

RACIALLY biased POLICING

A Principled Response

COPS

COMMUNITY ORIENTED POLICING SERVICES
U.S. DEPARTMENT OF JUSTICE



POLICE EXECUTIVE
RESEARCH FORUM

Racially Biased Policing

Racially Biased Policing: A Principled Response

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POLICE EXECUTIVE
RESEARCH FORUM

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Foreword

The vast majority of law enforcement officers—of all ranks, nationwide—are dedicated men and women committed to serving all citizens with fairness and dignity. The Police Executive Research Forum (PERF) shares their intolerance for racially biased policing, and hopes *Racially Biased Policing: A Principled Response* will enhance citizen and police efforts to detect and eradicate it. Addressing racially biased policing, and the perceptions of its practice, involve complex issues and challenges. PERF members and their colleagues need to effectively allocate their limited agency resources to address the problem. PERF, with funding and guidance from the Department of Justice’s Office of Community Oriented Policing Services, has prepared this report to assist agencies in meeting this challenge. This report is meant to provide the first step in assisting progressive police professionals—in partnership with citizens—to seriously consider the issues and develop approaches tailored to their community’s unique needs. It guides law enforcement professionals in their response to racially biased policing and, equally important, to the perceptions of its practice, to strengthen citizen confidence in the police and improve services to all our communities.

The issues involved in “racial profiling” and racially biased policing are not new—they are the latest manifestation of a long history of sometimes tense, and even volatile, police-minority relations. This need not be viewed, however, as proof of the problem’s intractability. Police are more capable than ever of effectively addressing police racial bias. In the past few decades, there has been a revolution in the quality and quantity of police training, the standards for hiring officers, the procedures

and accountability regarding police activity, and the widespread adoption of community policing.

There is no single cure for the problems underlying racially biased policing, and you will not find any definitive one here. This report summarizes some of the latest thinking and efforts across the nation regarding this difficult problem. PERF used many sources to develop the recommendations contained in this report. We conducted a national survey of more than 1,000 agency executives, reviewed the materials of more than 250 agencies, spoke with citizens and practitioners in a series of focus groups held around the country, conducted a literature review, and conferred with subject-matter experts in various topic areas. PERF also integrated comments from discussions among chiefs at PERF national meetings. In addition, this project greatly benefited from the guidance of an advisory board composed of respected law enforcement agency executives, Justice Department personnel, community activists, and civil rights leaders.

These sources helped PERF identify six key response areas: department accountability and supervision, policy, recruitment and hiring, education and training, minority community outreach, and data collection. PERF believes important and meaningful changes can occur within each of these areas. Of course, the contents of this report cannot allay long-standing police-minority tensions. Clearly, resolving racial bias in law enforcement, as in society at large, will require long-term dedication and innovation. We hope this report will help agencies continue on that path.

There are key themes underlying the recommendations we have developed. First, racially biased policing is at its core a human rights issue. While some may view it as merely a public relations problem, a political issue or an administrative challenge, in the final analysis, racially biased policing is antithetical to democratic policing. Protecting individual rights is not an *inconvenience* for modern police; it is the *foundation* of policing in a democratic society. Second, racially biased policing is not solely a “law enforcement problem,” but rather a problem that can be solved only through police-citizen partnerships based on mutual trust and respect. We provide guidance for

forming such partnerships in this report. Third, police personnel around the country *want* to respond effectively to local and national concerns regarding racially biased policing. It is to these personnel that we dedicate this report. We must support their efforts to address racially biased policing and, in so doing, help them serve, protect and defend *all* citizens with the highest professional values and standards.

We will surely benefit from the experience of departments that translate the recommendations we provide into action, and from the new ideas generated in the process. We hope this report will advance the approaches to and national debate on racially biased policing. The result will be a fair and dignified system of justice for us all.

Chuck Wexler
PERF Executive Director

Critical Issues in Racially Biased Policing

INTRODUCTION

American policing is facing a tremendous challenge—a widespread perception that the police are routinely guilty of bias in how they treat racial minorities. This comes at a time when crime rates have fallen almost everywhere in recent years, and when the police might otherwise be celebrating their contribution to reducing crime and creating safe communities. Instead, the police find themselves baffled and defensive.

Racial and ethnic minorities constitute a substantial and growing segment of the U.S. population. Strength is in diversity, and we look to minority communities to participate fully in all aspects of society. Police are now looking to the public for partnerships and collaborative problem-solving solutions to community ills. If substantial segments of the community are the victims of police bias, or even perceive that they are, the likelihood of success is dim. We all know that racial profiling is unacceptable and is at variance with the standards and values inherent in ensuring fair and dignified police response to all. We believe that the vast majority of law enforcement in this country are hard-working men and women who are committed to serving all members of our communities with equity and dignity. Yet the challenges of addressing racially biased policing, and perceptions thereof, clearly indicate that police must do more to address the concerns of minority citizens.

The Police Executive Research Forum (PERF), with funding from the Office of Community Oriented Policing Services, developed this report as a reference to help police leaders respond to the issues associated with racial profiling. The acknowledgments attest to the extensive participation of police leaders, academics, civil rights activists and others.

THE STORIES

Many minorities believe that the police routinely stop and search them because of their skin color. The evidence of this belief is found first in “stories,” and the stories are legion. Many of these recounted tales ring with authenticity; they are compelling and devastating in their impact on people’s lives. Racial bias distorts attitudes toward civil authority and the police, and blights the quality of everyday life. In addition to actual bias, a strong and ingrained perception of bias is a substantial barrier to full enjoyment of freedom and civil rights. It colors every aspect of life for minorities. At its root, bias is a denial of justice.

These are accounts of people who have been stopped by police on questionable grounds and subjected to disrespectful behavior, intrusive questioning and disregard for their civil rights. The storytellers come from all walks of life: they are young men and women, the elderly, people from the middle and upper classes, professional athletes, lawyers, doctors, and police officers at every rank.

This is how it goes:

- A young black woman, in desperation, finally trades her new sports car for an older model because police have repeatedly stopped her on suspicion of possession of a stolen vehicle.
- An elderly African-American couple returning from a social event in formal dress are stopped and questioned at length, allegedly because their car resembles one identified in a robbery.
- A prominent black lawyer driving a luxury car is frequently stopped on various pretexts.

- A Hispanic deputy police chief is stopped numerous times in neighboring jurisdictions, apparently on “suspicion.”
- A young Hispanic man working evening shift drives home on the same route five nights a week after midnight, and is stopped for suspicious behavior almost every night.
- A black judge far removed from her home jurisdiction is stopped, handcuffed and laid facedown on the pavement while police search her car. They issue no citations.

According to recent national surveys, the majority of white, as well as black, Americans say that racial profiling is widespread in the United States today. Law enforcement executives need to reflect seriously on this and respond to both the reality of, and the perceptions of, biased policing. This chapter provides a context for defining the issues, and previews our recommendations for an effective response.

ISSUE DEFINITION

We have chosen to avoid the term “racial profiling” and, instead, refer to “racially biased policing.” We believe “racial profiling” has frequently been defined so restrictively that it does not fully capture the concerns of both police practitioners and citizens. For instance, racial profiling is frequently defined as law enforcement activities (e.g., detentions, arrests, searches) that are initiated *solely* on the basis of race. Central to the debate on the most frequently used definitions is the word “solely.” In the realm of potential discriminatory actions, this definition likely references only a very small portion. Even a racially prejudiced officer likely uses more than the single factor of race when conducting biased law enforcement. For example, officers might make decisions based on the neighborhood *and* the race of the person, the age of the car *and* the race of the person, or the gender *and* the race of the person. Activities based on these sample pairs of factors would fall outside the most commonly used definition of racial profiling.

Moreover, one could interpret the common definition of racial profiling to not include activities that are legally supportable in terms of reasonable suspicion or probable cause, but are nonetheless racially biased. As above, a definition that prohibits enforcement decisions based “solely” on race would not encompass decisions based on reasonable suspicion or probable cause plus race. That is, this definition could be interpreted to exclude, for instance, officers’ pulling over black traffic violators and not white, or citing Hispanic, but not white, youth for noise violations. Such disparate treatment would not necessarily be encompassed by a definition that referred to actions based “solely” on race, because the officers would have acted on the basis of reasonable suspicion or probable cause, as well as race.

In addition, using the word “profiling” to address the issue of bias not only creates confusion about an otherwise legitimate policing term, but also semantically limits the potential abuse to those instances in which an officer might use race as an indicator of criminal activity. While, indeed, this is a major concern and likely where the greatest potential for abuse lies, departments wish to prohibit biased law enforcement that is based not only on stereotypes regarding the link between race and crime, but also on other negative attitudes regarding race. For instance, an officer may be prejudiced against ethnic minorities and stop them for purposes of harassment, independent of any notion that their race is an indicator of criminal activity. The narrowest definitions of “racial profiling” refer to police activities in the context only of *vehicle stops*, ignoring the potential for police abuse of power in the many other activities in which they engage citizens.

Most importantly, during the course of this project, it became clear that the term “racial profiling” hampered the national discussion of the problem. This was most clearly exemplified in project focus groups composed of both police and citizens. Project staff noted that most *citizens* were using the term “racial profiling” to discuss *all* manifestations of racial bias in policing. The *police* participants were likely to define “racial profiling” quite narrowly—as law enforcement activities (particularly vehicle stops) based *solely* on race. The

citizens claimed that “racial profiling,” as they defined it, was widespread. In contrast, the police, using their more narrow definition, were frequently quite adamant that police activities based solely on race were quite rare. These contrasting, but unspoken, definitions lead to police defensiveness and citizen frustration.

We found that citizens and police can have constructive conversation on the topic of “racially biased policing.” This term more accurately reflects the concerns expressed by citizens, and few police officers would deny that some officers are influenced by personal bias in performing their duties, whatever the motivation.

Racially biased policing occurs when law enforcement inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity. Racially biased policing is defined and interpreted through the policy outlined in Chapter 4.

Racially biased policing and the perceptions thereof are the themes of this report. We hope the recommendations and guidance will facilitate an effective law enforcement response to both of these important issues. The report focuses only on racially biased policing, although some recommendations could apply to situations in which gender, age, economic status, or sexual preference are at issue.

BALANCE IN THE CAUSE OF JUSTICE

In charters and legislation across the country, we find primacy given to the role of the police as enforcers of the law. While law enforcement is undeniably essential to maintaining good government, policing in a democratic society demands more. The police are essential to the fabric of society, not only as enforcers of first resort for federal, state and local laws, but also as moderators of behavior, keepers of the public peace and agents of prevention. Increasingly, police are recognized for their capacity for community problem-solving, collaborating with a broad range of citizen groups, individuals and institutional partners to improve the quality of life. Law enforcement remains a prime responsibility, but as a means for attaining the goals of justice and the good of society, and not as an end in

itself. Recognition of this principle is a shared responsibility of police, government and the community. Failure to achieve a balance in police priorities creates misunderstanding and misdirection.

There are grave dangers in neglecting to take the issue of biased policing seriously and respond with effective initiatives. Societal division on racial grounds will leach the vigor from quality-of-life initiatives, regardless of how well-intended and well-funded. If a substantial part of the population comes to view the justice system as unjust, they are less likely to be cooperative with police, withholding participation in community problem-solving and demonstrating their disaffection in a variety of ways. The loss of moral authority could do permanent injury to the legal system, and deprive all of society of the protection of the law.

PROGRAM FOR ACTION

This report provides assistance to agencies so they may take responsibility for addressing the important issues of racially biased policing and the perceptions thereof. It is divided into six areas in which action is needed:

- accountability and supervision,
- policies prohibiting biased policing,
- recruitment and hiring,
- education and training,
- minority community outreach, and
- data collection and analysis.

Accountability and Supervision

Police accountability and supervision are important factors in reducing or eliminating bias in policing. The tasks of policing are most often performed by single officers or pairs of officers operating independently and without immediate institutional oversight or independent observers. Under these circumstances, accountability is difficult to ensure. One verdict appears clear from the most recent controversies regarding police misconduct: The “bad apple” analogy is no longer resonating as the only credible explanation. Increasingly, or-

ganizational culture is recognized as the most important factor influencing police behavior. Enlightened police leaders have learned that influencing the culture may be the most effective means of deterring bias and pursuing the goals of quality policing.

The chapter on accountability and supervision addresses human rights, a core value of policing in a democratic society. Indeed, if we were to suggest a single focus for ameliorating the many problems surrounding the topic of biased policing, it would be to influence recognition of the centrality of human rights in the broadest sense. In addition, we provide recommendations for maintaining quality assurance, valuing diversity and managing public complaints. We discuss the roles and responsibilities of middle managers and supervisors, and include proposals for consideration.

Policies Prohibiting Biased Policing

Police policy gives direction and authority to mission and value statements. Procedures provide the operating details to guide personnel in conducting their duties. Policies and procedures are critical to achieving agency goals. In the wake of current events related to “racial profiling,” police departments across the nation have adopted policies prohibiting “racial profiling.” These policies represent an important effort to convey to both citizens and police that “racial profiling” will not be tolerated. Unfortunately, the vast majority of these policies do little to clarify how officers can conduct their activities in a racially neutral way (albeit some agencies may address this in training). Of particular concern is the lack of guidance that we provide officers with regard to whether and how they can use race as one factor in a set of factors to establish reasonable suspicion or probable cause and to make other law enforcement decisions. In this report, we propose a policy for agencies that addresses both racially biased policing and the perceptions thereof, and provide guidance to officers on using race as a factor in law enforcement decisions.

Recruitment and Hiring

In terms of recruitment and selection, police agencies have the potential to reduce racial bias by hiring officers who can police

in an unbiased way, and by hiring a workforce that reflects the community's racial demographics. Communities expect their police officers to carry out their duties with fairness, integrity, diligence, and impartiality. Police agencies must ensure they recruit the best-suited women and men to meet these expectations. In developing a workforce that reflects the diversity of the community served, an agency conveys a sense of fairness and equity to the public; increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them; and increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with community members. In this report, we discuss police recruitment and hiring as they relate to the issue of biased policing, providing recommendations for police-community initiatives.

Education and Training

Education and training are essential components of a comprehensive strategy to reduce racially biased policing and perceptions thereof. They can be used to convey new information, provide and refine critical skills, encourage compliance with policies and rules, facilitate dialogue, and/or convey a commitment to addressing the problem. Programs can target citizens, as well as the police, and should be tailored to the particular needs, concerns and experiences of the local agency and community. A key theme to be conveyed to both academy and in-service practitioners is that respect for human rights is a central and affirmative part of the police mission. Within this context, police can benefit from understanding the dimensions, complexities and subtleties of racially biased policing, as well as the impact of these types of activities on individual citizens, the department and the community. Police should receive specific guidance regarding whether and how race can be used to make decisions and reflect upon not only officer-level decisions, but precinct- or department-level decisions that may manifest racially biased policing. In this report, we discuss these priority topics for police training and successful methods for conveying them.

Minority Community Outreach

In the absence of strong functional links to community groups and local institutions, the police mission will likely fail. Grave damage is inflicted on police-community relationships when the police become consciously disengaged from the public. An aloof police agency making decisions motivated by its own self-interest risks alienation that often culminates in violence and disorder. The police hold primary responsibility for community outreach on many levels. The community bears a reciprocal responsibility to respond to opportunities for positive relationships. Policing with the community can function only in an environment of mutual engagement and respect. In the context of the issue we are addressing—racially biased policing—outreach to minority communities is imperative.

This report lists necessary competencies for police agencies seeking to develop and maintain outreach to minority communities, and recommends that agencies form police-citizen task forces to identify how they can effectively respond to the issues of biased policing and the perceptions thereof. We also include a list of contemporary and progressive practices for consideration. To build and sustain relationships reflecting mutual trust and respect is the ultimate objective.

Data Collection and Analysis

However compelling, anecdotal evidence of racially biased policing is not sufficient to determine the nature and extent of the problem. Progressive policing is committed to accountability and openness, which can be reflected in efforts geared toward self-assessment. Data collection conveys to citizens that the agency will address community concerns.

That said, we caution against an overemphasis on data collection and analysis as the sole or primary methods for responding to the issues of biased policing, and against high expectations regarding their use in producing valid answers to the serious and legitimate questions an agency seeks to answer. In this report, we set forth the positive and negative aspects of data collection and analysis, and encourage agencies to make decisions regarding whether to collect and analyze data in light of agency resources, political factors and other efforts to address racially

biased policing. For those that are mandated or choose to collect and analyze data, we provide guidance for developing a data collection and analysis protocol.

GOVERNMENT SUPPORT

The political system, courts, civilian administrators, and various oversight agencies share responsibility to hold law enforcement—police leaders and individual officers—accountable. While, historically, these accountability mechanisms have functioned unevenly, they remain central to initiating and strengthening any change process. This report focuses on the police, but other parties must be prepared to assume their responsibility. For instance, other government agencies must be prepared to provide support and guidance. Most notably, local, state and federal government must be prepared to provide the financial support police agencies will need to implement the recommendations in this report. Racial distinction is not a problem unique to policing; rather, it is a societal issue for which all government agencies must share responsibility.

Many of the policy and behavioral changes recommended in this report may be achieved at negligible cost, but innovative recruitment and selection initiatives, data collection and analysis, in-car video equipment, curriculum development, and training will be added expenses to police budgets. State or local governments that mandate data collection and analysis and other changes must be prepared to offer financial support.

CONCLUSION

If prejudice, arbitrary decisions, treatment disparity, and disrespect are to be replaced by universal respect and equitable use of police powers, then we must begin a process of bringing all of policing into accord with democratic principles. We must insist that protection of human rights is a fundamental responsibility of police. We must ensure at all costs the primacy of the rule of law, and scrupulously monitor the use of police authority for compliance. We must carefully examine our beliefs regarding the role of the police, and eradicate from the police culture the mentality that leads to the use of bias in dealing with citizens. We must do this everywhere, and all of the time.

The research and conclusions in this report are meant to further the process of thoughtful, ethically based revision and reform needed to ensure quality policing to all citizens, regardless of race or cultural background. In a society where race is inherently played out in all aspects of life, racially biased policing presents both a challenge and an opportunity for the police to exercise quiet determination and moral leadership, addressing the problem head-on.

II

Police and Citizen Perceptions

PERF staff used various data-gathering techniques to collect information for developing recommendations and guidelines regarding the occurrences and perceptions of biased policing. Staff compiled information from informal discussions with various practitioners, subject-matter experts (e.g., law professors and social scientists) and citizens, as well as from several large-scale discussions among police executives at PERF meetings. PERF also conducted focus groups around the nation, and a national survey of police administrators. This chapter describes PERF's key information-gathering methods and results.

FOCUS GROUPS

Trained facilitators conducted 15 focus groups around the country:¹ three with citizens, four with police line staff, three with police command staff, and two with police executives (one with state chiefs, and the other with local agency chiefs). In addition, we held three focus groups with both citizen and law enforcement participants. The facilitators led discussions on vehicle stops, racial profiling and biased policing. Below we report on some of the key findings from these sessions that informed our recommendations.

¹ One focus group was held in New York, one in Virginia, four in Maryland, four in California, and five in Massachusetts.

Citizen Views

Consistent with national polls, most of the citizens in the groups believed that “racial profiling” occurs. As noted in the previous chapter, their comments indicated a broad definition of the term, encompassing all manifestations of racially biased policing. That is, in describing “racial profiling,” these citizens cited a wide range of behaviors, including excessive force against racial and ethnic minorities, as well as illegal stops and rudeness to minorities.

A number of minorities said they are likely to interpret various “negative aspects” of a vehicle stop as racially biased policing. For instance, these participants acknowledged that officer rudeness, discourtesy and/or unwillingness to give the reason for a stop might well be perceived as the result of racial bias as opposed to, for instance, overall (and impartially demonstrated) lack of professionalism.

The “racial profiling” stories the citizens shared made clear the multiplicative impact of negative incidents on citizen trust of police. While some minorities shared their *own* stories of what they perceived to be “racial profiling,” virtually *all* the minorities could share stories of incidents involving *other* people. As practitioners well know, people are much more likely to share stories of *negative* police-citizen interactions (regardless of citizen race) than stories of *positive* interactions. Thus, each negative police-citizen interaction has the potential to harm overall police-citizen trust in the jurisdiction.

Overwhelmingly, the participating citizens indicated that, on a vehicle stop, they would like the officer to introduce him- or herself, explain the reason for the stop, be courteous and respectful, and apologize (or at least explain) if a mistake is made (such as on a stop for suspicious circumstances or pursuant to a “Be on the Lookout”). Many of the participating citizens expressed frustration because they perceived that law enforcement was denying the existence of racial profiling.

Law Enforcement Views

Many of our law enforcement participants *did* express skepticism that “racial profiling” was a major problem, exacerbating some citizens’ frustration. It became clear to staff that these

differing perceptions among citizens and police regarding racial profiling's pervasiveness were very much related to the respective definitions they had adopted. The citizens equated "racial profiling" with *all* manifestations of racially biased policing, whereas most of the police practitioners defined "racial profiling" as stopping a motorist based *solely* on race. Presumably, even officers who engage in racially biased policing rarely make a vehicle stop based *solely* on race (often ensuring probable cause or some other factor is also present). When the facilitators broadened the discussion by using the term "racially biased policing," police participants were much more likely to acknowledge that a larger problem exists.

Perceptions among law enforcement focus group participants regarding the extent to which either "racial profiling" or "biased policing" exists seemed to vary by officer race. In several of the practitioner focus groups, similar interactions occurred: After a white officer in the group downplayed the scope of the problem, a minority officer would speak up and describe his or her personal experience with being pulled over by police. In several cases, it was clear to the facilitators that white officers were surprised by these stories. Their peers' experiences seemed to impact them in a way that the citizens' stories conveyed in press accounts did not.

Many of the practitioners expressed the belief that, to the extent that racially biased policing occurs, it can be attributed to a small number of rogue officers. It appeared that in jurisdictions where collaboration and trust were good, both the police and citizens were less likely to believe that racial profiling and/or racially biased policing was a major issue.

The facilitators sought views on the definition of "racially biased policing," asking participants to identify, for instance, the circumstances in which officers could use race to make law enforcement decisions. As discussed further in the chapter on policy, even practitioners within the same departments had very different answers to this question.

Officers of all races were united in their great frustration concerning unfounded accusations of all types of bias—including, but not limited to, racial bias. The practitioners remarked, for instance, that citizens might accuse officers of pulling them

over on a vehicle stop because they were black, female, Jewish, driving a red car, and so forth. They lamented that many citizens could come up with many reasons for their being stopped, *other* than the fact that they had just violated a traffic law.

Some of the discussions with the practitioners focused on what happens during a vehicle stop. While virtually all practitioner participants agreed that officers should be courteous and respectful during a stop, opinions differed regarding whether an officer should initiate the stop with an introduction and explanation or with a request for “license and registration.” Those supporting the introduction/explanation thought that such communication reduced the tensions otherwise inherent in the stop. Those supporting the request for papers believed they needed to access them before the citizen started arguing over the reason for the stop and refused to supply them.

Officers also expressed their desire that citizens better understood that a vehicle stop can be very dangerous and must be handled as such. It was clear that the practitioners had a heightened awareness of the potential danger of vehicle stops.

Conclusions and Caveats

Focus groups can be valuable forums for better understanding an issue and various viewpoints related to it. Clearly, however, because focus groups are not as scientifically rigorous as other data collection techniques (e.g., samples are not representative), we cannot necessarily presume that the information shared with us by both citizens and practitioners can be generalized to all citizens and police. To gather additional information regarding this issue, PERF conducted a national survey.

NATIONAL SURVEY

PERF used a mail survey of police executives to examine various aspects of racially biased policing and the perceptions thereof. Specifically, the purposes of the survey were to (1) identify how departments have responded to racial profiling, (2) identify *effective responses* that could form the basis of our recommendations to the field, and (3) assess the impact of current events related to racial profiling on law enforcement agencies.

Instrument

The survey of police administrators contained a combination of open-ended and multiple-choice questions and included requests that respondents return with their surveys policies they had adopted, training curricula related to the topic, and data collection instruments and protocol, where applicable. The survey and original cover letter are included as the appendix to this chapter.

The project staff developed the survey, and the advisory board members and other selected police administrators pilot-tested it. All were requested to provide feedback regarding questionnaire content and form. PERF used this feedback to improve and refine the instrument.

Sample Frame and Sample

Our target group for the survey was state and local law enforcement agencies. We drew the sample from the 2000 National Public Safety Information Bureau National Directory of Law Enforcement Administrators. The total number of state and local agencies in this directory is 13,539.² To ensure that departments of varying sizes and types were represented, we used a stratified random sample with disproportionate sampling from each strata. We stratified the population of targeted agencies by department size (as measured by number of sworn officers) and department type (i.e., police department, sheriff's department, state police agency). We randomly selected a sample of 2,251 agencies from this stratified population, as set forth in Table 1 (see next page).

Data Collection and Entry

PERF first mailed the survey to the 2,251 agencies on Oct. 16, 2000. We sent a cover letter and second copy of the survey to

² Departments that were excluded before generating the stratified random sample were campus law enforcement, child support law enforcement, tribal law enforcement, airport and harbor law enforcement, conservation law enforcement, federal law enforcement, military law enforcement, and railroad law enforcement.

Table 1. Number of Departments, Sampled by Type and Size

Number of Officers	Police Departments		Sheriff's Departments		State Police Agencies		TOTAL	
	Pop.	Sample	Pop.	Sample	Pop.	Sample	Pop.	Sample
1-49	8,968	904 (10.1%)	2,393	254 (10.6%)	0	0	11,361	1,158 (10.2%)
50-249	1,134	462 (40.7%)	570	231 (40.5%)	6	6 (100%)	1,710	699 (40.9%)
250 or more	196	195 (99.5%)	160	156 (97.5%)	43	43 (100%)	399	394 (98.7%)
TOTAL	10,298	1,561 (15.2%)	3,123	641 (20.5%)	49³	49 (100%)	13,470	2,251 (16.7%)

³ The Hawaii State Sheriff's Department handles state law enforcement activities. However, Hawaii does not have a state police agency, per se.

each nonresponding agency on Nov. 7. Finally, we sent a third reminder to nonrespondents on Dec. 16. We received 1,087 completed surveys, resulting in a response rate of 48.3 percent. More than 250 agencies submitted policies, data collection protocol and/or training curricula to aid in developing the recommendations and guidelines.

Of the 1,087 surveys received, 811 (74.6%) were from police departments, 241 (22.2%) from sheriff's departments, and 35 (3.2%) from state police agencies. This reflected response rates, by agency type, of 52 percent for police departments, 37.6 percent for sheriff's departments, and 70 percent for state police agencies.

To verify that respondents are representative of the police population, Table 2 (see next page) compares descriptive analyses of the responding law enforcement agencies and the population. Overall, the departments responding to the survey employ an average of 217 sworn officers. The median number of sworn officers for the sample is 60. This compares with the target population, with an average of 52 and a median of 12. Of the departments responding to the survey, the average population of the jurisdiction is 119,654, with a median of 32,500. This compares with a target population average of 38,350 and a median of 7,500. Those departments that responded, on average, employ more sworn officers than those departments in the population. Similarly, and unsurprisingly, they serve greater numbers of people than those departments in the population. The departments in the sample differ from those in the population because we oversampled larger departments, as their raw numbers in the population were smaller (see row percentages, Table 1). We chose to oversample large jurisdictions because they serve the vast majority of the U.S. population.

We conducted analyses to determine if there were identifiable differences between the responding and nonresponding agencies. We used a one-way analysis of variance to determine if agency size was related to response rates. The analysis results indicate that agency size did not significantly impact response rates ($F = 0.150$, $p = 0.699$).

A chi-square analysis indicated that sheriff's departments were significantly less likely to return surveys than police departments

Table 2. Number of Sworn Officers Employed by Responding Departments, and Populations Served by Those Agencies

	Number of Officers		Population of Jurisdiction	
	Population	Sample	Population	Sample
Mean	52	217	38,350	119,654
Median	12	60	7,500	32,500
Std. Dev.	426	642	241,960	286,301
Minimum	1	1	52	154
Maximum	40,000	13,400	10,000,000	3,501,487
No. of Respondents	13,470	1,087	13,474	1,053
Missing	69	0	65	34

and state police agencies.⁴ The low response from sheriff's departments may be due to the fact that a significant proportion of them do not engage in patrol activities. Although we requested that such agencies return their surveys indicating this so that we could classify them as ineligible, many likely did not do so and, instead, ignored the survey. Anecdotally, this was found to be the case.

One-way analysis of variance followed by chi-square analysis indicated that agencies in the northwestern and southwestern regions were significantly more likely to submit surveys than agencies in the north central, south central, northeastern, and southeastern regions.⁵

Methodological Caveats

The results presented below reflect responses from a large number of law enforcement executives generally representative of executives nationwide. However, as discussed above, our ability to generalize these results to all executives of local and state law enforcement agencies is limited by the following: (1) fewer than half of the agencies in the sample submitted surveys, (2) larger agencies are overrepresented, (3) sheriff's departments are underrepresented, and (4) agencies in the northwestern and southwestern regions are overrepresented. Further, although our target respondents were the agency executives, it is likely that in some cases, someone other than the executive completed the survey. Thus, we cannot be assured that the results pertaining to opinions and perceptions do, in fact, represent those of all agency executives. However, despite these caveats, it is important to note that the local agencies responding to the survey serve one-quarter of the entire U.S. population served by local agencies, and employ one-third of the sworn personnel. One can comfortably assume that their responses can be generalized to many of their counterparts nationwide.

⁴ Chi-square value = 46.811, $df = 2$, $p = 0.001$

⁵ We also tested for interaction effects of (1) department size and region, and (2) department type and department size. The interactions terms increased the predictive ability of the model only slightly.

Results

As indicated above, a major purpose of the survey was to identify promising agency responses to “racial profiling.” Information on agency responses was key to making the recommendations in this report. Particularly valuable were the extensive materials agencies forwarded us (e.g., policies, protocol, curricula) and the information they provided about effective practices both within and outside the agencies (e.g., effective training programs and community outreach efforts).

We also included survey items to assess perceptions of the seriousness of “racial profiling,” to weigh the impact of current events related to racial profiling on agencies, and to identify the activities in which agencies have engaged. This section reports our findings for these items. Additional results are reported in the chapters that follow.

Two related survey items attempted to weigh the extent to which administrators perceive racial profiling to be a problem, and their perception of the extent to which their minority citizens believe it to be a problem (see Figure 1). A great challenge

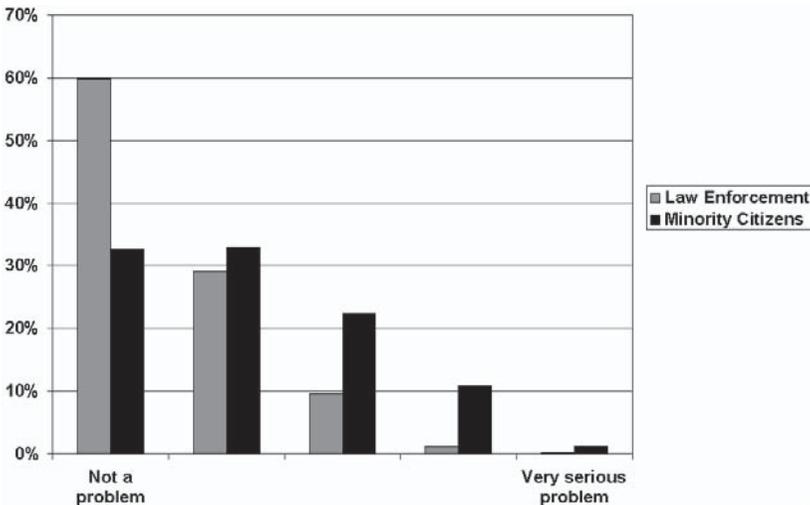


Fig. 1. Law enforcement executives’ perceptions of the degree to which “racial profiling/stereotyping” or racially biased policing is a problem, and their perceptions of the degree to which minority citizens in their jurisdiction think it is a problem

associated with designing these items related to all of the terminology issues discussed in Chapter 1. Staff wrestled with whether to ask about “racial profiling,” “biased policing” or both. Finding no completely satisfactory wording, we chose to include references to both terms. Specifically, one item inquired, “To what extent do *you think* ‘racial profiling/stereotyping’ or racially biased policing is a problem in your jurisdiction?” and a second inquired, “To what extent do the *racial minority citizens in your jurisdiction* think that ‘racial profiling/stereotyping’ or biased policing is a problem in your jurisdiction?” The subjects responded using a five-point scale ranging from “not a problem” (1) to “very serious problem” (5). It is important to note that the issues associated with definitions make it difficult to interpret the responses with any precision.

Figure 1 indicates that law enforcement administrators do not believe that “‘racial profiling/stereotyping’ or racially biased policing” is a serious problem in their jurisdictions, and they believe that the racial minority citizens in their area would generally agree with them. Specifically, a majority of the respondents (59.9%) believe that “‘racial profiling/stereotyping’ or racially biased policing” is not a problem in their jurisdiction. An additional 29.1 percent perceive racially biased policing to be a minor problem. Only 0.2 percent characterize the problem as “very serious,” and an additional 1.2 percent characterize the problem as somewhat serious.

Similarly, one-third (32.6%) of the respondents believe that the minority citizens in their jurisdictions think that “‘racial profiling/stereotyping’ or biased policing” is not a problem, and another one-third (33%) believe minority citizens view it as a minor problem. Only 12 percent report that minority citizens view racial profiling as somewhat or very serious.

There is a positive correlation between department size and perceptions that racial profiling is a problem. That is, respondents from larger departments are more likely to perceive a problem in their jurisdictions than are respondents from smaller agencies.⁶ It is important to note, however, that despite this

⁶ Spearman’s rho value = 0.214 ($p > 0.01$)

difference, most of the respondents from larger agencies (e.g., 83.5% of respondents from agencies with 250 or more personnel) believe that racial profiling is not a problem or is only a slight problem. Similarly, respondents from the larger agencies are more likely than their counterparts in smaller agencies to perceive that minority citizens believe racial profiling is a problem.⁷ Again, however, most of these large-agency respondents perceive low levels of concern among minority citizens.

We asked the respondents to characterize the “relationship between [their] department and [their] racial minority citizens/community.” The vast majority of respondents characterized the relationship as either very positive (32.1%) or somewhat positive (47.4%). Only 1.5 percent characterized the relationship as negative.

A survey item requested that respondents indicate what activities their departments had engaged in as a result of “current events related to ‘racial profiling.’” The survey listed six particular activities and allowed departments to list “other” activities. More than half of the responding agencies (56.1%) had engaged in one or more of the listed activities. As indicated in Figure 2, more than one-third of the agencies (37.4%) had held “formal internal discussions of racial profiling or racial stereotyping.” Almost one-fifth (18.9%) had adopted new policies, and 12.3 percent had modified existing policies. Similar percentages of agencies reported that they had modified academy or in-service training (17.5%), instituted “data collection on race of citizens stopped” (17.5%), or engaged in “enhanced outreach to the community on issues of race” (17%). A small number of agencies listed “other” activities not included on the survey. Specifically, 21 agencies reported that they had held informal internal discussions, 10 had sent representatives to conferences and/or training, and four had created task forces to address the issue.

⁷ Spearman’s rho value = 0.256 ($p > 0.01$)

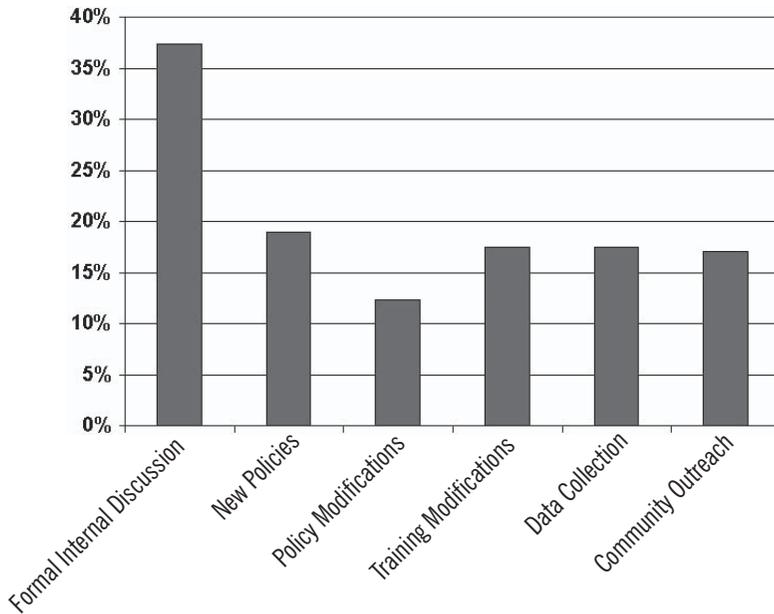


Fig. 2. Departmental responses to current events related to racial profiling

As indicated in Figure 3 (see next page), agency responses vary by department size. Specifically, larger departments are more likely than smaller ones to engage in the various activities stimulated by current events related to racial profiling.

The survey helped staff determine what impact public debate and reports of “racial profiling” were having on agencies. Specifically, we asked respondents to indicate how “current events related to ‘racial profiling,’ including [the] departmental responses to these events,” had affected (1) their relationship with minority communities, (2) accusations against their officers of racial profiling and/or biased policing, (3) media coverage of the agency, (4) morale of agency personnel, and (5) activity levels (e.g., number of vehicle stops) of their line personnel. For each question, the respondent designated a number between one and five, with “1” indicating a negative impact, “3” indicating no impact, and “5” indicating a positive impact.

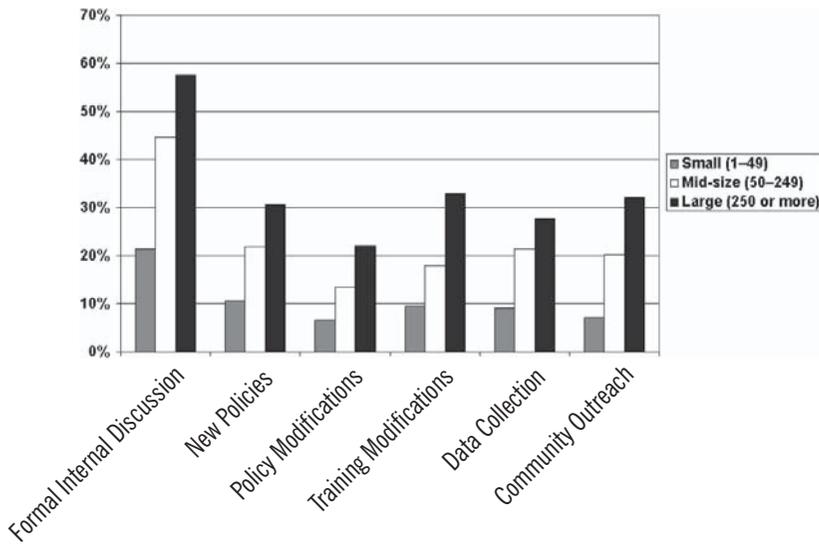


Fig. 3. Departmental responses by department size (number of officers)

Overwhelmingly, departments reported no impact across all five areas; specifically, between 72.6 percent and 90.6 percent reported no impact for each of the five items.

Where impact *was* reported, it was more likely to be positive with regard to departments' relationships with minority communities, and more likely to be negative with regard to department morale and accusations against officers. Because of the overwhelming finding of no impact, we did not conduct analyses to assess the relationship between departmental activities (e.g., enhanced outreach to minority communities) and the various impacts (e.g., relationships with minority communities).

An open-ended item asked, "What resources do departments need to help them deal with either the incidence of racially biased policing or the community perception thereof?" Respondents reported that they needed funds for training, education, equipment, and/or technology. Some also indicated that they could better handle the problems if the department and the media had a more positive relationship.

CONCLUSIONS

Information generated in our citizen focus groups is consistent with national surveys that indicate that many citizens—particularly racial and ethnic minorities—perceive the existence of various forms of racially biased policing, including “racial profiling.” Practitioner focus groups and survey responses indicate that law enforcement personnel perceive the problem to be less serious than does the public. These differing perceptions may be partly a function of definitions. As previously discussed, we perceive that citizens and police are defining the problem very differently—with citizens defining the problem very broadly, and many police practitioners defining the problem only as stops based “solely” on race. When we asked citizens and police around the same table specifically about “racially biased policing,” perceptions of seriousness started to converge. Further, both groups believed that activities could be implemented to reduce both racially biased policing and the perceptions thereof. Both citizens and practitioners want to prevent the disparate targeting of various racial/ethnic groups and the differential treatment of people with whom police engage.

Of course, we don’t know and, in fact, likely can never know exactly how much biased policing there is, and when and where it occurs. Nor can we know the extent to which citizens’ *perceptions* of biased policing do, in fact, accurately reflect officer behavior and motivation. However, we do not believe that jurisdictions need the precise answers to these questions before they can act. To the contrary, we believe agency executives should lead their communities in discussions about racially biased policing and the perceptions thereof, and work with citizens to develop responses to both. In the subsequent chapters, we provide recommendations for jurisdictions to consider in the course of this collaborative process.

Appendix: PERF Survey on Issues Related to “Racial Profiling”



**PERF Survey on Issues Related
to "Racial Profiling"**



October 16, 2000

Dear Agency Executive:

PERF is conducting a project related to the very potent topic of "Racial Profiling" with financial support from the Office of Community Oriented Policing Services. As part of that study, we have enclosed a survey that we hope you will complete and return to us.

In this survey, we have broken down the broad (and frequently misused) term "racial profiling" into what we believe are the two key issues facing law enforcement: racially biased policing and citizen *perceptions* that policing is racially biased. We know that many departments are seeking ways to deal with both of these issues. In fact, you'll note that some of the questions in the survey are designed to identify promising practices. With this information, PERF will produce a web-based clearinghouse of effective policies and curricula and develop recommendations that draw upon the best ideas from around the country.

INSTRUCTIONS

These surveys will be scanned into a computer. To facilitate effective scanning, please:

- * Use a blue or black ink pen. (Do not use a pencil or typewriter.)
- * Write as neatly as possible without touching the sides of the text boxes.
- * Completely blacken the check boxes (e.g.,).

Please return this survey no later than **October 31, 2000**. Thank you very much for your assistance with this important project. Please feel free to call me or my associate, Bruce Kubu, if you have any questions or comments.

Sincerely,

Lorie A. Fridell, Ph.D.
Director of Research
lfridell@policeforum.org



**PERF Survey on Issues Related
to "Racial Profiling"**



November 7, 2000

Dear Agency Executive:

As mentioned in a previous correspondence, the Police Executive Research Forum (PERF) is conducting a project related to the very important topic of "Racial Profiling" with financial support from the Office of Community Oriented Policing Services. We sent a questionnaire to you on October 16th designed to collect information regarding the issue of racially biased policing and perceptions thereof. If you have already completed this survey, please disregard this letter. If you have not yet completed this survey, we request that you do so by December 1, 2000. Your participation is, of course, voluntary, but would help us to explore this very important topic. **Please respond to this survey even if the issues associated with "Racial Profiling" have not impacted your jurisdiction.** If your agency does not conduct law enforcement activities, please write that on the front of the survey and return it in the self-addressed envelope.

In this survey, we have broken down the broad (and frequently misused) term "racial profiling" into what we believe are the two key issues facing law enforcement: racially biased policing and citizen *perceptions* that policing is racially biased. We know that many departments are seeking ways to deal with both of these issues. In fact, you'll note that some of the questions in the survey are designed to identify promising practices. With this information, PERF will produce a web-based clearinghouse of effective policies and curricula and develop recommendations that draw upon the best ideas from around the country.

INSTRUCTIONS

These surveys will be scanned into a computer. To facilitate effective scanning, please:

- * Use a blue or black ink pen. (Do not use a pencil or typewriter.)
- * Print as neatly as possible without touching the sides of the text boxes.
- * Completely blacken the check boxes (e.g.,).

We request that you respond no later than **Friday, December 1, 2000**. Thank you very much for your assistance with this important project. Please feel free to call me or my associate, Bruce Kubu, if you have any questions or comments.

Sincerely,

Lorie A. Fridell, Ph.D.
Director of Research
lfridell@policeforum.org



PERF Survey on Issues Related to "Racial Profiling"

The Police Executive Research Forum (PERF), with funding from the COPS Office (1999-CK-WX-0076), is conducting a project that examines racially biased policing, and the perceptions that policing is racially biased, in order to produce recommendations to help law enforcement departments deal with both issues.

This survey is just one vehicle for collecting information for this project. With it, we want to determine how racially biased policing and perceptions that policing is racially biased have impacted law enforcement agencies nationwide, determine how departments are responding, and collect and disseminate the best ideas developed by departments. Regarding the latter, we request that you send us copies of various types of policies. We understand that this is a somewhat cumbersome request, but hope you will see this as an opportunity to assist in the development of a central clearinghouse of resources for use by all departments nationwide.

Please be assured that your responses will remain entirely confidential. That is, the results will be reported in the aggregate with no department or respondent names associated with responses.

1. Have the current events related to "racial profiling" led directly to any of the following activities in your department? Check all that apply.

- Formal internal discussions of racial profiling or racial stereotyping.
- Modifications to academy and/or in-service training.
- Modifications to existing policies.
- Development of new policies.
- Enhanced outreach to the community on issues of race.
- Data collection on race of citizens stopped.

Other1:

Other2:

2. We want to know whether and how current events related to "racial profiling," including *your departmental response to those events* (for instance, those specified in Question #1), have impacted your department. That is, what has been the impact of current events related to "racial profiling," including your departmental responses to those events, on:

- A. The relationship between your department and racial minority communities (circle one answer)?

Negative Impact		No Impact		Positive Impact
1	2	3	4	5

- B. Accusations against officers of racial stereotyping and/or biased policing (circle one answer)?

Decreased		No Impact		Increased
1	2	3	4	5

- C. Media coverage of your agency (circle one answer)?

More Negative Coverage		No Change		More Positive Coverage
1	2	3	4	5

- D. The morale of your personnel (circle one answer)?

Negative Impact		No Impact		Positive Impact
1	2	3	4	5

- E. Activity on the part of line personnel (e.g., vehicle stops, arrests) (circle one answer)?

Decreased		No Impact		Increased
1	2	3	4	5



PERF Survey on Issues Related to "Racial Profiling"

3. Does your department have a written policy that specifically addresses racial profiling, stereotyping, or other biases based upon race?
 - Yes. Please attach a copy of this policy.
 - No.

4. Does your department have a written policy that specifies when race can be used as *one factor* among several to make policing decisions (e.g., such as decisions to stop, question, search)?
 - Yes. Please attach a copy of this policy (if different from the one identified in Question #3).
 - No.

5. Has your department initiated the collection of new data or the analysis of existing data for the purpose of assessing the race of citizens encountered, stopped and/or arrested?
 - Yes. Please attach a copy of your protocol, policy and/or data collection instrument.
 - No.

==>Regardless of whether you answered "Yes" or "No, please indicate one or two of the most important reasons why you made this decision regarding the collection of new data or the analysis of existing data.

Reason 1:

Reason 2:

6. What resources did you need or would you need for data collection/analysis?

7. Do you know of any academy or in-service training curricula that is particularly effective in addressing the issues of racial stereotyping or bias in law enforcement?
 - Yes.

Who provides this training? Please be as specific as possible so we can contact the providers to learn more about their curricula.

- No.



PERF Survey on Issues Related to "Racial Profiling"

8. Describe, if applicable, any special department projects or programs that serve to strengthen the department's relationship with ethnic minority communities.

9. Other than the activities encompassed in the questions above, what have you initiated in response to, or in anticipation of, concerns related to racial bias and/or stereotyping?

10. What resources do departments need to help them deal with either the incidence of racially biased policing or the community perception thereof?

11. How would you characterize the current relationship between your department and your racial minority citizens/community? (circle one answer)

Very Negative					Very Positive
1	2	3	4		5

12. To what extent do *you think* "racial profiling/stereotyping" or racially biased policing is a problem in your jurisdiction? (circle one answer)

Not a Problem				Very Serious Problem
1	2	3	4	5

13. To what extent do the *racial minority citizens in your jurisdiction think* that "racial profiling/stereotyping" or biased policing is a problem in your jurisdiction (circle one answer)?

Not a Problem				Very Serious Problem
1	2	3	4	5

Please provide additional comments:



PERF Survey on Issues Related to "Racial Profiling"

THANK YOU!

Thank you for taking the time to complete this survey. Please do the following:

- (1) Provide the information requested below. We will use this information only if necessary for purposes of calling to clarify information or learn more about one or more of your initiatives. Again, all of your responses will remain confidential.

Contact Person:

Title/Rank

First name

Last name

Phone number

-

-

Extension

- (2) Attach if relevant:

- Department policy prohibiting the use of race as the sole factor in making policing decisions.
- Department policy that specifies when race can be used as one factor among several to make policing decisions.
- Data collection/analysis protocol and/or instrument related to documentation of race of citizen.

- (3) Please check the appropriate boxes below if you would like PERF to send you (check all that apply):

- Sample policies prohibiting racial profiling.
- Sample policies indicating when race can be used as one factor to make policing decisions.
- Information regarding data collection protocol.

- (4) Place this survey and your attached policies in the enclosed self addressed envelope. If this envelope has been misplaced, mail to:

Bruce Kubu
PERF
1120 Connecticut Avenue, NW, Suite 930
Washington, DC 20036

Please direct any questions or comments to either Lorie Fridell (lfridell@policeforum.org) or Bruce Kubu (bkubu@policeforum.org) at PERF (202-466-7820).



Accountability and Supervision

Police accountability and supervision are important factors in reducing or eliminating bias in policing. A police agency has two effective levels of accountability for operational performance: the chief executive, and the middle managers and supervisors. In this chapter, we discuss their respective responsibilities and propose recommendations for action.

CHIEF EXECUTIVE RESPONSIBILITIES

The role of leadership is to inspire to higher purpose and to energize the organization toward achieving its goals. The chief executive sets the tone by word and deed, articulating the mission and the style of operation for all to understand. Chiefs must consistently practice the organization's values in their professional and personal behavior. When things go wrong, such as with the highly charged accusation of biased policing, leadership must respond.

The chief establishes operational and administrative priorities and bears primary responsibility for ensuring a positive working relationship with the policing authority, other government agencies and all elements of the community. The chief is responsible for ensuring that the police function lawfully, protecting the rights of all. The chief is also responsible for ensuring that the community's diverse needs and interests are addressed openly and equitably, with respect and dignity for all.

The chief is responsible for shaping and guiding the organizational culture, and for ensuring that the police meet quality standards. Acumen for strategy and timing is critical for an internal climate that welcomes and adapts to change. Quality performance is a constant demand on the chief's time and attention. Managing the public complaint system with fairness and justice is a critical performance indicator, as complaints are integral to quality control and serve as a sensitive barometer of police-citizen relationships. Chiefs' direction of the performance appraisal process is another critical function, as it affects all staff development. In summary, the good management of the organization is in the chief's hands, with responsibility to provide a vision for the future and to organize, direct and control.

Human Rights

Policing in a democratic society requires that law enforcement personnel be accountable for their actions based on the principles of legality, subsidiarity and proportionality. Legality addresses whether officers have a clear and public legal authority to act. Subsidiarity addresses whether an action is the least intrusive and least damaging to a subject's rights. Proportionality addresses whether an action is excessive or inefficient in dealing with a situation or problem.

The courts have long been regarded as the first bulwark in the protection of citizens' rights. As democratic principles are infused into law enforcement's basic activities, and as we perceive a broader police role, it is reasonable and desirable to conceive of a greater police role as guardians and protectors of democratic rights. In other words, law enforcement should respect the rights of all citizens to be free from unreasonable government intrusion or police action. Certain initiatives are necessary to bring about this transformation.

The first step is to direct an audit of all operational and administrative practices. Self-evaluation against standards is accepted practice in policing, and the standards for a human rights audit are best worked out in collaboration with experts in the field. Vestiges of institutional racism are often found in long-standing practices that have not been challenged for lack

of focused review. For instance, officers acculturized to conduct vehicle checks and searches based on inherently racially biased grounds may not at first recognize that they have been operating “out of policy.”

The institutional review should entail, for instance, scrutinizing policy, examining the public complaints system and internal disciplinary records for patterns of bias or rights abuses, checking the agency record of civil litigation and criminal charges, conducting surveys of public opinion, and gathering feedback from frontline supervisors.

Awareness of human rights and correction of improper practices are best ensured by integrating policy amendments into the basic and in-service training curriculum, reinforced by frontline supervisors. Training in the powers of arrest, search and seizure, use of force, communication skills, interrogation techniques, exercise of discretion, conflict management, problem-solving, and decision-making is a vehicle for conveying the significance of human rights. Individually and corporately, the police must pursue excellence and uphold professional standards. Chief executives are responsible for ensuring that their officers’ conduct complies with and promotes basic human rights.

Recommendation: The chief executive should direct an audit of the agency mission and value statements, code of ethics and all policies, procedures and practices to ensure they consistently reflect a commitment to integrity, justice, protection of human rights, and unbiased performance of duties. This audit should be embedded in the ongoing professional standards or quality assurance processes in all agencies, regardless of size.

We further recommend that the chief executive consider engaging a qualified professional specializing in human rights in creating the standards that will be used for self-evaluation.

Organizational Culture

Leadership effectiveness is influenced by organizational culture, a culture shaped by a host of diverse factors, external and internal. The organization reflects the community’s customs and conventions, although not all characteristics may be evenly

represented. Internal factors influencing the culture may include the critical events of the past; the impact of leadership, past and present; the existing climate of labor relations; and the history of economic and political support.

Some occupational stress factors of policing are a negative influence on organizational culture, affecting the frontline officer's willingness to learn and to accept change. These stressors range from disappointing experiences with the criminal justice system to the corrosive impact of shift work and excessive overtime on personal health and family life. These factors can affect the attitude the officer brings to engaging with the public.

A culture that values individual differences, rewards good work and promotes respectful interaction among its members is generally indicative of an organization capable of assimilating change. Healthy organizations invariably place a high value on professional competence, with competence defined as extending beyond the technical aspects of the work to encompass individual and institutional integrity.

Leaders' ability to support, encourage and build on the internal culture's positive aspects is critical to the acceptance of progressive policies and control over attitudes and behavior threatening isolation of the police and disengagement from the public. A heavy burden rests with the chief executive's leadership capacity.

Recommendation: The chief executive should assess the organizational culture—its strengths and vulnerabilities—identifying occupational stress factors for remedial action and reinforcing activities reflecting appreciation for good work, individual differences and respectful interaction among all employees.

Quality Assurance

An agency's capacity to change and adjust to a higher level of awareness and compliance with expectations depends on the quality of its operation. The first level of quality assurance with decentralized systems rests with recruitment and selection, addressed elsewhere in this report. The good character and personal integrity of the officer are paramount to ensuring honesty and respectful behavior.

The next most critical element is the means by which the department's values are communicated. Mission and value statements and an aspirational code of ethics are the standards by which the agency and its members are measured.

The third level is quality control. Quality control and organizational integrity are founded on standards, inspection and audit systems. Firm and consistent enforcement of policies and procedures ensures quality results. Lax enforcement opens the door to mediocrity and eventual decline, as well as institutional and individual malfeasance. Supervisors are responsible for ensuring that frontline officers comply with policy. Middle managers are responsible for spot-checking behavior and written reports, and for encouraging and supporting supervisors in maintaining high standards.

Audit and inspection systems provide the structure for institutional overview and quality assurance. There are various local, state and national standards for comprehensive quality control. A well-managed agency will apply these standards, meeting and exceeding them in a process of continuous improvement.

Recommendation: The chief executive should focus the agency on quality assurance methods in all aspects of operation—directing, supporting and managing internal controls and employing state, local and national standards whenever possible.

Diversity

Valuing diversity is a fundamental premise of democratic government. Regrettably, there are times when acceptance of diversity is lost in a well-intentioned zeal for conformity. The police bear responsibility for law enforcement, as well as maintaining peace and order. The good officer continually scans the environment for anomalies to normalcy—for conditions, people and behavior that are unusual for that environment. In learning and practicing their craft, officers quickly develop a sense for what is normal and expected, and conversely, for what is not. The true anomalies offer valuable information on potential threats to people, breaches of the law or disturbances of the peace. No one would expect an officer to fail to act on spotting

a weeping child in the custody of someone who did not behave as a parent, or to idly watch a person lurking suspiciously near parked cars.

If an officer is operating on a limited set of expectations of the normal, any manner of characteristics or behavior may engage his or her attention as “anomalies.” These characteristics may be style of clothing, differences in gestures or vocal expression, or variation in culture or race. If officers are operating on a narrow set of perceptions, they may draw false conclusions and check people out on grounds that are unwarranted, unreasonable and unsupported by law.

The chief must be acutely aware of the community’s social environment and ensure that officers are educated about the community’s racial and cultural diversity, and about diversity beyond the local jurisdiction’s limits. Policing has approached this challenge in the past through recruit and in-service diversity training, but with uncertain results. In too many instances, frontline officers have concluded that the training was premised on the assumption that all officers are inherently biased and prejudiced. Resentment has often overshadowed good intent. More recently, agencies have found that integrating the theme of racial and cultural diversity into mainstream curriculum subjects, and into normal and everyday functions, is a much more successful approach.

The principle of valuing diversity finds expression in the racial composition of the department, content of the recruit and in-service training curriculum, employment of minority race trainers, provision of educational material, and provision of support in word and deed by leaders at all levels. Participation in training programs by community members and human rights specialists will also help to ensure a culture of openness and external partnerships, if the participation is consistent with training goals. Evaluation of diversity training is accomplished by linking training objectives to operational outcomes.

Respect and appreciation for diversity relating to gender, race, victims, and people with special needs are central to recognizing human rights. Police agencies that understand and value diverse communities create structures and systems that reach outward, enjoining and empowering police officers and

citizens to collaborate in problem-solving on issues of crime and disorder.

Recommendation: The chief executive should assess the need to introduce or reinforce an integrated approach for encouraging police awareness and appreciation of racial/ethnic diversity and cultural differences.

Public Complaints

Public complaints have long been regarded as an indicator of the climate existing between the public and frontline officers. The growing number of civilian oversight agencies have sprung from the belief that complaint investigation cannot be left solely to police leadership, and that the public interest is best served by some outside assessment and disposition. While well-intended and, in some cases, contributing positively to the transparency of the process, in general, civilian oversight committees have proven as bureaucratic and uncertain in their results as the internal systems they replaced.¹

It falls to the chief executive to set the tone, establish the policies, systems and procedures and, in many cases, ultimately decide the merit of public complaints. A record system with a separate category for complaints of biased policing will afford the chief an opportunity to monitor and respond publicly to questions of alleged improper discrimination by race, perceived or well-founded. Above all, the reception system must ensure that complainants are not subject to any form of discouragement, intimidation or coercion.

Recommendation: The chief executive should direct regular reviews of the complaint reception process to ensure that complainants are not subject to any form of discouragement, intimidation or coercion in filing their complaints.

We further recommend that the public complaint management system include a separate category to permit clear and

¹ For more information on citizen review of police, see Walker, S. (1995). *Citizen Review Resource Manual*. Washington, D.C.: Police Executive Research Forum.

accurate monitoring of complaints of biased policing, with the capacity to identify patterns and practices inimical to equal treatment of citizens.

Public Complaint Audits

The chief executive should monitor complaint systems through periodic reviews of the nature and incidence of complaints and spot-checks of individual files. Regular reviews should assess the total number of complaints and complaints broken down by type; by involvement of individual officers, teams of officers or groups of officers; and by geographic district and command. The audit should take into account factors such as chronic complainers, false or frivolous complaints and complaints calculated to deter officers from performing a lawful duty.

The audit may encompass integrity testing, internal records and control assessments, accessibility reviews, timeliness standards, and complaint disposition. Agencies contemplating the introduction of integrity testing will prudently obtain legal advice, review the impact on discipline codes and labor agreements, and consult with union representatives. Spot-checks of completed files are a useful way to assess performance, together with surveys of complainants conducted at regular intervals. Active participation by an external review body may help to ensure the transparency of the process and respect for the public interest.

Recommendation: The chief executive should provide for regular audits of the complaint system, comparing performance against policy and using spot-checks and reviews to evaluate effectiveness and efficiency.

Officer Performance Measures

Annual and periodic performance appraisals offer outstanding opportunities for recognizing good performance and introducing persuasive behavior modification when necessary. The appraisal instrument should provide an opportunity to grade officers on their communication skills, ability to carry out duties absent of bias, and ability to demonstrate tolerance and respect for human rights in enforcing the law. Above all, the

appraisal process should ensure opportunities for positive reinforcement for doing the right things, and doing things right.

Many progressive law enforcement organizations are implementing record systems with decision-prompting mechanisms called “early warning systems.” These systems collect occurrence data on a broad selection of individual performance indicators, not only from public complaints, but other elements of an officer’s performance from disciplinary actions, vehicle collisions, absenteeism reports, performance appraisals, personal problems, and training results. Any employee activity that could signal the presence of stress, dysfunctional behavior or a training need becomes the subject of record. To provide for balance and equity, data collection could include positive inputs such as commendations, letters of appreciation and awards.

Within the system, there are triggers calling for management review. For example, three public complaints within a prescribed period would call for a supervisory review and personal interview of the subject officer. Depending on the system’s design, any combination of events could do the same. On the premise that the totality of behavior may indicate a developing problem, the supervisor has the opportunity to intervene. The more progressive systems are designed to bring about constructive outcomes, providing the ability to select from an array of remedies drawn from employee assistance programs and staffing actions.

Police personnel should understand a number of things about such systems. They should understand whether the systems are based solely on an analysis of citizen complaints, or on a broader analysis of the patterns of individual officers’ enforcement decisions and other performance indicators. They should understand who is reviewing the data, and what standards are used to determine whether an officer’s activity suggests possible racial bias. They should understand the possible consequences of being identified as a potentially racially biased officer.

Recommendation: The chief executive should study the advantages offered by early warning systems and consider a design appropriate to the agency’s particular conditions and needs.

MIDDLE MANAGER AND SUPERVISOR RESPONSIBILITIES

Close supervision over all public contacts is difficult to ensure, and few police organizations today can offer close supervision over all officers' behavior. The tasks of policing are most often performed by a single officer or pairs of officers operating in a detached assignment, without on-site institutional oversight or independent observers.

An increasing number of agencies are pursuing community policing, with its inherent philosophy of decentralization—dismantling the hierarchy and delegating responsibility to frontline officers. This philosophy stresses self-discipline and personal accountability, and supervisors are encouraged to practice their skills in coordination and coaching. Even in the traditional command-and-control systems, supervisory oversight has been curtailed as downsizing and other efficiency measures have decimated middle management and broadened the span of control. These conditions by no means relieve the supervisor of responsibility for control functions; rather, they illustrate the added burden management strategies place on supervisors.

Policing is a round-the-clock function, and in the larger police departments and state police agencies, the posts, divisions and detachments may be widely separated. While top management's influence is always important, it is the frontline supervisor and middle manager who capture frontline officers' attention. Sergeants, lieutenants and captains wield by far the most powerful influence over the day-to-day activity, attitude and behavior of operational police officers. These supervisors must take responsibility for carrying out any effective program of change or reinforcement of behavior. They cannot do this without clarity in their assignments and expectations.

Recommendation: As a preliminary to focusing an action program on bias-free performance, chief executives must first clarify for middle managers and supervisors the agency expectations regarding their responsibilities. Top leadership must support and encourage middle managers and supervisors by visibly promoting and enforcing high professional standards.

Leaders at the supervisory level must exercise motivational and control practices that ensure officers are operating within policy at all times, and through word and action represent the agency's ethical commitments. The frontline supervisors and managers have responsibility for reinforcing the organizational culture's positive aspects in public and in the station. Frontline leaders must consistently support and personally demonstrate respect for the rights of all citizens. The responsibility for control and the exercise of discipline when officers disregard standards concerning the treatment of citizens are major obligations.

Supervisors will realize, however, that many police officers in good faith insist that race does not affect their decisions. Indeed, there is evidence that suspects' attitudes and actions determine officers' enforcement decisions. Officers can be encouraged to go beyond this observation to consider how suspects' actions and attitudes toward police might be affected by their own perceptions of racial bias. Officers need not be made to feel that suspects who behave badly to police are blameless in order to acknowledge that there may be room to improve the overall relationship between police and minority citizens.

