

# Chapter 8

## Search and Seizure Jurisprudence: Community Perceptions of Police Legitimacy in the United States



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### Introduction

Over the last few decades major shifts in demographics have occurred in various parts of the United States, most notably in the Southwest. In large part these changes are a result of mass immigration of Hispanic immigrants, particularly from Central America and Mexico (Grieco and Rytina 2011; Guzmán 2001). Much debate has occurred in the area of immigration policy and the need to implement more resources to border security in border regions (Stacey et al. 2011). At the state level, Arizona's Support Our Law Enforcement and Safe Neighborhoods Act of 2010 is a recent example of legislation that affords police more authority to stop, search, and arrest suspected illegal immigrants. Concerns about illegal immigration and the debate about effective policy have been the focus of media attention and are premised on the notion that Hispanic immigrants are prone to violence and crime (Rumbaut and Ewing 2007; Steen et al. 2005). However, the extent to which majority-Hispanic communities in the Southwest border region differ in their perceptions of police legitimacy compared to other regions of the U.S. has not been well-documented in the literature.

Police action symbolizes the collective will of society to suppress disorder and crime, but our history also well documents discrimination and oppression on the part of police against minorities (Smith and Holmes 2003; Stucky 2005; Kent and Jacobs 2005). In terms of police-community relations, prior research has shown that the racial and ethnic composition of a community largely influences the quality of relations police have with their citizens (Weitzer et al. 2008; Weitzer and Tuch 2005; Howell et al. 2004), however, much of this research does not include majority-Hispanic

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communities (Murty et al. 1990). Various perspectives exist on the relationship between the racial and ethnic composition of the community and perceptions about the police. For example, Hagan et al. (2005) comparative conflict theory argues that African Americans and Hispanics are more likely to hold negative views toward the criminal justice system compared to whites. This view is premised on the history of discriminatory practices (e.g., racial profiling on the part of the police) toward minority groups. Accordingly, Hagan et al. (2005) maintain that perceptions of justice are gradient—African Americans will hold the most negative views toward the system and whites the most favorable, with Hispanics occupying a middle ground. This view assumes that African Americans would hold the most negative views of the police despite changes in the racial and ethnic composition of the community (Weitzer and Tuch 2006; Howell et al. 2004).

Over the last decade or so, however, the Hispanic population has risen dramatically. In the Southwest, for example, Hispanics have become the fastest growing ethnic group in the country, and represent a considerable portion of the overall Hispanic population in the United States (Massey and Capoferro 2009). Other populations in regions of the U.S., such as the northeast, have shown more stable immigration patterns and thus may hold different perceptions toward the police. What remains an open question is whether Hispanics in border communities view police searches differently than do African Americans given the recent enactment of controversial immigration and border security-related policies that threaten their existence (Provine and Sanchez 2011; McDowell and Wonders 2010).

This study examines public perceptions of police search policies in two communities that differ considerably according to race and ethnicity. Using a case scenario approach, the study examines regional differences in perceptions of police legitimacy as defined by U.S. Supreme Court cases involving police searches and seizures. A related issue unexplored in previous research is whether perceptions of the legality of vehicle stops and searches vary according to race and ethnicity and the demographic make up the community. Do African Americans and Hispanics perceive searches and seizures of vehicles as less legitimate than do Whites and do these perceptions vary according to place? Given that most research on police search practices has focused on vehicle stops, we created a separate measure to explore differences in racial perceptions of police search policies in the two data collection sites.

## Theoretical Framework

The common finding in most of the research on police-community relations is that African Americans and Hispanics are less likely to trust the police compared to whites (Cao and Garcia 2005; Schuck and Rosenbaum 2005; Weitzer et al. 2008). Two bodies of literature provide the background for understanding the interrelationship between racial perceptions and the criminal justice system. From an institutional actors' perspective, Blalock's (1967) racial threat theory maintains that minorities are more likely to be feared by whites, and therefore, viewed as

threatening to their social and economic status. Historically, this view has been intensified through racial stereotypes by the media that depict Blacks as the “typical street criminal” (Franklin 2010, p.694) most prone to violence, particularly in large urban areas. In addition, research has indicated that Hispanics share many of the same economic disadvantages as Blacks, such as unemployment, poverty, and lack of education, and therefore represent a similar threat to society (Healey 1995; Mata 1998).

