

Rev. 2.0 11/9/12

(Material added or modified since the prior version is shown in *italics.*)

Preliminary Listing of Traffic Stop Data to be Collected

Tier 1—Already Required by Law

- Date and Time

Date (month/day/year) of stop

Time of stop (no time format is specified but most agencies appear to default to use of 24-hour military format.

In reviewing past submissions by police agencies, we found a few agencies that failed to include date and time of stops in their submissions.

- Location (undefined by the law)

The law is not specific with respect to the meaning of traffic stop “location.” The original form developed for collection of traffic stop statistics contains a space where the town or jurisdiction in which the stop was made had to be recorded. There was no provision made for the actual geographic location of the stop (either street address or road location). The actual physical location of the traffic stop has not usually been included by police agencies as part of the data submitted to the African American Affairs Commission. Stamford appears to be an exception in that its data submission includes the actual location of the stop.

- Officer name and badge number

These are new requirements for data collection to be implemented pursuant to PA 12-74. They are currently not being recorded by law enforcement officers as part of compliance with the law. Consequently, police agencies have not typically been including this information in their data submissions to AAAC although that information appears to be routinely recorded as part of police agencies’ record management practices. There are some exceptions. Berlin includes officer names. Newtown includes officer ID numbers. Milford includes both name and ID number. Plainville includes officer name and ID number and also includes the dispatcher’s name.

- Officer perception of Driver race, color, ethnicity, age, and gender

Current Race designations are:

W—White

B—Black

I—Indian American/Alaskan Native

A—Asian/Pacific Islander

U—Unknown

Current Ethnicity designations are:

H—Hispanic N—Not Hispanic U—Unknown

Driver Age is entered as a whole number; presumably based on license information.

Driver Gender is entered as: M—Male, F—Female, U—Unknown

Consideration is being given to adding an additional item to identify Middle Eastern or East Indian origin similar to what is required in Massachusetts and Texas. Massachusetts also provides an optional space for providing "Additional Race Information."

- Nature of alleged traffic or other violation that caused stop to be made

Police are currently asked to identify the nature of the stop in one of three categories:

I—Investigation, Criminal
V—Violation, Motor Vehicle
E—Equipment, Motor Vehicle

- Statutory citation of alleged violation

The statutory citation for the alleged violation that forms the basis for the stop was not required by the law prior to passage of PA 12-74, but it was made part of the original reporting form as an additional data item. It is now mandatory under PA 12-74.

- Disposition of stop, including whether a warning, citation, or summons was issued; whether a search was conducted; and whether a custodial arrest was made

There are six codes that are currently being used to indicate the disposition of the traffic stop. They are:

U—Uniform Arrest Report

This takes place when the police officer determines that a criminal offense occurred or the driver is wanted under an arrest warrant. The driver is taken into police custody.

M—Misdemeanor Summons

This is issued for less serious criminal offenses or motor vehicle violations that are not infractions or serious criminal offenses. A driver issued a misdemeanor summons is not always arrested or detained but must appear in court.

I—Infraction Ticket

The infraction ticket is issued for lesser motor vehicle violations. It generally does not involve arrest nor is a court appearance required if the driver chooses not to contest the infraction.

W—Written Warning

Written warnings are typically given when the officer determines no more significant enforcement action is required. The warning (DMV Form P-2) identifies the nature of the defective vehicle equipment, if that is what led to the warning, or provides space for the officer to identify what other minor violation is the basis for the warning. Police agency policies regarding non-equipment related violations may differ.

V—Verbal Warning

Verbal warnings are given when the police officer wants to make the driver aware of minor traffic violations that the officer does not want to deal with more severely.

N—No Disposition

A traffic stop would be classified in this category if it results in none of the five other outcomes. One example of this might be when an officer responds to a citizen complaint of a suspicious vehicle. The officer might stop the vehicle to investigate but determine that no criminal or motor vehicle violations exist and the encounter ends with no action being taken.

PA 12-74 changed the requirement in the prior law that the data reported by police indicate if an arrest was made as a result of the stop to one requiring an indication of whether or not a *custodial* arrest resulted. The current disposition classifications need to be reviewed in light of that change to determine if they adequately identify that outcome.

