

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

**Race-Based Traffic-Stops: "Do They Really Occur?"**

**A Policy Research Project  
Submitted in Partial Fulfillment  
of the Requirements for the Professional Designation  
Graduate, Management Institute**

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## ABSTRACT

Minorities, specifically African-Americans and Latinos have for many years cynically referred to being stopped by the police for alleged minor traffic violations as "driving while black or brown- DWB." Limited research does show a disturbing pattern of race-based traffic stops being conducted by the police with a disproportionately amount of the stops targeting black and Latino drivers. Many top police administrators across the country adamantly deny using such practices. *Operation Pipeline*, a drug interdiction program began in 1986, and has trained more than 27,000 police officers in 48 states to use pretext stops in order to search for drugs. Operation Pipeline has been instrumental in spreading the use of pretext stops, which are at the heart of the racial profiling debate.

In Whren v. United States (1996), the Supreme Court held that pretext traffic stops did not violate the Fourth Amendment (search and seizure) but race could not be the factor for the stop. Federal legislation mandating traffic stop data collection has been proposed under the Traffic Stops Statistics Study Act of 1997. Many law enforcement groups resent and disapprove of the proposed bill. Statistical evidence collected in the course of recent litigation shows a clear pattern of racially discriminatory traffic stops and searches against minorities. Pressure from civil rights advocates, pending federal legislature, and lawsuits, is playing an integral role in forcing police agencies in this country to start collecting data voluntarily or be mandated. The statistical and anecdotal evidence strongly indicates that race-based traffic stops are occurring in America.

Unless the law enforcement community stops this practice, increasing lawsuits will be filed and police-minority relations will suffer and deteriorate. The Arlington Police Department should voluntarily begin collecting data on traffic stops to promote and maintain confidence in the community and to protect itself from false accusations.

## Introduction

The issue of racial profiling for routine traffic stops has become a hot topic across America with many fingers being pointed at police agencies for their "perceived" discriminatory practice. Minorities, specifically African-Americans and Hispanics have for many years 'lived' with the common practice of being stopped by police officers for alleged minor traffic violations. On most occasions, officers don't issue citations, yet minority drivers are detained, subjected to questioning, and many times submit to the searching of their automobiles by officers and or K-9 police dogs.

The purpose of this policy research paper is to explore whether a person's race and or ethnicity increase their chance of being stopped by police for routine traffic violations. The author hypothesizes that even with the limited available statistical research that has been compiled to date, a disturbing pattern of race-based traffic stops are being conducted by the police with a disproportionately amount of the stops targeting African-American and Hispanic drivers.

The overall intended audience of this project is the law enforcement community, but specifically, the Command Staff of the Arlington Police Department, which has recently begun serious discussions on the issue of data collection. This research is intended to provide more than anecdotal evidence that the Arlington Police Department should begin voluntarily collecting data on traffic stops. Sources used in this research will include journals, books, news articles, essays, legal opinions, and statistical information.

The intended outcome of this project, is to provide a convincing argument that the "driving while black" (DWB) phenomenon, as it is cynically referred to by minorities, is occurring in a majority of communities across America. Furthermore, the proposed Traffic Stops

Statistics Act, as proposed in the U.S. Congress will be researched for possible implementation in some form at the local and state level to measure routine traffic enforcement practices for effectiveness and fairness.

### **Historical, Legal, or Theoretical Context**

The Kerner Commission warned in the fall of 1967, that America was perilously moving toward becoming two societies, "one black, one white-separate and unequal." During the hearings, where more than 130 witnesses testified, one complaint that came up repeatedly was "the stopping of Negroes on foot or in cars without obvious basis" (David A. Harris, 1999). Law enforcement have for decades, been the tool used by American society to enforce laws many non-white Americans felt were designed to keep them from fully exercising their rights granted by the Constitution.

The police play a far more visible role in minority neighborhoods compared with white neighborhoods. Blacks and Latinos are much more likely than whites to see or have personal contact with a police officer (Walker-Spohn-DeLone, 1996). Law enforcement should have learned from past mistakes, that disparate treatment of non-white Americans causes divisiveness, anger, mistrust, and lawsuits.

African Americans and Hispanics have accused the police for years of using racial profiling as the means to make traffic stops. In the black community the practice has come to be sarcastically known as "DWB- driving while black." Most police officials have persistently denied that their officers engage in racial profiling. Mounting accusations directed at the police by minorities from all walks of life, socioeconomic levels, and geographic is forcing the issue into the national spotlight. (CNN, 1999)

A marked increase in aggressive traffic enforcement started after 1982 when President Reagan established the Task Force on Crime in South Florida that intensified air and sea operations against drug smuggling. This aggressive "war on drugs" campaign soon spilled over to traffic stops enforcement based on a racially biased drug courier profile (Harris, 1999). Under *Operation Pipeline*, the Drug Enforcement Administration (DEA) trained as many as 27,000 police officers in 48 states to use pretext stops in order to find drugs. Operation Pipeline has been instrumental in spreading the use of pretext stops, which are at the heart of the racial profiling debate (Harris, 1999).

David A. Harris, a University of Toledo law professor and noted authority on the issue of profiling states that "ideally, a profile is based on a compilation of characteristics derived from research and experience that serve as reasonable indication that an individual is involved in criminal activity." (Gibeaut, 1999 pp.46) This aggressive enforcement tool used by the police is seen by most Blacks and Hispanics as biased, overly used and abused, which targets them for criminal activity based solely on their skin color. The courts have said that profiling is an acceptable and legal law enforcement method, but a profile based on race alone doesn't meet constitutional requirements (Gibeaut, 1999.)

In Whren v. United States (1996), the Supreme Court held that pretext traffic stops did not violate the Fourth Amendment (search and seizure). This researcher believes many police officers misuse the Whren decision as subterfuge for race-based stops. The Whren case involved plain clothes vice officers in an unmarked police car who saw two young black males driving a car with temporary tags in an area known for drug activity. The police observed the car pause at a stop sign longer than usual. The police became suspicious although the men did not do

anything to indicate criminal activity. The car turned without signaling, drove away and was stopped by the police who observed the passenger holding a bag of cocaine.

In his essay "Driving While Black" And All Other Traffic Offenses, Professor Harris cites "after *Whren*, courts will not ask whether police conducted a traffic stop because officers felt the occupants of the car were involved in some other crime about which they had only a hunch; rather, once a driver commits a traffic infraction, the officer's "real" purpose will make no difference at all" (pp. 545). Many minorities see the *Whren* decision as giving the police "Carte Blanche" to harass any person of color *they* determine fits a certain profile. Officer discretion in enforcing the law should always begin with a violation of the law, as *Whren* allows.

Routine and casual use of race as a factor of criminality is profoundly unwise. It can be used as a means of racial harassment, increases minority fear and mistrust of the police, and reduces the potential for cooperation between minority communities and the police (Kennedy, 1998). Giving overzealous police officers more ammunition to target, degrade, and abuse them has brought hue and cry from prominent black leaders and civil rights advocates, who demand a change in the police practices. Advocates for change are asking the police to track all traffic stops to gather enough data on the race and circumstances to determine if a disproportionate amount of minorities are actually being stopped. (Law Enforcement News, 1999)

Most agencies have refused to gather such data, and deny all assertions that officers engage in such racist practices. This refusal by many police agencies, baffles most in the minority community, and raises more concerns, suspicion, and questions of the police and their treatment towards minorities. The Los Angeles Times reported that many citizens in L.A have openly criticized the Los Angeles Police Department and Los Angeles County Sheriff Department for refusing to gather traffic stop data, although 70 other California police agencies

have begun compiling data. Attorney General Janet Reno has indicated that she strongly supports the gathering of racial background information on traffic stops to determine whether racial profiling is occurring. (Law Enforcement News, 1999)

Federal legislation mandating traffic stop data collection has also been proposed by Rep. John Conyers Jr., a Democrat from Michigan. Rep. Conyers's bill, the Traffic Stops Statistics Study Act of 1997 (Appendix 1) would require police to collect racial data on motorists stopped for traffic violations. An analysis by the Justice Department would be conducted to find whether minorities are indeed being targeted by law enforcement as part of routine patrols. This bill has sparked an outpouring of resentment by many law enforcement groups who disapprove of it on both philosophical and practical grounds. The National Association of Police Organizations, a non-profit group that represents 4,000 law-enforcement unions and associations along with the National Troopers Coalition and the Fraternal Order of Police all have come out in opposition of Rep. Conyers proposal. They argue that the *vast* majority of officers use probable cause as the basis for stopping motorists who violate the law (Law Enforcement News, 1999).

### **Review of Literature or Practice**

While anecdotal evidence of racially motivated traffic stops is plentiful, relatively few formal studies have been completed, but those that have, strongly corroborate the claim made by minorities. A study undertaken by the American Civil Liberties Union (ACLU) in Maryland from January 1995 through September 1996 revealed an alarming disparity in motorist stops and searches along a stretch of Interstate 95. Although minorities were only 17% of all drivers on the highway studied, they were over 70% of those detained and searched. This process apparently



continues even after the state police had (in a court settlement) issued a written policy barring race-based stops (Taylor, 1999).