Closely related to this view is Blumer’s (1958) group position thesis, which provides a model for understanding dominant group attitudes toward minority groups. According to this view, the population distribution of a community structures the way in which groups perceive other groups as well as those in positions of power and control. Britt (2000) contended that those in positions of power and control were more likely to perceive lower levels of racial threat in more homogenous cities and higher levels of racial threat in more heterogeneous cities. Extending the logic of the group position thesis to police-community relations, dominant groups would maintain the most favorable view of the police, while the minority group would hold a less favorable perspective. A common finding in this line of research is that whites tend to justify police misconduct toward minorities, particularly blacks, resulting in what has been described as a form of “rational discrimination” (Weitzer and Tuch 2002, p. 437). As a result, Whites view African Americans as having a stronger inclination toward violence and crime (Hurwitz and Peffley 1997) and rationalize police mistreatment of African Americans based on these perceptions (Weitzer 2000).

Alternatively, Hagan et al. (2005) comparative conflict theory argues that perceptions of injustice are gradient, meaning that African Americans hold the most negative views, followed by Hispanics, and then whites. According to their perspective, racial minorities develop negative views of the criminal justice system through “cognitive landscapes” that manifest from negative experiences with the police at the community level (Buckler et al. 2008, p. 37). In contrast to the group position thesis, their theory holds that racial attitudes toward the legal system do not vary according to the demographic composition of the communities. The authors argue that because African Americans have long experienced negative treatment and discrimination by the police, they have become desensitized through a process of persistent exposure to the police and are thus more likely to regard negative treatment as normal. In sum, they contend that Hispanics are less likely to be discriminated against given their lighter skin tone, but suffer from some of the same abusive practices that African Americans have endured.

## **Racial and Ethnic Differences in Attitudes Toward Police Searches**

Whether real or perceived, African Americans frequently assume that the police engage in racial profiling as a means to stop, search, and question citizens (Engel 2008; Weitzer and Tuch 2002, 2005). These perceptions are largely reflective of the historical treatment of minority citizens, specifically African Americans, by

the criminal justice system (Bayley and Mendelson 1969). In part, the civil protests that occurred during the 1960s by minority groups and their advocates were a result of unequal treatment of African American citizens by the police. Legislators called for more diversification of police staffs, contending that a police organization that is representative of its community is less likely to engage in discriminatory practices against minority groups (President's Commission on Law Enforcement and Administration of Justice 1967). A similar pattern has affected the Hispanic population. As border security and illegal immigration continue to be key policy objectives in Congress, the potential for unfair treatment of Hispanics by the police remains elevated. Further, Hispanics may in fact be more likely to distrust the police than African Americans, particularly in the Southwest. Prior to the passage of SB 1070, state legislation and policing strategies threatened the civil liberties of legal as well as non-legal Hispanic residents living in states such as Arizona and Texas. Previous research has documented the potential net-widening effects of anti-immigrant legislation leading to "ethno-racial profiling" (Provine and Sanchez 2011, p. 471). The authors describe some of its consequences as follows:

Job hunting, particularly in a time of recession and high unemployment has become hazardous and problematic for Latinos, whose right to work is questioned and challenged by employers weary of being accused of hiring undocumented workers. Day labourers, many of whom are of Latino origin, are under suspicion and some municipalities have prohibited them from congregating in public areas to offer labour services. Law-enforcement agencies in Arizona have occasionally enforced these ordinances, arresting Latino men who, despite being American citizens, are subjected to stops on the basis of their use of language, their attire or choice of location (p. 471–472).

