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DRIVING WHILE BLACK:

STORIES THROUGH THE DRIVER'S CAR WINDOW
A COMMUNICATIVE ANALYSIS

A Dissertation

Presented to

the Faculty of Social Sciences

University of Denver

In Partial Fulfillment

of the Requirements for the Degree

Doctor of Philosophy

in Human Communications

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by

Tracie Keesee

November, 2008

Advisor: Dr. Roy Wood, PhD.

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ABSTRACT

This study explores the communicative dynamic that occurs between Denver police officers, and citizens of the African-American community, during traffic stops characterized as "Driving While Black." Thirty-four interviews were conducted regarding this study. Derived from the interviews were transcribed narratives, which were examined through the use of narrative analysis and various theoretical frameworks. The narrative analysis and theoretical frameworks provided a new lens for exploring the police/citizen communicative dynamic, and a foundation for additional communication research between police officers and the African-American community.

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CHAPTER I

INTRODUCTION

The worldview of African-Americans has been shaped by our history and our sociopolitical system. A 1996 poll released by the Anti-Defamation League, disclosed that a significant number of White Americans continue to perceive African-Americans in stereotypical ways (Anti-Defamation League, 1996) and African-Americans' mistrust of the criminal justice system, specifically the police, has been well documented (Free, 1996). Scholars, Weitzer and Touch (1999) who examined this mistrust found a difference in the perceptions of Blacks and Whites concerning racial disparities in policing. In order to understand the Black-White differential in the perception of law enforcement, let's begin with the history of Black-White relations.

American Racism

Slavery, Emancipation, and Reconstruction

Slavery has existed in almost every preindustrial society. Historians, however, are unsure when the first African-American person actually arrived in North America. According to Flowers (1990), Blacks entered what is now known as the United States in 1619, as indentured servants. Before British slave traders traveled to Africa's western coast to buy Black slaves from African chieftains, they sold their own White working class kindred "the surplus poor"(Hoffman, 2000), "indentured servants" from the streets of England, into slavery. The supply of indentured labor to the colonies was considered to be a limited resource making slaves a cheaper alternative (Galenson, 1981). In the

southern mainland colonies, the rising cost of White labor tended to make slaves a less expensive form of unskilled labor than additional servants, and the majority of the bound labor force changed from White to Black. The result of the rising price of skilled indentured labor, as well as of the declining cost of skilled slave labor was the widespread investment in the training of slaves to replace servants in the skilled jobs and even in some of the supervisory work of the plantations. Regardless of their status, early colonists began to differentiate the status between Black and White servants. The low status of slaves was codified into slave codes that relentlessly reminded the slaves of their inferior status. For example, slave families could be legally dissolved at the discretion of the master. Legislation changed the murder of a slave from a misdemeanor to a felony, and lynching as a means of controlling slaves dramatically increased after emancipation (Free, 1996).

The Civil War was regarded as one of the most important events in history. Although slavery was considered a collateral issue, the impact of the war changed the landscape of the South. Post-Civil War, several amendments changed the status of African-Americans. Even after the Thirteenth Amendment of 1866 abolished slavery, the rights of former slaves were restricted even further by the "Black Codes," which were passed by the southern states, designed to nullify emancipation and began to formalize the Black-White relationship. The codes ensured that Blacks were not allowed to vote, sit on juries, testify against Whites, or bear arms (Turner, Singleton, & Musick, 1984). Subsequently, the Fourteenth Amendment in 1868, the Civil Rights Act, established due process and equal protection to all citizens, and the Fifteenth Amendment (1870) gave former male slaves the right to vote to be amended centuries

later to allow all, regardless of race, color, or previous condition of servitude, the right to vote. The Thirteenth, Fourteenth, and Fifteenth amendments eventually shaped the relationship between Blacks, Whites, and the criminal justice system (Tarver, Walker, & Wallace, 2002).

During the Civil War, President Abraham Lincoln enacted the Emancipation Proclamation. The Proclamation consists of two executive orders. The first order, issued in September of 1862, declared the freedom of all slaves in any state of the Confederate States of America that did not return to Union control by January 1, 1863. The second order, issued January 1, 1863, named the specific states where it applied (Guelzo, 2004). The proclamation did not free slaves from the states of Kentucky, Missouri, Maryland, Delaware, and West Virginia, or any southern states already under Union control. At first, it directly affected only those slaves that had already escaped to the Union side, but as the Union armies conquered the Confederacy, thousands of slaves were freed each day.

Reconstruction, twenty years after the Civil War, proved to be difficult for both Blacks and Whites. Reconstruction signified the beginning of the end for plantation life and the control of labor. This significant societal shift directly motivated violence against free slaves in the form of the Klu, Klux, Klan, whose main purpose was to smash any activity to implement equal rights under the law (Waldrep & Nieman, 2001). Reconstruction not only had an impact on the social structure of plantation life, but it also challenged White authority and legislation over African-Americans.

Blacks had a difficult time trying to survive in a country where land ownership and credit was a vital part of citizenship, and Whites found rebuilding difficult, due to

their previous reliance on free slave labor (Hacker, 1992). The tensions between Blacks and Whites, in addition to the southern states and Washington, led to the conception of what became known as "Jim Crow" laws.

The 1896 Supreme Court decision in *Plessey v. Ferguson,* legitimized the separation of Blacks from Whites in all areas of society, allowing for a "separate, but equal" policy that affected schools, where people could live, which restaurants and hotels they could patronize, and jobs they could hold (Cooke, 1998). This policy managed to create a bifurcated society, rendering it separate, but far from equal; a system that continued until the 1960's and continue to contribute to the tension between Blacks and Whites.

Segregation continued after World War II, although the technological gains resulting from the war provided new opportunities for Whites. It was not until 1954, when the Supreme Court Case, *Brown v. Board of Education of Topeka,* declared "separate educational facilities inherently unequal" and a violation of the Fourteenth Amendment, a decision that eliminated the Jim Crow laws produced by *Plessey v. Ferguson* (Tarver, Walker, & Wallace, 2002a).

The tension of making integration a reality became mired in church bombings, lynching, and an increased participation in the Klu Klux Klan. The grassroots efforts of the Civil Rights movement was marked by notable events such as the Little Rock Nine's memorable escort into a high school in 1957 and Rosa Parks' refusal to relinquish her bus seat in 1955. A memorable bus boycott led by a 26-year old pastor Martin Luther King, Jr. which inspired African-Americans to assert their new sense of identity while making a social stand.

The United States experienced massive, social, and political changes during the 1960's. The continual enactment of legislation to enforce the right to vote and equal access to jobs did not keep pace with the disenfranchisement, high unemployment, poverty, crime, and the inability to assimilate, due to the vestiges of slavery and racism.

Clearly, the United States has a long tumultuous history when it comes to issues of race. As an African-American child born in the 60's, I had yet to understand the impact of the changes taking place. Legislative proposals were attempting to correct the vestiges of slavery while attempting to build equal relationships between Blacks and Whites. As an African-American adult, I am the product of the legislation that shaped my childhood and influenced how I would view the world.

Busing, which I experienced, was an attempt to balance the education system by busing a Black child hours away from her home in order to be the recipient of a White, middle-class education superior to what was provided in my neighborhood school. Yet, there was one constant reminder that I didn't belong -- my skin color. I got used to the stares, but the lessons of how to cope with the stress of overachieving, so everyone would believe I did belong in "their school," were taught during family dinners at home.

My experience with race has been on several different levels. Like most Black children, my experience with how different I truly was presented itself in overt ways, such as name-calling or government studies affirming that my cognitive ability was limited and my family was destined for welfare. I was raised to cope, quickly dismissing names, statements, and studies as ignorant, uncaring, and scared.

As I was always told, it is easy to slay the monster you can see, but what about the ones you cannot? Covert racism is a fairly new monster. Covert racism is an action

that disguises or rationalizes an explanation so that society is more willing to accept the actions that diminish the rights and powers of minorities (Gallagher, 2003). The monster is always present. You can feel it, but you can't see it. Every now and then it will reveal itself and you can address it, head on or through a process. Decades of preparing to face covert racism did not prepare me for this.

Even with these experiences firmly planted in my consciousness, I, along with millions of others, manage to move on and become successful. We hope that our history, with regards to race, will not be repeated. We hope. As a Black police officer, I made a career choice that is not readily supported by African-American families, due to our turbulent police/community history. But my experiences also have provided a lens to study the communicative issue between the police and the African-American community.

Racism and Policing

The construction of legal institutions in America corresponds with racist ideologies formed to regulate and maintain the labor of African-Americans mostly slaves (Sheldon, 2008). Since the early formation of government, the mandate for those charged with protecting and enforcing the power of government, the police, have been at odds with those they have been directed to control, the citizens (Sheldon, 2008). The *People's Police*, a newly established institution, was designed to be in a position of neutrality to quell competing political forces (Wintersmith, 1974).

The early forms of policing in the United States occurred at the community level. U.S. policing roots can be traced back to the conceptual model created by Sir Robert Peel, which consisted of foot patrols and centralized power in order to serve the people

and prevent crime (Sheldon, 2008a). However, the U.S. model was charged with enforcing laws based on race. As discussed earlier, numerous laws were passed to help perpetuate slavery. Slave codes "legislated and regulated in minute detail, every aspect of the life of the slave and the Black/White interaction, assured White-over-Black dominance, and made Black people virtually non-persons" (Burns, 1990, p. 117).

The Slave Codes were legislative laws to help guide the officers of the court to determine if the law had been broken and their associated penalties. For example, slaves could not leave the plantation without a "pass" that indicated their purpose and mission of the leave. It was the duty of all Whites, searchers and patrollers to stop all slaves and check their passes. Those that looked altered or illegitimate, prescribed an instant sentence of an on-the-spot whipping, and were subsequently turned over to the nearest agent (Wintersmith, 1974a).

The Slave Codes also required commissioners of towns to enact "patrols," akin to "police patrols," which were formalized search parties compared much to those created by the Tennessee Patrol System Act of 1753. Patrols were formed not only to enforce the law, but also to remain vigilant to possible slave revolts. These codes were not only for slaves, but were also for White indentured servants. These codes institutionalized the custom and practice that forever defines the relationships between Whites and Black.

Post Civil War policing was faced with a dramatic increase of runaway slaves. The slave owners during this period increased slave patrols, thus resulting in an increase of violence and death. This initiated a stricter passport system and resulted in a propaganda campaign attempted to persuade slaves that the "Yankees were human devils who raped slave women and sold slave men into slavery in Cuba" (Wintersmith, 1974b,

p. 22). Even though the slave system shattered and the master-slave relationship eventually dissolved, the vestiges of the culture and the relationship survived.

The reconstruction period found police in a questionable position. They continued to enforce the spirit of the slave codes, although the Thirteenth Amendment declared slavery illegal and the Fourteenth Amendment provided for due process for all citizens. Blacks attempted to exercise their newly acquired rights, only to be faced by Whites trying to institutionalize "White Supremacy."

The government enforced and interpreted the separate but equal doctrine known as the Jim Crow laws. The government needed to "ensure equity before the law, but not to abolish distinctions or to enforce social equality or a commingling of the two races" (Wintersmith, 1974c, p. 36). The lines of separation were still distinctly drawn. Segregation occurred with all public facilities, such as schools and housing, and was strictly enforced by the police and created an isolated African-American community. The police officer image emerged to represent White authority in the Black community. They were "not there so much to protect the community, as to guarantee the perpetuation of the existing orders" (Wintersmith, 1974d, p. 37.).

Civil unrest and urban riots defined the early twentieth century, specifically the Civil Rights era of the 1960s. The remnants of slave patrols would impact the relationship between the police and the African-American community. The role of the police became that of containment. Containment was exercised through the practice of questioning those found "outside their neighborhoods," while often ignoring serious crime occurring within the community (Sheldon, 2008b, p. 86).

In response to what the community believed to be blatant disregard to protect Blacks from the police, "Black Police Forces" were created by communities to increase the safety of those communities, but to also enforce social change. This brief review of the relationship between policing and racism, reveals that police organizations reflect the social climate and attitudes of society at–large. The police have tried to redefine their relationship with the African-American community through the creation of a community-relations bureaus and the subsequent implementation of community policing.

One of the ways police organizations have tried to redefine their relationship with the African-American community is by recruiting those who "reflect" the make-up of the community. A shared commonality with many police organizations is the need to deal with the overrepresentation of White males and the issues of whiteness, and the privilege it invokes and its subsequent impact the African-American community.

Whiteness

The concept of "Whiteness" draws on research, which examines the definition of race, almost entirely within the American context (Bonnett, 2000). Whiteness itself becomes problematic due to its ability to mask power and privilege and to remain invisible to those who benefit most, White males. The research on Whiteness emphasizes the social construction of White, Native, and Black identities in interaction with the institutions of slavery, colonial settlement, citizenship, and industrial labor. Scholars have also identified the evolution of the legally defined line between "Blacks" and "Whites" to colonial government efforts to prevent cross-racial revolts among unpaid laborers (Bonnett, 2000).

Peggy McIntosh (2004) addressed Whiteness from the perspective of privilege and sought to identify the social, political and cultural advantages accorded to Whites in American society. She argued that these advantages seem invisible to most Whites, but obvious to others. For instance, Whites are taught not to recognize White privilege, as males are taught not to recognize male privilege. McIntosh recognized a need to redesign social systems, but in order to do so, we need first to "acknowledge their colossal unseen dimensions." McIntosh revealed that the silences and denials surrounding privilege are a key political tool, "they keep the thinking about equality or equity incomplete, protecting unearned advantage and conferred dominance by making these taboo subjects" (p. 192).

Shome's (2000) identified Whiteness as a discursive space that has tremendous influence on subject interpretation; she claims Whiteness:

> "...remains the organizing principle of the social fabric and yet remains masked because of the normatively that this principle acquires in the social imaginary. The hope embodied in this research is that by making visible to Whites (and non-Whites) to live everyday functioning of the normative and privileged locus of Whiteness, Whites can, perhaps, begin to see and stop denying the everydayness of Whiteness and their participation and positioning in it" (p. 366).

Shomes, underlying argument that Whites are taught how racism disadvantages the "other" but they are never taught about the role of White-privilege, "it is a social construction, an intricate communication system that produces Whites as 'raced subjects'" (p. 369).

Jackson, Shin and Wilson (2000), examined the Black and White perception of Whiteness, and determined that the process of deconstructing Whiteness cannot be done alone. The scholars expressed a need to evaluate how Whiteness is communicated between the dominate culture and "others" and the need to center Whiteness.

Dickson and Anderson (2004) examined two Time magazine cover images: O.J. Simpson, after his arrest for the murder of Nicole Brown, and Hillary Clinton during the Whitewater controversy. Their discussion on how visual rhetoric (handcuffed Black males) invokes myths central to western culture, also identified the re-centering of Whiteness by labeling Black men and all women of color evil. Dickson and Anderson also uncovered how "Whiteness" sustains power in the form of White masculinity:

> "Whiteness hides itself and in so doing makes itself the standard against which all non-Whites are measured and, necessarily, found wanting. This invisibility naturalizes Whiteness. White becomes a fact of daily life. It is not socially constructed. It is not a cultural position, per se" (2004, p. 272).

White masculinity (like Whiteness itself) works its magic "by constantly refusing positive definition, forcing others to tell White masculinity what it is through a process of differentiation and negation" (Dickson & Anderson, 2004, p. 276).

For police organizations, the examination of Whiteness has yet to be recognized. However, initiatives such as hiring recruits that reflect the community, is often considered minimal effort by citizens and do nothing to address or prevent a new challenge dealing with race, racial profiling, and according to the African-Americans of the community, a specific profiling, Driving While Black (DWB). These are two of my experiences of dealing with racial profiling and Driving While Black.

Driving While Black (DWB)

> *It was late in the evening and I was a little tired, but not much. I was driving home from finishing my day-shift, thinking about what was left for me to do at home before I could go to bed, and what new challenges I faced the next day as a newly promoted police Sergeant.*
>
> *Like most commuters, I count the timing of the lights, hoping they will stay green all the way home and turning the radio-up, as if it will help keep the*

magic of the green lights in my favor. I quickly looked in my rear-view mirror and noticed that a police car was driving several car lengths behind me. My first reaction was to look down at my speedometer. I was driving slightly below the speed limit, but I applied the brakes just a little. My breathing rate increased.

The red and blue strobe lights were not hard to miss and were a clear indication that he was not passing me to respond to an emergency, but pulling me over. I waited with my hands on the steering wheel, while glancing at my driver's side mirror. I rolled my window down and placed my hands back on the steering wheel. The officer looked at me, not quite sure if he had seen me before.

The officer asked me if I knew how fast I was driving. I responded, but he kept staring at me. I asked the reason for the stop, but he didn't answer. The officer quickly glanced in my backseat and noticed my uniform shirt. The officer quickly asked me which district I was assigned, and I responded by telling him that I was on the way home. His face turned red, he told me to slow down, and quickly walked back to his car. He turned off his lights, drove around me, and sped down the street. My heart was still pounding. "What am I afraid of? I'm a police officer - a Sergeant. I wasn't speeding, so why did he stop me?

I know there are two sides to this story; two sides separated by a car window. As a police officer, I am fully aware that traffic stops are inherently dangerous, risky, and pose a threat to the physical safety of police officers (Lichtenberg & Smith, 2001). As I recall a traffic stop where I was accused of racial profiling, it becomes even more evident how the two sides emerge.

Being a police officer in the city where you grew up can be a dream come true for some, or a burden of living down childhood stories when coming in contact with old friends. As I grew up in Denver, it was apparent to me that the City was geographically divided by economic class and race. Middle and upper class Whites and very few Blacks resided in the Southeast. Lower economic Blacks resided in Northeast Denver, while lower economic Hispanic/Latinos lived in the West.

As a Denver police officer, the excitement of working in Northeast Denver allowed me to give back to my own community. I knew so little about growing up in the Southeast quadrant of the City. The pace of the calls for service was rapid and most calls were considered to be dangerous or problem-solving challenges to say the least. Violent crimes that took place in this area of the City often shared a common characteristic; the suspect was often Black and male.

Conducting a traffic stop had become routine to me now, years past the structured style and methods taught to me during my Academy days. The safety aspect always remained the same, however, with properly positioning the car behind the stopped vehicle and pointing the takedown lights in areas that made it hard for the driver to see my approach.

Working the night shift was fun for me. It provided a heavy call load and plenty of opportunity for self-initiated activities, such as traffic stops, which made the nights pass quickly. This was a typical summer night in Denver; warm, but not muggy, and a large amount of pedestrian and vehicle traffic out and about. While adjusting the air conditioner for what must have been the hundredth time, I noticed a car one lane to my right and ahead one car length. The vehicle had a broken taillight (a minor traffic infraction), and tinted windows that concealed the shadows of one or maybe two people in the rear seat. The year of the vehicle was mid 1970's, and my mind raced back to roll call and the notice of an older vehicle, possibly used in residential burglaries. I could not remember the exact model or color, but I had enough without them to initiate a traffic stop.

I signaled, indicating my need to move into the lane behind the car. Like most citizens who find they are driving next to a police car, the driver immediately next to me slowed to allow me to enter the lane. I immediately looked for a safe location to make the traffic stop, while simultaneously contacting dispatch to make them aware of the vehicle's make, model, license plate number, and possible number of people in the vehicle. I activated my overhead lights and siren. I was fully aware of the feeling now rushing over the driver who is about to be stopped: anxious, questioning, looking in the rear-view mirror for a visual verification that he is the one about to be stopped.

The car made a right turn at the next street and pulled over to the curb. I radioed in my final location to dispatch. I waited a few seconds, in case one of the occupants of the vehicle tried to exit or run from the car. I exited my vehicle, while adjusting my gun belt, taking my flashlight from its ring holder, and thinking to myself that the belt didn't feel as heavy as it did yesterday. I approached the vehicle, lightly touching the back of the trunk, just in case there was another person positioned to ambush me. Walking along side the driver's side of the car, I noticed it was a four-door, so I touched the passenger's rear door to make sure it was closed completely so no one could walk-up behind me. I shined my flashlight through the rear window to view inside. Sitting huddled together, were two small children with another, I guessed to be about twelve years old. They were looking out of the rear passenger window and refused to look my way.

As I approached the driver's side, I noticed the window was cracked. I felt the cool air from the car's air conditioner. I stood behind the passenger's doorframe, bent slightly forward, and shined my light in the window. The driver,

a Black male in his thirties, was looking straight ahead. I greeted him, and asked if he knew why I pulled him over. He responded with gritted teeth and jaws tight, "No." I explained to him that he had a broken taillight and I would need to see his driver's license and proof of insurance. He quickly responded to me, "Is that the best lie the White man has taught you to use in order to pull a brother over?" His response and glare took me by surprise. I explained to him again the reason for the stop and he replied, "Bullshit! I've been stopped twice today already and the other cops never said anything about a damn broken taillight." I assured him again that the taillight was broken, which makes a vehicle considered to be defective. I repeated my request for his driver's license and proof of insurance.

He turned and looked at me, startled because my look of confusion was apparent. What part of defective vehicle did he not understand? He reluctantly presented his driver's license and proof of insurance. I looked at the name and date of birth, and noticed that he looked older than the date indicated. I asked the driver if he had ever been arrested or had any pending warrants. He quickly snapped back, "Just because I am a Black man, doesn't mean I've been in jail!" I thought to myself, as I walked back to my car, what is his problem? I'm just trying to do my job and go home alive!

I ran his name through the crime computer to verify the registration and check for any outstanding warrants. He had none. I used my discretion and wrote a warning ticket, a ticket that carries no penalty. I walked back to the car and presented him with his driver's license, proof of insurance, and the warning ticket. He snatched the ticket from my hand and before I could explain to him what the ticket was for, he became irate, berating me for contributing to keeping Blacks in their place and pulling him over for no reason. I interrupted him and explained the ticket had no penalty, but would serve as a reminder to repair his taillight. He quickly responded that an officer he had encountered on a previous stop probably broke it to make sure this current stop would take place.

Exasperated, I told the driver to have a good day and that he should wait until I left before he continued on his way. I took one final look in the back seat. The two small Black children looked perplexed and the one who refused to look my way at all continued to stare out the window as if he chose not to be mentally present at the moment.

I got back into my patrol car, made a u-turn, and drove away. I looked in my rear view mirror to see the mid 1970's sedan squeal its tires and drive off in the opposite direction. I pulled over to make note of the traffic stop in my log and ask myself what just happened. Why was this man so angry?"

The problem is biased policing, specifically, racial profiling. There are two sides to racial profiling. Police officers view it as a tool for policing and African-American

citizens view it as Driving While Black, a practice that erodes trust between the police and the community they have sworn to serve.

Community Impact of Racial Profiling-DWB

In 1999, the Gallup Poll of citizens found that 59% of Americans believed that race-based profiling was widespread. Consistent with national polls, qualitative assessments concurred that racial profiling occurs on a fairly widespread basis (Friedell, L., McDevit, J.M., Bailey, L., Andresen, C., and E. Pierce., 2001; Newport, 1999). Studies in Maryland revealed that 70% of drivers stopped on I-95 were African-American, although only 17.5% of the traffic and speeders on the road were Black. Similar to the Maryland studies, and evaluations in New Jersey and Denver, found that the state and municipal police routinely stopped a disproportionate amount of African-American drivers (Cole, 1999; New Jersey, 1999; Thomas & Hansen,] 2004).

The problems related to racial profiling, far outweigh its effectiveness as a law enforcement tool. First, there is the cost to the individual who experienced the stop. Feelings of anger, fear, and humiliation linger, and are relived with every police contact, which become the stories passed on to younger African-Americans (Harris, 1999).

Second, is the undermining of community policing. The premise of the community policing philosophy was to transform the historical rapid response model of policing into the creation of police/community partnerships (Piquero, 1998). Together, both would make efforts to understand common crime problems and to address them in ways that would help others feel comfortable enough to identify high crime areas, as well as those who were committing those crimes. In many African-American

communities, the history of police/community relations has been characterized not by trust, but by mutual distrust, and racial profiling (DWB) serves to perpetuate distrust.

A final issue related to racial profiling is its ability to reinforce community segregation and create a distorted perception of the social world. “Driving While Black” serves to enforce the spatial control on African-Americans that restricts their movements. Simply, Blacks know that police and White residents feel that there are areas in which Blacks “do not belong.” These are often all White, suburban communities or upscale retail areas (Jones-Brown & Terry, 2004). When Blacks drive through these areas, they may be watched or stopped because they are “out of place.” Consequently, Blacks try to avoid these places if for no other reason than to avoid extra police attention, thus contributing to the reinforcement of community segregation.

An example of how “Driving While Black” can distort the social world, took place in 1998, when the federal government launched “Buckle Up America” in an effort to increase seatbelt use. The goal of this national campaign was to make the failure to wear seatbelts a primary offense in all fifty states (National Highway and Transportation Administration, 1999). In most states, seatbelt laws are secondary offenses or infractions for which the police cannot stop a car, but can issue a citation once the car is stopped for something else. Studies have shown that young African-Americans and Hispanics are more likely to die in automobile accidents than Whites because of failing to wear their seatbelts. Any effort to increase seatbelt use would likely benefit the Black and Hispanic communities more than any other group (National Highway and Transportation Administration, 1999).

