

# LIFTING THE VEIL OF RACIAL PROFILING IN FERNDALE



**CAIR**  
MICHIGAN

[www.cairmichigan.org](http://www.cairmichigan.org)  
1905 S. Haggerty Road, Suite 5  
Canton, MI 48188  
(248) 559-2247

# Lifting the Veil on Racial Profiling in Ferndale

## About CAIR-MI

Council on American Islamic Relations-Michigan (CAIR-MI) is a local chapter of the Nation's largest Muslim civil rights and advocacy organization. The mission of CAIR-MI is to enhance the understanding of Islam, encourage dialogue, protect civil liberties, empower American Muslims and build coalitions that promote justice and mutual understanding through education, mediation, media and the law.

## For Questions

CAIR-MI  
1905 S. Haggerty Road, Suite 5  
Canton, MI 48188  
Tel: 248-559-2247  
[Info@cairmichigan.com](mailto:Info@cairmichigan.com)  
[www.cairmichigan.org](http://www.cairmichigan.org)

## For Copies

To obtain copies, for comments or feedback, please write to [info@cairmichigan.com](mailto:info@cairmichigan.com) and include the subject "**2023 Ferndale Report**"

## ACKNOWLEDGMENTS:

This report could not have been possible without the hard work, dedication and support of the entire team at CAIR-MI. Large portions of this report were drafted by CAIR-MI Executive Director Dawud Walid, and CAIR-MI Staff Attorney Amy V. Doukoure. Contributions to editing, formatting and content from CAIR-MI Director of Safe Spaces, Nour Ali and CAIR-MI Office Manager Zakirah White. Special acknowledgement for assistance in designing this project goes to former Safe Spaces Director Zienab Fahs. Legal Intern Manaal Zubairi worked diligently and tirelessly over a period of several months to review, analyze and document hundreds of pages police reports and traffic citations alongside other members of CAIR-MI's legal team.

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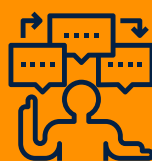
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# EXECUTIVE SUMMARY

In September 2021, the Michigan chapter of the Council on American-Islamic Relations (CAIR-MI) filed a notice of claim on behalf of Mrs. Helena Bowe, an African American Muslim, due to her being compelled to remove her hijab (Islamically required headcover for women) during the booking process of her detainment by the Ferndale Police. Bowe, who was driving eastbound on 8 Mile Road, was stopped in Detroit, which is located in Wayne County, without having driven through Ferndale, which is located in Oakland County, on the occasion of her traffic stop which led to her detainment. Bowe was pulled over by Ferndale Police on the bogus claim that her license plate tags might have been expired or were improper. Though Bowe was detained by Ferndale Police and her constitutional rights were violated regarding the forced removal of her hijab, her license plate tags were not expired which led to her traffic citation being dropped.

In October 2021, CAIR-MI filed a lawsuit in the Federal District Court on behalf of Bowe alleging that Ferndale had violated her rights under the U.S. Constitution as well as the Religious Land Use and Institutionalized Persons Act (RLUIPA). Subsequently in May 2022, CAIR-MI reached settlement of this matter that involved the city instituting new policies allowing Muslim women to maintain their hijab during the booking photo process and the prohibition of cross-gender searches in the absence of an emergency. Pursuant to the terms of the agreement, Ferndale also paid Bowe a monetary settlement.

Although settlement was reached pertaining to this case regarding issues of religious rights during the booking process, CAIR-MI still held concerns about the initial reason why Bowe was stopped and the potential of continued racial profiling of Black motorists on 8 Mile Road. In September 2014, ACLU of Michigan urged the Ferndale Police Department to hire an independent firm to investigate possible racial profiling based upon “citing alarming statistics” of Black motorists being pulled in traffic stops.[1] Moreover in November 2020, Moratorium NOW! Coalition placed a billboard on 8 Mile Rd with the text[2]:



