

The Bill Blackwood
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The Arlington Police Department Vehicle Stop Data Program
Creation, Implementation, Evaluation

A Policy Research Paper
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ABSTRACT

Effectively addressing the issue of racially-biased policing is one of the most significant challenges facing the law enforcement community today. Racially-biased policing occurs when law enforcement inappropriately considers race or ethnicity in deciding with whom and how to intervene in an enforcement capacity. (Police Executive Research Forum, 2001) This practice clearly violates the principle of fair and ethical policing. The Arlington, Texas Police Department recognized that this issue needed to be addressed. Therefore, the Department decided to create and implement a program designed to accurately record data on persons stopped for traffic violations in the City of Arlington.

A committee was formed to research the issue and provide recommendations to the Command Staff. With Command Staff approval, a program was implemented which efficiently and effectively captures data related to persons stopped for traffic violations in Arlington.

The purpose of this Policy Research Paper is to provide a description of racial profiling, and to document the Arlington Police Department's response to the phenomenon. There is no effort to confirm or refute the presence of racial profiling in American law enforcement today. The literature supporting the presence of racial profiling or "Driving While Black" is extensive. Racial profiling is a reality. The challenge now is to address the issue. The core issue is disproportionality or statistical disparity between the proportion of a group in the population and the percentage of that group in police stops. (Johnson, 2001)

The Arlington Police Department's creation and implementation of its Traffic Stop Data Program has enabled it to gather and analyze reliable and valid data which will allow the Department to identify and address racial profiling by its officers. This information can and will be used to ease community concerns related to this very important and sensitive issue. In addition, the data can be used to defend the organization and its members from false accusations of racially-biased policing.

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lieutenant from central investigations, and was chaired by a representative from the department's planning and research section. Initially, Chief Bowman directed that the committee develop a mechanism to gather data, including a motorist's race (Stewart, 1999).

With broad direction and discretion from the Chief, the committee decided that its mission would be to develop options with recommendations identifying the best way to collect data to address the issue. This was to include what type of data to collect along with how to collect the data in a manner which best serves the public and the department. The committee readily accepted the concept of racial profiling during traffic stops. No effort was made to prove or disprove the presence of the phenomenon. However, there was a belief that the occurrence of racial profiling in Arlington, by Arlington Police Officers, was probably very limited.

HISTORICAL, LEGAL, OR THEORETICAL CONTEXT

In August of 1967, President Lyndon B. Johnson created the Kerner Commission to study racial issues in America. The Commission issued a 426-page report in March of 1968. The Kerner Commission reached the conclusion that the United States is moving toward two societies--one black, one white; separate and unequal (Franc, M., 1998). During the Commission's hearings, one complaint that was repeatedly voiced was the stopping [by law enforcement officers] of Negroes on foot or in cars without obvious basis (Harris, D., 1999). The concept of racial profiling had been identified, but was mostly ignored in the law enforcement community.

In 1982, President Regan established Operation Pipeline in South Florida. Operation Pipeline was an effort to address drug smuggling through intensified air and sea operations.

These efforts soon spilled over to increased traffic stops based on a racially-biased drug courier profile (Harris, D., 1999). Under Operation Pipeline the Drug Enforcement Administration trained as many as 27,00 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, D., 1999). 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, J., 1999). In Whren v. United States (1996), the Supreme Court held that pretext traffic stops did not violate the Fourth Amendment and were not an unreasonable seizure. Many individuals and/or organizations, which either wittingly or unwittingly engage in racial profiling, rely on the Whren decision to rationalize their actions. Many minority advocates view the Whren decision as giving law enforcement "carte blanche" to harass persons of color.

The state of New Jersey has long been under fire for allegations of racial profiling by the New Jersey State Police, mostly, on the New Jersey Turnpike. The issue of racial profiling garnered the national spotlight when the Governor of New Jersey, Christine Todd Whitman, fired the head of the New Jersey State Police in March of 1999 for making racist remarks. Col. Carl Williams told the Newark Star-Ledger that "cocaine and marijuana traffickers were likely to be either Black or Hispanic" (Cockburn A. & St. Clair J., 1999). This was four years after the state of New Jersey settled a lawsuit that alleged racial profiling by promising to cease using race as a factor in traffic stops and to keep records of searches and arrests.

Federal legislation related to racial profiling was first introduced in 1997 and again in 1999 Representative John Conyers introduced the Traffic Stops Statistics Study Act of 1999 (PERF,

1999). However, to date, no federal legislation has been enacted specifically related to the issue of racial profiling.

On June 9, 1999, President Clinton directed the Secretary of the Treasury, the Attorney General, and the Secretary of the Interior (by executive order) to design and implement a system to collect and report statistics relating to race, ethnicity, and gender. This order applied to all federal law enforcement agencies (Clinton, W., 1999).

As of February 2001, California, Connecticut, Kansas, Massachusetts, Missouri, Oklahoma, Oregon, Rhode Island, Tennessee, Washington and North Carolina eleven states had enacted legislation aimed at addressing racial profiling (NOBEL, 2001). Racial profiling legislation has also been introduced in an additional thirteen states.

In May, of 2001, the Texas Legislature passed Senate Bill 1074. This Bill amended the Texas Code of Criminal Procedure and codified in Article 2.131 that "Racial profiling is prohibited." This section states "A peace officer may not engage in racial profiling." (77 (R) SB 1074). The Article requires agencies to have a written policy that contains the elements listed in the standard. Texas law enforcement agencies must adopt and implement a racial profiling policy no later than January 1, 2002. Several standards must be met by each peace officer that stops a motor vehicle for an alleged violation of law or ordinance regulating traffic. In addition, these standards are also applicable pedestrian stops for any suspected offense. The peace officer must report to their employing law enforcement agency information relating to the stop. The required information to include:

- A physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity,

as determined by the officer's best judgement;

- The traffic law or ordinance alleged to have been violated, or the suspected offense;
- Whether the officer conducted a search as a result of the stop, and if so, whether the person stopped consented to the search;
- Whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- Whether probable cause to search existed, and the facts supporting the existence of probable cause;
- Whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- The street address or approximate location of the stop; and
- Whether the officer issued a citation as a result of the stop, including a description of the warning or statement of the violation charged (TCLEOSE, 2001).

REVIEW OF LITERATURE OR PRACTICE

The committee, which was given the opportunity to design and implement the Arlington Police Department's traffic Stop Data Program, first met in early August of 1999. Four questions were addressed during the initial meeting. It was decided that the answers to these questions would provide an appropriate starting point for the program's development and implementation.

