Empower Missouri response in bold with narrow margins.

Department Source: City Manager and Police Departments
To: City Council
From: City Manager & Staff
Council Meeting Date: November 6, 2017
Re: Vehicle Stops and Listening Tour Summary

Executive Summary

The racial disparities in the Columbia Police Department's vehicle stops data has been the source of concern and alarm for many members in the community. In order to better understand the racial disparities in vehicle stops, City staff have studied and reviewed the data. The City Manager, Police Chief, CPD command staff, and other City staff also went on a listening tour and participated in the NAACP's Community Engagement on Policing, Equity and Civility to get public input on the racial disparities and learn about individuals' personal experiences with vehicle stops. The purpose of this report is to provide information on the Missouri Attorney General's *Vehicle Stops Report* and the vehicle stops data for the Columbia Police Department; discuss the listening tour and the overarching themes that were identified from the meetings; discuss the NAACP's Community Engagement on Policing, Equity and Civility and address the five recommendations that have initially resulted from that process; identify measures that the City has implemented to address racial disparities in traffic stops and other equity issues; and identify additional potential measures that the City could undertake to address racial disparities and other equity issues.

Empower Missouri welcomes these efforts.

It is important to keep in mind that "whiteness" and "blackness" are social constructs intended to support oppression. Empower Missouri rejects the United States' heritage of racism that has kept us from ever being truly united. It is important to acknowledge the strengths and gifts that come from diverse ethnic heritages. We can only make progress by working together to fix disproportions in law enforcement but also in the rest of the criminal justice system, in education, in financial opportunities, in housing, in health care, and in all other aspects of life.

This report mainly addresses policing, but includes aspects of social justice, including the suggestions that have come out of the NAACP engagement process and the city's strategic planning initiatives. The work of the Mayor's Task Force on Community Violence remains an excellent model for how small group of community members can produce a strategy covering a broad range of socioeconomic facets. We look forward to continuing to be part of this effort.

Discussion

Missouri Attorney General's *Vehicle Stops Report*

State law requires all peace officers to report specific information about every vehicle stop that is made in Missouri. Examples of the information that is collected includes the race of the driver, reason for the stop, outcome of the stop, whether or not a search was conducted, whether or not contraband was found during a search, and whether or not an arrest occurred as a result of a stop. Each year law enforcement agencies submit their data on vehicle stops to the Missouri Attorney General's Office and the data is published in the *Vehicle Stops Report*.

In addition to collecting and publishing the data, the *Vehicle Stops Report* analyzes the state's aggregate vehicle stops data by race/ ethnicity according to four summary indicators:

- Disparity Index: "The 'disparity index' compares the percentage of traffic stops involving members of a certain group to the percentage of driving-age individuals who are members of that group, as measured by the 2010 Census."[1] This indicator is calculated using the following formula: (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: "The 'search rate' reflects the percentage of stopped drivers whose person or vehicles were searched as part of the stop. Searches include searches of drivers or property in the vehicle."[2] This indicator is calculated using the following formula: (searches / stops) X 100.
- Contraband Hit Rate: "The 'contraband hit rate' reflects the percentage of searches in which contraband is found."[3] This indicator is calculated using the following formula: (searches with contraband found / total searches) X 100.

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[1] Missouri Attorney General. "Vehicle Stops Report." Executive Summary. (https://ago.mo.gov/home/vehicle-stops-report).
[2] Missouri Attorney General. "Vehicle Stops Report." Executive Summary. (https://ago.mo.gov/home/vehicle-stops-report).
[3] Ibid.

- Arrest Rate: "The 'arrest rate' reflects the percentage of stopped drivers who are arrested during the stop."[4] This indicator is calculated using the following formula: (arrests / stops) X 100.

> **The VSR includes data for more than fifty categories of stop information. Usually these are more informative than the summary indicators. For instance, searches can be conducted for many different reasons. Officers must make a search when they arrest someone, so these involve a low level of officer discretion. But consent, drug-dog alert, drug-alcohol odor and reasonable suspicion-weapon searches involve a great deal of officer discretion, which means this data offers especially robust information to examine when trying to identify if officers are influenced by racial stereotypes. A full response by an agency should cover disproportions occurring in all categories, although the agency must figure the disproportions on its own—or use reports generated by Empower Missouri from the complete VSR data set.**
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> **Disproportions for stops are figured on the basis of the proportions of drivers from various racial and ethnic groups. The VSR estimates these proportions based on census data. The estimates can be flawed, but those for Columbia probably aren't too far off, and the city doesn't challenge them in this report.**
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> **White drivers probably enter Columbia at a higher proportion than the resident population, so the proportion of black drivers is probably lower than the census data for residents. The net effect of this would be that the disproportions evident in VSR data for black drivers are understated.**
>
> **The preferred way to estimate proportions is by an observational study. Academics have developed dependable methods for observing drivers in select places at select times in order to make estimates. Columbia may have academics who could help set up a study. Volunteers could be paired with officers to make observations.**
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> **Disproportions in what officers do after a stop has been made, such as issuing citations or asking for consent to a search, can be figured on the basis of the group proportions of drivers stopped. Officers have been face-to-face with the drivers and formed an impression of group membership. No estimate is involved, so the disproportions are more trustworthy. The VSR does not provide post-stop disproportions, but they are easy to calculate; Empower Missouri issues stop and post-stop reports for all 600 Missouri agencies using the complete VSR data set.**

The *Vehicle Stops Report* publishes the vehicle stops data and calculates the summary indicators for every law enforcement agency that submits data. The data for the Columbia

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[4] Ibid

Police Department displays racial disparities with vehicle stops. Two areas where the racial disparities are most prevalent are the disparity indexes and search/ contraband hit rates for the white and black populations.

The disparity index is the first summary indicator that shows racial disparities. In 2016, the Columbia Police Department conducted 11,819 vehicle stops. Of those stops, 3,691 occurred with black drivers and 7,416 occurred with white drivers. The disparity index for black drivers was 3.13; black drivers accounted for 31.23 percent of all vehicle stops and made up 9.96 percent of the local population. By comparison, the disparity index for white drivers was 0.79; white drivers accounted for 62.75 percent of all vehicle stops and made up 79.71 percent of the local population. As it was previously stated, "a value of 1 represents no disparity; values greater than 1 indicate over-representation, values less than 1 indicate under-representation."[5] When comparing the proportion of vehicle stops to the proportion of the population it can be seen that black drivers were over-represented in the vehicle stops. When comparing black drivers and white drivers, it can also be seen that black drivers have a disparity index nearly four times greater than the disparity index for white drivers.

> **The Executive Summary of the VSR recommends that non-White disparity indexes be divided by White disparity indexes, which expresses the disproportion as, "Members of the non-White group are affected at a rate x times the white rate." This is known as a ratio of disparity. It is a more straightforward way to express disproportions. Empower Missouri reports rely on this statistic.**

The search rates and corresponding contraband hit rates is another area where racial disparities are present. In 2016, black drivers experienced a search rate of 16.58 and a contraband hit rate of 39.38. By comparison, white drivers experienced a search rate of 9.22 and a contraband hit rate of 40.20. As it can be seen from the rates, black drivers were searched at higher rates compared to white drivers, but the searches on black drivers yielded contraband at a slightly lower rate compared to white drivers.

