2013 Annual Report

Missouri Vehicle Stops

Missouri Attorney General - Chris Koster

Executive Summary

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Background

Concerns by the citizens of Missouri and the Missouri legislature regarding allegations of racial profiling by law enforcement prompted the passage of state law Section 590.650, RSMo (2000), which was enacted Aug. 28, 2000. Racial profiling has been defined as the inappropriate use of race by law enforcement when making a decision to stop, search or arrest a motorist.

Missouri's state law requires that all peace officers in the state report specific information including a driver's race for each vehicle stop made in the state. Law enforcement agencies are required to provide the data to the Attorney General, and the Attorney General is required to compile the data and report to the Governor no later than June 1 of each year. The law allows the Governor to withhold state funds for any agency that does not comply with the law. State law requires that all information be reported to the Attorney General's Office by March 1.

The summary of statewide racial profiling data has been provided by Scott H. Decker, professor and director of the School of Criminology and Criminal Justice at Arizona State University; Richard Rosenfeld, professor in the Department of Criminology and Criminal Justice at the University of Missouri-St. Louis; and Jeffrey Rojek, assistant professor in the Department of Criminology and Criminal Justice at the University of South Carolina.

2013 Statewide Summary of Results

Key indicators	Total	White	Black	Hispanic	Asian	Am. Indian	Other
Population	4,730,501	3,914,998	515,828	139,109	80,677	19,168	60,721
Stops	1,679,565	1,330,720	290,941	29,961	14,791	1,683	11,469
Searches	106,631	72,614	29,985	3,066	432	99	435
Arrests	81,510	55,916	22,471	2,441	310	82	290
State population %	100.00%	82.76	10.90	2.94	1.71	0.41	1.28
Disparity Index	---	.96	1.59	.61	.52	.25	.53
Search rate	6.35	5.46	10.31	10.23	2.92	5.88	3.79
Contraband hit rate	23.92	26.31	18.85	18.04	16.44	24.24	22.07
Arrest rate	4.85	4.20	7.72	8.15	2.10	4.87	2.53

Notes: Population figures are 2010 Census for persons 16 and older who designated a single race. Hispanics may be of any race. Other includes persons of mixed race and unknown race.

Disparity index = (proportion of stops / proportion of population). A value of 1 represents no disparity; values greater than 1 indicate over-representation; values less than 1 indicate under-representation.

Search rate = (searches / stops) x 100.
Contraband hit rate = (searches with contraband found / total searches) x 100.
Arrest rate = (arrest / stops) x 100.

#Error indicates zero denominator

Statewide Findings

This report summarizes the data from 613 law enforcement agencies in Missouri for 2013. An additional 66 agencies indicated they made no vehicle stops during the year. This represents 96 percent of the 708 law enforcement agencies in the state.

The agencies filing reports recorded a total of 1,679,565 vehicle stops, resulting in 106,631 searches and 81,510 arrests. Table 1 breaks out the stops, searches and arrests by race and ethnic group.[1]

Four summary indicators are included in Table 1 that may be useful in initiating further assessments of racial profiling in traffic stops. The first, termed the "disparity index," relates each group's proportion of total traffic stops to its proportion of the driving-age population 16 years old and older. [2]

A value of 1 on this index indicates that a group's proportion of vehicle stops equals its population proportion: it is neither "under-represented" nor "over-represented" in vehicle stops. Values above 1 indicate over-representation, and those below 1 indicate under-representation.

For example, the 1,330,720 whites who were stopped accounted for 79.2 percent of all vehicle stops in 2013.

Whites comprise an estimated 82.8 percent of Missouri's driving-age population. The value for whites on the disparity index is, therefore, .96 (.792/.828). Whites were stopped, in other words, at slightly below the rate expected based on their fraction of the estimated population age 16 and older.

The same is not the case for several other groups. African-Americans represent 10.9 percent of the population 16 and older but 17.32 percent of all vehicle stops, for a value on the disparity index of 1.59. African-Americans were stopped at a rate 59 percent greater than expected based solely on their proportion of the population 16 and older.

Hispanics, Asians, American Indians, and persons of mixed or unknown race were stopped at rates well below their proportion of the driving-age population. The values on the disparity index for the different groups can be compared directly to one another. For example, the likelihood that an African-American motorist was stopped is 1.66 times that of a white motorist (1.59/.96). In other words, African-Americans were 66 percent more likely than whites to be stopped based on their respective proportions of the Missouri driving-age population in 2013.

The disparity index is a gauge of the likelihood drivers of a given race or ethnic group are stopped based on their proportion of the residential population 16 and older, and not on the population of motorists on the state's streets, roads and highways. A group's share of the residential population 16 and older may or may not equal its proportion of drivers.

Although in most instances the two proportions should be close, that may not always be the case.

