

Nebraska Traffic Stops in 2002



A Report to the Legislature on Data Submitted by Law Enforcement per LB593:2001

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1. Introduction

The criminal justice system is predicated on the notion of equality. The issues of fairness and any perception of unequal treatment are often at the forefront of our society but particularly as they relate to justice. In the last few years there has been greater attention drawn to issues and reports of possible inequality in the criminal justice system. While these issues can be very difficult to identify as well as verify, since they typically relate to motivation, there have been numerous efforts to explore them deeper.

One area that has gained broad attention in many states and localities is potential profiling relating to traffic stops made by law enforcement. The Nebraska Legislature passed LB593 in 2001 to respond to possible issues relating to the way that traffic stops are made. The act specifically prohibited racial profiling and required law enforcement to implement policies prohibiting discriminatory practices as well as requiring the collection of data that could be used to assess any prevalence of racial profiling relative to motor vehicle stops. This report presents the first summary of data reported to the Nebraska Crime Commission.

2. History

The ninety-seventh Legislature incorporated several initiatives relative to traffic stops and issues of racial profiling, acknowledging the danger and impropriety of any practice that involves disparate treatment based on a person's skin color, apparent nationality or ethnicity. For the purposes of this report and subsequent discussions we will refer to the definition of racial profiling included in the act.

Racial profiling means detaining an individual or conducting a motor vehicle stop based upon disparate treatment of an individual.

LB593 required the collection of certain information relative to traffic stops. Agencies are required to collect and maintain information within their own agency but law enforcement is also required to report this data to the Crime Commission. While allegations of racial profiling are handled through standard agency policies any such allegation is also to be reported to the Crime Commission. The bulk of data required to be reported relates to all vehicle stops conducted by the agency. This includes data on the nature of each stop as well as data on the driver. This report provides the initial review of the traffic stop data.

The Crime Commission provides this report as a way for the Legislature as well as law enforcement and interested parties to learn about the data collection and the project. This report is not an attempt to fully analyze the data nor to make any recommendations or announce findings. LB593 requires a final report from the Commission by April, 2004. That report will contain complete data and broader analysis.

Data to be collected by agencies was generally specified in LB593. To provide a workable and consistent approach to data reporting the Crime Commission convened a workgroup involving the Nebraska State Patrol, the Nebraska Sheriffs Association, Police Officers Association of Nebraska, Police Chiefs Association of Nebraska and numerous local agencies including the Lincoln Police Department and the Omaha Police Department. This group reviewed possible data reporting formats to try to guarantee the most feasible, cost effective and achievable method of reporting while meeting the mandates of LB593.

Data collection of this magnitude can be problematic in many ways. It must be noted that law enforcement agencies have taken various approaches to provide complete and useful data to the Crime Commission. Even for agencies that are automated the task of additional data collection by officers adds a level of complexity and additional workload that is not insignificant. For agencies that are not automated it meant an increase in the paperwork for officers. Some agencies have attempted to extract the data from their records systems but modifications were typically needed and often some manual work was still required. Since data had to be reported even if no action was taken this meant that most automated systems could still not report all of the required data.

3. Data Collection

Standardized forms are provided to all law enforcement agencies in Nebraska. Summary data is reported to the Crime Commission quarterly. Data is included which states the race of all drivers stopped, the reasons for the stops, the dispositions of the stops and on how many searches were conducted. Data is to be collected and reported from January, 2002 through December, 2003. This report contains data on over 1,000,000 traffic stops as provided by state, local and tribal agencies for calendar year 2002.

Since the agencies began submitting data, the Crime Commission's Statistical Analysis Center has been working with law enforcement to improve reporting and deal with data inconsistencies. A significant effort such as this typically requires review of processes and workflow once it starts. In general, law enforcement has made a concerted effort to fulfill the requirements set out by the Legislature. In addition to the reporting mandated by LB593 there are also some agencies that have undertaken similar studies of their own. In some cases these are more comprehensive and are able to include additional detail that an agency may have.

Race of the driver is reported as observed or determined by the officer. There is no verification or reliance on other systems. The FBI maintains data standards for most law enforcement data collection. To be consistent with this and other reporting programs the race categories for this project were based on the FBI categories: white, black, Asian / Pacific Islander, Native American / Alaskan and other. However, to address the ethnicity concerns expressed in LB593 a category for Hispanic was included. While this is not a race, as described by the census, it is included this way for ease of reporting. There are many other categories that could potentially be of interest regarding ethnicity or national origin but

the current system does not address those.

