
PROFILING, RACIAL: HISTORICAL AND CONTEMPORARY PERSPECTIVES

The concept of racial profiling has surged in recent years as one that seems to drive policy at the state and federal levels. In the study of race and crime, racial profiling refers to the use of an individual's racial and ethnic characteristics in decisions about participation in crime. Racial profiling is most often associated with traffic stops but also includes profiling illegal immigrants and retail shoppers. The idea of drivers being pulled over or ticketed on the basis of their race and ethnicity has led politicians and civil rights activists to launch campaigns across the United States, to inform the public, particularly minorities, of their apparent vulnerability to this form of institutional racism. This entry provides an overview of the history, challenges, and future of racial profiling. Although the term *racial profiling* is a relatively recent one, the broader practice of using racial/ethnic characteristics as a basis for immigration and criminal justice policy and practice has a long history. This entry reviews the historical background of racial profiling and reviews the issues underlying contemporary debates about this practice.

Historical Background

Although it is difficult to trace the history of racial profiling per se, the principle of targeting individuals based on their race and ethnicity existed before, during, and after slavery in the United States. As American history books show, profiling based on race was prevalent during slavery. Segregated railroad cars for Blacks were in existence in the 19th century, before the Jim Crow era, and even during the early stages of the Jim Crow years, in the 1890s, racial profiling was practiced.

As the era of slavery ended, several forms of racial profiling continued in the United States. For instance, during the immigration era, when hundreds of thousands of immigrants arrived in the

United States hoping to find a better way of life, a few were labeled and isolated for various reasons. Those from southern and eastern Europe were considered less able to assimilate, and their race and ethnicity were considered strong predictors or indicators of predispositions relevant to criminal behavior. Some immigrants were labeled "unhealthy" because they came from countries in Europe where famine and diseases were believed to be rampant. The Immigration Act of 1875 was intended to prevent Chinese and Japanese individuals who were suspected of being prostitutes or convicts from entering the United States.

The exclusion of certain individuals from entering the United States was not limited to official operations overseas. In fact, in ports of entry such as Ellis Island, New York, individuals were marked on their foreheads if they were believed to exhibit a disease or characteristic not desirable among the American population. Once the immigrants were marked by one or more letters or designations, they were removed from the inspection line and placed in examination rooms where they were checked for further signs of illnesses. Those whose illnesses were not considered to be serious were sent to the hospitals for observation and care. Those whose illnesses were determined to be serious were deported back to their countries of origin.

The underlying factor here is that individuals who were more likely to present illnesses originated from poor countries in Africa and other underdeveloped areas of the world. In other words, people of color or those considered at the time to be ethnically inferior were overrepresented among the isolated population at Ellis Island and other similar immigration ports.

The labeling or profiling of individuals based on their physical appearance was not limited to public policy in the United States. In fact, at the same time as the Jim Crow era, the Italian physician and criminologist Cesare Lombroso (1835–1909) began to identify patterns of criminality based on the physical appearances of individuals. Lombroso influenced the academic stance on physical appearance being associated with behavior; in this case, criminality.

More recently, U.S. public policy has been used to profile individuals on the basis of appearance through the Drug Courier Profiles developed by the Drug Enforcement Administration in the 1980s.

When the United States launched the “Say No to Drugs” campaign, it became clear that drug couriers carried a particular profile that could be detected. In addition to the basic behavioral patterns (i.e., little or no luggage, use of an alias), it became important to also include race and ethnicity as components of the profile used by the Drug Enforcement Administration.

Since the advent of the drug courier profiles, the media have presented numerous stories related to ordinary citizens, mostly minorities, who claim to have been racially profiled by police officers while driving, commonly referred to as “driving while Black” or “driving while Brown.” In a case that brought national attention to the topic of racial profiling, in April 1998 two New Jersey state troopers fired 11 shots into a van carrying four Black men on their way to a basketball clinic. After the shooting, the troopers brought in drug-sniffing dogs in an effort to find drugs and thus make it seem that the shooting had been justified. To the displeasure of the troopers, they found only basketball equipment and a Bible inside the vehicle.

