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Racial profiling complaints jumped

By **Martha Stoddard**
WORLD-HERALD BUREAU

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LINCOLN - One of every four drivers pulled over by Omaha police officers last year was black, a new state report shows.

Among them was State Sen. Brenda Council of Omaha.

Her crime? According to the officer, it was having a cardboard air freshener dangling from her rear view mirror.

Her punishment? None, just a verbal warning.

Her take on the incident? Yet another example of law enforcement using flimsy pretexts to stop minority drivers.

The lack of a ticket suggests there was no legitimate reason for the stop in the first place, Council said.

The state report on racial profiling shows that her experience was not unusual.

According to the report, the Omaha Police Department not only stopped black drivers and arrested black drivers at rates higher than their proportion of the population in 2009. The department also stopped a disproportionate number of black drivers without issuing them a traffic ticket. The drivers were given verbal or written warnings or no action was taken at all.

Council said the report indicates that black drivers are being stopped for reasons other than traffic enforcement.

Sam Walker, professor emeritus of criminal justice at the University of Nebraska at Omaha, agreed that what she alleged is possible. The data raise "some very legitimate questions" about why certain drivers are stopped, he said.

But the report from the Nebraska Commission on Law Enforcement and Criminal Justice doesn't have enough detail to show whether racial profiling might have occurred, he said.

"The data they've got is suggestive, but it's not definitive," Walker said. "It shows the need for digging further."

Omaha Police Chief Alex Hayes said department staff will undertake that kind of analysis in the coming days.

He said he could not immediately explain why there would be a disproportionate number of black drivers stopped but not ticketed or arrested.

In some cases, however, department records might show that a stop was made as part of the investigation of a crime.

"We will drill further down into the data and take corrective action if necessary," Hayes said.

Police department spokeswoman Lt. Darci Tierney noted that greater police presence in eastern Omaha because of crime calls could contribute to a disproportionate number of traffic stops of minorities.

Omaha City Councilman Ben Gray speculated about a couple of reasons why black drivers might be stopped without being ticketed or arrested. Officers could be participating in efforts to build better community relations, or they could be

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stopping cars as part of the push to address gang violence, he said.

Statewide, the report showed that blacks, Hispanics and Native Americans continue to be stopped at rates higher than their proportion of the population.

Their vehicles were searched at higher rates, and they were arrested at higher rates.

Similar trends have been seen each year since a state law mandated reporting. The first report covered traffic stops in 2002.

The latest report shows that the number of complaints about racial profiling jumped sharply in the last two years. There were 32 complaints in 2009, up from 22 in 2008 and 11 in 2007. The number of complaints was in the single digits from 2003 through 2006.

Michael Behm, executive director of the crime commission, said he doesn't have explanations for the increase. Hayes said it could reflect greater public confidence that their complaints would be heard.

The report said agency investigations found no validity to the 80 complaints for which outcomes were given. But Gray said he believes some of the complaints should have reached different conclusions.

"I believe that a lot of the allegations are legitimate," he said. "It's not surprising to me that racial profiling continues to go on."

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