- 1. Why is the Department interested in collecting information on race and police-citizen encounters?**

2. **Who should collect information, and from whom should information be collected?**
3. **What information should be collected?**
4. **How should the information be collected?**

The committee responded to these questions as follows:

1. **Why is the department interested in collecting information on race and police-citizen encounters?**
 - Protect department from false accusations
 - Determine whether racial profiling occurs, both department-wide and by individual officers
 - Pre-empt mandatory collection requirements
 - Ensure/maintain/promote confidence from those in the Arlington minority community
 - Respond to concerns voiced by the Command Staff
2. **Who should collect information, and from whom should information be collected?**
 - A. **Who should collect information?**
 - Information should be collected by all commissioned officers whenever they conduct a traffic stop or a "Terry stop"
 - B. **From whom should information be collected?**
 - All race/age/gender groups
 - All traffic stops
 - All subject stops in field situations (e.g., spontaneous or non-directed, or self-initiated stops)
 - Possibly all suspect contacts resulting from responding to a dispatched call
 - Possibly driver's license stops, more to collect demographic baseline data for the composition of drivers on the road in particular areas for comparison purposes
3. **What information should be collected?**
 - For non-citation stops
 - Race
 - Sex
 - Age or Adult/Juvenile status
 - Reason for stop
 - Location
 - Time of stop
 - Time cleared
 - Disposition of stop
 - Officer ID
 - Officer assignment
 - Subject driver's license or ID number, if provided
 - Citation number

4. How should the information be collected? (options)

- Issue warning tickets as an option with multi-purpose citations, for both traffic stop and subject stop
- Use a separate warning ticket book
- MDT format
- Radio
- Logbook or daily activity report
- Cut calls for all stops, with MDT/MDC mask
- Videos in cars
- Survey individuals stopped for verification/audit purposes

At this point in the process, the committee's responses were merely exploratory in nature.

A decision was made to research how other organizations were addressing the issue. Very few organizations were actively collecting this type of information in the summer of 1999; however, three police departments were contacted.

The San Jose, California Police Department was contacted. That Department began collecting data on traffic stops June 1, 1999. Each officer in the San Jose Police Department was required to gather four pieces of data. The race/ethnic background, gender, age, (adult or minor) and the reason for the car stop were all reported after the traffic stop, either over the radio or via the Mobil Data Terminal (MDT). Letter codes (e.g. "B" for African-American) were used (San Jose Police Department, 1999). (Appendix 1)

The San Diego Police Department implemented a much more intensive data collection program in May of 1999. San Diego's program collected data in twelve categories.

1. Cause for Stop
2. Race
3. Sex
4. Age
5. Oral or Written Warning
6. Arrest? Yes or No
7. Search? Yes or No
8. Search Type

9. Basis for Search
10. Obtained Consent to Search Form? Yes or No
11. Contraband Found? Yes or No
12. Property Seized? Yes or No

All of the aforementioned information must either be entered electronically (Palm Pilots) or via the radio. In addition, officers were required to enter this information on their daily log sheets. (Appendix 2)

The City of Philadelphia Police Department's program was also reviewed. Philadelphia implemented its program in July of 1999. Each officer who conducts vehicle stop or pedestrian contact fills out a rather extensive paper form. This report gathers detailed information on all people contacted, the location and reasons for the contact, and information related to any search activity. Reports are turned in at the end of an officer's shift for data base entry (Philadelphia Police Department, 1999). (Appendix 3)

While conducting research for the Traffic Stop Data Program it was discovered that the Arlington Police already collected a great deal of data on race/gender/age of citizen contacts. These data sources included:

- Arrest (Reports)
- Traffic Citations
- FI Cards
- Use of Force Reports
- IA Personnel Complaints
- Offense Reports with Suspect Information
- Incident Reports (hard copy kept 90 days, except for Criminal Trespass)
- Crime Stoppers Tips
- Gang Intelligence
- Intelligence File (Limited)
- MI Comments from MDT
- Driver's License/ Arrest Warrant (27/29) inquiries

The committee developed a set of criteria which were used to evaluate several options to

present to Command Staff for consideration. The options were:

1. **Maintain status quo.** This would rely on existing data to make inferences regarding police-citizen encounters.
2. **Assign calls to traffic stops/special disposition codes.** Instead of treating traffic stops as mark-outs, a call number would be assigned. When officers clear the call, they clear with alphanumeric codes.
3. **MDT mask to collect DL or demographic data.** This would require officers to run the DL or persons search of every person stopped, using a special screen or mask on the MDT.
4. **Warning citation book.** Officers would be issued a warning citation book; for any stop, officers would be required to fill out a warning ticket, capturing data on the individual.
5. **Detailed log book.** This is based on the Philadelphia experience; officers would be issued a log book with forms where they would have to fill out detailed information on the person encountered, officer actions, and so forth.

In addition, several other variables, which would impact the aforementioned options, were addressed:

- Burden on officers collecting data
- Required changes to CAD/RMS
- Impact on public
- Concerns regarding civil liberties (collecting data on citizens)
- Scope of data collection (whose data is collected)
- Integrity/accuracy in data collection (honesty in self-reporting)
- Support from officers
- Community confidence in data
- The data provides necessary information to Command Staff
- The data protects officers against false accusations
- The ability to track stops and demographics by geographic area
- Training requirements
- Ease of implementation
- MDT changes
- Coverage of officers
- Additional budgetary costs
- Burden on Dispatch/Communications services
- Meets proposed mandates in pending legislation

- Impact on courts/records
- Impact on supervisors

The criteria and options were listed in a matrix for a comparative analysis. (Appendix 4)

It should be noted that all criteria and options were given equal weighting during this exercise, although it was understood that some criteria or options clearly represented more significant challenges or impact to the community or Department. After all options and criteria were thoroughly considered, the committee recommended that a separate call be cut for each traffic stop, and that those calls be cleared with pre-determined disposition codes. The Command Staff agreed with the committee's recommendations. It was determined that this option would:

- Be a minimal burden to officers
- Capture main data elements in order, thus allowing the evaluation of data to determine if racial profiling is present either institutionally or individually
- Require minimal modifications to CAD and Tiberon (Arlington's records management system vendor)
- Allow automated reports to be generated on a regular basis
- Cover all officers (those without MDTs would clear on the radio)

All of the costs associated with this program were considered "soft costs." No specific monies were allocated for the creation or implementation of the Traffic Stop Data Program. The benefits associated with the program are immeasurable. Most importantly, the public trust and confidence garnered is and will be priceless.

