion, thereby promoting the recognition of logical and empirical associations. The most

appropriate notion is identified subsequently as “control,” but a defense of that identification requires a definition of terrorism (not of “terror”).

A DEFINITION OF TERRORISM

Terrorism is illegal violence or threatened violence directed against human or nonhuman objects, provided that it:

- (1) was undertaken or ordered with a view to altering or maintaining at least one putative norm in at least one particular territorial unit or population;
- (2) had secretive, furtive, and/or clandestine features that were expected by the participants to conceal their personal identity and/or their future location;
- (3) was not undertaken or ordered to further the permanent defense of some area;
- (4) was not conventional warfare and because of their concealed personal identity, concealment of their future location, their threats, and/or their spatial mobility, the participants perceived themselves as less vulnerable to conventional military action; and
- (5) was perceived by the participants as contributing to the normative goal previously described (*supra*) by inculcating fear of violence in persons (perhaps an indefinite category of them) other than the immediate target of the actual or threatened violence and/or by publicizing some cause.

Clarification, Issues, and Problems

In keeping with a social science tradition, most definitions of terrorism are set forth in a fairly brief sentence (see, e.g., surveys by Oots 1986, pp. 5-8, and Schmid and Jongman 1986, pp. 32-38). Such definitions do not tax the reader’s intellect or patience, but it is inconsistent to grant that human behavior is complex and then demand simple definitions of behavioral types.

The Illegality of Terrorism. Rubenstein's definition (1987 p. 31) is noteworthy if only because it makes no reference to crime or illegality: "I use the term 'terrorism' . . . to denote acts of small-group violence for which arguable claims of mass representation can be made." However, even granting that terrorism is an illegal action, there are two contending conceptions of crime, one emphasizing the reactions of officials as the criterion and the other emphasizing normative considerations (e.g., statutory law). Because of space limitations, it is not feasible to go much beyond recognizing the two contending conceptions. It must suffice to point out that an action may be illegal or criminal (in light of statutes and/or reactions by state officials) because of (1) where it was planned; (2) where it commenced; and/or (3) where it continued, especially in connection with crossing a political boundary. Such distinctions are relevant even when contemplating the incidence of terrorism.

One likely reaction: But why is terrorism necessarily a crime? The question suggests that classes of events or things exist independently of definitions. Thus, it may appear that "stones" and "humans" denote on to logically given classes, but in the context of gravitational theory stones and humans are not different. However, to insist that all definitions are nominal is not to imply that conventional usage should be ignored; and, again, the point takes on special significance when defining terrorism. The initial (unnumbered) part of the present definition is consistent, with most other definitions and also with this claim: most journalists, officials, and historians who label an action as "terrorism" evidently regard the action as illegal or criminal. However, it is not denied that two populations may differ sharply as to whether or not a particular action was a crime. As a necessary condition for an action to be terrorism, only the statutes and/or reactions of officials in the political unit where the action was planned or took place (in whole or in part) need identify the action as criminal or illegal.

Violence and Terrorism. Something like the phrase "Violence or threatened violence" appears in most definitions of terrorism (see Schmid and Jongman 1988, p. 5). As in those definitions, the phrase's key terms are here left as primitives; and whether they must be defined to realize sufficient empirical applicability can be determined only by actual attempts to apply the definition.

Despite consensus about violence as a necessary feature of terrorism, there is a related issue. Writers often suggest that only humans can be targets of violence, but many journalists, officials, and historians have identified instances of destruction or damage of nonhuman objects (e.g., buildings, domesticated animals, crops) as terrorism. Moreover, terrorists pursue their ultimate goal through inculcation of fear and humans do fear damage or destruction of particular nonhuman objects.

The Ultimate Goal of Terrorists. The present definition indicates that terrorists necessarily have a goal. Even though it is difficult to think of a human action that is not goal oriented, the consideration is controversial for two reasons. One reason is the allegation that terrorists are irrational or mentally ill (see, e.g., Livingston 1978, pp. 224-39; and Livingstone's commentary, 1982, p. 31 on Parry), which raises doubts as to whether terrorists have identifiable goals. The second reason why part 1 of the definition is controversial: many sociologists, especially Durkheimians, do not emphasize the purposive quality of human behavior, perhaps because they view the emphasis as reductionism. In any case, a defensible definition of virtually any term in sociology's vocabulary requires recognition of the relevance of internal behavior (e.g., perception, beliefs, purpose). Thus, without part 1 of the present definition, the distinction between terrorism and the typical robbery becomes obscure. The typical robber does not threaten violence to maintain or alter a putative norm; he or she is concerned only with behavioral control in a particular situation.

A defensible definition of a norm is not presumed (see Gibbs 1981, pp. 9-18, for a litany of difficulties). Rather, it is necessary only that at least one of the participants (those who undertake the violent action or order it) view the action as contributing to the maintenance or alteration of some law, policy, arrangement, practice, institution, or shared belief.

Part I of the definition is unconventional only in that goals of terrorists are not necessarily political. Many definitions create the impression that all terrorism is political (for a contrary view, see Wilkinson 1986, p. 51), but the very term "political terrorism" suggests at least two types. The concern of social scientists with terrorism typologies is premature (see, e.g., the commentary by Oots [1986, pp. 11, 30] on Mickolus's notions of international, transnational, domestic, and interstate terrorism). No terrorism typology amounts to a generic definition (see the survey in Schmid and Jongman 1988, pp. 39-59), and without the latter the former is bound to be unsatisfactory.

Military Operations and Terrorism. To repeat a previous question; How does terrorism necessarily differ, if at all, from conventional military operations in a war, civil war, or so-called guerrilla warfare? The question cannot be answered readily because there are no clearly accepted definitions of conventional military operation, war, civil war, and guerrilla warfare. "Guerrilla" is especially troublesome because journalists are prone to use the word without defining it but such as to suggest that it is synonymous with terrorism (a usage emphatically rejected by Laqueur 1987 and Wilkinson 1986).

Conventional military operations differ from terrorism along the lines indicated by parts 2, 3, and 4 of the definition. However, the definition does not preclude the possibility of a transition from terrorism to civil war. One tragic instance was the Easter Rising in Ireland (1916), when rather than perpetuate the terrorism tradition, a small group of Irish seized and attempted a permanent defense of government buildings in Dublin, vainly hoping that the populace would join them in open warfare.

Today, it is terrorism rather than civil war that haunts Northern Ireland, and the term, "guerrilla warfare" has no descriptive utility in that context.

Terrorism as a Special Strategy. One feature of terrorism makes it a distinctive (though not unique) strategy in violence. That feature is described in part 5 of the definition.

Part 5 is controversial primarily because it would exclude actions such as this threat: "Senator, if you vote for that bill, it will be your death warrant." Why would such a threat not be terrorism? A more theoretically significant answer is given subsequently. Here it must suffice to point out that scores of writers have emphasized "third party" or "general" intimidation as an essential feature of terrorism; and journalists, officials, or historians only rarely identify "dyadic intimidation" (X acts violently toward Y but *not* to control Z 's behavior) as terrorism.

"State Terrorism" as a Special Issue. Zinam's definition (1978, pp. 244-45) illustrates one of many reasons why definitions of terrorism are so disputable: "[Terrorism is] the use or threat of violence by individuals or organized groups to evoke fear and submission to obtain some economic, political, sociopsychological, ideological, or other objective." Because the definition would extend to the imposition of legal punishments by government officials to prevent crimes through general deterrence, in virtually all jurisdictions (see Morris 1966, p. 631), some aspects of criminal justice would qualify as terrorism; and Zinam's definition provides no basis for denying that it would be "state terrorism." Even granting that a state agent or employee acts for the state only when acting at the direction or with the consent of a superordinate, there is still no ostensible difference between the use or threat of violence in law enforcement and Zinam's terrorism.

Had Zinam defined terrorism as being necessarily illegal or criminal, then many instances of violence by a state agent or employee at the direction or with the consent of

a superordinate would not be terrorism. However, think of the numerous killings in Nazi Germany (Erust Roehm, the Storm Troop head being a well-known victim) during the Night of the Long Knives (June 30, 1934). Hitler ordered the slaughter, and at the time the killings were illegal in light of German statutes; but Hitler publicly acknowledged responsibility, and the only concealment was that perceived as necessary to surprise the victims. Surely there is a significant difference between such open, blatant use of coercion by a state official (dictator or not) and the situation where regime opponents are assassinated but officials disavow responsibility and the murders are so secretive that official complicity is difficult to prove. The “rule of terror” of Shaka, the famous Zulu chief, is also relevant. Shaka frequently ordered the execution of tribal members on a seemingly whimsical basis, but the orders were glaringly public (see Walter 1969). Shaka’s regime illustrates another point: in some social units there may be no obvious “law” other than the will of a despot, in which case there is no basis to describe the despot’s violence as illegal. The general point: because various aspects of government may be public violence, to label all of these aspects “terrorism” is to deny that terrorism has any secretive, furtive, or clandestine features.

Given the conceptual issues and problems that haunt the notion of state terrorism, it is hardly surprising that some writers attribute great significance to the notion, while others (e.g., Laqueur 1987, pp. 145-46) seem to reject it. The notion is not rejected here, and the following definition does not make it an extremely rare phenomenon. State terrorism occurs when and only when a government official (or agent or employee) engages in terrorism, as previously defined, at the direction or with the consent of a superordinate, but one who does not publicly acknowledge such direction or consent.

