



**TRAFFIC STOP OUTCOMES BY RACE: AN ANALYSIS OF 2016 & 2017 DATA**

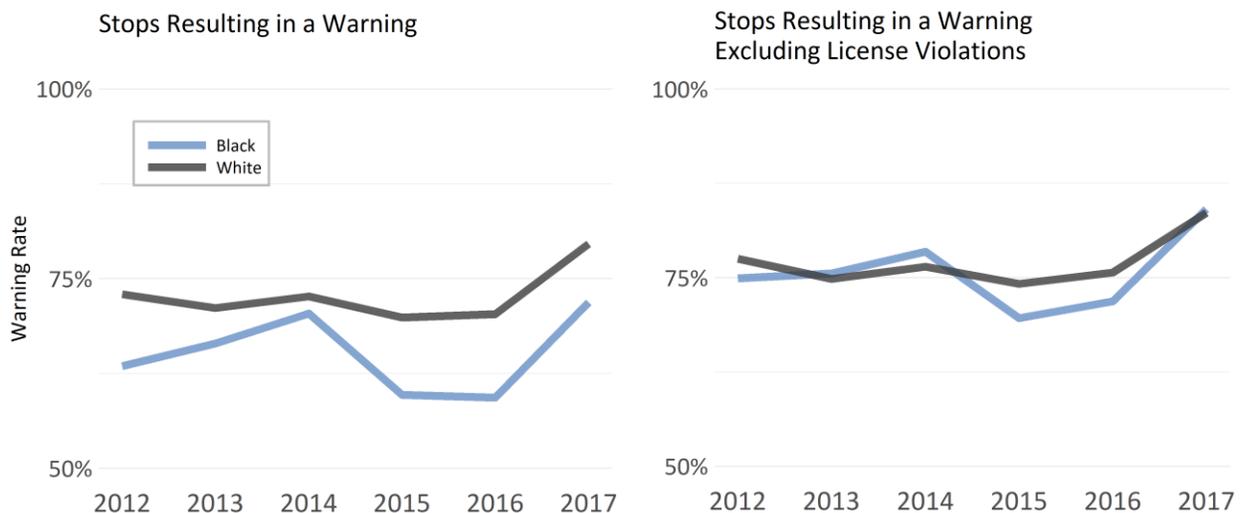
Racial disparities in traffic stop outcomes have been a topic of concern and study in Vermont. Recent external reports use data from police departments across the state to show how drivers of color are treated differently than their white counterparts before and during car stops. In keeping with its commitments to equity and transparency, the Burlington Police Department has conducted an analysis of its own traffic stop data for 2016 and 2017. The analysis shows near-complete reductions in racial disparities in discretionary traffic enforcement in two areas: the likelihood of receiving a warning instead of a ticket, and the “hit rate” of motorist searches.

There is a substantial history of explicit and implicit bias against people of color at the national and local levels. The dangers of these biases are acute in policing due to the power accorded to police officers and the discretion they are given in its exercise. The department will *never* tolerate explicit bias, nor hire or retain officers who demonstrate it. Beyond this, we have also trained our officers in ways to counter the implicit biases that may exist in any person.

Note that this particular analysis does not address the relative rates of being stopped by race. There are many situations where the race of a driver is unknown until after an officer has made a traffic stop, such as at night or when observing a moving violation from behind. This limits the possible inferences about stop rates between races. On the other hand, warnings, tickets and searches are outcomes generated after an officer has observed a motorist at close quarters and had an opportunity to note the motorist’s perceived race. Given these issues and the brief nature of this analysis, the focus here is on *post-stop outcomes*.

**1) In circumstances in which they have the greatest discretion, Burlington police officers are as likely to issue a warning to black motorists as to white motorists:**

Driving without a license or with a suspended license is a serious infraction which leaves an officer with little choice about whether to give a ticket or not. It usually means that a driver has had other driving violations in the past, has continually failed to pay previous tickets, or should not be on the road at all. A warning is not an appropriate response in these cases. Over the past six years, 6% of white drivers and 15% of black drivers stopped by the department have had such



a license violation. When they are excluded from an outcomes analysis (*i.e.*, controlled for), the difference in the warning rates across races all but disappears and reverses in some years. Across the last several years, white and black drivers without any license violations are *equally likely* to receive a warning after a stop. As discussed below, the underlying disparity in license violations across races certainly warrants further study.

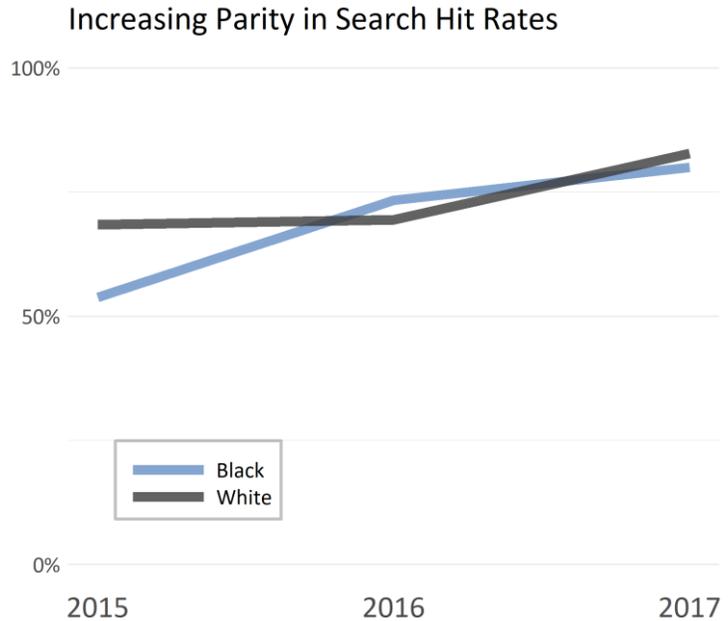
**2) Burlington Police Officers are highly, and equally, likely to find contraband on white and black drivers when they make the decision to search a car:**

