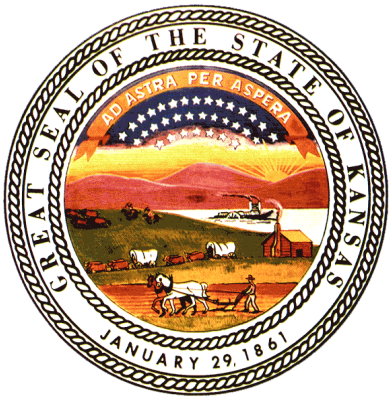
RACIAL PROFILING STUDY AND SERVICES

A Multijurisdictional Assessment of Traffic Enforcement and Data Collection in Kansas



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RACIAL PROFILING STUDY AND SERVICES

A Multijurisdictional Assessment of Traffic Enforcement and Data Collection in Kansas

Conducted by the POLICE FOUNDATION

by

John C. Lamberth, PhD
Chief Executive Officer, Lamberth Consulting, LLC
Project Director

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POLICE
FOUNDATION

Washington, DC

The Police Foundation is a private, independent, nonprofit organization dedicated to supporting innovation and improvement in policing. Established in 1970, the foundation has conducted seminal research in police behavior, policy, and procedure, and works to transfer to local agencies the best new information about practices for dealing effectively with a range of important police operational and administrative concerns. Motivating all of the foundation's efforts is the goal of efficient, humane policing that operates within the framework of democratic principles and the highest ideals of the nation.

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FOREWORD

The controversial police practice of racial profiling, that is, selectively stopping, questioning, and searching people on the basis of arbitrary minor offenses and the color of their skin, is not new but it has come under particular scrutiny in recent years. A national problem, racial and ethnic profiling is rooted in the perception of many police officers that minority drivers are more likely than white drivers to be carrying drugs. As an ingrained byproduct of police culture and training, this practice has become so habitual that minority communities have nicknamed it "driving while black or brown."

Victims of racial or ethnic profiling are often subject to invasive and humiliating searches, but are likely never to be brought before a judge or jury, and often do not receive so much as a traffic ticket. Beyond these indignities lies the larger issue that race plays in the American criminal justice system. Government statistics on drug offenses—the basis for much pretextual traffic enforcement—are devoid of any real racial and ethnic data about drug crime. Simply put, arrest data for drug crimes measure law enforcement activities, not the extent of drug crime or the race or ethnicity of those who participate in it. So the argument that minorities commit a disproportionate share of drug crimes is a specious one.

Because all drivers violate traffic laws at some point, and because police traffic enforcement resources are finite, police officers exercise wide discretion in choosing which vehicles to stop. As noted by former Supreme Court Justice Robert H. Jackson when he

was Attorney General,[1] "Law enforcement is not automatic. It isn't blind….We know that no local police force can strictly enforce the traffic laws, or it would arrest half the driving population on any given morning…."

Though the practice of racial profiling is common knowledge, attempts to prove its existence have relied mainly on anecdotal accounts and piecemeal, though suggestive, evidence. The campaign for systematic data collection on traffic stops gained momentum in 1999, following allegations that New Jersey state police engaged in a pattern of discriminatory traffic enforcement. Since that time, jurisdictions across the country have begun to examine their own enforcement practices and communities have demanded more police accountability on the issue. By collecting information on the nature, character, and demographics of police enforcement practices, we enhance our ability to assess the appropriate application of the authority and the broad discretion entrusted to law enforcement, as well as the most effective deployment of police resources.

A fundamental police role is to enforce and uphold the rule of law, and to do so equitably without regard to race, ethnicity, or social or economic status. Police administrators should proactively institute and enforce strong policies governing conduct, as well as systems to collect and analyze data relative to police-citizen contacts such as complaints, use of force incidents, and traffic stops. Such efforts would inform policy,

[1] *The Federal Prosecutor*, Address at the Second Annual Conference of United States Attorneys (Apr. 1, 1940), in David A. Harris, *The Stories, the Statistics, and the Law: Why "Driving While Black" Matters*. The Minnesota Law Review, December 1999, 84 Minn. L. Rev. 265.

guide recruitment and training, and build accountability necessary to restore and maintain public trust in the police.

The State of Kansas is to be commended for its proactive approach in examining racial profiling within its borders. In commissioning this study to systematically collect and analyze relevant data so that the nature of police policies and practices on this issue can be understood by practitioners and policymakers, the State of Kansas will be able to determine what actions are necessary to ensure that an appropriate balance exists between the needs of law enforcement and the rights of citizens to travel freely.

Hubert Williams
President
Police Foundation

ACKNOWLEDGMENTS

We wish to thank Herman Jones of the Kansas Highway Patrol who served as the study liaison for the State of Kansas. He spent innumerable hours working with us in dealing with issues that are inherent to a project of this scope and duration. Through good times and bad, he was unfailingly responsive to the needs of the study and the sensibilities of those involved. We found and benefited from an enormous amount of good will toward Herman throughout the state. Without his efforts, this study would have been extraordinarily difficult.

We are most appreciative of the fine work of Dr. Rachel Boba, Mary Velasco, and Greg Jones of the Police Foundation's Crime Mapping Laboratory for lending their considerable knowledge and expertise in developing and producing the maps that appear throughout this report.

To each of the departments in the study, we extend our thanks. We are particularly grateful to Colonel Don Brownlee and the Kansas Highway Patrol for funding the procurement of stop data collection forms when it became necessary to assure that the departments would have a uniform way to report stop data. In each of the jurisdictions studied, we needed to understand traffic patterns, areas of the jurisdiction where police traffic activity was highest, special details or deployments that would impact the study, and a myriad of other details that were willingly shared with us to the benefit of the study.

While it is not possible to thank every officer from every participating department, we are grateful for all their efforts. We especially thank the following personnel:

Emporia Police Department
Chief Mike Heffron
Deputy Chief Michael Lopez

Hutchinson Police Department
Chief Dick Heitschmidt
Captain D.G. Higdon

Kansas City Police Department
Chief Ronald Miller
Major Steve Culp

Kansas Highway Patrol
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Lieutenant Colonel Terry Maple
Major Craig Dewell
Major Mark Goodloe
Major Courtney Dean
Major Bill Ramsey
Captain Fred Waller
Captain Mark Conboy
Captain John Walters
Captain Kelly McGuire
Captain Kent Dean

Marysville Police Department
Chief Todd Ackerman

Olathe Police Department
Chief Art Mabry
Acting Chief Howard Kannady

Osage County Sheriff's Department
Sheriff Ken Lippert

Overland Park Police Department
Chief John Douglass
Lieutenant Alan Sneller
Gerald Tallman

Park City Police Department
Chief George Capps
Captain Hobert Capps

Wichita Police Department
Chief Norman Williams
Deputy Chief Terri Moses
Captain Randal B. Landen
Lieutenant Ronald R. Harris

We were ever mindful of the fact that these departments were serving as subjects in a study that had the potential to spotlight practices that might not reflect favorably upon them. We attempted to be sensitive to the issues a study of this type would inevitably generate.

Karen L. Amendola, PhD
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EXECUTIVE SUMMARY

In recent years, the debate over the controversial practice of racial and ethnic profiling has intensified. Greater scientific sophistication among the nation's leading experts in the area has yielded more reliable and valid results. The key consideration in scientific practice centers on the proper "benchmarks" against which to compare traffic and pedestrian stop data. The scientific community has now affirmed that comparing stop data to population data (e.g., U.S. Census data) is not the appropriate benchmark because population data do not reliably represent the transient population (motorists or pedestrians) in any particular location. This is the first study that we know of that has utilized appropriate benchmarks and simultaneously assessed racial profiling for more than one minority group.

This report answers the following questions:

- Is racial profiling occurring in Kansas?
- Are there some law enforcement agencies that are profiling?
- Where is racial profiling most prevalent?
- Which minority groups are being targeted and where?
- What is the likelihood of a minority group member being stopped by police?

This study in the State of Kansas represents a multijurisdictional assessment of racial profiling by examining ten different law enforcement agencies throughout the state. The original study plan was modified in time and in methodology due to the fact that

most agencies in the state did not collect information on stops, or did not uniformly or consistently collect such information. Comparisons were made between data collected from traffic stops and the appropriate benchmark of the motoring population in various locations. Due to its prevalence throughout the state, the Kansas Highway Patrol was selected for inclusion in the study. Overland Park was selected because it already had obtained stop data that could be used and thus was chosen as the pilot site for the study. The other eight agencies were randomly selected from within small, medium, and large agencies statewide.

While a number of practical considerations delayed the study's progress, the majority of those issues were resolved in an efficient and effective manner. However, such considerations resulted in data from three of the ten agencies being unusable for the purposes of assessing profiling in the state. Nevertheless, the findings from the remaining seven jurisdictions provided ample evidence of the patterns of profiling in the State of Kansas.

The results of this study demonstrate, by and large, that the State of Kansas is experiencing profiling of Hispanic and Black motorists. While evidence of this was not apparent in all jurisdictions, seven assessed agencies had evidence of at least one of these two groups being targeted by police in traffic stops. In three of the seven jurisdictions, evidence of profiling of both Hispanics and Blacks was present. All ten agencies assessed in this report were asked for alternative explanations that were considered in interpreting findings of profiling. Researchers are aware of no existing evidence that

supports the assertion that members of minority groups are more likely to violate traffic laws.

Other findings suggested in this study are the higher proportion of young drivers who are stopped by police, and the sometimes-defensive posture of law enforcement in examining profiling. The former is not surprising given the extent of younger drivers' violation rates and insurance actuarial data. While defensiveness of law enforcement about profiling practices is somewhat understandable, the amount of support and cooperation afforded by the majority of agencies was remarkable. Only one agency declined to participate in the study, and two agencies that confronted officer resistance problems in collecting stop data provided incomplete or inconclusive data to the researchers.

While these results should alert officials to the prevalence of profiling, they should also be interpreted in the context of such practices nationwide. In fact, in a similar study conducted with the New Jersey State Police (*New Jersey v. Soto et al*[2]), the police were stopping motorists at a considerably higher rate than has been shown to be the case in Kansas.

[2] 734 A.2d 350, Superior Court of New Jersey (1996).

INTRODUCTION

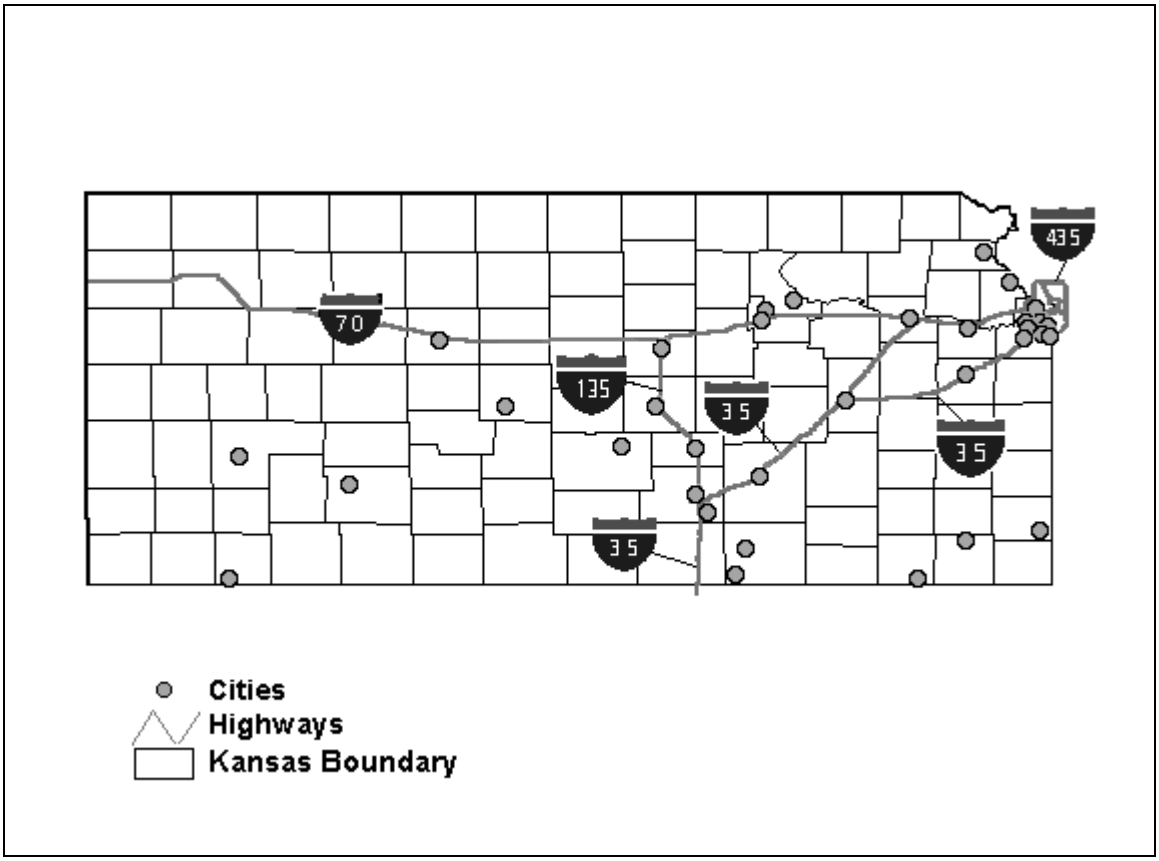
In an effort to develop proactive strategies and systems to define profiling in Kansas, the 2000 Session of the Kansas Legislature directed the governor, with the assistance of the attorney general and the Kansas Law Enforcement Training Commission, to develop a system to collect and report statistics relating to race, ethnicity, sex, age, and residency by county and state of those who come in contact with law enforcement activities. The state defined racial profiling as "the use of race or ethnicity as a basis for making decisions involving law enforcement activities."

As a result of the legislature's directive, the State of Kansas developed a request for proposal (RFP) (Request for Proposal 02131, Racial Profiling Study and Services, August 22, 2000). In response to that RFP, the Police Foundation submitted a proposal and was awarded a contract in December 2000. The Police Foundation subcontracted with Lamberth Consulting, LLC, whose chief executive officer, Dr. John Lamberth, is recognized as one of the nation's leading experts on racial profiling. Dr. Lamberth served as the project director for this study.

The purpose of the study was to determine whether law enforcement agencies in the State of Kansas engage in racial profiling. The intent of the project was to provide the findings to the governor's office that would then provide a report to the Kansas Legislature. The RFP called for the collection of data to come from existing law enforcement records, to the extent that those data were available. In order to meet these

objectives, it was determined that ten agencies would be selected for inclusion in the study.

Map 1 : State of Kansas: Major Cities & Routes



In early January 2001, the governor and the attorney general sent a letter to all police agencies in Kansas requesting information on available data relating to racial profiling. On January 18, the first returns of the survey sent to these police agencies were received. From those returns, it was evident that only two departments had sufficient data available to assess racial profiling practices or the lack thereof. It was therefore necessary

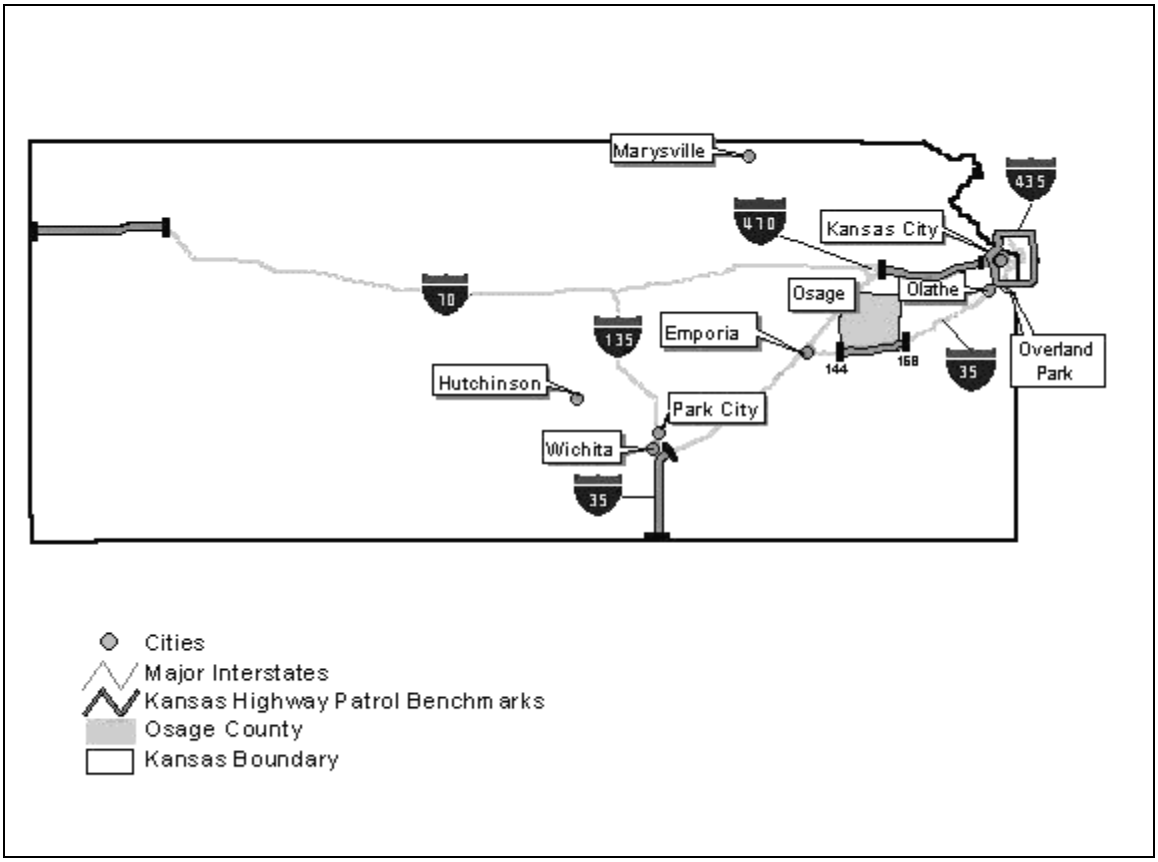
to reframe the project with one of those two departments, Overland Park, being chosen as a pilot site for the project. The report for Overland Park was submitted in April 2001, and is incorporated into this report. The other departments were given time to collect the data necessary for the study. This extended the timetable for the study, but the plan and logic, which relies on sampling of a city and police activity in a city to reach conclusions, remained the same.

Participation in the study was voluntary and only one department, the Pottawatomie County Sheriffs' Department, declined to participate. When it became apparent that stop data were not available from the vast majority of departments and thus would have to be collected, the Kansas Highway Patrol funded the procurement of stop-data forms and the study team provided a stop data "train-the-trainer" session at no additional cost.

Given its broad presence throughout the state, the Kansas Highway Patrol was also selected for inclusion in the study. For the remaining eight departments, it was determined that in order to get the best representation of agencies statewide, a stratification would be made based on agency size. Therefore, three agency sizes were established: "large" agencies (more than 150 officers), "medium" agencies (26-149 officers), and "small" agencies (25 or fewer officers). Random selections were made of agencies fitting each category. This random selection allows us to generalize beyond the specific departments studied, to the state as a whole. The following ten agencies participated in the study:

Small	Medium	Large
Marysville	**Emporia**	**Kansas City**
Osage County Sheriff[3]	**Hutchinson**	**Kansas Highway Patrol**
Park City	**Olathe**	**Overland Park**
		Wichita

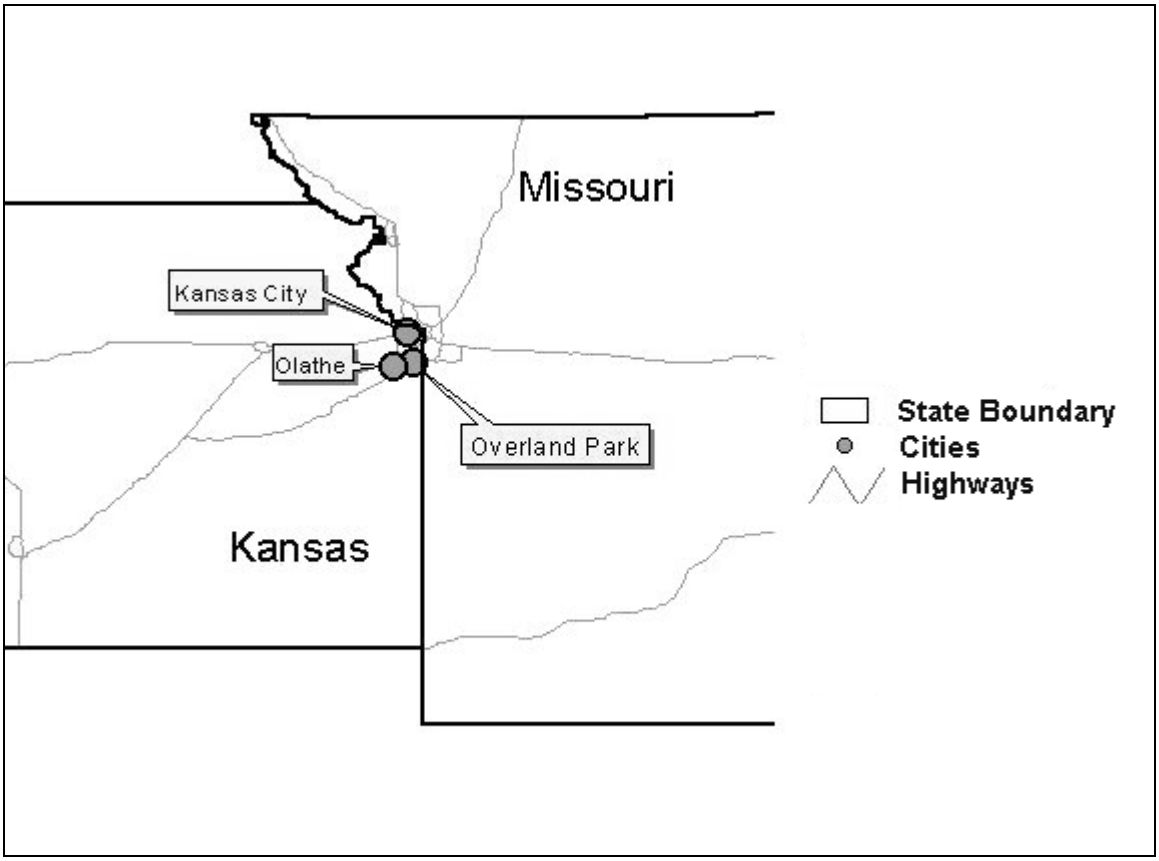
Map 2: State of Kansas Study Sites



[3] Originally, the Pottawatomie County Sheriffs' Department was selected to participate in the study. However, because of the time requirements that would be necessary, they declined to participate. Therefore, the Osage County Sheriffs' Department was randomly selected from among all other small departments to participate in the study in place of the Pottawatomie County Sheriffs' Department.

Three of the study sites—Kansas City, Olathe, and Overland Park—are located in the Kansas City Metropolitan Area (see Map 3). Although these three sites are adjacent to one another, their driving populations are quite different, as the study's findings show. For example, the percentage of Black drivers ranged from a low of 2.8 percent at one location in Overland Park, to a high of 87.6 percent at one location in Kansas City.

Map 3: Kansas City Metropolitan Area Study Sites



BACKGROUND ON RACIAL PROFILING DATA COLLECTION

In June 1999, the U.S. Department of Justice (DOJ) hosted a conference on "Strengthening Police-Community Relationships." The conference recognized that police are more effective when they have the trust and cooperation of the residents in their community. However, in many communities, especially minority communities, a lack of trust remains between law enforcement and local residents. This tension is exacerbated by allegations of police misconduct such as racial profiling.

The conference highlighted the need to identify proactive police practices to build trust, enhance police integrity, and reduce police misconduct. Collecting data on traffic and pedestrian stops, analyzing these data, and providing the results for public review can help to shift debates on racial profiling from anecdotal reports to informed discussions. By being proactive about recognizing and addressing racial profiling, police communities can go a long way towards managing perceptions around racial profiling and strengthening police-community relationships.

In February 2000, we participated in a work session hosted by the DOJ and entitled "Traffic Stops and Data Collection: Analyzing and Using the Data." In this session, more than 75 federal, state, and local police administrators, prosecutors, civil rights advocates, government officials, police labor leaders, researchers, and community leaders gathered to examine the collection, analysis, and use of data on traffic, pedestrian, and other law enforcement stops. Collectively, we reached several conclusions:

- Traffic stop data collection systems are needed to respond to the perceptions of racial profiling, to measure the reality, and to bridge the gap between minorities and police.
- Benchmarks for comparing data collected on stops are essential for conducting valid analysis. Without valid control groups, supportable statistical analysis is not possible.
- Data that are complete, accurate, and truthful are critical.
- Analysis of data must be conducted by a capable and credible party.
- Publicizing traffic stop data can help build trust between public law enforcement agencies and the public.

To address public perception about racial profiling and to strengthen police and community relationships, the methodology for collecting and analyzing stop data is critical. Three primary components must be in place to determine whether racial profiling is occurring: the right benchmarks, complete stop data, and valid statistical analysis.

THE RIGHT BENCHMARKS

"Benchmark data" refers to control data against which stop data can be compared to determine if any racial or ethnic group is being stopped at a disproportionate rate. The right benchmark can provide the racial and ethnic demographic for any given locality, whether it be an urban intersection or a state highway. Stop data can then be compared to the demographic, and a statistical analysis can be conducted which will help determine if

some racial groups are being stopped more frequently than their demographic presence, which may indicate that profiling is occurring.

Collecting the right benchmark, or understanding the true demographic of a locality, is essential to procuring valid results on profiling. If the assumed demographic is suspect, then the comparison to stop data may yield invalid results and the analysis will be meaningless.

