VEHICLE STOPS IN SAN DIEGO: 2001

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EXECUTIVE SUMMARY

This report on vehicle stops covers the year 2001, the second full year of data collection in San Diego. Since January 1, 2000, police officers in San Diego have been required to complete a vehicle stop form each time they stop a vehicle. Officers turn these forms in at the end of their shifts. The data on the forms are subsequently entered into a database by personnel at police headquarters. The data are then compiled by personnel in the police department's crime analysis unit and analyzed by outside consultants.

Consistent Findings in 2000 and 2001

Several findings for 2001 are quite consistent with the previous year's experience. In both years, about 2/3 of drivers stopped were male, and about 2/3 of stops resulted in citations. The primary reasons for the vast majority (97-98%) of vehicle stops in both years, as indicated on the forms, were moving traffic violations and vehicle equipment violations. Searches were conducted in 6-7% of vehicle stops, and 8-9% of searches resulted in contraband being found. In both years, 2% of vehicle stops resulted in arrests. Black/African American and Hispanic drivers continued to be over-represented in vehicle stops in 2001, in comparison to the driving age population of San Diego, and, once stopped, both of these groups were more likely to be searched than Asian/Pacific Islander or White drivers.

Changes From 2000 to 2001

Analysis of the personal characteristics of drivers involved in vehicle stops in 2001 indicated that 10% were Black/African American and 28% were Hispanic. Both of these proportions were slightly smaller than in 2000. Analysis of searches similarly indicated that slightly smaller proportions of Black/African American and Hispanic drivers were searched in 2001, compared to 2000.

Officers completed 121,013 vehicle stop forms in 2001, a 28% decrease from the previous year. This very substantial decrease raises serious questions about the validity of the vehicle stop data. One question is whether officers always filled out the vehicle stop forms – the answer to this is clearly no. A natural follow-up question asks what the

compliance rate was – this can only be estimated, but it appears to have been about 60%. A crucial third question is whether officer compliance in filling out vehicle stop forms was random or systematically skewed in any way. If it was random, the data can still be regarded as representative of all vehicle stops in the city. If officer compliance was not random, however, the data are probably not representative, and few credible conclusions can be drawn.

Arguments for and against the representativeness of the data can be offered. In favor of the data, there was also a decline of 9% in traffic citations issued in 2001, suggesting that perhaps a third of the decrease in vehicle stop forms reflected a real decrease in stops, as opposed to non-compliance in filling out forms. Part of this overall decrease in vehicle stops may have been accounted for by the Bio-Tech Conference held in San Diego in summer 2001 – during June and July the department's resources were heavily devoted to conference security issues. Also in support of the data, the race/ethnicity of drivers indicated on vehicle stop forms in 2001 closely paralleled the characteristics of drivers who were issued citations. Finally, police officers interviewed in focus groups did not believe that their colleagues were falsifying information on stop forms or biasing the data by systematically completing forms for some vehicle stops and not others. They pointed out that there is no information on the forms identifying individual officers, so officers had no reason to report inaccurate or untrue information. Rather, they felt that a few officers were never filling out stop forms, while most officers were completing forms when they had time, but not when they were busy.

Inconsistencies within the vehicle stop data, however, raise doubts about their representativeness. For example, all of the decrease in vehicle stop forms in 2001, as compared to 2000, was accounted for between the hours of midnight and noon. No logical explanation for such a dramatic change in vehicle stops by hour of the day has been uncovered. Also, police divisions varied substantially in 2001 in the ratio of vehicle stop forms to citations. Each division should have recorded more stops than citations – almost 50% more, according to information on the stop forms indicating whether a citation was issued. One division did have 3,000 more stops than citations, but another had 7,000 *fewer* stop forms than citations. Of particular concern, it would appear from the data that non-compliance in completing stop forms was a bigger problem in more ethnically-diverse and less-affluent divisions, possibly skewing the data.[1]

Key Issues

The substantial decrease in stop forms in 2001, and resulting concerns about the representativeness of the data, severely limit the confidence that can be placed in any findings and conclusions. The authors have tried to be cautious in interpreting the data.

Black/African American and Hispanic drivers continued to be over-represented in vehicle stops, in comparison to the driving age population of San Diego. On average, Black/African American drivers had about a 60% greater chance of being stopped during the year than White drivers; the comparable figure for Hispanic drivers was about 37% greater than for White drivers. In the 2001 data, it is also possible to distinguish between

stops of San Diego residents and San Diego non-residents. When stops of city residents are examined separately, the over-representation of Black/African American drivers is even greater (11.3% of resident stops vs. 7.2% of the driving age population).

The 2001 report also presents a second, admittedly unconventional approach to "benchmarking" the vehicle stop data that leads to different conclusions. As explained in the full report, focus groups with officers suggested that about 25% of vehicle stops are so-called "pre-text" stops that are actually made for non-traffic-related reasons, such as suspicion of crime-, drug-, or gang-related activity (though officers usually observe and cite some kind of traffic violation as the proximate reason for the vehicle stop). When this important information is taken into consideration, using the characteristics of San Diego described crime suspects as the benchmark for 1/4 of the stops, the apparent over-representation of minority drivers in vehicle stops largely disappears.

This alternative approach to benchmarking the vehicle stop analysis is based on a very crude estimate of the extent of pre-text stops (the 25% estimate). It also uses a single alternative benchmark (described crime suspects) where a more sophisticated measure would be recommended. For those reasons, as well as lack of precedent for this kind of approach, it is not suggested that it be accepted as proof that the proper proportions of minority and majority drivers were stopped in San Diego in 2001. Neither should this alternative analysis be ignored, however. First, it attempts to incorporate the reality of pre-text stops – that officers make a lot of stops for non-traffic reasons, not 2-3% as the vehicle stop forms indicate. Second, it demonstrates the potential consequence of building a more realistic benchmark into the analysis, rather than settling for using the driving age population. To re-emphasize these points: this alternative analysis does not prove that vehicle stops in San Diego are fair for all groups, but it does demonstrate that they may not be unfair.

The over-representation of minority drivers in searches presents a different analytical challenge. Overall, Black/African American drivers represented 10.4% of vehicle stops but 16.2% of searches. Hispanic drivers represented 27.7% of stops but 49.6% of searches.

Black/African American drivers were over-represented in each of the major categories of searches (inventory, incident to arrest, 4th waiver, and consent), but particularly in 4th amendment waiver searches. Police in California are authorized to conduct these types of searches of parolees and some probationers. Since 42% of parolees in San Diego are Black/African American, the fact that 36% of 4th waiver searches in 2001 involved Black/African American drivers would not seem to indicate unfair or discriminatory police use of their search authority.

