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Predicting Police Discretion: A Traffic Stop Analysis

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Abstract

The purpose of this research is to test Black's (1976) theory of pure sociology with data from (n = 45) traffic stops collected during 70 hours of "ride alongs" with eight different police departments in the state of Rhode Island. The theory posits that the social structure of each traffic stop is predictable based on observable characteristics of the parties involved. Distance in social space increases the likelihood of a police officer issuing a citation to a driver; while social characteristics similar to that of the police offer are predicted to reduce the likelihood of a driver receiving a citation. I measure social space with age, gender, race/ethnicity, and social class, as determined by the make and condition of the automobile. I find that given the small sample size, only age is weakly correlated to support Black's theory (r = - .24, p < .10). Using the caveat of an expanded confidence interval of 90%, the most significant finding is that the disposition of the driver, regardless of the violation or other social characteristics, determines the outcome of a citation issued by the officer (b = - .253, p = .07).

Introduction

This paper examines the variables that affect police officers' discretion. It analyzes variables believed to affect a traffic stop outcome such as age, gender, race/ethnicity and social

class of the driver. I use Donald Black's (1976) theory of pure sociology to examine the social structures of traffic stop cases. How the law works for an individual is posited to be a function between the distance of the social space between the officer and the stopped driver (Black, 1976). Police discretion, therefore, is thought to be predictable under this theoretical framework. A driver's approximate age, race/ethnicity, and social class are relatively observable phenomena in a traffic stop and thus can be compared with similar social characteristics of the officer initiating the stop. This research seeks to understand why one person receives a citation and another does not for the same offense.

Literature Review

Currently the literature on the topic of how variables that make up a social case affect the outcome of traffic stops is somewhat limited. Although police discretion is a common topic in police journals, the application of Black's (1976) theory of pure sociology with this type of data has never been done.

Black's (1976) theory of pure sociology examines the "sociology of the case" which is tied to legal realism. Legal realism is the notion that judicial decisions often have less to do with legal precedent than with "what the judge had for breakfast" (Black, 1989:5). Every case has social characteristics, and these elements influence its outcome, and thus constitute what Black refers to as "the social structure of the case." In this regard, the theory argues that the rule of law can be subverted in place of rather subjective criteria, or the approximate social space between a police officer and a driver. Every case has at least two adversaries (a complainant or victim and defendant), and it may also include supporters of one or both sides, such as a person of influence or a witness, and may even include a judge or a police officer. Black's (1976) theory assesses the

social standing of each of these individuals and hypothesizes that the disposition of a case can be predicted based on how much social distance separates each of the parties or players has between them and whether or not there are supporters for either side. Each adversary might be of higher or lower status than the other; one might be wealthy while the other poor; one might be an organization and one an individual; and one might be more or less integrated into the community; have more or less education; or know more influential people. The status of each individual in the case contributes to the overall social structure of the case and can be used to predict how, in this instance, a traffic stop, is handled. If Black's (1976) theory that focuses on social space between the adversaries is not supported, then the rule of law, i.e., the offense or violation for the stop, should more accurately predict the outcome. Traffic stops were chosen to examine the relationship between police officers and drivers because they are ubiquitous and observable.

In support of pure sociology, M.P. Baumgartner (1999) discusses circumstances which involve people of very different social make up in her work, *The Moral Order of a Suburb.* She discusses how socio-demographic similarities in tight-knit communities produce "moral minimalism," that can skirt the rule of law. Relative indifference arises from the fluidity in social relations in which the moral order is thought to be less violent and more conforming and open to interpretation (Baumgartner, 1999). In this regard, Baumgartner's research can explain how warnings rather than citations issued by the police in traffic stops reflect a shared similar social space between driver and officer. Daily efforts are taken to minimize conflict, such as a police officer not giving a ticket to someone he knows or a police officer letting someone go who "name dropped." The point is that police who live in the town where they work may try to avoid conflict such as giving their neighbor a ticket. As I will demonstrate in my study, the cases that

involved individuals who lived in the same towns as the police officers all were resolved favorably for the driver, which supports aspects of Black's (1976) pure sociology paradigm.

From this perspective, law varies and is a quantitative variable that can be objectively measured. As Black (1989) writes, "it is applicable to every kind of legal behavior, including the likelihood of a telephone call to the police, a visit to a lawyer, an arrest, a prosecution, a lawsuit, or a successful appeal" (1989:8). Key propositions under Black's model are: 1) The closer the relationships are in social space, the less likely law will enter into the equation; therefore, the use of law varies with social status (see Blankenburg and Rottleuthner, 1979). 2) When parties consist of a social inferior and social superior, the relationships are farther apart in social space, increasing the likelihood that law will be used to settle the disposition of a case. For example, when a black individual is convicted of killing a white individual in the United States, the risk of capital punishment significantly exceeds any other kind of racial combination (Black, 1989:10). On the other hand, when a white is convicted of killing a black, the risk of capital punishment is approximately zero (Black, 1989:10).

In one older study, Black (1973), examines data derived from a three-city observation study of uniformed patrolmen. The study illustrates police control of juveniles. Most police-juvenile contacts are initiated by citizens, and the probability of arrest is very low given the minor legal matters they involve. However, arrest increases with the legal seriousness of the alleged offenses. Black teenagers have a comparatively higher arrest rate than teenagers of other races and are more likely to be stopped and detained by the police, (Black, 1973.) Another implication of this early research indicates that police may be harder on juveniles than any other age group, particularly when race is taken into account. [1] This early study became the basis of

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[1] Donald Black. Police Control of Juveniles. (1973)

Black's theory of "pure sociology." The social space between the officer and the juveniles is observable by age and race, which turn affect the outcome of police involvement and level of scrutiny in these neighborhoods. In support of this early research, I also find in my study that age is weakly associated with being a variable of interest in my analysis.

Another relevant source by Douglas Smith and Christy Visher (1977), entitled, "Street Level Justice: Situational Determinants of Police Arrest Procedures," examined variations in police arrest practices. Smith and Visher (1977) showed that both legal and extra-legal factors impact an officer's decision. They found that the decision to take a suspect into custody is influenced by the race and demeanor of the suspect, and the presence of bystanders, or what pure sociology theorists would call "third parties." Extra legal factors with my sample also illustrate the effect of officer-driver demeanor.

From the *Journal of Police Science & Management,* Higgins, Gabbidon, and Vito (2001) examine race relations in regards to racial profiling. The study entitled, *Exploring the influence of race relations and public safety concerns on public support for racial profiling during traffic stops,* assesses whether or not the public supports racial profiling and if it is in fact reducing the crime rate. For example, it looks at the racial profiling of Muslims after 9/11 and whether or not people still support it due to safety concerns. This journal article is interesting because it tests whether or not people support racial profiling, which is an illegal practice. This article outlines the disparities in opinions of profiling with regards to the general population, and it summarizes the opinions of individuals who feel that they have been racially profiled. The research cited is from the Gallup Organization in 2001 in *The Social Audit on Black/White Relations in the United States,* and it stated that "80% of African Americans and 60% of Whites felt racial profiling was wide spread, further 40% of African Americans and only 5% of whites felt they had been racially

profiled" (2009). In sum, both white and black Americans perceive racial profiling as a current problem in the United States and believe that it is pervasive throughout society. I also examine the impact of race on traffic stops, but the race effect was inclusive, possibly due to the small sample size. Such examples of profiling are noted when a police officer does not articulate the reason for which a traffic stop was initiated, especially if the driver is a minority; yet there were too few cases for any conclusive results with my small sample.