DISCUSSION OF RELEVANT ISSUES

After considering the committee's recommendations, the Arlington Police Department's command staff approved "The Vehicle Stop Data Program." The program captures race, gender, reason for stop, final outcome, and resident status (whether the person lives in Arlington

or not) of the driver for every traffic stop made by an Arlington police officer. The information is recorded at the end of the traffic stop by an MDT five-letter call disposition (or radio if MDT is unavailable). The program was field-tested successfully by Arlington Traffic Officers and Communications personnel. The Arlington Police Department program was initiated September 1, 2000. All officers (operational) received training from Field Training Officers during “roll call training” (Fisher D., 2000).

Prior to the implementation on the Traffic Stop Data Program, even though policy required all units to notify dispatch when making a traffic stop, some units, mostly traffic units, did not check out with dispatch when making traffic stops. Once the Traffic Stop Data program was implemented it was required that all officers check out on every vehicle stop, either by MDT or through the dispatcher.

A call for service is initiated automatically for every vehicle stop. Initiating the call requires no additional action by the officer. However, the call must be cleared with a disposition code either via the MDT or radio at the conclusion of the traffic stop. Every officer with an MDT must clear the vehicle stop call on the MDT and not through the dispatcher. Only officers without an MDT will clear the call through the dispatcher.

The Traffic Stop Data Program requires that every vehicle stop be cleared with a sequence of five letters. The five letters capture five categories of information. Those categories include race, gender, reason for stop, final outcome, and resident status. Arlington’s Traffic Stop data Program captures data on the driver only, not on the passengers.

The codes are:

(Race)

B = Black

H = Hispanic (Note: officers are not to ask any driver to identify their race.)

O = Other

W = White

(Gender)**M** = Male**F** = Female**(Reason for Stop)****X** = Hazardous Violation**N** = Non-hazardous Violation**I** = Investigative Stop**(Final Outcome)****K** = Arrest**C** = Citation**R** = Released without either a citation or arrest**(Note:** When the driver receives a citation and is arrested, enter the arrest letter **K**)**(Resident Status)****A** = Arlington resident**V** = Visitor, does not reside in Arlington

For example, the disposition code for a vehicle stop of a white male driver for a hazardous violation that results in a citation, and the driver lives in Arlington, is **WMXCA**. The disposition code for a vehicle stop of a Hispanic female driver for a non-hazardous violation that results in an arrest and the driver is a visitor in Arlington is **HFNKV**. The five-letter disposition code must be entered on the MDT in the exact sequence as listed above and without any commas between the letters. No more than five letters may be entered in the call disposition field. These five-letter disposition codes are only to be used for the clearance of vehicle stop calls. If an officer fails to clear the vehicle stop call, the officer will receive the "disposition must be entered for call type" MDT message.

The clearance of the vehicle stop call must be recorded separately from any other related police activity. If the vehicle stop results in any additional police action (such as an arrest), an additional separate call must be initiated and cleared independent of the vehicle stop call. For example, a vehicle stop may lead to an arrest for a DWI. The officer must clear the vehicle stop call with the appropriate five-letter disposition code and open an on-view call for the DWI. The

DWI call is cleared in the normal manner. Whenever a second call is initiated, the officer must connect the two incidents by listing the traffic stop call number in the "MI" comments area of the second call on the MDT. The officer should clear the traffic stop call as soon as reasonably possible in order for all new information to be connected to the new, self-initiated call.

The Arlington Police Department engages in several types special types of enforcement action relating to traffic enforcement. During special circumstances such as traffic enforcement programs funded through state grant funding (STEP), Team Enforcement, Driver's License Checkpoints special procedures are employed. In addition, special procedures apply to overtaking/pursuits without a vehicle stop, stopping suspect vehicles related to open calls. The Vehicle Stop Data Program does apply to vehicle stops conducted during Selected Traffic Enforcement Programs, (STEP) and Team Enforcement. A supervisor organizing a team enforcement activity must notify a dispatch services supervisor, who will assign a channel. This program does not include vehicle stops conducted during a planned driver's license checkpoint. When an officer engages in overtaking or a pursuit and the vehicle is not finally stopped, it does not qualify as a "vehicle stop" for the purposes of the Vehicle Stop Data Program. An attempt to stop a vehicle that turns into a pursuit without a stop is to be cleared as per normal policy and procedure i.e.; "change to investigation, clear as a service call." An officer stopping a suspect vehicle related to an open call should carry that stop as part of the open call, and not as a traffic stop call. This program captures data on vehicle stops only. It does not include subject stops or parking violations.

The Arlington Police Department's Vehicle Stop Data Program was initiated on September 1, 2000. The program is being continuously being evaluated. To aid in evaluation, two surveys

were administered to the 500 sworn officers of the Arlington Police Department. (Appendices 4,5). The main purpose of the survey was to determine if the attitudes of respondents with respect to the implementation of the internal measure--The Traffic Stop Data Program--would remain constant before and after the implementation of the program (del Carmen, A., 2000). The first survey was distributed in mid-August prior to the department receiving any training. The second survey, which was very similar to the first, was distributed in November of 1999. Survey responses were compared and analyzed (Appendix 6). A comparative analysis of the survey data produced some very useful information. For example, it is obvious that officers' perception of the program changed (more positives) over time. The reason for the shift in attitude is not clear at this time. Thorough training in the program was provided, and may have had some effect. However, is more likely that the improved perceptions were simply due to the "aging out" of the concept. That is, once officers began to accept this new form of police data collection, they felt that it was not as "bad as they thought" (del Carmen, 2000). This is typical of the change process in the law enforcement profession and reinforces the concept that "cops will get used to anything."

An additional survey will be completed in November of 2001. The purpose of this survey will be to measure officer attitudes towards the program and their perception of citizen attitudes. This data should be especially telling since the officers have gathered data for the Traffic Stop Data Program for a year, and racial profiling is now such a relevant issue in the mainstream media.

The Internal Affairs section of the Arlington Police Department has received no formal complaints of racial profiling since the program's inception. It should be noted that not all

citizen concerns are brought to the attention of the Internal Affairs Section; therefore, it is possible the concerns were received and resolved through some other source (first-line supervisor, administrative staff). However, all significant discipline issues are routed through Internal Affairs. The Internal Affairs Section is currently developing an "Early Warning System" which will capture all citizen concerns and complaints.

