

# OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

## Eighth Aggregate Report of the New Jersey State Police December 2013



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# **EIGHTH AGGREGATE REPORT OF THE NEW JERSEY STATE POLICE OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS JULY 1, 2012 TO DECEMBER 31, 2012**

## **Introduction**

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Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, *et seq.*) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish biannual reports containing aggregate statistics on the New Jersey State Police (State Police). For a more detailed history of the Act, see the OLEPS website [www.nj.gov/oag/oleps](http://www.nj.gov/oag/oleps).

As statutorily mandated, the Aggregate Report discusses motor vehicle stop activities conducted by the State Police. Specifically, the Aggregate Report includes information on the number of stops conducted, the number and type of post-stop activities, the number of arrests during stops, the number and type of charges filed from arrests during stops, details on evidence seized, and the number of wanted individuals apprehended during motor vehicle stops. The Aggregate Report includes this information for all stops made by the State Police during the current reporting period, July 1, 2012 to December 31, 2012, while the Supplement to the Aggregate Report details this information for two selected troops, Troop C and Troop D in addition to all other units in the Division (those not part of any specific troop).

The reports include detailed discussion and analysis of the data to facilitate understanding of trends. Additionally, the report includes graphical depictions of data and trends.

This report discusses data in the aggregate. Rather than examining any stop individually, stops are only discussed as part of all activity by the State Police. This report analyzes the volume of and the racial/ethnic distributions of stops, dispositions, enforcement activities, and charges. This report does not determine whether the use of any disposition, enforcement, or charge is appropriate. Rather, the volume of these items across racial/ethnic groups is examined to determine whether there is any disproportionality to the use of these enforcements. Thus, this report will only note whether the number of activities involving drivers or individuals of a specific racial/ethnic group are in line with expectations of frequency, not whether troopers acted appropriately when conducting that activity.

The first section of this report, Data, discusses data sources and definitions used in this report. The Results section of the report provides a discussion of trends and patterns noted at the aggregate (Division-wide) level. Appendix One lists all previously published Aggregate Reports, their date of publication, and the reporting period covered.

For more information, this publication and all other reports can be found on the OLEPS website, <http://www.nj.gov/oag/oleps/reports.html>.

## DATA

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The data utilized in this report were obtained from the State Police. The State Police maintains several databases containing information on motor vehicle stops. These databases store information on drivers and passengers, and detail all actions or enforcements that occur during a stop. This report includes data on motor vehicle stops and individuals within these stops for all stops made by the State Police from July 1, 2012 to December 31, 2012. A separate publication, OLEPS' Supplement to the Seventh Report of Aggregate Data of Traffic Enforcement Activities contains data and analysis specifically for Troop A and Troop B.

### Stop Level Data

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This section utilizes the motor vehicle stop as the unit of analysis. All categorizations in this section refer to the motor vehicle stop rather than the individuals in the motor vehicle stop. Most enforcements or events can, theoretically, occur multiple times within a stop. The data here only indicate that the event happened at least once during a motor vehicle stop rather than the total number of occurrences.

#### Number of Stops

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A motor vehicle stop is defined as an instance where a trooper directs a motorist to stop or remain in some location to facilitate interaction between the officer and motorists. Instances where a citizen requested aid from a trooper or was involved in an accident are not considered motor vehicle stops.<sup>1</sup>

The number of motor vehicle stops in a reporting period is a function of a number of elements. While motor vehicle stops are a primary activity for troopers, other requirements may impact the ability of a trooper to stop vehicles. Troopers may dedicate their time to criminal investigations or public safety patrols, like those following a natural disaster. The ability to stop motor vehicles may also be impacted by staffing levels. During lean times, a given station, troop, and ultimately the entire Division, cannot make as many motor vehicle stops as during times of higher staff levels simply because there are fewer bodies. Additionally, trooper activities are also impacted by outside funding through grants that may target certain behaviors. While most of the grants implemented in the State Police have increased motor vehicle stop activities, it is possible that certain grants may target trooper activities away from the road to other areas of patrol.