Another article that is relevant to this research is entitled, "Theories and Racial Profiling: Shortcomings and Future Directions in Research," written byRobin Engel, Jennifer Calnon, and Thomas Bernard (2002). Their research illustrates the "volatile political environment" on racial profiling, which have led local and state police agencies across the United States to collect information on traffic stops. Engel, Calnon, and Bernard (2004) argue that the controversy over this issue is in large measure due to the unsupported assumption that all race-based decision making by police officers is motivated by individual police officers' racial prejudice. This article reviews recently published studies on racial profiling and critiques both their methods and conclusions. Using their conceptual framework for police research, Engel, Calnon, and Bernard (2004) argue that to explain police behavior better, particularly during traffic stops, different theoretical models must be used in future data collection efforts. This research is related to my current research because the social structure of a case might predict racial profiling as opposed to police profiling. Their research showed that racial profiling is an important issue to pursue, not only in the way police use discretion, but its importance in understanding institutionalized racism embedded in law enforcement. The expected outcome for my study is that Black's theory will be most relevant if the traffic stops go "poorly" for people of color or for those ethnicities and races that are different from the officer's.

Pure sociology can be used to explore why police discretion works the way that it does, and it can importantly contribute to the understanding of racial profiling that exists in the literature (Warren, Tomaskovic-Devey, et al 2006; Adams, 2000; Allen-Bell, 1997; Alpert, MacDonald and Dunham, 2005; Engel and Calnon, 2004). Black's (1976) theory of pure sociology implies that profiling does not result from individual police officer prejudice or personality flaws, but instead, these outcomes are a product of independent variables that occur in a particular social space and context that has minimal variation, and race is only one factor among many that can contribute to social space distance.

The research on racial profiling in police work is extensive and with varying results (Warren, Tomaskovick-Devey et al 2006; Adams, 2000; Allen-Bell, 1997; Alpert and MacDonald 2005; American Civil Liberties Union, 1999; Anderson, 1990; Engel and Calnon, 2004; Gates, 1995; Kockewiewski, 2002; Smith and Petrocelli, 2001; Weitzer and Tuch, 2002). Minority citizens have long suspected that they receive unequal treatment under the law in a phenomenon known as "Driving While Black" (Browning et al 1994; Norris, 1992; Gates, 1995; ACLU 1999). In fact, empirical research demonstrates that there is differential treatment by race during traffic stops based primarily on a single observable characteristic, the race of the driver (Gaines, 2002; Lundman, Kaufman, 2003; Parker, 2001; Smith and Petrocelli, 2001). Lundman and Kaufman's (2003) research was the first to demonstrate such race differences in traffic stops by using survey data rather than police records. Engel and Calnon (2004) argue that theories used to date have not been able to adequately identify the causal mechanisms that lead to these racial disparities. They suggest more testing with a variety of methodological designs in conjunction with theory to better determine the causal factors of being stopped for "driving while black."

For this reason, I combine first hand observational data with Black's (1976) theory of pure sociology. Black (1989) states in his work, *Sociological Justice*, that "law or governmental social control is a quantitative variable that reflects social structure. It can be seen as a dependent variable and thus in all differentiated societies biased" (Black, 1989). To test that observable social distance significantly affects the outcome of a traffic stop for the research, I identify age, race/ethnicity, gender, type of car that is stopped and compare these observable characteristics with those of the police officer making the stop. I also collect data on the number of occupants in the stopped vehicle, the disposition of the driver, and the educational level of the police officer as additional independent variables that may contribute to better understanding of the social structure of each traffic stop.

METHOD

I use a sample of convenience with an observational method for this research design. Largely focusing on police departments with which I had prior professional contact as an EMT in southern Rhode Island, I secured 70 hours of "ride along" time with 8 different municipal police departments throughout the state. The dataset is from my own observations that began after Institutional Review Board consent (see appendix for approval notification) in the fall of 2009 and ended in February 2010. The hypotheses tested are:

1) The closer the relationships are in social space by gender, age, race/ethnicity or social class, the less likely law will be used to dispose of the case. For example, if an officer stops someone he knows or is similar to him in identifiable social characteristics, then he is more likely to dismiss the violation(s) and the driver will not receive a citation for the offense.

2) When parties consist of a social inferior and social superior, such as an older male officer and a younger driver, the relationships are farther apart in social space and this social distance will increase the likelihood that law will be used to settle the disposition of a case. Black's theory predicts that this driver will likely receive a citation for a violation. Traffic stops are predicted to go "poorly" for people who are socially different from those officers who are conducting the stops. Under these circumstances, Black's theory predicts more citations or arrests because the social distance between the two parties is greater. I use a Pearson correlation matrix, Spearman's rho, and logistic regression to test my hypotheses.

Although approximate age cohort, gender and race/ethnicity were observable characteristics, the social class variable was constructed by identifying the make, model, approximate year of the vehicle stopped. I also collected other secondary data, such as location of the stop; the type of violation/infraction; weather conditions; time of day; driver disposition; and educational level of the officer were added as possible control variables.

Thirteen police "ride alongs," took 70 hours to collect and occurred in the following municipal police departments: Providence, South Kingston, North Kingston, Middletown, Newport, Jamestown, Charlestown and Woonsocket. These towns were chosen out of convenience, based on my own and my advisor's familiarity with the officers. The reason for using a sample of convenience was based on time limitation to collect the data; and more importantly, the presumption that there would be a comfort level achieved for the observation to take place that would produce a minimal "Hawthorne Effect," which I discuss later in this paper. Officers with whom we were familiar were approached and asked if they would be willing to participate in the study. If permission was granted, each officer signed an informed consent agreement and agreed to take the researcher as a passenger in their patrol car for a two to eight

hour period while on their regular duty. During this time, it was understood that the researcher would take some notes and simply observe the officer making traffic stops. Notes were taken as to why they initiated the stop and also the final disposition of the event. The outcome was categorized as either "let go with a verbal warning;" "let go with a written warning;" or the driver was issued a citation. In one case, an arrest was made.

Achieving permission for these ride alongs was a difficult and cumbersome process with multiple levels of communication necessary for permission to be granted and the informed consent document signed. The process involved an initial communication between myself or my thesis advisor and an officer. Second, if consent was granted, then both a written and verbal request needed to be approved up the chain of command until the chief of police from each department approved the request. This step took anywhere between a few days to a few months, depending on the department's size, attitudes, and feelings toward an outsider observing police work first hand. Third, once approval was granted, I signed a liability waiver and arranged for a time to do the ride along between my own work shifts and full time college attendance.

Getting inside these municipal police departments for this research was not easy, even though they are an institution that serves the public. Many of the departments I had initially expected to ride with did not come through. Methodologically, some of the complications which made the process of getting observation time difficult that I wanted observations at different times of day as well as different days of the week. I also asked to be assigned to different officers by race and gender; yet, this routinely did not happen. Some of the difficulties of getting the ride times where associated with police reluctance to let an "outsider" into their organization. Some departments I rode with discourage ride alongs or simply did not do allow them. Other departments required the rider to receive special permission, and this was generally the case if an

officer was known to me personally. On average, I spent six weeks from the initial onset of my contact with the department to when I was actually seated within the police car conducting the observations on the traffic stops.

Initially, the proposal for this research identified an n = 50 traffic stops, based on a total of approximately 20 hours of ride time. However, this timeline grossly under-predicted the amount of time needed for data collection, and in the end, 70 hours of observations yielded 45 traffic stop cases over 13 different observation periods with 10 different municipal police officers.

The variable of "social class" was measured by the make/model and condition of the stopped vehicle. Ample problems arise with this kind of classification, for example, the vehicle may be driven by someone other than its owner. As I was unable to get out of the car and examine other social characteristics of the driver, such as type of dress, this measure was the only observable characteristic to note social class available to me during data collection.