The extremely low disparity index value for American Indians, for example, could indicate that they are under-represented among the state's motorists. In addition, motorists from other states are stopped on Missouri's roadways. To the extent that out-of-state drivers do not reflect the race and ethnic composition of Missouri's population, the disparity index will not accurately portray the probability that Missouri residents are stopped.

The second indicator that can be used to assess racial profiling is the "search rate," or the number of searches divided by the number of stops (x 100).

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1 Hispanics may be of any race. About 1 percent of the population designated two or more races. These persons are included in the "Other" category along with persons of unknown race.

2 The population totals in the table are from the 2010 Census.

(Searches include searches of drivers or property in the vehicle.)

The search rate for all motorists who were stopped is 6.35 percent. Asians were searched at a rate well below the statewide average, and African-Americans and Hispanics were searched at rates above the average for all motorists who were stopped.

The search rates for the groups also can be compared directly with one another. African-Americans were 1.89 times more likely to be searched than whites (10.15/5.46). Hispanics were 1.87 times more likely than whites to be searched (10.23/5.46).

The reasons for conducting a search and the outcome of the search (such as finding contraband) should be considered when making comparisons across groups.

Some searches are conducted with the consent of the driver, or because the officer observed suspected contraband in plain view, had reasonable suspicion that an individual may possess a weapon (Terry search), or other reasons. These searches may or may not result in an arrest.

Other searches are conducted incident to arrest, which means there is no other reason given for the search other than arrest. Searches are almost always performed when there is an outstanding arrest warrant, whether or not contraband may be present.

The third summary indicator, the "contraband hit rate," reflects the percentage of searches in which contraband is found. Contraband was found in 23.92 percent of all searches conducted in 2013. There is considerable variation, however, in the contraband hit rate across race and ethnic groups.

The contraband hit rate for whites was 26.31 percent, compared with 18.85 percent for African-Americans and 18.04 percent for Hispanics. This means that on average searches of African-Americans and Hispanics are less likely than searches of whites to produce contraband. This difference may result in part from the higher arrest rates for African-

Americans and Hispanics, circumstances that compel a search.

The "arrest rate" is the fourth summary indicator included in Table 1 that may be useful for assessing racial profiling. Just under 5 percent of all vehicle stops resulted in an arrest (81,510/1,679,565). The probability of arrest varies across the race and ethnic groups.

Approximately 8 out of every 100 stops of African-Americans and Hispanics resulted in arrest, compared with about 4.2 percent of the stops of whites. African-Americans and Hispanics are searched more often than whites, but they are arrested more often as well.

There are two appendices to this year's full report. Appendix A presents the vehicle stop analysis using the statewide proportions of race and ethnicity, rather than those for each jurisdiction.

This year's report compares the 2013 disparity index to the disparity indexes for 2000 through 2012. [3] These comparisons are presented in Appendix B.

For each agency, the disparity index for each race-ethnic group is presented for 2000-2013. For the state as a whole, the key indicators generally show small changes between the years 2012 and 2013.

A reasoned determination of the existence of racial profiling in a community requires a comprehensive evaluation of the full range of information compiled in the agency reports. This brief summary of selected indicators for the state as a whole is intended to stimulate those local evaluations and dialogue.

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3 Caution should be used when comparing 2000 to subsequent years, especially for smaller agencies, because the 2000 figures are based on only four months of traffic data, while those for subsequent years are based on the full calendar year.

Table 2. Agencies that did not submit reports as required by state law

Bates City Police Department	Birch Tree Police Department	BNSF Railway Police	Camden Point Police Department
Catron Police Department	Edgerton Police Department	Everton Police Department	Farber Police Department
Florissant Valley Community College	Howard County Sheriff's Department	Huntsville Police Department	Indian Point Police Department
Iron Mountain Lake Police Department	Jennings Police Department	Kimmswick Police Department	Kinloch Police Department
Lake Lafayette Police Department	Lowry City Police Department	Miller Police Department	Mirmiguoa Police Department
New Melle Police Department	Oran Police Department	Stewartsville Police Department	Uplands Park Police Department
Urbana Police Department	Wellston Police Department		

Table 3. Agencies that submitted incomplete reports

Malden Police Department	St. Louis Park Rangers	Lockwood Police Department

Table 4. Agencies that reported no stops (many contract out vehicle stops to other agencies)