#### Reason for Stops

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During a motor vehicle stop, troopers are required to notify the communication center of the reason for the stop. Beginning in January of 2012, State Police policy required a specific statute to be called in where, previously, troopers only had to indicate whether the reason was for a moving, non-moving, or other violation. To maintain consistency with previous aggregate reports, all statute-specific reasons for a stop were coded as moving, non-moving, other, or no reason provided, by OLEPS.

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<sup>1</sup> Such instances can “evolve” into motor vehicle stops depending on the circumstances and specifics of the interaction. Absent such evolution, such events are not included.

- **Moving:** Stops initiated for reasons pertaining to the movement of a vehicle. These reasons include rates of speed, failure to maintain lane, and unsafe lane change, etc.
- **Non-Moving:** Stops initiated for reasons not related to the movement of a vehicle. These reasons include those that pertain to vehicle maintenance, such as, seatbelt usage, usage of a handheld cell phone, or the maintenance of lamps, etc.
- **Other:** Stops initiated for another reason. This category includes directed stops and BOLOs.
- **No Reason Provided:** Stops not classified as moving, non-moving or other. This category includes stops that had no statute(s) listed.

## **Law Enforcement Procedures**

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The majority of motor vehicle stops end with the motorist receiving some sort of summons or warning without any other activities. However, some stops involve a law enforcement procedure or post-stop interaction such as an exit, frisk, search, etc. These procedures include any interaction between troopers and citizens that extend beyond conversation.

Troopers are required to document all enforcement activities that occur during a motor vehicle stop via motor vehicle stop reports. These reports are the source of information on the number and volume of law enforcement procedures during a given reporting period. The law enforcement procedures discussed in this report are:

- **Occupant Vehicle Exit:** The number of motor vehicle stops where an occupant was requested to exit the vehicle.
- **Occupant Frisk:** The number of motor vehicle stops where an occupant was subjected to a protective pat-down or frisk of their person for weapons.
- **Non-Consensual Search<sup>2</sup>:** The number of motor vehicle stops where an occupant was subjected to a search of their person or vehicle for evidence of a crime or incidental to their arrest.
- **Canine Deployments:** The number of motor vehicle stops where a canine was utilized to perform a sniff test.
- **Chemical Force:** The number of motor vehicle stops where an occupant was subjected to chemical force, such as pepper spray.
- **Deadly Force:** The number of motor vehicle stops where an occupant was subjected to deadly force.
- **Mechanical Force:** The number of motor vehicle stops where an occupant was subjected to mechanical force, such as a baton.

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<sup>2</sup>This category includes both probable cause searches of a vehicle and probable cause searches of a person. Due to data limitations, OLEPS can no longer differentiate these categories and so they are represented as non-consensual searches.

- **Physical Force:** The number of motor vehicle stops where an occupant was subjected to physical force.

In some instances, troopers may use a combination of the above-mentioned types of force. These combinations will be noted when used.

The current discussion of consent searches provides more information on these searches than previous reports. Specifically, whether the searches were granted, denied, or whether consent was withdrawn will be discussed.

- **Consent to Search Requested:** The number of motor vehicle stops where consent to search was requested by the trooper.
  - **Consent to Search Denied:** The number of motor vehicle stops where consent to search was requested and denied by an occupant.
  - **Consent to Search Granted<sup>3</sup>:** The number of motor vehicle stops where consent to search was requested and granted by an occupant
  - **Consent to Search Withdrawn:** The number of motor vehicle stops where consent to search was requested, granted, and then withdrawn by an occupant.

Beginning in the previous reporting period, arrests are included as a law enforcement procedure rather than separately. The number of stops where an arrest was made will be detailed. For the purposes of this report, the following definition of arrest will be used:

- **Arrest:** The number of motor vehicle stops where any individual was taken into custody.

Data on law enforcement procedures represent the number of *stops* where a given procedure has occurred. There can be, and usually are, multiple law enforcement procedures per stop. Therefore, a given stop may be represented more than once. For example, a stop can have a vehicle exit, a frisk, and a canine deployment. This stop would be counted once in the total, but would be listed in each enforcement category.