Perhaps the most discretionary types of searches are consent searches. Black/African American drivers represented 16.1% of consent searches, well above their 10.4% portion of vehicle stops. Hispanic representation is also disproportionate – 32.5% of consent searches compared to 27.7% of vehicle stops. These figures indicate that San Diego police officers are more likely to ask minority drivers for permission to search than

they are to ask White drivers. Police officers would argue that these consent search rates are not unfair or unreasonable when Black/African American and Hispanic over-representation among described crime suspects is taken into consideration. As discussed above, though, whether described suspects is an appropriate benchmark is controversial and open to discussion.

As in 2000, a particularly high proportion of inventory searches (which usually occur when a vehicle is being impounded) involved Hispanic drivers (60%). It is believed that Hispanic drivers in San Diego may be more likely than other drivers to be operating older vehicles with equipment violations, as well as vehicles with registration and insurance irregularities. This is due to the number of vehicles registered in Mexico that are driven in and through San Diego, as well as the presence of undocumented and/or newly-arrived drivers. These are the types of drivers and vehicles that are most susceptible to an inventory search. It should be emphasized that this explanation for the high rate of inventory searches involving Hispanic drivers has not been empirically verified, but it is one that is subscribed to by police officers and many other observers.

Unfortunately, it cannot be determined with any confidence whether the San Diego data for 2001 indicate any systematic patterns of bias in vehicle stops or searches. As discussed above, there is evidence of disproportionate impact on Black/African American and Hispanic drivers. But there are also credible explanations for the findings that do not hinge on bias and that may even account for what initially appears to be disparate impact. Most importantly, though, the decrease in vehicle stop forms in 2001, and variations in compliance among different police divisions, seriously constrain any ability to draw conclusions from the 2001 vehicle stop data.

ANNUAL REPORT

This report on vehicle stops in San Diego covers the year 2001. It was preceded by a similar report for the year 2000. Since January 1, 2000, police officers in San Diego have been required to complete a vehicle stop form each time they stop a vehicle. Officers turn these forms in at the end of their shifts. The data on the forms are subsequently entered into a database by personnel at police headquarters. The data are then compiled by personnel in the police department's crime analysis unit and analyzed by outside consultants.

THE NUMBER AND NATURE OF VEHICLE STOPS

Basic descriptive information on vehicle stops made in 2001 is presented in Tables 1-8 and Figures 1 and 2. Tables 1 and 2 indicate that there was a small increase from 2000 to 2001 in the percentage of vehicle stops that resulted in searches and citations, but no change in the likelihood of an arrest and a slight decrease in field

interviews. Table 3 indicates that, as in 2000, officers identified traffic-related reasons (moving violations or equipment violations) for the vast majority of vehicle stops in 2001 (98%).

The Decrease in Vehicle Stop Forms

The biggest change from 2000 to 2001 was a 28.4% decrease in the number of vehicle stop forms that were completed (see Table 1). By comparison, traffic citations are estimated to have decreased 9% from 2000 to 2001. It would thus seem that about 1/3 of the decrease in vehicle stop forms in 2001 can be accounted for by an overall decline in traffic enforcement activity.

This decrease in vehicle stop forms was noted during 2001 and five focus groups with patrol officers were conducted to explore reasons for the change, among other issues. Three primary explanations were offered by officers at that time: (1) many officers believed that the forms were going to be phased out at the end of June, 2001, and thus stopped completing them until directed to continue using them toward the end of July; (2) many officers have simply tired of completing the forms, and do not believe they have been beneficial, so compliance has waned; and (3) special events during summer 2001 strained the department and led to a substantial decrease in vehicle stops during that period.

An additional explanation subsequently suggested by police department personnel is that supervisory oversight of vehicle stop forms has weakened. This has occurred because of police officer sensitivity to the promise of anonymity with the forms. When, on occasion, supervisors have quizzed officers about whether forms have been completed as required, officers have objected on the basis that the forms are supposed to be anonymous. Supervisors have then backed off and stopped attempting to exert any control over officer completion of the vehicle stop forms. In turn, the weakened supervisory oversight contributes to a permissive situation in which there is little or no accountability for what officers regard as unnecessary, and potentially threatening, paperwork.

According to the 43 patrol officers who participated in the focus groups, the vehicle stop forms that have been completed should be representative of all vehicle stops. These focus group participants did not believe that officers were falsifying information on stop forms or biasing the data by systematically completing forms for some stops and not others. In support of this view, they pointed out that there is no information on the forms identifying individual officers, so officers had no reason to report inaccurate or untrue information. Rather, they felt that a few officers were never filling out stop forms, while most officers were completing forms when they had time, but not when they were busy.

Figure 1 compares the years 2000 and 2001 in terms of vehicle stop forms per month. Except for June and July, the lines for 2000 and 2001 are closely parallel, with 20-30% fewer stop forms each month in 2001 compared to 2000. The more sizeable

decreases in June and July are believed to have been caused by the misunderstanding that the forms would be phased out after June 2001, and by the Bio-Tech conference held in summer 2001 in San Diego. In the aftermath of disruptions associated with such conferences in Seattle, Philadelphia, and Washington, DC in recent years, the police department devoted substantial resources toward preparation and security for the conference. Police officer time available for routine activities, such as vehicle stops, was significantly affected.

Table 4 presents similar data just for 2001, along with traffic citations per month, which provide an independent measure of vehicle stopping activity. The table indicates that completion of stop forms, in comparison to citations, decreased considerably in June and July but rebounded substantially in August.

Figure 2 compares 2000 and 2001 on vehicle stop forms by patrol division. Each division accounted for fewer stop forms in 2001 than in 2000. Table 5 compares the divisions for 2001 in terms of vehicle stop forms and traffic citations. There are some significant differences in this comparison – the Western division reported a 19% surplus of stops over citations, whereas the Mid-City and Central divisions had 30% fewer stops than citations.

It would be worthwhile to focus future inquiry on these differences between divisions. As indicated in Table 6, those patrol divisions with deficits in vehicle stop forms compared to citations tend to have a greater proportion of minority residents. This pattern raises the possibility that vehicle stop forms are less likely to be completed when stops involve minority drivers. If this is true (which cannot be tested with these data, only suggested), then the data on which this report is based are not representative, and the validity of the analysis is weakened.

Table 7 further investigates the issue of incomplete compliance with the department's requirement that a vehicle stop form be completed for every vehicle stop. The table estimates that compliance was 70% in 2000 and 58% in 2001. It should be emphasized that these are estimates based on two sets of information: (1) data from the vehicle stop forms indicating whether a citation was issued, and (2) data on the number of citations issued each year. Use of the first set of information presumes that the vehicle stop forms that were completed provide an accurate estimate of the proportion of all stops resulting in citations. Use of the second set of information presumes one citation per driver when a citation was issued. Each of these assumptions introduces a degree of error. The amount of error introduced is unknown but believed to be small.

Table 8 indicates a significant shift in vehicle stop forms by hour of the day, with the hours between midnight and noon accounting for a much smaller proportion of stops in 2001 than had been the case in 2000. In fact, these hours (0000-1159) account for all of the decrease in stop forms from 2000 to 2001. From noon to midnight (1200-2359), as many stop forms were completed in 2001 as in 2000. This concentration of the decrease in stop forms by hour of the day may also be a worthwhile focus for future inquiry.