# Executive Summary

## Continued.....

Given these factors, CAIR-MI issued three Freedom of Information Act Request's (FOIA) to the city of Ferndale requesting copies of all citations, warnings and police reports associated with city's police department pertaining to motorist stops inside Detroit city limits on 8 Mile Road as well as similar information pertaining to traffic stops from bordering municipalities including Royal Oak Township, Hazel Park, Royal Oak, and Pleasant Ridge. Based upon the analysis of data from Ferndale's Transparency Dashboard as well as information obtained from FOIA, it is clear that Ferndale Police disproportionately ticket and arrest Black motorists within the city limits of Detroit as well as inside of its own city limits. It is also clear that the Ferndale Police either negligently or intentionally skews data relating to race of individuals whom it issues citations to on its Public Police Accountability Dashboard in an effort to mask the full extent of the racial disparity of its law enforcement actions.

As Metro Detroit remains one of America's top five segregated regions based upon race, policing patterns of Ferndale appear to reinforce an invisible wall on 8 Mile Road separating Black from non-Black which differ little in effect from literal walls that previously separated races on 8 Mile Road.[3][4] Ferndale, which is approximately 85% white in population, reflects this reality compared to its neighbor Detroit, which is approximately 76% Black in population. In order to break the social factors which lead to hyper segregation which contribute to other societal problems including civil rights violations, police departments in Metro Detroit must be at the forefront in not reinforcing segregation even if municipalities such as Ferndale claim to be welcoming to diversity and inclusion.



CAIR-MI Executive Director  
Dawud Walid

# DATA SUMMARY

01

11% of all citations issued by Ferndale Police between January 1, 2021 and October 31, 2021 were issued to drivers located on the Detroit side of the 8 Mile Road border between Detroit and Ferndale

02

In 2021, Ferndale's police accountability page listed the following statistics related to issuance of citations:

37.3% - African Americans  
22.36 - White  
39.83% Unknown race [5]

03

The U.S. Census Bureau Listed Ferndale's racial demographic in 2021 as follows:

6.3% African American  
85.6% White-Non-Hispanic  
3.5% Two or More Races  
2.6 % Hispanic  
1.3% Asian- only

04

Based on CAIR-MI's research citations issued in Detroit along the 8mile Road border by Ferndale Police

84 %-African American  
12 %-White:  
4 %-Unknown

05

Well over 90% of all traffic citations issued by Ferndale in neighboring cities other than Detroit were issued to African Americans.