The only way to determine the true demographic for any given locality is to survey the traffic by race and ethnicity. This means that the racial and ethnic mix of individuals traveling through a locality must be identified and recorded. A schedule must be developed to survey carefully chosen locations according to a randomly selected time schedule. If the right locations are surveyed according to the right schedule, then the demographic for a given locality may be assumed.

Other benchmarks, such as census data on population demographics, will *not* serve as reliable benchmarks. Census data measures static populations, that is, the geographic demographic of households. Highway and pedestrian traffic represent transient populations. People work in different locations from which they live, and travel in different routes and different ways to get there. Additionally, tourists, business travelers, university populations, and other populations not measured in census data make such comparison suspect. For example, in *New Jersey v. Soto*[4] and *Wilkins v.*

[4] See note 2 above.

Maryland State Police,[5] it was found that census data did not accurately predict highway transient traffic. The methodology used for this study has been designed specifically to measure transient populations, and has been accepted by law enforcement agencies and courts as a basis for determining whether racial profiling is occurring (*State of New Jersey v. Soto*[6], *Wilkins v. Maryland State Police*[7], *Arizona v. Folkes*[8]).

COMPLETE STOP DATA

The second set of critical data is police stop data. For the purposes of this study, we make a distinction between stop data and ticket data. Stop data refer to all police stops (traffic or pedestrian) that do not result in the subject of the stop receiving a ticket. Ticket data refer to police stops that result in the subject of the stop receiving a ticket.

The State of Kansas indicated that, "There appears to be no uniform policy for collecting and maintaining these [stops and ticket] data." (RFP 02131, Addendum 2, response to question 14.) Ticket data may be compared to benchmark data to determine if racial profiling is occurring. Certainly the results of this analysis will provide important insights into Kansas policing practices.

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[5] Civil Action No. CCB-93-483, Maryland Federal District Court (1993).

[6] See note 2 above.

[7] See note 5 above.

[8] S-0300-CR-99000631, Coconino County Superior Court (1999).

However, the majority of police stops are not ticketed. For example, approximately 63 percent of all police stops in New Jersey (*New Jersey v. Soto*[9]) are not ticketed, and 75 percent of all stops in Arizona *(Arizona v. Folkes*[10]*)* are not ticketed. Analyzing these data are important, perhaps more so than ticket data alone.

The content of the stop and ticket data is equally important. In addition to race and ethnicity, the time of the stop and specific location are crucial so that valid comparisons against transient demographics can be conducted. On highways, this means that mile marker and traffic direction must be known to conduct valid comparisons. In urban areas, street name and nearest cross streets, or equally specific location data, must be known to conduct valid comparisons. Generalizations are not enough. Transient populations vary according to time of day and specific location. For example, the transient population in an urban area may differ significantly from one street corner to the next, depending upon the businesses, homes, university locations, and the time of day. It is for these reasons that we conducted a survey of available data from the outset of the project.

VALID STATISTICAL ANALYSIS

Statistical validity is based on two key components: (1) sampling procedure and size; and (2) appropriate data for comparison purposes (stop data and benchmark data).

[9] See note 2 above.

[10] See note 8 above.

Because the departments in this study did not have adequate existing stop data, it was determined that four months would be the minimum amount of time needed to supply a sufficient sample size for departments. While it would have been preferable to sample for a longer period of time, it was felt that, for overall departmental evaluations, the four months would allow a sufficient amount of data and minimize delays in completing the study (subsequent developments would have allowed a longer data collection period, but that understanding comes only in hindsight). Particularly with regard to the small and medium departments, it was necessary to be cognizant of the amount of activity to assure that they would have an adequate sample size in a four-month period. Sample size is important in determining the standard error of a statistic and we attempted to obtain samples with the smallest possible margin of error.

For benchmark data it is equally true that there should be random sampling and the sample size should be adequate to assure small margins of error. To accomplish this, the times that the roadways were sampled (i.e., when transient populations are surveyed) were randomly selected. The surveys took place both day and night and for a long enough time period to ensure large sample sizes. The sampling procedures for the benchmark data have been scrutinized by experts in the field of statistics, courts, and law enforcement agencies and found to be statistically valid (*State of New Jersey v. Soto,*[11] *Wilkins v. Maryland State Police,*[12] *Arizona v. Folkes*[13]).

[11] 734 A.2d. 350, Superior Court of New Jersey (1996).

[12] Civil Action No. CCB-93-483, Maryland Federal District Court (1993).

METHODOLOGY AND TIMELINE

The methodology used in this study has been developed and refined based upon experience with similar efforts in determining if racial profiling is occurring in the states of New Jersey, Maryland, Arizona, and Michigan (*State of New Jersey v. Soto*,[14] *Wilkins v. Maryland State Police*,[15] *Arizona v. Folkes*,[16] Lamberth 2001), and through our experience in working with national leaders on this issue in U.S. Department of Justice conferences and work sessions. Our belief is that the most effective approach is a holistic one and includes the assessment of racial profiling, intervention to train employees and to improve processes and behaviors if the problem exists, and communications with the stakeholder communities and groups that are affected by the practice.

It is not possible to conduct benchmarking in every part of a city or highway to assess racial profiling. The logic of our work, elemental to statistical analysis in other contexts, is to sample certain portions of city drivers on randomly selected days and times of day. This method enables the generalization of the police department's activity as a whole. The determination of locations to assess in a city is necessarily determined by traffic patterns and police activity in that city. Days and times of day are selected randomly to assure the greatest generalization possible. In this study, we assessed in

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[13] S-0300-CR-99000631, Coconino County Superior Court (1999).

[14] See note 11 above.

[15] See note 12 above.

[16] See note 13 above.

great detail specific locations in the selected cities, towns, and counties, as well as in excess of one hundred and fifty miles of the interstate highways patrolled by the Kansas Highway Patrol and several miles of interstates patrolled by either the Olathe Police Department or the Osage County Sheriffs' Department.

As previously described, the appropriate standard of comparison, or benchmark, must be established. Existing stop data must then be compared against benchmark data in order to assess the occurrence of racial profiling. That is, the percentage of minorities stopped by police departments must be compared to the benchmark data to assess whether minorities are stopped at a disproportionate rate to that at which they travel the roadways. Furthermore, most experts agree that the appropriate benchmark is not city or surrounding area population that can be obtained in census data. The appropriate benchmark is the motoring, or transient, population.

The racial composition of this transient population may or may not mirror the population of the city or county. For example, Johnson County has a population that is 2.6 percent Black of which 2.4 percent is 18-years-old and older. Overland Park has a Black population of 2.5 percent of which 2.3 percent is 18-years-old and older. If we used these percentages as the benchmark to which to compare the stops of the Overland Park police, we would significantly underestimate the percentage of Blacks in the driving population. For example, the transient population of Black motorists in Overland Park ranged from a low of 2.8 percent on Highway 69 (or 22 percent higher than the census data for those 18 and older in Overland Park), to a high of 8.6 percent on I- 435 (or 274 percent higher than the same census data). In each of these comparisons, traffic

percentages of Black motorists were higher than the corresponding census data would have indicated.

However, the story is even more complex than this. If we compare census data to transient data for Kansas City, the situation is not as straightforward as it seems from the Overland Park data. Kansas City, Kansas, is 30.1 percent Black (27.9 percent of which are over 18) and 16.8 percent Hispanic (14.7 percent of which are over 18.) Eight locations in Kansas City were benchmarked for traffic purposes.

The Black driving population ranged from 9.0 percent at 10th and Kansas to 87.6 percent at 13th and Quindaro. The Hispanic traffic ranged from 2.3 percent at 13th and Quindaro to 40.1 percent at 10th and Kansas. Clearly, using census data for Kansas City would have overestimated Black and Hispanic traffic at some locations and underestimated it at others. There are smaller geographic census enumerations of population to which our benchmark locations can be compared, i.e., census tracts that average 4,000 residents. These also can be compared to the locations that we benchmarked. For illustrative purposes, we provide both traffic demographics and census demographics for each benchmark location in Kansas City, Wichita, and Emporia (see Tables I.1, I.2, and I.3).

Table I.1: Kansas City: Black and Hispanic Benchmark vs. Census Tract[17]

	Percent					
Location	**Benchmark Black Traffic**	**Black Census**	**Comparative Disparity**	**Benchmark Hispanic Traffic**	**Hispanic Census**	**Comparative Disparity**
13th & Quindaro	87.6	90.2	+ 2.9	2.3	5.9	+61.0
18th & Parallel	84.9	81.9	- 3.7	2.5	6.5	+61.5
38th & State	51.6	41.6	-24.0	9.2	21.0	+56.2
59th & Leavenworth	38.7	29.0	-33.4	3.0	4.9	+38.8
78th & State	30.2	39.0	-22.6	5.4	7.8	+30.8
Metropolitan & Woodland	11.2	17.7	+36.7	29.6	39.4	+24.9
10th & Kansas	9.0	1.2	-650.0	40.1	50.6	+20.8
43rd & Rainbow	10.0	12.5	+20.0	8.1	21.7	+62.7

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[17] Note: The comparative disparity is arrived at by subtracting the traffic percentage from the census percentage and dividing by the census percentage.

Table I.2: Wichita: Black and Hispanic Benchmark vs. Census Tract[18]

	Percent					
Location	**Benchmark Black Traffic**	**Black Census**	**Comparative Disparity**	**Benchmark Hispanic Traffic**	**Hispanic Census**	**Comparative Disparity**
E. Kellogg & S. Rock	8.3	8.1	- 2.5	4.4	4.1	- 7.3
13th & Oliver	42.2	67.8	+37.8	4.4	4.6	+ 4.3
Harry & Oliver	22.4	15.8	-41.8	9.0	14.6	+38.4
2100 S. Broadway	8.1	9.0	+10.0	9.8	11.9	+17.6
31st & Seneca	5.4	4.0	-35.0	6.0	7.9	+24.1
Central & Maize	1.6	1.9	+15.8	1.7	4.1	+58.5
Central & West	4.5	3.6	-25.0	6.9	8.1	+14.8
Maple & Seneca	7.6	8.2	+ 7.3	7.6	6.4	-18.8
Kellogg & Edgemoor	10.6	9.8	- 8.2	5.0	8.2	+39.0

[18] Note: The comparative disparity is arrived at by subtracting the traffic percentage from the census percentage and dividing by the census percentage.

Table I.3: Emporia: Black and Hispanic Benchmark vs. Census Tract[19]

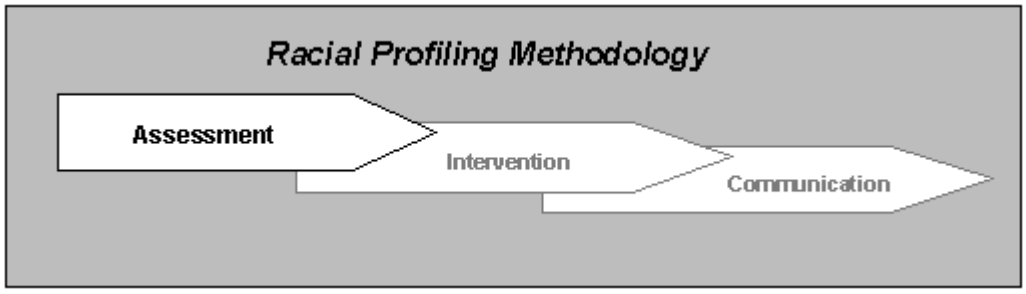
	Percent					
Location	**Benchmark Black Traffic**	**Black Census**	**Comparative Disparity**	**Benchmark Hispanic Traffic**	**Hispanic Census**	**Comparative Disparity**
6th & Commercial	2.7	5.0	+46.0	12.6	26.7	+52.8
12th & Industrial	2.9	2.1	-38.1	9.8	4.0	-145.0
12th & Merchant	4.5	4.5	0	6.7	5.4	-24.1
South & Commercial	1.8	4.6	+60.9	16.0	31.9	+49.8

The comparisons are of the intersection benchmarked and census demographics for that census tract or, if the benchmark location abuts more than one census tract, the average population for those tracts. There are large discrepancies between the traffic and residents of a large majority of the 47 locations where stationary benchmarks were conducted. These differences are not consistently an over- or under-representation of minority motorists in the transient population, and have so far made it impossible to develop an algorithm to accurately utilize census data to estimate traffic data. As is demonstrated in Table I.1 for Kansas City, Kansas, the discrepancies between Black census data and Black driver data range from +36.7 percent to -650.0 percent. In Wichita, the Hispanic discrepancies ranged from +58.5 percent to -18.8 percent, and in Emporia from +52.8 percent to -145.0 percent. The discrepancy between the transient population and census data, and among different locations in the city, is fundamental to

[19] Note: The comparative disparity is arrived at by subtracting the traffic percentage from the census

understanding racial profiling and assessing whether or not it is occurring. It is this precision of measurement—accurately identifying the "transient" population at specific locations—that the methodology used in this study allows.

While there are three key components to a comprehensive racial profiling methodology, the focus of this study was on the first component—the assessment of racial profiling—which is described in detail in the remainder of this section.



ASSESSMENT

In the assessment phase, we designed an approach to collect benchmark traffic data. The goal was to collect that data, and compare it to stop data. We also conducted stop-data collection, and analyzed that data to determine if racial profiling was occurring. The lack of acceptable stop data from Kansas City—the only department that had a sufficient number of pedestrian stops meant that these data were not included in this report's analysis. We also surveyed law enforcement agencies to collect complaint data and written policies regarding racial profiling. The assessment phase is comprised of seven key steps, as shown below.

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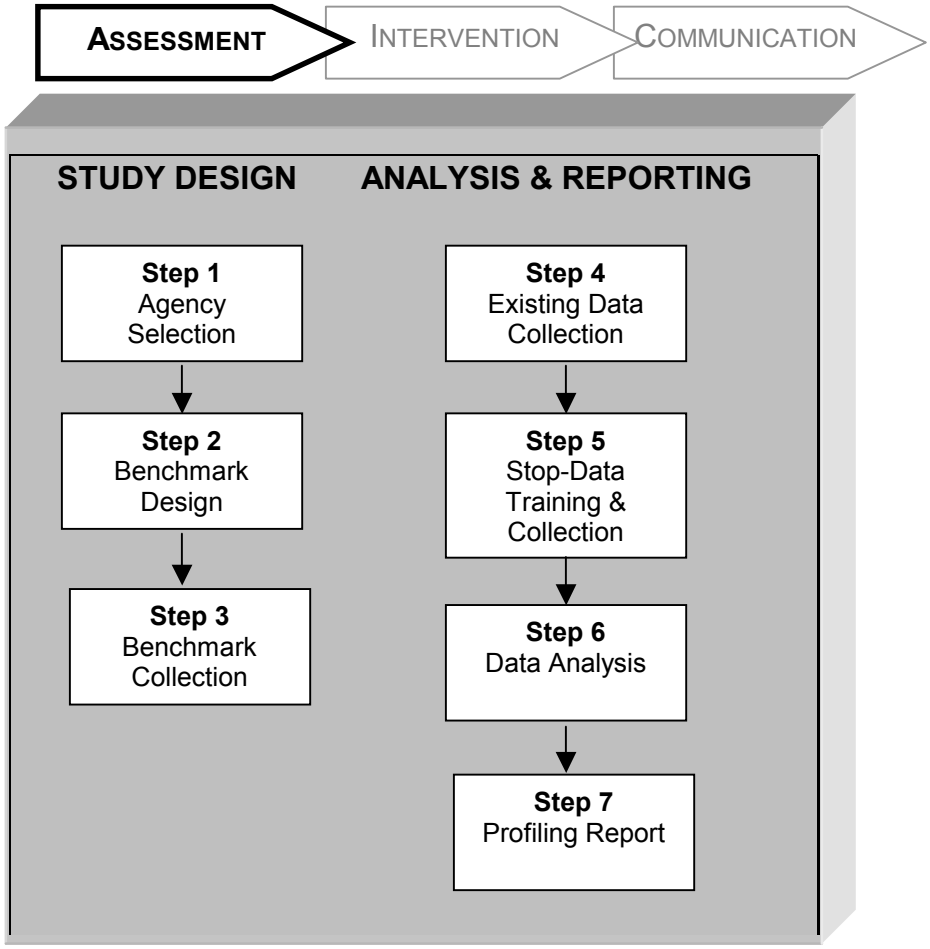
percentage and dividing by the census percentage.



Step 1: Agency Selection

The goals of the agency selection step were to select law enforcement agencies for the study that were representative of the state and that had collected the most complete stop and ticket data. We sought to select departments that police urban areas and departments that police rural areas. Additionally, we sought to select larger departments (defined by geographic area and number of police officers) as well as departments of smaller sizes.

In the initial survey, it was determined that, with the exception of Overland Park, few agencies had collected any data necessary for the study. Therefore, the length of time

to complete the study would have to be extended. In the interim, the Overland Park Police Department was selected as the pilot site since their data could be analyzed much sooner than other agencies who did not have such data. As mentioned previously, due to its prevalence throughout the state, the Kansas Highway Patrol also was selected for inclusion in the study.

For the remaining eight departments, it was determined that in order to get the best representation of agencies statewide, a stratification would be made based on agency size. Therefore, three agency sizes were established: "large" agencies (more than 150 officers), "medium" agencies (26-149 officers), and "small" agencies (25 or fewer officers). Random selections were made of agencies fitting each category. This random selection allows us to generalize beyond the specific departments studied to the state as a whole. The following ten agencies participated in the study:

Small	Medium	Large
Marysville	**Emporia**	**Kansas City**
Osage County Sheriff[20]	**Hutchinson**	**Kansas Highway Patrol**
Park City	**Olathe**	**Overland Park**
		Wichita

[20] Originally, the Pottawatomie County Sheriffs' Department was selected to participate in the study. However, because of the time requirements that would be necessary, they declined to participate. Therefore, the Osage County Sheriffs' Department was randomly selected from among all other small departments to participate in the study in place of the Pottawatomie County Sheriffs' Department.

Step 2: Benchmark Design

The goal of benchmark design was to determine the benchmark survey locations within the selected agency's jurisdiction. These locations served as the focal points used to determine the benchmark transient populations. In order to select survey locations for benchmarking, the assistance of law enforcement agency personnel was required since the survey locations must be targeted rather than chosen randomly. Those sites selected had relatively high transient populations (traffic across these sites was high), were patrolled frequently, and were locations where police stops were frequently made. Targeting the right benchmark locations is critical to ensuring that the survey effectively represented the transient traffic. The benchmark locations yielded the control data against which stop data was compared. In order to yield meaningful results, the locations of the benchmark data had to be identical to the locations of the stop data.

Benchmarking locations were chosen in each jurisdiction after an initial conference with the chief of police, sheriff, or their designee. These conferences occurred during the summer of 2001, beginning with Hutchinson on June 21, and ending with Park City on August 21. Meetings with representatives of the Kansas Highway Patrol were ongoing from the time of the training session in June until August. From June to August, every possible benchmark location was inspected and information relating to the location was discussed, including criteria such as:

- Traffic patterns (nearby towns, organizations, entertainment, etc. that might influence or impact traffic driving patterns)

- Traffic density (the number of cars traveling in each direction within a specified timeframe)
- Sight lines for surveyors (surveyor positioning, distance to traffic, and any obstacles that might impede sight)
- Lighting or lack thereof (required for night surveying)
- Surveyor safety
- Police activity
- Type of vehicles stopped by police

In areas of high crime, particularly at night, security was provided for the surveyors by several of the police departments. For the surveyed section of I-35 (the Kansas Turnpike) from the Oklahoma border to East Wichita, such details as were needed for night surveying at tollbooths were carefully assessed with the help of the Kansas Highway Patrol. Thus, the benchmarking locations were carefully selected. During the selection process, work began on determining the perimeter around each location in which stops would be included for comparison to that benchmark location.

The times at which these locations would be surveyed were chosen randomly to ensure representative transient populations during all times of day. This ensures that no bias is inadvertently present when determining transient populations, and accounts for all possible stop times—day and night. A 24-hour table was used to select random surveying time periods. Surveying time periods at specific locations lasted anywhere from 25 to 135 minutes per session.

The outcome of this step was the identification of specific locations that would be surveyed to get the benchmark results—for highways, direction and mile marker; for urban areas, street and nearest cross street—as well as the development of a survey schedule.

Step 3: Benchmark Collection

The goal of the benchmark collection step was to capture the transient populations for the locations at which the surveys were to be conducted. Teams of surveyors were hired and trained to visually identify and manually record the race and ethnicity of individuals who comprise the transient populations.

In July 2001, a two-day survey training session at the Kansas Highway Patrol offices in Topeka was provided for the surveyors. Survey training is critical to ensure that surveyors understand the surveying process, surveyor positioning, day- and nighttime surveying guidelines, data recording procedures, quality assurance reviews such as inter-rater reliability procedures, and data cataloguing steps required for this work. During this session, survey team leaders were also trained on survey management tasks such as status reporting, interacting with police departments, and supervising surveyors. The Kansas Highway Patrol provided the training facilities, and a representative from the state was present to provide surveyors with perspective and support for their jobs. The two-day training consisted of:

1. A high-level overview of the purpose of the Kansas study. The intent of this portion of the training was to provide surveyors with a basic understanding of the importance of the study and the critical role that they would play in the study.

2. An explanation of the survey method, schedule, and roles were discussed, and the survey procedures were diagramed and reviewed. The intent of this portion of the training was to provide surveyors with a basic understanding of how the survey would be conducted.
3. Hands-on practice in the field in which surveyors practiced on-location, using the actual data sheets developed for the survey. During this portion of the training, guidance was provided on data capture, review and feedback to surveyors of the method and tips for positioning, and data recording. Surveyor data sheets were reviewed and feedback was provided on performance. The intent of this portion of the training was to provide surveyors a chance to practice in a "consequence-free" environment before conducting the actual survey.

Two types of surveys were conducted—stationary and rolling—and different methods were used to capture different transient populations. Race was noted as Asian, Black, Hispanic, White, Other, or Unknown. Sex was noted as male or female, and age was noted as young (under 30), middle-aged (30 to 59), and older (60 and older).

Urban Street Corners (Stationary Surveys of Traffic Populations). Surveyors stood at street corners to record the race and ethnicity of individuals traveling in urban areas. The surveyors recorded populations at predetermined times and predetermined locations. Teams were periodically supervised during the survey to ensure adherence to schedule and method.

Stationary surveys were conducted at all intersections surveyed for each police department, and on two locations on Highway 75 in Osage County. Each survey team

was comprised of two individuals—one team leader and one surveyor. The team leader was responsible for supervising the team, keeping track of survey times, interacting with police liaisons, and organizing and collecting the data sheets. The team leader also acted as a surveyor. Each surveyor was responsible for capturing data for traffic moving in one direction (north, south, east, or west). Surveyors captured data for one lane at a time and alternated lanes. Surveyors were instructed to first note the race, sex, and age of the driver for each car that passed. They were told that if they faced a situation where they must forego noting age to assure themselves that they would not miss the next car, they were to do so.

At each intersection, race, sex, and age were noted for a period of time that varied depending upon traffic volume in one lane. Kansas license plate county designation (county tag) was then noted for a shorter period of time in the same lane. Surveyors would then change to the next lane and repeat the process.

The actual time spent surveying was adjusted for traffic density and weather conditions. The goal was not to record traffic volume but to achieve a sample size that was adequate for stability, taking into consideration the expected frequency of minority drivers.

Highways (Rolling Surveys). Surveyors traveled in cars to record the race and ethnicity of individuals traveling on highways. The surveyors were sent at predetermined times and along predetermined highway segments to record transient demographics.

Rolling surveys were conducted on I-35 in Olathe, and on I-35 from mile marker 144 to mile marker 168 in Osage and Coffey Counties. Rolling surveys were also

conducted on three sections of highway patrolled by the Kansas Highway Patrol by completing loops of the following interstate highways sections:

1) Topeka: I-70 from I-435 to I-470 and the I-470/I-70 loop around the City of Topeka;
2) Wichita: I-35 from the Oklahoma state line to Mile Marker 50; and
3) Colby: I-70 from the Colorado state line to Mile Marker 50.

Two surveyors were positioned in a moving car that drove in the middle lane if the roadway was three lanes in each direction or in the right lane if it was two lanes. The car would then exit the highway and proceed in the opposite direction. This process would be repeated for the duration of the time allotted for the surveying. Surveyors would have responsibility for one lane and would record drivers' race, sex, and age.

Pedestrian benchmarking took place in Kansas City on Central Avenue from 10th to 18th Streets. Between the hours of 8:00 p.m. and 2:00 a.m., surveyors drove a car from 10th to 18th Streets in two-hour shifts. During this time, race, sex, and age were noted for all pedestrians on both sides of the street. This process was repeated every 30 minutes during each two-hour shift for the duration of the surveying time.

Except in Overland Park, the pilot site, where teams of four surveyors were deployed, teams of two surveyors were used throughout the duration of the study. Each team consisted of one team leader and one core surveyor. One additional surveyor was hired and trained in August 2001 to provide supplemental surveying in Wichita. Benchmarking quality assurance activities were conducted by the researchers and survey team leaders throughout the duration of the surveys. Quality assurance was conducted to

ensure that surveying was conducted properly and on schedule, and to gauge the reliability or extent to which surveyors uniformly perceived the race of the drivers to ensure that perceptions of race were consistent among surveyors. Quality assurance activities consisted of:

- Conducting inter-rater reliability tests to measure the extent to which surveyors uniformly perceived race. These tests were conducted by both survey teams at several locations.
- Contacting police liaisons from each department to provide them with the survey schedule, and answer any questions they might have about the benchmarking activities.
- Conducting pre-survey reviews for each location to determine positioning, scheduling, materials and preparation reviews, and contingency planning.
- Conducting ongoing status meetings to review survey progress, discuss issues, and review surveyor performance.
- Conducting post-survey reviews to ensure timing and survey scheduling, and to review data cataloguing and data entry schedules.
- Spot-checking survey teams during the survey periods to observe team location and survey timing during the process. During this time, team leaders provided status and feedback about the survey sessions.
- Conducting periodic reviews of captured data to ensure that the data sheets were properly catalogued and filed.
- Conducting data entry reviews to ensure that data entered matched the data recorded.