There are improvements that can be made to the *Vehicle Stops Report*. One issue with the report is that the data lacks definitions and guidelines which leads to inconsistencies in how it is collected and reported. For example, there are four "reasons" for a vehicle stop listed on the report: moving, equipment, license, and investigative. When an officer conducts a stop he/she selects the reason for the vehicle stop. Because there are not definitions or guidelines for reporting the data, two officers may experience the same situation and report it differently.

Take the following scenario as an example: An officer conducts a vehicle stop because a driver failed to use their turn signal when switching driving lanes. When discussing the reason for the stop with the driver the officer discovers that the turn signal equipment on the driver's

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[5] Ibid.

vehicle is defective. When recording this event the officer must use his/ her discretion to decide if the reason for the vehicle stop is moving (failing to use a turn signal while switching lanes) or equipment (the turn signal equipment was defective). As it can be seen from this example, and there are many others similar to this one, without clear definitions officers may interpret the same situations differently. Failing to report data correctly and in a consistent manner leads to inaccurate data. Inaccurate data can lead to measures being implemented that are not needed.

We agree with the basic points being made: officers need to be given clearer definitions and clearer guidance on how to employ them. This example about defective signal equipment may not be the strongest available; the stop was made because the driver did not signal—she could have made a hand signal. The officer only learned about the equipment problem after the stop. The AG's office will be interested to hear what problems agencies encounter when they try to comply with the VSR.

The information about recording and submitting data in the racial profiling legislation is very limited, but more details are spelled out in the Code of State Regulations, although these are still not clear enough to avoid inconsistencies.

The biggest inconsistency we have noted is whether officers record and agencies report multiple reasons for stops and multiple stop outcomes. For instance, an officer might stop a driver for speeding and signaling but only check off the more serious offense. Or the officer might write a citation for speeding and give a warning for not signaling and only check off a citation.

For a sizeable number of agencies in 2015, including the Missouri State Highway Patrol, Total Stops equals the sum of moving violation, equipment, license and investigative stops, so investigative stops are included and officers seem to be recording just one reason. Agencies that report only the most serious action appear to be performing lighter enforcement than agencies that report everything. Sometimes we note a group disproportion in drivers that are affected by multiple actions.

We also note that agencies sometimes report unlikely numbers of "other" events. These "other" categories are necessary because there are many minor reasons an officer might take an action and they can't all be listed. For instance, an officer might give a warning for a driver not having a seatbelt fastened. One agency reports a large number of "other" locations; perhaps officers are making stops in parks. If there is no disproportion, the "other" incidents are probably not significant, but if there is a disproportion, the agency should explain to its public what is happening and why the group is disproportionately affected.

It is important to keep in mind that the VSR is only intended to flag serious disproportions which should then be given serious scrutiny by the agency to determine whether they are the result of bias. To perform this investigation, an agency uses its complete, internal information, not the limited information submitted to the AG. This information includes performance reviews, video recordings, complaints and compliments, and so on.

The CSR also includes a model form in this same location in the CSR that officers are to use to record stop information, but it predates collection of information on investigative stops. It includes some additional guidance, for instance, that officers may check more than one category in several situations. Many agencies develop their own computerized versions.

The model form agencies are to use to report data to the AG is also included in the CSR but it appears to have been replaced by an updated version. Most agencies now report their data in an online form. The form in the CSR provides some guidance, for instance that arrests are to be reported as a stop outcome, although they are not listed this way in reports issued by the AG, so there are multiple situations in which agencies are likely to need guidance.

Officers record the category of moving violation (speeding, lane violation and so on) and agencies report this information to the AG but it is not included in the reports issued by the AG. It is included in the complete data set the AG supplies to Empower Missouri, so we include the information in our reports.

How investigative stops are interpreted and reported is also an area where definitions and guidelines would be helpful. As CPD continues to use saturation patrols and officers are deployed to areas in an attempt to identify the people committing violent crimes, one would expect the number of investigative stops to be greater than what has been reported. Specifically, in 2016 there was a total of 350 vehicle stops for investigative reasons. Because this number is so low and such a small percentage of total vehicle stops, it is assumed that officers are performing vehicle stops for other legitimate reasons (i.e. equipment stops, license stops, etc.) and then using that vehicle stop for investigative purposes. If this is the case, then law enforcement agencies should give guidelines and make a determination on how these types of stops should be categorized. If the intent of the stop is for investigative purposes, then the officer should make note of that fact in how the data is reported.

Agreed: better definitions and guidelines are needed. Some chiefs complain that officers have no way to report, for instance, that they were responding to a "call for service." We assume these are intended to be investigative stops but this doesn't seem to be spelled out anywhere. Agencies could write their own guidelines for

officers, but it would be better to have all agencies use the same state-issued ones. Investigative stops were added to the VSR by legislation in 2004. One argument was that officers are not exercising discretion when they make a stop in response to a "call for service," so these should be discounted when considering disproportions. But some investigative stops involve a high degree of officer discretion and can be influenced by racial stereotypes.

Remember, for the Missouri State Highway Patrol in 2015, Total Stops equals the sum of moving violation, equipment, license and investigative stops, so investigative stops are included, and officers seem to be recording just one reason. Officers, therefore, sometimes considered the primary reason for a stop to be the investigation.

Statewide, black drivers were affected by investigative stops in 2015 at a rate 3.14 times the rate for white drivers, which makes this type of officer action a concern. Investigative stops of black drivers were made by MSHP at a rate 56% of the white rate, but this only includes situations in which the investigation was the primary reason for the stop; the disproportion in cases in which the investigatory reason was secondary could still be high.

So, as the Columbia report observes, clear guidelines and consistent practices across the state are needed.

Officers are instructed to check more than one reason for a stop if appropriate. So if an officer received a tip that someone was driving carelessly, then followed the driver until careless driving was observed and then made a stop, the officer should check off traffic stop (lane violation) and investigative stop to indicate that a tip was involved.

If the agency's VSR indicates a disproportion in lane violation stops, the agency would consult internal records and perhaps be able to document that many of them were the result of officers following up on tips. If these stops were followed by DWI arrests, this would serve as affirmative evidence that officers were acting on facts about the individual, not on racial stereotypes. However, the experience of community members in interactions with police officers must always be considered our most important indicator of whether respectful and equal treatment in policing are occurring.

Empower Missouri is part of a coalition proposing legislative improvements to the VSR. We would like officers to categorize investigative stops as:
1.   Stops made because of a call for service or tip;

2.   Stops made because detectives have asked officers to look for opportunities to stop individuals for whom they have trustworthy information about criminal actions but not enough evidence for a warrant (a stop motivated by an ongoing agency investigation);
3.   Stops made because some device (such as a license plate scanner) indicates a crime (outstanding warrant for the owner, stolen car, etc.);
4.   Stops made because the officer has observed facts about the driver indicating criminal behavior (a spontaneous investigation by the officer).
5.   Stops made because of a sobriety checkpoint or road block.

Agencies could begin collecting this information now, so that they will be able to explain the circumstances under which officers conduct investigative stops if a disproportion is evident in the data.

The authors of *Pulled Over*, a study of 3000 interviews conducted with Kansas City area drivers and officers, observe that drivers often feel violated when they are stopped for a minor violation and then the officer starts asking questions such as, "Why are you in this neighborhood?" People of Color, the authors say, report this sort of investigatory stop much more frequently than white drivers. Whether or not the officer is polite, they feel "…their privacy invaded and their dignity eroded. Patting down a person's body in search of a weapon or a bag of drugs or rifling through the contents of a vehicle only on the basis of the hope that by chance some such searches will turn up contraband are even deeper intrusions of privacy and assaults on dignity."