# FERNDALE POLICE CITIZEN ENCOUNTERS

Inside the Detroit border  
along 8 Mile Road

**84%**

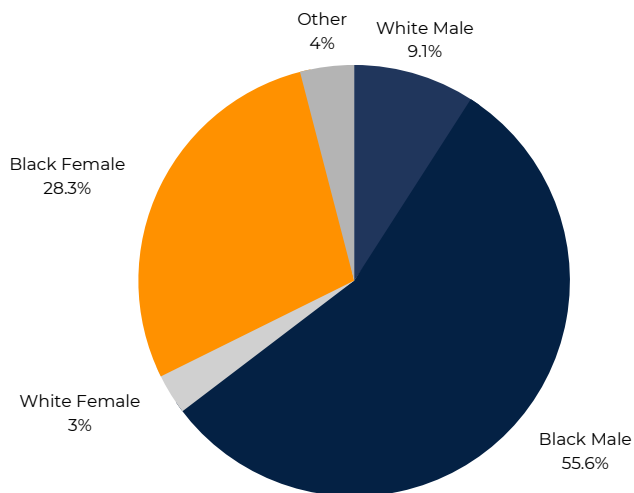
Citations issued to  
Black motorists

**86%**

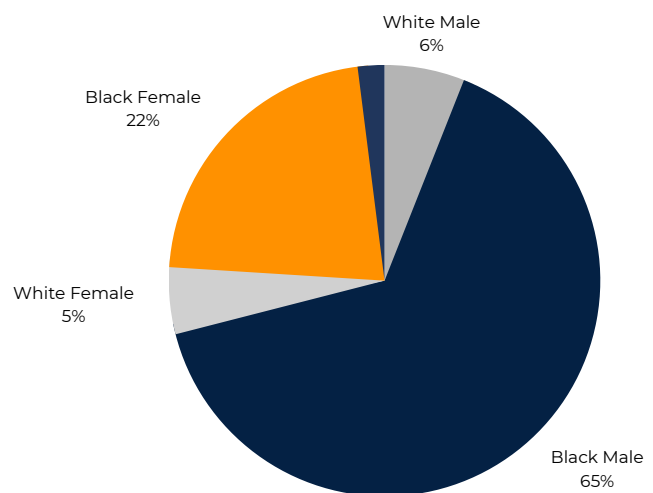
Arrests involved  
Black motorists

**26.6%**

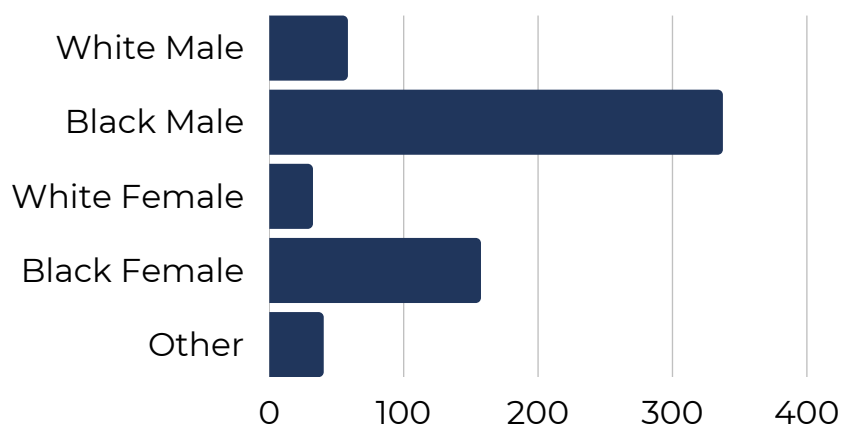
Of all criminal arrests  
happened in Detroit



Citations by Race  
and Gender



Arrests by Race and  
Gender

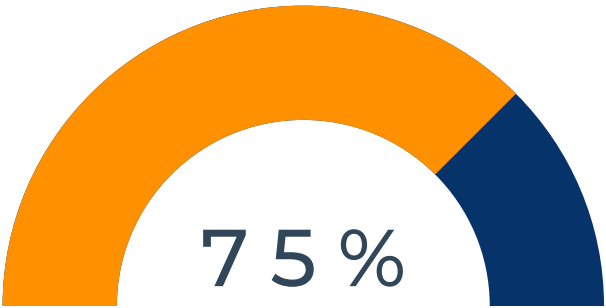


8 Mile Road Stops

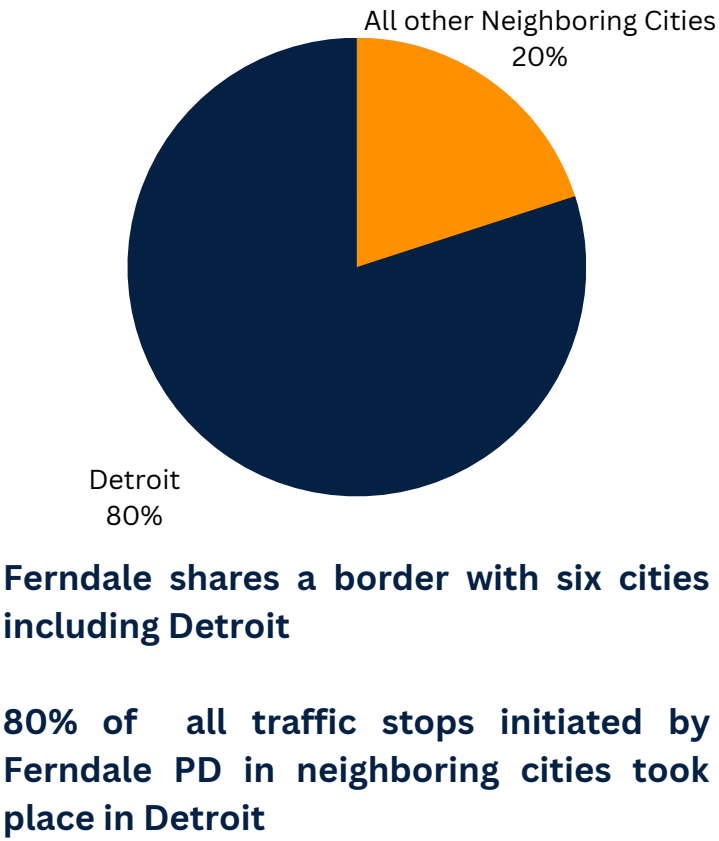
Less than  
**1%**  
of all stops  
involved residents  
of Ferndale

