



# Garner Police Department

## Bias-Based Patterns Annual Review for 2015



### Introduction

The purpose of this document is to provide an overview of the Garner Police Department's commitment to bias-free policing and to outline our individual and collective performance in this area. As required by policy, and CALEA standards, this memo will serve as the annual review of bias-free policing by the Garner Police Department for calendar year 2015.

Garner Police Department policy 820.09, Bias-Free Policing, establishes our commitment to ensuring fair and equitable treatment of all persons. The policy states, "*The Garner Police Department is committed to preserving the peace and maintaining order in our community by practicing bias-free policing and respecting the rights and dignity of all. No member of this department shall engage in bias-based profiling in any arrests, asset seizure / forfeiture efforts, field contacts or traffic stops.*"

The Garner Police Department has the following core values, which support our efforts in bias-free policing:

- Commitment – We have a selfless determination and relentless dedication to the public, our partners, and to each other. We will strive to continually improve our community and our agency.
- Integrity – We are committed to the highest standards of honesty and ethical conduct, which are the cornerstones of our profession.
- Professionalism – We accept responsibility for our actions. We are accountable to ourselves and those we serve. We will communicate honestly and consistently strive for excellence.

These values guide our actions on a daily basis. Officers who are professional, honest, and ethical do not engage in bias based policing. The Garner Police Department is committed to ensuring that all members of our community are treated fairly, in accordance with the law, and without bias.

The Garner Police Department subscribes to the Law Enforcement Oath of Honor, which reads:

On my honor,  
I will never betray my badge,  
my integrity, my character,  
or the public trust.  
I will always have the courage  
to hold myself and others  
accountable for our actions.  
I will always uphold the constitution,  
my community,  
and the agency I serve.

This Oath of Honor our officers take emphasizes that our officers serve with integrity and uphold the Constitution. This Oath of Honor is posted in our buildings and our officers recite it a special events throughout the year to remind them of its importance in guiding our actions.

## Analysis

There are several areas to consider when evaluating bias-free policing by a professional law enforcement agency. These include, but are not necessarily limited to, enforcement actions, (including traffic stops and vehicle searches), use of force, complaints from citizens, and training provided to officers.

### Traffic Stop Data

United States Census Bureau (USCB) Population Data often serves as a baseline of comparison between law enforcement and citizen contact data and can often identify evidence of bias in traffic enforcement. Census population data includes all residents of the community sorted by race and ethnicity providing a number that can be used as a measuring standard for comparison in traffic enforcement. However, this data includes all ages of a population regardless of whether they are, or are not, among the driving population and does not provide data for comparing contacts with non-residents. This is noteworthy because the Town of Garner serves as a primary route into and around the City of Raleigh. We have two main highways and another thoroughfare that are heavily traveled and increase the vehicle traffic counts well above our population. The North Carolina Department of Transportation (NCDOT) traffic counts show average annual daily traffic (AADT) counts for 2013 (the most current data available) on the following roads:

- US 70/401 merge north of Mechanical Blvd. 57,000
- US 70 near I-40 30,000
- Garner Road at the western edge of the city limits 12,000

The total daily traffic count for these roads in 2013 is 99,000, which is just shy of four times the Town's population. Given the volume of traffic, and because there is no current count of the race of drivers as they travel through Garner, the racial composition of the daily driving population may be different from the racial composition of the Town's population. The differences between the racial composition of non-resident drivers and the Town's population will also cause the driving population to be racially different from the Town's population, thus potentially skewing traffic stop data. These differences are likely to occur independently of any action taken by the officers of the Garner Police Department and cannot be the result of bias-based profiling. The unknown composition of drivers is a factor to be considered in any use of race-based census data for the Town of Garner in evaluating traffic stops by officers of the Garner Police Department.

The most straightforward approach to evaluating traffic stop data is to compare the percentage of residents by race in the Town of Garner with the percentage of traffic stops by race of the driver. The USCB reported that the estimated population of the Town of Garner in 2014 was 27,814, which is small when compared to the population of the State of North Carolina at 9,848,917. Caution should be exercised in interpreting percentage data because of statistical distortions caused by small numbers in some categories. For example; if only 1 person in the "Other" race category is stopped and subsequently searched, that data would reflect that 100% of "Other" races stopped were searched when it was only one person. If 100 citizens in the "White" race category were stopped and 50 were subsequently searched, that data would reflect that 50% of citizens in the "White" race category were searched when it was only 50 people out of a much larger population.