Recommendation: Middle managers and supervisors should ensure that all officers under their supervision are familiar with the spirit and intent of policy in dealing professionally, ethically and respectfully with the public, and that officers are complying with orders. This goes hand in hand with respecting officers' perceptions of offenders and encouraging them to gain insights into their own responses.

Officer Probation and Mentoring

New officers on probation are impressionable, and their first experiences with senior-officer partners often establish their patterns of behavior. These early opportunities for imprinting merit the highest priority within the organization. Coach or mentoring officers must be carefully selected from among those known to operate within policy and with a record of respectful relations with the public. A probationary officer assessment system should include a category for evaluating the probationer's skills in communicating, manner of dealing with the

public, and knowledge of the law relating to protecting human rights.

Recommendation: Middle managers and firstline supervisors should pay particular attention to the assignment of probationary officers or officers undergoing field training to ensure they are partnered with experienced officers known to operate within policy.

We further recommend that the field training reporting system have categories for evaluating skills in communicating, manner of dealing with the public, and knowledge relating to protection of human rights.

Spot-Checks and Monitoring

The firstline supervisor has the responsibility to spot-check officer performance in a variety of circumstances, observing the style of verbal communication, use of safety tactics, and quality of discretionary decision-making and enforcement action. In particular, spot-checks should focus on vehicle stops on suspected drug law violations to ensure that officers follow all departmental policies and procedures, and that they do not go beyond the limits of reasonableness. The supervisor establishes the principle of balance and proportionality in the exercise of discretion through monitoring and coaching. Agency activity reports, including all available data on officer-initiated vehicle stops, will be helpful to the supervisor's review.

The supervisor must be alert to any pattern or practice of possible discriminatory treatment by individual officers or squads. Periodic sampling of in-car videotapes, radio transmissions, and in-car computer and central communications records is effective for determining if both formal and informal communications are professional and free from racial bias and other disrespect. The department should inform officers of the monitoring procedure in advance, with periodic reminders. Corrective action, when warranted, should normally be carried out by the frontline supervisor. In some cases, disciplinary action may be warranted. Conversely, officers consistently observed to operate within policy should be favorably recognized through their annual and periodic appraisal reports.

Middle managers and supervisors must be alert to new laws and court decisions affecting critical procedures of arrest, search and seizure, and use of force—informing, monitoring and coaching officers about the impact of updated interpretations of the law. Learning from mistakes and reacting positively to new conditions are simply intelligent approaches to law enforcement. In instructing frontline officers, supervisors must take care to present change in a positive way, and not as a hindrance to obtaining results.

Recommendation: Supervisors should monitor activity reports for evidence of improper practices and patterns. They should conduct spot-checks and regular sampling of in-car videotapes, radio transmissions, and in-car computer and central communications records to determine if both formal and informal communications are professional and free from racial bias and other disrespect.

Public Complaint Processing

The sergeant, lieutenant or captain is often the first point of contact for citizens lodging a complaint at a police station. How complainants are received and addressed makes an indelible impression on his or her sense of trust and confidence in the agency's ability and willingness to accord the complaint a fair hearing. The officer has the responsibility to ensure that complaints are received with formality, that all departmental procedures are carried out to the letter, and that complainants are treated with respect. The ranking police representative should ensure that complainants are not subjected to any form of discouragement, intimidation or coercion.

The complainant's comments should be recorded and provided to the departmental investigation unit. The complainant must be provided with information on how the department deals with complaints, and be given the name of the office responsible for handling them.

Recommendation: Middle managers and supervisors should accept responsibility for ensuring that citizen complaints of biased policing are given a formal and respectful hearing, and that com-

plaints are documented in accordance with agency policy. The ranking police representative should ensure that complainants are not subjected to any form of discouragement, intimidation or coercion in filing their complaints at the police station or in bringing their complaints to the attention of any officer.

We further recommend that middle managers and supervisors provide the complainant with information on how the department deals with complaints, and with the name of the office responsible for handling them.

A Policy To Address Racially Biased Policing and the Perceptions Thereof

In Chapter 1, we specified that racially biased policing occurs when law enforcement inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity. In this chapter, we propose a policy for police agency adoption that reflects this definition, addressing both racially biased policing and the perceptions thereof. This policy was based on information collected from the focus groups, the national survey, existing policies, constitutional law scholars, law enforcement agency counsel, and others with expertise. Specifically, the policy we propose

- emphasizes that arrests, traffic stops, investigative detentions, searches, and property seizures must be based on reasonable suspicion or probable cause;¹
- restricts officers' ability to use race/ethnicity in establishing reasonable suspicion or probable cause

¹ This particular provision addresses only those activities that require reasonable suspicion or probable cause. The policy wording reflects the fact that not all detentions (e.g., at sobriety checkpoints) or all searches (e.g., consent searches) require either reasonable suspicion or probable cause. These other activities are not prohibited by the policy.

to those situations in which trustworthy, locally relevant information links a person or persons of a specific race/ethnicity to a particular unlawful incident(s);²

- applies the restrictions above to requests for consent searches and even those “nonconsensual encounters” that do not amount to legal detentions;
- articulates that the use of race and ethnicity must be in accordance with the equal protection clause of the 14th Amendment; and
- includes provisions related to officer behavior during encounters that can serve to prevent perceptions of racially biased policing.

Recommendation: Departments adopt the policy set forth in this chapter.

BACKGROUND

PERF’s national survey indicates that, as a result of recent high-profile events related to “racial profiling,” 12 percent of law enforcement agencies surveyed have modified existing policies, and 19 percent have adopted new policies. PERF asked the respondents to include copies of their policies when they returned their surveys. Staff review of these policies determined that most of them prohibit officers from enforcement action (e.g., stops, arrests and searches) “based solely on an individual’s race.” While the policies convey the positive message that the police agencies will not tolerate “racial profiling,” they do not provide sufficient guidance on the use of race to make law enforcement decisions.³ Agencies can do more than reiterate what

² In some situations, the link may be made to civil violations as well as “unlawful incidents.”

³ Note that agencies with this type of provision may very well have additional, broader provisions elsewhere in policy and/or may provide more guidance to their officers in training.

has always been unconstitutional—that police actions cannot be based solely on race.⁴

The policy we propose specifies when it is and is not appropriate to consider race/ethnicity in making law enforcement decisions. This policy defines “racially biased policing” building on Fourth Amendment (Search and Seizure)⁵ and 14th Amendment (Equal Protection)⁶ principles. The complementary provisions clarify when officers *can* use race/ethnicity as a factor to establish reasonable suspicion or probable cause and provide similar clarity for using race/ethnicity in making other law enforcement decisions. It also includes procedures that can reduce *perceptions* of racially biased policing.

We start by setting forth the policy itself. We then discuss and elaborate on the content.

THE POLICY

Title: Addressing Racially Biased Policing and the Perceptions Thereof

Purpose: This policy is intended to reaffirm this department’s commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, and to reinforce procedures that

⁴ For example, in *U.S. v. Brignoni-Ponce*, a Fourth Amendment case regarding a vehicle stop near a border, the Supreme Court held that police cannot stop motorists based solely on their racial or ethnic appearance, even if the officers are investigating illegal aliens (422 U.S. 873, 1975).

⁵ “The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

⁶ “[N]o State shall make or enforce any law which shall . . . deny to any person within its jurisdiction the equal protection of the laws.”

serve to assure the public that we are providing service and enforcing laws in an equitable way.

Policy:

A) Policing Impartially

- 1. Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests nonconsensual searches, and property seizures.*

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion or probable cause. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those nonconsensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

- 2. Except as provided above, race/ethnicity shall not be motivating factors in making law enforcement decisions.*

B) Preventing Perceptions of Biased Policing

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops:

- Be courteous and professional.*

- *Introduce him- or herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver for his or her license and registration.*
- *Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.*
- *Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.*
- *Provide his or her name and badge number when requested, in writing or on a business card.*
- *Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).*

Compliance:

Violations of this policy shall result in disciplinary action as set forth in the department's rules and regulations.

Supervision and Accountability:

Supervisors shall ensure that all personnel in their command are familiar with the content of this policy and are operating in compliance with it.

DISCUSSION

Title and Purpose

We titled the policy “Addressing Racially Biased Policing and the Perceptions Thereof” to reflect our strong preference for the term “racially biased policing” over “racial profiling,” and to reflect the importance of addressing both the instances of and the perceptions of its practice. The policy’s stated purpose is “to reaffirm [the] department’s commitment to unbiased policing, to clarify the circumstances in which officers can con-

sider race/ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that [the department is] providing service and enforcing laws in an equitable way.” Importantly, while this policy addresses *racially* biased policing, agencies could adapt it to cover biased policing related to gender, age, etc.

Policing Impartially

Using Race/Ethnicity as a Factor To Establish Reasonable Suspicion or Probable Cause

One aspect of ensuring the unbiased treatment of citizens is to consistently apply the standards of reasonable suspicion and probable cause to law enforcement interventions. The proposed policy affirms these Fourth Amendment requirements. Specifically, the policy reads as follows:

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

However, the policy goes beyond reaffirmation of the constitutional provisions and provides clarity to these standards of proof. Specifically, the policy sets forth limits on when officers can consider race/ethnicity to establish probable cause⁷ or

⁷ Probable cause for a warrant or warrantless arrest exists when “the facts and circumstances within the officers’ knowledge and of which they had reasonably trustworthy information are sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed” (*Brinegar v. United States*, 338 U.S. 160, 1949). Probable cause is required for some searches and applies the above requirements (i.e., “facts and circumstances...”) to the belief that seizeable evidence is in a particular location.

reasonable suspicion.⁸ We identified this need through our focus groups, in which it became very clear that practitioners at all levels—line officers, command staff and executives—have very different perceptions regarding the circumstances in which officers can consider race/ethnicity. Participants discussed when officers can use race/ethnicity as one factor in the “totality of the circumstances” to establish reasonable suspicion or probable cause.⁹ We found many differences of opinion among line officers and command staff, even *within* agencies, on this point. Some believed that officers should not use race/ethnicity to justify law enforcement intervention except when specified as part of a suspect’s description. Others—when provided with hypothetical examples—clearly revealed an on-the-street use of race/ethnicity as a general indicator of criminal activity.

Our survey data confirm that many agencies do not provide guidance to their line personnel on this point in policy. Just under 4 percent of the responding agencies reported that they have policies that “specify when race can be used as one factor among several to make policing decisions.”

While we acknowledge that agencies may, to differing extents, address this issue in training, training alone is not sufficient. Policy is used in policing to provide parameters for officer discretion. Without clear parameters, some officers will, and *do* (as indicated by the focus group data), use race/ethnicity as a general indicator of criminal activity, to help justify, for in-

⁸ Reasonable suspicion, which is required for detentions, “is a less demanding standard than probable cause...in the sense that reasonable suspicion can be established with information that is different in quantity or content than that required to establish probable cause” (*Alabama v. White*, 496 U.S. 325, 1990).

⁹ The Supreme Court has not provided specific guidance in this area; the court’s decisions in this realm have addressed only those cases related to illegal aliens (e.g., *United States v. Brignoni-Ponce*, 422 U.S. 873, 1975). In a Ninth Circuit case, it was held that officers could not use race/ethnicity to establish reasonable suspicion in a geographic area where “the majority (or any substantial number) of people” are of that particular race/ethnicity (*United States v. Montero Camargo*, 208 F. 3d 1122, 9th Cir., 2000).

stance, detentions of citizens. *In this environment of minority citizen mistrust of law enforcement, we strongly recommend that agencies set forth written policy parameters on the use of race/ethnicity to justify law enforcement intervention.* Without clear guidance in *both* policy and training, law enforcement executives risk having line personnel inappropriately intrude on citizens' freedom based on those officers' personal biases as opposed to objective criteria.

The policy we propose prohibits the use of race/ethnicity as a general indicator of criminal activity, but allows officers to consider it in some situations, such as when provided with suspect descriptions. Specifically, the policy states, "Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race can never be used as the sole basis for probable cause or reasonable suspicion."

The standard for "trustworthy" information is the same one that officers should apply to *any* information they use to establish reasonable suspicion or probable cause.¹⁰ It means that the information is worthy of confidence. "Locally relevant" means that the information is relevant to local conditions. In other words, officers cannot rely on widely held stereotypes, or even on the fact that in some areas of the country, a certain race/ethnicity is linked to a certain crime. Officers have to have information that supports a link between race/ethnicity and a *specific* crime in their *own* jurisdiction.¹¹ It is not absolutely necessary that the information be *generated* locally, but it is necessary that it be reasonably *relevant* to the local area.¹²

¹⁰ For instance, potential sources of trustworthy information include officer observations, tips (e.g., from colleagues or credible witnesses) and crime reports.

¹¹ This is the case, for instance, when a *local* victim reports that the perpetrator was of a particular race/ethnicity.

¹² This statement recognizes, for instance, the cross-jurisdictional nature of criminal activity. Thus, for instance, if a jurisdiction experienced a great surge in car thefts that were associated with a particular racial/ethnic group, a nearby jurisdiction might reasonably link the crimes to the identified group.

This trustworthy, locally relevant information must *link specific suspected unlawful activity* to a person or persons of a particular race/ethnicity. The requirement of *specific* suspected unlawful activity precludes the use of race/ethnicity as a general indicator of criminal activity. The information must pertain to a specific type of unlawful activity (e.g., a commercial robbery) or category of unlawful activity (e.g., activities related to drug production/distribution). *To allow officers to use race/ethnicity to establish reasonable suspicion or probable cause based on the fact that most crimes in their jurisdiction are committed by, for instance, Hispanics, would allow officers too much latitude to treat an entire segment of the population as potential suspects and would be prohibited by the policy.*

Below are two examples of situations in which officers, applying the proposed policy, *could* consider race/ethnicity in establishing reasonable suspicion or probable cause:

Reports of undercover officers and several recent arrests indicate that white students from the local college are buying cocaine at a particular inner-city apartment complex—the residents of which are primarily black. In this situation, applying the proposed policy, an officer could consider the race of citizens visiting this complex as one factor in a set of factors to establish, for instance, reasonable suspicion to detain. (For example, other factors an officer might use when considering the “totality of the circumstances” might include having observed on several subsequent nights a student with prior arrests for drug possession who is evidencing intoxicated behavior going to the residence of a known drug dealer for 2 minutes in the middle of the night.) Thus, the officer could consider race as one factor that could justify a stop that is related to suspicion of drug activity.

A number of middle school students have reported that Hispanic men are selling guns to stu-

dents in the area immediately surrounding the school. Again, applying the proposed policy, an officer could consider the ethnicity of citizens around the school as one factor in a set of factors to establish, for instance, reasonable suspicion to detain. (For example, the officer might also have obtained corroboration through parents' observations and his or her own observations over several days of a man matching the students' physical description standing in the same location exchanging goods for money with students, as witnesses described.) Thus, the officer could consider ethnicity as one factor in the "totality of the circumstances" that could justify a stop related to suspicion of illegal gun sales.

Below is an example of when the proposed policy would *preclude* the consideration of race/ethnicity:

An officer sees a poorly dressed young African-American male walking in an upper-class white neighborhood. Without trustworthy, locally relevant information linking African-American males to particular crimes in the area, the officer could not consider this person's race as *a factor among others in establishing reasonable suspicion or probable cause*. That is, this policy prohibits officers from detaining people merely because they are purportedly "out of place" by virtue of their race/ethnicity.

Considering Race/Ethnicity in Initiating Other

Nonconsensual Encounters or Requesting Consent To Search

We have described restrictions on the use of race/ethnicity to justify law enforcement activities that are covered by the Fourth Amendment (e.g., detentions, nonconsensual searches, arrests). Another provision in the policy extends those restrictions to law enforcement activities that fall out-

side Fourth Amendment restrictions, but nonetheless pose great risks of being conducted in a racially/ethnically biased way. Specifically, the policy restricts police consideration of race/ethnicity in decisions to initiate even those nonconsensual encounters that do not amount to detentions,¹³ and in decisions to request consent to search. Officers must be able to articulate some reason (not necessarily amounting to reasonable suspicion) for initiating even a nonconsensual encounter that does not amount to a detention or arrest and for requesting consent to search. They cannot justify either action based on race, except when, as previously discussed, they “take into account trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s).”

Ensuring Equitable Treatment

The policy provisions discussed above do not go far enough to describe and prohibit racially biased policing activities. Although the provisions place restrictions on police using race/ethnicity as information to justify law enforcement interventions, they do not prohibit officers from acting on that information in a biased way, or from otherwise acting in a biased way. That is, those provisions are insufficient alone as they do not prohibit officers from disproportionately targeting certain racial/ethnic groups who are suspected or guilty of breaking the law. Nor do they prohibit officers from otherwise treating people differently (e.g., without dignity and respect) based on race/

¹³ In other words, this provision extends the restrictions on the use of race/ethnicity to even those nonconsensual encounters that do not require either reasonable suspicion or probable cause. We use the term “nonconsensual encounters” to encompass activities that require reasonable suspicion or probable cause (e.g., arrests, detentions) *as well as* activities that do not require those levels of proof. An example of the latter is when an officer approaches a group of people and asks them who they are and what they are doing. (“Nonconsensual” implies that it is the officer, not the citizens, who initiates the encounter, but it does not *necessarily* imply that the citizens are opposed to the encounter.)

ethnicity. We need the second provision reflecting the general principle of equal protection.

As an example, this second provision prohibits an officer from stopping a white traffic violator and releasing that violator *because* he or she is white, and then stopping a black traffic violator and requesting consent to search *because* that violator is black. Even if the officer has acted in accordance with all Fourth Amendment provisions, he or she has violated the 14th Amendment's Equal Protection clause. As another example, this provision would prohibit officers from conducting *Whren*¹⁴ (that is, "pretext") stops only of a particular racial/ethnic group and not of others, *because* of race/ethnicity. Thus, the policy includes a provision that recommitments the department to ensuring equal protection in all aspects of its work: "Except as provided above, race and ethnicity shall not be motivating factors in making law enforcement decisions."

The qualification "except as provided above" is necessary to allow officers, in very restricted circumstances, to treat people differently on the basis of race/ethnicity (for instance, when trustworthy, locally relevant information links a person(s) of a particular race/ethnicity to specific unlawful activity). Those narrow exceptions aside, the provision sets up the "but for" test for officers in evaluating all of their interactions with citizens. For example, officers should ask themselves, "Would I be engaging this person *but for* the fact that this person is black?" "Would I be asking this question of this person *but for* the fact that this person is white?"

Together, the provisions above prohibit racially biased policing. They will prompt officers to carefully consider their motives for engaging citizens, and tightly circumscribe their use of race/ethnicity in making enforcement decisions.

¹⁴ In *Whren et al. v. United States* (517 U.S. 806, 1996), the Supreme Court held that, as long as a traffic law is violated, an officer's underlying motive for stopping the vehicle (e.g., to check for drugs) is irrelevant. Important for this discussion, the court noted that conducting selective enforcement on the basis of race (e.g., making a pretext stop *because* of a person's race) is prohibited by the 14th Amendment's Equal Protection clause.

Preventing Perceptions of Biased Policing

A number of minority citizens who participated in our focus groups acknowledged that they would be much more likely to suspect that a police stop was racially motivated if they were treated discourteously or not informed of the reason rather than being treated with respect and told why the stop was made. Some of the “racial profiling” policies we reviewed reflected this by including provisions emphasizing the need to prevent perceptions of racial bias. Part B of our proposed policy includes some of these directives.

Specifically, we propose that an officer who detains a pedestrian or motorist do the following:¹⁵

- Be courteous and professional.
- Introduce him- or herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless providing this information will compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver for his or her license and registration.
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense, and that the citizen understands the purpose of reasonable delays.
- Answer any questions the citizen may have, including explaining options for traffic citation disposition, if relevant.
- Provide his or her name and badge number when requested, in writing or on a business card.

¹⁵ We support, also, the comprehensive list of practices suggested for traffic stops by the National Highway Traffic Safety Administration in its publication, “Strengthening the Citizen and Law Enforcement Partnership at the Traffic Stop: Professionalism Is a Two-Way Street” (DOT HS 809 180, December 2000). See also the relevant provisions in the “Sample Professional Traffic Stops Policy and Procedure” developed by the International Association of Chiefs of Police (n.d.).

- Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

Some of these provisions merit further discussion of how they were developed.

The second provision that directs the officer to introduce him- or herself and provide a reason for the stop was the subject of much focus group discussion. Not surprisingly, virtually all citizens favored initiating stops this way. Practitioners had mixed opinions—some advocated this method of contact, and others criticized it. The critics claimed that they need to get a citizen’s license and registration before stating the reason for a stop, lest the citizen argue and refuse to turn over the papers. On the other hand, officers who generally provide the reason for the stop up front said such cases are rare and, when they occur, manageable. We believe that providing an introduction and a reason for a stop sets a professional tenor and establishes clear, direct and respectful communication between the citizen and officer. We believe that these benefits outweigh the infrequent negative citizen response.

Providing a name and badge number upon request is standard within departments, but providing a business card is not. Citizens in our focus groups perceived that action as a very positive sign of professionalism and accountability. Some departments have adopted as standard practice the provision of business cards following all detentions.

Some of the citizens in the focus groups had been detained because, presumably, they resembled someone who was being sought. Many of these participants expressed continued anger over the event, and lamented that “if only” the officer had apologized or explained the circumstances, they would have felt differently. Respectfully explaining a stop and, in some cases, offering an apology for any inconvenience caused by the stop, has great potential for reducing the residual ill effects of such encounters. (The officer is not apologizing for what may have been lawful and proper actions, but rather for the inconvenience and embarrassment the stop caused the citizen.)

Compliance, Supervision and Accountability

Supervisors have important responsibilities in ensuring compliance with new policies. They must hold those officers who fail to comply accountable, taking disciplinary action as appropriate.

CONCLUSION

A policy that delimits the circumstances in which race/ethnicity can be considered in law enforcement decisions is critical to any department plan to respond to racially biased policing and the perceptions of its practice. The overwhelming majority of officers on our streets are well-intentioned and do not want to engage in racially biased policing. However, very few departments have meaningful policies that articulate the circumstances in which race/ethnicity can and cannot be used to make decisions. A chief executive must not only declare a prohibition against racially biased policing, but also clearly define the prohibited conduct in policy.

Recruitment and Hiring

This chapter addresses issues and recommendations related to recruiting and hiring police officers toward the goal of reducing racial bias in policing. While the chapter does not comprehensively cover all issues related to recruitment and hiring of police personnel, it does address those most clearly and directly associated with racial bias. The important, complex legal issues related to affirmative action laws and associated consent decrees are also beyond the scope of this chapter.

Recruitment and hiring policies and practices have the potential to reduce racial bias in policing in two basic ways: (1) by hiring officers who can police in an unbiased manner, and (2) by establishing a police workforce that reflects the racial demographics of the community the agency serves.

RECRUITING AND HIRING UNBIASED POLICE OFFICERS

Good police officers carry out their duties with fairness, integrity, diligence, and impartiality. They respect basic human rights and civil liberties. They know how to communicate effectively and respectfully to people of any race, culture or background. They make the effort to understand the culture, language, mores, and customs of whatever population they are policing, and to get others to understand their own perspective. They look for ways to resolve disputes and address chronic community problems without creating or aggravating racial tension. They

do not rely solely on their arrest powers to establish their authority. They exercise their professional discretion thoughtfully and judiciously. They understand why some communities distrust the police as an institution, and work hard to earn their trust. They reject racial and cultural stereotypes, recognizing how unfair, inadequate and even dangerous they are to effective policing. They have the self-confidence and courage that is sometimes needed to reject the biased attitudes and behavior they occasionally find among fellow police officers. These qualities are essential to reducing racial bias in policing.

Many police officers today have these qualities, and it is in no small measure because of how they police that there is not greater tension between the police and citizens in many communities. Police agencies must seek to recruit and hire more applicants who have, and can further develop, these qualities. To recruit and hire such applicants is no simple matter, however. It calls not only for making judgments about applicants' racial attitudes, but also for predicting how applicants would act on those attitudes while working in the highly autonomous and discretionary environment of street policing.

It is important to bear in mind that few, if any, people are totally free of bias in one form or another. Most people stereotype others whom they don't know in some, usually benign, way. The search for unbiased police officers is not a search for the saintly and pure, but rather a search for well-intentioned individuals who, at a minimum, are willing to consider and challenge their own biases and make a conscious effort not to allow them to negatively affect their decision-making as officers. Nor is it the case that racial bias operates only when white police officers are biased against minority citizens. Racial bias in policing can operate in many different directions. Minority officers themselves can harbor biases—against white citizens or members of other minority groups, or even members of their own minority group.

Police recruitment messages should appeal not merely to potential applicants' desire for the adventure of policing or the wages and benefits offered, but also to a spirit of fairness, justice and racial equality. It is important to try to overcome some potential applicants' mistrust of the police institution and the

perception that the police serve only to preserve a social order, to the disadvantage of racial and cultural minorities. Recruitment messages should promote policing as an opportunity to serve society in ways that can truly advance justice and racial harmony. These messages might go so far as to acknowledge past problems in policing and the lingering perceptions of racial bias, and to suggest to potential applicants that becoming a police officer is a powerful way to improve conditions. Police executives should solicit input from the community, particularly minority communities, as well as from professional advertisers and marketers in crafting and delivering recruitment messages.

In the search for unbiased police officers, personnel staff must consider applicants' own statements on matters involving race and what background investigations might reveal about applicants' character, reputation and documented history. Applicant interviews, whether conducted by community members or police staff, might include questions that reveal applicants' understanding and attitudes about race relations and police-community relations. Asking the questions alone signals to applicants that their attitudes about race are important to the police agency, and that the agency will not tolerate racial bias. Applicants will sometimes admit to harboring attitudes and opinions that one might expect they would keep to themselves. While not foolproof, if one wants to know about applicants' racial attitudes and biases, there is no better place to start than by asking them directly.

Background investigations should explore many facets of applicants' lives, including clues about how they feel and act toward members of other racial and cultural groups. It is especially important to look for applicants who have some experience interacting with members of other races and cultures, and to assess how well they have done so. While no single factor should dictate whether an agency offers an applicant employment, some factors that personnel staff might consider when assessing an applicant include

- what people of other races and cultures say about the applicant;

- whether the applicant has ever experienced being in the racial minority in any setting; and
- whether the applicant has ever been in a situation where there was racial tension or conflict, and if so, how the applicant handled the situation.

Psychometric instruments have been developed to measure racial attitudes and bias, but few police agencies use them in screening applicants. Perhaps someday such instruments will be validated and gain wider acceptance as a predictive tool for police hiring, but as yet, that has not occurred. Police executives should be open to learning more about using psychometric instruments, but we do not know enough about them to recommend them yet.

Recommendation: Personnel staff should carefully evaluate applicants' character, reputation and documented history as they relate to racially biased attitudes and behavior.

HIRING A RACIALLY DIVERSE POLICE WORKFORCE

A police agency whose officers reflect the racial demographics of the community they serve fulfills several important purposes in reducing racial bias in policing. First, it conveys a sense of equity to the public, especially to minority communities. Second, it increases the probability that, as a whole, the agency will be able to understand the perspectives of its racial minorities and communicate effectively with them. Third, it increases the likelihood that officers will come to better understand and respect various racial and cultural perspectives through their daily interactions with one another.

Agencies' hiring practices are one signal to a community of how police leaders view the relationship of the police with various racial and cultural groups. Diversity in the police ranks is necessary to earn minority trust and manifest equity in the public image of the police. Where the police force reasonably reflects the community's racial makeup, it promotes a general sense of fairness. Where it does not, it invites suspicion and mistrust as to why members of various racial and cultural groups are not willing or able to serve in the police ranks. This is not to say that

having a racially representative workforce guarantees that the police agency will be free from racial bias or necessarily perceived as fair by the public, but at a minimum, it can demonstrate a good-faith commitment on the part of police leaders to work toward those goals. Police agencies across America have made substantial progress toward racial representation over the past several decades. Nationally, they have nearly achieved proportional representation of African-American officers.¹ To be sure, this varies across jurisdictions: some police agencies have achieved proportional representation, while others remain far from it. A general sense of fairness in police employment opportunities can reduce underlying mistrust of the police among minority citizens, a mistrust that can affect how minorities and police officers relate to one another on the streets.

Having a racially representative police workforce also enhances the range of experiences and communication skills that are essential to effective policing. Having police officers who understand and empathize with various cultures and socioeconomic conditions can translate into more effective street policing in many ways. In some communities, this means having bilingual officers who can communicate with minorities who don't speak English.

It is well understood that much of racial bias and prejudice stems from people's fear of what (and whom) they do not know. Ignorance of the perspectives, manners and customs of other races and cultures can fuel officers' fears and increases the likelihood that citizens' motives and actions will be misunderstood. It is further well understood that police officers come to form special bonds with and rely heavily on one another. Given the opportunity, they will usually look beyond one another's race and culture to find common bonds and, in the process, almost inevitably come to learn more about, and respect and appreciate, their diverse racial and cultural identities. Simply put, racial bias and prejudice thrive when members of different races are isolated from one another, and they dissipate the more that

¹ Reaves, B., and A. Goldberg (1999). *Law Enforcement Management and Administrative Statistics, 1997: Data for Individual State and Local Agencies With 100 or More Officers*. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics.

members of different races interact. Police executives can create such opportunities to interact by surrounding their officers with colleagues of different races and cultures. (Police executives must then, of course, manage their agencies so as not to generate friction and factions along racial lines among the officers, but that discussion goes beyond the scope of this chapter.)

Recommendation: Police executives should strive to hire a workforce that reflects the highest professional standards and the racial and cultural demographics of the community they serve.

RECRUITING MINORITY APPLICANTS

Recruiting minority applicants, especially in highly competitive labor markets, requires commitment and effort. Police executives must communicate that commitment to their recruiting staff and devote the resources necessary to achieve minority recruitment goals.

Police recruiters themselves should reflect the community's racial and cultural makeup. They may well be the only direct contact that potential applicants have with police personnel: meeting officers of different races and cultural backgrounds signals a police agency's interest in recruiting similarly diverse applicants. It is not essential that recruiters always be matched with potential applicants of their own race or culture; at times, though, such matches are helpful. In addition, recruiting materials such as brochures, videos, posters, television commercials, and websites should depict a diverse group of police officers from the agency.

Recruiters must first understand the rationale for hiring a diverse workforce, and be committed to this goal. They must be able to articulate the rationale to potential applicants and to the public at large; they will surely be asked to do so. It is also important that the agency's current employees understand the benefits of a diverse and representative workforce, and that the agency's hiring standards need not and will not be lowered to achieve this objective. Police executives should try to get police union support for minority recruitment. Such efforts help ensure that newly hired minority officers do not enter a hostile organizational environment.

Being committed to a diverse workforce means more than just acknowledging numeric goals. If recruiting and hiring initiatives are to help in reducing racial bias in policing, they must aspire to more than just filling racial quotas. They must strive to bring into the agency people who themselves are committed to policing fairly and without bias.

Recruiters should use several methods for recruiting minority applicants. The particular methods they should adopt will vary from community to community, depending on the available opportunities. Among the many methods for recruiting minority applicants are the following:

- *Recruiting at historically black colleges and universities.* A high percentage of African-American college students are drawn to studies in the social sciences, social work and education, all disciplines that lend themselves well to policing.² Historically black colleges and universities, and any college or university with a high minority enrollment, are naturally attractive recruiting grounds for police agencies. Recruiters should introduce themselves to college career counselors and faculty who teach in police-related fields (such as sociology, criminology, criminal justice, and social work), and ask them to be alert for students who show an interest in police work.
- *Recruiting through military channels.* The military forces have succeeded in enlisting large numbers of minorities, and many of them, upon leaving the service, will find another public service such as policing an attractive career. Particularly in times of peace and when military enlistment is strictly voluntary, the military system will have screened, trained and educated many good service personnel who might make similarly good police officers.

² See, for example, Carter, D., and A. Sapp (1991). *Police Education and Minority Recruitment: The Impact of a College Requirement*. Washington, D.C.: Police Executive Research Forum.

- *Recruiting through current minority police officers.* Most police officers know people who have expressed an interest in joining the police force. Minority officers might know other minorities interested in police work. Recruiters should encourage minority officers to make referrals. Officers who work in high schools should be supplied with recruiting information to cultivate interest in police work among good students, even though most high school graduates will lack the maturity and experience to be hired immediately.
- *Recruiting through the religious community.* Churches, temples, synagogues, and other places of worship are important institutions in many communities, especially in some minority communities. Religious leaders often know people who might be interested in and suited for police work.
- *Recruiting from other fields.* Recruiting efforts should not be limited to searching for young people looking to embark on a first career. Police agencies are increasingly finding excellent older applicants who want to change careers. Social workers, teachers and small-business owners often find policing an attractive second career, and their fields are well represented by minorities in many communities. Some police agencies may do well to reconsider maximum age limits for entry-level positions in order to tap into the second-career labor market.

Some police agencies employ the services of high-profile minorities such as athletes and business executives to promote police work as a career. While this holds some appeal and is unlikely to hurt recruiting efforts, it is likely that most potential applicants are influenced more by people they know and trust than by celebrities.

A final word about recruiting minority applicants: how the police treat minority citizens on the streets can have a profound impact on minority recruitment efforts. Citizens who believe they or someone they know has been treated unfairly

by police because of their race will not likely be inclined to consider policing as a career. Not many people join organizations they consider hostile to people like them, even for the purpose of trying to change those organizations. In this respect, it is the patrol officers and detectives who work the streets every day who constitute, for better or worse, the most influential recruiting staff in any police agency.

Recommendation: Police executives should ensure that special recruiting initiatives designed to attract minority applicants supplement the agency's general recruitment program.

MANAGING PERSONNEL SELECTION

Police executives should periodically audit their agency's personnel recruitment and hiring process for two main purposes related to racial bias in policing: (1) to assess to what extent the agency is succeeding in recruiting and hiring applicants, of whatever race or culture, who can police effectively, without racial bias; and (2) to assess whether the process has any adverse impact on the hiring of minority applicants.

The first question to ask is whether, as a general proposition, the process is designed to *screen out* unqualified applicants or to *select in* qualified and desirable applicants. Obviously, all processes do some of both, but the relative emphasis of these two objectives can affect the success of recruitment efforts.

A recruitment and hiring approach that is designed principally to screen out unqualified applicants is reactive. It involves little effort to actively recruit desirable applicants, but rather is restricted to weeding out unwanted applicants and selecting all those who remain. The message conveyed to applicants is that they must prove themselves worthy of joining the agency; this approach entails little effort to sell the agency to desirable applicants. The testing and measuring mechanisms are designed to identify applicants who are demonstrably unqualified. Anyone who exceeds the cutoff scores continues in the process. The agency recruits all applicants in the same way and with the same message, with no special appeal to minority applicants.

By contrast, a recruitment and hiring approach that is designed principally to select in qualified and desirable ap-

plicants is proactive. It stresses the positive qualities the agency is looking for, such as sound mind and good character, excellent communication skills, demonstrated public service commitment, problem-solving skills, empathy, and social tolerance. It conveys clear and consistent messages about the value of equitable policing, and that the agency will not tolerate overt racial bias. It tailors recruiting messages to particular target audiences. Once the agency identifies qualified and desirable applicants, it assumes that other employers will seek out those applicants, and so it looks to convince them of the benefits of becoming an officer in that agency. The testing and measuring mechanisms, while also serving to identify patently unqualified applicants, differentiate among qualified applicants to allow recruiters to focus on attracting the best of them. The difference between these recruitment and hiring approaches can spell the difference between succeeding and failing in hiring qualified, unbiased police officers and achieving minority hiring goals, particularly in a highly competitive labor market.

Recommendation: Personnel selection processes should be geared principally to select in qualified and desirable applicants rather than screen out unqualified applicants.

Most police personnel selection processes assess applicants along a range of dimensions, including

- basic qualifications such as education, requisite licenses and citizenship;
- intelligence and problem-solving capacity;
- psychological fitness;
- physical fitness and ability;
- current and past illegal drug use;
- character as revealed by criminal record, driving record, work history, military record, credit history, reputation, and sometimes, polygraph examination; and
- racial and cultural biases.

An audit of the personnel selection process should gauge the validity of each job qualification and each testing standard. It should ensure that the job qualifications and testing standards accurately reflect the nature of the police officer's job as the agency expects it to be done. For example, if the agency has embraced the principles and methods of community or problem-oriented policing, the agency, through the personnel selection process, should assess whether applicants have the knowledge, skills and abilities necessary to be effective community or problem-oriented police officers. Job task analyses should be current to validate the selection process.

The audit should also gauge the fairness of each aspect of the selection process and whether the process as a whole, or at any stage, disproportionately disqualifies minority applicants. If there is evidence of disparate impact, the agency should explore the reasons for it and look for ways to remedy it without compromising hiring standards.

Police executives must assess whether the sequence of the various testing stages disproportionately impacts minority applicants. Conventional wisdom suggests that the least expensive tests be conducted first, and the most expensive tests conducted last, to preserve budgetary resources. This is usually a sound recommendation, but if the process as a whole is disproportionately disqualifying minority candidates, some reordering of the sequencing of the stages might prove helpful. For example, if a disproportionate number of minority applicants are failing standard written examinations that measure general knowledge, that testing might be postponed until after personal interviews of applicants have been conducted that might identify those with the character and attitudes the agency desires. Once such an applicant has been identified, both the agency and the applicant might be better motivated to prepare the applicant for the written examination. In many jurisdictions, there are police exam preparatory courses available to applicants. Those applicants who know they stand a good chance of being hired if they pass the written exam might be more motivated to avail themselves of preparatory training and perform better on the written exam. This applies equally to desirable minority and majority applicants.

Recommendation: Police executives should periodically audit the personnel selection process to ensure that the hiring qualifications and standards are both valid and fair to applicants of all races and cultures.

In addition to examining the sequencing of the selection process, the audit should assess whether the time between an initial application and a job offer is excessively long, resulting in qualified and desirable applicants' being lost to employers who can hire more expeditiously. Again, the testing standards should not be compromised, nor the process short-circuited, but better management of the process might expedite it.

Recommendation: Police executives should audit the personnel selection process to ensure that neither the sequencing of the testing stages nor the length of the selection process is hindering minority hiring objectives.

A special note is in order about whether higher education requirements help or hinder the hiring of minority applicants. Conventional wisdom holds that higher education requirements hinder minority hiring, but past research indicates this is not necessarily so. In some areas of the country, minority applicants tend to be more highly educated than majority applicants.³ This is especially true in areas where there are plentiful opportunities for minority students to attend college. Given the many benefits police agencies gain from having college-educated officers, notably their greater propensity to relate effectively to people of other races and cultures, higher education requirements need not be sacrificed in the interests of minority recruitment and hiring—they may even advance those interests.

Agencies should also carefully consider the impact of residency requirements on minority recruitment. Many believe that requiring police officers to live in the jurisdictions where they police will work to the advantage of minority applicants. This

³ See Carter and Sapp (1991).

may be true in some, though not all, jurisdictions. Proponents of residency requirements argue that they promote better policing because officers are more likely to know and have a personal stake in a community where they both live and work. This is a difficult proposition to prove or disprove, but residency requirements nearly always have the effect of limiting the potential applicant pool from which police officers will be hired, and that is seldom advantageous in any respect when trying to recruit and hire the best-qualified officers.

With respect to both higher education and residency, it may prove more effective and equitable to advance these worthwhile goals through financial incentives to applicants rather than mandatory requirements. In some jurisdictions, changing education and residency requirements and incentives will require legislation or labor contract negotiations.

Recommendation: Police executives should consider using financial and other incentives to advance worthwhile higher education and community residency objectives, and in any case, ensure that these objectives do not hinder minority hiring objectives.

Readers are reminded that the entire personnel selection process is the subject of much legislation and litigation. Large bodies of literature and law guide and govern how any particular police agency should conduct its personnel selection process. Police executives are strongly encouraged to avail themselves of sound and current legal advice when making decisions affecting personnel selection.

Recommendation: Police executives should avail themselves of sound legal and professional advice when making decisions affecting personnel selection.

Finally, although this chapter focuses on recruitment and hiring, and not on training (see Chapter 6), an audit of the personnel selection process should extend to looking at whether successful minority applicants are disproportionately dismissed from the agency during subsequent recruit training, field training and probationary employment peri-

ods. These stages should properly be viewed as part of the overall personnel selection and development process. Unless and until police officer applicants are serving on the street as permanent officers, their presence in the police organization does little to advance the goal of having a police workforce that reflects community diversity.

Recommendation: Police executives should determine whether minority recruits are disproportionately dismissed from the agency during recruit training, field training and probationary employment periods, and if so, determine why and seek ways to reduce that disparate impact.

CONCLUSION

Recruiting and hiring police officers can help greatly in a comprehensive strategy to reduce racial bias in policing if police executives are firmly committed to employing a qualified and diverse workforce. Hiring standards need not—indeed, *should not*—be lowered as a means to achieve minority hiring objectives. Lowering standards courts disaster for the agency and the community, and is in itself an insidious form of racial bias. There are many capable and conscientious people—of all races and cultures—who would make fine officers and who would police their communities fairly and without racial bias; it is up to police executives and their personnel selection staff to dedicate the effort and resources to find them, hire them and keep them.

VI

Education and Training

INTRODUCTION

In this chapter, we discuss the role education and training can play in reducing actual and perceived racial bias in policing, and recommend practical steps for police executives to take.¹ We discuss education and training programs specific to the police, as well as programs to educate the public. This is necessarily a broad overview; the particulars of how to implement the recommendations will not be found here. PERF hopes to develop a detailed education and training curriculum in the future. We will provide some additional education and training resources on the portion of our website dedicated to this project (www.policeforum.org) as they become available.

Education and training are but two aspects of what must be a comprehensive strategy. Alone, they will not cure the ills of police racial bias. Policy development, policy enforcement, personnel selection, supervision, community relations, operational strategy, accountability systems, and the tone set by the chief executive must all align toward this goal.

Police executives should be clear about the objectives of various education and training programs presented to police and the community, and understand what such programs can

¹ For the purposes of this chapter, “education” is the process of learning cognitively, and “training” is the process of developing skill through repetition.

realistically accomplish. They can convey new information, provide and refine critical skills, encourage compliance with policies and rules, facilitate dialogue, and/or convey a commitment to addressing the problem. They are unlikely, at least in the short term, to alter individuals' fundamental beliefs and biases.

EDUCATING AND TRAINING POLICE: TOPICS TO ADDRESS

Education and training programs relating to racial bias in policing must be high-quality to be effective. They should be developed with input from police personnel, community members, and professional educators and trainers from outside the agency. Each provides unique skills, perspectives and credibility that, when properly combined, can prove critical to effective learning. Education and training programs relating to racial bias in policing should be carefully monitored and evaluated to ensure they are credible to the participants and cover the issues in sufficient breadth and depth. They should be developed and presented in a genuine spirit of professionalism in which police executives commit themselves to helping their personnel understand and deal more effectively with an extraordinarily complex matter.

Education and training programs to reduce racial bias in policing should not convey an accusatory tone to police personnel. They should engage personnel in discussion, rather than preach to them. They should respect the complexities and subtleties of the problem. Good programs and materials cannot merely be taken off a shelf and presented locally; they should be customized for each agency and community. (Recognizing that many police agencies rely on regional training academies for much of their education and training, we recommend that each agency offer at least *some* agency-specific information to its personnel, covering policies and procedures relating to racial bias, for example, and that conveys leadership's commitment to addressing the problem.)

Recommendation: Police agencies should develop and deliver education and training programs relating to racial bias in polic-

ing as a means to help personnel understand and address a complex issue, without being accusatory.

Recommendation: Police and community perspectives must be incorporated in education and training programs relating to racial bias.

We further recommend that education and training programs should be tailored to agency- and community-specific needs, concerns and experiences.

We do not propose that all of the topics presented here be packaged in a single education and training program. In fact, we do not recommend it. Considerations of racial bias in policing should be woven into many education and training courses, so that police personnel become mindful that all of their actions shape public perceptions of and support for the police. We recognize, of course, that fully integrating discussions of racial bias in policing into other education and training courses takes time, and that it may be necessary to develop a single course of instruction to meet immediate needs.

Recommendation: Police agencies should integrate education and training relating to racial bias in policing into a wide range of curricula, although a single course of instruction may suit immediate needs.

The particular topics described below can be addressed in a variety of ways and contexts. They can be tailored for the various police ranks and roles, but all police personnel, including command officers, should participate. Limiting participation to line officers and supervisors invites their resentment and detracts from management's commitment to addressing the issues. Some topics lend themselves to education methods, others to training methods. Some lend themselves to both police and citizen participation; others are better covered with police personnel only. All topics should take into account perspectives from outside the police organization, as well as perspectives unique to the police. What is most important is that the topics and issues be covered openly, honestly and in sufficient depth for real learning to occur.

Protection of Human and Civil Rights

Discussions of racial bias in policing should begin by having police personnel reflect on the core mission and values of policing. The founding principles of modern policing should be revisited, as should the mission and value statements adopted by the trainees' own agencies. Police personnel should understand that the protection of human and civil rights is a central and affirmative part of the police mission, not an obstacle to effective policing. Among these are the right to equal protection under the law, to be free from unreasonable search and seizure, to be free from compulsory self-incrimination, to have access to counsel, and to be free from unnecessary force and violence. Sacrificing individual rights in the name of law enforcement must be understood as a profound failure of policing, rather than a necessary tradeoff. It is only in this light that apparent conflicts between multiple police objectives can be reconciled.

Recommendation: All police personnel should receive academy and supplemental recruit training that conveys the message that the protection of human and civil rights is a central part of the police mission, not an obstacle to it.

Nature of the Problem

Education and training intended to reduce racial bias in policing should address the nature of the problem. Police personnel need to understand that racial bias is neither a simple nor a one-dimensional issue. It is complex and takes many forms—some obvious, and others subtle. Examples include

- targeting motorists for traffic stops on the basis of racial profiles;
- applying discretionary enforcement on the basis of race;
- tolerating different degrees of disorder and deviance on the basis of race;
- interfering with citizens' routine activities on the basis of race (e.g., stopping, questioning and searching citizens without adequate cause);
- assuming someone is dangerous on the basis of race;

- unduly relying on race as a part of suspect identification; and
- providing different levels of police patrol and protection on the basis of race, or because of unfounded racial fears.

While the vast majority of police officers are not racially biased in either their attitudes or their actions, it cannot be denied that some racial bias *does* exist in policing. It is not solely a matter of individual officers' racist or bigoted views, although that is part of the overall problem. Nor is it solely a matter of officers' intentional misconduct, although that, too, is part of the problem. Racial bias exists in policing because of more complex social and structural reasons, as well, and most police officers recognize this, at least intuitively. Good education and training can help them understand the issues more clearly and allow them to participate in finding solutions to the problem.

Recommendation: Education and training programs relating to racial bias in policing should more precisely define the numerous dimensions, complexities and subtleties of the problem.

Evidence of Racial Bias in Policing

Education and training programs should present what evidence exists about the forms and dimensions of racial bias in policing (see e.g., Walker, Spohn and DeLone 2000; Bureau of Justice Statistics 2001). They should present public opinion and survey data on perceptions of racial bias, as well as statistical data on such things as police stops, searches and arrests, and case dispositions for minority and majority citizens.

Some police officers remain unconvinced of police racial bias, at least in their own agencies. Consequently, evidence for it at the national or state level takes the discussion only so far. For education and training to be most productive, facts from the local level should be presented, as the experiences of police trainees' own agencies and communities are the most relevant to them. Good data may not have been effectively collected or analyzed at the local level, but even in its absence, local

experiences should be discussed and considered against the national, state or regional picture.

Racial bias in policing does not manifest itself the same way in every jurisdiction. Thus, it might make sense in one jurisdiction to explore how racial bias plays out in police efforts to interdict illegal drug shipments along major highways, but not make sense to do so in a jurisdiction where drug trafficking is not a major concern. In some jurisdictions, the potential for racially biased policing might manifest itself most prominently in how police handle problems associated with disorderly youth, gangs, migrant workers, or any number of other concerns.

Discussions of the evidence of racial bias need not be limited to the police function, but might profitably extend to the prosecutorial, judicial and correctional functions, as well. This can help police personnel put the issue into a larger context. Well-conducted research, properly presented, can put some facts on the table, facts that can serve as the basis for subsequent discussions about the reasons for racial bias, and what might be done to reduce it.

Recommendation: Education and training programs should present the available data about racial bias in policing and throughout the criminal justice system.

Effects of Racially Biased Policing on Individual Citizens, Police and the Community

Surveys indicate that a significant number of minority citizens harbor deep mistrust of the police. Even many white citizens believe that police engage in racial profiling of minorities. Police personnel should consider how the level of public trust in the police affects their ability to carry out their duties. Specifically, they should consider how public support for police policies and initiatives is eroded, how the flow of information from citizens to police so necessary for effective criminal investigations and problem-solving is inhibited, and how police officers themselves are placed at greater risk because of mistrustful citizens who might harm or fail to assist them.

Personal testimonials from minorities who have suffered from the effects of racial profiling or other forms of racial bias in policing can be effective in personalizing the problem and emphasizing the real harm caused to real people. Police personnel need to hear how racially biased actions can have profoundly damaging and long-lasting effects on citizens. Those effects range from embarrassment and humiliation, to fear and mistrust, to anger and rage. For personal testimonials to be most effective, the citizens who talk about their experiences should be credible to the police; there should be no doubt that the poor treatment they received was unwarranted. Known criminal offenders or people who are perceived to be advancing a political cause—while they might have valuable things to say—are unlikely to have the credibility needed to make this method of instruction effective.

Recommendation: Education and training programs relating to racial bias in policing should convey the impact the problem has on individual citizens, police and the community as a whole.

Reasons for Racial Bias in Policing

Having established the nature of the problem and its impact on individuals, police and the community, education and training programs should turn to exploring the reasons for racial bias in policing.

Racial Bias at the Individual Level

Discussions of the reasons for racial bias in policing commonly start with the biases and prejudices of individual police officers. In many cultural diversity training programs, police personnel are asked to reflect on and discuss their personal biases and prejudices. They are often asked to cite common stereotypes of various racial and ethnic groups, and to test those stereotypes against facts and others' perceptions. Soul-searching exercises such as these may prove useful for some participants, but too often, they also evoke a negative reaction from others. Some police officers might be offended by implications that they are biased, prejudiced or bigoted, and might consequently tune out further discussion of how racial bias in policing can be reduced. If self-assessments of bias are used, trainers should be alert to negative reactions. We

are not convinced that, on the whole, having officers discuss their individual biases is the most productive way to work toward reducing racial bias in policing. As we said earlier, it is too much to expect that education and training programs—especially in the short term—will alter individuals' deeply held attitudes and beliefs. Truly biased, prejudiced or bigoted police officers should be identified and dealt with through supervisory and disciplinary processes, rather than through education and training.

Whether or not education and training programs should address racial bias at the individual level is an issue regarding which we make no definitive recommendation. However, we *do* believe that focusing on racial bias at the organizational, institutional and social levels will ultimately prove more productive. Moreover, we believe it is more productive for education and training programs to focus on racially biased *behavior* of police, rather than racially biased *attitudes*.

Racial Bias at the Organizational, Institutional and Social Levels

There is ample historical evidence of poor police-minority relations in many places, and even of institutionalized racial bias in some places, during certain periods of time. Today's police personnel should not be made to feel personally responsible for this, but they need to know about it and recognize that larger societal forces—beyond those of individual police officers—have been responsible for some degree of racial bias in policing.

While most of today's police agencies do not engage in the overtly biased actions of yesteryear, other forms of racial bias still present in society can contribute to racial bias in policing, however inadvertently. For example, most of America's communities remain heavily racially segregated, not by law, but often by economic and social forces. Where there is racial bias in bank lending and real-estate marketing practices, there is racial segregation. Heavily segregated communities contribute to police officers' notions of who belongs where, and accordingly, who is suspicious by virtue of their race and where they are. In some communities, for example, blacks are thought not to belong in predominantly white neighborhoods, and vice versa, or Latinos are thought not to belong in Anglo neighborhoods, unless they are there to work. Thus individuals can come

under suspicion, largely because it is perceived that they have few legitimate reasons to be out of their “own” neighborhoods. Police commanders may feel pressure, explicit or implicit, to keep those who “do not belong” out of others’ neighborhoods.² That pressure can easily be passed along to line-level officers, with the expectation that they keep a close watch on individuals who are “out of place.” Education and training programs should help police recognize and resist such pressure.

In addition, there are organizational pressures on the police that contribute to racial bias, or perceptions of bias, in policing. In some agencies, police officers are still held to enforcement quotas, whether officially or unofficially. Some newer officers, eager to establish a reputation as being “active,” see high-volume enforcement activity as the path to career advancement. Organizational pressures can lead some officers to conclude that conducting a lot of stops and searches will yield a lot of arrests and contraband seizures. Some will go on to conclude that they have a better chance of getting the results they want if they stop and search minorities, a conclusion not supported by the evidence (Harris 1999b; Bureau of Justice Statistics 2001). For officers assigned to special enforcement units, particularly those that emphasize arrests and seizures for drugs and guns, the pressure can be acute. It is helpful for police to recognize and try to address these organizational pressures. Police executives and field commanders must make sure that crime control strategies are consistent with the principles of democratic policing.

One approach to addressing how police should respond to social and institutional pressures that can lead to racial bias in policing is to have officers carefully consider the costs and benefits of being *right* about race-based suspicions, and of being *wrong*. Police are conventionally trained to give more weight to the costs of *not* taking action and being *wrong* (e.g., not stopping a suspicious person who turns out to commit, or to have

² In fact, in many communities, it is not uncommon for citizens to call the police about a “suspicious” person, a person who is suspicious only for being a minority in a majority area. Such calls put an officer in the untenable position of being asked to respond to a citizen’s profiling.

committed, a crime) than to the costs of *taking* action and being wrong (e.g., stopping and frisking a suspicious person who turns out to be innocent of any wrongdoing). The matrix below provides a framework for more fully understanding the consequences of race-based policing.

	Police Take Action on Basis of Race	Police Take No Action
Criminal Activity Is Occurring, or Has Occurred	“Correct” ³	“Incorrect”
Criminal Activity Is Not Occurring	“Incorrect”	“Correct”

The following example illustrates what can happen when police officers use a person’s race to make enforcement decisions. Police receive a report of an armed robbery that just occurred in a predominantly white neighborhood. The suspect is described *only* as a black man. Officers spot a black man in the vicinity just after the crime has occurred. There are four possible outcomes to the officers’ enforcement decisions. Each outcome has consequences for crime control, individual rights and public perceptions of the police:

Police Take Action on Basis of Race and Criminal Activity is Occuring: The officers decide to stop, search and arrest the man based on the description of the suspect’s race and the man’s presence in the vicinity. Evidence subsequently develops that proves he *is* the correct suspect. In this outcome, crime control interests are served, even though the officers may have violated the man’s right to be free from unreasonable search and seizure (without a more specific suspect description, the police may have lacked

³ Importantly, in using the terms “correct” and “incorrect,” we are not judging the reasonableness of decisions. We use these terms to denote whether the police action or inaction corresponds to the occurrence or nonoccurrence of a crime—based on knowledge we would not likely have, but for the fact that we are dealing in “hypotheticals.”

reasonable suspicion to stop him). Public perceptions of the police will likely be mixed; however, because the police got the right man, most of the public will likely support their actions.

Police Take Action on Basis of Race and Criminal Activity is Not Occuring: The officers decide to stop and search the man. Subsequent investigation proves he is *not* the correct suspect. In this outcome, there is no impact on crime control, and the officers may have violated the man's rights. As to public perceptions, the police will likely be criticized both for failing to apprehend the correct suspect and for improperly detaining the wrong suspect.

Police Do Not Take Action on Basis of Race and Criminal Activity is Occuring: The officers decide not to stop the man (who *is*, in fact, the correct suspect), despite his matching the racial description of the suspect. The officers feel they need a more precise description of the suspect to justify a stop. In this outcome, crime control has been compromised because the offender remains at large. The man's rights have been protected, however. Public perceptions of the police will likely suffer, because they have failed to apprehend the offender.

Police Do Not Take Action on Basis of Race and Criminal Activity is Not Occuring: The officers decide not to stop the man (who is *not*, in fact, the correct suspect) because they lack a more precise description of the suspect. In this outcome, there is no impact on crime control, and the man's rights have been protected. Public perceptions of the police will likely be mixed—some people will want the police to be more aggressive in stopping people who even remotely match

the suspect description, while others will feel the police have used appropriate restraint.

Finally, education and training programs should explore possible perceptions of racial bias as it relates to the operation of the police agency itself. If there is racial mistrust and tension *among* police personnel, it is highly likely that some of that mistrust and tension will show in their attitudes and conduct toward the public. For instance, if racial bias is tolerated within the agency, some officers might conclude it will be tolerated in police-citizen interactions, as well. Alternatively, officers who feel aggrieved by racial bias within the agency might take out their frustrations on citizens. These outcomes are not inevitable, but a climate of racial mistrust and tension within the agency, at a minimum, inhibits efforts to discuss and address racial bias outside of it. Education and training programs should address these issues with the utmost of care. Feelings may run high, and there may be pending employee grievances or lawsuits to complicate matters. However, the sensitivity of the issue and possible legal complexities should not deter police management from, at a minimum, acknowledging the issue and stating a commitment to working through it openly and productively.

Recommendation: Education and training programs relating to racial bias in policing should explore the reasons it exists, especially at the institutional, organizational and social levels.

Key Decision Points at Which Racial Bias in Policing Can Occur

As mentioned earlier, racial bias in policing can take a number of forms. The focus is usually on enforcement decisions officers make at the incident level, namely, on decisions to watch, stop, search, and arrest suspects. But it is equally, or even more, crucial for education and training programs to explore racial bias at the strategic or policy level.

Enforcement Decisions at the Incident Level

At the incident level, racial bias can play a part at several key decision points for police officers, including

- deciding who is worth surveilling for criminal activity—who is worth paying close attention to (including which vehicle tags to run);
- deciding whom to contact or detain to investigate suspicions;
- deciding what attitude to adopt during contacts and stops (e.g., firm, friendly, confrontational);
- deciding what actions to make suspects take during stops (e.g., getting out of vehicles, emptying pockets, keeping hands in sight, assuming a prone position);
- deciding whether and how to explain to citizens the reasons for contacts or stops;
- deciding how long a stop will last (e.g., how long to wait for records checks or canine units for searches);
- deciding whether to search, or request consent to search, people and vehicles, and how extensive and intrusive the search will be;
- deciding how dangerous suspects are, and what level of force (if any) is necessary to control them;
- deciding what enforcement action to take (e.g., no action, verbal warning, citation or summons, custodial arrest); and
- deciding what charges to file (e.g., statutes vs. ordinances, single vs. multiple charges, felonies vs. misdemeanors).

Police personnel should consider what factors they rely on to make such decisions, and how suspects' race may or may not affect their decisions. Many police officers insist, in good faith, that race does not affect their decisions. Indeed, there is evidence to support police claims that suspects' actions and attitudes are the principal influences on officers' enforcement decisions.⁴ But

⁴ See Geller, W., and M. Scott (1992), *Deadly Force: What We Know—A Practitioner's Desk Reference on Police-Involved Shootings*, Washington, D.C.: Police Executive Research Forum, pp. 200–219, for a discussion of research findings related to racial bias in police arrest and use-of-force decisions. Also see Alpert and Dunham (1997), *Force Factor: Measuring Police Use of Force Relative to Suspect Resistance*, Washington, D.C.: Police Executive Research Forum.

police personnel can be encouraged to go beyond this observation to consider how suspects' actions and attitudes toward police might be affected by suspects' general perceptions of police racial bias, and by officers' attitudes and behavior during an encounter. There may be room to improve the overall relationship between police and minorities—even offenders and those who are predisposed to dislike the police—in order to minimize perceptions of racial bias and, consequently, the potential for conflict during contacts, stops and arrests.

Recommendation: Education and training programs relating to racial bias in policing should identify the key decision points at which racial bias can take effect, at the incident level.

Education and training programs should cover relevant laws and agency policies that guide and constrain police enforcement decisions where racial bias might come into play. This might include reviews, clarification and discussion of

- statutes and case law relating to search and seizure, custodial interrogation, right to counsel, due process, and equal protection;
- laws and policies that specifically address how officers may and may not use race as a factor in enforcement decisions (see Chapter 4 for the proposed PERF policy on this issue);
- departmental policies governing police discretion, and the factors officers may and may not take into account in the exercise thereof;
- laws and departmental policies relating to so-called “pretext stops,” including whether policies are more restrictive than case law, and whether police management encourages or discourages such stops; and
- departmental policies governing how officers should address various types of incidents (e.g., drug offenses, domestic violence and incidents involving people with mental illnesses).

Enforcement Decisions at the Strategic Level

It is critical that education and training programs go beyond merely looking at how police officers handle incidents to consider how operational strategy can contribute to racially biased policing and the perceptions thereof. This issue is especially important to police executives, commanders and supervisors—those who make most decisions about which operational strategies to adopt.

The discussion of how police operational strategy might contribute to racial bias in policing should begin by having police personnel challenge some of the assumptions underlying conventional police strategy, which emphasizes criminal and traffic enforcement as the primary means to control crime and disorder. The expectation with the conventional strategy is that numerous stops, searches, citations, and arrests will yield reductions in crime, disorder and accidents. Under certain conditions, and with adequate community input and support, intensive criminal and traffic enforcement may be justified and sensible. But oftentimes, intensive criminal and traffic enforcement falls short of the desired effects, and instead, only worsens the relationship between police and the minority community.

Police personnel should recognize that proactive enforcement strategies should be based on sound research, have the support of the community, and ensure effective crime control while maintaining democratic policing. Police personnel should also be informed about what the research reveals about using race to predict criminality. Many studies have demonstrated that race is not a useful predictor of criminality, either as a sole factor or in combination with other factors.⁵ When police use race to predict criminality, their predictions are no more accurate than could be expected if, for example, they stopped people randomly. Police personnel should understand that not only are there legal and moral concerns about targeting minorities for suspicion of criminality, but also that doing so is not an effective crime control strategy. Furthermore, false predictions erode public trust in and support for the police.

⁵ See Randall Kennedy (1997), *Race, Crime and the Law*, New York: Pantheon Books, chap. 4.

Recommendation: Police should review how operational strategy can contribute to racially biased policing and the perception thereof.

Steps to Reducing Misunderstanding, Conflict and Complaints Due to Perceived Racial Bias

Education and training programs should next turn to ways to minimize the likelihood that valid police actions will be perceived as racially biased.

Improving Officers' Abilities to Articulate Reasonable Suspicion and Probable Cause

Police officers should be well trained to articulate, verbally and in writing, what specific information they relied on to establish reasonable suspicion and probable cause. There are usually multiple facts and conclusions that contribute to assessments of reasonable suspicion and probable cause, but some police officers do not know how to properly articulate them. When an officer cannot articulate specific facts and conclusions, prosecutors, defense attorneys and judges are left to speculate as to what the officer was thinking, leaving room for them to conclude that the officer used improper factors such as racial bias in making his or her decisions.

For example, an officer with poor skills in articulating reasonable suspicion might say only that the presence of a Hispanic man in a predominantly white neighborhood led him to suspect criminal activity. The officer might fail to articulate more specific conclusions about the man's behavior, appearance or attitude—conclusions that contributed to the officer's belief that he was engaged in criminal activity. Good skills in differentiating lawful from unlawful conduct must precede skills in articulating suspicions; it may also be the case that teaching officers good skills in articulating suspicions can help improve their skills in differentiating lawful from unlawful conduct.

Developing Officers' Skills in Handling Conflict

Police officers should be properly trained to deal with people, including suspects, in ways that minimize the likelihood for

misunderstanding, conflict, hostility, and violence. Many police agencies have found training in what is known as “tactical communication” or “verbal judo” to be valuable. Training of this sort should emphasize the importance of providing citizens with adequate explanations for why they have been stopped. Depending on the circumstances, officers can explain their actions either when they initiate the stop or after the stop has been concluded (see Chapter 4 for policy recommendations on this point). Training should also emphasize the benefits of an apology, or at least an adequate explanation, offered to those citizens stopped who prove to be innocent of any wrongdoing. An apology does not suggest that a police officer was wrong for making a stop, but merely that the officer regrets the inconvenience and possible embarrassment caused to the citizen.

Recommendation: Education and training programs relating to racial bias in policing should teach police ways to reduce misunderstanding, conflict and complaints due to perceived racial bias.