Characteristics of Drivers Who Were Stopped

Tables 9-11 present information on the age, gender, and race/ethnicity of drivers stopped in 2001. Age comparisons between 2000 and 2001 are somewhat difficult because census data used in 2000 began with the category 15-19, whereas in 2001 the initial category was changed to 16-20. This approach used in 2001 provides a better match with the driving age population, though, and thus is preferable. The age data for 2001 show that 21-25 year-old drivers are the category most often stopped, with each successive older category generally less likely to be stopped. The gender data indicate that, as in 2000, about 2/3 of drivers stopped in 2001 were male. Slightly smaller proportions of Black/African American and Hispanic drivers were stopped in 2001 compared to 2000.

Table 12 extrapolates the 2001 data by race/ethnicity based on the information presented earlier in Table 6 that officer compliance in completing vehicle stop forms seemed to be lower in Divisions with more diverse populations. First, a compliance factor was computed for each Division representing the portion of stops that resulted in a citation, according to the vehicle stop forms. Second, this factor was applied to the number of citations issued in each Division, in order to estimate the number of actual stops in the Division. Third, the proportions of each Division's vehicle stop forms by driver race/ethnicity were then applied to the estimated numbers of stops by Division. Fourth, these estimates were totaled for the whole city by race/ethnicity. The result is an adjusted description of drivers stopped in 2001 by race/ethnicity.

This adjusted description primarily affects the data for Black/African American drivers. Based on this analysis, it is estimated that 11.1% of drivers stopped in 2001 were Black/African American, compared to 10.4% in the unadjusted data.

Table 13 presents information for 2001 that was not available in 2000 – whether drivers involved in vehicle stops were San Diego residents vs. non-residents of the city. Overall, 77% of stops involved residents and 23% involved non-residents. Asian/Pacific Islanders and Black/African Americans represented larger portions of resident stops than non-resident stops. The opposite was true for Whites and, especially, Hispanics.

Table 14 looks at non-resident stops by police service areas. The opportunity to analyze vehicle stops by service areas is also new in 2001 – in 2000, the only geographic designation on the vehicle stop form was police division, which are rather large areas. The service areas with the highest proportions of vehicle stops of San Diego non-residents were Southern 710 (52.6%), Central 520 (32.2%), and Eastern 320 (31.3%). The service areas with the lowest proportions of non-resident stops were Mid-City 830 (10.6%), Mid-City 840 (11.1%), and Central 530 (12.3%).

SEARCHES

Tables 15 and 16 present information on the bases for any subsequent searches and the results of searches. A small increase in the proportion of searches for inventory purposes was seen in 2001, with most other bases for searches decreasing slightly. Searches in 2001 were slightly less likely to yield contraband than in 2000, but somewhat more likely to result in the seizure of some property.

Tables 17-21 provide race/ethnicity information on the drivers of vehicles that, once stopped, were subsequently subjected to some kind of a search (searches could be of the driver, a passenger, and/or the vehicle). Table 17 indicates that slightly smaller proportions of searches involved Black/African American and Hispanic drivers in 2001, compared to 2000. In 2001, Black/African American drivers represented 10.4% of vehicle stops but 16.2% of searches. Hispanic drivers represented 27.7% of stops but 49.6% of searches.

Black/African American drivers were over-represented in each of the major categories of searches (inventory, incident to arrest, 4th waiver, and consent), but particularly in 4th amendment waiver searches (see Table 18). Police in California are authorized to conduct these types of searches of parolees and some probationers. Since 42% of parolees in San Diego are Black/African American, the fact that 36% of 4th waiver searches in 2001 involved Black/African American drivers would not seem to indicate unfair or discriminatory police use of their search authority.

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Table 19 presents "hit rates" on searches by race/ethnicity, and Tables 20 and 21 look at these hit rates for the most common bases for searches. Contraband is most often found in searches incident to arrest, and least often found in inventory searches. The hit rates for contraband are generally lowest for searches involving Hispanic drivers and highest for searches involving White and Black/African American drivers. Black/African American drivers were least likely to have property seized in conjunction with consent searches and 4th waiver searches, while Hispanic drivers were least likely to have property seized during inventory searches and searches incident to arrest.

ISSUES OF FAIRNESS AND BIAS

Tables 22-27 present information pertaining to the key issues surrounding the vehicle stop study – how the characteristics of drivers stopped and searched compare to the driving age population, and whether there is evidence of bias in the use of police authority to stop and search vehicles in San Diego. Table 22 shows that, as in 2000, Black/African American and Hispanic drivers were over-represented among the drivers of vehicles stopped in 2001, in comparison to the driving age census population of San Diego.

The degree of over-representation of Hispanic drivers was moderately smaller in 2001 than in 2000, due to an increase in the Hispanic driving age population (from 20.2% to 22.4%) and fewer stops of Hispanic drivers (from 29.0% to 27.7%). Thus, the degree of over-representation dropped from 1.44 to 1.24.

As in 2000, however, the suspicion is that both the resident population of San Diego, and especially the population of vehicle drivers in the city on any given day, is even more Hispanic than the census figures indicate. The reasons for this view include census under-counting of undocumented Hispanic residents, and the high number of Mexican drivers in the city because of the proximity of the international border. Some support for this suspicion can be drawn from the vehicle stop data for San Diego non-residents – 34.3% of these stops in 2001 involved Hispanic drivers (Table 13). Unfortunately, efforts to independently measure or estimate the true Hispanic proportion of vehicle drivers in San Diego have not been successful.[2]

The degree of over-representation of Black/African American drivers was only slightly smaller in 2001 than in 2000. The proportion of vehicle stops represented by Black/African American drivers decreased from 11.7% to 10.4%, but the Black/African American portion of San Diego's driving age population also dropped, from 8.0% to 7.2%. Thus, the degree of over-representation only decreased from 1.46 to 1.44. If the adjusted data are used, however, the degree of over-representation in 2001 is 1.54.

Table 23 analyzes the vehicle stop data in a slightly different manner. This table indicates the chances of being stopped, searched, and arrested by race/ethnicity (some of this information is repeated from Table 19). It shows that Black/African American

driving-age residents of San Diego had a much greater chance of being stopped during 2001 than Asian or White residents, and a somewhat greater chance than Hispanic residents.

Once stopped, Hispanic drivers had the greatest chance of being searched, followed closely by Black/African American drivers. If inventory searches are excluded, however (since they are somewhat less discretionary), then Black/African American drivers had twice the chance of being searched as Hispanic drivers, and more than two and a half times the chance of White or Asian drivers. Black/African American and Hispanic drivers also had the greatest chance of being arrested subsequent to a vehicle stop.