## Dispositions

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Dispositions refer to the outcome of a motor vehicle stop: summons, warning, or other. Troopers record dispositions following the completion of a motor vehicle stop. Summonses or warnings are further classified based on the type of violation, either moving or non-moving. For this report, each stop is placed into only one category of disposition. For example, a stop may be classified as a moving summons or a moving warning. However, if the driver of the stop received both a moving summons and a moving warning, the stop would be classified as mixed enforcement. Additionally, the data do not represent the total number of summonses or warnings issued in a single stop, only that at least one was issued. The categorizations of dispositions are:

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<sup>3</sup> The category consent search vehicle conducted is now known as consent to search granted.

- **Moving summons:** The number of motor vehicle stops where a summons for a moving violation was issued.
- **Non-moving summons:** The number of motor vehicle stops where a summons for a non-moving violation was issued.
- **Moving warning:** The number of motor vehicle stops where a warning for a moving violation was issued.
- **Non-moving warning:** The number of motor vehicle stops where a warning for a non-moving violation was issued.
- **Mixed disposition:**<sup>4</sup> The number of motor vehicle stops where some combination of warnings and/or summonses for moving and/or non-moving violations were issued.
- **Other:** The number of motor vehicle stops that did not result in a summons or a warning, otherwise known as no enforcement.

## Evidence Seizures

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Evidence seizures reflect the number of motor vehicle stops where evidence was seized during a motor vehicle stop. Previous reports identified this section as contraband seizures, however, due to changes in the data, it can no longer be determined whether the items seized are indeed contraband. Instead, OLEPS will comment on the number of motor vehicle stops where any evidence was seized. If available, the events surrounding the seizure will be identified. For example, whether the seizure occurred during a consent search, a frisk, a plain view seizure, etc.

## Individual Level Data

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This section details the volume of actions taken involving citizens: arrests, charges, and wanted persons. Because a vehicle can typically hold at least two individuals, these events may occur multiple times within a given motor vehicle stop. For example, one motor vehicle stop can have multiple arrests and each arrest can have multiple charges. For ease of interpretation, this section will use the words "individual" and "motorist" to describe those involved in these events.

## Arrests

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A single stop can involve multiple arrests, depending on the number of individuals in the vehicle. The total number of motor vehicle stops where an arrest occurred are detailed in the law enforcement procedures section. This section will detail the total number of motorists who were arrested during a

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<sup>4</sup> For this report, mixed dispositions will incorporate the categories of: summons moving & warnings moving, summons non-moving & warnings non-moving, and summons and/or warnings/moving and/or non-moving.

motor vehicle stop. Thus, the number of arrests should be at minimum, the same as the number of stops with arrests, but will likely be higher.

## **Charges**

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This section details the charges filed against individuals who were arrested during motor vehicle stops in the current reporting period. Since each charge is specific to the circumstances of the crime, there are a large number of different statutes charged for this reporting period. To make the data more manageable, only the most common charges are discussed:

- **Obstruction:** Obstructing, impairing, or perverting the administration of law or preventing a public servant from performing an official function.
  - This category includes charges pertaining to contempt (outstanding warrants), failure to appear, hindering, and resisting arrest
- **Driving While Intoxicated:** Operating a motor vehicle while under the influence of alcohol or controlled dangerous substances with a blood alcohol concentration of .08% or higher.
- **Possession:** Possession, use, or being under the influence of any controlled dangerous substance including, but not limited to, marijuana, cocaine, heroin, or prescription drugs (without a prescription).
- **Paraphernalia:** Possessing any item that may be used to ingest, inhale, deliver, pack, repackage, or distribute a controlled dangerous substance.
  - Examples of paraphernalia include: pipes, hypodermic syringes, rolling papers, etc.
- **Weapons:** Possession of any prohibited weapons or devices.
  - Prohibited weapons or devices include handguns (without a permit to carry), sawed off shotguns, metal knuckles, silencers, or body armor penetrating bullets.
- **Other Charges:** The number of motor vehicle occupant(s) that had other criminal charges. These charges include charges pertaining to theft, property destruction, forgery, violence against others, licenses, traffic regulation, and motor vehicles.