Alternative Operational Strategies Less Likely To Be Racially Biased: Community and Problem-Oriented Policing

It is not enough to show police personnel how conventional police strategies can be racially biased. They must be educated and trained in effective alternative strategies that are less racially biased than conventional ones. Community and problem-oriented policing strategies hold just such potential.

Several principles of community and problem-oriented policing are directly relevant to racial bias in policing. Among them is the emphasis placed on having police personnel develop a comprehensive knowledge of the area of the jurisdiction to which they are assigned—whether a beat, a sector or a district. Essential to this understanding is getting to know not only the general demographics of the area—including what *type* of people belong where, and when—but also, to the extent possible, getting to know the particular routines in an area, including which *individuals* normally belong where, and when. For example, knowing that the Hispanic man coming out of the back door of a business in a predominantly black neighbor-

hood after closing time is the owner can prevent a misunderstanding, or worse.

Knowing many citizens by face and name improves officers' abilities to differentiate between suspicious and nonsuspicious people on a basis other than race. Getting to know the community's law-abiding citizens helps police overcome stereotypes based on characteristics such as race. For example, the more young black males officers know by face and name, the less likely they will be to view all young black males as suspects or potential threats.

Actively soliciting community input about crime and disorder problems, what priority each should have, and how they might best be addressed can reveal racial biases that police alone might not recognize. Educating the public about problems can help police secure support and resources for addressing them. Garnering community support, especially minority community support, for police actions can go a long way toward reducing perceptions of racial bias.

Breaking down the broad category of crime and disorder into specific problems, and carefully analyzing those problems, helps police avoid making such crude classifications as "good guys vs. bad guys" and "good neighborhoods vs. bad neighborhoods." It helps police get beyond assumptions about the nature of problems and how to resolve them. Tailoring police and community responses to specific problems on the basis of careful analysis gives decision-makers a better opportunity to consider how various responses might be racially biased *before* those responses occur.

Tactics in addition to, or other than, criminal law enforcement might prove not only more effective in resolving problems, but also less likely to contribute to racial animosity between police and the community. This is especially important in the context of some drug and gang problems, when police enforcement strategies can disproportionately affect young African-American and Latino males (See e.g. Walker, Spohn and DeLone 2000; Walker and Myers 2000). Taking careful measures of the impact responses have on community problems, including the impact on the police-community relationship, can help police refine their responses appropriately.

Educating and training police personnel in community and problem-oriented policing strategies does not guarantee that the strategies will be implemented or that, if they *are* implemented, racial bias will be eliminated from policing. But these strategies, where implemented with the full support of police management, can foster mutual trust and respect between police and communities, and can bring into the open the many aspects of policing where racial bias can play a part.

Recommendation: Education and training programs relating to racial bias in policing should present alternative operational strategies, in particular, community and problem-oriented policing strategies.

EDUCATING CITIZENS

Much can be gained by educating citizens about racial bias in policing, and the perceptions thereof. Many of the issues pertinent to police personnel are also pertinent to the public. As a first step in any citizen education initiative, police leaders should publicly acknowledge the potential for racial bias in policing, and stress their agency's commitment to reducing it. The challenges police face in carrying out their duties should also be addressed: in particular, how public pressure for aggressive law enforcement can contribute to racial bias in policing.

Education programs and materials should inform citizens of what they are obliged to do upon lawful police request. They might also instruct citizens about the proper way to conduct themselves when detained by the police, so as to reduce the likelihood that officers might misunderstand their actions and fear for their own safety. Whereas police personnel are familiar with the requirements of the law relating to stops and searches, some citizens might not be. Police should assure the public that quality policing does not require that constitutional rights be sacrificed in the interests of public order. Finally, education programs and materials should emphasize the need for positive police-community interactions, and encourage citizens to work with the police toward common goals.

Education programs and materials can be tailored for the general public, community leaders, people detained by police,

and those who file complaints alleging they have been victims of racially biased policing. Materials and information can be disseminated through the mass media, community meetings, citizen police academies, and personal contacts between police and citizens. In Chapter 7, we discuss how police agencies can more fully engage their communities in discussions about racially biased policing, and work with them to develop effective responses.

Recommendations: Police executives should publicly acknowledge that the potential for racial bias exists in policing, and commit themselves to reducing that potential.

We further recommend police agencies should inform the public about their responsibilities and rights during an encounter with the police. They should reinforce the idea that effective crime control strategies need to be compatible with the protection of human rights and civil liberties.

Minority Community Outreach

INTRODUCTION

Trust is vital to the success of policing in a democratic society, and community outreach is essential for gaining trust. Gaining the trust of minority groups is particularly challenging in light of the long history of strained, and sometimes volatile, relationships between the police and minorities. However, doing so is critically important in the wake of nationwide concern about “racial profiling.” Both the incidents and the perceptions of racially biased policing lead to mistrust of the police. Relying as they do on resident input, support and compliance, the police cannot function effectively in communities where tensions are prevalent. Outreach to minority communities is an important component of any departmental strategy to respond to racially biased policing and the perceptions thereof.

Approximately a third of the police departments responding to the PERF survey reported that they have projects or programs to strengthen their relationships with minority communities. While many of these programs focus only on addressing minorities’ perceptions of the police, others represent concerted efforts to engage minorities in dialogue and decisions about department operations. The latter types of programs provide the key to developing a respectful and trusting relationship between the police and minorities, and to developing police policies and practices that are not racially biased.

Trust between the police and the community is built through long-term engagement. The police gain respect by consistently demonstrating respect for citizens. Giving up absolute control and allowing citizens to participate in decision-making affecting how they are policed ensures a shared responsibility between the police and the community. Police department efforts to provide significant means for community input into police operational and policy decisions are the backbone of community engagement.

In this chapter, we discuss the importance of effective agency outreach to minority groups, identifying the competencies required. We discuss ways for departments to reach out to minority communities to address racially biased policing, and ways to build and sustain, at a more general level, mutually respectful and trusting relationships. We also describe innovative agency outreach initiatives from around the country.

NECESSARY POLICE COMPETENCIES FOR MINORITY COMMUNITY OUTREACH

Below we list the competencies necessary for the police to effectively interact with minority groups. Some items apply to all department personnel (including administrative, records and communications staff); others, primarily to line staff and commanders:

- the ability to communicate with residents in their primary language;
- an understanding of cultural issues relating to policing and public safety;
- a respectful approach to relationships with residents;
- the ability to be fair and provide equal treatment;
- the willingness to examine assumptions about links between race/ethnicity and crime in the jurisdiction, in order to bring stereotypes to light;
- interpersonal skills and a sincere interest in engaging with the community;
- the willingness to focus community outreach activities on traditionally underserved populations; and

- a departmental approach to human resources that conveys the same respect for diversity that the department is trying to convey to the community at large.

These foundational competencies are necessary for successful community outreach. Outreach efforts that occur in the absence of these competencies are likely to fail and/or generate cynicism.

Recommendation: Police department personnel should strive to achieve competence in the areas listed above.

EFFECTIVE WAYS FOR MINORITY COMMUNITIES TO GET INVOLVED WITH THE POLICE

Relationships are “two-way streets,” and for police-minority relationships to work, minority groups must do more than just verbalize concerns. Minority community members can get involved by

- engaging in dialogue about solutions, rather than about blame;
- encouraging one another to apply for employment with the police department, and supporting those who do through the process;
- developing a broad understanding of professional police practices (perhaps through contacts with national and state police organizations), in order to form an objective standard by which to judge police actions; and
- acknowledging police officers who promote positive police-community relationships with awards or other commendations.

POLICE ACTIONS THAT HARM RELATIONSHIPS WITH MINORITY GROUPS

Below we list some actions to avoid if a police agency is to maintain successful relationships with minority groups:

- lecturing (educating, without a willingness to be educated);
- withholding information rather than being candid about, and taking responsibility for, incidents that cause harm; and
- becoming defensive (e.g., immediately justifying a deadly use-of-force incident that draws community ire by explaining police policies and procedures, without acknowledging the unfortunate loss of life).

COMMUNITY ENGAGEMENT ON THE TOPIC OF RACIALLY BIASED POLICING

Police executives should be willing to discuss racially biased policing and the perceptions thereof within their jurisdictions. We believe that constructive dialogue between the police and citizens can lead to an agreement that racially biased policing likely occurs to some unknown degree within the jurisdiction, but perceptions may not always reflect the scope and nature of the problem. With this understanding in place, police and citizens can begin to collaborate to develop ways to address the issues.

TASK FORCES

A theme throughout this report is that law enforcement should collaborate with citizens. The process of developing remedies in concert with concerned citizens is as important as the remedies themselves. The collaborative process fosters citizens' trust in the police, brings a fresh perspective to the issues, and increases the credibility of, and receptivity to, responses. To these ends, we recommend that police departments form a task force to address racially biased policing and the perceptions thereof.

A task force should be considered advisory to the agency executive and comprise 15 to 25 people representing both the department and the community. In selecting community members, emphasis should be given to those most concerned with police racial bias. The task force should include representatives from the jurisdiction's various minority groups, as well as

representatives from civil rights groups. Police personnel selected for the task force should represent the chief and all other departmental levels, particularly patrol. If applicable, a representative from the police union should also participate.

In designating the makeup of the task force, the agency executive should keep in mind that he or she will hear from critics within and outside the agency regarding the problem and potential remedies. The choice is either to have them participate in developing constructive solutions, or to wait and hear their critiques after the work is done. We recommend the former.

The task force could approach their work using a collaborative problem-solving model. They should start by defining and analyzing the issues in the jurisdiction. They can discuss perceived issues among themselves, as well as collect information through community focus group discussions, surveys, department data, and other means. Discussions and surveys, in particular, not only define the issues, but also allow citizens to vent their frustrations and be heard. Once the issues have been defined, the stage has been set for the critically important process of developing responses. Again, this should be a collaborative process, with both citizens and police personnel deciding what areas require action, and what those actions will be.

Lowell, Mass., provides an example of a promising police-community initiative. There, one of the focus groups for the PERF project has been transformed into a police-citizen task force. Citizens and police officers had initially met to discuss racially biased policing, particularly as it might occur during vehicle stops. After some finger-pointing, raised voices, citizen accusations, and defensiveness on both sides, the group started to develop ways to resolve the particular problems they had identified. On their own, without prompting from the facilitator, they agreed that they needed to meet regularly to continue the process of sharing, listening and resolving problems. The chief has continued the group as the "Race Relations Council." They have met several times and have come up with new ideas regarding police training and police-citizen communication. The mayor reports that this council is "the best thing that has happened in Lowell in a long time."

Chicago's work also reflects police-citizen collaboration to address police racial bias and the perceptions thereof. Chicago's police superintendent sponsored a series of forums for police and minority community residents. Community activists were recruited to join the police department in looking for solutions to racial tensions and addressing concerns about police racial bias. Department staff of all ranks were also invited to participate. Before the first forum convened, participants were surveyed for their opinions about racially biased policing and the department's strengths and weaknesses regarding minority outreach, and for their ideas about how to improve police-minority relations and resolve issues.

An independent facilitator (PERF Executive Director Chuck Wexler) moderated the initial sessions. During this first forum, community members shared their thoughts, experiences and concerns in the morning, and police staff were asked to listen and hold their responses until later in the day. Lunch was structured as a mixer, with informal discussions. In the afternoon, police staff shared their thoughts and reactions to the morning session, and the citizens were instructed to listen and not respond. During the final session of the day, all participants joined in a discussion of the issues and ideas raised earlier. Subsequent, ongoing discussions have identified specific actions to be taken by both the police and community members to address the issues raised.¹

Recommendation: Police departments should organize police-citizen task forces to identify how the jurisdiction can effectively respond to racially biased policing and the perceptions thereof.

Effective outreach involves more than police-citizen engagement on the topic of race. Police departments should have long-term, sustained programs for reaching out to minority communities.

¹ Without accountability and short-term wins, this process runs the risk of being reduced to empty promises, making participants feel it is just a half-hearted attempt to appease the community.

**CONTEMPORARY AND PROGRESSIVE APPROACHES
TO DEVELOPING STRONG RELATIONSHIPS
WITH MINORITY COMMUNITIES**

PERF used the survey and follow-up interviews with police departments across the country to identify innovative approaches for engaging minority communities. These approaches can be grouped into the following five categories:

- dialogue,
- feedback,
- services and visibility,
- immigrant outreach, and
- minority group participation.

Below we describe both contemporary and progressive approaches that fall within those categories. Contemporary approaches are conventional—known to and used by many police commanders. They are very viable methods for building strong police-community relations. Progressive approaches aren't as well known, but also hold great promise for enhancing police-community relations.

Dialogue

Increased dialogue between minority groups and police personnel can build trust and respect, and identify areas where action is needed. Dialogue, however, is limited in that it does not necessarily lead to action. While it is necessary for outreach, it is not sufficient alone.

Contemporary dialogue might occur in

- sessions of police chief advisory boards (either one board with members from several minority communities, or several boards, one for each community);
- chaplain or faith programs involving minority clergy;
- radio and TV shows with call-ins; and
- forums or meetings.

Progressive dialogue might occur in

- beat meetings that are integral to joint community-police problem-solving;
- facilitated discussions (with a neutral, third-party moderator), which increase police and resident accountability for following up on agreed-upon actions; and
- study circles, which are structured to include three steps: organization of the community, identification of areas of mutual police-citizen concern and agreement, and action taken by both the police and minority groups.

Feedback Solicitation

Soliciting feedback from minority citizens provides opportunities for traditionally underrepresented voices to be heard, sending the message that the police value minorities' input.

Contemporary feedback solicitation might include

- an open-door policy on the part of the police chief, to allow minority groups to discuss their concerns; and
- police minority-liaison positions with access to command staff (such access ensures that community feedback reaches those who can make changes in department operations).

Progressive feedback solicitation might include

- focused sampling of minority citizens in satisfaction surveys; and
- provision of complaint forms or placement of report-takers in nonpolice settings in predominantly minority communities.

Services and Visibility

Police officers participate in a wide variety of community activities unrelated to traditional law enforcement to make police accessible and approachable and create opportunities for posi-

tive interactions between officers and community residents. Many of these are focused on minority communities.

Contemporary services and visibility might include

- attending community festivals;
- providing crime prevention assistance, such as engraving valuables, educating citizens about personal safety, facilitating block and neighborhood meetings, and supplying information about local crime patterns;
- sponsoring police athletic leagues;
- participating in mentoring programs; and
- engaging in joint police-community activities, such as cleanup efforts.

Progressive services and visibility might include

- opening youth centers;
- developing prostitution-prevention programs;
- creating community gardens; and
- providing tutoring.

While progressive, these services and visibility initiatives are not necessarily identified or developed in partnership with residents.

Immigrant Outreach

While the national discussion on “racial profiling” has largely focused on black and Hispanic citizens, other minority groups are also at risk of racially biased policing or the perceptions thereof. In particular, many American cities are experiencing growth in new immigrant communities, communities with unique issues regarding how to relate to the police. Immigrant outreach efforts create means for communication between police and new immigrants.

Contemporary immigrant outreach efforts might include

- hiring bilingual officers and/or providing language training for officers working in immigrant communities; and

- staffing police minority-liaison positions with officers of the same ethnic background as the residents they serve.

Progressive immigrant outreach efforts might include

- inviting immigrant community representatives to educate the police about the community's customs, cultures, language, and public safety issues; and
- educating immigrant community residents about American police practices, local policies and how to access police services (for example, some police departments are sending officers to places where new immigrants congregate, such as driver's education classes, English-as-a-Second-Language classes and citizenship classes, to provide information).

Minority Group Participation

Minority group participation ranges from limited, sometimes passive, involvement in department-sponsored events to active involvement in advising the department about police operations. This latter type of participation results in shared responsibility for public safety.

Contemporary minority group participation might include

- presenting information during police academy and in-service training;
- getting involved in chaplain programs;
- going on police ride-alongs; and
- joining citizens' police academies.

Progressive approaches create opportunities for minorities to influence police operations, help develop policies affecting police operations and/or oversee how policies are implemented (as with citizen complaint review boards).

Progressive minority group participation might include joining

- use-of-force and complaint review boards;
- hiring and promotion boards;

- curriculum review boards;
- policy review and policy development teams; and
- police-citizen task forces to address racially biased policing and the perceptions thereof.

Recommendation: Police departments should use a combination of contemporary and progressive approaches to provide multiple opportunities for minority group interactions with the police.

Below are examples of progressive approaches that police departments responding to the PERF survey have taken to develop stronger relationships with minority communities. They are intended to provide inspiration, and can be tailored to a jurisdiction's individual needs.

Dialogue

Study Circles Promote Goal-Oriented Discussions About Police-Community Relations

Supported by the Study Circles Resource Center, the Buffalo (N.Y.) Police Department is engaging a diverse group of community members to form study circles, which are small, facilitated group sessions that use a structured dialogue process to address issues of police-community relations. The purpose of the dialogues is to identify areas for improvement about which citizens and police both agree, and about which they are in agreement regarding needed responses. (The study circle process is designed to capitalize on areas of existing agreement, not to achieve consensus where none currently exists.) Study circles serve to break down barriers between participants, enhancing relationships so that productive exchanges will continue after the formal process ends.

Feedback Solicitation

Task Force Seeks and Acts on Community Input

After hearing that minorities were dissatisfied with the handling of misconduct complaints, the Kalamazoo (Mich.) Department of Public Safety set up a task force composed of residents from all identified minority communities. Based on task force recommendations regarding necessary and desired features of

a new complaint system, the department developed a new system and established a citizen review board.

Community Police Council Brings Citizen Concerns to Police Attention

The mayor of Albany, N.Y., formed a Community Police Council for citizens to share information with the police. The council includes minority and white residents representing neighborhood associations and business improvement districts. Council members identify community concerns about quality-of-life issues and police conduct.

Services and Visibility

Police Department Provides Services to Recent Immigrants

The St. Paul (Minn.) Police Department is working to empower recent immigrant families—Russian, Vietnamese, Laotian, Cambodian, Hmong, and Ethiopian—living in public housing. Services include counseling, victim assistance, tutoring, advocacy and referral, gang prevention training, crisis intervention, translation, and after-school programs. A dedicated staff of one sergeant, seven officers, three community liaison representatives/interpreters, and six summer youth workers are engaged full time in serving these immigrant communities.

Problem-Solving Results in Services for Youth

In Adams County, Colo., community policing has been instrumental in enhancing the relationship between the police and numerous minority communities. Through interactions with citizens, officers determined that the lack of after-school activities for Hmong youth was leading to community disorder. The police department established and runs a youth center. The center has promoted improved relationships between the police and minority communities, and even rival gang members are forming positive relationships with each other as a result of their involvement with the center.

Problem-Solving Leads to Services for Migrant Workers

The Washington State Patrol engages in collaborative problem-solving with community members to address issues troopers

have identified in areas throughout the state. For example, troopers in eastern Washington farming communities identified various traffic safety problems relating to Spanish-speaking migrant workers. As a result, Spanish-speaking troopers have been instructing workers to wear seat belts and providing information on how to obtain driver's licenses. In addition, the troopers have talked with farmers about training migrant employees before allowing them to transport equipment and produce in trucks.

Immigrant Outreach

Joint Effort Breaks Down Barriers Between Police and New Immigrants

An El Cajon, Calif., police captain observed that the Kurdish immigrant community was growing, and that the immigrants were in increasing contact with local police. The captain reached out to Kurdish religious and cultural leaders from the Coptic Christian and Shiite and Sunni Moslem communities. The police and Kurdish community leaders invited school district leaders to join them in a series of meetings in which participants could jointly identify issues and barriers, and develop programs to address them. The police, school district leaders and Kurdish community representatives are continuing to talk, breaking down barriers to communication and enabling more effective policing in the community.

Citizen Council and Police Provide Support to Immigrants

The Central Weed and Seed Citizen Advisory Council (CAC) in Seattle's East Precinct has identified East African immigrants as a growing population there. The East African community is facing numerous cultural and social challenges. CAC is trying to bridge gaps and open discussions about safety, social, school, and family assimilation issues. A Seattle police officer has been assigned as the community's liaison officer, and he will work with residents to address such community issues as follows:

- the difficulties in locating translators;
- the need for crime prevention and gang awareness training for parents;

- the need to translate city documents (e.g., crime prevention, school and community police academy materials);
- the lack of understanding of the city's process for accessing assistance/resources; and
- the religious barriers to immigrants' working with police (e.g., women at home alone can't let male officers into the residence).

Minority Group Participation

Community Oversight Creates Trust and Openness

The Phoenix Police Department includes residents on use-of-force review boards and on hiring and promotion boards. In addition, a use-of-force forum has allowed community members to learn about officers' decision-making processes during critical incidents. The department has sought community input in developing cultural awareness training for officers, and has instructed community members about the police culture. Phoenix's police chief visits with minorities in their homes to listen to their concerns, and has advisory boards representing African-Americans, gays and lesbians, senior citizens, Native Americans, Hispanics, and Asians.

Police-Community Meetings Lead to Action

In Denver, representatives from locally based advocacy groups (e.g., the NAACP and the American Civil Liberties Union) and neighborhood organizations have joined with the police department to hold a series of community meetings on racial profiling. Community members and line officers have collaborated to develop policies and procedures related to racial profiling, a protocol for data collection, police training in cultural diversity, police retraining in Fourth Amendment concepts and mandates, and training for citizens regarding police contacts.

Facilitated Meetings Engage Diverse Groups in Policy Changes

In Spokane, Wash., an ongoing series of facilitated meetings involves a wide range of community stakeholders, including concerned citizens, police personnel, the NAACP, the U.S.

Attorney's Office, defense attorneys, the local Commission on African-American Affairs, the Native Americans Project, the Asian Community Coalition, the American Civil Liberties Union, the Police Officer's Guild, the Department of Justice Community Relations Division, the city council, and the FBI. The meetings focus on three main issues: educating the public about police procedures, collecting data on the race of individuals stopped, and improving community access to the civilian complaint system. As of this writing, the group is in the brainstorming phase; they expect policy changes to result from the process.

CONCLUSION

Police departments should include minority community outreach in their efforts to address racially biased policing and the perceptions thereof. Improved relations between the police and minorities will increase officers' ability to provide high-quality policing services to all the residents in their jurisdiction. The ultimate results will be mutual trust and respect, and shared responsibility for public safety.

Data Collection on Citizens' Race/Ethnicity To Address Racially Biased Policing and the Perceptions Thereof

INTRODUCTION

Since “racial profiling” has become a national issue, many jurisdictions have started collecting data on the race/ethnicity of citizens stopped and/or searched by police. This practice reflects accountability, openness and sound management. It is interesting, however, that data collection became known early on as *the way* for police agencies to respond, with very little attention given to other ways agencies might address both racially biased policing and the perceptions thereof.

There are pros *and* cons to data collection; thus PERF neither recommends nor opposes such efforts. Instead, we believe that each agency should decide whether or not to collect data based on those pros and cons, as well as on political, community, organizational, and financial factors.

In this chapter, we discuss the advantages of data collection for information development and management, accountability and trust-building. However, we also note the limitations of data collection, and attempt to reduce to a realistic level the very high nationwide expectations regarding what data can tell us. For those agencies that are required or choose to collect data, we provide recommendations regarding what activities to target for data collection, and what data elements to include.

Further, we outline the constraints associated with data analysis and interpretation, to promote responsible use of results. Our purpose is to ensure that agencies that collect data do so in a way that increases the positive potential and minimizes the negative. Particularly important is that data collection be associated with sound analysis and interpretation; without strong processes in place for analysis and interpretation, data collection can be more harmful than beneficial.¹

WHETHER OR NOT TO COLLECT DATA

Again, there are pros *and* cons to collecting data as a response to racially biased policing and the perceptions thereof. Whether the positives outweigh the negatives, or vice versa, depends on the myriad factors within each individual jurisdiction.

Arguments in Favor of Data Collection

Data Collection Helps Agencies To Determine Whether Racially Biased Policing Is a Problem in the Jurisdiction

Eighteen percent of the respondents to the PERF survey reported that their agencies had “initiated the collection of new data or the analysis of existing data for the purpose of assessing the race/ethnicity of citizens encountered, stopped and/or arrested,” and many more agencies appear to be contemplating this option. A common motivation is the desire to determine the nature and extent of racially biased policing. By collecting data, agencies can advance the debate from stories and anecdotes to empirical evidence, and implement targeted responses based on the results. Departments can identify agency policies or practices that lead to racially biased policing, and use the data to stimulate further inquiry into whether an officer’s behavior is biased. Departments can also evaluate their progress in reducing racially biased policing over time. Collecting information on police racial bias reflects solid management practices, serving as a department-level assessment of a critical national problem.

¹ This is reflected in the International Association of Chiefs of Police (2001) statement on “Traffic Stops and Data Collection”: “[T]he IACP will only support data collection legislation that ensures that an impartial and scientifically sound methodology will be used for evaluating collected data.”

Data Collection Helps Agencies To Convey a Commitment to Unbiased Policing

Data collection conveys important messages to both the community and agency personnel: that biased policing will not be tolerated, and that officers are accountable to the citizens they serve. The initiation of data collection lets citizens know that the police chief is committed to addressing community concerns. It also may deter unnecessary and/or illegal stops of citizens on the part of line personnel.

Data Collection Helps Agencies To "Get Ahead of the Curve"

Some chiefs who responded to our survey or spoke with staff initiated data collection within their departments in anticipation of mandates (e.g., state legislation) that they do so. These chiefs wanted to develop protocols that might become the models for their mandates, rather than have protocols imposed on them by authorities who might not have a full understanding of the issues and of agency procedures and information systems.

Data Collection Helps Agencies To Effectively Allocate and Manage Department Resources

The information gathered during data collection can be beneficial beyond the examination of racially biased policing. By learning about the quality and quantity of the stops made by personnel, an agency can better manage and allocate department resources.

Arguments Against Data Collection²*Data Collection Does Not Yield Valid Information Regarding the Nature and Extent of Racially Biased Policing*

Social science is not capable of providing valid answers to every question posed. Indeed, there are many chiefs who sincerely would like to gauge whether or not their departments engage in racially

² A number of the survey respondents reported they had chosen not to collect data or analyze existing data because racially biased policing was not a problem in their jurisdiction. While this may be true for some jurisdictions, an agency should not assume that it is without problems just because, for instance, it has few ethnic/racial minorities and/or has few citizen complaints

biased policing, but are concerned about whether cost-effective social science methods can produce the information they seek. Specifically, while agencies can have *reasonable* confidence in the data they collect from their officers regarding whom they stop, there are legitimate questions as to whether there are, at present, cost-effective methods for interpreting these data to reach valid, meaningful conclusions. As discussed more fully below, the challenge is to develop “benchmarks” or other standards by which to determine whether racially biased policing is indicated by, for instance, the fact that 25 percent of an agency’s traffic stops are of Hispanics. In effect, the process of analysis and interpretation is one of trying to understand the full context of a stop (e.g., drivers’ demographic makeup, enforcement activity including the assignment of field officers), and of identifying what factors within that context affect the police decision to, for instance, stop and search the citizen. This is a very challenging endeavor.

Data Will Be Used To Harm the Agency or Its Personnel

A related concern is that the data collected—despite the ambiguity surrounding their meaning—will be used to disparage or otherwise harm the agency or its personnel. Police executives have concerns that questionable data interpretations will be used irresponsibly by agency critics, including the media, and/

of biased policing. Regarding the nature of a jurisdiction’s population, some emerging empirical evidence indicates that racially biased policing may be most prevalent in areas where racial/ethnic minorities are few (see, for example, Meehan and Ponder 2000). Regarding citizen complaints, most studying or working in the law enforcement field are aware that the frequency of citizen complaints may reflect the accessibility of, and citizen faith in, the complaint system as much as the behavior of officers on the streets. In other words, few or no complaints of racially biased policing may reflect either the lack of the practice or citizen reluctance to report it.

We believe police executives should be cautious in assuming they have no problems with racially biased policing and, instead, we set forth below more viable reasons that might prompt a jurisdiction to invest in alternative responses to data collection.

Also, the argument that data collection will have a negative effect because asking citizens what their race is will add tension to encounters is easily and appropriately handled by using an alternative method for identifying a person’s race (e.g., officer’s perception, driver’s license information).

or used in lawsuits against the agency.³ Some of the survey respondents reported they were not collecting data under the advice of agency counsel concerned that the data could be misinterpreted in legal actions, at great costs to the agency. Similar concerns pertain to agency personnel. Line officers have expressed great concern that data will be used against them in legal or disciplinary actions, despite legitimate questions as to the data's validity. When information linking disparate impact to a specific officer without explanation or interpretation is made public there can be significant harm to the officer.

Data Collection May Impact Police Productivity, Morale and Workload

Another concern is that officers resentful of the implications of data collection, and concerned about the "results" of their own data, will suffer from lowered morale and decrease the enforcement activities associated with the data collection. For instance, officers may stop fewer traffic violators, resulting in decreased safety for drivers. Furthermore, data collection will require additional staff time for data processing and analysis.

Police Resources Might Be More Effectively Used To Combat Racially Biased Policing and the Perceptions Thereof

Data collection may require not only additional staff time, but also other resources. For instance, survey respondents, when asked what resources they would need for data collection and analysis, indicated they might need new forms, computer hardware and software, additional personnel, and/or training and technical assistance. The agency executive, in discussions with citizen leaders, might, in fact, determine that data collection is an appropriate response, or may choose to target financial and staff resources to engage in minority community outreach, enhance supervision capabilities, improve citizen complaint processes, upgrade academy or in-service training, acquire in-car videos, and so forth.

³ There are an increasing number of reports of defense attorneys' using such data in court cases.

Summary

Police agencies can use data collection on the race/ethnicity of citizens with whom police engage to explore the prevalence and nature of racially biased policing, to show accountability to the citizens they serve, and to convey concern about this important national issue. If an agency undertakes data collection, it should inform citizens and the media about what the data can and cannot show.

The critical issue of racially biased policing and the perceptions thereof merits some agency resources. Because it is a critical human rights issue, agencies should expect to invest in effective prevention or remedial measures—ideally, with the financial support of local, state and/or federal government. Agency executives may responsibly choose to invest resources in responses other than data collection. (However, while rejecting a full-fledged data collection system, they might consider a small-scale and/or periodic data collection effort as one aspect of an overall assessment and response effort.)

Recommendation: Police executives, in collaboration with citizen leaders should review the pros and cons of data collection and decide—in light of the agency’s political, social, organizational, and financial situation—either to initiate data collection or to allocate available resources to other responses to racially biased policing and the perceptions thereof.

DATA COLLECTION PROTOCOL

In the previous section, we outlined the pros and cons of collecting data in response to concerns about police racial bias. For those agencies that decide or are required to collect data, we provide in this section recommendations for doing so. We base our recommendations on a review of existing reports—most notably, the recently released Justice Department publication, *A Resource Guide on Racial Profiling Data Collection Systems* (Ramirez, McDevitt and Farrell 2000)—the examination of nearly 150 data collection protocols from police agencies responding to our survey; and discussions of data collection with social scientists, executives, command staff, supervisors, and line officers in focus groups and other PERF forums for

debate. Below we provide guidance regarding the following questions:

- On what law enforcement activities should agencies collect data?
- What information should agencies collect regarding those activities?
- How should agencies analyze and interpret the data?

We also discuss how and why a department should use a police-citizen task force to design the data collection protocol, and provide a list of the initial steps for setting up a system.

Activities To Target for Data Collection

Figure 1 shows a series of concentric circles that represent the types of activities police departments might target for data col-

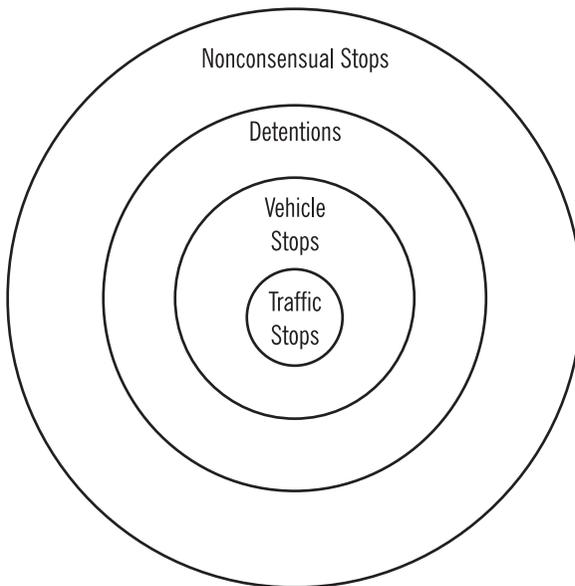


Fig. 1. Activities that could be targeted for data collection

lection. The smallest unit (and innermost circle) is *traffic stops*—that is, vehicle stops based only on traffic violations. The next circle denotes *all vehicle stops*—traffic stops and other investigative stops (including those for suspicious activity). The third circle represents vehicle stops as well as pedestrian stops that meet the legal definition of *detention*.⁴ The outermost circle—*nonconsensual encounters*—includes all detentions, plus all police-initiated encounters (with either motorists or pedestrians) that do not amount to detentions. In other words, the outer circle includes cases in which an officer approaches and questions someone outside of the realm of a consensual encounter, but does not legally detain the person.

Below we discuss each of these target groups of activities.

Traffic Stops

Many agencies that are collecting data are focusing on traffic stops only. This might be considered sufficient because much of the discussion about “racial profiling” has focused on traffic stops, and, by virtue of their frequency, traffic stops hold the greatest potential for police racial bias, or perceptions of it, to occur. Traffic stops also likely represent the greatest number of pretext stops. Although focusing only on traffic stops means data are not collected for other, less visible, high-officer-discretion encounters, some social scientists argue that traffic stops can be used as a “sample” of activity for diagnosing whether an agency has a problem. Another advantage to collecting only traffic stop data pertains to the challenges associated with data analysis and interpretation. As discussed below, identifying “benchmarks” (that is, developing hypothetical comparison groups for purposes of analysis) for traffic stops is somewhat easier than for other categories of activities (though still a great challenge).

⁴ Detentions require reasonable suspicion, and they occur when a reasonable person believes he or she is not free to go.

Vehicle Stops

Collecting data only for traffic stops excludes obtaining information about general investigative stops of motorists.⁵ Since a major purpose for collecting data is to try to assess whether officers misuse their discretion when they target certain people for interventions, police agencies should seek to collect data on high-officer-discretion/low-visibility activities in which racial bias is most likely to occur—as with vehicle stops. The disadvantages of extending data collection beyond traffic stops to all vehicle stops are the additional logistics, staff time and costs associated with doing so. In addition, extending data collection to all vehicle stops increases the challenges associated with identifying appropriate comparison populations for purposes of analysis.⁶

Detentions

Collecting data on all detentions—including traffic, vehicle and pedestrian stops—increases the advantages and disadvantages discussed above. By adding pedestrian stops, an agency is including activities that also have great potential for police racial bias, or the perceptions of it. For some agencies, pedestrian stops are barely visible—generally beyond supervisors' observation, and resulting in no paperwork unless a stop produces evidence. If racially biased policing is occurring, these stops provide the opportunity to misuse discretion, at times resulting in grave civil rights abuses of citizens on the street. Another advantage of including pedestrian stops is that officers who do not con-

⁵ Again, we are using the term *traffic stops* to denote stops made for violations of motor vehicle laws. *Vehicle stops* include traffic stops, but also include other types of motorist stops—most notably, investigative stops (e.g., when a driver matches a suspect description).

⁶ As discussed more fully below, a major factor in interpreting these data is trying to determine whom the police would stop in an unbiased world. This is challenging enough when one considers only traffic stops. It involves determining who is at risk for a traffic stop based on driving behavior, enforcement activity and so forth. By adding investigative stops, we have to additionally estimate who is at risk for being pulled over for, for instance, matching a suspect description.

duct vehicle stops will also be held accountable. Again, though, this additional data collection adds logistical issues, time and costs, and yet another challenge to “benchmarking.”⁷

Nonconsensual Encounters

By *nonconsensual encounters*, we refer to instances in which an officer engages a citizen in a manner not invited by the citizen, but that does not amount to a legal detention (i.e., a reasonable person would believe that he or she was free to go). Again, the advantages and disadvantages discussed above are multiplied. Collecting data on these encounters brings police activities with great potential for racial bias, or perceptions of it, under review. However, adding this information again increases the problems associated with logistics, the challenges in defining the target activities (i.e., which encounters are nonconsensual), and benchmarking.

Summary

Determining which data to collect involves balancing the need for information on high-discretion/low-visibility stops against considerations of time, officer safety, convenience, community priorities and resources. *In considering this balance, we recommend that if agencies collect data, they collect data on all vehicle stops.* This includes all detentions and arrests of motorists, including stops for traffic violations, criminal violations and suspicious persons/activities. It does not include pedestrian stops or nonconsensual encounters that do not amount to detentions. We believe that, overall, by collecting data on vehicle stops, departments may achieve the appropriate balance between producing information and expending resources. However, since the factors related to this balance will vary across agencies, we believe an agency collecting data may responsibly choose to target only traffic stops or, possibly, *initiate* its system by focusing only on traffic stops, and then, over time, include vehicle stops. A department

⁷ In terms of benchmarking, the added challenge is that the relevant ideal “comparison group” for purposes of analysis and interpretation comprises those people at risk of being stopped in a vehicle or on foot in an unbiased world. We discuss the issue of benchmarking more fully below.

certainly can consider data collection on pedestrian stops, as well (that is, expand to detention data), depending on the particular issues raised in its jurisdiction.

Recommendation: If agencies are mandated or choose to collect data, they should consider targeting all vehicle stops.

For those activities targeted for data collection (e.g., vehicle stops), the agency should gather information on *all incidents*, regardless of disposition. This point is best conveyed through an example: Some agencies have decided to collect data on only those traffic stops that result in citations. This decision may be based on the desire to simplify data collection (i.e., rely on existing forms, such as citations), or the departments might argue that traffic stops resulting in official sanctions are of more concern than those that lead to *no disposition*. In fact, agencies should pay due attention to stops that *do not* result in official sanctions because, while the group of *no disposition* stops may include a number of fortunate drivers who could have been issued tickets but were not, the group could just as well include a number of drivers for which there were no legally justifiable reasons for the stops.⁸

As a final point, departments should review the existing data relevant to their many and varied activities (beyond those discussed here)—data that might provide a more comprehensive picture of how their services and law enforcement activities disparately impact different racial or ethnic communities. In other words, even if a department collects data on all vehicle stops, it is important to keep in mind that vehicle stops represent just one aspect of their work in the community. Existing relevant information departments might review—if available by citizens' race/ethnicity—could include data on victims served, complaints filed, citizens present at police-community meetings, youth involvement in police-sponsored activities, and residential search warrants executed. Such information could provide a broader sense of how the agency engages its diverse communities.

⁸ One department protocol we reviewed requires that all *no disposition* stops pass through an extra level of review.

Data Elements To Include

Just as agencies need to balance the need for information against limits on resources in determining which activities to collect data on, the same considerations apply to selecting which data elements to include. On the one hand, an agency might develop a system that has so few incident data elements that it is essentially worthless for assessing racially biased policing. On the other hand, an agency might develop a system that is so cumbersome that even the best officers think twice about engaging in the targeted activities.

Recommendation: Agencies that choose or are mandated to collect data should include the data elements and response options listed below.

Table 1. Proposed Data Elements and Coding

- 1) Time/Date
- 2) Location: Beat, division, block, intersection, etc.
- 3) Age: <18, 18–29; 30–39; 40–49; 50+
- 4) Gender: Male/Female
- 5) Race:
 - White
 - Black/African American
 - Asian/Pacific Islander
 - Native American/Eskimo/Aleut
 - Middle Eastern/East Indian
- 6) Hispanic/Latino: Yes/No
- 7) Does citizen live in metropolitan area defined by U.S. Census? Yes/No
- 8) Reason for Stop
 - Reactive Stop (e.g., call for service, special detail such as roadblock) vs. Self-Initiated Stop (e.g., proactive vehicle or pedestrian stop)
 - Vehicle Code Violation:
 - Red Light/Stop Sign
 - Speed [____ mph over limit]
 - Lane violation
 - Commercial vehicle
 - Following too closely
 - Failure to signal
 - Other moving violation
 - Hazardous equipment
 - Seat belt
 - Other nonmoving violation

Penal Code Violation:

- Nuisance (related to quality of life)
- Vice
- Property crime
- Violent crime
- Violation of local ordinance
- BOLO/Person wanted
- Suspicious circumstances

- 9) Disposition:
 - Arrest
 - Ticket/Citation
 - Verbal warning
 - Written warning
 - No action
- 10) Length of Stop: 0–15 min.; 16–30 min.; 31–60 min.; 61 +
- 11) Were citizen's characteristics observable before stop? Yes/No
- 12) Comment Section: [allows for explanations for variables, if needed]
- 13) Employee ID: [Or at least beat, division, and/or unit]

SEARCH VARIABLES

- 14) Was a search conducted? Yes/No
- 15) What was searched?
 - If just collecting on vehicle stops:
 - Vehicle
 - Personal effects
 - Driver
 - Passenger(s)
 - If collecting on both vehicle/pedestrian:
 - Person: pedestrian, driver, passenger
 - Vehicle
 - Building/Residence
 - Property/Personal effects
- 16) Authority to Search?
 - Consent
 - Reasonable suspicion—weapon
 - Incident to arrest
 - Probable cause
 - Inventory
 - Plain view
 - Other
- 17) Search Results: Positive/Negative

- 18) What was recovered?
 - Currency
 - Weapon (or “gun” and “other weapon”)
 - Stolen property
 - Illegal drugs/Drug paraphernalia
 - Other
- 19) Optional: Additional details

Again, we base our recommendations on a review of reports on the topic, an examination of data collection protocol, and discussions with experts.⁹

The rationale for the inclusion of each element follows and, where appropriate, the justification for the items or responses we recommend within elements (e.g., age and race categories). The key to selecting data elements is to measure not only *whom* police are engaging, but also the circumstances and context of the stop. In effect, we are trying to collect “circumstantial” data to tell us the real reasons citizens are being stopped—which should reflect the motivations of the officers and/or the impact of agency policies and practices. The contextual data officers collect about stops, along with the “benchmarking” information as described below, will help determine whether and to what extent race/ethnicity is a motivating factor.

Reasons To Include Specific Data Elements

The data elements of *time*, *date* and *location* allow for assessments of racially biased policing by time and geography. Driving behavior can be expected to vary greatly across these variables. For instance, drivers—even drivers with varying types of behaviors—can be expected in specific areas on specific days (e.g., college students driving to the football stadium on weekends, factory workers traveling to and from work mornings and evenings).

⁹ Agencies that cannot accommodate a system that includes all the variables we propose might exclude the search variables, but should maintain the initial element: *Was a search conducted?*

Police should collect data on perceived *age* and *gender* of those stopped because these characteristics correlate with allegations of greater police abuse of power (e.g., *young black males* are presumed to be frequent targets of “racial profiling”) and with driving behavior.

We suggest separate items for *race* and *Hispanic/Latino* so that a jurisdiction can retain the option of comparing their stop data with census data that also separate these variables. The particular “codes” (e.g., *white, black/African-American*) are consistent with the census, except for the addition of *Middle Eastern/East Indian*. While agencies can customize these codes to their jurisdiction’s population, we advise them to retain the ability to recombine categories during analysis to match census categories. In the course of customization, departments should avoid producing too many different response categories, as such coding can be more unwieldy than useful.

Vigorous debates among PERF project staff on the issue of how to measure race made it clear that this task raises not just social science questions, but political/moral ones as well. Most of the protocols we reviewed suggested that race/ethnicity be gauged by the officer’s perceptions, reflecting a strictly social science perspective.¹⁰ This method of measurement reflects the research question posed by these data collection systems. While there are a number of reasons to adopt a data collection system (see the pros set forth at the beginning of the chapter), the major social science reason is to determine whether officers are using race/ethnicity inappropriately in deciding with whom to engage. To the extent that officers make stopping decisions based on race, they do so based on their *perceptions* of race, not on the basis of driver’s license information that they have not yet seen. That these perceptions of race are likely erroneous in some unknown number of incidents does not negate the fact that the perceptions are the valid measure of race in light of the research question. For example, an officer who thought the person he stopped was white may have in fact stopped a citizen

¹⁰ Asking people to self-report their race/ethnicity may be offensive and/or otherwise create or escalate tension in an encounter.

whose driver's license indicates he is Hispanic. In terms of trying to gauge whether or not the officer is biased, his or her perception is key. (Of course, who is stopped is only one variable to consider in this assessment of whether racially biased policing occurs.)

While some staff, for the above-stated reasons, advocated that race be measured through officers' perceptions, others advocated that officers glean the information from driver's licenses. As its base, this latter stance reflects two key political/moral arguments: that officers should not be put in the position of making this sensitive distinction, and that other government entities should share responsibility and accountability. Regarding the latter, in the realm of shared responsibility, it would require that states that have removed race/ethnicity information from driver's licenses and other state identification cards again reexamine this decision to facilitate and support officers' data collection. The argument becomes even more compelling in states that require data collection on the part of agencies.¹¹ This viewpoint is supported by an IACP resolution that "urges states to incorporate race and ethnicity as a data element and print it on the driver's licenses to facilitate the capture and accurate recording of this information."¹²

We recommend including data on *where the citizen lives* (e.g., within or outside of city limits) to facilitate analysis. For agencies that use census data for interpreting department data, including residence will allow them to develop a subsample of incidents involving only residents for the purpose of benchmarking those data against residential census data. In other words, with this information, an agency could compare the demographics of city residents stopped (i.e., exclude non-residents stopped) against the census data demographics for

¹¹ If information on race/ethnicity were available on driver's licenses, then agency executives would at least have the option of choosing between the various methods of measuring race/ethnicity.

¹² IACP resolution, "Incorporation of Racial Background as a Data Element on Drivers' Licenses," adopted at the 106th Annual Conference, Charlotte, N.C., Nov. 3, 1999.

all city residents. The wording of this item on a department's form (e.g., "Does citizen live in the city? In the county?") should reflect the jurisdiction's relevant *metropolitan area* (e.g., city, county) as defined by the census. To obtain this information, the officer could use the citizen's driver's license or inquire.

Critically important in data collection is information regarding the *reason for a stop*. Ramirez, McDevitt and Farrell (2000) refer to this as "one of the most important pieces of information that will be collected" and stress the importance of developing a single or several variables to measure *discretion* (p. 48). The greatest potential for racially biased policing—at least in terms of *whom* police engage (as opposed to *how they interact* with the person during engagement)—occurs in high-discretion stops. For instance, officers have and exercise great discretion in deciding whether to pull someone over for failing to signal. In contrast, officers have less discretion in responding to someone who runs a red light at a major intersection. Thus, a finding that a particular officer gives 80 percent of his or her "failing to signal" citations to blacks can be viewed differently than a finding that an officer gives 80 percent of his or her red-light citations to blacks. The latter is less likely to indicate possible biased policing than the former, which should prompt additional review of the citations' circumstances/context (e.g., the racial composition of the area being policed).

The variable *reactive/self-initiated* is an important measure of discretion. A *reactive* stop is one precipitated by a call for police service or other external demand (e.g., supervisor direction, direct citizen contact). Supervisor direction could include an officer's placement on a special detail (e.g., hot-spot enforcement, drunken-driving roadblock, special gun initiative). A stop an officer conducts solely on his or her own initiative (e.g., a traffic stop while on patrol) would be coded *self-initiated*. With this variable analyses can differentiate between the incidents in which the officers select whom they will engage and those in which they engage in response to calls for service or assignment. The former is more relevant to an assessment of racially biased policing.

The *reason for the stop* allows an officer to indicate whether the stop is for a *vehicle code*, *penal code* or *local ordinance*

violation; a BOLO/person wanted; or suspicious circumstances. The purpose of including subcategories within *vehicle code violations* and *penal code violations* is, again, to measure discretion. Thus, for instance, stops for *red-light violations* reflect less discretion than those for *lane-changing violations*. Similarly, detentions or arrests for nuisance crimes reflect far more discretion than those for violent crimes. Asking for *recorded speed above the posted limit* provides another measure of discretion, as officers have more discretion in stopping someone going just a few miles an hour over the speed limit, and less if someone is speeding quite dangerously.

The codes we propose for various *dispositions of stops* allow for an additional potential measure of equitable vs. disparate treatment. Beyond data collection on *whom* police stop, another important question is whether they treat those they stop differently based on their race/ethnicity. To begin to capture this information, we suggest *arrest, ticket/citation, verbal warning, written warning, or no action* (or *no disposition*) for the codes. *No action* would include releasing a person following a determination that he or she was not, in fact, the person being sought.¹³ It is interesting to note that we identified several departments that changed their policies to discontinue verbal warnings in traffic stops. This was done to deter unnecessary stops (including, of course, those based on race) and to facilitate use of existing forms for data collection (i.e., there was an existing form for every other disposition—citation, arrest, written warning). For the same reasons, agencies should consider discontinuing verbal warnings—weighing the pros and cons of exercising this option.

Length of stop data also provide a potential measure of equitable vs. disparate treatment. With these data, an agency can explore whether the length of stops varies by race/ethnicity (“controlling” for relevant variables, such as the reason for the stop).

¹³ Remember, *no action* should not necessarily be presumed to reflect benign law enforcement.

In our focus groups, many officers expressed great frustration at accusations of racial bias, and lamented that they were so accused even when it was clearly impossible for them to *discern driver characteristics before a stop*. Thus, we include a data element allowing officers to report this information, which has significant relevance to an assessment of whether or not stopping decisions are based on race/ethnicity.¹⁴ Specifically, the officer would indicate whether or not the citizen's characteristics were observable before the stop.

A *comment section* would allow officers to note any other circumstances or contextual information that they thought relevant to their decision-making.

A controversial aspect of data collection concerns linking data to *individual officers*. In some jurisdictions, executives have implemented systems with the promise that only aggregate information would be analyzed, with no data linked to individual officers. This reflects officers' concerns that they will be disciplined or stigmatized based on data that may be invalid or misleading; they fear that individual-level data could become evidence in civil, criminal or disciplinary actions against them. Related to these concerns, some chiefs' decisions not to link the stop data to officer identifiers have reflected their desire to maintain the full trust of their personnel and thus increase the likelihood of obtaining their support for data collection.

On the other hand, many officers and command staff in our focus groups stated that "if, indeed, racial profiling occurs," it is not widespread, but rather committed by a small number of officers. Whether it is, in fact, "just a few" or, instead, a large number of officers, a data collection system that is implemented with the true intent of assessing and responding to racially biased policing should have the capacity to identify *potentially* problematic officers. The word *potentially* reflects an important point about how data should be used. These data cannot

¹⁴ An oft-stated concern is that some officers will understate the frequency with which they can discern motorists' characteristics. Departments could attempt to identify those officers by comparing officers who have similar assignments (e.g., night shift, day shift) with regard to their results on this element.

prove *causation*—only *correlation*. It is critically important for command staff to understand that their data collection system cannot rule out all competing hypotheses that might explain why data for an officer indicate disproportionate stops (or searches or arrests) of racial/ethnic minorities. The data should be used only as *one indicator* of a potential problem, and prompt further exploration. That is, the data should be just one aspect of an “early warning system” for racially biased policing. Policies and statutes that link individual officer “results” directly to disciplinary measures are unfair and misguided.

Recommendation: Police departments should consider the pros and cons of linking data to officer identity. If a department chooses not to collect data with links to individual officers, the data should be linked to units of the department—such as assignment or beat.

Assessing racially biased vs. equitable policing requires looking not only at *whom* police engage, but also at *what happens* during the engagement. For instance, some studies on vehicle stops have identified even greater racial disparities with regard to who is searched than with who is stopped.¹⁵ Because searches are high-discretion/low-visibility activities that have great potential for police abuse or perceptions of abuse, departments collecting data should include search data in their collection system. Ramirez, McDevitt and Farrell (2000:51) provide these arguments for including search data:

Although it may seem easier to omit search information from the process, it serves two valuable functions. First, search information provides local jurisdictions with a sense of the quantity

¹⁵ See, for example, Harris, D. (1999b), “The Stories, the Statistics and the Law: Why Driving While Black Matters,” *Minnesota Law Review* 84(2):1–45; San Diego Police Department (2000), “Vehicle Stop Study, Mid-Year Report,” Sept. 21; State of New Jersey (1999), “Interim Report of the State Police Review Team Regarding Allegations of Racial Profiling,” April 20; and Bureau of Justice Statistics (2001), *Contacts Between Police and the Public: Findings From the 1999 National Survey*, Washington, D.C.: U.S. Department of Justice.

and quality of searches being conducted, the characteristics of those searches and their productivity. Productivity refers to the number of searches that result in arrests or seizures, the nature of those arrests and the quality of the seizures. Such information allows local jurisdictions to appropriately allocate resources to productive search techniques. Second, information about searches allows departments to assess whether certain groups are disproportionately targeted for searches.

The form should record *whether or not a search (including a frisk) was conducted*, and solicit additional information regarding searches. (Since searches are fairly rare, in most cases, this section will be blank.) Responses for *What was searched?* are *vehicle, personal effects, driver, and/or passenger(s)*. For those agencies that choose to collect data on both vehicle and pedestrian stops, we propose responses of *person [specifying pedestrian, driver and/or passenger(s)], vehicle, building/residence, and/or property/personal effects*.

An item on *authority to search* will not only provide important contextual information for analysis, but also will remind officers of the legal limits on their ability to search. The responses include *consent, reasonable suspicion—weapon, incident to arrest, probable cause, inventory, and plain view*. Collecting data on search outcome (as either *positive* or *negative*) and on what was recovered (i.e., *currency, weapon, stolen property, illegal drugs/drug paraphernalia, other*) allows for an agency assessment of search productivity. The results of these analyses may become the content for training.¹⁶

¹⁶ For instance, empirical data have challenged many police officers' belief that searches of African-Americans are "positive" more often than searches of whites. See, for example, Harris, D. (1999b), "The Stories, the Statistics and the Law: Why Driving While Black Matters."

DATA ANALYSIS AND INTERPRETATION

In discussing the pros and cons of data collection, we have conveyed many police executives' concern about a data collection system's ability to produce valid answers to even the most sincere questions about the nature and extent of racially biased policing. This reflects the concern about social science methods' ability to aid in assessing whether there is a causal main effect between citizen race/ethnicity and police behavior. To draw definitive conclusions regarding stop data that *indicate* disproportionate engagement of racial/ethnic minorities, we would need to be able to identify and disentangle the impact of race from legitimate factors that might reasonably explain individual and aggregated decisions to stop, search and otherwise engage people. This is not possible. As stated in a U.S. General Accounting Office report (2000), because of methodological challenges, "we cannot determine whether the rate at which African-Americans or other minorities are stopped is disproportionate to the rate at which they commit violations that put them at risk of being stopped" (p. 18).

In an attempt to rule out alternative factors, agencies strive to develop comparison groups against which to evaluate their vehicle stop data. Specifically, agencies try to develop comparison groups that reflect the demographic makeup of groups at risk of being stopped by police in an unbiased world. For example, a department collecting data only on traffic stops would, ideally, want to compare the demographics of those stopped with the demographics of those at risk of a stop, taking into consideration numerous factors, including, but not limited to, driving quantity, driving behavior, vehicle condition, and police presence. In an ideal world, we would have this information for each type of stop (e.g., red-light violation, speeding violation).

Clearly, this information is not available. Thus we create "standards" for these ideal groups. Hypothetically, if an agency wanted to know if the number of recorded traffic stops of African-Americans in a specific area was potentially too high, it would want to know the probability of the average African-American in that area's being stopped for a traffic violation (based on such objective factors as driving quantity, driving behavior, and enforcement level and type in the area). Unfor-

unately, departments may have information regarding only the percentage of African-Americans of driving age who *live* in the area. This comparison group is clearly less useful than the kind of “at risk” group we would like to have for analysis.

Below we describe the various standards that have been used to analyze data collected to address “racial profiling,” and the limitations of each. *PERF project staff determined that there are not as yet satisfactory “best practices” in the realm of data interpretation and analysis, and thus do not make specific recommendations regarding ideal comparison groups. However, due to this deficiency in the field—and with additional funding from the Office of Community Oriented Policing Services—PERF is implementing a project that will produce such recommendations.* Specifically, PERF staff will join with experts around the country to develop guidelines for departments in this area. Pending the completion of this work, we share below some of the key issues that departments should consider in developing comparison groups that serve as “standards” for our ideal.

Standards departments have used can be categorized by whether they are based on information that is external or internal to the agency. External standards include those based on existing data, such as census data, or on new data, such as that provided by observing vehicles on the road. An internal-standard system is analogous to an early warning system in that officers, units and so forth are matched and compared with one another. (For instance, vehicle stop data for officers assigned to a particular area on a particular shift are compared.)

EXTERNAL STANDARDS: EXISTING DATA

Most jurisdictions that have begun to analyze their data have relied on external standards developed from existing data. Below we summarize some of the standards that have been used, their positive and negative features and, where applicable, suggestions for refinement.

Jurisdiction Residents, Based on Census Data

A number of departments around the nation have compared their vehicle stop data against census data. That is, these jurisdictions have compared the breakdown of people stopped, by race and

ethnicity, with the race and ethnicity of their residents. The census data are valuable because they are easily accessible and can be broken down by small geographic units within a jurisdiction. The drawback of census data is that they do not necessarily represent people at risk of law enforcement intervention. Instead, they reveal only who lives in the jurisdiction.

To improve on these data and develop a better comparison group, agencies should

- access the most recent census data;
- include residency (as defined by the census) as one element on data collection forms;
- use the census data only for people of driving age;
- adjust the census data for vehicle ownership or driving behavior by race/ethnicity, using census information or the National Personal Transportation Survey,¹⁷ respectively; and
- use census tract information to conduct comparisons within the jurisdiction's geographic units (if possible), such as those that correspond with precincts or other service areas.¹⁸

People With Driver's Licenses

In analyzing North Carolina Highway Patrol data, Zingraff et al.¹⁹ used information regarding driver's licenses issued in the state. In most states, data on driver's license holders are available to the police and can be broken down by specific geo-

¹⁷ See www.bts.gov/ntda/npts, as reported by Harris (1999b). For instance, this survey reported that "African-Americans comprise 11.8 percent of all households, but account for 35.1 percent of households without a vehicle" (p. 7).

¹⁸ [This would involve, for instance, comparing the demographics of those stopped within a particular precinct or beat with the demographics of those who live there.

¹⁹ Zingraff et al. (2000), "Evaluating North Carolina State Highway Patrol Data: Citations, Warnings and Searches in 1998," report submitted to North Carolina Department of Crime Control and Public Safety and North Carolina State Highway Patrol, Nov. 1.

graphic units. This information is superior to *unadjusted* census data because it moves us closer to assessing who is on the road and, thus, at risk of being stopped. These data, however, do not provide for a true comparison group in that they do not provide for differential law enforcement deployment on the roads (e.g., “hot spot” enforcement), do not provide for variations in driving behavior in terms of either quantity or quality (e.g., aggressive drivers are more likely to be stopped), and do not provide any information for purposes of assessing who might be at risk for an investigatory (as opposed to traffic) stop. Information on driver’s licenses held within geographic units does not provide for the fact that people who live outside of the area are driving on the roads²⁰ (although collecting information on citizen residence—as recommended earlier—can mitigate this concern). Further, this source does not provide us with information for assessing the risk of pedestrians being stopped.

People Involved in Vehicle Accidents

Another group against which stop data demographics can be compared are people who have been involved in vehicle accidents. A major advantage of this comparison information over census and driver’s license data is that it provides a measure of poor driving behavior. This information is also available within the police department, and includes both residents and non-residents who are on the roads. A significant drawback is that people who have vehicle accidents (that get reported to police) do not accurately represent people who are at risk of being stopped for traffic violations or investigatory reasons. For instance, some people are involved in accidents through no fault of their own, and some very poor drivers may never get into accidents. Further, in some jurisdictions, race/ethnicity is not included among information regarding accidents.

²⁰ Zingraff et al. (2000) used residence information from a sample of citations to develop measures of the extent to which drivers licensed in one area drove in another.

People Arrested (Uniform Crime Reports Data)

Some jurisdictions have compared their stop data by race/ethnicity with their Uniform Crime Reports (UCR) arrest data by race/ethnicity. These are unacceptable comparison data for several reasons. First, arrest data do not measure actual crimes. These data are very much dictated by enforcement behavior (for instance, arrest data may reflect a department's focus on particular crimes or geographic areas). Second, if officers are demonstrating bias in their stops, it is likely they are also demonstrating bias in their arrests. Third, even if arrests *were* a satisfactory indicator of criminal behavior, criminal behavior is not satisfactory in indicating what puts a person at risk for traffic and/or investigatory stops, which is what we are trying to estimate. Agencies that can generate information on "race of known suspects" can partially address the first caveat above—regarding enforcement behavior's influence on UCR data—but still should be quite cautious in using this measure to create a comparison group for people stopped in their vehicles.

External Standards: New Data

Data collected through researchers' observations of drivers have produced additional external standards for some studies. For instance, Lamberth²¹ conducted several types of observations of drivers on the New Jersey Turnpike. In one procedure, researchers counted cars on the road at various locations and times, and tabulated race/ethnicity of drivers. In another, more sophisticated, procedure, researchers conducted "rolling surveys" in which they drove five miles over the speed limit and separately tabulated the race/ethnicity of the drivers they passed and of the drivers who passed them.

These observational data can provide valuable standards in that they are better for estimating the race/ethnicity of people

²¹ Report of Dr. John Lamberth, plaintiff's expert, "Revised Statistical Analysis of the Incidence of Police Stops and Arrests of Black Drivers/Travelers on the New Jersey Turnpike Between Exits or Interchanges 1 and 3 From the Years 1988 Through 1991," *State of New Jersey v. Pedro Soto*, 734 A. 2d 350 (N.J. Super. Ct. Law. Div. 1996).

at risk for being stopped. One drawback is that they allow for assessments only of certain types of traffic violations (e.g., speeding, red-light violations) that may not generalize to all traffic violations. Also, it may be difficult for observers to accurately discern race, particularly at night. Further, they do not provide risk assessment data for vehicle or pedestrian stops that are not based on traffic violations (e.g., for investigatory stops based on suspicious activities). Most important, however, are the practical drawbacks of using such measures. They have been used primarily for data analysis for state highway patrols and, indeed, are most conducive to assessments of a limited number of high-volume roads. Applying these measures to urban areas requires sophisticated sampling to select roads and time periods for data collection, to ensure the data are representative. Resources are required for both the design and the data collection through observation. These drawbacks noted, it's also important to report that social scientists across the country are striving to develop cost-effective methods for implementing these techniques in urban and rural jurisdictions.

Internal Standards

A system based on internal standards involves analyzing stop data to compare officers with other officers, units with other units, geographic areas with other geographic areas, and so forth. Critically important, these comparisons are made within "matched" sets (of officers, units, etc.) to "control" for circumstances and context. For example, officers working the same shift in the same district could be compared with one another. Districts with similar demographics, criminal activity and traffic activity could be compared. Analyses could also compare officers, units and areas over time to document trends and patterns. These analyses identify "outliers," that is, officers, units or districts that seem to intervene with racial/ethnic minorities at higher rates than their matched counterparts do. Identifying these outliers would initiate a more comprehensive inquiry into circumstances and context that could result in no action if an officer's actions are justified, or disciplinary measures (which could include counseling and retraining) if the officer's actions are unjustified.

A major benefit of this type of system is that it can provide for strong comparison groups for analyzing and interpreting data. Yet systems involving internal comparisons cannot, on their own, provide an assessment of racially biased policing at the *department level*. That is, a system that, in effect, compares the department with itself could not determine that an entire department was engaged in racially biased policing. This drawback, however, can easily be remedied by combining internal and external standards into a comprehensive analysis plan.

Independent Analysts

Data collection is both a social science and a political endeavor. Thus, an agency must attend to both social science and political objectives in developing an analysis plan. Above we set forth some of the social science considerations; however, an agency could use high-quality social science to conduct their analysis, but lose in the political arena because the jurisdiction's citizens do not consider an internally conducted analysis to be credible. Many agencies across the country have recognized that conducting analysis wholly internal to the agency can make the results appear suspect, and thus have obtained the assistance of independent analysts.

Recommendation: Agencies should obtain independent researchers' assistance for analyzing their racial bias data.

The analyst(s) should be trained in social science methods and have general knowledge of law enforcement, as well as demonstrated knowledge of the specific issues associated with analyzing police detention/stop data. Capable analysts are most likely to be associated with a college/university or independent research firm. If feasible, the researcher(s) should work in conjunction with a police-citizen task force.