Table 24 examines the interaction of age and race/ethnicity among drivers stopped in the year 2001 in San Diego. Black/African American drivers were over-represented in vehicle stops, in proportion to the population, in every age category except 76+. Hispanic drivers were over-represented in all age categories except 16-20 and 71+. Interestingly, the specific age category within which both Black/African American and Hispanic drivers were proportionately the most over-represented was the same, ages 51-55. White drivers were the most over-represented group in the youngest age category, 16-20, while Asian drivers were under-represented in every age category.

Table 25 examines the interaction of race/ethnicity and location (service area) among drivers stopped in 2001. Interestingly, whenever a race/ethnicity group represented a very small proportion of the population in a service area (less than 10% of the population), that group was always over-represented in vehicle stops. This applied to Asians, Black/African Americans, Hispanics, and Whites. It would seem that small minorities within a particular geographic area are more likely to be stopped, regardless of their race/ethnicity. The single greatest degree of over-representation applied to White drivers in Southeastern 440, followed by Black/African American drivers in Northern 120.[3]

Another geographic pattern within Table 25 would seem less equitable. In the service areas that have the largest percent populations of Asians (240, 430, 830), Hispanics (710, 510, 440), and Whites (120, 610, 320), respectively, each group was under-represented in vehicle stops in these areas. That is, where these groups are most dominant in the population, they are somewhat less likely to be stopped. However, this was not true for Black/African Americans. In the service areas with the greatest concentration of Black/African American residents (430, 440, 820), they were still over-represented in vehicle stops, compared to population characteristics.

Table 26 looks at the interaction of race/ethnicity and geography in non-inventory vehicle searches in 2001. Black/African American drivers were over-represented in searches (compared to stops) in 16 of 21 service areas, followed by White drivers (13 of 21). In six service areas (Northern 130, Central 510 and 520, Southern 710 and 720, and Mid-City 810) Black/African American drivers were at least twice as likely to be searched, once stopped, as other drivers. Hispanic drivers were only over-represented in 6

service areas, but these included all five service areas in the Northern and Northeastern Divisions.

Table 27 presents several additional criteria, other than driving age population, that might have some relevance in relation to the characteristics of drivers stopped by the police in San Diego. The second column shows the race/ethnicity of drivers issued traffic citations. The fairly close parallel between these figures and the vehicle stop figures provides some reassurance that, despite the sizeable decrease in the number of vehicle stop forms, the vehicle stop data for 2001 were not systematically biased or manipulated.

The three right-hand columns in Table 27 are relevant to the interpretation of the vehicle stop data only to the extent that vehicle stops in San Diego are made for non-traffic reasons. This point requires some explanation. If all vehicle stops were made for traffic reasons (moving violations or equipment violations), then information about the characteristics of people involved in crime-related activity would not be pertinent. Instead, there would really only be three criteria that would be directly relevant for judging whether the police were acting fairly in their vehicle stopping practices: (1) the characteristics of drivers, (2) the characteristics of drivers committing moving violations of the traffic law, and (3) the characteristics of drivers operating vehicles that exhibit equipment violations.

It was noted earlier that San Diego officers identified traffic-related reasons as the primary cause for 98% of their vehicle stops in 2001. This would seem to shut the door on the relevance of any crime-related criteria. However, studies of police decision making, court cases, and anecdotal information are consistent in identifying what are often termed “pretext stops.” For these stops, the officer’s actual reason for wanting to stop a particular vehicle is one thing (e.g. suspicion of it being stolen, or suspicion that the driver is in possession of drugs), but the officer waits to observe a traffic violation, which becomes the official probable cause for the stop, and the reason checked on the vehicle stop form.

It is important to point out that pretext stops are legal (as long as the official traffic-related reason given for stopping the vehicle is true, of course). Officers are trained to seek out traffic violations as reasons for stopping vehicles, even if their actual interest is in some other kind of problem, and their experience in the field and in court supports the wisdom of this common practice.

When focus groups were conducted with a randomly selected sample of San Diego patrol officers during 2001, they were asked to estimate the portion of their traffic stops that were really made for traffic violations, plain and simple, rather than for other reasons.[4] The responses of 33 officers who provided numerical estimates ranged from 3% to 99% of vehicle stops made solely for traffic reasons. The mean was 73% and the median was 77.5%.

These figures are extremely rough estimates based on a small sample of officers simply trying to generalize about their own past behavior. They should not be given too

much weight. However, they demonstrate that it is *not* true that 98% of all vehicle stops are made for traffic reasons. This is important because it increases the potential relevance of other criteria. The focus group officers identified crime, disorder, drug, and gang problems as the other types of motivations typically behind their vehicle stops.

The significance of incorporating other criteria into the analysis of vehicle stops is illustrated in Table 28. The first row of information assumes that 75% of vehicle stops are for traffic reasons, and uses the criterion of the driving age census population of San Diego. Thus, if vehicle stops matched the driving age population, 11.2 of each 75 traffic stops in San Diego should involve Asian drivers, 5.4 should involve Black/African American drivers, and so on.[5]

The second row of information assumes that 25% of vehicle stops are for crime-related reasons, and uses the criterion from Table 27 of described suspects in reported crimes in San Diego. This information comes directly from victims and witnesses who saw the offenders involved in their crimes and can describe the race/ethnicity of those offenders. Using these data, the second row of the table indicates that 4.4 of each 25 crime-related stops should involve Asian drivers, 6.0 should involve Black/African American drivers, and so on.

The third row of the table is the sum of the first two rows. It indicates the proportions of each 100 vehicle stops that "should" be represented by each race/ethnicity group, assuming the 75/25 split between traffic-related and crime-related reasons for vehicle stops. This third row, compared to the fourth row (which shows the actual characteristics of drivers of vehicles stopped), or the fifth row (which shows the adjusted race/ethnicity of drivers stopped from Table 12), suggests that Black/African American drivers were not over-represented in vehicle stops in 2001 in San Diego, while the degree of over-representation of Hispanic drivers was less than indicated earlier when the comparison was simply to the driving age population.

It should be emphasized that this analysis is based on the rough estimate that 25% of vehicle stops were made for non-traffic-related reasons, and then uses the specific criterion of described suspects in reported crimes. The 25% estimate is rough, and is really used here primarily for illustrative purposes. Similarly, the described suspects criterion stands in for what should really be a more sophisticated measure of involvement in crime, drug, disorder, and gang problems. Still, the analysis using these figures, imperfect as they are, demonstrates both the importance of recognizing that vehicle stops are made for other reasons than just traffic enforcement, and the implications of this reality for interpreting vehicle stop data.

CONCLUSION

Unfortunately, it cannot be determined with any confidence whether the San Diego data for 2001 indicate any systematic patterns of bias in vehicle stops or searches.

As discussed above, there is evidence of disproportionate impact on Black/African American and Hispanic drivers. But there are also credible explanations for the findings that do not hinge on bias and that may even account for what initially appears to be disparate impact. Most importantly, though, the decrease in vehicle stop forms in 2001, and variations in compliance among different police divisions, seriously constrain any ability to draw conclusions from the 2001 vehicle stop data.