RESULTS

This section describes qualitative and quantitative results from the n = 45 traffic stop cases. Quantitative results demonstrate that only driver attitude was a predictor in whether or not a citation was issued by the officer. This finding does not easily meet the objective criterion of observable social space characteristics in which to predict the outcome of a traffic stop. However, an indirect finding was the difference in age between the officer and the driver; a larger age difference was related to how the officer perceived the driver's attitude. In this regard, there was partial support for my second hypothesis: The officer was more likely to perceive a younger driver as a social inferior and himself or herself as a social superior, creating a division in social space in which the officers' perceptions of driver attitudes increased the likelihood that

law would be used to settle the disposition of a case. Due to limited results on other measures, such as gender and race/ethnicity, however, I must conclude that Black's (1976) theory of pure sociology is not well substantiated with these data. Because the sample size is relatively small, I use a confidence interval of 90% to support any claims at all that support the theory. First, I demonstrate the quantitative findings, and then I show the qualitative findings through a variety of vignettes and other anecdotal information taken from the 70 hours of observation.

The Police Officers

Seven of the ten municipal police officers were known to the researcher before the idea for this project began; with the exception of one officer; who was identified as Latino, all were white and 8 were male. The officers had a mean 5.6 years (std dev. 4.04 yrs) on the job and averaged between 25 and 35 years of age. Having a familiarity with the officers for this study was beneficial: Already a comfort level was achieved, and it is hoped that this reduced the barriers often in place between civilian and officer. I was able to ask these officers a variety of questions about each case without the officer feeling overly protective or cautious in his or her answers. Particularly because officer names were not used and remain confidential, their answers to questions were possibly more forthcoming. However, despite familiarity, the officers were not always willing to explain why so few stops resulted in citations. Also, it is important to note that any particular incidents or information that may have identified an officer in my study are modified to hide his or her identity or are left out of the analysis.

The Drivers

Table 1 shows the characteristics of the 45 drivers stopped. Most drivers were white (71%); under the age of 35 (57%) and male (62%). Most drivers also displayed a positive disposition with the officer during the stop (82%). These traffic stops mostly occurred on side streets and in other suburban neighborhoods (80%) rather than on highways and over 66% of the drivers were alone in the car during the time of the stop.

Table 1   DESCRIPTIVE CHARACTERISTICS OF n = 45 DRIVERS

Description of Driver	*Frequency*	*Percent*
Gender (male)	28	62%
Age Range 18–24 yr 25-34 yr 35-44 yr 45-64 yr 65+	14 2 3 5 4	50% 7% 11% 18% 14%
Race (white)	32	71%
Type of Vehicle Sedan Truck/Van/SUV "High end"/Expensive	27 13 5	60% 29% 11%
Attitude of Driver "Good" "Fair or Poor"	37 8	82% 18%
Total Cases (n)	45	100

A selection of variables from a Pearson Matrix Correlation shown in Table 2 illustrates that only one variable was significant: driver attitude was inversely correlated with whether or not a citation was issued by the officer. Remarkably, age, race, gender, and social class

Table 2   PEARSON CORRELATIONS: THEORY-BASED
                     SELECTED VARIABLES ON WHETHER OR NOT
                     A CITATION WAS ISSUED (n = 45)

Variable	*r*	*Significance*
Gender (male)	-.40	n.s.
Age	-.15	n.s.
Race (white)	.14	n.s.
Type of Vehicle	-.14	n.s.
No. of Passengers	.06	n.s.
Attitude of Driver	**-.44**	**.02***
n.s. ==not significant, * p < .05		

or number of people in the vehicle, and type of traffic stop were not correlated. This was true

even when examining the most dangerous offenses, such as speeding 20 miles over the posted

speed limit (r = - .04, p = .763).Given the ordinal scale level of the "attitude of driver" variables,

I also examined the relationships with Spearman's rho and came to the same conclusions. With

both Pearson correlation and Spearman's rho analyses, I found similar results with car

make/model, color, number of individuals within the car, race of driver, gender of driver, and age

of the driver. Poor driver attitude was the only significant variable correlated with a citation

being issued (Spearman's rho - .44, p < .11). Those individuals whose attitude was perceived to

be good or positive by the officer did not receive a citation.

In two instances, age difference and education, elements of Black's (1976) theory were

weakly supported using a 90% confidence interval. Within this sample older officers were

associated with stopping younger drivers (r = -.24, p < .10). The age of the driver is also

associated with how the officer perceives the driver's attitude. For example, older officers

appeared to be less positive with younger drivers during a traffic stop (r = -.28, p < .10). This evidence weakly supports the theory of pure sociology since the increased social space of an age gap is associated with poorer outcomes for the drivers.

Another interesting finding in the data is that officers with a bachelor's degree or higher appear to have a more positive disposition during a traffic stop in general, regardless of whether a citation is issued (r = .48, p <.05). This evidence may be related to social space criteria; however it was beyond the scope of this research and should be explored with a larger sample size.

Overall, however, the concepts of pure sociology were only weakly supported. My first hypothesis stated that (1) the closer the relationships are in social space by gender, age, race/ethnicity or social class, the less likely a citation will be issued to dispose of the case. None of these variables, with the exception of age indirectly, were correlated with a citation outcome, the dependent variable. The second hypothesis that I tested was that (2) when parties consist of a social inferior and social superior, such as an older officer and a younger driver, the relationships are farther apart in social space, which in turn could result in an increased likelihood of a citation issued. As stated above, there is weak evidence that age and education may be indirect factors; however, these were only correlations. More testing with a larger sample size to accurately determine mediating effects would be appropriate for future research.

Table 3: Percentage Distribution Driver Age Cohorts

Age Group	18-25	26-35	36-45	46-55	56-65	66 & up
Percent	36.55%	13.33%	22.66%	13.33%	11.11%	0%

Table 3 shows the percentage distribution among driver cohorts. These data reflect the officers' decisions to stop younger drivers when compared to older drivers. Senior drivers, over the age of 65, were not stopped despite the data collection that occurred during all shifts, day and night. Although certainly an ageing effect can explain the lack of stops among older drivers, i.e., that they are less likely to be speeding, officer discretion also contributes. On these ride alongs, many officers said they often feel badly about stopping older drivers and try to avoid it.

The age cohorts were categorized into six distinct groups. They ranged from 18 to 66 because we are not allowed to collect data on minors, those who are age 17, or the year at which someone is legally allowed to drive in Rhode Island. The other cohorts were 26-35, 36-45, 46-55, 55-65, and 66 and up. A pure sociology paradigm supports the notion that age cohorts will treat each other differently and create greater social distance. Accordingly, the rule of law rather than police discretion is hypothesized to be supported; yet this was only weakly correlated to traffic stop outcomes for these 45 cases.

The largest group of drivers was between 26 and 35 or 35% of the total stops. More than one in three individuals pulled over was below the age of 26 within the sample, and this 36% of the total sample constitutes 80% of the total citations given, 80% of all tickets given then were issued to people under the age of 26. Out of the 16 cases that comprised the youngest cohort, fourteen were males in contrast and only two females. Remarkably over 87% of the 18-25 year olds who were stopped were male. These cases make up 60% of the total sample of people who received citations. Thus, the males under 26 who make up only 31% of the total sample were responsible for 60% of the total tickets given out within this sample. By contrast, male police officers under the age of 26 made up 37.5% of the sample of police officers.

The second largest cohort group of stopped individuals involved people ages 36-45, consisting of 27% of the total cases. Despite this group's large size (n=12 cases) they did not receive any citations.