The data gathered by Arlington Police Officers during traffic stops is maintained by the department's planning and research section. Reports are routinely run and analyzed. Data is reported to the media and any other interested parties as requested. Barriers to effective data evaluation have been minimal. Significant longitudinal data is needed for proper evaluation. In addition, simply comparing the data to census data may not be a valid measurement. For example, census data does not identify the number of persons in the population who are eligible to drive, or more importantly, the number of persons in the population who actually drive. In addition, census data does not identify who travels through a jurisdiction or the number of trips taken. This is the main reason Arlington's program included resident status in the data to be collected.

It does not appear that the Traffic Stop Data Program has had any significant adverse effect on traffic enforcement. When the City of Houston, Texas, initiated their version of a Traffic Stop Data Program, it initially experienced a significant decline in enforcement activity as measured by the issuance of traffic citations. Their policy went into effect August 11, 2001. Citations were down in both August and September by 20 and 30 percent respectively, as compared to the same months in 1998 (Associated Press, 1999). The Arlington Police Department experienced a 15.5 percent increase in traffic citations from September 1, 2000,

through September 1, 2001, as compared to September 1, 1999, through September 1, 2000. However, the City of Arlington did begin using a "multi-charge" citation form on July 8, 2000, thus making it easier for officers to issue multiple citation on a single stop. However, it is doubtful that the use of the multi-charge citation could conceal any significant decrease in enforcement activity.

In addition, many opponents of the program believed that officers would engage in "De-Policing" (Labbe, J., 2001). Officers are concerned with how the data will be used. Many suspect that the data will be used for discipline purposes, and to prove in court that an officer is "racist." To date, no Arlington officer has been disciplined for his or her traffic enforcement activity or more especially the racial make up of the persons who they stop. It is more likely-- and it appears that-- the officers who do not engage in traffic enforcement activity anyway, or engage in minimal traffic enforcement, use this program as another convenient rationalization for their inactivity and poor work ethic.

Arlington's Traffic Stop Data Program meets most of the requirements of Texas' new racial profiling law. Minor modifications will be made to the program to ensure compliance. At the date of this writing the total scope and number of modifications, as well as their form, has not been determined. It appears that, at a minimum, it will be necessary to add at least one race field to accurately document contacts with the Asian community. Also, steps must be taken to ensure accurate documentation of pedestrian contacts. Finally, the accurate documentation of search information must be facilitated. The Arlington Police Department will achieve full compliance with the law before January 1, 2002.

CONCLUSION/ RECOMMENDATIONS

The Arlington Police Department recognized the need to address the issue of racial profiling. Although there were no demands from the community or any obvious problems, in mid 1999 proactive steps were taken to address the issue. Chief Theron Bowman directed that a committee be formed which would research the issue of racial profiling and develop a program that would ensure the issue was properly addressed. The committee conducted extensive research, which included reviewing programs in other municipalities. In addition the needs, limitations, and opportunities available to the Arlington Police Department were thoroughly researched. The committee developed a program tailored to Arlington's unique needs, and subsequently made recommendations to the Command Staff. With Command Staff approval, the program was enacted in September of 1999, far ahead of any state or federal mandates. The Arlington Police Department now has a program in place that effectively records data related to traffic stops. Steps have been taken to ensure effective evaluation. These steps include surveys of the department members prior to them receiving any training and a similar survey after training in the program and the program's implementation. The Department is now in a position to address community concerns and ensure no person is the victim of disparate treatment. The Department has experienced little negative reaction because of its commitment to the Traffic Stop Data Program. The benefits of the program, such as increased community trust and confidence, far outweigh any costs associated with the program.

The Arlington Police Department's Traffic Stop Data Program will continue to evolve in an effort to better serve the citizens of, and the visitors to, the City of Arlington, Texas. This evolution will include minor adjustments in the program that will ensure total compliance with recently enacted state law.

The Arlington Police Department's Traffic Stop Data Program was designed to serve the citizens of and the visitors to Arlington, Texas. In addition the program will protect individual

officers and the organization from false allegations of racial profiling. This program will prevent and if present, identify racial profiling which is at the heart of racially biased policing. Fair and ethical policing requires that no person be the victim of disparate treatment by any law enforcement agency. The Arlington Police Department's Traffic Stop Data Program is a giant step in the right direction.

BIBLIOGRAPHY

77 (R) SB 1074 (May 21, 2001). 77th Legislature SB 1074 Enrolled Version- Bill Text.

Retrieved October 1, 2001 from the World Wide Web:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074f.HTM>

Associated Press (1999, October 18). Profiling Concerns Cut Houston Traffic Tickets.

Arlington Star-Telegram, p. 3B.

Clinton, W. (1999). Fairness of law Enforcement: Collection of Data (White House

Memorandum). Washington D.C.: The White House.

Cockburn, A., & St. Clair (1999). Counter Punch- Driving While Black. Retrieved March

16, 2000 from the World Wide Web: <http://www.counterpunch.org/drivingblack.html>

del Carman, A (2000). The Community Policing Response to the Implementation of a

Racial Profiling Evaluation Program (TDSP): A pre- and Post Attitudinal Assessment.

University of Texas at Arlington, Arlington, TX: Unpublished Manuscript.

Fisher, D. (2000). Vehicle Stop Data Program - Revised Training Guide. Arlington, TX:

Arlington Police Department Informational Memoranda.

Franc, Michael (1998, June 24). The Kerner Commission Report And The failed Legacy

Of Liberal Social Policy. Retrieved October 24, 2001 from the World Wide Web:

<http://www.heritage.org/library/lecture/hl619.html>

Gibeaut, John. (1999). Profiling: marked for Humiliation.. American Bar Association

Journal, February, 46-47.

Harris, D. (1999). Driving While Black: Racial Profiling On Our Nation's Highways.

Retrieved August 22, 2000 from the World Wide Web:

<http://www.aclu.org/profiling/report/index/html>

Johnson, S. 2002 (2001). Ethics and Racial profiling: Strategies for Success. Buffalo State College, Buffalo, NY: Presentation to the 10 Annual Ethics Conference, Institute for Law Enforcement Administration October 11-13, 2001.

Labbe, J.R. (2001, July 29). "De-Policing" may be the response to racial profiling study. Arlington Star-Telegram, p. 1B.

Meeks, K. (2000). Driving While Black, What To Do If You Are A Victim Of Racial Profiling. New York, New York: Broadway.

NOBEL (2001). A Nobel Perspective: Racial profiling - A symptom of Bias-Based Policing. Noble Publication, 1, 30.

NOBLE (2001). A NOBLE perspective: Racial Profiling - A Symptom of Bias-Based Policing. Alexandria, Virginia: National Organization of Black Law Enforcement Executives.