After completion of the benchmark surveys, recorded data was input into SAS/STAT software for future comparison against stop and/or ticket data. The outcomes of this step were the identification of transient traffic and pedestrian data that served as benchmarks against which stop and/or ticket data were compared.

Step 4: Existing Data Collection & Review

The goals of the existing data review step were to:

- Collect complaint data from departments participating in the study; and
- Review existing racial profiling policy and training information from participating departments.

The method used for this step was a survey instrument (see Appendix A). Survey results are presented in this report, beginning on page 128.

Step 5: Stop-Data Training and Collection

The goals of the stop-data training and collection step were to train participating agency personnel in how to conduct an effective stop-data collection program, and then to obtain sufficient stop data for purposes of the analysis. When we began this study, the paucity of appropriate stop data already collected by the police departments in the state meant that the specifics of the stop data needed to be designated, and officers needed to be trained in proper data collection and reporting. The data to be collected for this study were determined by legislation passed by the Kansas Legislature in 2000.

In early 2001, a determination was made to provide training to the Kansas law enforcement agencies participating in the study. While not called for in the study's original scope of services, the training was provided at no additional cost to assist the

agencies in implementing the stop-data collection program that would be required to analyze future study data.

In this session, trainers from all of the departments completed a course entitled "Collecting Stop Data" specifically targeted towards the Kansas study. In this train-the-trainer session, trainers from all attending departments were provided with instructor materials, corresponding participant materials, and instruction on how best to deliver the content of the class. The design of this training was structured to:

- Enable Kansas trainers to conduct the "Collecting Stop Data" training course in their respective departments;
- Develop deeper skill sets in the trainers to ensure a baseline comprehension of the course content in each department; and
- Develop training contacts between the facilitator and the trainers so that trainers could seek guidance or support if needed for conducting the course in their respective departments.

The purpose of the end-user training course (the course that the trainers presented at their own departments) was to provide participants with an introduction to racial profiling, and to enable them to participate constructively in a stop-data collection program. The course was targeted specifically to those Kansas officers who participated in a stop-data collection program for this study, and included overview information on racial profiling, specific information about the components of stop-data programs, the officer's role in collecting stop data, and a review of stop-data forms. At the conclusion of the training, participants were offered "performance support" for the data collection

programs. Agencies were instructed to call upon researchers for clarification or support to implement the training. Subsequent to training, agencies began collecting stop data using the newly designed forms or existing forms, if any. These data were forwarded to the researchers for analysis.

Step 6: Data Analysis

The goal of the data analysis step was to analyze the benchmark data against the stop data to determine if racial profiling was occurring. The analysis compared the proportion of stops for specified minority groups against the transient populations in surveyed areas. When the proportion of stops for specified minority groups is higher than their representative transient population, then there may have been a conclusion that racial profiling was occurring.

Our analysis was conducted separately for Blacks and Hispanics. We computed a chi-square analysis (Kanji, 1993) on the number of minority group members in transient populations compared to the number stopped. We also computed odds-ratio analyses (Hosmer and Lemeshow, 1989) for these minority populations. These estimates take the form of "If you are Black (Hispanic), you are __ times as likely to be stopped as if you are not Black (Hispanic)." When the odds ratio is greater than 1.5, we conclude that there may be racial profiling occurring. The outcomes of this step were the statistical analyses run for each minority group at each benchmark area as well as odds ratios for each minority group that will indicate whether racial profiling is occurring.

Step 7: Final Report

The goal of this step is the production of this final report of the study and its results. This report provides the statistical data that have been collected from police departments as well as the benchmark data. The analyses of the proportion of stops of minority groups compared to the proportion of minority group members among traffic and pedestrian transient populations are also presented herein.

This report also provides summary data on complaints and a discussion on the written policies that exist. This report answers the following questions:

- Is racial profiling occurring in Kansas?
- Are there some law enforcement agencies that are profiling?
- Where is racial profiling most prevalent?
- Which minority groups are being targeted and where?
- What is the likelihood of a minority group member being stopped by police?

ESTABLISHING THE CONTEXT

Following data collection and preliminary analysis, it was necessary to determine enforcement contexts that may explain any disparities that were noted. This endeavor was carried out on August 14 and 15, 2002, by the management team. The chief or sheriff of each department, or their designee, was invited to meet with us in Topeka at the headquarters of the Kansas Highway Patrol. Preliminary results were shared with each department and they were asked to consider any special circumstances, enforcement activities, or strategies that may have impacted on the results for their jurisdiction. Were

there special circumstances that would help us understand any disparities that occurred, or were there any general conditions in their area among the motoring public that would allow us to understand any disparities? This exercise is essential if we are to reach a conclusion about the meaning of disparities between benchmark percentages of minority motorists and stop percentages of minority motorists.

It is important to evaluate these disparities in the context of effective and appropriate policing. For example, while stopping minority motorists for stereotypic reasons is considered to be racial profiling, there are circumstances in which a specific minority may be stopped by the police at a rate higher than their presence in the motoring public would suggest. If a suspect in a case has been described as a minority, race may be considered in combination with other information used by police during the course of their investigation. These data need to be evaluated with that context in mind.

Every suggestion that was made during our meetings was carefully considered for plausibility and, if possible, was checked by additional inspection or analysis of the stop database. The specific contextual factors suggested by the departments will be detailed in the following sections on each department.

COUNTY OF ORIGIN

As part of the study, the counties of origin of cars that we benchmarked and those stopped by the police were determined. This is an inherently difficult process and must be considered cautiously. First, the assessment of county of origin in the benchmarking process is only possible for cars from Kansas; that is, cars from Missouri and many other

states do not have county designations. Further, the county designation in Kansas is a small tag placed in the upper left-hand corner of the license plate. These must be observed by surveyors, and any frames placed around a license plate by dealers, other advertisers, or for purposes of other types of publicity make the tag difficult, or in some cases impossible, to see. This led to higher percentages of unknowns in determining county of origin. Due to these circumstances, there is more missing data in our assessment of county of origin than in race, sex, and age. Hence, these data are inherently less reliable than data in the other areas of measurement.

RESULTS

Overall, surveyors in the benchmarking process categorized 65,062 car drivers for race, sex, and age. Of these, 63,549, or 97.7 percent, were race identified, a high rate of racial identification. With the further consideration of having to survey during dusk or darkness on certain unlighted portions of roadway in the state, this rate of racial identification is extremely high. This rate, in part, may be attributed to the excellent lighting present in some of the cities, which significantly aided nighttime surveying.

The classification rates for sex and age were also high: with regard to sex, 63,742 drivers (98 percent) were identified, and 63,671 (97.9 percent) were successfully classified for age. Again, these rates more than meet scientific standards for surveying. The classification percentages serve as an internal validity check on the surveyors and indicate that they were being diligent in observing the survey protocol.

INTER-RATER RELIABILITY

One of the scientific standards for assuring that different raters are making the same determinations with regard to race is a technique called inter-rater reliability (Trochim, 2002). This involves two surveyors determining the race of drivers of the exact same cars. Several inter-rater reliability tests were run. We will report the reliability when traffic has a high concentration of Hispanics, both in daylight as well as at dusk and in dark conditions. While there is little doubt that there is high reliability in determining race with regard to Blacks and Caucasians, there has been little empirical evidence that it is possible to make the same determinations accurately for Hispanics. Therefore, we purposely ran inter-rater reliability tests where there were high concentrations of Hispanics. The first of these was done in daylight at Metropolitan and Woodland in Kansas City. Hispanics made up 36 percent of the motorists according to both raters. The inter-rater reliability was .89, i.e., the two raters, or surveyors, agreed 89 percent of the time. Another inter-rater reliability test was done in dusk/dark conditions at 10th and Kansas in Kansas City, where Hispanic motorists were even more heavily represented in the traffic. This inter-reliability study consisted of one test and a replication, for which the inter-rater reliability was .82.

For all inter-rater reliability studies in daylight, inter-rater reliability was .93. In dusk or dark conditions, the inter-rater reliability was .84. There is a consistency in these

inter-rater reliability tests that has been commented on before (*New Jersey v. Soto*[21]) and that also makes common sense. Under poorer lighting conditions, it is more difficult to determine the race/ethnicity of motorists. However, inter-rater reliability was .83 for a situation in which there was a large percentage of Hispanics under low light conditions. These measurement errors are a normal part of scientific observation and are considered when statistical analyses are computed.

INTERPRETATION OF RESULTS

As noted in the data analysis section (page 33), the major analysis that we report is the odds ratio of being stopped if the motorist is Black (Hispanic) versus if they are not Black (Hispanic). Exact equality in that analysis is when the odds ratio is 1.0. Again the odds ratio is best understood by filling in the ratio in the following sentence: "If you are Black (Hispanic), you are ___ times as likely to be stopped than if you are not Black (Hispanic)." In a perfect world of no racial profiling, all of the ratios would be 1.0. This would mean that Blacks (Hispanics) are no more likely to be stopped that non-Blacks (non-Hispanics). More realistically, we would expect some of the ratios to be over 1.0 and some under 1.0. However, we know that there are errors of measurement in the benchmarks and errors of measurement in the stop data.

[21] 734 A.2d 350, Superior Court of New Jersey (1996).

Therefore, we have taken the position that odds ratios between 1.0 and 1.5 are benign and that odds ratios of 1.5 to 2.0 suggest that, in the absence of other explanations, targeting of Blacks (Hispanics) may be occurring. Benchmarks of over 2.0 or under .75 need to be seriously considered by the police and the community.

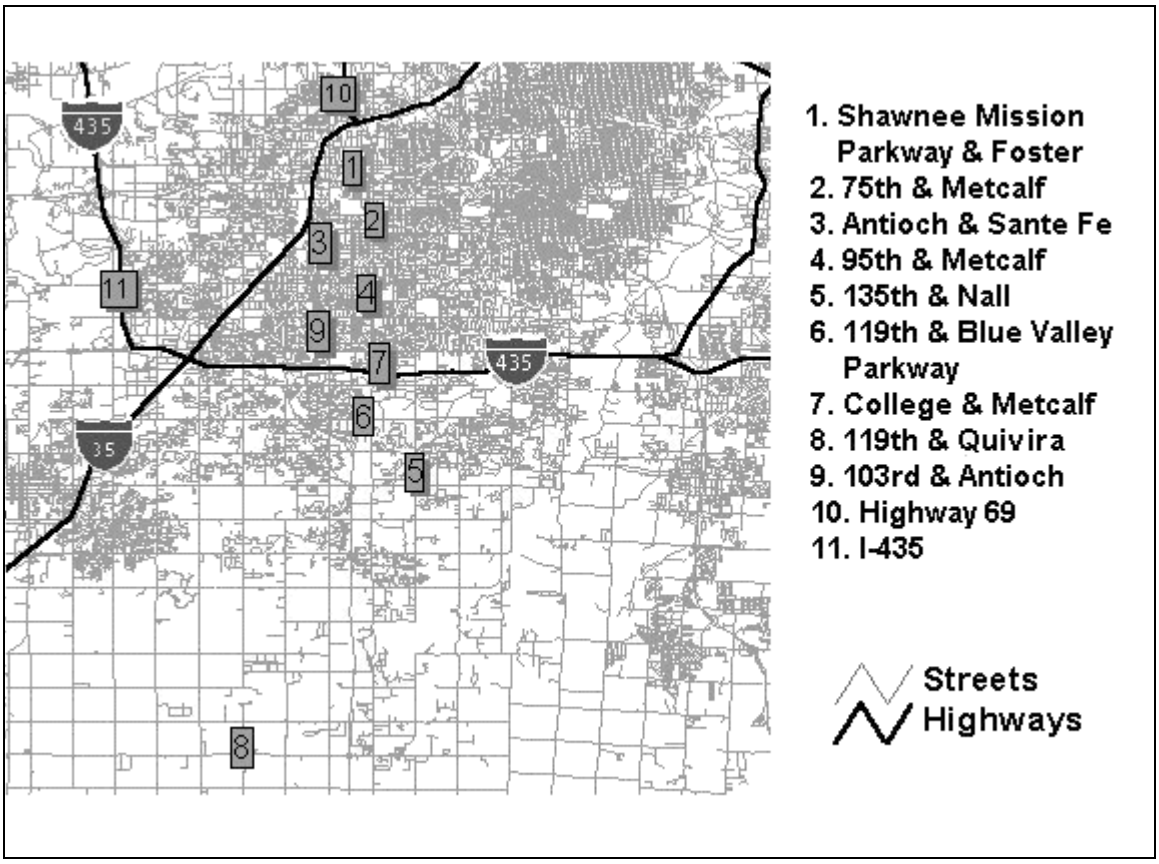
Each of the comparisons between the benchmark percentage of Blacks and Hispanics and the stop percentage of Blacks and Hispanics was analyzed using the chi-square (χ^2) analysis. This analysis determines whether the observed differences are real or the result of chance. By convention, statisticians use the .05 level of probability to determine statistical significance. That is, if the observed result would occur five or less times out of a hundred by chance, then it is treated as a real result, not a chance finding. As probabilities decrease, we become more certain that the result is real, so normally probabilities are reported as significant if they are .05 or less.

OVERLAND PARK: PILOT SITE

Overland Park was selected as the pilot site for this study because they had already collected stop data that could be analyzed. Benchmarking locations were selected after an initial conference with Chief John Douglass on January 19, 2001, a review of the department's existing stop data, and a two-day, on-site inspection of traffic patterns and surveying locations on January 28-30. The following eleven survey locations were chosen on the basis of stop activity, geographic coverage of the area patrolled by the department, and surveyor accessibility.

1) Shawnee Mission Parkway & Foster
2) 75th & Metcalf
3) Antioch & Santa Fe
4) 95th & Metcalf
5) 135th & Nall
6) 119th & Blue Valley Parkway
7) College & Metcalf
8) 119th & Quivira
9) 103rd & Antioch
10) Highway 69
11) Highway I-435 (rolling survey)

Map 4: Overland Park Survey Locations



To help ensure reliability in the benchmarking process, training for the surveyors was conducted on February 25, 2001. Two types of surveys were conducted—stationary and rolling. Stationary surveys were conducted at all intersections, and on Highway 69 in Overland Park. Each survey team was comprised of four individuals—one team leader and three surveyors. The team leader was responsible for supervising the team, keeping track of survey times, and organizing and collecting the data sheets. The team leader also acted as a surveyor. Each surveyor was responsible for capturing data for traffic moving in one direction (north, south, east, or west.) Surveyors captured data for one lane at a

time and alternated lanes. Surveyors were instructed to first note the race, sex, and age of the driver for each car that passed. They were told that if they faced a situation where they must forego noting age to assure themselves that they would not miss the next car to do so. Race was noted as Asian, Black, Hispanic, White, Other, or Unknown. Sex was noted as Male or Female, and age was noted as Young (< 30), Middle Aged (30 to < 60) and Older (60 and older). At each intersection race, sex, and age were noted for approximately ten minutes in one lane. Kansas license plate county designations (county tags) were then noted for approximately five minutes in the same lane. Surveyors would then change to the next lane and repeat the process. The actual minutes surveying were adjusted for traffic flow and weather conditions. The goal was not to record traffic volume but to achieve a sample size that was adequate for stability, taking into consideration the expected frequency of minority drivers.

Rolling surveys were conducted on I-435. Two surveyors were positioned in a moving, unmarked police car that drove in the middle lane of the three lanes on I-435 through the four miles of the highway that traverse Overland Park. The car would then exit the highway and proceed in the opposite direction. This process would be repeated for the duration of the time allotted for the surveying. Surveyors would have responsibility for one lane and would record the race, sex, and age of the drivers.

The project team conducted quality assurance activities throughout the duration of the surveys. These activities consisted of:

- Greeting survey teams and the police officers that provided transportation prior to the conduct of the individual survey. During this time, surveyors were

prepared and outfitted with survey equipment and reflective police vests provided by the Overland Park Police Department.

- Spot-checking survey teams during the survey period to observe team location and survey timing during the process. During this time, team leaders provided status and feedback about the survey sessions.
- Providing survey assistance or feedback.
- Greeting survey teams at the end of each session to collect data sheets, discuss survey conditions and results, and prepare for the next survey schedule.

Because additional surveyors were required for the study, training was provided for them on an as-needed basis.

Benchmarking surveys took place from February 26 to March 14, 2001. Surveyors worked in three teams:

- **Team 1** surveyed six locations: 103 & Antioch, College & Metcalf, 119 & Blue Valley Parkway, 119 & Quivira, 135 & Nall, and daytime rolling surveys of I-435.
- **Team 2** surveyed five locations: Shawnee Mission Parkway & Foster/Santa Fe, 103 & Antioch, 75th & Metcalf, 95th & Metcalf, and Route 69 daytime surveys.
- **Team 3** conducted rolling surveys of I-435 at night.

The revised survey schedule for Team 1 and Team 2 was as follows:

- Monday, February 26 - 8:00 P.M. to Midnight
- Tuesday, February 27 - 8:00 A.M to 12:00 Noon (Snow—session postponed to March 6)

- Wednesday, February 28 - 4:00 A. M. to 8:00 A. M. (Snow—session postponed to March 7)
- Thursday, March 1 - 4:00 P.M. to 8:00 P.M.
- Friday, March 2 - Noon to 4:00 P.M.
- Saturday, March 3 - Noon to 4:00 P.M.
- Sunday, March 4 - Midnight to 4:00 A. M. and 8:00 A. M. to Noon
- Tuesday, March 6 - Postponed session, and 4:00 P.M. to 8:00 P.M.
- Wednesday, March 7 - Postponed session, and Noon to 4:00 P.M. (Note: Due to the failure of some surveyors to appear, the project team conducted the 4:00 A.M. to 8:00 A.M. session on Wednesday, March 14.)

Team 3 conducted nighttime rolling surveys in one-hour segments on I-435. They were conducted on:

- Thursday, March 1, from 9:00 to 10:00 P.M.
- Friday, March 2, from 1:00 to 3:00 A.M., and 10:00 P.M. to Midnight
- Saturday, March 3, from 1:00 to 3:00 A.M., 7:00 to 8:00 P.M., and 9:00 to 10:00 P.M.
- Sunday, March 4, from 2:00 to 3:00 A.M.

Stop data were obtained from the Overland Park Police Department. Data were available for both traffic citations and other stops made at the officers' discretion. These data were available from July 1, 2000, and were provided to us for each of the benchmarked locations by the department. The total database for the entire area covered

by the police department encompassed approximately 22,000 stops, of which 6,392 occurred within a two-block radius of the intersections that were benchmarked. For purposes of this report, we drew a tight radius around each of the benchmark sites to ensure the validity of our results. Increasing the radius of stops around each benchmark location might add more stops, but would be subject to the possible risk of decreasing the precision of measurements. All stops were included on Highway I-435 and Route 69. One location—135th and Nall—did not have a sufficient number of stops to justify analysis.

Surveyors categorized 30,582 car drivers for race, sex, and age. Of these, 29,297 (95.8 percent) were identified by race. This is a high rate of racial identification, especially given the poor weather conditions and longer periods of darkness that occurred because of the need to survey during the winter months. In part, this rate may be attributed to the excellent lighting present in Overland Park which significantly aided nighttime surveying.

With regard to sex, 29,616 drivers (96.8 percent) were classified, and 28,206 (92.2 percent) were classified for age. Again, in light of the severe conditions in which the surveyors were working, these rates are high and more than meet scientific standards for surveying. These percentages are consistent with ease of determination of the three variables and surveyor instructions. The easiest determination to make of the three (race, sex, and age) is sex, followed by race and age. The highest rate of classification was for sex followed by race and age. The classification percentages serve as an internal validity

check on the surveyors and indicate that they were being diligent and observing the survey protocol.

RACE

Table OP-1 presents the data for race of drivers benchmarked and race of drivers stopped by the Overland Park Police Department at ten of the locations benchmarked.

Table OP-1: Race Analysis[22]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
103 & Antioch	2393	4.5	290	9.0	4.5	2.1
119 & Blue Valley	3181	5.8	541	8.3	2.5	1.5
119 & Quivira	2568	3.5	303	4.0	0.5	1.2
75 & Metcalf	3393	8.3	617	11.5	3.2	1.4
95 & Metcalf	3608	6.8	398	10.1	3.3	1.6
Antioch & Santa Fe	2823	3.1	209	7.2	4.1	2.4
College & Metcalf	2776	7.0	498	11.6	4.6	1.7
Shawnee Mission Parkway & Foster	2750	5.1	92	12.0	6.9	2.5
Highway 69	1998	2.8	1549	5.9	3.1	2.2
I-435	1739	8.6	1643	16.1	7.5	2.0

The first column in Table OP-1 refers to the location of the stops. The second column refers to the number of motorists (N) recorded in the benchmark. The next column refers to the percentage Blacks in the benchmark data. The next column refers to

[22] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

the number (N) of stops in the existing stop data. The next refers to the percentage of Black stops. The next refers to the percent difference, and the final column refers to the odds ratio of being stopped if you are Black.

The odds ratio is best understood by filling in the ratio in the following sentence: "If you are Black, you are ___ times as likely to be stopped than if you are not Black." If no racial profiling were occurring, all of the ratios would be 1.0. This would mean that Blacks are no more likely to be stopped that non-minorities.

As can be seen from Table OP-1, all odds ratios are above 1.0. Odds ratios between 1.0 and 1.5 are generally seen as benign. Ratios between 1.5 and 2.0 provide a warning to police that profiling may be occurring. Ratios above 2.0 definitely point to the targeting of minority motorists. Note that ten discrete locations were assessed. If there were no profiling occurring, one would expect roughly half of the ratios to be below 1.0 and half above 1.0. The fact that they are all above 1.0 strengthens the case that minorities are being targeted.

As shown in Table OP-1A, each of the comparisons between the benchmark percentage of Blacks and the stop percentage of Blacks was analyzed using the chi-square analysis.

Table OP-1A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi Square	Probability
103 & Antioch	11.08	< .001
119 & Blue Valley	5.14	< .05
119 & Quivira	0.16	NS
75 & Metcalf	6.50	< .02
95 & Metcalf	5.88	< .02
Antioch & Santa Fe	9.77	< .01
College & Metcalf	13.14	< .001
Shawnee Mission Parkway & Foster	8.20	< .01
Highway 69	21.47	< .001
Highway I-435	44.18	< .001

This analysis determines whether the observed differences are real or the result of chance. By convention, statisticians use the .05 level of probability to determine statistical significance. That is, if the observed result would occur five or less times out of a hundred, then it is treated as a real result not a chance finding. As probabilities decrease, we become more confident that the result is real, so probabilities normally are reported as significant if they are .05 or less.

ETHNICITY

Because the Overland Park Police Department does not report ethnicity on their citations (which comprise approximately two-thirds of the available data), no valid conclusions can drawn. Ethnicity, however, is reported on traffic stops that do not result in a citation. Benchmark data is available for each of the locations and Table OP-2

provides the benchmark ethnicity data for Hispanics and the non-citation stop data for Hispanics.

Table OP-2: Ethnicity Analysis[23]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff * %
103 & Antioch	2393	3.1	128	10.9	7.8
119 & Blue Valley	3181	2.5	178	5.6	3.1
119 & Quivira	2568	1.5	155	3.9	2.4
75 & Metcalf	3393	3.3	246	9.4	6.1
95 & Metcalf	3608	2.4	160	8.1	5.7
Antioch & Santa Fe	2823	3.0	103	6.8	3.8
College & Metcalf	2776	1.9	198	7.1	5.2
Shawnee Mission Parkway & Foster	2750	3.3	49	18.4	15.4
Highway 69	1998	1.4	415	4.8	3.4
I-435	1739	2.3	375	7.5	5.2

** Odds ratios are not reported since these data represent only one-third of the total stops where ethnicity was reported and are therefore not generalizable.*

SEX

Sex was assessed as described above at each of the benchmarking sites. The sex odds ratios indicate that there does not seem to be targeting of either males or females by the Overland Park Police Department. Of the stops made by the department, 63 percent are of males; however, this percentage is representative of the driving population of the city. The highest odds ratio (at 95th and Metcalf) is in the benign range; there are three

[23] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age, as there were different percentages of sex and age identified drivers.

that are 1.0, four that are 1.1, and two that are 1.2. Of course, these data also indicate that the Overland Park Police Department is not targeting either sex (see Table OP-3).

Table OP-3: Sex Analysis[24]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
103 & Antioch	2417	54.4	292	55.4	1.0	1.0
119 & Blue Valley	3205	55.1	545	58.0	2.9	1.1
119 & Quivira	2624	55.8	305	60.3	4.5	1.2
75 & Metcalf	3414	61.1	626	62.8	1.7	1.1
95 & Metcalf	3639	57.6	403	66.3	8.7	1.4
Antioch & Santa Fe	2834	56.6	209	59.3	2.7	1.1
College & Metcalf	2846	60.8	500	61.4	0.6	1.0
Shawnee Mission Parkway & Foster	2783	60.8	92	65.2	4.4	1.2
Highway 69	1987	63.9	1559	63.5	-0.4	1.0
I-435	1763	64.0	1664	66.8	2.8	1.1

AGE

Age was assessed at the same time as race and sex. Broad categories were utilized because surveyors had to make determinations on the basis of visual observation. Young drivers (age 30 and younger) were of particular concern because they represent a special problem for the police and the study. There is ample anecdotal evidence that young drivers are more likely to violate traffic laws than are older drivers. In addition,

[24] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

actuarial evidence used by insurance companies indicates that young drivers are more likely to engage in behaviors that lead to accidents. Finally, there is evidence that young drivers violate traffic laws more frequently because they are just learning the art of driving and are not as practiced as older drivers and possibly for other reasons that need not be considered here. The results of the study data certainly support that younger drivers are being stopped at a higher rate than older drivers, probably for the reasons stated above.