The 26-35 year olds and the 46-55 year olds each make up approximately 13% of the total sample. Even with the small size of the group (n=6 cases) a 27 year old white female received a citation, 20% of the total written. This case number is case number two. This adds a small amount of weight to the pure sociology argument since this case involved greater social space: Female driver, male officer, age difference, and a third party in the vehicle.

The two smallest groups were the older drivers. The second smallest group was the oldest cohort group ranging of people between 56-65 years of age (n=5.) Four out of five of these drivers were male and all were white. The oldest cohort, drivers 66 years and older, did not appear in the data set. There are several reasons why there are no data regarding this particular age group. Many officers plainly stated plainly that they very rarely pull over elderly people in general. This argument refutes pure sociology. Some of the reasons for which officers explained why they do not stop this age group are as follows: 1) elderly people simply do not speed; or 2) they do minor motor vehicle infractions that can be overlooked; and 3) they rarely commit crimes in general. If they do commit traffic infractions, most officers feel it is not worth pulling them over. An example of an older person offense is leaving their directional on too long. Even if they do commit violations they seldom warrant citations. 4) I have been told by officers that they do not like giving tickets to senior citizens, especially war veterans as a sign of respect. "I would feel bad giving a ticket to someone's grandma. I wouldn't want someone giving my grandma a ticket."

I ran a logistic regression analysis to determine if any of the standard socio-demographic variables, gender, age, race/ethnicity, or social class are predictors for a traffic citation. I use logistic regression because it is the preferred method for testing cause and effect relationships when the dependent variable is dichotomous. The dependent variable, citation, is coded as follows: citation issued = 1, no citation issued = 0. In a stepwise regression series, I ascertain that no other variables are significant predictors for traffic stops other than driver attitude. Because the sample size is small, high standard errors result, so results must be interpreted with extreme caution.

Table 4   LOGISTIC REGRESSION ANALYSIS ON FOR THE EFFECT OF WHETHER A CITATION WAS ISSUED TO THE DRIVER (n = 45)

Variable	z	P> [z]	Pseudo R^2
Driver Attitude	2.61 (0.928)	.009	0.18*

( ) = standard error
*p<.07

Table 4 presents a model that illustrates that a positive driver attitude is the biggest single predictor in the data for determining a citation being issued. When the officer perceives that the driver disposition is favorable, then this causes the officer to issue a "warning" rather than a violation citation. Driver attitude explains 18% of the variance on the outcome of a traffic stop, which is contrary to Black's theory of pure sociology because it is not an observable, objective factor in social space. Interestingly, this outcome was true regardless of the offense for which the driver was stopped. Even when there were cases of extreme speed in excess of 17 miles per hour over the posted speed limit, driver disposition was still the biggest factor in predicting the outcome of the stop.

The variable of driver attitude, as shown in table 4 more accurately predicts resolution than spatial distance with variables of race, class, gender, or age. Eighty percent of all the traffic stops that received citations occurred when the driver's attitude was classified to be either "poor" or "fair." This means the drivers were either perceived to be not polite by the officer, or they argued with the police officer. When a driver did not speak with the officer, which happened in a minority of cases, the driver's attitudes was classified as "fair." Conversely, 85% of the drivers that demonstrated a positive attitude with the officer did not receive citations. When I asked police officers, "What is the biggest determiner of whether or not someone receives a ticket?" Nine out of ten officers stated that a positive driver attitude was the most important factor. They say that of course they have to take into consideration the offense; however, if it is minor, then they are less likely to receive a citation.

Table 5   A Comparison of Citations to Social Distance (% cases, n = 45)

Social Distance

	Very Small	Small	Medium	Large
Percent of Cases	16%	35.%	47%	2%
% Non-Citations	17%	33%	48%	2%
% Citations	20%	60%	20%	0%

Table 5 illustrates the social distance between the police officer and the stopped driver based on the observable characteristics of gender, age cohort, race/ethnicity, and social class. The table shows the percentage of the total 45 cases which involve each type of spatial distance categorized (Very Small, Small, Medium, and Large). Qualitatively, I examined the spatial

distance when all three variables of age, gender and race/ethnicity were the same for both the officer and the driver and labeled this social distance "very small." As each of the four socio-demographic variables changed, the social distance category also changed. If none of the three variables is the same for driver and officer, then the social distance is "large." For example, if the officer is a 35 year old white male who stops a 68 year old Hispanic female then the spatial distance would be large based on four different observable characteristics. A qualification of "small" social distance is determined when one of the three variables is not the same. For example, if officer and driver share the same race and gender but their age cohort is perceived to be different, then the social distance is "small." A qualification of "medium" is determined in the same fashion, i.e., if their race and gender are different but they share the same age group then the appropriate category would be "medium."

Even if three socio-demographic variables of age, gender and race/ethnicity are the same for both the officer and the driver having extra passengers within the vehicle can still increase the social space. According to pure sociology, this is because having third party supporters puts the lone officer at a disadvantage by creating a more formal social structure. He or she may feel obligated to maintain greater social control over the stop. Yet, interestingly, the number of vehicle occupants was not found to be related to the outcome of the cases examined in this small study.

Twenty eight stops involved a male motor vehicle operator and seventeen involved a female driver. According to this sample, men do get pulled over more than women and accordingly receive more citations. This observable social finding in part argues against the pure sociology model in this study because 39 traffic stops (84%) in this study involved male officers.

With Black's theory in mind, one would expect at first glance that men would be more likely to have favorable outcomes.

I also examined secondary level variables, such as offense type, level of traffic and type of road, and none of these provide additional explanatory power to the theory. There are cases which have been given citations and warnings during steady flow, as well as rush hour and times of no traffic at all. The type of road also does not affect whether or not someone gets a ticket, as there is a great deal of variation on where citations are issued: some are issued to people on side streets, others on highways and others also on main roads. Twenty two cases, (49%) were pulled over during steady flowing traffic, 16 cases, (35%) were pulled over during times with infrequent amounts of cars traveling. Seven cases were stopped during times with rush hour level traffic. Sixty percent of the total citations were given to drivers during steady flow traffic, with the other 40% given out during varying flow time. No citations were given out during rush hour levels of traffic.

There is, however, some information explaining why the variation of citations and levels of traffic does occur. Most police officers stated they are unable to pull over many traffic violators during rush hours for fear of causing an accident whilst attempting to apprehend the violator. Also, officers have stated that they analyze the cost/benefit of trying to catch the offender, and this varies by traffic flow. This is especially true if they are traveling in opposite directions when the violation, such as speeding, occurs. If the officer feels there is little purpose in using lights and sirens, cutting people off, and making people mad just to catch a speeder, then they probably will not initiate pursuit. This also explains why only 16% of all the cases were stopped during rush hour traffic. Conversely, officers state that during times of less traffic they are more likely to catch offenders since there are fewer cars on the road. Officers I have ridden

with say that they are usually more apt to pull an offender over during times of less frequent traffic, especially late at night since there are few obstacles, such as high traffic volume when in pursuit of a driver.