# FERNDALE CITIZEN ENCOUNTERS

## Other Neighboring Cities



Of all stops initiated by Ferndale Police in neighboring cities took place on 8 Mile Road





# REPORT

## Introduction

CAIR-MI believed, given the circumstances of the stop and arrest of our client, that the city of Ferndale's patrolling of the southern side of 8-mile road inside the city boundary of Detroit was problematic and predatory. Furthermore, CAIR-MI held the belief that by patrolling inside the city of Detroit, the city of Ferndale was utilizing issuance of traffic citations and making arrests as a means to extract money from the citizenry of Detroit for the purpose of funding the city of Ferndale's public services. This fear is well founded and supported by independent research which outlines how municipalities, such as Ferndale utilize traffic fines and court costs as one of the most lucrative streams of revenue for cities.<sup>[7]</sup>

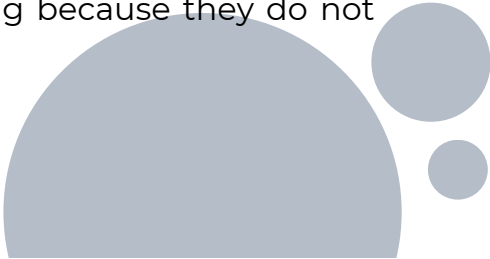
This report focuses on traffic stops that were initiated by the Ferndale Police Department against drivers who were on the southern side of 8 Mile Road (traveling east bound). The east bound lanes of 8 Mile are exclusively within the city limits of Detroit, Wayne County. The city of Ferndale, which is firmly situated within Oakland County, shares a border along 8 Mile road with the city of Detroit.


8 Mile Road between Ferndale and Detroit contains three (3) lanes traveling in each direction (east and west) separated by a large grass median. In fact, the boundary line between the two cities lies somewhere near the center of the grass median. As such, it can be presumed that any time Ferndale Police Officers are patrolling on east bound 8 mile road they are located in the city of Detroit.

## The Problem With Traffic Fines as Revenue

First, by engaging in this type of policing practice the city of Ferndale's officers are encountering citizens of completely different cities that have no nexus to the city. This is shown when less than 1% of the drivers stopped on 8 mile road live, work or travel within the city of Ferndale.

Furthermore, the ticketed drivers will be subjected to fines, but will not reap the benefits associated with revenue they're generating because they do not have access to public works or services of Ferndale.






Second, this type of cross border policing can cause a minority population to feel targeted and unsafe and can oftentimes restrict their own movement. This is especially true in the case of Ferndale, a primarily white city with primarily white police officers, policing across the border into Detroit which is a majority minority city.

For decades African American, and other minority drivers have avoided traveling on 8 Mile Road out of fear they will be subjected to a traffic stop by Ferndale Police (as well as police of other Oakland County cities). This self-restriction of movement is a significant deprivation of liberty that is assured to all persons within the United States by the U.S. Constitution. When an individual who lives, works, shops and travels exclusively outside of the city of Ferndale has to make a determination that they will not go to a certain retail establishment, friend's house etc., or that they will take a different and often longer route, to avoid the risk of being targeted by law enforcement from an entirely different city the driver can feel preyed upon. and lead to deprivation of liberty. Ferndale's patrolling of the southern side of 8-mile road inside the city boundary of Detroit appears both problematic and predatory.