[Epp, Charles R.; Maynard-Moody, Steven; Haider-Markel, Donald P.. Pulled Over: How Police Stops Define Race and Citizenship (Chicago Series in Law and Society) (Kindle Locations 259-263). University of Chicago Press. Kindle Edition.]

If an agency can document that officers were acting on significant facts when they conducted investigatory stops, not on racial stereotypes, they will be better able to win the trust of community members.

Another identified issue with the data is that total stop outcomes do not equal total vehicle stops. In 2016 there were 11,819 vehicle stops and there were only 11,501 stop outcomes (1,299 citations, 10,172 warnings, and 30 no action) listed on the *Vehicle Stops Report* for CPD. There are 318 traffic stops where an outcome is not given. This is a flaw with the report data because every vehicle stop should have a corresponding outcome.

Because officers are instructed to report more than one reason for a stop and more than one stop outcome, if appropriate, it's unlikely that total stops will equal total outcomes. CPD reported 693 situations in which there was an "other result," but the

VSR leaves these out, possibly because the AG assumes these other outcomes will always be small.

Excessive use of an "other" category probably indicates that an agency has made some sort of mistake—or that officers have not been instructed on how the category should be used. Perhaps some officers consider an arrest to be an "other result," but arrests are expected to be recorded in their own category.

In the 2016 CPD data made public, the "other result" category is labeled "UKN" for "unknown." For most of the 693 events, an arrest is indicated in CPD data, so the result was in fact known. This is not a flaw in the VSR.

In the 2014 and 2015 data made public, arrests are not included in the "other result" or "unknown" category.

Black drivers in Columbia were affected by "other result" outcomes at a rate 7.44 times the rate for white drivers in 2016. Any disproportion this large calls for an explanation. What's going on in these "other" situations so that black drivers are so disproportionately affected? There may be a glitch in the method used by officers to record information, but still, why does it affect black drivers disproportionately?

In the statewide VSR data, four agencies making at least 1000 stops and having at least 25 "other result" outcomes had disproportions at least 5.00, all for black drivers: Boone County, Independence, Florissant and Columbia. So this isn't just a Columbia problem; other agencies need improvement too.

The *Vehicle Stops Report* data also does not take into account outside factors or viable explanations for the racial disparities. Don Love, chairman of Empower Missouri's Human Rights Task Force, made this point in the following statement: "Keep in mind that high disproportions do not prove bias. There can be numerous legitimate reasons for a disproportion. If officers and their agency cannot explain a disproportion by legitimate factors, then no officer is proven to have been intentionally discriminating against individuals based on race, but a strong presumption is created that some form of bias is involved."[6]

The point we were making was that the individual agencies alone have access to the information that could offer evidence to stakeholders that, even though a disproportion exists, officers were not affected by some sort of bias, whether explicit, implicit or systemic. The job of the VSR is to flag disproportions; then the agency is responsible for either presenting a convincing explanation of why they do not result from some form of bias or explaining what is being done to fix the disproportion.

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[6] Don Love. "Empower Missouri CPD Data Workshop." E-mail message from author, September 1, 2017.

Using internal data and other resources, such as performance reviews, emails or video recordings, an agency should be able to spot situations in which an officer may be affected by bias, even if proof is not possible. The bias could be explicit—the officer has animosity towards a racial or ethnic group that has been revealed in emails. A person who cannot respect the inherent worth and dignity of all individuals should not be an officer.

Or the bias could be implicit—the officers are not aware that common racial stereotypes influence their decisions. For instance, an officer might believe that it's good policing to target members of a group that has a high crime rate, instead of focusing on facts about the individual that indicate unlawful behavior.

Often, we think, the bias is systemic: policies and procedures have the net effect of disproportionately affecting individuals based on race, without anyone intending this to be the effect or being aware of the effect. For instance, many agencies follow court rulings that seem to say officers shall not act solely on race, but race can be the deciding factor in whether an officer acts as long as some violation was committed.

Bias is a state of mind that cannot be proven by an observer. Empower Missouri favors a behavioral definition of biased policing: "biased policing exists when there is a disproportion and officers cannot cite convincing facts about the individual to justify the actions they take." Agency policies on racial profiling—better identified as race-based or bias-free policing—must tell officers race is not to be a factor in officer actions and that officers must cite facts about the individual sufficiently strong to convince a skeptical person that race was not a factor. Even when supervisors cannot prove that race was a factor, they can hold officers accountable for citing significant facts.

More on this issue below under the section of writing a bias-free policing policy.

One example of how the *Vehicle Stops Report* fails to take into account the impact of other legitimate factors on racial disparities is the impact of poverty. In Columbia, black people experience significantly higher levels of unemployment and poverty compared to white people. According to most recent five-year estimate data, black people experienced family poverty rates of 28.9 percent and unemployment rates of 11.9 percent, whereas white people experienced family poverty rates of 6.9 percent and unemployment rates of 3.7 percent.[7]

This is relevant to the discussion of vehicle stops because "equipment" and "license" stops are impacted by a person's economic means. A person in poverty may not have the financial ability to pay for vehicle repairs (i.e. broken taillight, nonfunctioning turn signal, etc.) or license their vehicle (i.e. cannot afford to pay vehicle sales tax or other associated costs,

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[7] United States Census Bureau. American Community Survey. Tables: S2301 (Employment Status) and S1702 (Poverty Status in Past 12 Months of Families). (https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml).

do not have the funds to get their vehicle in proper working order to pass a vehicle inspection, etc.). Also, it is perceived that people of less economic means are more likely to drive older cars in need of equipment repairs. Therefore, it can be concluded that people in poverty are at a greater risk of being the subject of a vehicle stop for equipment and license reasons. This point is especially important considering the fact that equipment and license stops accounted for 62.88 percent of all vehicle stops in Columbia in 2016. Taking this information into consideration, it can be seen how factors not accounted for in the vehicle stops data can impact the racial disparities. (While on the subject of poverty it is also important to point out that CPD issued warnings on vehicle stops 88.44 percent of the time in 2016, which do not have monetary fines like citations.)

Note that this explanation of a disproportion in equipment violations being caused by socioeconomic factors is an admission that People of Color are treated unfairly by society. In the case of equipment violations, officers may not be acting in a biased fashion, but unequal opportunities to receive a quality education, affordable health care or home financing are the underlying problem.

It is not a failing of the VSR that it does not take such factors into account. The data the VSR works with can only be used to reveal disproportions. It is the agency's job to explain legitimate factors if there are any, and otherwise take corrective steps.

The causes of some disproportions go beyond the powers of agencies and officers to correct them. Officers cannot just ignore a serious equipment defect, such as driving without a defroster. But the agency and the officers need to recognize that they are part of a community in which racism contributes to the poverty rate of some groups, and that they need be leaders who call for reforms that will help them do a better job of protecting public safety. If there is a disproportion in equipment stops or arrests for outstanding warrants, the agency needs to explain the underlying socioeconomic problem so that local government can address it.

All drivers need officers to set a high standard for public safety, otherwise we'll cut corners. Some violations are so egregious—no wipers during a thunderstorm—that there's no question about a stop being appropriate. *Pulled Over* says drivers rarely take offense when they are stopped for significant violations, but it's almost always a significant violation when white drivers are stopped. Black drivers report stops for going a few miles per hour over the speed limit, then being asked why they are out of their own neighborhood, then being bullied into consenting to a search. The standard should be that all drivers are treated fairly, that officers are being consistent in how they enforce the laws across groups. Stops for minor violations are a special concern because they can be made just for the purpose of conducting a spontaneous investigation. This practice is more likely to alienate an innocent driver than catch a criminal.