John Lamberth, a Temple University statistician studied the numbers gathered from the New Jersey Turnpike traffic stop study of 1995. According to Lamberth, 15 percent of drivers were black, but 46 percent of motorists stopped were black. So blacks were nearly five times more likely to be stopped than non-blacks. What's more, Lambert said, an overwhelming 73 percent of drivers whose vehicles were searched were black. (Copple, 1999)

Thomas Zolpher reported that "8 out of every 10 cars searched in a four-year period on the southern stretch of the New Jersey Turnpike were driven by minorities" (pp.1). According to the San Jose Mercury News, San Jose P.D became the first in the nation to voluntarily release the statistical data on traffic stops. The report looked at traffic stops from July 1 to September 30, 1999, and found that Latino drivers are stopped more frequently than any other ethnic group in the city and well out of proportion to their share of the population. The report indicated that Black and Latino drivers are stopped at far higher rates than Whites and Asians. (ACLU-San Jose, 1999)

These reports combined with 'anecdotal' reports from minorities are strong indicators of a biased procedure. New York City police officers disproportionately target blacks and Hispanics for street searches according to a new report by the state attorney general's office. The report found that even in precincts that are 90% white, more than half of those stopped and frisked were people of color. Lori Litchman (1999) reported in the ACLU Legal Intelligencer that in 1997, the Philadelphia chapter of the ACLU released data that was compiled in the Fourth Monitoring Report: Pedestrian and Car Stop Audit, which focused on car and pedestrian stops in Philadelphia. The ACLU was able to compile the information after the city settled a federal

lawsuit the ACLU brought on behalf of the NAACP. The settlement established a monitoring reform program. The study analyzed two separate weeks in 1997. For the week of March 7, of the 516 reports from car stops, 262 contained racial information, which showed 79% were African-Americans and nearly 90% of those stopped, were minorities. For the week of October 6, of the 1,083 reports for car stops, 524 had race information, and of those stops, 45% were of African-Americans, and 71% were minorities. (Litchman, 1999)

Pressure from civil rights advocates, pending federal legislature, and continued allegations from minority citizens, are playing an integral role in forcing police agencies to look 'voluntarily' into their traffic stop practices. The issue of racial profiling in traffic stops has gained increasing attention nationally over the past year. Results of a Gallup poll released in December 1999 found strong public disapproval of the practice. The poll found that 59% of the American public believes that racial profiling is widespread, and 81% disapprove of its use by police. (ACLU-Washington/Gallup poll, 1999) President Clinton issued an executive order for federal law enforcement agencies to collect data on the race, gender, and ethnicity of people they stop to question. (ACLU- Des Moines, 2000)

This researcher examined the procedures in use or proposed by three police departments (San Diego-San Jose-Philadelphia) relating to collecting traffic stop data. San Diego P.D collects information on race, age, gender, reason for stop, and disposition. The data is gathered on portable computers (palm pilots) using the "StatKeeper" software program and is only collected on traffic stops not subject stops. In addition, a daily activity log is kept as a redundancy measure.(Appendix 2) San Jose P.D collects identical data, but uses the mobile computer data terminal (MDT) to enter the data and make proper disposition using a newly designed code table. (Appendix 3) Philadelphia P.D has designed a written form (Vehicle or Pedestrian Investigation

Report) that requires the officers to complete on all contacts. The report has eight sections comprising 182 potential blocks to be completed including all the information both San Diego and San Jose collects. (Appendix 4)

When this research began in the summer of 1999, many police departments were in the process of deciding whether to begin a collection process and if so what process to implement. It appears that the process implemented by the San Jose P.D is the most practical, effective, and efficient process proposed to date, and one that this researcher believes would benefit the Arlington Police Department.

### **Discussion of Relevant Issues**

There are strong indicators that suggest many police officers across the nation are targeting blacks and Latinos on traffic stops. The Cincinnati Enquirer reported that Cincinnati Police Chief Thomas Streicher Jr. admitted to incidents of Cincinnati police pulling people over simply because of the color of their skin and asked "for forgiveness for transgressions in the past." Richard Weizel reported that an internal police memo proves that racial profiling was a standard practice used by Trumbull, Connecticut Police. A controversial 1993 internal memo written by Police Chief Theodore J. Ambrosini that was leaked by officers in the all-white department not only condones racial profiling, but contained coded references that encouraged officers to do it. Trumbull is a town of 31,800 residents with only 2 percent of black residents. (Weizel, 1999, pp.1-4)

According to an ACLU news brief, in 1993, an Avon, Connecticut police officer charged the Avon P.D with racial profiling. An internal investigation did find that a supervisor with the department ordered officers to target minority motorists traveling along Route 44 in their city. The brief also indicates that on January 1, 2000 all police officers started using a new form to

help determine if profiling exists, even though many in the state believe its not a serious problem (ACLU-Waterbury, Conn., 2000).

Stuart Taylor reported that in Louisiana, a state police training film a few years ago told officers to use traffic stops to do drug searches of "males of foreign nationalities, mainly Cubans, Colombians, Puerto Ricans, or other swarthy outlanders." Michael Booth reported that Gloucester County, (NJ) Superior Court Judge Robert Francis ruled in March 1996 that there was evidence that the state police were using racial profiles in deciding whom to stop and dismissed charges against 19 minority drivers after determining they had been stopped without sufficient cause. (Booth, 1998)

An ACLU news brief reported that the Rhode Island State Police rejected their own data on traffic stops. The state police superintendent stated that the figures his troopers gathered were 'useless'. Nonetheless, the data suggested about 26 percent of those stopped were nonwhite. Rhode Island is about 8 percent minority. (ACLU-Providence, RI., 2000)

Apparently race-based traffic stops had enough merit to warrant twenty state legislatures to take up racial profiling bills in 1999. (ACLU-Maryland, 2000) North Carolina and Connecticut have enacted laws requiring collection of traffic stop data. (ACLU-Maryland, 2000) The President of the United States has mandated that all federal law enforcement agencies begin collecting similar data. (ACLU-Denver, 1999) Police agencies are getting sued and criminal cases are being dismissed in some courts when it's determined that minorities were targeted in disproportionate amounts for traffic stops. (Harris, Zolpher, 1999) This researcher believes that many minorities will see the aforementioned actions as a positive sign, even though the law enforcement community has been slow to respond.

Professor Harris (1999) outlined the ACLU's proposed five-step plan to conquering the problem of racial profiling: (1) End the use of pretext stops (2) Pass the Traffic Stops Statistics Study Act (3) Pass legislation on traffic stops in every state, in case the federal act is not passed (4) Ensure that racial profiling is not used in federally funded drug interdiction programs (5) The 50 largest U.S cities should voluntarily collect traffic stop data, without any state or federal requirements (pp.26-28). Richmond (VA) Police Chief said that he is taking the national controversy over racial profiling and doing positive things with it. Racial profiling, he said, becomes "an opportunity to further our community policing philosophy and once again an opportunity to build capital in our community trust account." (ACLU-Richmond, VA., 1999)

The financial cost of implementing a data collection process for the majority of police departments appears to minimal. Agencies with mobile data terminals can design a new disposition clearance format and integrate into their present system, which is a programming issue. Agencies without computer terminals can design a paper report to capture the data. This researcher believes the cost of not collecting the data will lead to criminal cases being dismissed or a reduction in punishment for actual law-beakers, agencies and individual officers having to defend themselves from both criminal and civil litigation, and increased hostilities towards the police.

An example of this can be found in a case in Boston, where a federal judge gave a black man a reduced sentence for gun possession because she said his lengthy arrest record stemmed from officers' habit of stopping black drivers more often than whites ones. The ruling believed to be among the first to adopt such a theory, gives legal voice to the long-standing complaints of minorities. (The Legal Intelligencer, Dec., 1998)

The benefits of voluntarily implementing the data collection process can be numerous. It can protect the department from false accusations, determine whether the race-based practice actually occurs in a jurisdiction, maintain and promote confidence in and from the minority community, and pre-empt mandatory collection requirements. For police departments who fail to voluntarily put in place a system to gather traffic stop data, civil rights groups, particularly the ACLU, formal complaints, criticism, and even lawsuits are sure to follow. (ACLU-So.CA.,2000)

Since the fall of 1999, many city and state governments have been moving to head off such actions, and are proposing legislation to force police departments to gather such data. Recently, the ACLU of Southern California filed a federal lawsuit seeking to block the Los Angeles Police Department (LAPD) from the practice of racial profiling. The suit was filed on behalf of three blacks and two Latino men based on five separate encounters with LAPD. The suit is said to "seek justice for the five men who were victimized by the very officers sworn to protect and serve them." The cost of litigation will be high and the trust and respect of the police will be furthered damaged and jeopardized.

Stuart Taylor quotes from David Cole's book "No Equal Justice: Race and Class in the American Criminal Justice System," "that a police officer who relies on race in stopping and questioning individuals is therefore likely to stop many more innocent than guilty individuals." (Taylor, 1999) Taylor believes that racial profiling is too deeply ingrained in police culture, and too easily camouflaged, to be eradicated by legislation or lawsuits. (pp.1-3) Taylor feels the best remedy may be for police chiefs to train their officers to shun such profiling, and to recruit more black and Hispanic officers (pp.3). A scandal that was reported in the CrimeControl Digest in April of 1999, supports Mr. Taylor's deeply ingrained police culture theory.



It was reported that two New Jersey State Troopers were indicted for falsifying traffic stop reports, making it appear that some of the black motorists they stopped were white. The report also indicated that at least two supervisors had knowledge that 'some' troopers were *known* to write down license plate numbers of white motorists who were not pulled over and use them on the reports of black motorists who were stopped. (Crime Control Digest, 1999) This researcher suggests that similar wrongdoing will occur across the country when departments who have had poor relationships with their minority citizenry begin collecting traffic stop data if a check and balance system is not implemented.