The foregoing notwithstanding, for theoretical reasons it may prove desirable to limit the proposed definition of terrorism (*supra*) to nonstate terrorism and to seek a quite different

definition of state terrorism. Even so, it will not do to presume that all violence by state agents is terrorism. The immediate reason is that the presumption blurs the distinction between terrorism and various kinds or aspects of law enforcement. Moreover, it is grossly unrealistic to assume that all instances of genocide or persecution along racial, ethnic, religious, or class lines by state agents (including the military) are terrorism regardless of the means, goals, or circumstances. Nor is it defensible to speak of particular regimes (e.g., Stalin’s, Hitler’s, Pol Pot’s) as though all of the related violence must have been state terrorism. For that matter, granted that the regimes were monstrous bloodbaths, it does not follow that the state agents in question made no effort whatever to conceal any of their activities and/or their identity. Readers who reject the argument should confer with American journalists who attempted to cover Stalin’s Soviet Union, Hitler’s Germany, or Pol Pot’s Cambodia. Similarly, it is pointless to deny that secretive, clandestine, or furtive actions have been characteristic of “death squads” (many allegedly “state”) in numerous Latin American countries over recent decades. It is commonly very difficult to prove that such groups murder with the knowledge and/or consent of state officials; but the difficulty is one justification for identifying the murders as terrorism, even though the state-nonstate distinction may be debatable in particular instances.

Difficulties in Empirical Application

One likely objection to the present definition of terrorism is its complexity; but, again, demands for simplicity are inconsistent with human behavior’s complexity. Nonetheless, application of the definition does call for kinds of information that may not be readily available. Reconsider a previous question: Was President Kennedy’s assassination terrorism? The present definition does not permit an unequivocal answer, largely because there are doubts about the goals of the assassination and

whether or not it was intimidation. If terrorism were defined as simply “the illegal use or threat of violence,” an affirmative answer to the Kennedy question could be given; but the definition would also admit (inter alia) all robberies and many child abuses. Similarly, the phrase “for political purposes” would justify an affirmative answer to the Kennedy question; but the implication would be a tacit denial of apolitical terrorism, and divergent interpretations of “political” are legion. Finally, although a definition that specifically includes “murder of a state official” would maximize confidence in an affirmative answer to the Kennedy question, there must be doubts about the feasibility of such an “enumerative” definition of terrorism. And what would one make of the murder of a sheriff by his or her spouse?

The general point is that a simple definition of terrorism tends to delimit a class of events so broad as to defy valid generalizations about it (reconsider mixing presidential assassinations, robberies, and child abuses) or so vague that its empirical applicability is negligible. In the latter connection, the Kennedy illustration indicates the need to grant this methodological principle: the congruence dimension (but not the feasibility dimension) of a definition’s empirical applicability is enhanced when independent observers agree that the definition cannot be applied in a particular instance because requisite information is not available. If that principle is not granted, sociologists will try to make do with simple definitions and whatever data are readily available.

Presumptive and Possible Terrorism. Comparative research on terrorism commonly is based on the use of the term “terrorism” by journalists or officials. Hence, insofar as the use of data on presumptive terrorism can be justified, a definition’s utility is enhanced by its correspondence with the use of the term “terrorism” by journalists and officials. Although only potentially demonstrable, my claim is that the present definition corresponds more with such use of the term than does any simpler definition, such as: terrorism is illegal violence.

Even when terrorism research is based on descriptions of violent events, as in newspaper stories, there may be cases that can be designated as possible terrorism even though the information is not complete; and a definition’s empirical applicability can be assessed in terms of agreement among independent observers in such designations. In that connection, the present definition points to the kind of information needed for truly defensible research on terrorism, which is not the case when investigators try to make do with a much simpler definition, or no definition at all.

TOWARD A THEORY OF TERRORISM

The presort definition of terrorism does not answer any of a multitude of questions, such as: Why does the incidence of terrorism vary among political units and over time? Although it is an illusion to suppose that any definition answers empirical questions, a definition may be much more conducive than are alternatives to thinking about phenomena; if so, the definition furthers the pursuit of a theory.

SUMMARY AND CONCLUSION

An impressive theory of terrorism requires more than a conceptualization that confronts issues and problems. A definition of terrorism must promise empirical applicability and facilitate recognition of logical connections and possible empirical associations. Such recognition requires a notion that facilitates describing and thinking about terrorism; and the notion must be compatible with each of three possible explanatory mechanisms: strict causation, selective survival, and purposiveness.

The notion of control is the most promising candidate. Although that notion has no equal when it comes to underscoring human behavior’s purposive quality, it is not alien to any particular explanatory mechanism. All of sociology’s subject matter can be described

and thought of in terms of control (at least as it has been conceptualized here), and the notion is particularly relevant in the study of terrorism. That phenomenon and attempts to prevent it are nothing less than one vast attempt at control.

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DISCUSSION QUESTIONS

1. Why does Laqueur argue that a definition of terrorism does not exist? Why does Gibbs argue that social scientists are often indifferent to conceptualization?
2. One of the first issues Gibbs discusses is the illegality of terrorism. What are some of the issues that Gibbs raises regarding defining terrorism as a crime?

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3. Under certain definitions of terrorism, why might the military operations of some countries be considered as terrorism, in essence making their governments terrorists?
4. According to this article, do terrorists have goals? What makes terrorists any different than other criminals (such as murderers)?
5. What are some of the difficulties with empirical application of terrorism? In other words, why is it difficult to measure?
6. What does this author conclude about whether the assassination of President Kennedy was an act of terrorism?
7. What does Gibbs conclude regarding what is necessary to the formulation of a theory of terrorism?

RESEARCH READING

This research article examines whether the ways in which questions about sexual and physical victimization are asked to inmates affects the reporting of these acts. Wolff and colleagues argue that not much is known regarding the prevalence of violence inside correctional settings because researchers have not been consistent with their definitions of victimization. Their purpose is to explore the difference between using questions that are very broad or general versus those that are related to specific acts. The results of this study reveal that depending on how questions are worded, the prevalence rates of sexual and physical violence vary. Their research demonstrates the importance of asking the right questions and in the correct manner in order that researchers obtain accurate measures. Accurate measures of the amount of victimization that occurs inside prison are important to developing programs to reduce and control it.

MEASURING VICTIMIZATION INSIDE PRISONS

Questioning the Questions

Nancy Wolff, Jing Shi, and Ronet Bachman

Abstract: Violence and victimization inside the prison setting are accepted as facts, although the facts about their prevalence remain uncertain. Variation in the methods used to estimate rates of sexual and

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physical victimization contribute to the wide range in estimates appearing in the prison literature. This article focuses on the questions used in the prison victimization literature to elicit information on victimization from inmates, compared to questions used in the general victimization literature. The questions used in the National Violence Against Women and Men Surveys are used to estimate sexual and physical victimization rates for an entire prison system. Rates of victimization were found to vary significantly by specificity of the question, definition of perpetrator, and clustering of behaviors. Facts about victimization inside prison will become more certain when the methodology becomes more standardized and consistent with definitions of victimization.

INTRODUCTION

Some people housed in America's prisons are victimized both sexually and physically by other inmates and staff (Bowker, 1980; Gaes & Goldberg, 2004; Lockwood, 1980; Toch, 1985). This statement once considered a myth is now readily accepted as fact. What remains less evidence based, however, concerns how many people inside prison are victimized in particular ways and by whom. These issues have been the source of considerable investigation over the past two decades, especially with respect to sexual victimization. Representative prevalence rates remain elusive, with ranges varying from less than 1% to 40% for sexual victimization (Gaes & Goldberg, 2004) and 10% to 25% for physical victimization (Wooldredge, 1998). Extant studies are characterized by probability and convenience samples of inmates with (uncontrolled) nonresponse rates of 50% or higher drawn from a small number of prison facilities, by survey questions that require varying degrees of subjective interpretation, by varying recall or reflection periods, and by survey administration strategies that vary in their ability to minimize stigma and shame, as well as danger to the inmate.

In an effort to focus the measurement of victimization inside prisons, this study controls for certain types of methodological bias (sample size, time period, and survey administration) to investigate the framing of questions that are used to elicit information about victimization inside prison. Although framing of questions is a central focus of survey and violence research, it has not received careful investigation in the measurement of sexual or

physical victimization inside prisons. The purpose of this study is to explore the use of general questions about victimization framed in terms of "assault" (a broadly and commonly used term in the victimization literature; cf. Kilpatrick, 2000) versus specific questions about particular acts or behaviors on the rate of physical and sexual victimization inside prisons during a 6-month time period.

LITERATURE REVIEW

One of the basic components of survey research is the phrasing of questions to measure what is intended (Presser et al., 2004). Questions cannot be reasonably phrased, however, until there is clarity about what is to be measured. In the prison victimization literature, what is to be measured is interpersonal violence resulting from one person (the perpetrator or aggressor) harming another person (the victim) in particular ways: physically, sexually, psychologically, or emotionally. Violence might be manifested as an actual (i.e., hitting, coercing, or forcing sexual contact), attempted (i.e., striking out but missing the person, attempting forced sexual contact), or a threatened act that is harmful. The harmful act might have occurred at any point, because the person was under the authority of the correctional entity; the act occurred at one or more prisons operated by that entity; or the act occurred once or multiple times and been perpetrated by inmates, staff, or both. Furthermore, the harmful act might have been reported to authorities and have led to further or more severe mistreatment because it was reported;

likewise, it might have resulted in medical and/or mental health treatment.