In addition to type of road and level of traffic is the time of day in which the stop occurs. For example, regardless of road type (highway, side road, main street), it is almost always less busy from late at night to early morning. Location of the traffic stop, highway or side road, is moderately correlated with the offense type. On side streets or main roads, drivers are more likely to be stopped for minor infractions, such as a taillight out or registration issues (r= .39, p<.10). Also these non-highway stops have more white drivers stopped (r=-.35, p<.01), but this may also be explained by the type of neighborhood (suburb) in which the ride alongs took place. Also many police officers I have ridden with state that for someone driving after midnight or out late in general, that person is usually not doing something good; perhaps doing something immoral or even illegal which deserves his or her attention. The officers will be more likely to be suspicious of cars driving during these times, and say that they are more likely to pull them over. Twelve out of the 45 recorded stops took place between 11 pm and 4:00 am. Though it is the case that a lot of people drive late at night for a variety of non-deviant reasons, it is also likely that these drivers will get pulled over with a citation resulting. In part, this idea that late night drivers may be up to suspicious activity and may be more deserving of a citation partially supports Black's (1976) theory. If what the officers say is true, i.e. that they may be involved in illegal or immoral activity during this time period, then their perception of greater social distance has increased before the vehicle is even pulled over. Sixty percent of the total number of cases resulted in a citation that occurred during these late night hours, although with the small sample, this finding was not statistically significant. Other research, however, has corroborated this

finding, particularly in regards to race, although not specifically for traffic stops. Black urban dwellers whom may disproportionately have blue collar employment with split shifts, second shifts, such as workers at a hospital, and other jobs that may not have typical 9 a.m. to 5 p.m. hours, have been found to be stopped and briefly detained more than white urban dwellers (Hollinger, 1984).

The variables which are related to the type of cars driven such as make/model, color and condition of the vehicle were found to be very irrelevant to both Black's (1976) theory and traffic stop outcomes in general in this dataset. Car upkeep and make/model of cars types were not correlated with any other variables. Even the notion that "red cars get stopped more," was not shown to be true with this data. Yet, considering 11 out of the 45 cases involve "red" cars it can be argued that they disproportionally get pulled over more than all other colors. I have specifically asked several officers if a particular type of car or color of car gets pulled over more. The general consensus was "no." Although some officers did admit that even though they do not profile cars directly they will admit that if a flashy or "pimped out" car does in fact violate a traffic law they are more likely to get pulled over than the same model car with a "non-flashy" look or color simply because the flashy car will draw attention. Using this logic, it is understandable why flashy car drivers may think they are being targeted, when in fact they make themselves a target with the vehicle style. This is an argument that also partially supports the notion of greater social distance between officer and owner/driver. Though officers I interviewed say when they are looking for a violation they do not always see vehicle characteristics or the condition of it but instead just see the violation from which the traffic stop might result. This is especially true if the car is pulled over after daylight hours.

Traffic stops involving more than one person in the offending vehicle turned out to be an interesting variable to examine. Eighty percent of all the traffic stops which received citations involved cars with more than just the driver inside. This is especially intriguing due to the fact that it supports the pure sociology theory since social space between an officer and the driver of the offending vehicle increases with passengers in the car. One of the main reasons social space increases with multiple individuals besides the driver in the stopped vehicle is because the officer must be more authoritative to maintain order during the stop. Third parties can represent greater risk for the officer, as he or she must remain aware of their actions in addition to the driver's. This increase in the spatial relationship can be explained for several reasons. 1) The officer feels more obligated to enforce law with witnesses present. 2) It is possible that the officer issues the citation to be more authoritative in the face of third parties; or 3) the officer may fear losing control of the situation and exerts the most amount of social control to maintain order.

When looking at ethnicity as a variable, I expected it to be a major predictor regarding citations issued. According to the literature, which was previously cited, one would expect to find evidence of some racial profiling with minority drivers stopped; however, this was not the case with this sample. These cases collected were from racially diverse communities, over half, or 53% of (n=24) were conducted in urban areas with large scale police departments of around 100 or more officers. Almost 25% of the total cases involved minorities as drivers. Out of the 11 cases for which minorities where involved, only one minority driver was actually issued a citation.

Out of the 45 cases, 32 cases involved white drivers. The remaining cases involved seven Hispanics, five African Americans, and 1 Middle Eastern individual. All cases expect one involved white officers, thus white officers made up 98% of the total cases compared to the 71%

of cases which involved a white motor vehicle driver. Therefore many of the cases share a similar ethnicity. In sum, these data did not have substantive results by race or ethnicity, and a larger, more representative sample would need to be collected to determine if Rhode Island Officers are racially profiling motorists for traffic violations.

A side note about racial profiling which is taken straight from the words of the officers I have ridden with: Most police officers explained, sometimes with or without me asking, that it would be very difficult for them to racially profile individuals even if they wanted to since most of the "juicy" or more interesting traffic stops occur after dark when it is very difficult to see the skin color of the individual driving the vehicle. I have also been inaccurate in guessing how many people I thought were actually contained in the vehicle; and the likelihood of determining their race at night would be even less accurate.

Another substantive variable was that of gender difference. Sixty percent out of the 45 cases involved parties of the same gender, which means a male officer stopped a male driver, or female police officer stopped a female driver. Sixty two percent of all the vehicle operators stopped were male, in contrast with the 87 % of the 45 cases that involved male officers. Out of the 60 % of cases which involved same party genders, three resolved with the same genders receiving citations, compared with the 40% of cases that did not. Thirteen percent of the total same gender cases resulted in the drivers receiving tickets. Once again, a larger, more representative sample may yield different results.

<div align="center">**Vignettes of Traffic Stops**</div>

Out of those cases that received citations, concepts of pure sociology would expect those to illustrate the greatest social distance between the stopped driver and the officer. However,

these analyses show that this was not straightforward. Here I share some information of the traffic stops which illustrate these results in more detail.

Case number three involves a 26-35 year old white female driver who was pulled over for speeding. She was traveling 50 miles per hour in a twenty five mile per hour zone on a foggy morning. She also was reported to be polite from the officer who noted she had an infant with her in a car seat in the back of vehicle. Her car was very new and she appeared to be middle class. The officer that stopped her was a 26-35 year old white male. Black's (1976) theory would probably believe this case to resolve well since two out of three of the important variables to contrast; age, gender and race are similar. The officer and the driver are different in gender but both are middle class. Although it might be expected at first to resolve favorably for this driver, it did not, and she received a citation. The officer explained that he gave her the citation for several reasons. 1) He could have given her the citation for her speed alone, since it was double the limit; 2) she was driving fast in a pedestrian traveled area during a foggy day; and 3) her infant was in the back. He concluded that she was not a responsible driver. In this instance, it seemed that a third party, in this circumstance, the infant, possibly increased the social space between the officer and driver, thus increasing the officer's authoritativeness. The reason for the increase in social space was due to the infant being in the car; the mother was going double the speed limit in the fog, and the officer perceived that this was dangerous for the child. The danger to the child increased the social space between officer and driver. The officer decided to issue a citation for speeding because he wanted to make sure the mother would recognize the inappropriateness of her actions and stop speeding with her infant in the car.

Case number 13 involves an 18-25 year old white male stopped by an 18-25 year old white male officer. The driver was alone in the car and was stopped late at night on the highway

for speeding 76 in a 55 mile per hour zone. The officer reported that he was polite when stopped. This case involves a driver and an officer who share very similar social space in terms of Socio-demographic characteristics. Pure sociology would probably be surprised that this motor vehicle driver received a citation despite his proximity to the officer. At first, the officer stated he might have given the individual a break, implying that Black's theory might be wholly supported; however, in this particular case an outside and unreported variable influenced the stop and outcome turned unfavorably for the driver. The substantive difference was that the officer discovered that the driver was lying about his driving record. The officer reported to me that he looked up the individual's driving history, and he had previously received tickets when he had told the officer that his record was clean. The officer had specifically asked the driver if he had ever received a ticket and he had stated "no". The officer said that he was mad that he had been lied to and issued him a citation.