The data used in this analysis relies on electronic traffic stop forms submitted by officers. NC [General Statute Chapter 143B-903](#) requires law enforcement agencies to collect and submit "The number of drivers stopped for routine traffic enforcement by law enforcement officers, the officer making each stop, the date each stop was made, the agency of the officer making each

stop, and whether or not a citation or warning was issued.” It also specifies data to be collected on the reason for the stop, searches, arrests and contraband seized. This statute does not apply, nor is the data collected applicable to non-traffic enforcement related activities. This would include drivers stopped for reasonable suspicion of committing crimes unrelated to traffic enforcement.

A comparison is completed quarterly comparing the number of traffic stops conducted and the number of traffic stop forms submitted. Any employee that fails to submit a reasonable (at least 90% of all traffic stops recorded) number of forms is notified with their supervisor. Those quarterly results are on file with the Captain of Administration. The results of the annual comparison show that officers recorded a total of 7,018 traffic stops and an additional 104 impaired drivers (as measured by calls for service nature codes). A total of 6,779 traffic stop forms were submitted, for an overall rate of 95% of all possible traffic stops being recorded by traffic stop forms. Officers have been instructed to label stops of suspicious vehicles, without an underlying stop for motor vehicle violations, as suspicious vehicles in CAD to make the comparison more accurate.

The following traffic contact data was collected from January 1 – December 31, 2015 and compares it with the ten year average for traffic contacts. It summarizes the number of motor vehicle stops conducted by the Garner Police Department based on Race/Ethnicity of the driver. The data represented below is calculated exclusively from traffic stop report forms stored in our Records Management System (RMS).

Race	2010 US Census % of Total	Ten Year Average Traffic Contacts		2015 Traffic Contacts		Deviation from Average
		Number	% of Total	Number	% of Total	
White	58%	3,989	62%	3,725	55%	-264
Black	33%	2,363	37%	2,975	44%	+612
Others	9%	115	1%	79	1%	
<b>Total</b>		7,611	100.0%	6,779	100%	
Non Hispanic	95%	5,882	90%	6,081	90%	
Hispanic	5%	586	10%	698	10%	

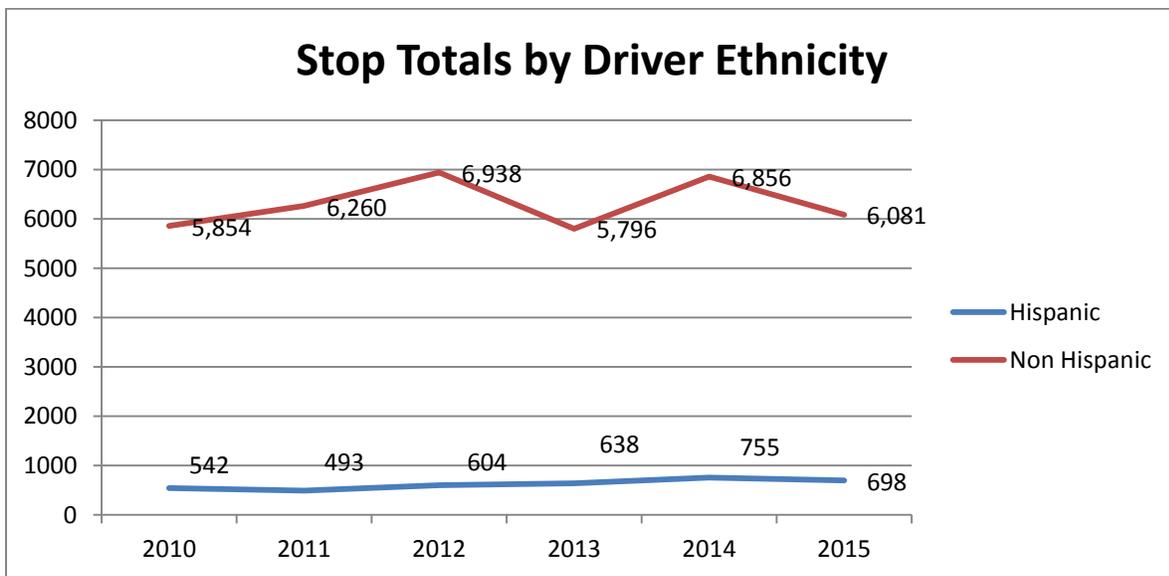
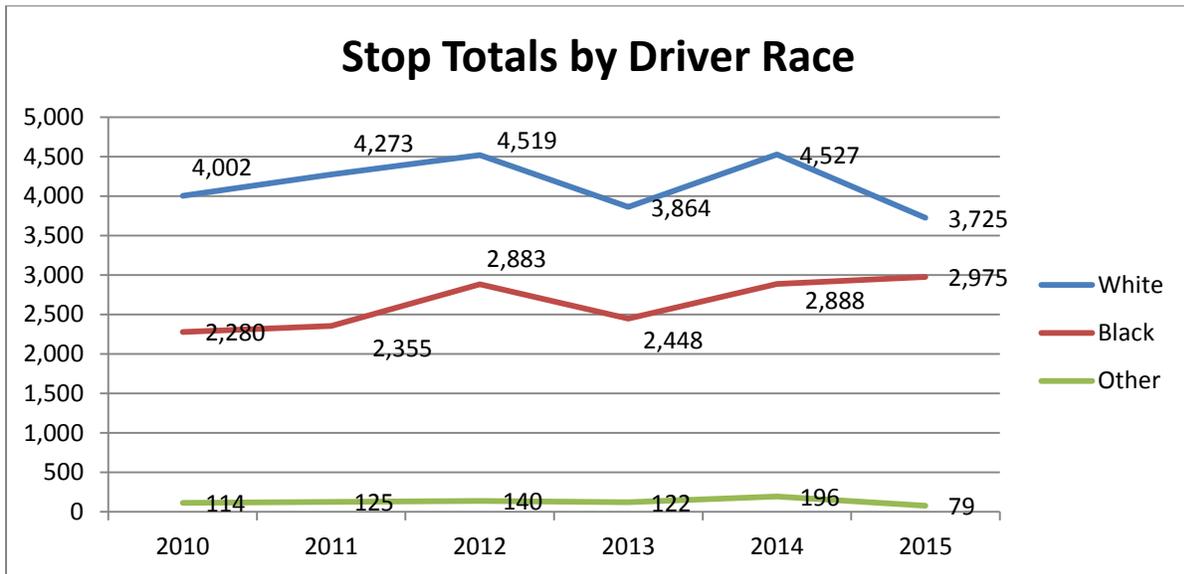
\* Notes:

- 1) Race/ethnicity categories are reported and determined by the officer at the time of the stop, to the best of their ability. In making this determination, officers may rely on the Identification Card issued to the individual by the North Carolina Department of Motor Vehicles.
- 2) The 2010 data is the most recent data available that includes race/ethnicity data.

The data table above indicates the stops recorded in 2015 deviated somewhat from our current 10 year average for percentage by race.

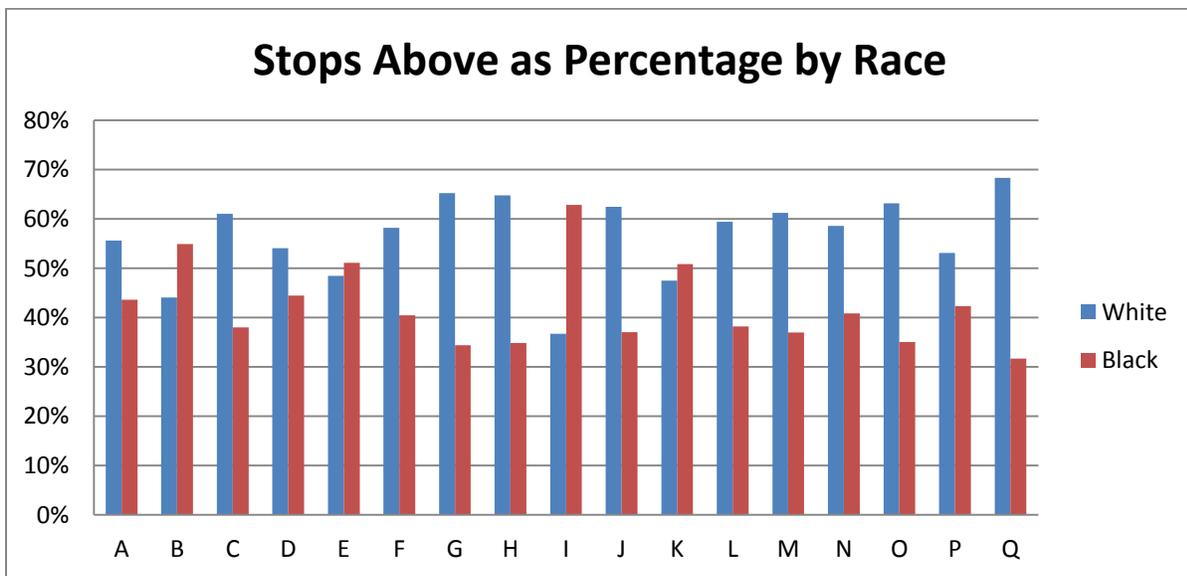
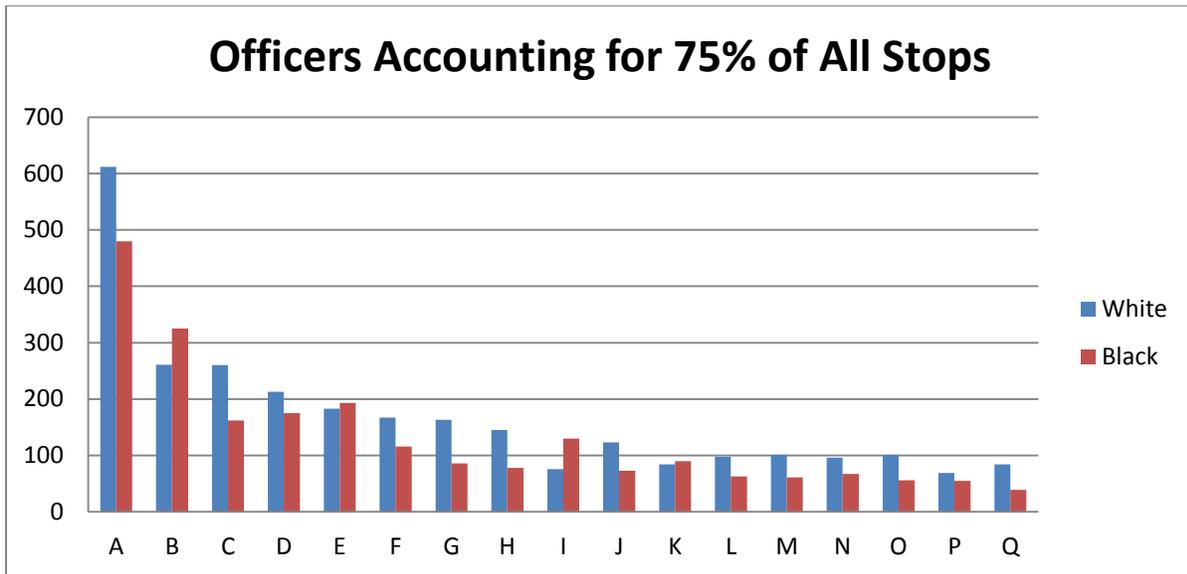
The chart below shows the total stops by race for the previous 5 years. It also shows a downward trend for stops of white drivers and an upward trend of black drivers. As we do not

have more current statistics by race of drivers in the Garner area, it's currently unclear if we are experiencing growth in the minority population or if other factors affected the change.



Examining stops by ethnicity over the same period does indicate some slight changes each year, but overall the trend has remained constant.

A second analysis represented below examined individual officer data, represented anonymously:



The data above indicates just seven officers (about 20% of patrol/traffic staffing) account for 50% of all traffic stops. All 17 officers listed above account for 75% of all traffic stops. One officer listed above received one complaint of “racial profiling” regarding the details of a particular stop. This incident is reflected in the annual report on internal affairs. The same officer recorded approximately 51% black driver stops and 48% white driver stops.

## Reasons for Stops

Because the total population of drivers by race is not known, another method of analysis is to compare the reasons for stops by race. The tables below break down stops by race for the violation indicated:

	Total	White		Black		Other	
Total	6,779	55%	3,725	44%	2,975	1%	79
Checkpoint	66	62%	41	38%	25	0%	0
DWI	73	70%	51	30%	22	0%	0
Investigation	103	49%	50	51%	53	0%	0
Other MV Violation	89	61%	54	39%	35	0%	0
Safe Movement	351	58%	203	41%	143	1%	5
Speeding	2,589	61%	1,573	38%	980	1%	36
Seatbelt	290	47%	137	52%	152	0%	1
Stoplight/sign	444	57%	252	41%	184	2%	8
Vehicle Equipment	1,152	49%	563	50%	577	1%	12
Vehicle Regulation	1,622	49%	801	50%	804	1%	17

The data above indicates stops for investigation, seat belts, and vehicle equipment/regulation may be disproportionate for black drivers. Those stop violations show a higher percentage for black drivers than other violation reasons. The underlying reason for that disparity is unknown. Further research may be warranted beyond the scope of this report.