On the contrary, with the looming push to make failure to wear seatbelts a primary offense, the National Urban League informed the Secretary of Transportation of their unwillingness to fully embrace the campaign, because of the concern that primary seatbelt enforcement laws would simply give police another tool with which to harass Black drivers. Faced with a request to join a campaign to save lives through encouraging the use of a known and proven safety device, the use of which might require some greater degree of traffic enforcement, the decision was not easy for African-Americans. The Buckle Up America campaign presented an agonizing choice: encourage the seatbelt campaign to save lives or oppose the campaign because of the danger of arbitrary police action, a choice Whites do not have to face (National Highway and Transportation Administration, 1999).

This dissertation will explore the rich fabrics of realty, perception, and prejudice, as well as the stories behind the two people looking through the window. These two constructed worlds of racial profiling, which should reveal communicative themes that occur when an African-American citizen and police officer talk through the car window.

This type of research is important to the Denver Police Department, as it is important to understand the pertinent issues of communities in which an officer serves, in this case DWB, as well as the relationship issues that may impede in the delivery of service such as trust and the officers' perceptions of "safety."

For the African-American community who is constantly being told, "Race doesn't matter," it does. The idea that race plays a role in the discretionary traffic stops initiated by police officers, needs to be explored in a new, communicative way in order to better understand what may be contributing to the negative relationship, and hopefully

providing recommendations to better the often strained relationship. This chapter provided an overview of the history of racism, racism and policing and the community impact of DWB. The following chapter explores the concepts of racial profiling and DWB, and the attempts by law enforcement to better understand its' impact on police organizations and the community.

CHAPTER II

RACIAL PROFILING

Racial Profiling

There is no single, universally accepted definition of the term "racial profiling." In this study, racial profiling is considered a type of racially biased-policing and is often associated with accusations of racial discrimination against Blacks, particularly by the police (Weitzer & Tuch, 2006).

Racial profiling is defined as the law enforcement practice of using skin color or ethnicity, rather than the behavior of the individual as a pretext to make a traffic stop. It should not to be confused with criminal profiling, which requires the police to identify demographic characteristics and behavioral patterns based on a criminal's previous actions or witness descriptions (Reitzel & Piquero, 2006; Farrell, McDevitt, & Ramirez, 2000; Free, 2003).

The literature examining racial profiling covers a range of perspectives. Considered to be one of the most controversial issues in policing, only a small amount of research exists in verifying whether the practice does exist. The volume of research centered on racial profiling points to the conclusion that the police have used racial profiling for many years (General Accounting Office, 2000; Lamberth, 1996; Meehan & Ponder, 2002).

Criminal justice scholar and social psychologist, John Lamberth (1996), conducted the first widely cited study of police stops in the context of racial-biased

policing, and found a statistically significant difference between the percentages of Black drivers compared to their White counterparts.

Following Lamberth's groundbreaking research, the attention from citizens and legal claims resulted in a number of racially biased-policing studies undertaken by a number of law enforcement agencies (American Civil Liberties Union, 2005; Thomas & Hansen [Denver PD], 2004; Eck et al. [Cincinnati PD], 2003, Lovrich, N., Gaffney, C., Mosher, C., Pickerill, M. Jr., and M.R. Smith [Washington State Patrol], 2003; Texas Department of Safety, 2000). All of the mentioned studies collected statistical information in order to determine if the practice of racial profiling exits with mixed results.

Even though there is adequate research on racial profiling and its existence has generated discussion on its prevalence, many law enforcement agencies such as the Denver Police Department (DPD), New Jersey State Police (NJSP.), and the Washington State Patrol (WSP), began to explore the claim that race may be an indicator in the decision to conduct a traffic stop. The following section is a discussion of those studies.

The Denver Police Study

In response to allegations of racial profiling, many law enforcement organizations began tracking information about those who were stopped, searched, ticketed, and/or arrested by police officers. The police departments that participated in the collection of data invested in the likelihood that it would reveal another picture into the practice of

alleged racial profiling and provide a subsequent response to racial profiling. Denver, Colorado was no exception.

On June 5, 2001, the Colorado Legislature enacted House Bill 1114, An Act Concerning Profiling in Connection with Law Enforcement Traffic Stops (Northwestern University, 2002). The legislation required two jurisdictions to collect data, the Colorado State Patrol (CSP) and the DPD, whenever officers issued a citation or a warning during a traffic stop. The collection began July 1, 2001, and continued through December 31, 2004. The legislation also prohibited racial profiling by any peace officer certified by the state's Peace Officers Standards and Training Board (POST), and required POST. to add to their training curriculum preventive practices for racial profiling. Finally, all officers of the CSP and DPD were required to hand out business cards at the conclusion of each traffic stop.

At the time of the data collection, the DPD consisted of 1,457 sworn officers and 338 civilians (DPD, 2002). According to the U.S. Census (2000), the population of the City and County of Denver was approximately 550,000, with a metro-area population of over 2 million, and a city population of over 700,000 during the day. The demographic composition according to the 2000 census was: 31.7% Hispanic, 51.9% White, 10.8% Black, 0.7% American Indian, 2.7% Asian, and 2.2% other. There are 6 Police Districts and 72 precincts, which cover an area of 155 square miles. In the year 2000, the DPD handled 1,251,137 calls for service.

Data Collection. In order to capture the officer's decision-making process, each officer, after initiating a traffic stop, completed a DPD Contact Card. The card was created to capture the date, time of day, year, and the precinct where the stop took place.

Also outlined on each card was the officer's perception of the driver and/or passengers, gender, reason for the stop, action taken, searches, contraband seized, duration of the stop, and the duty status of the officer. After the cards were completed, they were processed electronically and recorded in a digital database (DPD, 2004). The chart below represents the results of those traffic stops recorded over a three-year period. During this time, 155,004 contact cards were collected during a three-year collection period. A total of 1,444 records were missing data elements and were not used, which left 124,104 traffic stops and 29,456 pedestrian stops, garnering the following results: In all cases, officers indicated that they could identify the race/ethnicity prior to the stops 22% of the time, and of 77% of pedestrian stops, they made a predetermination of the race of a person, but only did so on 8% of traffic stops. Whites represented 50% of the traffic stops with even numbers of Blacks, Hispanics, and Asians being stopped (DPD, 2004).

After the traffic stop was made, Whites and Hispanics were issued citations at a higher rate than Blacks. Race became more apparent during pedestrian/field interviews. Pedestrian stops/field and field interviews were the most common action for Blacks at 84.3%; a higher rate than Whites and Hispanics, considering Blacks represent 11% of Denver's total population. This increase may also indicate that it was easier for officers to make a decision regarding the identification of race on the data collection cards.

Denver Traffic Stops

	Traffic				Pedestrian			
Race	Field Interview	Verbal Warning	Citation	Arrest	Field Interview	Verbal Warning	Citation	Arrest
Asian	970 (39.7%)*	603 (24.7%)	1,686 (69.0%)	71 (2.9%)	138 (85.7%)**	44 (27.3%)	25 (15.5%)	31 (19.3%)
Black	14,805 (69.6%)	7,799 (36.6%)	9,460 (44.4%)	2,877 (13.5%)	8,483 (84.3%)	3,415 (34.0%)	2,131 (21.2%)	2,149 (21.4%)
Hispanic	26,309 (64.9%)	10,162 (25.0%)	23,784 (58.6%)	4,668 (11.5%)	6,766 (77.4%)	2,183 (25.0%)	2,503 (28.6%)	1,945 (22.2%)
American Indian	146 (61.9%)	62 (26.3%)	122 (51.7%)	35 (14.8%)	669 (73.5%)	183 (20.1%)	390 (42.9%)	171 (18.8%)
Middle Eastern	512 (42.3%)	331 (27.4%)	800 (66.1%)	17 (1.4%)	54 (72.0%)	24 (32.0%)	23 (30.7%)	11 (14.7%)
White	24,267 (41.8%)	11,263 (19.4%)	43,862 (75.5%)	2,348 (4.0%)	7,243 (76.9%)	2,534 (26.9%)	2,737 (29.0%)	2,007 (21.3%)

(DPD, 2004) [1] [2]

The table below shows that Blacks experienced cursory searches/pat downs to the outer clothing during at a higher percentage rate than White and Hispanic drivers. Searches incident to arrest, the automatic search of a person following an arrest, were over 80% for all race/ethnic groups, which confirmed that a search occurred every time an arrest happened. When a traffic search occurred, contraband was seized 14.9% of the time with the "hit rate" the same for Whites (16.5%), 19.7% for Blacks, and slightly lower for Hispanics.

[1] This is taken as a percentage of traffic stops for that race/ethnicity. They do not add up to 100% because officers had the option of checking multiple items.

[2] This is taken as a percentage of all pedestrian stops for that race/ethnicity. Again, these do not add up to 100% because officers had the option of checking multiple items.

Traffic Stops Resulting in Searches

Race *	Traffic	Pedestrian
Black	19.7% (989)	20.6% (1,295)
Hispanic	11.3% (979)	14.6% (759)
White	16.5% (700)	18.7% (953)

(DPD, 2004) [3]

For the Denver study, Whites constituted the largest percentage of traffic stops, followed by Hispanics and Blacks. Those perceived to be Black or Hispanic were searched at a higher rate than Whites during traffic stops, for all types of searches. The percentage of contraband seized was highest for Blacks during consent and cursory searches. The data from the Denver Study identified patterns of police activity that could be associated with biased policing. However, the data was not strong enough to clearly identify the practice of racial profiling, yet it was suggested that there was enough data to examine the relationship between specific officer training and stop practices and should be considered the beginning of a much larger process when trying to answer questions about biased-policing (DPD., 2004). In addition to the DPD study, the New Jersey State

The New Jersey State Police Study

Police (NJSP) scrutinized the racial disparity of traffic stops and focused their efforts on New Jersey state highways. The purpose of their report was to identify the

[3] The number of Asian, American Indian, and Middle Eastern were too low to include.

nature and scope of the racial profiling problem. On April 23, 1998, state troopers James Kenna and John Hogan opened fire on a van they stopped for speeding on the New Jersey Turnpike. The troopers said they fired, wounding three of the four men who were racial minorities inside, when the van lurched back toward them. This started the investigation of possible racial profiling by law enforcement in New Jersey (Vernicro & Zoubek, 1999).

On February 10, 1999, the New Jersey Attorney General instructed his office to conduct a comprehensive review of the State Police, including the practice of racial profiling. The interim report produced and provided a complete "initial statement" of the problem and recognized that the underlying conditions that breed a disparate treatment of minorities had existed for decades (Vernicro & Zoubek, 1999).

Data Collection. From April of 1997, through November of 1998, the State Police collected the racial breakdown of consent searches conducted by troopers assigned to the Moorestown and Cranbury Stations:

Cranbury and Moorestown Stations

Station	Percent					Total Number
	White	Black	Hispanic	Asian	Other	
Cranbury	60.3	24.6	8.2	3.9	3.0	36,645
Moorestown	58.8	28.7	5.9	3.9	2.7	50,844
Total	59.4	27.0	6.9	3.9	2.8	87,489

The data revealed that 8 out of 10 consent searches conducted by the troopers disproportionately involved drivers who were racial minorities. In addition, the areas in

which police discretion could be used, such as detaining the vehicle or ordering passengers from the vehicle, were also unreasonably high for the same population. Concluding the study, an additional area of concern was the correlation or discretion and the stopping of minority drivers, identifying the fact troopers relied heavily upon racial and ethnic stereotypes, when engaging in the enforcement of traffic violations (typical use of discretionary time), and calling for a need to structure officer discretionary time.

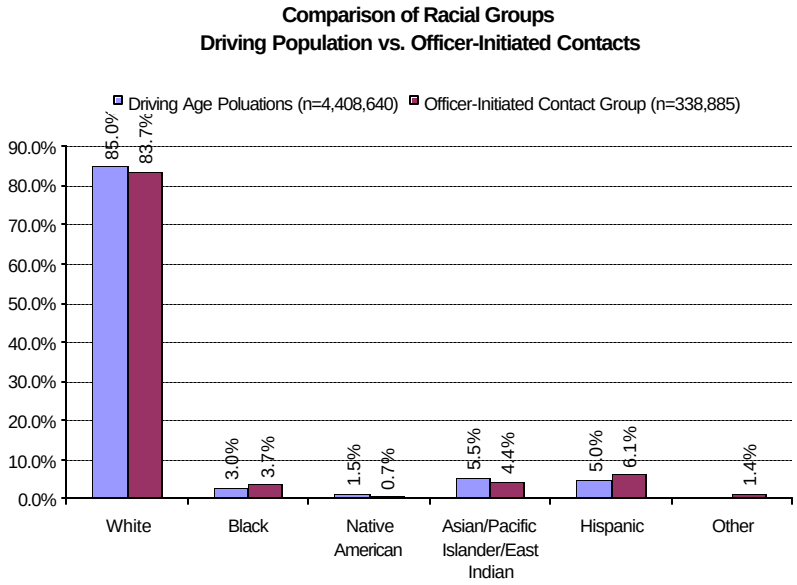
The Washington State Patrol Study

In response to recent national events, which highlighted the public awareness of the possible existence of racial profiling, the Washington State Patrol (WSP) collected data on routine traffic stops to examine whether race was an indicator in officer-initiated stops, in order to implement effective police strategies.

Following the national trend, the WSP recognized the importance of responding to the increasing concerns by citizens of how police officers determine when to initiate contacts and subsequent enforcement (WSP, 2001). Similar to the previously discussed police departments, WSP also responding to allegations for race-based traffic stops began to collect traffic stop data.

Data Collection. Beginning in May of 2000, the WSP began collecting data regarding race, age, and gender of the persons with whom they came in contact with during routine traffic stops. The stops analyzed represented 2 million cases of traffic contacts made by WSP officers. Of the traffic contacts, 86% were "officer-initiated" stops, and 56% were initiated due to speeding violations.

In the chart below, contact rates of non-White persons were compared against a reasonable standard to evaluate whether these rates were fair and equitable. For this study, the commonly used standard was the driving age population of racial groups. If racial driving age populations are used as the standard, it is assumed that driving problem



behavior is evenly distributed across race. It is not known if this assumption is valid or not. Criminal justice experts have suggested that rates of problem driving behavior may be a more relevant standard, than driving age populations, since problem traffic behavior is the real citizen concern and the focus of patrol efforts (WSP, 2001).

According to the study, contacts with non-White persons occurred at a slightly higher rate than the percentage of the driving age of non-White persons. By comparison, officer-initiated contacts with White drivers occur at a slightly lower rate than the White driving age population. Based on the WSP analysis, it was concluded that on a statewide basis, the WSP officers did not engage in any identifiable practice or pattern of initiating traffic stops.

Racial Profiling Dimensions

In assessing whether race may be a factor, officer-initiated traffic stops and racial profiling posses a few controversial dimensions. The extent of racial profiling may never be known, but a few of its associates have been identified. Adding to the data discovery of racial profiling, Brian Withrow's (2004) analysis of the enforcement practices of the Wichita (Kansas) Police Department added an extra dimension. He found that not only were Black and Hispanic citizens stopped at a disproportionately higher rate than White citizens, but Black and Hispanic traffic stops were also more likely to include physical resistance and arrests.

Illya Lichtenberg's (2006) research questioning the use of race as a tool in the war on drugs focused on the assumption that there is a correlation between the effectiveness of using race as a tool in the apprehension of drug offenders. After examining data of searches conducted between 1995 and 1997 by the Maryland State Patrol, the findings lend some support to the concept that race may be correlated with the type and amount of drugs found during traffic stops.

Arguing that in "a range of plausible cases" some kinds of racial profiling are morally justified, Risse and Zechauser (2004) supported the justification of profiling in the case of utilitarianism. They suggest that crime prevention increases the quality of life for everyone. While the harm caused by racial profiling may be great, "functioning reciprocity," which is based on the conditions of differential burden, are to a society's advantage although it may not be to the advantage of all individuals.

The scholarly research on racial profiling provides diverse views on this sensitive subject. However, there is a common set of results that indicate that although there is very little

support for the practice of racial profiling and quantitative results indicate that African-Americans are disproportionately stopped by the police for traffic and non-traffic stops (Engel, R.S., Calnon, J.M., Tillyer, R., Johnson, R., Liu, L., and X. Wang, 2005; Albert Group, 2004).

Racial profiling undermines relationships between the police and the public, and citizens often call into question the behavior of officers when they believe they have been treated unfairly during a traffic stop. The African-Americans' community perception of racial profiling is dramatically different from that of the police. The community believes the practice is widespread, while the police officers cite that they are a product of their training and institutional practice, and that race is a by-product when an officer makes the decision to make a traffic stop.

Institutional Practice vs. Community Perception

Anatomy of a Traffic Stop

Because traffic stops are the most prevalent action where race becomes a factor, it is important to examine the process officers go through when making a traffic stop. There are two components to this procedure: the physical or tactical stop of an occupied motor vehicle and the laws that govern the officers' legal reasoning to conduct the stop.

Traffic stops are considered inherently dangerous and pose a significant threat to the safety of police officers. The routine stop could be traffic related, discretionary, and felony-related, such as taking a murder suspect into custody (Lichtenberg & Smith, 2001). Denver Police recruits receive 103 hours of instruction regarding federal, state and municipal law. Of those hours, ten are related to the legal foundation for the traffic stop with ten hours of in class time conducting the physical traffic stop itself. The recruit

officers' inaugural stop is made in a controlled, non-threatening environment on the Police Academy grounds. The driver, a recruit officer, and the vehicle itself, an older model police car showing the signs of previous lessons, are used to teach the physical and safety tactics of a successful traffic stop.

Typically, when a police officer conducts a traffic stop it is due to a traffic violation made by the driver. The traffic infraction can be as minor as a charm hanging from the rearview mirror, to driving, or to speeding. Prior to activating the lights and siren, the officer will make contact with dispatch to inform them of the vehicle make and model, number of occupants, and location. This information is important not only for the safety of the officer, but also in the event that they need assistance from other cars. If necessary, cover cars can be dispatched to the identified location, and cover officers can be given vehicle and occupant descriptions, in case the parities and vehicles identified are associated with any current or previous criminal activity. Once the vehicle is stopped, the officer positions the police car in a tactically chosen position before exiting the vehicle. Once the officer exits the patrol car, the officers take a visual survey of the immediate surroundings to identify any potential hazards in the form of weapons or additional persons that may interfere with the initiation and subsequent completion of the stop.

Once the vehicle is stopped, the officer approaches the car in a methodical fashion. The officer contacts dispatch before exiting their police car with their location, license plate information of the vehicle stopped and the estimated number of occupants. At this point the driver is not allowed to exit the car and approach the officer. If the driver attempts to do so, a specific command for the driver to stay in the car is given. Officers are instructed to give "commands" specific to the nature of the stop, such as, "Turn off

the car" or "Driver's license and proof of insurance." Officers are supposed to ask specific questions such as, "Do you know why you are being stopped?" With the assistance of the law and officer's discretion, the answers determine what appropriate action should be taken (i.e., issue a traffic ticket, effect an arrest or possible arrest).

The laws guiding the actions made by a police officer have been at the center of legal debate and Supreme Court decisions. Officers must meet certain legal standards before they can search a person or a vehicle, or place them under arrest. The Fourth Amendment protects individuals from unreasonable searches or seizures, and the officer must have a reasonable suspicion that the person being contacted or the vehicle that person is driving may be carrying a weapon or contraband. The officer must be able to identify specific facts drawing not only on personal experiences regarding criminal activity to make their case, but it must also be rooted in specific, articulate facts sufficient to support a rational inference to possible criminal activity and be adequate enough to justify an investigative stop (Frederickson & Siljander, 2002).

The Fourteenth Amendment of the U.S. Constitution requires that all citizens be treated equally under the law. It has been argued that this makes it unconstitutional for the police or a representative of the government to make decisions based on race, thus guiding officers in their decision making process when determining the factors for making their traffic stops. The Fourth and Fourteenth Amendments, the influence of a police organizational culture, and officer discretion all have significant influence over police officers and their decision of whether or not to make a traffic stop that impacts not only the individual, but entire communities as well (Frederickson & Siljander, 2002a).

Community Perceptions of Police and Traffic Stops

The effects of race and other variables on attitudes towards the police are mediated by personal contacts with police officers (Weitzer & Tuch, 2002). The literature indicates that unfavorable experiences with police officers through both police initiated (traffic stops) and non-police initiated contacts (9-1-1 calls) tends to create negative attitudes towards the police (Boggs & Galliher, 1975; Leiber., 1998; Scaglion & Condon, 1980; Smith & Hawkins, 1973). However, the most important contact is that which occurs during traffic stops, due to its high visibility and controversial implications or race-based actions.

When exploring perceptions of police services from a community perspective, the neighborhood context such as crime rates, perceptions of crime, or crime and neighborhood quality also impacts the perceptions of the police (Parker, 1995; Reisig & Parks, 2000; Sampson & Jeglum-Bartusch, 1998). Collectively, cultural beliefs and norms within a specific neighborhood are powerful influences on shaping and maintaining perceptions of the police. Traffic stops, which are often used to help maintain societal norms of driving safely and the discovery of crimes that may have been committed, can have a lasting impact especially if it appears the stop was motivated by race. In the African-American community, the issues of trust, cooperation, and the expectation of the police to provide safe and secure communities increase negative perceptions, if enforcement is perceived to be unequal.

The attitudes regarding the use of race when conducting traffic stops, is sharply divided by race. As noted above, additional variables impact the negative perception of the police and contacts during traffic stops regarding the use of race. A Gallup Poll

(1993) examining the question of disparities in police services suggests, 74% percent of Blacks and 41% of Whites believed that police practices, such as traffic stops, are inferior in Black neighborhoods. While a majority of Whites believed that police practices, such as random patrols and the use of discretion, are roughly the same across neighborhoods.

Although 92% of African-Americans believe that the practice of racial profiling is pervasive not only within their own neighborhoods, but everywhere you would find a concentration of African-American residences, 70% of Whites compartmentalize the practice of racial profiling and see it as widespread outside their own city, while 35% think the practice occurs within their own neighborhoods (Gallup, 1993).

The practice of racial profiling and the stopping and inspecting of a person using race as an indicator is responsible for a disproportionate amount of minority contacts (Anderson & Callahan, 2001). The question of whether the practice of race-based policing and DWB is influenced by perception is under constant reevaluation. Overall, the perceptions of African-Americans who feel that profiling is prevalent and race does matter are not only influenced by traffic stops, but also neighborhood crime conditions and their experiences with the police. However, there are some who defend the use of race by law enforcement often blurring the line between DWB and criminal profiling.

Criminal Profiling vs. Driving While Black

Criminal Profiling

The concept of "criminal profiling" began to emerge in the mid 1980's, due, in large part, to the war on drugs, a $37 billion annual effort of state and federal lawmakers, including police, to stop the sale and use of illicit drugs. During this time, many of the

stop-and-search cases, although validated through the court system, did not address the police procedures behind those stops (Anderson & Callahan, 2001).

Criminal profiling is a term used by law enforcement that refers to the "art of crime detection, wherein police officers are perceptive to various indicators suggesting that someone may be engaged in criminal activity" (Anderson & Callahan, 2001, p. 16). It is this definition that is thought to be synonymous with racial profiling. The confusion has resulted due to the fact that a criminal profile can often include race and/or ethnicity.

Criminal profiling techniques have been used since the earliest roots of policing in England. Criminal profiling is made possible because suspects tend to establish a pattern or method of operation a "modus operandi." It is the patterns and practices of criminals that have always been used by law enforcement as an investigative tool. Earlier forms of modus operandi tools included "mug books," a collection of photographs taken of suspects at the time of arrest typically filed and arranged by gender and race. The books would be used to help victims or witnesses identify possible suspects of crimes according to descriptions provided during the investigation.

Relative to the reemergence of the criminal profile in the 1980's, additional criminal profile tools included style of dress, specific signatures, such as eating food during a burglary or taking a specific type of car during an auto theft. The drug courier profile is usually male, Blacks and Hispanics, twenty to forty-five years of age, with a style of dress considered flashy with large amounts of gold jewelry (Anderson & Callahan, 2001).

In addition to the increased use of the drug courier profile during the 1980's, law enforcement officials, state legislators, and members of Congress, became frustrated with the inability to catch and convict "drug kingpins." The end result of their frustration was the federal Comprehensive Crime Act, which allowed local police agencies that cooperate in federal investigations to keep a majority of the assets seized (Anderson & Callahan, 2001a). The incentive of asset forfeiture, the ability for law enforcement to retain seized items such as, money and vehicles to help off-set police department budget deficits and fund additional narcotics operations. This incentive seemed to fuel the practice of profiling for law enforcement; as reports of asset forfeiture reached into the billions by 1992 (Drug Enforcement Agency, 1992).