PERF (April, 1999). Legislative Update- Traffic Stop data Collection. Retrieved June 28, 1999 from the World Wide Web: <http://www.policeforum.org/home/update.html>

Philadelphia Police Department Memorandum (99-9) (1999). Vehicle or Pedestrian Investigation Report (75-48A) [Brochure]. Philadelphia, PA: Author.

Police Executive Research Forum (2001). Critical issues in Racially Biased Policing . In Lorie Fridell, Robert Lunney, Drew Diamond & Bruce Kubu (Eds.), Racially Biased Policing (A Principled Response) (p. 5). Washington D.C.: Police Executive Research Forum.

San Jose Police Department (1999). Internal Memorandum. San Jose Police Department: Bureau of Technical Services.

Stewart, T. (1999, July 11). Minorities, police debate traffic stops. Arlington Star-Telegram, p. 1A.

TCLEOSE (2001). Guidelines for Compiling and Reporting Data under Senate Bill 1074 (Draft). Austin, TX: Committee Report.

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Memo

SJPD Traffic Stop Profiling Program/Study

A significant amount of media and public attention has been focused recently upon the issue of *racial profiling* car stops allegedly being made by police officers throughout the country. Such car stops and profiling occur when a police officer initiates a traffic stop of an individual based mainly upon the race of the driver in the citizen's vehicle. The belief of many that such stops are made on a routine basis has caused obvious concern within our communities. As such, the San Jose Police Department (SJPD), under the leadership and direction of Chief William A. (Bill) Lansdowne, decided to take the initiative to review the traffic stops that are being made within the City of San Jose. The purposes for this review are threefold, as outlined below:

- We want to learn more about the types of traffic stops being made by officers in San Jose so we can see for ourselves if any traffic stops are apparently being made based solely upon an individual driver's racial background
- If we see a pattern that concerns us, it will indicate what additional types of training and supervision are necessary to ensure that everyone traveling through our city is being treated fairly and equally when traffic stops are made
- We will demonstrate through our department's policies and actions that we continue to be a law enforcement agency committed to working as partners with all members of our community to make our city not only a safe place, but one in which everyone has the equal opportunity to enjoy living, working, and traveling

The Primary Focus of our Program

To accomplish this survey of SJPD vehicle stops, we have decided to focus in on and survey the four key pieces of information that are at the heart of the traffic stop profiling issue. These four components, for which we will gather data on each driver involved in a car stop in the City of San Jose, are outlined as follow:

- Race/Ethnic background
- Gender
- Age (Adult or Minor)
- Reason for making the car stop

We also recognize that the traffic profiling issue is a very sensitive one for a number of people and groups within our society. As such, we determined that to be successful our program would need to be kept simple so that it would not be overly burdensome on the citizens being stopped, the department's staff and support personnel, or the line officers making the traffic stops. We also realized that to gain support from both the community and SJPD department personnel, it would be important to keep the identities of both the individual citizen driver and the officer involved in the stop anonymous. While recognizing that others may wish to collect a myriad of other kinds of information and data surrounding vehicle stops, the four key areas we selected are those which will really tell the tale as to whether or not a problem exists in San Jose, and what it is we would then need to do about it. In addition, by keeping the quantity of information we gather simple, we are able to gather the information quickly through our automated computer-aided dispatch system immediately after each officer clears a traffic stop, eliminating the need to complete or collect written reports.

How the Data is Provided by Officers and Collected:

When an officer makes a traffic stop, the officer advises our radio communications dispatcher via radio or by a mobile computer terminal that a traffic stop is being made. Our current procedure already requires that the officer indicate whether the stop is being made on a male or a female driver. In the past, when the officer cleared the traffic stop an advisement was made to the radio communications dispatcher about outcome of the stop, i.e. whether or not a traffic citation was issued, an arrest made, etc. This disposition consisted of an alpha code, which has a corresponding meaning. For instance, an officer would clear a call by stating on the radio, "10-98 D-David," with the 10-98 meaning that the call was being cleared and the D-David meaning that a traffic citation was issued. Our computer system would then provide us with automated information about how many traffic citations were issued for any given time period, based upon automated collection of the number of D-David dispositions.

Under the new program, three additional alpha codes will be used by officers clearing a traffic stop to indicate what the race of the driver was, whether the driver was an adult or a juvenile, and what the reason was for making the stop in the first place. For instance, an officer might now clear a call by stating, "10-98 D-David, A-Adam, W-William, V-Victor," with D-David meaning that a traffic citation was issued, the A-Adam meaning the citizen driver was an adult, the W-William meaning the race of the citizen driver was Caucasian, and the V-Victor meaning the reason for the stop was a vehicle code violation. If radio traffic is busy, or if the officer chooses, a format is provided in which the officer can enter the same exact information into the mobile computer terminal to clear the call with the same codes, and the same automated information will be gathered. The race codes used in our program will be based upon the same alpha codes used by the state and federal governments to indicate

race/ethnicity. Our alpha codes to indicate the reason someone was stopped will be based upon the following four scenarios:

- The driver was stopped for a violation of the California Vehicle Code
- The driver was stopped for a California Penal Code violation (this could include a situation in which a citizen calls to report a disturbance or problem involving the driver and/or vehicle, as well as a situation in which an officer personally sees a criminal violation of some kind being committed)
- The driver was stopped for a City of San Jose Municipal Code violation
- The driver or his vehicle matched the description of any of the following:
 - A "Be-On-The-Lookout" notice broadcasted on police radio channels for a crime that occurred
 - An "All-Points-Bulletin" broadcasted on police radio channels (this could include information provided by other law enforcement jurisdictions in our area)
 - A written entry on a bulletin or report issued by the department which describes suspects and/or vehicles involved in crimes in the area

Once again, the advantage in keeping the survey simple and by automating it is that there is no written report that an officer needs to complete at the end of each traffic stop, nor is there a need to assign personnel to review such reports and enter them into some new form of relational database program. And because we are collecting the information immediately after each stop on an already existent automated computer-aided dispatch system, we have up-to-date, accurate information on the vehicle stops at any given moment in time. As a matter of course, we will generate the statistics electronically on the stops every two weeks by collecting the information from our automated database. Members of our Crime Analysis Unit will then collect these statistics, translate them into real numbers, and prepare a formal report to the Chief of Police on a semi-annual basis.