Similar to the chart above for race, the table below shows the stops by ethnicity:

	Total	Non-Hispanic		Hispanic	
Total	6,779	90%	6,081	10%	698
Checkpoint	66	58%	38	42%	28
DWI	73	88%	64	12%	9
Investigation	103	87%	90	13%	13
Other MV Viol	89	90%	80	10%	9
Safe Movement	351	88%	308	12%	43
Speeding	2,589	89%	2,309	11%	280
Seatbelt	290	92%	266	8%	24
Stop sign/light	444	87%	387	13%	57
Vehicle Equipment	1,152	89%	1,030	11%	122
Vehicle Regulation	1,622	93%	1,509	7%	113

The data above indicates the stops for Hispanic drivers at checkpoints may be disproportionate. A checkpoint is typically conducted by requesting a license and registration from the driver. Drivers without a valid license are often caught at checkpoints and charged. Hispanic immigrant drivers may be unlicensed at a higher rate than Non-Hispanic drivers. Our area is home to many immigrant Hispanics, not all of which are able to legally drive. This may be indicative of

the disproportionate number of Hispanic drivers stopped at checkpoints. Further research may be warranted beyond the scope of this report.

### Enforcement Actions

A second method of analysis compares the enforcement actions by race or ethnicity. According to the forms submitted, the following actions were taken as a result of the stops recorded:

Enforcement Action	Total
Arrest	57
Citation	2,608
No Action	93
Verbal Warning	2,269
Written Warning	1,752

However, a comparison of arrest and citation data indicates the totals above may not be accurate and may misrepresent the percentages of drivers arrested, cited, or warned. Specifically, the chart bellows represents a count of traffic citations, warnings, and custody arrests for traffic violations:

Enforcement Action	Total
Arrest – DWI	95
Arrest – Other Traffic	58
Citations	2,968
Written Warnings	1,543

\*Source: Arrest was calculated by counting the number of arrest entries in RMS in which a DWI or traffic offense was recorded. It does not count the number of charges, but only the number of unique arrest records. It also does not count any arrests for other violations (such as drug possession) that originated with a traffic stop but did not include any traffic violations in the arrest report. Citation and warning counts were calculated using the traffic citation module of RMS, counting the number of citation records with traffic charges or warnings. This may duplicate some citations entered for custody arrests, but the overall impact is small.

Using traffic stop form data, enforcement action is broken down by race as follows:

Action	White		Black		Other	
Arrest	45%	26	55%	31	0%	0
Citation	55%	1,442	44%	1,135	1%	31
None	54%	50	45%	42	1%	1
Verbal Warning	52%	1,187	47%	1,056	1%	26
Written Warning	58%	1,020	41%	711	1%	19

Using arrest and citation data, the breakdown is as follows:

Action	White		Black		Other	
Arrest	60%	74	40%	50	0	
Citation	54%	1,602	43%	1,271	3%	95
Written Warning	59%	903	37%	577	4%	63

Comparing the data from traffic stop forms to our arrest module, there is a significant difference

in the arrest rate by race. Given the larger, more easily verified data set available in our arrest module, the agency should consider the arrest rate gathered from the arrest module with greater weight than that reflected on traffic stop forms. The rates measured for citations and written warnings closely match those reflected on form data. The data above indicates the rate of arrest and written warnings for black drivers is less than the overall stop rate for black drivers. The citation rate for black drivers closely matches the overall stop rate.

The following table illustrates the percentage of each action taken by ethnicity and gender using traffic stop form data:

Action	Non-Hispanic		Hispanic		Male		Female	
Arrest	91%	52	9%	5	86%	49	14%	8
Citation	87%	2,259	13%	349	58%	1,501	42%	1,107
None	90%	84	10%	9	60%	56	40%	37
Verbal Warning	91%	2,056	9%	213	61%	1,373	39%	896
Written Warning	93%	1,630	7%	122	54%	954	46%	798

\* There is no sample of citation and arrest data available by ethnicity, as the ethnicity is not captured reliably in our RMS. RMS statistics indicate males account for 79% of arrests, 59% of citations, and 54% of written warnings.

The data above indicates that while the overall stop rate for Hispanic drivers is approximately 10%, the rate of citations issued is slightly higher, at 13%, while the rate for other actions is close to or slightly lower than the stop rate.