Economic explanations must be used carefully. Perhaps there are some fallacies involved in this explanation that only vulnerable people would notice, so it needs to be the subject of community dialogue.

When POC have a disproportion in outstanding warrant arrests, it may be that officers are not acting out of bias but that the procedures of the municipal court are at fault. As we address disproportions in policing we must address other social problems. In Columbia, the municipal court is making some changes Empower Missouri applauds. More needs to be done throughout Missouri in line with the Calls to Action issued in the Ferguson Commission Report.

A 2015 Chicago Tribune article by Dawn Turner reported on research on drivers who were being caught by red light cameras. The researchers lead by Robert Eger III looked at the data on the census block of the driver's/owner's residence and so could draw conclusions about race and economic status. "We argue that the camera is an unbiased observer," Eger told Turner. "It doesn't know your race, how many kids are in your family. When you take the bias of the individual out, it says what's most important about the people who run red lights is that those in poverty run red lights less and those with more vehicles run the red light more."

Economic factors work the other way too. If prosecutors allow defendants to plea bargain traffic violations by paying the same fine for a parking violation, the net result is that affluent drivers suffer the consequence of speeding tickets less frequently that VSR data suggest. Poor people get outstanding warrants; rich people get lower insurance rates.

The report of the Mayor's Task force on Community Violence recommended addressing economic inequities and other city initiatives have followed this up

Empower Missouri believes "focused deterrence" is a promising strategy because it emphasizes good police work to stop serious offenders and an effort to help community members find the support they need to lead productive lives.

Another factor to mention which has impacted the racial disparities is the fact that as the total number of stops has decreased the differences in the racial disparities have increased. In 2010, CPD performed 23,954 total vehicle stops (white drivers accounted for 18,098 stops and black drivers accounted for 4,907 stops). This is the greatest number of stops performed in a year for CPD. During the same year, white drivers had a disparity index of 0.93 and black drivers had a disparity index of 2.02. This accounted for one of the lowest racial disparities in the disparity index. By contrast, in 2016, CPD performed 11,819 total vehicle stops (white drivers accounted for 7,416 stops and black drivers accounted for 3,691 stops), which is one of the lowest number of total stops performed in a year for CPD. During the same year, white drivers had a disparity index of 0.79 and black drivers had a disparity index of 3.13. This resulted in the greatest racial disparity in the disparity index. This data shows that

the number of total vehicle stops has an impact on the differences in the racial disparities. (Please refer to figures 1 and 2 for a graphical representation of the data.)

Figure 1: Total Stops (2010-2016)

Figure 2: Disparity Index (2010-2016)
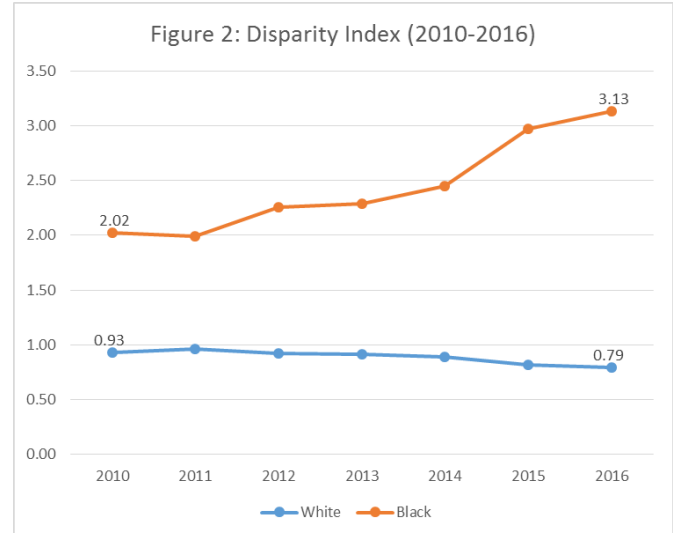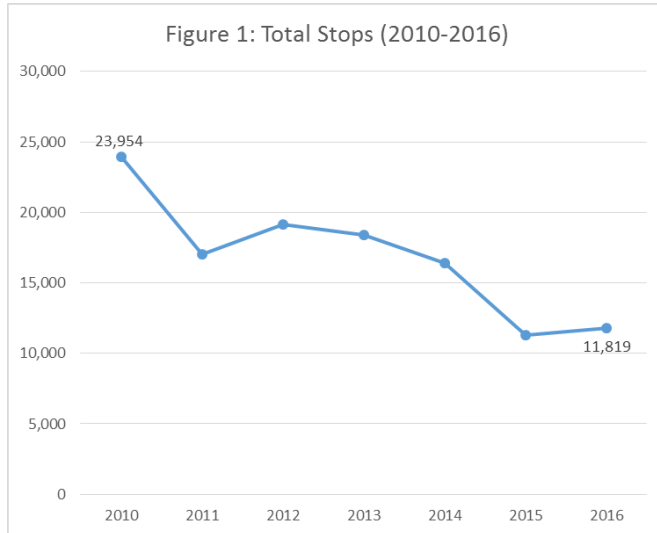
There are several reasons why the number of vehicle stops have decreased. One explanation for the drastic decrease in vehicle stops in recent years was the disbandment of the traffic unit. The traffic unit's purpose was to enforce traffic laws on major roadways and intersections, in high accident areas, and in school zones. This resulted in officers in the traffic unit writing a high number of citations for moving violations. With the disbandment of the traffic unit, the black population was disproportionately impacted because the percentage decrease in vehicle stops for black drivers was much lower compared to the percentage decrease in vehicle stops for white drivers based on the geographic area patrolled.

It seems plausible that the disproportions are inflated by "saturation patrols"—the strategy of putting as many officers on the streets of high crime areas as possible and hoping that stops for minor violations will lead to arrests of individuals committing violent acts. Since CPD does geographic analysis of violations, it could document that patrols in these designated areas in fact create enough extra stops of POC to account for all or part of the disproportions. Census data could be used to document the racial proportions of residents in the area, which might show that the racial proportions of stops match the racial proportions of residents.

It seems plausible that increasing patrols of areas in which traffic violations are creating a danger to public safety would reduce disproportions—all of us make the same sorts of mistakes while driving.

Saturation patrols, however, are problematic. Saturation enforcement of traffic violations may control traffic safety issues but is unlikely to do anything about violent crime.

The authors of *Pulled Over* observe in a recent journal article:

> The evidence that investigatory stops help fight crime is surprisingly weak. Although an old study suggested that investigatory stops might help reduce crime (Sherman and Rogan 1995; Sherman, Shaw, and Rogan 1995), more recent studies conclude that there is no clear evidence that investigatory stops help reduce crime (see, e.g., Cohen and Ludwig 2003 ; Koper and Mayo-Wilson 2006 ; McGarrell et al. 2001 ; Zimring 2011). Supporters of investigatory stops seem unaware of this fact.
> [http://onlinelibrary.wiley.com/doi/10.1111/puar.12702/full Page 175.]

Individuals who are not causing any threat to public safety are unfairly exposed to excessive enforcement, which generates resentment of officers, depriving officers of the tips they need to build cases. In order to win the cooperation of vulnerable individuals, the city would have to convince them that the loss of the right to equal protection is justified by increased public safety—which isn't likely to be easy, especially when racial discrimination is at issue.