The results of our analysis of stops of young drivers are presented in Table OP-4.

Table OP-4: Age Analysis[25]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff %	Odds Ratio
103 & Antioch	2405	19.4	292	48.6	29.2	3.5
119 & Blue Valley	3141	23.8	545	39.1	15.3	2.1
119 & Quivira	2561	25.0	305	59.7	34.7	4.4
75 & Metcalf	3172	29.6	626	48.4	18.8	2.2
95 & Metcalf	3470	28.7	402	41.8	13.1	1.8
Antioch & Santa Fe	2711	27.0	209	54.6	27.6	3.3
College & Metcalf	2829	17.4	500	46.4	29.0	4.1
Shawnee Mission Parkway & Foster	2571	32.2	92	53.3	21.1	2.4
Highway 69	1607	20.9	1561	49.0	28.1	3.7
I-435	1442	34.1	1643	54.8	20.7	2.3

[25] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the Ns for sex and race, as there were different percentages of sex and race identified drivers.

As expected, young drivers are more likely to be stopped by the police than are older drivers. There are, however, large differences in these ratios around the city, ranging from a low of 1.8 at 95th and Metcalf to a high of 4.4 at 119th and Quivira. Determination of why this occurs is not part of the purview of this report.

COUNTY OF ORIGIN

The vast majority of Overland Park police stops are from Johnson County, Kansas; Jackson County, Missouri; and Wyandotte County, Kansas. In fact, these three counties are so predominant and there are so few stops from other counties that no reliable analysis can be made: 60.6 percent of the stops were from Johnson County; 17.1 percent were from Jackson County; and 6.2 percent were from Wyandotte County. No other individual county accounted for more than twenty stops at all ten locations combined. We will then present the data from Wyandotte County, although the number of stops from that county is quite small at some intersections. Jackson County, Missouri, is not included in Table OP-5 because Missouri license plates carry no county identifier; thus, it is impossible to determine the percentage of Missouri cars that we saw that were from Jackson County. With those caveats, we present the results of our county-of-origin analysis in Table OP-5.

Table OP-5: County Analysis[26]

Location	Bench-mark N	Benchmark Wyandotte %	Stop N	Stop Wyandotte %	Diff %	Odds Ratio
103 & Antioch	886	3.0	263	3.8	0.8	1.3
119 & Blue Valley	1068	3.9	452	5.1	1.2	1.3
119 & Quivira	996	2.5	278	2.2	-0.3	0 .9
75 & Metcalf	1498	12.5	552	16.1	3.6	1.3
95 & Metcalf	1384	11.3	333	8.1	-3.2	0.7
Antioch & Santa Fe	1127	5.4	192	3.6	-1.8	0.7
College & Metcalf	757	4.6	379	8.2	3.6	1.9
Shawnee Mission Parkway & Foster	1348	9.1	87	10.3	1.2	1.1
Highway 69	N/A	N/A	N/A	N/A	N/A	N/A
I-435	N/A	N/A	N/A	N/A	N/A	N/A

CONCLUSIONS

It is clear that Blacks are being stopped at a statistically significantly higher rate than their presence in the transient traffic would predict at nine of the ten Overland Park locations studied. The odds ratios at all ten intersections are above 1.0, which constitutes a further indication that Blacks are being targeted for stops. It should be noted that the degree of racial profiling shown here is not as severe as in other places where racial profiling has been assessed. For example, the likelihood that a Black motorist would be stopped on the New Jersey Turnpike by the New Jersey State Police was 4.85 times the likelihood that a non-Black motorist would be stopped. The highest odds ratio here (at Shawnee Mission Parkway and Foster) is about half of that. In other places that have

[26] Benchmarking was not done at the same time as benchmarking for race, sex, and age. Benchmark totals here are uncorrelated with the other benchmark totals. Benchmarking for county tags was not reliable on the two highways.

been assessed, the odds ratios have also been higher than in Overland Park. This is not to say that the Overland Park police do not have a problem with racial profiling, but rather that their problem may not be systemic, and could be the result of a few officers who are contributing to the problem. The mandate of this study was not to look at individual officers. In fact, the Kansas Legislature prohibited identification of individual officers and motorists.

There is little or no evidence of targeting by sex, in spite of the fact that over 63 percent of the stops made by the Overland Park Police Department are of males. The 63 percent male stops, of course, mirrors quite closely the transient population of drivers in Overland Park and does not constitute an apparent concern for the police department. With regard to age, more young drivers are stopped than would be expected by their presence in the transient population. This, of course, may well be the result of new driving skills, driving styles, and other possible factors associated with that age group.

With regard to county of origin for the transient population, the results are quite mixed. In three of the eight locations, police are stopping fewer drivers from Wyandotte County than are in the transient population. In four of the five remaining locations, police stop more drivers from Wyandotte than are in the transient motoring population. The odds ratios are 1.1 to 1.3. At only one benchmarking location does the odds ratio reach problematic levels. Overall, there is no support for the idea that drivers from Wyandotte County are being targeted by the Overland Park police.

During the course of our work in Overland Park, the research team met with Chief John Douglass and many of his staff. They were extraordinarily cordial and helpful.

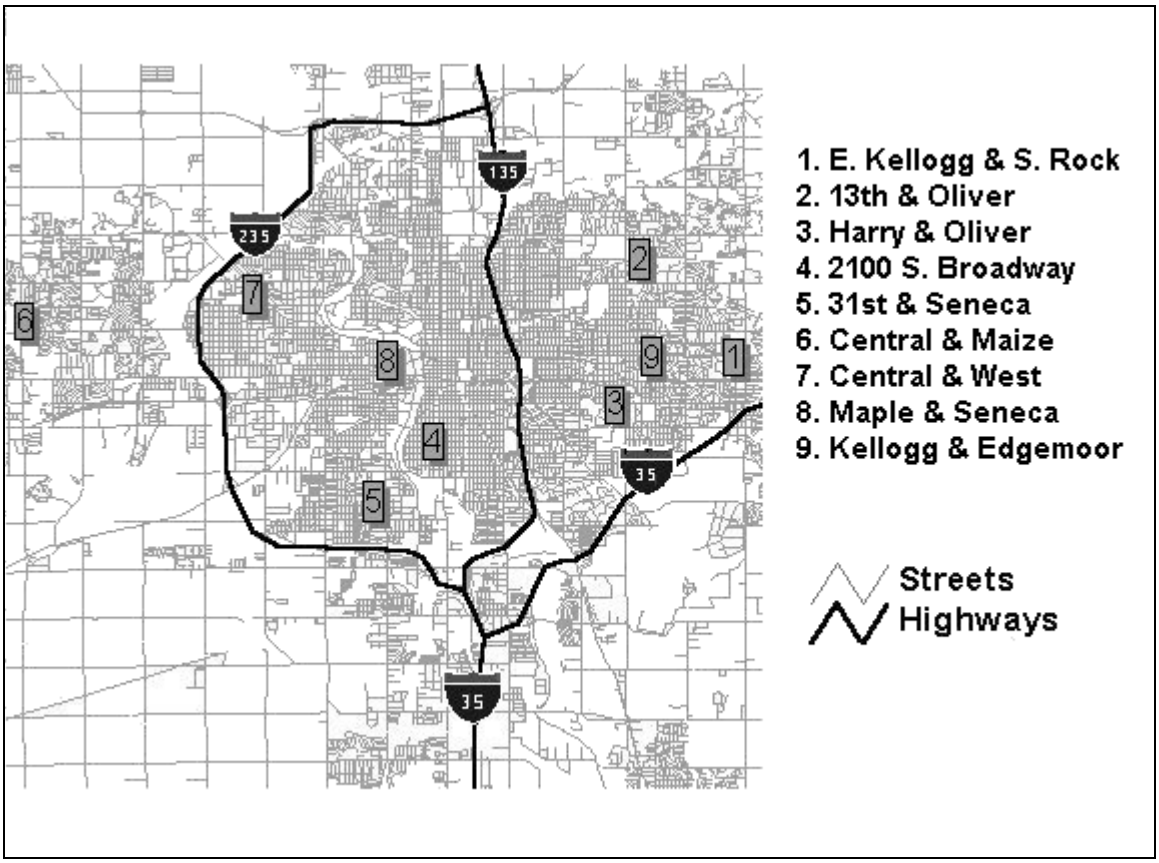
Chief Douglass has evidenced an interest in issues surrounding racial profiling and in July of 2000 instituted a data collection system in the department that recorded every stop made by the Overland Park police. He has expressed concern about the practice of profiling on the basis of race. The chief and all personnel of the police department cooperated with the project in an exemplary fashion. The commitment to determine whether racial profiling was occurring and to change the situation if it were was quite evident. Lieutenant Alan Sneller was assigned as departmental liaison to the study and was helpful in assisting the project and candid in answering questions about profiling. The department was open to the prospect of determining whether profiling was occurring and taking steps to ameliorate it if it were. Over twenty Overland Park police officers assisted the study in substantial ways and evidenced a commitment to deter profiling. All of this serves as a background to the report, and supports the notion that if racial profiling is occurring in a department where there is widespread antagonism to the practice, then it may exist even more egregiously in other departments.

WICHITA

On July 30, 2001, the project director met with representatives of the Wichita Police Department (WPD) in Wichita. The WPD had identified 20 possible benchmark locations in the city on the basis of police activity. Each of these locations was considered and nine were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the city and represent police activity in all areas of the city. The locations were:

1) E. Kellogg and S. Rock
2) 13th and Oliver
3) Harry and Oliver
4) 2100 Broadway
5) 31st and Seneca
6) Central and Maize
7) Central and West
8) Maple and Seneca
9) Kellogg and Edgemoor

Map 5: Wichita Survey Locations



Wichita has an existing program of data collection that has been ongoing since January 2001. Therefore, it was possible for us to use the data collection program in Wichita with the addition of exact location. The ongoing data collection program merely identifies stops as being within a specific geographic area that is too large to be useful in locating the stops within an appropriate perimeter for the nine benchmark locations. After some discussion, the department chose to add a line to their data collection form, which was to be filled out if a stop was within three blocks of one of 20 locations in the city. The nine locations benchmarked were included in that 20, but others were added so

that there would not be too much attention called to the specific locations that were being analyzed.

RACE

Table W-1 presents the data for race of drivers benchmarked and race of drivers stopped by the Wichita Police Department at the nine locations benchmarked. The first column in Table W-1 refers to the location of the stops. The second column refers to the

Table W-1: Race Analysis[27]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
E. Kellogg & S. Rock	2598	8.3	203	13.3	5.0	1.68
13th & Oliver	1600	42.2	137	48.2	6.0	1.27
Harry & Oliver	2188	22.4	151	37.1	14.7	2.05
2100 S. Broadway	1062	8.1	167	14.4	5.3	1.91
31st & Seneca	2111	5.4	130	9.2	3.8	1.77
Central & Maize	1158	1.6	35	2.9	1.4	1.83
Central & West	1395	4.5	77	10.4	5.9	2.46
Maple & Seneca	1429	7.6	64	3.1	- 4.5	.38
Kellogg & Edgemoor	1691	10.6	178	19.1	8.5	2.00

number of motorists (N) recorded in the benchmark. The next column refers to the percentage of Blacks in the benchmark data. The next column refers to the number (N) of stops in the existing stop data. The next refers to the percentage of Blacks stopped. The next refers to the percent difference, and the final column refers to the odds ratio of being

[27] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

stopped if you are Black. For example, at Kellogg and Edgemoor, you are twice as likely to be stopped if you are Black than if you are not Black.

In Wichita, we see two thirds of the odds ratios in the 1.5 to 2.0 category or lower, with only two being over 2.0 and one being dramatically under 1.0, which indicates that at Maple and Seneca far fewer Blacks are being stopped by the Wichita police than would be expected. Further, if one collapses all the locations and computes the odds ratio, that is, 230 Black motorists were stopped and the prediction from the benchmark data would suggest that 147 was the expected number, the overall odds ratio is 1.76, which is above the benign area. Based on these data, we conclude that there is some evidence that the Wichita police are targeting Black motorists. As we have said, when a department's odds ratio of stopping a racial or ethnic minority falls in the 1.5 to 2.0 range, and absent other explanations, targeting of that group may be occurring. The overall data from Wichita indicate that the problem with regard to Black motorists is a moderate one.

While odds ratios provide a good analysis of the probabilities of being stopped, the chi-square analysis takes into consideration the sample size (number of stops by each group) to determine how likely the differences would be observed by chance. The results of both the odds ratios and chi-square analyses should be taken into consideration in interpreting the data. For example, at 31st and Seneca, the odds ratio (1.77) provides some evidence that Blacks are more likely to be stopped. However, when calculating the chi-square (see Table W-1A), the result is not statistically significant. Table W-1A provides the chi-square and probabilities for Black motorists for each of the nine benchmark locations.

Table W-1A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi-Square	Probability
E. Kellogg & S. Rock	6.02	<.02
13th & Oliver	1.85	NS
Harry & Oliver	16.46	<.0001
2100 S. Broadway	6.96	<.01
31st & Seneca	3.29	NS
Central & Maize	0.37	NS
Central & West	FET	<.03
Maple & Seneca	1.83	NS
Kellogg & Edgemoor	11.34	<.001

When there are small numbers of one group or another, as sometimes occurs in these data, chi-square is not an appropriate test. Fisher's Exact Test (FET) (Kanji, 1993) is used under those circumstances. It does not give a chi-square value and thus is listed in the tables as FET with the associated probability.

ETHNICITY

Table W-2 presents the data for ethnicity of drivers benchmarked and stopped by the Wichita Police Department at the nine locations benchmarked. As the table shows, 60 percent of the odds ratios are 1.0 or under, and only two fall above 2.0, and one of those is suspect because of the small number of stops in the database (35). At these two locations (Central and Maize, and Maple and Seneca), it appears that Hispanics are being targeted by police. However, when considering the chi-square analysis (see Table W-2A), the former is not statistically significant, probably due to the small number of stops (n=35). Overall, the odds ratio for Hispanics stopped by the Wichita police is 1.15.

Table W-2: Ethnicity Analysis[28]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff %	Odds Ratio
E. Kellogg & S. Rock	2598	4.4	203	3.9	- 0.5	0.88
13th & Oliver	1600	4.4	137	4.4	0	1.0
Harry & Oliver	2188	9.0	152	8.6	- 0.4	0.96
2100 S. Broadway	1062	9.8	167	7.8	- 2.0	0.78
31st & Seneca	2111	6.0	131	6.9	+ 0.9	1.20
Central & Maize	1158	1.7	35	5.7	+ 4.0	3.50
Central & West	1395	6.9	77	6.5	- 0.4	0.94
Maple & Seneca	1429	7.6	65	17.2	+ 9.6	2.50
Kellogg & Edgemoor	1691	5.0	179	5.6	+ 0.5	0.99

Table W-2A provides the chi-square and probabilities for Hispanic motorists for each of the nine benchmark locations.

Table W-2A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi Square	Probability
E. Kellogg & S. Rock	0.1	NS
13th & Oliver	0	NS
Harry & Oliver	0.04	NS
2100 S. Broadway	0.7	NS
31st & Seneca	0.2	NS
Central & Maize	2.98	NS
Central & West	0.01	NS
Maple & Seneca	10.89	<.001
Kellogg & Edgemoor	0.1	NS

[28] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

These data strongly suggest that the Wichita police are not targeting Hispanics, with the Maple and Seneca location being the one anomaly in the data.

SEX

Sex was assessed as described above at each of the benchmarking sites. The results are presented in Table W-3.

Table W-3: Sex Analysis[29]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
E. Kellogg & S. Rock	2607	63.3	202	58.6	-4.7	.83
13th & Oliver	1610	58.0	137	56.9	-1.1	.95
Harry & Oliver	2200	58.2	152	61.8	3.6	1.16
2100 S. Broadway	1067	63.5	167	67.7	4.2	1.22
31st & Seneca	2121	56.5	130	60.8	4.3	1.2
Central & Maize	1159	60.0	35	80.0	20.0	2.66
Central & West	1400	57.5	77	64.9	7.4	1.36
Maple & Seneca	1437	62.4	64	60.9	-1.5	.94
Kellogg & Edgemoor	1698	64.4	178	66.9	2.5	1.12

There is again no evidence of disparities between the transient population and the stops made by sex. The one anomaly is the Central & Maize location with very few stops.

[29] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

AGE

Age was assessed at the same time as race and sex. Again, broad categories were utilized because surveyors had to make determinations on the basis of visual observation.

Table W-4: Age Analysis[30]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff %	Odds Ratio
E. Kellogg & S. Rock	2608	45.9	203	70.4	24.5	2.78
13th & Oliver	1609	40.7	136	72.1	31.4	3.77
Harry & Oliver	2201	48.8	152	70.4	21.6	2.48
2100 S. Broadway	1067	32.9	167	55.5	22.6	2.56
31st & Seneca	2121	33.3	130	67.7	34.4	4.23
Central & Maize	1155	34.5	35	80.0	45.5	7.48
Central & West	1400	36.9	77	67.5	30.6	3.52
Maple & Seneca	1434	38.7	62	64.5	25.8	2.88
Kellogg & Edgemoor	1700	40.4	177	56.5	16.1	1.92

The Wichita age analysis has an anomaly that must be considered. Because of the way the age data were captured by the department, they are not comparable to the age categories used in benchmarking. That is, young drivers in the benchmarked data are identified as 30 and below. The categories used by the Wichita police cannot be broken at age 30, rather they extend to 35. This disparity, the result of an oversight, was not noted until after Wichita had collected stop data and thus could not be rectified. This means that there are drivers in the Wichita stop data that would not appear in the data of

[30] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

other departments. Consequently, we should expect the odds ratios reported for the Wichita Police to be higher than for other departments and the highest odds ratio at the Central and Maize location is higher than for any other department. In addition to the small N at that location, we should note that there may be as many as 25 percent more drivers (those between 30 and 35) in the Wichita data than in any other department's data. Given these considerations, we would note that, overall, the Wichita odds ratios for age are no higher than those of any other department and may well be lower.

COUNTY OF ORIGIN

At eight of the nine locations in Wichita, over 90 percent or more of the vehicles benchmarked were from Sedgwick County, as were the stops by the police at those locations. At Kellogg and Rock, 85.9 percent of the benchmarked vehicles were from Sedgwick County and 83.4 percent of the stopped cars were also from Sedgwick County. The next most prevalent county in both the benchmarking and the stops was Butler, with 7.3 percent of the benchmarked vehicles and 7.7 percent of the stopped motorists. We see no evidence that the Wichita police are stopping vehicles from any county at a greater rate than would be anticipated by their presence in the transient population.

ESTABLISHING THE CONTEXT

On August 14, 2002, researchers met with representatives of the Wichita Police Department. The Wichita findings were discussed along with any special circumstances, enforcement activities, or strategies that might have impacted on the race, ethnicity, sex, or age of those stopped by the Wichita Police Department. While there were some

changes in the way the department enforces traffic laws, including the decentralization of traffic activities and elimination of the motorcycle unit, it was agreed that this might result in a reduction in the number of stops made by the Wichita police, but would not affect the four variables that were measured in this study.

CONCLUSIONS

The Wichita Police Department's efforts to address racial profiling were underway well before this study commenced. In addition to working with the community, the department began data collection in January 2001, and, with the assistance of Wichita State University, has analyzed their data and made it public. The Wichita Police Department comes as close to a department that is not engaging in racial/ethnic profiling as has been seen in studies of other police agencies (*State of New Jersey v. Soto,*[31] *Wilkins v. Maryland State Police,*[32] *Arizona v. Folkes,*[33] Lamberth 2001).

The effort that the Wichita Police Department is making to fight against racial/ethnic profiling is paying off, as evidenced by stops of Black motorists that are

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[31] 734 A.2d 350, Superior Court of New Jersey (1996).

[32] Civil Action No. CCB-93-483, Maryland Federal District Court (1993).

[33] S-0300-CR-99000631, Coconino County Superior Court (1999).

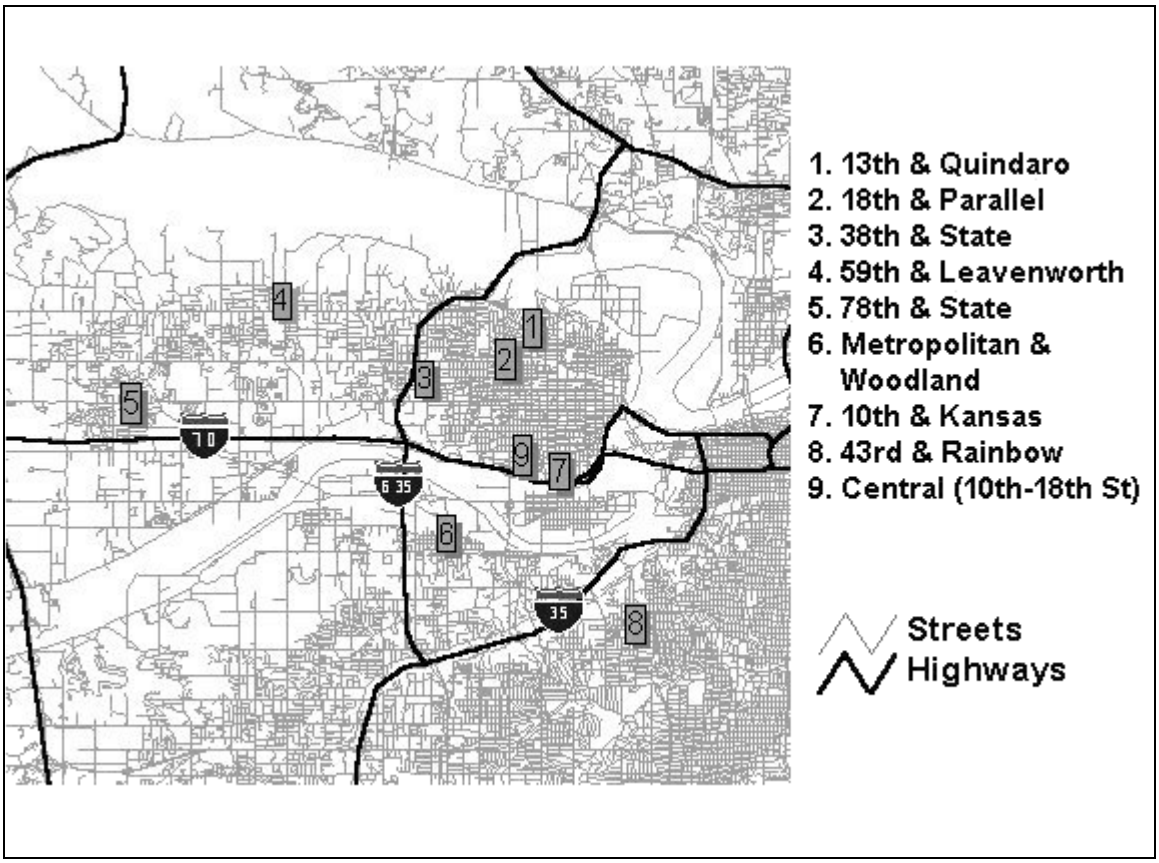
moderately higher than would be expected and are clearly at the lower range of the benign area for Hispanics. This result with regard to Hispanics is particularly impressive because, as this report indicates, Hispanics appear to be targeted more than Blacks in Kansas, particularly in the central portion of the state.

KANSAS CITY

On July 19, 2001, researchers met with representatives of the Kansas City Police Department (KCPD). The project was explained to the KCPD and all questions raised were answered. A number of potential benchmarking sites in the city were examined based on amount of police activity in the city. Eight benchmark locations were selected for traffic and one for pedestrians. The locations were:

1) 13th & Quindaro
2) 18th & Parallel
3) 38th & State
4) 59th & Leavenworth
5) 78th & State
6) Metropolitan & Woodland
7) 10th & Kansas
8) 43rd & Rainbow
9) Central - 10th to 18th Streets (pedestrian)

Map 6: Kansas City Survey Locations



Kansas City began collecting stop data in January 2002, six months after training for data collection was provided. The delay in data collection was reported by KCPD as being twofold: (1) KCPD incorporated their own stop data collection form (not the form used by the other departments in the study); and (2) there was a concern about the willingness of officers to participate in the study. The State of Kansas and the project team therefore decided to delay the completion of the project by the two months necessary for Kansas City to be included in the project.

In March, when the first data were forwarded to the state and to researchers, an analysis of those data indicated that the data had not been collected properly. For example, data from January 2002 show that only 56 out of 271 motorists (21 percent) were race identified; 76 out of 271 (28 percent) were identified with specific age; and 122 out of 271 (45 percent) were sex identified. Upon further inquiry, it was discovered that the officers were trained by the department to list unknown if they did not know the race, ethnicity, age, or sex of the motorist before they were stopped. The discovery of this misinterpretation of the appropriate way to record race, ethnicity, age, and sex was discussed with the chief who assured the state that the department would begin recording data that included the officer's perception of the race, ethnicity, age, and sex of the motorist stopped when the stop data sheet was filled in after the stop. As a result, all parties agreed to extend the study timeline for an additional four months.

In May, the KCPD forwarded their traffic stop data for the benchmarked locations for the month of April and it was noted that there was an approximate two-thirds drop in the number of stops from January to April. That is, in January there were 271 stops in the benchmarked areas, and by April the number provided was 92 stops. Of the 92 stops, 72 (78 percent) were race identified, 62 (67 percent) were age identified, and 73 (79 percent) were sex identified. The project team determined that with the reduction in stops, and the low rate of data collection compliance, it would take significant additional time to include KCPD in the study. Furthermore, the significant reduction in stops would raise questions regarding data integrity. After consultation with the governor's office, the decision was

made to proceed with the study, even though there would be insufficient data to analyze for Kansas City.

