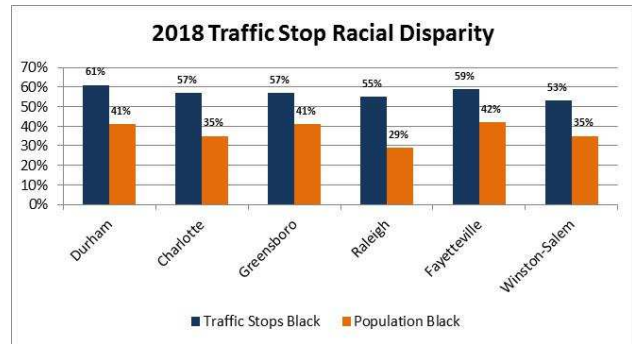


The following is an executive review of traffic stop data for calendar year 2018, which is compiled from SBI-122 traffic stop reports submitted by officers. During this period, the department conducted 12,838 traffic stops, a 10.8 percent increase from the 11,587 stops for calendar year 2017. Of the drivers stopped in 2018, 7,810 were Black (61%), 4,596 drivers were White (36%) and 432 (3%) were from other race categories. Broken down by ethnicity, 1,310 (10%) were Hispanic. No enforcement action<sup>1</sup> was taken in 61 percent of the stops for Black drivers and 58 percent of the stops for White drivers.

While the percentage of Black drivers stopped (61%) is higher than the estimated population of the City of Durham (41%), similar disparities were observed in other major cities in North Carolina<sup>2</sup>.

The traffic stop data for each officer was reviewed. The number of stops ranged from a few stops a year to several hundred, depending on the officer's assignment. The lower the number of stops conducted by an officer, the more notable the appearance of any racial disparity might be in regard to percentages, which are affected by the total number of stops made.



When considering Traffic Services officers, which conducted 3,194 stops as a group<sup>3</sup>, the breakdown is 50 percent Black and 47 percent White, which is much closer to the overall demographics of the City. Examining this group of officers is useful, because they conduct the most traffic stops of any unit in the department due to the nature of their job, and these stops are distributed geographically throughout Durham. In addition, the officers' numbers do not account for off-duty assignments, such as Bulls Eye and Southside patrols, which are in areas with high concentrations of minority residents. These extra-duty assignments would affect traffic stop percentages outside of their normal duty assignments.

The data was further analyzed for officers that stopped at least 25 vehicles and had a 75 percent or higher stop rate of minorities. That list consisted of 18 total officers in the first half of the year and 15 in the second half. The commanders of those officers were tasked with a more thorough analysis of their individual traffic stops, including a random review of in-car camera video. Most of the officers worked in Uniform Patrol for either District 1 or District 4, which have the highest minority populations<sup>4</sup> and the highest per capita violent crime figures.

Based upon the data analyzed, there was no evidence of unexplainable disparities regarding traffic stops among the officers. Rather, officers are stopping vehicles consistent with the demographics and crime statistics of their assigned areas.

<sup>1</sup> Includes Written Warning, Verbal Warning and No Action Taken.

<sup>2</sup> Based on 2010 census data. <http://www.census.gov/2010census/popmap/>.

<sup>3</sup> Includes Traffic And Crash Team (TACT) and Motors.

<sup>4</sup> Based on 2010 census data. District 1 is 62 percent Black and 20 percent White by race, and 21 percent Hispanic by ethnicity. District 4 is 54 percent Black, 32 percent White and 10 percent Hispanic.

**Consent Search Data**

In October of 2014, it became the policy of the Durham Police Department that a consent form must be filled out for requests to search. A report is generated monthly that shows the number of consent searches stemming from traffic stops, which is then reconciled with the number of forms. While there are still some discrepancies, most are due to differences in report requirements. For example, a request to search a vehicle is not always initiated from a traffic stop, or the officer may not be able to obtain sufficient information when a request is denied to complete a form<sup>5</sup>. The following is the consent search information that came from our internal database, which is more detailed than the summarized data provided on the State’s web site<sup>6</sup>.