Flagrant, deceitful, dishonest, and unethical behavior by law enforcement only supports claims by minorities that police are not enforcing the law fairly and reaffirms the need for a formalized monitored data collection procedure. Many police departments are starting to voluntarily collect traffic stop data in their jurisdictions. An example of this is the \$350,000 study in the state of Florida where both the Florida Sheriffs Association and Florida Police Chiefs Association has voluntarily agreed to participate. (ACLU-Tallahassee, 2000)

This researcher fears that once data collection begins, statistics might show that no racial profiling is occurring. A possible cause is that officers who have engaged in the wrongful practice will be easily exposed, and will cease the practice. Due to the lack of support from many police officials and officer unions, to start the process of data collection, it will take very little statistical evidence in the opposite direction to cause them to suspend process. If by chance this is the direction that may be caused by implementing a collection process, the objective to end race-based traffic is still achieved.

The ACLU has filed lawsuits challenging the police practice of racial profiling in eight states with more planned. David Harris (1999) says, "the statistical evidence collected in the

course of this litigation shows a clear pattern of racially discriminatory traffic stops and searches." (pp.18)

### **Conclusion/Recommendations**

The purpose of this research was to examine the limited but ever increasing data on allegations of race based traffic stops so that the command staff of the Arlington Police Department (APD) could determine a need to voluntarily begin a process to collect information on traffic stops.

Enforcing the law in an unbiased and fair nature is the primary duty of each officer of the law. Any abuse of power, perceived or real is divisive and dangerous for a community because it undermines public confidence in the police. One primary goal of the Arlington Police Department is build partnerships based on mutual respect with the community we serve. Addressing the concerns of people of color, who historically have had good reason to distrust law enforcement, should be a top priority of law enforcement in the new millennium. Minorities, have for decades complained that police target them for traffic stops based on the color of their skin in hopes of finding drugs and other contraband.

There is credible and mounting evidence that strongly indicates that the "DWB" issue is a *real* problem that exists, and one that should be looked at and address immediately. Federal and state legislative bills are starting to mandate that the police start collecting traffic stop data. Civil lawsuits are being filed against departments who have engaged in race based traffic stops, criminal cases against minorities are being dismissed in courts, and an ever increasing public backlash against the police is mounting from all segments of the population. Unless the law enforcement community stops this perceived discriminatory practice, increasing lawsuits will be filed and police-minority relations will suffer and deteriorate. This author contends that racism



and stereotyping by some officers play a role in their decision when making stops against minorities, which are unethical, illegal and the cause of many plaguing problems in the criminal justice system.

It is imperative that the Arlington Police Department is prepared to answer questions that will be asked by minorities and others in our community concerning our traffic stop procedures. It is recommended that a committee be formed to determine what criteria are needed for compilation on traffic stops. The committee should examine data collection procedures that other agencies around the country have in place. A data collection process should be tailored that supports the vision, values and mission of the Arlington Police Department. The process would capture pertinent data to determine if Arlington officers are conducting race base stops.

A proactive stance will build stronger, trusting relationships with all persons in the community. There is an opportunity to customize a process for data collection before a process is 'forced' by the State or Federal government. The Arlington Police Department can set the example for other departments to follow and re-enforce our expectations for APD officers to enforce the law in an unbiased and fair manner, treating all people with respect and dignity. The citizens have spoken, it's time for police to answer and address the issue.

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## APPENDICES

Appendix 1.....	Traffic Stops Statistics Study Act of 1999
Appendix 2.....	San Diego P.D Traffic Stops Collection Proposal Memorandum
Appendix 3.....	San Jose P.D Vehicle Stop Study
Appendix 4.....	Philadelphia P.D Vehicle/Pedestrian Investigation Report

## Congressman John Conyers, Jr. 14th District, Michigan

*Ranking Member, House Judiciary Committee*

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FOR IMMEDIATE RELEASE  
April 23, 1999

Contact: Carl LeVan  
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### Conyers Urges Congress to Quickly Follow North Carolina's Example by Enacting H. R. 1443, "The Traffic Stops Statistics Study Act"

(Washington, DC) -- Congressman John Conyers, Jr., Ranking Member of the House Judiciary Committee and Dean of the Congressional Black Caucus, today praised the State of North Carolina for enactment of State Senate Bill 76, which responds to concerns that minorities are disproportionately subject to harassment through unwarranted traffic stops in that state.

Congressman Conyers said, "I applaud the courage shown by North Carolina Governor Jim Hunt and the State's Legislature in enacting this law, which is similar to the bill I re-introduced into Congress last week, H. R. 1443, "The Traffic Stops Statistics Study Act." The 106th Congress should quickly follow North Carolina's lead and enact H. R. 1443 to study the perception that persons of color and women are subject to widespread intimidation by police officers who stop them for no legitimate reason while driving. There is a climate of fear in this country that minorities are helplessly vulnerable to these acts of lawlessness by the very individuals who are sworn to uphold the law and protect citizens' civil rights."

"H. R. 1443, like the North Carolina law, will determine whether the facts support the perception by requiring the Attorney General to conduct a nationwide study of traffic stops, including the race, gender, ethnicity and age of the driver, whether the driver's immigration status was questioned and whether a search resulted from the stop. If the data generated by the Attorney General's impartial study support the allegations, then Congress can move quickly to correct the problem," Conyers stated.

H. R. 1443 has 26 sponsors in the House of Representatives and has been referred to the House Judiciary Committee for consideration.

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106TH CONGRESS  
1ST SESSION

# S. 821

To provide for the collection of data on traffic stops.

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## IN THE SENATE OF THE UNITED STATES

APRIL 15, 1999

Mr. LAUTENBERG (for himself, Mr. FEINGOLD, Mr. KENNEDY, and Mr. TORRICELLI) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for the collection of data on traffic stops.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*

3     **SECTION 1. SHORT TITLE.**

4     This Act may be cited as the "Traffic Stops Statistics  
5     Study Act of 1999".

6     **SEC. 2. ATTORNEY GENERAL TO CONDUCT STUDY.**

7     (a) STUDY.—

8             (1) IN GENERAL.—The Attorney General shall  
9     conduct a nationwide study of stops for traffic viola-  
10    tions by law enforcement officers.



1           (2) INITIAL ANALYSIS.—The Attorney General  
2 shall perform an initial analysis of existing data, in-  
3 cluding complaints alleging and other information  
4 concerning traffic stops motivated by race and other  
5 bias.

6           (3) DATA COLLECTION.—After completion of  
7 the initial analysis under paragraph (2), the Attor-  
8 ney General shall then gather the following data on  
9 traffic stops from a nationwide sample of jurisdic-  
10 tions, including jurisdictions identified in the initial  
11 analysis:

12               (A) The traffic infraction alleged to have  
13 been committed that led to the stop.

14               (B) Identifying characteristics of the driver  
15 stopped, including the race, gender, ethnicity,  
16 and approximate age of the driver.

17               (C) Whether immigration status was ques-  
18 tioned, immigration documents were requested,  
19 or an inquiry was made to the Immigration and  
20 Naturalization Service with regard to any per-  
21 son in the vehicle.

22               (D) The number of individuals in the  
23 stopped vehicle.

1 (E) Whether a search was instituted as a  
2 result of the stop and whether consent was re-  
3 quested for the search.

4 (F) Any alleged criminal behavior by the  
5 driver that justified the search.

6 (G) Any items seized, including contraband  
7 or money.

8 (H) Whether any warning or citation was  
9 issued as a result of the stop.

10 (I) Whether an arrest was made as a re-  
11 sult of either the stop or the search and the  
12 justification for the arrest.

13 (J) The duration of the stop.

14 (b) REPORTING.—Not later than 120 days after the  
15 date of enactment of this Act, the Attorney General shall  
16 report the results of its initial analysis to Congress, and  
17 make such report available to the public, and identify the  
18 jurisdictions for which the study is to be conducted. Not  
19 later than 2 years after the date of the enactment of this  
20 Act, the Attorney General shall report the results of the  
21 data collected under this Act to Congress, a copy of which  
22 shall also be published in the Federal Register.

23 **SEC. 3. GRANT PROGRAM.**

24 In order to complete the study described in section  
25 2, the Attorney General may provide grants to law en-

1 enforcement agencies to collect and submit the data de-  
2 scribed in section 2 to the appropriate agency as des-  
3 ignated by the Attorney General.

4 **SEC. 4. LIMITATION ON USE OF DATA.**

5 Information released pursuant to section 2 shall not  
6 reveal the identity of any individual who is stopped or any  
7 law enforcement officer involved in a traffic stop.

8 **SEC. 5. DEFINITIONS.**

9 For purposes of this Act:

10 (1) **LAW ENFORCEMENT AGENCY.**—The term  
11 “law enforcement agency” means an agency of a  
12 State or political subdivision of a State, authorized  
13 by law or by a Federal, State, or local government  
14 agency to engage in or supervise the prevention, de-  
15 tection, or investigation of violations of criminal  
16 laws, or a federally recognized Indian tribe.

17 (2) **INDIAN TRIBE.**—The term “Indian tribe”  
18 means any Indian or Alaska Native tribe, band, na-  
19 tion, pueblo, village, or community that the Sec-  
20 retary of the Interior acknowledges to exist as an In-  
21 dian tribe.

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated such sums  
24 as may be necessary to carry out this Act.

○

as many of my colleagues know, is the principal source of money used for highway infrastructure. Taxes paid into this trust fund by highway users results in a direct benefit to them by being recycled back into improvements to our nation's roads and bridges.