With this kind of incentive, the police began to increase their practice of stopping vehicles in areas identified as high in drug trafficking and the creation of a criminal profile. In addition to the identification of high drug areas, the need to sustain the high number of traffic stops required never ending resources, such as the identification of particular minority groups who were more likely to commit a particular drug crime, and who would provide the police with an even more focused effort (Lichtenberg, 2006). This new focus typically resulted in law enforcement agencies combining statistics and stereotypical means, such as stopping all Hispanics in southern California in an attempt to stop marijuana growth (Crews, 2001), or contacting Black drivers along the I-95 corridor in New Jersey, who were considered a sure bet for carrying drugs. See the following website: (State of New Jersey, 1995).

Many African-Americans express fear, worry, and anxiety about their safety and the safety of their children, especially their sons. In addition to their fears about

gang-related violence, many express fears about racial profiling, "DWB" (Boyd-Franklin, 2001). Not only does racial profiling cause anxiety and fear, it has a dramatic impact on the trust between the police and the Black community that often translates into a violation of an individual's civil rights. Driving While Black (DWB) is a sub-category of racial profiling and it is defined as the law enforcement practice of using race, specifically skin color, as an indicator of criminality and a subsequent pretext to making a traffic stop.

Driving While Black (DWB)

Public opinion research regarding attitudes towards the police is extensive (Frank, Brandl & Cullen; 1996, Leiber, Nalla-Mahesh, & Farnworth, 1998). A majority of the empirical research indicates opinions are divided along racial and ethnic lines and deemed important because traffic stops perceived as racially motivated generate distrust among citizens whom officers are sworn to protect.

Intense media exposure has called attention to the practice of racial profiling, but it has also contributed to the perception and acknowledgement by African-Americans of the existence of "Driving While Black" In 1999, a Gallup Poll found that 42% of African-Americans believed they had been stopped by the police because of their race, 77% of African-Americans believed racial profiling was widespread, and 87% disapproved of the practice. The surveys consistently show that Whites are less inclined than Blacks to believe that police treat Blacks differently (Kennedy, 1997).

Weitzer and Tuch (2002) national-level data on African-American citizens' views on DWB, showed that both race and personal experience with DWB were strong predictors of the belief that Blacks "are treated less fairly by the police, have a low

opinion of state and local police, believe that racial profiling is widespread, and disapprove of racial profiling" (p. 449).

An equally important issue regarding "Driving While Black" deals with citizens' perceptions of the practice. The issue of Driving While Black is confusing to officers and, to some extent, citizens. The problem stems from the interchangeable use of the terms "racial profiling" and "Driving While Black." Racial profiling is generally often applied to the practice of using race or ethnicity as a pretext to a stop, while Driving While Black addresses only the impact it has on Black citizens.

Unlike the definitions of racial and criminal profiling, which are both used within the police community to discuss situations in which persons are observed and then police action is taken. Driving While Black is a term that is specific to and used within the African-American community. Driving While Black denotes the police practice of conducting a traffic or pedestrian stop based solely on the stereotypical association of African Americans and crime. In practice, stops that are conducted without legal cause are often considered shorthand for racist actions on the part of the police officer. In addition, the DWB stop itself is an emotional phenomenological experience that contributes to the inability for African-American community and the police to sustain a trusting relationship.

There are several anecdotal and legal accounts of discriminatory policing, where African-Americans believe they have been profiled (American Civil Liberties Union, 2002; Harris, 1999a; Russell, 1999). From a professional law enforcement position, thorough and detailed research on racial profiling has been accomplished. However, there

are few studies that have shared and examined the stories of those who believe they have been profiled.

Although personal experiences are not generally considered when evaluating law enforcement behavior, we know that negative experiences impact pre-existing opinions of police (Brandl, 1994; Smith, 1991). Not only is there awareness regarding the negative impact to pre-existing opinions, it also appears that personal contacts with the police have a stronger affect on the attitudes of African-Americans toward the police than on Whites (Boruda & Tift, 1971; Furstenberg & Wellford, 1973). As displayed in a personal account of an African-American male stopped by a DPD police officer:

> *To Whom It May Concern:*
>
> *I'm writing you this correspondence to make in writing a complaint, regarding an incident that recently occurred on February 7, 2007.*
>
> *On the above aforementioned date, I was traveling westbound on Mountainview (200 North) and as I was crossing the intersection of Mountainview and Quebec (7300 East), I noticed that a patrol car was parked on the north side of the street facing westbound. As I drove by, the police officer maneuvered his patrol car behind my vehicle and began to follow me. As I approached the intersection of Mountainview and Monaco (6500 E. Parkway), I had to stop at a red light. The police officer again maneuvered his patrol car into the left lane and pulled up even with the driver's side of my vehicle. After the stoplight turned green, I proceeded to cross over the intersection. The police officer once again maneuvered his patrol car behind my vehicle before initiating a traffic stop with his takedown lights. Once I was safely stopped, the police officer then approached my vehicle. He asked me for my driver's license, proof of insurance, and registration. After complying with his order, the police officer then returned to his patrol car.*
>
> *Approximately ten minutes later, the police officer returned to my vehicle, handed me back my information, and stated that the reason he had stopped me was because I had a cracked windshield. I wanted to know more regarding his reason for stopping me, so I quizzed him about his real intention for pulling me over. The officer's response was, "I am just doing my job." I attempted to continue our dialog for a few more moments, then the police officer responded by stating that he had to go because he was with his supervisor and indicated he was in training.*

I asked him if I could leave, and he said to wait until he turned off the takedown lights.

I feel that before and during this traffic stop, I was the target of racial profiling because of the training instruction this rookie police officer's supervisor had given him to stop my vehicle. The pretext of the stop was that my windshield was cracked. However, the reality was that the traffic stop was conducted as part of the rookie police officer's Academy training program. I believe that from the moment they saw me, they made a split decision to maneuver behind my vehicle, and that they didn't have any real law enforcement intent. They did, however, have a real Academy training intern. I was neither cited nor given a verbal warning regarding the damaged windshield, or cited for any other traffic infractions. Instead, I was stopped and detained while the police officer conducted an identification check. It seemed that their strategic maneuvering became a police Academy training infraction exercise. I would like to know what qualified me as an unwitted participant for the Academy's training program, other than the excuse that I had a cracked windshield, or unless their police activity was in accordance to police Academy administrative training policy and procedures.

In conclusion of my written complaint, I am requesting that you investigate this incident to determine whether or not the officer had possibly infringed upon my constitutional and civil rights to be protected from unlawful government intrusion on those civil liberties that are guaranteed and protected by the Constitution of the United States.

The negative experiences that impact the African-American community tend to occur during communicative contacts with the police. It is during this time that perceptions are confirmed or erased. For both the police and the citizen, this is a pivotal moment in time with the possibility of extreme negative outcomes for both.

DWB and Communication

The police-citizen encounter represents an understudied intercultural, communicative interaction. Most of these encounters occur without conflict; however, not every citizen willingly accepts an officer's definition of a situation. The practice of using race as a pretext to a traffic stop by police officers can have long-lasting, adverse

effects on African-American citizens and contributes to cynicism towards the police and the initial communicative contact.

Criminal justice scholars have examined racial profiling from a law enforcement professional's quantitative perspective and confirmed that the practice does exist. As a communication scholar, I believe there are a few reasons to explore DWB from a communicative perspective. Since there are several things we don't know because of the limited research on the topic and the historical focus on the quantitative assessment of traffic stops, the opportunity for additional examination is warranted.

Officers must communicate with the angry, guilty, innocent, and the victimized, all representing different races, cultures and ethnicities (Gunderson & Hopper, 1984). Yet the influence race may have on the communicative dynamic between police officers and the African-American community, has not been fully explored.

One of the most important tools of policing a diverse community is the ability to communicate with those who are in need of public safety services. For example, if an officer arrives on scene and the party needing assistance does not speak English or is culturally carrying with them a past negative experience the officer may experience communication difficulty. In addition, dialogue between the police and the minority community is often restricted, due to tensions created by negative communication barriers such as anxiety, stereotypes, prejudice, ethnocentrism, and non-verbal communication (Jandt, 1998; Jones & Quach, 2001; Samovar & Porter, 1997).

A police officer first learns to use language to communicate with communities during their recruit training. The type of language to be applied is associated with "staying in control of the situation," "being alert," or "maintaining safety" (Torres, 1992).

Although police organizations struggle with issues of cultural awareness and the changing populations of their communities, they have a renewed sense of making their officers sensitive to the diverse cultures in which they must communicate, even though problems persist.

The literature in the area of law enforcement and cultural communication is scant. Thirty years ago, Van Maanen (1973) examined the organizational socialization process of a large urban police department. The study isolated the four-phase socialization process that was found to have a major impact on the way officers communicate; choice, introduction, encounter, and metamorphosis, all resulting in a collective consciousness.

The acts of approaching, communicating, questioning, and establishing trust with members of different cultural groups are in dramatic contrast with the enforcement of the law (Shusta, 1995). The influence of the officers' Academy training, training officer, and organizational culture when they are communicating with citizens, has yet to be explored.

Communicative dynamics of police-civilian encounter research by Hajek (2006) examined officers accommodative practices related to police satisfaction. Although no empirically-robust analysis exists regarding the impact of attitudes towards the police across cultural lines, most research points to sociodemographic variables such as previous experiences with the police and neighborhood context. This area of research is important in order to understand the correlation between the communication skills of the officer and the voluntary compliance of a citizen. However, it does not fully unpack the conflict that occurs when race is a factor.

Womack and Finely (1986) identified communication as "the central most important commodity that an officer has at his [or her] disposal" (p. 14), and Sykes and Brent (1983) discovered that conflicts between citizens and the police tended toward confrontation, rather than cooperation. This work is important because it reveals the dramatic difference communication can have on a police contact that can either end successfully or with a use of force.

Research Questions

This research will probe the communicative aspects of policing in regards to race. The communication that takes place between police officers and African-American drivers through the car window is a communication dynamic that few have studied from the street level. There appears to be a systematic distortion of the stopping of Blacks by the police, which should be explored within the communicative perspectives of the African-American community and the police community. The micro-level narratives of the Black community should provide a new understanding of what is shared within the community itself. In addition, there is a need to understand the operational concept of DWB among the African-American community when and how did they learn about the concept and can we explain how it is communicated? The specific research questions guiding this study are:

1. Does the practice of DWB exist in Denver?
2. Do the participants believe they have experienced or engaged in the practice of DWB?
3. Are there specific themes that emerge from citizens' and police officers' stories, and what theoretical frameworks can provide a lens into the communication that takes place during a DWB traffic stop?

4. Does a racial/racist foundation to a police stop exist that impact the police/community's ability to communicate effectively?

5. How might the police and citizenry of Denver address this issue to minimize the impact of "Driving While Black on police/community relations?

As such, through the use of narrative analysis and the application of theoretical frameworks, I will examine citizens' and police officers' stories about DWB in order to expand communicative knowledge regarding the conversation that takes place during a traffic stop, through the driver's car window.

CHAPTER III

METHOD

Despite decades of research regarding the relationship between the police and the African-American community, much remains to be known. The police subculture influences how officers treat citizens and in similar fashion, the historical experiences of the African-American community and how the police impact their interaction with the police. The one area, in which this relationship remains tenuous, is during a discretionary traffic stop. The 1999 Bureau of Justice Statistics (BJS) suggested that the practice of profiling was a widespread practice requiring national attention. African-Americans, according to statistical evidence, determined it was clear that racial profiling existed and that racial minorities were disproportionately subjected to higher stops, which the African-American communities refer to as "Driving While Black (DWB)." The purpose of this study is to illuminate the two constructed worlds of racial profiling, revealed during the communicative action that occurs through the "driver's car window." Through narrative analysis and the application of several theoretical positions, this research will examine the oral accounts of Denver Police Officers and African-American citizens from the Denver community, in order to gain insight into the communicative themes that may allow for better understanding of the experience referred to as DWB

Plan of the Study

Participants

The participants for this study consisted of Denver Police Officers and African-American citizens. In order to have Denver Police Officers participate in this study, permission was sought and granted by Police Chief Gerry Whitman (see Appendix A). Patrol officers were specifically identified, due to their frequent contact with the public through traffic stops. The police officers were randomly selected from a patrol assignment list provided by the Denver Police Department (DPD), which included the officers' unique badge number, name, and assignment. Denver Police Officers have a unique badge number that is assigned to the individual upon graduating from the Police Academy. The number is comprised of the year of graduation (i.e., 08 = 2008) and the academic position of where the officer finished in their class. For example, an officer graduating in the year 2008 and finishing seventh in a class of 38, the officer's unique badge number would be "0812." Groups of three officers were pulled from each decade (88, 89, 90….). The researcher decided to begin with this series of badge numbers, due to the frequency of those who graduated during this time, were still assigned to patrol. Once the officers were identified, they received an electronic letter inviting them to participate, which included a description of the study and a contact number of the researcher to schedule an interview (see Appendix B).

To address I.R.B. concerns, due to my position as a police officer and command officer, an alternate interview (non-police facility) site was suggested by the researcher, which also served to protect the identity of the participating officers from other participants and reduce the environmental stress of "criticizing work." Once the officers

responded and agreed to participate, they were assigned a unique number that identified their position as interviewee (1, 2, 3…) and the letter "P." For example, the first officer interviewed was assigned the identifier "1P," for the purpose of tracking and coding.

Prior to the interviews, a consent form (see Appendix C) was presented to each participant that explained the purpose of the study and any dangers the research may pose. The participants then signed their respective consent form, indicating their understanding of the research objectives. Demographic data was collected by the researcher, noting the gender, race and years on the job on the code/identification sheet. Due to the sensitivity of the subject matter, participants were offered the option to decline participation prior to the interviews. Letters inviting participation and the snowball technique (Frey, Botan, & Kreps, 2000), were used until topic saturation was achieved. Twenty DPD officers participated in this study along with African-American citizens.

The citizens were selected from community resource databases maintained by one self-identified African-American organization, the East Ministerial Alliance and posted two area churches. A letter was created (see Appendix B), and mailed or e-mailed to all available names. A total of 70 letters were provided for mailing to potential participants, and three were posted on the community board of three African-American churches. The researcher asked that the letter be mailed to those they could identify as African-American citizens, while recognizing that many of their supporters/contributors were also comprised of corporations and people of non-color.

The letter contained the purpose of the study and contact information of the researcher, so that the participant could schedule an interview. Once the interview was

scheduled, a unique identifier was given to each participant. Much like the identifier for the police officers, a number assigned according participation sequence followed by the letter "C," so the first citizen interviewed was identified as "1C." The citizens were offered their choice of location for the interview, with a few opting to conduct their interviews by phone.

Thirty-four interviews were conducted regarding this study. Twenty police officers participated in the interviews. Of the twenty, five were female and fifteen were male. Ten were African-American, two were Hispanic/Latino, and eight were Caucasian/White with an average tenure on the job of thirteen years. There were fourteen community participants all of whom were African-American male, with the exception of two females, and the average age of the community participants was forty-seven.

Police Participant Demographics

Gender	Black	White	Hispanic
Female	3	2	0
Male	7	6	2

Citizen Participant Demographics

Gender	Black	White	Hispanic
Female	2	0	0
Male	12	0	0

Interviewing Process

Prior to the interviews, a consent form was presented that explained the purpose of the study and any dangers the research may pose to the participant. The participants then signed their respective consent form, indicating their understanding of the research objectives. Due to the sensitivity of the subject matter, I felt it was important that those who participated and recognized me, due to the small Denver African-American community, confirm my identity and offer the option to decline participation. To build rapport, a brief discussion occurred prior to interviews. A review of the purpose for the study and to answer any questions of concern took averaged about 10 to 15 minutes. Interviews that lasted longer than 50 minutes, a five to 10-minute break was offered to all participants. For those who became emotional during the interview process the opportunity to end the interview was offered. Additional interviews were also obtained through snowball sampling those who participated. This approach of asking participants whom else I should talk to provided "information-rich key informants" (Patton, 2002). A total of fourteen African-American citizens participated.

Case Studies

In order to understand the experiences of citizens/police who have experienced or engaged in racial profiling, facilitate recall, and assist with the framing participant conversation, a review of 200 complaints of misconduct from the Denver Police Department's complaint files was conducted. The purpose of the review was to identify complaints where race was indicated or inferred as the reason for a traffic stop. From the 200 complaints, seventeen were identified as the traffic stop possibly being conducted

due to race. Once the complainants were reviewed a second time, four were selected to aid in generating conversations about DWB.

Case Study One – As described by the citizen, this is a traffic stop that was conducted by an officer who was in training. The citizen attempts to question the officer regarding his "true motive" for the stop and subsequently came to the conclusion that as an African-American male, he was a target of DWB. This case was selected due to its implications of not just race, but the possible impact of the DPD culture training officers that the practice of DWB is acceptable.

Case Study Two – Is a story that is reported by the mother of a passenger in a car who witnessed a traffic stop. The occupants of the car were stopped by mistake, due to a data entry error made by the police officers. The traffic stop resulted in the African-American males being placed into handcuffs and the female passenger, who was White, was not. All three were eventually released once the error was identified. This case was selected to highlight the fine nuisances of how race can overshadow traffic stops that may have started with the pure intentions of enforcing the laws.

Case Study Three – Case study three is a complaint by a citizen who had been stopped four times in one year and only issued one ticket. The driver could not prove race was a motivating factor in his traffic stops, but he suspected it. This case study was added because it identified not only race as an issue, but the African-American's inability to communicate what they perceive to be real, DWB. In addition, this case study identified the issue of community accountability; the complainant admitted to his traffic infractions in this case, yet race immediately became the focus.

Case Study Four - This case study describes a traffic stop of an African-American male who, by his account, was driving away from a large park in the City of Denver known for its history of gang-related violence. He drove through a green light and was shortly pulled over by a police officer. He informed the officer he was on his way home and was told by the officer to get out of the car. The complainant complied and was then told to remove a piece of candy from his mouth, which he did. The candy fell to the ground, bounced and hit the pant leg of the officer. The complainant was arrested for spitting on the officer. This case study was selected because it represented the space in which citizens and officers communicate differently about if and when race should become a factor in a traffic stop, and the stereotypes and additional elements that escalate its use.

Interview Questions

The interview questions were comprised of open-ended and structured questions relating to the case studies with the goal of elucidating specific and detailed personal responses regarding DWB. The open-ended approach allowed the individuals being interviewed to respond in their own words, thus providing the personalized experience sought by this research. Keeping the questions open-ended, also allowed the interviewer to remain flexible, as to which order the questions could be asked.

Once the questions were developed, an interview guide was created to ensure that the same basic lines of inquiry were followed with each participant, as well as aiding with the efficient use of time (Patton, 2002a). Seven questions derived from the selected case studies and due to the sensitivity of the subject matter, the I.R.B. required prior approval of the seven questions. The interview questions that were developed and focused on the

following areas: perceptions of DWB, discovery of DWB, personal experiences with DWB, race as a law enforcement tool, and race, police, and the media.

Questions 1 and 2:

1. What do you know about the phenomenon, "Driving While Black?"

2. Do the case studies you have just read resonate with any experience you may have had as a police officer or a citizen?

Questions 1 and 2 focus on validating the concept, Driving While Black, and its familiarity with those affected by and included in its purview. According to Weitzer and Tuch (2006), Blacks and Whites perceive criminal concepts differently question one will hopefully capture examples of those differences. In addition, the second question serves to explore whether police communicate in an opportunity structure that may implicate a need for training regarding DWB. Question two also serves to extract personal narratives from both police and the African-American participants in order to conduct constant comparison and analysis of issues, constructs, and themes.

Questions 3 and 4:

3. Do you believe it is possible that the person(s) referred to in the case studies may have been stopped because of their race?

4. If no, why? If yes, how do you know?

These questions serve to elucidate the practice of using race as a pretext while ignoring the legal threshold of probable cause to conduct traffic stops. For police officers, question three also relates back to the DPD organizational culture and practice of DWB, as well as possible training implications. Question four is similar to questions one and two and serves to obtain narratives from the participants, in order to gain a better understanding of cultural experiences.

Question 5:

5. Have you had an experience regarding DWB? If so, tell me about your own experience with DWB.

This question gets to the heart of personal narratives regarding DWB. The personal experiences of citizens and police officers allows for the exploration of the communicative aspect of race and its involvement in police/citizen contacts.

Questions 6 and 7:

6. Do you think the practice of DWB is widespread among law enforcement?

7. Do you believe the use of race is a viable law enforcement tool?

These questions were designed to provide a macro-level perspective on the concept of DWB and its widespread practice among law enforcement agencies, while providing additional depth to communicative aspects of DWB.

The interviews were conducted at the convenience of the participants, at locations and times of their choosing. The interviews took place in offices located in police sub-stations, break-rooms, and one interview was tape recorded over the phone, due to a participant's scheduling conflict. All of the interviews were audio taped with notification of taping presented during the consent phase. The participants were identified on tape by their assigned identification code, name, district assignment, or any other identifiers, were not mentioned on tape to maintain confidentiality. The interviews were completed within a two-month period and each interview was scheduled for one hour. However, the duration of the interviews varied from 50 to 90 minutes. A total of thirty-four interviews were conducted.

According to Riessman (1997), taping and transcribing are essential to a narrative analysis. A professional transcriptionist transcribed each of the thirty-four interviews. The tapes were transcribed in a verbatim format, with line-by-line numbers. As the interviewer, I reviewed each of the tapes along with the transcribed version, to validate the translation of the recorded conversation. The average length of a transcript was twenty-three pages long, with twenty-nine lines of text. The original transcribed narratives, a (printed) copy of the transcripts, were filed in a notebook with corresponding identification numbered tabs prepared for this analysis. There is also an electronic copy of all transcripts and the original audiotapes were stored in a secured storage box.

Narrative Analysis

Narratives or stories, "constitute, rather than reflect, some aspect of a socially constructed reality. They are also viewed as constructions created through interpersonal, sociocultural, and historical processes" (Sands, 2004, p. 49). For the purpose of this study, narrative analysis is defined as an analysis of a told story, with a focus on how elements are sequenced, why some elements are evaluated differently from others, how the past shapes perceptions of the present, how the present shapes perceptions of the past, and how both shape perceptions of the future (Daiute & Lightfoot, 2004).

As an interpretive tool, the primary presuppositions that structure a narrative are humans are essentially storytellers. There are good reasons why we tell a story in the way that we do. The reasons come from history, biography, culture, and character. Good reason is determined by an inherent awareness of human probability that we are always prepared to tell that story (Fisher, 1989).

There are three operational levels: "functions, actions, and narratives that are bound together and placed into a discourse, which possesses its own code and makes the human story unique" (Heath, 1977). Structurally, narratives share the same characteristics as sentences, although with different signifiers (Heath, 1977a). Narratives and language cannot be separated, as each are used as instruments to express ideas. The benefit of using narratives is the language it produces beyond the sentence and through levels of meaning. In the following section, I explain the process of narrative analysis used in this study.

The 34 interviews were transcribed from audio tapes to written form. Reducing the audio tapes into narrative form provided the necessary organizing structure, which allowed experiences to take shape and identify core meanings and to organize the participants' responses. I read each of the transcribed narratives and began to code the data with colored-markers to identify over all themes and patterns. Through narrative analysis overall themes and patterns become clear and help make sense of individual and cultural understanding of the phenomenon DWB. For this study, themes, and patterns are defined as patterns and themes. Patterns are recurring forms of *patter*, a language specific to a group, which are discerned in narrative transcripts. Polkinghorne (1988) notes that during interviews, "people strive to organize their temporal experience into meaningful wholes and to use the narrative form as a pattern for uniting the events of their lives" (p. 10).

Themes are sets of patterns. There is no agreed-upon methodology in narrative analysis to derive themes from patterns. One practice, however, is to use consensus based on discussion of transcripts and analysis of patter and patterns. Labov (1972, 1982)

encouraged researchers to look for sequences of core phrases, which are repeated across interviews as indicators of themes. To further understand the lived experience of DWB, narrative themes and patterns were sensitized into concepts.

Sensitizing concepts are categories that the analyst brings to the data to help orient the work. It also provides the analyst with a general reference, and involves exploring how the concept is developed and given meaning in a particular setting, among a specific group of people (Blumer, 1969). The concepts themselves do not substitute for the direct experience of the participants, but allows the analyst to "get out of the way" and let the data tell its own story. Having a good sense of the of the narratives, five conceptual ideas emerged from the data, 1) perceptions of DWB; 2) discovery of DWB; 3) personal experiences with DWB; 4) race as a law enforcement tool; and 5) race, police and the media.

With these concepts, theoretical frameworks were used to assist with answering the research questions regarding the communicative dynamic between the Denver police and African-American community that occurs through the car window. From the position of the police officers, the frameworks of conversational constraints (Kim, 1993, 1995), and sense-making (Weick, 1995) were used for the overall police participant group. For the subgroup of African-American police officers, double-bind (Bateson, 1999) was employed to explain their stories. For the African-American community, two theoretical frameworks were employed conflict-face negotiations (Ting-Toomey & Kurogi, 1998), and racial contract through narratives and myths (Sands, 2004; Mills 1997; Fischer, 1989).