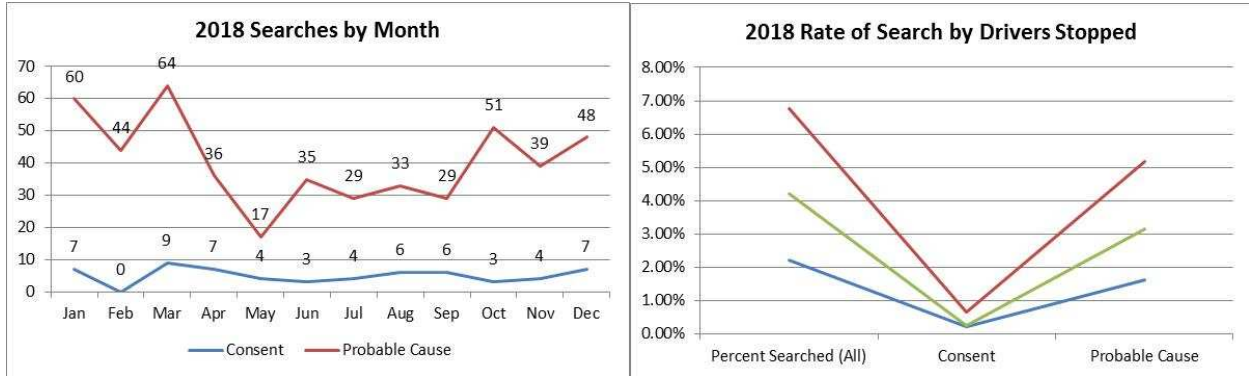
**Table 1 – Consent Requests and Forms by Month**

	Consent Requests			Forms On File		
	Granted	Denied	Total	Granted	Denied	Total
January	7	0	7	8	0	8
February	0	0	0	1	1	2
March	9	1	10	9	0	9
April	7	0	7	3	0	3
May	4	1	5	4	1	5
June	3	1	4	3	1	4
July	4	1	5	4	0	4
August	6	0	6	6	0	6
September	6	3	9	5	0	5
October	3	1	4	3	1	4
November	4	0	4	3	0	3
December	7	1	8	5	0	5
<b>Total</b>	<b>60</b>	<b>9</b>	<b>69</b>	<b>54</b>	<b>4</b>	<b>58</b>

Of the 12,838 traffic stops in calendar 2017, there were 69 consent requests for a search (0.5%) made by officers, with 60 requests being granted and 9 denied. There are 58 total forms on file for the period, including 54 where consent was granted and 4 that were denied (Table 1).

<sup>5</sup> The number of forms will not always equal the number of consent searches stemming from traffic stops, and totals may actually be higher.

<sup>6</sup> The NC Department of Justice web site is not a suitable source for this information, due to the way they structure their Type of Search by Basis of Search report. For each *Type of Search* (i.e. consent, probable cause), an officer can choose up to six (6) *Basis of Search* selections for a single traffic stop, giving the appearance of a greater number of consent searches than what actually occurred. Instead of 83 consent searches for the Department in calendar year 2018, there were actually just 60 traffic stops in which a consent search occurred.



Graph 1 – Types of Searches by Month

Graph 2 – Search Rate by Drivers Stopped

Sixty (60) of the vehicles stopped (0.47%) during 2018 resulted in a consent search (Graph 1), of which 51 drivers were Black and 9 were White. The rate for which a consent search occurred was 0.65 percent for Black motorists, 0.20 percent for White motorists and 0.23 percent for Hispanic motorists (Table 2). The rates for which a probable cause search occurred (Graph 2) were significantly higher in some cases.

**Table 2 – Count and Rate of Search by Drivers Stopped<sup>7</sup>**

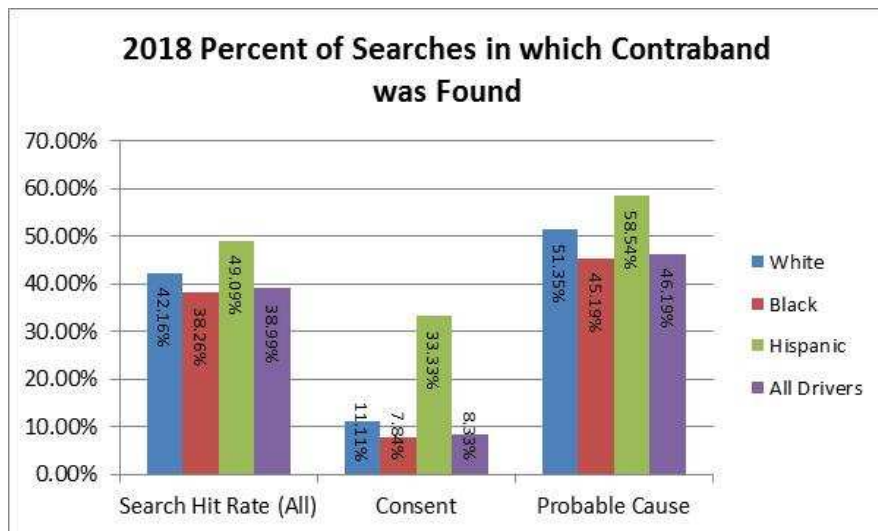
Type (all searches)	White	Black	Total by Race	Hispanic	Non-Hispanic	Total by Ethnicity
<b>Drivers Stopped</b>	<b>4,596</b>	<b>7,810</b>	<b>12,838</b>	<b>1,310</b>	<b>11,528</b>	<b>12,838</b>
<b>Drivers Searched (All)</b>	<b>102</b>	<b>528</b>	<b>636</b>	<b>55</b>	<b>581</b>	<b>636</b>
Consent	9	51	60	3	57	60
Search Warrant	0	0	0	0	0	0
Probable Cause	74	405	485	41	444	485
Search Incident to Arrest	15	47	62	8	54	62
Protective Frisk	4	25	29	3	26	29
Multiple Search Types	0	0	0	0	0	0
<b>Percent Searched (All)</b>	<b>2.22%</b>	<b>6.76%</b>	<b>4.95%</b>	<b>4.20%</b>	<b>5.04%</b>	<b>4.95%</b>
Consent	0.20%	0.65%	0.47%	0.23%	0.49%	0.47%
Search Warrant	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Probable Cause	1.61%	5.19%	3.78%	3.13%	3.85%	3.78%
Search Incident to Arrest	0.33%	0.60%	0.48%	0.61%	0.47%	0.48%
Protective Frisk	0.09%	0.32%	0.23%	0.23%	0.23%	0.23%
Multiple Search Types	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%