Police-Citizen Development and Implementation

Citizens and police department personnel of all ranks should be represented in developing and implementing the data collection and analysis system. The police-citizen task forces recommended

in Chapter 7 should help in deciding whether to adopt a system and could be involved in design and implementation. Alternatively, a subcommittee might take on the extensive tasks associated with data collection and analysis, working with an independent social science researcher and the department's research and legal staff.

The police-citizen group should advise the agency executive, and the executive should set clear parameters for the group regarding the type of input being sought. (For instance, if the executive has certain nonnegotiable ideas about the data collection, he or she should share these early on in the process.) The police-citizen group could potentially be charged with all aspects of developing the data collection and analysis protocol, including specifying the activities to collect data on, how to collect the data, and what data elements and coding to use; and maybe even developing/selecting a comparison group. Resources for their decision-making on data collection and analysis should include this chapter.

HOW TO GET STARTED

Having outlined some suggestions for a data collection protocol, we set forth some of the early steps for getting started.

- Unless mandated, decide, with citizen input, whether data collection should be one component of the jurisdiction's overall response to racially biased policing and the perceptions thereof.
- Communicate with agency personnel as soon as a decision is made to start collecting data. The executive should provide a rationale for data collection and address anticipated concerns.
- Set up a process for listening to personnel's concerns, and have personnel develop constructive ways to address them.
- Develop a police-citizen group to serve in an advisory capacity.
- Develop the data collection and analysis protocol. Ensure the interpretations will be responsible, based on sound methodology and analysis.

- Field-test the data collection system for three to six months, and use that test to make modifications before implementing the system jurisdictionwide.

CONCLUSION

Data collection can be part of a police response to racially biased policing and the perceptions of its practice. As we have reiterated throughout this report, however, it should not be considered the panacea nor the only way that an agency can be accountable on and responsive to this critical issue. In developing a comprehensive response, an agency executive should work with citizen leaders to consider response protocols for accountability and supervision; policies to reduce biased policing; recruitment and hiring; training and education; community outreach; and data collection. Agency executives working cooperatively with their citizens will know best how to develop a multi-faceted response tailored to the needs of the jurisdiction that reflects the interdependence of the various solutions. They should consider, for example, the need for policy adoption to be supported by strong training; how recruitment can be facilitated by community outreach; and the need for hiring objectives to be reinforced through training and supervision. To help police and communities keep abreast of the rapid advances being made in this area, PERF will continue to develop the racially biased policing project on the PERF website (www.policeforum.org), adding new ideas, articles, model policies and protocols and other resources as they come to our attention.

While this report does not provide all the answers to racially biased policing problems, we hope that it has outlined the relevant issues and provided sufficient guidance for police and communities to work more productively together to address this critical concern.

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Lorie Fridell is the Director of Research at PERF. Prior to joining PERF in August 1999, Fridell was an Associate Professor of Criminology and Criminal Justice at Florida State University. She completed her Bachelors degree in psychology at Linfield College in McMinnville, Oregon, and both her Masters and Ph.D. in Social Ecology at the University of Southern California at Irvine. Fridell has conducted research on such law enforcement topics as deadly force, less than lethal force, complaints of excessive force, felonious killings of police officers, and community policing. In addition to articles and chapters on these topics, she co-authored, with Tony Pate, a two-volume report entitled *Police Use of Force: Official Reports, Citizen Complaints and Legal Consequences* and co-authored with Geoff Alpert *Police Vehicles and Firearms: Instruments of Deadly Force*.

Robert Lunney

Robert Lunney concluded a 44-year career in police and protective services in March 1997, with all active service in Canada. He is the former Chief of Peel Regional Police (1990 to 1997), Commissioner of Protection Parks and Culture, Winnipeg (1987 to 1990), Chief of Police, City of Edmonton (1974 to 1987) and a retired Superintendent from the Royal Canadian Mounted Police where he served for 21 years. He is a Past President of Canadian Association of Chiefs of Police, a Life Member of the International Association of Chiefs of Police (IACP) and a PERF member since 1982. In 1995 he was decorated with the PERF Leadership Award for progressive policing practices. Currently he works as a consultant based in Toronto, Canada.

Drew Diamond

Drew Diamond is a Deputy Director of Research at PERF. Prior to that he completed 22 years of service with the Tulsa Police Department and served as Chief from October 1987 until his retirement in November 1991. He was an employee of the FBI until he entered the U.S. Army and became an Agent in the Army Criminal Investigations Command. He is a graduate of Northeastern Oklahoma State University, the 116th Session of the FBI National Academy and the 12th Session of the FBI National Executive Institute. Mr. Diamond has directed several large community policing projects for PERF, including Weed and Seed; Urban and Rural Neighborhood-Oriented Policing; Community Policing in Public Housing; Drug-Impacted Small Jurisdictions; Improving Police Response to People with Mental Illness; and a project for the Department of Justice, Office of Violence Against Women, to address domestic violence, sexual assault and stalking from a community-policing perspective.

Bruce Kubu

Bruce Kubu is a Research Associate at PERF. He is responsible for managing several research projects. His specific duties include survey development, refinement, and administration; data collection and analysis and report generation. Prior to joining PERF in 1999, Mr. Kubu spent three years with the Washington/Baltimore High Intensity Drug Trafficking Area (W/B HIDTA). His primary duties included functioning as a liaison between W/B HIDTA and the criminal justice and treatment administrators within the Washington/Baltimore corridor. He was also responsible for managing data collection, data analysis and report generation for the project. Mr. Kubu received his Masters in criminology from the University of Maryland in May 1995.

Michael Scott

Michael Scott is an independent police research and management consultant based in Savannah, Georgia. He was recently a Visiting Fellow with the U.S. Department of Justice, Office of Community Oriented Police Services. Scott was formerly the chief of police of the Lauderhill, Fla. Police Department, having founded that municipal police department in 1994. Prior to that he was the

Special Assistant to the Chief of Police of the St. Louis Metropolitan Police Department where he guided the implementation of problem-oriented policing. He has served as the Director of Administration for the Fort Pierce, Fla. Police Department, a Senior Researcher at the Police Executive Research Forum, the Legal Assistant to the Police Commissioner of the New York City Police Department, and a police officer in the Madison, Wisc. Police Department. He has also been a research assistant to Professor Herman Goldstein at the University of Wisconsin. Mr. Scott was the 1996 recipient of the Police Executive Research Forum's Gary P. Hayes Award for leadership in improving police service. Mr. Scott holds a J.D. from the Harvard Law School and a B.A. from the University of Wisconsin-Madison. Among other publications, he is one of the authors of the forthcoming *Problem-Oriented Guides for Police* series, the author of *Problem-Oriented Policing: Reflections on the First 20 Years* and *Managing for Success: A Police Chief's Survival Guide*, and co-author of *Tackling Crime and Other Public-Safety Problems: Case Studies in Problem Solving* and *Deadly Force: What We Know. A Practitioner's Desk Reference to Police-Involved Shootings in the United States*.

Colleen B. Laing

Ms. Laing is a consultant and researcher on criminal justice and human services issues. She lives in Seattle, Washington, working with regional and national clients on criminal justice, human services, and workforce issues. Ms. Laing has been a Fellow with the Office of Community Oriented Policing Services (COPS Office) at the U.S. Department of Justice, a Research Analyst and Program Manager with the Seattle Police Department, a Researcher with the King County Community Services Division, a Presidential Management Intern and Management Analyst with the U.S. Department of Health and Human Services' Administration for Children and Families, and a legislative office staff member in the Washington State House of Representatives and the U.S. House of Representatives. Ms. Laing earned a Bachelor of Sciences degree from Santa Clara University and holds a Masters degree in Public Administration, having graduated with honors from the University of Southern California's Washington, D.C. Public Affairs Center.

About the Office of Community Oriented Policing Services (COPS) U.S. Department of Justice

The Office of Community Oriented Policing Services (COPS) was created in 1994 and has the unique mission to serve the needs of state and local law enforcement. The COPS Office is an innovative agency that has been the driving force in advancing the concept of community policing through the creation of locally driven problem-solving strategies and police-community partnerships. COPS is responsible for one of the greatest infusions of resources into state and local law enforcement in our nation's history.

Since 1994, COPS has invested \$7.5 billion to add community policing officers to the nation's streets, enhance crime fighting technology, support crime prevention initiatives, and advance community policing nationwide. COPS funding has furthered the advancement of community policing through community policing innovation conferences, the development of best practices, pilot community policing programs, and applied research and evaluation initiatives. COPS has also positioned itself to respond directly to emerging law enforcement needs. Examples include working in partnership with departments to enhance police integrity, promoting safe schools, and combating the methamphetamine drug problem.

The COPS Office has made substantial investments in law enforcement training. COPS created a national network of training institutes that has revolutionized law enforcement training, and also supports the advancement of community policing strategies through the complimentary national training deliv-

ery system provided by the Community Policing Consortium. Furthermore, COPS has made a major investment in research which makes possible the growing body of substantive knowledge covering all aspects of community policing.

These substantial investments have produced a significant community policing infrastructure across the country as evidenced by the fact that more than two-thirds of the nation's law enforcement agencies have sought COPS grants and were awarded funding. The COPS Office continues to respond proactively by providing critical resources, training, and technical assistance to help state and local law enforcement implement innovative and effective community policing strategies.

About PERF

The Police Executive Research Forum (PERF) is a national professional association of chief executives of large city, county and state law enforcement agencies. PERF's objective is to improve the delivery of police services and the effectiveness of crime control through several means:

- the exercise of strong national leadership,
- the public debate of police and criminal issues,
- the development of research and policy, and
- the provision of vital management and leadership services to police agencies.

PERF members are selected on the basis of their commitment to PERF's objectives and principles. PERF operates under the following tenets:

- Research, experimentation and exchange of ideas through public discussion and debate are paths for the development of a comprehensive body of knowledge about policing.
- Substantial and purposeful academic study is a prerequisite for acquiring, understanding and adding to that body of knowledge.
- Maintenance of the highest standards of ethics and integrity is imperative in the improvement of policing.
- The police must, within the limits of the law, be responsible and accountable to citizens as the ultimate source of police authority.
- The principles embodied in the Constitution are the foundation of policing.

Related PERF Titles

- And Justice for All: Understanding and Controlling Police Abuse of Force*
- Citizen Involvement: How Community Factors Affect Progressive Policing*
- Citizen Review Resource Manual*
- Deadly Force: What We Know—A Practitioner's Desk Reference on Police-Involved Shootings*
- Drug Enforcement in Minority Communities: The Minneapolis Police Department, 1985-1990*
- Force Factor: Measuring Police Use of Force relative to Suspect Resistance*
- Police Education and Minority Recruitment: The Impact of a College Requirement*
- Police Interactions with Racial and Ethnic Minorities: Resolving the Contradictions Between Allegations and Evidence*
- Policing a Multicultural Community*
- Why Police Organizations Change: A Study of Community-Oriented Policing*

PERF also has many publications on community problem solving, evaluating police agencies and practices and other materials used for promotion exams, training and university classes. For a free catalog or more information, call toll-free to 1-888-202-4563. PERF's online bookstore can be found at www.policeforum.org on the Publications section of the Website.



Racially Biased Policing: A Principled Response



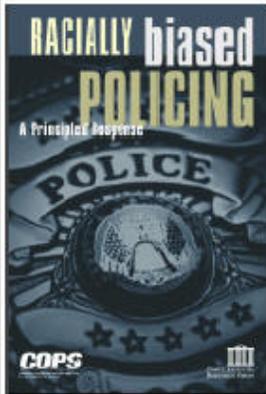
SUPPLEMENTAL MATERIALS

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CHAPTER IV

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CHAPTER VIII



Download the eBook version of **Racially Biased Policing: A Principled Response**. There are also additional related links below for [Supplemental Materials and Resources](#). Free bound copies of this report have been sold out and are no longer available. More PERF Publications are available to view in our store in our [website](#). All PERF eBooks require [Adobe Reader](#) which is available free from Adobe.

Funded by the Office of Community Oriented Policing Services, this video is suitable for use in any forum where police and citizens come together to discuss racially biased policing. The 15-minute video sets out the issues of racially biased policing and the perceptions of its practice, presents ethnic minority people sharing experiences that they characterize as racially biased policing, and conveys through narrative and example how police and residents can engage on this critical topic and develop constructive, cooperative methods for responding to both racially biased policing and the perceptions of its practice. The accompanying Video Guide suggests a session agenda, including questions to be posed to the attendees following the video.

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Order your free copy of the new PERF video & accompanying guide that is designed to facilitate police-citizen discussions on the topic of racially biased policing! If you are with a law enforcement agency and would like to obtain a free VHS tape of "Racially Biased Policing," please contact [Nate Ballard](#).

The research and report on Racially Biased Policing conducted by PERF was supported by grant #1999-CK-WX-0076, awarded by the Office of Community Oriented Policing Services, U.S. Department of Justice. The authors are: Lorie Fridell, Robert Lunney, Drew Diamond and Bruce Kubu with the assistance of Michael Scott and Colleen Laing.

Police agencies are encouraged to adopt the policy contained in Chapter 4, in whole or in part, as needed. We request that you contact us if you adopt the policy or utilize other materials/information so that we know which departments are using this resource, and can provide you with any updates and related materials as they become available. Also, if you have comments on the web site and/or materials or website links that we should add. Please contact Bruce Kubu by phone, 202-454-8308, or [email](#).

To properly reference PERF's work, the citation should read, "Fridell, Lorie, Robert Lunney, Drew Diamond and Bruce Kubu. 2001. Racially Biased Policing: A Principled Response. Washington, D.C.: Police Executive Research Forum.

Points of view or opinions contained within the document are those of the authors and do not necessarily represent the official position

or policies of the U.S. Department of Justice or PERF's members.

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SUPPLEMENTAL MATERIALS AND RESOURCES

The book provides the information you need to improve your understanding of racially biased policing. The book contains the following chapter contents:

Chapter I: [Critical Issues in Racially Biased Policing](#)

Chapter II: [Police and Citizen Perceptions \(the survey is in the eBook\)](#)

Chapter III: [Accountability and Supervision](#)

Chapter IV: [A Policy to Address Racially Biased Policing and the Perceptions Thereof](#)

Chapter V: [Recruitment and Hiring](#)

Chapter VI: [Education and Training](#)

Chapter VII: [Minority Community Outreach](#)

Chapter VIII: [Data Collection on Citizens' Race/Ethnicity To Address Racially Biased Policing and the Perceptions Thereof](#)

References

The following sections provide the supplemental materials and resources that complement the book.

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CHAPTER IV: A POLICY TO ADDRESS RACIALLY BIASED POLICING AND THE PERCEPTIONS THEREOF

Police agencies are encouraged to adopt the policy contained in Chapter 4, in whole or in part, as needed. We request only that you contact us so that we know which departments have adopted the policy, and can provide you with any updates and related materials as they become available. Please contact Bruce Kubu by phone, 202-454-8308, or email.

Policies and Statutes

- [Racial Profiling Data Collection Resource Center at Northeastern University's Statutory Update](#) Legislation prohibiting racial profiling and/or requiring jurisdictions to collect data on law enforcement stops and searches.
- Police Foundation's Statutory Update: Racial Profiling: The State of the Law www.policefoundation.org - click on RAMS II/QSI Software, then click on Collateral Materials, then click on Racial Profiling: The State of the Law (PDF file)
- [AELE Law Enforcement Legal Center web page](#). A direct link to 10 state profiling statutes.
- [CALEA's standard on racial profiling](#) and early warning and employee assistance program (EAP).
- [Colorado Act concerning Racial Profiling](#). Scroll down and click on "concerning profiling in connection

with law enforcement traffic stops."

- [Davenport Police Department Racial Profiling order](#):
- [Denver Police Department Racial Profiling policy](#). Scroll down and click on "Denver Police Department's Policy."
- [Florida Highway Patrol Racial Profiling web page](#).
- [Lexington-Fayette Urban County Division of Police Racial Profiling policy](#).
- [St. Louis County Police Department Racial Profiling policy](#).
- [Texas Legislation addressing Racial Profiling](#).

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CHAPTER VII: MINORITY COMMUNITY OUTREACH

Sample Protocol:

[Agreement between the St. Paul Police Department and the St. Paul Chapter of the NAACP](#) concerning Racial Profiling, Police Civilian Internal Affairs Review Commission, and Police Relations in Communities of Color.

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CHAPTER VIII: DATA COLLECTION ON CITIZENS' RACE/ETHNICITY TO ADDRESS RACIALLY BIASED POLICING AND THE PERCEPTIONS THEREOF

Sample Protocol:

- [Miami Police Department Citizen Contact Card.](#)
- [Colorado Act concerning Racial Profiling.](#) Scroll down and click on "concerning profiling in connection with law enforcement traffic stops."
- [Davenport Police Department Data Collection Protocol](#) (for scanning)
- [Denver Police Department Racial Profiling data collection form.](#) Scroll down and click on "Citizen Contact Datasheet."
- [Department of Justice \(DOJ\) Resource Guide on Racial Profiling Data Collection Systems.](#)
- [Florida Highway Patrol data collection process](#) and [instructions.](#)
- [Lexington-Fayette Urban County Division of Police form](#) and memorandum regarding the documentation of searches.
- [Lexington-Fayette Urban County Division of Police form](#) and memorandum regarding traffic warnings.
- [Montgomery County \(MD\) Police Department data collection program.](#)
- [Sacramento Police Department data collection project.](#)

- [St. Louis County Police Department data collection form and instructions.](#)

Jurisdiction Reports:

- [Traffic Stop Practices of the Iowa City Police Department, 2001.](#)
- [Traffic Stop Practices of the Louisville Police Department, 2001.](#)
- [1998 Report Evaluating North Carolina State Highway Patrol Data.](#)
- [Annual Report on 2001 Missouri Traffic Stop Data.](#)
- [Montgomery County \(MD\) Police Department's Traffic Stop Data Collection Analysis Report. First Report](#)
- [Montgomery County \(MD\) Police Department's Traffic Stop Data Collection Analysis Report; April - September 2001. Second Report](#)
- [Montgomery County \(MD\) Police Department's Traffic Stop Data Collection Analysis Report; October 2001 - March 2002. Third Report](#)
- [California Highway Patrol report.](#)
- [Interim Report of Traffic Stop Statistics for the State of Connecticut.](#)
- [The Rhode Island Attorney General Report on Rhode Island Traffic Stops.](#)
- [Texas Department of Public Safety Traffic Stop Data Report.](#)
- [San Diego Police Department Racial Profiling data collection report.](#)

- [Washington State Patrol data collection report.](#)
- [Missouri Attorney General's report on traffic stops to the Governor and Legislature.](#)

Articles and Commentary

- [Internal Benchmarking for Traffic Stop Data: An Early Intervention System Approach, a discussion paper by Dr. Samuel Walker, University of Nebraska.](#)
- [How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on it!](#)
- [Racial Profiling Data Collection Resource Center at Northeastern University.](#) This website contains valuable resources concerning Racial Profiling!
- [Contacts Between the Police and the Public: Findings from the 1999 National Survey.](#)
- [The Oregon Law Enforcement Contacts Policy and Data Review Committee's web site.](#)
- [Lexington-Fayette Urban A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned,](#) Monograph by Deborah Ramirez, Jack McDevitt, and Amy Farrell. Note: this is a rather large file for downloading.
- [Lexington-Fayette Urban County Division of Police traffic charges report.](#)
- [Report of John Lamberth, Ph.D.](#)

This report details a unique attempt at measuring the extent of Racial Profiling on our Nation's highways.

- [San Diego Police Data Program](#)
Urged as Local Model for Other Agencies.

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PRESS MATERIALS

PERF Releases Report on "Racial Profiling"

Contact: Martha Plotkin or David Edelson,
(202) 466.7820 ext. 332 or 321

Date: July 16, 2001

For Immediate Release

Washington, DC—The Police Executive Research Forum (PERF) is releasing Racially Biased Policing: A Principled Response, which provides guidance to police agencies responding to “racial profiling” and the perceptions of its practice.

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To learn about membership opportunities in PERF, send your inquiries to RNeuburger@policeforum.org for consideration.

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SUBJECT

PROFILING POLICY

CALEA STANDARDS

BY AUTHORITY OF

L.E. Walsh

I. PURPOSE

The purpose of this General Order is to reaffirm the Division's policy and practice prohibiting the use of profiling tactics against any group.

II. POLICY

The Division of Police does not condone the profiling of any group by sworn personnel and prohibits any policy, procedure, or practice that constitutes profiling any group of the population for the purposes of traffic stops or investigation.

III. DEFINITION

Profiling: - when a police officer stops, takes enforcement or investigative action against a citizen based solely on the person's race, ethnicity, gender, sexual orientation, religion, socio-economic status, or disability. Profiling may also be defined as characterizing any of the aforementioned groups with a tendency to participate in criminal behavior.

IV. PROCEDURE

A. Initiating Enforcement, Investigations and Citizen Contact

1. Sworn personnel are prohibited from using the race, ethnicity, gender, sexual orientation, religion, socio-economic status, or disability of a person as the sole reason for stopping a vehicle, issuing a citation, making an arrest, conducting a field interview, investigative detention, seizing assets, seeking asset forfeiture, or conducting a search. All investigatory detentions, traffic stops, arrests, searches and seizures shall be based upon the standard of reasonable suspicion or probable cause as required by the Fourth Amendment to the U. S. Constitution and state statutes.
2. Sworn personnel shall treat all citizens with courtesy and respect when making contact. Officers are forbidden from using language, or displaying symbols and gestures, that are commonly viewed as offensive to, or are indicative of bias towards any group.
3. All persons stopped by an officer shall be provided with an explanation for why they were stopped, unless disclosure of such information would undermine an investigation or jeopardize the officer's safety. Motorists are entitled to both a verbal explanation and written documentation of the stop (e.g. Uniform Citation, Warning Notice). Providing citizens with an explanation for why they were stopped fosters better relations with the community and reduces the perception of bias on the part of the police. Nothing in this section shall limit an officer's ability to interview witnesses or discourage routine conversations with citizens not suspected of an offense.

B. Supervisory Responsibility

1. Supervisors shall:
 - a. ensure that their personnel are familiar with this policy and support it's provisions,

- b. receive all citizen complaints or allegations of profiling on the part of individual officers, units, or the Division and forward such information for further inquiry to the Bureau of Internal Affairs, and
 - c. observe the practices of officers to ensure profiling tactics are not utilized.
2. Supervisors are authorized to request database information on the documented stops and searches performed by their personnel at any time.

C. Training

1. The Bureau of Training shall conduct annual training with sworn personnel on subjects that include, but are not limited to profiling, cultural diversity, interaction with citizens, policy, ethics and related topics. Training may be conducted through in-service, special courses, or roll-call training. Participation in training shall be documented and recorded in each officer's training record.
2. The Bureau of Training shall coordinate special training for a particular unit or officer when requested by a Bureau Commander or the Chief of Police.
3. The Bureau of Training will coordinate special training on profiling or related subjects when required by the Disciplinary Review Board or the Chief of Police.

D. Internal Affairs

1. The Bureau of Internal Affairs shall submit a monthly report to the Chief of Police that summarizes inquiries and complaints alleging profiling on the part of Division personnel during the previous month. The monthly report shall include a comparison of the most recent complaint against records documented in earlier complaints.
2. The Bureau of Internal Affairs shall conduct annual analysis each January on complaints/inquiries received during the previous year. Analysis shall include comparisons between Division and individual complaints from previous years. A report indicating the findings shall be forwarded to the Chief of Police and Accreditation Manager.

Distribution Code A – All Sworn Personnel



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DEPARTMENTAL GENERAL ORDER 00-81

ST. LOUIS COUNTY POLICE
OFFICE OF THE CHIEF OF POLICE

D-7
August 22, 2000

Index as:
Citizen Contacts and Traffic Stop Information
Investigative Detention
Racial Profiling
Traffic Stop Information

Cancels:
General Order 00-81
Dated February 29, 2000

CITIZEN CONTACTS AND TRAFFIC STOP INFORMATION

I. PURPOSE

The purpose of this Order is to emphasize the Department's policy for all encounters between police officers and citizens during arrests, traffic stops and investigative detentions. It also outlines the procedure for documenting all traffic stops as required by state law.

II. POLICY

- A. The Department respects and protects the rights of every individual and pledges to treat everyone fairly and without favoritism in all enforcement actions.
- B. All investigative detentions, traffic stops, arrests, searches and seizures of property by commissioned police officers will be based on a standard of "reasonable suspicion" or "probable cause" as required by the Fourth Amendment of the U.S. Constitution and statutory authority.
- C. All investigative detentions, traffic stops, arrests, searches or seizures of property based on race, ethnicity, gender, sexual orientation, religious beliefs, disability, handicap or health-related conditions, or economic level conducted without probable cause or reasonable suspicion, are strictly forbidden. Officers must be able to articulate specific facts, circumstances and conclusions which support probable cause or reasonable suspicion for the arrest, traffic stop or investigative detention.
- D. Each time an officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance the officer shall complete a traffic stop information form as required by RSMO.590.650. This data will be compiled and reported to the Attorney General, State of Missouri on an annual basis no later than March 1st of the following year.
- E. Proactive traffic enforcement and stops are an effective and important law enforcement function. Enforcement efforts are critical in saving lives and reducing injuries that are attributable to either drunk driving or individuals that wantonly violate the traffic laws of our State and communities. In addition, traffic law enforcement is also an effective tool in gathering evidence, apprehending fugitives and combating illegal drugs, illegal weapons and other criminal activity.
- F. *The Law Officer's Pocket Manual* and the Departmental Written Directives which have been issued to all employees identify specific procedures to be used during investigative detentions, traffic stops, arrests, use of force, or search and seizures.
- G. This Order is for Department use only and does not apply in any criminal or civil proceedings. This Order should not be construed as a creation of a higher legal standard of safety of care in an evidentiary sense with respect to third party claims.

III. TRAFFIC STOP INFORMATION FORM

- A. Each time an officer stops a driver of a motor vehicle for a violation of any motor vehicle statute or ordinance, the officer shall complete a Traffic Stop Information Form which records such information as age, gender, race, etc. Instructions for completing the Traffic Stop Information Form are attached. (Note: Information is to be recorded for ONLY the vehicle's driver and forms do not need to be completed for any non-traffic car stop such as suspicious vehicle, etc.)
 - 1. Officers having a mobile computer shall complete the form online.
 - 2. Officers who do not have a mobile computer shall complete the Scantron Traffic Stop Information Form. The form may be completed with blue or black ball point pen or pencil.
- B. Officers completing the Scantron form will submit the completed forms with their activity sheet on a daily basis. Supervisors shall review the forms.
- C. The forms will be forwarded to the Division of Patrol where they will then be sent to the CARE Unit to be scanned.
- D. The Planning and Analysis Unit, shall compile the data and complete a report to be submitted to the Attorney General, State of Missouri on an annual basis. The report must be submitted no later than March 1st of the following year.
- E. The Division of Operational Support shall review individual officer's data on a quarterly basis to determine if any officers have a pattern of stopping members of minority groups for violations of vehicle laws in a number disproportionate to the population of minority groups residing or traveling within the officer's area of patrol.
 - 1. If the review reveals a pattern, the officer's Supervisor shall conduct an evaluation to determine whether the officer routinely stops members of minority groups for violations of vehicle laws as a pretext for investigating other violations of criminal law.
 - 2. Any officer found to have engaged in race-based traffic stops will receive appropriate counseling and training within ninety days of completion of the review.
- F. Annual sensitivity training will be provided for all employees who may conduct motor vehicle stops. The course or courses of instruction will stress the prohibition against racial profiling and emphasize understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.
- G. The Attorney General shall analyze the annual reports of law enforcement agencies and provide a report of the findings no later than June 1st of each year. The Division of Operational Support shall review this report as an aid in determining if officers within the Department are complying with this General Order.

Adopted by
Command Staff

By order of:


COLONEL RONALD A. BATTELLE
Chief of Police

RAB:BH:ag

127102

Approved at the regular Board meeting of August 22, 2000.



ROBERT W. FLAGG
Chairman



PATRICK A. TWARDOWSKI
Secretary

Distribution
All Department Personnel

CALEA Reference
1.2.6, 61.1.2

Acknowledgment of Receipt

_____ Initial Here _____ Date Here

Initials acknowledge receipt of this written directive, responsibility for knowledge of its contents and duty to address any need for clarification to a supervisor.

MIAMI-DADE POLICE DEPARTMENT

CITIZEN CONTACT CARD

Date (MM/DD/CCYY) / /				Time (24 HRS)		Off Duty <input type="checkbox"/> Yes
Driver's Last Name: (as it appears on license)				First		MI:
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
City:			State/Country:		Zip Code:	
Driver License Number:		State:	DOB (MM/DD/CCYY) / /	Race:	Hispanic <input type="checkbox"/> Yes <input type="checkbox"/> No	Sex:
Intersection: First Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Second Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Veh. Year	Veh. Make	Veh. Model	Color	Tag	State	Year
Primary Reason for Stop: <input type="checkbox"/> Equipment Violation <input type="checkbox"/> Hazardous Moving Violation (Check Only One) <input type="checkbox"/> Investigative <input type="checkbox"/> Non-Hazardous Moving Violation <input type="checkbox"/> BOLO <input type="checkbox"/> Traffic Detail <input type="checkbox"/> Other: (Specify) _____						
Searches: Search Conducted: <input type="checkbox"/> of Driver <input type="checkbox"/> of Vehicle <input type="checkbox"/> of Passenger(s) (Check All That Apply) <input type="checkbox"/> Pat Down Consent Search Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No Duration of Search(es) (in minutes): _____ <input type="checkbox"/> Other (Specify): _____						
Reason for Searches: <input type="checkbox"/> Search Made by Consent <input type="checkbox"/> Inventory Search (Check All That Apply) <input type="checkbox"/> Incident to Arrest <input type="checkbox"/> Probable Cause <input type="checkbox"/> Other: (Specify) _____						
Items Found: <input type="checkbox"/> Instrumentalities of Crime <input type="checkbox"/> Fruits of Crime (Check All That Apply) Contraband: <input type="checkbox"/> Drugs and/or Paraphernalia <input type="checkbox"/> Weapons <input type="checkbox"/> Other: (Specify) _____ Plain View: <input type="checkbox"/> Yes <input type="checkbox"/> No						
Disposition of Stop: <input type="checkbox"/> Citation Issued Primary Citation # _____ (Check All That Apply) <input type="checkbox"/> Custody Arrest Number of Citations _____ <input type="checkbox"/> Verbal Warning <input type="checkbox"/> Field Interview Card <input type="checkbox"/> PTA <input type="checkbox"/> Vehicle Towed Records Check Conducted: <input type="checkbox"/> Of Person <input type="checkbox"/> Of Vehicle Case # (If Applicable) _____						
Comments:						
Officer's Name/Rank (Print):			Badge:		Unit Number:	

DATA ENTRY COPY

Race Values

- I - American Indian or Alaska Native
- O - Oriental/Asian
- B - Black
- H - Native Hawaiian or Pacific Islander
- W - White

Sex Values

- M - Male
- F - Female

MIAMI-DADE POLICE DEPARTMENT

CITIZEN CONTACT CARD

Date (MM/DD/CCYY) / /				Time (24 HRS)		Off Duty <input type="checkbox"/> Yes
Driver's Last Name: (as it appears on license)				First		MI:
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
City:			State/Country:		Zip Code:	
Driver License Number:		State:	DOB (MM/DD/CCYY) / /	Race:	Hispanic <input type="checkbox"/> Yes <input type="checkbox"/> No	Sex:
Intersection: First Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Second Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Veh. Year	Veh. Make	Veh. Model	Color	Tag	State	Year
Primary Reason for Stop: <input type="checkbox"/> Equipment Violation <input type="checkbox"/> Hazardous Moving Violation (Check Only One) <input type="checkbox"/> Investigative <input type="checkbox"/> Non-Hazardous Moving Violation <input type="checkbox"/> BOLO <input type="checkbox"/> Traffic Detail <input type="checkbox"/> Other: (Specify) _____						
Searches: Search Conducted: <input type="checkbox"/> of Driver <input type="checkbox"/> of Vehicle <input type="checkbox"/> of Passenger(s) (Check All That Apply) <input type="checkbox"/> Pat Down Consent Search Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No Duration of Search(es) (in minutes): _____ <input type="checkbox"/> Other (Specify): _____						
Reason for Searches: <input type="checkbox"/> Search Made by Consent <input type="checkbox"/> Inventory Search (Check All That Apply) <input type="checkbox"/> Incident to Arrest <input type="checkbox"/> Probable Cause <input type="checkbox"/> Other: (Specify) _____						
Items Found: <input type="checkbox"/> Instrumentalities of Crime <input type="checkbox"/> Fruits of Crime (Check All That Apply) Contraband: <input type="checkbox"/> Drugs and/or Paraphernalia <input type="checkbox"/> Weapons <input type="checkbox"/> Other: (Specify) _____ Plain View: <input type="checkbox"/> Yes <input type="checkbox"/> No						
Disposition of Stop: <input type="checkbox"/> Citation Issued Primary Citation # _____ (Check All That Apply) <input type="checkbox"/> Custody Arrest Number of Citations _____ <input type="checkbox"/> Verbal Warning <input type="checkbox"/> Field Interview Card <input type="checkbox"/> PTA <input type="checkbox"/> Vehicle Towed Records Check Conducted: <input type="checkbox"/> Of Person <input type="checkbox"/> Of Vehicle Case # (If Applicable) _____						
Comments:						
Officer's Name/Rank (Print):			Badge:		Unit Number:	

OFFICER'S COPY

MIAMI-DADE POLICE DEPARTMENT

CITIZEN CONTACT CARD

Date (MM/DD/CCYY) / /				Time (24 HRS)		Off Duty <input type="checkbox"/> Yes
Driver's Last Name: (as it appears on license)				First		MI:
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
City:			State/Country:		Zip Code:	
Driver License Number:		State:	DOB (MM/DD/CCYY) / /	Race:	Hispanic <input type="checkbox"/> Yes <input type="checkbox"/> No	Sex:
Intersection: First Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Second Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Veh. Year	Veh. Make	Veh. Model	Color	Tag	State	Year
Primary Reason for Stop: <input type="checkbox"/> Equipment Violation <input type="checkbox"/> Hazardous Moving Violation (Check Only One) <input type="checkbox"/> Investigative <input type="checkbox"/> Non-Hazardous Moving Violation <input type="checkbox"/> BOLO <input type="checkbox"/> Traffic Detail <input type="checkbox"/> Other: (Specify) _____						
Searches: Search Conducted: <input type="checkbox"/> of Driver <input type="checkbox"/> of Vehicle <input type="checkbox"/> of Passenger(s) (Check All That Apply) <input type="checkbox"/> Pat Down Consent Search Requested: <input type="checkbox"/> Yes <input type="checkbox"/> No Duration of Search(es) (in minutes): _____ <input type="checkbox"/> Other (Specify): _____						
Reason for Searches: <input type="checkbox"/> Search Made by Consent <input type="checkbox"/> Inventory Search (Check All That Apply) <input type="checkbox"/> Incident to Arrest <input type="checkbox"/> Probable Cause <input type="checkbox"/> Other: (Specify) _____						
Items Found: <input type="checkbox"/> Instrumentalities of Crime <input type="checkbox"/> Fruits of Crime (Check All That Apply) Contraband: <input type="checkbox"/> Drugs and/or Paraphernalia <input type="checkbox"/> Weapons <input type="checkbox"/> Other: (Specify) _____ Plain View: <input type="checkbox"/> Yes <input type="checkbox"/> No						
Disposition of Stop: <input type="checkbox"/> Citation Issued Primary Citation # _____ (Check All That Apply) <input type="checkbox"/> Custody Arrest Number of Citations _____ <input type="checkbox"/> Verbal Warning <input type="checkbox"/> Field Interview Card <input type="checkbox"/> PTA <input type="checkbox"/> Vehicle Towed Records Check Conducted: <input type="checkbox"/> Of Person <input type="checkbox"/> Of Vehicle Case # (If Applicable) _____						
Comments:						
Officer's Name/Rank (Print):			Badge:		Unit Number:	

MIAMI-DADE POLICE DEPARTMENT

CITIZEN CONTACT CARD

Date (MM/DD/CCYY) / /			Time (24 HRS)		Off Duty <input type="checkbox"/> Yes	
Driver's Last Name: (as it appears on license)			First		MI:	
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
City:			State/Country:		Zip Code:	
Driver License Number:		State:	DOB (MM/DD/CCYY) / /			
Intersection: First Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Second Street	Direction:	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
House Number	Direction	Street Name	Street Type 1	Street Type 2	Sec. Dir.	
Veh. Year	Veh. Make	Veh. Model	Color	Tag	State	Year

Primary Reason for Stop: (Check Only One)

<input type="checkbox"/> Equipment Violation	<input type="checkbox"/> Hazardous Moving Violation
<input type="checkbox"/> Investigative	<input type="checkbox"/> Non-Hazardous Moving Violation
<input type="checkbox"/> BOLO	<input type="checkbox"/> Traffic Detail
<input type="checkbox"/> Other: (Specify) _____	

You have been stopped by an Officer from the Miami-Dade Police Department. The officer's name, rank, and badge number appears below.

If you have questions concerning this action, you may contact the Miami-Dade Police Department at any of the following locations:

- | | | | |
|--------------------------------------|---|--|---------------------------------------|
| Miami Lakes
(305) 698-1500 | Northside
(305) 836-8601 | Doral
(305) 471-2800 | Cutler Ridge
(305) 378-4300 |
| Kendall
(305) 279-6929 | Intracoastal
(305) 940-9980 | Airport
(305) 876-7373 | Hammocks
(305) 383-6800 |
| Carol City
(305) 626-7950 | Special Patrol
(305) 470-1660 | Police Operations
(305) 571-3000 | |

Officer's Name/Rank (Print):	Badge:	Unit Number:
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IMPLEMENTATION OF TRAFFIC STOP DATA COLLECTION BY THE FLORIDA HIGHWAY PATROL

Introduction

As national interest in the issue of racial profiling for traffic stops increased during 1999, the Florida Highway Patrol (FHP) committed to collecting information about stops made by its troopers. FHP volunteered to undertake this task in order to dispel the growing perception that police routinely engage in such profiling. Legislative interest had been expressed in the 1999 Legislature through the introduction of a bill which would require all law enforcement agencies in the state to collect such data. While the bill did not pass, FHP felt that it could provide the necessary information without the expense of data collection by all of the other agencies.

Existing databases available to FHP only include information on traffic citations, traffic crashes, arrests, and searches for contraband. The databases are not easily linked to obtain information on the race, ethnicity, and age of the drivers being stopped. Also, many traffic stops do not result in enforcement actions which are tracked in computer databases. Written warnings, for example, are not entered into a database. Therefore, it was necessary to design a new system to collect the data.

Planning Committee

The first step in the development of the new data collection system was to form a committee representing all of the units in the Department which would be involved in the process. Areas represented included field operations, planning, reports and records, data processing, legal, communications, dispatchers, troopers, budget, drug interdiction, and training. The committee met at least monthly during the six months prior to the January 1, 2000 implementation date.

The committee was charged with the responsibility of defining the data to be collected, developing a process for collecting and analyzing the data, and developing policies and procedures for the collection. The committee served as a sounding board for ideas from the individual units which will be responsible for various parts of the data collection process.

Reviewing Data Collection Options

One of the early tasks of the committee was to review the various options available for collecting the data. Since the process had to be implemented within about six months, the choices were limited by available funding. The legislative session had already ended and the next session would not begin until March 2000. Therefore, there was no possibility of getting additional funds for at least the first six months of the data collection effort.

Possible options included providing laptop computers to troopers for data collection, having dispatchers enter the data using the computer-aided dispatch system, and

manual collection of the data using paper forms. The first option was ruled out because of the cost. The second was ruled out due to the limited number of dispatchers and the amount of radio communications required. The option chosen was to begin with paper forms, with the possibility of moving to a system using mobile data computers and CDPD communications if funding is provided by the legislature.

Identifying Resources

While there was an effort to minimize costs, some start-up costs were unavoidable. Of particular concern was the cost of computer input of an estimated 1.8 million records each year. Identifying programs which could absorb some of the extra costs was an early task.

The first option examined for data entry was adding positions to the Reports and Records Section and purchasing additional computers. Sufficient positions and funds for new computers were not available. As a result, this task was added to an existing contract for data entry by an outside vendor.

Selecting the Data Elements

Since there were existing legislative proposals at both the state and national levels, an early decision was made to collect at least the data elements which were described in the bills. These items included race, ethnicity, sex, age, time and date of the stop, number of passengers, reason for the stop, whether a search was conducted, rationale for the search, contraband found, whether items were seized for forfeiture, and enforcement actions taken. Initially, there was a tendency to want to collect as much information as possible.

The choice of data elements was constrained by the size of the form, the time a trooper would have to spend filling out the form, and the cost of data entry. There was some debate about whether it was necessary to document the stop completely, including items such as names of drivers and passengers, driver's license number, and citation numbers. The alternative chosen is to confine the traffic stop data to general items which can be used to form an aggregate picture of traffic stops, but do not completely document individual stops.

The first category of data on the form locates the stop. The items in this category are the county number, date, and time of the stop. These items allow the data to be aggregated by county, month, and time of day.

The driver data elements are race, sex, ethnicity, and age. Race and sex are combined into a single code to save room on the form ("White Male", "Black or African-American Female", etc.). Ethnicity is simply whether or not the driver is Hispanic or Latino. Separating this item allows both black and white Hispanics to be identified as His-

panic. For all of these items, the troopers are instructed to record their perception of race, ethnicity, and age unless information is available from a source such as a driver's license. The intent is to avoid having troopers question drivers about race or age. Since racial profiling is based on the officer's perception of race before making the stop, this perception is the appropriate entry for the data (even if it may be wrong).

The vehicle license plate number and state are recorded. This provides some possibility of identifying the information in the database if a complaint is filed about a particular stop. Having the state of registration also will allow analysis of any geographic component to profiling, such as a tendency to stop cars from states along the Mexican border for example.

The last item about the vehicle and its occupants is the number of passengers. This item is included to analyze whether or not there is a pattern of stopping vehicles with (or without) passengers if the driver is of a particular race.

The reason for the stop and enforcement actions are based on the possible violations which may be observed and serve as the basis of the stop. The reason for the stop is the initial observation which caused the trooper to stop the vehicle. Enforcement action is the outcome of the stop (citations, arrests, warnings, or no action) and may or may not include the violation which was the original reason for the stop. The entries on the form for both items are the computer-aided dispatch (CAD) codes for the violations.

If a search is conducted as a result of the stop, the type of search is indicated. If no search is made, there is a separate code for situations in which consent to search was requested and denied. There was a great deal of discussion about the types of searches which might occur. The committee settled on the following:

- Consent Search
- Search Incident to Arrest
- Inventory
- Plain View
- Stop and Frisk (Officer Safety)
- Probable Cause
- Search Warrant

For all of the types except a consent search, the rationale for conducting the search is implicit. If a consent search is conducted, the trooper is asked to note one or more of the following indicators as the rationale for requesting consent: "Physical/Visual", "Vehicle", "Document", and "Verbal".

Finally, any items seized as a result of the stop are indicated. These are divided into up to three types of contraband seized and a yes/no entry if any items, such as vehicles, were seized for a forfeiture proceeding.

By definition, racial profiling only can occur if an officer has some discretion in making the traffic stop. Therefore, troopers are instructed not to include information on stops made on a preset pattern such as at DUI checkpoints, crash investigations, and assistance to disabled vehicles. In these situations, the trooper has no choice about whether or not to stop a vehicle or conduct an investigation and, therefore, racial profiling cannot occur.

Training

There are two aspects of training for the traffic stop data collection project. The first deals with conduct during the traffic stop itself and the second deals with the completion and submission of the data collection form.

Early in the process, a memo was circulated from the Colonel reiterating the FHP policy on conducting traffic stops. The memo was phrased in a positive manner, emphasizing that no one was being accused of racial profiling, but stressed the importance of conducting traffic stops in a professional, unbiased manner. This was followed by a video demonstrating the wrong way and the right way to conduct a traffic stop. The video was used in conjunction with the training on the completion of the form.

Training on the completion and submission of the form was conducted in the field during the month before data collection was to start. Printed instructions were distributed, along with reference materials such as lists of the CAD codes and county numbers. Troopers were taken through various scenarios of traffic stops in which the form should be completed and the proper interpretation of each data element.

Data Collection Process

The data form contains space for information on twenty traffic stops. One line of the form is to be completed as soon as practicable after the completion of the traffic stop. Forms are submitted to the supervisor weekly along with the trooper's weekly activity report. After being signed by the trooper and supervisor, the forms are collected at the district office and checked to be sure that all sworn officers in the district have submitted a form. Troopers who are on leave or assigned to non-traffic duties are still required to submit a form to insure that none are lost or forgotten. The batch of forms is then forwarded to the Reports and Records Section in Tallahassee.

Data forms are sent to an outside contractor for data entry. The forms are returned along with a diskette containing the data. After any corrections are made, the forms are scanned and the images are stored on a CD-ROM for archival purposes.

The database is an SQL database stored using Microsoft SQL Server software. Queries on the database can be made using Microsoft Access, which is part of the normal

software package on personal computers for FHP personnel conducting research or data processing.

Data Analysis and Presentation

A series of standard management reports have been developed to track the progress of the data collection and provide aggregate views of the data at the county and state levels. The reports include breakdowns by race, sex, ethnicity, reason for the stop, and type of search conducted.

Ad hoc queries can be used for more in-depth research once a suitable amount of data has been collected. This research will focus on correlations between the data items to identify any patterns which might be present.

When the information is presented to the public, it will be important to keep it within the context of the state's demographic profile. Particular racial and ethnic groups tend to be over-represented in some counties. A high representation of a particular group in the traffic stop data may simply represent the composition of that county's population. Another important aspect of the presentation will be the outcome of the traffic stop. If a search is conducted, how often is contraband found or an arrest made?

Benefits of Traffic Stop Data Collection

While the primary benefit of this project is expected to be increased public confidence in the performance of law enforcement officers, several other benefits have emerged. The process of developing the form and choosing the data elements has caused a new evaluation of procedures followed during a variety of activities such as searches and conducting checkpoints. This is expected to lead to improved policies and procedures.

Collecting data on all traffic stops will provide a better picture of overall activity. To date, the number of stops during which no enforcement action is taken has not been available.

The process of collecting the data also keeps the issue of conducting unbiased stops and completely documenting searches and other activities in the minds of troopers during their daily activities.

START-UP DATA PROCESSING COSTS

<u>Item</u>	<u>Cost</u>
Document Scanner	\$9,645
PC Workstations (3) and File Server	12,963
Computer Software	3,260
Furniture for Computer Workstations	1,796
Data Entry (January 1, 2000 to June 30, 2000)	<u>124,000</u>
Total	\$151,664

OTHER START-UP ITEMS PRODUCED IN-HOUSE

Roll Call Video
Design of Form and Instructions
Printing of Forms and Instructions
Training
Database Design
Data Entry for Pilot Test

TRAFFIC STOP DATA REPORT INSTRUCTIONS

This form is to be completed after each traffic stop involving a vehicle. Report all traffic stops except crash investigations, disabled vehicles, and checkpoints. The form is to be submitted along with the Weekly Report of Daily Activity.

Race/Sex

- 1 White Male
- 2 White Female
- 3 Black or African-American Male
- 4 Black or African-American Female
- 5 American Indian or Alaskan Male
- 6 American Indian or Alaskan Female
- 7 Asian Male
- 8 Asian Female

Reason for Stop
Use CAD Code for the action or condition which caused the vehicle to be stopped.

NOTE: The Reason for Stop field must always be completed.

Enforcement Action
Use CAD Code for each action taken. The appropriate CAD codes (alpha and numeric) must appear in this field.

Ethnicity

- 0 Not Hispanic or Latino
- 1 Hispanic or Latino

Type of Search

- 0 No Search Requested
- 1 No Search/Consent Denied
- 2 Consent Search Conducted
- 3 Search Incident to Arrest

Vehicle

Tag Number: Enter Tag Number (omit blank spaces).

- 4 Inventory
- 5 Plain View
- 6 Stop and Frisk (Officer Safety) (s. 901.151, F.S.)
- 7 Probable Cause
- 8 Search Warrant

State: Use standard postal abbreviation for state, province, or other jurisdiction of registration.

Search Rationale

(Use only if Type of Search is Consent)

- 0 Not Applicable
- 1 Physical/Visual Indicators
- 2 Vehicle Indicators
- 3 Document Indicators
- 4 Verbal Indicators

Contraband Seized

- 0 None
- 1 Drugs
- 2 Paraphernalia
- 3 Currency
- 4 Vehicle

5 Alcohol/Tobacco Products

- 6 Weapons
- 7 Other

Items Seized for Forfeiture

- 0 No
- 1 Yes

**DIVISION OF FLORIDA HIGHWAY PATROL
TRAFFIC STOP DATA REPORT**

Week of _____ Name _____ ID Number _____ HQ County _____ Troop _____

County Number	Date mm/dd	Time	Driver			Vehicle		Number of Passengers	Reason for Stop	Enforcement Action	Search		Type of Contraband Seized	Items Seized for Forfeiture
			Race/ Sex	Ethnicity	Age	Tag Number	State				Type	Rationale for Consent Search		
1		AM												
2		AM												
3		AM												
4		AM												
5		AM												
6		AM												
7		AM												
8		AM												
9		AM												
10		AM												
11		AM												
12		AM												
13		AM												
14		AM												
15		AM												
16		AM												
17		AM												
18		AM												
19		AM												
20		AM												

I CERTIFY THAT THIS IS AN ACCURATE REPORT OF TRAFFIC STOPS.

REVIEWED BY:

DATE _____ SIGNATURE _____ DATE _____ SIGNATURE _____ Page _____ of _____

TRAFFIC STOP DATA REPORT

INSTRUCTIONS

Listed below are instructions for completion of the Florida Highway Patrol Traffic Stop Data Report form (HSMV 62150). Each number or letter corresponds to an item to be completed on the form.

WEEK OF

“Week of” should include the entire seven-day workweek beginning Friday running through the following Thursday. This date must correspond with the day of the workweek shown on the form.

Example: If Friday is the first day of the workweek, then the Week of the report should be shown as 9/10 through 9/16/99. List the date in the following sequences: month, beginning date of workweek through the ending date of the workweek.

NAME

Print your full name.

ID NUMBER

Enter your eight digit Identification Number.

Example: 1234-0998 (Permanent Identification – Trooper Identification Number.)

HQ COUNTY

Enter the county number designated for the county in which you are assigned.

Example: If you are assigned to Leon County, your Headquarters number is 13.

TROOP

Enter the letter that designates your assigned troop and the number of your district.

COUNTY NUMBER

Enter the number designation of the county in which the traffic stops occurred. These are the DHSMV county codes as used on the Florida Uniform Traffic Crash Report.

Example: If the stop occurred in Jefferson County, enter the assigned county number (46) in this space.

DATE

Enter the date the traffic stop occurred, in month and day order.

Example: 09/10

TIME

Enter the time of the traffic stop (using a 12 hour clock) and circle A.M. or P.M.

DRIVER SECTION

1. **Race/Sex:** Enter the code in this field that most closely describes the race and sex of the driver. Race is based on observed physical characteristics. Estimate should be based on apparent ancestry. (See code listing on the reverse side of the Traffic Stop Data Report form).

White: Primarily descended from native peoples of Europe, the Middle East, and North Africa.

- 1 – White Male
- 2 – White Female

Black or African-American: Primarily descended from native peoples of Africa south of Sahara.

- 3 – Black Male
- 4 – Black Female

American Indian or Alaskan: Primarily descended from native peoples of North and South America.

- 5 – American Indian or Alaskan Male
- 6 – American Indian or Alaskan Female

Asian: Primarily descended from native peoples from the Far East, Asian portions of Russia, the Indian sub-continent, Hawaii, other South Pacific Islands, and Oceania.

7 – Asian Male

8 – Asian Female

2. **Ethnicity:** Ethnicity is an estimate, based on physical characteristics, language, and/or name, of a person's cultural affiliation with countries in Central or South America, or the Caribbean Islands. Enter the appropriate code in this field. (See code listing on the reverse side of the Traffic Stop Data Report form).

0 – Not Hispanic or Latino

1 – Hispanic or Latino

3. **Age:** Enter the estimated age of the driver, or the actual age from the driver license if license is requested and available as part of the stop.

VEHICLE SECTION

1. **Tag Number:** Enter the license plate number of the vehicle. Enter "None" if missing, lost, not attached, or unknown.
2. **State:** Enter the state, province, or other jurisdiction of registration. Use the standard, two letter postal service abbreviations for all states, provinces, or other jurisdictions. Use the expanded list of postal codes provided.

NUMBER OF PASSENGERS

Enter the number of passengers in the vehicle. Do not include the driver.

REASON FOR STOP

The observed behavior or traffic violation which was the reason for initiating the traffic stop. Enter the appropriate numeric CAD code in this field which best describes the violation, behavior, or condition which caused the stop to be initiated. **Do not use the CAD alpha prefix in this field.**

NOTE: The Reason for Stop field must always be completed.
--

Example: Enter 12 (12 – Speed).

ENFORCEMENT ACTION

Provide the CAD Code for each action taken. The appropriate CAD codes (alpha and numeric) must appear in this field for up to three enforcement actions. If there are more than three enforcement actions, include the top three in the following priority order:

- Felony Arrest
- Misdemeanor Arrest
- Infraction Arrest
- Warning
- Faulty Equipment Notice

Example: I12 – Speeding Infraction

NOTE: In the event that no enforcement action is taken, please use the alpha designation “Z” denoting “No Action” before the appropriate numeric CAD code.

Example: Z12 – Stopped for Speeding/No Action Taken

SEARCH SECTION

If a search is initiated, select the category that best describes the type of search. If no search is made, enter “0” if consent was not requested or “1” if consent for a search was requested and denied.

1. **Type:** Enter the appropriate code in this field. (See code listing on the reverse side of the Traffic Stop Data Report form).

- 0 – No Search Requested
- 1 – No Search/Consent Denied
- 2 – Consent Search Conducted
- 3 – Search Incident to Arrest
- 4 – Inventory
- 5 – Plain View
- 6 – Stop and Frisk (Officer Safety, s. 901.151, F.S.)
- 7 – Probable Cause
- 8 – Search Warrant

2. **Rationale for Consent Search:** If the suspect consents to a search, indicate up to four types of indicators that caused consent to be requested. *Enter “0” for not applicable if Type of Search is not Consent.* Enter the appropriate code(s) in this field. (See code listing on the reverse side of the Traffic Stop Data Report form).

0 – Not Applicable: Enter “0” for not applicable if Type of Search is not Consent

1 – Physical/Visual Indicators: Physical conditions of the suspect or surroundings, which lead to a suspicion that there is criminal activity.

Example: All violators, when stopped, will exhibit some form of stress-related behavior. The officer may note that the violator is exhibiting stress that is abnormal based on the officer’s training and experience. For example, the subject no longer makes eye contact during the roadside interview or the subject crosses their arms when answering certain questions (becoming defensive).

The driver’s actions are combative or overly friendly; this may be inconsistent with similar stops for this type of violation.

2 – Vehicle Indicators: Physical characteristics of the vehicle that lead to a suspicion that there is criminal activity.

Example: The vehicle displays signs of alteration inconsistent with weather conditions; i.e., screws missing, undercoating painted only in particular areas, spare tire in the passenger compartment, etc. These, as well as others, are indicative of a concealed compartment.

The driver may be operating the vehicle inconsistent with weather conditions, i.e., windows down during inclement weather (possibly due to an overwhelming odor of contraband), or the vehicle displays an excessive amount of air-fresheners, fabric softener sheets, carpet fresheners, etc.

The officer observes paraphernalia indicative of drug packaging and sales; i.e., duct tape, scales, tin foil, envelopes, cutting agents, etc.

3 – Document Indicators: Observed discrepancies in documents provided by the suspect that lead to a suspicion that there is criminal activity.

Example: The vehicle is a rental vehicle for which the driver has no knowledge of the person who rented the vehicle and the driver is not noted anywhere on the rental agreement contract.

Driver produces a driver’s license, but when asked, the driver is unable to validate the information; i.e., proper date-of-birth, address, etc.

Other documents in the vehicle do not substantiate the trip plans indicated by the driver and/or passengers: i.e., gas receipts, maps, etc.

4 – Verbal Indicators: Conflicting statements or other verbal clues that lead to a suspicion that there is criminal activity.

Example: The officer notes a discrepancy during the roadside interview. Inconsistencies such as specific name of passengers, travel origin and destination, prior arrest, etc.

Subject begins to answer the officer's questions with questions.

TYPE OF CONTRABAND SEIZED

If contraband is seized as a part of the stop, enter up to three categories of contraband from the list provided. Paraphernalia includes drug paraphernalia, lab equipment and supplies, and precursor drugs. Enter the appropriate code or codes in these fields.

- 0 – None
- 1 – Drugs
- 2 – Paraphernalia
- 3 – Currency
- 4 – Vehicles
- 5 – Alcohol/Tobacco Products
- 6 – Weapons
- 7 – Other

ITEMS SEIZED FOR FORFEITURE

If items are seized as result of the stop which will be subject to a forfeiture action enter "1" (Yes). Enter "0" (No) if nothing is seized or if the only seizure is contraband seized as evidence. Enter the appropriate code in this field.

- 0 – No
- 1 – Yes

CERTIFICATION OF THE TRAFFIC STOP DATA REPORT FORM

1. **Date:** Enter the date the report was certified, in month, day, and year order.
2. **Signature:** The reporting officer must certify by signature on each Traffic Stop Data Report form indicating that the report is an accurate report of Traffic Stops for the reporting workweek. A facsimile signature is unacceptable.

3. **Reviewed By:** The Supervisor is responsible for assuring that the Traffic Stop Data Report form is completed in accordance with patrol policy. A facsimile signature is unacceptable.
4. **Page:** Enter the page number and the total number of pages to be submitted for the reporting period.

GENERAL INFORMATION

1. All Florida Highway Patrol sworn personnel are to submit a Traffic Stop Data Report form on a weekly basis.
2. The report should include all traffic stops made during the week except those related to traffic crash investigations, disabled vehicles, and checkpoints.
3. If a stop is initiated based on aircraft or radar observation, the report is to be made by the trooper actually conducting the stop.
4. Traffic Data Stop forms are to be turned in or mailed to the reporting Florida Highway Patrol station no later than the third day following the end of the workweek.



Lexington Fayette Urban County
Division of Police
GENERAL ORDER
Lexington, Kentucky

Date of Issue
2/1/00

Page
1 of 3

Number
G.O. 00-1

SUBJECT

SEARCH DOCUMENTATION

CALEA STANDARDS

BY AUTHORITY OF

L. C. Walsh

I. PURPOSE

The purpose of this General Order is to establish the procedure for documenting searches that are not related to the execution of a search warrant or subsequent to physical arrest.

II. POLICY

It shall be the policy of the Division of Police to document searches conducted by sworn personnel in conjunction with field investigations, but in the absence of a search warrant.

III. DEFINITIONS

- A. **Frisk** - the search of a person for the purpose of locating weapons. A frisk is allowed for the sole purpose of the protection of the officer and other persons at the scene. For purposes of this policy, a frisk will involve external pat down of a subject's clothing. Once the officer enters into an article of clothing, the frisk becomes a documentable search. The authority to stop and frisk is governed by the case of Terry vs. Ohio, 88 S.Ct. 1868 (1968) which is explained in detail within the Kentucky Criminal Law Manual.
- B. **Field Search** - for purposes of this order, a field search shall constitute any search of a person, vehicle, building, or property that is performed in the absence of a search warrant or physical arrest. A field search would include the search of the contents of a subject's clothing, handbag, vehicle, personal property, or building.
- C. **Canine Search** - for purposes of this order, a canine search shall constitute the presentation or search of a vehicle, building, or property by a canine for the purpose of locating narcotics or other contraband. Canine Searches for purposes of this policy do not include a building search conducted in response to a burglary investigation, or a search conducted at the request of other agencies or institutions.

IV. PROCEDURE

A. Search Documentation

- 1. The requirement to complete documentation of each search shall apply to searches of a person, vehicle, land, building, or property, except;
 - a. Search conducted during the execution of a search warrant,
 - b. Search conducted subsequent to arrest,
 - c. Use of Canine to conduct a track or burglary/open door building sweep
 - d. Use of Canine to conduct searches at the request of other agencies or institutions (i.e. FCPS Law Enforcement, etc.).
 - e. Inspections of Commercial Vehicles conducted by authorized inspectors.
 - f. Inspections of licensed liquor establishments conducted by authorized inspectors.
- 2. Sworn personnel conducting a field search shall complete a Search Record, Form 349, during the shift in which the search was conducted.

A Search Record shall be completed for each individual search. Thus, if each occupant of a vehicle is searched prior to arrest or release, a separate form must be completed for each search. Officers assisting in, or witnessing a search shall be documented on the Search Record. If an officer of the opposite gender is summoned to assist in a search, then the requesting officer shall document the name of the assisting officer in the DETAILS section of the Search Record. The officer requesting the assistance of police Canine to perform a search for narcotics shall be responsible for documenting the search on the Search Record Form. The name of the canine handler shall be recorded in the DETAILS section of the Search Record.

3. Search Record Forms shall be completed regardless of whether oral or written consent is granted by the suspect searched. Officers who direct a subject to place items from their person within open view have met the requirements for search documentation. Likewise, officers who begin to frisk a subject, but during the course of the frisk enter the clothing to further investigate an object(s) that may be a weapon must complete a Search Record, Form 349.
4. If an arrest occurs subsequent to the search, officers shall list the evidence/contraband located in the DETAILS section of the record. Information related to the object of, and grounds for the search may be omitted however, if the officer indicates that this information will appear in the Adult/Juvenile Case Summary.
5. If an officer is unable to complete all of the information on the subject of the search, then the incomplete Search Record shall be forwarded with an explanation describing the circumstances resulting in an incomplete record (e.g. hostile crowds that form rapidly, a subject that flees, etc.).
6. Officers shall assign a case number to all Search Record Forms. If no enforcement action is taken in the course of the investigation, Radio Code 7A shall be utilized. This code will alert the Communications Unit Dispatcher that a Search Record Form was completed. Otherwise, officers may utilize a case number obtained for a Uniform Citation to meet this requirement.
7. The Search Record Form shall be forwarded to a supervisor for review and approval prior to the end of the shift.

B. Supervisors' Responsibility

1. Supervisors shall review Search Record Forms for completeness. Supervisors shall forward Search Record forms to the Central Records Unit for processing, following review and approval. Supervisors may retain a Search Record for up to three days in order to review and evaluate the information or to utilize it as a training tool.
2. A commander may direct supervisors to conduct audits of their assigned personnel's Search Record forms:
 - a. to ensure that factual and complete information has been recorded,
 - b. to review issuance based on demographic factors, and
 - c. to provide reports or analysis requested.
3. Based on the type of audit conducted, the Search Record forms sample may include all forms completed for a given time period or a random sample.

C. Central Records Unit Responsibility

1. The case numbers on Search Records received for entry shall be compared to radio code data to ensure the receipt of all completed documents. Information from Search Records completed on adults shall be entered into a database for analysis purposes. Records incomplete or with obvious errors shall be returned to the Bureau of origin for correction. Search Records for juveniles shall

be forwarded to the Family Abuse Section for entry into a separate database.

2. Upon receipt of a written request, received through the chain of command, subsets of the database or printed reports containing the adult Search Record database information may be released to a supervisor or commander for analysis purposes.
3. Search Record Forms and database information shall be retained in accordance with the current retention schedule.

C. Family Abuse Section Responsibilities

1. Information from Search Records completed on juveniles shall be entered into a database for analysis purposes. Once data entry is completed, Search Record Forms completed for juveniles shall be returned to the Central Records Unit for storage.
2. Upon receipt of a written request, received through the chain of command, subsets of the database or printed reports containing the juvenile Search Record database information may be released to a supervisor or commander for analysis purposes. However, the database information released for analysis will not include the name of the juvenile.
3. Database information related to juveniles shall be retained in accordance with the current retention schedule in the Family Abuse Section.

D. Planning & Analysis Unit Responsibilities

The Planning & Analysis Unit shall complete periodic administrative reports concerning the completion of Search Records at the direction of the Unit Commander and Chief of Police. Reports shall be generated on an as-needed basis. Information for this analysis will be obtained from the Central Records Unit and Family Abuse Section.