Case number 16 involves a white female driver 18-25 who was pulled over for speeding 83 in a 55 zone at midnight on the highway. She was stopped by an 18-25 year old white male officer who reported that she was polite during the incident. There were two other 18-25 year old females in the vehicle. The officer told the driver that it was nice that she pulled over right away and saved him the trouble of chasing her down, yet this stop cleared with a citation. This is another case where the variables which help determine spatial relationships between the officer and the driver were relatively close, yet the case ended with a negative outcome. The age of the officer, in conjunction with third parties, resulted in greater use of law. With third parties, the officer might have felt pressured to give this driver a citation because there were other witnesses to the stop, which increased the social distance between the officer and the driver.

Case number 34 involves an 18-25 year old male of Middle Eastern decent, stopped by a 26-35 year old white male police officer. A pure sociology paradigm would predict that that this stop would end poorly for the driver, i.e. he would receive a citation. Two of the three variables, age and race, do not match up. The stopped individual and the officer were separated by almost an entire generation in age. The initial offense for which the stop was initiated was for failing to stop at a stop sign. While attempting to pull the vehicle over the driver drove through another stop sign before finally pulling over and stopping his vehicle. Upon getting out of the car, the 18 year old male was immediately argumentative with the officer, even denying the existence of the stop signs he was reported to have run through. The officer stated he deserved a ticket, but after talking to him, the officer stated that the driver "talked himself into a ticket." Pure sociology predicts poor resolution for the driver due to social distance, but this case was settled more from the argumentative nature of the driver than the observable social distance between officer and driver. Although the officer appeared "on the fence" initially, he decided that due to the argumentative nature of the driver, he "talked himself into a ticket." The conversation that occurred only served to increase the social space between the two adversaries.

Case number 42 is the last case which results in a citation. This case involves a 56-65 year old white male who failed to use a turn signal. The officer was an 18-25 year old white male. There was another stop, case 41, which also involved this same driver, which resolved favorably for him, although it was not to go as well the second time around. The same officer stopped the man in both cases 41 and 42. The first stop was for loitering and suspicious activity since he was hanging around where people have been known to pick up prostitutes after 1:00 am. The first stop resolved only in a verbal warning. Case 42 takes place one hour later at 2:00 am. The officer had already warned the same individual not to pick up prostitutes, and there was only

himself in his car during the first stop. At the second stop, the driver was accompanied by a female individual who may or may not have been a prostitute. The age gap between the officer and the individual caused him to get the maximum number of citations and penalties the officer could legally dispense. He was given several tickets, which included one for failure to signal and another for not wearing his seatbelt.

If spatial distances, defined by comparing observable age difference, gender and race differences between the officer and the driver do not accurately predict traffic stop resolutions, are there any variables where clearly the rule of law should apply regardless of social space? It appears that police discretion is potentially so wide that not even cases where egregious speeding occurs does the rule of law apply. For example, erratic driving and excessive speed are potentially serious violations; and it follows that in the interest of public safety police officers might be more likely to issue citations and possibly arrests in these cases. Yet, erratic driving and excessive speed, which I define as greater than 17 miles per hour over the posted speed limit, are not significantly associated with a citation being issued ($r = -.05$, $p = .767$). Although all citations were given to drivers who had little or no regard for the law, there are were more cases in which potentially more egregious offenses warranted citations but were not dispersed. Only sixty percent of all the citations for excessive speed were issued instead of 100%. Four other cases (numbers 1, 10, and 18 should have received citations for excessive speed. No individual received a ticket for going 20 miles per hour or less over the posted speed limit. This shows the outcome of the stop does not always depend on the violation despite an officer's duty to protect and serve the general public.

Even other variables, such as the season or economic climate, were shown with the limited sample to affect traffic stops. In case 27, the officer stated they were "on the fence" about

giving the driver a citation for speeding but they decided since it was so close to Christmas that

they did not want to ruin the person's week by giving them a ticket. The ride along took place

less than two weeks before the 25th of December. Another officer who I was riding with during

the fall 2009 stated he has recently been writing less citations since the economy is so bad and

for many people a traffic citation can be one entire day of pay for them. He said he only gives

tickets to people who really deserve them and have an attitude. He stated he did not give them

unless he felt it was necessary that the person receive a citation in order to change their behavior.

Another officer said that in many instances a simple verbal or written warning is enough to make

people change the way they drive, but if the driver does not seem apologetic or seems like they

do not regret the traffic violation they did, then perhaps a citation is needed. In future research,

data could be collected to examine more accurately these tendencies that were not recorded

because it was not observable and generally speaking these cases were exceptions to the rule.

Other explanations for not following the rule of law may be related to the type of license

plate the driver has on the vehicle, in particular, having a veteran plate may be a factor, and also

if the driver engages in "name dropping." These two factors, although not significant in this

small data set, may decrease the social space - even when driver actions warrant a citation or

even an arrest. When a driver engages in "name dropping," the presumption is that they have

connections within the police force, and this may avert the possibility of a citation or at least

limit it. It is suspected that many people name drop to close the social space between the officer

and the driver, which reduces the use of the rule of law. Name dropping occurred in cases 18 and

24, which both resulted in positive outcomes for the driver. This gives weak support to the

hypothesis that social space distance affects the outcome of traffic stops. Veteran status which

can be observed by veteran plates on one's automobile is also suspected to be a way of closing

social distance, but with this small sample, there is not statistical evidence to back up this claim. Military, police, and stickers that support police activities may also affect the outcome of a traffic stop. Police may view themselves as similar to military personnel, and as a result, will give them more "breaks." Throughout the data collection, there were five traffic stops, (cases 4,7,9,10 and 32) that involved veterans. In each case, they were not given citations regardless of the offense. In case number 7 the individual was speeding 20 miles over the speed limit which would normally be an indicator for receiving a citation. Yet, due to his veteran status, he did not receive a ticket. When I specifically asked the officers in this study, seven out of the ten police officers stated that they do not pull over people with veteran plates at all, and if they do it is for a good reason. They also said that these drivers are always respectful.

Besides being a veteran or a fellow police officer, another good way to close the spatial distance between a driver and officer is to mention someone influential that has connections to the police department. Case 18 is a prime example of this. In this case the driver was stopped for driving almost 30 miles per hour over the speed limit, but he was let off with a warning because he mentioned they were familiar with a high ranking police officer within the department. With an offense such as 27 miles per hour over the limit one would normally expect the driver to receive a citation, yet this was not the case. Yet, the officer who initiated the traffic stop had told me prior to talking to the driver that the individual was almost certainly going to receive a citation for the violation.

Case 24 is another example of how "name dropping" can actually close the social space and reduce the chance the driver receives a citation. In this circumstance the driver was driving a vehicle with an expired registration. This violation is usually punishable by a fine and having the vehicle towed, although in this case the driver mentioned he knew the retired chief of police in

the town. The car was not towed, although it should have been, and the driver should have received a citation. Both this case and the above case mentioned were cases in which non-observable variables influenced the outcome of the traffic stop. Yet, it does lend credence to the pure sociology theory, although statistically these anecdotes are not supported in this small dataset. As Baumgartner (1989) writes in *The Moral Order of a Suburb*, moral minimalism replaces objective, "by the book" law enforcement procedure, and these factors should be studied with a larger, representative sample.