Given the multidimensionality of violence, being clear about what is to be measured means limiting the definition first in terms of (a) whether the goal is to measure harmful acts that are committed, attempted, or threatened; and (b) the types of acts that are considered harmful. Sexual violence, as defined by the National Center for Injury Prevention and Control (NCIPC), is divided into nonconsensual sexual acts, consisting of forced or threatened sex acts, including vaginal, oral, and anal sex; and abusive sexual contacts, including intentional touching of specified areas of the body (Basile & Saltzman, 2002). Nonconsensual sexual acts are defined to be consistent with notions of rape, attempted rape, or sexual assault. *Physical abuse* is typically defined as a threat or an attempt to do bodily harm and may or may not involve a weapon. As such, definitions of sexual and physical violence share three commonalities in that they do the following: (a) produce interpersonal harm (which may be manifested physically, emotionally, and/or psychologically); (b) may be completed, attempted, or threatened; and (c) include specific types of behavior. These commonalities define the domains of what is to be measured by questions in surveys about victimization inside prisons. These domains can be described in terms of place, time, and perpetrator.

Victimization questions used in the prison victimization literature have been idiosyncratic and, as such, have generated rates of victimization that cannot be meaningfully compared across studies based on correctional populations or the general population. More meaningful and useful prevalence rates would be available if prison-based studies used modified questions based on the NVAW survey. Modification is needed because the weapons (and language for these weapons) and the type of perpetrators are different in prison settings, although the harmful behaviors or acts are the same as are their types of commission (i.e.,

completed, attempted, or threatened). The study described next used both general and specific questions to measure sexual and physical victimization inside male and female prisons located in a single mid-Atlantic state. The specific questions were modified from the NVAW. The questions were framed to measure bid time and 6-month prevalence rates of both sexual and physical victimization within a state prison system.

METHOD

Sampling

A sample of 7,443 inmates was drawn from a single state ($N = 22,231$), inclusive of 12 adult male facilities and 1 adult female facility. Inmates were excluded from the sample if they were younger than 18 or in administrative segregation custody, detention, death row, a sex offender treatment facility, or otherwise too sick to participate in the survey. Also excluded were inmates residing in halfway houses or off-site at the time of the survey. In total, 85% ($n = 18,956$) of the inmate population was eligible. Data were collected from June through August 2005. Inmates housed in the general population ($n = 18,956$) were invited by researchers to participate in the survey. Enough time inside the facility was requested to collect a 40% probability sample from the general population, typically requiring between 2 and 5 days. A 66% random sample of inmates was selected from a population frame in advance with the expectation of a 60% response rate among those randomly selected, yielding the expected 40% sample target within the allotted time at the facility. Target samples across facilities ranged from 26% to 53%, with a mean target sample of 40% ($SD = 0.061$). Data collection at the facility with a target sample of 26% was prematurely terminated because of a lockdown situation (unrelated to the study) at the facility.

Procedures

The survey was administered using an audio-computer-administrated survey instrument (audio-CASI) available in English and Spanish. Respondents sat at a laptop computer in a private location and were read the questions via headset and responded via mouse. Thirty computer stations were available and researchers were available for assistance. Completing the English version of the instrument by audio-CASI took approximately 60 minutes, whereas the Spanish version took approximately 90 minutes. Participants were provided the option of a Spanish version (68 respondents [0.9%] completed the Spanish version). The recruitment protocol, the consent procedures, and the consent form were approved by the appropriate university and Department of Corrections (DOC) institutional review boards. Participants were informed about the survey through inmate liaison representatives and an informational video about the survey (played on the inmate television channel). DOC staff was not involved in the recruitment or marketing of the survey. Participants were not compensated for their participation to reduce any overt coercion.

Participants

Of the 18,956 inmates from general population eligible to participate, approximately 13,000 were briefed on the survey and 7,443 (57% response rate) were recruited and completed the survey. A total of 6,879 men (M age = 33.9, SD = 6.5) and 564 women aged 18 or older participated in the study (M age = 35.5, SD = 6.4). Over two thirds (68.4%) of the female inmate respondents were non-White and 83.1% of the male respondents were non-White. These demographic statistics are equivalent to the general prison population (67.3% of females are non-White, with a mean age of 35.4 years; 79.8% of the males are non-White, with a mean age of 34.4). The survey sample

overrepresented the Hispanic (inclusive of White and non-White; 14.5% female; 19.9% male) population within the prison (10.1% female; 15.0% male).

Instruments

The questions regarding sexual victimization were adapted from the NVAW survey (Tjaden & Thoennes, 2000). Violence was measured using four general questions for each type of perpetrator (inmate or staff member). The general questions were as follows: Have you been sexually assaulted (physically assaulted) by (inmate/staff member) within the past 6 months? Have you ever been sexually assaulted (physically assaulted) by (inmate/staff member) on this bid? In contrast to community-based studies of victimization, a 6-month reflection period, instead of a 12-month period, was selected in the phrasing of questions for three reasons. First, one of our study objectives was to measure interfacility variation in victimization rates. Given the tendency of inmates to move between and among facilities, a 6-month reflection period provided greater stability within the denominator of the prevalence rates for each facility. Second, the literature suggests that inmates are at greatest risk of sexual victimization in the first 6 months at a facility. Limiting the reflection period to 6 months allowed us to test (analysis to be conducted in the future) whether, indeed, victimization rates are highest when inmates first arrive at a facility. Third, given the frequency of violence expected inside prison, especially in terms of physical victimization, more reliable reporting is expected from shorter reflection periods. Longer reflection periods, say 12 months, are most appropriate for low probability events. Prevalence rates for 6-month periods, in combination with the bid time prevalence rates, can be linearized to approximate 12-month rates under alternative growth rate assumptions. Only findings based on the 6-month data are presented herein.

Ten additional questions about specific types of sexual victimization were used (e.g., “During the past 6 months, has (another inmate or staff member) ever . . . touched you, felt you or grabbed you in a way that you felt was sexually threatening or made you have sex by using force or threatening to harm you or someone close to you?”). The specific sexual assault questions were clustered to reflect definitions of sexual violence developed by the NCIPC.

Behavior-specific questions about physical victimization were framed in terms of whether another inmate (or staff member) has done any of the five specific behaviors “during the past 6 months.” The five specific questions relating to physical victimization were collapsed into two categories differentiated by whether a weapon was involved (i.e., with or without weapon). The specific questions were collapsed into categories of physical victimization involving and not involving a weapon.

Statistical Analysis

Unweighted data are presented here because the emphasis is on question phrasing. It is noteworthy, however, that nearly identical results are generated with weighted data. Unless otherwise indicated, the significance level used to assess the validity of the null hypotheses is $p < .05$. Prevalence of sexual and physical victimization measures the number of people in the population experiencing sexual and physical victimization within a 6-month period.

RESULTS

Rates of inmate victimization varied significantly by phrasing of the victimization question. As shown in Table 4.1, specific questions, phrased in terms of specific types of behavior, produced rates of victimization that were 1.1 to 9 times larger than rates based on

the general question, phrased in terms of sexual or physical assault for both inmate and staff perpetrators. Rates of inmate-on-inmate victimization reported by women based on the specific questions dramatically increased relative to the general question and relative to their male counterparts. Less dramatic yet still significant (except for female inmate rates by staff) increases occurred in the estimated rates for physical victimization within gender or across gender groups.

The rates of sexual victimization, according to Table 4.1, could be reported as low as 1.7% of male inmates to as high as 10.7%, depending on whether respondents were asked if they had been sexually assaulted in the past 6 months by another inmate or whether they had experienced various types of sexually explicit (and abusive) behavior by another inmate or a staff person during that same time period. The range of rates for female inmates was even larger, ranging from 2.5% to 26.4%. If experiences of physical and sexual victimization are combined and inclusive of both inmate and staff perpetrators, roughly 40% of female and male inmates experienced some form of victimization within a 6-month period in this state prison system.

Using questions that focus on inmate-on-inmate rape understates the rape experience of male (1.6% vs. 3.0%) and female (3.7% vs. 5.0%) inmates. Similarly, using questions phrased in terms of rape or sexual assault, as measured by nonconsensual sexual acts, understates exposure to sexual victimization within a prison setting (males: 3.0% vs. 9.4%; females: 5.0% vs. 25.0%). Likewise, important gender and perpetrator patterns are masked when physical victimization questions do not distinguish the use of weapons in the commission of physically assaultive acts.