### Searches of Drivers

The total number of searches recorded in traffic stop forms is small compared to the total number of stops (108 searches out of 6,779 stops). In preparing the data for this report, it was noticed that the total number of searches does not match the minimum number of searches that should have occurred based on the following criteria:

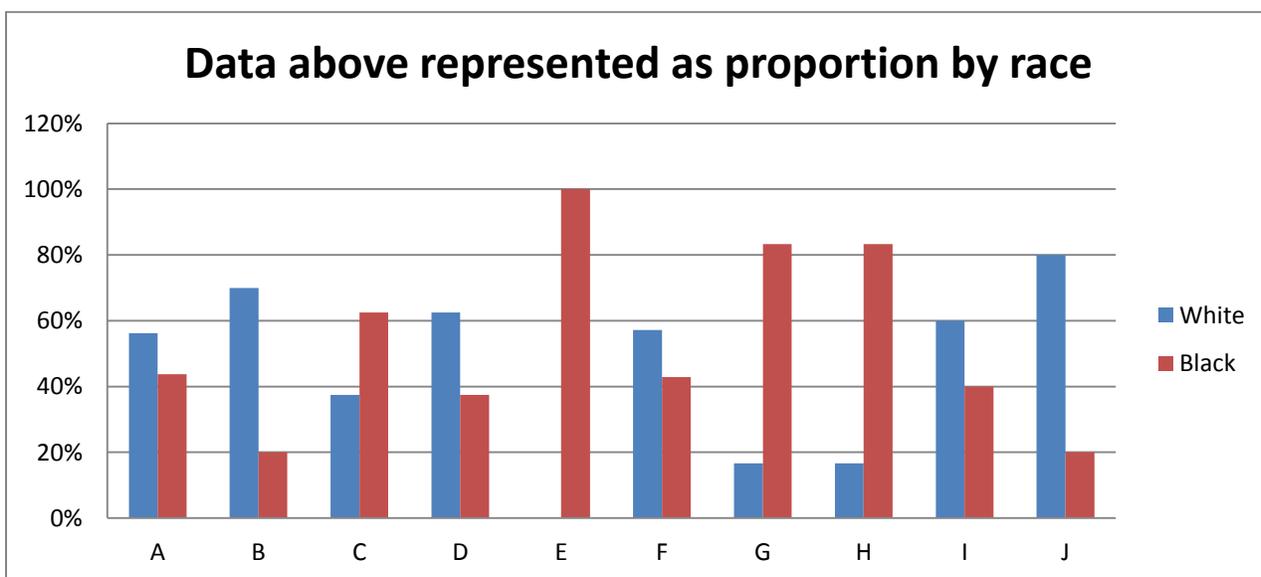
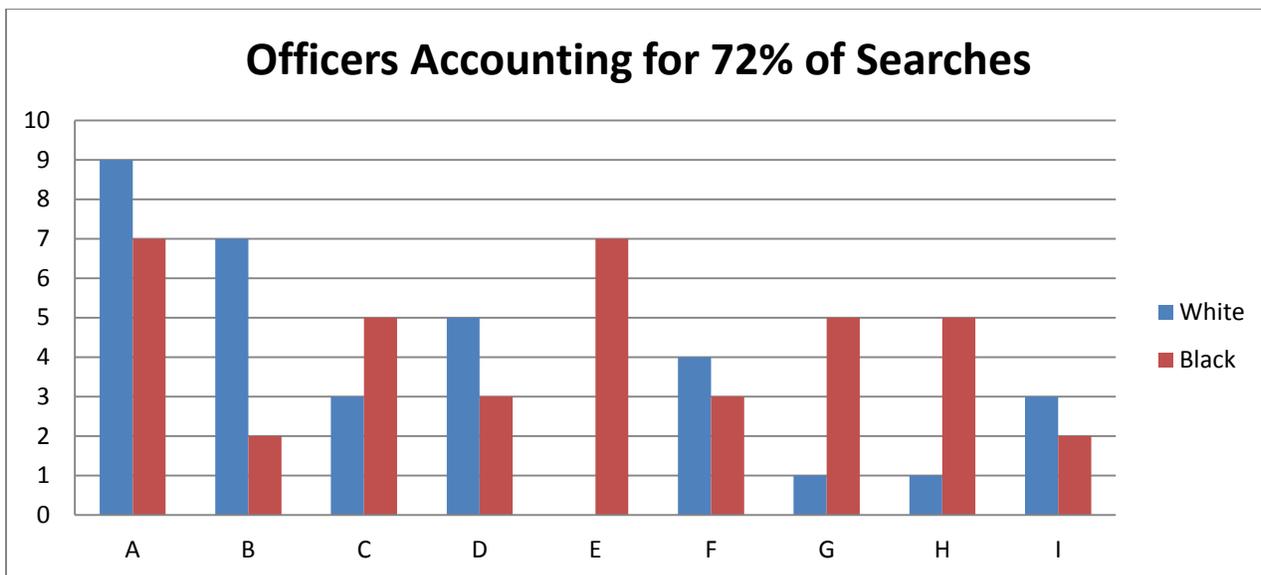
- 1) Any driver arrested must be searched, per policy and supporting practices. Arrest data previously cited indicates at least 124 drivers were arrested for traffic-related charges.
- 2) An unknown number of additional searches are expected to have occurred based on driver consent, probable cause or other factors. These searches may or may not have yielded an arrest.