Third, this type of out of city policing provides no benefit to the city of Detroit or its citizenry. The city of Ferndale's practice of encroaching into the city of Detroit's border does not provide any direct pecuniary benefit to the citizens that are subjected to the invasion. The city of Ferndale's actions do not put any additional resources into the city of Detroit, but rather they are taking resources out of the city of Detroit. The city of Ferndale is not engaging in police activity that would provide any benefit to the city of Detroit, they are not assisting with stopping violent criminal activity by responding to 911 calls at retail establishments that line the same street where they are issuing tickets.

In fact, the city of Ferndale's actions are taking resources out of the city of Detroit. When Detroiters know that they are unsafe driving to retail establishments along the 8 Mile Road border with Ferndale, the patronage of those facilities is reduced thereby chilling commerce. This reduction in commerce to those businesses results in an overall loss of tax revenue to the city of Detroit and the state of Michigan.





Additionally, Detroiters themselves are harmed by the fines and/or arrests associated with these predatory traffic stops. Detroiters who are cited by the city of Ferndale not only have to pay the fines associated with the citations, but they then are also subjected to an increase in their insurance rates. It is general knowledge that the insurance rates in Michigan are some of the highest in the country and further that the insurance premiums for Detroiters are some of the highest rates in the state. These citations and arrests can often times also lead to lost wages for court dates or days spent at the Ferndale city Jail awaiting an arraignment.

## The Project

In an effort to determine the seriousness of the problem of the city of Ferndale patrolling the Detroit side of 8 Mile Road, CAIR-MI issued a Freedom of Information Act Request (FOIA) to the city of Ferndale. In the FOIA, we requested, and received, copies of all citations, warnings and police reports associated with the city of Ferndale's Police Department's stops inside the city of Detroit city limits on 8 Mile Road for the period of January 1, 2021 through October 31, 2021.

CAIR-MI filed an additional FOIA, requesting information from traffic stops that invade the borders of all other neighboring cities including, Royal Oak Township, Hazel Park, Royal Oak, and Pleasant Ridge for the same period of time.






## Methodology

CAIR-MI created its data set and statistics using information that was publicly available through Freedom of Information Act Requests (FOIA), Ferndale's public Transparency Dashboard, and the U.S. Census Bureau's official website. Through FOIA requests, CAIR-MI was able to obtain and analyze hundreds of traffic citations and police reports from the city of Ferndale that covered all traffic stops, criminal arrests, citations, and accident reports for a ten month period of time in 2021. The reports obtained were related to Ferndale Police Department's law enforcement actions that took place inside the borders of Ferndale's neighboring cities.

These documents were then analyzed for (1) Date (2) Time (3) Race of person stopped (4) gender of person stopped (5) whether or not a civil infraction or criminal complaint was issued (6) name of the lead officer involved (7) location of the stop (8) city of residence for the individual stopped (9) basis for the stop (10) type of infraction/criminal charge issued. After all documents had been analyzed and logged, the data was then reviewed to weed out information that had been duplicated due to either double production of documents or because there were two different documents covering the same stop.

There were many police reports that were related to traffic incidents that were also detailed in a citation that was either a warning or an infraction. Once it was determined that a police report duplicated the information from a citation, the police report was excluded from the sample. Exclusions happened by removing the data from the sample that was being compared. The information contained within the police report was placed in a separate file to be considered later so that it was not lost, as often times there was information present in the police report that did not appear in the citation that will be useful in evaluating patterns and practices of the police department as well as inconsistencies in reporting.

Once the data set was finalized, statistics were created using standard mathematical methods. The data and statistics were compared and analyzed against Ferndale's self report and demographic information available on the U.S. Census Bureau's website.



## Findings

What becomes evident from reviewing the statistics outlined within this report is that arrests and citations of African Americans by the city of Ferndale Police Department are wildly disproportionate and excessive in comparison to the actual African American population in the city of Ferndale. These statistics alone should create concern about whether or not bias plays any part in Ferndale's police practices and policies. Alternatively, it is clear by the disproportionate number of African Americans that are arrested or received traffic citations leads directly to the conclusion that Ferndale's policies and practices of policing has a discriminatory impact.