It is unclear to what extent changes in immigration policy have affected minority groups' perceptions of the police, particularly given differences in their demographic representation in various communities.

### ***Vehicle Stops***

Arguably the most contentious area of policing is the issue of racial profiling and police discretion in conducting vehicle stops. In *Whren v. U.S.* (1994), the U.S. Supreme Court held that police may conduct a pretextual traffic stop on the basis of a traffic violation to investigate criminal activity. In effect, the Court ruled that the ultimate motivation of the stop is not the important issue, only whether there is legal justification for police intervention. Despite the the Court's inattention toward extralegal factors, there is a well-documented line of research on police traffic stops indicating that police are more likely to stop and search Hispanics and Blacks than Whites (Alpert et al. 2005; Rojek et al. 2012; Borooah 2011; Engel and Johnson 2006; Engel and Calnon 2004).

Weitzer and Tuch (2005) noted that “blacks may be more vulnerable than Hispanics to traffic stops by police because their skin color heightens their visibility” (p. 1025). To date, research has not addressed the relationship among race and perceptions on the type of search conducted. Do African Americans and Hispanics perceive the same level of legitimacy in search policies relating to vehicle searches compared to other forms of searches, e.g., residential and person? Given that most research on search rates has focused on vehicle stops, we created a separate measure to compare differences in racial perceptions on the legality of vehicle searches in the two data collection sites.

### *The Present Study*

Public opinion of the police is largely based on whether citizens view police action as legitimate. Further, the manner in which police searches and seizures are conducted have a profound impact on how citizens view the police (Brunson 2007; Brunson and Miller 2006). According to the Supreme Court, police searches and seizures must be based on the concept of reasonableness, and are contingent upon “the place to be searched and the item to be seized” (*Groh v. Ramirez*, 2004, p.551). To date, the reasonableness standard has received very little empirical attention despite its significance to police work. The limits of police action are governed by what police officers perceive to be reasonable given the totality of the circumstances (*U.S. v. Arvizu* 2002). In theory, if the Supreme Court has accurately interpreted the “reasonable person standard,” then citizens’ opinions about search issues should represent the degree to which the legal process has impacted police behavior and satisfaction with their services.

This study uses U.S. Supreme Court decisions of police searches and seizures to determine the extent to which citizens’ views of the police vary by race and ethnicity and by region of the U.S., net of control variables. We examine these perceptions in two regions of the country—Pennsylvania and Texas. The comparison of two communities with markedly different demographics provides an opportunity to assess the major tenets of both the group-position perspective as well as comparative conflict theory. Given the controversy surrounding immigration policies and associated crime control strategies, we explore the views of Hispanics toward case law governing police searches and seizures. In this community, Hispanics are the dominant ethnic group. Therefore, if the group position theory holds true, Hispanics should maintain the most favorable view toward the police compared to Whites and African Americans. Conversely, we would expect that in communities with more stable immigration trends and less exposure to border violence, such as the Northeast, perceptions of police search policies will be more closely associated with comparative conflict theory and its tenets. Therefore, in the Northeast, we expect that African Americans will hold the least favorable view of the police, followed by Hispanics and Whites most likely to view police search policies as legitimate.

## Method

### *Sample and Procedure*

During the 2014–2015 academic year, a survey<sup>1</sup> was distributed to undergraduate students attending Pennsylvania State University (PSU)-Schuylkill and Harrisburg and Texas A&M University-San Antonio (TAMU-SA), each representing markedly different demographic populations. According to the 2010 U.S. Census Bureau, the San Antonio population is described as 58.3% Hispanic, 7.8% African American, 31.3% White (non-Hispanic), and other (2.6%). Schuylkill County, Pennsylvania, which is located approximately 100 miles from Philadelphia, consists of 93.8% White (non-Hispanic), 3.0% African American, 2.3% Hispanic, and 1% other. In contrast to most 4-year universities, TAMU-SA only offers upper-division courses and is thus considered non-traditional. The student population ( $n = 3468$ ) is majority Hispanic (62%), followed by white (27%), and African American (11%), and the average student age is 31. Alternatively, the combined student population of Penn State-Schuylkill and Harrisburg is predominantly white (63%), followed by African American (18%), and then Hispanic (6%), with an average age of 22. Students declaring themselves as multi-racial or multi-ethnic accounted for 13% of the population across the Penn State campuses.