Conversational Constraints

To explore individual and police culture in relation to the issue of DWB, conversational constraints theory examines why people from different cultures say what they say and chose one communication strategy over another (Kim, 2005). The central focus of this theory is not what is said but, "how what is said is to be said" (Kim, 2005, p. 93). The fundamental interaction of conversational constraints is the manner in which the message is constructed with constraints acting as general rules of interaction. These rules provide theoretical accounts for expressive patterns that in conflict during cross-cultural communication (Kim, 2005). The practical implications for conversational constraints is the ability to make predictions about the effectiveness of communication and where communication "breakdown" occurs in a cross-cultural conversation like those which occur through the car window between police and the community (Kim, 2005).

Sense-Making

The concept of sense-making focuses on how individuals structure the unknown as a means to make sense of their experience. It also examines how they construct, why, and with what effects (Weick, 1995). According to Weick (1995), sense-making is about: "placement of items into frameworks, comprehending, redressing surprise, constructing meaning, interacting in pursuit of mutual understanding, and patterning (p. 6).

For this study it is important to note that an important component of sense-making is that it servers to clarify human situations in that it develops or provides a better explanation of prior definitions (Weick, 1995). Which means for this research sense-making assists with clarifying how the police officers define, construct meaning and redress surprise regarding DWB?

Double-Bind

Derived from Gregory Bateson (1999) theory of schizophrenia, double-bind is a dilemma in communication, in which, "a person receives two or more conflicting messages, and one message denies the other; a situation in which the person will be put in the wrong however they respond, and the person can't comment on the conflict, or resolve it, or opt out of the situation" (p. 89).

Double-bind includes different levels of messages that can be stated or implicit within the context of the situation that can be conveyed by tone of voice or body language. Double-bind in a communicative situation occurs when an individual, or group, receives contradictory messages, but where the contradiction is not present or obvious in the immediate context (Bateson, 1999).

For a double-bind to be in effect, the individual may not see right away that the demand placed on them by the primary message is in direct conflict with the secondary command. In this sense, the double-bind is different from a contradiction to a more inexpressible internal conflict, where the individual wants to meet the demands of the primary message, but fails each time, because the individual fails to see that the situation is completely incompatible with the demands of the secondary command (Sluzki, C., Beavin, J., Tarnopolsky, A. and E. Veron, 1977). For the sub-group, the African-American police officers this effect is very real when accusations of DWB arise from African-American community members they encounter on a traffic stop.

Conflict-Face Negotiations

As a practical theory that can help others communicate across cultures, conflict-face negotiations is the process in which individual(s) use specific verbal and nonverbal

behaviors during a communicative action in order to "save face" or protect ones "identity" (Ting-Toomy, 1995).

The concept of face is about the respect and identity recognition of the "other." It emotionally signifies and is attached to self worth and the self worth of others. In communication, face is an identity resource that can be threatened, undermined and enhanced on an emotional and reactive level. Facework, the process of saving face, engages when an individual is being treated in such a way that their expected identity claims in a conflict situation, such as a traffic stop are ignored or challenged (Ting-Toomy, 1995a). For the African-American community sample this theory clearly frames their stories.

Racial Contract

As a theory, the "race contract" is a set of formal and informal agreements between members of one subset of humans (African-Americans) and the class of "full persons" (White) (Mills, 1997). The contract rules indicated that "moral and judicial rules normally regulating the behavior of Whites in the dealings with one another either do not apply at all in dealing s with non-White or apply only in a qualified form" (p. 11). The qualified form is ruled by changing historical circumstances, the fact that all Whites are beneficiaries of the contract which serves to privilege Whites as a whole while exploiting and denying economic opportunities to the subclass (Mills, 1977a).

In this study the racial contract is interwoven and communicated to the African-American community through the stories they tell of previous police encounters and their beliefs' that history repeats itself and they must continue to deliver that

message. According to Patton (2002b), the best method to capture and understand the perceptions of an experience, is through narrative study.

Role of the Researcher

I am an adult, African-American female born and raised in Denver, Colorado. I am active in various African-American community organizations in the Denver community. I am also a 19 year member of the Denver Police Department and at the time of this study hold the rank of Patrol Commander. As a commander, I have authority and positional rank over several layers of employees including those who participated in this study.

In addition, I have a working relationship with the community groups who assisted with the identification and subsequent contact through mail with citizen participant. I made a concerted effort to ensure the voluntary nature of participation to all of the police officers who were interviewed. I personally briefed the police chief on the purpose of the study and how it would be conducted. I meticulously reviewed the confidentiality agreement with the officers and offered neutral locations (libraries, phone interviews etc. in an attempt to reduce any stress or perceived pressure.

My identity represents firsthand knowledge of the research topic and a personal familiarity with most of the participants. Extra steps were presented to the IRB approval committee to make sure maximum protection was afforded to the officers. Prior approval of interview questions and case studies were obtained prior to the commencement of this study. My own personal experiences are briefly discussed in this research and have shaped the interpretation of the analysis which I explain further in the conclusion of this study.

This chapter detailed the methods used for this study. The purpose for the specific participants chosen for the study was also reviewed including the process used for the creation of the interview questions. The interpretive tool, narrative analysis was chosen to assist with the interpretation of the findings of this study to shed light into the communicative dynamic of DWB. All of the steps that were done for this study are replicable and will provide a foundation for future studies.

CHAPTER IV

ANALYSIS

"I believe that it [DWB] occurs. I believe it's a lot less than what is publicized, but I would guarantee that there are cops on the job, I've witnessed cops on the job who will stop somebody just based on their race, solely on their race."
DPD Police Officer

Summary of Study

Thirty-four interviews were conducted regarding this study. Twenty police officers participated in the interviews. Of the twenty, five were female and fifteen were male. Nine were African-American, two were Hispanic/Latino, and nine were Caucasian/White with an average tenure on the job of thirteen years. There were fourteen community participants all of whom were male, except for two females, and the average age of the community participants was forty-seven.

There were a total of seven questions asked of the respondents:

1. What do you know about the phenomenon, "Driving While Black?"
2. Do the case studies you have just read resonate with any experience you may have had as a police officer or a citizen?
3. Do you believe it is possible that the person(s) referred to in the case studies may have been stopped because of their race?
4. If no, why? If yes, how do you know?
5. Have you had an experience regarding DWB? If so, tell me about your own experience with DWB.
6. Do you think the practice of DWB is widespread among law enforcement?

7. Do you believe the use of race is a viable law enforcement tool?

Although all of the questions were relevant to the study, the participant responses centered around five themes; 1) perceptions of DWB; 2) discovery of DWB; 3) personal experiences with DWB; 4) race as a law enforcement tool; and 5) race, police and the media. The following are the results from the interviews.

Case Studies

As stated earlier, in order to understand the experiences of citizens and police with racial profiling, a review of 200 complaints of misconduct from the Denver Police Department's complaint files were reviewed. Once the complaints were identified, four were selected to be used as case studies for participants to review for the purpose of discussion, and as a guide for follow-up questions related to DWB. The four case studies were presented to African-American citizens and Denver Police officers. The following sections are the results of the discussion regarding the DWB case studies and the subsequent questions.

Police

Each participating officer reviewed the case studies. During the interview, they provided provocative insight to the possibility that the traffic stops were made due to race.

Case Study One – African-American male stopped for a cracked windshield and indicates he was racially profiled as a part of a training exercise:

> *"I was neither cited nor given a verbal warning regarding the damaged windshield, or cited for any other traffic infractions. It seemed that their strategic maneuvering became a police Academy training infraction exercise. I would like to know what qualified me as an unwitting participant for the Academy's training*

program, other than the excuse that I had a cracked windshield, or unless their police activity was in accordance to police Academy administrative training policy and procedures."

From the perspective of the police officers, this case study did not rise to the level of what they understand to be DWB. The majority agreed that there was a possibility that the stop may have been part of a training exercise for recruit experience. However, it was not illegal and race was not the motivating factor. In addition, all of the officers, at one time, were recruit officers and remember the process of learning how to do traffic stops in this manner. The officers also stated that this type of complaint perpetuates mistrust between the African-American community and the police, due to the citizen's reluctance to take responsibility for his traffic violation. They also believed it was at their discretion whether or not tickets were to be issued. Further, the fact that the complaint was accepted by the Internal Affairs Bureau (IAB) was an indication of a disconnect between the line officers and administrators, when it comes to the true depth of the problem.

Perspectives regarding this case study deviated when African-American officer's discussed the case. Although there was a legitimate reason for the stop, according to Black police officers, discretion to issue a ticket seemed to disappear when engaging members of the African-American community. Several Black officers expressed the opinion that if the driver would have looked like, *"one of those White males from Harvard,"* the driver would have been treated better" (DPD Officer 2P, 2008).

Citizens

The citizens provided a different position regarding the first case study. A majority of the citizen participants agreed that Case Study One was a case of DWB. In fact, many believed that they had also been pulled solely due to race and that the

"cracked windshield," was an excuse created by the officer. It was also expressed that this particular traffic stop described in Case Study One may have been for training purposes, *"to show these rookie cops that this is what you look for, it seemed very clear that it was a racial profiling goal on each of these cases"* (Citizen 11C, 2008).

Case Study One also seemed to generate the most recollection among the male participants. With all stating they had heard the "broken windshield" excuse, when it was apparent no damage existed to their windshield. Associated with their beliefs is the impression that they may have been in the "wrong neighborhood or driving the wrong car." When asked what they considered to be the wrong neighborhood or wrong car, they described what is considered to be upscale or predominately White neighborhoods. When describing the wrong car, they referred to expensive cars such as Cadillac's or SUVs or old, very old cars in disrepair.

Case Study Two - This case study describes a traffic stop of a misidentified vehicle as stolen, due to an officer's typo into the police car computer. Officers became overly aggressive removing citizens from the car, even though the passenger/owner was trying to explain that the car was not stolen:

Police

For the police, this case study garnered mixed results. A few officers stated that these types of mistakes tend to happen during the recruit phase. The officers believed the problem in this scenario was not the traffic stop, but the way in which the Lieutenant failed to explain the information. The officers expressed a generational disconnect between management and the street level officers and cite management as part of the

problem when it comes to the misperceptions of police and the issue of DWB. As the police officer stated:

> *"I think there's a big generational gap with law enforcement right now, where your leaders are still kind of from the old school and they want to say the right things or profess the right things, but your cops that are coming up now, is just, I don't think it's the issue that it used to be"* (Police Officer 3P, 2008).

Once again the African-American officers had a different perception of what had occurred. The officers agreed that the Lieutenant should have dealt with the situation better, but they were very adamant that fear and skin color played a part in this stop. They believed that if the officers would have explained themselves better, made the citizen understand why they were stopped, and why the mistake occurred, it would not have appeared to be "hinky," thus, bringing race into question. As one officer stated, *"this is not top secret government work. All you have to do is tell the person, I'm sorry"* (Police Officer 7P, 2008).

Citizens

The citizens' perspectives regarding Case Study Two were mixed. Most of the participants, with the exception of one, believed race was the initiating factor for the traffic stop. For the majority, this case study appeared to evoke a lot of emotional recall. They expressed fear, along with the possibility of bodily harm, if they should ever question the authority of a police officer.

In addition to this fear, the citizens all agreed that when bringing issues, such as the possibility of DWB, to DPD supervisors and managers, the response was generally the same; excuses for the police officers' actions that were in contrast with how the citizens believed their complaints should have been handled. Most of the citizens

acknowledged that the type of response provided by the lieutenant in case study two had started to diminish. The citizens believed that this was due to officers receiving training about this issue.

It was also brought to my attention that it was not uncommon for parents or adults to file complaints on behalf of their children. They felt that due to their children's age and status in Denver, their stories are often dismissed. Participants who are parents also expressed the need for their children to have a good understanding of how to respond to the police; something they believe White parents do not have to worry about.

Case Study Three – This case reveals a citizen's frustration of being stopped four times within one year:

> *"I can't prove it, but I suspect that this is racially motivated. Since April of 2006, I have been stopped four times and was given one ticket for running a stop sign at 34th and Williams Street. For your information, I go out in the evening to make security checks on a couple of my relatives, who live in the city, and for a bakery where I am employed, because they had a lock broken on the gate in the past year."*

Police

The group of police officers had minimal concerns regarding this case study. They relayed that being stopped four times in one year is not uncommon, if you are driving in area that is associated with high crime. I should note that 34th and Williams Street is located in what is considered a predominately African-American community in Denver.

They also believed that the citizen was given a break on three of those occasions, if he only received a ticket once during these encounters. The officers were also quick to point out that the citizen himself identified at least two violations (stop sign and the

wobbly tire), which would prompt a "good" officer to conduct a traffic stop. The officers claim that it is this type of problem that perpetuates the stories of DWB, because citizens are quick to overlook their actions while looking for others to take the blame.

Citizens

With some reservation, the citizens agreed with the officers regarding this case study. They agreed that the citizen who lodged the complaint had violated a few traffic laws, and that is what prompted the attention from the officers. They also acknowledged that there are members of the Black community who will use any excuse, including the police, not to accept responsibility for their actions.

The citizens disagreed with the police that it is this type of complaint that perpetuates the stories of DWB, but it does prove how difficult it is for the community to expresses something they believe to be a real occurrence. It is stories of this type that are interwoven with true experiences, which make it difficult to validate whether a person has experienced what they referred to as "real" DWB.

Case Study Four - as described by the citizen, involves him being stop in association with a crime that was occurring somewhere in the same vicinity:

> *"As I went through the green light at York, the police came from out of nowhere. I pulled over to the side of the road and let my window down.*
>
> *The officer walked up and said there had been shots fired in the area and asked, "Where are you going?" I replied, "Home." He then told me to get out (of the car) and stated, "Take the candy out of your mouth, or you're going to jail now!" I got out, took the candy out of my mouth, and dropped it. It hit the ground and bounced on the officer's pants leg. I asked why he stopped, me to which he replied, "You spit on me." He then threw me up against the truck and the other police jumped on."*

Police

All of the police officers were at a loss to explain why this stop and the resulting actions took place. They believed there might have been more to the story that was missing from the citizen's account. The participants could not explain the officer's actions, if the light was green indicating that the driver could continue on.

The officers speculated that if he was leaving from the vicinity of City Park, a very large public park that historically had gang related problems, it was possible that may have been the reason for the stop.

The officers could not articulate the need to have the citizen remove the candy from his mouth, unless he was being detained for DUI. They believed the subsequent physical altercation that followed was not called for. The officers explained that spitting on a police officer is an assault, but found it hard to believe an arrest would result from an action requested by the officers, due to the sucker bouncing on the ground. However, they could understand the arrest if the citizen had thrown the sucker at the officer.

Again, the African-American officers' response was contrary to that of the White officers. They could not understand nor come up with any legal reason why the traffic stopped happened. What was even more disturbing to the African-American police officers was the "power trip" the officer seemed to be on by having the driver remove the sucker from his mouth. To the African-American officers, it seemed apparent that the officer was looking for a reason to make an arrest and used the sucker hitting his pants leg as probable cause.

Citizens

According to the citizens, this case study is the epitome of DWB. Being stopped by the police for no apparent reason, asking them to perform a degrading act, and then, when questioned, the response is followed by excessive force. It was very clear to the citizens that the traffic stop should not have occurred and the type of traffic stop that was described validated their experiences with the police and DWB.

They also repeated the need to teach their sons how to deal with traffic stops that occur in this format and the need to continue to share their experiences with others, so the same treatment hopefully will not repeat itself. The citizens were quick to follow-up with an affirming statement to those officers who do the right thing on a daily basis, and understood that a few bad officers make it difficult for the rest of the group.

In this study, the case studies were used to help generate discussion and create the interview questions. It is important to understand a little about the position of the participants regarding the concept DWB. The additional findings that follow have been reduced to the five main themes derived from the transcribed narratives.

Perceptions of DWB

Police

Both police officers and citizens, regardless of race, were opposed to DWB. In reviewing the case studies, both citizens and police officers indicated that race could have possibly played a roll in the traffic stops, but specifically noted that race was an indicator in Case Studies One and Two.

The majority of the police officers communicated that race is used when officers decide to make traffic stops, but not as often as the public would believe. Two officers

(one Black and one White), vehemently denied that the practice occurred at all. One officer stated, “Oh, I believe that it occurs. I believe it’s a lot less than what is publicized, but I would guarantee that there are cops on the job, I’ve witnessed cops on the job who will stop somebody just based on their race, solely on their race” (DPD Officer 3P, 2008, p. 5).

As it relates to DWB, the officers admitted that race is used in the decision to make traffic stops, but minimized the frequency of its use. It is this position that invites the need to study the issue of DWB. Alarming, is their belief that there is not much that society can do to address this problem. According to one officer as long as young people are socialized to hate a certain group, “you’re going to have racism, deep rooted racism, and you are not going to change these people’s opinions; that is just they way they are” (DPD Officer 15P, p. 9).

The officers also discussed what they perceived to be the “unofficial” support of DWB. The “unofficial support” of DWB occurs when the Department does not take action against those who engage in the practice. In addition, this lack of action is due to the weak, and often, nonexistent communication that occurs between street level officers and management (Ioimo, Tears, Meadows et al., 20007).

One female participant described her experience as a supervisor of trying to intervene when two patrol officers were stopping specific citizens (women), in an attempt to start a personal relationship. When she brought the actions of the officers to her immediate supervisor, she was told “boys will be boys” (DPD Officer 5P, 2008). As an insider, these are the kinds statements that exemplify the level of expectation we ask of officers in order to perform their duties in a just manner.

Citizens

Citizen perceptions of DWB were just as vivid and real. When the citizens were asked how they knew race was a sole factor in a traffic stop, they referred to the historical [racial] relationship between the police and the citizens. Citizens discussed DWB as an inherited knowledge of distrust that reveals itself as a "feeling." As one citizen describes:

> "There is an inherent, distrust between African-American males, in particular, and the police department. I am an African-American male, in his late thirties. Honestly have a great working relationship with the police officers. However, when I drive down the street, I feel if a police officer pulls behind me, I still have a sense of anxiety immediately, and it is, I think that is just an inherent, distrust that is indelibly placed in the psyche of [Black} American males every day in this country" (Citizen 11C, 2008).

Citizens believe that the police department does not take proactive steps to understand and deal with issues regarding DWB. Citizen's discussed the department's lack of publicly acknowledging incidents of DWB. One citizen claimed, *"political leaders often influence the Department's ability to do the right thing, because they don't want to accept responsibility"* (Citizen 7C, 2008).

Both citizens and officers believed that the practice of DWB was present and widespread. Generally, people who are socialized in a certain environment and in certain circumstances will view certain issues differently (Fredrickson & Siljander, 2002). The citizen participants provided a view for the researcher to examine that could not be extracted from a survey. As these narratives indicated, and Free (2003a) has supported, "race matters" (p. 3).

Discovery of DWB

In the public arena, issues of race continue to garner heavy discussion. The participants offered insight regarding when they first discovered or were exposed to DWB.

Police

The police officers placed their discovery of the term or concept, DWB, during the years 1998 – 2003. Most remembered completing the data cards for the *Denver Study* (2003) and were not sure if the data collection had ended. Three officers had never heard of the term until this study, and one officer stated he heard of the term because it was used in the Coast Guard, of which he was member during the eighties.

One [White] officer related that the conversation of DWB occurs among officers because the practice signifies a "bad cop," and it protects and serves as a warning to "good cops" that they should avoid associating with officers who are engaging in the practice. The officer explained that everyone has heard the conversation because cops talk to other cops. They will tell you, *"watch out for that guy, he doesn't like Black people"* (DPD Officer P4, 2008).

The officer felt it was important to note that police officers protect each other from bad people, but also protect each other from "bad cops." In fact, these warnings start as early as the Field Officer Training Program (FTO), which he stated his training officer told him immediately to avoid any situation with the officer they were covering on a police call.

Interestingly, Black officers became aware of the concept through personal experience or community/family stories. These experiences place their time frame around 1988, when they first learned of DWB. One Black officer explained that she learned about the term from her brother who was stopped by the police on a regular basis, when they lived in California. She expressed that she couldn't understand why the police would stop her brother, because he was the *"biggest nerd I've ever met!"* (DPD Officer 2P, 2008). The officer also relayed that she would hear similar stories from her father who would get very angry when he would recall the incidents. She rarely heard the stories from Black females, *"but once in a blue moon,"* she said, she would hear one.

Black male police officers told similar stories of hearing about DWB from relatives or friends. More vivid, however, were their own accounts of being stopped as a citizen by the police as officers. During these types of stops, they spoke about the confusion of what action to take; that of a citizen or a police officer. This area is explored further under the section, DWB Experiences.

Citizens

Among the African-American community, DWB is among the most well-known crimes of *"Blackness"* (Citizen 6C, 2008). Sharing similar stories as those of the Black police officers, the citizen's first exposure to DWB occurred through shared stories and personal experiences. One participant asserted that he could vaguely recall family members discussing the practice at age three, riding in the car with his father, but the first time he actually understood the concept was around the year 1990. An older participant (age 68), also stated the practice has occurred as long as the Black

community has been in existence and it was not until recently that it was given the label DWB.

The community interviews also revealed the discovery of DWB through media outlets. Several participants recalled television news stories regarding Black males and famous actors as victims. Black publications, such as *Ebony Magazine,* wrote about the topic. One citizen praised the media for playing a positive role because it *"highlighted and exposed blatant violations"* (Citizen 9C, 2008). Another citizen participant identified the popular movie "Crash," as *"an exposure for Whites to become acquainted with the problem of DWB"* (Citizen 6C, 2008, p. 10).

Realistically, the true prevalence of DWB is unknown. The fact that DWB is well known among Blacks and the police meant that DWB is in the public consciousness, but it is hard to determine if it remains a priority within law enforcement, especially in a post 9/11. It was during this time when more attention was focused on the profiles of Arab-Americans, diminishing the focus on African-Americans.

Personal Experiences with DWB

The personal stories shared by the police and the citizen participants, provided a lens to their individual social and cultural experiences. The idea of sharing one's stories, allows for the reader to gain a shared understanding into a social phenomenon, such as DWB, and the life and culture that created it (Patton, 2002).

Citizens

When citizens shared their experiences with DWB, their depictions came through with powerful emotion. The timeline of the experiences ranged from 1998 to 2007. A few

citizens' indicated that they believed the officers were acting within their purview, when they conducted the vehicle stops. Most were convinced that the reason for the stop was constructed after the initial stop occurred, and in reality the driver could not be associated with any criminal activity.

As one citizen discussed, he was gainfully employed with the U.S. Department of Housing and wearing suits on a daily basis. At the time he was stopped and asked for his driver's license by the police officer, he produced it. The citizen questioned why he had been pulled over. According to the citizen, the officer began to give an incoherent reason for the stop, started looking into the car, and saw his son's crucifix necklace hanging over the rearview mirror. The officer told the citizen that he had an "obstructed view," to which he responded, *"what obstruction?"* (Citizen 10C, 2008). The officer clarified that the citizen's vision was obstructed, due to the object hanging over the mirror. The citizen stated it was a small necklace, and he couldn't understand how it was an obstruction. The officer turned around, went back to his patrol car, and wrote him a ticket.

Emotionally, DWB leaves its victims feeling violated and taints any possible relationship that may exist between the police and the community. It is these experiences that are passed on from citizen-to-citizen and father-to-son, leaving little space for positive communication to occur, if there should happen to be another contact between a Black citizen and a police officer.

Citizen 11C (2008) expressively recalled what occurred to him during a traffic stop and stated it was *"indelibly placed in his mind"* (p. 2). His mother had a 1982 Pontiac Firebird. He was about seventeen and early in his driving career. He was leaving a party in the Cherry Creek area, which is predominately White, around eleven in the

evening. He was driving with a friend who was sitting in the passenger seat, when they were pulled over by the police. When he asked why they were being stopped, the officer stated, "Well, clearly because you're African-American and the kind of car you're driving, and the fact that you're in a neighborhood you shouldn't be in." And that was the first time it had, the first time ever, I'd ever been faced with anything like that...it was quite traumatic, actually" (p. 2).

The citizen dramatically stated he would never forget the police officer's words. The participant stated the police encounter came at a time when he was feeling good about race-relations in Denver. It was the first time he realized that he was a target and understood the stories he had only heard about.

Police

Officers expressed concerns that the experiences and stories passed on by generations of citizens, perpetuated the problems of police/community relationships. It is those vicarious experiences that work as a "*multiplier effect*" within social networks, resulting in African-American families instructing their children on how to interact and communicate with the police (Weitzer & Tuch, 2006).

One officer explained that it is very easy to identify those who have had negative experiences with police officers. He explained that the citizens were typically rude before he had a chance to explain the reason for the stop. The officer also expressed that it was incumbent upon the police officers to present themselves as professionals "*because most people, if they have had a bad experience, they're going to tell somebody and the best thing that they can do is be professional*" (DPD Officer 9P, 2008, p. 4).

African-American DPD officers shared their struggles about their ability to navigate between two worlds; that of a police officer and as a member of the African-American community. The frustrations and concerns discussed by the community participants of being stopped by police for no reason was also present in the African-American police officer's discussion.