DISCUSSION

According to Black's (1976) theory of pure sociology, the most important variables for this study are age cohort, gender, race/ethnicity, and potentially secondary variables beyond the scope of this study are military/veteran status and name dropping. Yet, due to the small sample size, the biggest predictor, driver attitude, was found to be the only predictor of whether a driver received a citation: this variable is not within the theory's conceptual framework. The analysis revealed that the theory is weakly supported indirectly with age difference and educational status of the officer. Anecdotally, other variables, such as veteran status, may close the social distance between offender and officer, but these cases were too limited to test in this sample. Conversely, driving a red or "flashy" car may increase social distance. Yet, driver attitude, rather than proximity in age, race or social class, or these other variables, can predict the outcome of a traffic stop alone in this dataset. With these 45 cases, measuring social space was limited, and indeed, some caution should be used in interpreting the results.

If Black's (1976) theory of pure sociology were correct, most of the stops which received citations would have medium to large social spatial distances between the officers and the drivers, but in fact within the confines of this study it was just the opposite. Eighty percent of all the citations were issued to people who had "small" or "very small" observable sociological differences between themselves and the officers. Eighty percent of all citations were issued to people who shared very similar characteristics to the officer eliciting the stop.

During the daytime, especially when doing radar traps on highways, it is very hard for the officer to make his stop based on race since speed is such that driver race/ethnicity cannot usually be determined. Nine times out of ten while I was riding the car, the driver is too far way to see when the officer informs me that he is going to pull the vehicle over for a speeding offense. This is long before the average person could see the driver's skin color. After witnessing first hand many police officers from many different police departments, I cannot confirm that racial profiling occurs.

On the one hand, their level of professional training allows the police to use discretion: it facilitates fluidity and function in their role as a police officer. On the other hand, as a public service provider, police officers need to be concerned about the proper role, policies, and procedures that are conveyed to the general public with their decisions. Wide use of discretion, shown in your study, may undermine professionalization. Individual police officers may be torn between using their broad powers of discretion that may conflict with the demands of public safety. To what extent the public good, i.e. enforcing speed limits, is inhibited based on discretionary powers remains underdetermined; yet this study does provide a mechanism in which to be concerned. Subject to interpretation and cultural differences, officers determined

whether a driver had a positive attitude or not. This subjective basis may create perceptions of

bias, unfairness, and exacerbate cultural differences.

The Hawthorne Effect

Considering how I was an observer for 70 hours and for all 45 cases one must reasonably

consider the possibility of the Hawthorne effect. The Hawthorne effect means that my presence

influences the data collection process. The Hawthorne effect generally states that subjects within

a test or observation will improve their behavior simply in a response to the fact that they are

being studied. Would the officers conduct themselves in the same way on the ride alongs without

my presence? Would officers issue fewer or more citations? It is impossible to know.

As for how great of an impact the Hawthorne effect might have had on this project I think

it is relatively low. I believe this because many of the officers I have ridden with I am friendly

with outside of their jobs, and I have known many of the officers for several years. This logic

would reduce the Hawthorne effect. About half of the officers I rode with I had known

personally long before the concept of this project ever existed, and before some of them were

even working as officers, thus this leads to a more relaxed and natural feel from those individuals

which I believed helped facilitate the data collection process and reduce my influence on their

decisions to issue or not to issue citations during a traffic stop.

That said, there were a few circumstances where I believe the Hawthorne effect was

evident. One example is when I first got into a police car with an officer I had never met in

person before. He quickly found a car to pull over and said, "You don't mind speed, do you?" in

a kind of "tough guy" tone, he took off at speeds over 80 miles per hour down the road in a 40

miles per hour zone to pursue a driver. Another example was while riding in Providence, the officer I was with took me out of his district while driving erratically to apprehend two people that were in the process of breaking and entering into a building. The officer then chased the offenders down on foot while swearing and yelling at them before arresting them in front of me. He stated that he wanted to "get me to see something cool" before my ride time with him was over. A clear demonstration of the Hawthorne effect is this: In general, the officers I was with tried to go to "cool" and "interesting" calls with me while I was with them so I could see a lot of what they did. Admittedly, I am thankful they did this, as it made data collection a lot more fun. They went out of their way for me in many circumstances, so I do not take their favors for me for granted, but do recognize that over the long run this creates less than an objective, valid and reliable dataset.

Limitations

There are four main reasons why after doing over 70 hours of riding in police car there still are only 45 cases accomplished after the original plan called for 50 cases within 20 hours of riding. The quick and simple answer is that traffic stops are not easy to get. Erving Goffman would argue that "closed institutions" such as police departments do not trust outsiders. 1) They are not easy to get primarily because a police officer has potentially more important duties than to stop someone rolling through a stop sign. 2) Secondly, police officers in general do not like to pull someone over for a minor infraction of a law like going five miles above the speed limit, but rather like to pull a motor vehicle over which is going well in excess of the limit, towards 15 to 20 miles over the limit. In fact only a single vehicle which was stopped during the study for a

speeding violation was stopped for anything less than 15 miles over the limit, with most of the stops for speeding occurring from being over 17 miles over the limit or more. This is one reason the stops are hard to come by: officers like to wait until they catch someone who is definitely doing well over the limit.

3) Probably the biggest reason for the difficulty of solidifying the ride times was the general outsider feeling one gets from the bureaucracy which is a police department. From this researcher's perspective, the interactions that I had in generating this research left me with the feeling that the officers were all polite yet distrusting of outsiders. Erving Goffman discusses this in his book, *Characteristics of Total Institutions*, although police do not live at the station, their bond is very similar to those found in the military or other closed societies. There are many barriers in police stations to the outside world, such as key codes to get through the many sets of doors in the building and many security cameras. The building plan itself, as discussed by Goffman is designed to give someone a cold feeling of not being part of the culture of police. The police officers in general are a part of a closed society that trusts few, getting information was sometimes difficult. Edgar H. Schien (1985) in *Organizational Culture and Leadership* discusses this concept of the police sub-culture, when he states "enough shared experiences have led them, over time to a share view of the world," which is a very different view as seen by the lay public (Schien 1985:493). This shared view of the world at least from what I have witnessed is an intense trust and bond within each other while at the same time, it contributes to a general distrust of everyone else.

4) Being busy has a lot to do with the ability to stop cars as well. For example, while upon one ride time session with an urban size department on a Friday night, we were so busy for over five hours straight responding to calls that we only were able to pull one car over. Traffic

violations are often viewed as a low priority item given the volume of other calls police need to respond to.

5) In addition to not wanting to pull over minor infractions, and being too busy responding to calls for service, officers spend a significant amount of time on a single traffic stop, thus the traffic stop limits how many they are able to do during a shift or their ability to respond to other, perhaps more important calls. Stops usually take around five to ten minutes depending upon the infraction, and if any other events happen during the stop, they can take longer. If a stop results in a citation, it will take at least double that amount of time to write the ticket and give it to the person. Along with the citation, an explanation has to be provided about what procedure to follow and how to dispense of the ticket and pay the fine properly. If the driver feels like conversing about the incident or the citation, then the stop could exceed 15 minutes or longer.

Future Research

Further research on police discretion would be best done with more time and collect more cases with more variables. Considering it took over 70 hours to record 45 cases, it would be safe to say at least 75-80 hours would be necessary for more cases. Increasing the sample size of observable cases could yield significantly different results. Not only might there be more diversity in the sample, but the study would also benefit by having a greater diversity of officers. Increasing the number of departments within the sample would also be appropriate. If more time were available, I would also want to compare younger, "rookie" officers' outcomes with more senior officer decisions to look at a possible "age gap" in police discretion.

Some other variables for future research should look at is how veterans do not seem to receive citations regardless of their offense. Pure sociology would argue that being a veteran would close the social space between the driver and the officer, and it is reasonable that two "military like" institutions would view themselves as inhabiting the same social space. There also seemed to be a link to having a flashy car or a red car with getting pulled over, yet it cannot be determined from the limited dataset. Future research should also look at car color and outcomes of traffic stops to investigate what happens to "flashy cars" with a broader, more representative sample size.