Surveys were administered during normal class hours across a variety of academic programs to include students majoring in criminal justice, business, education, and the natural sciences at both universities. Students were not required to complete the survey—in most cases points were offered to volunteers as extra credit toward their final semester grade. A total of 1235 completed surveys were returned; however, 96 students refused to participate ( $N = 1331$ ).

## Measures

### *Dependent Variable*

The use of facts from court cases (Kessler 2009), as opposed to vignettes (Rossi and Anderson 1982; Piquero 2012) is relatively uncommon in criminological research. Whether case facts accurately depict the context of a police search is a topic that can

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<sup>1</sup>We field-tested the instrument with a group of ten police officers and made some changes prior to deploying it to the study population. All of the participants acknowledged that the scenarios represented the “most essential facts” of the search once alterations had been made. Kessler (2009) used a similar approach to gauge perceptions of citizens on whether they felt “free to leave” after having been confronted by a police officer while riding a bus or walking on the sidewalk. Building on this instrument, we were careful to include as many of the key legal issues of each search as possible: (1) whether consent, plain view, or any other exceptions to the normal probable cause requirement applied to the search, and (2) whether the facts arising to probable cause or reasonable suspicion were sufficiently identified.

be debated. Despite limitations to this approach, there is a body of research that documents a relationship between perceptions of events and actual behavior (Pogarsky 2004). Further, the complexity of police searches may be best represented by this form of measurement, and Supreme Court cases are well-suited for this study given the universal applicability of the law to all U.S. law enforcement officers.

We selected a random sample of 20 U.S. Supreme Court cases involving police searches and seizures occurring between the years 1999–2009. The population of cases ( $N = 48$ ) consisted of the U.S. Supreme Court Media OYEZ database of cases aggregated by legal issue and year. The facts of each case were summarized to reflect the main legal issue and its key facts. An example of one case scenario is depicted as follows:

Person X was apprehended by Arizona state police on an outstanding warrant for driving with a suspended license. After the officers handcuffed X and placed him/her in the squad car, they went on to search the vehicle and discovered a handgun and a plastic bag of cocaine.

Students were asked to respond to each case summary on a scale of 0–4 (0 = strongly disagree, 1 = disagree, 2 = neutral, 3 = agree, and 4 = strongly agree) as to whether they believed “the search or seizure was reasonable and therefore legal.” The search scale score was the combined score for all cases included in the scale for each sample. Of the 20 cases represented on the survey, five were reverse coded to reflect the Court’s decision that the search was unreasonable. Factor analysis of the scale showed substantial evidence of a single factor and alpha reliability was good ( $\alpha = .69$ ). We then computed a separate scale composed of cases involving vehicle searches. These 7 items represented the vehicle search scale, which showed modest reliability ( $\alpha = .51$ ).

### *Independent Variables*

We constructed a series of dummy variables to assess racial and ethnic group differences in perceptions toward police search policies. To measure the effect of prior contact with the legal system, we included four questions that asked participants about their involvement in the court system during the past 5 years. These questions were measured dichotomously: “I have been a plaintiff in a criminal or civil case” (1 = yes, 0 = no), “I have been a defendant in a criminal or civil case” (1 = yes, 0 = no), “I have served as a juror in a criminal or civil case” (1 = yes, 0 = no), and “I have been a witness in a criminal or civil case” (1 = yes, 0 = no). We also included an item to gauge perceptions of police search policies based on perceived fairness during prior police encounters, measured on a scale of 0–4.