Although it was not a regular occurrence for Black women to be subjects of DWB stops, they do happen. As one of the Black female police participants shared, she was on her way to work at five-thirty in the morning. She was driving down a main thoroughfare in Denver on Colorado Boulevard. Going the speed limit, she observed that most of the cars driving down the same street had slowed down, due to the presence of a police car several car lengths ahead. The officer, driving the speed limit, did not see a problem with keeping pace with the police car. Once she and the police car were parallel with one another, the police officer shinned his spotlight into to her car. When she approached the next traffic light, she signaled for a right turn.

Before she turned, the participant observed the police officer cross two lanes of traffic in order to position his car behind hers. The participant made a right turn, and the officer did the same. The officer followed behind her for a few blocks, activated his emergency equipment and initiated a traffic stop. The participant rolled down her window. When the officer who initiated the traffic stop approached the window he stated, *"I don't know who the fuck you think you are!"* The officer replied, *"excuse me?"* The officer conducting the traffic stop directed his flashlight into the car and, according to the participant; that is when he saw her badge pinned on her uniform shirt in the backseat and said, *"Oh, I'm sorry!"* (DPD Officer P2, 2008).

The participant officer asked again why she was stopped. The officer hurried back to his car, did a u-turn, and went eastbound away from the stop. The officer thought about getting out her car, but decided it was not a good idea. Instead, she drove to her assigned patrol station, reported the incident to her supervisor, and left a message for her Captain. The officer said she did not know the officer who pulled her over, nor did she receive a disposition on her complaint.

Additionally, the African-American officers talked about standing on the other side of the car window. As police officers, the struggle to negotiate two worlds, especially when conducting traffic stops of other African-American community members. According to all of the officers, they too have been accused of DWB by members of their own community's setting into motion confusion, along with anger. For example, DPD Officer 10P explained that as a light-skinned African-American male, not everyone knew he was Black. The participant conducted a traffic stop and the driver accused him of DWB. He asked the driver if he realized he was Black and the driver responded, "well brother, why are you treating me like this? You're working for the man, you're an Uncle Tom!" (p. 6).

The officers had a hard time believing that their "own community" would accuse them of a tactic frequently used by their White counterparts. They discussed a sense of anger and fear that seemed to be coming from the citizens they had stopped. They were at a loss as to why they were feared by their own African-American community, but understood, due to their own driving experiences. At times, these experiences were in conflict with their training that validated the use of race as a crime fighting tool.

Race as a Law Enforcement Tool

A common practice in law enforcement involves the use of a criminal profile. The act of criminal profiling walks a fine line, because race is a factor and is often used during criminal investigations. Since race is woven throughout policing practices, it clouds the issue of DWB because race is the primary factor. Criminal profiling, according to Fredrickson & Siljander, (2002a):

> *"is a process whereby law enforcement personnel makes judgments about another, relative to possible criminal activity, based on a number of overt and subtle factors, which may or may not include such things as a person's race, national origin, manner of dress and grooming, behavioral characteristics, when and where the observation is made, the circumstances under which the observation is made, and relative to information the officer/investigator may already possess. Racial profiling is generally understood to mean "enforcement action on the part of police officers that is motivated more by racial bias, than any reasonable suspicion or probable cause that may exist under the circumstances"* (p. 15).

The participants of this study were asked to discuss the use of race as a viable law enforcement tool.

Citizens

All of the citizens strongly expressed that race should not be a tool used by police, whether it is DWB or criminal profiling. One citizen implied that race is a factor that is already operational and it has fueled perceptions of Black criminality. One citizen participant expressed that he believed it was the expectation of the White race, in general, to believe that *"most Black people are really your crooks and commit more crime"* (Citizen 6C, 2008, p. 6).

The citizens also expressed that if a White police officer is socialized in an environment as a child that Blacks are bad, they never lose the stereotype even as police officers. Against those odds, the citizen believed the only way to address the issue was through police training. However, the downside of police training is if it reinforces the police officers' negative childhood experiences and if this occurs, there is no chance to end the generalized, criminal perception of Blacks.

Police

With the exception of two of the police officer participants, the majority believed that race should never be used as a tool for law enforcement. One of the officer participants believed race is a tool that is used and should be used by law enforcement, when it is in context of criminality. He also pointed out that law enforcement should "stand up" and acknowledge its use. The other participant officer, who also agreed, further explained, "the fear in admitting the use of race is because it has been deemed such a negative aspect and major problem in policing. Refusing to admit that race is used, may be the number one problem in policing today" (DPD Officer 8P, 2008).

Explaining how race is used in conjunction with other factors, the officer explained that his peers know what to look for when working the street and they understood the constitutional test of "reasonableness." Officers look at the characteristics of people, especially when people use drugs like methamphetamines, speed, or cocaine. "The officer's look and see the characteristics of this person; the sunken-in face, the eyes, the way that they look, and they think that there's a highly, high likelihood that this person could be carrying methamphetamines" (DPD Officer 3P, 2008, p. 7). This type of profiling is different than driving up next to an old car at a time of day while drug dealing

is occurring. "When you are patrolling and pull up next to a vehicle that could fit a drug profile, and you have a sixty-five year old grandma driving the car, the officer's suspicions are probably going to go down. Age and race are a factor in traffic stops, as well, locations also play a factor" (DPD Officer 19P, 2008). The officer side-stepped the question when asked specifically about race. When asked specifically about the rationale behind using race as a primary tool to identify those dealing or using drugs, the participant became uncomfortable. His uneasiness served as an example of the difficulty surrounding the issue of using race as a tool in law enforcement.

The additional factors of race, age, and location often blur the line between DWB and criminal profiling. Decisions rendered by the courts regarding what constitutes reasonableness," "a reasonable officer," and "reasonable suspicion" indicators also have an impact on an officer's discretionary decision making. Reasonable suspicion is the degree of suspicion that is used by police officers to justify their reason for initiating contact with a citizen (Fredrickson & Siljander, 2002c). Reasonable suspicion must be something that can be articulated and rooted in the knowledge of the officers' experience, framed by the Fourth Amendment. It is that gray area between suspicion that can be articulated and the officer's knowledge where the use of race resides.

When it comes to attempting to untangle court rulings intended to protect citizens, the outcomes can be detrimental, especially if additional perspectives are not taken into consideration (Fredrickson & Siljander, 2002b). Another perspective that is rarely examined, according to the police officers, is the impact of the media on the issue of DWB. The officers believe that the media's influence serves to aggravate the problems between the community and the police. The citizens disagree.

Race, Police, and the Media

According to Stossel (1997), the typical American spends one-third of their free time watching television. The medium helps to define our world and many scholars have examined the presence of stereotypical images of young, Black, criminal males in the media (Anderson, 1995; Barak, 1996; Skogan, 1995). The extent, to which the media appears to make these stereotypes, can be positive and negative, according to citizens and police officers in this study. To the citizens, the media serves as a vehicle to shed light on the negative interactions that have occurred historically and continue today. For the police, the media has very little positive aspects. In fact, the officers discussed how the media slants its stories and produces negative characteristics of the police; characteristics such as brutal, racist, and "on the take" thieves.

Officers

Police officers felt strongly about the impact of the media on the issue of police in general, but specifically DWB. All of the officers expressed concern over the media's "one-sidedness" and the negative perceptions that blanket all police officers, due to the actions of a few. As DPD Officer 20P (2008) stated, "...for example the Rodney King thing. You know, how long did every cop in this country suffer over that?" (p. 33).

The police participant was referring to the 1991 traffic stop and subsequent videotaped beating of Rodney King by Los Angeles police officers. This incident would spark what was known as the 1992 L.A. riots, which resulted in a jury acquittal of the officers involved. Not only would the acquittal spark riots, it would provided a new battle for police officers; the battle of a historical stereotype "brutal police officers."

The African-American police officers cite Rodney King in a different manner. Rodney King, for them, is another example of a bad traffic stop and one more story that will be passed on from family member to family member. In addition to Rodney King, the Black officers noted the race issues surrounding O.J. Simpson, and were quick to point out that "it's the type of picture you flash on the television, certain political ads where they show minorities. They can find a way to project an image and it always seems to be the worst. Certain pictures get flashed and it's always the darkest" (DPD Officer 1P, 2008). For the African-American officers, the worst image is that of the Black male who is not fit to be a part of mainstream America.

The most recent research on police, race, and media relations, suggest that negative media images of the police create unrealistic expectations about real policing, and create disappointment when police do not perform like certain media portrayals (Perlmutter, 2000). For example, a few citizens refer to television shows that use new technology or techniques to solve crimes and provide information to the community within the allotted 60 minute television time slot. During real crime scenes, time is a factor, but investigations may last for weeks, months or years. So, the community faith in the ability of the police starts to diminish.

Citizens

The citizens in this study discussed the positive aspects of the media, especially when they highlight police misconduct. The citizens expressed a positive appreciation for the media when it came to the issue of DWB. As one participant discussed, *if it were not for the media the issue itself would not have made its way into the public consciousness"* (Citizen 8C, 2008). The citizens also identified the Rodney King trial and other images

on television that were embossed in the minds of African-Americans *"and they remind us that we are targets"* (Citizen 12C, 2008).

Citizens also believed that the media played a positive role, because it highlighted and exposed incidents where people were targeted and treated badly by the police. One citizen expressed that it wasn't just the oral traditions that have been passed along, but the historical images of dogs attacking African-Americans in the 1960s and images of Rodney King. As expressed by one citizen, "...that if had not been brought forward, the public would not have been informed. It has been a catch twenty-two with the media, but, for the most part, they've played a very beneficial role" (Citizen 12C, 2008, p. 11). The catch twenty-two for the citizen is the benefit of media scrutiny to bring attention to police misdeeds has to be weighed against perpetuated stereotypes of Black criminality.

As previously discussed, for the police officers and citizens, the discovery, perceptions, experiences, and media have all contributed to the DWB phenomenon. To better understand DWB, the following section presents theoretical frameworks to help analyze and interpret the experiences of the participants and to expand the communicative knowledge of DWB.

The previous section examined themes derived from the narratives provided by police and citizen participants. The themes have provided a foundation to apply theoretical frameworks to help make sense of the DWB communicative dynamic. This section will examine the communicative interpretations of DWB.

It is reasonable to expect that a citizen's experiences with police officers have some influence on the general satisfaction of police service. However, "unpleasant contacts tend to have a stronger affect than positive contacts" (Weitzer & Tuch, 2006,

p. 17). The social impact of DWB goes beyond those who have been racially targeted. DWB affects African-Americans as a group and alters their response to the criminal justice system, particularly toward the police. DWB affects police officers, because failures to address societal consequences triggers miscommunication and a predictable cycle of events. Several theoretical frameworks have been applied to the DWB narratives, illuminating divergent, yet complimentary approaches to better understanding the communicative dynamic of DWB.

Police Officers' Conversational Constraints

Many would agree that a primary skill a police officer should possess is the ability to communicate. The officers, who participated in this study, also supported this idea. However, the officers articulated the fact that they must always "watch what they say" when contacting African-Americans during traffic stops. Conversational constraints are culturally specific, knowledge-based decisions of what, when, and what not to say (Kim, 1993, 1995). There are five conversational constraints that affect the general character of every conversation a person engages in: clarity, minimizing imposition, risking disapproval of self, and effectiveness. All five contribute to the performance of the conversation that transpires during a DWB traffic stop.

Clarity is defined as "the likelihood of an utterance making one's intention clear and explicit" (Kim, 2005, p. 98). If the main purpose of clarity is to request action (i.e. give me your driver's license and proof of insurance), there did not appear to be any miscommunication regarding the officer's verbal commands. If the primary goal is to get the community member to comply with a command, the researcher didn't find any disagreement regarding the concept of clarity during this study. The officers did not

believe they were out of line, when asking DWB drivers what they understood to be legally protected questions.

Clarity becomes murky when the officers must explain their reasons for a DWB traffic stop and have difficulty in communicating a clear verbal command. As one officer stated, "it is incumbent upon the officer to make sure before you interact or engage in contact at all, to make certain you know what you are going to say" (DPD Officer 13P, p. 9). One White officer discussed the difficulty of communicating with African-American citizens, due to the anticipation of waiting for the "verbal abuse" and accusations of a race-based stop. It is at this juncture where all of the participating officers expressed concern with saying the wrong thing, being labeled as racist, or being politically incorrect.

Clarity issues were multiplied, when the officer's reason for the traffic stop did not abide by the law and when probable cause was created after the traffic stop was made. This is one of the main areas of communicative failure for police officers (Brown & Levinson, 1978; Leech, 1983). All of the police participants agreed that they do not fault the citizens for believing they had been pulled them over for no other reason than race, especially when the officer was unable to articulate the reason for the stop or appeared to be "making up" the probable cause.

The officers provided additional explanations of what may be occurring during DWB traffic stops. Several of the officers cited that training, maturity, and life experience impact an officer's ability to communicate actions clearly. One officer stated, "a lot of younger officers don't have much life experience, and we have to do a better job of teaching recruits how to talk to people" (DPD Officer 18P, p. 6). According to the

officers, a communicative strategy addressing clarity should be outlined and taught during a recruits' Academy training. Many of the participants indicated that it is important for officers to understand how tone, inflection, and body language can alter what the officer is trying to communicate. This area is one of the keys to a successful traffic stop, even if the driver's initial response is hostile.

The degree to which the officer avoids imposing on the hearer's autonomy or freedom of action, in other words, "politeness," defines the constraint strategy, minimizing imposition (Cupach & Mets, 1994, p. 79a). The officers didn't appear to be too concerned with politeness as defined, but they did care about politeness, as they understood it as a police value, which was synonymous with "professional."

The officers consistently expressed the need to be professional. Incorporated in the definition of professionalism is the assumption that officers will be polite. The assumption also presumes that during the DWB communicative exchange, the officer leaves room for options of noncompliance, an area where the officer is free to use their discretion and decide to write a ticket or take another course of action. All of the participating officers implied that professionalism/politeness was an important part of conveying their message during a traffic stop. However, the conflict occurs because the traffic stop itself is an imposition that interferes with the option of being polite.

Consideration for the "other's" feelings relates to the speaker's perceived responsibility to aid the hearer's ability to save face. The direct statements made by officers, including instructions such as those found in Case Study Four to, "take the candy out of your mouth!" will garner a higher chance that the feelings of others will get hurt. The officers did not seem concerned about this consideration. Although the officers

agreed that communicative clarity is the key for receiving compliance from citizens, "how" the officer is received by the driver was not of concern.

The officer's ability to have consideration for the "other's" feelings is often blocked by the duties of their jobs. The officers consider traffic stops to be "routine" in almost a cookie-cutter like approach. For most officers, the requirement to engage in routine activity, along with their police authority, does not require them to have consideration for another person's feelings. The citizens indicated that if the police officers were aware of their feelings, it would go a long way in building relational trust allow citizens to give them the benefit of the doubt, if an encounter should go wrong (i.e. the officer was having a bad day).

Risking disapproval of self is another approach for understanding the conversation that occurs during a DWB stop. It is during this dimension where officers are trying to avoid negative self-presentation evaluations by the citizens, and attempt to mitigate complaints as a primary concern with the secondary concern of appearing professional (Kim, 2005a, p. 98).

The officers expressed the presence of tension between how the police department requires him or her to act, and how the community believes they should act. The officers were trying to balance this dilemma, while simultaneously trying to maintain their authoritative face (positive face) (Weary & Arkin, 1981). The officers continuously identified their police Academy and field training experiences as areas where the ideology of not caring about disapproval was first introduced. In fact, the officers clearly stated that the only approval they needed was that of their immediate street supervisor, the Sergeant.

Effectiveness influences conversational choices and tactics, when a person is trying to accomplish a goal through communication (Kim, 2005b, p. 99). The goal of completing traffic stops (a measurement of officer productivity), are impacted by conversational choices that contribute to the negative outcomes of DWB. If it is clear that officers are aware of when and how to communicate, it should alter the outcome of a DWB traffic stop.

The officers in this study appeared to be aware that their communicative tactics had an impact on the outcome of a DWB traffic stops, but they did not feel compelled to change their communicative approach, since it did not impact their primary goal, to make the traffic stop itself. The citizens were concerned with the fact that there didn't appear to be a driving force to make the officers select what they believed to be appropriate, conversational choices. So, the officers were free to do and say whatever they wanted to get their jobs done. The citizens wanted the officers to understand that in order to be effective, they must be appropriate. For the citizens, the only way the officers will understand this concept is through some type of communications training. One citizen stated, "because of the interactions, there are obviously some things that should be corrected, and more training in communication and awareness are needed" (Citizen 6C, 2008, p. 7).

In a police organization, an officer's productivity is a measurement of effectiveness. This operational concept is in conflict with the citizens' ideology of effectiveness, equating to appropriateness. The officers believed that the quantity of traffic is synonymous with being a "good officer," and the citizens believed that this

practice had bred inappropriate behavior that revealed itself through the officer's communicative style during a traffic stop.

The conversational constraints of police officers contributed to the communication breakdown that occurred during DWB stops. The breakdown happened, due to the selection and use of contradictory conversation strategies deemed inappropriate by the citizens. The barriers identified by the officers for choosing different strategies were, conflicts between organizational and community communication expectations, job duties, and the fear of appearing politically incorrect; therefore, creating hesitation when deciding to speak.

African-American Citizens:

A Racial Contract through Narratives/Myths

A recurring theme from the participants of this study was the sharing of DWB stories (officers refer to them as myths), between other citizens and family members. Further examination of the participant's transcripts, revealed the appearance of a racial contract woven throughout the narrative stories of DWB.

Narratives or stories, "constitute, rather than reflect, some aspect of a socially constructed reality. They are also viewed as constructions created through interpersonal, sociocultural, and historical processes" (Sands, 2004; p.49.). The assumptions that structure a narrative are: humans are essentially storytellers, and the paradigmatic mode of human decision-making and narrative communications are "good reason." Matters of history, biography, culture, and character govern the production of good reason. The rationality of good reason is determined by the nature of a person's narrative being and

inherent awareness of narrative probability, which constitutes a coherent story (Fischer, 1989).

The "social contract" is, in reality, several contracts in one (Mills 1997). The social contract also encompasses political and moral contracts, while presupposing an epistemological contract, the core of the racial contract. The racial contract, much like its counterpart, is sociopolitical and moral. It explains how society was created, transformed and how society was reconstituted (Mills, 1997a).

Epistemologically, the racial contract prescribes norms for understanding, to which its participants must follow. The racial contract is a set of *"formal and informal agreements between members of one subset of humans designated by 'racial' criteria to subordinate the group in the White-ruled polities" (Mills, 1997b,* p. 11). To sustain the racial contract, it must be enforced through violence and ideological conditioning. The enforcement arm of the state includes police, the military, and prison systems. All work together to maintain a racial order and deflect all who pose a challenge to it.

Ideologically, the racial contract requires a conceptual dehumanizing process, through which Whites must learn to see non-Whites and how non-Whites learn to see themselves; the goal, have the non-Whites accepted "sub-personhood" (Mills, 1997b). The underpinning of the racial contract was derived from the history of slavery, and serves as an underpinning of the racial contract.

The racial contract is as it appears in its modern form, and can be found within DWB traffic stops. Epistemologically, DWB provides specific rules and guidelines that the African-American community must adhere to. First, it is understood, among community members, that you do not question the police officer during a traffic stop.

Many citizens acknowledged this informal agreement, and expressed that questioning the officer only escalated the possibility that the stop may result in physical violence or an arrest. As expressed by one citizen, *"I was pulled over by a DPD officer on Alameda Parkway. The officer seemed agitated, I finally asked why he stopped me and he got worse"* (Citizen 6C, 2008 p.1).

Along with the understanding that African-American citizens should not question police officers during a traffic stop, the community identified the environmental control factor of venturing out of their "neighborhood" as probable cause for the officer to initiate a traffic stop. Several of the citizens believed that because they were in areas where they didn't belong, served as reason enough for the officer to conduct a traffic stop. Citizen 4C confirmed, *"I think the chances increase when you're in an area that Blacks don't normally live and that's typically your high end housing areas where you stand a greater chance of being pulled over by the police"* (p. 5).

According to the citizens, another DWB understanding was not to expect an explanation of why they were being stopped. This is also the area in which the citizens reiterated that if the reason for the traffic stop was not given, they were left to assume that race was a primary factor. Citizen 8C explained, "if the officer doesn't explain why they stop you, and you ask them why, they appear nervous, not quite sure, can't quite articulate, and you know the purpose or the reason for the stop doesn't exist, which indicates there could be no other reason but my race" (p. 3).

Finally, the sharing of DWB stories from citizen-to-citizen operates to solidify the standing norms to be followed by the African-American community, specifically African-American males. The citizens conveyed a deep concern regarding the need and

responsibility to educate others about the issue of DWB. The need for community members was out of concern for the safety of others. All expressed the "unknown" factor of what the officer's intent or actions would be during a traffic stop. It was this factor, the safety of others that prompted the passing on of stories, especially to the African-American male community. As communicated by one participant, "my son didn't understand. He was like, 'that's bullshit!' I understood, but I didn't want him to become offensive in any kind of way and lash out, because he had possibly seen me acting angrily, he is young he needs to understand how to be safe" (Citizen 5Cm, 2008, p. 3).

The enforcement of DWB norms occurred in several different forms: the issuing of a traffic ticket, the use of force and subsequent arrests, and myths. The issuing of a traffic ticket is the most formal form of DWB enforcement. The ticket serves as a reminder from the White-ruled polity. The enforcement arm, the police represent the norms and values of the polity exacting a price (monetary fine and court costs), on the community for breaking the rules. Traffic stops that result in an arrest and the use of force that could be used to affect an arrest, provides the dehumanizing feature to the enforcement process.

Citizens relied on DWB stories to warn and protect the community; the enforcement of DWB is dependent upon the myths that are created from those stories. The enforcement arm, the police trusted the fact that myths would assist with the perpetuation of fear and mixed truths regarding the issues of DWB. It is the fear-laden, clouded myths of DWB that also prevented citizens from reporting their stories to police authorities.

African-Americans today still express their skepticism regarding activities of the police. As long as citizens continue to view the police as enforcers of the racial contract, the pattern of sharing stores and myths will persist and affect the relational trust between the African-American community and the DPD. Citizen participant 12C stated, "It takes someone, somewhere along the line, to break that cycle where you pass it on and pass it on, and pass it on. Someone has to step up and say let's not judge what's happening today with what happened previously" (p. 6).

DPD Officers: Making Sense of DWB

The concept of sense-making explains how individuals and organizations make "sense," how they construct it, why, and with what effect (Weick, 1995). Within the concept of sense-making, are discrepant events. Discrepant events, or surprises, require explanations. The process, in which the interpretation of the surprise is developed and offered, is "sense-making." For the participating police officers, the discrepant events were the conflict filled conversations, which were taking place during DWB traffic stops. The interpretive area that is problematic for police officers was the impact and understanding of "sense-making." For example, when an officer stops a well-dressed, African-American male in an old, dilapidated vehicle and the drver produces all of the paperwork requested, the expectation of what makes sense is interrupted. The officer, in turn, would expect to associate the condition of the vehicle with the status of the driver, thus, the officer is "surprised" when he approaches the car and finds that this is not the case. DPD Officer 20P shares, "I'm surprised when I stop a car that I'm sure doesn't have proof of insurance, and it does. Even more surprising is when the driver I'm dealing with is educated or gainfully employed. That contact is entirely different than that

of a person who is uneducated, and doesn't have work experience" (p. 7). For this officer, he interprets status and education as a guide on how to communicate with individual drivers, and would easily adjust his interpretation of events and communication style, if the driver was of a lower economic and educational status. To the officer, these approaches make sense, so he does not believe his actions were wrong. Another factor that contributes to the officer's process of sense-making is the police organization. The police organization plays a powerful part in the reasoning process of DWB.

Sense-Making Within the DPD

The officer's interpretation of sense-making is often accompanied by organization rules, guidelines, and expectations. The police organization's role in sense-making, is that of an "invisible hand." Police organizations have their own languages and symbols that are important to the sense-making process. The organization also provides the scripts, rules of acting, perceiving, and interpreting their cultural setting, which also serves to aid in the production of subjectivity (Sackman, 1991).

Subjectivity, which is developed through: arguing, committing, manipulating, and expecting certain outcomes and behaviors, produces the justifications for the arguments used by police officers in the sense-making process (Weick, 1995a). For the officers in this study, their subjectivity is a culmination of all the behaviors fostered within the organization, including their personal experiences.

There is an ongoing pressure by the community for the organization to develop a "generic subjectivity." The community members, in this study, repeatedly called for the DPD to make changes within their police culture to address the issues of DWB. *"I think the DPD should take some necessary actions to educate their staff about this problem, I*

think it is still a concern. We recognize there are bad people out there, but the officers need a better way to identify them" (Citizen 4C, 2008, p. 6). The challenge for the DPD organization is to identify the purpose and need of subjective sense-making and to ensure there are proper guidelines for its application. This creates an even larger problem for the DPD organization, since subjective sense-making is a very close relational cousin to "officer discretion," a concept that officers rely on heavily to make their day-to-day decisions. As stated earlier, how police organizations make sense of societal issues, have a profound impact on the officers' beliefs during their sense-making processes.