Analysis of these data cannot address the possibility that some individual officers sometimes stop vehicles and/or conduct searches based primarily on the race/ethnicity of the driver. During the focus groups with San Diego patrol officers, it was acknowledged that a few officers inevitably engage in stereotyping or outright discrimination, but officers insisted that such practices were not widespread and that peer pressure helped minimize them.

The most problematic aspect of the 2001 vehicle stop analysis is the 28% decrease in vehicle stop forms. The analysis has proceeded on the basis that the stop forms that were completed were representative of all vehicle stops. If this is not true, and particularly if the completion or non-completion of vehicle stop forms was in any way related to the race/ethnicity of the driver, then the analysis of the data and any interpretation of the results is flawed. Information drawn from the patrol officer focus groups helped establish some confidence in the data, as did the comparison of race/ethnicity between stop forms and traffic citations. However, the rather dramatic change in vehicle stops by time of day from 2000 to 2001, and the inconsistent relationship between vehicle stop forms and traffic citations across the patrol divisions, creates some doubt about the representativeness of the data. These issues will need to be given continued scrutiny in future analyses.

Finally, this report has intentionally avoided use of the term racial profiling because that term's meaning has become lost and confused in the public discussion over the past few years. It seems more helpful to use the term biased policing. Certainly, analysis of vehicle stop data such as conducted for this report can help determine whether police decisions to stop vehicles and conduct searches disproportionately affect minority groups, and any strong evidence of such disproportionate application of the law raises the possibility of intentional or unintentional bias. Unfortunately, in today's American society, given our history and current situation, it is not unusual to find either disproportionate application of the law or racially biased policing. It would seem that a focus on identifying patterns of bias, and taking action to correct them, effectively incorporates the current concern over racial profiling but also more broadly addresses other forms of racial discrimination in policing.

NOTES

1. One might be tempted to conclude from this divisional analysis that officers were less likely to complete stop forms when drivers were Black/African American or Hispanic.

Because of what is termed the ecological fallacy (Earl Babbie, *The Practice of Social Research*, 8th edition, 1998: 96-97), however, it cannot be concluded with any confidence, based on greater non-compliance in these divisions, that officers were less likely to complete stop forms when encountering minority drivers. Alternatively, for example, officers in those divisions may have simply been less compliant when stopping all kinds of drivers. In fact, we cannot tell from the data.

2. It is also suspected that tourism significantly affects the population of drivers in San Diego. Snowbirds in the winter and Arizonans in the summer would presumably add proportionately more White drivers to the city's roads and streets, but again, this suspicion has not been empirically verified.

3. While this pattern applies universally to all four race/ethnicity groups, it should be recognized that it affects Black/African American drivers the most, because they represent the smallest minority group in San Diego. Out of 21 service areas, Black/African American residents account for less than 10% of the population in 14 areas. The corresponding numbers for other groups are 9 areas for Asian/Pacific Islanders, 3 areas for Hispanics, and 3 areas for Whites.

4. Five focus groups were held with San Diego patrol officers on August 30-31, 2001. The officers had been randomly selected from the roster of all patrol officers in the department. A total of 50 officers were selected and assigned to attend the focus groups. Several had last-minute conflicts; a total of 43 attended and participated.

The focus group participants came from all nine Patrol Divisions and the Traffic Division. Race/ethnicity representation was 4% Asian/Pacific Islander, 6% Black/African American, 16% Hispanic, and 74% White. Gender representation was 14% female and 86% male. Average tenure in the police department was 9.4 years.

The focus groups were led by Dr. Gary Cordner. Notes were taken and compiled by Dr. AnnMarie Cordner. Each focus group began with a brief introduction and explanation by a SDPD command officer, who then left the room. During the focus groups, which lasted between 90 and 120 minutes, only the officers and the Cordners were present.

Three specific issues were explored in each focus group: (1) the validity of the finding from the vehicle stop study that 97% of vehicle stops are for traffic violations (moving or equipment violations); (2) explanations for the apparent overrepresentation of African Americans and Hispanics in vehicle stops and searches; and (3) reasons for the declining number of vehicle stop cards. In addition, wide-ranging discussions over the issues of the vehicle stop study and racial profiling ensued.

5. This discussion uses the word "should" in the following sense – when police stop vehicles for traffic violations, then, in the aggregate, the characteristics of drivers stopped should mirror the characteristics of all traffic violators. This does not legitimate the stop of any particular driver, but only says that the overall portrait of drivers stopped should look similar to the portrait of drivers who violate the traffic laws. Similarly, when police

stop vehicles on suspicion of crime-related activity, the characteristics of drivers stopped should mirror the characteristics of the people who commit crimes in the jurisdiction. As with traffic violators, this aggregate principle does not legitimate the stop of any particular driver for suspicion of being involved in a crime. It only posits that, if the police are doing their work properly, the aggregate portrait of people stopped on suspicion of crime should look similar to the overall portrait of the people who commit crimes in the city.

Table 1. Summary of Vehicle Stops, Arrests, and Searches: 2000 and 2001

	2000	**2001**
Number of Vehicle Stops	168,901	121,013
Percent of Stops Resulting in Searches	6.4%	7.1%
Percent of Stops Resulting in Arrests	1.9%	1.9%

Table 2. Vehicle Stops in 2000 and 2001: Action Taken

	2000	2001
Citation	66.1%	68.8%
Written Warning	16.0%	16.9%
Verbal Warning	13.6%	11.3%
Other	2.4%	2.1%
Field Interview	1.5%	1.1%

Note: A vehicle stop could result in multiple actions taken.

Table 3. Vehicle Stops By Primary Cause for the Stop: 2000 and 2001

	2000	**2001**
Moving violation	68.0%	68.7%
Equipment violation	28.9%	29.6%
Personal observation/knowledge	1.0%	0.7%
Radio call/citizen contact	0.4%	0.4%
Code violation	0.1%	0.1%
Suspect information	0.1%	0.1%
Other reasons	1.5%	0.3%