Several control variables were included in the models to measure the independent effect of race and court system involvement on our dependent measures. Gender (male = 1, 0 = female). Previous research indicates that as people grow older they tend to hold more positive views toward the police (Hurst et al. 2000). Studies

also show a similar trend in citizens' attitudes toward the court system—people gain more positive views of the court system with age (Wortley et al. 1997). Most prior research indicates males and females typically do not significantly differ in their views toward the police, but when the interaction between race, age, and gender is considered, gender becomes a significant variable. Specifically, young, Black males are the most likely to hold negative views of the police (Weitzer and Tuch 2006) and that females are less biased in their views toward the court system compared to males (Mast 2004).

Research is mixed on the effects of social class and attitudes toward the police and the court system. While findings are typically insignificant for whites, studies have shown that middle class Blacks and Hispanics are more likely to view the police negatively compared to lower class Blacks and Hispanics (Wortley et al. 1997; Weitzer and Tuch 2002). To assess the independent effects of income across both samples, income level was included as an ordinal variable (15 K and below = 1, above 15 K to 25 K = 2, above 25 K to 35 K = 3, above 35 K to 45 K = 4, above 45 K to 55 K = 5, and above 55 K = 6). Years of employment (over 50% of one calendar year = 1 yr) was also included and measured as a continuous variable.

Two final control variables were included in the models to account for differences in student populations. Since many of the participants were criminal justice majors or actively employed in a criminal justice agency we anticipated more positive attitudes toward the police and the court system among these groups. Prior research has shown that police officers, in particular, tend to be more authoritarian compared to non-officers (Culhane et al. 2008). Therefore, student major (criminal justice/criminology = 1, other = 0) and occupation (1 = currently employed in CJ field = 1, 0 = other) were included in the models.

## Analytical Strategy

This study included two separate analyses. First, a series of OLS regression equations were estimated to explore the independent effects of region as well as race and ethnicity on our general measure of police legitimacy. We introduced the independent variables in four stages (models) to show the incremental effects of region, race/ethnicity, legal contact, and other demographical variables. Next, we repeated the same analysis for our measure of the measure of police legitimacy as reflected through vehicle search cases as decided by the Court. When using a combination of variables measured at both the continuous and dichotomous levels, the assumption of homoscedasticity may be violated due to significantly different levels of variance that affect linearity among the variables. However, the Durbin-Watson test for violations of homoscedasticity showed no problems across the models. Another potential problem that affects OLS regression models is multi-collinearity among the variables. A preliminary analysis of the variable inflation factors and tolerance levels was conducted; however, the analysis showed no problems with multi-collinearity among the variables.

Aside from racial differences between the two samples, students at TAMU-SA were older; were predominantly female; reported a higher mean income; and were slightly more likely to be currently employed in the criminal justice field. In terms of overall perceptions of police legitimacy, Northeastern respondents were significantly more likely to agree with the case law governing police searches and seizures compared to those in the Southwest. Interestingly, as it relates to vehicle searches and seizures, respondents from our Southwestern community were significantly more likely to agree with the Court's case law.

## Results

Weitzer (2000) suggested that more research is necessary to examine individual perceptions toward the police and how these views vary across communities. This study is one of the few to examine regional differences in perceptions of police legitimacy; and employs a contextual measure that is reflected through search and seizure cases decided by the U.S. Supreme Court. First, we examine regional as well as racial and ethnic differences with respect to our overall measure that is based on searches of persons, places, and vehicles. Next, we investigate these effects as they relate specifically to vehicle searches and seizures. Our last point of inquiry concerns the partitioned effects of these variables according to region. The standardized beta coefficient for the variable region is statistically significant, even when legal background and control variables are introduced in the sequence of models. More specifically, respondents in our Northeastern community were more likely to agree with the legality of Supreme Court decisions governing police searches and seizures. Additionally, the models show that relative to Whites, African Americans are substantially more likely to hold opinions that are at odds with our measure of police search legitimacy. Similarly, Hispanics appear to be somewhat in disagreement with our measure of police legitimacy, and appear to occupy a middle-ground between Whites and African Americans. Several of the legal background and contact variables are significant in the models. Consistent with previous research, those respondents who had been treated fairly by the police in the past were more likely to hold views that were in accordance with our dependent measure (Terrill and Resig 2003; Fagan and Davies 2000). Additionally, those who had been a defendant or a juror in a criminal or civil case were more likely to maintain positive views of case holdings. Of the remaining variables, individuals with greater years of experience working in the criminal justice system were more likely to agree with the Court's opinions.