Pulled Over says that recent studies show that focused deterrence is a more effective strategy than maximized stops for minor offences:

> Perhaps a necessary step to encourage police reform is an effective alternative. It may be emerging. Some jurisdictions are restricting consent-based searches, and some are developing "targeted" or "focused" enforcement, in the words of David M. Kennedy and James Forman [Beyond Stop and Frisk], to replace the "scattershot, stop-lots-of-people-in-the-hope-of-catching-a-few" practice of investigatory stops. Targeted enforcement relies on close police collaboration with neighborhood groups to identify the individuals who engage in serious criminality. It eschews stopping large numbers of people in the hope that some stops will yield contraband or information leading to big busts. As a consequence, arrests are likely to become less numerous but more effective. At the same time, trust with communities is rebuilt, and the social cost of sweeping large numbers of people into the criminal justice system on low-level charges is reduced.
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> [Epp, Charles R.et al.. *Pulled Over: How Police Stops Define Race and Citizenship* (Chicago Series in Law and Society) (Kindle Locations 3274-3282, page 134). University of Chicago Press. Kindle Edition.]

Focused deterrence is based on a combination of officers collecting strong evidence against those who are committing violent crime while other community staff work to

provide services and resources to those who might otherwise be tempted to turn to crime.

The Mayor's Task Force on Community Violence Report called for a form of focused deterrence and CPD and the city have implemented aspects of it. The city's report would have been strengthened by mentioning this.

During Empower Missouri's stop on the Listening Tour, I was about to ask about focused deterrence when a member of the CPD command staff said they were trying it.

Overall, Empower Missouri envisions a process intended by the 2000 racial profiling law but never fully realized because of flaws in the law and a general lack of understanding among law enforcement personnel and members of the public of what is possible. This process involves:

1. Dependable data. The current VSR data isn't perfect but it's good enough to flag racial disproportions that need further investigation, especially if communities go beyond the summary indicators to look at disproportions in all categories of data collected, including disproportions is post-stop actions based on the group proportions of drivers stopped.

2. Agency examination of the more detailed information on stops and officer performance only it has access to.

3. Agency explanations of disproportions that result from causes other than bias. Columbia's explanation of how equipment violations might be explained by economic factors is one example. An explanation is only good enough when understood and accepted by stakeholders.

4. Agency explanations of what it's doing to correct disproportions by improving policies, supervision and training.

5. Public affirmation of agency explanations and steps taken by the agency or agreement on what further steps are needed.

6. Continued efforts on public policies going beyond law enforcement and criminal justice, especially around basic human needs so that our state and nation address the systemic racism that is engrained in our national fabric.

Consent searches are a good example of how this process is likely to play out in many agencies. Officers are likely to be affected by racial stereotypes when they make a decision to ask for consent to a search because they are not required to base the action on facts about the individual. Data for quite a few agencies show that officers ask black drivers for consent at a rate two or three times that for white drivers—some much higher.

From the VSR data it is only possible to see the disproportion, but agencies can tell much more from internal data. If officers are finding contraband when they make these searches, then they may well be acting on facts that indicate criminal behavior.

2015 VSR data indicated that once Columbia officers were face to face with drivers after a stop had been made, they were suspicious enough about black drivers to perform consent searches at twice the rate for white drivers, but VSR data does not allow hit rates to be computed for types of searches.

When CPD made internal data available for 2015, Empower Missouri computed consent search hit rates. For all drivers, officers found contraband about 14% of the time. For white drivers, the rate was about 19% but the black rate was about half that—10%. For black male drivers 40 years of age and older, the consent search disproportion goes up to 2.66 but the hit rate goes down to 4%. In the two hits, officers appear from the data to have had grounds for searches other than consent. This demographic evidently just doesn't carry illegal goods. Officers should learn from the data that unless they can cite strong indicators of criminal behavior, they are just alienating individuals whose help they need.

Chief Burton responded to our data analysis by changing CPD's consent search policy in the fall of 2016, as explained in the Columbia report below. The rest of the year showed a significant decline in the disproportion.

There does not seem to be a deliberate statewide attempt among agencies to reform the use of consent searches, but for the last two years the disproportion for black drivers has been 1.09; black and white drivers are now affected at close to the same rate. The disproportion for Latino drivers has also declined to 1.09. But still, disproportions remain high for many agencies.

Internal data, even the limited version posted by CPD, allow many other patterns to be explored. It is possible to see how often officers follow a stop for a minor violation with a consent search, and then find nothing, suggesting that officers were making the sorts of investigatory stops that *Pulled Over* found to alienate People of Color.

Using more internal resources, CPD can examine the performance of individual officers. It may be that officers can cite facts about the individual that justify the stop and the request for consent. For instance, there may have been a trustworthy tip about the driver or detectives may have been conducting a serious investigation. Data can be useful for flagging problems but can also be useful as affirmative evidence that racial bias may not be involved in a particular instance.

Even facts aren't a foolproof way to show policing is free of bias. Officers might be able to cite convincing facts for every act they take affecting a black driver but still be biased if they are ignoring white drivers under the same situations. We don't have data on when officers ignore violations.

One way to spot this form of "white privilege" in the data is to look for situations in which black drivers are affected at a rate lower than the overall state rate, but there is still a disproportion. For instance, in Webster Groves, black drivers are affected by consent searches at a rate well below the state rate but there's still a disproportion of 8.38 because officers almost never perform consent searches of white drivers.

Officers could also have credible facts upon which to base decisions to write citations and make arrests of black drivers but still be biased if they are not treating white drivers the same way. Columbia, for instance, has a disproportion in traffic violation arrests of black drivers of 2.25. An internal investigation could show that each arrest could be justified by facts, but a closer examination could also show that when white and black drivers commit similar offenses, the white driver gets a citation and the black driver gets arrested. If black drivers have a sense that this unequal treatment is occurring, the agency owes them an explanation even if the disproportion is low.

Agencies have years of experience using data to determine where crime is occurring and how to combat it. They have little experience—and have received little help— using data to determine whether racial groups are disproportionately affected by officer actions.

Most of the work has been done by academics who find disproportions but can't draw conclusions about bias because they don't have access to information on what Fridell calls "alternative legitimate factors." [*By the Numbers*, page 340ff.]

The easiest way around this problem is to require agencies to explain these legitimate factors. Columbia and CPD are going the right way with this effort but there's lots more to do.