Therefore, after consulting with KCPD, a decision was made to analyze the KCPD citation data as an alternative. These data do not include officer initiated stops in which no citation is written. While the percentage of un-cited stops is not known for KCPD, we do know that in some jurisdictions un-cited stops can comprise as much as 75 percent of officer initiated stop activity. For this reason, we cannot conclude that the KCPD citation data is an accurate representation of KCPD stops. Furthermore, the KCPD citation form has no specific entry field to name Hispanics, and thus Hispanic citation rates cannot be reliably determined. For these reasons, we have determined that any analysis of the data provided cannot yield meaningful results, and therefore only descriptive data are provided (percent differences).

The KCPD raised concerns with the project team regarding the interpretation of the training, which accounted for the first batch of unusable data. The study was extended the second time to accommodate the change in data collection procedures for the KCPD (of the nine departments participating in this phase of the study, seven collected the data correctly and in a reasonable time frame to complete the study.) While not specifically addressed by the KCPD, implementing data programs have proven to be problematic in some agencies across the country. Through lack of trust, poor training, or concern about how the data will be used, it is not uncommon to find the number of officer stops drop off after data collection programs begin. It may be that changing procedure in collecting stop data had this effect in the KCPD, which could account for the dramatic

reduction in stops. It should be noted, however, that agencies experiencing this effect typically see a return to normal levels of stop activity after a few months of collecting the data. Thus, this effect should not be viewed as a lasting deterrent to continuing future data collection activities in the KCPD.

The citation data for Kansas City, which were collected between January 1, 1999, and July 29, 2002, are presented in the Tables KC-1, KC-2, and KC-3 below. The data used were in response to our request that there be at least 100 citations at each benchmarked location.

RACE

Table KC-1: Race Analysis[34]

Location	Bench-mark N	Bench-mark Black %	Citation N	Citation Black %	Diff * %
13th & Quindaro	1916	87.6	489	65.2	-22.4
18th & Parallel	1830	84.9	391	84.1	-0.8
38th & State	968	51.6	242	64.5	12.9
59th & Leavenworth	1404	38.7	460	54.4	15.7
78th & State	1303	30.2	641	52.3	22.1
Metropolitan & Woodland	1678	11.2	160	24.4	13.2
10th & Kansas	1430	9.0	1293	7.2	-1.8
43rd & Rainbow	1487	10.0	606	16.6	6.6

**Odds ratios are not reported due to the inability to accurately assess overall stop data.*

[34] Note that the N (Numbers) for the Benchmark and Citation data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

The citation data from the KCPD indicate that fewer Black motorists than would be expected are cited at three locations and more Black motorists than would be expected are cited at five of the eight benchmarked locations.

SEX

Table KC-2: Sex Analysis[35]

Location	Bench-mark N	Bench-mark Males %	Citation N	Citation Males %	Diff * %
13th & Quindaro	1913	67.1	489	76.3	9.2
18th & Parallel	1830	61.2	391	68.8	7.6
38th & State	970	63.8	242	60.7	-3.1
59th & Leavenworth	1408	60.2	460	72.0	11.7
78th & State	1305	55.5	641	63.2	7.7
Metropolitan & Woodland	1693	64.7	160	74.4	9.7
10th & Kansas	1432	78.1	1293	82.4	4.3
43rd & Rainbow	1490	63.2	606	67.2	4.0

**Odds ratios are not reported due to the inability to accurately assess overall stop data.*

The citation data from the Kansas City Police Department do not appear to reflect a disparity of citing either sex.

[35] Note that the N (Numbers) for the Benchmark and Citation data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of sex and age identified drivers.

AGE

Table KC-3: Age Analysis[36]

Location	Bench-mark N	Bench-mark Young %	Citation N	Citation Young %	Diff * %
13th & Quindaro	1910	36.9	484	42.8	5.9
18th & Parallel	1825	44.9	390	55.1	10.2
38th & State	969	43.3	241	57.3	14.0
59th & Leavenworth	1406	32.9	459	53.4	20.5
78th & State	1301	36.7	639	56.7	20.0
Metropolitan & Woodland	1687	36.1	157	63.1	27.0
10th & Kansas	1430	34.0	1291	61.1	27.1
43rd & Rainbow	1488	47.2	606	57.3	10.1

**Odds ratios are not reported due to the inability to accurately assess overall stop data.*

As the stop data from other departments reflect, more young motorists are cited by the Kansas City Police Department than would be expected on the basis of their presence in the transient population.

CONCLUSIONS

No conclusions can be drawn from the limited data that we were able to obtain from the KCPD. We would recommend that the KCPD collect stop data at some time in the future to answer the question of whether racial profiling is occurring.

[36] Note that the N (Numbers) for the Benchmark and Citation data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

EMPORIA

On July 17, 2001, the researchers met with representatives of the Emporia Police Department. The Emporia police had provided data for possible benchmark locations in the city on the basis of police ticketing activity. A number of these locations were considered and four were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the city and represent police activity in all areas of the city. The locations were:

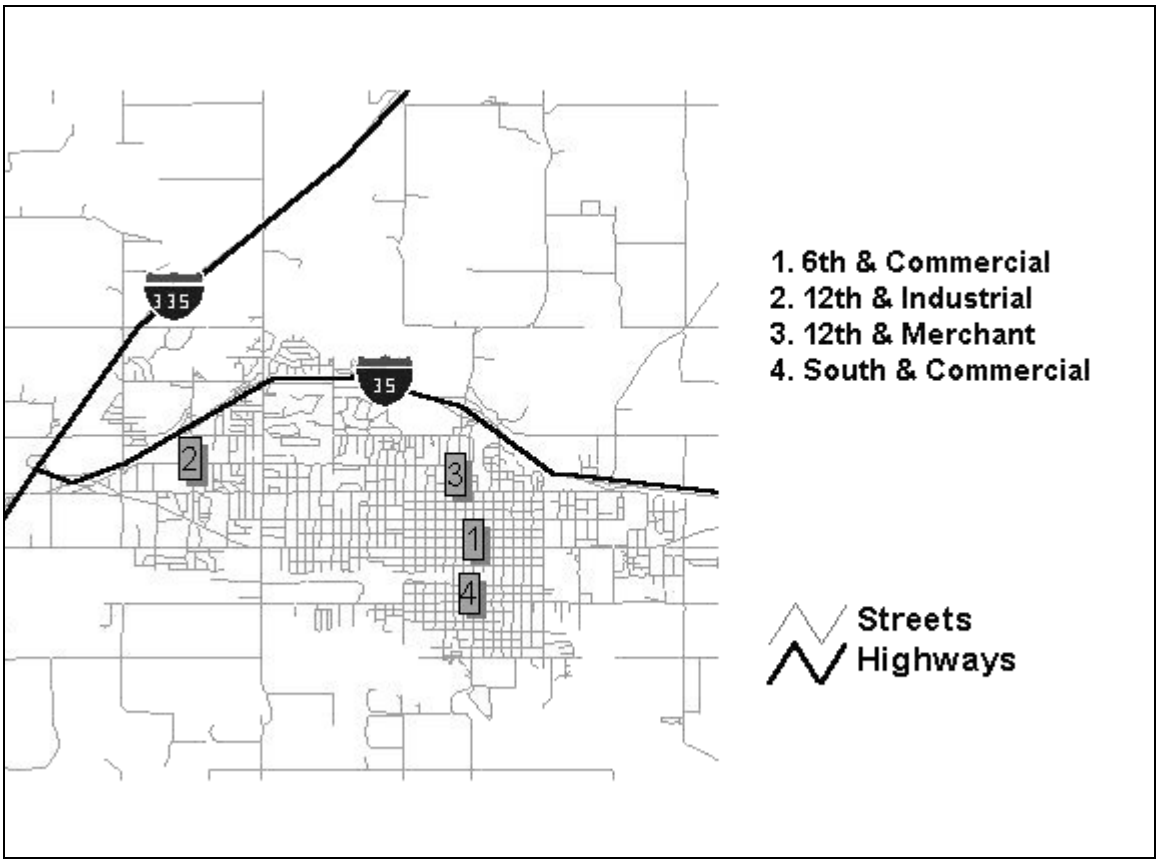
1) 6th and Commercial

2) 12th and Industrial

3) 12th and Merchant

4) South and Commercial

Map 7: Emporia Survey Locations



When stop data were collected, there were but ten stops at South and Commercial. Therefore, no data are presented for that benchmark location because the small number of stops does not allow for a meaningful analysis of that location, and it was not possible to include this location with another benchmark location because of the difference in demographics.

Emporia began collecting stop data on October 26, 2001, and utilized the data form developed for this study. Data were collected for a four-month period ending on February 26, 2002.

RACE

Table E-1 presents the data for race of drivers benchmarked and race of drivers stopped by the Emporia Police Department at the three locations benchmarked.

Table E-1: Race Analysis[37]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
6th & Commercial	619	2.7	129	1.55	1.15	0.56
12th & Industrial	784	2.9	32	3.13	0.23	1.09
12th & Merchant	949	4.5	43	4.65	0.15	1.03

Table E-1A provides the chi-square and probabilities for Black motorists for each of the three benchmark locations. When there are small numbers of one group or another, as sometimes occurs in these data, chi-square is not an appropriate test. Fisher's Exact Test (FET) is used under those circumstances. It does not give a chi-square value and thus is listed in the tables as FET with the associated probability.

Table E-1A: Chi-Square Analysis

(NS= Not Significant)

Location	Chi-Square	Probability
6th & Commercial	FET	NS
12th & Industrial	FET	NS
12th & Merchant	FET	NS

[37] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

There is no evidence to support the idea that the Emporia police are targeting Black motorists. The results are entirely consistent with law enforcement that is race neutral. The overall weighted odds ratio is .70.

ETHNICITY

In Table E-2, the results of the ethnicity analysis are shown.

Table E-2: Ethnicity Analysis[38]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff %	Odds Ratio
6th & Commercial	619	12.6	129	23.26	10.66	2.10
12th & Industrial	784	9.8	32	31.25	21.45	4.20
12th & Merchant	949	6.7	43	13.95	7.25	2.26

Table E-2A provides the chi-square and probabilities for Hispanic motorists for each of the three benchmark locations.

Table E-2A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi-Square	Probability
6th & Commercial	9.8	<.002
12th & Industrial	FET	<.001
12th & Merchant	FET	NS

The data strongly suggest that the Emporia police are targeting Hispanic motorists. Including all three locations, we would have expected to see 22 stops out of

[38] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

the 204 stops reported by the department. In fact, 46 stops of Hispanics (more than twice as many as expected) were made by the department. The odds ratios are all above 2.0 and at one location (12th & Industrial) the ratio was very large (4.2). The weighted odds ratio for all of the locations is 2.85.

SEX

Table E-3: Sex Analysis[39]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
6th & Commercial	620	65.2	126	60.32	-4.88	0 .81
12th & Industrial	784	60.5	32	62.50	2.00	1.08
12th & Merchant	949	57.0	43	53.49	-3.51	0 .87

Clearly, the Emporia Police Department is not targeting either sex.

AGE

Table E-4: Age Analysis[40]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff %	Odds Ratio
6th & Commercial	620	43.9	126	67.46	23.56	2.66
12th & Industrial	784	35.2	32	59.38	24.18	2.70
12th & Merchant	949	50.6	43	86.05	35.45	6.07

[39] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

[40] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

There is substantial evidence that large disparities exist in the stopping of young motorists by the Emporia Police Department. This is most evident at the 12th & Merchant benchmark location, which is adjacent to Emporia State University.

COUNTY OF ORIGIN

Seventy-seven percent of the motorists stopped by the Emporia Police Department were from Lyon County. The next highest percentage was of motorists from Johnson County (4.4 percent), followed by Shawnee County (2.2 percent) and Sedgwick County (1.6 percent). There appears to be no racial or ethnic implications of the county of origin for the motorists stopped by the Emporia Police Department.

ESTABLISHING THE CONTEXT

Representatives of the Emporia Police Department informed the researchers they believed that the high incidence of fraternity and sorority houses within the benchmark area contributed to the high odds ratio for age observed at the 12th and Merchant location. Those houses are located as follow:

(1) Kappa Sigma: 136 W. 12th

(2) Phi Delta Theta: 1005 Merchant

(3) Sigma Phi Epsilon: 415 E. 12th

(4) Sigma Pi: 1621 Merchant

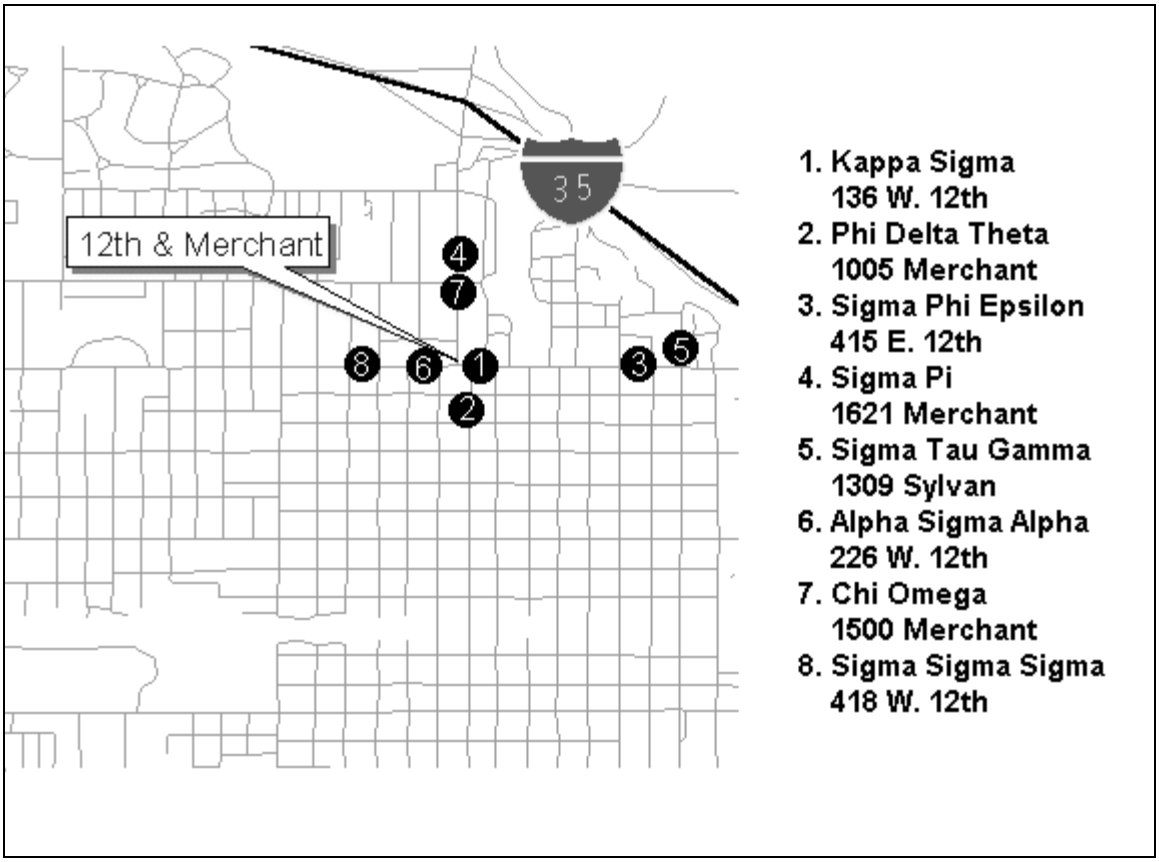
(5) Sigma Tau Gamma: 1309 Sylvan (12th & Sylvan)

(6) Alpha Sigma Alpha: 226 W. 12th

(7) Chi Omega: 1500 Merchant

(8) Sigma Sigma Sigma: 418 W. 12th

Map 8: Emporia – Proximity of Fraternity and Sorority Houses to 12th & Merchant



The research team agreed that the interactions of fraternity and sorority members and the possibility of travel to and from these closely placed houses explain much, if not all, of the high odds ratio for age at the 12th and Merchant location.

CONCLUSIONS

There is no evidence that the Emporia Police Department is targeting Black motorists. There is, however, rather strong evidence that there are disparities with regard to Hispanic motorists. Emporia is a city with a relatively large Hispanic population,

many of who are employed in the meat-packing industry. This disparity was not explained by any special enforcement priorities in the Emporia Police Department and is therefore evidence of ethnic profiling.

The very large disparity with regard to age at 12th and Merchant may be due, in large part, to the location of the fraternity and sorority houses in that area.

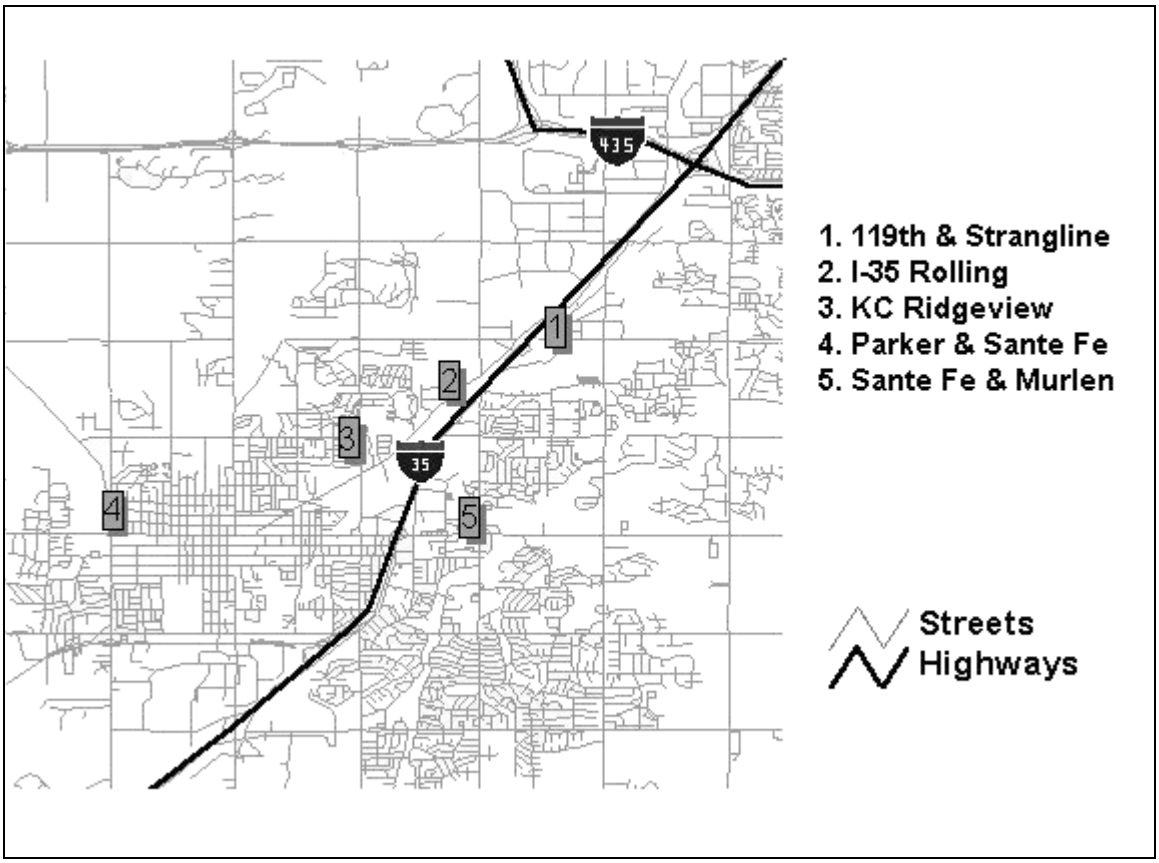
OLATHE

On June 22, 2001, the researchers met in Olathe with the chief and several members of the command staff of the Olathe Police Department (OPD). During that meeting, a number of issues were raised by the department and the researchers attempted to address each of them. The issues raised by the OPD representatives concerned the appropriateness of disparities between minority motorists and minority stops and caused the researchers to inform the state's liaison about potential problems.

The Olathe police provided data for possible benchmark locations in the city on the basis of police activity. A number of these locations were considered and five were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the city and represented police activity in all areas of the city. The locations were:

1) 119th & Strangline
2) I-35 (rolling)
3) KC Ridgeview
4) Parker & Sante Fe
5) Sante Fe & Murlen

Map 9: Olathe Survey Locations



The Olathe Police Department provided an escort for the survey team as they conducted the benchmark surveys. During the surveying, the escort challenged the surveyors about survey design, method, and categorizations of race, sex, and age, insisting that he be allowed to see the data sheets being collected. While the surveyors did not feel comfortable refusing this request, it was a breach of the study protocol. The state's liaison contacted the department to assure that the escorts did not challenge or in any way interfere with the surveyors and to remind the department that the escorts were not to review the data sheets that the surveyors were collecting. During this contact, the

agency personnel were strongly defended and the chief expressed a desire to speak directly with the surveyors, another breach of the protocol. When the liaison explained that the escort's actions could be construed as tampering with the survey, thus exhibiting unscrupulous behavior on the agency's behalf, the chief abruptly ended the conversation by saying his officers would have nothing to say from that point forward. After a short time, the chief reestablished contact with the liaison, apologized for his defensiveness, and agreed to cooperate as much as possible. The surveying was concluded without any further challenges.

Olathe had an ongoing data collection program and modified their data collection form to note the exact location of each stop. Data were collected for a four-month period ending on December 31, 2001.

RACE

Table OL-1 presents the data for race of drivers benchmarked and race of drivers stopped by the Olathe Police Department at the five locations benchmarked.

Table OL-1: Race Analysis[41]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
119th & Strangline	1474	5.4	77	13.0	7.6	2.62
I-35 (rolling)	1112	5.2	379	7.1	1.9	1.4
KC Ridgeview	1214	5.0	35	14.3	9.3	3.18
Parker & Sante Fe	2109	4.2	96	8.3	3.9	2.06
Sante Fe & Murlen	3326	4.5	114	9.6	5.4	2.24

Table OL-1A provides the chi-square and probabilities for Black motorists for each of the five benchmark locations. When there are small numbers of one group or another, as sometimes occurs in these data, chi-square is not an appropriate test. Fisher's Exact Test (FET) is used under those circumstances. It does not give a chi-square value and thus is listed in the tables as FET with the associated probability.

Table OL-1A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi Square	Probability
119th & Strangline	FET	<.02
I-35 (rolling)	1.91	NS
KC Ridgeview	FET	<.04
Parker & Sante Fe	FET	NS
Sante Fe & Murlen	6.41	<.02

[41] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

There are disparities between the observed number of stops of Black motorists and the expected number on the basis of the benchmark data. One odds ratio falls in the benign category, while three of the odds ratios are above 2.0 and one is above 3.0. The overall odds ratio is 1.93. There is evidence from both analyses that profiling on the basis of race is occurring in Olathe.

ETHNICITY

Displayed in Table OL-2 are the results for the ethnicity analysis in Olathe.

Table OL-2: Ethnicity Analysis[42]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff %	Odds Ratio
119th & Strangline	1474	2.6	77	2.6	0	1.0
I-35 (rolling)	1112	3.3	381	8.4	4.9	2.68
KC Ridgeview	1214	4.3	35	8.6	4.3	2.08
Parker & Sante Fe	2109	4.4	97	7.2	3.0	1.69
Sante Fe & Murlen	3326	3.3	116	10.3	7.0	3.35

Table OL-2A provides the chi-square and probabilities for Hispanic motorists for each of the five benchmark locations.

[42] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

Table OL-2A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi Square	Probability
119th & Strangline	FET	NS
I-35 (rolling)	16.6	<.0001
KC Ridgeview	FET	NS
Parker & Sante Fe	FET	NS
Sante Fe & Murlen	FET	<.0007

As with the racial analysis, the stops by the Olathe Police Department reflect disparities in the stopping of Hispanic motorists. At 119th and Strangline, there is no indication of profiling of Hispanics, but at the other four benchmark locations there are substantial disparities. One is slightly under 2.0, one is slightly above 2.0, the third is 2.68, and the fourth is well above 3.0. The overall odds ratio is 2.28. Therefore, it is quite likely that Hispanics are being profiled by the Olathe police.

SEX

Table OL-3: Sex Analysis[43]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
119th & Strangline	1483	60.7	77	72.7	12.0	1.74
I-35 (rolling)	1137	68.4	381	67.0	-1.4	0.94
KC Ridgeview	1218	60.2	35	68.6	8.4	1.44
Parker & Sante Fe	2112	66.0	97	65.0	-1.0	0.95
Sante Fe & Murlen	3334	58.5	116	69.8	11.3	1.63

[43] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

There do not appear to be disparities on the basis of sex.

AGE

Table OL-4: Age Analysis[44]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young	Stop N	Stop Young %	Diff %	Odds Ratio
119th & Strangline	1479	46.5	77	72.7	26.2	3.05
I-35 (rolling)	1111	35.5	384	58.9	23.4	2.59
KC Ridgeview	1219	33.1	35	54.3	21.2	2.41
Parker & Sante Fe	2111	31.8	97	59.8	28.0	3.19
Sante Fe & Murlen	3339	36.1	116	61.7	25.6	2.85

As with the other departments in the study, there are substantial disparities in the proportion of young motorists stopped when compared to their presence in the transient population.

COUNTY OF ORIGIN

As in Overland Park, the vast majority of police stops were from Johnson County, Kansas, Jackson County, Missouri and Wyandotte County, Kansas. In fact, these three counties are so predominant and there are so few stops from other counties that no reliable analysis can be made. Over seventy percent of the stops were from Johnson County, 9.7 percent were from Jackson County, and 4.9 percent were from Wyandotte County. No other individual county accounted for more than 20 stops at all five locations

combined. Therefore, the data from Wyandotte County is presented here, although the number of stops from that county is quite small at some intersections. Jackson County, Missouri, is not included in Table OL-5 because there is no way to determine that the percentage of Missouri cars that we saw were from Jackson County. With these caveats, we present the results of our count-of-origin analysis in Table OL-5.