Figure 1. Vehicle Stops by Month: 2000 and 2001

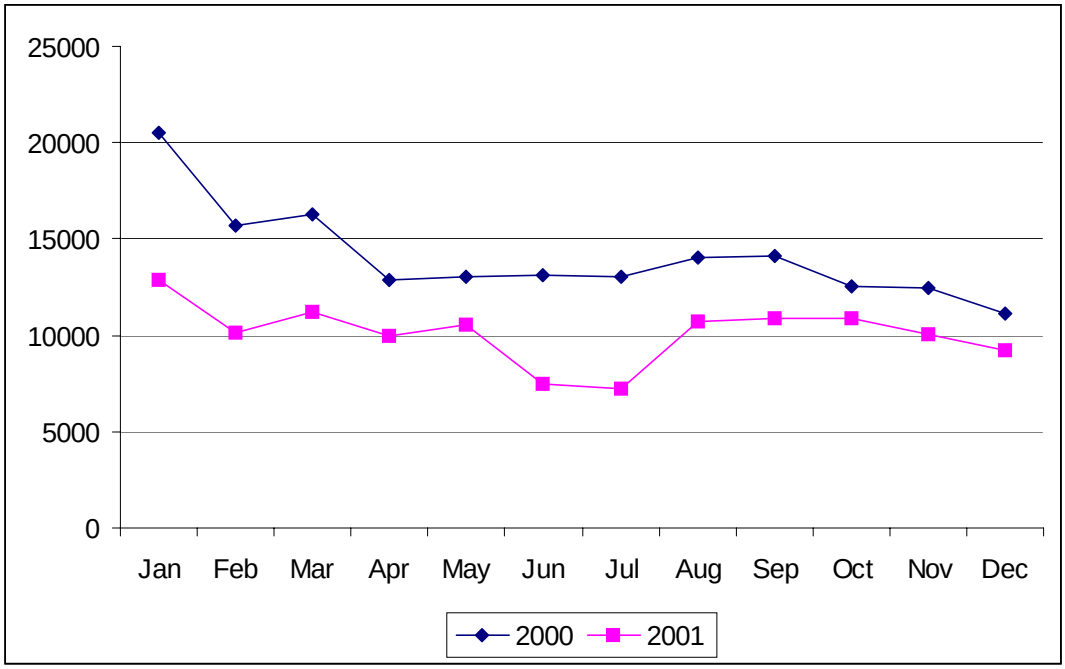

Table 4. Vehicle Stops and Citations by Month: 2001

	Vehicle Stops	Citations	Proportion of Stops to Citations
January	12,834	13,335	.96
February	10,125	11,793	.86
March	11,215	12,511	.90
April	9,935	11,353	.88
May	10,518	12,568	.84
June	7,455	11,049	.67
July	7,193	11,193	.64
August	10,702	12,023	.89
September	10,872	12,275	.89
October	10,883	13,264	.82
November	10,041	12,261	.82
December	9,240	10,702	.86
Total	121,013	144,327	.84

Figure 2. Vehicle Stops by Division: 2000 and 2001

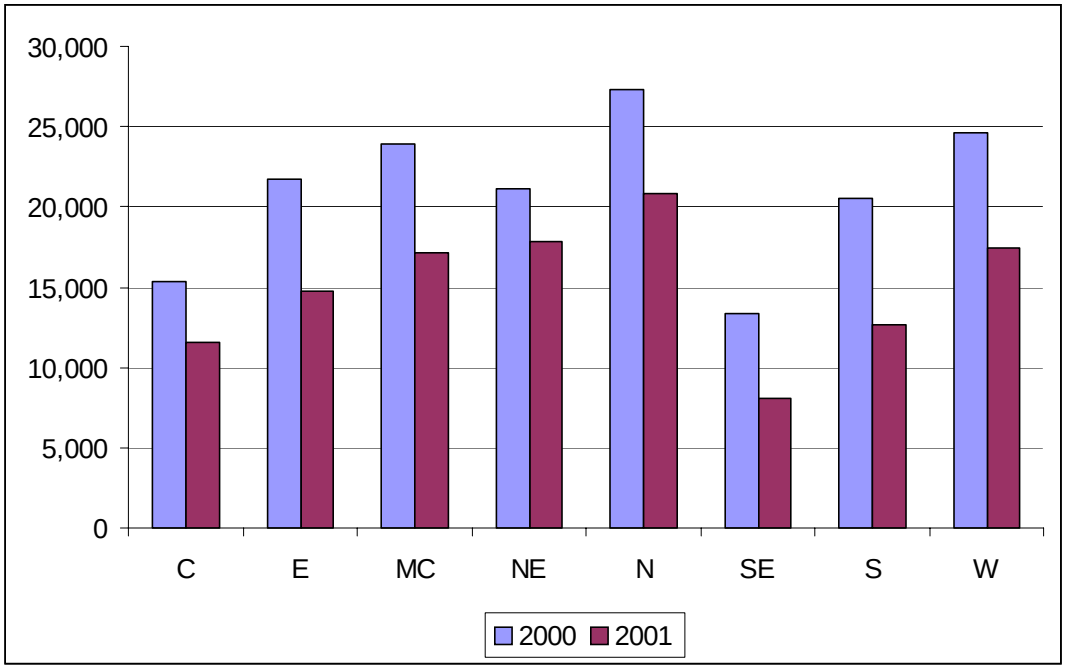

Table 5. Vehicle Stops and Citations by Division: 2001

	Vehicle Stops	Citations	Proportion of Stops to Citations
Central	11,534	16,220	.71
Eastern	14,752	18,225	.81
Mid-City	17,094	24,451	.70
Northeastern	17,885	17,950	1.00
Northern	20,880	23,347	.89
Southeastern	8,081	9,567	.84
Southern	12,657	13,349	.95
Western	17,467	14,641	1.19

Table 6. Estimated Vehicle Stop Form Compliance in Predominantly White/Anglo and Black/Hispanic Police Divisions: 2001

	Citations Issued	Stop Forms Issued	Estimated Actual # of Stops	Estimated % of Stops With Forms Completed
Predominantly White/Anglo (Eastern, Northeastern, Northern, Western)	74,163	70,984	107,795	65.8%
Predominantly Black/Hispanic (Central, Mid-City, Southeastern, Southern)	63,587	49,366	92,423	53.4%

Table 7. Estimated Vehicle Stop Form Compliance: 2000 and 2001

	2000	**2001**
# of stop forms	168,901	121,013
# of citations	158,601	144,327
% of stops resulting in citations, according to stop forms	66.1%	68.8%
Estimated total # of stops	239,941	209,778
Estimated % of stops resulting in stop cards (compliance rate)	70.4%	57.7%

Table 8. Vehicle Stops By Hour of the Day: 2000 and 2001

	2000	**2001**
Midnight – 3:59 a.m.	13.9%	7.4%
4:00 a.m. – 7:59 a.m.	12.0%	7.9%
8:00 a.m. – 11:59 a.m.	37.1%	32.3%
Noon – 3:59 p.m.	20.2%	26.5%
4:00 p.m. – 7:59 p.m.	7.8%	12.0%
8:00 p.m. – 11:59 p.m.	9.0%	14.0%

Table 9. Vehicle Stops by Age of the Driver: 2001

	2001
16-20	13.0%
21-25	19.2%
26-30	15.3%
31-35	13.0%
36-40	11.7%
41-45	9.2%
46-50	4.7%
51-55	6.9%
56-60	2.6%
61-65	1.6%
66-70	1.1%
71-75	0.7%
76+	0.9%

Table 10. Vehicle Stops by Gender of the Driver: 2000 and 2001

	2000	2001
Male	67.5%	66.9%
Female	32.5%	33.1%

Table 11. Vehicle Stops by Race/Ethnicity of the Driver: 2000 and 2001

	2000	2001
Asian/Pacific Islander	11.2%	11.7%
Black/African American	11.7%	10.4%
Hispanic	29.0%	27.7%
White	48.1%	50.2%

Table 12. Vehicle Stops By Race/Ethnicity of the Driver: 2001 Data Adjusted By Compliance Rates By Division

	2001 Raw Data	2001 Adjusted Data
Asian/Pacific Islander	11.7%	11.8%
Black/African American	10.4%	11.1%
Hispanic	27.7%	27.8%
White	50.2%	49.3%

Table 13. Basis for Searches Resulting From Vehicle Stops: 2000 and 2001

	2000	2001
Inventory	61.8%	65.7%
Incident to arrest	19.2%	17.1%
Consent	18.1%	18.1%
4th amendment waiver	13.8%	11.8%
Other basis	4.2%	2.7%
Odor of contraband	2.7%	1.5%
Contraband visible	2.3%	1.9%
Evidence of criminal activity	1.9%	1.6%
Canine alert	0.1%	0.0%

Note: Searches could have more than one basis.