Recognizing that this transfer would place the railroad industry—a direct competitor of the trucking industry—at a competitive disadvantage, Congress reduced the deficit reduction tax paid by railroads by 1.25 cents. As a result of these changes, then, highway users, commercial airlines and inland waterway users paid a deficit reduction tax of 4.3 cents while railroads paid a tax of 5.55 cents.

The 1997 Taxpayer Relief Act further disadvantaged the railroad and inland waterway sectors by relieving highway users and commercial airlines from the remaining 4.3 cent deficit reduction fuel tax. Instead of these funds going into the General Fund of the Treasury, the taxes paid by these sectors were redirected to their respective trust funds.

I have a chart that I will ask be included with my statement that shows the evolution of deficit reduction fuel excise taxes over the past decade.

Today, two sectors of the transportation industry—railroads and inland waterway users—pay “deficit reduction” taxes even though we no longer have a deficit. Furthermore, these sectors are required to continue paying these taxes even though their competitors do not.

There is absolutely no policy rationale for railroads and barge operators to pay deficit reduction fuel taxes while motor carriers and commercial airlines are required to pay nothing.

We believe the time has come to correct this unfairness. This bill levels the playing field by repealing the remaining 4.3 cent tax paid by the railroads and inland waterway users.

I urge all of my colleagues to our legislation. Mr. President, I ask that the chart be included in the RECORD.

The chart follows:

DEFICIT REDUCTION FUEL EXCISE TAXES PAID BY THE VARIOUS TRANSPORTATION SECTORS BY YEAR

	1990	1993	1995	1997	1999
Highway Users .....	2.5	6.8	4.3	0	0
Railroads .....	2.5	6.8	5.55	5.55	4.3
Barges .....	0	4.3	4.3	4.3	4.3
Commercial Airlines .....	0	0	4.3	0	0

By Mr. LAUTENBERG (for himself, Mr. FEINGOLD, Mr. KENNEDY, and Mr. TORRICELLI):

S. 821. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

#### TRAFFIC STOPS STATISTICS STUDY ACT OF 1999

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation that will help our nation deal with the problem of racial profiling during traffic stops. I am pleased to be joined in this effort by Senators FEINGOLD, KENNEDY, and TORRICELLI.

Across the country, too many motorists fear that they will be stopped by

law enforcement for nothing more than the color of their skin. The offense of “D.W.B.” or “Driving While Black” is well known to minorities, and the fact that this term has entered the common vocabulary demonstrates the pervasiveness of the problem.

In my home state and other states along the Interstate-95 corridor, there have been many serious and credible allegations of racial profiling. For example, statistics recently released by the state of New Jersey, reveal that 73 percent of motorists arrested on the New Jersey turnpike in early 1997 were minorities. Similarly, a court-ordered study in Maryland found that more than 70 percent of drivers stopped on Interstate-95 were African American though they made up only 17.5 percent of drivers.

Not surprisingly, the practice of racial profiling has led to litigation. In the case of State versus Soto, a state court judge ruled that troopers were engaging in racial profiling on the southernmost segment of the New Jersey Turnpike. That decision spurred the United States Department of Justice to begin a “pattern and practice” investigation, in December 1996, to determine whether the New Jersey State Police had violated the constitutional rights of minority motorists. The Department of Justice is also investigating police agencies in Eastpointe, Michigan, and Orange County, Florida. Additionally, a number of individuals and organizations have filed private lawsuits seeking to end the inappropriate use of racial profiling.

While litigation may bring about limited reforms, it is clear that Congress must develop a nationwide approach. The legislation I am introducing today will help define the scope of the problem, increase police awareness, and suggest whether additional steps are necessary. It would require that the Attorney General collect data on traffic stops and report the results to Congress. Because better relations between police and citizens will help ease racial tensions, the measure will also authorize grants to law enforcement agencies for the development of better training programs and policing strategies.

In recent decades, we have made great progress in strengthening the civil rights of all Americans. Many dedicated law enforcement officials have contributed greatly to this effort by applying the law fairly and working to strengthen the bonds of trust in the communities they serve. To their credit, some police agencies have spoken out against the practice of racial profiling. In New Jersey, the State Troopers Fraternal Association, the State Troopers Non-Commissioned Officers Association, and the State Troopers Superior Officers Association have stated that “anyone out there using racial profiling or in any way misusing or abusing their position, must be identified and properly dealt with.” But we cannot allow the actions

of some police officials to undermine these achievements, and we should work to ensure that minority motorists are no longer subjected to unwarranted traffic stops.

I urge my colleagues to support this measure, and help protect the civil rights of all Americans. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 821

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Traffic Stops Statistics Study Act of 1999”.

#### SEC. 2. ATTORNEY GENERAL TO CONDUCT STUDY.

##### (a) STUDY.—

(1) IN GENERAL.—The Attorney General shall conduct a nationwide study of stops for traffic violations by law enforcement officers.

(2) INITIAL ANALYSIS.—The Attorney General shall perform an initial analysis of existing data, including complaints alleging and other information concerning traffic stops motivated by race and other bias.

(3) DATA COLLECTION.—After completion of the initial analysis under paragraph (2), the Attorney General shall then gather the following data on traffic stops from a nationwide sample of jurisdictions, including jurisdictions identified in the initial analysis:

(A) The traffic infraction alleged to have been committed that led to the stop.

(B) Identifying characteristics of the driver stopped, including the race, gender, ethnicity, and approximate age of the driver.

(C) Whether immigration status was questioned, immigration documents were requested, or an inquiry was made to the Immigration and Naturalization Service with regard to any person in the vehicle.

(D) The number of individuals in the stopped vehicle.

(E) Whether a search was instituted as a result of the stop and whether consent was requested for the search.

(F) Any alleged criminal behavior by the driver that justified the search.

(G) Any items seized, including contraband or money.

(H) Whether any warning or citation was issued as a result of the stop.

(I) Whether an arrest was made as a result of either the stop or the search and the justification for the arrest.

(J) The duration of the stop.

(b) REPORTING.—Not later than 120 days after the date of enactment of this Act, the Attorney General shall report the results of its initial analysis to Congress, and make such report available to the public, and identify the jurisdictions for which the study is to be conducted. Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the data collected under this Act to Congress, a copy of which shall also be published in the Federal Register.

#### SEC. 3. GRANT PROGRAM.

In order to complete the study described in section 2, the Attorney General may provide grants to law enforcement agencies to collect and submit the data described in section 2 to the appropriate agency as designated by the Attorney General.

**SEC. 4. LIMITATION ON USE OF DATA.**

Information released pursuant to section 2 shall not reveal the identity of any individual who is stopped or any law enforcement officer involved in a traffic stop.

**SEC. 5. DEFINITIONS.**

For purposes of this Act:

(1) **LAW ENFORCEMENT AGENCY.**—The term "law enforcement agency" means an agency of a State or political subdivision of a State, authorized by law or by a Federal, State, or local government agency to engage in or supervise the prevention, detection, or investigation of violations of criminal laws, or a federally recognized Indian tribe.

(2) **INDIAN TRIBE.**—The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. FEINGOLD. Mr. President, I am pleased to join my friend the senior Senator from New Jersey (Mr. LAUTENBERG) in introducing the Traffic Stops Statistics Act of 1999. This legislation represents a substantial step toward ending an insidious form of discrimination that is plaguing African-American and Hispanic drivers on our roadways—racial profiling. Most law enforcement officers do their best to respect and protect the rights of their fellow citizens, but it has become undeniable that racial profiling has become a disturbingly common practice.

Racial profiling is the practice of pulling over African American, Hispanic, and other minority drivers for routine traffic stops as a premise for conducting a search for drugs. They might be driving just like any ordinary driver, and so they might be surprised to be pulled over. "Was I speeding?" they ask. Often, they are told that they have committed some minor traffic infraction that most people are not even aware of—sometimes, the infraction is just a pretext—they might be told that their tire tread is not of the correct depth, or that they have a bumper sticker affixed incorrectly. Any such infraction can be alleged in order to pull over a target of racial profiling, and as a premise to ask for a search. Many people are not aware that they have the right to refuse a search, and many innocent people are afraid that saying no will make them look guilty.

The reality is, if they do refuse a search, victims can sometimes look forward to being detained anyway while a canine unit comes out to sniff for drugs. That is what happened to attorney Robert Wilkins and his family as they returned to Maryland by car from his grandfather's funeral in Chicago. Mr. Wilkins was fortunate enough to be an attorney who knew his rights, and proceeded to join with the ACLU and other groups to sue the Maryland State Police. As a result of that lawsuit, Maryland has conducted its own study of traffic stops, and the results indicate that over 75 percent of those people stopped and searched on I-95 are African-American, even though Af-

rican-Americans make up only 17 percent of the state's population. The innocent people who are inevitably caught in these racially motivated stops feel like they are being punished for what is now called "DWB"—"Driving While Black," or "Driving While Brown."

Mr. President, by and large when minorities are stopped by law enforcement officers, they are not attorneys, and they may not know or assert all of their rights—they are scared and they are resentful. And rightly so, when they have been the victim of racial profiling. Is this the way we want to stop the flow of drugs in America? By randomly targeting racial and ethnic minorities who are doing nothing more suspicious than driving their cars? Do we want law-abiding American citizens to feel as though they are living in a police state, scared and reluctant to travel in their cars for fear of being stopped and searched for no reason?