Listening Tour

In the executive summary to the *Vehicle Stops Report* it states, "I hope this data will help us toward a constructive conversation about what we must do together to better achieve— and protect—the rule of law in our state."[8] The purpose of the listening tour was to begin that conversation by having an open and honest dialogue with individuals and community

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[8] Missouri Attorney General. "Vehicle Stops Report." Executive Summary. (https://ago.mo.gov/home/vehicle-stops-report).

groups. The listening tour sought to do this by giving an opportunity to share information and discuss experiences regarding racial profiling, specifically during vehicle stops, and the data from *Vehicle Stops Report*. The listening tour consisted of meetings of City staff (City Manager Mike Matthes, Police Chief Ken Burton and CPD command staff, and others) and local community groups and community members. The listening tour occurred on the following dates with the following organizations:

- September 9, 2016: NAACP (planning meeting for community engagement meetings)
- October 11, 2016: Minority Men's Network
- October 25, 2016: Race Matters, Friends
- October 26, 2016: Empower Missouri
- January 30, 2017: Public Town Hall Meeting
- March 1, 2017: NAACP (planning meeting for community engagement meetings)
- April 25, 2017: NAACP (listening tour with Deputy Chief Schlude)
- May 22, 2017: NAACP (listening tour with Chief Burton)

At each of the meetings, notes were captured by City staff. After the meetings had been completed, City staff used techniques outlined by Ryan and Bernard[9] to categorize the comments into themes. First, the comments were reviewed and marked up (a method the authors referred to as "pawing") in order to identify key phrases and "topics that occur and reoccur." The comments within each of the reoccurring topics were then "cut and sorted" to identify overarching themes from the listening tour comments. As a result of this process the following themes were identified:

- Communication methods: There are many different communication methods at the City's disposal, use as many of them as possible to reach the greatest number of people.
- Verbal and nonverbal communication: What is said and how it is said is important.
- Personal, anecdotal stories: Place a value on others' personal, anecdotal stories.
- Perception: A person's perception is their reality.
- Perspective: The individual's perspective (socioeconomic status, race, biases, experiences, etc.) impacts how they view things.
- Data: Analyze the data and focus on solutions.
- Fear: There is fear throughout the community.
- Searches/ consent cards: There are a lot of questions regarding searches and the consent search policy.
- Officer recruitment: There needs to be an effort to recruit more minorities to the police force.
- Training: The training that CPD officers receive should include issues outside of traditional policing techniques (i.e. mental health, multicultural, verbal de-escalation, etc.) and incorporate local organizations and local experts to serve as trainers.
- Additional meetings: The NAACP discussed hosting a large meeting with multiple groups to review information and come up with potential solutions.

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[9] Gery W. Ryan and H. Russell Bernard. "Techniques to Identify Themes." *Field Methods*. Vol. 15, No. 1, February 2003, pp. 85-109.

- Miscellaneous: There were comments, questions, and recommendations that did not fit into any of the previously mentioned categories and those comments were categorized within this miscellaneous category.

(The notes for each of the listening tour meetings can be found in the appendix section of this report.)

NAACP Community Engagement on Policing, Equity and Civility

In addition to the listening tour, members of the City Council and City staff participated in the NAACP's Community Engagement on Policing, Equity and Civility. The meetings occurred on August 22, 2017 and September 26, 2017. Hundreds of people attended the meetings "to hold honest dialogues, form partnerships, and create new opportunities in Columbia." Specific topics and breakout groups included:

- Civility and accountability
- Community engagement
- Community policing and racial profiling
- Mental health and community policing
- Equity in employment and minority entrepreneurship

At the August 22nd meeting, issues were discussed and potential solutions were brainstormed for each of the topics. At the September 26th meeting, solutions for each topic were prioritized and each breakout group identified one specific recommendation to work on. The following is the recommendation from each breakout group and a corresponding initial commitment from the City on how the recommendation will be addressed:

Civility and Accountability
- Recommendation: Accountability and transparency for law enforcement.
- City Commitment: The City has taken several measures to address accountability with the police department. Some examples include the Citizen Police Review Board, body-worn cameras for all officers, and the issuance of a directive to have all racial profiling complaints investigated by the Internal Affairs Unit. CPD is currently going through the accreditation process with the Commission on Accreditation for Law Enforcement Agencies (CALEA). With accountability as one of the primary cornerstones of the CALEA standards, going through this process will help to ensure that CPD is following best practices on law enforcement accountability.

Community Engagement
- Recommendation: Get together to have fun.
- City Commitment: This was identified as something that the community would take the lead on by planning and hosting events for all members of the community. The City is committed to ensure that the events are attended by members of the police and fire departments, as well as other City administration and staff, in order to help build and strengthen relationships between the community and the City government.

Community Policing and Racial Profiling
- Recommendation: Require cultural diversity training for officers (balance of nationally recognized curriculum and utilize community members to facilitate trainings).
- City Commitment: CPD officers are required to participate in trainings on cultural diversity. The City also offers training to all City staff and members of boards and commissions on the National Conference for Community and Justice's (NCCJ) curriculum. This training discusses many topics including race, gender, LGBTQ, abilities, and class. The City is committed to continuing to identify additional training opportunities on cultural diversity. The City will explore the idea of working with interested members of the community to serve as facilitators for selected training topics. It is important to mention that cultural diversity trainings taught by members of the community would need to be Peace Officer Standards and Training (POST) certified before being added to the training curriculum.

> **We believe the NCCJ curriculum would provide an excellent complement to training designed specifically for officers. Everyone is faced with a challenge when interacting with individuals who come from different backgrounds, but we all need to have these skills in our diverse community. When officers see that others struggle with diversity, they will know they are not being singled out for implicit bias; it affects everyone. The trainings will also give them increased confidence in explaining what they do and why they do it the way they do. It may be possible to group officers with other city employees who are responsible for addressing serious social problems.**
>
> **Officers can participate in training that has not been certified by POST but they do not receive credit toward the required minimums. POST might certify this curriculum.**

Mental Health and Community Policing
- Recommendation: Create a task force made up of law enforcement officers, mental health experts, city officials, and people with mental health diagnoses.
- City Commitment: Upon the creation of a task force, the City is committed to providing personnel from relevant City departments including the Police Department and Public Health and Human Services Department to serve on the task force.

Equity in Employment and Minority Entrepreneurship
- Recommendation: Human resources hiring practices not using name.
- City Commitment: This recommendation would complement the "Ban the Box" legislation that was passed by City Council on December 1, 2014.[10] The City is committed to exploring how this could be implemented into City hiring practices and will submit a report to council on this topic.

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[10] City of Columbia, Missouri website. Law and Prosecutor's Office. "Ban the Box" Frequently Asked Questions. https://www.como.gov/law/human-rights/ban-the-box/ban-the-box-faq/?doing_wp_cron=1507218769.8422369956970214843750.

The NAACP's community engagement process has provided additional insight and community input on the racial disparities in the vehicle stops data, as well as helped to identify potential solutions regarding other racial inequities in our community. The NAACP community engagement process is an ongoing effort and the City will continue to be an active participant in that process. (The notes for the breakout sessions from the August 22nd and September 26th meetings can be found in the appendix section of this report.)

Empower Missouri supports all these efforts.

Addressing Racial Disparities and Other Identified Issues: What has been done?

Prior to the publication of the *Vehicle Stops Report* and the listening tour, the City had already taken measures to address racial profiling complaints and other reported officer misconduct. Two examples include the Citizen's Police Review Board and body cameras for all officers.

Citizen's Police Review Board. In 2009, the City of Columbia established the Citizens Police Review Board (CPRB). The CPRB provides an external and independent process for review of actual or perceived misconduct thereby increasing police accountability to the community and community trust in the police. The CPRB reviews appeals from the police chief's decisions on alleged police misconduct; hosts public meetings and educational programs for Columbia residents and police officers; reviews and makes recommendations on police policies, procedures and training; and prepares and submits annual reports that analyze citizen and police complaints to the City Council.[11] (The CPRB Annual Reports from 2015 and 2016 can be found in the appendix section of this report.)

The CRPB is the natural body to perform many of the tasks related to developing police/community relations or to support others who assume leadership. Up to now it seems to have worked most on reviewing complaints. Different skills are required to organize meetings and make recommendations about policies, procedures and training, but individuals with appropriate skills can be recruited and more support from city resources can be arranged. The revision of the 2000 racial profiling law supports the use of review boards and calls on them to approve improved estimates of group driver proportion estimates.