Table 4.2 explores the response patterns to the general and specific questions. Nearly all of those who reported “no” to all the specific questions about sexual victimization also reported “no” to the general questions. Yet of those who said “yes” to at least one of the

Table 4.1 Six-Month Prevalence Rates (Per 1,000) for Victimization by Gender, Type of Perpetrator, and Phrasing of the Survey Question

Phrasing of the Survey Question	Male Inmates (N = 6,897)					Female Inmates (N = 564)						
	Inmate	95% Confidence Interval	Staff	95% Confidence Interval	Either or Both	95% Confidence Interval	Inmate	95% Confidence Interval	Staff	95% Confidence Interval	Either or Both	95% Confidence Interval
Sexual victimization by type of perpetrator												
General	17	14 to 20	27	23 to 31	37	32 to 41	25	12 to 39	27	13 to 40	45	28 to 62
Specific	39	35 to 44	73	67 to 79	99	92 to 106	226	192 to 261	84	61 to 107	264	227 to 300
Combined	44	40 to 49	79	73 to 86	107	99 to 114	230	195 to 265	86	62 to 109	264	227 to 300
Nonconsensual	16	13 to 19	21	18 to 25	30	26 to 34	37	22 to 53	20	8 to 31	50	32 to 68
Abusive, sexual	36	32 to 41	69	63 to 75	94	87 to 101	216	182 to 252	74	52 to 96	250	214 to 285
Physical victimization by type of perpetrator												
General	73	67 to 79	164	155 to 172	198	188 to 207	102	77 to 127	59	39 to 78	138	109 to 166
Specific	194	185 to 203	220	210 to 230	326	315 to 337	203	170 to 237	65	44 to 85	228	193 to 263
Combined	207	198 to 217	261	251 to 272	360	315 to 371	224	190 to 259	91	67 to 115	260	223 to 296
Without weapon	119	111 to 126	148	140 to 157	218	208 to 228	164	133 to 195	52	33 to 70	187	155 to 220
With weapon	145	136 to 153	158	149 to 167	251	241 to 261	100	75 to 125	25	12 to 38	114	88 to 140
Combined sexual and physical victimization by type of perpetrator												
General	80	74 to 87	173	164 to 182	210	200 to 220	117	91 to 144	71	50 to 92	158	128 to 188
Specific	208	198 to 217	249	239 to 259	357	345 to 368	336	297 to 375	125	98 to 152	383	342 to 423
Combined	223	213 to 233	289	278 to 299	390	378 to 401	350	310 to 389	142	113 to 171	400	359 to 440

Table 4.2 Percentage of Inmates Responding to Specific and General Phrasing of Victimization Question by Gender and Type of Perpetrator

<i>Response to Specific Questions</i>	<i>Male Inmates</i>		<i>Female Inmates</i>	
	<i>General, % Yes</i>	<i>General, % No</i>	<i>General, % Yes</i>	<i>General, % No</i>
	Sexual Victimization, Inmate-on-Inmate by Response to General Question			
Specific, Yes	30.0	70.0	9.7	90.3
Specific, No	0.6	99.4	0.5	99.5
	Sexual Victimization, Staff-on-Inmate by Response to General Question			
Specific, Yes	28.9	71.1	31.1	68.9
Specific, No	0.6	99.4	0.2	99.8
	Physical Victimization, Inmate-on-Inmate by Response to General Question			
Specific, Yes	30.6	69.4	39.5	60.5
Specific, No	1.7	98.3	2.7	97.3
	Physical Victimization, Staff-on-Inmate by Response to General Question			
Specific, Yes	55.2	44.8	50.0	50.0
Specific, No	5.3	94.7	2.7	97.3

specific questions, roughly 7 in 10 reported “no” to the general question, except for the inmate-on-inmate responses by the female respondents in which 9 in 10 reported “no” to the general question while responding “yes” to at least one of the specific questions.

The general physical victimization, especially for staff-on-inmate form of victimization, yields responses more consistent with the specific questions (yes-yes combinations). Yet the slightly lower proportion reporting “no” to the specific question and “yes” to the general question regarding physical victimization (ranging from 1.7% to 5.3%, compared to the

0.2% to 0.6% for the sexual victimization questions) suggests that types of physically abusive behavior for the specific behavior question are not fully representative of the behavior that respondents consider physically assaultive.

DISCUSSION

The results of this research illustrate the importance of question wording when attempting to measure sexual and physical victimization. More specific behavior questions

elicit information on violent or abusive behaviors that are threatened or attempted; behaviors, like actual completed behaviors, create a sense of psychological and emotional distress and fear within the victim and the environment. In general, specific behavior questions increase the percentage of people reporting sexual and physical victimization inside prisons within a specific reference period. Questions focusing on specific types of behavior also provide more detail about actual victimization, allowing it to be delineated into types, such as nonconsensual sexual acts or abusive sexual conduct (Fisher, Cullen, & Turner, 2000). More specificity on the types of sexual victimization is critically important for prevention strategies because abusive sexual conduct is often considered a precursor to nonconsensual sexual acts (Lockwood, 1980). Defining the source of victimization to include both inmates and staff also increases the prevalence of victimization, in some cases doubling the estimated rate. The effect of including staff as perpetrators appears to depend on the type of victimization and gender.

Although it is clear that the form of the question and its scope affects estimates of victimization within a prison, it also affects the ability to compare violence in prisons to that in the general population residing in the community. Using the same questions, the NVAW survey found that 0.2% of women reported being raped (attempted or completed) during a 12-month period (Tjaden & Thoennes, 2000), compared to 4.6% of women and 2.7% of men during a 6-month period in prison. (Note: In the NVAW survey, fewer than 5 male victims in a sample of 8,000 reported being raped and, as such, no estimates were calculated.) Rates of physical assault for a 12-month period were 1.3% for females and 0.9% for males in the general population, compared to 22.8% of females and 32.6% of males in prison, again during a 6-month period.

Comparing victimization rates inside prison to those in the general population is problematic, because people inside prison are not representative of the general population. Given the strong correlation between poverty and criminalization (Jargowsky, 1997; Wilson, 1987) and between poverty and victimization (Rennison & Rand, 2003), a more appropriate comparison group may be inner-city areas—areas more representative of the places where people residing in prison once lived and where they will eventually return after completing their sentences (Travis, 2005). Teplin, McClelland, Abram, and Weiner (2005) used the NCVS to estimate 12-month prevalence rates of crime victimization for “central cities.” For central cities over a 12-month period, rates of rape or sexual assault were estimated at 0.23% for women, 0.025% for men. Rates of physical assault for men and women were estimated at, respectively, 1.6% and 1.1%, in inner cities based on the NCVS questions on sexual and physical assault. Although the screening questions for the NCVS are less specific than those used in the NVAW, they still generate rates, adjusted to central city areas, which are substantially smaller than rates of victimization estimated for male and female prisons over a time period half in length.

One of the central advantages of using victimization questions that are used in national surveys is that it allows meaningful comparisons across groups in different settings and geographical areas. As such, it becomes clear that prisons are more violent places than the general population and central city environments. It remains unclear whether this is because the prison environment congregates people prone toward violence, because the secluded nature and power structure of the prison environment facilitates violence, or because the deprivation within the environment foments the stresses that cause violence. Also, it is unclear to what extent group-to-group violence motivates or directs interpersonal violence. These

data simply suggest that prison environments are more violent and that the people residing there live with the consequences and fear of victimization during their incarceration, and the data also suggest areas where more research is needed.

Putting prison victimization methods on par with those in the general victimization literature is long overdue. What is being measured—victimization—is independent of setting and needs only to be translated to a prison context in terms of type of perpetrator and names of weapons (e.g., “shanks”). Standardization of methods will provide more useful information for identifying the sources and context of victimization, which can then be used to develop policies to prevent violence inside prisons and to treat and protect those who have been victimized. The Commission on Safety and Abuse in America’s Prisons (2006) is calling for actions that will make correctional settings safer. Collecting reliable and valid data on victimization inside prisons is a necessary first step toward this goal in terms of identifying how much victimization is occurring and what types of violence occur and by whom, as well as providing guidance on how best to prevent violence and how much treatment is needed to respond to the trauma and other consequences associated with violence.

It is important to keep in mind that our findings are based on a single state prison system. Whether these rates generalize to other prisons systems is an empirical issue that requires future research. Yet for this single state system, our findings indicate that people inside prisons are at greater risk of sexual and physical victimization than the average citizen in the community, even central cities characterized by poverty. For this reason, prisons can be considered a natural laboratory for systematically studying violence in terms of its causes, its consequences, and ways to prevent and treat it. In particular, researchers studying violence in prison have an opportunity to develop and inform the

literature on the measurement of victimization and its prevention. Interpersonal violence, whether sexual or physical, has many dimensions and manifestations, with actual, attempted, and threatened violence having consequences that affect physical health (such as HIV infection) as well as psychological and emotional well-being. The challenge is to measure the dimensionality of different forms of violence, to explore the interdependence between and among these dimensions, and to develop interventions to prevent its onset and to treat its occurrence in ways that addresses the ensuing layers of harm. Yet in advancing the literature, it is critical that prison-based research incorporates standard measures of victimization and methods of collection to ensure valid estimates and comparisons across settings.

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DISCUSSION QUESTIONS

1. How much have prevalence rates of sexual and physical victimization varied in past research?
2. Why do Wolff and colleagues believe it is important for researchers to clarify what they want to measure, especially regarding violence?
3. How did these researchers solicit information from prison inmates? Regarding ethics of subjects, do you think respondents would have been less comfortable answering questions about victimization through face-to-face interviews with the researchers?
4. How much difference in victimization rates did these researchers find for general versus specific questioning?
5. In Table 4.2, did some inmates who answered yes to a specific question confirming they had been victimized, also report no, that they had not to a more general question about victimization? What does this reveal?
6. In what ways are specific questions about violent victimizations better for research?
7. What do these researchers say are some of the problems with comparing victimization rates inside prison versus rates of the general population not in prison?
8. What are some of the limitations of this research study?

RESEARCH READING

Racial profiling has become a well-recognized and popular buzz word to both researchers and the general public alike. The authors of the current article, however, point out that relatively little is known about the cause of racial profiling. They contend that a lack of conceptualization of racial profiling is the reason for this void in knowledge. In this article, Batton and Kadleck attempt to conceptualize racial profiling in order to make it more amenable for future researchers to assess causality. Specifically, they outline four conceptual issues and the implications each has for data collection and analysis of racial profiling. Pay particular attention to the separate discussions of conceptualization and operationalization issues regarding racial profiling and how the two are related but different. The appendix provides information on the various different types of definitions that have been used to define racial profiling. This appendix is a great example of the difficulty in coming up with universal conceptualizations of phenomena that are of interest to social science researchers.