While African-Americans make up under 20% of the American population, several local studies like the Maryland one I mentioned earlier indicate that they make up a much greater percentage of all routine traffic stops, and are far more likely to be searched and subsequently arrested. In my own home state of Wisconsin, a 1996 study by the Madison Capital Times revealed that African-Americans receive 13% of Madison's traffic tickets, despite the fact that they make up only 4% of the city's population. In Florida, the Orlando Sentinel newspaper obtained more than 140 hours of videotapes from police patrol cars showing drivers being stopped on Interstate 95. About 70% of the drivers stopped were black or Hispanic, even though they made up only 5% of all drivers on the road. And in New Jersey, a recent study suggests that African-Americans are almost five times as likely to be stopped for speeding as drivers of other races.

Dr. Martin Luther King, Jr., said that "injustice anywhere is a threat to justice everywhere." As Americans, we should all feel threatened when any one of us is denied our personal liberty. Just last week, the United States Supreme Court took yet another step toward eradicating our Fourth Amendment rights against the invasion of our privacy. It held in *Wyoming versus Houghton* that police can search the personal belongings of all passengers inside a car when looking for criminal evidence against the driver. I fear that this will send a message to some law enforcement officers that they can now expand racial profiling to include not only the driver of a passing car, but also the passengers. And if you happen to be a passenger in a car that was pulled over because of the color of the driver's skin, you can now look forward to having your personal belongings searched through and pored over.

The Traffic Stops Statistics Study Act of 1999 will begin to shed light on the practice of racial profiling. By analyzing the data that the Justice De-

partment obtains over the next two years, we will get a clear picture of the prevalence of the practice of pulling people over because of their skin color or apparent ethnicity. A version of this bill passed the House last year, but died in the Senate. The simultaneous introduction of this bill in the Senate and the House shows that we are serious about sending this to the President's desk. I urge my colleagues in the Senate to join with us to enact this legislation.

It is high time to put a stop to this blatant and offensive practice, which is taking some law enforcement officers, and the rest of us, down a dangerous and discriminatory road.

By Mr. SPECTER:

S. 822. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

**FLAT TAX ACT OF 1999**

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation on a flat tax. This, of course, is a famous day, April 15, the day when Federal income tax returns are due. Across this land for many days, many weeks, some months, Americans have been struggling with their tax returns. As we speak, some may have on C-SPAN2 quietly while they are working on their returns at this very moment.

I recall seeing long lines at the Philadelphia post office near midnight on income tax day when cars were lined up and people were dropping off their tax returns at the post office to beat the filing deadline.

This is a good occasion to talk about the flat tax which permits taxpayers to report their income on a postcard. It can actually be done in the course of some 15 minutes. I filed my tax return and sent it off yesterday. It is very complicated. They say it takes a Philadelphia lawyer to fill out a tax return. I think it takes more than a Philadelphia lawyer to fill out a Federal income tax return, and we have labored under the complexities of the Internal Revenue Code for far too long.

I first introduced this legislation in March of 1995. I was the second one in the Congress of the United States to introduce flat-tax legislation. The majority leader, DICK ARMEY, had introduced the flat tax in the House of Representatives the preceding fall. I studied it. I studied the model of Professor Hall and Professor Rabushka, two distinguished professors of economics and tax law at Stanford University, and concluded that America ought to have a flat tax and that we could, in fact, have a flat tax if the American people really understood what a flat tax was all about.

The Hall-Rabushka model was revenue neutral at 19 percent. I have added 1 percent in order to allow for two deductions: one on charitable contributions up to \$2,500 a year and a second on interest on home mortgages of



## City of San Diego

## MEMORANDUM

DATE : January 28, 1999  
TO : John Welter, Assistant Chief  
FROM : Pat Drummy, Supervising Crime Analyst  
SUBJECT : Senate Bill 78 (Murray)

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As requested, I met with Data Services supervisors to determine the feasibility of capturing information on all traffic stops, as set forth in Senate Bill 78. Specifically, police departments will be required to capture in a searchable database identifying characteristics of individuals stopped for routine traffic enforcement, cause for the stop, enforcement measures taken (warning, citation, arrest, search) and contraband or property seized.

The data elements listed below will satisfy all requirements except a description of the contraband or seized property. Capturing that data would require duplicating the ARJIS property file structure, which is immense. Data Services supervisors stated that, barring unforeseen circumstances, this data could be captured on the Traffic Division palm top computers by July and on the patrol officers' laptops by the first quarter of next year.

There are Department costs associated with compliance with this bill. Data Services supervisors estimate that additional computer servers would cost \$30,000. Programming costs to capture the data and to produce reports could cost \$10,000. Soft costs would include training all field personnel to collect this additional data.

## RACIAL PROFILING

### DATA ELEMENTS

- 1) Cause for stop
  - 1) Traffic infraction
  - 2) Bulletin
  - 3) Belief of criminal activity
- 2) Race
- 3) Sex
- 4) Age
- 5) Oral or written warning ?
- 6) Arrest ? Yes or No
- 7) Search ? Yes or No
- 8) Search type
  - 1) Vehicle
  - 2) Driver
  - 3) Passengers
- 9) Basis for search
  - 1) Contraband visible
  - 2) Odor of contraband
  - 3) Canine alert
  - 4) Inventory search (prior to impound)
  - 5) Consent search
  - 6) Observed evidence related to criminal activity
  - 7) 4th Waiver search
  - 8) Search incident to arrest
  - 9) Other \_\_\_\_\_
- 10) Obtained *Consent Search* form ? Yes or No
- 11) Contraband found ? Yes or No
- 12) Property seized ? Yes or No

## TRAFFIC STOP DATA COLLECTION

### I. BACKGROUND

There is a perception in the community that some police officers conduct traffic stops based solely or primarily on the race, ethnicity, age, or gender of the motorist or the motorist's passengers. The effect of this perception is the deterioration of the public's trust in some law enforcement agencies. Because public trust in law enforcement is essential to effective policing, all officers must understand that they must treat every member of the community equally, without regard to race, ethnicity, gender or age.

The San Diego Police Department is committed to the equal treatment of all members of the community. This commitment depends on our deliberate and sustained effort to identify and eliminate any barriers to the fair and unbiased exercise of police powers. Building trust between members of the community and members of the Department will further the Department's Mission to provide police services that are fair, unbiased, judicious, and respectful of the dignity of all individuals.

### II. PROCEDURES

- A. Effective proactive traffic enforcement requires officers to vigorously protect both the public safety and the right of all individuals to be free from unreasonable stops or detentions. Therefore:
  - 1. An Officer should initiate traffic stops only when the officer is able to articulate a reasonable suspicion that a traffic or criminal violation has been committed, is being committed, or is about to be committed, or when the officer has reasonable concern for the welfare of the motorist or the motorist's passengers.
  - 2. Officers should take appropriate enforcement action at all traffic stops, generally in the form of a warning, citation, or arrest.
  - 3. Once an officer has cited or warned a motorist, the motorist should be permitted to leave, absent a reasonable suspicion of further criminal activity.
  - 4. Officers shall never conduct traffic stops based solely or primarily on the race, ethnicity, gender, or age of the motorist or the motorist's passengers.
- B. The Department has implemented a means by which to gather information regarding the demographics of the individuals stopped by officers of this



Department. The information collected will include the following:

1. The number of individuals stopped for routine traffic enforcement, whether or not a citation or warning was issued.
2. The characteristics of the individual stopped, including his or her race, ethnicity, gender, and age.
3. The traffic or vehicle equipment violation that served as the basis for the stop.
4. Whether the vehicle, personal effects, driver, or any passengers, were searched as a result of the stop.
5. The basis for any search, including whether consent was obtained, whether canine alerted, and whether the officer had a reasonable suspicion or probable cause that a crime had been committed.
6. Whether any contraband was discovered during the course of any search.
7. Whether any oral or written warning, or any citation, was issued as a result of either the stop or the search.
8. Whether an arrest was made as a result of either the stop or the search.
9. Whether any property was seized under forfeiture laws.

C. Responsibility for Collecting Data

1. All officers assigned to patrol or traffic field duties will be issued portable computers, and are required to collect the traffic stop information on every traffic stop, whether or not enforcement action is taken.
2. The officer conducting a traffic stop is responsible for entering the information at the completion of the traffic stop, using the "Stat Keeper" menu on the officer's computer. In a two-person unit, the contact officer has this responsibility.
3. A deliberate failure to enter the traffic stop information is a violation of this procedure, a dereliction of duty, and will result in disciplinary action.

4. The entry of information that the officer knows is false is a violation of this procedure, as well as Department Policy 9.28, and will result in disciplinary action.
5. In addition to entering the required information in the computer, the officer must also enter the information in his or her Daily Journal, in compliance with Department Procedure 6.5.
6. Traffic and Patrol supervisors are responsible for ensuring that officers properly collect and enter the traffic stop information

## **Vehicle Stop Study**

### **Tips on Using Type Change Commands With the New Disposition Codes**

There are times when you will want to make a type change when clearing a vehicle stop, such as when making an arrest or issuing a criminal citation. The following example will depict the proper way to do this, both verbally and via a patrol vehicle's laptop computer.