Body-Worn Cameras. In 2014, CPD purchased body-worn cameras for all officers, becoming the first law enforcement agency in the state to take that step. Any time that an officer has an interaction with the public, which includes vehicle stops, the officer must record the

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[11] City of Columbia, Missouri website. Boards, Commissions, Committees and Task Forces. Citizens Police Review Board. https://www.como.gov/Council/Commissions/description.php?bcid=14

interaction. The body cameras can then be reviewed to investigate misconduct, thereby increasing police accountability to the community.

> **As an agency seeks to determine whether bias was a factor in a disproportion body camera images are likely to be a major benefit.**

As a result of an internal review of the *Vehicle Stops Report* and public input from the listening tour and NAACP community engagement process, measures have been taken to address racial disparities in vehicle stops and other identified equity issues.

Racial Profiling Complaint Procedures. Previously, when a racial profiling complaint was made against an officer, the complaint could have been investigated by the officer's supervisor or the Internal Affairs Unit. In order to ensure that all racial profiling complaints are investigated in a similar manner and given the necessary amount of time and attention, Chief Burton issued a directive to have all racial profiling complaints investigated by the Internal Affairs Unit.

> **Racial profiling is a term that is used with widely different meanings by different people. Law enforcement often uses it to describe actions authorized by the court precedent that allows race to be used as a factor in officer decisions as long as it isn't the only factor. Empower Missouri prefers to use "race-based policing" or "bias-free policing."**

Consent to Search Forms. In response to the racial disparities in the search rates, CPD implemented a practice of having officers obtain written consent prior to consent searches. The Consent to Search form instructs a driver of their constitutional rights with regard to consent searches and makes the driver aware that consent can be withdrawn at any time. Due to the Consent to Search forms being a new process, CPD will continue to review the process and make improvements to the forms. (A copy of the Consent to Search form can be found in the appendix section of this report.)

> **It would be useful to know when officers ask for consent and it is refused and when a drug dog is summoned by fails to alert. Courts put no restrictions on officers' use of consent searches, but CPD policies should require them to identify facts about the individual strong enough to justify the request for consent or the call for a dog.**

Educational Requirements for Hiring. As the result of a discussion on officer recruitment with the NAACP during a listening tour meeting, CPD changed the educational eligibility requirements to become a police officer. The educational requirement was changed from requiring an individual to have 60 college credit hours to a high school diploma. The goal of this measure is to attract a more diverse applicant pool including experienced officers from other cities who do not have college credit.

Empower Missouri is concerned that lower educational requirements will result in less-qualified officers. Whatever the education requirements, effective screening is essential. Perhaps officers could be required to complete 60 hours of college credit within a certain time period, or be given an incentive to do so.

Training. The subject of training and the types of training that officers receive was an important topic for many community members. Currently, CPD officers receive many trainings that address a diverse range of topics. Examples of those trainings include racial profiling training; officer well-being training, including mental health awareness; Fair and Impartial Policing Practices, which includes implicit bias recognition; handling persons with mental health and cognitive impairment issues; and tactical training which includes de-escalation techniques, crisis management, critical thinking, and social intelligence. In an effort to educate the public about the implicit bias training that CPD provides to its officers, Sgt. Hestir facilitated the Fair and Impartial Policing Training for the public on November 5, 2016. (The CPD training requirements can be found in the appendix section of this report.)

The City has also contracted with the National Conference for Community and Justice (NCCJ) to have employees certified in their curriculum. The curriculum includes topics on race, gender, LGBTQ, abilities, and class. The class is open to all City employees and members of City boards and commissions. The City has 5 employees certified to train the curriculum and 2 additional employees are in the process of completing the certification. The trainers include employees from all levels of the organization from a Deputy City Manager to frontline workers in different departments.

Training deserves critical review. Are behavioral objectives being met? Certification if a curriculum by POST does not guarantee that it will be effective.

President's Task Force on 21st Century Policing. CPD has committed to implementing and practicing the pillars outlined in the President's Task Force on 21st Century Policing. In December of 2015, a presentation was given to councilmembers as part of the pre-council meeting. The presentation outlined actions that CPD had already taken or were committed to taking with regards to the 6 pillars outlined by the President's Task Force on 21st Century Policing. (A copy of President's Task Force on 21st Century Policing Final Report and Columbia Police Department's Report on 21st Century Policing can be found in the appendix section of this report.)

This is a step in the right direction. Ongoing self-study may be necessary; changes have occurred since 2015. Public input is important. Critical review by the CPRB or some other designated panel could confirm the substance of the report or point to areas of concern.

White House Police Data Initiative/ Vehicle Stops Data transparency. In October of 2016, CPD joined the White House Police Data Initiative. CPD's commitment to the initiative "supports leveraging data to increase transparency, accountability, and build trust with the citizens of Columbia." As a result of joining this initiative, CPD has released open data sets on the vehicle stops data. The data sets provide citizens the opportunity to download, sort, search, filter, or analyze the data for their own needs. All data sets are available on CPD's website, as well as the national Public Safety Open Data Portal at www.publicsafetydataportal.org.[12]

> **Empower Missouri supports this initiative. Our experience is that agencies generally lack the resources to understand their data, and anything they can do to make more expertise available is good.**

Records Management System. CPD has purchased a new records management system. Once the system is implemented, officers will be required to comply with more rigorous reporting standards in order to help ensure previously identified issues with the data are addressed. For example, CPD can make it a requirement for every vehicle stop to have a corresponding stop outcome. It is important to mention that once the records management system is implemented, all law enforcement agencies in Columbia will be using the same system and this will help to improve record sharing across jurisdictions.

> **Empower Missouri endorses this step. We don't have the resources to evaluate management systems. If this system is approved by the White House initiative it is probably ok. We encourage the use of compatible systems by all agencies. This would greatly reduce the effort required to produce the VSR and report Uniform Crime Report data and the new system that is being developed, Missouri Incident-Based Reporting System (MIBRS). The problem with stops and stop outcomes reconciling appears to be a minor glitch.**

Adopt a Policy on Bias-Free Policing. Chief Burton has committed to working with Empower Missouri and other interested stakeholders to adopt a policy on bias-free policing in line with the philosophy of Lorie Fridell, an expert in this area. The policy "boils down to saying officers must act on facts about the individual, which is the essence of good policing. In the context of concerns about the possibility of officers being influenced by our history of racial subjugation, this means officers learn to ignore stereotypes by disciplining themselves to look for facts clearly independent of race and acting only if they find probable cause or, in cases in which they are permitted more discretion, compelling indications of criminal behavior."[13]

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[12] Columbia Police Department Press Release. "CPD joining the White House-led Police Data Initiative." October 13, 2016. https://www.como.gov/CMS/pressreleases/view.php?id=4429

[13] Don Love. "Bias-free/Racial Profiling Policy Reform." E-mail message from author, September 19, 2017.

Fridell does a good job of presenting her "first circle" model policy, which clearly restricts the use of race in decision making, but she also acknowledges that in some situations officers may need more flexibility. However, if they have flexibility, she warns that a "slippery slope" could end up allowing blatant differential treatment. A first circle policy is useless if supervisors and trainers don't implement it well. A second circle policy can be ok as long as officers are held accountable for having facts about the individual compelling enough to override any implicit bias they may have, and to convince stakeholders that bias was not involved.