Source: Batton, C., & Kadleck, C. (2004). Theoretical and methodological issues in racial profiling research. *Police Quarterly*, 7(1), 30–64. Copyright © 2004 Sage Publications.

THEORETICAL AND METHODOLOGICAL ISSUES IN RACIAL PROFILING RESEARCH

Candice Batton and Colleen Kadleck

Abstract: Racial profiling has generated a significant amount of social concern in American society. Yet little is known about the etiology of this phenomenon, in part because its defining characteristics have yet to be identified and conceptualized. In this article, the authors summarize and organize the existing racial profiling literature and establish a strong conceptual foundation for future racial profiling research. Four issues that must be explicitly addressed in the conceptualization process of research on racial profiling are identified and described; realm of activity, level of aggregation and unit of analysis, population of interest, and characteristics of the incident. These factors have methodological implications in terms of data collection control variables, and methods of analysis.

INTRODUCTION

Racial disparities in the justice system have long been of interest to researchers who have documented disproportionate numbers of racial and ethnic minorities at virtually every stage of justice processing (Walker, Spohn, & DeLone, 2000). The latest issue to garner scholarly attention with respect to race is racial profiling, a term generally used to describe situations in which race or ethnicity functions as an indicator of criminal propensity, typically by law enforcement officers in the context of a traffic stop (Harris, 1997, 1999a; Maclin, 1998; U.S. General Accounting Office, 2000). Although racial profiling is a relatively new concept that has only recently generated broad social concern, discrimination on the basis of race has long plagued the U.S. criminal justice system (Kennedy, 1999; Walker, 2001).

The broad, sweeping consequences of racial profiling for minorities, police, and society in general make it an issue worthy of scholarly attention. The necessity of research is further underscored by the flurry of legislative action and reforms to law enforcement policies that have occurred due to heightened concern over racial profiling and the potential civil liberties violation it constitutes (Commission on Accreditation for Law Enforcement Agencies, 2002; Harris, 1999b; Strom, Brien, & Smith,

2001; Walker, 2001). Although there have been recent efforts to measure the extent of racial profiling, much of the existing literature fails to adequately conceptualize the problem in that there is no consensus on the meaning of racial profiling or what it entails. We use the term *racial profiling* to refer to the use of discretionary authority by law enforcement officers in encounters with minority motorists, typically within the context of a traffic stop, that result in the disparate treatment of minorities. The defining characteristics of racial profiling incidents have yet to be identified, but in this article, we suggest several factors that should be considered.

CONCEPTUAL FRAMEWORK

Social and Cultural Foundation of Racial Profiling

With the “sociological imagination,” C. Wright Mills (1961) stressed the importance of situating phenomena in their broader social and cultural context to more fully understand them. Toward that end, we begin by defining racial profiling and discussing its historical roots. The term *racial profiling* has been used to loosely refer to a variety of instances in which minorities, African Americans in particular, are treated

distinctly because of their skin color by persons occupying various social roles (e.g., store owners, taxi drivers, police) (Meeks, 2000). Although a broad conception is not incorrect, we use *racial profiling* to refer to a narrower range of social behavior—specifically, the use of discretionary authority by law enforcement officers in encounters with minority motorists, typically within the context of a traffic stop.

The roots of racial profiling run deep. Throughout the course of American history, minorities, and Blacks in particular, have been subjected to differential treatment by the criminal justice system (Donziger, 1996; Kennedy, 1999; Meeks, 2000; Tonry, 1995; Williams & Murphy, 1990). In the mid-1800s, slave patrols were implemented as an arm of the law to search for disobedient and runaway slaves (Reichel, 1988; Williams & Murphy, 1990). Following the abolition of slavery, “Black codes” were enacted in many states in attempts to legally limit the rights and liberties of Blacks. Although the federal government banned “Black codes” in 1868, many Southern states still attempted to use the legal system to maintain White supremacy with Jim Crow laws, which required separate facilities for Blacks (e.g., schools, rail cars, bathrooms) (Free, 1996; Williams & Murphy, 1990). It was not until the Civil Rights Act of 1964 that it became illegal to discriminate on the basis of “race, color, . . . or national origin” (Legal Information Institute, 2002). Although discrimination is prohibited, it is well documented that racial disparities exist at virtually every stage of U.S. criminal justice system processing (Donziger, 1996; Free, 1996; Mauer, 1994; Tonry, 1995; Walker, 1999; Walker et al., 2000). It is within this social and historical context that racial profiling emerged.

Several facets of police training and experiences are conducive to racial profiling. First, profiling is generally viewed as an efficient law enforcement technique for getting contraband off the street and “netting” persons who are wanted (Cleary, 2000; Harris, 1999b, 2002; Kennedy, 1999; Milazzo & Hansen, 1999). Unless it is the sole factor prompting a stop, the

use of race/ethnicity in profiling is generally not believed to constitute discrimination. In consideration of this, racial profiling may occur in conjunction with anti-crime crackdowns. For example, in an attempt to get guns off Kansas City streets, a high crime rate area was assigned extra patrols with the task of establishing “reasonable suspicion” to perform searches, many of which occurred in the context of traffic stops (Sherman, Shaw, & Rogan, 1995). Although minorities were not explicitly targeted, 92% of residents in the targeted area were non-White, Uniform Crime Report (UCR) statistics indicating disproportionate minority involvement in crime also support the use of race in profiling (Taylor & Whitney, 1999). Although they have been criticized by academics for not accurately reflecting the nature and extent of crime or the characteristics of criminals, UCR statistics constitute police reality in that they reflect arrests and offenses known to the police (Robinson, 2000). Scholars may argue that self-report and victimization surveys paint a different image of racial differences in criminal behavior, but it is unknown to what extent police are aware of this information. On a related note, officers are trained to look for persons who do not belong or appear suspicious (Johnson, 1983; Maclin, 1998). As Skolnick (1994) noted, citizen reports of “suspicious” persons more often involve minorities than Whites, which reinforces linkages between criminality and minorities.

Drug interdiction training also facilitates racial profiling as drug courier profiles are more likely to target minorities, African Americans and Hispanics in particular (Cole, 1999; Donziger, 1996; Harris, 2002; Leitzel, 2001; Maclin, 1998; Tonry, 1995; Walker et al., 2000). Harris (1999b) argued that racial profiling was institutionalized in law enforcement in the mid-1980s through Operation Pipeline, a Drug Enforcement Agency (DEA) training program on using traffic violations as pretexts for stopping persons who fit drug courier profiles, especially on roads known as drug “pipelines.” Once a stop is made on the pretext of a traffic violation, the officer has a better opportunity to determine whether a search is

warranted (Cole, 1999). Even with no evidence, consent for a search may be requested. Motorists can refuse, but they may believe that consent is not required or that cooperation decreases the risk of a citation (Cole, 1999; Harris, 1999a, 2002). If consent is not given, a canine unit may be summoned in an attempt to establish probable cause for a full search (Harris, 1999a, 2002; Meeks, 2000). The idea that training includes race/ethnicity as a risk factor is important because training influences officer behavior (McNamara, 1967; Niederhoffer, 1967; Walker, 1999).

All of these factors contribute to the perpetuation of stereotypes that link criminality with racial and ethnic minorities (Harris, 1999b; Kennedy, 1997). These stereotypes permeate police work and are manifested through the use of discretionary authority contributing to the belief that searches of minorities and their vehicles are likely to be “productive” in terms of netting contraband and criminals (Cole, 1999; Johnson, 1983; Milazzo & Hansen, 1999; Ramirez, McDevitt, & Farrell, 2000; Robinson, 2000). The result is a self-fulfilling prophecy as officers target vehicles operated by minorities and simultaneously pay less attention to others (Harris, 1999b; Ramirez et al., 2000). Interestingly, “hit rate” research indicates that drugs are found in a smaller percentage of vehicles operated by minorities than by Whites (Harris, 1999a; Ramirez et al., 2000). Officers vary in the extent to which they are cognizant of how race affects their use of discretion, with many denying that it has any effect at all (Johnson, 1983; Ramirez et al., 2000; Robinson, 2000).

Finally, it should be noted that U.S. Supreme Court decisions on the constitutionality of pretext stops also facilitate racial profiling. In 1996, the use of drug courier profiles and pretext stops was upheld by the Court in *Whren v. United States* as long as race is not the only motivating factor for the stop or search (Cole, 1999; Harris, 1999b; Kennedy, 1999). Whether this constitutes racial profiling is the subject of debate. Although some define racial profiling as occurring when race is the

only factor motivating a stop or search, others argue that it encompasses situations when race is used as one of a constellation of factors (Cleary, 2000; Fridell et al., 2001; Kennedy, 1999; Walker, 2001). Harris (1999b) argued that any use of race is problematic because “police are therefore free to use Blackness as a surrogate indicator or proxy for criminal propensity” (p. 291). In other words, race becomes a proxy for risk of criminal behavior (Gaynes, 1993; Hemmens & Levin, 2000; Johnson, 1983; Kennedy, 1999; Mann, 1993). The U.S. Supreme Court handed down a similar decision in 1976 supporting the actions of Border Patrol agents who used drivers’ ethnic heritage as a factor in the decision to stop and search vehicles on the southern California border (Meeks, 2000).

Explicitly identify factors that should be taken into account in the conceptualization and operationalization of racial profiling.

