

Race, crime and justice: An unfair police practice

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When four white New York policemen were accused—and eventually acquitted—of murdering an innocent, unarmed black man, the issue of race could hardly be avoided, though it could not be introduced into courtroom proceedings. The officers had stopped Amadou Diallo in 1999 on a routine patrol in the Bronx and ended up shooting him after they mistook the wallet he pulled from his pocket for a gun. If Diallo were white, the odds are great that he would not have been stopped for questioning, much less have been shot to death for reaching for his wallet.

But the jury in the case was not asked to decide about racial prejudice in the New York City Police Department; it was simply asked to decide if the officers had committed murder. On this point, the jurors (black and white) answered with a reasonable no—the police were guilty of a terrible mistake, but not murder.

Amid the controversy over the Diallo case, and over the shooting of another unarmed black man, Patrick Dorismond, in Manhattan last month, activist Al Sharpton and others assailed the police practice known as racial profiling—targeting suspects on the basis of race. Racial profiling is routinely practiced, often unconsciously, by street cops, highway patrols and drug interdiction officers across the country. Countless black motorists and airline passengers have described being stopped for trivial reasons by police in search of drugs or weapons. The only reason they are under suspicion is that they are black. (They are guilty of “driving while black,” as the phenomenon has come to be called.)

The political campaign against racial profiling calls on states to keep data on police behavior that will show whether racial profiling is happening. Since black motorists don't violate traffic laws with greater frequency than white motorists, police should not be stopping them more frequently. Such practices are not only unfair; they are an ineffective and wasteful form of law enforcement.

Racial profiling was subtly at work in the Diallo case: Nothing in Diallo's behavior—he was seen looking both ways out of a doorway—was sufficient cause for the initial intervention by the police. The police in this case were members of the aggressive Street Crimes Unit, which in recent years has expanded its activity. Jeffrey Toobin points out in a recent *New Yorker* article (March 6) that the number of people frisked by the police has risen dramatically in New York—from 18,000 in 1997 to 27,000 in 1998. Toobin also points out that the number of arrests has remained the same, which means that the increased police activity has mostly meant more mistakes—"stopping more individuals who had done nothing wrong." The more policing mistakes that are made, the more likely it is that mistakes will turn into fatal ones, as in the case of Amadou Diallo.

Everyone stands to gain from vigorous policing, especially the African-American communities that suffer most from crime. But until the police frisk whites with the same vigor that they frisk blacks, their mistakes cannot be said to be entirely innocent.