The results of the regression models included the same predictor variables on perceptions of vehicle search and seizure legality. Initially, the variable for region appears statistically significant in model one and remains so through model three. However, when all variables are included in model four these effects diminish. This finding is at odds with the outcome observed from our general measure of police search legality. Second, only the coefficient for race (African Americans) is statistically significant

and remains fairly stable in models two through four. In other words, Hispanics appear to maintain beliefs that are more closely aligned with Whites as it relates to laws governing vehicle searches and seizures. African Americans, on the other hand, also are more likely to disagree with the Court's legal opinion compared to these groups. And like the results using the overall measure search legality, the individual's prior experience as a juror and treatment by the police continue to be salient predictors in the models.

### *Interaction Effects*

Because differences were discovered in the overall models, the data for each region was analyzed separately to explore interaction effects. When the results for each region are examined independently, a somewhat different perspective emerges. Indeed, the influence of race and ethnicity on attitudinal measures of police searches and seizures is most evident in the Northeast. These effects are largely consistent with the additive models—African Americans in the Northeast, relative to Whites, tend to hold the most negative views of case law governing police searches and seizures, followed by Hispanics. Moreover, our respondents in the Southwest showed no significant differences our either outcome of interest. This finding highlights the importance of taking into context the regional effects on attitudes toward police practices.

Beyond racial and ethnic differences, Northeasterners' responses were also mediated by legal contact and background variables such as having served as a juror or defendant in the last 5 years. Further, our measure of prior treatment by the police is the only factor that remains consistently and positively related to our dependent measure in both regions.

The results also show regional differences in perceptions according to employment, major, gender, and age. While respondents with prior criminal justice system experience were more likely to agree with the Court's opinions in the Northeast, no significant differences were found among respondents in the Southwest. Paradoxically, the student's gender and reported major had a negative effect on overall perceptions in the Northeast and a positive effect on each dependent measure in the Southwest. Age was only a salient predictor in Northeasterners' attitudes to the general search measure.

## **Discussion**

A common assumption in police-community relations research is that racial and ethnic differences in attitudes toward the police are relatively stable across communities. Comparative conflict theory holds that African-Americans will maintain the most negative views toward the police, followed by Hispanics, and then Whites.

Moreover, the theory asserts that Hispanics should hold more favorable views toward the police than African-Americans but less than Whites. However, recent political and social developments have impacted the Hispanic population in significant ways. Politicians have criticized anti-immigration legislation such as Operation Secure Communities and Arizona's Support Our Law Enforcement and Safe Neighborhoods Act of 2010 as unfairly targeting Hispanics. Moreover, although federal immigration law applies with equal force across the U.S., the majority of the population affected by these policies resides in the Southwest. This study fills a gap in the police-community relations literature by comparing racial and ethnic differences in perceptions of the legality of police searches and seizures in a Hispanic-majority and White-majority community.

Perhaps the most salient finding from this study is that respondents' views differed as they related to vehicle and overall measures of police search legality. In the Northeast, African Americans and Hispanics were significantly less supportive of general police search policies compared to Whites. Indeed, as Comparative Conflict Theory predicted, African-Americans held the least favorable views of police search legality followed by Hispanics. These findings suggest that where immigration patterns are relatively stable, perceptions of racial injustice are gradient according to race and ethnicity.