Distribution Code B – All Division Personnel

LEXINGTON-FAYETTE URBAN COUNTY • DIVISION OF POLICE

FORM 343
(7/99)

WARNING NOTICE

COURTESY STOP/VEHICLE INVESTIGATION

1. NAME (L,F,M)					
2. ADDRESS					
3. CITY			4. STATE	5. ZIP	
6. ID TYPE STATE		7. ID NUMBER			
8. DATE OF BIRTH		SEX		RACE	
		<input type="checkbox"/> MALE <input type="checkbox"/> FEMALE		<input type="checkbox"/> WHITE <input type="checkbox"/> ASIAN <input type="checkbox"/> BLACK <input type="checkbox"/> AM. INDIAN/ALASKA <input type="checkbox"/> HISPANIC <input type="checkbox"/> OTHER	
VEH MAKE		MODEL	YEAR	REG STATE	COLOR
REGISTRATION NO.			DATE	TIME	SECTOR/BEAT

EXACT LOCATION OF STOP:

WARNING NOTICE - [All shaded blocks mandatory]

STATUTE/ORD.	OFFENSE DESCRIPTION

<p>COURTESY STOP [Blocks 1. - 8. optional]</p> <input type="checkbox"/> MOTORIST DIRECTIONS <input checked="" type="checkbox"/> VEHICLE MAINTENANCE, List Below <input checked="" type="checkbox"/> LOOSE ITEM(S), List Below	<p>VEHICLE INVESTIGATION [All shaded blocks mandatory]</p> <input checked="" type="checkbox"/> VEHICLE MATCHING DESCRIPTION <input checked="" type="checkbox"/> OCCUPANT MATCHING DESCRIPTION <input checked="" type="checkbox"/> OTHER REASON FOR STOP, List Below
--	--

DETAILS: _____

CASE NO.	CONTROL NO.	
OFFICER SIGNATURE	EMPLOYEE NO.	ENTER AS F.I. <input type="checkbox"/>

MOTORIST INFORMATION

The form you have been provided serves to record your contact with an officer of the Lexington-Fayette Urban County Division of Police.

- This notice does not require any further action by you.
- This notice will not be recorded on your drivers license record.
- This notice will not be forwarded to insurance companies.
- This notice may inform you of vehicle maintenance concerns that should receive your prompt attention.

Reasons Why You Were Stopped

Moving Violation

The most common reasons for all stops include speeding, failure to stop at a red light or stop sign, suspected impaired driving, failure to use a signal, or small children unrestrained.

Registration or Equipment Violations

Many drivers are surprised to learn their registration has expired. In addition, one headlight or non-working tail/brake lights can result in a stop and citation. It is your responsibility to maintain your vehicle registration and insure that mandatory vehicle components are in working order.

Safety Concerns

A vehicle maintenance problem such as a tire out of balance, open trunk lid, or other problem caught the attention of the officer. The officer is concerned about the safety of you, your passengers and the other motorists sharing the highway with you.

Subject/Vehicle Investigation

Officers observe for vehicles and subjects sought in connection with recent criminal acts. Either you or your vehicle may match the description of a suspect or suspect vehicle. The officer is performing a service to the community when he/she attempts to locate wanted subjects or vehicles. Your cooperation assists the officer in the elimination of you or your vehicle as suspect.

You or your passenger(s) may have been observed in an act that, on first appearance to the officer, appeared to be illegal. Once the officer determined that no violation of the law was committed, you were released.



Lexington Fayette Urban County
Division of Police
SPECIAL ORDER
Lexington, Kentucky

Date of Issue
8/1/99

Page
1 of 3

Number
S.O. 99-3

SUBJECT
WARNING NOTICE PROGRAM

CALEA STANDARDS

BY AUTHORITY OF

L. E. Walsh

I. PURPOSE

The purpose of this directive is to establish the policy and procedure for documentation of driver data for all traffic stops through the use of citations and warning notices.

II. POLICY

It shall be the policy of the Lexington Division of Police to document data on all motorists stopped for violation of the law, safety concerns, or suspicious circumstances. Data obtained from documentation will serve as an administrative tool for traffic citation analysis, activity analysis, policy consideration, supervisory direction, and training.

III. PROCEDURE

A. Officer's Responsibility For Documenting Traffic Stops

1. Officers shall advise the Communications Unit Dispatcher of all traffic stops in accordance with guidelines outlined in General Order series 92-2, Traffic Law Enforcement. A case number shall be assigned to all traffic stops cleared with a Code 9 or Code 9A.
 - a. The radio disposition code for Uniform Citations shall be Code 9.
 - b. The radio disposition code for Warning Notice/Courtesy Stop et al. shall be Code 9A.
2. Officers shall document all traffic stops, except those noted in section III, A, 3, through the use of either a Commonwealth of Kentucky Uniform Citation or Division Warning Notice - Courtesy Stop/Vehicle Investigation Notice (Form 343). The issuance of a Uniform Citation for a traffic offense and Warning Notice/Courtesy Stop et al., to a motorist during a single traffic stop is not permitted. Further references to the Warning Notice in this directive will not include the full title.
3. Discretion is authorized when an officer stops a motorist and determines that the motorist and/or passengers are involved in an actual emergency. Emergencies may include, but are not limited to, serious injuries, doctors responding to a hospital, emergency workers responding to a major event, etc. In such instances, officers shall instruct the motorist to operate their vehicle in compliance with traffic laws. Traffic stops performed under these circumstances do not require the issuance of either a Uniform Citation, Warning Notice, or Case Number. Officers shall utilize a Code 4 to clear such stops.
4. Officers shall record neatly, accurately, and factually all information required on either the Uniform Citation or Division Warning Notice.
5. Officers shall complete either the Warning Notice Section (KRS) or Courtesy Stop/Vehicle Investigation Section of Form 343. Notices with both sections completed will be returned so that the officer can select the primary reason for the stop.
6. Issuing a Warning Notice
 - a. A Warning Notice issued in lieu of a Uniform Citation serves to notify a motorist of:

- 1) Driving behavior that can result in the issuance of a Uniform Citation,
 - 2) Driving behavior that suggested intoxication or the influence of illegal substances, but has been ruled out by sobriety tests,
 - 3) Vehicle maintenance items that need prompt attention and can result in a citation (i.e. no illuminated license plate), and,
 - 4) All other citable offenses.
- b. Warning Notices shall not be issued to motorists who are stopped for, or are found to be in, violation of multiple offenses.
 - c. Warning Notices shall not be issued to motorists whose actions constitute a misdemeanor.
 - d. Warning Notices shall be issued in conjunction with a Warrant or Criminal Summons, when no other traffic offense is involved.
7. Issuing a Courtesy Stop / Vehicle Investigation Notice
- a. Courtesy Stop / Vehicle Investigation Notice issued in lieu of a Uniform Citation serves to notify a motorist of:
 - 1) information when they appear lost,
 - 2) a vehicle maintenance item needs prompt attention (i.e. one working taillight, low tire, etc.),
 - 3) loose item(s) on the vehicle pose a hazard,
 - 4) they or an occupant matches the description of a subject sought by the Division,
 - 5) the similarity of their vehicle to one involved in criminal activity,
 - 6) information not covered by the aforementioned categories (block 6, Form 343).
8. On-duty personnel shall turn in Uniform Citations and Warning Notices to a supervisor or the Central Records Unit prior to the end of their shift. Off-duty personnel shall turn in citations and notices upon return to normal duty. Off-duty personnel shall not hold in their possession a Uniform Citation or Warning Notice for more than three days.
9. The Warning Notice may be used as an F.I. by checking the box indicating such in the lower right corner of the form. The Warning Notice should not be used for this purpose in conjunction with a Uniform Citation. If occupants of the vehicle, other than the driver indicate the need to have an F.I. completed on them, then the Division Field Interview Card (Form 207) shall be utilized.
- B. Supervisors' Responsibility
1. Supervisors shall review Uniform Citations and Warning Citations turned in to them for completeness.
 2. A commander may direct a supervisor to conduct an audit of their assigned personnel's citations:
 - a. to ensure that factual and complete information has been recorded,
 - b. to review activity levels,
 - c. to review citation/notice issuance based on demographic factors.
 3. Based on the type of audit conducted, the citations and notices audited may include all forms completed for a given time period or a random sample.
- C. Central Records Unit Responsibilities
1. Warning Notices shall be entered into a database for analysis purposes. Notices found incomplete or with obvious errors shall be returned to the Bureau of origin for correction.
 2. Warning Notices shall be compared to Case Number assignment logs to ensure that all notices have been received from the issuing officer.

3. Warning Notices that have the F.I. box checked shall be photocopied and the copy forwarded to the Bureau of Investigation for data entry.
4. Upon receipt of a written request received through the chain of command, subsets of the database or printed reports containing the activity of an individual officer or squad of officers may be released to a supervisor or commander for analysis purposes.
5. Warning Notices shall be retained in accordance with the current retention schedule.

D. Planning & Analysis Unit Responsibilities

The Planning & Analysis Unit Traffic Analyst shall complete administrative reports concerning the issuance of Warning Notices at the direction of the Unit Commander and Chief of Police.

Distribution Code B - All Division Personnel

Sacramento Police Department

Racial Profiling Data Collection Project

In September 1999, Governor Gray Davis vetoed Senate Bill 78, which would have required California law enforcement agencies to collect demographic information from traffic stops. He then requested that the cities of Los Angeles and Sacramento collect race and ethnicity data to help determine the extent of the practice of racial profiling in California. Sacramento Police Department staff examined the feasibility of the project, and in February 2000, a Police Department proposal was unanimously approved by City Council to implement a plan to collect and analyze demographic information related to traffic stops. Data collection began July 1, 2000.

Project Expectations

The Sacramento Police Department is committed to providing the best, unbiased professional service to every segment of our community. The intent of the data collection project is to address concerns raised across the nation and in the Sacramento community regarding racial profiling by integrating accountability, technology, and community alliances. Evaluating the data will help determine the extent of racial profiling, where and under what conditions racial profiling is likely to take place, and which officers are most likely to engage in the practice.

Project Development

The data collection project for racial profiling involves Police Department partnerships and collaborations, an independent consultant, and the Sacramento community. The design, integrity, validity and value of this project were given extensive consideration because of the impact this project will undoubtedly have on the nation. Two measures were put into place to address those issues:

- ❑ The Department has partnered with the Washington D.C. based Police Foundation to employ a systemic approach to evaluating performance by linking officer demographic characteristics (gender, race, age, assignment, seniority, education, training, and performance information) with data obtained from the survey instrument.
- ❑ The Department realizes that an independent research authority is fundamental to the development of the survey instrument and analysis of the data. The researcher will monitor data collection, ensure quality control, and merge and analyze the officer data, survey data and U.S. Census information specific to Sacramento. The University of Southern California has submitted a proposal to contract with the Police Department to provide those services and present the results in a mid-project report and final report.

Survey Instrument

A valid survey instrument is crucial to the success of the project. In developing the survey instrument, more than thirty-five possible variables were examined. California Senate Bill 1389¹

¹ On April 27, 2000, Governor Gray Davis and SB1389 author Senator Kevin Murray agreed to inactivate the bill in support of Senate Bill 66 that requires officers to obtain cultural diversity training and to issue business cards to drivers who were stopped and not cited.

would have required officers to collect the following information: race, reason for stop, if a search was conducted, the result of the search, and the result of the stop. The same data variables, supported by civil rights groups, are collected by an estimated sixty California law enforcement agencies, with slight variations as they may apply to each agency (Attachment 1). The Sacramento Police Department has chosen to use a Scantron form for officers to capture a significantly greater amount of information than most other agencies who are collecting data (Attachment 2).

In developing the survey instrument, the Police Department conducted a Department-wide meeting and a series of meetings throughout the city. The purpose of these meetings was to provide information on the project, to respond to any questions and concerns, and to solicit input on the data collection instrument. On Monday, April 10, an estimated 75 sworn and civilian staff attended the Department-wide meeting and provided valuable input. Recommendations also were received from numerous officers who attended continuing professional training classes. To obtain input from the community, letters were mailed, community members were phoned, a press release was issued, and a notice was printed in the Sacramento Bee, encouraging residents to attend area meetings and participate in the process. Between April 10th and April 24th, six meetings were held across the city, drawing an estimated 175 total persons. The Department also contacted the National Association for the Advancement of Colored People and met with representatives from interested organizations, including the American Civil Liberties Union and the Mexican American Legal Defense and Educational Fund regarding the project. The Department has stated in several forums that staff is available to meet with individuals and groups who may have concerns regarding the form and/or the project. A statement has also been placed on the Department's web site at www.sacpd.org regarding racial profiling that includes an e-mail link for anyone who wishes to post questions or concerns.

Finally, in early May 2000, the data collection form was pre-tested. Officers unfamiliar with the form completed it in 1½ to 2½ minutes. This is expected to shorten significantly. The data collection form will be regularly tested throughout the project to ensure validity.

Project Timeline

Data collection began July 1, 2000. A mid-project abbreviated report will be completed in January 2001 and a presentation will be made to City Council shortly thereafter. Data collection will continue until July 2001, after which, a final detailed report will be presented to City Council, followed by public presentations.

The Sacramento Police Department does not condone a law enforcement practice of racial or bias profiling. It is committed to holding open dialogue, discussion, and examination of this issue in order to produce guidelines for police policies, operational procedures, and training programs to ensure professional and legal standards, as well as community expectations for quality of service, are met.

Sacramento Police Department

VEHICLE STOP DATA FORM

CORRECT MARK:

1. APPROXIMATE TIME OF STOP a.m. p.m.

HOUR: 1 2 3 4 5 6 7 8 9 10 11 12

MINUTE: 5 10 15 20 25 30 35 40 45 50 55 60

2. DATE OF STOP YEAR: 2000 2001

MONTH: 1 2 3 4 5 6 7 8 9 10 11 12

DAY: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

16 17 18 19 20 21 22 23 24 25 26 27 28

29 30 31

3. REASON FOR STOP (Mark all that apply)

- Hazardous Violation of the Vehicle Code
- Violation of the Penal Code
- Violation of a city ordinance
- Call for service - suspect description/vehicle description
- Pre-existing knowledge/information
- Equipment/registration violation
- Special detail (POP Project, DUI Checkpoint, Crime Pattern /Series, Narcotic/Prostitution Suppression Detail)
- Other _____

4. RACE/GENDER OF DRIVER Male Female

Afr.-Amer. Hispanic White As./Pac.Isl.

Nat. American Other/Not Apparent

5. DRIVER YEAR OF BIRTH:

<input type="radio"/>									
<input type="radio"/>									

6. DRIVER'S LIC./ID: _____ STATE _____

7. WAS DRIVER ASKED TO EXIT CAR? Yes No

8. NUMBER OF PASSENGERS 0 1 2 3 4

9. WAS A SEARCH DONE?
 Driver Passenger Vehicle No

10. SEARCH AUTHORITY: Consent Terry Cursory
 Incident to Arrest Parole/Probation
 Tow Inventory

11. IF A SEARCH WAS DONE WHAT WAS DISCOVERED OR SEIZED? (Mark all that apply) Weapons Drugs
 Cash Vehicle Alcohol Other Property
 Nothing

12. RESULT OF STOP # _____
 Citation Arrest Report Advised FC

13. STOP LOCATION: _____

DISTRICT: 1 2 3 4 5 6
 7 8 9 10 11 12

14. VEHICLE LIC. PLATE #: _____ STATE _____

15. DURATION OF STOP IN TOTAL MINUTES

1 2 3 4 5 6 7 8 9 10
 11 12 13 14 15 16 17 18 19 20

16. OFFICER BADGE #

<input type="radio"/>									
<input type="radio"/>									
<input type="radio"/>									
<input type="radio"/>									

SECONDARY OFF. BADGE # _____

17. VEHICLE EQUIPPED WITH CAMERA Yes No

SCANTRON CUSTOM FORM NO. F-14521-SPD-L

SCANTRON CORPORATION 2000 ALL RIGHTS RESERVED. PC2 2100-222-5 4 3 2 1

DO NOT MARK IN THIS AREA

0016200

Sacramento Police Department

VEHICLE STOP DATA FORM

CORRECT MARK:

1. APPROXIMATE TIME OF STOP a.m. p.m.

HOUR: 1 2 3 4 5 6 7 8 9 10 11 12

MINUTE: 5 10 15 20 25 30 35 40 45 50 55 60

2. DATE OF STOP YEAR: 2000 2001

MONTH: 1 2 3 4 5 6 7 8 9 10 11 12

DAY: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15

16 17 18 19 20 21 22 23 24 25 26 27 28

29 30 31

3. REASON FOR STOP (Mark all that apply)

- Hazardous Violation of the Vehicle Code
- Violation of the Penal Code
- Violation of a city ordinance
- Call for service - suspect description/vehicle description
- Pre-existing knowledge/information
- Equipment/registration violation
- Special detail (POP Project, DUI Checkpoint, Crime Pattern /Series, Narcotic/Prostitution Suppression Detail)
- Other _____

4. RACE/GENDER OF DRIVER Male Female

Afr.-Amer. Hispanic White As./Pac.Isl.

Nat. American Other/Not Apparent

5. DRIVER YEAR OF BIRTH:

<input type="radio"/>									
<input type="radio"/>									

6. DRIVER'S LIC./ID: _____ STATE _____

7. WAS DRIVER ASKED TO EXIT CAR? Yes No

8. NUMBER OF PASSENGERS 0 1 2 3 4

9. WAS A SEARCH DONE?
 Driver Passenger Vehicle No

10. SEARCH AUTHORITY: Consent Terry Cursory
 Incident to Arrest Parole/Probation
 Tow Inventory

11. IF A SEARCH WAS DONE WHAT WAS DISCOVERED OR SEIZED? (Mark all that apply) Weapons Drugs
 Cash Vehicle Alcohol Other Property
 Nothing

12. RESULT OF STOP # _____
 Citation Arrest Report Advised FC

13. STOP LOCATION: _____

DISTRICT: 1 2 3 4 5 6
 7 8 9 10 11 12

14. VEHICLE LIC. PLATE #: _____ STATE _____

15. DURATION OF STOP IN TOTAL MINUTES

1 2 3 4 5 6 7 8 9 10
 11 12 13 14 15 16 17 18 19 20

16. OFFICER BADGE #

<input type="radio"/>									
<input type="radio"/>									
<input type="radio"/>									
<input type="radio"/>									

SECONDARY OFF. BADGE # _____

17. VEHICLE EQUIPPED WITH CAMERA Yes No

SCANTRON CUSTOM FORM NO. F-14521-SPD-L

SCANTRON CORPORATION 2000 ALL RIGHTS RESERVED. PC2 2100-222-5 4 3 2 1

DO NOT MARK IN THIS AREA

0016199

Vehicle Stop Data Form Instructions

This form is to be completed immediately following each officer-initiated stop using a No. 2 pencil or black or blue ink pen. Please note that marks outside the designated spaces will cause the Scantron machine to reject the form and it will be returned to you for correction by Records.

1. **APPROXIMATE TIME OF STOP**
Approximate time of day/night the stop was initiated.
2. **DATE OF STOP**
Self-explanatory.
3. **REASON FOR STOP**
Officer shall indicate the reason(s) the stop was initiated. Only information known to the officer before or at the time of the stop should be considered.
4. **RACE/GENDER OF DRIVER**
Race: Officer shall use his/her own judgment to determine the subject's race **by observation only** for the following categories:
Afr-Amer = African American Hispanic = Hispanic White = Caucasian
As./Pac.Isl = Asian/Pacific Islander Nat. American = Native American
Other/Not Apparent = Race cannot be determined by observation
Gender: Officer shall use his/her own judgment or information obtained from the subject's drivers license or other identification to determine the subject's gender.
5. **DRIVER'S YEAR OF BIRTH**
Indicate the final two digits of driver's year of birth.
6. **DRIVER'S LICENSE/IDENTIFICATION NUMBER**
Self-explanatory.
7. **DRIVER ASKED TO EXIT CAR**
Select "No" if the subject exits the vehicle without being directed or asked to do so.
8. **NUMBER OF PASSENGERS**
Number of persons in the vehicle *in addition to the driver*.
9. **WAS A SEARCH DONE?**
Mark all that apply and indicate if a search was conducted and who/what was searched.
10. **SEARCH AUTHORITY**
Indicate the initial authority for the search.
Consent: Consent to search obtained from driver
Terry Cursory: Limited search for weapons based on reasonable suspicion
Incident to Arrest: Self-explanatory
Parole/Probation: Self-explanatory
Tow Inventory: Self-explanatory
11. **IF A SEARCH WAS DONE, WHAT WAS DISCOVERED OR SEIZED?**
Self-explanatory.
12. **RESULT OF STOP**
Mark all that apply. Officer shall indicate the disposition of the stop and the corresponding type of report and/or reference number of any citation, report, or associated call. If the vehicle stop was put out via radio or MDT, the call number for that stop shall be entered. Driver information should be recorded first followed by passenger info.
13. **STOP LOCATION**
Officer shall indicate an approximate address and the exact district where the stop was initiated.
14. **VEHICLE LICENSE PLATE #**
Self-explanatory.
15. **DURATION OF STOP IN TOTAL MINUTES**
Duration of stop shall commence from the time the stop is initiated (i.e., lights turned on) to cite and/or release or arrest of subject.
16. **OFFICER BADGE # / SECONDARY OFFICER BADGE #**
Officer initiating the stop shall indicate his/her badge number. For stops that occur involving two-officer vehicles, the passenger officer's badge number shall also be included.
17. **VEHICLE EQUIPPED WITH CAMERA**
Officer shall indicate whether their vehicle was equipped with a video camera.

INSTRUCTIONS FOR TRAFFIC STOP INFORMATION FORM

RSMo. 590.650 requires that a Traffic Stop Information Form be completed for all traffic stops. It is not necessary to complete a form for any non-traffic car stop such as a suspicious vehicle, etc. The form must be completed whether the driver is Caucasian or a member of a minority group. The questions on the form pertain to the vehicle's driver only. Information pertaining to searches of passengers need not be recorded. In order to provide officers with a convenient and expedient method of recording the State required data the Department has made an "on-line" form available on the Mobile Data Computers. For those officers who do not have a computer installed in their vehicle a Scantron form is available. The Scantron forms are approximately the size of a ticket book and will be padded in books of 50. The form consists of a series of multiple choice questions. The Scantron Form may be completed with pencil, or black or blue ballpoint pen.

Enter DSN (Department Serial Number). Officers with a three-digit DSN should enter 0 + their three digit DSN.

Enter COGIS.

Enter the approximate time of stop: am or pm, hour, minute (listed in 5 minute intervals).

Enter the date of stop: choose appropriate year, month (1=January, 2=February, 3=March, etc.) and day.

1. **Was driver's race identifiable prior to stop?**
When making the decision to stop the vehicle, could you identify the driver's race?
2. a. **Traffic Violation resulting in stop? (Mark all that apply)**
Indicate if the stop resulted from a moving violation, equipment violation, or license violation.
2. b. **If "moving" indicate category of violation: (Mark all that apply)**
For all instances where a "moving" violation resulted in the stop, indicate the category of violation(s). If no category applies to the violation, use "Other." NOTE: CVE = Commercial Vehicle Enforcement
3. **Result of traffic stop? (Mark all that apply)**
Record data for the vehicle's driver only. Indicate if the driver was cited, warned or arrested. Arrests should not include those made as the result of a search, only those made as a result of the stop.
4. **If driver arrested, crime/violation alleged (Mark all that apply)**
If the driver was arrested indicate each crime/violation alleged as a result of the stop or search.
5. **Driver's race/minority status (Based on visual observation only)**
For every stop made, and using the NCIC race categories, indicate the driver's race based on visual observation only. Officer's should not ask a driver his/her race. Again, the form shall be completed even if the driver is not thought to be a member of a minority group.

6. **Driver's age:**
Indicate the driver's age by marking one of the four age-group categories. If a driver is unable to produce a license the officer should estimate the driver's age to the best of his ability.
7. **Driver's Gender:**
Indicate the gender of the driver based on visual observation.
8. **Location of traffic stop:**
Indicate the location where the officer saw the alleged violation and signaled the driver to stop, not where the driver finally stopped.

The last four questions of the form deal with searches of the driver, vehicle or property found within the vehicle.

9. a. **Was a search initiated as a result of the traffic stop?**
Answer "yes" to this question if the driver, vehicle, or other property within the vehicle was searched. Answer "no" if no search was conducted or only a passenger of the vehicle was searched. If the answer to question 9.a. is no, do not answer questions 9.b.-13. Complete the form with your signature/DSN.
9. b. **If "yes", probable cause/authority for search (mark all that apply)**
10. **What was searched?(Mark all that apply) Driver Property/Vehicle**
Mark driver, property/vehicle or both based on what was searched.
11. **Duration of search**
The duration of a search means the amount of time needed to conduct any and all searches described in question 10.
12. a. **Was contraband discovered?**
Applies to searches of driver or property including vehicle. Does not apply to any contraband found as the result of a search of a passenger.
12. b. **If "yes", type of contraband (Mark all that apply)**
13. **Was driver arrested as result of search?**

MOBILE COMPUTERS

Officers with mobile data computers shall complete the form by accessing the Department's intranet site. The screens will be on MobileNet under the title, "Traffic Stops." Since the computer will automatically enter the date and time it is important for officers to enter the data immediately following the stop. Following the preceding instructions, officers may scroll through the questions using their mouse or tab key. Once all the data is entered the officer **MUST** click on save to ensure the data is recorded.

Traffic Stop Practices of the Iowa City Police Department:
April 1 – December 31, 2001*

Submitted to
Chief R.J. Winkelhake

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June 13, 2002

*This report is confidential and is intended for the Iowa City Police Department to use as it deems necessary. It is not to be distributed, quoted, or cited without the express written consent of the authors, of Chief R.J. Winkelhake, or others that the ICPD may designate.

Executive Summary

This report summarizes the findings of a study conducted using data collected by the Iowa City Police Department between April 1, 2001 and December 31, 2001. These data resulted from 9,702 interactions between law enforcement officers and citizens during traffic-related contacts.

Information was collected about the driver, the officer, and the stop event. Driver demographics included race, sex, age, residency, and vehicle registration. The only information collected about the officer was officer badge number. Finally, data collected about the stop event include the date, time of day, "reason for stop," "search," "property seized," "force," and "outcome of the stop."

Data analysis was conducted with the aid of SPSS-11.0 (Statistical Package for the Social Sciences). Analyses were conducted on two levels. First, descriptive analysis, using percentages, summarized stop patterns, stop characteristics, and driver demographics. This information is useful only to describe the existing state of affairs ("what is"), but not to explain them ("why") or to formulate predictions about future events ("what if"). To address the complex relationships that exist among different variables, a program called "chi-square automatic interaction detector" or CHAID was used to evaluate the variables in terms of their relationships with one another (multivariate analysis).

The greatest percentage of stops was made in the month of April (15%), with the fewest in June (9%). Interestingly, 41% of stops occurred between midnight and 3am, with the third shift (11pm-7am) responsible for the greatest percentage (54%).

Stopped drivers were mostly White (84%), male (65%), young (median age of 23), Iowa City residents (62%), with Iowa vehicle registrations (86.5%). Drivers were mainly stopped for moving violations (69%), were not searched (95%), and were released with a warning (58%).

The descriptive analysis indicated some slight percentage differences among the races in certain events (e.g., stopped for equipment/registration violations). These percentage differences, however, cannot be used to infer correlation or causation ("racial profiling"). To make these types of inferences, multivariate analyses using CHAID were conducted. CHAID segments the sample of traffic stops and reveals the interrelationship between the potential predictors and the events involved in the stop. The CHAID procedure generates a "decision tree" that identifies significant predictors of each decision in question. In effect, the procedure "cross-references" each event with each potential predictor.

Results from CHAID analyses resulted in only three events (moving violation, being warned, being cited) with significant predictors. Being stopped for a moving violation was significantly related to the age of the driver; the youngest and oldest drivers were most likely to be stopped for this reason. Warned drivers were those *least* likely to have been searched, and cited drivers were those *least* likely to have been stopped for an equipment/registration violation. Race of the driver never appeared as an independent predictor of any event.

These data provide no empirical evidence that the ICPD is systematically engaging in discriminatory stop practices. Stops conducted by the Iowa City Police Department, as a whole, during the study period, do not involve the race of the driver as a significant factor related to events and outcomes. This does not mean, however, that no individual citizen ever experienced discrimination. It is always possible that individual officers may engage in racially biased practices, both in determining which drivers they will or will not stop and in determining what steps to take after the initial contact. To detect discriminatory practices at this level, however, requires constant vigilance by the community, by all the officers within the department, and by the departmental administration. Statistical analysis, while valuable, cannot substitute for community involvement and effective management.

The full report notes some minor problems with the data entry process, provides a discussion of the "baseline dilemma," makes recommendations for continued study to obtain a full year of "clean" data, and suggests modifications of the data collection instrument to include more variables (e.g., warrant check information).

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Introduction

Racial Profiling

Accusations of discriminatory traffic stop practices (“racial profiling”) have emerged as a critical issue facing law enforcement. According to a 1999 Gallup poll and research conducted by the American Institute of Public Opinion (2000), many believe that racial profiling is widespread and disapprove of the practice of stopping motorists simply because the driver fits a particular profile (Newport, 1999). In response to this growing concern regarding traffic stops and a more general distrust of law enforcement personnel, many police departments across the U.S. have begun to more closely examine their traffic stop policies and procedures. Further, some police departments have begun collecting traffic stop data. The collection of traffic stop data initially may appear to be a rather straightforward process. In reality, however, the collection and analysis of traffic stop data is far from simplistic. A number of concerns must be addressed by any agency contemplating such an endeavor. These concerns range from defining the issues, developing data collection instruments and procedures, training personnel to collect data, and determining the most appropriate means to analyze the data.

Defining Racial Profiling

The precise definition of racial profiling is a matter of debate. While no universal definition exists, racial profiling is generally regarded as any act by law enforcement, whether it involves motorists or pedestrians, based solely on the race of the alleged violator (Ramirez, McDevitt & Farrell, 2000). In expanding on this broad definition, the U.S. Department of Justice considers racial profiling to be “any police action that relies upon the race, ethnicity or national origin of an individual rather than behavior of that individual that leads the police to a particular individual who has been engaged in or having been engaged in criminal activity” (Ramirez,

McDevitt & Farrell, 2000). Accordingly, police may use race and ethnicity to determine if an individual matches a suspect description but police may not use stereotypes when deciding who to stop, to search, or make subject to other stop – related actions.

Further, as Withrow (2002) notes, profiling by police can be further defined based on specific factors used in profiling. MacDonald (2000) suggests that profiling can be considered *hard* or *soft*. *Hard profiling* occurs when race is the one and only factor used in police decisions to stop a particular motorist. *Soft profiling* occurs when race is one of several factors the police use in determining whom they stop.

For this report, the Iowa City Police Department defines racial profiling as “the detention, interdiction, exercise of discretion or use of authority against any person on the basis of their racial or ethnic status or characteristics” (Racial Profiling, General Order 01-01). A copy of this policy is contained in Appendix A.

Collecting Data

Many departments have, independently or in collaboration with others, undertaken the task of analyzing traffic stop data. These agencies vary in terms of their structure and function, as well as in the type of data they collect. In addition, some data collection efforts involve sophisticated data analyses where others simply compare basic percentages. These differences, on the surface, are not all that dramatic. When making conclusions about the practices of a department, however, these methodological considerations take on more importance. In fact, methodological considerations are considered paramount by prevailing judicial opinions (see following discussion on legal issues). It should be noted; however, just as there are no widely accepted standards for defining racial profiling, the methods of collecting and analyzing traffic stop data are not universal.

Police departments across the country collect a variety of data elements in their analysis of racial profiling. Some agencies collect a minimal amount of data such as the race, age, and gender of the driver, along with the reason for, and outcome of the traffic stop. Other agencies collect data pertaining to all passengers of the vehicle, key events that may occur during a traffic stop (e.g. warrant check, search), and police officer demographics. There appears to be no consensus regarding the most appropriate data collection elements across departments. The National Institute of Justice (NIJ), however, recommends certain data be collected on a “routine” basis (Ramirez, McDevitt & Farrell, 2000). These data elements include: date, time, and location of stop, license number and description of vehicle, length of stop, and name and identification number of the officer initiating the stop. The NIJ also recommends that certain “study specific” variables be considered. These include the race, date of birth and sex of the driver, the reason for stop; the outcome of the stop, and whether or not a search was conducted.

Methods

Data Collection

Data were collected about each traffic stop (N = 9,702) made by officers of the Iowa City Police Department over the nine-month period between April and December, 2001. Officers were required to enter data into mobile data terminals (MDTs) after each traffic stop interaction. A copy of this form is contained in Appendix B.

When an officer would initiate a traffic stop, he or she would call that stop into the dispatcher, who would document the contact. After the stop, the officer would fill out a screen on the MDT located in the vehicle. These data were centrally stored in a Microsoft Excel spreadsheet. Each stop became a case for analysis. The Excel file was subsequently transferred into SPSS for analysis.

Variables

Information was collected about the driver, the officer, and the stop event. Driver demographics included race, sex, age, residency, and vehicle registration. The only information collected about the officer was officer badge number. More data about the officer, such as sex, race, age, time in service, etc., can be entered at a later date. Several items of interest pertain to the stop event, including the date and the time of day.

One broad category related to the stop event involved the “reason for the stop.” These were coded dichotomously (yes/no) and included the following: moving violation, equipment/registration violation, criminal offense, other violation, call for service/suspect or vehicle description, pre-existing knowledge or information, special detail, and other.

Information regarding any “search” that might have been requested or conducted also was collected and included the following dichotomous variables: consent search requested, consent search of vehicle requested, consent search of person requested, consent search conducted, officer safety search conducted, search incident to arrest conducted, and probable cause search conducted.

Data pertaining to any “property seized” also was collected and included the following dichotomous variables: property seized, alcohol seized, weapons seized, money seized, narcotics seized, evidence seized, other seized.

The “outcome of the stop” also was measured, and included the following dichotomous variables: no action, citation, arrest, warning, and field interview. Finally, information also was collected about whether any “force” was used during the stop and whether the force was against the driver or a passenger.

Originally, 38 variables were measured and entered for analysis. Some of these were recoded for analysis. For example, driver race was collected in 7 categories (Caucasian, Black, Asian, Spanish, Native American, Other, and Unknown). These were collapsed into 3 categories for the analyses (White, Black, Other). In addition, some new variables were created to obtain a clearer picture of the data. For example, it is logical to assume that a person stopped for multiple reasons might be more likely than a person stopped for only one reason to get a citation or to be arrested. The dichotomous variable “multiple reasons” was created by distinguishing between cases with “only one reason” for the stop and cases with “more than one reason.”

Collection and Measurement Concerns

Glitches arise at the initial stages of any large data collection undertaking. This study was no exception. Although the ICPD engaged in a series of training sessions to familiarize officers with the data collection form, the use of the MDT, and the procedure, difficulties and oversights still occurred. This most problematic of these became apparent when Excel entries (from the MDTs) were cross-referenced with CAD entries. A discrepancy was noted between the number of stops as indicated by the CAD system and the number of stops as indicated by the Excel entries. In addition, stops were referenced by officer badge number. A routine check of CAD and MDT entries appeared that some officers were calling stops into the CAD system and not entering them into the MDT, or entering them into the MDT without calling them into the CAD. After a series of inquiries and discussions with the officers, it was obvious that the problem was related to training and/or to data entry. For example, in situations where 2 officers were in the car during a traffic stop, one officer may call in the stop to the dispatcher, who enters the stop under that officers badge number. The second officer in the car may take responsibility for entering the data into the MDT, which then gets entered under his or her badge number. In

this way, it may appear as if an officer is either under- or over-reporting on the MDT system. In addition, some difficulties were noted with officers forgetting to “save” the data into the MDT after they had entered it, resulting in some lost information. These problems were quickly caught and corrected, but it is recommended that any conclusions drawn from this data keep these difficulties in mind. A full year of “glitch-free” data collection is recommended for use as a baseline for this department. Moreover, any close inspection of stopping behavior by individual officers should not be undertaken until a full year of corrected data collection is completed.

Analyses & Results

Analyses were conducted on two levels. First, descriptive analysis takes a broad look at stop patterns, stop characteristics, and driver demographics. This information is useful for descriptive purposes only. That is, this type of analysis is useful in understanding the existing state of affairs (“what is”). Descriptive analyses are neither predictive nor explanatory. They cannot explain “why” things are as they are and they cannot predict how things might be in the future. Comparisons using descriptive analyses also are problematic given that descriptive statistics do not consider relationships among different variables involved in any given situation.

To address the complex relationships that exist among different variables, multivariate analyses also were conducted. Specifically, a program called “chi-square automatic interaction detector” or CHAID, was used to evaluate the variables in terms of their relationships with one another. For example, this type of analysis is able to determine whether the sex of a driver is related to the reason for stop, given all the other variables that might interact, such as race or age. A more detailed explanation of this process is contained below.

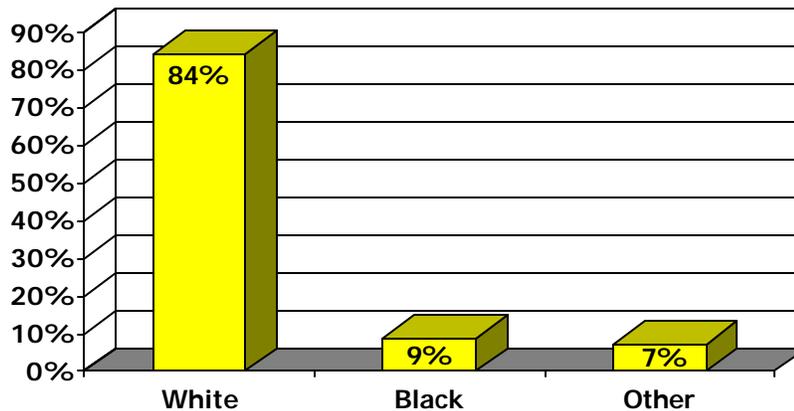
Descriptive Analyses & Results

Driver Demographics

The variables related to the driver involved in the stop were the following: race, sex, age, residency, and vehicle registration. Drivers stopped were mostly White (84%), male (65%), younger, Iowa City residents (62%), and from Iowa (86.5%).

Race. As indicated below, 84% of the drivers stopped were White, 9% were Black, and 7% were Other. The “Other” category includes Asian, Hispanic, Native American, and Other. There were 13 cases in which the race of the driver was coded as “unknown” and these were counted as “missing” in the analyses (See Table 1).

Table 1: Percentage of Stops by Race of Driver



Sex: Sex by Race. Most (65%) stopped drivers were male (See Table 2). A higher percentage of Non-White males than White males were stopped, whereas a higher percentage of White females than Non-White females were stopped (See Table 3).

Table 2: Percentage of Stops by Sex of Driver

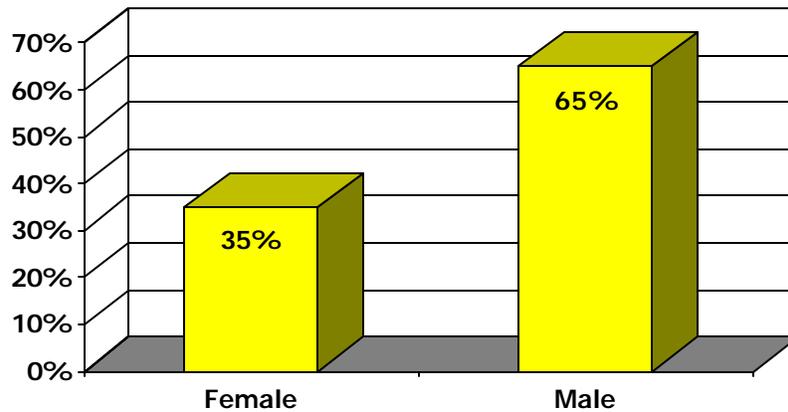
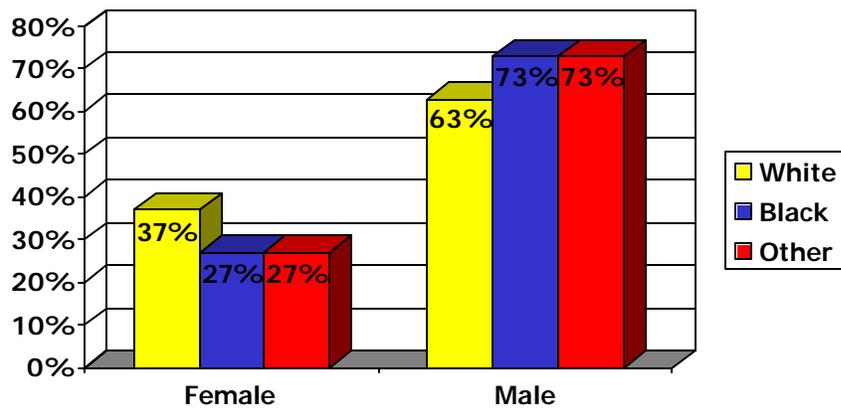


Table 3: Percentage of Stops by Sex and Race of Driver



Age: Age by Race. The median age of drivers stopped was 23, with most stopped drivers being 21. In fact, more than 7 in 10 drivers stopped were under the age of 30 (See Table 4). Higher percentages of Non-White drivers than White drivers between the ages of 25 and 44 were stopped. In general, younger (24 & under) and older (45 and over) White drivers than Non-White drivers were more likely to be stopped (See Table 5).

Table 4: Age Categories of Drivers Stopped

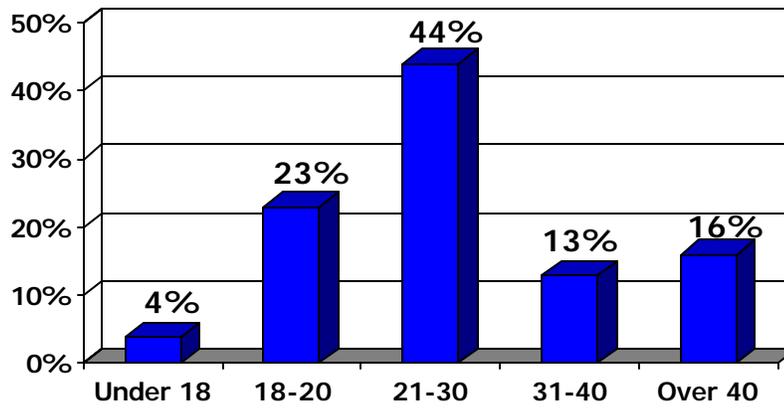
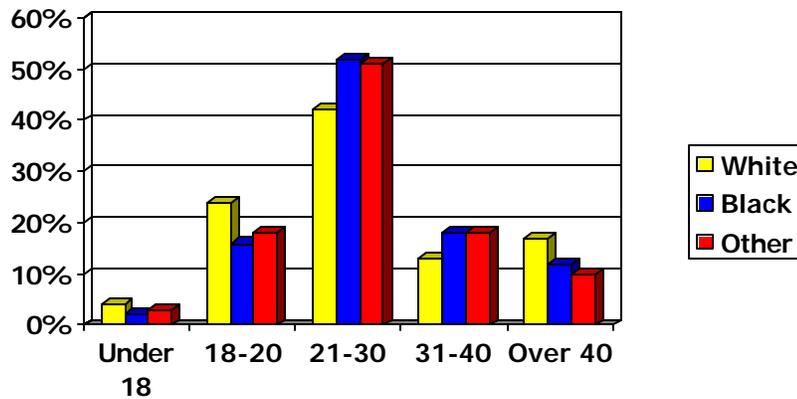
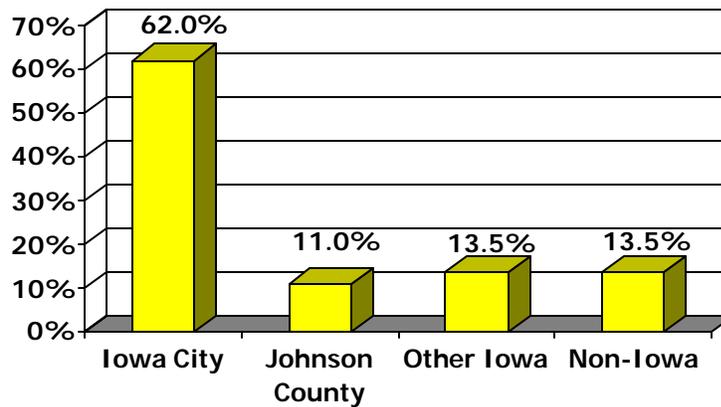


Table 5: Percentage of Drivers Stopped by Race and Age



Residency and Vehicle Registration. Of all drivers stopped, less than two-thirds (62%) were city residents (See Table 6). Another 11% were Johnson County residents. An equal percentage either was from other Iowa locations or from out of state (13.5% respectively). This is probably characteristic of a city with commuters and a large college campus. Given this, city census figures should NOT be used as a baseline for comparison to the overall stop data.

Table 6: Percentage of Drivers Stopped by Residency/Registration



Stop Event

Temporal Distribution. The most active month for stops was April (15%), followed by May (13%), and November (12%). June (9%) was the least active month (See Table 7). The time distribution of stops was unusual, with 41% of all stops occurring between midnight and 3:00 am. In fact, the most active time was between 1-2am (17%) (See Table 8). This is likely due to the fact that Iowa City is a college town with a high concentration of bars and restaurants that close around that general time. Drivers probably get stopped as they are leaving a bar or restaurant after closing time. Given this time distribution, it is no surprise that the third shift is responsible for the highest percentage of stops (54%), followed by the second shift (25%), and the first (21%) (See Table 9).

Table 7: Percent of Stops by Month

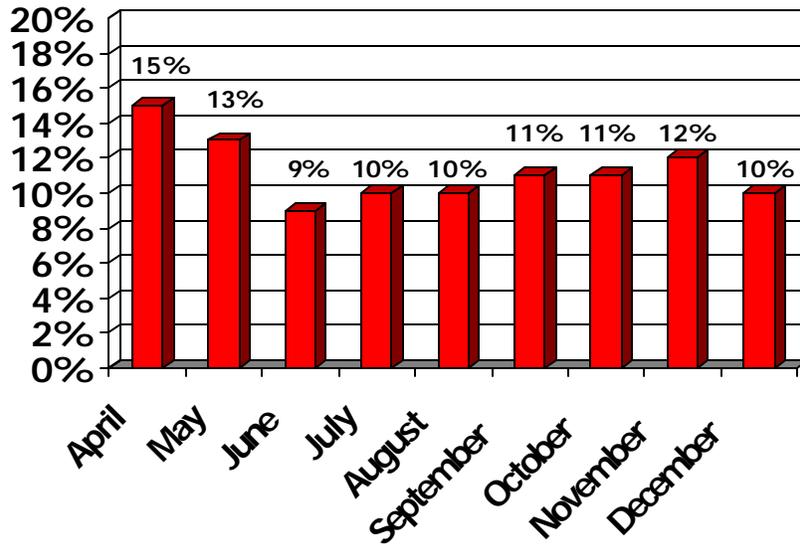


Table 8: Percent of Stops by Hour of Day

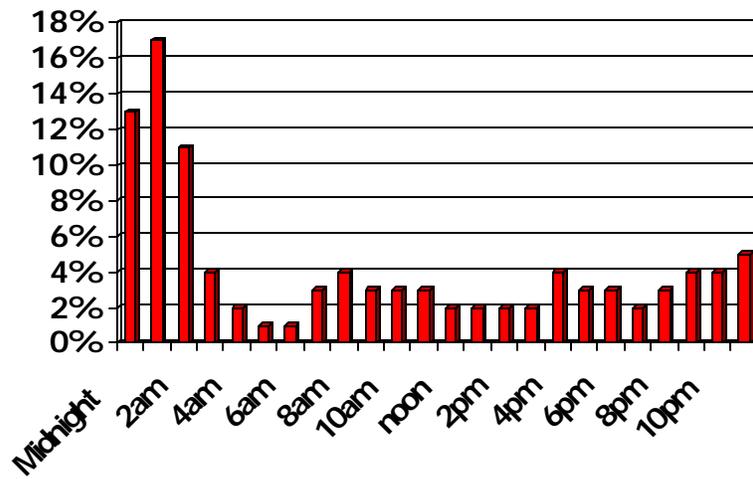
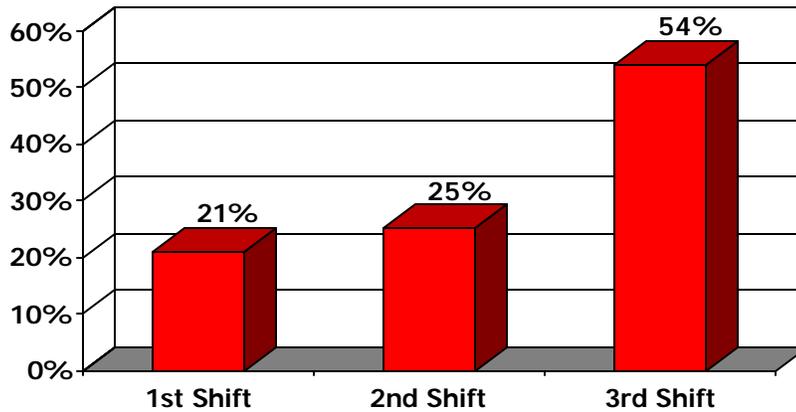


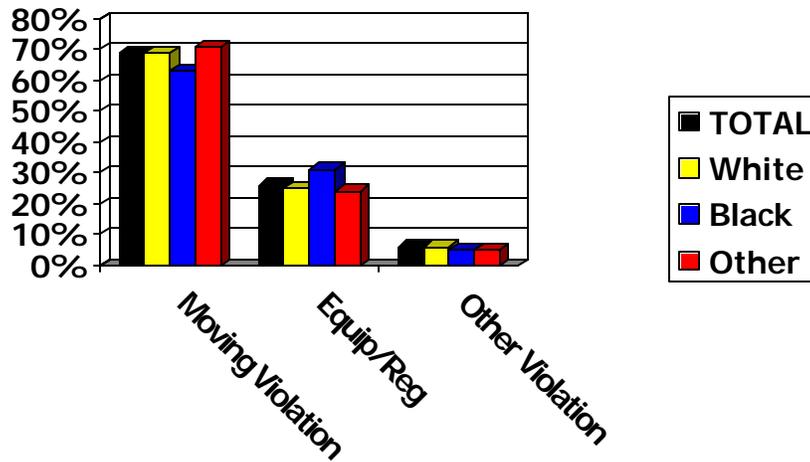
Table 9: Percent of Stops by Shift



In general, drivers were stopped for moving violations (69%) or equipment/registration violations (26%), were not searched (95%), and were released with a warning (56%). Only 10 cases involved use of force, so this variable was not used in any analyses. Likewise, only 147 (1.5%) cases involved any type of property seizure (mainly narcotics) so this variable is not considered further. Only 5% of the cases involved a search, and these were mostly (75%) incident to arrest.

Reason for Stop by Race. The three most-cited reasons for stops were 1) moving violations (69%); 2) equipment/registration violations (26%); and 3) other violations (6%). Stops of “other” drivers (71%) were more likely than stops of white (69%) or black drivers (63%) to involve a moving violation. Twenty-six percent (26%) of all stops were for equipment/registration violations; stops of black drivers (31%) were more likely than stops of white (25%) or other drivers (24%) to involve this reason. Other violations (6%) involved white drivers (6%) more often than black (5%) or other drivers (5%) (See Table 10).

Table 10: Percentage of Stops by Reason and Race of Driver



Searches by Race. Most searches (75%) were conducted incident to arrest; “Other” drivers (85%) and White drivers (77%) were more likely than Black drivers (64%) to be searched for this reason. Consent to search was given in 23% of cases, more so by Black drivers (28%) than by White (23%) or “Other” drivers (8%) (See Table 11).

There were 359 searches incident to arrest (< 4% of all stops) out of 479 total cases in which a search was conducted (75%). Of all drivers stopped, 3% of White drivers, 7% of Black drivers, and 3% of “Other” drivers were searched incident to arrest. Of all the drivers searched for this reason, 79% were White, 15% were Black, and 6% were “Other” (See Table 12).

Out of all drivers stopped, there were 83 consent searches (less than 10% of all cases): 2.4% of all Black drivers were involved in this event, compared to .7% of all White drivers, and .4% of all “other” drivers. Of the consent searches (n = 83), white drivers comprised 72%, Blacks were 24%, and other drivers were 4% (See Table 13).

Table 11: Percentage of Searches (n = 479) by Type and Race of Driver

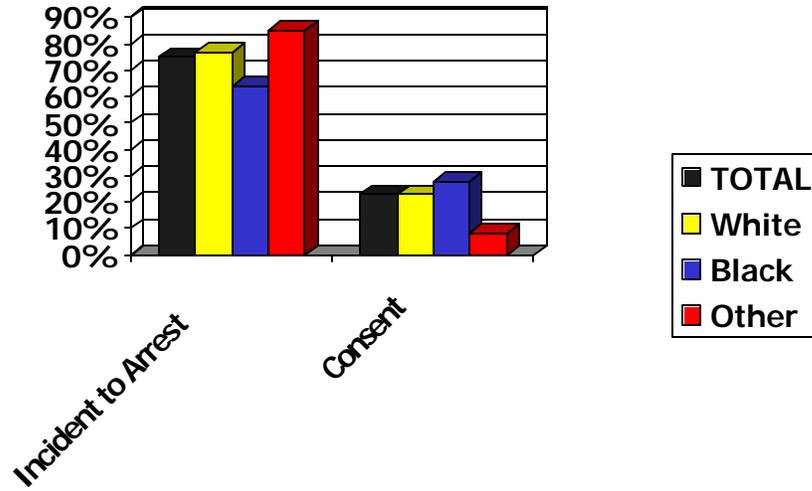


Table 12: Percentage of Searches Incident to Arrest (n = 359) by Race of Driver

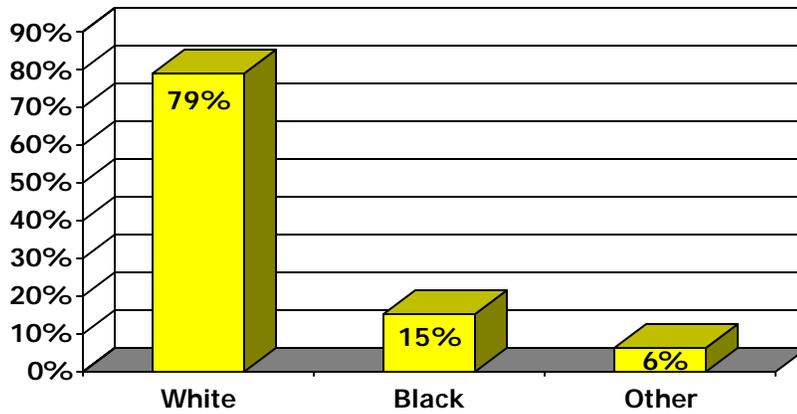
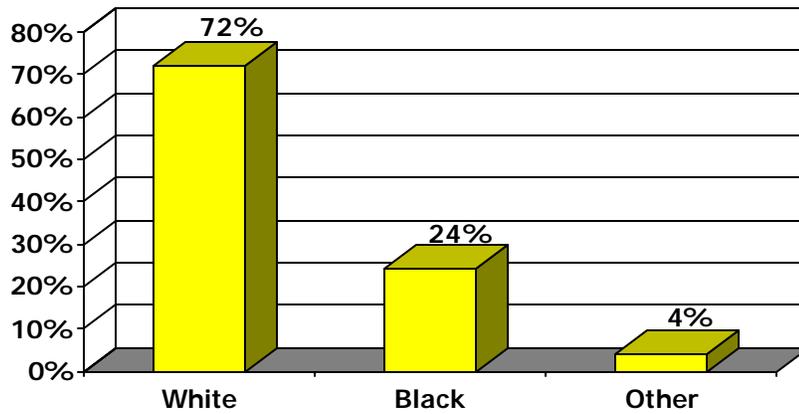
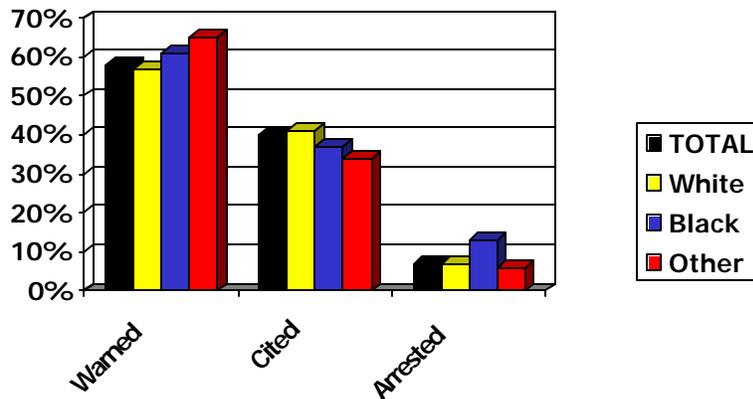


Table 13: Percentage of Consent Searches (n = 83) by Race of Driver



Outcome of Stop by Race. Other drivers (65%) and black drivers (61%) were more likely than white drivers (57%) to be issued a warning as a stop outcome (See Table 14). White drivers (41%) were more likely than black (37%) or other drivers (34%) to be issued citations. A much higher percentage of black drivers (13%), however, had arrest as the outcome of their stop. Only 7% of white drivers and 6% of other drivers were arrested. These percentages do not include the 431 cases in which the outcome was “no action.”

Table 14: Percentage of Drivers Stopped By Outcome and Race



Summary of Descriptive Analyses

At first glance, one might be tempted to conclude that race is a factor in some events. For example, higher percentages of “Other” drivers were stopped for moving violations while higher percentages of Black drivers were stopped for equipment/registration violations. Similarly, the sex and age of the driver also appear to be factors given that higher percentages of White females were stopped, as were higher percentages of Non-White males.

Descriptive statistics are very superficial and only give the broadest picture of the data. This type of analysis lacks inferential ability. One cannot use it to predict events or to describe the relationships among characteristics and events. Descriptive statistics only should be used to describe the state of affairs. They will not help to: 1) understand why the percentages are the way they are; 2) determine the relationships among the characteristics and events; 3) predict one outcome or event over some other outcome or event.

Providing a description of the data should only be the first step in a thorough analysis. More comprehensive multivariate analysis is required to understand the relationships between and among variables, and to understand how these variables interact with one another to produce a certain reality, as portrayed by the descriptive statistics. In this case, a procedure called chi-square-automatic interaction detector (CHAID) was used to more fully explore the relationships between and among the various variables.

CHAID Analysis & Results

This portion of the report examines the relationship between three demographic predictors (age, race, sex), vehicle registration (Iowa/non-Iowa) and several events related to the traffic stop. These events involve the following questions:

- 1) Reason for the Stop? (moving violation, equipment/registration violation, pre-existing knowledge, other violation, crime, special detail, other).
- 2) Search Conducted? (vehicle search or driver search).
- 3) Type of Search? (search incident to arrest or consent search).
- 4) Property Seized?
- 5) Outcome (warning, citation, or arrest).

Some of these decision points also were examined as predictors of subsequent events. For example, whether property was seized might be related to whether a driver was warned, cited, or arrested.

CHAID is based on an analytical technique called chi-square. Chi-square analysis demonstrates whether a particular observed proportion within a sample is statistically different from a particular expected proportion within that sample. The expected proportion is based on the premise that there is no relationship (i.e., one has no impact on the other) between the two variables in question within the population from which the sample under study was drawn. It is calculated using information from the entire group.

For example, if we were interested in whether race (White, Other) and being arrested (Yes, No) are related in a population, we would use chi-square analysis. The chi-square procedure would determine that 25% of all the persons (regardless of race) were arrested and 75% were not. Then, the chi-square procedure would determine that, of all the “Other” drivers, 30% were arrested. Chi-square analysis would then conclude whether the 5% difference between all persons arrested and “Other” persons arrested is attributable to chance, or whether it is likely that there is a true difference in the population between White and Other drivers in being arrested. If the chi-square value is “statistically significant,” this 5% difference is not

attributable to chance and represents a true difference between White and Other drivers in being arrested. By convention, statistical significance is reached when the probability of error in this conclusion is less than .05 (i.e., only 5 times out of 100 would one reach this conclusion in error).

Race, however, is just one factor that could be related to any event in a stop situation. Other variables may be more important. They may mediate, or even eliminate the influence of race. This is why we use a “measure of association” called the “phi coefficient” with chi-square analysis. The phi coefficient ranges in value from 0 (no relationship) to 1 (perfect or very strong relationship). If chi-square analysis indicates statistical significance (that the 2 variables are related), it is then necessary to determine the strength of that relationship. In the previous example, the 5% difference in the proportion of Black drivers arrested and the proportion of all drivers arrested was statistically significant. The question now relates to how strong the relationship is between race and arrest. The chi-square analysis determines the phi coefficient for this relationship to be .03. This indicates an extremely weak, almost non-existent relationship between race and arrest because .03 is much closer to 0 than to 1. In fact, this means that very little variation in arrest is explained by the race of the driver. Another variable or set of variables is more influential in arrest than the race of the driver. This is where it becomes necessary to conduct multivariate analysis.

CHAID is a multivariate technique that segments the sample of traffic stops and reveals the interrelationship between the potential predictors and the events involved in the stop. The CHAID procedure generates a “decision tree” that identifies significant predictors for each decision in question. In effect, the procedure “cross-references” each event with each potential predictor.

CHAID simultaneously considers the impact of several independent variables (age, race, sex) upon a particular event in question (arrest, in the example above). The CHAID results indicate the strongest predictor of the event, while taking the other variables into account. It may be that no variable or set of variables is a predictor of the event when the other variables are considered. This means that any original relationship (e.g., between race and arrest) is so weak that when other independent variables are considered (age, sex), nothing predicts the event.

In the arrest example, the program examines all the cases in which individuals were arrested. It then examines all the factors associated with each case and determines the ones that keep occurring in conjunction with an arrest. Then, the program compares that state of affairs with the cases in which drivers were NOT arrested. In this way, it is possible to determine whether factors are really predictive of an event or whether observed differences between those arrested and those not arrested occurred purely by chance.

For example, if descriptive analysis determines that 30% of the drivers arrested were White and 70% were Black, one might be tempted to conclude that there was a racial bias in arrests. However, the CHAID analysis would examine the cases and simultaneously consider all the other potential factors involved in an arrest. The decision tree that it generates might indicate that the most significant factor related to arrest is a stop for “pre-existing knowledge.” The analyses demonstrate which of the potential predictors (if any) had the strongest and most important relationship to the events or outcomes. In this case, the potential predictors were used to examine the five events listed above to determine if they were actually related or whether any observed differences occurred purely by chance.

The advantage of multivariate analysis is that it reveals the strongest predictors of the event in question. In other words, if race is a factor, it will emerge independently of the other

factors. If race is not a factor, then the one or more of the other predictors will emerge, or none of the selected predictors will emerge as related to the events/outcomes. If no significant predictor emerges, it either means that the analyses did not include the most relevant predictors or that no measured factor is related to the event.

This attribute is particularly relevant for a traffic stop situation in which many things go unmeasured. For example, one cannot measure the quality of the personal interactions between an officer and the individuals stopped. One cannot measure the demeanor of the driver. In this case, one cannot measure any information about the passengers in the vehicle. Finally, extraneous factors such as the weather, the time of year, the social environment, and the location are not measured in this study.

CHAID Results

Results from CHAID analyses using the 5 event categories and the potential predictors outlined above resulted in only three events that had significant predictors. Within “Reason for Stop,” being stopped for a moving violation was significantly related to one or more of the potential predictors. Having a search conducted (vehicle search or driver search), type of search (search incident to arrest or consent search), and having property seized had no significant predictors. Two outcomes (warning and citation), however, did have significant predictors. Arrest, on the other hand, did not.

Reason for Stop

Reasons for stop included the following: 1) moving violation; 2) equipment/registration violation; 3) other violation; 4) pre-existing knowledge; 5) criminal offense; 6) special detail; and 7) other. A stop for a moving violation was the only variable that had significantly related predictors.

Moving Violation. For the entire group, 68.6% (6656/9702) of the drivers were stopped for a moving violation. This is the base rate for moving violations. The question is whether any subgroups formed based on the potential predictors had moving violation rates significantly different from (greater than or less than) that of the entire group.