“Hit rates,” or the chance of finding contraband given an officer’s decision to conduct a search, are a key measure of possible implicit bias in policing. A significantly lower hit rate for searches of black drivers than white drivers, for example, implies that officers are overestimating the chance of finding contraband in black drivers’ vehicles, or imputing levels of criminal suspicion against black drivers that are more likely to be unfounded. In past years, hit rates for the department have been lower for black drivers than for white ones.<sup>1</sup> The BPD has taken a number of steps to address this issue, including:

- *Increased training in interdiction techniques.*
- *Training in the causes and remedies of implicit bias.*
- *Education on the nature and magnitude of this disparity.*
- *Presentation of individual officer stop data for comparison with peers.*

Two things happened: the gap in the hit rate of searches by race disappeared, and searches became more productive:

- *In 2016, the hit rate for black drivers was greater than that of white drivers.*
- *In 2017, hit rates across races were approximately equal, and the searches yielded contraband about 80% of the time.*
- *Both of these are substantial improvements that have been sustained over two years.*



These outcomes suggest that Burlington police officers do not attach unfounded criminal suspicion to drivers due to their race, insofar as those suspicions result in intrusive seizures and searches as a result.

<sup>1</sup> Differences between hit rates are not statistically significant, in any year of the data.

### ***Accuracy of Department Data***

The data collected by the department is not infallible. This is usually the case with any large dataset compiled by dozens of people working in the field over the course of years. We found concerns with transcription, interpretation, and classification, for example:

- *What was written on the ticket was not entered into the records management system correctly by a clerk as a matter of human error.*
- *A ticket was marked as contraband found, but also as not a search, due to a driver handing contraband to an officer without a formal search. These were not counted as searches, although they are instances where an officer recovered contraband at a stop.*
- *Traffic stops that resulted in a search that only produced a ticket for drugs were not initially included in the dataset of traffic stops as an artifact of our records management system's automated classification methods. We manually added them into this dataset.*

Searches and hit rates were audited for accuracy. For 2015, 2016 and 2017, any illogical outcome in a search or suggestion that it went unacknowledged was clarified by reading the narrative of an incident written by an officer. While we are confident in the data for these years, the most accurate comparisons to years prior to 2015 would require additional auditing.

### ***Going Forward***

Our analysis highlighted the need for additional understanding and possible action:

- *Black drivers are still searched at a much higher rate than white drivers (7% versus 1%). While hit rates show that the large majority of these searches bear contraband, and now at an equal rate across races, the department seeks to understand what factors influence the formulation of founded suspicions by and across races.*
- *That 6% of white drivers and 15% of black drivers stopped are driving with a license violation should be a topic of concern for the state of Vermont. There are many reasons why licenses are suspended, and they have socio-economic implications that intersect with race in our society:<sup>2</sup> the ability to pay fines, to contest a ticket and mount a satisfactory defense, to take off from work to appear in court, to understand and respond to a ticket written in a person's second language, and to seek and act on the counsel of people familiar with Vermont's court system, etc. The fact that the warning and ticket rate of Burlington police officers shows little disparity when officers have the freedom to act with discretion means we must acknowledge that the police are one set of actors in a web of government systems that have a profound impact on people's lives. Accountability and reform will only succeed if they are truly comprehensive.*

The Burlington Police Department will continue to pursue fair and equal treatment for all. We will continue to collect and analyze data, share the results with our community, listen to concerns and feedback, and shape our policies and operations accordingly.

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<sup>2</sup> For an analysis of how poverty and race intersect in Texas to result in disparities in traffic enforcement outcomes, see: <https://www.washingtonpost.com/posteverything/wp/2016/03/03/how-tracking-police-data-by-race-can-make-unfair-laws-look-like-the-cops-fault/>

### Search and Arrest Rates by Race<sup>3</sup>

2017	White	Black	Hispanic	Asian
Total Stops	2531	293	27	145
Arrests	22	6	1	2
Searches	29	20	0	1
Arrest Rate	1%	2%	4%	1%
Search Rate	1%	7%*	0%	1%
<b>Hit Rate (percent of searches with contraband)</b>				
All Outcomes	<b>83%</b>	<b>80%</b>	-	<b>100%</b>
Ticket/Arrest	62%	60%	-	100%
<b>2016</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>
Total Stops	3,717	382	33	182
Arrests	35	2	0	2
Searches	36	15	0	4
Arrest Rate	1%	1%	0%	1%
Search Rate	1%	4%*	0%	2%
<b>Hit Rate (percent of searches with contraband)</b>				
All Outcomes	<b>69%</b>	<b>73%</b>	-	<b>25%</b>
Ticket/Arrest	47%	40%	-	25%
<b>2015</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>
Total Stops	4,144	460	31	211
Arrests	53	8	0	2
Searches	38	13	2	0
Arrest Rate	1%	2%	0%	1%
Search Rate	1%	3%*	6%*	0%
<b>Hit Rate (percent of searches with contraband)</b>				
All Outcomes	<b>68%</b>	<b>54%</b>	<b>0%*</b>	-
Ticket/Arrest	50%	46%	-	-

\* Statistically significant difference between search rates of minority and white drivers. All other differences between drivers of color and white drivers are statistically insignificant (at <0.05).

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<sup>3</sup> The focus on this analysis was examining the discretion of the officer making the stop, so arrests on warrant were excluded from arrest counts and rate. Likewise, searches based on warrants were excluded from search counts and rates. Externally generated stops, such as traffic accidents or 911 calls for reckless driving, were excluded from all counts and rates.