Therefore, the total number of searches recorded in traffic stop forms should far exceed the total number of traffic arrests. In addition, the department makes many drug arrests that arise from traffic stops. While it is beyond the scope of this report to attempt to calculate the number of drug arrests from traffic stops, the number provided in the traffic stop form data is insufficient. Given the caveat that the data set is small and unreliable, the following statistics are available from traffic stop form data on searches:

Driver Race	Searched	Total Stopped	Percentage of Searches	Search Rate	Hit Rate
White	50	3725	46%	1.3%	36%
Black	57	2975	53%	1.9%	37%
Other	1	79	1%	1.3%	0%

This data also indicates that a higher percentage of searches are for black drivers than white drivers. The rate of drivers searched, per drivers stopped, is below 2% for drivers of any race.

The tables below examine the search data for officers conducting the majority of traffic stop searches.



The data above indicates that only one officer searched drivers of only one race (black drivers). That officer conducted only seven reported searches. Given that our data set is limited, it would not be wise to draw any conclusions about this officer from the data alone. To correct this in 2016, recommended changes can be found in the summary of this analysis.

Out of 108 searches, form data indicates contraband was seized in 39 of those searches, for an overall "hit rate" of 36%. There was little difference reported in hit rate of searches reported by race of driver.

The following table examines search data broken down by driver ethnicity:

Driver Ethnicity	Searched	Total Stopped	Percentage of Searches	Search Rate	Hit Rate
Hispanic	9	698	8%	1.3%	22%
Non Hispanic	99	6,081	92%	1.6%	37%

Another measure that could apply to bias is the likelihood of a search based on the driver race and the reason for stop. This table lists the percentage of drivers searched for that stop reason:

Reason for Stop	Black Search Rate	Searched/ Stopped	White Search Rate	Search/ Stopped	Overall Search Rate	Searched/ Stopped
Checkpoint	16.00%	4/25	0.00%	0/41	6.06%	4/66
DWI	9.09%	2/22	17.65%	9/51	15.07%	11/73
Investigation	11.32%	6/53	4.00%	2/50	7.77%	8/103
Other Traffic Violation	2.86%	1/35	3.70%	2/54	3.37%	3/89
Safe Movement	4.90%	7/143	0.99%	2/203	2.56%	9/351
Speeding	1.02%	10/980	0.83%	13/1,573	0.89%	23/2,589
Seat Belt	0.00%	0/152	1.46%	2/137	0.69%	2/290
Stop Light/Sign	1.63%	3/184	1.19%	3/252	1.35%	6/444
Vehicle Equipment	1.73%	10/577	1.60%	9/563	1.65%	19/1,152
Vehicle Regulatory	1.74%	14/804	1.00%	8/801	1.42%	23/1,622

While there are some categories of stops that show a disparate search rate between races, the total number of searches for those categories is very small. In stop reasons with significant numbers of searches, such as speeding or vehicle equipment/regulatory violations, the search rate for black drivers is similar to that of white drivers and similar to the overall search rate.

## Asset Forfeiture

The Garner Police Department did not seize any large assets in 2015.

## CALEA Accreditation Standards

The Garner Police Department is currently accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and has held this accreditation since 1994. CALEA Law Enforcement Standard 1.2.9 addresses “Bias Based Profiling” and sets forth specific criteria that an accredited law enforcement agency must meet in order to maintain accreditation.

Standard 1.2.9 requires that, “The agency has a written directive governing bias based profiling and, at a minimum, includes the following provisions:

- a prohibition against bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts;
- training agency enforcement personnel in bias based profiling issues including legal aspects;

- corrective measures if bias based profiling occurs; and
- a documented annual administrative review of agency practices including citizen concerns.