Table 14. Outcomes of Searches Resulting From Vehicle Stops: 2000 and 2001

	2000	2001
Contraband found	8.9%	8.4%
Property seized	9.7%	12.0%
Contraband and/or property seized	12.5%	14.1%

Table 15. Vehicle Stops of San Diego Residents and Non-Residents: April-December, 2001.

	Asian/Pacific Islander	Black/African American	Hispanic	White
Vehicle Stops of San Diego Residents	12.9%	11.3%	25.8%	50.1%
Vehicle Stops of San Diego Non-Residents	7.3%	6.9%	34.3%	51.5%

Table 16. Vehicle Stops of San Diego Non-Residents By Service Area: April-December, 2001 (figures for Central Division cover only August-December due to restructuring of service areas).

Divisions/Service Areas	Percent of Drivers Stopped Who Were Non-Residents of San Diego
Northern	
110	14.2%
120	23.1%
130	27.0%
Northeastern	
230	18.7%
240	20.1%
Eastern	
310	26.4%
320	31.3%
Southeastern	
430	16.9%
440	17.0%
Central	
510	16.9%
520	32.2%
530	12.3%
Western	
610	20.8%
620	17.9%
630	19.5%
Southern	
710	52.6%
720	26.6%
Mid-City	
810	17.7%
820	14.2%
830	10.6%
840	11.1%
Total	23.1%

Table 17. Searches by Race/Ethnicity of the Driver: 2000 and 2001

	2000	2001
Asian/Pacific Islander	5.6%	5.5%
Black/African American	18.4%	16.2%
Hispanic	51.6%	49.6%
White	24.5%	28.7%

Table 18. Searches by Race/Ethnicity of the Driver by Basis for the Search: 2001

	Inventory	Incident to Arrest	4th Waiver	Consent
Asian/Pacific Islander	4.3%	5.6%	7.3%	7.9%
Black/African American	13.2%	19.6%	35.5%	16.1%
Hispanic	60.4%	39.5%	25.2%	32.5%
White	22.1%	35.2%	31.9%	43.4%

Table 19. Results of Searches by Race/Ethnicity of the Driver: 2001

	Contraband Found	Property Seized
Asian/Pacific Islander	10.1%	15.7%
Black/African American	12.4%	14.4%
Hispanic	5.0%	9.5%
White	11.7%	14.3%

Table 20. Results of Searches by Race/Ethnicity of the Driver by Basis for the Search: Contraband Found 2001

	Inventory	Incident to Arrest	4th Waiver	Consent
Asian/Pacific Islander	6.2%	22.0%	18.9%	13.0%
Black/African American	8.0%	28.1%	16.4%	17.2%
Hispanic	2.6%	18.1%	16.1%	14.9%
White	8.0%	23.2%	21.1%	17.1%

Table 21. Results of Searches by Race/Ethnicity of the Driver by Basis for the Search: Property Seized 2001

	Inventory	Incident to Arrest	4th Waiver	Consent
Asian/Pacific Islander	14.5%	34.1%	23.0%	17.9%
Black/African American	15.4%	29.5%	14.8%	14.8%
Hispanic	8.3%	24.0%	16.1%	19.7%
White	14.2%	25.4%	23.8%	17.0%

Table 22. Vehicle Stops by Race/Ethnicity of the Driver Compared to the Driving Age Census Population of San Diego: 2000 and 2001

	Population 16+	Vehicle Stops		Adjusted 2001
		2000	2001	
Asian/Pacific Islander	15.0%	11.2%	11.7%	11.8%
Black/African American	7.2%	11.7%	10.4%	11.1%
Hispanic	22.4%	29.0%	27.7%	27.8%
White	55.4%	48.1%	50.2%	49.3%

Note: Population figures were calculated by deleting individuals who indicated two or more race/ethnicities.

Table 23. Chances of Being Stopped, Searched, and Arrested by Race/Ethnicity of the Driver: 2001

	Asian/Pacific Islander	Black/African American	Hispanic	White
Chance of being stopped (unadjusted)	10.0%	18.5%	15.9%	11.6%
If stopped, chance of being searched	3.3%	11.1%	12.7%	4.1%
If stopped, chance of being searched (non-inventory)	1.6%	5.2%	2.5%	2.0%
If searched, chance of finding contraband	10.1%	12.4%	5.0%	11.7%
If searched, chance of seizing property	15.7%	14.4%	9.5%	14.3%
If stopped, chance of being arrested	1.0%	3.2%	2.7%	1.4%

Table 24. Vehicle Stops by Race/Ethnicity of the Driver by Age Compared to the Census Population of San Diego: 2001

	Asian/Pacific Islander		Black/African American		Hispanic		White	
	Stops	**Population**	**Stops**	**Population**	**Stops**	**Population**	**Stops**	**Population**
16-20	14.5%	17.6%	9.1%	8.6%	29.3%	32.6%	47.1%	41.2%
21-25	12.0%	15.7%	10.4%	7.1%	30.2%	29.4%	47.3%	47.9%
26-30	11.9%	15.7%	11.0%	7.0%	31.2%	28.4%	45.8%	49.0%
31-35	10.9%	15.3%	11.2%	7.7%	31.7%	27.1%	46.2%	49.9%
36-40	10.3%	14.9%	11.8%	8.2%	27.7%	23.3%	50.2%	53.5%
41-45	10.8%	15.5%	11.2%	7.8%	24.8%	20.4%	53.2%	56.2%
46-50	11.4%	16.2%	8.9%	7.2%	19.2%	17.3%	60.4%	59.3%
51-55	11.5%	14.7%	10.0%	6.3%	23.3%	15.3%	55.2%	63.8%
56-60	11.8%	14.6%	7.6%	7.0%	18.1%	15.1%	62.5%	63.3%
61-65	12.3%	15.8%	8.9%	7.9%	17.8%	15.4%	61.0%	60.9%
66-70	10.1%	14.6%	7.4%	6.0%	17.1%	14.4%	65.4%	65.0%
71-75	9.0%	12.0%	7.8%	5.6%	12.0%	12.4%	71.2%	70.0%
76+	6.0%	7.9%	3.7%	4.1%	8.6%	9.0%	81.7%	79.0%

Note: Population figures were adjusted by deleting individuals who indicated two or more race/ethnicities.