The most significant predictor of a moving violation was the “age” of the driver. Second-order predictors were “sex of driver” and “vehicle registration.” Sex (being female) was a predictor for the 10-17 age group. Vehicle registration (non-Iowa) was a predictor for the 18-20, 21-30, and over 40 age groups. Finally, “race” and “sex” emerged as third-order predictors. Race (being an “other person of color”) was a relevant factor among the 18-20 and 21-30 year old Iowa residents. Sex (being female) was relevant among the over 40 year old Iowa residents.

Apart from order of significance, the subgroups also can be described in terms of their proportion, remembering that 68.6% is the base to which comparisons are made. The subgroups receiving moving violations, in order of proportion are:

1. Persons over 40 with non-Iowa registration: 84.5%
2. Persons 10-17 who are female: 81.8%
3. Persons over 40 with Iowa registrations who are female: 77.8%
4. Persons 10-17: 75.0%
5. Persons over 40: 74.6%

Thus, age (being in the youngest group or being in the oldest group) was the strongest predictor of a moving violation stop. Sex of the driver, registration, and race only emerge in combination with the other variables, not as independent predictors. There is no evidence of racial bias in drivers being stopped for a moving violation.

Outcome

Warning. Nearly two-thirds (65.5%, or 5383/9702) of the entire group was given a warning. The most significant predictor of being given a warning was whether a search was conducted. Those who were *not* searched were significantly more likely to receive a warning. The second-order predictor was being stopped for an equipment/registration violation, and the third-order predictor was having a non-Iowa registration.

Those most likely to receive warnings were:

1. Persons who were not searched, who were stopped for equipment/registration violations, and who were non-Iowa registrants: 77.1%.
2. Persons who were not searched, who were stopped for equipment/registration violations: 70.2%

The strongest predictor of a warning was whether a search was conducted. These findings are logical in that drivers who were searched would be more likely to have been stopped for a more serious violation and would therefore not receive a warning. Also, drivers stopped for only having an equipment/registration violation and/or to be from “out of town” might be less likely to be issued citations. Overall, no bias was detected in the issuance of warnings.

Citation. With this event, the base rate for the entire group was 38.7% (3753/9702). The most significant predictor of a citation was whether the driver was stopped for an equipment/registration violation. Being stopped for something other than an equipment/registration violation was the most significant predictor of receiving a citation. The second-order predictor for this group was age (10-17), and the third-order predictor was having an Iowa vehicle registration (among those over 30 years old not stopped for E/R violations).

Describing the subgroups in terms of their proportion (compared to the 38.7% base), the subgroups receiving citations are:

1. Persons not stopped for equipment/registration violations who were over 30 years old, with Iowa registrations: 50.4%
2. Persons not stopped for equipment/registration violations who were between 10-17 years old: 50.2%

Therefore, *not* having an equipment/registration violation was the strongest predictor of a citation. This is logical given that the other biggest category of stops involved moving violations. This is the type of situation in which an individual is more likely to be issued a citation. Age and registration were related to receiving a citation in combination with equipment/registration violation, not as independent predictors. There is no evidence of racial bias in drivers being issued a citation.

Summary of CHAID Analyses

Only three events involved significant relationships to tested predictors. Receiving a moving violation (being in the youngest or the oldest age groups), receiving a citation (not being stopped for an equipment/registration violation), and receiving a warning (not being searched) were the only events that CHAID analysis determined to have significant relationships with predictor variables. Sex of the driver and the vehicle registration also were related in conjunction with the significant predictors in some situations, but not as independent predictors of any given event. Race of the driver (being an “other person of color”) only appeared once, as a third-order predictor among certain age groups of Iowa residents in being stopped for a moving violation.

The “Baseline” Dilemma

The most problematic part of any study of this nature is determining the baseline to which collected data should be compared. We want to look at “what is” and compare that state of affairs to “what should be.” However, determining “what should be” is troublesome. In

theory, the racial distribution of drivers stopped should represent the racial distribution of drivers doing something that makes them eligible to be stopped. For example, if 20% of the drivers doing something that makes them eligible to be stopped by the police are Black and 80% are White, one would expect that 20% of the drivers stopped are Black and 80% are White. This comparison has very little, if anything, to do with any racial distribution in the city or county population. It has everything to do with the racial distribution of drivers on the roadways and the driving behaviors or characteristics that they exhibit.

Making decisions as to whether a department is engaging in discriminatory stop practices depends on the ability to identify the racial distribution of stops that would exist in the absence of discriminatory stop practices. That is, one must know the true racial distribution of drivers eligible to be stopped (i.e., doing anything that could get them warned, cited, or arrested—anything that creates reasonable suspicion or probable cause). Stops in the absence of discriminatory practices, then, would be the “right” proportions. One could then compare the research findings to the “right” proportions to determine whether discrimination exists. Unfortunately, we cannot measure this objective reality. Determining the “right” proportion of stops is impossible because of the infinite variations in driving behaviors and police response within various locations at various times on various days in various months during various years. Also missing is a measure of the interactions between those stopped and the officers. Demeanor is thought to significantly contribute to stop outcome as well as to other law enforcement outcomes such as warning, citation, and arrest.

This reality, however, is extremely difficult, if not impossible, to measure. We cannot know the racial distribution of drivers doing something that makes them eligible to be stopped. Some research has attempted to measure this, but the methodology employed is often seriously

flawed. The most common method involves posting trained observers at strategic locations armed with stopwatches to determine the racial distribution of speeders. Obviously, this method is extremely limited, relying on split second judgment by observers as to the race of drivers. In addition, this method rests on the assumption that speeding is the only thing for which drivers get stopped. In the current study, moving violations were the most commonly cited reason for a stop, but equipment/registration violations and other violations accounted for about 3 in 10 stops. Given that comparison to population data is invalid, we suggest that the current data become the baseline from which to evaluate future practices.

The initial analysis of a law enforcement agency's traffic stops does establish a benchmark for that department. Once an initial study is completed, a department has an empirical basis for comparison in the future. If an initial study indicates the possibility of bias (race appears as a significant predictor of some event), future research will provide data for comparison to help determine whether the relationship previously observed between race and some outcome persists or whether it has disappeared. If an initial study shows no evidence of bias (race does not appear as a significant predictor of any outcome), the department in question should attempt to maintain this desirable result.

These data, collected from traffic stops made by the Iowa City Police Department between April 1 and December 31, 2001, provide no evidence that the ICPD is systematically engaging in discriminatory stop practices. Stops conducted by the Iowa City Police Department, as a whole, during the study period, do not involve the race of the driver as a significant factor related to events and outcomes (e.g., arrest, search, etc.). This does not mean, however, that no individual citizen was ever discriminated against. There is always the possibility that individual officers may be engaging in racially biased practices, both in determining which drivers they will

or will not stop and in determining what steps to take after the initial contact. This is a serious possibility that is not likely to be revealed with statistical analysis. To detect discriminatory practices at this level requires constant vigilance by the community, by all the officers within the department, and by the departmental administration. Statistical analysis, while valuable, cannot substitute for community involvement and effective management.

Legal Issues Relating to Bias/Racial Profiling Data Collection and Analysis

Overview

The findings and conclusions of any study involving bias/racial profiling are often used, or interpreted, in a number of ways, for a variety of purposes, by many factions. These studies often raise issues related to the management and administration of the agency, issues relating to the recruiting, training and attitude of the officers, and issues related to the community, just to name a few. This section focuses strictly on the legal issues involved with this, or any, study of bias/racial profiling.

Civil Liability

Without a doubt, the central legal issue relating to any study of bias/racial profiling by a law enforcement agency is the degree to which the agency, or the individual officers employed by the agency, may be subject to civil liability for their actions. While the terms “bias profiling” and “racial profiling” are of relatively recent origin, and neither are legal terms, the practice of bias/racial profiling, if substantiated, allows victims to pursue civil claims against an offending agency, or officer, under a variety of legal theories. Although each legal theory has its own strengths and weaknesses, for a number of reasons, the theory employed by most plaintiffs, and the one that is arguably the most difficult for plaintiffs to obtain evidence and prove, is that of a Constitutional violation of the 14th Amendment’s Equal Protection Clause. Generally speaking,

the standard required for a plaintiff to win in an Equal Protection claim is that the plaintiff must prove that other similarly situated individuals, of a different race, were treated differently.

Likewise, proving, or disproving, disparity of treatment based on race should also be the focus of any study of bias/racial profiling. Thus, the key importance of any study on bias/racial profiling, from a legal perspective, is that the study's findings and conclusions can become the evidentiary basis for supporting, or defending, such claims. In short, the data, and more importantly the findings and conclusions of the evaluators, of bias/racial profiling studies serve as the statistical evidence used by plaintiffs or defendants to support or defend the legal claims.

Several courts have addressed the issue of civil liability under the 14th Amendment based on a claim of bias/racial profiling and the evidentiary requirements needed to support such a claim. These courts repeatedly emphasize the need for both plaintiffs and defendants to introduce valid and reliable statistical evidence establishing, or disproving, disparate treatment based on race. Evidence taking the form of statistics based on anecdotal sources, or data evaluated using unacceptable methodology, are universally rejected by the courts.

In *Chavez v. Illinois State Police*, 251 F.3d 612 (7th Cir. 2001), a typical Equal Protection lawsuit, the court went to great lengths to outline the validity and reliability standards required of evidence relating to the collection and/or analysis of data regarding bias/racial profiling. The court noted that statistical evidence may be used to establish that other similarly situated individuals, of a different race, were treated differently; however, to be admissible and of any relevance to the issues before the court, such statistical evidence must be collected and analyzed in a universally scientifically acceptable manner. Further, the court noted that the statistical evidence must be subject to rigorous methodological procedures and evaluated by persons with the academic credentials and practical experience to qualify as experts. The court specifically

noted the inherent problems with statistical evidence relating to bias/racial profiling with regard to the following: establishing base lines, determining the quantity and quality of the data being collected, sample groups, and interpretation. Accordingly, if the statistical analysis and findings and conclusions of this, or any, study of bias/racial profiling are to be of any value from a legal perspective, the study should comply with the evidentiary requirements currently being imposed by the courts.

This study seems to satisfy the admissibility requirements for evidence relating to disparate treatment based on race, currently being imposed by courts in bias/racial profiling cases. This study employed sound methodological techniques with regard to the collection and analysis of data and was performed by individuals with nationally recognized expertise in statistical analysis.

Disclosure of Information/Records

Although generally not rising to the level of concern as civil liability, law enforcement agencies engaged in the collection of information and analysis of data, whether related to bias profiling or some other topic, must be familiar with the applicable statutes and/or ordinances governing the release of public records. Typically referred to as “Open Records Acts”, virtually all jurisdictions have enacted laws requiring certain records in the possession of police agencies to be released to the public. These “Open Records Acts” vary tremendously from jurisdiction to jurisdiction; however, in all jurisdictions, to some degree, the data collected as part of a bias profiling project will be subject to disclosure to the public, and to the media. Ideally, agencies will address this legal issue before initiating any data collection to ensure they know, going into the project, what records, if any, will be subject to disclosure, and under what circumstances.

The fundamental questions to be resolved relating to the release of data and information collected as part of a bias profiling project are:

- 1) Who, exactly, is the custodian of the data and information relating to the project? [This can become very complex in situations where agencies contract all, or part, of the project out to a consultant.]
- 2) What records are, and are not, subject to disclosure?
- 3) Can any of the information collected be “masked” or otherwise shielded from disclosure? Must any information be shielded from disclosure?
- 4) If large data sets are subject to disclosure, what format is required?
- 5) Where disclosure of large, bulky, data sets is required, what costs, if any, may be recovered by the agency?
- 6) Is the analysis/interpretation of the data subject to disclosure also?
- 7) When must data/information be released? [This can pose difficulties in multi-year, on going, projects.]
- 8) How long must the data/information be retained and who had responsibility for archiving the materials?

Conclusion

It is imperative that agencies practice proactive risk management with regard to the collection and analysis of data relating to bias/racial profiling. In addition to serving as the basis for addressing a host of management, administration and personnel issues, bias/racial profiling studies can also serve as useful tools for developing statistical evidence for defending against lawsuits alleging civil rights violations. However, experts in statistical analysis must conduct any study using scientifically acceptable methodology. The statistical analyses involved in this study appear to satisfy the legal requirements currently being imposed by the courts and the findings and recommendations should serve as valid evidence relating to allegations of bias/racial profiling. Finally, a determination should be ascertained as to what degree the information/records will be subject to disclosure under the applicable Open Records laws.

Conclusion and Recommendations

The Iowa City Police Department, as a whole, does not appear to be systematically stopping drivers based on their “racial or ethnic status or characteristics” as defined by departmental policy (Racial Profiling, General Order 01-01). While the percentages of races were not always equal in some categories, the discrepancies are most likely explained by factors other than the driver’s race. For example, the age and sex of the driver were important explanatory factors in many events. This makes sense given that we know driving behavior to be different among various ages and between the sexes; younger drivers drive differently than older drivers and males drive differently than females.

This study used a fairly comprehensive set of data collected about a population of stops over an 8-month period. The data were collected in a consistent manner, with only minor problems pertaining to entry and recording that were addressed as they were discovered. The statistical analysis used to evaluate the data was rigorous, thorough, and conducted by academicians with expertise in the collection, analysis, and interpretation of such data. Further, this analysis was conducted on a contractual basis with researchers from the University of Louisville in Louisville, Kentucky, providing a level of objectivity that is necessary to avoid any conflicts of interest or appearances of impropriety. These factors have yielded valid data, making valid conclusions highly likely. The only caveat is that one full year’s worth of data should be collected and analyzed to provide a baseline from which to evaluate future stop practices.

Moreover, the legal considerations set forth by the courts have been met, making legal actions against the Iowa City Police Department based on accusations of “racial profiling” very unlikely. However, the Department must still recognize that this does not preclude the actions of

any one officer becoming suspect. Our findings do not conclude that such profiling might not be occurring against individual citizens by one or more individual officers. This type of discrimination on an individual level, however, is virtually impossible to detect or to prove given the type and amount of discretion that officers must use in the completion of their duties. These matters are more likely to be discovered through administrative and supervisory vigilance, and through community awareness, rather than through the collection and analysis of traffic stop data.

The Iowa City Police Department can enhance their collection of traffic stop data. The recommendations offered here involve both process and content elements of the project. First, it is suggested that a full year of data be collected and subsequently used as a baseline for analyzing future department practices. The data in the study covers only 8 months of the year 2001 and may not fully reflect the traffic stops practices of the department on an annual basis. Second, census population data should not be used as a baseline. As previously discussed, census data does not provide for an appropriate point of comparison and should only be used when nothing else is available. Clearly, with the adoption of the recommendation for a full year of data collection, the use of census data can be avoided.

Third, data collected for the year 2001 (April-December) should be viewed carefully as the department experienced considerable challenges in refining the data entry process. Throughout the course of this project quality assurance checks were employed to ensure that the data collected was valid although it is suggested that the validity of the data may continue to be somewhat suspect. Continued monitoring of data entry and fine-tuning of the department's quality assurance mechanisms, however, must be a priority. A fourth recommendation involves the training of all officers in regard to departmental policy, data collection procedures, and the

results of the analysis. Officers collecting the data must have a thorough understanding of the project in order to ensure more accurate and complete data collection and entry. In a similar vein, supervisors must be proactive in ensuring line officers understand the policies and procedures related to the project. Supervisors also should identify officers who require additional training or closer supervision to ensure adequate understanding of the data entry procedures as well as policy compliance.

Fifth, it is imperative that the department establish clear, written guidelines regarding the entry of traffic stops into both the CAD and MDT database systems. These guidelines should be made available to all personnel involved in the data entry process and should be incorporated into departmental training as required. Further, dispatchers should receive guidelines and training regarding recording calls when more than one officer is involved in a traffic stop. This will allow for more timely and accurate quality assurance checks as well as enhance the validity of the data.

In terms of the content of the data collection forms, several data elements could be added to the form. First, in attempt to control for variations in traffic stop practices by location, the quadrant in which the stop occurred could be added to the form allowing for traffic stop identification. Also, the form should contain information about warrant checks. First, there should be a question that asks whether a warrant check was performed during the stop. Secondly, the form should contain a section addressing the outcome of the warrant check. Currently, information about outstanding warrants is obtained through a plate and/or license check. These types of checks, however, are not performed routinely. Finally, the form should include an item that indicates whether the driver was asked to exit the vehicle. These additions are consistent with data collection efforts throughout the country, require minor modifications to

the form, and would aid in the development of a more accurate understanding of the key events that are likely to occur during traffic stops.

These recommendations are offered to improve the data collection process and to enhance the quality of the data. Several of these recommendations were communicated to the Department as the study progressed and have been addressed. Others are currently being implemented. Overall, the departmental administration has been receptive to recommendations for the improvement of their data collection and analysis, and seems genuinely concerned about the accurate measurement of traffic stop practices. Again, the only major concern is that this study is based on only 8 months of data with which some minor collection and entry problems were noted. Therefore, it is necessary that a full year's worth of "clean" data be collected and analyzed to provide the best baseline from which to evaluate the future stop practices of the department. Although no evidence of departmental discriminatory stop practices may be welcome news, the department now is faced with the responsibility of continual monitoring to maintain these practices for the continued benefit of both the department and the community.

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APPENDIX A

Iowa City Police Department Policy on Racial Profiling
General Order # 01-01
Section Code OPS-17

APPENDIX B

Iowa City Police Contact Sheet

Traffic Stop Practices of the Louisville Police Department:
January 15 – December 31, 2001*

Submitted to
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*This report is confidential and is intended for the Louisville Division of Police (LPD) to use as it deems necessary. It is not to be distributed, quoted, or cited without the express written consent of the authors, of Chief Smith, or others that the LPD may designate.

Executive Summary

This report summarizes the findings of a study conducted using data collected by the Louisville Division of Police between January 15, 2001 and December 31, 2001. These data resulted from 48,586 interactions between law enforcement officers and citizens during traffic-related contacts.

Information was collected about the driver, the officer, and the stop event. Driver demographics included race, sex, age, residency, license number, and vehicle registration. The only information collected about the officer was officer badge number. Finally, data collected about the stop event include the date, time of day, reason for stop, activities during the stop, number of passengers, and stop outcome.

Data analysis was conducted with the aid of SPSS-11.0 (Statistical Package for the Social Sciences). Analyses were conducted on two levels. First, descriptive analysis, using percentages, summarized stop patterns, stop characteristics, and driver demographics. This information is useful only to describe the existing state of affairs ("what is"), but not to explain them ("why") or to formulate predictions about future events ("what if"). To address the complex relationships that exist among different variables, a program called "chi-square automatic interaction detector" or CHAID was used to evaluate the variables in terms of their relationships with one another (multivariate analysis).

Temporally, it was not feasible to determine which month was the most active given several problems with the data on this variable. The most active time of day for stops was between 5-6pm, with 7.4% of all stops, followed by the time period from 4-5pm with 6.7% of all stops. Overall, the 2nd shift (3-11pm) was the most active, with 46% of all stops, followed by the 3rd shift (30%), and the 1st shift (24%).

Stopped drivers were mostly white (64%), male (70%), between 24 and 40 years old (46%), and Louisville residents (63%). Drivers were mainly stopped for penal code violations (67%), were checked for outstanding warrants (78%), were not searched (84%), and were issued citations (67%). Drivers who were searched (17%) were searched incident to arrest (52%), and by consent (40%). About 1 in 5 searches (19%) were because of the odor of drugs or alcohol. Contraband was discovered in 31% of searches. In cases where there was a search and contraband was discovered, 74% resulted in an arrest.

The descriptive analysis indicated some slight percentage differences among the races in certain events (e.g., stopped for equipment/registration violations). These percentage differences, however, cannot be used to infer correlation or causation ("racial profiling"). To make these types of inferences, multivariate analyses using CHAID were conducted. CHAID segments the sample of traffic stops and reveals the interrelationship between the potential predictors and the events involved in the stop. The CHAID procedure generates a "decision tree" that identifies significant predictors of each decision in question. In effect, the procedure "cross-references" each event with each potential predictor.

Results from CHAID analyses resulted in five events (violation of the penal code, being asked to exit, being searched, being subject to a warrant check, and being arrested) with significant predictors. Being stopped for a penal code violation was significantly related to the race of the driver; other persons of color (72%) and whites (69%) were most likely to be stopped for this reason. Age, however, had a strong interactive effect with race. Being asked to exit, being searched, being subject to a warrant check, and being arrested all were predicted by being stopped for a misdemeanor. Driver sex also surfaced as a predictor in some situations.

These data provide no empirical evidence that the LPD is systematically engaging in discriminatory stop practices. In general, stops conducted by the department, as a whole, during the study period, do not involve the race of the driver as a significant factor related to events and outcomes. The only exception to this involves stops for penal code violations, where other persons of color and whites were most likely stopped for this reason. These types of stops involve fairly low levels of officer discretion given that penal code violations are more serious than other reasons for which a driver might be stopped. This does not mean, however, that no individual citizen ever experienced discrimination. It is always possible that individual officers may engage in racially biased practices, both in determining which drivers they will or will not stop and in determining what steps to take after the initial contact. To detect discriminatory practices at this level, however, requires constant vigilance by the community, by all the officers within the department, and by the departmental administration. Statistical analysis, while valuable, cannot substitute for community involvement and effective management.

The full report provides a discussion of the "baseline dilemma" and makes recommendations for continued study to obtain a full year of data.

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Introduction

Accusations of discriminatory traffic stop practices (“racial profiling”) have emerged as a critical issue facing law enforcement. According to a 1999 Gallup poll and research conducted by the American Institute of Public Opinion (2000), many believe that racial profiling is widespread and disapprove of the practice of stopping motorists simply because the driver fits a particular profile (Newport, 1999). In response to this growing concern regarding traffic stops and a more general distrust of law enforcement personnel, many police departments across the U.S. have begun to more closely examine their traffic stop policies and procedures. Further, some police departments have begun collecting traffic stop data. The collection of traffic stop data initially may appear to be a rather straightforward process. In reality, however, the collection and analysis of traffic stop data is far from simplistic. A number of concerns must be addressed by any agency contemplating such an endeavor. These concerns range from defining the issues, developing data collection instruments and procedures, training personnel to collect data, and determining the most appropriate means to analyze the data.

Defining Racial Profiling

The precise definition of racial profiling is a matter of debate. While no universal definition exists, racial profiling is generally regarded as any act by law enforcement, whether it involves motorists or pedestrians, based solely on the race of the alleged violator (Ramirez, McDevitt & Farrell, 2000). In expanding on this broad definition, the U.S. Department of Justice considers racial profiling to be “any police action that relies upon the race, ethnicity or national origin of an individual rather than behavior of that individual that leads the police to a particular individual who has been engaged in or having been engaged in criminal activity” (Ramirez, McDevitt & Farrell, 2000). Accordingly, police may use race and ethnicity to determine if an

individual matches a suspect description but police may not use stereotypes when deciding who to stop, to search, or make subject to other stop – related actions.

Further, as Withrow (2002) notes, profiling by police can be further defined based on specific factors used in profiling. MacDonald (2000) suggests that profiling can be considered *hard* or *soft*. *Hard profiling* occurs when race is the one and only factor used in police decisions to stop a particular motorist. *Soft profiling* occurs when race is one of several factors the police use in determining whom they stop.

Collecting Data

Many departments have, independently or in collaboration with others, undertaken the task of analyzing traffic stop data. These agencies vary in terms of their structure and function, as well as in the type of data they collect. In addition, some data collection efforts involve sophisticated data analyses where others simply compare basic percentages. These differences, on the surface, are not all that dramatic. When making conclusions about the practices of a department, however, these methodological considerations take on more importance. In fact, methodological considerations are considered paramount by prevailing judicial opinions (see following discussion on legal issues). It should be noted; however, just as there are no widely accepted standards for defining racial profiling, the methods of collecting and analyzing traffic stop data are not universal.

Police departments across the country collect a variety of data elements in their analysis of racial profiling. Some agencies collect a minimal amount of data such as the race, age, and gender of the driver, along with the reason for, and outcome of the traffic stop. Other agencies collect data pertaining to all passengers of the vehicle, key events that may occur during a traffic stop (e.g. warrant check, search), and police officer demographics. There appears to be no

consensus regarding the most appropriate data collection elements across departments. The National Institute of Justice (NIJ), however, recommends certain data be collected on a “routine” basis (Ramirez, McDevitt & Farrell, 2000). These data elements include: date, time, and location of stop, license number and description of vehicle, length of stop, and name and identification number of the officer initiating the stop. The NIJ also recommends that certain “study specific” variables be considered. These include the race, date of birth and sex of the driver, the reason for stop; the outcome of the stop, and whether or not a search was conducted.

This report summarizes the analysis of traffic stop data collected by the LPD for the period January 15, 2001 to December 31, 2001. The report begins with a brief discussion of the background of the study. Next, the report provides a detailed discussion of the data analysis process and findings. Finally, the report concludes with recommendations for the future data collection and analysis efforts.

Background

In December 2000, the Louisville Division of Police (LPD) adopted a policy strictly prohibiting the practice of profiling. In conjunction with this policy, LPD decided to collect traffic stop data to monitor compliance with the policy. During the period January 15 - March 15, 2001, LPD opted to conduct a three-month pilot study of traffic stops. The purpose of the pilot study was to identify issues that may adversely impact the documentation of traffic stops as well as factors related to the input and analysis of data that might be of concern. Upon completion of the two-month review, the LPD decided to continue the study for the remainder of the year.

In August 2000, the Louisville Division of Police began to formally examine the issue of racial profiling. In an effort to gather information about this issue, representatives from LPD attended two training seminars. The first was the 11th Annual Regional Law Enforcement

Executives' Training Conference held in St. Louis, MO in August 2000. The second was the National Symposium on Racial Profiling and Traffic Stops sponsored by the Northwestern University Center for Public Safety in September 2000. At these training conferences, LPD representative consulted with numerous law enforcement agencies, researchers, and representatives from the Rainbow/Push Coalition, the American Civil Liberties Union, and the U.S. Department of Justice.

Upon returning from these conferences, selected LPD officers were tasked with creating a community-based committee that would address issues relating to racial profiling. Specifically, the Profiling Committee was charged with making recommendations to the LPD in regard to the development of a departmental anti-profiling policy. In addition, the committee was asked to provide recommendations regarding the specific content and procedures for the collection of traffic stop data. The department formed a committee consisting of LPD staff, representatives from the local ACLU and NAACP chapters, and two representatives from Citizens Against Police Abuse (CAPA), and researchers from the University of Louisville. The committee discussed information gained from a variety of sources including training conferences, research reports, other law enforcement agencies, and community members. The committee also considered the feasibility of various data collection instruments and issues related to a variety of research methodologies. The committee closely examined two pre-existing data collection instruments utilized by the Sacramento, CA Police Department and the St. Louis, MO Police Department. Also, the committee relied heavily on a racial profiling data collection resource guide prepared by the National Institute of Justice (NIJ) in developing the LPD data collection form.

In early December 2000, the recommendations of the committee were forwarded to Chief Greg Smith. On December 5, 2000 LPD instituted a policy prohibiting profiling and finalized the content of the data collection instrument. A copy of the policy is contained in Appendix A. The policy includes a definition of profiling, procedures for collecting data during traffic stops, supervisor responsibilities, training, reporting, and disciplinary procedures. According to the LPD policy, profiling is defined as:

“The targeting of people based solely on their race, ethnicity, gender, sexual-orientation, religion, socioeconomic status, or disability; or a process that motivates the initiation of a traffic stop, detention, and/or other law enforcement activity based solely on an individual’s actual or perceived race, ethnicity, gender, sexual orientation, religion, socio-economic status, or disability, or other characteristics attributed to an individual as a member of such group; or making discretionary decisions during the course of an enforcement activity based upon race, ethnicity, gender, sexual orientation, religion, socio-economic status, or other characteristics attributed to an individual as a member of such group.” (Chapter 3, Section III, Article 98, LPD Policy & Procedure Manual)

LPD provided selected Commanding Officers with training that addressed historical aspects of racial profiling, the new LPD policy prohibiting profiling, the procedures for completing the vehicular stop data collection forms, and the role of supervisory personnel in the data collection effort. Commanding Officers were selected for training based on their likelihood of involvement in the managing and supervising of vehicular data collection processes. Line officers received instructions and training about the new policy and the data collection procedures from personnel within their district, bureau or division. Also, LPD instituted a 40-hour mandatory in-service training program for all sworn officers. This training addresses issues relating to profiling such as cultural diversity training, policies and procedures of LPD in regard to the prohibition against profiling, instructions for completing the vehicular stop data collection form, traffic stops procedures, use of in-car video cameras, and techniques of the Verbal Advantage Program.

Methods

Data Collection and Variables

Based on recommendations of the committee, LPD coordinated further development of the data collection form with the Scantron Corporation. The form contains numerous data elements and is two-sided. A copy of the form is contained in Appendix B. The form includes data relating to:

- Time of stop
- Date of stop
- Reason for stop
- Race of driver
- Sex of driver
- Driver year of birth
- Drivers license number & state
- Was driver a city resident?
- Was driver asked to exit car?
- Number of passengers in car
- Was a search of the driver, passenger or vehicle conducted?
- Probable cause/authority for search
- Was contraband discovered?
- Type of contraband discovered
- Approximate duration of search
- Was a warrant check performed?
- Was there a hit for the warrant check?
- Time of delay while performing warrant or license check
- Result of the traffic stop/search
- Citation number
- Violation/stop location
- Was violation/stop location within city limits?
- District where violation/stop occurred
- Beat where violation/stop occurred
- Vehicle license plate number & state
- Duration of the stop
- Was vehicle equipped with video camera?
- Officer code
- Supervisor code

LPD began collecting traffic stop data on January 15, 2001. The forms are completed by individual officers who make the traffic stop and are reviewed by their supervisors. Once the

district supervisors complete their review, the forms are forwarded to the Staff Services department located at LPD headquarters. Staff Services personnel again review each form for completeness and accuracy. Forms that contain errors or incomplete information are returned to the district for corrections.

Once the forms are delivered to the university, the forms are separated from any additional documentation. Usually, additional documentation consists of a copy of the citation that was issued to the driver but also includes field interview cards and safety inspection forms. The data from the Scantron forms are scanned directly into a Scanbook database. The database file is then converted to the Statistical Package for Social Science (SPSS) 11.0. SPSS is the statistical program that is used to conduct the data analysis. It takes, on average, two seconds to feed one form through the machine. The machine does have an auto-feed option; however, forms often jam or are rejected by the machine. Because of these problems forms were sorted into groups of 50, and then manually fed into the machine. Recounting each scanned form and visually checking the new database entries verified entry of each form. When forms are rejected or become jammed, the form is removed from the current batch. The forms are then checked to determine the reason for scan failure. Over 1000 forms were rejected or jammed. Forms that are complete and/or correct are re-scanned. Forms that contain incomplete or incorrect data, as well as forms that are rejected, are returned to the LPD for further processing. The most typical problems encountered in the scanning of the forms involve torn, stapled, or stained (e.g. coffee stains) forms and forms with missing data for one or more of the first five data elements. The missing data typically involves failure of the officer to record both written and bubbled entries for items such as time of stop, date of stop or violation code.

Collection and Measurement Concerns

The analysis consisted of multiple steps. Given the number of cases and the number of variables, this approach was necessary for accuracy and efficiency. First, data were analyzed descriptively to give an overall picture of tendencies. This entailed calculating percentages of drivers within each decision point (reason for stop, asking the driver to exit, conducting a search, conducting a warrant check, and outcomes). One caveat is that the stop outcomes/results were dictated by events during the duration of the stop. For example, an officer stops a driver for an equipment/registration violation, but during the course of the stop sees contraband in the backseat of the car. Good police practice would dictate that the officer then conduct a search and run a warrant check. If there is an outstanding warrant on the driver, the officer must then arrest the driver. Thus, there are several decision points throughout the traffic stop process that involve no officer discretion. The officer must follow policies and procedures. In purely descriptive analyses of the data, these intricacies can become obscured.

The descriptive analyses were conducted to paint a broad picture of traffic stop activity. Subsequently, more sophisticated analyses were conducted that considered the totality of the circumstances surrounding the stop. Chi-squared automatic interaction detector (CHAID) analysis examined each decision point and determined the ability of various driver demographics (race, sex, and age) to predict those decisions. For example, CHAID analysis would sort all 10,000 cases in terms of whether or not an officer conducted a search. Then, the program checks those decisions (search/no search) with consideration of the driver demographics. Each case in which there was a decision to search is examined in terms of the driver's race, sex, and age. The same is done for cases in which the decision was not to search. This insures that the impact of each demographic variable is considered based on whether or not a search was conducted. In

this way, the CHAID analysis can determine the variable most predictive of a particular decision. Whenever race, sex, or age of the driver is a significant predictor of a particular decision, those factors will appear on a “decision tree,” along with measures of their strength and predictive value. If these demographics were not significant predictors, no “branches” would appear on the decision tree. In this case, it is highly likely that factors other than driver race, sex, or age were more strongly related to an officer’s decision (such as the presence of contraband, reason for stop, odor of alcohol or drugs, etc.). A summary of the findings from the descriptive analyses is presented below, followed by a summary of the findings from the CHAID analysis.

Analyses & Results

Overview of Traffic Stops

Traffic stops generally follow fairly predictable patterns. For example, stops are most likely at certain times of day, certain days of the week, certain days of the year, and in certain months. Weather patterns may play a role in traffic stops, as well. Situations in which patrols are increased, such as during Derby festival events, may result in more stops.

In Louisville, traffic stops during this study period were characterized by the following:

- Most drivers (14%) were stopped between the hours of 4:00 PM and 6:00 PM. Fewest drivers (< 1%) were stopped between the hours of 5:00 AM and 6:00 AM.
- The second shift was the busiest, making 46% of all stops.
- Less than two-thirds of the drivers stopped were city residents (63%), over one-third (37%) were not.
- Most drivers stopped were male (70%).
- Drivers between the ages of 24-40 were most often stopped. As driver age increased, their likelihood of being stopped decreased. Interestingly, the youngest drivers were the least likely to be stopped.
- Most drivers stopped were White (64%); 33% were Black, and 3% were Hispanic or other.

- White males were less likely than other males, and white females were more likely than other females to be stopped.

Officer decisions in Louisville were characterized by the following:

- The most frequent reasons for stops were: 1) violations of the penal code (67%); 2) equipment/registration violations (20%); and 3) misdemeanor violations of the penal code (7%).
- Higher percentages of non-white drivers were asked to exit, were searched, had warrant checks, and were arrested. Higher percentages of non-white drivers, however, also had hits on warrant checks, had contraband, and received warnings. A greater percentage of white drivers than non-white drivers received citations.
- A search was conducted in about 17% of all stops. Over half of all searches were incident to arrest (52%); 40% were consent searches; 19% involved the odor of drugs/alcohol. (Adds to more than 100% because officers could indicate multiple reasons).
- Contraband was discovered in 31% of all searches.
- Warrant checks were performed almost routinely, in 78% of all the stops.
- The most common stop outcome was a vehicle violation (43%).
- Most stopped drivers (67%) were issued citations, 14% were warned, and 11% were arrested.

In general, decisions to stop a driver were characterized by situations in which very little officer discretion was used. That is, most stops were initiated because of penal code violations and equipment/registration violations. Subsequent officer decisions seem to be related to situations that arose during the stop, such as the odor of drugs/alcohol, warrant hits, the discovery of contraband, and policies/procedures related to the apprehension and arrest of individuals. Most drivers were guilty of vehicle violations for which they received citations.

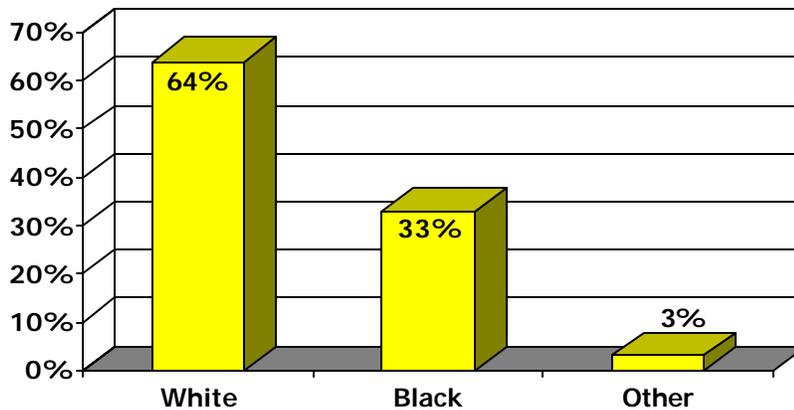
Descriptive Analyses and Results

Driver Demographics

The variables related to the driver involved in the stop were the following: race, sex, age, and residency. Drivers stopped were mostly White (64%), male (70%), between 24-40 years old, and Louisville residents (63%).

Race. As indicated below, 64% of the drivers stopped were White, 33% were Black, and 3% were Other (including Hispanic). (See Table 1).

Table 1: Percentage of Stops by Race of Driver



Sex: Sex by Race. Most (65%) stopped drivers were male (See Table 2). A higher percentage of Non-White males than White males were stopped, whereas a higher percentage of White females than Non-White females were stopped (See Table 3).

Table 2: Percentage of Stops by Sex of Driver

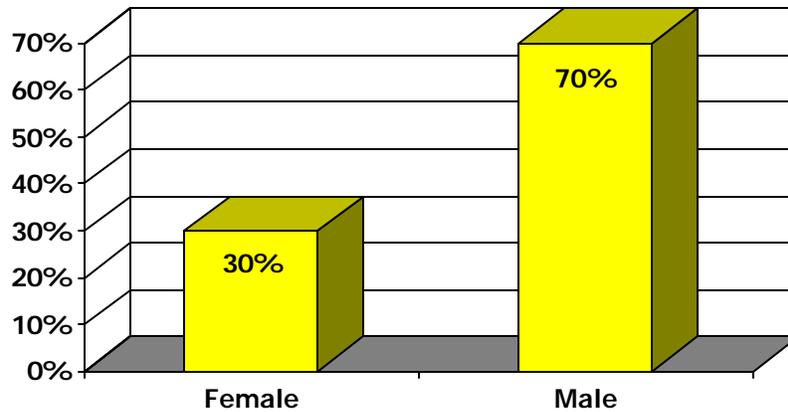
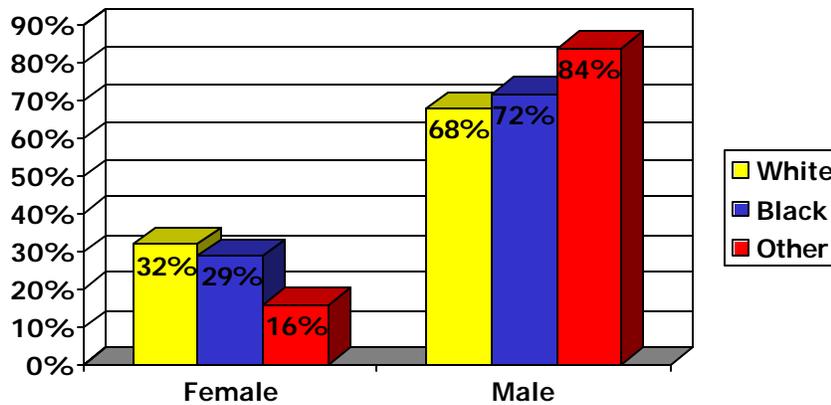


Table 3: Percentage of Stops by Sex and Race of Driver



Age: Age by Race. The median age of drivers stopped was 30, with most stopped drivers being 21. Drivers under 18 were stopped least frequently (See Table 4). Higher percentages of Black drivers than White or Other drivers between the ages of 18 and 23 were stopped, but in the 24-40 age group, other persons of color were most likely to be stopped. In general, younger (under 24) and older (over 40) White drivers than all other drivers were most likely to be stopped (See Table 5).

Table 4: Age Categories of Drivers Stopped

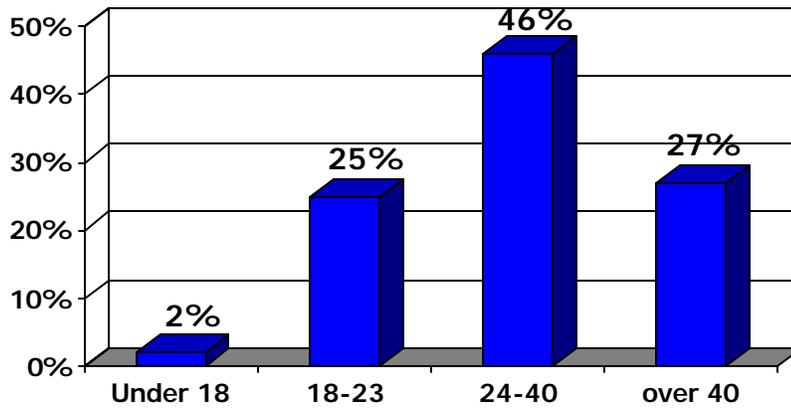
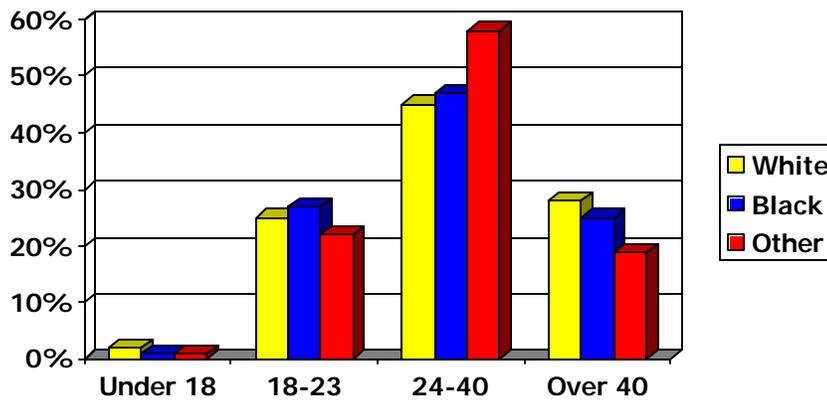
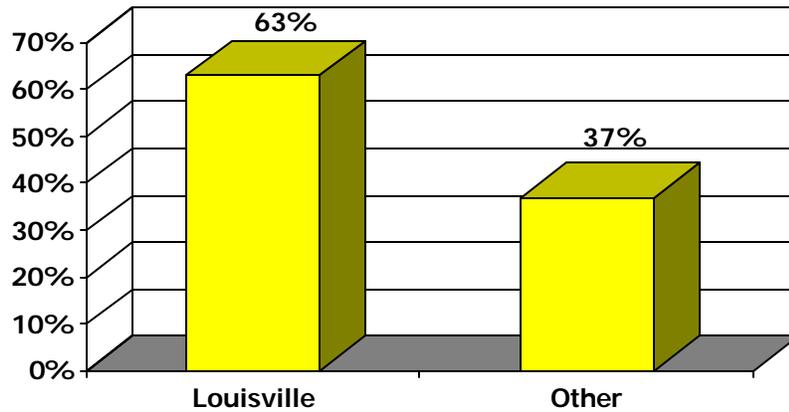


Table 5: Percentage of Drivers Stopped by Race and Age



Residency. Of all drivers stopped, less than two-thirds (63%) were city residents (See Table 6). This is probably very characteristic of a major urban area with a significant proportion of commuters and numerous institutions of higher learning. Given this, city census figures should NOT be used as a baseline for comparison to the overall stop data.

Table 6: Percentage of Drivers Stopped by Residency



Stop Event

Temporal Distribution. It was not feasible to determine stops by month given that a large portion of the date information was either missing, inaccurate, or incomplete. The least active time for stops was between 5am and 8am (about 4% of all stops), with the time between 4pm and 6pm the most active time (about 14% of all stops) (See Table 7). As a result, the second shift was responsible for the most stops (46%), followed by the third shift (30%), and the first (24%). (See Table 8).

Table 7: Percent of Stops by Hour of Day

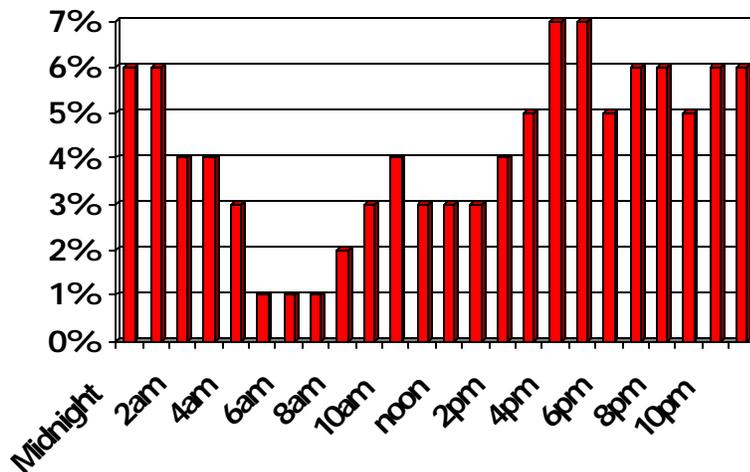
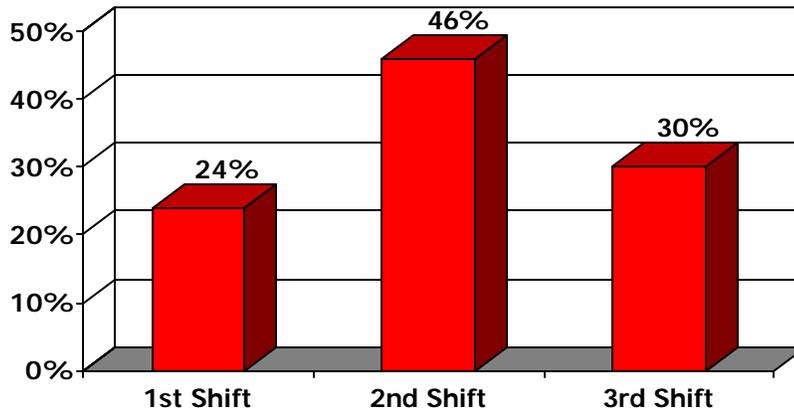


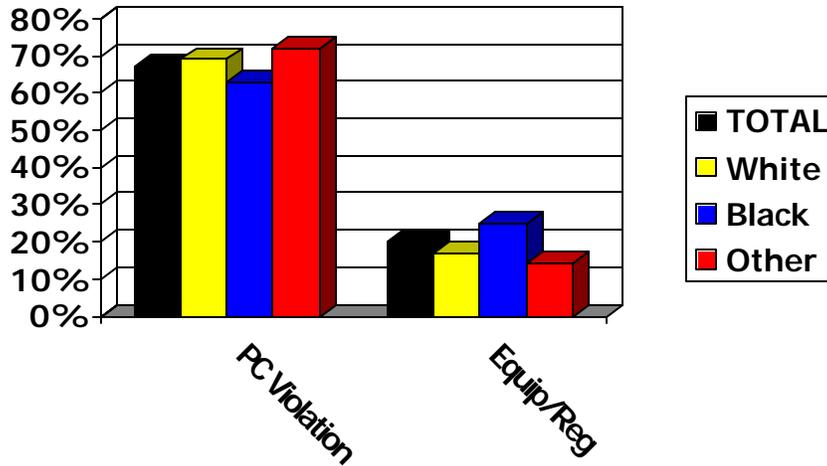
Table 8: Percent of Stops by Shift



In general, drivers were stopped for violations of the penal code (67%) or equipment/registration violations (20%), were not asked to exit their vehicles (81%), were not searched (83%), and were issued citations (67%). In 19% of the stops, drivers were asked to exit their vehicles, and 17% of stops involved a search. Searches mostly were conducted incident to arrest (52%), followed by consent (40%). Contraband was discovered in about 5% of all stops (but in 31% of all searches), with the most likely type of contraband being drugs (4%).

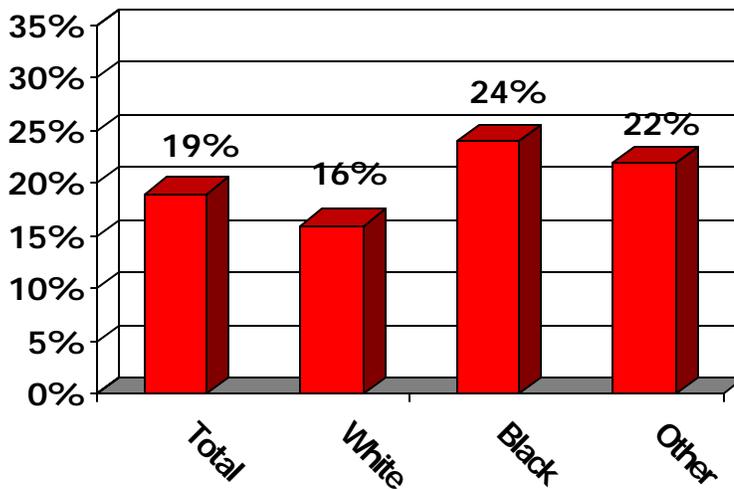
Reason for Stop by Race. The two most-cited reasons for stops were: 1) penal code violations (67%) and 2) equipment/registration violations (20%). Stops of Other drivers (72%) were more likely than stops of White (69%) or Black drivers (63%) to involve a violation of the penal code. Twenty percent (20%) of all stops were for equipment/registration violations; stops of Black drivers (25%) were more likely than stops of White (17%) or Other drivers (13%) to involve this reason. (See Table 9).

Table 9: Percentage of Stops by Reason and Race of Driver



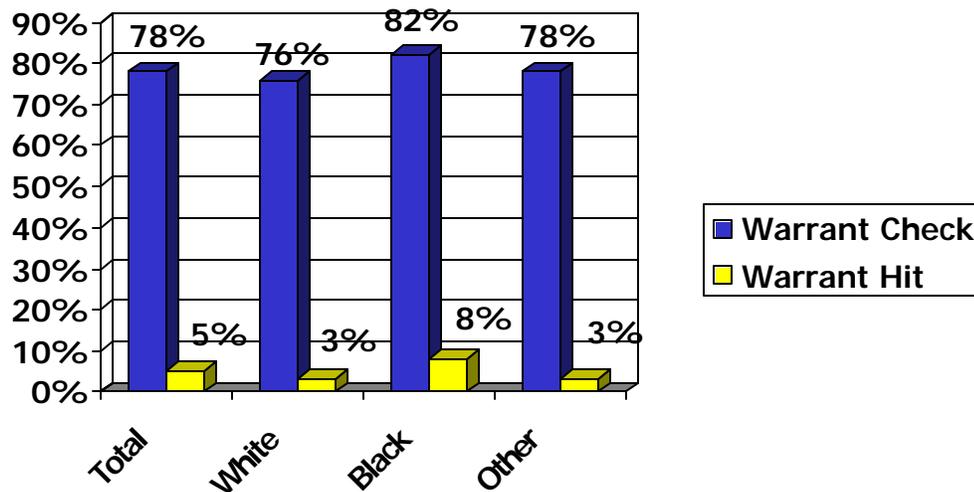
Being Asked to Exit by Race. In 19% of the stops, the drivers were asked to exit their vehicles. Black drivers (24%) were more likely than Others (22%) or White drivers (16%) to be asked to exit. (See Table 10).

Table 10: Percent of Drivers Asked to Exit by Race



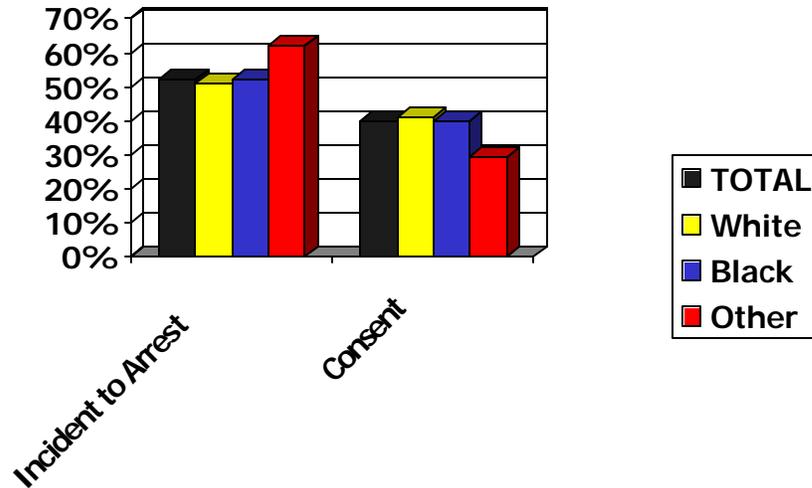
Warrant Checks and Hits by Race. Conducting a warrant check on stopped drivers was almost routine. Over three-quarters (78%) of stops involved a warrant check. Black drivers (82%) were more likely than Other drivers (78%) and White drivers (76%) to be checked for outstanding warrants. However, Black drivers also were more likely to have hits on warrant checks; 8% of Black drivers, compared to 3% of White drivers and 3% of Other drivers had hits on warrant checks (See Table 11).

Table 11: Percent of Warrant Checks and Warrant Hits by Race



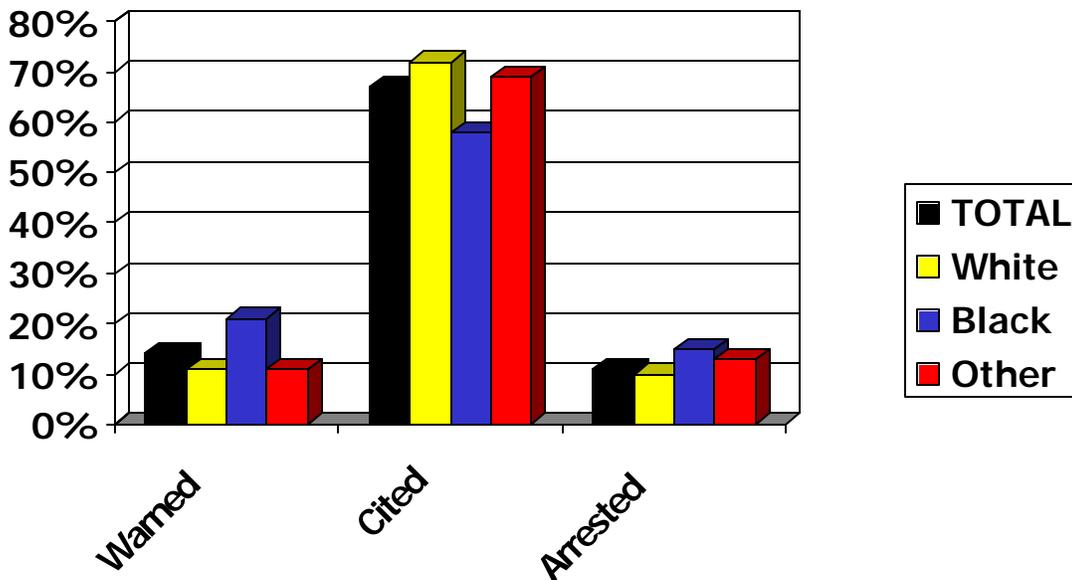
Searches by Race. About 17% of all stops involved a search. Most searches (52%) were conducted incident to arrest. Of drivers searched, Other persons of color (62%) were more likely than Black drivers (52%) and White drivers (51%) to be searched for this reason. Consent to search was given in 40% of cases, more so by White (41%) and Black drivers (40%) than by Other drivers (29%) (See Table 12).

Table 12: Percentage of Searches by Type and Race of Driver



Outcome of Stop by Race. Black drivers (21%) were more likely than White drivers (11%) and Other drivers (11%) to be issued a warning as a stop outcome (See Table 13). White drivers (72%) were more likely than Other drivers (69%) or Black drivers (58%) to be issued citations. A higher percentage of Black drivers (15%) than Other drivers (13%) or White drivers (10%) had arrest as the outcome of their stop.

Table 13: Percentage of Drivers Stopped By Outcome and Race



Summary of Descriptive Analyses

At first glance, one might be tempted to conclude that race is a factor in some events. For example, higher percentages of Other drivers of color were stopped for penal code violations while higher percentages of Black drivers were stopped for equipment/registration violations.

Descriptive statistics, however, are very superficial and only give the broadest picture of the data. This type of analysis lacks inferential ability. One cannot use it to predict events or to describe the relationships among characteristics and events. Descriptive statistics only should be used to describe the state of affairs. They will not help to: 1) understand why the percentages are the way they are; 2) determine the relationships among the characteristics and events; 3) predict one outcome or event over some other outcome or event.

Providing a description of the data should only be the first step in a thorough analysis. More comprehensive multivariate analysis is required to understand the relationships between and among variables, and to understand how these variables interact with one another to produce a certain reality, as portrayed by the descriptive statistics. In this case, a procedure called chi-square-automatic interaction detector (CHAID) was used to more fully explore the relationships between and among the various variables.

CHAID Analyses

This portion of the report examines the relationship between three demographic predictors (age, race, sex), and several events related to the initial stop. These events involve the following questions:

- 1) Reason for the Stop?
- 2) Was the driver asked to exit the vehicle?
- 3) Was a search conducted?

- 4) Was a warrant check performed?
- 5) Stop outcome (warning, citation, or arrest)?

Some of these decision points also were examined as predictors of subsequent events. For example, whether a warrant check was conducted might be related to whether a driver was warned, cited, or arrested.

CHAID is based on an analytical technique called chi-square. Chi-square analysis demonstrates whether a particular observed proportion within a sample is statistically different from a particular expected proportion within that sample. The expected proportion is based on the premise that there is no relationship (i.e., one has no impact on the other) between the two variables in question within the population from which the sample under study was drawn. It is calculated using information from the entire group.

For example, if we were interested in whether race (White, Other) and being arrested (Yes, No) are related in a population, we would use chi-square analysis. The chi-square procedure would determine that 25% of all the persons (regardless of race) were arrested and 75% were not. Then, the chi-square procedure would determine that, of all the “Other” drivers, 30% were arrested. Chi-square analysis would then conclude whether the 5% difference between all persons arrested and “Other” persons arrested is attributable to chance, or whether it is likely that there is a true difference in the population between White and Other drivers in being arrested. If the chi-square value is “statistically significant,” this 5% difference is not attributable to chance and represents a true difference between White and Other drivers in being arrested. By convention, statistical significance is reached when the probability of error in this conclusion is less than .05 (i.e., only 5 times out of 100 would one reach this conclusion in error).

Race, however, is just one factor that could be related to any event in a stop situation. Other variables may be more important. They may mediate, or even eliminate the influence of race. This is why we use a “measure of association” called the “phi coefficient” with chi-square analysis. The phi coefficient ranges in value from 0 (no relationship) to 1 (perfect or very strong relationship). If chi-square analysis indicates statistical significance (that the 2 variables are related), it is then necessary to determine the strength of that relationship. In the previous example, the 5% difference in the proportion of Black drivers arrested and the proportion of all drivers arrested was statistically significant. The question now relates to how strong the relationship is between race and arrest. The chi-square analysis determines the phi coefficient for this relationship to be .03. This indicates an extremely weak, almost non-existent relationship between race and arrest because .03 is much closer to 0 than to 1. In fact, this means that very little variation in arrest is explained by the race of the driver. Another variable or set of variables is more influential in arrest than the race of the driver. This is where it becomes necessary to conduct multivariate analysis.

CHAID is a multivariate technique that segments the sample of traffic stops and reveals the interrelationship between the potential predictors and the events involved in the stop. The CHAID procedure generates a “decision tree” that identifies significant predictors for each decision in question. In effect, the procedure “cross-references” each event with each potential predictor.

CHAID simultaneously considers the impact of several independent variables (age, race, sex) upon a particular event in question (arrest, in the example above). The CHAID results indicate the strongest predictor of the event, while taking the other variables into account. It may be that no variable or set of variables is a predictor of the event when the other variables are

considered. This means that any original relationship (e.g., between race and arrest) is so weak that when other independent variables are considered (age, sex), nothing predicts the event.

In the arrest example, the program examines all the cases in which individuals were arrested. It then examines all the factors associated with each case and determines the ones that keep occurring in conjunction with an arrest. Then, the program compares that state of affairs with the cases in which drivers were NOT arrested. In this way, it is possible to determine whether factors are really predictive of an event or whether observed differences between those arrested and those not arrested occurred purely by chance.

For example, if descriptive analysis determines that 30% of the drivers arrested were White and 70% were Black, one might be tempted to conclude that there was a racial bias in arrests. However, the CHAID analysis would examine the cases and simultaneously consider all the other potential factors involved in an arrest. The decision tree that it generates might indicate that the most significant factor related to arrest is a stop for “pre-existing knowledge.” The analyses demonstrate which of the potential predictors (if any) had the strongest and most important relationship to the events or outcomes. In this case, the potential predictors were used to examine the five events listed above to determine if they were actually related or whether any observed differences occurred purely by chance.

The advantage of multivariate analysis is that it reveals the strongest predictors of the event in question. In other words, if race is a factor, it will emerge independently of the other factors. If race is not a factor, then the one or more of the other predictors will emerge, or none of the selected predictors will emerge as related to the events/outcomes. If no significant predictor emerges, it either means that the analyses did not include the most relevant predictors or that no measured factor is related to the event.

This attribute is particularly relevant for a traffic stop situation in which many things go unmeasured. For example, one cannot measure the quality of the personal interactions between an officer and the individuals stopped. One cannot measure the demeanor of the driver. In this case, one cannot measure any information about the passengers in the vehicle. Finally, extraneous factors such as the weather, the time of year, the social environment, and the location are not measured in this study.

CHAID Results

Results from CHAID analyses resulted in 5 events with significant predictors. Within “Reason for Stop,” being stopped for a penal code violation was significantly related to race of the driver. Being asked to exit, being searched, being subject to a warrant check, and being arrested all were predicted by having been stopped for a misdemeanor. Sex and age also surfaced as second or third order predictors in some situations.

Reason for Stop.

Only two “reasons for stop” had enough cases to use with CHAID, Penal Code Violation, and Equipment/Registration Violation:

- Penal Code Violation: This reason for stop was given in 67.3% of all stops (32,509/48,306). This is the “base rate” for penal code violations.
 - ✓ Race was the strongest predictor.
 - Other Persons of Color (1109/1541 = 72%) and
 - Whites (21,115/30,481 = 69.3%) were stopped for this reasons in proportions higher than the base rate of 67.3%.
 - ✓ Among Other Persons of Color, the next predictor was Age:
 - Persons over 40 (221/286 = 77.3%).
 - ✓ Among Whites, the next predictor was Age:
 - Persons under 18 (484/630 = 76.8%).

Therefore, in percentage order, the groups that had significantly higher percentages of penal code violations than the base rate were:

1. Other Persons of Color over 40: 77.3%.
2. Whites under 18: 76.8%.
3. Other Persons of Color: 72%.
4. Whites: 69.3%.

Here, the age interaction was more important than the race factor, given that certain age groups among the races were more likely to be stopped for penal code violations rather than just certain races.

- No demographic factors were related to Equipment/Registration Violation: 19.5% of the stops were for this reason (9,475/48,586).

The following “reasons for stop” were too small (infrequent) to conduct CHAID analysis.

- Felony (Penal Code): Only 0.5% of the stops were for this reason (249/48,586).
- Misdemeanor (Penal Code): 7.1% of the stops were for this reason (3,458/48,586).
- Violation of City Ordinance: 1.7% of the stops were for this reason (832/48,586).
- Pre-existing knowledge/investigation: 2.8% of the stops were for this reason (1,350/48,586).
- Special Detail: 1.0% of the stops were for this reason (482/48,586).
- Crime Initiative: 0.6% of the stops were for this reason (302/48,586).
- Traffic Checkpoint: 0.1% of the stops were for this reason (25/48,586).
- Assistance: 2.1% of the stops were for this reason (1,043/48,586).
- Other Reasons: 1.7% of the stops were for this reason (815/48,586).

Driver Asked to Exit. At this point, three initial reasons for stop (felony, misdemeanor, violation) were added to the demographics (age, race, sex) as potential predictor variables.

The base rate for “Driver Asked to Exit” was 18.9% (8,937/47,247).

- ✓ Whether the person had been stopped for a Misdemeanor was the strongest predictor (1,693/3,383 = 50%).

- Among persons stopped for a Misdemeanor, the next strongest predictor was Sex. Males were asked to exit the car at the highest rate ($1,450/2,675 = 54.2\%$).
- ❖ Among males stopped for a misdemeanor, the next strongest predictor was a stop for a Violation ($146/211 = 69.2\%$).

In percentage order, the groups that were significantly above the base rate for “Driver Asked to Exit” were:

1. Males who were stopped for both a misdemeanor and a violation: 69.2%.
2. Males stopped for a misdemeanor: 54.2%.
3. Persons stopped for a misdemeanor: 50%.