Information on criminal charges is occupant specific rather than stop specific. This means that the data reported indicate the number of individuals who received each charge rather than the number of stops that resulted in criminal charges. Additionally, any individual may receive more than one criminal charge. Thus, the data on criminal charges are best understood as the total number of charges rather than individuals or stops with charges.

## **Wanted Persons**

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This section details the number of persons with outstanding warrants taken into custody during a motor vehicle stop in the current reporting period.

## **ANALYSIS**

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Analysis of State Police trends and activities are detailed here, separated by the unit of analysis- stops or individuals. Data on stops, law enforcement procedures, dispositions, criminal arrests, criminal charges, wanted persons, and evidence seized for the entire Division of State Police are discussed in the sections that follow.

Due to changes in data categorizations in the previous reporting period, analysis of trends was not possible in the Seventh Aggregate Report. Since this is the second reporting period since these changes, trends of activities can now be assessed. Caution is warranted as the following depictions generally, only reflect two reporting periods and thus, do not present long term trends. Due to the small number of reporting periods in comparison, differences between reporting periods may be exaggerated. Because of this, some trends may only be discussed in text, rather than graphically depicted, so as not to misrepresent changes in activity.

### **Stop Level Analysis**

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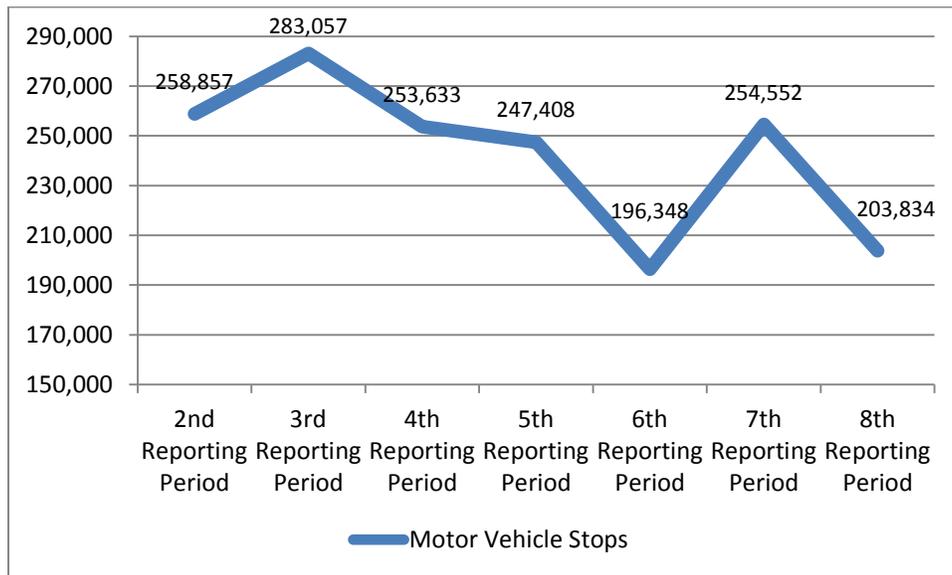
#### **Number of Stops**

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From July 1, 2012 to December 31, 2012, the State Police conducted 203,834 motor vehicle stops. Compared to the previous reporting period, this is a decrease of about 20%. While historically, there are fewer stops in the second half of the year, this decrease is likely influenced by other factors. Namely, Hurricane Sandy occurred in late October 2012. Because of the damage and flooding caused by the hurricane, many troopers were detached to assist in cleanup and peace keeping activities, removing them from the road.

Figure One depicts the trend of the number of motor vehicle stops for the current and previous seven reporting periods. While the number of stops does fluctuate each period, the current period is the second lowest number of stops in the three and half years represented on the graph. As noted in previous Aggregate Reports, this may be due to the high rates of attrition currently affecting the Division.