Let's say, for example, that your call sign is 61X3, and you pull over a vehicle because the license plate on the vehicle indicates that the vehicle's registration is expired. Upon approaching the driver, you see that he is a white male adult. The driver's license he provides you during the stop indicates that it is expired. Upon running his personal information through the computer system, you discover that he has an outstanding \$75,000 felony arrest warrant for burglary out of San Jose. You subsequently arrest him and book him into County Jail. Upon clearing the call, you want to type change the incident so that you get credit for a felony warrant arrest. You would clear the call verbally as follows:

**"San Jose, 61X3, Type Change"**  
**After the Radio Dispatcher's Acknowledgment, you would state:**  
**"10-98 BVWA on a 6F"**

Your stop would then be updated to a warrant situation, and you would get credit for the arrest. The 4-letter disposition code will let the computer know that this was the result of a car stop, since we only use the four-letter codes for vehicle stops, and the statistics will be gathered for the study.

You also may clear such a call using the laptop by typing in the following commands after clearing the laptop's screen:

**C\_D/BVWA\_T/6F**

In this example, the C means you are clearing the call, the \_ represents a space, the D/ means you are about to provide the disposition codes, the BVWA means you made a **Warrant Arrest** after making a **Vehicle Code Violation** stop on a **White male Adult** (refer to your pocket-sized reference card for other possible codes), the \_ represents another space, the T/ means you are about to provide the new "type of call", and the 6F represents the felony warrant arrest. **Note that there are no commas placed between the BVWA letter codes.**

If you desire to add comments to the event's log, you could add a comma at the end of the previous example and then type in some text, as follows:

**C\_D/BVWA\_T/6F, WARRANT NUMBER SJ98764 FOR 459 PC**

The key to using the proper disposition codes on a vehicle stop is to remember that you are providing the regular **DISPOSITION CODE** (the same ones we have been using for years), the **REASON FOR THE STOP**, the **RACE/ETHNICITY** of the driver, and the **AGE** of the driver (adult or minor), in that order. Even when you make a type change, the reason for the initial vehicle stop does not change, even though the final "type" of the call might, as indicated in the above example. The fact that you are giving both a disposition code and a type change will ensure that the final outcome of the stop is noted without confusing the issue of why you stopped the vehicle in the first place.

Additionally, when taking enforcement action against a passenger(s) during a vehicle stop, clear the original vehicle stop with the proper disposition codes as they pertain to the driver, then get a new case number to handle the enforcement action on the passenger(s). Cross reference the cases if necessary.

Any questions concerning this or any other issues regarding the vehicle stop study may be directed to Captain Rob Davis at ext. 5176.

6-17-99

# Front

## Example

Disposition: DVAA1

Meaning: Citation issued, hazardous violation.

Vehicle Code, Asset, Adult, 3 Stops

Freeform **NOT CLEAR** command:

C: D/DVAA3 - b send

Valid first digit codes are (Disposition):

- A Arrest Warrant
- B Arrest by warrant
- C Criminal citation
- D Traffic citation issued, hazardous violation
- E Traffic citation issued, non-hazardous
- F Field interview completed
- G Gone on unavailability to locate
- H Courtesy service/citation or agency assist
- I Latent prints (report completed)
- M Stranded motorist assist
- N No report
- P Prior case, follow-up activity only
- R Report taken
- T Turned over to
- U Unfounded event
- X Fill assist only



08/99

# Back

Valid second digit codes are (Reason for Stop):

- B BOL/APB/Watch bulletin
- M Motor Code violation
- P Penal Code, H&S, B&P violations, etc.
- V Vehicle Code violation

Valid third digit codes are (Race):

- A Asian American
- B African American
- H Hispanic
- I Native American Indian
- O Other/Unspecified
- P Pacific Islander
- S Middle Eastern/East Indian
- W European American

Valid fourth digit codes are (Age):

- A Adult
- M Minor

Valid fifth digit codes are (Number of Stops)  
2 - 8 (1 Disposition is assumed)

Officers should use the freeform **NOT CLEAR** command to clear car stops whenever possible.

# Enlarged Version Of Laminated Cards Issued To SJPD Officers

PHILADELPHIA POLICE DEPARTMENT

MEMORANDUM (99-9)

JULY 16, 1999

SUBJECT: VEHICLE OR PEDESTRIAN INVESTIGATION REPORT (75-48A)

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I. POLICY

- A. Any member of the Philadelphia Police Department who initiates a vehicle, pedestrian, curfew, or truant investigation shall prepare a Vehicle or Pedestrian Report, hereafter referred to as a 75-48A. This report will be submitted to the numbered police district having jurisdiction over the location wherein the vehicle or pedestrian investigation occurred.
  - B. All reports will be coded in accordance with the Philadelphia Classification and Coding Manual.
  - C. The integrity of all 75-48A reports will be subject to periodic review by the Quality Assurance Bureau.
- 

II. GENERAL INSTRUCTIONS

- A. The Form 75-48A will be issued to and carried by all uniformed and plainclothes police officers and sergeants when on duty.
- B. All 75-48A forms will be handwritten legibly in ink along with the complete signatures of both the officer preparing the report and the supervisor reviewing the report.
- C. A 75-48A report will be prepared for the following Philadelphia Uniform Crime Report (UCR) crime classifications:
  - 2680 Curfew Violation--Highway (Arrest)
  - 2681 Curfew Violation--In an Establishment (Arrest)
  - 2682 Curfew Violation--Parent Only (Arrest)
  - 2683 Curfew Violation--Operator/Proprietor (Arrest)
  - 2684 Curfew Violation--Highway (Remedial)
  - 2685 Curfew Violation--In an Establishment (Remedial)

- 2701 Investigation of Person
- 2702 Investigation of Auto Occupants
- 2707 Tow Truck Investigation
- 3129 Truancy

NOTE: A "check on the well-being" assignment will no longer be coded as an "Investigation of Persons (2701)". This assignment will now be coded as an "Investigation of Premises (3116)". Any assignment coded 2701 will not be sent to Reports Control, but will be stored in the district.

- D. A District Control Number, hereafter referred to as a DC Number, will be required for every 75-48A submitted. A separate Complaint or Incident Report, hereafter referred to as a 75-48, WILL NOT be required. The 75-48A will be a substitute for this report. **However, if an arrest is made as a result of an investigation, the officer will be required to complete both a 75-48 for the arrest and a 75-48A for the underlying vehicle or pedestrian investigation. Two sets of DC Numbers will be obtained; one set for the arrest and one for the vehicle or pedestrian investigation.**

NOTE: In order to track pedestrian or vehicle investigations involving arrests, the 75-48 and the 75-48A must be cross referenced by DC number.

EXAMPLE: "Refer to DC Number \_\_\_\_\_ on 75-48A" and  
"Refer to DC Number \_\_\_\_\_ on 75-48".

- E. The original 75-48A will be maintained in a separate file, sequentially by DC number, at the numbered district wherein the vehicle or pedestrian investigation occurred.
- F. An officer preparing a 75-48A will complete all boxes except those which are the responsibility of the Operations Room Supervisor (ORS).
- G. A sight arrest for a crime or an offense is not a pedestrian investigation. The basis for arresting the person will be recorded on the 75-48. A separate 75-48A is not required. However, if an individual is stopped and being investigated and probable cause develops during this investigation to make an arrest, the 75-48A will be completed for the initial investigation and a 75-48 will be completed for the arrest. A separate DC Number will be required for each report.
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### III. PREPARATION OF THE VEHICLE OR PEDESTRIAN INVESTIGATION REPORT (75-48A) - GENERAL INFORMATION SECTION

A. The officer preparing the 75-48A will obtain and insert the following information in the appropriate block on the face of the report in black or blue ink. DO NOT use pencil.

1. Year--year in which the report is taken.
2. District of Occurrence--district in which the investigation occurred.
3. Sector--the sector in which the investigation took place.
4. District--district of assignment of the reporting officer.
5. Vehicle Number--number of the vehicle to which preparing officer is assigned.  
Use "FB" for foot beat, "PC" for plainclothes, unless a tactical number is being used.
6. Report Date--the date the investigation takes place.
7. Type of Stop--(check block).
8. Location of Occurrence--the exact location where the investigation occurred (use exact numerical address). Also insert an "x" in the block indicating whether inside or outside.
9. Time Out--the time Police Radio is notified of the investigation.
10. Time In--Upon completion of investigation, time Police Radio was notified.
11. Date/Time of Occurrence--date of the investigation and time (AM or PM) of the investigation.
12. Date/Time of Release or Arrest--the time driver or pedestrian was released or driver and/or occupant(s) were placed under arrest (check AM or PM).
13. Name of Pedestrian or Driver--the full name of the driver or pedestrian. If other occupants are in a vehicle or additional pedestrians are present and separate reasonable suspicion exists to investigate and detain those individuals, the appropriate information will be inserted in the additional space provided on the reverse side of the form. The original DC Number will be used for any pedestrian investigations of any occupants.



14. Sex--male or female.
  15. Age--actual age of the driver or pedestrian.
  16. DOB--date of birth of the driver or pedestrian.
  17. Race--race of the driver or pedestrian (W--White; B--Black; A--Asian, Pacific Islander; I--American Indian/Alaskan Native;).
  18. Latino--(check only one block).
  19. Address Number--Insert the exact numerical address and street name, city, state and ZIP code, if known, in the appropriate boxes (insert apartment number or letter if applicable).
  20. Dist. Res.--district in which pedestrian or driver lives.
  21. Nickname--include if known.
  22. SSN--insert the driver's or pedestrian's Social Security number, if known.
  23. Operator's license #--include number and state.
  24. Physical Description--estimate the height, weight, physical build, facial hair, eye color, hair color, complexion, and clothing information in the appropriate boxes.
- B. The officer preparing the 75-48A will check the appropriate box(es) and insert the additional information required.
1. Pedestrian Investigation Section:
    - a. Individual Matches Flash Information--If the investigation is based upon receiving flash information from radio or any other source, insert the flash information received as well as the source of the information in the space provided.
    - b. Individual Involved in a Disturbance--If the investigation is a result of a disturbance, regardless of whether the individual is the complainant or offender, insert the type of disturbance in the space provided. The officer will be required to complete a 75-48 for the disturbance in addition to the 75-48A. Two sets of DC Numbers will be required; one for the disturbance and one for the pedestrian investigation. Also follow the procedure in Section II, C, Note.