Table OL-5: County Analysis[45]

Location	Bench-mark N	Benchmark Wyandotte %	Stop N	Stop Wyandotte %	Diff %	Odds Ratio
119th & Strangline	502	4.8	77	2.6	-2.2	0.53
I-35 (rolling)	363	5.8	385	7.3	1.5	1.29
KC Ridgeview	393	4.3	35	0	-4.3	N/A
Parker & Sante Fe	683	3.4	97	2.1	-1.3	0.61
Sante Fe & Murlen	1476	2.9	116	2.6	-0.3	0.9

The data from Olathe reveals no disparities with regard to the proportion of Wyandotte County motorists who are stopped.

ESTABLISHING THE CONTEXT

On August 15, 2002, researchers met with a representative of the Olathe Police Department and reported our findings to him. That representative had not been involved in the data collection portion of the study and told us that he would report back and

[44] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

[45] Note that the N (Numbers) for the Benchmark and Stop data are county identified numbers and may differ slightly from the N for age, sex, and race, as there were different percentages of age, sex and race identified drivers.

forward any extenuating circumstances that might account for the disparities found in Olathe if there were any of which the department was aware. As he did not report back, it was assumed that there were no such circumstances.

CONCLUSIONS

The Olathe Police Department is stopping more Black and Hispanic motorists than would be expected on the basis of their presence in the transient population. With regard to Blacks, this is a moderate disparity but one that is not explained by the department in any way. With regard to Hispanics, there is a considerably larger disparity that also is not explained by the department. Therefore, it can be concluded that there is evidence of targeting of Black motorists and stronger evidence of targeting of Hispanic motorists by the Olathe Police Department.

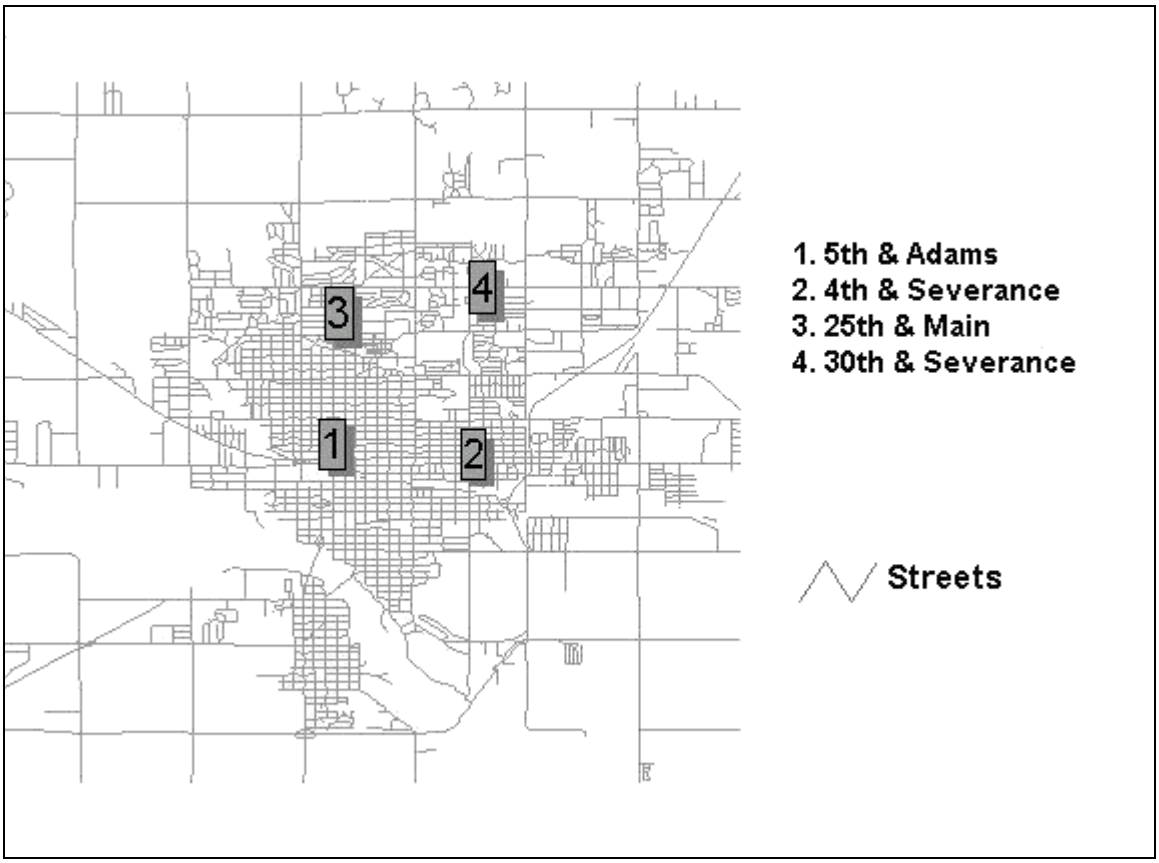
Following the departure of the police chief early in the project, Acting Chief Kannady actively facilitated the data collection in the agency. The new chief of police assumed her duties during the week that the researchers met with representatives of the Olathe Police Department in August of 2002. The department representative who met with the researchers had not previously been involved in the study.

HUTCHINSON

On June 21, 2001, the research team met with representatives of the Hutchinson Police Department (HPD). The HPD provided data for possible benchmark locations in the city on the basis of police ticketing activity. A number of these locations were considered and four were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the city and represent police activity in all areas of the city. The locations were:

1) 5th and Adams
2) 4th and Severance
3) 25th and Main
4) 30th and Severance

Map 10: Hutchinson Survey Locations



Hutchinson began collecting stop data on November 1, 2001, and utilized the data form developed for this study. Data were collected for a four-month period ending on March 1, 2002.

When the data for Hutchinson were compiled, there were very few stops recorded—a total of 198 stops at the four benchmark locations. Based on data that were considered prior to selecting the benchmark locations, this was surprisingly low. Immediately prior to the beginning of data collection for the study, the state's project director requested information from the HPD about their citation activity at these four

locations. During September and October of 2001, the HPD issued 334 citations at the four benchmark locations. This would have translated into an expected, minimum frequency of 650 stops at the four locations. This is a minimum because, as in most police departments, Hutchinson stops more motorists than it issues summonses. In addition, it was determined that many of the stops that were reported were not race identified.

RACE

Table H-1 presents the data for race of drivers benchmarked and race of drivers stopped by the HPD at the four locations benchmarked. Because of the small number of stops, individual odds ratios are not presented. Instead, we compute an overall odds ratio across locations. The percent differences presented in Table H-1 are for descriptive purposes only.

Table H-1: Race Analysis[46]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %
5th & Adams	1670	2.4	12	8.33	5.93
4th & Severance	2815	3.9	20	10.0	6.1
25th & Main	1412	1.6	47	4.26	2.66
30th & Severance	1518	2.0	68	1.47	-0.53

[46] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex, and age, as there were different percentages of sex and age identified drivers.

Overall, the odds ratio for stopping Black motorists for the Hutchinson Police Department is 1.54. This ratio must be interpreted with extreme caution given the small number of stops recorded and the way in which the collected data were supplemented.

ETHNICITY

Table H-2: Ethnicity Analysis[47]

Location	Bench-Mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff * %
5th & Adams	1670	3.1	12	8.33	5.23
4th & Severance	2815	4.7	20	5.0	0.3
25th & Main	1412	2.5	47	4.26	1.76
30th & Severance	1518	2.9	68	4.41	1.51

** Because of the small number of stops, individual odds ratios are not presented. Instead, we compute an overall odds ratio across locations. The percent differences presented in Table H-2 are for descriptive purposes only.*

As with race, we only provide an overall odds ratio for stopping of Hispanic motorists. That odds ratio is 1.34. Again, it is recommended that one use extreme caution in interpreting this odds ratio for the reasons stated above.

[47] Note that the N (Number) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age, as there were different percentages of sex and age identified drivers.

SEX

Table H-3: Sex Analysis[48]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff * %
5th & Adams	1674	54.4	20	60.0	5.6
4th & Severance	2831	57.6	34	67.6	10.0
25th & Main	1416	58.6	56	62.5	3.9
30th & Severance	1515	59.1	79	49.4	-9.7

** Because of the small number of stops, individual odds ratios are not presented. Instead, we compute an overall odds ratio across locations. The percent differences presented in Table H-3 are for descriptive purposes only.*

The overall odds ratio for these data is 1.02. While there are more data here because of the instructions officers were given during training, these data should still be interpreted with caution.

AGE

Data for the Hutchinson review came from both stops and citations. More than 50 percent of these data were not age identifiable. Consequently, no meaningful age analysis could be conducted or reported here.

COUNTY OF ORIGIN

Ninety percent of the stops for which we have data were of motorists from Reno County. There is no evidence that might have racial or ethnic implications of stopping of motorists from a county.

[48] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

ESTABLISHING THE CONTEXT

When the researchers met with representatives of the HPD, they asked about the low number of stops recorded by the HPD at the benchmark locations. The HPD knew of no reason why the number of stops was so low. Thus, the fact that less than a third of the stops that would be expected were made at those locations, based on data collected by the department in 2000 and again in 2001, is totally unexplainable. When researchers asked about the even fewer number of stops where race/ethnicity were identified, they were informed that officers in the department were trained to designate race/ethnicity at the moment that they made the decision to stop the motorist. However, HPD's trainer specified that sex and age were to be designated throughout the stop. This misinterpretation of the training resulted in the much lower percentage of stops being racially/ethnically identified. The HPD was able to refer to the stops in these data that resulted in citations and provide race and ethnicity for 147 of the stops. These are the data that are presented below.

These data need to be interpreted with caution due to the drastically reduced number of stops made at the benchmark locations compared to what was expected on the basis of previous police activity. Also, the relatively large number of unknowns with regard to race/ethnicity in the data and the small number of stops at each location further underscore the need for caution in interpreting these data. While the numbers and percentages are reported for each location, the only odds ratio provided is an overall odds ratio for race/ethnicity.

CONCLUSIONS

The data from Hutchinson should be interpreted with extreme caution. The very important issue of why there were so few stops during the period of the study was totally unexplainable by the representatives of the police department. Based on the citation data that the researchers had obtained from approximately a year before the study and again in the two months immediately preceding the study, there should have been at least three times more stops at the benchmark locations. Therefore, there is a possibility that there may have been a deliberate slow down in stops made by officers during the time period of the study. This, if it occurred, would seriously compromise the data and is the reason that extreme caution should be used in interpreting these data. However, even in these circumstances, the overall odds ratios for both Black and Hispanic motorists are 1.54 and 1.34. In the researchers' experience, where questions about the reliability of police stop data have been raised, there has uniformly been an over-reporting of non-minority stops. Therefore, it is likely that these odds ratios for Hutchinson are the lower limits for what might have been the case had we had data for all of the stops with race and ethnicity recorded.

Hutchinson is the second department that misinterpreted the training given about how race/ethnicity should be recorded. Even though a representative of the department informed the state's project director that he understood that those data were to be recorded from the totality of the stops, the officers were trained to record those data at the moment they decided to make the stop. However, the officers were taught to record the age and sex of the motorist at the conclusion of the stop. This anomaly was also

unexplained by HPD representatives. We should note that even if the Hutchinson police had recorded every stop properly with regard to race and ethnicity, the extraordinarily low number of stops recorded would have cast doubt upon the reliability of the data.

Given the totality of the circumstances of the data collection in Hutchinson, no conclusions can be drawn about racial/ethnic profiling by the Hutchinson Police Department. As with Kansas City, we would recommend that Hutchinson collect stop data at some time in the future to determine if racial or ethnic profiling is occurring.

OSAGE COUNTY

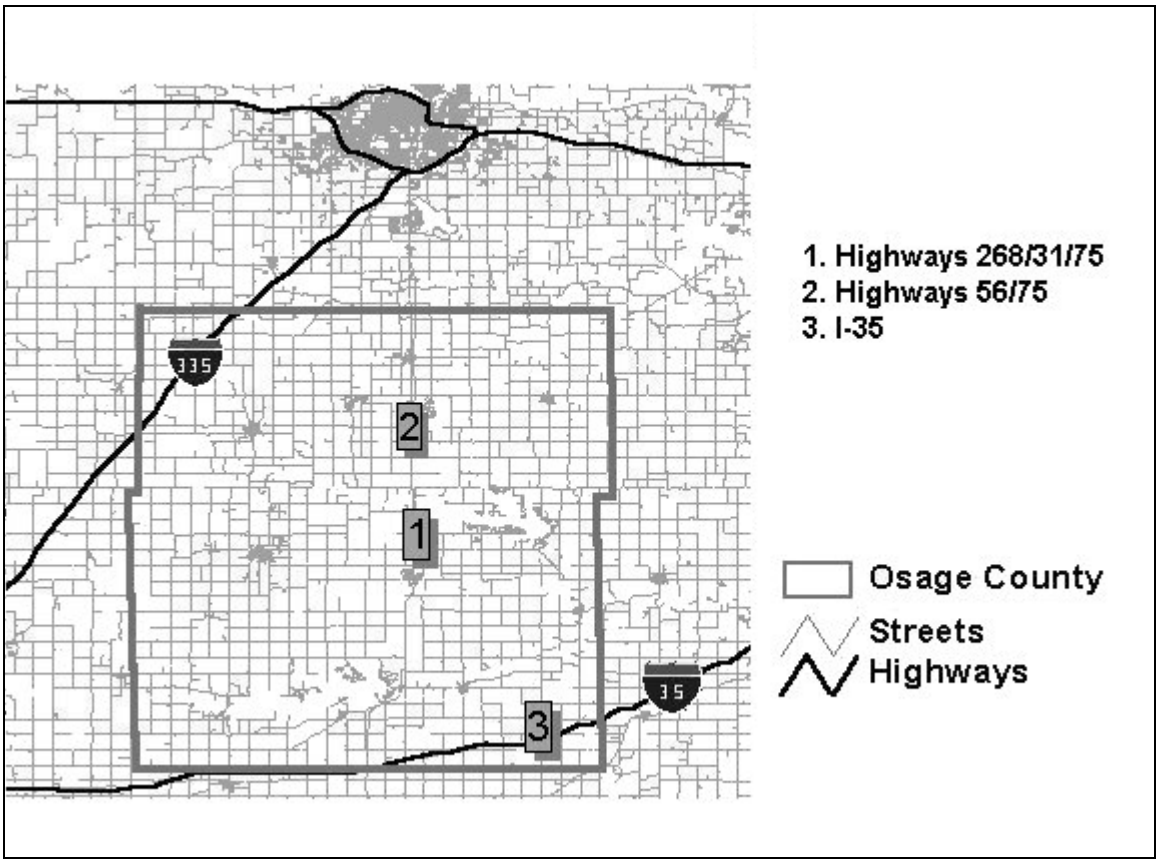
On July 21, 2001, the researchers met with the sheriff of Osage County. The Osage County Sheriffs' Department (OCSD) provided data for possible benchmark locations in the county on the basis of police ticketing activity. A number of these locations were considered and three were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the county and represented police activity in all areas of the city. The locations were:

(1) Highways 268/31/75

(2) Highways 56/75

(3) I-35 (rolling)

Map 11: Osage County Survey Locations



The OCSD began collecting stop data on October 8, 2001, and utilized the data form developed for this study. Data were collected for a four-month period ending on February 8, 2002.

RACE

Table OC-1 presents the data for race of drivers benchmarked and race of drivers stopped by the OCSD at the three locations benchmarked. Two of the locations show a very large disparity with regard to the proportion of Blacks stopped, and the other is just

above the benign area. Weighting each location, the OCSD reflects an overall odds ratio of 3.89.

Table OC-1: Race Analysis[49]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
Highways 268/31/75	1009	1.0	60	5.0	4.0	5.21
Highways 56/75	1563	0.6	102	2.0	0.2	3.36
I-35 (rolling)	391	3.8	140	5.7	1.9	1.53

Table OC-1A provides the chi-square and probabilities for Black motorists for each of the three benchmark locations. When there are small numbers of one group or another, as sometimes occurs in these data, chi-square is not an appropriate test. Fisher's Exact Test (FET) is used under those circumstances. It does not give a chi-square value and thus is listed in the tables as FET with the associated probability. There does appear to be evidence that the OCSD is targeting Black motorists at the location of Highways 268/31/75.

[49] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

Table OC-1A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi-Square	Probability
Highways 268/31/75	7.6	<.006
Highways 56/75	FET	NS
I-35 (rolling)	0.9	NS

ETHNICITY

Table OC-2: Ethnicity Analysis[50]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff %	Odds Ratio
Highways 268/31/75	1009	2.1	60	1.7	-0.4	0 .81
Highways 56/75	1563	0.8	102	4.9	4.1	6.39
I-35 (rolling)	391	3.1	140	15.7	12.6	5.80

Table OC-2A provides the chi-square and probabilities for Hispanic motorists for each of the three benchmark locations. The benchmark location that showed the highest disparity with regards to race shows fewer Hispanics than would be expected are being stopped. However, the other two benchmark locations, with considerably more stops and thus a more stable sample, show large disparities in the proportion of Hispanic motorists stopped. Overall the weighted odds ratio for the OCSD for Hispanics is 5.32. This clearly indicates large disparities in the stopping of Hispanic motorists.

[50] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

Table OC-2A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi Square	Probability
Highways 268/31/75	FET	NS
Highways 56/75	FET	<.007
I-35 (rolling)	27.5	<.0001

SEX

Table OC-3: Sex Analysis

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
Highways 268/31/75	1008	67.8	59	59.3	-8.5	.61
Highway 56/75	1563	67.4	97	67.0	-0.4	.98
I-35 (rolling)	391	73.1	150	62.7	-10.4	.62

There is no evidence of sex disparities in the proportion of stops made by the Osage County Sheriff's Department.

AGE

Table OC-4: Age Analysis[51]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff %	Odds Ratio
Highways 268/31/75	1008	21.3	54	44.4	23.1	2.93
Highways 56/75	1563	18.7	99	56.6	37.9	5.83
I-35 (rolling)	391	19.4	146	52.1	32.7	4.56

As with other departments, young motorists are being stopped at levels disproportionate to their presence in the transient population.

COUNTY OF ORIGIN

At the Highway 75 locations, the counties with the largest stop totals were Osage and Shawnee, accounting for 67 percent of the stops at 268/31/75 and 86 percent of the stops at 56/75. Thirteen percent of the stops at 268/31/75 were from Coffey County. On I-35, fewer than half the stops were from Kansas. Of the 71 motorists stopped from Kansas, most were from Johnson or Sedgwick Counties as were the benchmarked motorists. There appears to be no racial or ethnic implications with regard to the county of origin for the motorists stopped.

[51] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

ESTABLISHING THE CONTEXT

When researchers met with the sheriff, his only explanation for the disparities was the possibility that Hispanic motorists would more likely be stopped for equipment violations. His reason for this was that there is a fairly large group of Hispanic motorists who journey to either Topeka or Kansas City and purchase old cars to take to Mexico and resell. He reasoned that these old cars might be the subject of more stops than would be expected on the basis of Hispanics in the transient population. We checked the Osage County stop data and found that none of the Hispanic motorists stopped at the benchmark locations was stopped for equipment violations. Therefore, the excessive stops of Hispanic motorists are unexplained and are likely the result of targeting.

CONCLUSIONS

The Osage County Sheriff's Department shows disparities with regard to both race and ethnicity. The race disparities, because they occur at the location with the fewest stops and involve a small number of stops of Black motorists, are not conclusive. However, it is quite clear that there are large disparities with regard to Hispanic motorists at the two locations with the largest number of stops. The explanation suggested by the department was not supported by the data. This disparity is totally unexplained. The benchmark location at Highway 268/31/75 is the most variable location, but is also the one with the fewest stops. There is evidence of profiling of Blacks and substantial evidence of profiling of Hispanics by the Osage County Sheriff's Department.

PARK CITY

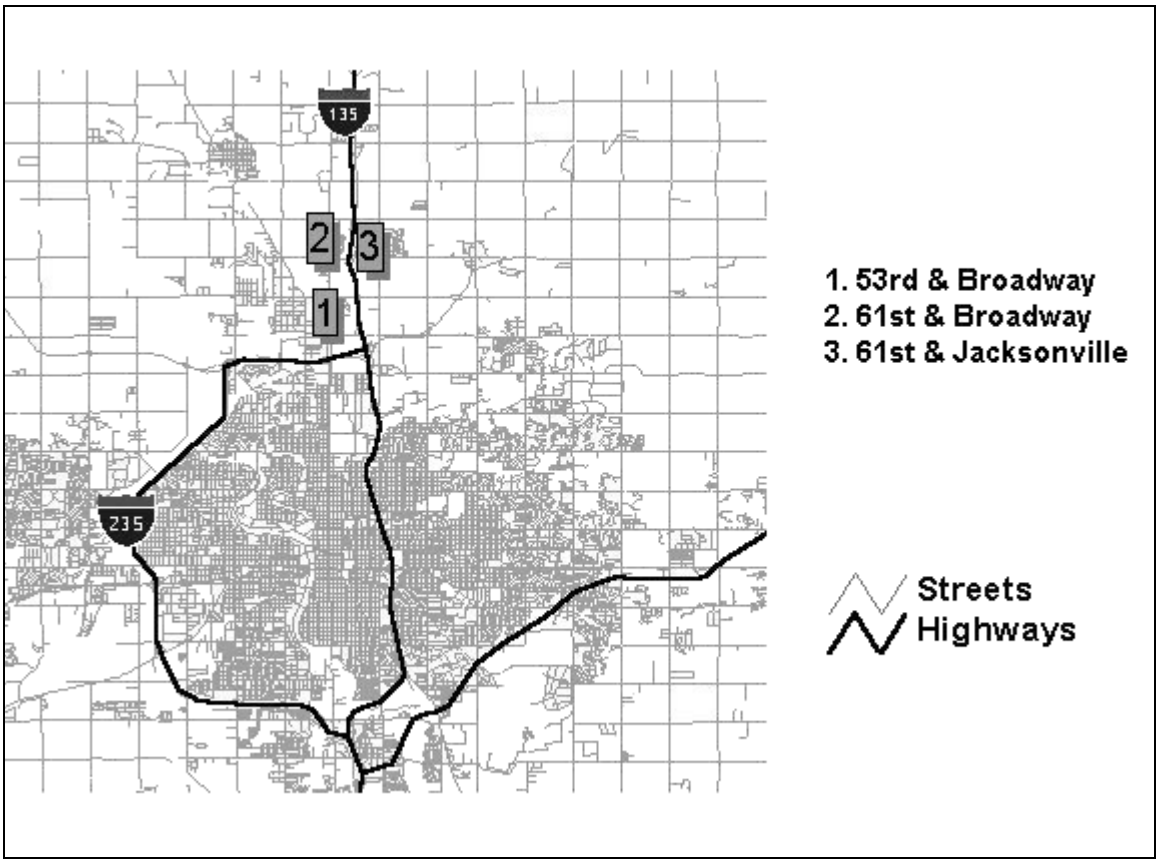
On August 20, 2001, the project director met with representatives of the Park City Police Department (PCPD) who provided data for possible benchmark locations in the city on the basis of police ticketing activity. A number of these locations were considered and three were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the city and represented police activity in all areas of the city. The locations were:

1) 53rd & Broadway

2) 61st & Broadway

3) 61st & Jacksonville

Map 12: Park City Survey Locations



The PCPD began collecting stop data on October 10, 2001, and utilized the data form developed for this study. Data were collected for a four-month period ending on February 10, 2002.

RACE

Table P-1 presents the data for race of drivers benchmarked and race of drivers stopped by the PCPD at the three locations benchmarked.

Table P-1: Race Analysis[52]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
53rd & Broadway	928	2.9	79	0	-2.9	N/A
61st & Broadway	1184	3.0	92	2.2	-0.8	.73
61st & Jacksonville	1257	3.3	45	0	-3.3	N/A

Table P-1A provides the chi-square and probabilities for Black motorists for each of the three benchmark locations. When there are small numbers of one group or another, as sometimes occurs in these data, chi-square is not an appropriate test. Fisher's Exact Test (FET) is used under those circumstances. It does not give a chi-square value and thus is listed in the tables as FET with the associated probability.

Table P-1A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi-Square	Probability
53rd & Broadway	FET	NS
61st & Broadway	FET	NS
61st & Jacksonville	FET	NS

There is no evidence of disparities of Black motorists stopped by the PCPD. In fact, at all three locations there are fewer Black motorists stopped than would be expected by their presence in the transient population. The overall weighted odds ratio is 0.29.

[52] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

ETHNICITY

Table P-2: Ethnicity Analysis[53]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff %	Odds Ratio
53rd & Broadway	928	3.3	79	8.9	5.6	2.87
61st & Broadway	1184	3.9	92	9.8	5.9	2.67
61st & Jacksonville	1257	1.9	45	4.4	2.5	2.39

Table P-2A provides the chi-square and probabilities for Hispanic motorists for each of the three benchmark locations. At all three locations there are substantial disparities between the proportion of Hispanic motorists stopped and the expected proportion based on their presence in the transient population. Overall, the odds ratio is 2.92. The small number at 61st and Jacksonville make it the least important. However, all three locations show the same trend.

Table P-2A: Chi-Square Analysis

(NS = Not Significant)

Location	Chi-Square	Probability
53rd & Broadway	FET	<.03
61st & Broadway	FET	<.02
61st & Jacksonville	FET	NS

[53] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

SEX

Table P-3: Sex Analysis[54]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
53rd & Broadway	938	64.9	78	74.4	9.5	1.58
61st & Broadway	1190	61.5	91	64.8	3.3	1.15
61st & Jacksonville	1259	58.3	44	70.4	12.1	1.70

There is little evidence that either sex is being stopped disproportionately by the Park City Police Department.