This and other similar cases gave rise to public awareness regarding racial profiling. In addition, a publication by the American Civil Liberties Union (ACLU) titled “Driving While Black: Racial Profiling on Our Nation’s Highways,” which illustrated cases where racial profiling had taken place, led to a public outcry. After the release of the ACLU report, President Clinton invited academics, legislators, civil libertarians, and practitioners to participate in the “Strengthening Community Partnerships” conference held in Washington, D.C., in June 1999. Following the conference, President Clinton directed the Departments of Justice, Treasury, and Agriculture to collect data on the race, ethnicity, and gender of all individuals subject to stops by federal law enforcement officials. It should be noted that this initiative also had a profound effect at the state level as more than half of all states modeled legislation similar to the federal initiative requiring the collection and reporting of traffic contact data.

Challenges Presented by Racial Profiling

From discussions and debates involving legislators, academics, and civil libertarians, several central points on this topic have emerged:

1. Racial profiling is not a myth but a real phenomenon that occurs in contemporary police practices. Even if media reports overestimate the number of actual incidents, it is a practice that some law enforcement officials follow. There are approximately 20,000 law enforcement agencies and over 600,000 law enforcement professionals in the United States. Most of these are honest and law-abiding individuals who strive to make a positive difference in the lives of people on a daily basis. However, a few engage in the practice of selective enforcement of the law by utilizing race and ethnicity as indicators of criminality. Although some people deny the existence of racial profiling, it certainly exists; on the other hand, it does not take place across the board on a daily basis. The truth lies in the middle.

2. Racial profiling in the law enforcement community is, for the most part, an individual problem rather than an institutional one. The media often report data that seem to imply that police departments are engaging in racial profiling. A careful review of hundreds of these reports indicates that racial profiling cannot be determined by data alone. That is, the practice of racial profiling stems from individual-based bias that cannot be quantified by an organization’s overall practice regarding traffic stops. The days when police chiefs would instruct police officers to racially profile are part of a dark past. Today, most police supervisors would not remain long in their position if they instructed officers to target minorities. This is not to say that a few officers may not exhibit personal biases toward minorities. However, such personal biases cannot be detected using institutional data regarding traffic stops unless individual-based analyses are performed. In this case, the data would need to be accompanied by other factors (i.e., racist remarks, complaints by citizens, abuse of force) that would indicate, when analyzed together, an obvious bias on behalf of the officer.

3. The September 11, 2001, terrorist attacks gave greater prominence to the topic of racial profiling. Some argued that after the September 11 terrorist attacks took place, racial profiling would no longer be an issue because the United States would be concerned with more serious matters. In

fact, the opposite took place. That is, more civil rights–based lawsuits associated with racial profiling seem to have been filed since the 9/11 attacks than at any other time. Further, states have increasingly become concerned because individuals are being targeted not only on the basis of their race and ethnicity but also because of their religious affiliation. Also, there is current disagreement between local and federal law enforcement regarding the extent to which individuals should be targeted for the sake of national security. The federal government currently has programs in place at major airports that profile individuals based on their race and ethnicity; in contrast, local officials, for the most part, have declined to participate in similar practices, citing constitutional rights that would be violated.

The Future of Racial Profiling

Racial profiling is a complex issue, and it cannot be measured or understood in its entirety simply through collection and analysis of traffic contacts between police officers and the public. Such data collection is nevertheless important. Some contend that we must record the nature and disposition of all such contacts, a difficult task to accomplish, particularly by large police departments. The future of racial profiling is uncertain, but its use is likely to continue, and it is difficult to imagine that it will disappear from public attention. It is a vital issue for public officials, academics, and civil libertarians, and social scientific research is needed to guide efforts to reach a consensus on this topic.

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See also Black Codes; Immigrants and Crime; Northeastern University Institute on Race and Justice; Profiling, Ethnic: Use by Police and Homeland Security; *State v. Soto*

Further Readings

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