CONCEPTUALIZATION OF RACIAL PROFILING

It is difficult to overstate the importance of clear conceptualization in the research process. A firm understanding of the meaning and parameters of key concepts is necessary for identifying valid and reliable measures and adequately operationalizing variables. A strong conceptual framework is also important for model development in terms of specifying causal mechanisms and relevant control variables. The following discussion focuses on four factors central to the conceptualization of racial profiling; realm of activity, level of aggregation, population of interest, and incident characteristics.

Realm of Activity

It has been well documented that profiling in a broad sense occurs in many realms of activity and by persons occupying a multitude of social roles. Studies indicate that race and sex are very powerful determinants of the manner in

which individuals interact with others. They are particularly important in interactions between strangers who do not have any other prior knowledge of each other and therefore must rely on outward appearances to “size up” and make assessments about the other person (Anderson, 1990, 1999; Leitzel, 2001). It has been argued that African Americans are discriminated against by retailers who assume that they either do not have any money or are more likely to shoplift, by taxi cab drivers who fear criminal victimization, and by Customs agents searching for contraband on the basis of skin color (Cole, 1999; Meeks, 2000).

Although this type of “profiling” undoubtedly occurs and is likely based at least in part on race, of particular interest here is racial profiling that occurs in the context of police interactions with minority motorists. First, racial profiling by police is likely to be distinct from that done by others because of the discretionary authority of the police and the power differential that exists between police and those they stop. Second, traffic law and vehicle code enforcement is an area in which officers have broad discretion, in part because of the sheer number of vehicles operated in violation of the law (Ramirez et al., 2000; Walker, 2001). Vehicle stops, most of which involve suspected traffic or vehicle code violations, are also discretionary as they are largely proactive, or officer-initiated, as opposed to other types of encounters, which are more likely to be reactive, or driven by service calls and citizen complaints (Mastrofski et al., 1998; Walker, 2001). Vehicle stops are also distinct from many other types of police-citizen encounters in terms of their situational characteristics, the absence of a “victim” demanding that justice be served, and the potential outcomes (Smith & Visher, 1981; Worden, 1989). Therefore, a distinction should be made between racial profiling in the context of interactions between police and minority motorists and other social settings.

Unit of Analysis and Aggregation

In the process of conceptualizing racial profiling, it is important to consider the unit of

analysis and the possibility of effects at different levels of aggregation. The most basic unit of analysis is the incident, or the individual vehicle stop. For this unit of analysis, data must be collected on the characteristics of all vehicle stops that occur within a specific geographical area during a set period of time. Incident data are important because officer decision making is affected by the characteristics of incidents. Officers tend to have a limited amount of time and information to use in deciding whether to stop a vehicle, thus they rely on various aspects of the situation (e.g., driver behavior, seriousness of the violation, location of the stop, other traffic conditions, and vehicle characteristics) (Worden, 1989). As Walker (2001) noted, the context in which the stop occurs should be considered.

Although data should be incident level, it is important to consider the possibility of effects across officers, districts, and/or agencies. At the officer level, the risk of racial profiling may vary because of differences in attitudes and beliefs about the relationship between race/ethnicity and criminality. Officer-level differences may also stem from differences in training and guidelines from supervisors (Verniero & Zoubek, 1999), which could be detected by controlling for shift or beat. District effects are possible as several factors related to the distribution of crime vary across police districts including the (a) demographic characteristics of residents, (b) extent of social disorganization (e.g., population density, mixed use areas, rental properties), and (c) number of officers assigned to an area (Bursik & Webb, 1982; Klinger, 1997; Reiss, 1986; Schuerman & Kobrin, 1986; Shaw & McKay, 1942). Klinger (1997) also argued that the structure of the division of police labor in conjunction with the autonomous nature of patrol work results in district variation in policing norms. Finally, agency-level effects are possible as a result of variation in goals, operating philosophies, and organizational culture (Engel, Calnon, & Bernard, 2002; Fridell et al., 2001). This is consistent with research by Mastrofski, Ritti, and Hoffmaster (1987) on drunk driving

enforcement and Fyfe (1982) on police use of lethal force; both studies found that agency philosophies affect officer behavior.

Population of Interest

Identifying and defining the population at risk is central to the conceptualization of racial profiling. Are all persons “at risk” or are particular racial/ethnic groups more likely than others to be targeted? The popular phrase “driving while Black” implies that African Americans are the targets of racial profiling. Studies that focus solely on the experiences of African American motorists, such as Harris (1999a), further support this idea. However, other racial and ethnic minorities are also likely to be targeted. As Mann (1993) noted, Americans stereotype the race or ethnicity of criminals as African American, Hispanic, or Native American, depending on the type of crime and area of the country.

The extent to which various minority groups are targeted in racial profiling likely depends on the racial and ethnic composition of the population. Particular minority groups may be at greater risk in areas where their numbers are relatively large. For example, African Americans may be at greater risk than others in the South because they comprise a relatively large proportion of the minority population. According to the U.S. Census Bureau (2000, pp. 25-27), in 2000, 90% to 95% of the minority population was comprised of African Americans in states like Louisiana, Mississippi, and Alabama. The composition of the minority population differs in states such as Texas and California, where African Americans comprised 39.6% and 16.5% of the 2000 minority population, respectively. In both of these states, approximately one third of the population in 2000 was comprised of Hispanics, and in California about 10% of the total population and 27% of the minority population was comprised of Asians.

The race/ethnicity of known drug couriers and drug-related offenders should also be considered in conceptualizing the at-risk population. Officers are likely to rely on their

own experiences as well as the collective experiences of the agency, which they are exposed to through radio communications, supervisor reports and messages, and informal exchanges of information. Thus, if the majority of drug trafficking arrestees in an area are young, Asian males, they may be at greater risk for racial profiling than African Americans or Hispanics, even if the latter comprise a relatively large proportion of the minority population in that jurisdiction.

Characteristics of the Incident

Anecdotal evidence suggests that the nature and quality of the encounter is a crucial aspect of racial profiling (Fridell et al., 2001). Although discussions frequently focus on the use of pretext stops, what happens during the stop is as important as the “reason” for it. Several factors are identified below as potential defining characteristics of racial profiling incidents.

Length of Delay

Anecdotal evidence suggests that minorities are more likely to be detained by law enforcement officers for traffic violations and for longer periods of time (Fridell et al., 2001; Harris, 1999a; Ramirez et al., 2000). Although a White driver may be detained relatively briefly for a traffic violation for the amount of time it takes to issue a warning or a citation, it has been argued that minorities are likely to be detained longer as more extensive questioning, background checks, and/or searches are conducted. Investigating the extent to which minorities are subjected to longer delays and the reason for them is an important aspect of racial profiling research.

Searches

Anecdotal evidence suggests that searches are an important aspect of racial profiling. Several facets of searches need to be more closely examined, including racial/ethnic differences in the likelihood of being searched,

the rationales underlying searches, and nature of the search. Clearly, the most basic question is whether minority motorists and their vehicles are more likely than Whites to be searched, presumably because of a suspicion that drugs will be found. In a study of police-public contact in 1999, Langan, Greenfeld, Smith, Durose, and Levin (2001, p. 2) found that Blacks and Hispanics were twice as likely as Whites to be searched during a traffic stop. They also found that younger drivers were searched more often.

The circumstances surrounding the search are also important—specifically, the basis for initiating the search (i.e., visible contraband, odor, canine alert, inventory search prior to impoundment, consent search) (Fridell et al., 2001; Ramirez et al., 2000). If an individual refused consent to a search, was a canine unit summoned (Cole, 1999)? If so, how was the dog used (i.e., interior vehicle search, exterior vehicle search)? Were the search results positive, and if so, what was recovered (e.g., drugs, paraphernalia, weapons) (Fridell et al., 2001)? Another important aspect is whether the motorist felt pressured to consent to a search out of fear of receiving a citation or ignorance of the right to refuse consent (Cole, 1999; Harris, 1997; Meeks, 2000). However, it may not be possible to accurately measure this facet of searches.

Property Damaged

As alluded to above, allegations of property damage have frequently been made by minority motorists claiming that either their vehicle or personal belongings were damaged in the course of officers or canine units conducting a search of their vehicle (Harris, 1999a). Personal property might be damaged if belongings are carelessly rifled through, thrown on the ground, or exposed to inclement conditions (e.g., rain, snow, mud). Property may also be damaged as a result of police dogs scratching the exterior of the vehicle or entering the vehicle and damaging the upholstery. Damaged property may be indicative of being treated

with a lack of respect and therefore may tap into the qualitative nature of the encounter.

Information and Demeanor

The extent to which the officer provides or requests information may also be important in conceptualizing racial profiling. For example, there is evidence that officers frequently do not give a reason for the stop, even when asked directly by the motorist. This may indicate a lack of professionalism, but Fridell et al. (2000, p. 14) noted that minorities tend to attribute officer rudeness, discourtesy, and unwillingness to provide the reason for the stop to racial bias. It should be noted, however, that Langan et al. (2001, p. 15) found few racial differences (i.e., 1.5% of Whites, 2% of Blacks, and 2.3% of Hispanics) in drivers reporting that no reason was given for the stop. Researchers should also document whether officers ask inappropriate or irrelevant questions about where the individuals have been or where they are going. In cases involving minorities driving more expensive cars, people report being asked who the car belongs to, as if the car did not belong to them. These questions may be particularly revealing when they have little to do with the underlying traffic violation (Harris, 1999a).