The law requires only that the data reported by police indicate whether or not a search resulted from the stop. This is done by either a Yes or No entry in the report. No other information relating to the basis of the search, the type of search, its outcome, or its duration must be provided. Several data items listed in Tier 2 can be considered for expanding the search-related data items that should be reported.

- any other information deemed appropriate (See Tier 1a)

The current traffic stop reporting form requires each law enforcement agency to provide its Department ORI. The ORI is a unique identification code number assigned by the FBI for every law enforcement agency in the United States. It is a data element that is not required by PA 12-74, but probably should be retained as police agencies already are accustomed to providing it.

Tier 1a—Other information to be required

- Type of Stop—Blind vs. Not Blind (radar/laser, plate reader, checkpoint, regular patrol activity, targeted enforcement initiative, etc.)
- Patrol Type—routine, special enforcement, etc.
- Type of Stop—high discretion/low discretion/no discretion

Description of Data Element

Not all traffic stops occur in the same way. A significant number of state and local stops are made during traffic enforcement initiatives that use electronic means such as radar or laser devices to identify speeding vehicles in a traffic stream. At least theoretically, radar/laser based stops involve significantly less officer discretion than similar stops made on routine patrols. The officer operating the electronic equipment usually only identifies the vehicle itself by make, model, and color and either pursues it or identifies it for other officers further down the road to pull over for enforcement. In this case, the decision to stop the vehicle is relatively “blind” with respect to the driver’s race, ethnicity, gender, etc. However, these factors might come into play after the stop is made and the officer’s perception of the driver’s racial, ethnic, or other characteristics become relevant to the outcome of the stop.

Stops resulting from the use of license plate reader technology are a similar type of relatively “blind” enforcement that is getting increasing use by law enforcement. These stops are made using a device that reads a vehicle’s license plate and immediately connects it to databases that can provide real time return of information regarding the vehicle’s registration status, whether it has been reported as stolen, and other facts. Based on the return of information, the officer can decide whether or not to stop the vehicle for investigation. As with radar/laser based stops, the driver’s race, ethnicity, age, and gender are not particularly relevant to whether the stop is made but could factor into the end result of the stop.

Sobriety checkpoints used for enforcement of drunk driving laws are a third area in which the decision to stop or not to stop a driver may be relatively blind. Guidelines that the courts have established when reviewing the constitutionality of checkpoints require police agencies to operate them in certain ways. One of these requirements is that police follow an established policy with respect to who will be stopped at the checkpoint. This policy might involve stopping every driver, every other driver, every third driver, etc. That decision is left to each department, but the courts expect that it will be applied uniformly and consistently for the particular checkpoint. It is relatively well-established that these checkpoints usually result in relatively few drunk driving arrests but significant numbers of other types of violations involving failure to wear seat belts, license and registration violations, insurance violations, etc.

Law enforcement agencies also conduct checkpoints to enforce seat belt use compliance, frequently around holiday weekends. Seatbelt checkpoints differ from sobriety checkpoints in that an essential part of the checkpoint operation involves the police officer looking directly at the driver and passengers to determine if seat belts are in use.

There are other types of police operations that may also have to be examined as to whether they fit into the “blind” enforcement category such as commercial vehicle enforcement and special enforcement initiatives to target specific activities such as cell phone use or specific unsafe driving activities.

Discussion

The rationale for identifying these types of police activities at the data entry level is that, since the mechanism used to stop the driver is more or less “blind”, the police officer’s perception of a driver’s race, ethnicity, gender, and other identifying information is probably not a determining factor in the decision to make the stop but it could be a factor in what results from the stop having been made. Thus, if a meaningful analysis of these “blind” stops is to be conducted, it needs to focus on the outcomes of the stops and not on the making of the stop itself. Determining which category a specific stop falls into is not currently something that can be easily accomplished at the “back end” of an analytical process. Being able to differentiate the type of stop at the data collection level would seem to be an important step in identifying which set of benchmarks are the most appropriate to apply in the analysis.

How best to make this differentiation is the next step in determining if this should be a new data element in the requirements for police. The three ways that have been identified thus far are shown at the beginning of this narrative. Of the three, making the distinction based on a high discretion/low discretion/no discretion differentiation appears to present the most problems to implement in that, absent a very specific set of definitions or guidelines for each category, it introduces a large degree of police officer subjectivity into the categorization of a stop.