**Figure One: Trends of Motor Vehicle Stops**  
July 2009- December 2012



As in previous reporting periods, White drivers do make up the largest proportion of all stops in the current reporting period. White drivers were involved in 63% of all stops, Black drivers were involved in 18%, Hispanic drivers were involved in 12%, Asian drivers were involved in 7%, and American Indian and Other drivers were each involved in 0%. Despite the nearly 50,000 stop decline, the racial/ethnic distribution of motor vehicle stops remains unchanged. Because American Indian and Other drivers make up such a small proportion of all stops and thus, all activities, they will not be routinely discussed in this report unless their pattern differs dramatically from this distribution.

**Figure Two: Racial/Ethnic Distribution of Motor Vehicle Stops**  
July 1, 2012 – December 31, 2012

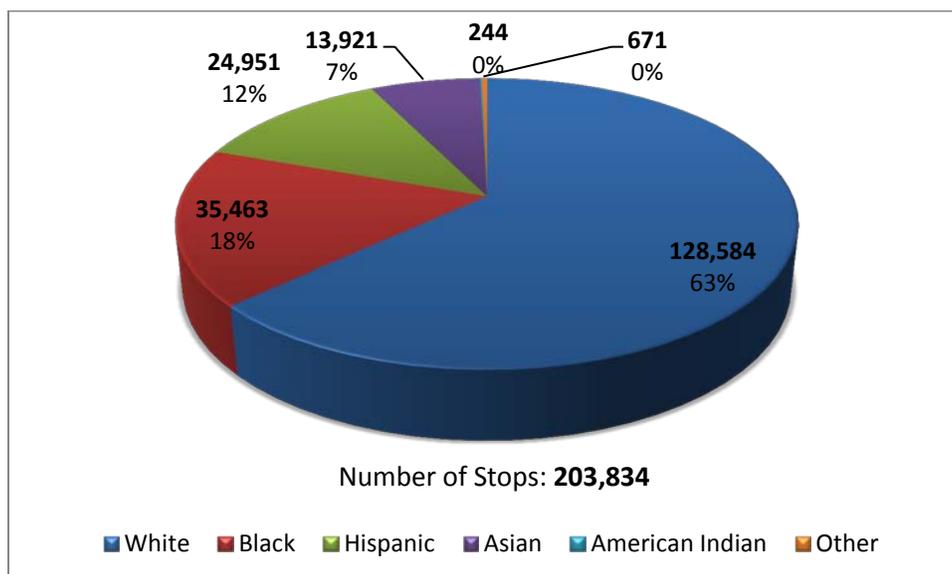
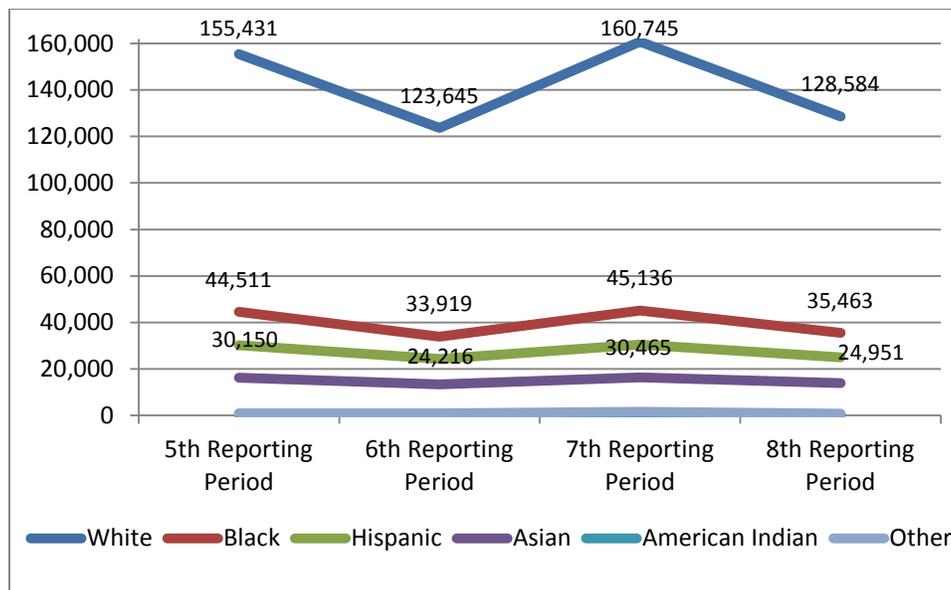