Therefore, the CHAID analysis revealed that the reason for stop (misdemeanor, violation) and sex were strong predictors of driver being asked to exit.

Search Conducted. The base rate for searches conducted was 16.4% ($7,846/47,613$).

- ✓ The strongest predictor was Misdemeanor stop. A greater proportion of persons initially stopped for a misdemeanor ($1,621/3,436 = 47.2\%$) were searched.
 - Among persons stopped for a misdemeanor, the next predictor was Sex. Males ($1,422/2,713 = 52.4\%$) were searched at a higher rate than females.
 - Among persons stopped for a misdemeanor who were male, the final predictor was Violation stop. A greater proportion of persons initially stopped for a violation ($157/221 = 71\%$) were searched.

In percentage order, the groups that were significantly above the base rate for searches were:

1. Males who were stopped for both a misdemeanor and a violation: 71%.
2. Males stopped for a misdemeanor: 52.4%.
3. Persons stopped for a misdemeanor: 47.2%.

Therefore, the CHAID analysis revealed that the reason for stop (misdemeanor, violation) and sex were strong predictors of whether a search was conducted.

Warrant Check. The base rate for having a warrant check performed was 77.8%

(37,394/48,058).

- ✓ The strongest predictor was Misdemeanor stop. A greater proportion of persons initially stopped for a misdemeanor ($2,987/3,455 = 86.5\%$) had warrant checks.
 - Among persons stopped for a misdemeanor, the next predictor was Sex. Males ($2,416/2,732 = 88.4\%$) had warrant checks.
 - Among persons stopped for a misdemeanor who were male, the final predictor was Age. A greater proportion of persons aged 24-40 ($1,135/1,270 = 89.4\%$) had warrant checks.

In percentage order, the groups that were significantly above the base rate for having a warrant check were:

1. Persons stopped for a misdemeanor who were male and age 24-40: 89.4%
2. Males stopped for a misdemeanor: 88.4%.
3. Persons stopped for a misdemeanor: 86.5 %.

Therefore, the CHAID analysis revealed that the reason for stop (misdemeanor), sex, and age were strong predictors of whether a warrant check was conducted.

Arrest. The base rate for arrests was 11.3% (5,501/48,586).

- ✓ The strongest predictor was Misdemeanor stop. A greater proportion of persons initially stopped for a misdemeanor ($1,308/3,458 = 37.8\%$) were arrested.
 - Among persons stopped for a misdemeanor, the next predictor was Violation stop. Persons also stopped for a violation ($173/286 = 60.5\%$) were arrested at a higher rate.
 - Among persons stopped for a misdemeanor who were also stopped for a violation, the final predictor was Race. Whites ($111/160 = 69.4\%$) were arrested at a higher rate.

In percentage order, the groups that were significantly above the base rate for arrests were:

1. Persons stopped for both a misdemeanor and a violation who were white: 69.4%
2. Persons stopped for a misdemeanor and a violation: 60.5%.
3. Persons stopped for a misdemeanor: 37.8 %.

Therefore, the CHAID analysis revealed that the reason for stop (misdemeanor and violation) and race were strong predictors of arrest.

There were no significant predictors of being issued a citation or receiving a warning as a stop outcome. This means that no variable or combination of variables made a person more or less likely than any other person to receive a citation or a warning.

Summary of CHAID Analyses

Five events involved significant relationships to tested predictors. Being stopped for a penal code violation, being asked to exit the vehicle, being searched, being subject to a warrant check, and being arrested were the only events that CHAID analysis determined to have significant relationships with predictor variables. In no situation was race the only or most significant predictor of an event. When race did surface, it was strongest in combination with other variables, such as age (in the case of being stopped for a penal code violation), or reason for stop (in the case of arrest). Moreover, Other persons of color and Whites were the only racial groups to appear as significantly related to any of the stop events: 1) being an Other person of color over 40 and being a White person under 18 were strongly related to being stopped for a penal code violation; and 2) being a white person stopped for both a misdemeanor and a penal code violation was strongly related to being arrested. Being stopped for a misdemeanor surfaced as a significant predictor more often than any other factor. Sex of the driver (being male) also was related to being asked to exit, being searched, and being subject to a warrant check.

The “Baseline” Dilemma

The most problematic part of any study of this nature is determining the baseline to which collected data should be compared (Engel, Calnon, and Bernard, 2002). Many studies only compare the rate of stops among various racial groups and use any disparity to infer the

presence of discriminatory stop practices. Engel, Calnon, and Bernard (2002), however, argue that “the mere presence of disparity in the aggregate rate of stops does not, in itself, demonstrate racial prejudice, any more than racial disparity in prison populations demonstrates racial prejudice by sentencing judges” (p. 250).

We should look at “what is” and compare that state of affairs to “what should be.” However, determining “what should be” is troublesome. In theory, the racial distribution of drivers stopped should represent the racial distribution of drivers doing something that makes them eligible to be stopped. For example, if 20% of the drivers doing something that makes them eligible to be stopped by the police are Black and 80% are White, one would expect that 20% of the drivers stopped are Black and 80% are White. This comparison has very little, if anything, to do with any racial distribution in the city or county population. It has everything to do with the racial distribution of drivers on the roadways and the driving behaviors or characteristics that they exhibit.

Making decisions as to whether a department is engaging in discriminatory stop practices depends on the ability to identify the racial distribution of stops that would exist in the absence of discriminatory stop practices. That is, one must know the true racial distribution of drivers eligible to be stopped (i.e., doing anything that could get them warned, cited, or arrested—anything that creates reasonable suspicion or probable cause). Stops in the absence of discriminatory practices, then, would be the “right” proportions. One could then compare the research findings to the “right” proportions to determine whether discrimination exists. Unfortunately, we cannot measure this objective reality. Determining the “right” proportion of stops is impossible because of the infinite variations in driving behaviors and police response within various locations at various times on various days in various months during various years.

Also missing is a measure of the interactions between those stopped and the officers. Demeanor is thought to significantly contribute to stop outcome as well as to other law enforcement outcomes such as warning, citation, and arrest.

This reality, however, is extremely difficult, if not impossible, to measure. We cannot know the racial distribution of drivers doing something that makes them eligible to be stopped. Some research has attempted to measure this, but the methodology employed is often seriously flawed. The most common method involves posting trained observers at strategic locations armed with stopwatches to determine the racial distribution of speeders. Obviously, this method is extremely limited, relying on split second judgment by observers as to the race of drivers. In addition, this method rests on the assumption that speeding is the only thing for which drivers get stopped. In the current study, moving violations were the most commonly cited reason for a stop, but equipment/registration violations and other violations accounted for about 3 in 10 stops. Given that comparison to population data is invalid (see Engel, Calnon, and Bernard, 2002 for an excellent critique of this practice), we suggest that the current data become the baseline from which to evaluate future practices.

The initial analysis of a law enforcement agency's traffic stops does establish a benchmark for that department. Once an initial study is completed, a department has an empirical basis for comparison in the future. If an initial study indicates the possibility of bias (race appears as a significant predictor of some event), future research will provide data for comparison to help determine whether the relationship previously observed between race and some outcome persists or whether it has disappeared. If an initial study shows no evidence of bias (race does not appear as a significant predictor of any outcome), the department in question should attempt to maintain this desirable result.

These data, collected from traffic stops made by the Louisville Division of Police between January 15 and December 31, 2001, provide no evidence that the LPD is systematically engaging in discriminatory stop practices. Stops conducted by the Department, as a whole, during the study period, do not involve the race of the driver, independently, as the most significant factor related to events and outcomes (e.g., arrest, search, etc.). This does not mean, however, that no individual citizen ever was discriminated against. There is always the possibility that individual officers may be engaging in racially biased practices, both in determining which drivers they will or will not stop and in determining what steps to take after the initial contact. This is a serious possibility that is not likely to be revealed with statistical analysis. To detect discriminatory practices at this level requires constant vigilance by the community, by all the officers within the department, and by the departmental administration. Statistical analysis, while valuable, cannot substitute for community involvement and effective management.

Legal Issues Relating to Bias/Racial Profiling Data Collection and Analysis

Overview

The findings and conclusions of any study involving bias/racial profiling are often used, or interpreted, in a number of ways, for a variety of purposes, by many factions. These studies often raise issues related to the management and administration of the agency, issues relating to the recruiting, training and attitude of the officers, and issues related to the community, just to name a few. This section focuses strictly on the legal issues involved with this, or any, study of bias/racial profiling.

Civil Liability

Without a doubt, the central legal issue relating to any study of bias/racial profiling by a law enforcement agency is the degree to which the agency, or the individual officers employed by the agency, may be subject to civil liability for their actions. While the terms “bias profiling” and “racial profiling” are of relatively recent origin, and neither are legal terms, the practice of bias/racial profiling, if substantiated, allows victims to pursue civil claims against an offending agency, or officer, under a variety of legal theories. Although each legal theory has its own strengths and weaknesses, for a number of reasons, the theory employed by most plaintiffs, and the one that is arguably the most difficult for plaintiffs to obtain evidence and prove, is that of a Constitutional violation of the 14th Amendment’s Equal Protection Clause. Generally speaking, the standard required for a plaintiff to win in an Equal Protection claim is that the plaintiff must prove that other similarly situated individuals, of a different race, were treated differently.

Likewise, proving, or disproving, disparity of treatment based on race should also be the focus of any study of bias/racial profiling. Thus, the key importance of any study on bias/racial profiling, from a legal perspective, is that the study’s findings and conclusions can become the evidentiary basis for supporting, or defending, such claims. In short, the data, and more importantly the findings and conclusions of the evaluators, of bias/racial profiling studies serve as the statistical evidence used by plaintiffs or defendants to support or defend the legal claims.

Several courts have addressed the issue of civil liability under the 14th Amendment based on a claim of bias/racial profiling and the evidentiary requirements needed to support such a claim. These courts repeatedly emphasize the need for both plaintiffs and defendants to introduce valid and reliable statistical evidence establishing, or disproving, disparate treatment

based on race. Evidence taking the form of statistics based on anecdotal sources, or data evaluated using unacceptable methodology, are universally rejected by the courts.

In *Chavez v. Illinois State Police*, 251 F.3d 612 (7th Cir. 2001), a typical Equal Protection lawsuit, the court went to great lengths to outline the validity and reliability standards required of evidence relating to the collection and/or analysis of data regarding bias/racial profiling. The court noted that statistical evidence may be used to establish that other similarly situated individuals, of a different race, were treated differently; however, to be admissible and of any relevance to the issues before the court, such statistical evidence must be collected and analyzed in a universally scientifically acceptable manner. Further, the court noted that the statistical evidence must be subject to rigorous methodological procedures and evaluated by persons with the academic credentials and practical experience to qualify as experts. The court specifically noted the inherent problems with statistical evidence relating to bias/racial profiling with regard to the following: establishing base lines, determining the quantity and quality of the data being collected, sample groups, and interpretation. Accordingly, if the statistical analysis and findings and conclusions of this, or any, study of bias/racial profiling are to be of any value from a legal perspective, the study should comply with the evidentiary requirements currently being imposed by the courts.

This study seems to satisfy the admissibility requirements for evidence relating to disparate treatment based on race, currently being imposed by courts in bias/racial profiling cases. This study employed sound methodological techniques with regard to the collection and analysis of data and was performed by individuals with nationally recognized expertise in statistical analysis.

Disclosure of Information/Records

Although generally not rising to the level of concern as civil liability, law enforcement agencies engaged in the collection of information and analysis of data, whether related to bias profiling or some other topic, must be familiar with the applicable statutes and/or ordinances governing the release of public records. Typically referred to as “Open Records Acts”, virtually all jurisdictions have enacted laws requiring certain records in the possession of police agencies to be released to the public. These “Open Records Acts” vary tremendously from jurisdiction to jurisdiction; however, in all jurisdictions, to some degree, the data collected as part of a bias-profiling project will be subject to disclosure to the public, and to the media. Ideally, agencies will address this legal issue before initiating any data collection to ensure they know, going into the project, what records, if any, will be subject to disclosure, and under what circumstances.

The fundamental questions to be resolved relating to the release of data and information collected as part of a bias profiling project are:

- 1) Who, exactly, is the custodian of the data and information relating to the project?
[This can become very complex in situations where agencies contract all, or part, of the project out to a consultant.]
- 2) What records are, and are not, subject to disclosure?
- 3) Can any of the information collected be “masked” or otherwise shielded from disclosure? Must any information be shielded from disclosure?
- 4) If large data sets are subject to disclosure, what format is required?
- 5) Where disclosure of large, bulky, data sets is required, what costs, if any, may be recovered by the agency?
- 6) Is the analysis/interpretation of the data subject to disclosure also?
- 7) When must data/information be released? [This can pose difficulties in multi-year, on going, projects.]
- 8) How long must the data/information be retained and who had responsibility for archiving the materials?

Conclusion

It is imperative that agencies practice proactive risk management with regard to the collection and analysis of data relating to bias/racial profiling. In addition to serving as the basis for addressing a host of management, administration and personnel issues, bias/racial profiling studies can also serve as useful tools for developing statistical evidence for defending against lawsuits alleging civil rights violations. However, experts in statistical analysis must conduct any study using scientifically acceptable methodology. The statistical analyses involved in this study appear to satisfy the legal requirements currently being imposed by the courts and the findings and recommendations should serve as valid evidence relating to allegations of bias/racial profiling. Finally, a determination should be ascertained as to what degree the information/records will be subject to disclosure under the applicable Open Records laws.

Conclusion and Recommendations

The Louisville Division of Police, as a whole, does not appear to be systematically stopping drivers based on their “racial or ethnic status or characteristics” as defined by departmental policy. While the percentages of races were not always equal in some categories, the discrepancies are most likely explained by factors other than the driver’s race. For example, the age and sex of the driver were important explanatory factors in many events. This makes sense given that we know driving behavior to be different among various ages and between the sexes; younger drivers drive differently than older drivers and males drive differently than females.

This study used a comprehensive set of data collected about a population of stops over a 12-month period. The data were collected in a consistent manner, with only minor problems pertaining to entry and recording that were addressed as they were discovered. The statistical

analysis used to evaluate the data was rigorous, thorough, and conducted by academicians with expertise in the collection, analysis, and interpretation of such data. Further, this analysis was conducted on a contractual basis with researchers from the University of Louisville, providing a level of objectivity that is necessary to avoid any conflicts of interest or appearances of impropriety. These factors have yielded valid data, making valid conclusions highly likely. The only caveat is that one full year's worth of data should be collected and analyzed to provide a baseline from which to evaluate future stop practices.

Moreover, the legal considerations set forth by the courts have been met, making legal actions against the Louisville Division of Police based on accusations of "racial profiling" very unlikely. However, the Department must still recognize that this does not preclude the actions of any one officer becoming suspect. Our findings do not conclude that such profiling might not be occurring against individual citizens by one or more individual officers. This type of discrimination on an individual level, however, is virtually impossible to detect or to prove given the type and amount of discretion that officers must use in the completion of their duties. These matters are more likely to be discovered through administrative and supervisory vigilance, and through community awareness, rather than through the collection and analysis of traffic stop data.

The Louisville Division of Police can enhance their collection of traffic stop data. The recommendations offered here involve both process and content elements of the project. First, it is suggested that the 2001 traffic stop data be used as a baseline for analyzing future department practices and that the department continues to collect data on an annual basis. Second, census population data should not be used as a baseline given that it has very little, if anything, to do with the stoppable driving population in an area at any given time.

Third, data collected for the year 2001 should be viewed carefully as the department experienced considerable challenges in refining the data entry process. Throughout the course of this project quality assurance checks were employed to ensure that the data collected was valid although it is suggested that the validity of the data may continue to be somewhat suspect. Continued monitoring of data entry and fine-tuning of the department's quality assurance mechanisms, however, must be a priority. A fourth recommendation involves continued training of all officers in regard to departmental policy, data collection procedures, and the results of the analysis. Officers collecting the data must have a thorough understanding of the project in order to ensure more accurate and complete data collection and entry. In a similar vein, supervisors must be proactive in ensuring line officers understand the policies and procedures related to the project. Supervisors also should identify officers who require additional training or closer supervision to ensure adequate understanding of the data entry procedures as well as policy compliance.

These recommendations are offered to improve the data collection process and to enhance the quality of the data. Several of these recommendations were communicated to the Department as the study progressed and have been addressed. Others currently are being implemented. Overall, the departmental administration has been receptive to recommendations for the improvement of their data collection and analysis, and seems genuinely concerned about the accurate measurement of traffic stop practices. Although no evidence of departmental discriminatory stop practices may be welcome news, the department now is faced with the responsibility of continual monitoring to maintain these practices for the continued benefit of both the department and the community.

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APPENDIX A

Louisville Division of Police Policy on Racial Profiling

APPENDIX B

Louisville Division of Police Scantron Form

Montgomery County Department of Police

MCPD



2001-2003 STRATEGIC PLAN

AWARDS PROGRAM

ANIMAL SERVICES

AUTO THEFT

COMMUNITY OUTREACH

COMPUTER CRIME

CRIME PREVENTION

CRISIS INTERVENTION TEAM

DISTRICT STATIONS

FALSE ALARM REDUCTION UNIT

FAMILY CRIMES DIVISION

FRAUD SECTION

INTERNAL AFFAIRS DIVISION

K-9

- ← A MESSAGE FROM CHIEF CHARLES A. MOOSE
- ← EMPLOYMENT OPPORTUNITIES **NOW HIRING**
- ← MCPD MISSION STATEMENT
- ← HOW TO CONTACT US
- ← MEDIA SERVICES \PRESS RELEASES



Traffic Stop Data Collection Initiative:

- [See the software program utilized at this link.](#)
- [Data Analysis Reports - October 2001, January 2002, May 2002, December 2002, June 2003](#)
- [The Memorandum of Agreement.](#)

Select here to view a new video by the Montgomery County Department of Police title "[What To Do If You Are Stopped by the Police](#)". This helpful instruction aimed at new drivers, allows the viewer some insight to what happens during a traffic stop. (mpg format)

RECORDS DIVISION

ROLLCALL OF HONOR

SEX OFFENDER
REGISTRY

TECHNOLOGY DIVISION

TRAINING ACADEMY

VOLUNTEER

This site has been visited

 880577

[FastCounter by bCentral](#)

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Montgomery County Police

	<p>Montgomery County Government has installed red light enforcement cameras that rotate among 15 sites. Current locations were selected based on various factors, the criteria link is here.</p>
	<p>Victim/Witness Assistance Program fact sheet pdf format</p> <p>Victim/Witness Assistance Information Sheet pdf format</p>
	<p>PS 2000 installation has begun. Antennas, repeaters and Police vehicles computers will continue to be installed throughout 2001. Testing, data conversion and implementation are scheduled to continue for the next two years. Link here.</p>
	<p>New web site on E-Montgomery for online bicycle registration. You can now easily help protect your bicycle from theft with the simple entry of a few keystrokes. (<i>adult supervision required for form entry</i>). Please follow this link.</p>
<p>THE MARYLAND VEHICLE LAW 2001</p>	<p>Title 21 - Rules of the Road - Maryland Vehicle Laws 2001 Not sure what the Laws are regarding pedestrians and motorist? Click here to view Current Vehicle Laws pdf format</p>
<p>Put Yourself...  In the Picture</p>	<p>Make a Difference... Make a Commitment.. To learn more about becoming a Montgomery County Police Officer, Click HERE (3.1MB Windows file) or click HERE (4.7 Mac file) to view a message from Chief Charles A. Moose. Montgomery County Police Dept. Recruitment Video 77mg <i>Put Yourself...In The Picture Download an application now.</i> (Windows Media Player 7 recommended to view movie)</p>

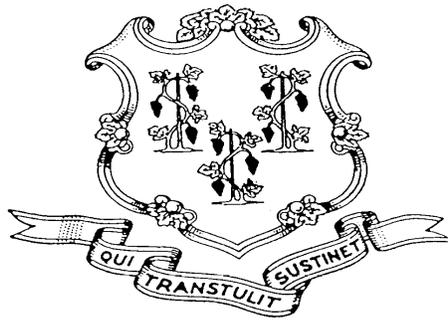
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State of Connecticut

**Interim Report
of
Traffic Stops Statistics**

January 2000 to June 2000



**Division of Criminal Justice
Office of the
Chief State's Attorney**

With assistance from the:

**Office of Policy and Management
Policy Development and Planning Division**

Department of Information Technology

Prepared by the:

**Central Connecticut State University
Department of Criminology and Criminal Justice**

January 2001



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

OFFICE OF
THE CHIEF STATE'S ATTORNEY

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CHIEF STATE'S ATTORNEY

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ROCKY HILL, CONNECTICUT 06067
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January 24, 2001

To His Excellency, The Governor, and The Honorable General Assembly:

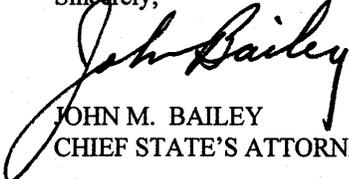
This document constitutes the interim report on traffic stops statistics prepared pursuant to Public Act 99-198, *An Act Concerning Traffic Stops Statistics*. The report analyzes data collected with regard to traffic stops made by police officers in Connecticut during the first six months of the 2000 calendar year.

The Office of the Chief State's Attorney is fully committed to the implementation of Public Act 99-198, and to the thorough and complete collection and analysis of the statistical information required by the Act. Given the importance we place on this issue, we have chosen to prepare this interim report, in addition to the final report mandated by the Public Act.

I would like to express my appreciation to all who have worked so diligently to develop and implement the system for collecting traffic stops data, and to those who have worked to analyze those data and prepare this interim report. Special thanks must go to the author of the report, Stephen M. Cox, Ph.D., of the Department of Criminology and Criminal Justice at Central Connecticut State University, for his professional and independent analysis.

Pursuant to Public Act 99-198, the final report, and any recommendations, will be submitted to the Governor and the General Assembly not later than January 1, 2002.

Sincerely,


JOHN M. BAILEY
CHIEF STATE'S ATTORNEY

Enclosure

Interim Report of Traffic Stops Statistics

For the State of Connecticut

January 2001

Prepared for:

John M. Bailey
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EXECUTIVE SUMMARY

Public Act No. 99-198 of the Connecticut General Assembly was signed into law by Governor Rowland on June 28, 1999 and went into effect on October 1, 1999. This Act, "An Act Concerning Traffic Stops Statistics," defined the concept of "racial profiling", directed the Department of Public Safety and municipal police agencies to adopt a written policy prohibiting the practice of stopping, detaining, or searching any person based on the individual's race, color, ethnicity, gender, or sexual orientation, and instructed the Chief State's Attorney to collect information on all police-initiated traffic stops in Connecticut. This report is an interim summary, analysis, and presentation of the traffic stops occurring in the State of Connecticut during the first six months of 2000. These statistics are presented for the entire state and for each individual police agency in Connecticut.

Prior Research on Racial Profiling

Research on racial profiling is limited, but has suggested that minorities tend to be stopped and searched more often than white drivers. Prior racial profiling research has failed to explain why disparities exist other than to suggest that police departments are systematically targeting racial and ethnic minorities when making traffic stops. These conclusions have been largely based upon questionable baseline comparisons. For example, the baseline comparison of the traffic stop analyses is the percentage (or proportion) of minorities stopped compared to the percentage of minorities that live in the town. This comparison is based on the assumption that the percentage of minorities residing in a town is representative of the percentage of minority driving the roadways within the town. While we believe that in many cases, the percentage of minorities living in a town should be similar to the percentage of minorities driving within the town, there may be instances when these percentages are significantly different. Such instances can be the geographic location of the town (e.g., towns that border towns with large minority populations), attractions in the town (e.g., retail districts, entertainment centers, tourism locations), and employment/educational institutions having a high number of nonresident employees/students.

Collection of the Traffic Stops Data

The Chief State's Attorney, a law enforcement subcommittee comprised of representatives of state and local police agencies, and the Connecticut Office of Policy and Management created a reporting format for collecting traffic stops data and instructed the Division of State Police and municipal agencies on its use. These data consisted of the town name, date and time of the traffic stop, age, gender, race, ethnicity of the driver, the nature of the traffic stop (criminal investigation, motor vehicle violation, or equipment violation), whether a vehicle search was conducted, and the disposition of the traffic stop (uniform arrest report, misdemeanor summons, infraction ticket, written warning, verbal warning, or no disposition).

Law enforcement officers completed the traffic stop form immediately following the traffic stop. These forms were sent to the Chief State's Attorney's Office and forwarded to the Connecticut Department of Information Technology for compilation. The Office of Policy and Management reviewed them for errors or missing information.

Analysis of Traffic Stops Data

The traffic stops data were presented two separate ways. The first method presented a statewide summary of the data. The statewide aggregate of traffic stops statistics showed some differences in the percentages of traffic stops conducted with black and Hispanic motorists compared to the percentages of blacks and Hispanics residing in the state.

The second method computed a measure of disproportionality that compared blacks to non-black motorists and Hispanic to non-Hispanic motorists at the four traffic stops decision points (conducting the stop, the nature of the stop, the disposition of the stop, and whether a search was conducted). Overall, a small amount of disproportionality was found across the four traffic stop decision points. In regards to traffic stops, the majority of police departments showed a difference of less than 5% between the percentage of blacks and Hispanics stopped relative to their representation in the town population. For the nature of traffic stops, the disproportionality was less than 5% in over 90% of the police departments when looking at criminal investigations. For motor vehicle and equipment violations, 80% of the police departments had a disproportionality of less than 5%. In terms of dispositions, there was slightly higher disproportionality among blacks and Hispanics for misdemeanor summons. The majority of police departments exhibited little or no disproportionality for the remaining dispositions. Finally, for motor vehicle searches, there were slightly more disproportionality for blacks and Hispanics, yet over 90% of police departments had less than a 10% disparity.

Conclusions

Based on the traffic stops data, minority drivers do not appear to be systematically treated differently than non-minority drivers. The analysis of traffic stops statistics for the State of Connecticut revealed that although some disparities were present, these were small and appeared to be limited to a small number of police agencies or associated with low occurrences of traffic stops. Even though disparities between the treatment of black and non-black drivers and Hispanic and non-Hispanic drivers were more prevalent for the issuance of misdemeanor summons and motor vehicles searches, these differences were not extreme.

While we believe that disparate treatment of minority drivers is not prevalent throughout Connecticut, we cannot definitively conclude that individual police officers do not practice racial profiling. The decision to stop a motor vehicle and how to dispose of this traffic stop is ultimately made on an individual basis. Police departments should be proactive in monitoring the activities of individual officers to decrease the possibility that enforcement decisions are solely being based on race or ethnicity.

The failure to explain why disparities exist other than to suggest that police departments practice racial profiling has been a major limitation of prior studies of traffic stops. We conducted an analysis of extraneous influences in an attempt to better understand why some disparities were present. One important finding was that towns stopping a higher percentage of minority drivers bordered towns or cities having a high percentage of minority residents. The value of this finding is that it supports our belief that outside factors may be associated with disparities in the traffic stops statistics and not systematic racial profiling by law enforcement agencies.

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INTRODUCTION

This report is an interim summary, analysis, and presentation of the traffic stops occurring in the State of Connecticut during the first six months of 2000. These statistics are presented for the entire state and for each individual police agency in Connecticut. There are four sections to this report. The first section provides an overview of the Public Act that directed the Chief State's Attorney in collecting the traffic stops data along with a review of other research involving racial profiling of traffic stops. The second section discusses the data collection process employed by the Chief State's Attorney and the Connecticut Office of Policy and Management as well as a summary of the information collected from each traffic stop. The third section of this report presents a summary and statistical analysis of statewide data. The fourth section summarizes the traffic stops for every police jurisdiction in the state.

Summary of Public Act No. 99-198

Public Act No. 99-198 of the Connecticut General Assembly was signed into law by Governor Rowland on June 28, 1999 and went into effect on October 1, 1999. There were three components to this Act. The first component defined the concept of "racial profiling" as:

"...the detention, interdiction or other disparate treatment of an individual solely on the basis of the racial or ethnic status of such individual."

The first component of the Act also instructed the Division of State Police, municipal police departments, and all other law enforcement agencies not to engage in racial profiling, in that, the race or ethnicity of an individual cannot be the only factor in establishing probable cause or reasonable and articulable suspicion for the purposes of arrest, detention, or an investigatory stop of a motor vehicle.

The second component of this legislation directed municipal police agencies and the Department of Public Safety to adopt a written policy prohibiting the stopping, detaining or searching of any person based on race, color, ethnicity, age, gender or sexual orientation. This part of the legislation also provided the guidelines for collecting information from traffic stops. This information consists of:

- (1) the number of persons stopped for traffic violations;
- (2) the characteristics of the persons stopped (race, color, ethnicity, gender and age);
- (3) the nature of the traffic violation that resulted in the stop (criminal investigation, motor vehicle violation, or equipment violation);
- (4) the disposition of the traffic stop (e.g., warning, ticket, arrest, or vehicle search);
- (5) other information deemed appropriate by the police agency involved.

In addition, each police agency is required to provide summary reports of this information to the Chief State's Attorney, who in turn, is required to provide a report to the Governor and General Assembly. The final report is to be presented no later than January 1, 2002.

The final section of the legislation stipulated that the Chief State's Attorney, in conjunction with the Commissioner of Public Safety, the Attorney General, the Chief Court Administrator, the Police Officer Standards and Training Council, the Connecticut Police Chiefs Association, and the Connecticut Coalition of Police and Correctional Officers, create and distribute a format for law enforcement officers to use when collecting information on traffic stops. Furthermore, an additional form was developed and distributed by the Chief State's Attorney to be used for reporting complaints made by citizens who feel

they were stopped for a motor vehicle violation based solely on their race, color, ethnicity, age, gender or sexual orientation. This report is limited to an analysis and presentation of the data collected from the traffic stops.

Prior Research on Racial Profiling

The phrase “racial profiling” has commonly been used to describe police practices of suspecting individuals of illegal activity primarily based on their race and ethnicity (Ramirez, McDevitt, and Farrell, 2000). Racial profiling, as applied in this report, describes the disproportionate targeting of minority drivers for pretextual traffic stops. These pretextual stops offer law enforcement the opportunity to stop, detain, and possibly search any driver the police officer believes may be involved in other criminal activity such as drug trafficking. Anecdotal evidence suggests that innocent motorists have felt victimized during these stops particularly when police search their cars for drugs or other contraband after informing the driver that he or she was stopped for a broken taillight or other minor traffic violation (ACLU, 2000; Harris, 1997; 1999; Meeks, 2000). Lawsuits alleging racial profiling have been filed in Oklahoma, New Jersey, Maryland, Illinois, Florida, Pennsylvania, and Colorado (U.S. General Accounting Office, 2000). Although the law allows race and ethnicity to describe a particular suspect, race and ethnicity cannot be used as a single factor to stop-and-search (Ramirez, McDevitt, and Farrell, 2000).

History Of Racial Profiling

Harris (1997; 1999) and Meeks (2000) argue that racial profiling is simply an extension of the practices developed during the 1980's “War on Drugs.” During the drug war, a “drug courier profile” was created and used to stop, question, and search those who were considered suspicious or likely to be engaged in drug trafficking on highways, in train and bus stations, and in airports. The “drug courier profiles” were based on the physical, psychological and behavioral characteristics of previous drug traffickers. The U.S. Supreme Court generally supported searches made on the basis of a drug courier profile as long as the factors used to comprise the profile did not include race. However, Harris (1999) argues that race was an important component of the drug courier profile. He summarizes the 1985 Florida Department of Highway Safety and Motor Vehicles’ guidelines for the police on “The Common Characteristics of Drug Couriers” which included “ ‘scrupulous obedience to traffic laws’ and drivers wearing ‘lots of gold’, or drivers who did not ‘fit the vehicle,’ and ‘ethnic groups associated with drug trade’” (Harris, 1999, p. 5). In 1986, the Drug Enforcement Administration developed a highway drug interdiction program known as “Operation Pipeline” which Harris (1999) maintains trained law enforcement officers to target minority motorists through the use of pretextual traffic stops. Although the DEA claims “Operation Pipeline” passed the scrutiny of the U.S. Department of Justice’s Civil Rights Division in 1997 (U.S. General Accounting Office, 2000), Harris (1999) believes the training materials were implicitly biased toward targeting minorities.

It is because of these early drug courier profiles and their associations with ethnic minority groups that some critics believe minority drivers are more likely to be stopped, questioned, and searched on the highways (Harris, 1999; Meeks, 2000). Although most law enforcement agencies deny the use of racial profiling, some law enforcement officials have publicly acknowledged and defended racial profiling as an effective law enforcement tool in the war against drugs (Goldberg, 1999 June 20; Kocieniewski, 1999 March 2). It is important to note that the National Association of Police Organizations and International Association of Chiefs of Police unequivocally reject racial profiling as an unlawful and unacceptable practice (U.S. General Accounting Office, 2000).

Review of the Research to Date

In order to determine the nature and extent of racial profiling, Representative John Conyers (D-MI) and Senator Frank Lautenberg (D-NJ) have introduced bills to Congress which would offer incentives for police departments to keep detailed records of traffic stops, including race, gender, and ethnicity of the person stopped, as well as, whether a search was initiated and if any warning or citation was issued (ACLU, 2000). Two states, Connecticut and North Carolina have enacted legislation requiring state and local law enforcement personnel to collect data on traffic stops and several other states are considering such legislation. New Jersey is required to collect data on motorist stops as a result of a December 1999 consent decree resulting from a case filed in U.S. District Court by the U.S. Department of Justice (U.S. General Accounting Office, 2000). In a similar case filed against Maryland, a memorandum of understanding signed in January of 2000 required the Montgomery County Police Department to record data on traffic stops. A number of other local jurisdictions have also initiated data collection on motor vehicle stops.

Although statistical data is limited, there is some evidence to indicate that in certain areas minority drivers are stopped more often than whites. Harris (1997) found that for a three year period in the late 1980s, of 1,100 videotaped traffic stops on I-95 in Volusia County, Florida, more than 70% of the drivers stopped were either African-American or Hispanic even though these groups comprised only 5% of the drivers on this highway. Even though only 9 of the 1,100 stops received a ticket, 80% of about 500 searches involved African-American or Hispanic drivers and these groups were also detained on the average twice as long as whites. Harris (1997) also reported that 75% of the 732 motor vehicle searches conducted by the Maryland State Police from January 1995 through June 1996 were with African-American motorists.

The City of San Diego recently released a preliminary report detailing their traffic stops. From January 2000 through June 2000, 91,552 traffic stops were conducted (Cordner, Williams, and Zuniga, 2000). The preliminary findings indicate that Hispanics and African-Americans were stopped more often than their population percentages and were searched and arrested more often than Asian or white drivers. Hispanic residents, aged 15 and older, represented 20.2% of the city's population, yet represented 34.9% of equipment violation stops and 50.1% of searches subsequent to vehicle stops. African-American residents aged 15 and older comprised 8.0% of the city's population and represented 14.3 % of equipment violation stops and 19.5% of searches subsequent to vehicle stops. The researchers point out that it is possible these data overestimated the degree to which police stops of Hispanic drivers are disproportionate. Since San Diego is close to the Mexican border, there may be a higher percentage of Hispanic drivers in San Diego than the population data would suggest.

Furthermore, a report by the United States General Accounting Office (2000) reviewed five existing studies, including San Diego, and concluded that the data were too limited to determine the extent of racial profiling. However, the cumulative results did indicate that African Americans, in particular, and minorities in general, were more likely than whites to be stopped.

Research to date is limited, but suggests some occurrences of racial profiling in other areas, as it is defined in the literature. The present study examines Connecticut traffic stops data for indications of disparate treatment of minorities. This research can provide valuable insight about the way traffic stops are conducted, but caution should be taken in interpreting these findings as providing definitive answers regarding the extent of racial profiling.

COLLECTION AND INTERPRETATION OF TRAFFIC STOPS DATA

While Public Act No. 99-198 took effect on October 1, 1999, the actual collection of traffic stops data did not begin until January 1, 2000. During the three months prior to January 1, 2000, the Chief State's Attorney and the Office of Policy and Management met with a law enforcement subcommittee comprised of representatives of state and local police agencies (hereafter referred to as the "law enforcement subcommittee") to create the reporting format and data collection process. Representatives from the West Hartford Police Department and the Division of State Police were asked to join the law enforcement subcommittee due to their proactive responses to racial profiling prior to the passage of Public Act No. 99-198 (the West Hartford Police Department created a traffic stops form prior to the legislation and the Division of State Police had completed an internal review of its traffic stops). The following section summarizes the data collection process.

Format of the Traffic Stops Data

The Chief State's Attorney, the law enforcement subcommittee, and the Office of Policy and Management developed a form for all law enforcement officers in the State of Connecticut to complete when making a traffic stop (Figure 1). Regardless of the circumstances surrounding the traffic stop, every officer was required to complete this form. Police officers were not asked to complete this form when responding to traffic accidents or nontraffic-related incidents. The information to be collected in this form was set forth in Public Act No. 99-198.

Figure 1. Sample Traffic Stops Data Collection Form.

State of Connecticut Traffic Stops Statistics			
Department - ORI: _____		Town: _____	
Date: ___/___/___	Time: ___:___	Age: ___	Gender: <i>Male</i> <i>Female</i> <i>Unknown</i>
Race: (Circle One)	W - White B - Black I - Indian Amer./Alaskan Native A - Asian/Pacific Islander U - Unknown	Ethnicity: H - Hispanic (Circle One) N - Not Hispanic U - Unknown	
Stop Nature: (Circle One)	I - Investigation, Criminal V - Violation, Motor Vehicle E - Equipment, Motor Vehicle	Statute: _____	Vehicle Search: Y - Yes (Circle One) N - No
Disposition: (Circle One)	U - Uniform Arrest Report M - Misdemeanor Summons I - Infraction Ticket V - Verbal Warning W - Written Warning N - No Disposition	Event Number: _____ (as defined by your department)	

Definitions of the Items on the Data Collection Form

This form contains 13 items of information that were completed by the law enforcement officer making the traffic stop. The definitions and explanations of these items are below.

Department – ORI

The ORI number represents an identification code number assigned by the Federal Bureau of Investigation. This number is unique for each law enforcement agency in the United States.

Town

This item is the name of the town or jurisdiction of the police officer making the traffic stop.

Date

This item is the date of the traffic stop.

Time

This item refers to the time of day when the traffic stop occurred.

Gender

This item refers to the gender of the driver of the motor vehicle.

Age

This item refers to the age of the driver at the time of the traffic stop.

Race

This item refers to the race of the driver of the stopped motor vehicle. The options available to the reporting police officer are White/Caucasian, Black, American Indian, Asian/Pacific Islander, or unknown. Public Act No. 99-198 specified that the race of the driver would be determined solely on the observation and perception of the police officer responsible and that this “information shall not be required to be provided by the person stopped.”

Ethnicity

This item refers to the ethnicity of the driver of the stopped motor vehicle. Specifically, the police officer conducting traffic stop was asked to determine whether the driver was Hispanic, not Hispanic, or of unknown ethnicity. Similar to determining the race of the driver, the police officer based this decision on his or her own observation and perception.

Nature of the Traffic Stop

This item provides the reason the law enforcement officer conducted the traffic stop. Traffic stops data were collected only for officer-initiated traffic stops. There are three general reasons a police officer can legally conduct a traffic stop: a criminal investigation, a motor vehicle violation, or an equipment violation.

Statute

This item records the Connecticut General Statute that was allegedly violated, thereby causing the traffic stop. Public Act No. 98-198 did not require police officers to report this information. This optional item was included for use by individual police departments and was not part of the present study.

Vehicle Search

The item asked if a search of the stopped motor vehicle was conducted concurrent to the traffic stop. Police officers can conduct warrantless vehicle searches during traffic stops under limited circumstances. These instances are: (1) when a police officer has reasonable suspicion to believe that an occupant in the motor vehicle possesses a weapon and his/her safety could be in jeopardy (this is

commonly referred to as a *Terry Stop*); (2) if an officer has probable cause to believe a crime has been committed, the driver or other occupants of the motor vehicle can be arrested and the entire motor vehicle searched; (3) if an officer has probable cause to believe that there is illegal contraband in the motor vehicle (primarily illegal drugs); (4) if the driver gives the police officer consent to search his/her motor vehicle; and (5) a police officer, during the process of conducting a routine traffic stop, sees contraband, stolen property, or other dangerous items in the motor vehicle (Connecticut Law Enforcement Publications, 2000).

Disposition of the Traffic Stop

Along with the reason why the traffic stop occurred, police officers were required to report the disposition. There are basically six different ways police officers end a traffic stop. These are discussed in order of most restrictive to least restrictive.

A *Uniform Arrest Report* takes place when the police officer determines that a criminal offense has occurred or the driver is wanted under an arrest warrant. In these instances, the driver is taken into police custody and detained.

A *Misdemeanor Summons* can be issued for less serious criminal offenses or motor vehicle violations that are not infractions or serious criminal offenses. These, most often, include serious motor vehicle offenses such as driving while under the influence of intoxicating liquor and/or drugs, reckless operation of a motor vehicle (excessive speeding), failure to maintain motor vehicle insurance, operating a motor vehicle under a suspended driver's license, evading responsibility for personal injury or property damage, and offenses involving an accident resulting in a death. When issued a misdemeanor summons, the individual is not always arrested or detained, but is required to appear in court.

An *Infraction Ticket* can be issued by the police officer in cases where the driver commits a minor motor vehicle violation (e.g., speeding, failing to stop at a red light or stop sign, failing to use a turn signal).

The police officer can issue a *Written Warning* to the driver for a motor vehicle or equipment violation. There are two types of written warnings that can be issued. The first type of written warning is for motor vehicles that do not display valid emissions stickers. Under these cases, the driver must have the vehicle's emissions tested. Failure to do this results in the suspension of the vehicle's registration by the Connecticut Department of Motor Vehicles. The second type of written warning is issued for defective equipment (e.g., malfunctioning brakes, horns, windshield wipers, headlights, tail lights, turn signals) or minor motor vehicle violations.

A *Verbal Warning* can also be given to the driver of the vehicle. Verbal warnings are generally issued when police officers want to make drivers aware of minor traffic offenses.

It is possible for police officers to provide *No Disposition* to a traffic stop. This situation most often occurs during a criminal investigation traffic stop. For example, a police officer is dispatched to a neighborhood in response to a citizen complaint of a suspicious vehicle. After making the traffic stop, the driver of the vehicle is simply lost and needs directions. The police officer provides the motorist with directions. Since there were no criminal or motor vehicle violations, the officer does not provide a disposition.

Event Number

Some of the police agencies assigned unique identification numbers to the traffic stop forms to aid in the collection and compilation of data. The recording and collection of this information was left to the discretion of the police agencies.

Collection of the Traffic Stops Data

Law enforcement officers completed the traffic stop form immediately following the traffic stop. Officers were permitted to use either paper forms or electronic forms, depending on the preference of the individual police agencies. Police agencies were not required to use the form created by the Chief State's Attorney, the law enforcement subcommittee, and the Office of Policy and Management, but were required to collect the information using the same format. These forms were sent to the Chief State's Attorney's Office and forwarded to the Connecticut Department of Information Technology for compilation. The Office of Policy and Management reviewed them for errors or missing information.

Issues in Dealing with Traffic Stops Statistics

Given the sensitive nature of this topic, it is important that these data are presented in the most straightforward and comprehensive manner possible. The statewide data will be discussed separately and in a more detailed manner than the individual town data. Even though town data will be presented, it is beyond the scope of this study to discuss them in detail.

This report is based upon data provided by the municipal law enforcement agencies and the Division of State Police. In reviewing these data, there are issues that need to be taken into consideration when interpreting the statewide summary, and particularly, the individual town summaries.

The first issue pertains to the collection of traffic stops data. The value of this research is in exploring the presence of, extent of, and circumstances surrounding any disproportionate treatment of minority motorists by law enforcement officers. One of the major strengths of this study is the large number of individual traffic stops for which data has been collected. In addition, this information has been collected for every law enforcement agency in Connecticut. The large number of traffic stops allows for comparisons across towns and within towns regarding number of traffic stops, the nature of the traffic stops, the disposition of the traffic stops, and the number of motor vehicle searches.

The second issue pertains to the analysis of the data. One analysis in this study compares the racial and ethnic percentages of drivers stopped to the racial and ethnic percentages of the towns. These types of comparisons are common in racial profiling studies, but it is not clear that they are the most appropriate. Some studies have tried to determine the racial and ethnic percentages of all drivers on a particular stretch of road. Whereas, other studies have chosen the racial and ethnic composition of a particular state, city, or district within a city as an appropriate benchmark, and some studies have tried to use racial and ethnic composition of the driving age population in a given area (Ramirez, McDevitt, and Farrell, 2000). Other methods of determining if police officers treat minority drivers differently than non-minority drivers is to know the race and ethnicity of everyone driving through the town or the race and ethnicity of everyone driving past each police officer. For instance, if minority drivers drive 20% of the vehicles that Police Officer Jones observes, we would expect that 20% of Police Officer Jones' traffic stops be with minority drivers, not the 10% found in the town's population. Unfortunately, this information would require a

more complex and cost prohibitive study measuring the race and ethnicity of all drivers at several locations in each town.

Additionally, prior racial profiling research has failed to explain why disparities exist other than to suggest that police departments are systematically targeting racial and ethnic minorities when making traffic stops. These conclusions have been largely based upon questionable baseline comparisons. For example, the baseline comparison of the traffic stop analyses is the percentage (or proportion) of minorities stopped compared to the percentage of minorities that live in the town. This comparison is based on the assumption that the percentage of minorities residing in a town is representative of the percentage of minority driving the roadways within the town. While we believe that in many cases, the percentage of minorities living in a town should be similar to the percentage of minorities driving within the town, there may be instances when these percentages are significantly different. Such instances can be the geographic location of the town and attractions in the town.

Geographic location can affect the percentage of nonresidents driving through the town, in that, the racial and ethnic composition of neighboring towns likely would alter the racial and ethnic composition of drivers. For example, towns that are suburbs of Hartford, Bridgeport, and New Haven feasibly have a higher percentage of minority drivers as a result of large minority populations living in these cities. Also, the presence of a highway or major thoroughfare in close proximity to the town may also alter the racial and ethnic ratio of drivers. The presence of a highway brings nonresidents into the town more often than in towns without a highway. As people travel, they may need to exit the highway for purposes of meals, lodging, and/or sightseeing, increasing the number of nonresidents driving through town.

Town characteristics other than geographic location may also affect the racial and ethnic composition of the driving population. Towns with entertainment/tourism attractions or retail districts generally attract high numbers of drivers who are nonresidents. Examples these attractions are shopping malls, antique shop villages, amusement parks, casinos, beaches, and state parks. In addition, towns that are largely nonresidential may also attract a high percentage of nonresidents. These towns typically consist of a high number of corporate offices, factories, retail distribution centers, and tourist attractions that employ many nonresidents of the town. Colleges and universities can also be included in this grouping due to the high percentage of students that attend the school but do not live in the town.

We address this issue by providing additional pieces of information to the comparison of racial and ethnic percentages of drivers stopped to the racial and ethnic percentages of the towns. We created a measure of disproportionality to compare the proportion of nature, dispositions, and searches of black and Hispanic drivers to non-black and non-Hispanic drivers and employ a statistical procedure for ascertaining possible outside influences (e.g., town characteristics) on disproportionality. We also included state, county, and town racial and ethnic percentages in the individual town summaries of traffic stops. While these are not necessarily better baseline comparisons, they provide the reader with more information to better interpret the traffic stops statistics.

The third issue pertains to the reliability and validity of the data. One limitation is our inability to assess the consistency and accuracy of the information collected from the traffic stop forms. With 92 law enforcement agencies and an unknown number of law enforcement officers completing these forms, it was necessary to take measures to reduce the possibility of human error.

The Chief State's Attorney, the law enforcement subcommittee, and the Office of Policy and Management attempted to address this concern two separate ways. First, the creation of a common data collection format containing a limited number of narrowly defined items along with pre-specified

responses allowed for some degree of consistency across the numerous law enforcement agencies. Second, each jurisdiction's traffic stops statistics were reviewed in an effort to increase accuracy in the collection and reporting of these data. All police agencies were asked to review traffic stop reports when there were inconsistencies from previous reports. In no case was a department expected or asked to change their original statistics, but they were requested to verify the accuracy of the collected data on an ongoing basis throughout the study.

The fourth issue is in the interpretation of the traffic stops statistics. It is important to note that the purpose of this report is to provide straightforward summaries of the traffic stops statistics. Since there are no measurable and objective specifications for determining what constitutes the practice of racial profiling by a police agency, we cannot arrive at an absolute conclusion of the existence or nonexistence of racial profiling. This report presents the traffic stops data in a variety of formats to provide the reader with sufficient information for identifying issues related to traffic stops.

When interpreting percentages, it is extremely important to also note the actual numbers from which the percentages are based. Small numbers can produce percentages that overstate the issue. For example, some police agencies appear to have large disproportions between minorities and non-minorities in regards to traffic stop dispositions. These disproportions are actually due to few occurrences of traffic stops and/or small numbers of traffic stops of minority drivers.

Furthermore, when interpreting the traffic stop dispositions, it is not possible to correlate the nature of the traffic stop to the disposition. For instance, a police officer may conduct a traffic stop for an equipment violation and arrest the driver for a criminal offense. It is also possible for a police officer to stop a motor vehicle for a criminal investigation and issue a misdemeanor summons or infraction ticket for an equipment violation the police officers notices after making the traffic stop.

SUMMARY AND ANALYSIS OF STATEWIDE TRAFFIC STOPS DATA

The following section presents a statewide summary of the traffic stops statistics from January 1, 2000 to June 30, 2000. The summary also contains an analysis of disproportionality across all of the law enforcement jurisdictions in Connecticut.

Presentation of Statewide Data

This presentation has been divided into several tables and figures that show the actual numbers and/or percentages of traffic stops, natures of the traffic stops, dispositions of the traffic stops, and searches of motor vehicles across the racial and ethnic categories. The tables and figures used in this section are similar to the format of the individual town summaries. A narrative description of each table and figure has been provided to aid in the interpretation.

Tables 1 and 2 presents the racial and ethnic population distribution in Connecticut along with the racial and ethnic composition of the traffic stops for all of the police agencies. The state population information is based upon the 1990 U.S. Census. Even though more recent population estimates have been published, these estimates greatly vary depending on the methodology used by the organization providing the estimates. Therefore, the 1990 Census is believed to be the most reliable. The population demographical data will be updated upon publication of the 2000 Census.

Tables 1 and 2 presents the numbers and percentages of race and ethnicity for the state population and for all traffic stops. The racial and ethnic percentages of the traffic stops were similar to the race and ethnicity composition of the state population. A total of 316,158 traffic stops were reported from January 1, 2000 and June 30, 2000. The majority of the traffic stops consisted of white motorists (83.7%) with 12.1% of the traffic stops being black motorists, 1.8% were Asian, 0.2% were American Indian, and 2.2% were unknown. Further, the majority of stopped motorists were not Hispanic (72.9%), with 8.7% being Hispanic, and 18.4% were not readily known to the police officer completing the traffic stop form.

Table 1. Racial Summary of the State Population and the Statewide Traffic Stops*

	State Population		Traffic Stops	
	(Number and Percentage)		(Number and Percentage)	
White	2,859,353	87.0%	264,747	83.7%
Black	274,269	8.4%	38,272	12.1%
American Indian	6,654	0.2%	665	0.2%
Asian/Pacific Islander	50,698	1.5%	5,421	1.8%
Other/Unknown	96,142	2.9%	7,053	2.2%
Totals	3,287,116	100.0%	316,158	100.0%

(*Note: All percentages are column percentages.)

Table 2. Ethnic Summary of the State Population and the Statewide Traffic Stops*

	State Population (Number and Percentage)		Traffic Stops (Number and Percentage)	
	Hispanic	213,116	6.5%	27,352
Not Hispanic	3,074,000	93.5%	230,486	72.9%
Unknown	0	0	58,320	18.4%
Totals	3,287,116	100.0%	316,158	100.0%

(*Note: All percentages are column percentages.)

Tables 3 and 4 presents the racial and ethnic composition across the three general reasons for the traffic stops. It is important to note that the total number of traffic stops in Tables 3 through 6 may not equal the total number of traffic stops from Tables 1 and 2 (adding the number of criminal investigations, the number of motor vehicle violations, and the number of equipment violations may not be equal to the total number of traffic stops). These differences are due to missing information on the traffic stop forms. For example, a police officer may have left the “Nature of the Traffic Stop” item blank on the form while completing the rest of the form. The existing information was tallied in the traffic stops statistics.

The percentages of the nature of the traffic stops followed a similar pattern as the racial /ethnic percentages of all traffic stops. The majority of criminal investigations, motor vehicle violations, and equipment violations were with white motorists and non-Hispanics. The percentages of blacks and Hispanics stopped for criminal investigations were slightly higher than the percentages of blacks and Hispanics stopped for motor vehicle or equipment violations.

Table 3. Racial Summary of the Nature of the Traffic Stops*

	Nature of the Traffic Stops (Number and Percentage)					
	Criminal Investigations		Motor Vehicle Violations		Equipment Violations	
White	4,491	75.3%	232,495	83.9%	27,760	83.8%
Black	1,107	18.6%	32,996	11.9%	4,168	12.6%
American Indian	21	0.4%	563	0.2%	81	0.2%
Asian/Pacific Islander	97	1.6%	4,885	1.8%	439	1.3%
Unknown	248	4.1%	6,116	2.2%	682	2.1%
Totals	5,964	100.0%	277,055	100.0%	33,130	100.0%

(*Note: All percentages are column percentages of the Total.)

Table 4. Ethnic Summary of the Nature of the Traffic Stops*

	Nature of the Traffic Stops (Number and Percentage)					
	Criminal Investigations		Motor Vehicle Violations		Equipment Violations	
Hispanic	924	15.5%	23,368	8.4%	3,060	9.2%
Not Hispanic	4,075	68.3%	201,108	72.6%	25,301	76.4%
Unknown	965	16.2%	52,579	19.0%	4,769	14.4%
Totals	5,964	100.0%	277,055	100.0%	33,130	100.0%

(*Note: All percentages are column percentages of the Total.)

Figure 2 presents these data in a different way. Rather than looking at the percentage of all criminal investigation stops that were white, black, American Indian, Asian, or unknown, the data are

presented within each racial category. For instance, of all traffic stops of white motorists, 2% were for criminal investigation, 88% were for motor vehicle violations, and 11% were for equipment violations (these percentages do not total 100% due to rounding). Of all traffic stops involving black motorists, 3% were for criminal investigations, 86% were for motor vehicle violations, and 11% were for equipment violations. A similar interpretation should be used for American Indians, Asians, and unidentified motorists. Figure 2 shows little differences within each race for the nature of the traffic stops.

Figure 2. Percentages of the Nature of Traffic Stops Within Race

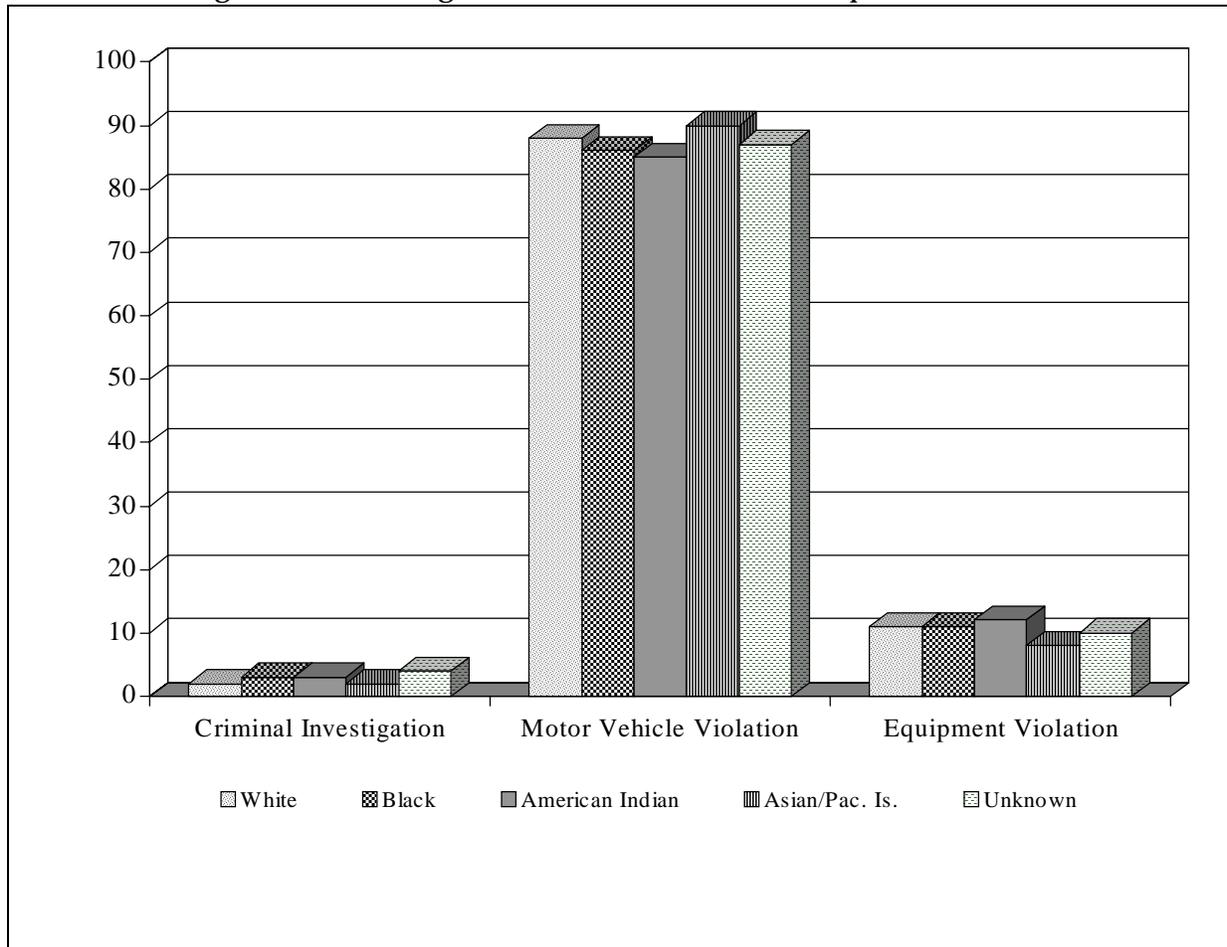
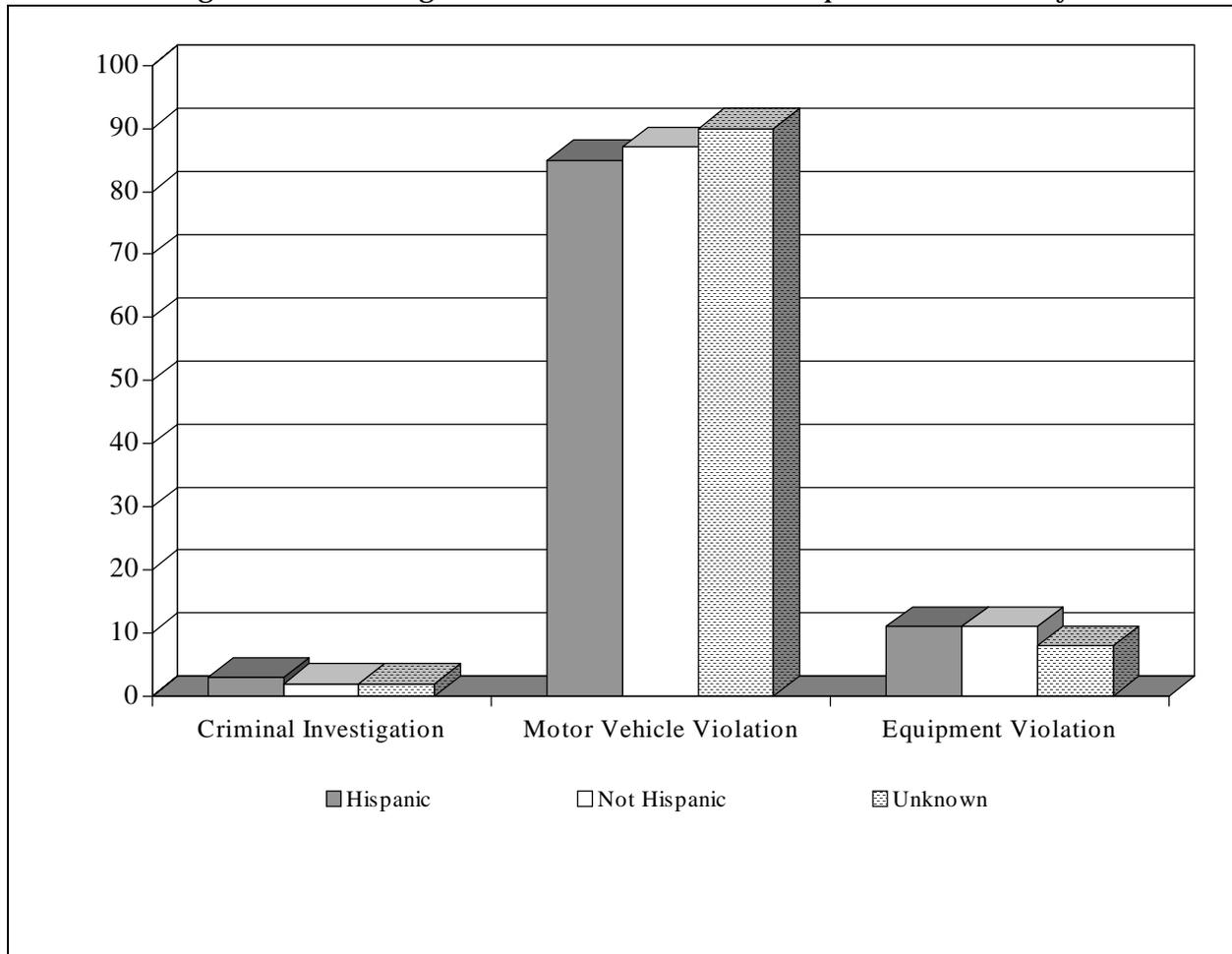


Figure 3 presents the same type of comparisons for the nature of traffic stops within ethnicity. Of all traffic stops involving Hispanic motorists, 3% were for criminal investigations, 85% were for motor vehicle violations, and 11% were for equipment violations (these percentages do not total 100% due to rounding). For non-Hispanic motorists, 2% were stopped for a criminal investigation, 87% for a motor vehicle violation, and 11% for an equipment violation. Drivers of unknown ethnicity had almost the same percentages as Hispanic and non-Hispanic drivers (2% criminal investigations, 90% motor vehicle violations, and 8% equipment violations).

Figure 3. Percentages of the Nature of Traffic Stops Within Ethnicity



Tables 5 and 6 gives the numbers and percentages of the six dispositions of traffic stops by race and ethnicity. The traffic stop racial and ethnic distribution within each disposition followed the same general pattern as the racial and ethnic distribution of the state population. However, the black and Hispanic percentages for uniform arrest reports and misdemeanor summons were higher than the black and Hispanic percentages for infraction tickets, written warnings, verbal warnings, and no dispositions.

Table 5. Racial Summary of Traffic Stops Dispositions*

	Dispositions of Traffic Stops (Number and Percentage)					
	Uniform Arrest Reports		Misdemeanor Summons		Infraction Tickets	
White	2,256	62.7%	16,886	76.6%	118,824	84.2%
Black	1,047	29.1%	4,328	19.6%	15,454	10.9%
American Indian	8	0.2%	47	0.2%	265	0.2%
Asian/Pacific Islander	22	0.6%	251	1.1%	3,035	2.2%
Unknown	263	7.4%	525	2.5%	3,573	2.5%
Totals	3,596	100.0%	22,037	100.0%	141,151	100.0%

(*Note: All percentages are column percentages of the Total.)

Table 5 Continued*

	Dispositions of Traffic Stops (Number and Percentage)					
	Written Warning		Verbal Warning		No Disposition	
White	71,951	87.7%	48,554	82.0%	6,273	76.6%
Black	7,357	9.0%	8,582	14.5%	1,504	18.4%
American Indian	178	0.2%	143	0.2%	24	0.3%
Asian/Pacific Islander	1,032	1.3%	927	1.6%	154	1.9%
Unknown	1,479	1.8%	977	1.7%	233	2.8%
Totals	81,997	100.0%	59,183	100.0%	8,188	100.0%

(*Note: All percentages are column percentages of the Total.)