Table 25. Vehicle Stops By Race/Ethnicity of Driver by Service Area: April-December, 2001 (figures for Central Division cover only August-December due to restructuring of service areas).

Division/Service Area		Asian/Pacific Islander		Black/African American		Hispanic		White	
		Stops	Population	Stops	Population	Stops	Population	Stops	Population
Northern	110	12.7%	13.7%	4.6%	2.0%	15.1%	12.6%	67.7%	71.8%
	120	7.2%	3.9%	4.2%	1.3%	11.6%	10.9%	77.0%	83.9%
	130	10.4%	11.9%	1.9%	0.7%	12.9%	6.5%	74.7%	80.9%
Northeastern	230	16.5%	20.5%	3.5%	2.3%	10.0%	7.7%	69.9%	69.5%
	240	25.0%	32.6%	5.5%	4.5%	11.4%	10.2%	58.1%	52.7%
Eastern	310	13.7%	12.7%	8.4%	8.4%	16.8%	13.0%	61.1%	66.0%
	320	9.9%	5.5%	7.5%	3.1%	14.2%	9.8%	68.3%	81.6%
Southeastern	430	21.0%	31.3%	36.8%	24.5%	27.6%	30.4%	14.6%	13.8%
	440	10.4%	7.9%	31.9%	22.9%	47.5%	66.2%	10.2%	3.0%
Central	510	4.3%	3.1%	14.4%	9.3%	62.4%	66.8%	18.9%	20.9%
	520	8.6%	6.4%	13.0%	9.5%	17.7%	21.9%	60.7%	62.3%
	530	27.6%	19.8%	9.0%	15.5%	12.8%	12.8%	50.6%	52.0%
Western	610	5.2%	4.1%	5.2%	2.9%	14.5%	10.8%	75.1%	82.2%
	620	12.1%	14.5%	7.7%	4.4%	19.9%	21.3%	60.4%	59.9%
	630	7.1%	5.8%	11.5%	10.6%	19.5%	26.3%	61.9%	57.3%
Southern	710	4.0%	3.4%	2.8%	2.0%	81.4%	89.8%	11.7%	4.8%
	720	10.0%	17.7%	4.5%	4.0%	67.8%	59.9%	17.8%	18.3%
Mid-City	810	12.5%	9.7%	16.0%	8.9%	20.6%	22.6%	50.9%	58.8%
	820	12.6%	13.8%	23.8%	20.4%	27.1%	26.5%	36.4%	39.3%
	830	21.6%	22.4%	22.8%	14.7%	37.7%	53.7%	17.8%	9.2%
	840	13.4%	14.1%	19.0%	11.5%	48.6%	60.2%	18.9%	14.1%

Note: population figures are for all ages, not just driving age.

Table 26. Non-Inventory Searches By Race/Ethnicity of Driver by Service Area: April-December, 2001 (figures for Central Division cover only August-December due to restructuring of service areas).

Division/Service Area		Asian/Pacific Islander		Black/African American		Hispanic		White	
		Stops	Searches	Stops	Searches	Stops	Searches	Stops	Searches
Northern	110	12.7%	4.8%	4.6%	3.0%	15.1%	15.5%	67.7%	76.8%
	120	7.2%	5.2%	4.2%	7.8%	11.6%	15.7%	77.0%	71.3%
	130	10.4%	12.9%	1.9%	4.8%	12.9%	19.4%	74.7%	62.9%
Northeastern	230	16.5%	8.9%	3.5%	6.7%	10.0%	15.6%	69.9%	68.9%
	240	25.0%	14.7%	5.5%	8.8%	11.4%	13.2%	58.1%	63.2%
Eastern	310	13.7%	7.8%	8.4%	13.6%	16.8%	6.8%	61.1%	71.8%
	320	9.9%	5.3%	7.5%	10.5%	14.2%	8.8%	68.3%	75.4%
Southeastern	430	21.0%	13.0%	36.8%	54.3%	27.6%	22.3%	14.6%	10.3%
	440	10.4%	10.8%	31.9%	45.7%	47.5%	35.9%	10.2%	7.6%
Central	510	4.3%	3.0%	14.4%	33.0%	62.4%	45.0%	18.9%	19.0%
	520	8.6%	2.2%	13.0%	26.7%	17.7%	8.9%	60.7%	62.2%
	530	27.6%	50.0%	9.0%	---	12.8%	---	50.6%	50.0%
Western	610	5.2%	4.9%	5.2%	2.4%	14.5%	17.1%	75.1%	75.6%
	620	12.1%	6.6%	7.7%	7.7%	19.9%	12.1%	60.4%	73.6%
	630	7.1%	1.8%	11.5%	10.8%	19.5%	14.4%	61.9%	73.0%
Southern	710	4.0%	---	2.8%	10.8%	81.4%	73.1%	11.7%	16.1%
	720	10.0%	4.7%	4.5%	9.3%	67.8%	66.4%	17.8%	19.6%
Mid-City	810	12.5%	7.5%	16.0%	32.7%	20.6%	16.8%	50.9%	43.0%
	820	12.6%	17.8%	23.8%	33.3%	27.1%	15.6%	36.4%	33.3%
	830	21.6%	16.9%	22.8%	25.8%	37.7%	31.5%	17.8%	25.8%
	840	13.4%	6.1%	19.0%	26.5%	48.6%	46.2%	18.9%	21.2%

Table 27. Vehicle Stops by Race/Ethnicity of the Driver Compared to Multiple Criteria: 2001

	Vehicle Stops	Traffic Citations	Described Suspects	Active Parolees	Violent Crime Victims
Asian/Pacific Islander	11.7%	14.7%	17.4%	5.5%	10.7%
Black/African American	10.4%	10.5%	23.9%	42.4%	20.0%
Hispanic	27.7%	29.9%	27.7%	22.5%	28.8%
White	50.2%	44.9%	31.1%	29.6%	40.5%

Table 28. Analysis of Disproportionality Assuming That 25% of Vehicle Stops Are Made For Crime-Related Reasons

	Asian/Pacific Islander	Black/African American	Hispanic	White
Proportionate to population, each 75 traffic stops should have included	11.2	5.4	16.8	41.6
Proportionate to described suspects, each 25 crime-related stops should have included	4.4	6.0	6.9	7.8
Therefore, each 100 vehicle stops in 2001 should have included (sum of first two rows)	15.6	11.4	23.7	49.4
Each 100 vehicle stop forms in 2001 did include	11.7	10.4	27.7	50.2
Based on adjusted data, each 100 vehicle stops in 2001 did include	11.8	11.1	27.8	49.3