Altenburg Police Department	Atlanta Police Department	Bell City Police Department	Berger Police Department
Bevier Police Department	Birmingham Police Department	Bland Police Department	Bull Creek Village Police Department
Bunker Police Department	Centerview Police Department	Chilhowee Police Department	Clarksdale Police Department
Clarkson Valley Police Department	Cool Valley Police Department	Cooter Police Department	Cowgill Police Department
Deepwater Police Department	Dellwood Police Department	Dudley Police Department	East Lynne Police Department
Easton Police Department	Eolia Police Department	Fairfax Police Department	Fisk Police Department
Flordell Hills Police Department	Forest City Police Department	Gainesville Police Department	Gilman City Police Department
Golden City Police Department	Grant City Police Department	Hale Police Department	Higbee Police Department
Holland Police Department	Irondale Police Department	Jackson County Drug Task Force	Keytesville Police Department
Laddonia Police Department	Lake Annette Police Department	Latour Police Department	Marquand Police Department
Mayview Police Department	Meramec College Police Department	Missouri Department of Revenue	Mokane Police Department
Montrose Police Department	Naylor Police Department	Neelyville Police Department	Norfolk Southern Railway Police
Novinger Police Department	Olympian Village Police Department	Otterville Police Department	Pasadena Park Police Department
Shelbyville Police Department	Sheldon Police Department	St. George Police Department	Sycamore Hills Police Department
Tallapoosa Police Department	Taos Police Department	Theodosia Police Department	Union Star Police Department
Walker Police Department	Wardsville Police Department	Westwood Police Department	Wildwood Police Department
Windsor Police Department	Wyatt Police Department		

Analysis by Attorney General Koster

Fourteen years ago Missouri released its first report on vehicle stop data. This report represents the fourteenth annual analysis of vehicle stop data in Missouri, a review that includes information about 1,679,565 million stops by law enforcement in the state during 2013. The report can be compared to data going back to 2000 on the Attorney General's website at ago.mo.gov.

In 2004, state law was changed to require law enforcement to include investigative vehicle stops in their reports, in addition to the stops for traffic violations.

The analysis in 2005, 2006, 2007, 2008 and 2009 used census estimates to reflect the changes in Missouri's population since the 2000 census. That census was the benchmark for the previous five reports. The 2010, 2011, 2012 and 2013 analysis used census estimates from the 2010 census.

As our state's population changes in number and demographics, these census estimates can help provide a more accurate benchmark to analyze the data.

The overall number of stops reported increased in 2013. As it has in the past, the disparity index for African-American drivers continues to be of significant concern. The disparity index for African-American drivers increased slightly from 1.57 in 2012 to 1.59 in 2013. The disparity index for Hispanic drivers also increased slightly from .60 in 2012 to .61 in 2013. Both groups continue to have search rates significantly higher than that of white drivers.

These findings continue a disturbing trend for African-American drivers in Missouri. The disparity index for African-American drivers has increased in eleven of the last fourteen years, with only slight drops three times: to 1.34 in 2004 from 1.36 in 2003, to 1.61 in 2010 from 1.62 in 2009 and to 1.57 in 2012 from 1.63 in 2011. The 2013 disparity rate of

1.59 compares to a rate of 1.27 fourteen years ago. African-American drivers were 66 percent more likely than white drivers to be stopped based on the proportion of driving-age population in 2013, compared to 30 percent more likely than white drivers in 2000.

With 613 law enforcement agencies conducting vehicle stops in Missouri, there is no single explanation why these disparities exist. This report provides statistical information so the data from each agency can be examined, and appropriate questions asked of those agencies.

One of the best uses of these reports is as a springboard for dialogue and communication between law enforcement agencies and the communities they serve. It is vital that Missouri law enforcement agencies continue to review the rates of stops and searches and to continue their outreach efforts.

While statistical disproportion does not prove that law enforcement officers are making vehicle stops based on the perceived race or ethnicity of the driver, the compilation and analysis of data provides both law enforcement and the community with a starting point for dialogue to appreciate each other's perspective and arrive at common ground.

I am proud that Missouri took a leading role, under the stewardship of then-Attorney General Nixon, Governor Carnahan and many in the legislature, in passing legislation requiring the collection and examination of vehicle stop data on this scale. I pledge to continue that tradition in carrying on the detailed and critical examination necessary to ensure fairness to Missouri's law enforcement application. It is my hope that this report may serve as a springboard to open dialogue and legislative review.

We continue to show that commitment through laws that require each law enforcement agency not only to have a written policy regarding racial profiling,

but also to provide additional training to officers and to promote the use of effective, non-combative methods for carrying out their duties in a racially and culturally diverse environment.

Missouri's law enforcement members continue to do commendable work in the face of many challenges. I appreciate their efforts and willingness to compile the information for these annual reports.

The number of agencies that did not comply with the vehicle stops reporting law in 2013 increased to 26. This represents a slight increase from 2012 when 23 departments failed to report. Failure to report is unacceptable and should be considered so by the General Assembly. A list of these agencies has been turned over to the Governor for imposition of the statutory sanctions.

Along with the data, several individual law enforcement agencies provided other information about factors that may impact their numbers. The reader should consider these factors when examining the data.

Law-abiding drivers have the right to travel throughout Missouri without the fear that they will be stopped based solely on their race or ethnicity. I am confident that Missourians of all races and ethnic groups and law enforcement officers from throughout the state agree with me.

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