

October 8, 2014

Hello IDOT Traffic Stop Data Task Force Members,

With a meeting scheduled for next week I wanted to share some thoughts regarding two issues: Urbana traffic stop searches and the book "*Pulled Over: How Police Stops Define Race and Citizenship*". And, I must thank the Task Force for recommending this excellent book!

At last month's meeting Paul shared an initial analysis of IDOT data from 2004-13. Of particular interest were pages 10-12 which identified the number of searches conducted during traffic stops. In ten years of IDOT data collection, I have never seen this number of searches associated with traffic stops in the UPD data reported to the state. Annual state data only reports consent and dog sniff searches, which have averaged between 50-70 per year. Yet on page 10 of Paul's analysis, it shows that there have been hundreds of searches associated with traffic stops each year. Clearly the UPD conducts many more searches during traffic stops than the public has been aware of and as reported in the IDOT data. In addition to being stopped twice as often, this data shows that African-American drivers are also searched at two to three times the rate of Caucasian drivers. On page 12 Paul documents that close to 9%-10% of all African-American stops in Urbana result in a search, while only 2%-3% of all Caucasian stops result in a search. Clarification from UPD of the increased number of annual stop searches in Paul's data and the implications of its racial disparities seems necessary.

The book, "*Pulled Over: How Police Stops Define Race and Citizenship*", was extremely well documented and descriptive. It explains that there are two vastly different types of traffic stops occurring in most communities with vastly different effects on people of color. Although smaller in number, the traffic stop data in Urbana seems to parallel the data found in the Kansas City study. As such, it is worth considering a few points made in the book.

When referring to traffic stops one must be careful not to imply all traffic stops are of the same type and similarly experienced by all racial groups. This is simply not the case as documented in the book. Yet, for the most part the general public believes most traffic stops are a commonly shared experience with little difference. This makes it difficult for the average person to comprehend the dynamics of how unfair and unjust racial disparities can occur in traffic stops, because there are two vastly different types of traffic stops, not one!

Task Force members know police departments utilize two types of traffic stops: **traffic-safety stops** and **traffic-investigatory stops** for distinctly different law enforcement purposes. The authors of the book show that traffic-safety stops are the type most frequently experienced by Caucasian drivers and show little racial disparity with other racial driving groups. From their data analysis, the authors conclude that traffic-safety stops do not contribute to the racial disparities found in traffic stop data. On the other hand, traffic investigatory stops are a completely different story.

After an exhaustive data analysis and survey, the authors conclude that **traffic-investigatory stops** account for the racial disparities found in traffic stop data and that investigatory stops differentiates the traffic stop experience of African-American and Caucasian drivers. The authors describe the traffic-investigatory stop as more "*intrusive*" involving elements of a criminal investigation such as additional probing questions, intimidation, disrespect, body and/or car searches, use of handcuffs, and disruptively longer stops not associated with a typical traffic-safety stop. Traffic laws are used as a **pretext** to stop a driver to conduct an investigation. Officers generally know who they are stopping and why they are stopping them, and it is not solely because of a traffic violation.

Although African-American drivers are **stopped and searched** at twice or more the rate of Caucasian drivers, the authors document that these racial disparities are not usually the product of discriminatory police officers but rather an **institutionalized practice** that is inherently unfair and discriminatory. They are quite blunt: *“attention should focus on institutionalized practice: how the structure of incentives, training, and policy in contemporary policing makes it more likely that officers will act on the basis of bigotry or implicit stereotypes, leading to racial disparities in outcomes.”* And, *“investigatory stops are an institutionally supported practice under the control of police leadership, not the isolated acts of individual police officers. This practice by design sacrifices the liberty and dignity of large numbers of innocent people, who are disproportionately racial minorities, in pursuit of a small number who are dangerous or carrying contraband”.*

The premise of the book suggests the Task Force would benefit greatly by focusing much of its work on traffic-investigatory stops because these stops are the primary source of racial disparities. There is much to learn about Urbana’s use of investigatory stops. How frequent and extensive are the use of investigatory stops? What is the basis and justification for investigatory stops? What are the department’s official practice, policy and rationale for investigatory stops? Are officers formally trained in how to conduct investigatory stops? What does this training consist of? Do local investigatory stop numbers reflect racial disparities? Can the UPD differentiate traffic-safety stops and traffic-investigatory stops by number and race in their data collection? Are investigatory stops an appropriate use of traffic enforcement laws? How are investigatory stops viewed by and impact the African-American community? Do investigatory stops actually work in reducing crime? Do investigatory stops harm the whole community in anyway? These and other questions regarding investigatory stops need to be explored.

The book has much more to talk about including whether investigatory stops are even an effective policing tactic to fight crime (*current studies say no*), understanding the long term negative effects of this practice on police and minority community relations (*current studies cite long-term negative effects of mistrust and lack of minority cooperation with police investigations*), the feeling of second-class citizenship experienced by African-American drivers (*unfair and unjust treatment*), and most useful, a number of concrete suggestions of what can be done to achieve racial justice in police stops including (*leadership of professional policing to frankly acknowledge and actively promote that investigatory stops cause harm*).

There is much to discuss and I look forward to your next meeting.

Thank you for your time and service on this very important Task Force,
Durl Kruse