NOTE: If no individuals are investigated or detained, a 75-48A is not necessary.  
Complete only a 75-48 for the disturbance.



- c. Individual Involved In Criminal Activity--If the investigation is the result of reasonable suspicion that the individual is involved in some form of criminal activity, insert all the facts and circumstances which led you to believe this fact. Check the appropriate box regarding arrests.
  - d. Other--If the investigation is the result of any other circumstances, insert all the facts and circumstances in the space provided. If an investigation is performed with the consent of the individual, it shall be so noted. If there is other paperwork regarding the incident (75-48, AA-45) and a 75-48A is completed, follow the procedure in Section II, C, Note.
  - e. If a victim/witness provides information on the involvement of a suspect in an incident (e. g., hold-up) include his/her complete name, address, phone number (home and work), sex, age, DOB, and check the block regarding whether an identification had been made by the witness(es).
- C. The officer preparing the 75-48A will check the appropriate box(es) and insert the additional information required.
1. Vehicle Investigation Section--
- a. Vehicle Matches Flash Information--If the investigation is based upon flash information received from Police Radio or any other source, insert the flash information received as well as the source of the information in the space provided.
  - b. Vehicle in Violation of Motor Vehicle Code--If the investigation is based upon a violation of the Vehicles Law of Pennsylvania, insert the code section along with a brief description of the violation. Check the appropriate box regarding whether or not a Traffic Citation (TC) was or was not issued.
    - (1) The discretion of whether to issue a TC shall remain with the officer. Under no circumstances is it to be inferred, implied, or construed that a TC must be issued for every investigation or violation.
  - c. Vehicle Involved in Criminal Activity--If the investigation is the result of reasonable suspicion or probable cause that the vehicle and/or it's occupants may be involved in some form of criminal activity, insert all the facts and circumstances which led you to believe this fact. Indicate the type of crime suspected and check the appropriate box whether or not an arrest was made.

14. Sex--male or female.
  15. Age--actual age of the driver or pedestrian.
  16. DOB--date of birth of the driver or pedestrian.
  17. Race--race of the driver or pedestrian (W--White; B---Black; A--Asian, Pacific Islander; I--American Indian/Alaskan Native;).
  18. Latino--(check only one block).
  19. Address Number--Insert the exact numerical address and street name, city, state and ZIP code, if known, in the appropriate boxes (insert apartment number or letter if applicable).
  20. Dist. Res.--district in which pedestrian or driver lives.
  21. Nickname--include if known.
  22. SSN--insert the driver's or pedestrian's Social Security number, if known.
  23. Operator's license #--include number and state.
  24. Physical Description--estimate the height, weight, physical build, facial hair, eye color, hair color, complexion, and clothing information in the appropriate boxes.
- B. The officer preparing the 75-48A will check the appropriate box(es) and insert the additional information required.
1. Pedestrian Investigation Section:
    - a. Individual Matches Flash Information--If the investigation is based upon receiving flash information from radio or any other source, insert the flash information received as well as the source of the information in the space provided.
    - b. Individual Involved in a Disturbance--If the investigation is a result of a disturbance, regardless of whether the individual is the complainant or offender, insert the type of disturbance in the space provided. The officer will be required to complete a 75-48 for the disturbance in addition to the 75-48A. Two sets of DC Numbers will be required; one for the disturbance and one for the pedestrian investigation. Also follow the procedure in Section II, C, Note.

NOTE: If no individuals are investigated or detained, a 75-48A is not necessary. Complete only a 75-48 for the disturbance.

- c. Individual Involved In Criminal Activity--If the investigation is the result of reasonable suspicion that the individual is involved in some form of criminal activity, insert all the facts and circumstances which led you to believe this fact. Check the appropriate box regarding arrests.
  - d. Other--If the investigation is the result of any other circumstances, insert all the facts and circumstances in the space provided. If an investigation is performed with the consent of the individual, it shall be so noted. If there is other paperwork regarding the incident (75-48, AA-45) and a 75-48A is completed, follow the procedure in Section II, C, Note.
  - e. If a victim/witness provides information on the involvement of a suspect in an incident (e. g., hold-up) include his/her complete name, address, phone number (home and work), sex, age, DOB, and check the block regarding whether an identification had been made by the witness(es).
- C. The officer preparing the 75-48A will check the appropriate box(es) and insert the additional information required.
- 1. Vehicle Investigation Section--
    - a. Vehicle Matches Flash Information--If the investigation is based upon flash information received from Police Radio or any other source, insert the flash information received as well as the source of the information in the space provided.
    - b. Vehicle in Violation of Motor Vehicle Code--If the investigation is based upon a violation of the Vehicles Law of Pennsylvania, insert the code section along with a brief description of the violation. Check the appropriate box regarding whether or not a Traffic Citation (TC) was or was not issued.
      - (1) The discretion of whether to issue a TC shall remain with the officer. Under no circumstances is it to be inferred, implied, or construed that a TC must be issued for every investigation or violation.
    - c. Vehicle Involved in Criminal Activity--If the investigation is the result of reasonable suspicion or probable cause that the vehicle and/or it's occupants may be involved in some form of criminal activity, insert all the facts and circumstances which led you to believe this fact. Indicate the type of crime suspected and check the appropriate box whether or not an arrest was made.

- d. Other--If the investigation is the result of any other circumstances, insert all the facts and circumstances in the space provided. If an investigation is performed with the consent of the individual, it shall be so noted. If there is other paperwork regarding the incident (75-48, AA-45) and a 75-48A is completed, follow the procedure in Section II, C, Note.

NOTE: A 75-48A report is required for **occupied** vehicle investigations only (2702).

- e. DUI Check Points: A 75-48A will only be required for vehicles that are pulled out of the flow of traffic and detained. Merely speaking to the driver of a vehicle at a check point does not require a 75-48A.
- f. Multiple Curfew/Truant Investigations: For purposes of this report, only one DC Number is required for multiple pedestrian investigations occurring at the same time and location. However, current policy requires a separate DC Number for each curfew or truant investigation. In these circumstances, this form will still be used. The first DC Number will be placed in the space provided. Any additional DC Numbers obtained will be noted in sequential order on the back side of the 75-48A in the blank spaces provided. For example:

Curfew/Truant #2      99-02-0001  
Curfew/Truant #3      99-02-0002

When checking the Transmittal Sheet against the 75-48A reports submitted, the ORS will check to see that the additional DC Numbers, if any, are listed on the blank space provided.

- D. The officer preparing the 75-48A will obtain and insert the following vehicle information in the appropriate block on the report.

1. Year--insert the model year of the vehicle.
2. Make--insert the manufacturer of the vehicle (for example, Ford, Chevrolet, etc.)
3. Model--insert the model of the vehicle (for example, Mustang, Camaro, etc.)
4. Type--insert the type of vehicle (for example, 2-door coupe, 4-door sedan, hatchback, minivan, bus, truck, etc.). Also, include the color in the appropriate box.
5. State--include state of registration and month and year of expiration in appropriate block.
6. Plate #--insert the registration plate (tag) number.

7. Vehicle Identification Number (VIN)--insert the manufacturer's identification number and operator's license number in appropriate blocks.
8. Other Distinguishing Characteristics--list any distinguishing characteristics such as window stickers, damage, etc.
9. Registered Owner's Information--include all requested information if different than the driver.

E. Search and Seizure Section

1. The officer preparing the 75-48A will check the appropriate box when any individuals are "frisked" or a "Terry"-type protective "frisk" was conducted within the passenger compartment of the vehicle.
2. A "frisk" of an individual is a cursory pat-down of the exterior clothing to determine if the individual possesses any weapons which could be used against the officer.
3. A "Terry"-type protective "frisk" of a vehicle includes a cursory scan, visually and/or physically, of the areas where an occupant may have immediate access to a weapon.
4. To legally perform either a "frisk" of an individual or a "Terry"-type "frisk" of a vehicle, the officer must be able to articulate all the facts and circumstance which led them to believe the individual or occupants may be armed and that their immediate safety was at risk.

