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## Book Review

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**Book Reviews**

Jinee Lokaneeta, Editor

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*Pulled Over: How Police Stops Define Race and Citizenship.* By Charles Epp, Steven Maynard-Moody, and Donald Haider Markel. Chicago: University of Chicago Press, 2014. 272 pp. 25.00 paperback.

Reviewed by Mario L. Barnes, School of Law, University of California, Irvine

It is rare to read a new book that makes important contributions to multiple fields and literatures. It is rarer still when the book addresses the interrelation of race, perceived criminality, and policing—historically fraught affiliations that remain so despite being extensively explored within law and social science research. In *Pulled Over: How Police Stops Define Race and Citizenship*, the authors make these important contributions. In the narrowest sense, the book analyzes a survey of over 2300 motorists about their experiences with traffic stops in the Kansas City Metropolitan area. The findings, however, do much more. They differentiate between stops where race does or does not provide the basis for the encounter and in so doing, utilize methods that are attendant to both critical and sociolegal approaches. As a result, the text offers crucial insights into how “race shapes and is shaped by police stops in often hidden and subtle but profound and foundational ways” (p. xvi).

The book importantly illustrates that police stops work differently depending on the justification for the stop. There are traffic safety stops, which officers identify as premised on “must-stop” violations (p. 60), and there are investigatory stops, which are used to address low-level violations. In assessing the likelihood of a driver being stopped, the researchers assessed stops for excessive speeding (one type of traffic safety stop), traffic safety stops more generally, and investigatory stops. Across these stops, they evaluated a number of characteristics of the drivers and vehicles driven. These characteristics included whether drivers were African American, gender, age, vehicle value, vehicle type (luxury cars), and vehicle damage. The research revealed that African Americans are much less likely

to be given traffic safety justifications for being stopped and much more likely to be provided no reason or low-level violation justifications. To a significant degree—2.7 times more likely than Whites—Blacks are disproportionately stopped for investigatory stops.

Investigatory stops implicate racial profiling and are consistent with the U.S. Supreme Court's *Whren v. United States* (1996) decision. *Whren* permits minor offenses to serve as a pretext to seek evidence of more serious violations, even where racial bias informs some part of an officer's motivation for a stop. *Pulled Over* details the full extent of this racialized burden, including looking at interactive effects between characteristics. From this analysis, the authors determine that young African American men are "by far the most likely to be stopped for investigatory reasons" (p. 66). Investigatory stops are also sensitive to other classifications. For example, even though women and older drivers are stopped less, when one accounts for the driver's age, race, and gender, low-value vehicles are 70% more likely to be stopped (p. 68), and African American stops are most prevalent in suburban areas where they are perceived as out of place (pp. 70–71). It is not possible here to fully explicate this rich set of findings, but the analysis of the survey data is exhaustive and illuminates how race influences the way police select and conduct investigatory stops.

If *Pulled Over* only demonstrated the differences between traffic safety and investigatory stops, it would be an incredibly informative text. The researchers, however, do even more by conducting an exceptionally informative set of interviews with survey participants who indicated they had been stopped by the police. In a manner that could not be gleaned from the basic survey data alone, the interviews reveal that stops proceed according to different scripts for the police and drivers based on matters such as the justification for the stop. These narratives also paint a vivid picture of the starkly different ways stops were experienced across racial groups. For traffic safety stops, Blacks are handcuffed and arrested at statistically significant higher rates than Whites. For investigatory stops, Blacks more often report impolite officer demeanor, and that they are more often threatened with arrest and search, which likely explains why they are more apt to challenge the fairness of traffic safety stops. One important insight from the study is that racially disparate treatment within stops is not typically explained by an officer's explicit racial bias. Rather, racial disparities in police stops are a product of discriminatory institutional practices that "grow from and reproduce negative racial stereotypes" (p. 12).

Importantly, the narratives also provide insight into drivers' thoughts and emotions regarding the stops. Black respondents' narratives about stops express much greater concerns about legitimacy. This finding prompted the authors to query whether the

procedural justice thesis works for Blacks, who are repeatedly subjected to punitive processes, such as police stops. Driver narratives also reveal how social status is communicated through police stops, which the authors persuasively argue demonstrates that stops significantly define the quality of citizenship. The responses of Blacks manifest an understanding that they are treated as “second class citizens” (p. 136), and explain why they have greater distrust of police. Police stops, then, not only contribute to the construction of racial identities, but erode individual liberty and undermine equality.

The final chapter of the book offers a policy proposal to mitigate the disparities arising between traffic safety and investigatory stops. The authors propose allowing police stops only when there is “clear evidence of criminal behavior” (p. 161) and prohibiting searches unless there is probable cause. They also propose requiring police to develop internal guidelines and oversight systems for stops. While the authors acknowledge the difficulty of gaining support for these changes, they are not merely aspirational. As the text points out, police policies regarding shooting fleeing felons—a practice that also disproportionately affected African American boys—were effectively reformed through court rulings.

*Pulled Over* is sophisticated, comprehensive, and methodologically diverse. In past work I have encouraged the greater use of narrative method in sociolegal research (Barnes 2006). I can only describe its use here as thoughtful, complementary, and meaningful. While the survey data capture the expanse of the racial disparities in certain police stops, it is the driver narratives that communicate the pain and humiliation associated with investigatory stops. Hence, while other recent studies identify differential black and white attitudes toward the legitimacy of legal authority (Peffley and Hurwitz 2010), *Pulled Over* demonstrates why. No thoughtful reader will be able to dissociate conversations of so-called black criminality from the powerful depiction of black inequality evinced here. This book is also very responsive to recent efforts calling for more nuanced considerations of race in sociolegal studies (Gómez 2012; Obasogie 2006).

By focusing on the way that stops produce diminished citizenship through institutional rather than individual discrimination, this work appropriately focuses on structural inequality. Moreover, the authors are thoughtful in their treatment of race, a concept they acknowledge is produced as a function of cultural and cognitive frames. It is also refreshing to read a study that marks how race interacts with other variables, and that explores the experiences of particularly vulnerable subpopulations, such as young, black men. Finally, the authors’ emphasis on how identity is coconstructed through stereotype-influenced institutional practices, which are, in turn, affected by the stops, is enlightening. In their discussions of

this aspect of police stops, the authors contribute to research on of legal attitudes and consciousness.

My only substantive criticism of the project relates to the reform proposal. The pragmatic approach the text advocates prompted the question: Why in our ostensibly posttrace era does society lack the courage to fully disrupt institutionalized racist practices? The answer likely turns on the “fear of too much justice” line from Justice Brennan’s dissent in *McCleskey v. Kemp* (1987). While *Pulled Over* provides no answer, it affirms the relevance of the question. I commend it to all scholars interested in meaningfully engaging the myriad and complex ways that police stops affect racial identity and conceptions of citizenship.

## References

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*Children of the Prison Boom: Mass Incarceration and the Future of American Inequality*. By Sarah Wakefield and Christopher Wildeman. New York: Oxford University Press, 2014. 231 pp. \$34.95 cloth.

Reviewed by Aziz Z. Huq, Law School, University of Chicago

In his majority opinion in *United States v. Windsor* (2013), Justice Anthony Kennedy offered a novel argument for invalidating the federal refusal to recognize same-sex marriages. The Defense of