Summary

While we recognize that many other law enforcement agencies around the country are hesitant to conduct this kind of a survey for a myriad of different reasons, the San Jose Police Department recognizes that if some members of our community perceive that a racial profiling problem exists within San Jose then it is incumbent upon us to take some action to address those concerns. We pride ourselves on being a department who truly has grasped the concept of what a police department committed to community policing is all about. Because of the professionalism of the rank and file on our department, we fear neither the results of our program nor any training or actions we may or may not need to take as a result of our survey. And when it comes to letting our citizens know that we are truly concerned about the issues and problems which affect the quality of their daily lives, we don't settle for anything less than our best professional efforts.

Any additional questions concerning the program may be directed to Captain Rob Davis, of our Bureau of Technical Services, at (408)277-5176.

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)

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

PHILADELPHIA POLICE DEPARTMENT

MEMORANDUM (99-9)

JULY 16, 1999

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

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.
-

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.

- 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.
-

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.
-

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.

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.
-

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.
-

JOHN F. TIMONEY
Commissioner



FORM 75-48A

PHILADELPHIA POLICE DEPARTMENT
VEHICLE OR PEDESTRIAN INVESTIGATION REPORT

DRAFT G 5/17/99

PAGE _____

OF _____

GENERAL

PED STOP

VEHICLE STOP

MISC. SEARCH/SEIZURE

MUST BE COMPLETED

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 #	TYPE <input type="checkbox"/> INSIDE <input type="checkbox"/> OUTSIDE	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 type="checkbox"/> VEHICLE MATCHES FLASH INFO	FLASH INFORMATION						
<input type="checkbox"/> VEHICLE IN VIOLATION OF MVC	CODE SECTION REASON FOR STOP						
<input type="checkbox"/> VEHICLE INVOLVED IN CRIMINAL ACTIVITY	TC ISSUED? Y <input type="checkbox"/> N <input type="checkbox"/>						
<input type="checkbox"/> OTHER	DESCRIBE FULLY						
ARREST Y <input type="checkbox"/> N <input type="checkbox"/>							
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 #

Evaluation of Various Methods to Collect Data on Police-Citizen Encounters

Criteria	Maintain Status Quo	Calls w/Disposition Codes	MDT Mask	Warning Citations	Detailed Log Book
Burden on officers to collect data	+	+	+		-
Required changes in computer programming	+				+
Impact on subject being stopped (time)	+	+	+		-
Civil liberty/privacy concerns related to collecting data	+		-	-	-
Scope of data collection	-		+	+	+
Integrity/honesty in officer self-reporting					
Support/buy-in from officers	+	+			-
Community confidence	-				
Provides command staff w/demographic data on stops	-	+	+	+	+
Protects officers against false accusations	-		+	+	+
Allows comparison of demographics in geographic area	-	+	+	+	+
Training requirements	+	+	+	+	
Data entry burden	+	+	+		-
MDT changes	+	+		+	+
Coverage of officers	-	+		+	+
Reliability of data collection method	-	+		+	+

Unweighted Score

1 10 7 7 3

Vehicle Stop Data Program Survey

Please respond to each of the following questions by circling the correct response.
All surveys will be regarded as confidential. Thank you!

I) Demographical Information:

1) Age:

- a) 21-25
- b) 26-30
- c) 31-35
- d) 36-40
- e) over 40

2) Gender:

- a) Male
- b) Female

3) Number of years worked at the Arlington Police Department:

- a) 1-3
- b) 4-6
- c) 6-8
- d) 9-11
- e) Over 11

4) Current rank:

- a) Officer
- b) Sergeant
- c) Lieutenant
- d) Deputy Chief

5) Current Assignment:

- a) Patrol
- b) Investigations
- c) Community Services
- d) Traffic
- e) Other _____

II) KNOWLEDGE REGARDING THE VEHICLE STOP DATA PROGRAM

6) Do you feel you understand the reasons why the "Vehicle Stop Data Programs" are being implemented in police departments throughout the United States?

- a) Yes
- b) No

7) Do you think the U.S. Department of Justice has encouraged police departments throughout the nation to implement Vehicle Stop Data Programs?

- a) Yes
- b) No

III) Attitudes Towards Vehicle Stop Data Program

8) Overall, what consequences do you think the Vehicle Stop Data Program will have at APD?

- a) Positive
- b) Negative
- c) None

9) What consequences do you think the Vehicle Stop Data Program will have on your job performance?

- a) Positive
- b) Negative
- c) None

10) What consequences do you think the Vehicle Stop Data Program will have on your discretion to issue a traffic citation?

- a) Positive
- b) Negative
- c) None

11) How would you describe the overall attitude of your colleagues towards the Vehicle Stop Data Program at the Arlington Police Department?

- a) Positive
- b) Negative
- c) Neutral

12) Do you feel a Vehicle Stop Data Program at APD will serve as a "valid" measure of traffic stop trends?

- a) Yes
- b) No

13) Do you feel you have been given enough information regarding the Vehicle Stop Data Program?

- a) Yes
- b) No

14) Would you like more information regarding the utility of the Vehicle Stop Data Program?

- a) Yes
- b) No

IV) The Impact on the Community

15) Do you feel that Arlington residents understand the function of a Vehicle Stop Data Program?

- a) Yes
- b) No

16) In your opinion, how do Arlington residents feel about the implementation of a Vehicle Stop Data Program at APD?

- a) Support
- b) Oppose
- c) No Opinion

17) What type of impact do you think the Vehicle Stop Data Program will have on the community?

- a) Positive
- b) Negative
- c) No impact

18) Please feel free to express any additional comments regarding the Vehicle Stop Data Program:

TRAFFIC STOP DATA PROGRAM SURVEY

Please respond to each of the following questions by circling the correct response.
All surveys will be regarded as confidential. Thank you!

I) Demographical Information:

1) Age:

- a) 21-25
- b) 26-30
- c) 31-35
- d) 36-40
- e) over 40

2) Gender:

- a) Male
- b) Female

3) Race/Ethnicity

- a) White
- b) Black
- c) Hispanic
- d) Asian
- e) Other _____

4) Highest Degree Completed:

- a) High School
- b) AA or AS
- c) BA or BS
- d) MA or MS

5) Number of years worked at the Arlington Police Department:

- a) 1-3
- b) 4-6
- c) 6-8
- d) 9-11
- e) Over 11

6) Current rank:

- a) Officer
- b) Sergeant
- c) Lieutenant
- d) Deputy Chief

7) Current Assignment:

- a) Patrol
- b) Investigation
- c) Community Services
- d) Traffic
- e) Other _____

II) TRAFFIC STOP DATA PROGRAM TRAINING

8) Did you attend the Traffic Stop Data Program training?