The demeanor of the officer is an important aspect of the interaction. This refers to the manner in which the officer treats and interacts with the individual; is the person treated with courtesy and respect or is the officer rude and suspicious? Information on officer demeanor would likely provide important insights into the issue of racial profiling, but this facet of the interaction is virtually impossible to measure without direct observation, which may itself have an impact on officer behavior. Furthermore, officer demeanor is likely to be partially a function of motorists' demeanor. As Kennedy (1999, p. 7) noted, a "downward spiral" may occur if the motorist expresses resentment at having been stopped because of racial/ethnic heritage and the officer responds to the perceived hostility in kind. On a related note, Engel et al. (2002)

reported that non-White suspects may be more disrespectful toward police, which could be linked with higher arrest rates for minorities, especially young Black males. Although Lundman (1996) found that citizen demeanor affects the likelihood of arrest, other factors must also be considered, such as severity of the offense (Klinger, 1996; Worden, Shepard, & Mastroski, 1996).

Restraint and Use of Force

Another aspect of the incident to consider is the use of restraints on the driver and/or passengers. Restraints might include handcuffs, leg shackles, or being placed in the patrol car. The use of restraints typically suggests that the officer had reason to believe the person was dangerous or posed a threat to his or her safety. The more frequent use of restraints with minority motorists may be an indication of racial bias in that the decision to use them may stem from preconceptions on the part of the officer about racial differences in criminality, in their study of police-public contact. Langan et al. (2001) found that Blacks (6.4%) and Hispanics (5%) were more likely to be handcuffed during a stop than Whites (2.5%). Blacks (2%) and Hispanics (2%) were also more likely than Whites (<1%) to have force or the threat of force used against them.

Disposition of Stop

Racial profiling may be linked with racial/ethnic differences in the disposition or outcome of a traffic stop (e.g., winning, citation) (Fridell et al., 2001). Differences in incident dispositions may reflect the extent to which the stop was based on an actual traffic violation as opposed to a traffic violation being the pretext for the stop. Stops initiated on the basis of a minor infraction that do not result in a citation, but do result in a search or attempted search, are consistent with DEA training on the use of pretext stops. Ramirez et al. (2000, p. 50) suggested the following disposition codes: oral warning, written warning,

arrest made, arrest by warrant, criminal citation, traffic citation-hazardous, traffic citation-nonhazardous, courtesy service/citizen arrest, and no action taken.

METHODOLOGICAL IMPLICATIONS OF CONCEPTUAL DEFINITION

The conceptualization of a problem has implications for conducting research on that phenomenon. In the following, a variety of methodological issues that follow from the conceptual framework on racial profiling established above are discussed.

Operationalization

In establishing the conceptual framework, four factors were discussed as central to racial profiling research: realm of activity, level of aggregation, population of interest, and characteristics of the incident. In the following, the operationalization of these concepts is discussed as well as the implications for data collection.

Realm of Activity

The conceptualization of racial profiling has implications both for its operationalization as a variable and for data collection. With respect to the realm of activity, we argue that the data collected should pertain to interactions between law enforcement officers and motorists that occur during officer-initiated vehicle stops. Ramirez et al. (2000) defined a stop “as any time an officer initiates contact with a vehicle resulting in the detention of an individual and/or vehicle” (p. 43). Although the majority of stops will likely involve traffic law violations, other highly discretionary vehicle stops (e.g., investigative stops) should also be included (Fridell et al, 2001). For example, in their investigation of Operation Valkyrie, the ACLU found that Illinois state troopers assigned to drug interdiction units stopped

Hispanic motorists 2 to 3 times more frequently than troopers in other units (Harris, 1999a). However, as Fridell et al. (2001, p. 123) noted, collecting data on vehicle stops as opposed to traffic stops compounds the problem of identifying an appropriate baseline for comparison.

Although data on the outcome of the stop should be recorded, it should not serve as the basis for sample selection. Instead, data should be recorded on all vehicle stops to avoid bias and accurately assess the nature and extent of racial profiling (Cleary, 2000; Fridell et al., 2001). Data should be collected on the date, time, and location of the stop to fully understand the context in which the stop occurred (Cordner, Williams, & Zuniga, 2001; Ramirez et al., 2000).

Level of Aggregation

Researchers should be cognizant of the level of aggregation that characterizes their data. Most racial profiling studies have examined department-level data (Cleary, 2000), with the exception of legal research, such as Laraberth's study of the Maryland State Police (ACLU, 1996). Agency-level data are likely to uncover important information and may be necessary to protect the anonymity and confidentiality of the officers being studied, especially in relatively small departments. As Cleary (2000, p. 28) noted, officers often perceive the collection of identification information as a serious threat, which can affect both behavior and morale.

Although these are legitimate concerns, identifying the parameters of the issue is important and agency-level data may obscure differences among officers and districts. To the extent that research findings serve as the basis for policy and program reforms, it is important to know, for example, whether racial profiling involves a large group of officers, all officers working in a particular district or shift, or only a few officers. Previous research indicates that the percentage of traffic stops involving minorities varies by officer

(ACLU, 1996) and district (Cordner et al., 2001). Therefore, whenever possible, data should be collected in a way that allows for aggregation at the officer, district, and agency level. At the same time, researchers should take precautions to protect the confidentiality and anonymity of participants and be cognizant of how the data collection process might impact the behavior of officers (Ramirez et al., 2000). Researchers should also control for factors such as beat assignments, especially with data aggregated at the officer level, that may be related to the likelihood of encountering minority motorists.

Population of Interest

Identifying the population of interest and establishing a baseline measure of this group is perhaps the most difficult aspect of operationalizing racial profiling (Ramirez et al., 2000). As Cleary (2000) noted, "there is typically no perfect baseline measure against which to gauge police stop practices" (p. 24). One common approach is to use the racial/ethnic composition of the community as a baseline against which to compare the racial distribution of traffic stops (Cleary, 2000; Engel et al., 2002). See, for example Cox, Pease, Miller, and Tyson (2001); Nixon (2001); Texas Department of Public Safety (2000), and Verniero and Zoubek (1999). However, this approach is problematic because it assumes that all members of racial/ethnic subgroups drive and thus are at risk of being stopped (Walker, 2001). Also implicit is the assumption of vehicle ownership and a valid driver's license, both of which vary by race/ethnicity (Doyle & Taylor, 2000; Polzin, Chu, & Rey, 2000).

Given these issues, some researchers have used the racial/ethnic composition of the driving population as a baseline measure (Harris, 1999a). For example, a study of North Carolina State Highway Patrol data used district residents holding a valid driver's license as a baseline for comparisons (Zingraff et al., 2000). Although an improvement, this measure is also problematic in that the racial/ethnic composition of the driving population

within a particular jurisdiction varies across different stretches of roadway, times of the day, and days of the week (Cleary, 2000; Guiliano, 2000; Valenzuela, 2000). Furthermore, it assumes no racial/ethnic differences in traffic violations and equipment failure rates (Zingraff et al., 2000). As Engel et al. (2002) noted, it is possible that certain subgroups of the population (e.g., young Black males) drive more aggressively and commit more moving violations. Finally, both measures fail to account for nonresidents traveling in the area under study, which itself impacts baseline measures (Cox et al., 2001). Walker (2001) argued that such problems may well be insurmountable and suggested an “early warning system” approach as an alternative to attempts to establish a baseline.

Another challenge is the determination of race/ethnicity by law enforcement officers (Cleary, 2000). The racial/ethnic categories used in police record keeping vary across agencies (Cleary, 2000; Ramirez et al., 2000), which is logical given regional variations in the composition of the population. Research on racial profiling should employ racial/ethnic categories that are socially meaningful within the jurisdiction of the agency. However, to facilitate comparisons with previous research, the categories should be able to be collapsed to reflect those used in the UCRs. Also, the number of categories should be relatively small to enhance the reliability and validity of the measures and to minimize error in the data collection process. Although they may not match motorists’ self-assessments, officer determinations of race/ethnicity are generally best because their perceptions (rather than actual race/ethnicity) are what is central to the issue of racial profiling (Cleary, 2000). However, as Walker (2001, p. 74) noted, contextual factors impede the ability of officers to determine race/ethnicity, including tinted car windows and limited vision at night.

In addition to recording the motorists’ race/ethnicity, data on age and sex should also be collected to determine whether disparities exist along these dimensions as well (Fridell et al., 2001). For example, the Washington

State Patrol and Criminal Justice Training Commission (2001) found that drivers younger than 30 were more likely to be cited, regardless of race. In their North Carolina study, Zingraff et al. (2000) found that age played a role in racial differences in that Black males aged 23 to 49 (23%) and 49 and older (70%) were more likely to receive a citation than their White counterparts. Finally, Cordner et al. (2001) found a greater proportion of San Diego traffic stops involved males rather than females.

Characteristics of the Incident

Research on racial profiling must determine the extent to which racial disparities exist in the characteristics of stops. In looking at the characteristics of the incident, the focus is on what happens from the time the stop is initiated to when it is completed. To the extent that the data are available in agency records and activity logs, collecting and coding data on several factors should be relatively straightforward. For example, Zingraff et al. (2000) measured length of delay in minutes and then computed mean delay times by race. It may be possible to collect data on length of delay if the times that the stop was initiated and that the officer returned to service were recorded on activity logs or could be determined by reviewing in-car camera tapes or communications with dispatch, both of which may be time-date stamped.