Table 6. Ethnic Summary of Traffic Stops Dispositions*

	Dispositions of Traffic Stops (Number and Percentage)					
	Uniform Arrest Reports		Misdemeanor Summons		Infraction Tickets	
Hispanic	841	23.4%	3,909	17.7%	11,817	8.4%
Not Hispanic	2,083	57.9%	14,774	67.0%	92,913	65.8%
Unknown	672	18.7%	3,354	15.3%	36,421	25.8%
Totals	3,596	100.0%	22,037	100.0%	141,151	100.0%

(*Note: All percentages are column percentages of the Total.)

Table 6 Continued*

	Dispositions of Traffic Stops (Number and Percentage)					
	Written Warning		Verbal Warning		No Disposition	
Hispanic	4,641	5.7%	5,219	8.8%	925	11.3%
Not Hispanic	66,500	81.1%	48,077	81.3%	6,136	74.9%
Unknown	10,856	13.2%	5,887	9.9%	1,127	13.8%
Totals	81,997	100.0%	59,183	100.0%	8,188	100.0%

(*Note: All percentages are column percentages)

Tables 7 and 8 displays the numbers and percentages of motor vehicle searches by race and ethnicity. The majority of motor vehicle searches were conducted with white (72%) and non-Hispanic motorists (60%); 22.7% of all searches involved black drivers and 21.2% involved Hispanic motorists.

Table 7. Racial Summary of Motor Vehicle Searches

	Vehicle Searches (Number and Percentage)	
	White	8,684
Black	2,725	22.7%
American Indian	19	0.2%
Asian/Pacific Islander	113	0.9%
Unknown	443	3.7%
Totals	11,984	100.0%

Table 8. Ethnic Summary of Motor Vehicle Searches

	Vehicle Searches (Number and Percentage)	
	Hispanic	2,536
Not Hispanic	7,296	60.8%
Unknown	2,152	18.0%
Totals	11,984	100.0%

Figure 4 graphically displays the percentages of traffic stops dispositions within each of the racial categories. This figure should be interpreted in the same manner as Figure 2. That is, of all white motorists stopped, 1% were arrested, 6% received a misdemeanor summons, 45% were issued an infraction ticket, 27% were given a written warning, 18% were warned verbally, and 2% received no disposition. Of all black motorists stopped, 3% were arrested, 11% received a misdemeanor summons, 40% were issued an infraction ticket, 19% were given a written warning, 22% were warned verbally, and 4% were not given a disposition. The patterns were nearly similar across all racial groups. Most motorists received infraction tickets followed by written warnings, verbal warnings, misdemeanor summons, no dispositions, and arrests. The one exception was that black motorists were given a higher percentage of verbal warnings than written warnings.

Figure 4. Percentages of Traffic Stops Dispositions and Motor Vehicle Searches Within Race

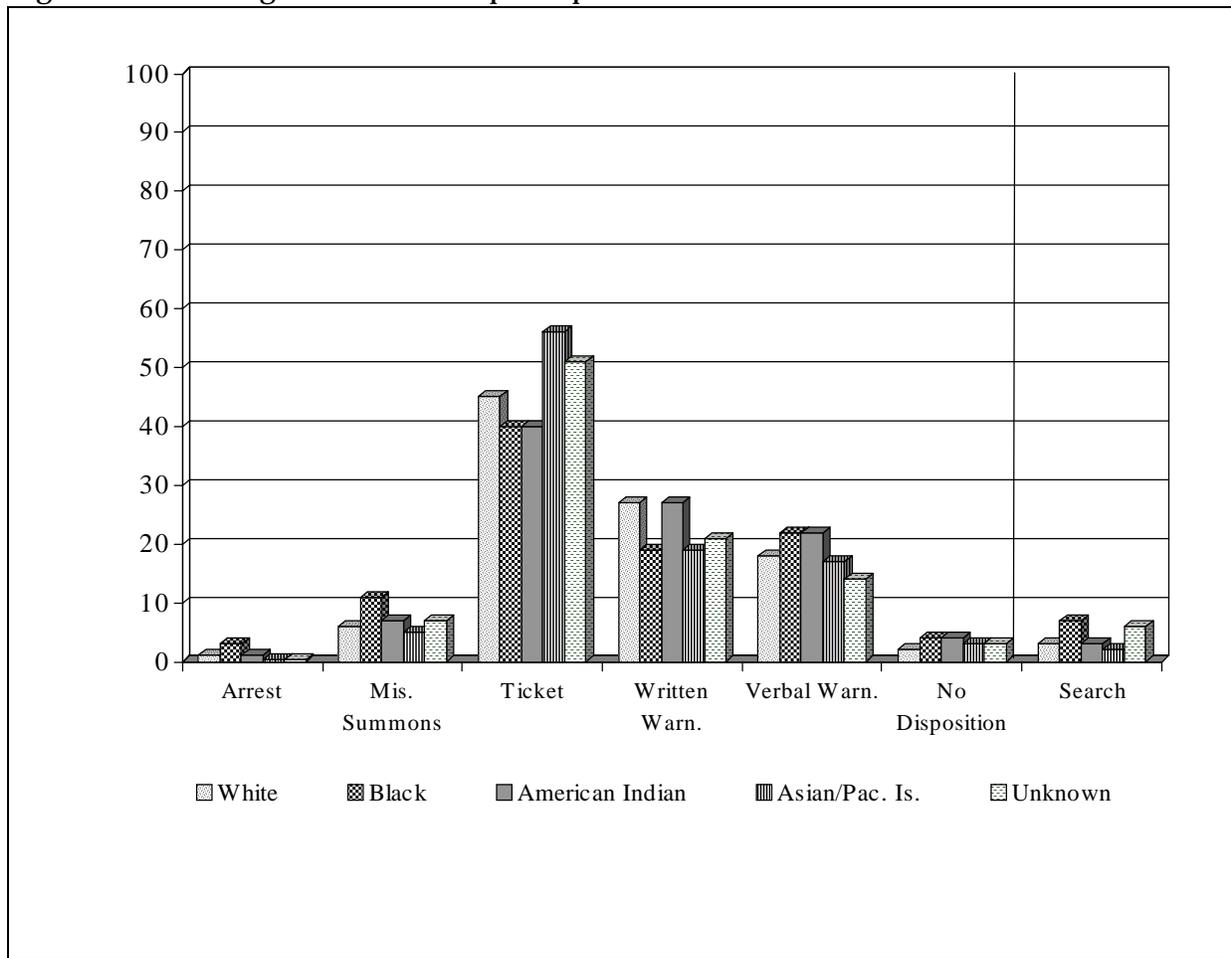
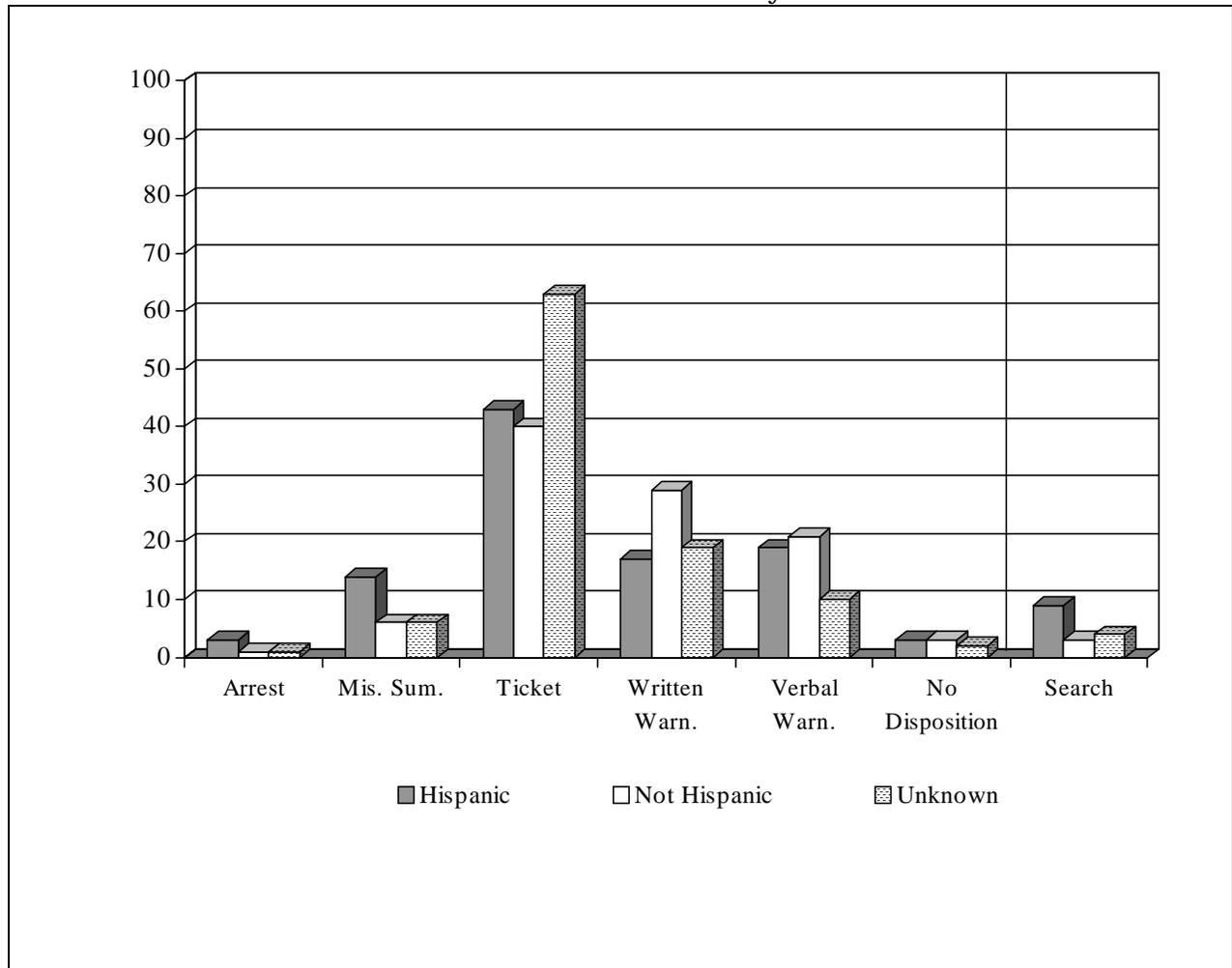


Figure 4 also includes the percentages of searches within each race. A higher percentage of black motorists (7%) and motorists of unknown race (6%) had their vehicles searched than whites (3%), American Indians (3%), or Asians (2%).

Figure 5 presents the disposition and search percentages within ethnicity. The trends in the frequency of dispositions within ethnicity were similar to the disposition trends within race. The most frequent disposition was infraction tickets followed by written warnings, verbal warnings, misdemeanor summons, no dispositions, and arrests. The exception to these trends was that Hispanic motorists received more verbal warnings than written warnings. In addition, a slightly higher percentage of Hispanic drivers were arrested and received misdemeanor summons than non-Hispanic and drivers whose race was not identified by the reporting police officer. Of Hispanic drivers, 3% were arrested, 14% received a misdemeanor summons, 43% were issued infraction tickets, 17% were given written warnings, 19% were warned verbally, and 3% did not receive a disposition. Of non-Hispanic drivers, 1% were arrested, 6% received a misdemeanor summons, 40% were issued infraction tickets, 29% were given written warnings, 21% were warned verbally, and 3% did not receive a disposition. Of all drivers with no ethnicity reported, 1% was arrested, 6% received a misdemeanor summons, 63% were issued infraction tickets, 19% were given written warnings, 10% were warned verbally, and 2% received no disposition.

Figure 5 also presents the percentages of motor vehicle searches within ethnicity. Searches were conducted in 9% of all motor vehicle stops with Hispanic motorists. These percentages were lower for non-Hispanics (3%) and drivers whose ethnicity was not identified (4%).

Figure 5. Percentages of Traffic Stops Dispositions and Motor Vehicle Searches Within Ethnicity



Analysis of Disproportionality of Traffic Stops

The frequencies and percentages previously discussed provide a descriptive summary of the traffic stops in Connecticut occurring from January 1, 2000 to June 30, 2000. While these descriptive statistics are helpful in developing a basic understanding of the number, nature, and dispositions of traffic stops, they do not fully address issues surrounding the disparate treatment of racial and ethnic minorities by law enforcement agencies. It is misleading to conclude from the earlier statistics that black or Hispanic motorists are more likely to be stopped, arrested, or searched more often than non-black or non-Hispanic drivers based upon the summary of statewide traffic stops. To arrive at this conclusion from the statewide data would lead one to believe that all police agencies in Connecticut treat minorities differently from non-minorities. There are 92 law enforcement agencies making traffic stops. The statewide statistics cannot reveal how many or which police departments may or may not treat minorities differently, nor can they indicate degrees of differential treatment or identify extenuating factors contributing to different treatment.

Additionally, disparate treatment of minority drivers can occur at separate times before and during traffic stops. These times are: (1) the decision to make the traffic stop, (2) the reason for making the traffic stop, (3) the disposition of the traffic stop, and (4) the decision to search the motor vehicle. Accusations of racial profiling have been made at each of these decision points and past research has suggested that disparities tend to occur most often in the decision to make the traffic stop and the decision

to search the motor vehicle (Cordner et al., 2000; U.S. General Accounting Office, 2000; Harris, 1997). However, prior research is limited and has not provided sufficient evidence to definitively support any conclusions of when disparities are most prevalent.

We attempt to create a quantitative measure of disproportionality at each of the four traffic stop decisions points and to explore the potential influence of extraneous conditions that may explain the presence of disparities. The measures of disproportionality were computed for each police department so that we can better comprehend the number of agencies treating minorities differently and the extent of any disparate treatment. We then conducted a statistical regression analysis to identify extraneous influences on disproportionality (a regression analysis can be used to identify explanatory measures (such as town characteristics) that influence the values of a measure that is dependent on them (such as racial or ethnic disproportionality)).

We focused on the disparate treatment of black and Hispanic motorists for these analyses. This decision was based upon prior research and our statewide summaries that have suggested blacks and Hispanics potentially suffer the most disparate treatment during traffic stops. In each of these analyses, blacks were compared to non-blacks and Hispanics were compared to non-Hispanics.

Analysis #1: Disproportion in the Percentages of Traffic Stops

The first step was to create a measure of disproportionality for each town based on percentage differences. The measure for this analysis was computed for blacks by subtracting the percentage of blacks in the town population from the percentage of all traffic stops of black motorists. A similar measure of disproportionality was created for Hispanics. For example, if 20% of the traffic stops in Town A were of black motorists and 15% of the population of Town A were black, Town A would have a measure of disproportionality of 5% for traffic stops of black motorists. Another way to interpret this measure is to state “there is a difference of 5% between blacks stopped and blacks living in Town A.” The higher the percentage, the more disparity is present.

Table 9 presents a categorical summary of the measure of disproportionality for the total percentages of traffic stops. Categories were arbitrarily created for display purposes to more clearly present disproportionality (disproportionality scores were rounded to the nearest percentage). The majority of police departments (67.5% of police departments for blacks and 76.4% of police departments for Hispanics) had scores under 5%. The average difference was 5% for blacks and 4% for Hispanics.

Table 9. Town Summary of the Disproportionality Measure for Traffic Stops

	Blacks		Hispanics	
	Number of Police Departments*	Percentage	Number of Police Departments*	Percentage
0 or less	7	7.9%	13	14.6%
1% to 4%	53	59.6%	55	61.8%
5% to 9%	18	20.2%	16	18.0%
10% to 20%	11	12.4%	5	5.4%
Over 20%	0	0%	0	0
Totals	89	100.0%	89	100.0%
Average	5%		4%	
Median	3%		3%	
Standard Error	.005%		.005%	

(*Note: This computation was not performed for the Connecticut State Police, the City of Groton, or Groton Long Point).

Next, we statistically tested for extraneous explanations of disproportionality to determine if specific town characteristics were associated with higher percentages of disproportionality. The number of testable extraneous influences was limited to those that could be easily measured.

Geographic location: The premise of geographic location is that a town that borders other towns with a high percentage of minority residents will have a higher percentage of minority drivers.

Entertainment/tourism or Retail Districts: Towns with entertainment/tourism attractions or retail districts will also attract high numbers of drivers who are nonresidents. This was measured using the per capita retail sales and the per capita lodging facilities for each town (taken from the Connecticut Department of Economic and Community Development report, Connecticut Town Profiles: 1998-1999 Economic and Demographic Outlines of Connecticut's Communities).

Towns Predominately Residential: Residentialness was measured using the percentage of single family housing for each town (taken from the Connecticut Department of Economic and Community Development report, Connecticut Town Profiles: 1998-1999 Economic and Demographic Outlines of Connecticut's Communities). It is believed that towns with a high percentage of single family households are more residential and will have fewer nonresidents driving through them.

Our analysis found that towns bordering against towns with high percentages of blacks and/or Hispanics have higher amounts of disproportionality than nonborder towns. This finding suggests the disparity in stopping of black and Hispanic drivers may be a result of more black and Hispanic nonresidents driving through these towns, thereby, causing differences between the percentage of minorities driving through a town and the percentage of minorities living in the town.

Analysis #2: Disproportion in the Nature of Traffic Stops

This analysis investigates the nature and extent of differential reasons blacks and Hispanics were being stopped. Measures of disproportionality were computed for each traffic stop nature (criminal investigation, motor vehicle violation, and equipment violation) using the following formulas (analogous formulas were used to calculate the disproportion of motor vehicle stops and equipment violations):

Disproportion of blacks stopped for criminal investigations =

$$\frac{\text{Number of blacks stopped for criminal investigations}}{\text{Number of blacks stopped}} - \frac{\text{Number of non-blacks stopped for criminal investigations}}{\text{Number of non-blacks stopped}}$$

Disproportion of Hispanics stopped for criminal investigations =

$$\frac{\text{Number of Hispanics stopped for criminal investigations}}{\text{Number of Hispanics stopped}} - \frac{\text{Number of non-Hispanics stopped for criminal investigations}}{\text{Number of non-Hispanics}}$$

Table 10 displays disproportionality for nature of the traffic stops involving black motorists. For criminal investigation and motor vehicle stops, over 50% of the police agencies had “no” disproportionality. For all three types of traffic stops, the majority of police departments had less than 5% disparity. Only one police department had more than 20% disparity for equipment violation stops. In this situation, the small number of equipment stops inflated the disproportionality score. The East Hampton Police Department had a disproportionality score of 46% for equipment violation stops of black drivers (East Hampton conducted 42 equipment violation stops, 5 of these were with black motorists). The average disproportionality across the three types of traffic stops were 1% or less.

Table 10. Town Summary of Black Disproportionality for Nature of the Traffic Stops

	Criminal Investigations		Motor Vehicle Violations		Equipment Violations	
	Number	Percentage	Number	Percentage	Number	Percentage
0 or less	47	51.1%	68	73.9%	39	42.4%
1% to 4%	40	43.5%	16	17.4%	42	45.7%
5 %to 9%	4	4.3%	4	4.3%	6	6.5%
10% to 20%	1	1.1%	4	4.3%	4	4.3%
Over 20%	0	0	0	0	1	1.1%
Totals	92	100.0%	92	100.0%	92	100.0%
Average	.1%		-2%		1%	
Median	.3%		-2%		1%	
Standard Error	.03%		.07%		.07%	

For Hispanic drivers, the amount of traffic stop nature disproportionality is similar to black drivers (Table 11). Nearly all of the police departments (over 94%) had less than a 5% disparity for criminal investigation and motor vehicle violation stops. For equipment violations, 85.9% had less than a 5% disparity, with one department having a disparity of over 20%. Again, the high disproportionality score is a result of a small number of equipment violation stops. The Cromwell Police Department had a disproportionality score for equipment violations of 29.9% (this police department conducted 38 traffic stops for equipment violations, 7 of these stops were with Hispanic drivers).

Table 11. Town Summary of Hispanic Disproportionality for Nature of the Traffic Stops

	Criminal Investigations		Motor Vehicle Violations		Equipment Violations	
	Number	Percentage	Number	Percentage	Number	Percentage
0 or less	54	58.7%	65	70.7%	34	37.0%
1% to 4%	35	38.0%	22	23.9%	45	48.9%
5% to 9%	2	2.2%	3	3.3%	8	8.7%
10% to 20%	1	1.1%	2	2.2%	4	4.3%
Over 20%	0	0	0	0	1	1.1%
Totals	92	100.0%	92	100.0%	92	100.0%
Average	.6%		-3%		2%	
Median	.04%		-2%		2%	
Standard Error	.03%		.06%		.06%	

Regression analysis did not reveal any extraneous influences to explain disproportionality. This is likely due to the low levels of disproportionality in each of the three types of traffic stops. In other words, there was no disproportionality to explain.

Analysis #3: Disproportion in the Dispositions of Traffic Stops

The third analysis explored disproportionality across the six different traffic stop dispositions (uniform arrest reports, misdemeanor summons, infraction tickets, written warnings, verbal warnings, and no dispositions). A measure of disproportionality was computed for each disposition using the following formulas (analogous formulas were used to calculate the disproportion of the other dispositions):

Disproportion of blacks arrested during traffic stops =

$$\frac{\text{Number of blacks arrested}}{\text{Number of blacks stopped}} - \frac{\text{Number of non-blacks arrested}}{\text{Number of non-blacks stopped}}$$

Disproportion of Hispanics arrested during traffic stops =

$$\frac{\text{Number of Hispanics arrested}}{\text{Number of Hispanics stopped}} - \frac{\text{Number of non-Hispanics arrested}}{\text{Number of non-Hispanics stopped}}$$

Table 12 displays the disproportionality of dispositions of black motorists. There are low levels of disproportionality for uniform arrest reports, infraction tickets, written warnings, verbal warnings, and no dispositions. For each of these, the majority of police agencies (97.8% to 77.2%) have less than a 5% disparity. While only two departments (Clinton and Plainfield) have more than a 20% disparity in misdemeanor summons, 16 (17.4%) range from 10% to 20%, 28 (30.4%) have between 5% and 9% disparity, and 46 (50%) have fewer than 5% disparity. The high disproportionality scores for Clinton and Plainfield appear to be the result of a limited number of misdemeanor summons (the Clinton Police Department issued 9 misdemeanor summons for black motorists and 43 for all motorists stopped while the Plainfield Police Department issued a total of 78 misdemeanor summons, 3 were issued to black drivers. The Groton Long Point Police Department had more than a 20% disparity in the issuance of ticket infractions. This department stopped a total of 187 motor vehicles and issued 23 infraction tickets, 1 to a black motorist.

Table 12. Town Summary of Black Disproportionality for Dispositions of the Traffic Stops

	Uniform Arrest Reports		Misdemeanor Summons		Infraction Tickets	
	Number	Percentage	Number	Percentage	Number	Percentage
0 or less	47	51.1%	9	9.8%	77	83.7%
1% to 4%	43	46.7%	37	40.2%	7	7.6%
5% to 9%	1	1.1%	28	30.4%	6	6.5%
10% to 20%	1	1.1%	16	17.4%	1	1.1%
Over 20%	0	0	2	2.2%	1	1.1%
Totals	92	100.0%	92	100.0%	92	100.0%
Average	.8%		6%		-5%	
Median	.4%		5%		-5%	
Standard Error	.02%		.06%		.09%	
	Written Warnings		Verbal Warnings		No Dispositions	
	Number	Percentage	Number	Percentage	Number	Percentage
0 or less	71	77.2%	39	42.4%	44	47.8%
1% to 4%	17	18.5%	32	34.8%	41	44.6%
5% to 9%	3	3.3%	11	12.0%	6	6.5%
10% to 20%	0	0	8	8.7%	0	0
Over 20%	1	1.1%	2	2.2%	1	1.1%
Totals	92	100.0%	92	100.0%	92	100.0%
Average	-5%		2%		1%	
Median	-4%		2%		5%	
Standard Error	.09%		.08%		.04%	

Table 13 shows a similar trend in the dispositions of Hispanic drivers. Most police departments (97.8% to 83.7%) have less than 5% disproportionality for uniform arrest reports, infraction tickets, written warnings, verbal warnings, and no dispositions. The higher amounts of disparity are with misdemeanor summons. Only 15.2% of the police departments had “no” disproportionality and 43.5% had less than 5%. The Groton Long Point Police Department had more than a 20% disparity in the issuance of infraction tickets to Hispanic drivers (3 of the 23 infraction tickets were given to Hispanics).

Table 13. Town Summary of Hispanic Disproportionality for Dispositions of the Traffic Stops

	Uniform Arrest Reports		Misdemeanor Summons		Infraction Tickets	
	Number	Percentage	Number	Percentage	Number	Percentage
0 or less	52	56.5%	14	15.2%	56	60.9%
1% to 4%	35	38.0%	26	28.3%	25	27.2%
5% to 9%	3	3.3%	22	23.9%	7	7.6%
10% to 20%	2	2.2%	23	25.0%	3	3.3%
Over 20%	0	0	7	7.6%	1	1.1%
Totals	92	100.0%	92	100.0%	92	100.0%
Average	.9%		8%		-2%	
Median	.2%		7%		-1%	
Standard Error	.03%		.09%		.09%	

Table 13. Continued

	Written Warnings		Verbal Warnings		No Dispositions	
	Number	Percentage	Number	Percentage	Number	Percentage
0 or less	82	89.1%	57	62.0%	58	63.0%
1% to 4%	8	8.7%	20	21.7%	29	31.5%
5% to 9%	1	1.1%	9	9.8%	5	5.4%
10% to 20%	0	0	6	6.5%	0	0
Over 20%	1	1.1%	0	0	0	0
Totals	92	100.0%	92	100.0%	92	100.0%
Average	-7%		-.7%		.5%	
Median	-5%		-.3%		-.08%	
Standard Error	.08%		.08%		.06%	

Even though there were disparities in the issuance of misdemeanor summons for blacks and Hispanics, the regression analysis found that none of the extraneous influences explained this disproportionality. For the other five dispositions, the lack of influences is likely due to the low levels of disproportionality. There may be other town characteristics that explain the disproportionality of misdemeanor summons, however, we can only conclude that the more frequent use of this disposition for black and Hispanic motorists is not associated with geographic location of towns, towns with higher per capita retail sales or lodging facilities, or towns with a high percentage of single family housing.

Analysis #4: Disproportion in Motor Vehicle Searches

The final analysis consisted of determining the amount of disproportionality in motor vehicle searches for blacks and Hispanics. The measure of disproportionality was computed from these formulas:

Disproportion of blacks searched during a traffic stop =

$$\frac{\text{Number of blacks searched}}{\text{Number of blacks stopped}} \quad \text{---} \quad \frac{\text{Number of non-blacks searched}}{\text{Number of non-blacks stopped}}$$

Disproportion of Hispanics searched during a traffic stop =

$$\frac{\text{Number of Hispanics searched}}{\text{Number of Hispanics stopped}} \quad \text{---} \quad \frac{\text{Number of non-Hispanics searched}}{\text{Number of non-Hispanics stopped}}$$

Table 14 provides a categorical summary of the disproportionality measures of motor vehicle searches for black and Hispanic motorists. The majority of police departments have less than a 5% disparity between motor vehicle searches of blacks and non-blacks (83.7%), Hispanics and non-Hispanics (70.7%). No departments had more than a 20% difference between black and non-black searches, while one department did for Hispanics (Coventry had a 26.9% disparity in Hispanic and non-Hispanic searches). However, this disparity appears to be a result of the low number of searches by the Coventry Police Department (this department searched a total of 40 motor vehicles, 9 of which had Hispanic motorists).

Table 14. Town Summary of the Disproportionality for Motor Vehicle Searches

	Blacks		Hispanics	
	Number	Percentage	Number	Percentage
0 or less	30	32.6%	18	19.6%
1% to 4%	47	51.1%	47	51.1%
5% to 9%	11	12.0%	22	23.9%
10% to 20%	4	4.3%	4	4.3%
Over 20%	0	0	1	1.1%
Totals	92	100.0%	92	100.0%
Average	2%		4%	
Median	2%		3%	
Standard Error	.04%		.05%	

The regression analysis of extraneous influences found that for motor vehicle searches of black drivers, towns with lower percentages of single family housing had higher amounts of disproportionality. To state this finding differently, towns that are less residential searched black motorists disproportionately more often than non-black motorists. For Hispanics, none of the extraneous influences were associated with disproportional searches.

Summary of Statewide Traffic Stops Statistics

Overall, a small amount of disproportionality was found across the four traffic stop decision points. In regards to traffic stops, the majority of police departments showed a difference of less than 5% between the percentage of blacks and Hispanics stopped relative to their representation in the town population. For the nature of traffic stops, the disproportionality was less than 5% in over 90% of the police departments when looking at criminal investigations. For motor vehicle and equipment violations, 80% of the police departments had a disproportionality of less than 5%. In terms of dispositions, there was slightly greater disproportionality among blacks and Hispanics for misdemeanor summons. The majority of police departments exhibited little disproportionality for the remaining dispositions. Finally, for motor vehicle searches, there was slightly more disproportionality for blacks and Hispanics, yet over 90% of police departments had less than a 10% disparity.

Conclusions

Minority drivers do not appear to be systematically treated differently than non-minority drivers. The analysis of traffic stops statistics for the State of Connecticut revealed that although some disparities were present, these were small and appeared to be limited to a small number of police agencies or associated with low occurrences of traffic stops. Even though disparities between the treatment of black and non-black drivers and Hispanic and non-Hispanic drivers were more prevalent for the issuance of misdemeanor summons and motor vehicles searches, these differences were not extreme.

While we believe that disparate treatment of minority drivers is not prevalent throughout Connecticut, we cannot definitively conclude that individual police officers do not practice racial profiling. The decision to stop a motor vehicle and how to dispose of this traffic stop is ultimately made on an individual basis. Police departments should be proactive in monitoring the activities of individual officers to decrease the possibility that enforcement decisions are solely being based on race or ethnicity. Ramirez, McDevitt, and Farrell (2000) recommend that police departments create a data collection task force and partner with an independent academic or research team who will analyze these data.

The failure to explain why disparities exist other than to suggest that police departments practice racial profiling has been a major limitation of prior studies of traffic stops. We conducted an analysis of extraneous influences in an attempt to better understand why some disparities were present. One important finding was that towns stopping a higher percentage of minority drivers bordered towns or cities having a high percentage of minority residents. The value of this finding is that it supports our belief that outside factors may be associated with disparities in the traffic stops statistics and not systematic racial profiling by law enforcement agencies. We will continue to explore other possible influences to further explain existing disparities.

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SUMMARIES OF TRAFFIC STOPS STATISTICS

The following pages contain summaries of traffic stops statistics for the Department of Public Safety, Division of State Police and every municipal police agency. The first table provides the number and percentages for race and ethnicity of the state population, county population, town/city population, traffic stops, and the nature of traffic stops. Race and ethnicity are tabulated separately using the categories defined by the U.S. Census (race and ethnicity percentages may not total 100% due to rounding to the nearest percentage). Racial profiling research typically compares population race and ethnicity percentages to race and ethnicity percentages of traffic stops. Using the Ansonia Police Department as an example, African-Americans comprised 8% of the state population, 10% of the New Haven County population, 8% of the residents of Ansonia, 10% of the traffic stops, 13% of the criminal investigation stops, 10% of the motor violation stops, and 10% of the equipment violation stops.

The first two figures in each summary present the percentages of the nature of the traffic stops within race and ethnicity. The percentage was calculated within each racial and ethnicity grouping. For example, all Department of Public Safety, Division of State Police traffic stops involving white motorists, 0.3% were for criminal investigations, 93% were for motor vehicle violations, and 7% were for equipment violations.

The table on the second page shows the number and percentages for race and ethnicity of the six dispositions and motor vehicle searches.

The two figures on the second page display the percentages of traffic stops dispositions and searches within race and ethnicity. These figures should be interpreted the same way as the first two figures. Using the Department of Public Safety, Division of State Police as an example, for all traffic stops involving white drivers, 0.2% of the traffic stops ended in an arrest, 4% in a misdemeanor summons, 73% in an infraction ticket, 19% in a written warning, 2% in a verbal warning, and 1% with no disposition. For all traffic stops involving black drivers, 0.3% of the traffic stops ended in an arrest, 7% in a misdemeanor summons, 80% in an infraction ticket, 9% in a written warning, 3% in a verbal warning, and 1% with no disposition.

Caution should be taken when interpreting these numbers and percentages due to the low occurrences of traffic stops in some of the agencies and in some of the racial and ethnic categories. Small numbers can produce percentages that overstate representation. Situations involving small numbers are not statistically significant. Some police agencies may appear to have large percentages differences between minorities and non-minorities across nature, dispositions, and searches when in fact, a small number of traffic stops actually occurred. For example, 30% of the criminal investigation stops conducted by the Brookfield Police Department were with African-American motorists. But in this department, 30% represents three out of ten criminal investigation stops.

NOTES ON THE USE OF THE TRAFFIC STOPS STATISTICS REPORT

The traffic stops statistics for the law enforcement agencies reported on the following pages are formatted on two pages of tables. In presenting the report, the data for any one law enforcement agency are on facing pages.

Data are reported as follows:

State of Connecticut, including the Division of State Police and all municipal police agencies,

Department of Public Safety, Division of State Police, and the municipal police agencies, in alphabetical order.

Data for municipal law enforcement agencies include references for the county in which the respective municipality is located. Demographic data for the county associated with the municipality is provided for reference.

The demographic data utilized in this report are from the 1990 Census of Population and Housing, to provide the distributions of race and ethnicity populations to the geographic detail associated with the traffic stops statistics of the municipal police departments. Demographic data from the 2000 Census of Population and Housing, with race and ethnicity populations, are not yet available. These data are scheduled for release in the late summer or fall of calendar year 2001.

The reported and analyzed traffic stops statistics data are for a period of six (6) months, from January 1, 2000 to June 30, 2000.

In municipalities where multiple law enforcement agencies serve the same geographic area, the statistics for these law enforcement agencies in the municipality may be aggregated and reported under the name of the municipality. This situation occurs with the aggregated reporting of traffic stops statistics for the City of New Haven and Yale University police departments.

**INTERNAL BENCHMARKING
FOR TRAFFIC STOP DATA:
AN EARLY INTERVENTION SYSTEM APPROACH**

A DISCUSSION PAPER

BY

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April 2003

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ABOUT THIS REPORT

A version of this report was presented at the conference, Confronting Racial Profiling in the 21st Century: New Challenges and Implications for Racial Justice, March 8-9, 2003, Boston, MA, co-sponsored by Northeastern University, NOBLE, Lamberth Consulting, and the ACLU.

Additional copies of this report are available at
www.policeaccountability.org

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INTERNAL BENCHMARKING FOR TRAFFIC STOP DATA: AN EARLY INTERVENTION SYSTEM APPROACH

INTRODUCTION

The campaign to eliminate racial profiling has focused on the collection of data on traffic stops.¹ This reflects the belief that the data will reveal patterns of racial discrimination in traffic enforcement and lead to remedial action. A large number of law enforcement agencies are now collecting traffic stop data. Some are doing so pursuant to state law, some as a result of a consent decree and others on a voluntary basis.²

The analysis of traffic stop data, however, has proven to be an extremely difficult undertaking.³ The data do not necessarily speak for themselves. The heart of the issue is the proper benchmark, or denominator, to employ in analyzing traffic stops. The most commonly used benchmark has been official census data on the residential population of the law enforcement agency in question. Many social scientists, however, argue that population data is not a valid benchmark or denominator because they do not reflect either the actual driving population or patterns of traffic law violations.

This paper proposes a solution to the benchmark problem through a system of internal benchmarking (IB), by which the traffic stop activity of officers is compared with other officers working the same assignment. These officers can be referred to as similarly situated officers (SSO). For purposes of short hand, we can refer to the process as IBSSO.⁴

THE REQUIREMENTS OF AN EFFECTIVE BENCHMARKING SYSTEM

An effective system of benchmarking has to meet three basic tests,

reflecting the three audiences or stakeholders involved in the racial profiling issue.

First, an effective system has to have scientific credibility. It has to be good science, to the extent that reputable social scientists accept the methodology. The basic pragmatic test is that an article utilizing the methodology would be seriously considered for publication in a recognized scholarly journal using the established procedure of peer review. A related pragmatic test is that reputable social scientists testifying under oath in court would endorse the method and the results of any such study.

Second, an effective system has to have practical utility. A methodology that finds evidence of racial or ethnic discrimination or other problems should also point law enforcement administrators toward steps that can reduce if not eliminate the problem.

Traffic stop data reports to date analyze law enforcement agencies as a entire agencies. Even where a report finds gross disparities in the race or ethnicity of persons stopped, it is not clear what steps should be taken to address the problem. The IB methodology, on the other hand, directs the attention of managers toward those officers who are most responsible for the disparities.

Third, an effective system has to have political credibility. That is to say, it should be able to persuade community activists that it is a valid analysis of the problem and not a "coverup." Granted, no approach will ever please everyone –that does not happen in the real world. But an effective system should have the capacity to answer many if not most of the questions about racial profiling raised by that community activists.

This paper argues that the proposed system of internal benchmarking meets all three of these requirements.

THE BIG PICTURE

One of the advantages of the proposed IB system is that it has the potential for addressing police problems that reach far beyond the immediate issue of racial profiling in traffic enforcement.

When we step back and take a look at the big picture of police relations with racial and ethnic minorities, it becomes evident that discrimination can occur in many areas of policing: arrests, response to routine 911 calls, the handling of citizen complaints, employment practices, and so on. The excellent Police Executive Research Forum (PERF) report, Racially Biased Policing: A Principled Response, begins with this premise. (The report is available at www.policeforum.org)

At the same time, the full range of police problems go beyond matters of race and ethnicity. There are other important issues such as gender discrimination, inefficiency, and poor management and supervision. This paper argues that a system of internal benchmarking can be an effective tool for police managers to effectively address these problems as well.

In short, the issue of police accountability involves not just traffic enforcement and more than just race and ethnicity.

THE CONVERGENCE OF TWO DEVELOPMENTS IN POLICING

The proposed IB system responds to two important recent developments in policing.

The first development is the racial profiling controversy.⁵ This has emerged as a major national issue in just the last few years. Civil rights groups allege that police officers make traffic stops on the basis of race or ethnicity rather than suspicion of actual law violations. The principal demand of civil rights groups has been for data collection on traffic stops. As a consequence, several states have enacted laws mandating data collection and a large number of law enforcement agencies have begun collecting data voluntarily.⁶

The second important development in policing is the police accountability movement.⁷ Like racial profiling, this too is a major political issue in America, and arises from local controversies over unjustified shootings, use of excessive force and corruption.

After many decades of struggle, the movement for police accountability has developed a short list of best practices. Most notably, these best practices are incorporated into virtually all of the consent decrees and memoranda of understanding settling law suits over police misconduct. The list of best practices is most conveniently summarized in the U.S. Justice Department report, Principles for Promoting Police Integrity (2001). (Available at www.ncjrs.org; NCJ #186189).

These best practices include:

** A Comprehensive Use of Force Reporting System

- Covering both deadly and physical force
- Requiring reports on each and every use of force
- Requiring a mandatory review of all use of force reports

** An Open and Accessible Citizen Complaint Process

- Convenient and multiple locations for filing complaints
- Informational material clearly explaining the complaint investigation process
- Informational material widely available throughout the community, including the department's web site
- Informational material in languages other than English

** An Early Intervention System

- Described in the next section

** Traffic Stop Data Collection

- Data on persons stopped, by race, ethnicity, age and

gender

-Data on the outcome of traffic stops (searches, citations, arrests)

The Early Intervention system is the centerpiece of a comprehensive accountability effort. It is the repository of the data generated by the other best practices and the system that allows police managers to systematically analyze officer performance data and identify problems that need corrective action.

EARLY INTERVENTION SYSTEMS IN BRIEF

Early intervention systems are data-driven administrative tools for identifying employees with performance problems and providing some kind of intervention to correct the problematic behavior.⁸

EI systems have been recommended by the U.S. Department of Justice, the U.S. Civil Rights Commission, the International Association of Chiefs of Police, and the Commission on Accreditation for Law Enforcement Agencies (CALEA).

EI systems are informal and separate from the formal disciplinary process. They are designed to intervene early, before an officer's performance results in a serious problem.

EI systems consist of four basic components.

(1) The performance indicators are the official reports related to police officer performance that are entered into the EI system data base. Current EI systems use anywhere from 2 to 24 indicators. The commonly used indicators are citizen complaints, use of force reports, officer involved shootings, officer involvement in civil litigation, high speed pursuits, departmental disciplinary actions, commendations, sick time, and others.

(2) The identification and selection process involves, first, identifying those

officers whose performance indicators qualify them for possible intervention (e.g., any combination of 5 or more indicators in a six month period). The selection process involves choosing which of the identified officers will be referred to formal intervention.

(3) Intervention involves the formal steps the department takes to correct an officer's performance problem. Typically, this involves an informal counseling session with his or her immediate supervisor. In some systems other command officers are also involved. Some officers may be referred to professional counseling for stress, family problems, or substance abuse. Some officers may be referred to retraining over specific police tactics.

(4) The post-intervention monitoring involves the process of following up on officers who have received intervention to see if their performance has in fact improved.

INTERNAL BENCHMARKING TODAY

Internal benchmarking is nothing new. It is currently in use or in the planning stages in several major law enforcement agencies.

The Pittsburgh (PA) Police Bureau has been using internal benchmarking for several years. In 1997 the city of Pittsburgh entered into a consent decree with the U.S. Department of Justice to settle a suit over excessive force. The consent decree mandated the creation of an early intervention system, which is now known as the Police Assessment and Review System (PARS). The PARS system includes data on 24 different officer performance indicators. Commanders review the data and compare the performance data of officers with other officers working similar assignments (or SSOs).⁹

The Memorandum of Understanding settling the Justice Department's suit against the Cincinnati police department also mandates the creation of an early intervention system –to be known as the Risk Management System– and

specifically directs the department to utilize the peer officer analysis approach used in Pittsburgh. (The MOA is available at www.usdoj.gov/crt/split.)

Finally, the early intervention system being developed by the Phoenix Police Department will also utilize a system of peer officer comparisons.

INTERNAL BENCHMARKING: A HYPOTHETICAL EXAMPLE

This section describes how an internal benchmarking (IB) system would work in practice to analyze traffic stop data. While this example is hypothetical, most of the specific examples offered are based on actual cases this author has found in the course of his research and technical assistance over the last few years.

The Setting

The setting for this hypothetical example is the South District of the River City Police Department. The South District is the center of the Latino community in the metropolitan area. While the official census data reports that the city as a whole is 7.5% Latino, the South District is officially 30% Latino. The actual percentage in the District is probably higher because of the presence of undocumented persons who are not represented in the official census data.

This hypothetical example focuses on regular patrol officers assigned to the South District and does not include the department's traffic unit. Given these population data, it is assumed that the percentage of all traffic stops of Latinos in the South District will be higher than the city percentage (7.5%). But it is not known whether it will exceed the 30% figure for the South District.

Traffic Stop Data

Table 1 presents the data on traffic enforcement activity for officers assigned to the evening shift (4 pm - 12 midnight) in the South District. While these data are hypothetical, they reflect patterns that this author and other experts in the field –including both law enforcement officials and social scientists– are common in American policing.

The data reflect two important patterns. First, there are significant variations in traffic enforcement activity among officers. Second, they reflect significant variations among officers in the percentage of Latinos stopped for traffic violations.

TABLE 1

TRAFFIC STOP ACTIVITY, SIX OFFICERS, "RIVER CITY"

Officer	Traffic Stops	% Latino	Citizen Complaints	Complaints Per 100 Stops
A	100	30%	0	0
B	40	25%	3	7.5
C	60	55%	2	3.3
D	20	33%	0	0
E	160	28%	1	0.62
F	50	31%	2	4.0

Please note that this example is hypothetical, but is based on cases familiar to the author.

Internal Benchmarking Analysis

The data analysis that follows identifies four distinct problems in officer performance that potentially require remedial action by the department.

Problem #1: Officer C

Officer C is stopping Latino drivers at a rate (55% of all stops) that is higher than that of the other officers and higher than the percentage of Latinos residing in the district.

Under an EI system, the department's response to these data is to initiate a full-scale performance review of Officer C. It is extremely important to understand that the data are not a presumption of guilt for Officer C. The data are a starting point, not a definitive conclusion.

The performance review would include an examination of other aspects of Officer C's performance, including arrest activity, use of force record, citizen complaint record, disciplinary record (all of which should be readily accessible in the department's EI system), and interviews with his or her immediate supervisor.

The performance review might conclude that Officer C does in fact have a problem with regard to Latinos (e.g., stereotyping Latinos, immigrants, and crime). The official departmental intervention might involve counseling by the officer's immediate supervisor or other command officers, retraining by the training unit, or recommendation for reassignment. On the other hand, the performance review might also conclude that there are legitimate reasons for the traffic stop patterns found in Officer C's record.

Problem #2: Officer "D"

Officer D in Table 1 has a different problem. His or her record indicates a very low number of traffic stops and no indication of ethnic bias.

The low level of traffic enforcement activity relative to peer officers, however, triggers a full-scale performance review, including all of the factors discussed above with regard to officer C.

The performance review may determine that Officer D is engaging in little self-initiated activity of any sort. He or she makes few arrests or field interrogations, and has no record of informal contacts with law-abiding community residents (as encouraged by the department). Further, it may be found that Officer D is working a second job to the maximum number of hours allowed under department policy.

The departmental intervention involves informal counseling in which Officer D is given an unambiguous message that as a public employee he or she has a responsibility to carry out the full range of duties as a patrol officer. The officer is clearly told that failure to undertake a minimal amount of police activity will result in an unsatisfactory performance evaluation and that subsequent failures may result in more serious action.

Problem #3: Officer E

Officer E is an energetic and hard working officer, with a level of traffic enforcement activity that far exceeds that of peer officers. Also, there is no indication of any ethnic prejudice on his or her part.

A quick glance at the performance data in the EI system, however, quickly reveals that Officer E has a distorted set of work priorities. He or she makes few arrests and field interrogations, and because traffic stops consume so much time, is often unavailable for routine 911 calls.

One aspect of Officer E's performance, which command officers may not be aware of, is that because of the high volume of traffic stops he or she is well-known in the community and has gained an unflattering nickname among some residents. Even though Officer E is free of personal bias, the distorted

activity levels create the perception of bias among young Latino males in the community.

The departmental intervention in this case would involve a counseling session in which command officers discuss the full range of police responsibilities and clearly indicate that he or she will be expected to reduce the number of traffic stops and devote more time to other activities.

Problem #4: Officer B

Officer B has a relatively high rate of complaints per 100 traffic stops. A review of the complaints found that all of Officer B's citizen complaints involve traffic stops.

In the course of intervention counseling it was determined that Officer B had both a very negative attitude about drivers and difficulty controlling his or her temper if asked a question by a driver.

Officer B was counseled about traffic stop demeanor, assigned to read Chapter Four of the PERF report on Racially Biased Policing (with the recommended policy on traffic stop demeanor) and assigned to a special verbal judo class. He was also advised that his performance would be closely monitored for the next six months.

Problem #5: Officer F

Officer F also has a relatively high complaint rate. One of those complaints involved a female driver who alleged inappropriate sexual conduct by Officer F (allegedly he made suggestive remarks about her appearance and attempted to obtain her home telephone number.

The performance review of Officer F's record found that a suspiciously high proportion of his traffic stops involved female drivers (65% vs a peer officer average of 39%).¹⁰

The departmental intervention involved counseling that his traffic stop activity indicated a pattern of inappropriate conduct with regard to women, that this behavior should cease, and that his performance record would be monitored on a weekly basis for the next six months.

THE SARA PROCESS

The internal benchmarking system described above represents the application of the SARA process, which is a basic component of problem-oriented policing. It represents a structured procedure for analyzing problems related to crime and disorder, developing departmental responses, and monitoring the impact of those responses.¹¹

Scanning involves the collection of performance data

Analysis involves analyzing the data and identifying potential problem officers

Response involves the departmental intervention

Assessment involves subsequent analysis of an officer's performance data to see if there is a change in the desired direction

THE IMMEDIATE IMPACT

When properly used, internal benchmarking of similarly situated officers (IBSSO) can have an immediate impact on the officers whose performance has been identified as problematic.

In this hypothetical example, five different problems are identified:

- ** one case of apparent ethnic bias
- ** one case of overall inadequate performance
- ** one case of distorted priorities
- ** one case of inappropriate demeanor in traffic stops
- ** one case of inappropriate sexual conduct

The analysis also identifies an officer with an exemplary performance record. Officer A engages in a high level of traffic enforcement activity, exhibits no evidence of ethnic bias, and has received no citizen complaints.

As suggested earlier in this paper, IBSSO has the capacity to identify performance problems that involve more than race and ethnicity. Among the four examples, only one is a case of direct bias on the part of the officer.

THE LARGER IMPACT

The impact of IBSSO potentially goes beyond the cases of the offices discussed above. By identifying specific performance problems and then taking steps to correct those problems, internal benchmarking heightens the standards of accountability in the entire department. It places officers on notice that certain patterns of behavior are not acceptable and that the department will hold them accountable for such behavior.

At the same time, IBSSO potentially establishes new standards of accountability for front-line supervisors. The data-based nature of the EI system forces them to engage officers with apparent performance problems and to help them to correct their performance. Because the system generates data on post-intervention officer performance, it has the capacity to hold supervisors accountable for the impact of their intervention efforts.

DOES IT MEET THE THREE TESTS?

At the beginning of this paper, we defined three tests that a traffic stop

data analysis system needs to meet. Obviously, we believe that it does. But this paper is offered as a discussion paper, and so comments about its effectiveness are solicited.

Does it meet the test of scientific credibility? Members of the academic community are invited to comment on this question.

Does it meet the test of practical utility? Law enforcement professionals are invited to comment on this question. Is it in fact a practical approach? Or, are there problems that need to be addressed? Are there ways the approach could be fine-tuned to make it more effective?

Does it meet the test of political credibility? Representatives of community groups are invited to comment on this question. If this system were in effect in a police department, would you believe that the department was effectively addressing the problem of racial bias and racial profiling in particular? If not, why not? What changes would need to be made?

THE LIMITATIONS OF INTERNAL BENCHMARKING

Internal benchmarking is far from perfect and is not offered here as a complete solution to the problem of racial profiling or any other police problem.

The major limitation of IB is that it focuses on individual officers and cannot address situations where racial or ethnic bias pervades an entire unit or an entire department. Since virtually all officers in such situations will be engaging in biased policing, there will be no meaningful distinctions among officers. It is possible, however, that there will be some distinctions – that is to say, that some officers will exhibit far greater bias than others. Pending further research, however, this observation is purely speculative.

Situations where entire units or departments are engaging in racially biased policing call for more comprehensive changes in leadership and accountability measures.

THE IMPLEMENTATION CHALLENGE

Internal benchmarking of similarly situated officers (IBSSO) is a potentially valuable tool for enhancing police accountability. But it is also extremely difficult to implement properly and maintain.

The initial NIJ study of Early Warning Systems and the forthcoming COPS report on Early Intervention Systems both conclude that these systems are extremely complex administrative mechanisms. They require careful advance planning and close continuous monitoring.¹²

The 16th Semiannual Report (2003) of the Special Counsel to the Los Angeles Sheriff's Department (LASD) is particularly sobering. The LASD's Personnel Performance Index (PPI) is widely regarded as the most sophisticated EI system in the country. Yet, the Special Counsel's report found that the PPI system was not working to its fullest capacity. Personnel shortages have resulted in delays in entering performance data. And some commanders were not aware of the nature of the PPI and its capacity to generate officer performance data they could use in supervising officers.¹³

In short, effective use of IBSSO requires a sophisticated state-of-the-art early intervention system that is properly administered and utilized to its fullest capacity.

CONCLUSION

Racial profiling has emerged as a major national controversy and the focus of strained relations between the police and racial and ethnic minority communities.

Civil rights groups have demanded traffic stop data collection as a means of ending racial bias in traffic enforcement. Many law enforcement agencies are currently collecting traffic stop data, either voluntarily or because

of state statute or court order.

The analysis of traffic stop data is a major problem, however. The most commonly used benchmarks do not readily permit determination of whether or not an illegal pattern of racial or ethnic discrimination exists.

This paper offers Internal Benchmarking as a possible solution to the data analysis problem. It is presented as a discussion paper in the interest of advancing the policy debate over racial profiling. Comments and criticisms are welcomed.

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1. For a discussion of data collection and other strategies, see PERF, Racially Biased Policing: A Principled Response (Washington, DC: PERF, 2001). The report is available at www.policeforum.org.
 2. Two web sites offer current information on the racial profiling issue and include links to traffic stop data reports: www.profilesininjustice.com and www.trafficstopdataanalysis.edu
 3. See the forthcoming PERF report on this subject. See also, U.S. Department of Justice, How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends on it! (Washington, DC: Department of Justice, 2003). Available at www.cops.usdoj.gov.
 4. An earlier version of this proposal can be found in Samuel Walker, "Searching for the Denominator: Problems with Police Traffic Stop Data and an Early Warning System Solution," Justice Research and Policy, 3 (Spring 2001): 63-95.
 5. The best book on the subject is David Harris, Profiles in Injustice: Why Racial Profiling Won't Work (New York: The New Press, 2002). See also the web sites cited above in Note 2.
 6. Harris, Profiles in Injustice.
 7. Samuel Walker, "The New World of Police Accountability: The U.S. Justice Department 'Pattern or Practice' Suits in Context," St. Louis University Public Law Review , XXII (No. 1, 2003): 3-52.
 8. Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney, Early Warning Systems: Responding to the Problem Police Officer (Washington, DC: Government Printing Office, 2001), Available at www.ncjrs.org, NCJ #188565. Samuel Walker, Early Intervention Systems for Police (forthcoming, 2003, COPS Office).
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11. U.S. Justice Department, Office of Community Oriented Police Services, Problem-Solving Tips: A Guide to Reducing Crime and Disorder Through Problem-Solving Partnerships (Washington, DC: COPS Office, 2002). Available on the web at www.ncjrs.org . NCJ 196527. For background on problem-oriented policing, see Michael S. Scott, Problem-Oriented Policing: Reflections on the First 20 Years (Washington, DC: COPS Office, 2000). Also available at www.ncjrs.org.

12. Walker, Alpert, and Kenney, Early Warning Systems. Walker, Early Intervention Systems for Police (forthcoming).

13. Merrick Bobb Special Counsel to the Los Angeles Sheriff's Department, 16th Semiannual Report (Los Angeles: Special Counsel, 2003). Available at www.parc.info.



Lexington-Fayette Urban County
Division of Police
MEMORANDUM
Lexington, Kentucky

DATE OF ISSUE

September 6, 2000

EFFECTIVE DATE

NUMBER

PA: 00/286

TO: L. E. Walsh
Chief of Police

FROM: Julia B. Shaw
Traffic Analyst

SUBJECT:

August 2000
Traffic Charges Report

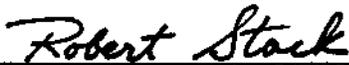
Please find attached the August 2000 Traffic Charges Report. Although there was a 21.58% increase in charges issued during the month of August, there was only a 13.44% increase in citations issued. All demographic groups reflect the increase in citations issued with the exception of the female/black group, which indicated an 8.52% reduction in citations issued. The female/white group shows the largest increase, 9.28%, in citations issued.

Blacks, as a group, received only 1% more citations and 1% more charges for their population than either the whites or other groups which is down from previous months. Male/blacks received 3% more charges than their population, which is down 1% from July 2000.

Should you have any questions about this information, please advise.


Julia B. Shaw
Traffic Analyst

Approved;


Captain Robert Stack, Commander
Planning & Analysis Unit

Attachment

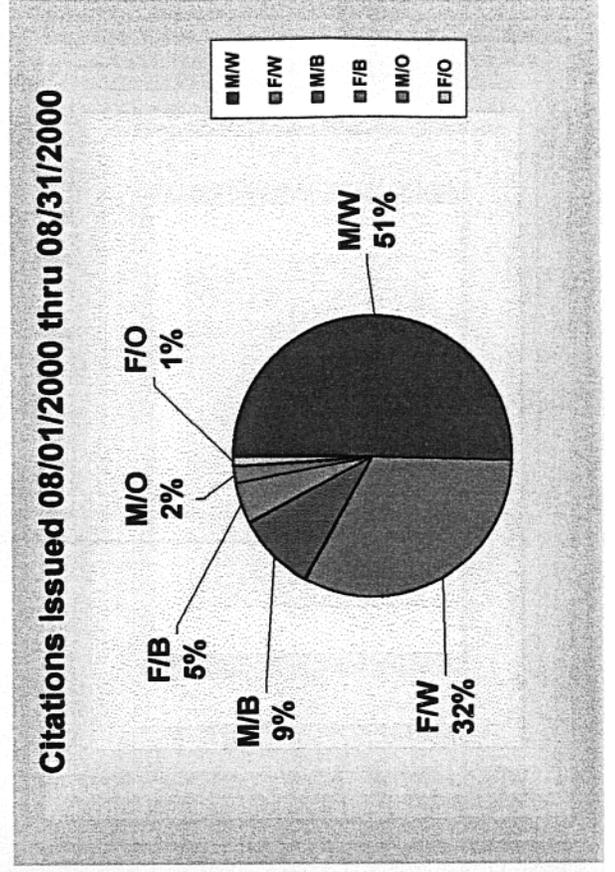
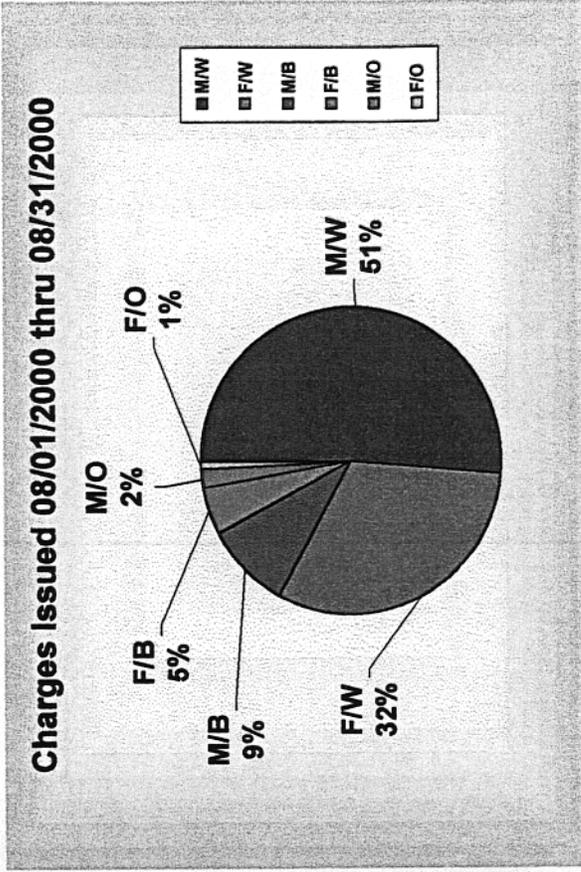
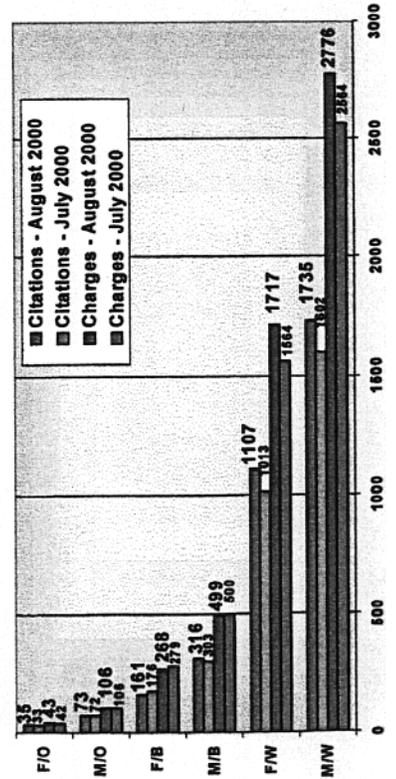
xc: Assistant Chief Beatty
Assistant Chief Berry
Assistant Chief Burton
Assistant Chief Devers
Assistant Chief Hall
Assistant Chief Sewalls
Major Bastin
File

August 2000 Charges Report

Comparison Summary										
	% of Pop.	Charges Issued			Citations Issued			*Citation Ratio		
		07/00	08/00	08/00	07/00	08/00	07/00	08/00	07/00	08/00
Male	48%	1885	3381	2124	1977	2124	1:48	1:45		
Female	52%	2564	2028	1303	1222	1303	1:86	1:80		
	% of Pop.	Charges Issued			Citations Issued			*Citation Ratio		
White	83%	4128	4493	2842	2615	2842	1:63	1:58		
Black	13%	779	767	477	479	477	1:52	1:52		
Other	4%	148	149	108	105	108	1:87	1:84		
	% of Pop.	Charges Issued			Citations Issued			*Citation Ratio		
M/W	40%	2564	2776	1735	1602	1735	1:49	1:45		
F/W	43%	1564	1717	1107	1013	1107	1:85	1:78		
M/B	6%	500	499	316	303	316	1:37	1:35		
F/B	7%	279	268	161	176	161	1:79	1:87		
M/O	2%	106	106	73	72	73	1:68	1:67		
F/O	2%	42	43	35	33	35	1:121	1:121		

* One ticket issued per "x" number of people in population

Charges and Citations Issued 08/01/00 - 08/31/00

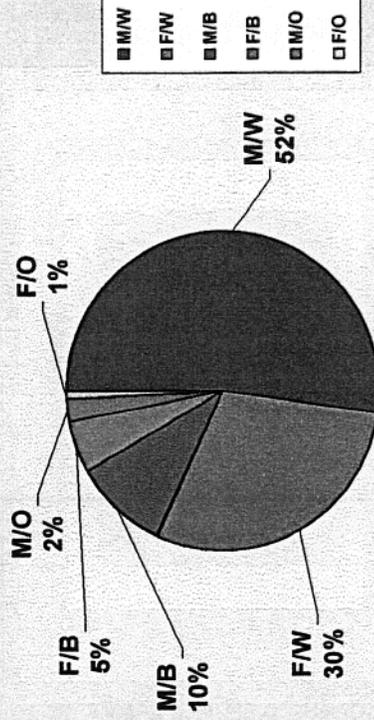


Year To Date Citations & Charges Report

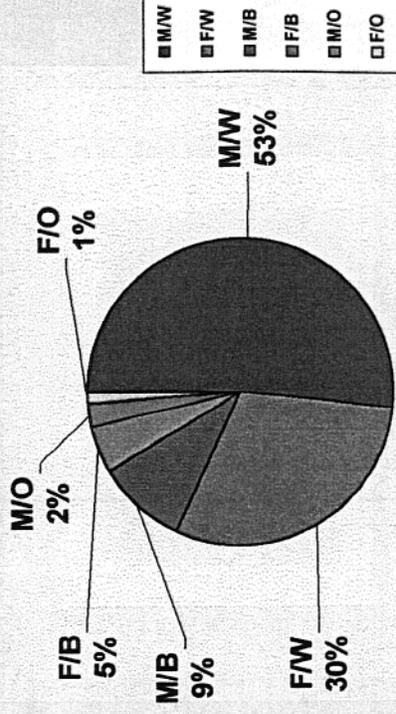
Summary 01/01/00 - 09/19/00						
	Population		% of Pop.		Citations Issued	
	Count	Count	Count	Count	Count	Ratio*
Male	94759	48%	25561	16101	1:6	
Female	104663	52%	14164	9302	1:11	
	Population		% of Pop.		Citations Issued	
	Count	Count	Count	Count	Count	Ratio*
White	165323	83%	32522	20844	1:8	
Black	24989	13%	5975	3651	1:7	
Other	9110	4%	1228	908	1:10	
	Population		% of Pop.		Citations Issued	
	Count	Count	Count	Count	Count	Ratio*
M/W	78818	40%	20771	13107	1:6	
F/W	86505	43%	11751	7737	1:11	
M/B	11062	6%	3937	2369	1:5	
F/B	13927	7%	2038	1282	1:11	
M/O	4879	2%	853	625	1:8	
F/O	4231	2%	375	283	1:15	

*One ticket issued per "x" number of people in population.

Charges Issued 01/01/00 - 09/19/00



Citations Issued 01/01/00 - 09/19/00



Charges and Citations Issued 01/01/00 - 09/19/00