4. Data Reporting

The data included in this report reflects reports submitted for 2002 by 233 agencies (18 submitted partial year data). Data for 1,014,809 traffic stops were reported to the Crime Commission for this period. Data tables describe the race of the driver, the reason for the stop, the primary disposition or outcome of the stop and whether or not searches were conducted.

While this data provides a good snapshot of traffic stops it must be noted that there are inherent limitations. Since only summary data is required to be collected and reported there is no way to track individual instances or get to a granular level of analysis available in other data sets. For instance, while we can say how many searches were conducted regarding Hispanic drivers we can not say how many of those stops started with a traffic violation as the reason for the stop or what the outcome of the stop actually was. However, the data does provide a valuable and interesting look at traffic stops and law enforcement activity that has not been available previously.

Analysis of traffic stop data is far from simple or even standard. Many state and national studies have been conducted that attempt to discern instances of racial profiling. This is problematic in two basic ways: the nature of data collection and the need to extrapolate motivation, conscious or unconscious on the part of law enforcement. The basic premise in any analysis is the attempt to discover instances that display disproportional activity across races. Analysis of traffic stop data can look at whether or not the drivers stopped reflect the general racial breakdown in society or the analysis can focus on how different races or groups were handled once the stop is made.

Studies that focus on the driver data often compare the data to the racial breakdown of a certain population. If the stops or activity reported is disproportional that can indicate issues with how the stops are made. However, having a workable population group to compare to is difficult. Some studies compare stop data to the racial breakdown of the general population, of licensed drivers, of at risk drivers (say, those involved in accidents) or even to racial breakdown of drivers actually observed on an area's roads by people stationed in the field. All of these have problems and strengths but there is no agreed upon methodology or at risk populations or comparison groups.

This initial report does not attempt any comparisons of the traffic stop data and drivers to various populations. Instead, the data is provided with comparisons about the processing of the stops. This is done within the limitations of the data itself. Observations are included with the data tables pointing out instances where there appears to be some instance of disproportionality within a category. For instance, only 2% of all stops resulted in searches but over 6% of stops involving Hispanics had searches. In this example, as well as other situations, the information can not explain why there is disproportionality nor have we attempted to speculate on cause. The reason for this difference probably has many causes but

the available data cannot adequately identify or explain those causes.

5. Allegations of Racial Profiling

For 2002 the Crime Commission received four reports of the public making allegations of racial profiling. These four reports were made in compliance with LB593.

Of the four stops none involved a custodial arrest, search or detention. Two ended in a citation, one in a written warning and one had no action taken by the officer (due to a valid reason for no license plates being displayed). Two involved Hispanic drivers and two involved Black drivers.

The agencies all conducted internal investigations and contacted the drivers and persons involved. Three reported that the actions of the officer were sustained and no subsequent action was taken. In the fourth case the agency stated that they were unable to disseminate specific information concerning the disposition of allegations because of policy and the current Labor Agreement. It must be noted that this does not imply any particular outcome nor should any inference be made regarding the officer and the driver; it means that no information can be made available.

6. Traffic Stop Data

Traffic Stops Reported - <i>table 1</i>		
	Total Stops	
	#	%
Asian/Pacific Islander	5,275	0.5
Black	45,070	4.4
Hispanic	38,411	3.8
Native American/Alaskan	4,278	0.4
Other	10,708	1.1
White	911,067	89.8
TOTAL	1,014,809	100

- Tables are broken down by the race of the driver.
- Law enforcement was required to report all stops involving motor vehicles.
- LB593 encompasses stops of a wide variety of contacts.
- Of note is that over 485,000 stops were reported by the NE State Patrol Carrier Enforcement Division. These can involve the Weigh Stations, commercial stops (for documentation or weighing) and similar activity. When the stops by Carrier Enforcement are excluded from calculations there are still similar percentages and activity on this and other tables.
- Bullet points in subsequent tables point to some differences where a racial category appears in marked contrast to activity for all drivers.