Either of the other approaches may result in a more objective differentiation in that the specific categories of blind/not blind or patrol type would be predetermined and the police officer would simply choose which one best describes the nature of the enforcement activity. It would essentially involve only one additional item to record from a menu of predetermined choices. The key to this approach, however, is to identify those choices as comprehensively as possible to avoid confusion on the part of the recording officer or unintentional creation of ‘grey’ areas.

- Resident/Non-resident

Limited discussion has occurred on this data element. Massachusetts is one state that specifically requires police to record information on a driver’s residency (city/town resident, non-city/town resident, non-resident student). The project team would like to develop further information on the role this data plays in how Massachusetts analyzes its traffic stop data before any conclusions are drawn on its usefulness for Connecticut. Identifying additional states that collect this data may also be helpful in this regard.

- Registration In-state/Out-of-state

Similar to the resident/non-resident data element, the overall value of having this data requires additional research. It may be useful in some contexts, for example, border communities, not in others. While this does not appear to be a high priority data need, some additional analysis needs to be conducted before its final disposition as a possible requirement is made.

Tier 2-Data Items to be Considered

- Jurisdiction—municipality, State Police, university police etc.

There appears to be a general consensus that additional data elements relating to the jurisdiction reporting data is not necessary for collection at the traffic stop level as long as the police agencies continue to provide adequate identifying information in their submissions using the current criteria. This item may be an appropriate candidate for movement to Tier 3.

- Road Classification—Interstate, State Route, Municipal, Residential

This data element would involve entry of a separate item identifying the classification of the road on which a stop occurs. The potential value of an indication of road classification would be to be able to aid the analysis of stop data by grouping stops occurring in similar locations. Missouri is one state that requires entry of data on road classification.

There is a general consensus that requiring a separate indication of road classification is not necessary as long as the jurisdiction and the location of the stop are adequately recorded. The need for properly defining the meaning of the statutory requirement that the location of a stop be recorded was identified in the discussion of Tier 1 items. If the physical location of the stop is properly recorded and submitted under this criterion, the roadway type can be fairly readily derived should it be desired for analytical purposes from geographic mapping and other sources currently available or to be available in the short term future. Thus this data item appears to be a candidate for movement to Tier 3.

- Violation classification type—traffic, equipment, registration, investigative, etc.

Police are currently required to identify the nature of the violation that caused the stop to be made through entry of one of three letter codes—I (criminal investigation), V (motor vehicle violation), or E (motor vehicle equipment). There may be some use in adding an additional code to distinguish so-called status violations—those involving the driver/vehicle status with respect to licensing, registration, or insurance requirements—from other types of motor vehicle violations that generally involve vehicle operation. Police have slightly more discretion under the statutes when attempting to determine the compliance of drivers and vehicles with license, registration, and insurance laws.

Another point that emerged in the discussions of this data category was whether there needs to be an additional distinction made to categorize in a similar way the violations charged as a result of the stop in addition to the violation that may have caused the initial stop to be made.

- Passengers –Driver only/number of passengers

Expanding data collection to include identifying characteristics of passengers represents a significant change and would require statutory modification. Like Connecticut, data collection in most states collecting traffic stop data is limited to the driver, but some states, like Massachusetts and Illinois, nevertheless require some information related to passengers as well, such as whether passengers are searched and what results. Focus on this issue has been secondary to more high priority

concerns but it remains on the agenda for more specific discussion by the advisory board in the near future before its final disposition as a data element.

- Religion

Addressing community concerns of profiling based on perception of religious orientation has been a subject of numerous discussions on both the working group and advisory board levels. It has been, and remains, a difficult subject upon which to achieve consensus or closure. Perception of religious orientation may be relatively obvious in some limited circumstances (clergy or religious sects where dress or personal appearance are central to religious observance) but extremely difficult if not impossible to determine for the majority of the general driving population. Identifying religious preference by asking the driver does not seem to be a viable option.

Discussions to date have identified two possible avenues for potential action: (1) collecting additional race/ethnicity data elements that might act, in effect, as a proxy, for example, the Middle Eastern designation noted above) and (2) addressing community concerns through more effective public outreach and police training.

There may be other opportunities yet to be discovered. It continues to be an objective of the study to devise the most appropriate way of addressing these concerns meaningfully. As such, discussion of this issue will be ongoing.