AGE

Table P-4: Age Analysis[55]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff %	Odds Ratio
53rd & Broadway	937	26.1	77	46.8	22.7	2.52
61st & Broadway	1190	29.8	89	51.7	21.9	2.51
61st & Jacksonville	1259	27.4	44	52.3	24.9	2.89

As with the other departments, young drivers are more likely to be stopped than would be expected on the basis of their presence in the transient population.

[54] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

[55] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

COUNTY OF ORIGIN

Exactly 92.9 percent of the motorists stopped by the PCPD were from Sedgwick County. Butler County had four motorists stopped. There is no indication that the PCPD is stopping motorists from any county outside its home county.

ESTABLISHING THE CONTEXT

Park City Police Department representatives offered two possible explanations for the disparities in Hispanic motorists being stopped. First, subsequent to the benchmarking in Park City, a new plant opened that employs approximately 500 individuals, 60 percent of them Hispanic. This would likely increase somewhat the percentage of Hispanics. The second issue that department representatives wanted considered was the fact that an officer who had been assigned for retraining for aggressive enforcement and who had subsequently resigned accounted for 39 percent of the stops of Hispanics. While the resignation of this officer may well change the percentages in the future, it does not alter the fact that these motorists were stopped during the data collection period. These two reasons notwithstanding, the PCPD may still have had a disparity between the percentage of Hispanic motorists stopped and those in the transient population.

CONCLUSIONS

Park City, more than any other department assessed in this study, is not targeting Black drivers. While the number of Black drivers is low, the number of those stopped is even lower. The same cannot be said of Hispanic motorists, however. The overall odds

ratio of 2.92 for stopping of Hispanic motorists is well above the range that would be expected. The addition of a plant that employs a substantial number of Hispanic workers in the area subsequent to our benchmarking could have increased the expected number of stops of Hispanics. In a small department, an officer who stops a large number of Hispanic motorists does have a large effect on the overall proportion of Hispanic motorists stopped. We would still caution the Park City Police Department to be aware of the possibility of targeting of Hispanic motorists by their officers.

MARYSVILLE

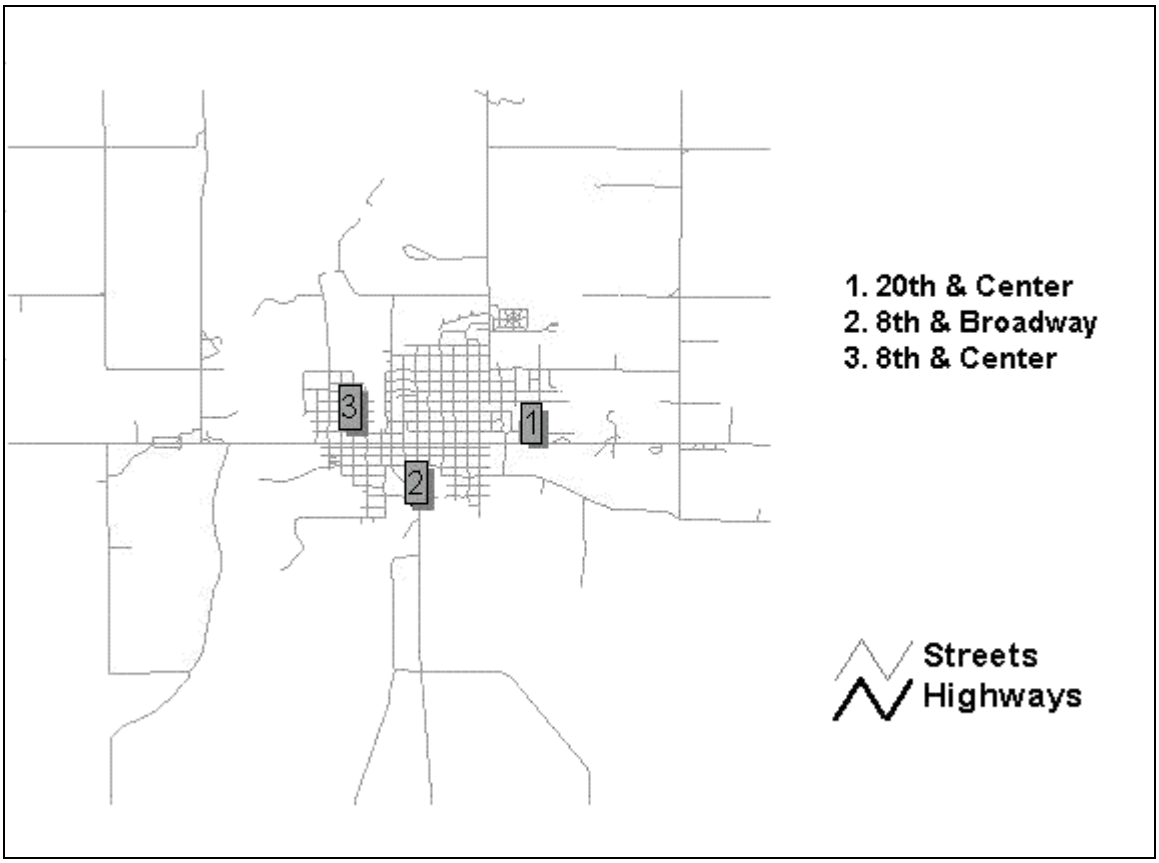
On August 20, 2001, the project director met with the chief in Marysville. The Marysville Police Department (MPD) provided data for possible benchmark locations in the city on the basis of police ticketing activity. A number of these locations were considered and three were selected on the basis of geography, road construction, and surveyor accessibility. The locations were spread throughout the city and represented police activity in all areas of the city. The locations were:

1) 20th & Center

2) 8th & Broadway

3) 8th & Center

Map 13: Marysville Survey Locations



Subsequent to its selection as a site for the study, Marysville lost approximately one third of its officers. The resulting reduction in the number of stops recorded makes interpretation of the data difficult. Because there were but two stops made at the 8th and Center benchmark location, and because the benchmark data for 8th and Center and 20th and Center were either identical or very close with regard to race, ethnicity, sex and age, those two locations were consolidated. The 8th and Broadway location was identified as a "cruising" location for young motorists, particularly on weekend evenings, and was purposely selected for that reason. Marysville began collecting stop data on November 1,

2001, and utilized the data form developed for this study. Data were collected for a four-month period ending on March 1, 2002.

RACE

Table M-1 presents the data for race of drivers benchmarked and race of drivers stopped by the MPD at the two locations benchmarked.

Table M-1: Race Analysis[56]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff * %
8th-20th & Center	3126	0.3	32	3.1	2.8
8th & Broadway	1121	0.4	22	4.5	4.1

** Because of the small number of stops, individual odds ratios are not presented.*
The percent differences presented in Table M-1 are for descriptive purposes only.

The very small number of stops overall and the very small number of observed Black motorists in the transient population can lead to relatively high stop percentages. It should be noted that one Black motorist was stopped at each of the benchmark locations.

[56] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

ETHNICITY

Table M-2: Ethnicity Analysis[57]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff * %
8th-20th & Center	3126	0.4	32	0	-0.4
8th & Broadway	1121	1.1	22	9.1	8.0

** Because of the small number of stops, individual odds ratios are not presented.*
The percent differences presented in Table M-2 are for descriptive purposes only.

The very small number of stops overall and the very small number of observed Hispanic motorists in the transient population can lead to relatively high stop percentages. It should be noted that two Hispanic motorists were stopped at the 8th & Broadway benchmark location.

SEX

Table M-3: Sex Analysis[58]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff * %
8th-20th & Center	3125	64.1	31	67.7	3.6
8th & Broadway	1121	65.0	22	68.2	3.2

** Because of the small number of stops, individual odds ratios are not presented.*
The percent differences presented in Table M-3 are for descriptive purposes only.

[57] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

[58] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

Even with the small number of stops, there is no evidence of disparities with regard to sex.

AGE

Table M-4: Age Analysis

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff * %
8th-20th & Center	3119	26.0	32	25.0	-1.0
8th & Broadway	1121	81.4	22	90.9	9.5

** Because of the small number of stops, individual odds ratios are not presented. The percent differences presented in Table M-4 are for descriptive purposes only.*

There is a small disparity in the proportion of young motorists stopped at the 8th and Broadway location and no evidence of disparity at the 8th-20th and Center location.

COUNTY OF ORIGIN

Exactly 89 percent of the cars stopped by the MPD were from Marshall County while the benchmarked percentage of cars from Marshall County was 84. There is no evidence that a disproportionate percentage of any county's cars were stopped by the Marysville Police Department.

ESTABLISHING THE CONTEXT

Immediately following the time that Marysville was selected for the study but preceding the data collection period, the size of the force was reduced by a third. The research team inquired about these reductions and found that they had nothing to do with

the study; rather they were personnel decisions that were made either by the department or individual officers. This drastic decrease in the personnel of an already small department had profound effects upon the amount of data that were collected by the MPD during the study. Because of these circumstances, odds ratios are not reported for Marysville and the researchers urge extreme caution in interpreting the data collected.

CONCLUSIONS

While there appears to be targeting of both Black and Hispanic motorists, the small number of stops made by the department during the study make any conclusion impossible. The dramatic decrease in personnel in the department during the time of the study makes any conclusions very tenuous. Stop data for another time, when the department has returned to normal strength, should be considered prior to arriving at any definitive conclusion.

KANSAS HIGHWAY PATROL

Beginning with the train-the-trainer session in June of 2001, the project director met with various members of the command staff of the Kansas Highway Patrol to review the aims and methodology of the study. During these sessions, existing citation data were discussed and various segments of the numerous highways that the Kansas Highway Patrol (KHP) patrols were considered for inclusion in the study. The officers of the various units of the KHP were very concerned about the possibility of racial or ethnic profiling by troopers.

In the discussions with departmental representatives, it seemed there were specific sections of the highways that they wanted included in the study because there were concerns about some troopers' behavior. In one instance, this meant that existing stop data would have suggested that there was more traffic and more stops in one section of a roadway, but their concerns were for another section of that highway that was further west. After further discussion, the three most likely sections of Kansas roadways for racial profiling were selected. We should note that the sections of highway selected for inclusion in this study were, in the opinions of the KHP officers involved in the discussions, the ones that would show the patrol in its least favorable light, but would be most helpful to pinpoint activity that should be corrected if it was occurring. In short, the KHP took the opportunity that this study provided to determine if profiling was occurring. The locations chosen were:

1) Topeka: I-70 from I-435 to I-470 and the I-470/I-70 loop around the

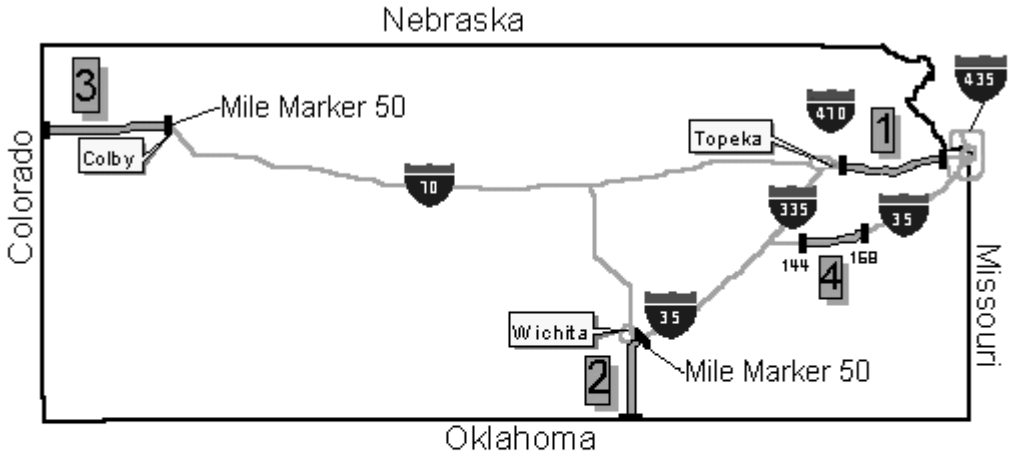
City of Topeka

2) Wichita: I-35 from the Oklahoma state line to Mile Marker 50

3) Colby: I-70 from the Colorado state line to Mile Marker 50

There was a fourth area that was included in the study. This was the section of I-35 between Mile Markers 144-168 that was being benchmarked in connection with the study of Osage County. The KHP decided to collect stop data in this area for inclusion in the study.

Map 14: Kansas Highway Patrol Survey Locations



1. Topeka: I-70 from I-435 to I-470 and the I-470/I-70 loop around the City of Topeka
2. Wichita: I-35 from the Oklahoma state line to Mile Marker 50
3. Colby: I-70 from the Colorado state line to Mile Marker 50
4. I-35 between Mile Markers 144-168

Utilizing the data collection form developed for this study, data collection in all four KHP stop areas took place over a four-month period, beginning between October 18 and November 15, 2001, and ending between February 18 and March 15, 2002.

RACE

Table KHP-1 presents the data for race of drivers benchmarked and race of drivers stopped by the Kansas Highway Patrol at the four locations benchmarked.

Table KHP-1: Race Analysis[59]

Location	Bench-mark N	Bench-mark Black %	Stop N	Stop Black %	Diff %	Odds Ratio
Topeka	1717	4.0	789	14.7	10.7	4.13
Wichita	3145	4.7	397	15.6	10.9	3.73
Colby	543	2.6	628	5.7	3.1	2.26
I-35 (Mile Markers 144-168)	391	3.8	145	11.0	7.2	3.11

Table KHP-1A provides the chi-square and probabilities for Black motorists for each of the four benchmark locations. When there are small numbers of one group or another, as sometimes occurs in these data, chi-square is not an appropriate test. Fisher's Exact Test (FET) is used under those circumstances. It does not give a chi-square value and thus is listed in the tables as FET with the associated probability.

[59] Note that the N (Numbers) for the Benchmark and Stop data are race identified numbers and may differ slightly from the N for sex and age, as there were different percentages of sex and age identified drivers.

Table KHP-1A: Chi-Square Analysis

Location	Chi-Square	Probability
Topeka	90.2	<.0001
Wichita	75.2	<.0001
Colby	7.1	<.008
I-35 (Mile Markers 144-168)	10.1	<.002

The disparities between the proportion of Blacks in the transient population of all four benchmarked areas and the proportion of stops of Black motorists are quite large. The odds ratios in all four of the areas are above 2.0 with the Wichita and Topeka areas being in the neighborhood of 4.0. The overall odds ratio for Blacks is 3.03.

ETHNICITY

Table KHP-2: Ethnicity Analysis[60]

Location	Bench-mark N	Benchmark Hispanic %	Stop N	Stop Hispanic %	Diff %	Odds Ratio
Topeka	1717	3.1	789	7.6	4.5	2.58
Wichita	3145	3.0	397	10.3	7.3	3.73
Colby	543	1.8	628	6.8	5.0	3.98
I-35 (Mile Markers 144-168)	391	3.1	145	15.2	12.1	5.57

Table KHP-2A provides the chi-square and probabilities for Hispanic motorists for each of the four benchmark locations.

[60] Note that the N (Numbers) for the Benchmark and Stop data are ethnic identified numbers and differ from the N for race, sex, and age as there were different percentages of sex and age identified drivers.

Table KHP-2A: Chi-Square Analysis

Location	Chi Square	Probability
Topeka	25.6	<.0001
Wichita	51.8	<.0001
Colby	16.9	<.0001
I-35 (Mile Markers 144-168)	26.1	<.0001

As with Black motorists, the disparities between the proportion of Hispanic motorists in the transient population and the proportion of stops of Hispanic motorists is quite large. The odds ratios range from 2.5 to 5.5. The overall odds ratio for Hispanics is 3.12.

SEX

Table KHP-3: Sex Analysis[61]

Location	Bench-mark N	Benchmark Male %	Stop N	Stop Male %	Diff %	Odds Ratio
Topeka	1723	68.2	785	69.2	1.0	1.04
Wichita	3152	70.8	531	73.3	2.5	1.07
Colby	546	78.0	631	77.0	-1.0	0.94
I-35 (Mile Markers 144-168)	391	73.1	150	74.0	0.09	1.04

There is no evidence that the Kansas Highway Patrol is stopping either sex at a rate higher than would be expected.

[61] Note that the N (Numbers) for the Benchmark and Stop data are sex identified numbers and may differ slightly from the N for race and age, as there were different percentages of race and age identified drivers.

AGE

Table KHP-4: Age Analysis[62]

(Young is defined as age 30 and under.)

Location	Bench-mark N	Benchmark Young %	Stop N	Stop Young %	Diff %	Odds Ratio
Topeka	1717	32.3	787	51.0	18.7	2.19
Wichita	3152	27.5	533	46.0	18.5	2.26
Colby	545	16.7	629	49.1	32.4	4.82
I-35 (Mile Markers 144-168)	391	19.4	150	44.7	25.3	3.33

As with the other departments in this study, the Kansas Highway Patrol stops young people more often than would be expected on the basis of their presence in the transient population.

COUNTY OF ORIGIN

The county analysis of the four areas in which the KHP stopped motorists showed no evidence of disproportionate stopping of motorists from Kansas counties with large minority populations. For example, in the Topeka section there were stops of Kansas motorists that came from 28 counties. The KHP stopped somewhat fewer motorists than would be expected from Johnson County and somewhat more motorists than would be expected from Douglas, Leavenworth, and Shawnee Counties. However, none of these disparities of over-stopped or under-stopped motorists was large. In the Wichita area,

there were motorists stopped from 17 Kansas counties. However, almost 87 percent of the stops of Kansas motorists were from Sumner and Sedgwick Counties through which this section of the roadway goes. There were motorists stopped from 29 counties on the section of I-70 in the far western portion of the state. The KHP stopped somewhat fewer motorists than would be expected from Johnson and Sedgwick Counties and somewhat more motorists than would be expected from Sherman and Thomas Counties. There appear to be no disparities with regard to county of residence of those motorists who were stopped by the KHP.

ESTABLISHING THE CONTEXT

On August 15, 2002, researchers met with a number of representatives of the KHP. After presenting the findings for KHP, there was a discussion of circumstances that could affect the disparities in race and ethnicity observed in the data. Several KHP officers suggested that an increased number of Hispanic motorists might be on the roadways that were assessed because of several plants that employ a large number of Hispanic workers. While this probably contributes to the increased disparities between the proportion of Hispanic motorists stopped and those on the roadways, there is no way to empirically determine the size of this possible effect.

[62] Note that the N (Numbers) for the Benchmark and Stop data are age identified numbers and may differ slightly from the N for sex and race, as there were different percentages of sex and race identified drivers.

CONCLUSIONS

The KHP was unique in this study in that there were multiple locations that could have been fruitfully assessed that were not. As was previously mentioned, command staff from the various areas did not select just those areas where the most stops were made; rather, they selected areas for study where they had concerns about possible profiling occurring. It is clear that their concerns were valid. There are large and consistent odds ratios with regard to race and ethnicity.

It would be simple, yet inaccurate, to compare the Kansas Highway Patrol to other departments in this study. Highway patrols have different responsibilities than do city departments and, therefore, the only valid comparisons are of similarly situated departments, i.e., other highway patrols. While there have been large-scale studies of other highway patrols in the country, i.e., Maryland, Arizona, and New Jersey (*Wilkins v. Maryland State Police,*[63] *Arizona v. Folkes,*[64] *State of New Jersey v. Soto*[65]), only one other study is of stops versus traffic in which odds ratios are reported. That study was done in New Jersey (*State of New Jersey v. Soto*[66]). In that study, the New Jersey State

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[63] Civil Action No. CCB-93-483, Maryland Federal District Court (1993).

[64] S-0300-CR-99000631, Coconino County Superior Court (1999).

[65] 734 A.2d 350, Superior Court of New Jersey (1996).

[66] Id.

Police were stopping Black motorists at a considerably higher rate than are the troopers from the Kansas Highway Patrol. The odds ratio for the stopping of Blacks on the New Jersey Turnpike was 4.85, which is considerably higher than the 3.03 shown for the KHP.

Furthermore, it should again be emphasized that the KHP used the study to probe areas about which they had concerns. Nonetheless, there are serious disparities shown by the KHP in the stopping of both Black and Hispanic motorists.

SURVEY OF AGENCY COMPLAINT DATA AND PROFILING POLICY

While the present study attempts to examine racial profiling based on police stops, it is also appropriate to review citizen complaints alleging bias as an indicator of racial profiling. In addition, complaint procedures and departmental policies on complaints can provide information on the department's posture with regard to minimizing bias in its practices. Therefore, the present study included a departmental survey of the complaint processes for each of the ten jurisdictions that had agreed to participate in the racial profiling study.

Small	Medium	Large
Marysville	**Emporia**	**Kansas City**
Osage County Sheriff[67]	**Hutchinson**	**Kansas Highway Patrol**
Park City	**Olathe**	**Overland Park**
		Wichita

The eight-page survey was a modified version of the instrument developed by the Police Foundation for a national study on use of force and complaints received in 1991 by law enforcement agencies (Pate and Fridell 1993). The questionnaire, a copy of which is included as Appendix A, was designed to examine policies relating to the investigation of

[67] Originally, the Pottawatomie County Sheriffs' Department was selected to participate in the study. However, because of the time requirements that would be necessary, they declined to participate. Therefore, the Osage County Sheriffs' Department was randomly selected from among all other small departments to participate in the study in place of the Pottawatomie County Sheriffs' Department.

citizen complaints. Specifically, the questionnaire examined the ways in which citizens can file complaints, the type and number of citizen complaints received, and whether written policies restricting profiling among officers exist in the department.

The initial mailing of the survey took place in August 2001. Each survey package contained a cover letter to the chief executive of the agency, a copy of the questionnaire, and a return envelope for sending the completed survey to the Police Foundation.

A total of seven completed questionnaires were received, placed in computer-readable format, and analyzed. This represented an overall response rate of 70 percent, and includes a response rate of 50 percent for the large departments, 100 percent of the medium departments, and 66.7 percent of the small departments.

NUMBERS AND TYPES OF CITIZEN COMPLAINTS

One of the purposes of this survey was to determine the number of citizen complaints of police misconduct received by the participating law enforcement agencies and the extent to which those complaints may allege bias based on race, ethnicity, and gender of the complainant. While every effort was made to ensure that the questionnaire addressed the issue of bias with respect to the number of complaints received by the participating agencies, most of the agencies indicated that they did not maintain such information, the information was not readily available, or that such information was confidential and could not be made public.

A total of six departments (85.7 percent) provided data concerning the number of citizen complaints of police misconduct received in 2000. This included two large

departments, three medium departments, and one small department. The largest number of citizen complaints was reported by the two large departments—a total of 226 citizen complaints were reported as having been received in 2000. This compared to 73 reported by the three medium departments and none reported by the one small department.

Departments were also asked to indicate (by type of complaint allegation) how many complaints citizens filed against officers in 2000. Table S-1 presents the number of citizen complaints (by allegation type) that were received in 2000 by responding departments. The data from one of the large departments could not be disaggregated for purposes of analysis and is therefore not reported in Table S-1. In general, the one responding large department reported more allegations of excessive force complaints when compared to the three responding medium departments. Of particular interest are the numbers reported for allegations of rude or discourteous conduct of the involved officer(s)—both the large and medium departments reported a high number of complaints in that category. With respect to allegations of racially abusive treatment by the involved officer(s), the three medium departments reported receiving five complaints for that year.

Table S-1: Number of citizen complaint allegations filed in 2000 by agency size

TYPE OF ALLEGATION FILED	SIZE OF RESPONDING AGENCY		
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)
Unnecessary/Excessive Force	20	5	0
Rude/Discourteous	32	29	0
Illegal/Unlawful Search or Seizure	1	1	0
Harassment, Intimidation or Threats	4	13	0
False Arrest	0	2	0
Abuse of Authority	1	9	0
Conduct Unbecoming of an Officer	7	9	0
Racially Abusive Treatment	0	5	0
Total Responding Agencies	1	3	1

NOTE: A citizen complaint can contain one or more allegations against an officer(s).

METHODS USED TO INFORM CITIZENS ABOUT THE COMPLAINT PROCESS

The number of complaints received by a department could be affected by factors such as the amount of trust residents of a community place in the complaint review process and the ease with which a citizen can file a complaint of police misconduct. To examine the likelihood that citizen complaints would be received, the departments were asked to report the methods used to inform citizens about procedures for filing complaints of police misconduct. In particular, the responding departments indicated whether they utilized posters, flyers, newsletters, public service announcements, citizen complaint/information hotlines, or department Web sites.

Table S-2 summarizes the departments' responses by size of the agency. Surprisingly, both the medium and small departments reported that none of the methods listed were used to inform citizens about procedures for filing complaints of police misconduct. Among the large departments, flyers, hotlines, and department Web pages were utilized to inform citizens of the complaint process.

Table S-2: Methods used to inform citizens about procedures for filing complaints of police misconduct by agency size

METHODS USED	SIZE OF RESPONDING AGENCY			
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)	TOTAL
Posters	0	0	0	0
Flyers	1	0	0	1
Newsletters	0	0	0	0
Public Service Announcements	0	0	0	0
Information Hot Line	1	0	0	1
Department Web Pages	1	0	0	1
Total Responding Agencies	2	3	2	7

NOTE: Multiple responses are possible.

WAYS CITIZENS CAN FILE COMPLAINTS OF POLICE MISCONDUCT

Departments also provided information regarding the ways that citizens can file complaints of police misconduct. Specifically, departments reported whether citizens

might lodge a complaint anonymously, through the mail, over the telephone to the main department number, over the telephone to a separate or special number, in person, or by the department Web page.