It's essential that officers are guided by a policy that clearly directs them to exclude race from their decision-making process. The policy must be written in a way that supervisors can hold officers accountable. It's not enough to just say officers must be free from bias because proving bias is next to impossible. There has to be some sort of behavioral element: they are held accountable for doing or not doing something that's easily observable.

Stakeholders need to be involved in developing the policy. Even though Empower Missouri has gathered background information about what makes a bias-free policing policy good or bad, it's still the nuanced details that prove the pudding. Allowing officers to act on "reasonable suspicion" has clearly not worked. We usually say "facts about the individual" instead of reasonable suspicion, but this may not be enough; what constitutes an acceptable fact? NAACP's Born Suspect and the 2017 version of the End Racial Profiling Act say that officers must act on "trustworthy" information, but trustworthy can mean different things to different people.

Whatever facts are allowed by the policy, officers and supervisors must make sure the standards are applied equally to everyone, regardless of group. If a member of one group is stopped for a specific violation, officers must be consistent in how the treat other drivers committing the same violation. If one fact is accepted as grounds for asking for consent, officers must apply the same standard to all drivers. If one driver is arrested for a specific violation all drivers must be treated equally.

It wouldn't be surprising if supervisors examined the facts cited by officers for consent searches and found them all acceptable, and yet there is a disproportion that is not supported by successful searches. Clearly the facts cited for black drivers have not proven to be good indicators of criminal behavior. The supervisors would have to make corrections in the facts allowed.

And Columbia should have a clear written policy on focused deterrence that defines how officers are to work with other city employees to create a community in which everyone is a valued member, free from the social ills that contribute to violence.

Addressing Racial Disparities and Other Identified Issues: Other Considerations?

In addition to measures that have already been taken and the five recommendations from the NAACP community engagement process, the following ideas are other options to consider.

Define Key Terms and Establish Guidelines Relating to Vehicle Stops Data. The data in the *Vehicle Stops Report* has terms that are not defined by state law or local ordinance. This requires officers to use their discretion which leads to inconsistencies in the collection and reporting of data. Examples include defining the four "reasons" for stops; issuing guidelines on investigative stops and when they should be reported as compared to other types of stops; issuing guidelines on how to record a driver's race/ ethnicity (use what is listed on the driver's license and not the officer's perception); and guidelines on when vehicle stops data must be recorded and submitted.

> **Empower Missouri has had conversations with AG staff. We expect the AG will act to address these issues, although some things CPD has had trouble with are covered in the Code of State Regulations forms provided by the AG. Missouri driver licenses do not list race or ethnicity. What is important for determining disproportionate treatment is the officer's perception of the group membership of the driver.**

Analysis/ Research Report Conducted by (or with) an Outside Organization. In an effort to gain an independent perspective, CPD could contract with an outside person or organization to review and analyze the City's vehicle stops data. The report could also provide recommendations on policy changes and ways to lower racial disparities. Other law enforcement agencies in the United States have taken this approach to discuss the vehicle stops data for their communities. (Examples of law enforcement agencies working with outside organizations to review and analyze vehicle stops data include the Greensboro Police Department and Durham Police Department. The reports for these agencies can be found in the appendix section of this report.)

> **Empower Missouri supports this strategy. DOJ may be able to help. Fridell, the authors of *Pulled Over*, David Harris and others offer good advice.**
>
> **We have not finished reviewing the analyses from Greensboro and Durham. It's good to know agencies are doing this sort of work, and that CPD is learning from them. We'll send comments separately.**

Annual in-house report on Vehicle Stops Report. It is important for the City do a better job of communicating with the community about the vehicle stops data. To accomplish this CPD could conduct a review and issue an annual report outlining their findings and opportunities

for improvement. This report allows the department to discuss outside factors and viable explanations for why racial disparities might exist in the vehicle stops data.

> **Empower Missouri supports this effort. The reform legislation requires it of agencies. We expect CPD and other agencies performing these reviews would find that some disproportions can be accounted for by "alternative legitimate factors" but that situations will be discovered in which improvements in policies, supervision and training are needed. Public discussion is crucial to establishing a shared understanding of how law enforcement is to be conducted in Columbia. If CPRB is given expanded responsibilities it should have the authority endorse the report or require more work to be done. Council should accept the final form.**

> **Dr. Fridell has offered several explanations of how communities can go about performing reviews of stop data. The explanation in By the Numbers, pages 368-372, fits Columbia's needs by giving a clear process for going from a quantitative analysis of the data to a qualitative analysis of what's causing the disproportions--bias or legitimate factors--then to a plan for correcting problems and building trust.**

> **_Pulled Over_ offers another model for conducting a review. The authors did not start with stop data but with data they collected from interviews with 3000 Kansas City area drivers and officers, so their results are a mix of qualitative and quantitative. They would probably help. The interviews could start with a random sample of individuals who had been stopped by officers. Interviewers could be community volunteers.**

> **An important consideration about annual reviews is that the first one or two are going to be difficult, but they become much easier as a baseline is established. For instance, an observational study of group proportions of drivers would not have to be completed annually.**

Reconstitute a Traffic Unit. The data shows that the number of total vehicle stops has had an impact on racial disparities. Specifically, when the number of vehicle stops was the highest the racial disparities were lower compared to other years. One effort that can be taken to increase the number of vehicle stops is to reconstitute a traffic unit. The traffic unit would enforce traffic laws on major roadways and intersections, in high accident areas, and in school zones.

> **Empower Missouri does not oppose this change but the real source of the disproportions is not the number of stops but the concentration of them in areas with high proportions of black drivers, not because traffic safety is especially bad there but because the stops are expected to reduce crime. This is the ineffective**

"saturation patrol" discussed above. What Columbia needs to do is continue expanding its strategy of focused deterrence.

This idea also falls in line with an initiative in the Vision Zero Action Plan which called for reconstituting a traffic unit for police traffic safety enforcement.   Vision Zero data demonstrates that peak traffic accidents occur Monday through Friday, between 3:00 pm and 6:00 pm. These hours should be the focus of any increased enforcement.

Conclusion

Many of the measures outlined in this report have been implemented within the past year or will be implemented in the near future. The measures have not been in place long enough to have their desired effect and it is anticipated that there will not be a significant change in the racial disparities on the 2017 *Vehicle Stops Report*. This is important to point out because despite the anticipated data, progress has been made. As a result of this process, the City government and community have come together and started an honest dialogue, relationships have been established and strengthened, and many measures have been implemented.

Empower Missouri expects disproportions in consent searches will decline in 2017 because of the change in policy enacted in the fall of 2016. Data for the fall of 2016 indicated a decline that is likely to continue, and maybe even improve in 2017. Consent searches are indicators of an agency's general ability to deliver bias-free policing. As officers learn to use them more wisely, ignoring race and concentrating on facts about the individual, we expect other disproportions to decrease. But still we have lots of work to do together.

Fiscal Impact

Short-Term Impact: The measures outlined in this report that have already been implemented do not have a fiscal impact beyond what has already been budgeted. If council chooses to implement other measures then there could be a fiscal impact and additional funds would be required.

Long-Term Impact: The measures outlined in this report that have already been implemented do not have a fiscal impact beyond what has already been budgeted. If council chooses to implement other measures then there could be a fiscal impact and additional funds would be required.

Strategic & Comprehensive Plan Impacts

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Strategic Plan Impacts:

Primary Impact: Public Safety, Secondary Impact: Social Equity, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

None.

Suggested Council Action

This report is for informational purposes.