- Additional officer related information—race, ethnicity, gender, age

There are those who have raised the issue that knowing the race, ethnicity, gender, and age of the police officer making a traffic stop is necessary to analyze if the officer's actions may be biased. However, the project team has not yet identified any jurisdictions that require collection and submission of these officer-related data. To some extent, the new requirement of PA 12-74 to record and submit an officer's name and badge number in the traffic stop data takes a partial step in this direction. With that additional information, stops made by individual officers will be able to be aggregated in the data for further analysis should that be appropriate. Deriving officers' race, ethnicity, gender, or age could probably be accomplished through reference to other databases, although the ease of doing this has yet to be discussed.

A secondary discussion relating to officer-specific identifying characteristics needs to identify the appropriate protocols for making officer-specific information available for analysis.

- Indication of no enforcement action

There appears to be no compelling reason to require an additional separate indication at the traffic stop data entry level that no enforcement action was taken as a result of the stop. The current criteria for indicating the disposition of the stop—using six letter codes to indicate the decreasing range of outcomes from arrest through the “No Disposition” category which is currently shown using the “N” code—appears to adequately account for indications of no enforcement action. This item may be an appropriate candidate for movement to Tier 3.

- If search initiated
 - Consent / nonconsensual
 - If nonconsensual, probable cause or authority for search—*reasonable suspicion*, incident to arrest, *exigent circumstances*, inventory, drug/alcohol odor, plain view contraband, drug dog alert, reasonable suspicion-weapon,
 - Other
- Extent of Search—driver only, property only, driver and property, *vehicle*, *passengers*
- Duration of search—actual time/time increments
- Reason for arrest—warrant, traffic violation, drug violation, DUI, property crime, offense against person, resisting arrest, etc.
- Duration of stop—*actual or time increments*
- *Vehicle Towed—Yes/No*

The Connecticut law currently requires police to indicate if a traffic stop results in a search being conducted (Yes or No) but no other information must be provided about the search itself, such as the basis for the search, who or what was searched, or the result of the search. The project team has identified and compiled information on eight other jurisdictions (Illinois, Maryland, Massachusetts, Missouri, North Carolina, Texas, Rhode Island, and Miami-Dade County) that require police to submit some type of data in these areas to make analysis of post-stop activities possible.

The Data, Methodology, and Analysis and Systems working groups have been jointly reviewing the several data categories listed above in an effort to identify what information which types of information may be necessary for collection to allow for post-stop analysis of Connecticut traffic stop data. The review will continue but a few themes have emerged from the discussions that should be noted. There appears to be at least an initial consensus that obtaining new data on certain aspects of post-stop activity is important to provide the capacity to analyze stop data from the perspective of what happened as a result of the stop. However, concurrent with the recognition that police may be required to record some of this additional information has been the concern that a reasonable balance be maintained between the data items to be required and the time and effort required for police to collect the additional data for submission. As a result, an effort will be made to establish a hierarchy of information needs that will from the most critical for post-stop analysis to least so that priorities can be established for achieving the desired results without overburdening police with unnecessary work at the roadside.

The various perspectives brought to the working group meetings have been extremely useful in this area. Some working group members expressed interest in Massachusetts' approach to collection of post-stop data as a potential model.

- Pre-stop perception vs. post-stop perception

This potential data item would provide an indication of whether a police officer's perception of race, ethnicity, gender, etc. was made before the traffic stop was initiated or after it was made. This item has received some preliminary discussion but has not progressed to the point where a clear need, or lack of need, has been established. The project staff hopes to be able to develop additional information on the extent to which

this indication is being used in other states and the value it adds to the analysis in those states before a final decision is made on its value for Connecticut.

Tier 3-Data Items Not Currently Being Considered

- Day vs. night

Inclusion of this as a new data item is based on the concept that stops made during the nighttime hours are similar to those made using “blind” enforcement methods. Indicating whether a stop was made during the day or at night would help differentiate these stops in the analysis. The working group believed that making this a separate data item at the traffic stop level was unnecessary in that it was (1) too subjective a way of categorizing the existing daylight conditions when the stop was made and (2) could already be determined for analytical purposes based on the date and time of stop data elements that are already required to be collected. Thus, this data element is unlikely to receive further consideration.