For instance Ferndale's Transparency Dashboard indicates that in the first 10 months of 2021, over 37% of the citations they issued were to African Americans, nearly 61% percent of the arrests made were African American and over 58% of law enforcement warnings were issued to African Americans, despite the fact that the U.S. Census Bureau indicates that the overall African American population in Ferndale is around to 6%.

These numbers create an even more stark contrast when you realize that statistics are inherently skewed by the number of tickets that are issued to individuals of "unknown" race. The bulk of tickets identified as "unknown" race account for over 39% of tickets issued in the same ten month period in 2021. The bulk of the tickets issued with "unknown" race correlate with parking enforcement violations, which account for 33% of the total citations issued by Ferndale between January and October 2021. Important to note is that in the research conducted by CAIR-MI not a single parking ticket was issued by Ferndale Police outside the city of Ferndale.

When the total number of traffic tickets issued are removed from the analysis and focus only on law enforcement interactions that were initiated by a traffic stops, the data changes and instead of 11% of all stops happening in Detroit over 13% of all stops initiated by Ferndale officers takes place inside the city of Detroit. Additionally, instead of over 37% of citations being issued to African Americans, citations issued as a result of traffic stops increases the percentage to nearly 55% of all citations<sup>[8]</sup> issued.

The fact that nearly 55% of all citations initiated by a traffic stop involve African Americans, while only 6% of the population of Ferndale are African Americans leads logically to the conclusion that either Ferndale Police Department's practices are discriminatory, or alternatively the impact is discriminatory.

## Findings Continued

What is also evident from the data is that the overwhelming number of individuals stopped along the 8 Mile road border with Detroit, whether in Oakland County or in Wayne County, are African American with near 80% of all stops including African Americans, and that number increases to near 83 % when other minority groups are considered.

There is also subjective evidence that can be extrapolated from the information produced after reviewing the documents and other available information obtained during our investigation that Ferndale Police Department is employing tactics, especially along the 8 mile road, that cast wide net for the purpose of creating law enforcement encounters with individuals who have no ties to Ferndale.



So far, this report has focused on stops initiated by Ferndale Police and citations. However, it is equally imperative to look at the data as it pertains to arrests made by the Ferndale Police Department. No matter how the data is broken up, whether by 8 Mile Road specific data, or looking at Ferndale's arrests as a whole, it is clear and unambiguous that the majority of the arrests made by the City of Ferndale Police Department are of African Americans, and primarily African American Men.

Looking at Ferndale's Transparency Dashboard, it appears that two thirds (66%) of the arrests made are done as a result of taking someone away during the initial law enforcement encounter whether that is a traffic stop or other interaction. If this is coupled with the fact that arrests made on 8 Mile inside the city of Detroit account for over 26% of all arrests made by Ferndale it becomes evident that Ferndale Police are using dragnet policing tactics on 8 Mile Road in a manner that sweeps up primarily minorities who are in no way connected to Ferndale. The result of Ferndale's tactics of using pretextual traffic stops as a dragnet measure is outline in the data below.

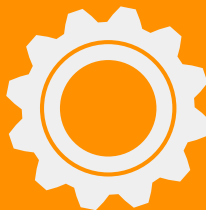


## Arrests

Nearly **27%** of stops initiated by Ferndale Police inside the city of Detroit resulted in an arrest of either the driver or a passenger of the vehicle.

Over **40%** of those arrests were a result of someone driving while their license was suspended (DWLS).

Over **45%** of the arrests made for DWLS listed either no basis for the initial stop, or listed a license plate issue (including partial obstruction in several cases) as the basis of the stop. This indicates that Ferndale Police but are pulling people over for registration issues, not moving infractions, and as stated above, often with no rhyme or reason release some drivers without even so much as a citation.



## Inside Ferndale

Arrests made related to a traffic for DWLS inside the city Ferndale amount to a mere **16%** of all arrests made in 2021 according to Ferndale's Transparency Dashboard.

However, **21%** percent of all arrests of African Americans by Ferndale police were a result of DWLS after a traffic stop.

According to the city of Ferndale's self reported statistics, DWLS accounts for the highest number of arrests of African Americans in 2021.