Table S-3 provides the result for this inquiry. All of the departments of each size allowed a person to file a complaint in person and through the mail. Of particular interest was the filing of anonymous complaints—all of the large departments allow this method of filing compared to two of the three (66.7 percent) medium departments and 50 percent of the small departments.

Table S-3: Ways citizens can file complaints by agency size

WAYS CITIZENS CAN FILE COMPLAINTS	SIZE OF RESPONDING AGENCY			
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)	TOTAL
Anonymously	2	2	1	5
By Mail	2	3	2	7
By Telephone (main department number)	2	3	1	6
By Telephone (special number)	1	1	0	2
In Person	2	3	2	7
Department Web Page	1	0	0	1
Total Responding Agencies	2	3	2	7

NOTE: Multiple responses are possible

PERSONNEL WHO ARE AUTHORIZED TO ACCEPT COMPLAINTS FROM CITIZENS

Departments indicated who in the agency was authorized to accept complaints from citizens—any employee, any sworn personnel, or only a sworn supervisor. Half of the large departments allow any employee in the agency to accept complaints from citizens. Only two medium-size departments (66.7 percent) authorized any sworn personnel in their agency to accept complaints. Fifty percent of the large and small departments require that a supervisor accept the complaints, and only one (33.3 percent) of the medium departments have this requirement.

Table S-4: Personnel authorized to accept citizen complaints by agency size

PERSONS AUTHORIZED TO ACCEPT COMPLAINTS	SIZE OF RESPONDING AGENCY			
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)	TOTAL
Any Employee	1	0	0	1
Any Sworn Personnel	0	2	0	2
Only Sworn Supervisor	1	1	1	3
Other	0	0	1	1
Total Responding Agencies	2	3	2	7

NOTE: Multiple Responses are possible

TYPES OF ASSISTANCE PROVIDED TO COMPLAINANTS BY DEPARTMENTS

Departments were asked what types of assistance they provide when citizens filed complaints of police misconduct. Specifically, departments indicated whether:

- they provide complaint forms
- they provide bilingual complaint forms
- officers or civilian personnel completed the forms
- they provide assistance to non-English speaking persons
- they provide copies of complaints to the citizens
- the citizen was informed of the final disposition of the complaint
- the citizen was informed of any disciplinary actions taken against officers

The responses are provided in Table S-5. All of the departments provide complaint forms to citizens; however, none of the departments provide bilingual forms. Half of the large and small departments reported providing assistance to non-English speaking complainants, while all of the medium departments offered this service. Assisting complainants with reading/writing disabilities are services provided by all medium and small departments, but are not offered in large departments.

Table S-5: Types of assistance departments provide to citizens filing complaints of police misconduct by agency size

ASSISTANCE PROVIDED	SIZE OF RESPONDING AGENCY			
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)	TOTAL
Provide complaint form	2	3	2	7
Provide bilingual complaint form	0	0	0	0
Assist non-English speaking citizens	1	3	1	5
Civilian employee completes complaint form	1	0	0	1
Assist citizens with reading/writing disabilities	0	3	2	5
Officer completes complaint form	1	1	1	3
Provide copy of complaint report to citizen	1	2	2	5
Inform citizen of case final status/disposition	2	3	3	7
Inform citizen of disciplinary action taken	0	1	1	2
Total Responding Agencies	2	3	2	7

Note: Multiple responses are possible

All of the responding departments indicated informing citizens of the disposition of the complaints they had lodged (i.e., whether or not the complaint was sustained, unfounded, etc.). However, only one (33.3 percent) of the medium departments and half of the small departments inform citizens of the discipline imposed on an officer(s) for whom a complaint was sustained.

REQUIREMENTS OF CITIZENS FILING COMPLAINTS

The departments indicated whether or not a person filing a complaint of police misconduct had to sign the complaint, swear to the complaint, certify the complaint, or notarize the complaint. These results are contained in Table S-6.

Table S-6: Requirements of citizens filing complaints by agency size

REQUIREMENTS	SIZE OF RESPONDING AGENCY			
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)	TOTAL
Sign Complaint	1	1	2	4
Swear to Complaint	0	0	0	0
Certify Complaint	0	0	1	1
Notarize Complaint	0	0	2	2
Total Responding Agencies	1	1	2	4

NOTE: Multiple responses are possible

All responding departments require the complainant to sign the complaint, while none of the departments require citizens to swear to the complaints. Fifty percent of small departments require that complaints be certified, and 100 percent require notarization of the complaint.

POLICIES AND TRAINING RELATED TO ISSUES OF RACIAL PROFILING

To better understand how departments address the issue of racial profiling, they were asked to indicate: (1) whether they have a written directive/policy that includes a prohibition against illegal profiling by officers in traffic and field contacts; (2) if the directive also included corrective measures if profiling occurred; and (3) if training addressing profiling issues was provided to department personnel.

Table S-7 contains the responses to these inquiries. None of the medium and small departments has a written directive to address the issue of illegal profiling by officers, while half of the large departments indicated the existence of such policy that also included corrective measures when it occurred. All of the large departments provide training to their employees in issues of profiling, including the legal aspects against its practice. By contrast, half of the small departments and one (33.3 percent) of the medium departments provide training to employees on this issue.

Table S-7: Racial profiling issues—written directives prohibiting, corrective measures if it occurs, and training related to profiling by agency size

POLICY, PROCEDURE, AND TRAINING RELATED TO RACIAL PROFILING	SIZE OF RESPONDING AGENCY			
	LARGE (N=2)	MEDIUM (N=3)	SMALL (N=2)	TOTAL
Written Policy/Directive	1	0	0	1
Directive Includes Corrective Measures	1	0	0	1
Training Provided to Sworn Personnel	2	1	1	4
Total Responding Agencies	2	3	2	7

CONCLUSION

The survey of citizen complaints and procedures provided information on the differences across agencies particularly with regard to agency size. It is unfortunate that only seven of ten agencies completed the complaint survey associated with the profiling study. Nevertheless, data received from the seven agencies did provide some understanding of the agencies' postures with regard to profiling and bias.

Not surprisingly, the two largest agencies were responsible for the majority of complaints. While the majority of complaints were for rude/discourteous behavior of officers, only the medium-size departments reported complaints of racially abusive treatment. Clearly, resident trust in the police can affect the number of complaints received by a department, but the departments' policies for filing complaints also can be a deterrent to citizens wishing to file complaints. Only the large departments informed residents of complaint filing procedures using flyers, a hot line, or the department's Web site. It is important to note that none of the agencies provided bilingual complaint forms. Given issues of bias and profiling of Hispanic residents, this is perhaps problematic.

The ability to file complaints anonymously appears to be in direct relation to agency size. That is, all large departments allow for anonymous complaints, and the rates go down as agency size goes down. Conversely, none of the large agencies provide information on discipline imposed as a result of the complaint, whereas some of the small and medium agencies provide that information. At the same time, small agencies require notarization of complaints, whereas medium and large ones do not.

In sum, policies and practices for complaints vary substantially across agency. The size of the agency appears to have the most influence on the ways in which complaints can be filed and received. Clearly, complaints may appear to be discouraged in agencies where citizens must notarize complaints, cannot file anonymously, are not informed about the process, or cannot file in Spanish. Perhaps most revealing is the fact that just one agency has a written directive on profiling. While it is promising to note that some agencies do provide training on racial profiling, it is surprising that they do so in the absence of an established policy. These issues should be taken into consideration when agencies look at the issue of bias, profiling, and discriminatory police practices, as well as when attempting to improve police community relations.

DISCUSSION

The purpose of this study was to answer a basic question: "Are law enforcement agencies in Kansas engaged in racial [ethnic] profiling?" Simply stated, the answer to this is yes. Simple statements seldom can stand without explanations that are often more complex than the statements, as is the case here. In this section, explanations to support that simple statement are provided.

In all scientific endeavors, balancing pure scientific methodology with real-world issues and concerns is crucial. The study of racial and ethnic profiling in the State of Kansas is certainly no exception. Throughout the study, various problems were encountered by the researchers in their attempts to collect reliable and valid data. First, it became evident at the earliest stages that the vast majority of agencies in Kansas did not have the necessary data to complete the study. In addition, many agencies needed to be provided with stop data collection forms, as well as training on how to properly collect the data. Further, two agencies misinterpreted the training and, as a result, were not able to provide reliable or accurate data to the researchers. Nevertheless, the project team was able to overcome the problems and produce this final report.

While the report would be more comprehensive if reliable data were obtained from all of the departments, it is unlikely that the conclusions would be different even if the data from the 30 percent of departments whose data were unusable were considered. It is likely that the only way to reach different conclusions would be if those three departments differed dramatically from all but one of the departments assessed in this

study. As none of those departments had the precursors that seem so important in Wichita, it is highly unlikely that they would have shown such a small amount of racial disparity and no ethnic disparity.

To begin with, Table D-1 presents the odds ratios for both race and ethnicity for each department assessed.

Table D-1: Odds Ratios for Stops of Black and Hispanic Motorists in Assessed Departments

Department	Odds Ratio Blacks	Odds Ratio Hispanics	Number of Stops
Kansas City	N/A	N/A	N/A
Overland Park	1.93	N/A	6140
Wichita	1.76	1.15	1142
Emporia	0.70	2.85	204
Hutchinson	N/A	N/A	N/A
Olathe	1.93	2.28	701
Marysville	N/A	N/A	N/A
Osage County	3.89	5.32	302
Park City	0.29	2.92	216
Kansas Highway Patrol	3.03	3.12	1959

Of the seven departments assessed with regard to Black motorists, five appear to be targeting those motorists. The exceptions include Emporia and Park City. With regard to Hispanic motorists, five departments were clearly targeting them. Wichita is the exception as there is no indication that Hispanics are being targeted by the Wichita Police Department.

Of the seven departments that we were able to assess, all are targeting either Blacks or Hispanics and three of the six who were assessed for both Blacks and Hispanics are targeting both. Hispanics are being targeted more than are Blacks, both when one considers the number of departments as well as the size of the odds ratios.

This is the first study that we know of that has utilized appropriate benchmarks and assessed racial profiling for more than one minority group. Earlier studies have tended to concentrate on one minority, primarily because stop data were unavailable (as in Overland Park) or census data were used as the benchmark. The methodology used in this study is extremely sensitive and allows the assessment of different minorities thus enabling researchers to determine that one minority (Hispanics) is being targeted and one (Blacks) is not, as in Emporia and Park City.

It is important to note of the six departments we assessed for targeting both Blacks and Hispanics (Overland Park did not have data on Hispanic stops), half of them are targeting both groups and the other half are targeting either Blacks or Hispanics.

DATA AUDITING

A note about the stop data is in order. One of the issues that is quickly coming to the fore in the national debate on racial profiling is the issue of data auditing. To date, the data that have been used in making a determination of whether or not racial profiling is occurring have come from police departments and are not audited. That is, there is no independent verification that all of the stops, particularly of minority motorists, have been recorded. On October 4, 2001 the project directors for both the state and the Police

Foundation met with representatives from each of the departments that would participate in the study. During that meeting, one of the issues of most concern raised by representatives from the departments was the issue of auditing, or how supervisors could know that all stops were being recorded accurately.

Unfortunately, at this time there is no way to know that all stops are being recorded accurately. There are instances in other states in which officers have admitted that they falsified the race/ethnicity of motorists stopped or did not record the stops of minority motorists (*State of New Jersey v. Soto*[68]). There have been highly credible claims of citizens that they have been searched and yet they do not appear in a court ordered database of searches (*Wilkins v. Maryland State Police*[69]). Further, there are claims from California (Webb, 1999) that troopers have been trained not to record the stops of minority motorists. This discussion is primarily included to indicate that all reports currently available of under reporting or misreporting of data may indicate, if anything, that the present results may understate the magnitude of the problem. The only known exception to this might be the Kansas Highway Patrol since they in fact identified locations at which they suspected to have higher rates of profiling.

The sophistication of the debate about racial profiling and specifically the methods by which it can be assessed are increasing. The State of Kansas should be

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[68] 734 A.2d 350, Superior Court of New Jersey (1996).

[69] Civil Action No. CCB-93-483, Maryland Federal District Court (1993).

commended for its willingness to contribute to the field of scientific inquiry by allowing such a comprehensive project to be conducted using a more informed methodology than has been undertaken by most jurisdictions. It is through inquiries such as this one that the entire country can learn about how to prevent, assess, and correct profiling practices that compromise democratic principles and result in societal inequity in law enforcement. Moreover, the results obtained in this study provide indications that profiling is not isolated to one racial or ethnic group.

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KEY PROJECT STAFF

Hubert Williams (Senior Project Advisor)
President, Police Foundation

President of the Police Foundation since 1985, Hubert Williams has been a leading advocate for higher professional standards and uniform practices in policing, and has presided over the design and implementation of scientific field experiments that are on the leading edge of the development of modern police policy and procedure. A law enforcement professional for over 30 years, Williams served as director of police in Newark, New Jersey, from 1974 to 1985.

Williams earned a bachelor's of science degree from the John Jay College of Criminal Justice, a juris doctorate from Rutgers University School of Law, and was a research fellow at Harvard Law School's Center for Criminal Justice.

He serves as a member of numerous boards, including the RAND Corporation's Drug Policy Research Center, Drug Strategies, and the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (The Gilmore Commission). He served as Deputy Special Advisor to the Los Angeles Board of Police Commissioners, investigating the preparedness and response of the LAPD during the civil disorders in that city in 1992.

John Lamberth, PhD (Project Director)
Chief Executive Officer, Lamberth Consulting, LLC

John Lamberth has been working as a social psychologist for over 30 years, and has been consulting for over 20 years. His area of consulting expertise lies in statistics, surveying methodology, and social psychology. He has been qualified as an expert in these areas in State Courts in New Jersey, Pennsylvania, Iowa, and Virginia, and in Federal Courts in New Jersey, Connecticut and Virginia.

In 1993, Dr. Lamberth developed the first methodology used in the country to determine whether racial profiling was occurring. In *New Jersey v. Soto*, the court relied upon his research methodology and statistical analysis in determining whether racial profiling occurred on the New Jersey Turnpike. Since that time he has intensified his work in the area of racial profiling, assisting in litigation, and assisting police departments who are interested in voluntarily determining whether racial profiling is occurring in their jurisdictions.

Dr. Lamberth has designed and developed benchmark studies in *Wilkins v. Maryland State Police, New Jersey v. Maiolino, Morka v. New Jersey State Police, Rodriguez v. California Highway Patrol*, and *Arizona v. Folkes et al.*

Karen L. Amendola, PhD (Quality Assurance)
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Karen Amendola has over a decade of experience in law enforcement testing, training, research, technology, and assessment. Dr. Amendola's expertise is in the areas of ethics and integrity, police accountability, risk and liability management, recruitment and selection, and racial/ethnic profiling.

Dr. Amendola has worked with numerous local, state, and federal agencies including the U.S. Drug Enforcement Administration, U.S. Secret Service; Metro Transit Police; U.S. Customs Service; U. S. Department of Labor; U.S. Capitol Police; Metropolitan Washington, DC, Police Department; Metropolitan Washington Airports Authority Police; Chicago Housing Authority Police; Newark, New Jersey Police; Atlantic City, New Jersey Police; the Oregon Department of State Police; St. Petersburg, Florida, Police; the Omaha, Nebraska, Police Department; and the Detroit, Michigan, Police Department.

Edwin E. Hamilton (Complaint Survey, Written Policies)
Senior Research Analyst, Police Foundation

Edwin E. Hamilton has over twenty years of experience in conducting law enforcement related research. Mr. Hamilton has participated in national research conducted on police use of force, citizen complaints of excessive force, and police officer attitudes on police abuse of authority. He has also co-authored a multijurisdictional study on differential enforcement patterns of seatbelt violations funded by the National Highway and Traffic Safety Administration.

Mr. Hamilton's primary areas of expertise are in police use of force, citizen complaints of police misconduct, and law enforcement responses to domestic violence. He also has assisted in the development of software for law enforcement agencies to assess risk management of police officer behavior.

Karl Lamberth (Traffic Stops, Benchmarks)
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Karl Lamberth has over ten years experience in the field of change-management consulting assisting organizations and their employees through the change process. From 1991 through 1999, he worked with Andersen Consulting in the State Government, Communications, and Financial Services industry groups.

Mr. Lamberth's primary areas of expertise are in project management, communications planning, organizational development, and training design and development. Mr. Lamberth has specific skills in project planning, project control, quality assurance, risk management, and project reporting. Mr. Lamberth is also experienced in the area of process reengineering, and has assisted Fortune 500 companies in the design, development and implementation of new processes and organization structures.

Jerry Clayton (Training)
Lieutenant, Washtenaw County, Michigan, Office the Sheriff

Lieutenant Clayton is a fifteen-year veteran of the Washtenaw County, Michigan, Office of the Sheriff. During his career he has served the agency as a corrections officer, road patrol deputy, shift sergeant, first lieutenant, corrections division commander, and currently serves as the Washtenaw County Sheriff Office's Police Services lieutenant. He also served as the chief administrator of the County Court Security and Services program, as the special weapons and tactics team commander, and as the agency training coordinator and chief use of force instructor.

Lieutenant Clayton is a certified instructor in interpersonal communications, cultural diversity, defensive tactics, aerosol subject restraint, firearms, special weapons and tactics, and direct supervision and use of force management. He regularly instructs courses (police, corrections and D.N.R. academies) for the local community college and other law enforcement agencies. In addition, he frequently provides consulting and training services to the U.S. Department of Justice, National Institute of Corrections, in the areas of field training officer program development and training program development for agency training directors and coordinators.

Most recently, Lieutenant Clayton has developed and delivered training for all Washtenaw County sheriffs' deputies on how to collect pedestrian stop data, for the express purpose of identifying if racial profiling is occurring. Jerry has also conducted training in stop-data collection and preventing racial profiling practices for officers and supervisors in places such as Ann Arbor Michigan, Grand Rapids, Michigan, Redlands, California, and Dutchess County, New York, as well as a joint community and law enforcement workshop with the ACLU, NAACP, and NCCJ for the State of Michigan.

APPENDIX A: SURVEY INSTRUMENT

STUDY OF RACIAL PROFILING:

AN EXAMINATION OF THE CITIZEN COMPLAINT PROCESS

Please Return Completed Survey to:

Edwin E. Hamilton
Police Foundation
1201 Connecticut Avenue N.W.
Washington, DC 20036

ASSURANCE OF CONFIDENTIALITY—The data from this survey will be used for statistical reports that do not identify the agency or individual responding to the questionnaire by name.

INSTRUCTIONS FOR COMPLETING QUESTIONNAIRE

1. Please answer **ALL** questions unless otherwise instructed. In completing the questionnaire you will find two types of questions:

   a. *Questions with boxes* . These questions should be answered by placing an "X" in the box for the appropriate response.

   b. *Questions that require you to supply a number*. Please write the answer in the space provided. If the answer is none, write "0" in the space.

2. When you are unable to respond to a question, use one of the following:

   DK *Do Not Know*. Information is not available or unknown.

   NA *Not Applicable* to your agency.

   ND *No Data*. Information requested is not routinely recorded or capable of being compiled from records in order to answer the question.

3. A glossary containing definitions of various terms used throughout the questionnaire is attached for your convenience.

If you have any questions or comments, please contact Edwin Hamilton of the Police Foundation at (202) 833-1460.

Please provide the name and rank of the person completing the questionnaire who we may call to clarify answers if necessary.

AGENCY NAME:	_____
CITY:	_____
NAME AND RANK:	_____
TELEPHONE NUMBER:	_____

SECTION I—PERSONNEL

1. As of December 31, 2000, what was the **total number of sworn personnel**?
   Total Sworn Personnel: _____

2. As of December 31, 2000, what was the **total number of sworn personnel, by race/ethnicity and by sex**?

Race/Ethnicity	**Male**	**Female**
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

3. As of December 31, 2000, what was the **total number of sworn personnel by rank**? *[If other ranks are used (e.g., corporal, police officer first class, etc), please place in the most closely matched category. If a rank is not used in your department, write "NA" in the space provided.*

Rank	**Number Sworn**
Patrol Officer	_____
Detective/Investigator	_____
Sergeant	_____
Lieutenant	_____
Captain	_____
Above Captain	_____
Total	_____

SECTION II—CALLS FOR SERVICE

4. How many calls for service were (a) **received** and (b) **dispatched** by your department in 2000?

Calls for Service Received: _____

Calls for Service Dispatched: _____

Section III—Complaints Against Officers

5. Does your department use any of the following methods to inform citizens about procedures for filing complaints of police misconduct?

Methods to Inform Citizens	**Yes**	**No**
Posters		
Flyers		
Newsletters		
Public service announcements		
Information Hot Line		
Department Web Page		
Other (Please specify) _____		

6. Can citizens file complaints of police misconduct against officers in your department in the following ways?

Methods for Filing Complaints	**Yes**	**No**
Anonymously		
By mail		
By telephone (main department number)		
By telephone (special number)		
In person		
Department web page		

7. Who in your department is authorized to accept complaints from citizens?

Any employee	
Any sworn personnel	
Only sworn supervisors	
Other (Please Specify) _____	

8. Which of the following types of assistance does your department provide when citizens file complaints of police misconduct? (Please check all that apply.)

a. Provide complaint form	
b. Provide bilingual complaint form	
c. Assists non-English speaking citizens	
d. Civilian employee completes complaint form	
e. Assist citizens with reading/writing disabilities	
f. Officer completes complaint form	
g. Provides copy of complaint report to citizen	
h. Informs citizen of case final status/disposition	
i. Informs citizen of disciplinary action taken	

9. Which of the following does your department require of persons who seek to file a complaint of police misconduct?

Complaint Requirements	**Yes**	**No**
a. Sign complaint		
b. Swear to complaint		
c. Certify complaint		
d. Notarize complaint		

10. How many citizen complaints of police misconduct were received from January 1 through December 31, 2000?

Number of complaints received: _____

11. In the table below please record the total number of **citizen complaint allegations** filed against employees of your department and the disposition of complaints in the year 2000. [EXCLUDE COMPLAINTS THAT OCCUR IN JAIL.] Record "0" if "None" or "DK" if "Don't Know".

Type of Allegation	Number Unfounded	Number Exonerated	Number Not Sustained	Number Sustained	Number Pending	Number Other	Total Number Received
Unnecessary/Excessive Force (including use of weapon, cuffs, etc.)	_____	_____	_____	_____	_____	_____	_____
Rude/Discourteous (including demeaning language)	_____	_____	_____	_____	_____	_____	_____
Illegal/Unlawful Search or Seizure	_____	_____	_____	_____	_____	_____	_____
Harassment, intimidation, or threats	_____	_____	_____	_____	_____	_____	_____
False Arrest (False charges filed)	_____	_____	_____	_____	_____	_____	_____
Abuse of Authority	_____	_____	_____	_____	_____	_____	_____
Conduct Unbecoming of an Officer	_____	_____	_____	_____	_____	_____	_____
Racially Abusive treatment (including ethnic/racial slur)	_____	_____	_____	_____	_____	_____	_____

12. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **unnecessary/excessive force** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

13. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **rude/discourteous behavior** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

14. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **illegal/unlawful search or seizure** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

15. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **harassment** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

16. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **false arrest** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

17. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **abuse of authority** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

18. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **conduct unbecoming an officer** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

19. Please record the number of citizens, by sex and race/ethnicity, who **filed** complaints of **racially abusive treatment** against officers in your department in the year 2000.

Race/Ethnicity	Male	Female
White	_____	_____
Black	_____	_____
Hispanic	_____	_____
American Indian	_____	_____
Asian/Pacific Islander	_____	_____
Other	_____	_____
Total	_____	_____

SECTION IV—POLICY ON THE ISSUE OF RACIAL PROFILING

20. Does your department have a written directive that includes a prohibition against illegal racial profiling in traffic and field contacts?

Yes [*Please include a copy of each directive with the questionnaire]*

No

If yes, does the written directive include corrective measures if profiling occurs?

Yes

No

21. Does your department provide training for sworn personnel in profiling issues?

Yes

No

WE APPRECIATE YOUR TAKING THE TIME TO COMPLETE THIS SURVEY. PLEASE USE THE SPACE BELOW FOR ANY COMMENTS YOU WISH TO MAKE CONCERNING ANY OF YOUR RESPONSES TO THE QUESTIONS OR ABOUT THE SURVEY IN GENERAL.

Glossary

The following is a glossary of terms used in this questionnaire. The glossary can and should be used to clarify questions with the questionnaire. When in doubt about the meaning of a question, please refer to this section or contact Edwin Hamilton at the Police Foundation—(202) 833-1460 or ehamilton@policefoundation.org

1. Calls for service: Calls for service include (1) citizen calls, (2) officers' calls, (3) walk-ins, and (4) alarms.
2. Unfounded: The complaint was not based on facts as shown by the investigation, or the reported incident did not occur.
3. Exonerated: The incident occurred, but the action taken by the officer(s) was deemed lawful and proper.
4. Not Sustained: The allegation was supported by insufficient evidence that could not be used to prove or disapprove the allegation.
5. Sustained: The allegation was supported by sufficient evidence to justify disciplinary action against the officer(s).
6. Pending: The investigation and review process still are underway. Final disposition of allegation has not been made.
7. Swear to complaint: The complainant has to appear before a magistrate and swear to the truthfulness of the allegation(s) being filed.
8. Certify complaint: To formally attest to, in the presence of the person accepting the complaint, the truthfulness of the facts being presented in the allegation(s).
9. Notarize complaint: To appear before a public official and sign the complaint, acknowledging or attesting to the truthfulness of the allegation(s).
10. Police misconduct: A police officer's commission of criminal offense; neglect of duty; violation of Departmental policies, rules, or procedures; conduct which may tend to reflect unfavorably upon the employee or the Department.