Sense-making also occurs in the form of police socialization. A thinking process that uses retrospective accounts to explain surprises, such as an officer's prior experience of making DWB traffic stops (Weick, 1995b). "The process is cyclical; it begins as individuals form unconscious and conscious anticipations, and assumptions, which serve as predictors for future events" (Louis, 1980, p. 4). For the officers, the structure that sense-making takes is in the form of arguing. Arguing, to the individual, refers to a piece of reasoned discourse (Weick, 1995c). It is the personal and organizational arguments that occur about DWB that influence the officers' sense-making and ultimate decision to take action. However, it is the officers' individual reasoning, which is embedded in social controversies such as DWB. This is because the individual officer is making the initial communicative contact, guided by their personal and organizationally constructed sense-making.

The sense-making form of arguing implies there are two sides to a story. This concept is true for the DPD officers, as they often received a contradictory reaction from the African-American citizens they stop. It is during those arguments where explanations

from both sides of the window become important. This is due to the high probability that the traffic stop could end negatively. Another site of contestation is the tension between organizational sense-making and the individual officer's sense-making. A few participating officers mentioned a disengagement between management, and the reality of the patrol officers' experiences on the street. They also reiterated management's reluctance to publicly declare that the practice of DWB exists within the organization. The officers believed that in doing so, this would begin to address the issue publicly and internally; hopefully, resulting in policy changes that would influence how officers "reasoned" about DWB stops.

If police organizations are viewed as sense-making systems, the DPD should be sharing in the struggle with its officers, and help explain the changes that have occurred in police policies and practices, and why they have failed to translate during the DWB communicative process. The organizations' sense-making is the driving force that competes with the individual officers' sense-making ability. The impact of the officer's decision to essentially make the traffic stop requires examination.

Why make the stop? Action driven sense-making

Recognizing that the organization and police officers' sense-making beliefs are an important part of understating why DWB stops take place, the question still remains, what compels the officer to initiate a DWB stop? During action driven sense-making, when an officer decides to make a stop, the officers must believe that the actions they are about to take make sense. Beliefs and actions are interrelated and to take action, there are two processes that must be understood; behavior commitment and manipulation (Weick, 1995d).

When making the physical traffic stop, officers must commit to the behavior they employ to make the stop. Behavioral commitment is "a state of being, in which an individual becomes bound by his actions and through these actions to beliefs that sustain the activities of his own involvement" (Salancik, 1977, p. 62). This process is an important part of making a traffic stop, because it brings the officers' actions to life and binds their reactions to a behavioral outcome, whether negative or positive. Binding occurs when the behavior is explicit, public, and irrevocable (Salancik, 1977a). For the officers conducting DWB traffic stops, all of the binding elements are present. The act of making the traffic stop and the subsequent act of documenting the stop is clear evidence that the stop occurred, and that the officers' behavior was explicit. The documentation of the action is important because it describes the stop, the actions taken during the stop, and serves as a guard against an allegation of making a race-based stop. Most traffic stops are conducted on public roads and thoroughfares. This means they are witnessed not only by the public, but by involving the public, it serves to protect the officer and the citizen from engaging in illegal activity. DWB traffic stops, like most, are irrevocable not only for the officer, but for the citizen as well. With all of the binding elements met, the question then becomes one of did the officer make the stop by his own volition recognizing there may be a few outside demands?

Of the DPD officers who had made DWB traffic stops, the answer was, yes, indicating the action was their responsibility. This concept is important, because the participant officers in their justifications for making stops often identified other influences that they deemed responsible for their actions, such as the Department, citizens, or the nature of criminal profiling. Although other influences do contribute to

the sense-making process, the decision to take the initiative action on a DWB stop rests on the shoulders of DPD officers.

Manipulation begins with the actions, to which beliefs accommodate. "It involves acting in ways that create an environment that people can then comprehend and manage" (Weick, 1995e). The DPD officers engage in manipulating their sense-making environments, by aligning their beliefs with their actions. With the exception of the African-American officers, the remaining DPD officers justified their traffic stops with how they understood DWB to be. The officers condoned the practice on its face, but found other avenues to make DWB stops a necessary evil. One participating officer stated, "When an officer made a traffic stop on a stolen car that had Wyoming plates that was being driven by a Black person, I heard the officer say to another peer, 'I don't know of any Black people that live in Wyoming, so they shouldn't be driving that car' That was my reason for the stop" (DPD Officer 19P, p. 7).

Organizations play an active role in shaping their environments. They define their products, subjectively, perceive the environment they inhabit, and their perception is strongly influenced by social norms and customs (Starbuck, 1976). The participating officers consistently expressed concerns about the management's culpability in DWB issues. The DPD organization, itself, is influenced by the dominant cultures, social norms, and customs. The organization is complicit in aiding an officer's ability to manipulate by providing an environment in which they can justify DWB by influencing one of the Department's products; traffic enforcement. Both committing and manipulating were sense-making actions behind the DPD officer's decision to initiate a DWB stop. In order to change and affect this behavior, the DPD organization must

recognize that their environment has the ability to severely limit the officer's ability to engage in DWB.

Another communicative tension to be examined is the "double-bind," the African-American police officers experienced during traffic stops with African-American community members. This conflict exposed an additional communicative dynamic to be explored.

"Double-Bind": African-American Officer/Citizen

Interestingly, the stories in this study shared by African-American officers revealed a tension that was present in how the officers understand and communicate DWB, a "double-bind." According to Carlos Sluzki (1977), double-bind has the following characteristics: 1) two or more persons; 2) repeated experience; 3) a primary negative injunction; 4) a secondary injunction conflicting with the first at a more abstract level, and like the first enforced by punishments or signals, which threaten survival; 5) a tertiary negative injunction, prohibiting the victim from escaping from the field; and 6) the complete set of ingredients is no longer necessary when the victim has learned to perceive his universe in double-bind patterns. (p. 209). As a result, the individual may express feelings of anxiety in such a situation as they attempt to fulfill the demands of the primary injunction, but are met with obvious contradictions in their actions.

Through their narratives, the African-American officers in this study discussed the additional pressure they feel when stopping African-American citizens. An African-American DPD and her partner, who was also African-American, shared a story they felt highlighted their frustration and confusion.

It was around ten thirty at night, when a car drove past them at a high rate of speed. They followed the car and initiated a traffic stop. The person driving and the passenger were both African-American. Both of the officers were at the end of their shift and were not interested in working overtime, so they discussed the possibility of issuing a warning so everyone could go home.

Her partner asked the passenger for her driver's license and asked if they were on the way home, to which the driver replied, *"Yes, I am."* (DPD Officer 2P, p. 2). The officer and her partner went back to their patrol car to document the stop. Both officers decided they were not going to write her a ticket, although her license was suspended, but to get them on their way home and call it a day. While the officer was waiting for her partner to finish the traffic stop, she noticed the driver and her partner were having an exchange of words. Her partner came back to the car, and the driver of the car turned her headlights and drove away. She asked her partner what had happened, to which he replied, "she had the audacity to say we were racially profiling. For everything they had wrong with that car and her driver's license, they wan to accuse us!" (DPD Officer 2Pa, p. 3). The participating officer told her partner to, "go get her!" For the participating officer, it was the fact that one of her own could make the accusation of racial profiling, even with the break they received from their traffic violations. To this day, the officer still remains baffled by the accusation.

For the African-American officers, there appears to be two conflicting demands; their oaths as police officers, and their relational ties to the African-American community. These conflicting demands have created a conflict-filled question they often ask themselves: To whom do you remain true? From the researcher's personal

experiences, this is a very difficult question to answer and it is the foundation for the stress imposed upon the African-American officers.

The double-bind works in reverse for citizens of the African-American community. From the African-American community participants, the assumption is those officers who look like "you" should understand the relational and historical ills between the police and community. Therefore, this understanding should have fostered a trust that should be exposed during the communicative action of a DWB stop. In addition, the trust serves, in some way, to alter any negative perceptions the African-American officers may have acquired during their police socialization process. Trust also functions as a secret bond between the African-American community and African-American police, in order to maintain solidarity around the negative issues of DWB.

The presence of African-American police has practical consequences and serves as a symbol to the African-American community. Symbolically, the community can see that they hold positions of power and practically, African-American police officers have been instrumental in decreasing the use of force incidents and increasing recruitment (Cashmore 1991). However, the double-bind experienced by the officers will continue to create conflict within their police and personal worlds. The question remains, is there an escape from this dilemma that will not impact the African-American officers' safety in their police world and, in turn, will not jeopardize their acceptance in the African-American community?

Conflict-Face Negotiations of the African-American Community

As an intercultural communication act, DWB can be examined through the framework of conflict face-negotiation. It is through communication, where culture is

modified and passed down from one generation to the next. It is shared sense of identity and framed references that consist of traditions, beliefs, and values that have a significant impact on how conflict is processed by the group (Ting-Tommey & Oetzel, 2001). Conflict styles are learned during the primary socialization process of a person's cultural or ethnic group. There are five styles of handling conflict: dominating, avoiding, obliging, compromising, and integrating (Ting-Tommey & Oetzel, 2001a).

A dominating style emphasizes tactics that push for a person's own perspective. Avoiding, involves dodging the conflict topic; the party involved or both. An obliging style displays a concern for the other person's conflict, placing their concerns above your own, and compromising involves a give and take; finding common ground between the two cultures in conflict (Putman & Wilson, 1982; Rahim, 1983, 1992).

Intercultural conflict occurs when one individual's membership factors affect the conflict process with another member of a different group. Concurrently, it can also include the mismatch of applying different expectations and norms to a specific conflict scene. In this study, this process is experienced when the officer first makes contact with the citizen through the car window and both begin selecting conflict style tactics (Ting-Tommey & Oetzel, 2002b).

The concept of face is tied to the respect of identity and identity considerations that occur beyond an actual conflict encounter (Ting-Tommey & Oetzel, 2001). Face can be: threatened, enhanced, undermined, and bargained over and all have an impact on the problematic episode. Face work refers to "specific verbal and nonverbal behaviors that we engage in to maintain or restore face loss and to uphold and honor face gain. Face loss occurs when cultural groups are being treated in such a way that our expected identity

claims in a conflict situation are challenged or ignored during a face-threatening episode" (Ting-Tommey&Oetzel,2001a). For the African-American participants, the face-threatening episode occurred when officers acted upon their stereotypical assumptions (criminality and race correlations), conducted the traffic stop, and could not articulate the reason for the traffic stop. It is also at this juncture, where both began to use different communicative strategies in order to regain face, as found when the citizen participants described the reaction(s) of the officers when they asked "why did you stop me?"

Why did you stop me?: Preventative and Restorative Face Loss Strategies

Preventive strategies in face work are behaviors designed to soften or prevent an occurrence of face loss. These strategies help in the event a person perceives that a communicative event may negatively impact their image or give an appearance of weakness (Ting-Toomey & Cole, 1990). Cupach and Metts (1994) have identified six preventive face work strategies. Along with the strategies are narrative examples from the African-American participants, were highlights of how the strategies are operating in the chart below:

Preventative Face Work Strategies of the African-American Community

Preventive Strategies For Face Loss	African-American Community Narratives
Credentialing: Certification preface statements to certify one's status or role before sending potentially face-hurting comments (Cupach & Mets, 1994, p. 79).	"I was employed with the U.S. Department of Housing and Urban Development and required to wear a suit" (Citizen 6C).
Suspend Judgment Appeal: Direct appeal statements for suspending premature judgment.	"As the officer approached, I said, 'Hi, how are you doing? How are things going?' I think I know why you stopped

(Cupach & Mets, 1994, p. 79).	me" (Citizen 7C).
Pre-Disclosure: Relational solidarity and/or bonding statements in exchange for face support and understanding in the actor's own self disclosure (Cupach & Mets, 1994, p. 79).	"I'm not saying I was always innocent, but historic things are playing, images are playing a factor, someone has to be mature and de-escalate" (Citizen 11C).
Pre-apology: Self-effacing or self de-preciating apologies to lower expectations and to alleviate potential face shame (Cupach & Mets, 1994, p. 79).	None
Hedging: Pre-emptive, fudging phrases to minimize potential face loss (Cupach & Mets, 1994, p. 79).	"The contact with the officer wasn't bad. It wasn't good, there was no front plate on my car" (Citizen 5C).
Disclaimer: Pre-handicapping statements to cushion or circumvent potential face criticism (Cupach & Mets, 1994, p. 79).	"I can't speak intelligently about that, because I don't know about their training" (Citizen 9C).

Credentialing, a certification of one's status, was a strategy that several community members invoked on a regular basis. They felt the need to validate and insert value to their identity, as if this action would somehow change the officers' minds, thus, putting a rapid end to the traffic stop (Cupach & Metts, 1994). The fact that the citizens believed that making these types of statements, should have made the officer's reflect on their reason for the traffic stop. They had no impact.

A few citizens also indicated that on several occasions during traffic stops, they tried to engage the officer in a positive manner in order to suspend judgment or somehow appeal the interaction. This, too, had no impact on the communicative situation that was taking place. This resulted in the officer repeating the request for information for a driver's license or proof of insurance, or there was no verbal response at all.

Pre-disclosure was also evident among the citizens. For some, they readily admitted that, at times, they were in violation of the law, but the officers should have been more understanding during the contact. Surprisingly, there were no pre-apologies

nor self-effacing statements from the community participants. The absence of such statements identified a position that many of the police officers believed the community members to take, one of not accepting responsibility for their actions. For the citizens, it is possibly an indication that they felt they had nothing to apologize for, since the majority believed they were detained for no apparent reason, other than their race.

A few citizens described the communication exchange between themselves and the officers in their traffic stops as hesitation. The hesitation occurred when deciding on which style of verbal response to employ during the contact, and whether to identify their contact as negative or positive. This hesitation also acted as a decision-making point for the participants. They were all aware that deciding to question the officer's actions could end negatively and with a price. The price was embedded in only a few options: a ticket and the possible escalation of force accompanied by jail time. They also admitted that they could not always understand the reasons or purpose behind the officer's actions.

The citizens had identified an important aspect of conflict negotiation, and the most significant part is the conflict process of the other group, DPD police officers. To understand the face work strategies occurring within the police participants and to better identify areas of communicative conflict, preventive face work strategies for the DPD Officers are outlined in the chart below:

Preventative Face Work Strategies
of the
DPD Police Officers

Preventive Strategies for Face Loss	DPD Police Officer Narratives
Credentialing: Certification preface statements to certify one's status or role before sending potentially face-hurting comments. (Cupach & Mets, 1994, p. 79).	"As all cops, are wearing a blue uniform, we are all blue. When I make contacts on the street, it's for a reason" (DPD Officer 6P).
Suspend Judgment Appeal: Direct appeal statements for suspending premature judgment (Cupach & Mets, 1994, p. 79).	"I didn't contact ninety or ninety-five percent of the people in an area, because ninety to ninety-five percent of those people were all good" (DPD Officer 8P).
Pre-Disclosure: Relational solidarity and/or bonding statements in exchange for face support and understanding in the actor's own self disclosure (Cupach & Mets, 1994, p. 79).	"I think initially I had a negative view of the police, due to past experiences involving family members. Now that I've been a Denver Police Officer for 15 years, I can see how people's points of view get jaded" (DPD Officer 12P).
Pre-apology: Self-effacing or self deprecating apologies to lower expectations and to alleviate potential face shame (Cupach & Mets, 1994, p. 79).	None
Hedging: Pre-emptive, fudging phrases to minimize potential face loss (Cupach & Mets, 1994, p. 79).	"I think in today's society, too many people use that race card as a reason for being stopped. They think its going to get them out of trouble, when reality it doesn't" (DPD Officer 16P).
Disclaimer: Pre-handicapping statements to cushion or circumvent potential face criticism (Cupach & Mets, 1994, p. 79).	"I don't know if DWB occurs, I don't believe I have the experience to say. I was making a majority of my traffic stops in Southwest Denver, which is predominately Hispanic" (DPD Officer 15P).

Credentialing for the DPD police officers operated through referencing their positions as police officers and symbolically through their blue uniforms. The position of police officers possesses the power to interpret and enforce the law, and provided the protection the officers needed to initiate legal or illegal traffic stops. Their uniforms communicated that they stood as one and shared similar reasoning with regard to the

application of law. However, this stance did not always prove to be true, since the African-American police officers concurred with the community who disagreed with the practice of DWB. The citizens' also communicated through credentialing during their traffic stops. The citizen's post conflict would refer to their status in the community and educational background as reasons DWB would not be tolerated practice. Reflecting on my own work experience, I would suggest that very few of the Black males had the credentials to present during a traffic stop, due to race and economic status. The lack of credentials almost guaranteed that this demographic would not file a formal complaint, but would engage in restorative face strategies, as well as pass the story on to the next community member. The citizens participating in this study seem to be the exception and not the rule, due to their median age and life experiences.

The suspension of judgment for DPD Officers appeared in the form of analysis, which examined how many citizens were not stopped compared to those who were. The officers equated those who were not contacted as "good police stops" and "no contact" lowered the possibility of DWB complaint meaning the problem could not be as dire as the citizens believed. For the citizens in this study, an attempt was made not to judge the officers in a negative light. This refocusing of trying to create a positive police interaction was done by trying to set a positive communicative tone. The communicative tone was in the form of a positive introduction ("Hello officer!"), with the hope of deflecting any negative perceptions the officers may have had as they approached the driver's window, resulting in the reduction or elimination of a communicative conflict episode.

Pre-disclosure was minimal for the officers. When discussing their stories, only those officers who had negative experiences with police (African-American officers and

one Hispanic officer), admitted that they personally understood the position of the citizens. The tension in this area is due to the fact that both groups perceived that the other does not understand the impact of their communicative actions. A majority of citizen's believe that there was no difference between the Black and White officers and how they addressed the community. Only a few were willing to admit that there were some African-American officers who may have experienced a DWB traffic stop, but there were not enough African-American officers employed by the DPD to aid in changing the practice of DWB. Both police officers and citizens expressed the fact that neither was willing to step back from the communicative conflict. Although there were areas in which they disagree, they were both in agreement that they had the ability to impact the creation of communicative conflict.

Although pre-disclosure provides a space for bonding between two groups in conflict, the inability for the police officers and the citizens to give up ground leaves little room for pre-apologies. Pre-apologies or self effacing statements to minimize face shame, were not found in any of the group's narratives (Cupach & Mets, 1994, p. 79a). This could explain why tension is sustained throughout the contact, since both parties do not believe they are the cause of the conflict and both have their credentials to solidify their stance.

Hedging for the officers, in disclaimer form, provided an additional reason why DWB was not widespread. They believed that race is often used as an excuse by the citizens, in order to avoid responsibility and prevent police officers from issuing a ticket. The citizens, when they discussed this strategy, sheepishly admitted that at times they may have broken the law. In addition, they affirmed to the possibility that race may not

have been a determining factor in the officer's decision to make the traffic stop. This is an indication that race maybe serving a dual purpose. For the citizen, it is used as an easy, effective excuse that served to create conflict and deflect responsibility for their actions. On the other hand, for the police, it was an opportunity to contemplate the use of race when conducting a traffic stop, but for both groups there is a reluctance to admit to or suspend their practices.

The disclaimer strategies used by police officers was done by excusing their law enforcement expertise, when it came to the identification and knowledge of DWB. The officers reluctantly stated that they heard about the concept of DWB on the job or identify this study as the first time they had ever heard of the practice. Yet in further discussions, they readily admitted that "roll call" talk included identifying those who were engaging in the practice of DWB, heeding as a warning to others to stay away from those identified. Most of the citizens also excused themselves, admitting they were not familiar with how the police were trained. Their excuses claimed that they could only speak to their personal stories and cultural experiences and not police training. This disclaimer space also provided a door for further discussion about how DWB is truly operating between the citizens and DPD police officers. The disclaimer strategy allowed both participants to plead ignorance regarding having full knowledge of how each were contributing to the DWB conflict.

The previous discussion of preventive face work strategies or "saving face" during a DWB traffic stop can occur in several different ways. Both citizens and police officers use these strategies when communicating through the car window, and a few of the strategies appear to keep the DWB conflict alive, repeatedly straining the

police/citizen relationship. To find a way to mend this relationship, it is important to understand the strategies designed to repair face loss in response to incidents that have already occurred. Restorative face work strategies are designed to heal a damaged relationship "or to restore a person's strength after a person has felt threatened" (Cupach & Metts, 1994b, p. 79). Restorative face work is past oriented, and provides insight into the behaviors used to correct face loss mistakes. The next section examines the practice of restorative face first with the African-American community, as displayed in the chart below:

Restorative Face Work Strategies
of the
African-American Community

Restorative Strategies for Face Loss	African-American Community Narratives
Direct Aggression: Includes verbal yelling, screaming, or physical violence to repair face loss (Cupach & Mets, 1994, p. 79).	"I rolled down my window and yelled, why are you pulling me over?" (Citizen 7C)
Excuses: Explanations that minimize the personal responsibility of the actor for the offensive behavior (Cupach & Mets, 1994, p. 79).	"Because of the fact that, yes, there was no front plate, I don't know why, it was just the way she was looking at me when she drove by. I knew she was going to pull us over" (Citizen 5C).
Justifications: Explanations that downplay the severity of the face loss behavior (Cupach & Mets, 1994, p. 79).	"He pulled me over, the tail light was out, there wasn't any rudeness on the part of the officer, just trying to figure out what I was up to" (Citizen 4C).
Humor: Includes laughing at the actor's own mistakes or humoring the other person, encouraging them to lighten up (Cupach & Mets, 1994 p. 79).	"It's your responsibility to be compliant. Shut your mouth and get home!" (Citizen 11C).
Physical Remediation: Attempts to repair physical damage (Cupach & Mets, 1994, p. 79).	None.
Passive Aggressiveness: Denial, forgetfulness, passive blaming, sarcasm, or complaining to a third person (Cupach & Mets, 1994, p. 79).	"We don't verbalize it and we don't share it with anyone. A lot of people are embarrassed that they were stopped by the police, so they wouldn't dare tell anyone" (Citizen 10C).
Avoidance: Topical avoidance to physical distancing from a face loss situation (Cupach & Mets, 1994, p. 79).	"I believe there have been other issues that have happened, because I was Black, but never while I was driving" (Citizen 9C).
Apologies: Self-deprecating offerings to alleviate guilt or shame (Cupach & Mets, 1994, p. 79).	None.

Designed to regain face loss, restorative strategies can be applied to post communicative actions. Direct aggression as a strategy includes yelling or physical violence to restore face loss (Cupach & Mets, 1994, p. 79c). The citizens acknowledged

episodes of yelling at officers when they approached the car and although none of the citizen participants were not arrested, nor was physical violence experienced, but the fear of physical violence being used by police officers was expressed.

Excuses or the minimization of personal responsibility is another strategy applied by the citizens. Some citizens admitted they had violated traffic laws, but deflected their responsibility and blamed the behavior of the officer. Typically, the citizens cited that the way the police officer acted or communicated to them during the traffic stop, as the main reason the conflict situation occurred. Unlike excuses, justifications down play the severity of the face loss behavior (Cupach & Mets, 1994d, p. 79). As stated before, a majority of the citizens acknowledged fault, but justified not only their actions, but the behavior of the officers as well.

Practiced by very few citizens, the strategy of humor includes laughing at one's own mistakes or humoring the other person, encouraging them to lighten up (Cupach & Mets, 1994e, p. 79). An expanded focus on the this strategy revealed that due to the emotionally charged feelings around DWB, the community found very little reason to find humor in the matter. Remediation, attempts to repair physical damage, was not present in the participants' narratives. Although there was no evidence of physical damage, there was confirmation that emotional damage was present, especially when the citizens would recall a personal story.

Passive aggressiveness is a popular strategy used by all of the citizens, except one who claimed he had not experienced DWB. Most of the citizens articulated the fact that their DWB traffic stops were not reported, but, in turn, decided to share their stories with

friends or family. The citizens' reasons for not reporting the incidents, ranged from fear of retaliation to lack of faith in the DPD to take action.