CALEA also offers the following commentary related to this standard for law enforcement agencies:

*“Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups. Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.*

*Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.”*

The Garner Police Department continues to meet and exceed the requirements set forth in this regard and collects proofs that are provided to CALEA as part of our ongoing accreditation process.

## **In-Car Camera Systems**

The Garner Police Department utilizes Mobile Video Recorder (MVR) systems, more commonly known as “in-car cameras.” This is audio/video recording equipment designed for fixed installation within a police vehicle. The use of in-car camera systems provides for accountability and consistent review of officer performance and allows supervisors to assess training needs and accurately investigate any complaints received. We currently equip all of our primary enforcement vehicles, including our Patrol Division and Traffic Safety Officers, with in-car camera systems.

This equipment is a valuable tool, not only in the prosecution of traffic violations and criminal offenses, but in the evaluation of officer tactics and performance and for training and complaint review purposes. Garner police officers record all citizen interactions, including traffic stops, calls for service, and incident calls. Officers are required to record any call with contact with a complainant if the officer is close to his vehicle and can record the interaction.

Garner Police Policy 430.02, Use of Recording Devices, states: *Personnel, who supervise officers utilizing MVR equipment, or other recording devices, are responsible for conducting reviews of recorded media to assess officer performance, determine whether recording devices are being fully and properly used, and to identify material that may be of value for training purposes.* This review allows us another means of identifying bias in the action of our officers. The collective reviews conducted in 2014 did not identify any instances of biased-based policing by our personnel.

## Officer Training

The department received mandatory training on Juvenile and Minority Sensitivity Training in 2015. In 2016, we will be providing training on Implicit Bias. Implicit bias recognizes that all persons have some level of bias. Recognizing that implicit bias exists and how it affects policing is important. This will further reduce the likelihood of developing a pattern of racial bias or profiling in our agency.

## Summary

The analysis conducted for this report goes into significant detail, examining various data points that could be used to detect bias. While some data points indicate the possibility of disproportionate affects, those data points are very small. Small changes in data can produce dramatically different results. For example, the rate for arrest on traffic stop forms is significantly different than the rate for traffic arrests from our RMS. This data cannot be used by itself to form conclusions. To correct this moving forward, the following changes have been implemented for 2016:

- Monthly statistics supervisors generate now include forms submitted, arrests, searches, and comparisons to traffic arrest data.
- The quarterly review of traffic stop data also includes summary data on forms, arrests, searches and traffic arrest data.
- Officers can see a running total of their 2016 traffic stop form data that indicates totals for stops by violation and enforcement action by race, as well as arrests and searches.

The changes listed above are intended to provide immediate feedback to all employees on the progress towards meeting the goal of entering 100% complete, accurate data on traffic stop forms.

Our traffic stop data is publicly available on the internet at <http://trafficstops.ncdoj.gov/> and a new website Open Data Policing NC at <https://opendatapolicingnc.com/>. While the proportion of black motorists stopped is out of proportion with the census statistics for the Garner town limits, the results do not indicate the presence of racial bias or profiling in our agency. This statement is supported by the following facts:

- *We have an open and readily available system in place to receive community complaints and concerns. We have not received complaints from the community that our agency is racially biased. Minority members of the public have spoken out publicly in support of our agency. We have met openly and willingly with organizations that support civil rights and the welfare of minority groups.*
- *While the data publicly available is out of proportion to the census data, no data exists to indicate that the driving public on Garner roadways matches the census data. Garner is*

*a gateway community to Raleigh and many motorists travel through Garner on the way into and out of Raleigh. The traveling public may differ by race than our census statistics.*

- *How motorists are treated at a stop is just as important as their race. Our agency has a reputation for treating the public fairly and with dignity and respect. Statistics cannot measure dignity and respect. We have cameras that record driver and officer interaction at traffic stops and all complaints are investigated fully. No officers have been found to have mistreated drivers at traffic stops or arrests in 2015.*

This analysis has shown shortcomings in the data we are submitting in compliance with the NCGS 143B-903. The overall number of traffic stops reported is consistent with the number of stops performed by our officers. However, the quality of that data is in question. Without reliable data, conclusions from that data are not possible. It is recommended that the Captain of Administration conduct training on the requirements for data submitted in compliance with NCGS 143B-903. In addition to the quarterly audit of raw numbers for traffic stops, the Captain of Administration should compare available data on traffic stop arrests and searches to the data being captured for this program. Any officers found to be out of compliance should be identified for remedial training and/or corrective action.