- a) Yes
- b) No

9) If yes, do you feel that this training provided enough information regarding the implications and goals of the Traffic Stop Data Program?

- a) Yes
- b) No
- c) Did not attend training

10) Please describe the type of impact this training had on your outlook of the Traffic Stop Data Program?

- a) Positive
- b) Negative
- c) No Impact
- d) Did not attend training

11) Did this training change your mind about the way you felt towards the implementation of the Traffic Stop Data Program?

- a) Yes
- b) No
- c) Did not attend training

12) Despite this training, would you like to receive more information regarding the Traffic Stop Data Program?

- a) Yes
- b) No
- c) Did not attend training

III) KNOWLEDGE REGARDING THE TRAFFIC STOP DATA PROGRAM

13) Do you feel you understand the reasons why the "TRAFFIC STOP DATA PROGRAMS" were implemented in police departments throughout the US?

- a) Yes
- b) No

14) Do you think the U.S. Department of Justice has encouraged police departments throughout the nation to implement TRAFFIC STOP DATA PROGRAMS?

- a) Yes
- b) No

15) Do you think that the TRAFFIC STOP DATA PROGRAM is primarily focused towards African Americans?

- a) Yes
- b) No

IV) Attitudes Towards TRAFFIC STOP DATA PROGRAM

16) Overall, what consequences do you think the TRAFFIC STOP DATA PROGRAM will have at APD?

- a) Positive
- b) Negative
- c) None

17) What consequences do you think the TRAFFIC STOP DATA PROGRAM will have on your job performance?

- a) Positive
- b) Negative
- c) None

18) What consequences do you think the TRAFFIC STOP DATA PROGRAM will have on your discretion to issue a traffic citation?

- a) Positive
- b) Negative
- c) None

19) How would you describe the overall attitude of your colleagues towards the TRAFFIC STOP DATA PROGRAM at the Arlington Police Department?

- a) Positive
- b) Negative
- c) Neutral

20) Do you feel the TRAFFIC STOP DATA PROGRAM at APD will serve as a "valid" measure of traffic stop trends?

- a) Yes
- b) No

21) Do you feel you have been given enough information regarding TRAFFIC STOP DATA PROGRAM?

- a) Yes
- b) No

22) Would you like more information regarding the utility of the TRAFFIC STOP DATA PROGRAM?

- a) Yes
- b) No

V) The Impact on the Community

23) Do you feel that Arlington residents understand the function of the TRAFFIC STOP DATA PROGRAM?

- a) Yes
- b) No

24) Is it your opinion that Arlington residents support the implementation of the TRAFFIC STOP DATA PROGRAM at APD?

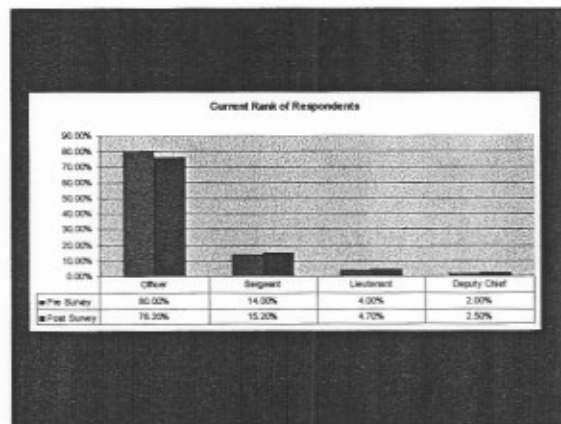
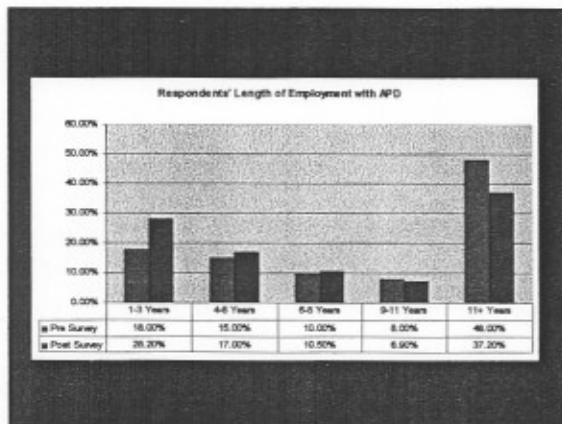
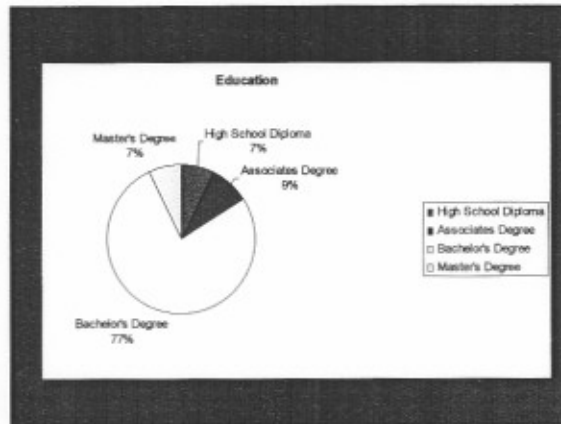
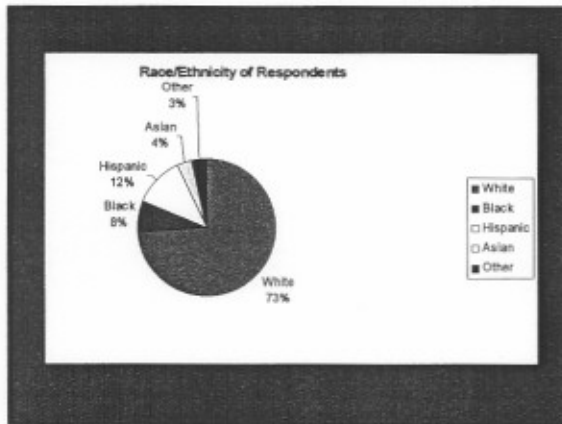
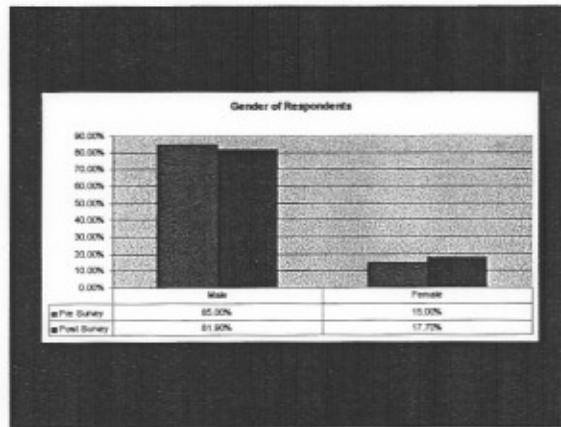
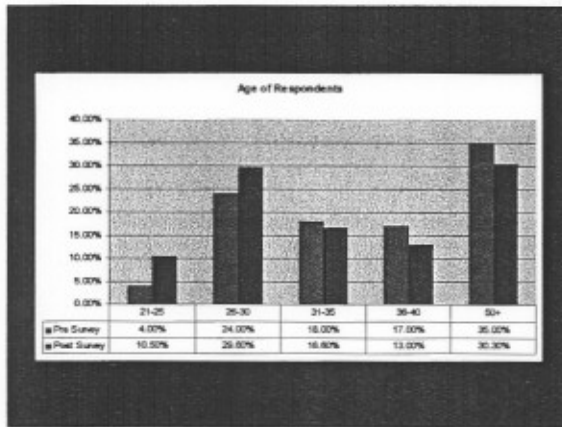
- a) Yes
- b) No