In fact arrests of African Americans for DWLS are **30%** higher than the next leading arrest category listed on the Transparency Dashboard



## Arrests for Other Cities

Around **10%** of all arrests made of African Americans by the Ferndale police are from warrants that originate from other cities. It is more likely than not based on the ways in which law enforcement interacts with the civilian population, that the majority of these arrests were made pursuant to a traffic stop.

However only about **7%** of all arrests of white individuals by Ferndale Police involved arrests for warrants out of other jurisdictions. If indeed most arrests for other jurisdictions are made as a result of traffic stops, this number is tracks alongside of the other statistics including the small number of traffic stops associated with white drivers as well as the fact that arrests are being made by Ferndale police based on criminal activity taking place within Ferndale city limits.

# CONCLUSION



What is unclear from this data set, is exactly how many of Ferndale's 487 arrests, 2,189 citations and unknown amount of stops that aren't identified in this report because they happened inside the city limits of Ferndale are attributed to Ferndale Police Department's interactions with motorists on the westbound lanes of 8 Mile road. Given the amount of time Ferndale police travel on and stops associated with other areas of 8 Mile road, it is likely that a large portion of the overall interactions between Ferndale Police Officers and motorists occurs exclusively on 8 Mile road.

Looking at the objective data derived from the documents produced by the two Freedom of Information Act Requests to the city of Ferndale, along with the publicly available information found on Ferndale's Police Transparency Dashboard, it is objectively obvious that Ferndale's pattern and practice of policing disproportionately affects African Americans motorists and African Americans in general based on the population demographics of Ferndale. It is also objectively observable that Ferndale Police Department's practices along 8 Mile road, significantly contribute to the disparate impact of those practices.

What is also objectively clear is that further investigation needs to be done into the extent of the impact of Ferndale's police actions on minority motorist and citizenry of Detroit. Investigation into whether Ferndale's Police practices are intentionally discriminatory, given the stark statistics outlined in this report, is also warranted.

Motorists traveling to and from work, school and recreation along 8 mile road should be free from fear that they will be targeted by Ferndale Police in a manner that makes them feel unsafe or unwelcome. It is time to remove all walls between Wayne and Oakland Counties, whether physical or imposed by discriminatory law enforcement practices.

# FORMAL REQUESTS



Based upon these findings, CAIR-MI has three recommendations:

1

CAIR-MI calls of the United States Department of Justice (DOJ) Civil Rights Division to launch a thorough investigation regarding the seeming pattern of racial profiling by Ferndale Police Department of motorists of color, Black motorists in particular, and to impose measures upon the department to remedy the discriminatory intent and/or the discriminatory impact of Ferndale's Police Department policies and practices if comprehensive findings lead to the conclusion that there has been a violation of motorists' civil rights.

CAIR-MI encourages the city of Detroit to review the data within this report and that it resolve two issues which are detrimental to the Detroit residents and the municipality:

2

1. That the Detroit Police Department institutes a formal Memorandum of Understanding (MOU) with the Ferndale Police Department that the latter will not patrol nor stop motorists for non-violent offenses on 8 Mile Road eastbound who have not driven through Ferndale.

1. That the Detroit City Council resolves that the city of Ferndale which is in Oakland County not Wayne County, immediately ceases collecting revenue from traffic stops issued in the city of Detroit which is in Wayne County, and that the city also resolves to explore legal action against Ferndale if it continues to use such stops to generate revenue for its city within a different county.

3

CAIR-MI calls on the city of Ferndale to have an independent firm conduct a robust investigation into its policing practices pertaining to traffic stops and arrests leading from them, in particular on 8 Mile Road

# FOOTNOTES

[1] ACLU of Michigan (2014). CITING ALARMING STATISTICS, ACLU OF MICHIGAN ASKS FERNDALÉ TO INVESTIGATE POSSIBLE RACIAL PROFILING OF BLACK MOTORISTS BY POLICE. <https://www.aclumich.org/en/news/citing-alarming-statistics-aclu-michigan-asks-ferndale-investigate-possible-racial-profiling>

[2] Azikwe, A. Pan-African News Wire. <https://fighting-words.net/2020/11/19/racial-profiling-across-8-mile-billboard-launched/#jp-carousel-2739>