Figure Three graphs the number of stops made of drivers of each racial/ethnic group for the current and three previous reporting periods. Because the total number of motor vehicle stops decreased in the current reporting period, the number of stops for each racial/ethnic group also decreased. However, despite these decreases, these groups still comprise the same general proportion of all stops, as noted above. This consistency, suggests that despite the lack of an officially calculated benchmark<sup>5</sup>, this distribution may be the closest to a benchmark of State Police activity currently available.

**Figure Three: Trends in Racial/Ethnic Distribution of Motor Vehicle Stops**  
July 2009 – December 2012



### Reason for Stops

The proportion of stops made for each reason have remained relatively stable over time. As has been noted in previous reports, the majority of stops conducted are based on moving violations. The current reporting period also follows this trend; 81% of all motor vehicle stops were based on moving violations. As shown in Figure Four, 165,594 motor vehicle stops were conducted based on moving violations. Moving violations typically account for between 82% and 87% of all motor vehicle stops.

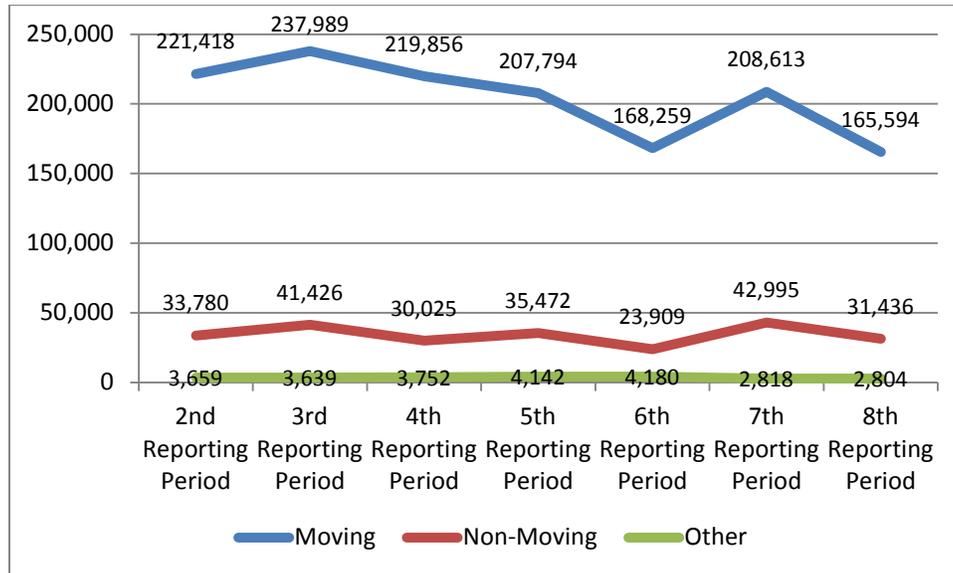
In contrast, non-moving violations typically account for a much smaller proportion of motor vehicle stops. Typically, non-moving violations account for between 11% and 17% of all motor vehicle stops. In the current reporting period, 31,436 stops, or 15% of all stops were made for non-moving violations, obviously a smaller number and proportion than the previous reporting period.

While non-moving violations make up a small proportion of all motor vehicle stops, stops made for other violations make up an even smaller proportion. The proportion of stops for other reasons is usually between 1% and 2% of all stops. In the current period, 2,804 motor vehicle stops, about 1%

<sup>5</sup> A benchmark is a standard or point of reference to which, all activities can be compared.

of stops, were based on other violations. This number of stops is nearly identical to the previous reporting period.