In keeping with the group position thesis, we predicted that Hispanics would retain the most favorable views of police search policies in the Southwest, despite the escalation in border violence in this region and recent federal and state immigration policies targeting Hispanics. However, our findings showed that racial and ethnic perceptions of police search legality did not differ significantly in the Southwest. It is somewhat surprising that African-Americans in the Southwest did not significantly differ from Whites in our analysis. This finding may be attributed to the use of scenarios to measure perceptions of search legality as opposed to general social surveys. Whereas the former presents a more objective measure of one's opinion regarding search legitimacy, the latter is inextricably tied to preconceived notions of bias that are heavily influenced by one's social surroundings (Tyler and Huo 2002; Kaminski and Jefferis 1998).

Weitzer and Tuch (2002) noted that African-Americans "may be more vulnerable than Hispanics to traffic stops by police because their skin color heightens their visibility" (p. 1025). Our study provided support for this notion with one caveat—the extent to which racial attitudes are related police search policies is mediated by region. In the Northeast, African-Americans were less supportive vehicle search and seizure policies compared to Whites, but Hispanics did not significantly differ from Whites in their support for these policies. In the Southwest, however, our findings indicated that neither Hispanics nor African-Americans significantly differed from Whites on their perceptions of vehicle search legality. These results are incongruous with past research indicating that African-Americans as well as Hispanics tend to be stopped by the police more frequently than Whites and treated more harshly during these incidents (Harris 2002).

However, our findings in relation to perceptions about the legality of vehicle stops are in some ways similar to results from prior research. The literature in this

area reveals that African Americans are generally more critical of the legal justification for traffic stops compared to Whites. When viewed from the lens of Comparative Conflict Theory, Hispanics are ostensibly more sensitive to police contact than are African-Americans, partly due to the latter group's tendency to regard police encounters as "business as usual." When data was partitioned by region, results showed that individuals who had experienced positive encounters with the police in the past were also more likely to hold favorable perceptions of police search policies. These results imply that one's experiences with the police have enduring effects on conceptions of police legitimacy; and that race or ethnicity may not always influence police-community relationships.

Previous research has typically relied on general social surveys (see Weitzer et al. 2008), observational data (Rojek et al. 2010) or records from police traffic stops (Rojek et al. 2012) to gauge attitudes toward the police. This study employs a new methodological design using fact-based scenarios of seminal police search and seizure cases. Reflecting on the results of this study, the scenario-approach may tend to reveal opinions that are less susceptible to bias and one's social environment compared to previous approaches. Although differences according to race were found in the Northeast, no such differences were revealed in the Southwest. Another possible explanation for the null results in the Southwest is that southern states in general tend to be more conservative in their views on political issues, and that such views may be more pervasive within Hispanic-majority communities despite surges in border violence and controversial immigration reform. Future research employing legal cases to examine public opinion is warranted to explore more deeply the relationship between ones' political views and perceptions regarding the legitimacy of police searches; and specifically, how these views differ according to race and ethnicity.

The results of this study suggest that police have much to gain with respect to equal treatment of citizens during vehicle stops and other encounters. For example, citizen's beliefs and experiences with the police can influence their motivation to report crimes and cooperate as witnesses. In addition, positive perceptions of the police are more likely to facilitate more effective community-based programs that prevent and deter criminal activity. This study highlights the importance of place in understanding the connection between race and ethnicity and perceptions of police legitimacy. Further, it reveals that the validity of theoretical frameworks such as Comparative Conflict Theory and the group position thesis are nested in the local and regional aspects of crime and social control agents' response to crime.