<sup>7</sup> Race categories of Native American, Asian and Other, representing only three (6) total searches, were eliminate for formatting reasons.

**Search Results**

There were 636 traffic stops during the period in which a search occurred, with 248 (38.99%) resulting in contraband being found. The rate was 8.33 percent for consent searches, and 46.19 percent for probable cause searches (Graph 3).

- Of the 60 traffic stops in which a consent search occurred, 5 (8.33%) resulted in contraband being found, including 7.84 percent for Black drivers, 11.11 percent for White drivers and 33.33 percent for Hispanic drivers.
- Of the 485 traffic stops in which a probable cause search occurred, 226 (46.19%) resulted in contraband being found, including 45.19 percent for Black drivers, 51.35 percent for White drivers and 58.54 percent for Hispanic drivers.



Graph 3 – Percent of Searches in which Contraband was Found

**Veil of Darkness**

In March 2016, RTI International published research<sup>8</sup> on traffic stop data entitled Exploring racial disproportionality in traffic stops conducted by the Durham Police Department. The following excerpt on the study methodology can be found in the *Analytical Approach* section on page 1 of the report:

[To study the racial distribution of traffic stops in Durham, we used the “veil of darkness” (VOD) approach, which is based on the logic that police officers are less likely to be able to ascertain the race of a motorist after dark than they are during daylight (Grogger & Ridgeway, 2006). This method takes advantage of the fact that there is seasonal variation in the amount of daylight at certain times of the day. Using this method, the existence of racial disproportionality can be assessed by comparing the race of drivers stopped during daylight with the race of drivers stopped after dark during the intertwilight period.]

In addition to the aforementioned report, RTI developed The RTI-STAR Traffic Stop Analysis Tool<sup>9</sup>, allowing any law enforcement agency to automate the data processing and analysis of traffic stop data using this peer-reviewed, scientifically sound method to identify racial disproportionality. When the tool was applied to Durham’s data for calendar year 2018, no evidence of racial disproportionality existed in any of the models<sup>10</sup> based on statistical significance alone (Table 3). In addition, the difference in the stop risk for Black drivers in daylight and darkness was minimal.

**Table 3 – RTI Statistical Traffic Analysis Report (STAR) – Black Drivers**

Model	Original Number of Stop Records	Stops in Intertwilight Period (ITP <sup>11</sup> )	Stop Risk in Daylight	Stop Risk in Darkness	Risk Ratio	p-value	Statistical Significance
All intertwilight stops	12,838	1,661	63.21%	65.31%	1.00	0.8571	None
All intertwilight stops (male only)	7,721	1,024	61.34%	63.88%	1.00	0.7860	None
All intertwilight stops (female only)	5,117	637	65.44%	67.01%	1.00	0.9583	None
Uniform Patrol (male only)	5,018	785	60.82%	63.74%	1.02	0.3771	None

<sup>8</sup> Available at [https://www.rti.org/sites/default/files/resources/VOD\\_Durham\\_FINAL.pdf](https://www.rti.org/sites/default/files/resources/VOD_Durham_FINAL.pdf).

<sup>9</sup> Available at <http://www.rti.org/impact/rti-star-traffic-stop-analysis-tool>.

<sup>10</sup> There was insufficient data to run the model against traffic stops made by the Traffic Services unit.

<sup>11</sup> The Intertwilight Period (ITP) range was 5:29pm to 9:06pm.