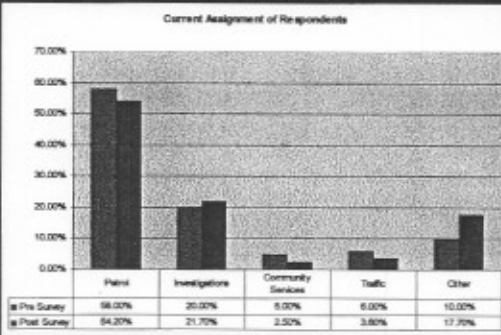
25) What type of impact do you think the TRAFFIC STOP DATA PROGRAM will have on the community?

- a) Positive
- b) Negative
- c) No impact

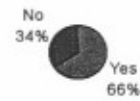
26) Please feel free to express any additional comments regarding the TRAFFIC STOP DATA PROGRAM:

Arlington Police Department Vehicle Stop Data Program Survey Results





Did you attend the Traffic Stop Program training?



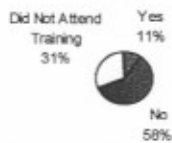
If yes, did it provide enough information regarding the program?



What type of impact did the training have on your outlook on the program?



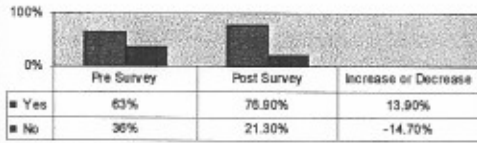
Did the training change your mind about the program?



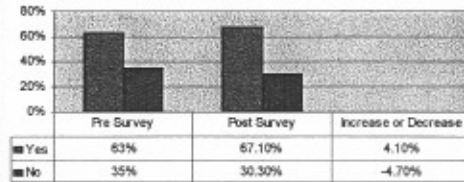
Despite Training, would you like more information about the program?



Do you feel you understand why the program was implemented in US police departments?



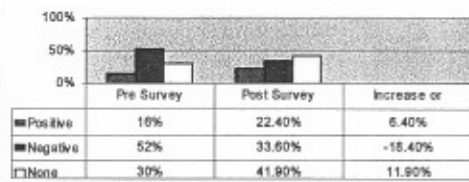
Do you think the DOJ encouraged US police departments to implement the program?



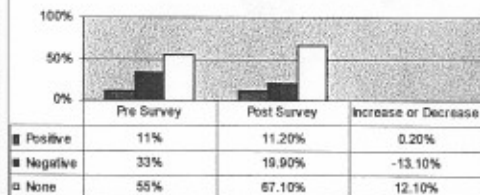
Do you think the program is primarily focused toward African-Americans?



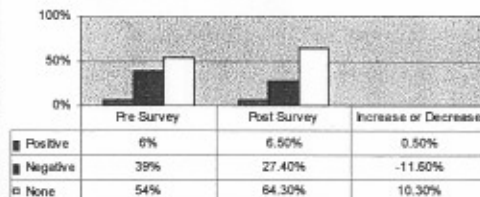
Overall, what consequences do you think the program will have at APD?



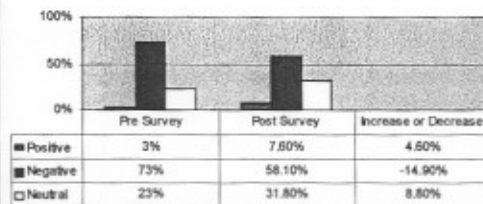
What consequences do you think the program will have on your job performance?



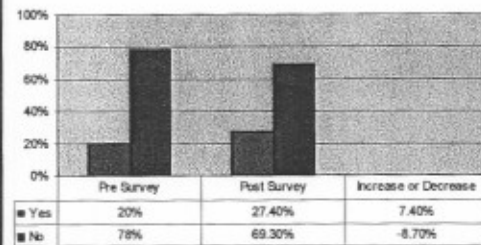
What consequences do you think the program will have on your discretion to issue a traffic citation?



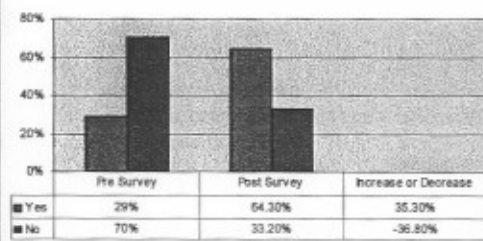
How would you describe the overall attitude of your colleagues towards the program at APD?



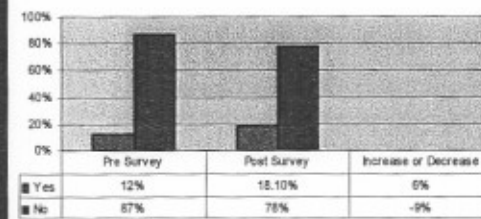
Do you feel the program will serve as a "valid" measure of traffic stop trends?



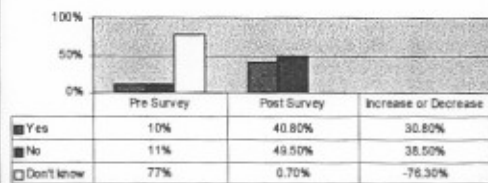
Do you feel you have been given enough information regarding the program?



Do you feel that Arlington residents understand the function of the program?



In your opinion, do Arlington residents support the implementation of the program?



What type of impact do you think the program will have on the community?