Conclusion

My first hypothesis stated that the closer the relationships are in social space, the less likely law will be used to dispose of the case. Although driver attitude was found to be a significant predictor, there was weak evidence to support the pure sociology model indirectly with differences found between age cohorts. Older officers were more likely to pull over younger drivers. I also found evidence where only warnings were given on two occasions when an officer stopped someone they knew. The violations were dismissed with only verbal warnings despite excessive speed (cases #5 and #29).

Although this research was started from the idea that minorities might receive harsher treatment than whites from police during traffic stops, I could not easily support this hypothesis. Although 9 out of 10 officers in the sample were white, there was not enough diversity in the sample to clearly test this phenomenon, and only 24 % of the sample involved minority drivers.

Although I cannot generalize due to the sample of convenience that I used for my thesis, there is a substantive argument that that suggests the evidence of the use of law is based on police discretion and not on objective criteria. The range of law does seem to vary not by

objective standards but more by some observable social characteristics. This means social control is limited and fragmented. The evidence suggests that the rule of law, even while an outside observer is watching, is not always followed. While wide police discretion increases individual officer power, it may unnecessarily subvert the rule of law. This effect adversely varies the quantity and quality of social control administered by law enforcement personnel. Police discretion may vary well play into the public's perceptions of bias, from favoritism and social class distinctions to racial profiling. Given these preliminary findings, it is plausible that Black's (1976) theory could be supported with a larger dataset.

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Appendix A: The Motor Vehicle Operator Information

Case	Gender	Age	Ethnicity	Attitude	# In car	Veteran Status	Outcome	Distance
1	M	36-45	W	good	1	U	CW	small
2	F	26-35	W	good	2	U	CC	small
3	M	16-25	B	fair	1	U	CW	medium
4	M	46-55	W	good	1	Y	CW	small
5	M	17-25	W	good	2	U	CW	very small
6	F	46-55	W	good	1	U	CW	medium
7	M	26-35	H	good	1	Y	CW	small
8	M	17-25	W	good	1	U	CW	very small
9	M	26-35	H	good	1	Y	CW	medium
10	M	46-55	W	good	1	Y	CW	small
11	M	56-65	W	good	1	U	CW	small
12	F	17-25	W	good	2	U	CW	small
13	M	17-25	w	poor	1	U	CC	very small
14	F	36-45	w	good	1	U	CW	medium
15	M	46-55	w	good	1	U	CW	small
16	F	17-25	w	good	3	U	CC	small
17	F	36-45	W	good	1	U	CW	small
18	F	36-45	W	good	2	U	CW	medium
19	M	46-55	H	good	1	U	CW	medium
20	F	36-45	W	good	1	U	CW	medium
21	F	26-35	B	good	1	U	CW	large
22	M	16-25	W	poor	2	U	CC	small
23	M	16-25	W	good	1	U	CW	small
24	M	36-45	W	good	1	U	CW	small
25	M	17-25	W	good	1	U	CW	medium
26	M	56-65	W	good	1	U	CW	medium
27	F	26-35	W	fair	1	U	CW*	very small
28	F	36-45	W	good	1	U	CW	small
29	F	26-35	W	good	1	U	CW	very small
30	F	56-65	W	good	1	U	CW	medium
31	F	36-45	W	good	5	U	CW	medium

32	M	36-45	H	good	4	Y	CW	medium
33	F	36-45	W	good	2	U	CW	medium
34	M	17-25	ME	poor	1	U	CC	medium
35	M	17-25	B	good	1	U	CW	medium
36	M	17-25	B	good	1	U	CW	medium
37	F	26-35	H	good	1	U	CW	medium
38	M	17-25	B	good	2	U	CW	medium
39	M	17-25	H	good	3	U	CW	medium
40	M	46-55	H	good	2	U	CW	medium
41	M	56-65	W	fair	1	U	CW	small
42	M	56-65	W	fair	2	U	CC	small
43	F	36-45	W	good	1	U	CW	medium
44	M	17-25	W	poor	5	U	CW*	very small
45	M	17-25	W	good	2	U	CW	very small

Key: M= Male, F=Female, W=White, B=Black, H=Hispanic, ME=Middle Eastern, CW= Clear the traffic stop with a warning, CC= Clear with a citation, Y= Yes, U= Unknown, * Indicates the officer initially wanted to issue a citation but did not because of outside variables which occurred, for example being close to Christmas, or a driver dropping someone's name

Appendix B: Approval from the Internal Review Board

Please note that the following email serves as your official notification of approval from the Rhode Island College Committee on Human Participants in Research (CHPR). Please print out this notice for your records.

Rhode Island College
Committee on Human Participants in Research

NOTICE OF APPROVAL

Responsible Investigator: Jill Harrison
Submitted By: Jill Harrison

CHPR Protocol #255
Title: Predicting Police Discretion

Approval Date: 2009-10-19
Continuing Review Deadline: 2010-08-20
Expiration Date: 2010-10-19

The Committee on Human Participants in Research (CHPR) has APPROVED the above Full Review protocol through the Full Review process. Please review your protocol submission page at the following URL for any additional Committee comments:

http://www.ric.edu/orga/chpr/dept_grants_form.php?targetTable=grants_full_reviews&id=255

As an investigator of human subjects, your responsibilities also include the following:

1. Report all adverse events and unanticipated problems involving human subjects to the Office of Research and Grants Administration (ORGA) within three (3) days of your knowledge of the occurrence and submit an adverse events form.

2. Submit a complete Continuing Review/Close-out form by 2010-08-20 and/or when the study has been completed.

3. Discontinue all work pertaining to this protocol if a continuing review approval is not finalized by the expiration date, 2010-10-19.

4. Submit all proposed changes to the protocol through the addendum process and receive approval from the CHPR before implementation of the changes.

5. Keep all research data and consent documents in your possession for at least three (3) years after the completion of the research activity.

For further questions, please contact:

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Thank you.

Submissions may be reviewed at http://www.ric.edu/orga/chpr/dept_grants.php

Appendix C: Descriptive Statistics of Interval Scale Variables

Variable	Lowest	Mean	Median	Mode	Highest
Driver Age(yrs)	18	34	28	20	59
# in Car	1	1.42	1	1	5
Officer Age	23	30	30	35	38
Officer Experience(yrs)	2	4	4	3	16
Officer Education(yrs)	2	4	4	4	6

Appendix D: Descriptive Statistics of Nominal Scale Variables

Variable	Mode
Gender of Driver (Male or Female)	Male
Gender of Officer (Male or Female)	Male
Race/ Ethnicity of Driver (White, Black, Hispanic or Middle Eastern)	White
Race/ Ethnicity of the Officer (White, Black, Hispanic or Middle Eastern)	White
Veteran Status of the Driver (Yes or Unknown)	Unknown
Outcome of Stop (Clear with a Citation or Clear with a Warning)	Clear Warning
Level of Traffic(Rush hour, Steady flow or Infrequent Cars on the Road)	Steady Flow
Type of Road (Main Road, Highway or Side Street)	Side Street
Weather(Clear Sky, Foggy or Dark Out)	Dark Out
Offense for the Stop (Speeding, Failure to Stop, Expired Registration, ect…)	Speeding
Color of the Vehicle	Red

Appendix E: Descriptive Statistics of Ordinal Scale Variables

Variable	Mode	Median
Age/Look of the vehicle (unkempt, decent, fairly new, very new)	Fairly new	Fairly new
Time of Day during which the stop occurred	6pm	5pm