F. Search and Seizure Section (continued)

1. The officer preparing the 75-48A will check the appropriate box when any individuals or the vehicle was "searched" as a result of the investigation.
2. A "search" of a person includes, but is not limited to reaching into, under, or around the clothing of an individual. It also includes entering into any packages or containers an individual may have in their possession.
3. A "search" of a vehicle involves but is not limited to looking or reaching into, under, or behind any part of the vehicle beyond a cursory scan.
4. Generally, all searches require a warrant unless they fall within one of the recognized exceptions created by the United States Supreme Court. The recognized exceptions include;
  - (a) searches conducted incident to a lawful arrest;

- (b) searches conducted pursuant to probable cause when exigent circumstances are present;
  - (c) searches of motor vehicles based upon probable cause when exigent circumstances are present;
  - (d) searches conducted for the purpose of cataloging an individual's property through an established inventory process; and
  - (e) searches conducted pursuant to a valid consent.
5. If a search is conducted, the officer will record the facts and circumstances and indicate which recognized exception to the warrant requirement was relied upon for the search.
- G. When an arrest has been made, the arresting officer will deliver a copy of the 75-48A to the assigned detective. This will become part of the discovery package.
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#### IV. OPERATIONS ROOM SUPERVISORS (ORS)

- A. The ORS will review every 75-48A submitted and will insert the following information in the appropriate blocks:
- 1. District Control Number--insert this number in the block at the top of the 75-48A.
  - 2. Vehicle, Pedestrian, Curfew, or Truant Classification Code--every 75-48A will be coded in accordance with the Philadelphia Classification and Coding Manual.
  - 3. Type--use premise code as listed in Philadelphia Classification and Coding Manual.
  - 4. Day Code--use the correct number for the day of occurrence. Numbers are:  
1--Monday; 2--Tuesday; 3--Wednesday; 4--Thursday; 5--Friday; 6--Saturday; and 7--Sunday.
- B. The ORS on the 12-8 tour of duty will print up a paper copy of the transmittal list for the previous 24 hours. He/she will check all vehicle, pedestrian, curfew, and truant investigations listed on the transmittal against 75-48A reports.
- 1. Any of the above investigations initiated by an outside agency will be noted on the transmittal sheet. For example: Philadelphia Housing Police, University of Pennsylvania Police, etc.
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FORM 75-48A

PHILADELPHIA POLICE DEPARTMENT  
VEHICLE OR PEDESTRIAN INVESTIGATION REPORT

DRAFT G 5/17/99

PAGE \_\_\_\_\_  
OF \_\_\_\_\_

YEAR	DIST OCC	D.C. #	SECT	DIST	VEH #	REPORT DATE	TYPE OF STOP <input type="checkbox"/> CURFEW <input type="checkbox"/> TRUANT	<input type="checkbox"/> VEHICLE <input type="checkbox"/> PEDESTRIAN	CODE
LOCATION OF OCCURRENCE						APT #	<input type="checkbox"/> INSIDE <input type="checkbox"/> OUTSIDE	TYPE	TIME OUT : A <input type="checkbox"/> P <input type="checkbox"/>
DATE / TIME OF OCCURRENCE / / : A <input type="checkbox"/> P <input type="checkbox"/>						DAY	DATE / TIME OF RELEASE OR ARREST / / : A <input type="checkbox"/> P <input type="checkbox"/>		TIME IN : A <input type="checkbox"/> P <input type="checkbox"/>
NAME OF PEDESTRIAN / DRIVER			SEX M <input type="checkbox"/> F <input type="checkbox"/>	AGE	DOB / /	RACE <input type="checkbox"/> 1 WHITE <input type="checkbox"/> 2 BLACK	<input type="checkbox"/> 3 ASIAN/PACIFIC ISLANDER <input type="checkbox"/> 4 AM. INDIAN/ALASKAN NAT		LATINO Y <input type="checkbox"/> N <input type="checkbox"/>
ADDRESS			APT #	CITY	STATE	ZIP CODE	DIST RES	NICKNAME	
SS #	OPERATOR'S LICENSE #			STATE	HEIGHT	WEIGHT	BUILD	EYE COLOR	HAIR COLOR
FACIAL HAIR	COMPLEXION	ACCENT	FURTHER DESCRIPTION (SCARS, CLOTHING, ETC)						
<input type="checkbox"/> INDIVIDUAL MATCHES FLASH INFO	FLASH INFORMATION								
<input type="checkbox"/> INDV INVOLVED IN DISTURBANCE	TYPE OF DISTURBANCE								
<input type="checkbox"/> OTHER REASON FOR STOP	DESCRIBE FULLY INCL SUSPECTED CRIME								
									ARREST Y <input type="checkbox"/> N <input type="checkbox"/>
<input type="checkbox"/> VICTIM <input type="checkbox"/> WITNS	NAME				SEX M <input type="checkbox"/> F <input type="checkbox"/>	AGE	DOB / /	POSITIVE ID Y <input type="checkbox"/> N <input type="checkbox"/>	
ADDRESS			APT #	CITY	STATE	ZIP CODE	PHONE (HOME) ( )	PHONE (WORK) ( )	
<input checked="" type="checkbox"/> VEHICLE MATCHES FLASH INFO	FLASH INFORMATION								
<input type="checkbox"/> VEHICLE IN VIOLATION OF MVC	CODE SECTION	REASON FOR STOP							
	TC ISSUED? Y <input type="checkbox"/> N <input type="checkbox"/>								
<input type="checkbox"/> VEHICLE INVOLVED IN CRIMINAL ACTIVITY	DESCRIBE FULLY INCL SUSPECTED CRIME								
									ARREST Y <input type="checkbox"/> N <input type="checkbox"/>
<input type="checkbox"/> OTHER	DESCRIBE FULLY								
YEAR	MAKE	MODEL	TYPE	COLOR	STATE	M/YR EXPR	PLATE #		
VIN			DISTINGUISHING CHAR						
REGISTERED OWNERS NAME (LAST, FIRST)				ADDRESS (NUMBER, STREET)			CITY	STATE	ZIP CODE
INDIVIDUAL/VEHICLE FRISKED? Y <input type="checkbox"/> N <input type="checkbox"/>		(IF YES STATE REASON(S) WHY YOUR SAFETY WAS AT RISK?)							
INDIVIDUAL/VEHICLE SEARCHED? Y <input type="checkbox"/> N <input type="checkbox"/>		(IF YES INCIDENT TO ARRESTS, RESULT OF FRISK, OTHER PROBABLE CAUSE?)							
EVIDENCE/CONTRABAND RECOVERED? Y <input type="checkbox"/> N <input type="checkbox"/>		(TYPE AND LOCATION RECOVERED)							
REPORT PREPARED BY		PAYROLL	BADGE	DIST/UNIT					
REVIEWED BY		PAYROLL	DIST/UNIT	REFERRAL DATE - / /	GEN #				

MUST BE COMPLETED



## OTHER

NAME		SEX M <input type="checkbox"/> F <input type="checkbox"/>	AGE	DOB / /	RACE <input type="checkbox"/> 1 WHITE <input type="checkbox"/> 3 ASIAN/PACIFIC ISLANDER <input type="checkbox"/> 2 BLACK <input type="checkbox"/> 4 AM. INDIAN/ALASKAN NAT		LATINO Y <input type="checkbox"/> N <input type="checkbox"/>	
ADDRESS		APT#		CITY	STATE	ZIP CODE	DIST RES	NICKNAME
SS#		OPERATOR'S LICENSE #		STATE	HEIGHT	WEIGHT	BUILD	EYE COLOR
FACIAL HAIR		COMPLEXION	ACCENT	FURTHER DESCRIPTION (SCARS, CLOTHING, ETC)				
<input type="checkbox"/> INDIVIDUAL MATCHES FLASH INFO		FLASH INFORMATION						
<input type="checkbox"/> INDIV. INVOLVED IN DISTURBANCE		TYPE OF DISTURBANCE						
<input type="checkbox"/> OTHER REASON FOR STOP		DESCRIBE FULLY INCL SUSPECTED CRIME						
		ARREST Y <input type="checkbox"/> N <input type="checkbox"/>						
INDIVIDUAL/VEHICLE FRISKED ? Y <input type="checkbox"/> N <input type="checkbox"/>		(IF YES STATE REASON(S) WHY YOUR SAFETY WAS AT RISK?)						
INDIVIDUAL/VEHICLE SEARCHED ? Y <input type="checkbox"/> N <input type="checkbox"/>		(IF YES INCIDENT TO ARRESTS, RESULT OF FRISK, OTHER PROBABLE CAUSE?)						
EVIDENCE/CONTRABAND RECOVERED ? Y <input type="checkbox"/> N <input type="checkbox"/>		(TYPE AND LOCATION RECOVERED)						

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#### V. PATROL SUPERVISORS:

- A. Patrol supervisors will review every 75-48A to ensure that all required information is present, legible, and accurate and will sign the 75-48A in the appropriate area.
- B. Patrol supervisors will evaluate the reasonable suspicion and/or probable cause indicated.
- C. Should the supervisor determine that the investigation is not fully supported by either reasonable suspicion or probable cause, the supervisor will take whatever corrective action is necessary such as counseling, re-training, or formal discipline, if necessary.

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#### VI. DISTRICT COMMANDING OFFICER:

- A. Will ensure that the ORS on the 12-8 tour of duty prints up a paper copy of the transmittal list for the previous 24 hours. He/she will check all vehicle and pedestrian investigations listed on the transmittal against submitted 75-48A reports.
- B. Will verify that every 75-48A is present, accurate, complete, and properly filed.
- C. Will investigate any delinquent reports and insure that such reports are completed forthwith.
- D. Will ensure that the paper transmittal sheet will be wrapped around the 75-48A reports for that day and marked by date.
- E. Will ensure that any 75-48A reports originating from their districts are completed, reviewed and properly filed no later than three calendar days from the date of occurrence. (See Section VII for exceptions.)

NOTE: The 75-48A reports will be maintained in the district file for a period of two years.

- F. Additional supplies of 75-48A reports can be obtained from the documents warehouse, 660 East Erie Avenue.

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VII. SPECIAL UNITS

- A. Prior to submitting a 75-48A to the district of occurrence, a supervisor from the special unit will follow the provision of Section V. The commanding officers of the special units will insure that 75-48A reports generated by their personnel are delivered to the districts of occurrence no later than five (5) calendar days from the date of occurrence.
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JOHN F. TIMONEY  
Commissioner