[3] Llanes, Caroline. Detroit ranked as one of the most segregated cities in the country. Michigan Public Radio <https://www.michiganradio.org/families-community/2021-06-21/detroit-ranked-as-one-of-the-most-segregated-cities-in-the-country>

[4] Potter, Will. The Detroit Wall: Why a half-mile stretch of concrete - built to segregate whites and blacks in the city's notorious 8 Mile district - is STILL standing 80 years on. Daily Mail <https://www.dailymail.co.uk/news/article-11915961/Why-Detroits-racist-8-Mile-Wall-standing-80-years-on.html>

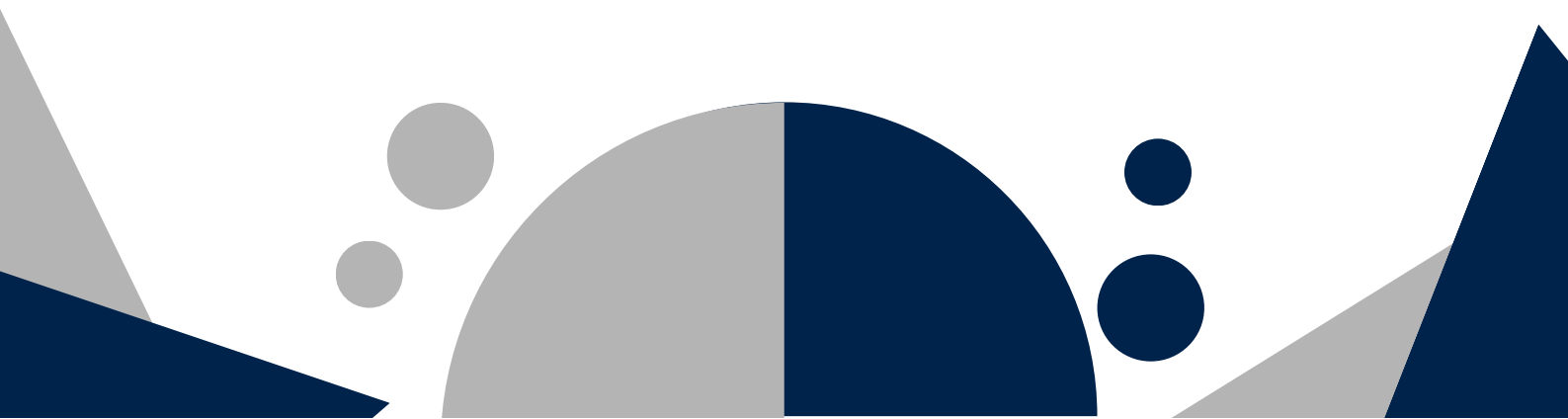
[5] The City of Ferndale's Accountability webpage is called its "Transparency Dashboard," and is located <https://portal.arxcommunity.com/dashboards/community/mi-ci-ferndale-pd> (last accessed 06/30/2023)- These statistics cite traffic citations only and do not account for the full data related to all law enforcement encounters with the Ferndale police and exclude specific instances of police encounters such as arrests and issuance of written or verbal warnings.

[6] See generally <https://www.census.gov/quickfacts/fact/table/ferndalecitymichigan/INC110219>; last accessed 02/23/2021 (Website indicates that the statistics are derived from sampling done in 2019 and as such there are some limitations with regards to the results of the data).

[7] See <https://www.nytimes.com/2021/10/31/us/police-ticket-quotas-money-funding.html>- holding out the proposition that the demand for revenue is behind many traffic stops. See also <https://www.forbes.com/sites/instituteforjustice/2020/06/12/policing-should-not-be-about-generating-profit/?sh=39bafa477356>- Attributing the divide between communities of color and police being based on traffic citations being a major revenue source for municipalities.

[8] this number was generated utilizing information available on Ferndale's Transparency Dashboard and subtracting the number parking tickets from the total number of citations issued to generate a total number of citations issued as a result of law enforcement encounters involving citizen contact. Once that number was generated a percentage was calculated using Ferndale's self reporting of the number of citations issued to African Americans.

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