Reason For the Stop - table 2								
	Traffic Code Violation		Criminal Code Violation		Other		Unknown	
	#	%	#	%	#	%	#	%
Asian/Pacific Islander	4,290	81.3	76	1.4	908	17.2	1	0.0
Black	24,671	54.7	689	1.5	19,707	43.7	3	0.0
Hispanic	33,426	87.0	812	2.1	4,149	10.8	24	0.1
Native American/Alaskan	3,329	77.8	158	3.7	775	18.1	16	0.4
Other	2,732	25.5	63	0.6	7,913	73.9	0	0.0
White	437,663	48.0	6,213	0.7	465,715	51.1	1,476	0.2
TOTAL	506,111	49.9	8,011	0.8	499,167	49.2	1,520	0.2

- NOTE: percentages in this and subsequent tables describe the portion of the race that was reported in a particular category.
- FOR INSTANCE: 81.3% of all stops involving Asian drivers were for traffic violations.
49.9% of all stops were for traffic code violations.
- The occurrences of OTHER in this and subsequent tables will be from unusual circumstances or, more typically, unreported data.
- Reason for the Stop indicates the primary reason that the traffic stop was initiated by the officer.
- Traffic Code Violations are the typical things people think of, such as speeding.
- The large proportion of OTHER as a reason for the stop is traceable to the stops involving Carrier Enforcement. These are typically made at the Weigh Stations as a result of necessary documentation checks or to weigh trucks.
- While less than 1% of all stops involved a criminal code violation over 2% of stops involving Hispanic drivers and 3.7% of stops involving Native Americans were for criminal violations.

Disposition of the Traffic Stop (Outcome) - table 3

	Custodial Arrest		Ticket		Verbal Warning		Written Warning		Defect Card		No Action		Unknown	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Asian/Pacific Islander	105	2.0	1,995	37.8	481	9.1	1,535	29.1	264	5.0	886	16.8	9	0.2
Black	4,263	9.5	11,491	25.5	3,104	6.9	5,482	12.2	1,090	2.4	19,523	43.3	117	0.3
Hispanic	2,428	6.3	14,340	37.3	4,928	12.8	8,653	22.5	3,928	10.2	4,001	10.4	133	0.4
Native American/Alaskan	327	7.6	1,498	35.0	360	8.4	1,131	26.4	409	9.6	539	12.6	14	0.3
Other	229	2.1	1,225	11.4	505	4.7	704	6.6	40	0.4	7,982	74.5	23	0.2
White	12,088	1.3	180,202	19.8	34,476	3.8	186,262	20.4	45,252	5.0	450,871	49.5	1,916	0.2
TOTAL	19,440	1.9	210,751	20.8	43,854	4.3	203,767	20.1	50,983	5.0	483,802	47.7	2,212	0.2

- This table reports the primary outcome of the stop. A traffic stop may result in a variety of outcomes.
- While less than 2% of stops resulted in arrest there were large variations by race.
- 9.5% of African Americans stopped were taken into custodial arrest.
- Hispanic and Native Americans were arrested more than 3 times as often as the overall population.
- In looking at the outcome of traffic stops it must be noted that almost one in fifty (1.9%) of the stops resulted in a custodial arrest. When the Carrier Enforcement stops are excluded this jumps to 3.7% or almost one in twenty-five.

- A custodial arrest is not done for only a traffic violation. Therefore, the stop could involve things such as a DUI arrest, an outstanding warrant (discovered in a general license check) or some other criminal activity in the car or by the occupants. However, the data is not detailed enough for us to know what specific violation caused a custodial arrest.

Searches conducted as part of a Traffic Stop - table 4				
	No Search		Search Conducted	
	#	%	#	%
Asian/Pacific Islander	5,133	97.3	142	2.7
Black	43,560	96.7	1,510	3.4
Hispanic	35,968	93.6	2,443	6.4
Native American/Alaskan	4,087	95.5	191	4.5
Other	10,537	98.4	171	1.6
White	895,939	98.3	15,128	1.7
TOTAL	995,224	98.1	19,585	1.9

- Search counts do not include inventory arrests or those done incident to arrest. Instead they reflect searches done as part of the officer's processing of the traffic stop.
- Stops involving minority drivers more often resulted in searches being conducted.
- Hispanic driver stops were three times more likely to result in a search.