## Appendix

**Table 8.1** Descriptive statistics for variables in study by region of country

	Southwest (n = 533)	Northeast (n = 703)	Difference in means
	Frequency/Mean	Frequency/Mean	
Independent variables			
Plaintiff	.09	.10	.007
Defendant	.12	.13	.02
Juror	.06	.11	.05**
Witness	.10	.09	-.01
Police contact	2.68	2.47	-.21**
Employment (years)	9.85	2.94	-6.90**
Employed (CJS)			-.05**
Income level	1.68	.36	-1.33**
Major (CRIM/CJ)			-.05
Gender (male)			.22**
Age (years)	30.42	20.93	-9.49
Race			
Hispanic			
African American			
White			
Dependent variables			
Case score	44.64		3.79**
Vehicle case score	18.64	17.64	1.00**

Note: A t-test was used to measure mean differences between regions for the independent variables. A Mann-Whitney *U* test was used for the dependent variable (Case Score). Descriptive and bivariate statistics for the variable Race/Ethnicity are reported in the Results section

\**p* < .05

\*\**p* < .01, using a two-tailed *t*-test

**Table 8.2** OLS regression predicting perceived legitimacy of searches and seizures

Independent and control variables	Model 1	Model 2	Model 3	Model 4
Region (1 = PSU)	.21**	.21**	.23**	.26**
	(.51)	(.62)	(.61)	(.79)
Hispanic		-.09**	-.09**	-.10**
		(.68)	(.66)	(.79)
African American		-.16**	-.17**	-.17**
		(.68)		(.66)
Plaintiff			.02	.01
			(.89)	(.94)
Defendant			.07*	.07*
			(.83)	(.85)
Juror			.06*	.07**
			(.89)	(.92)
Witness			.02	.02
Police contact			.22**	.22**
			(.22)	(.23)
Employment length				.04
				(.06)
Employed in CJS (1 = yes)				.08**
				(1.02)
Major (1 = CJ/CRIM)				-.03
				(.53)
Income				.03
				(.23)
Gender (1 = male)				.04
				(.54)
Age				---
				(.06)
Intercept	44.64	46.17	41.01	39.73
Adjusted $R^2$	.04	.07	.12	.14

Note: For the variable Race, White is the reference group. The standardized coefficients are reported for the independent variables with the standard errors in parentheses

\* $p < .05$

\*\* $p < .01$

**Table 8.3** OLS regression predicting perceived legitimacy of vehicle searches and seizures

Independent and control variables	Model 1	Model 2	Model 3	Model 4
Region	-.12**	-.10**	-.08*	-.06
	(.23)	(.29)	(.29)	(.37)
Hispanic		-.02	-.02	-.04
Black		-.12**	-.13**	-.13**
		(.32)	(.31)	(.33)
Plaintiff			.02	.01
			(.42)	(.44)
Defendant			.07*	.08*
			(.39)	(.40)
Juror			.05	.06*
			(.42)	(.44)
Witness			-.02	-.02
			(.42)	(.44)
Police contact			.19**	.19**
			(.11)	(.11)
Employment				.08
				(.03)
Employed in CJS				.05
				(.48)
Income				.02
				(.11)
Major				—
				(.25)
Gender				.02
				(.26)
Age				-.04
				(.03)
Intercept	18.64	18.94	16.93	16.79
Adjusted R <sup>2</sup>	.01	.02	.06	.06

Note: For the variable Race, White is the reference group. The standardized coefficients for the independent variables are reported with the standard errors in parentheses

\**p* < .05

\*\**p* < .01

**Table 8.4** OLS regression for partitioned data by region and type of search

Variable	Northeast				Southwest			
	General		Vehicle		General		Vehicle	
	$\beta$	SE	$\beta$	SE	$\beta$	SE	$\beta$	SE
Hispanic	-.09*	1.26	-.09*	.54	–	–	–	–
AA	-.17**	.92	-.15**	.41	–	–	–	–
Juror	.10**	1.28	.09*	.56	–	–	–	–
Defendant	–	–	.10*	.57	–	–	–	–
Police contact	.24**	.37	.22**	.16	.20**	.24	.15**	.15
Employed in CJS	.12**	1.82	.08*	.80	–	–	–	–
Major	-.07*	.79	–	–	.10*	.56	.10*	.35
Gender	.09*	.83	.08*	.36	–	–	-.11*	.34
Age	.09*	.16	–	–	–	–	–	–
Adjusted $R^2$	.15		.11		.06		.04	

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