One citizen avoided discussion of the topic of DWB. Avoidance is another restorative strategy that diminishes or erases the existence of the conflict. Avoidance pushes the DWB discussion underground, erasing any opportunity to engage in a public dialogue surrounding the issue. Apologies were nonexistent as a preventive strategy, and did not appear as a restorative face work strategy. It was not unexpected that apologies would not be found, due to the inability for either participant to find themselves at fault during the DWB conflict episode. As discussed with preventive strategies, to understand the complete communicative DWB relationship, it is important to be aware of the restorative, face work strategies that are at work for the DPD officers that are identified in the chart below:

Restorative Face Work Strategies
of the
DPD Police Officers

Restorative Strategies For Face Loss	DPD Police Officer Narratives
Direct Aggression: Includes verbal yelling, screaming, or physical violence to repair face loss (Cupach & Mets, 1994, p. 79).	"I yelled at him. I said, you'd better get up here right now! Tell me how to do a traffic stop, It's basic Academy 101 weather, you are in Denver or Georgia!" (DPD Officer 7P).
Excuses: Explanations that minimize the personal responsibility of the actor for the offensive behavior (Cupach & Mets, 1994, p. 79).	"I had ride-a-longs come out when this topic came up. I would ask the citizen before we were about to initiate the traffic stop, can you tell me the race of the person driving? They could never tell" (DPD Officer 18P).
Justifications: Explanations that downplay the severity of the face loss behavior.	"I've spent time looking for probable cause, if I wanted to stop them bad enough. Almost every time I would stop someone in specific neighborhoods, Black or Hispanic, eighty percent of the stops I made at some point during the contact, I will be accused of stopping them only because they are Black or Hispanic" (DPD Officer 20P).
Humor: includes laughing at the actor's own mistakes or humoring the other person, encouraging them to lighten up.	"We just didn't see White people up there, so we would make the stop. I guess that DWB thing works both ways!" (DPD Officer 5P).
Physical Remediation: attempts to repair physical damage.	None.
Passive Aggressiveness: Denial, forgetfulness, passive blaming, sarcasm, or complaining to a third person.	"I'm doing this because you violated the law. It's got nothing to do with you being Black" (DPD Officer 6P).
Avoidance: Topical avoidance to physical distancing from a face loss situation.	"When I was trained, you didn't tell people why you were pulling them over, because you didn't want to educate them okay?"(DPD Officer 4P).
Apologies: Self-deprecating offerings to alleviate guilt or shame.	None.

Direct aggression, a post communicative conflict strategy of yelling or physical violence, was also displayed by both participant officers and citizens in this study.

As recalled by an African-American police officer who was stopped by another officer, "I yelled at him, I said you'd better get up here right now! Tell me how to do a traffic stop, its' basic Academy 101 weather you are in Denver or Georgia!" (DPD Officer 7P).

Although it was not discussed in the police narratives, the possibility of using violence was always present. The long-term impact of both groups' use of direct aggression as a post communicative strategy was its influence on future police/citizen contacts.

Police officers provided numerous excuses as to why the practice of DWB exists. Excuses ranged from the need to use race because it was a factor in criminal profiling, to the lack of proof that the practice of DWB exists. With the exception of the African-American police officers, the police participants managed to rationalize their lack of responsibility regarding DWB actions. The officers identified the organization and those in management positions who have seemed to have lost touch with what is happening on the "street." One officer stated, "I've never really seen a division of race until I got on with the Denver Police Department. I think there is a big generational gap with law enforcement, where your leaders are still kind of from the old school" (DPD Officer 3P). They also explained that those who are in management positions were trained and gained their knowledge during a time when the Department's discriminatory history was very visible, and claimed some of those practices were still present in the policies and practices of today.

Justification strategies for police officers were anchored in the legal threshold of probable cause. Probable cause as defined by Fredrickson and Siljander (2002), "is a reasonable belief in certain assumed facts" (p. 23). For the officers those assumed facts were comprised of environmental factors and racial stereotypes, which provided probable cause to initiate traffic stops. This kind of justification partners with that of the citizens who admit to their traffic infractions and acknowledges that officers are only trying to do their jobs.

Tension filled DWB situations provided opportunities for officers to invoke moments of humor. As a restorative strategy, humor was a way for officers to relieve stress. Much like their citizen counterparts, the officers identified mistakes and applied humor to encourage a lighter discussion surrounding the topic of DWB. A DPD officer stated, "We just didn't see White people up there, so we would make the stop. I guess that DWB thing works both ways!" (DPD Officer 5P). The ability for both participant groups to apply humor to a very complicated situation provides an opportunity to reduce the anxiety contained within DWB discussions and grant inroads to understanding cultural differences on this controversial topic.

Physical remediation was not present, as a restorative strategy for the DPD police officers. As explained during the citizen's restorative strategy approach, physical remediation was absent, but the presence of emotional remediation was present. Although unexpected by the citizens, the officers also expressed the fact the DWB left emotional impressions on their ability to cope with negative traffic stops. As an officer expressed, "it just takes getting used to. African-Americans are much louder, the hatred of me,

because I'm White or because I'm in uniform, or, in my opinion, probably because of both, it's just unbelievable, it's just absolutely overwhelming" (DPD Officer 20P, p. 7).

Passive aggressiveness was a strategy shared by most of the police officers in this study. Sarcasm, a passive aggressive strategy, was used more than denial or forgetfulness. The exception was the African-American police participants who mirrored their community counterparts by complaining to a third party or by passing on stories about DWB. Topical avoidance was applied as a strategy by DPD officers when discussing experiences of DWB. It appeared to be easier for White officers to attribute DWB to other factors, such as oversensitive citizens or their inability to accept responsibility, while African-American officers had no problem dealing directly with the issues of DWB. Apologies were again absent from police officer strategies to restore face. This remains an area where the police and citizens' inability to offer a path to understanding, tends to be weak.

Both groups make use of preventive and restorative face strategies, in order to "save face." It appears that these strategies have taken on a cyclical effect of preventative and restorative acts, and what is needed is a way to break the cycle. A possible solution for the communicative cultural conflict present in DWB is the ability to apply intercultural face work, competence, and strategies. Intercultural face work competence refers to "the optimal integration of knowledge, mindfulness, and communication skills in managing vulnerable identity-based conflict situations appropriately, effectively and adaptively" (Ting-Tommey & Oetzel, 2002a; p.73). Possible solutions to achieve the components of intercultural face work competency for DPD are discussed in the conclusion of this study.

CHAPTER V

CONCLUSION

In many parts of the United States, African-American motorists, particularly Black men, are stopped by the police because of their race. National statistics from police organizations suggest that the police disproportionately target motorists of color based on this racial stereotype (Withrow, 2004). Race-based traffic stops turn one of the most everyday activities for a police officer into an experience fraught with danger and risk for African-Americans. This research was conducted to examine the communicative aspects of policing in regards to race, specifically the communicative action that took place between police officers and African-American drivers through a car window. Three research questions were designed for this study:

1. Does the practice of DWB exist in Denver?

2. Do the participants believe they have experienced or engaged in the practice of DWB?

3. Are there specific themes that emerge from citizens' and police officers' stories, and what theoretical frameworks can provide a lens into the communication that takes place during a DWB traffic stop?

4. Does a racial/racist foundation to a police stop exist that impact the police/community's ability to communicate effectively?

5. How might the police and citizenry of Denver address this issue to minimize the impact of "Driving While Black" on police/community relations?

There were thirty-four interviews conducted regarding this study. Of the thirty-four interviews, twenty were DPD police officers and fourteen were African-American community members from Denver. The participants were provided four case studies for review. The case studies were selected to aid in the development of interview questions and for the participants to evaluate for the purpose of personal recall and conversation. Prior to the interviews, all of the participants were given consent forms, indicating their understanding of the research. The interview questions asked were open-ended and structured questions relating to the case studies. The interviews were tape recorded and subsequently transcribed to produce thirty-four narratives. The process of narrative analysis was used to identify overall themes and patterns, and to help make sense of the individual and cultural understanding of DWB, to further understand the DWB phenomenon.

Summary of Findings

Themes

The case studies provided the participants with the opportunity for personal recall, the sharing of personal stories, and to help set the stage for the subsequent interview questions and the identification of themes. All of the participants, except for two DPD officers, believed the practice of DWB exists in Denver. In reviewing the case studies, all of the participants believed that race could have been a factor, but specifically identified Case Studies One and Four, where race was the primary factor of the stop.

The police officers admitted that race was a factor and was used to make traffic stops, but not as frequent as the community would like to think. The officers surprisingly identified the socialization of their peers as an additional component adding to the

complexity of DWB. The officers were clear to point out that those who were selected to come on the job brought with them their life experiences, some of which may include racist tendencies. The officers also discussed the unofficial support of the practice of DWB by the DPD administration and management. The officers called for the police administration to make an effort to understand DWB issues in order to make the necessary corrective measures within the department. According to the officers, some of those corrective measures should include better recruiting, meaningful diversity training, and discipline.

The citizens agreed with the police officers assessment of the issue at hand. They communicated that for them, the DWB was an inherited knowledge of distrust that revealed itself as a "feeling." It was this "feeling" that would signify a potential problem with their traffic stop, which was validated when the officer approached their car window and could not articulate the reason for the stop. The citizens also believed that the DPD could do more to address the issues around DWB, and in concert with the police officers, identified the Department's unwillingness to publicly acknowledge the existence of DWB as a contributor to the overall problem.

The discovery of DWB for both groups was measured by a temporal orientation. For the police, they paced the discovery of DWB around the years 1998-2003. Most recalled taking part in the 2003 *Denver Study,* which required the officers to collect demographic information on traffic stops. Three of the officers had never heard of the term until this study and one officer recalled the term as early as the 1980s, during his tour in the Coast Guard. The data surrounding the discovery of DWB exposed an interesting trend; the experiences of the African-American officers mirrored that of their

community counterparts. They discovered DWB through stories from family members and friends, with most of the African-American officers experiencing it personally.

The time frame for discovery of DWB for citizens was placed around the year 1990, with one participant declaring the practice itself had been in existence as long as there was a Black community. DWB orientation points include the media and shared stories from family and other community members. The citizens described movies, television news, and Black publications, such as *Ebony* magazine as additional DWB outlets. Both the police and the citizens acknowledged the existence of DWB, but could not agree on its prevalence in the Denver community.

The experiences of DWB were emotionally expressed through the personal stories of both the police and citizens. Most of the citizens were convinced that the reason for the stop was constructed after the initial stop occurred. Citizens reduced what they believed to be prevalent reasons for being stopped by the police and all were accompanied by the factor of race. It was apparent during the discussion that it was difficult for some of the participants to clearly frame if race was a factor, but the emotion of the experience ran deep. In fact, at the core there is a fundamental concern about racism and all that it implies including being lynched for being with the wrong people, being out of their "own" neighborhoods, and driving the wrong type of vehicle.

The police officers also shared emotional stories regarding the experiences of DWB. The White officers expressed frustration, with reference to how officers get "labeled," due to the sharing of stories and the historical mistakes of their peers. They also expressed concern that the citizens' refusal to take responsibility for their law

breaking actions only escalates communicative conflict and detracts from the real issue; the breaking of the law.

As identified earlier, the African-American experiences were different from those of their White counterparts. The African-American officers shared stories of not just their police experiences, but the experiences of being stopped as an African-American citizen. It was through the sharing of their stories that they expressed confusion and, on some occasions, fear of how to treat their own citizens when they are in the role of a police officer, and fear that their own peers would act upon Black criminal stereotypes. In addition, for the African-American officers, their personal experiences appeared to be in conflict with their police training that validated the use of race as a crime fighting tool.

Another theme derived from the discussion of the case studies and interview questions, was the use of race as a law enforcement tool. The citizens strongly expressed that race should never be used as a tool in law enforcement. The citizens' reasons for this view ranged from the overall negative view of the dominant society regarding issues of race, the socialization of the police officer, and the lack of DPD training on issues of race.

With the exception of two police officers, the remainder of the police participants believed that race should never be used as a "sole" factor in law enforcement. Of course, this view was different than that of the citizens who believed that race should "never" be used. The police officers believed that race should be used in context with other associated criminal acts, that the citizens would need to understand that race can be an important investigative tool, and its exclusion would make it possible for the police to do their jobs.

The final theme, identified in this study, was the media impact on the police, race, and DWB. The media coverage regarding stories of DWB, have also contributed to and help frame the discussion of DWB. The impact of the media in the African-American and police communities was often described as a double-edged sword. The officers had strong opinions regarding the usefulness of the media and its impact on the understanding of DWB. All of the officers expressed concern over the "one-sidedness" and the negative perceptions generated by the media. The police officers identified stories such as, Rodney King and the O.J. Simpson trial as examples of how the media serves to perpetuate negative stereotypes of police. The officers also identified the unrealistic expectations that police related television shows place on them. Citizens often expect responses and outcomes to mirror those they see on television, which creates an additional relational strain between the police and the African-American community.

The citizens discussed the positive aspects of the media, due to its ability to expose police misconduct. Citizens claimed that not only did the media serve a purpose of exposing bad behavior it was also a vehicle for community DWB stories to reach a broader audience. Citizens also acknowledged that the use of the media could be a catch twenty-two; meaning that the media exposes police misconduct, but when the victims are African-Americans, the visual also reinforces societal stereotypes.

Five conceptual themes emerged from the narrative data: perceptions of DWB, discovery of DWB, personal experiences with DWB, race as a law enforcement tool, and race, police and the media, and were applied to theoretical frameworks to help shed light on the communicative dynamic of DWB.

Conversation Constraints of DPD Officers

There are five conversational constraints that are always in operation during a conversation: clarity, minimizing imposition, consideration for the others feelings, risking disapproval of self, and effectiveness. All five conversational constraints are impacting communication between the DPD officers and the African-American Community. Clarity, or making a person's intentions clear, becomes clouded during the conversation through the car window. This cloudiness is due to the officers' inability to explain the purpose or probable cause for the traffic stop. In addition to the officers inability to articulate the reason for the stop, is the officers' anticipation of a negative verbal response from the driver. Officers described feeling anxious when approaching African-American drivers, due to the verbal abuse often awaiting them at the car window. Minimizing imposition or politeness was not a concern for the DPD officers. Officers expressed the fact that traffic stops in their own right were initiated, due to law violations so they felt no need to excuse their imposition. Additionally, on their own terms, the officer's equated politeness with professionalism, and acknowledged that police officers should always be professional. The difference, according to the DPD officers, between politeness and professionalism is, professionalism does not require politeness on its face, and it is assumed that DPD officers were always polite.

Consideration for the "other's" feelings was another conversational constraint that did not cause much worry for the police officers. According to the participating officers, their ability to consider the "other's" feelings is in conflict with their job duties. Their job requirement is to engage in routine activities, discretionary authority, and the application

of the law, which does not leave much room for the consideration of others. Risking disapproval during a conversation was tenuous ground, according to the police. Again, they felt the job tension, how the Department wanted them to act, and how the community believed they should be. In fact, the officer's main concern was the approval of their street supervisors and staying out of the disciplinary system.

The effectiveness when officers reach their goal (completion of a traffic stop), was also impacted by conversational constraints. The officers identified the measurement of productivity through the number of traffic stops as an indicator of a "good cop." The officers, in this study, were clearly aware of when and how to communicate. They also understood that this knowledge had a definite impact on their overall conversation, but chose to work within the communicative guidelines provided by the DPD. The communicative guidelines were provided during the officers' Academy training and refined again in the training officer phase. The officers appeared to be perfectly fine working within the Department-sanctioned guidelines and did not see the need to give any additional effort, unless told to do so by their supervisors or the administration.

The history of race helped to set the stage for the contemporary phenomenon of DWB. A recurring theme from the participants of this study was the sharing of DWB stories between other citizens and family members. The racial contract is an agreement; a formal or informal set of rules between the dominant White class and the subordinate racial group. It is the function of this contract through formal agreements, traffic tickets, or informal ones, that the passing of stories informs the community of their roles during DWB stops. As the enforcement arm of the government, it the responsibility of the police to make sure that rules of the contract were followed through, either by violence or a

dehumanizing process. According to the African-American citizens, the need to inform community members was of concern for the safety of others. Both groups expressed the need to move past history and engage in a conversation that addresses the underlying communicative issues found in DWB.

Making Sense of DWB

The concept of sense-making explains how individuals and organizations make "sense" of their experiences. Within the concept of sense-making, are discrepant events. Discrepant events, or surprises, require explanations. For the officer, the discrepant events were conflict-filled conversations that occurred during DWB traffic stops.

The DPD officers' interpretation of sense-making was accompanied by the police organizations' rules, guidelines, and expectations that are incorporated into the officer's individual socialization, which formed the basis for a decision. The organization as a sense-making system, contributed to the officer's ability to make a subjective, reasoned, decision. The officer's decisions to take action are found in two interrelated processes. First, the officer's own beliefs are combined with behavior commitment and manipulation. Behavioral commitment is when an individual becomes bound by his actions, and manipulation begins when the officer matches his actions to his beliefs. The DPD officers used both processes to justify their reasons for initiating DWB stops. They identified the DPD environment as the site where they were free to engage in manipulation that went undetected by supervisors and management. The officer's freedom remained intact, until they would receive compliant alleging DWB activities. With this knowledge, it is incumbent upon the DPD organization to control the officer's

ability to manipulate their environment, whether it is through additional policies or discipline.

Double-Bind: African-American Officer/Citizen

The double-bind of belonging to an oppressed group (African-American) while, simultaneously, being associated as the oppressor (police) created an interesting intersection for African-American police officers. As a result, the African-American officers expressed feelings of anxiety, anger, and fear as they attempted to fulfill the demands of their police duties, but were met with the contradictions of their roles as citizens.

The DPD officers shared several stories of frustration, not only with the actions the officers take during DWB stops, but how their own community did not take responsibility for their role in the conversational conflict. The African-American officers could not explain their processes of how they maintain balance between the two worlds. The double-bind of the African-American officers is an important area that requires further examination.

Conflict-Face Negotiation of the African-American Community

Conflict styles are learned during the primary socialization process of a person's cultural or ethnic group. There are five styles of handling conflict: dominating, avoiding, obliging, compromising, and integrating. Intercultural conflict occurs when one individual's membership factors affect the conflict process with another member of a different group.

The concept of face is tied to the respect of identity and identity considerations that occur beyond an actual conflict encounter or strategies that used to help manage

communicative conflict. Face work refers to verbal and nonverbal behaviors that we engage in to maintain or restore the loss of respect. Face loss occurs when cultural groups are treated in such a way that their personal pride and beliefs are challenged or ignored.

Preventive strategies in face work are behaviors designed to soften or prevent an episode of disrespect. There are six strategies of preventive face work, and both participant groups utilized five of the six strategies. One of the strategies, pre-apology, was not used by either group. Restorative face practices are strategies to address actions that are past oriented and provide insight into the behaviors used to correct face loss mistakes. There are eight restorative face work strategies and both the DPD officers and African-American citizens engaged in six of the strategies. Two of the strategies, physical remediation and apologies, were not employed as restorative strategies.

Both groups made use of preventive and restorative face strategies in order to "save face." The strategies operate in a cyclical pattern of preventative and restorative acts, and to break the cycle four inter-cultural face work competencies were recommended: diversity and communication skills, training, and discipline.

Reflections from Experience and Authority

My own experience with DWB was briefly discussed in this study. Reflecting on the experience, I often wonder if my reaction to my traffic stop would have been different if I did not possess the additional knowledge of my police training. I believe my DWB encounter, emotionally and mentally, was only a fraction of what was experienced by the African-American community. My reaction was not packed with past experiences of frequent police contacts or family members pulled over by the police, due to the fact that I was raised in a middle class neighborhood. In fact, while growing up, I was taught that

the police were always there to help and the first person you should look for when you were in trouble. I never imagined the police in the role as a government oppressor and enforcers of race-based police practices. On the contrary, the cultural stories that were passed on in my family, similar to those in other African-American families, were shared to prepare me mentally and, in some cases, physically to confront issues of race, but the police were never identified as the enemy. Call me naïve.

Unfortunately, others were not as privileged as I have been. History and scholars informed me that economics, education, and the family unit impact how an individual processes issues of race. My experiences of race in Denver as a middle class, African-American were very different. My family would travel twenty to thirty minutes to northeast Denver to find what was not available in southeast Denver, beauty shops and barbershops that specialize in styling Black hair, culturally specific food, and my African-American friends; to me, another world.

The other world, the African-American community, and their experiences were very different than my own. During my bi-monthly visits there, I would learn about how brothers, mothers, and cousins were jailed for no apparent reason other than race, and that there was no recourse but to stay silent and invisible. During visits with other family members, who were residents of that world, I would sit quietly and try to understand why someone who was walking home from work would run from the police, only to end up in jail. More importantly, trying to make sense of why a person driving to work would be stopped by the police to be told they were speeding, while they silently swore to God they were not. I remember the anger, humiliation, and tears.

Denver is a city where neighborhoods are segregated by race and ethnicity. Although the number of African-American community members in Denver has remained stagnant, the conversation of race marches on. A majority of the African-American's in Denver still reside in what is described as the "Black" part of Denver, northeast and far northeast Denver. Issues involving race stay within the African-American and the decision to make them public are made by formal and informal "leaders" of the community. During this research, I was not surprised to hear during discussions, and interviews, the identification of racial issues, specifically DWB. From the African-American community, I heard words of frustration that "we" continually have to address the issue of race; a kind of weariness that, at times, gave way to apathy and the notion that if "they" don't get it by now, they never will.

I believe that the African-American community wants to move forward from its historical bindings of race and all that it entails, but at what price? The citizens in this study, like those who shared their stories in the case studies, were quick to inject race into their traffic stops when all other possible reasons didn't make since, even after acknowledging their guilt in violating traffic laws. At times during the conversations, race felt like a "cultural reflex." A reflexive reaction that is taught at a very young age through personal experiences, stories, and myths that when there is no other explanation for negative experiences between Blacks and Whites it must be because of race. If race were no longer an available excuse, would accountability be an end result or does another cultural crutch takes its place? Has race become a convenient excuse that wields so much power and can evoke deep emotional responses that it blinds everyone to what is actually taking place? The African-American community, although they are unaware of their

participation, are helping to shape such questions and I'm sure the subsequent answers as well.

DWB in the African-American community functions as a form of social control. Members of the community speak openly about how DWB operates. To the community, DWB guarantees that we never leave our own neighborhoods, thus reducing the possibility that we may infect "good" neighborhoods with what "ails" us, criminality. It is often very depressing to think that society condones such actions, but we understand cultural separation, even in the form of DWB.

To the community, the race component of DWB is a very powerful tool. When I reflect on how race is put to use in our everyday world, race can make things happen. For example, mention to Whites that race may have played a factor in a decision, any decision, and watch the reaction. It strikes fear, defensiveness, and produces results, often in favor of the person making the accusation. Race in the African-American community is a "wild card" and we are all taught when to play it and when to hold it. It is those who wield it without a meaningful purpose that create problems for the group as a whole. The card should never be wasted, especially when the holder's actions are culpable.

The frustration felt by the African-American community regarding DWB is not without merit. I often have asked myself how many times does a behavior have to repeat itself before it is recognized as a problem? This is a question the community is tired of asking. The stories we have all listened to attentively and without question seem to be validated time and time again by the police. Much like a bad marriage, this relationship has shared very few good times and too many of the bad. A slight reprieve of this rollercoaster relationship of social order occurred immediately after September 11th.

DWB serves as a reminder of social order for the African-American community. For example, we did not forget the strong conversations and call to action that was underway regarding racial profiling and its brother, DWB. Then, 9/11 struck at the heart of what it meant to be a community of Americans without regard to color. The profiling of citizens became acceptable in the name of national security. The conversations around many dinner tables of African-American families in Denver, as we collectively held our breath for the first photos of the pilots were, "please don't let them be Black," as if somehow we had managed to pass our implied historical criminality onto another country and it had now come home to roost. During this time, African-Americans in Denver had a decision to make. How do we explain the unacceptable practice that was occurring in the name of national security yet we decried its practice in the name of neighborhood security. We made our decision. We remained quiet, and were silently relieved that it was someone else's turn to become the focus of law enforcement, a momentary reprieve. It was the momentary reprieves that almost let us believe that we belonged to a colorblind society, but all it took was another police related event, where race came into question, and we are once again reminded that, we were different.

DWB in the Denver exists. It is important for the community to remain vocal and to engage government agencies, namely the police, to bring injustices to light. However, there is a cost in doing so, the wild cards must be put in a drawer and only used after all issues have been addressed by both sides, and when we can clearly identify race as the culprit. I had hoped that over time, the promises made during the civil rights era would come to pass, but learned at an early age that changing cultural beliefs is a very difficult

process. The African-American community in Denver must continue to believe that this change will come.

For me, to become a police officer was not a difficult choice. Imagine my surprise, to the mixed reactions I received when I announced to my mother and step-father that I had been accepted to the Denver Police Academy. My step-father, who was retired from the military, was proud and amused that I would take a chance at a career in a paramilitary organization. My mother, on the other hand, was not so thrilled with my new career decision. Gender and safety issues aside, my mother surprised me with an opinion that I was shocked to hear, "You know they don't want Blacks on the police force." My mother doesn't use the term African-American. To her, we have always been and will continue to be Black. I didn't know if my mothers' reaction was coming from previous experiences, or if it was a tactic to get me to change my mind and turn down my new job offer. My mother, who was a teenager in the 1950's, and a by-product of segregation and the civil rights movement, was concerned about the role the police has played in the Black community; specifically the suppression of civil rights. I assured my mom that it was not possible for these outdated beliefs to still exist on police departments; maybe in the South, but not in Denver. Call me naïve.

October 1, 1989, would be the first day of my socialization process in becoming a police officer. I was excited, and as I looked around the classroom, I was amazed by the number of Blacks in my class; eight out of a class of thirty-five. My mother was wrong. What I didn't know at the time, was that the eight Blacks in my class was directly related to a lawsuit that was settled by creating what was later explained to me as the "Hoag Decree." The Hoag Decree, named after the lead litigant, T. Hoag, charged that

the Denver Police Department (DPD) engaged in discriminatory hiring practices. To settle the case, the Denver Police Department was required to hire officers proportionate to that of the working population of Denver. For example, if the working population of Blacks in Denver was ten percent, then ten percent of the Academy class would be comprised of Blacks. So for me, gender counted as well as my race; a double bonus!