Data should be collected on whether a vehicle search was conducted. With Missouri data, Nixon (2001) calculated search rates (i.e., number of searches/number of stops) by race. Similarly, Verniero and Zoubek (1999) and the Texas Department of Public Safety (2000) looked at search percentages by race. Data should also be collected on the basis or reason for the search and whether it involved a canine unit. For example, Cordner et al. (2001) distinguished between nine types of searches in San Diego (i.e., inventory, incident to arrest, consent, Fourth Amendment waiver, other basis, odor of contraband, contraband visible, evidence of criminal activity, and canine

alert). Finally, information on the search outcome is important. In their North Carolina study, Zingraff et al. (2000) looked at the percentage of searches resulting in citations and warnings by race.

Researchers should attempt to determine whether restraints were used and, if so, what type of restraint (handcuffs, placed in police car). Data on this facet of the incident should be available in police reports. Researchers should also attempt to determine whether force (e.g., held at gunpoint) was used by the officer.

Data on the disposition of the stop should be available in activity logs and/or warning and citation records. Information should be collected on whether the motorist was released without a ticket, given a verbal warning, issued a warning or citation for a traffic violation, or arrested as a result of a vehicle search. Although several researchers have looked at whether or not citations or warnings were issued, with the goal of discerning racial disparities (Texas Department of Public Safety, 2000), information on the nature of the warning, citation, or arrest is also desirable. See, for example, Cox et al. (2001, p. 4) and Ramirez et al. (2000, p. 19). It is also important to distinguish between warnings and citations issued in the context of traffic accidents, as did Zingraff et al. (2000) in their study of North Carolina Highway Patrol data.

Although data collection on some incident characteristics may be relatively straightforward, gathering information on other characteristics is likely to prove more challenging, if not impossible. For example, it would be difficult to identify a valid measure of property damage given that both motorists and officers may falsify information to further their own interests. Furthermore, in cases in which property damage is disputed, it would be virtually impossible to determine the truth of the situation. Although it may be possible to rely on in-car video cameras, if available, to some extent, the angle or quality of video footage is often insufficient to allow for a clear determination. When possible, data should be collected on

whether damage occurred to either the vehicle or its contents during the course of a search.

It is also likely to be very difficult, if not impossible, to collect data on the nature of the officer-citizen interaction to get at requests for information and demeanor. Demeanor is highly subjective. Although it may be possible in some cases to use videos from in-car cameras to see basic aspects of officer-motorist interaction during stops, the quality of the footage is often rather poor, as noted above, and typically does not include sound. With better quality videos that include sound, it may be possible to see facial expressions and body language and to hear the nature of the exchange of information as well as the tone. Although it may be possible for a separate observer to record information about the nature of the interaction, his or her presence is likely to have its own independent effects on the outcome of the interaction.

SUMMARY AND CONCLUSIONS

In recent years, racial profiling has generated a significant amount of controversy and social concern in American society. Although stories about racial profiling abound, very little is known about the etiology of this phenomenon. In this article, we attempt to summarize and organize the existing literature on racial profiling and establish a strong conceptual foundation for future racial profiling research. We argue that the failure to adequately conceptualize racial profiling is one of the primary problems with current research. In an effort to fill this gap, we identify and describe four issues that must be explicitly addressed in the conceptualization process of research on racial profiling: realm of activity, level of aggregation, population of interest, and characteristics of the incident. These factors are central to the concept of racial profiling and have implications for the future direction of racial profiling research.

One of the primary tasks for future research is to accurately document the nature and extent of racial profiling in American society,

which is no small task. Although it may be difficult (if not impossible) to accurately assess all of the factors that impact racial profiling, there is still a significant amount of work that can be done to further knowledge on the issue and enhance our understanding of the factors that influence it. Of particular importance is the development of multivariate models that attempt to control for the effects of a variety of factors with the goal of constructing more complete and accurate causal models. It is important to move beyond simple comparisons across racial/ethnic categories of the likelihood of being pulled over or of being issued a citation. We have identified several factors that should be controlled for in racial profiling research, but note that this list is not exhaustive. Instead, as more is learned about vehicle stops and the factors that affect police decision making within that context, additional potential control variables are likely to be identified. As models continue to be refined, a better sense of the relative impact of the factors discussed will emerge.

APPENDIX

The table below categorizes the different ways that the term *racial profiling* is used in the literature. In addition to variation between sources in terms of whether an explicit definition of racial profiling is provided, there are subtle and not-so-subtle variations in the implied and explicitly stated meanings of the term.

Definitions of Racial Profiling

Cleary (2000, pp. 5-6)—Conceptual

“Under the narrow definition, racial profiling occurs when a police officer stops, questions, arrests, and/or searches someone solely on the basis of the person’s race or ethnicity. . . . Under the broader definition, racial profiling occurs when a law enforcement officer uses race or ethnicity as one of several factors in deciding to stop, question, arrest, and/or search someone.”

Fridell et al. (2001, p. 5)—Conceptual

“Racially biased policing occurs when law enforcement inappropriately considers race or ethnicity in deciding how to intervene in a law enforcement capacity.”

Harris (1999a)—Conceptual and Operational

“African-Americans call it ‘driving while Black’—police officers stopping, questioning, and even searching Black drivers who have committed no crime, based on the excuse of a traffic offense.” (p. 265)

“The task was the same as Lamberth’s . . . use statistics to test whether Blacks in Ohio were being stopped in numbers disproportionate to their presence in the driving population.” (p. 281)

Kennedy (1999, p. 11)—Conceptual

“Properly understood, then, racial profiling occurs whenever police routinely use race as a negative signal that, along with an accumulation of other signals, causes an officer to react with suspicion.”

Langan, Greenfeld, Smith, Durose, and Levin (2001, p. 20)—Operational

“One definition of racial profiling is ‘using race as a key factor in deciding whether to make a traffic stop.’ Another definition is ‘using race as a key factor in deciding whether, during a traffic stop, to search the vehicle or the driver.’”

Meeks (2000, pp. 4-5)—Conceptual

Racial profiling is “the tactic of stopping someone only because of the color of his or her skin and a fleeting suspicion that the person is engaging in criminal behavior.”

Minnesota Department of Public Safety (2000, p. 2)—Conceptual

“To help determine whether motor vehicle drivers in Minnesota are being stopped by law enforcement officers because of their race.”

Muharrar (1998, p. 1)—Conceptual

“Racial profiling—the discriminatory practice by police of treating Blackness (or brownness) as an indication of possible criminality.”

Newport (1999) for Gallup Organization—Operational

“It has been reported that some police officers stop motorists of certain racial or ethnic groups because the officers believe that these groups are more likely than others to commit certain types of crimes. Do you believe that this practice, known as ‘racial profiling,’ is widespread or not?”

Nixon (2001, p. 1)—Operational

“Racial profiling . . . defined as the inappropriate use of race when making a decision to stop, search, cite, or arrest a person.”

Ramirez, McDevitt, and Farrell (2000, p. 3)—Conceptual

“Racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.”

Taylor and Whitney (1999, p. 507)—Conceptual

“‘Racial profiling’ by the police, that is, the practice of questioning Blacks in suspicious circumstances in disproportionate numbers in the expectation that they are more likely than people of other races to be criminals.”

United States General Accounting Office (2000, p. 1)—Conceptual

“Racial profiling of motorists by law enforcement—that is, using race as a key factor in deciding whether to make a traffic stop.”

Verniero and Zoubek (1999, p. 5)—Conceptual

“We choose to define ‘racial profiling’ broadly enough to encompass any action taken by a sole trooper during a traffic stop that is based upon racial or ethnic stereotypes and that has the effect of treating minority motorists differently than nonminority motorists.”

Walker (2001, p. 64)—Conceptual

“Racial profiling refers to allegations that police officers stop African American drivers for alleged traffic violations on the basis of race and not because of legitimate suspicion of any law violation.”

Washington State Patrol (2001, p. 1)—Conceptual and Operational

“‘Racial profiling,’ or the targeting of certain racial groups during the course of conducting traffic stops”

“Officer-initiated contacts of violators . . . [should be] . . . racially proportionate to two standards: driving-age populations and collisions.”

Meaning of Racial Profiling Assumed or Inferred Through Examples

Cohen, Lennon, and Wasserman (2000, p. 2)—No Definition

“The well-founded belief that authorities use racial profiles to justify more intensive observation and questioning of people of color has fed escalating tensions between police and minority communities.”

Cordner, Williams, and Zuniga (2001)—No Definition

Used the term *racial profiling* but did not define it. Compared the percentage of minorities and Whites in the population to the percentage of minority and White drivers stopped.

Harris (1999b)—No Definition

Used the term *racial profiling* but did not define it. Instead provided examples, talked about “driving while Black” and the use of race in pretext stops.

Leitzel (2001)—No Definition

Used term *racial profiling* but did not define it. Used term *race-based policing* more often, inferring that it is the practice of using race alone or in concert with other factors as a reason to stop or detain a person.

Texas Department of Public Safety (2000)—No Definition

Used term *racial profiling* but did not define it. Referred to instances of inappropriate use of race in decisions regarding motorists.

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DISCUSSION QUESTIONS

1. According to these authors, is racial profiling a relatively new phenomenon?
2. Batton and Kadleck outline four factors they believe are central to conceptualizing racial profiling. They point out that in broader contexts, race and sex influence social interactions. Why do these authors argue that police interactions are different?
3. What is problematic about using the incident (individual traffic stop) as the unit of analysis in racial profiling research?
4. What is it about the incidents (the traffic stops) themselves that is important to analyze?
5. Why might racial profiling be greater in some areas of the country than others?
6. What, according to these authors, is the most difficult component of measuring racial profiling?
7. What are some of the ethical issues that might arise in research on racial profiling?
8. Could the persons who are stopped by law enforcement also have a role in the outcome of that stop?