After graduating from the Academy and successfully completing the Training Officer Program, my first encounter with the impact of race in policing occurred during a fight between two drunken men in an apartment. While I, another Black officer, and two White officers were making our way down the dark, narrow hallway leading to the apartment, we could hear the screaming, cursing, and crashing noises associated with a fight. We announced our arrival in front of the apartment door, but there was no answer and the fighting continued. We forced our way into the apartment and found two men, bloodied from the battle. Even with the presence of four police officers, the fighting continued. Our training kicked-in. In pairs, we each went after one of the combatants to pull them apart. My partner and I were successful in getting our person under control, but the other two officers were not so lucky. The other man continued to fight, and he somehow managed to grab the other Black officer by his throat and threatened to "Kill the nigger cop." My partner turned quickly and ran toward the other group, with me immediately behind him. My partner grabbed the man by his throat and punched him in the face several times, until he released the police officer. Once things settled down, and both men were in custody, I noticed my partner was still very agitated. He turned to the other Black officer and yelled at him, "Don't ever let them call you a nigger. You are one

of us. The only niggers here are the ones we put in jail!" As a twenty-six year old police officer, this was my first lesson between "us" and "them."

DWB and its existence in the Denver Police culture, arrived in the same fashion as many other urban police departments, through our "war on drugs." Conducting narcotic stings as a young trainee, I was amazed at the number of Blacks selling crack in Northeast Denver. In the early nineties, the analogy we would often use was, "it was like shooting fish in a barrel." Working in a surveillance car, we would watch young, Black males stand on a street corner, wait a few minutes, and a car would drive by. The car would drive around the block several times and finally stop in front of the young, Black male, asking if he wanted to buy a "forty." The young, Black male, who was an undercover narcotics officer, arranged to meet the seller in a predetermined alley that would result in a drive to a nearby drug house where drugs were stored. The key here, is do not let the undercover officer out of your sight, follow the car, and listen to the conversation being recorded. Once the officer gave the "buy-bust signal," we quickly moved in, blocking the suspect's car and taking all parties involved into custody, including the officer to keep up appearances. One-by-one, for the entire evening until the early morning, buys after buy, Black after Black.

Many officers have experienced what I have just described, either as detectives or cover officers responding after the drug sell was completed. Because of these experiences, it is understandable how easy it is for police officers to make the correlation between race and crime when their negative contacts continually repeat a specific pattern. One thing an officer learns very quickly, if patterns repeat themselves and they are criminal in nature, all is fair game. From this pattern we drew a parallel. If Blacks are

frequently selling crack and using cars to make the sale, stopping Black drivers is like fishing, but at some point you will catch the wrong one. Herein is the problem with DWB within the police culture. We know there is a criminal association to selling drugs and if the person happens to be Black, so be it. Not profiling, just fact. However, this interpretation is very difficult for the community to accept, especially when innocent citizens are thrown into the mix of criminality.

As a supervisor and manager, explaining this concept to police officers, who have received complaints of DWB, can be a very tricky, tightrope to walk. On one hand, we want the officers to be proactive and produce the statistics that validate they are "good officers," and that there are positive outcomes to their actions in the form of arrests. On the other hand, they must learn that there is a legal and correct way to go about doing their jobs. We often put so much pressure on the officers to produce, because it proves to tax paying citizens and politicians that their crime fighting dollars are hard at work, and a little collateral damage, in the form of community relationships, is worth the price. As an insider, officers who engage in DWB use it as a means to justify the end, and the majority of us believe it is a lazy way for them to do their jobs, even if the practice may eventually lead to an arrest.

As an organization, we have rarely punished officers for this type of behavior. It is not as if we don't believe DWB exists, but typically it is because the behavior is very difficult to prove and it is usually the officer's word versus that of the citizen. Thus, the benefit of the doubt often goes to the officer. In my 18 years as a police officer, I have never heard of anyone receiving discipline for this type of behavior.

The use of race cannot be avoided in police work. In our daily work, we provide descriptions of victims and suspects, and, in most cases, race can make the difference between making a false arrest and misidentifying a victim. The fact that a historical foundation of race being used as determining factor to examine illegal behavior has a direct impact on the police and community's ability to communicate. As Denver Police officers, we rely heavily on citizen cooperation and are often surprised when citizens, especially Black citizens, refuse to provide information that may help solve a case. We are all very aware of the impact we have on those who cross our path, and we know DWB leaves a lasting mark. However, we struggle to recruit, select, and train people who were socialized in a society where race still matters, while crossing our fingers that they do not exhibit racially-biased behavior. Call me naïve. Knowing this fact is incumbent upon us to remain vigilant and to provide training to help reduce the behaviors and actions that allow DWB to remain a silent, but acceptable practice, and focus on strengthening our community relationships. The following sections are my recommendations for police and citizens to address the impact of DWB.

Recommendations for Police and Citizens for Addressing the Impact of DWB

Dialogue between the police and the African-American community is often restricted, due to tensions created by negative communication barriers such as anxiety, stereotypes, prejudice, ethnocentrism, and non-verbal communication (Jandt, 1998; Jones & Quach, 2001; Samovar & Porter, 1997).

The notion that talk expresses how a person sees the world, exemplifies the difference that occurs between police and citizens, when an officer decides to makes a

DWB stop. The police/citizen encounter represents a special intercultural communicative interaction. Most of these encounters occur without conflict however, not every citizen willingly accepts an officer's definition of a situation. The following are recommendations for the police and citizens of Denver to help minimize the impact of DWB and strengthen police/community relations.

Diversity Training

The officers who participated in this study unanimously agreed that overall diversity training cannot be relied upon to be the only prevention against DWB. Officers are, at best, "hostages" in this type of training. However, training does bring awareness of cultural issues. Citizens robustly believe that diversity training/cultural awareness is essential knowledge, and is paramount to a better relationship between the police and the African-American community. They recommend that the training occur on a regular basis.

Recommended Tools

"Perspectives on Profiling"
Created by the Anti-Defamation League's "Tools for Tolerance" Program

Perspectives on Profiling is an "interactive, virtual learning experience that compels users to make critical choices in testing situations." The training is a text/video-based model that informs instructors how to implement the program and, subsequently, act as program facilitator. The four video perspectives in the video, are the experiences of Krystal, Tyson, and Batista, all encountering the issues of bias-policing. The facilitator's notes are framed to guide officers in their decision-making, when involved in an intercultural contact (Tools for Tolerance, 2007).

Discipline

The officers and citizens both expressed that the area of discipline is the strongest regulator of the practices and ensuring mindfulness to the issue of DWB. Officers reveal that they, as well as immediate supervisors, are aware of those who engage in the practice of DWB. Yet, they are all hesitant to take their complaints to the appropriate people. They articulate the reality of a significant disconnect between street-level officers and management, one that is influenced by politics and fear of being identified as a "racist" department.

Community members convey the need for several outlets for citizens to report incidents of DWB. They express concerns of a defensive wall by supervisors and formal reporting outlets, when the issue of race is invoked. They believe discipline should be swift and fair, but officers who repeat DWB patterns and practices should be dismissed.

Recommended Tools: Early Warning Systems that identify patterns of misconduct of officers and a community complaint process (Independent Monitors, hotlines).

Communication Skills/Training

Police officers are routinely confronted by communicators, who are focused on their own problems and bring along with them a myriad of cultural experiences, which may impact how to communicate with police officers. Police officials have begun to recognize that communication between police officers and the African-American community are based on this type of interaction and are often problematic for both parties. The emphasis on communication skills for police officers has become more prevalent over the past decade, and police organizations should go beyond their normal training routine to confront this intercultural communication issue.

Recommended Tools

A need for job-specific communications based training models Kidd, V., & Braziel, R. (1999) Cop talk: Essential Communication Skills for Community Policing. San Francisco: Acada.

For Citizens

Citizens Academies to better understand the training and the decision making processes of officers when engaged in day-to-day police work, including critical incidents.

The community consistently spoke of the need for officers to understand the impact of DWB within the African-American community, as well as the ability to adjust their communicative approach when involved in a DWB situation. The DPD officers expressed similar concerns regarding the African-American community, which appears to be a starting point for a new communicative understanding of DWB.

Implications for Communication Scholars

This research only touches the surface of the communicative dynamic of DWB. The richness of this study was found in the narratives produced from the interviews of DPD officers and the African-American citizens. Of the conversations that are taking place during a DWB stop. Both participants bring negative attributes to the communicative contact that is often flowing in a cyclical pattern. The conversations are burdened with baggage from both sides comprised of issues of race (personal/organizational and historical). There are poor communication skills resulting in communication gaps which default to race as indicator for initial contact. Perceptions of the “other”, interpersonal conflict, sociopolitical rules and norms are also at play leaving

very little room for humor as a defusing tactic and absolutely no apologizes resulting in a "communication stew."

For communication scholars, police and communications is an under explored scholarship that requires attention. Police officers have an enormous impact on society and appear to be repeating relationship mistakes. As an insider, the researcher understood the difficulty of having access to a historically closed culture, but there are many police organizations that would welcome a scholar's approach to solving the citizen/police communication conflict. Additional focus should be given to those communicative spaces, such as the officer's inability to articulate a reason for a traffic stop, acting as a communicative signal to invoke race by the African-American community. It is those spaces where possible solutions rest to help unpack the longstanding communicative conflict between the African-American community and the police. This study was conducted for pragmatic use and provides a basis for future police/community communication research. This study is a small step in understanding the DWB communicative dynamic occurring through the car window.

The weakness of this study is the unknown impact of the researcher's insider status as a DPD officer of rank on the stories that were shared by the officers and citizens. There is concern of whether the interviews and stories that were being recorded were the truth, as the participants knew it, and that they were not based on what the participants believed the researcher wanted to hear, due to the researcher's position as a police commander and researcher. Second, this study employed only one interpretive tool that speaks to the weight and validity this study may have on future research.

Implications for Policing and Police Training

The police/citizen encounter represents a special intercultural communicative interaction. Most of these encounters occurred without conflict; however, not every citizen willingly accepts an officer's definition of a situation. Stops by police officers can have lasting, adverse effects on citizens, especially when the stop appears to be motivated by race. Police organizations should evaluate their relationship with the African-American community and pursue a dialogue regarding DWB. Police organizations should also examine rules, policies, and procedures that may impact the officers' ability to make reasonable decisions when determining whether or not to make traffic stops where race is used as probable cause. The officers, in this study, recommended areas, such as recruitment, communications and diversity training, and discipline as areas that would impact attitudes found in police cultures regarding DWB, which should also be evaluated for effectiveness.

Implications for Societal Conversations about Race

Examining the communicative conflict of DWB has identified areas that both the African-American community and society at large should examine. First, the Denver Police Department and other police organizations should begin to closely examine their historical role in the enforcement of Jim Crow practices and its remnants that may be found in institutional practices. This history plays an important role in the department's ability to examine ways to eliminate the practice of DWB and understand the reality and perception of racism captured in community interviews. It is time to move for practical, inclusive answers in order to foster, and maintain trust with the African-American community.

Second, why does the African-American community return to using race as an excuse? As the participating officers in the study discussed, why does there appear to be an avoidance to accepting responsibility for one's actions? It is time now for the African-American community to examine its own culpability in perpetuating the "race card." Remnants of historical wrongs do remain and some are institutional, but when do we move on and begin to take control of our future as a community? At what point to we accept that we are just as responsible as the society at large?

Third, has society, as a whole, chosen to move away from discussing race, due to the emotional and sometimes violent reactions race discussions invoke? The need for a local and national dialogue on race is long overdue. As it is important for police departments to understand their role in the racial relationship with the African American community, further discussion is needed focusing on existing power structures such as the courts and prisons that perpetuate racial disparities within the justice system.

Finally, it is very important to examine and discuss the "triggers" in the Black community that continue to feed resentment, allowing excuses for illegal behavior. It is time for all sides to examine their culpability in the practice of DWB, and to find the tools to move the conversation of race forward and out of its cyclical patterns.

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APPENDIX A

CITY AND COUNTY OF DENVER

DENVER POLICE DEPARTMENT
ADMINISTRATION BUILDING
1331 CHEROKEE STREET
DENVER, COLORADO 80204-2787
PHONE: (720) 913-2000

JOHN W. HICKENLOOPER
Mayor

February 12, 2008

Fellow Officers:

You are invited to participate in a research project exploring the legitimacy of the concept "Driving While Black" and its impact on community/police relations. As we know the discussion of racial profiling in minority and police communities is controversial, yet the communicative dynamics have yet to be examined.

During the next few weeks you will be contacted by Tracie Keesee with the University of Denver to participate in this study. Your participation in the study is voluntary and confidentiality is assured. If you would like to participate please notify Tracie Keesee to schedule a time for an interview.

Following the conclusion of the study you will get the benefit of learning about the communicative dynamics between the police and the community regarding the concept "Driving While Black." Again, your involvement is completely voluntary and you are not under any obligation to participate.

Thank you very much for your time and participation.

Chief Gerry Whitman
Denver Police Department

APPENDIX B

January 21, 2007

Dear Community Member:

You are invited to participate in a research project exploring the legitimacy of the concept "Driving While Black" and its impact on community/police relations. As we know the discussion of racial profiling in minority and police communities is controversial, yet the communicative dynamics have yet to be examined.

During the next few weeks you will be contacted by researcher, Tracie Keesee with the University of Denver to participate in this study. Your participation in the study is voluntary and confidentiality is assured. If you would like to participate please notify Tracie Keesee to schedule a time for an interview, she can be reached at 303-646-6589

Following the conclusion of the study you will get the benefit of learning about the communicative dynamics between the police and the community regarding the concept "Driving While Black." Again, your involvement is completely voluntary and you are not under any obligation to participate.

Thank you very much for your time and participation.

APPENDIX C

Informed Consent
"Driving While Black"and its legitimacy to community/ police relations.

You are invited to participate in a study of the concept "Driving While Black" and its legitimacy to community/police relations. The study is being conducted by Tracie Keesee a student of the University of Denver and an employee of the Denver Police Department. The results of the study will be used to learn more about the concept of "Driving While Black" and its impact on community/police relationships. The project is being supervised by Dr. Roy Wood, University of Denver, Co 80208, (303) 303-871-4325 at rvwood@du.edu.

The purpose of this study is to examine the racial profiling phenomenon Driving While Black (DWB). There are two sides to racial profiling; police officers view it as a tool to effective policing and citizens view it as Driving While Black, a practice that erodes trust between the police and the community they have sworn to serve. This study will examine the communicative aspects of two people looking through a window, a police officer and a citizen hoping to gain a better understanding of the two constructed worlds of DWB.

The study will take about 90 minutes to complete. Participation will involve reading four (4) case studies referring to "Driving While Black" and then responding to seven (7) follow-up questions. Your involvement is completely voluntary. You may chose not to answer any question during the interview and are free to withdraw from the study at any time. Refusal to answer a question or withdrawal from participation involves no penalty.

The researcher will treat all information gathered for this study as confidential. This means that only the researcher will have access to the information you provide. An identification number will be used on all paperwork. Only the researcher will have the list that matches this number with your name, and this list will be kept in a secure setting. In addition, when the researcher reports information, it will be reported for the entire group of subjects, never for any one individual.

Although this research does not address the following, I am required to inform you that there are two exceptions to the promise of confidentiality. Any information you reveal concerning suicide, homicide, or child abuse and neglect is required by law to be reported to the proper authorities. In addition, should any information contained in this study be subject of a court order, the University of Denver might not be able to avoid compliance with the order or subpoena.

The benefits involved in this study include learning about the perceptions of "Driving While Black" from the community and police through shared stories and the possibility of developing new communicative approaches regarding the subject. You may also enjoy the ability to provide information about your own experiences. If you would like a copy of the results of the study, the researcher will be happy to provide one for you. You will however, receive no compensation for your participation in the project. Potential risks of being involved include the possibility that discussing "Driving While Black" may be upsetting. If this occurs, the researcher

will arrange for supportive care from staff at the Health Center located at the University of Denver.

If you have any concerns or complaints about how you were treated during the research sessions, please contact If you have any concerns or complaints about how you were treated during the interview, please contact Dennis Wittmer, Chair, Institutional Review Board for the Protection of Human Subjects, at 303-871-2431, or Sylk Sotto-Santiago, Office of Sponsored Programs at 303-871-4052 or write to either at the University of Denver, Office of Sponsored Programs, 2199 S. University Blvd., Denver, CO 80208-2121.

You may keep this page for you records

Please sign below if you understand and agree to participate.

I have read and understood the foregoing descriptions of the study called "Driving While Black" and its legitimacy to community/police relationships. I have asked for and received a satisfactory explanation of any language that I did not fully understand. I agree to participate in this study, and I understand that I may withdraw my consent at any time without penalty. I have received a copy of the consent form.

Signature _____ Date _____

___ I agree to be audio taped.

___ I do not agree to be audio taped.

___ I agree to be videotaped.

___ I do not agree to videotaped.

Signature _____ Date _____

APPENDIX D

CASE STUDIES

Case Study One

To Whom It May Concern:

I'm writing you this correspondence to make in writing a complaint, regarding an incident that recently occurred on February 7, 2007.

On the above aforementioned date, I was traveling westbound on Mountainview (200 North) and as I was crossing the intersection of Mountainview and Quebec (7300 East), I noticed that a patrol car was parked on the north side of the street facing westbound. As I drove by, the police officer maneuvered his patrol car behind my vehicle and began to follow me. As I approached the intersection of Mountainview and Monaco (6500 E. Parkway), I had to stop at a red light. The police officer again maneuvered his patrol car into the left lane and pulled up even with the driver's side of my vehicle. After the stoplight turned green, I proceeded to cross over the intersection. The police officer once again maneuvered his patrol car behind my vehicle before initiating a traffic stop with his takedown lights. Once I was safely stopped, the police officer then approached my vehicle. He asked me for my driver's license, proof of insurance, and registration. After complying with his order, the police officer then returned to his patrol car.

Approximately ten minutes later, the police officer returned to my vehicle, handed me back my information, and stated that the reason he had stopped me was because I had a cracked windshield. I wanted to know more regarding his reason for stopping me, so I quizzed him about his real intention for pulling me over. The officer's response was, "I am just doing my job." I attempted to continue our dialog for a few more moments, then the police officer responded by stating that he had to go because he was with his supervisor and indicated he was in training. I asked him if I could leave, and he said to wait until he turned off the takedown lights.

I feel that before and during this traffic stop, I was the target of racial profiling because of the training instruction this rookie police officer's supervisor had given him to stop my vehicle. The pretext of the stop was that my windshield was cracked. However, the reality was that the traffic stop was conducted as part of the rookie police officer's Academy training program. I believe that from the moment they saw me, they made a split decision to maneuver behind my vehicle, and that they didn't have any real law enforcement intent. They did, however,

have a real Academy training intern. I was neither cited nor given a verbal warning regarding the damaged windshield, or cited for any other traffic infractions. Instead, I was stopped and detained while the police officer conducted an identification check. It seemed that their strategic maneuvering became a police Academy training infraction exercise. I would like to know what qualified me as an unwitted participant for the Academy's training program, other than the excuse that I had a cracked windshield, or unless their police activity was in accordance to police Academy administrative training policy and procedures.

In conclusion of my written complaint, I am requesting that you investigate this incident to determine whether or not the officer had possibly infringed upon my constitutional and civil rights to be protected from unlawful government intrusion on those civil liberties that are guaranteed and protected by the Constitution of the United States.

Case Study Two

I am a resident of the City of Denver and have lived in the area all of my life. I am sending this e-mail because I am very disturbed about an incident that happened last night concerning my daughter and granddaughter.

On January 24, 2007, between 11:00 p.m. and 11:30 p.m., my daughter, her boyfriend, their 2-year-old daughter, and a friend were driving in the area of 44th and Federal, when they were pulled over. The officers who pulled them over were immediately very aggressive and immediately ordered the 2 young males in the car to get out with their hands in the air. When my daughter tried to ascertain what was going on, the officers shouted at her asking whose car they were in. She told the officers that it was her car and that she would show them her registration. At that point, one of the officers leveled her gun on my daughter and told her that she was to "shut-up!" and "keep her hands in the open."

The two males were handcuffed and put into patrol cars. They were detained while backup arrived. During this whole process, the officers refused repeated requests to advise my daughter and her friends the reason they had been pulled over and the reason for their detainment. During this time, my daughter still had a weapon held on her and was not allowed to check on the terrified 2-year-old in the car.

After some time and still without explanation, the three were released and had still not been given any explanation. My daughter called the district to try and obtain some information. She spoke to a Lieutenant who behaved very rudely and felt that my daughter should let the entire incident go. He told her that the whole thing had been a mistake and, therefore, there would be no report on the incident. When she said that this was an unacceptable response to her complaint, he reluctantly, after some time discussing the matter, explained the situation to her.

His explanation was that the officers who pulled them over, a rookie and training officer, ran their plates simply because they were in an area where there is a high level of auto theft. The officer apparently entered the license plate number incorrectly and, supposedly, the plate came back as a stolen vehicle. Rather than stopping the car, checking identifications and the registration, which would seem reasonable, the officers apparently felt that their safety was in jeopardy because one of the males was African-American. Thus, they took the aggressive position of immediately drawing their guns with a small child in the car and refused my daughter's attempts to show her identification and the fact that the car was, indeed, registered to her. The Lieutenant felt that my daughter should be more understanding of the rookie officer's innocent mistake and let the whole incident go.

When my daughter complained that the officers should have checked to verify that the car was, in fact, stolen before drawing their weapons with a child in the car, the Lieutenant advised her that while it was unfortunate the child had to witness this, she was probably too young to remember any of it.

When my daughter complained that the incident need not have played out in such an aggressive manner, had they been advised of the reason they had been pulled over and allowed to show their identifications and registration, the Lieutenant advised her that the police are not obligated to provide her with the reason she was pulled over.

My daughter may be young, but I have made sure that she knows the law and her rights as a citizen. My daughter advised the Lieutenant that she was very aware that she does have the right to know why she was pulled over at the time of the stop, and that she does have the right to provide information to the police. Further, due to the fact that the Lieutenant did not seem to be taking the matter seriously, she wished to make a formal complaint.

The Lieutenant told her that since no report was taken on the incident, there really was no reason to make a formal complaint. My daughter told him that she wished to make one anyway and would seek the advice of legal counsel to make this complaint, if he refused to take it. When she mentioned talking with a lawyer, the Lieutenant asked her what she hoped to gain by starting this kind of trouble; "fifteen minutes of fame?"

The actions of these officers, including the backup officers, who apparently felt no need to diffuse this situation, and the Lieutenant, who felt the cop code was more important than hearing the concerns of a citizen he is employed to protect, is absolutely unacceptable!

My daughter will be speaking with a lawyer today, and we wish to receive proof that a formal complaint has been made. We also wish to receive a formal apology from the Lieutenant.

We have all seen stories on the news in which people describe overzealous and aggressive action of police departments, and you want to believe that the police are the good guys and, perhaps, the story is a rare occurrence involving a bad apple. I am ashamed to say that this is not the first incident in which I have experienced an unacceptable police response. I am ashamed to live in a city whose police force continually shows such disregard for its citizens.

Signed on behalf of myself.

Case Study Three

April 6, 2007

Good Morning,

As a resident since 1954, I am generally very pleased with the overall goods and services provided to me for the taxes I pay. I live in the northwest neighborhood of Council District One.

It is understandable that occasionally misunderstandings occur, as city departments carry out their assigned duties. My complaint with the city police department includes unnecessary harassment and police vehicles that follow my vehicle too closely, causing potential damage. I can't prove it, but I suspect that this is racially motivated. Since April of 2006, I have been stopped four times and was given one ticket for running a stop sign at 34th and Williams Streets. For your information, I go out in the evening to make security checks on a couple of my relatives, who live in the city, and for a bakery where I am employed, because they had a lock broken on the gate in the past year.

Finally, I would like to appeal to your sense of justice and customer service. It seems to me that I am stopped unnecessarily for reasons such as having a wobbly tire, driving 4mph, and frequenting a Conoco gas station too often (to visit a friend). (I have the names of the officers involved in these stops.) Can you tell me why police cars follow my vehicle so closely and why they make false accusations?

Thank you for investigating this matter. I look forward to receiving a response from you within 30 days.

Sincerely,

Case Study Four

June 16, 2007

I met with some friends who work for the City to plan some things. As I left, I drove down 32nd and MLK. As I went through the green light at York, the police came from out of nowhere. I pulled over to the side of the road and let my window down.

The officer walked up and said there had been shots fired in the area and asked, "Where are you going?" I replied, " Home." He then told me to get out (of the car) and stated, "Take the candy out of your mouth, or you are going to jail now!" I got out, took the candy out of my mouth, and dropped it. It hit the ground and bounced on the officer's pants leg. I asked why he stopped, me to which he replied, "You spit on me." He then threw me up against the truck and the other police jumped on.