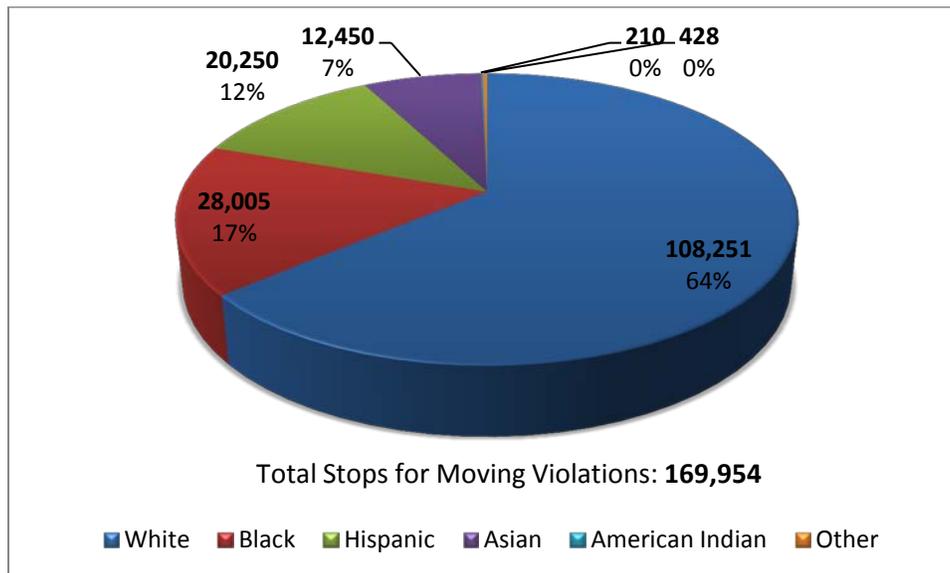
**Figure Four: Trends in Reasons for Motor Vehicle Stops**  
July 2009- December 2012



Because every stop receives a stop reason, the racial/ethnic distribution of all stops with a reason should be identical to that of all stops. Instead, it is more appropriate to assess the racial/ethnic distribution of each type of motor vehicle stop. The overwhelming majority of motor vehicle stops were based on moving violations, so the racial/ethnic distribution of stops with moving violations is nearly identical to that of all stops. As shown in Figure Five, 108,251 stops, 64%, with moving violations involved White drivers, 17% or 28,006 involved Black drivers, and 12% or 20,250 involved Hispanic drivers.

**Figure Five: Racial/Ethnic Distribution of Stops made for Moving Violations**

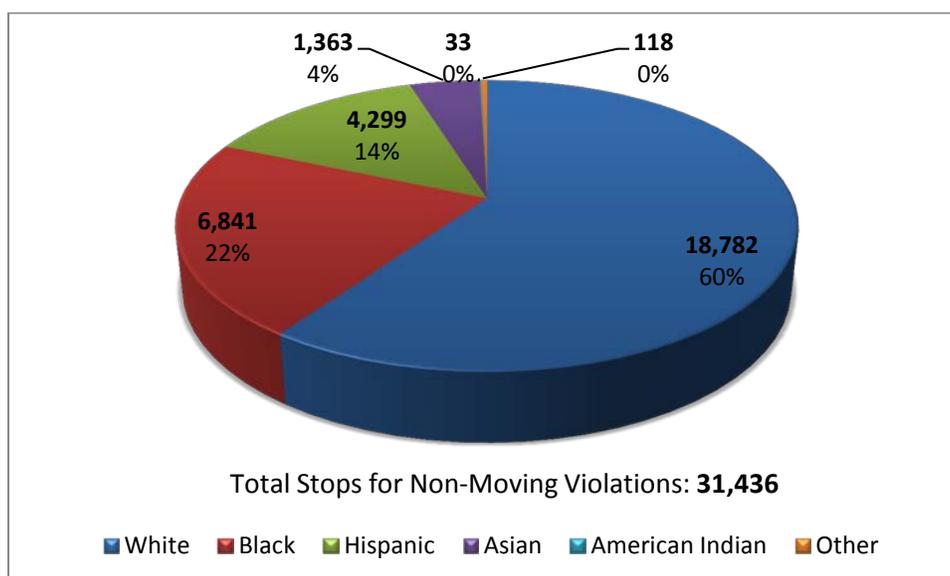
July 1, 2012 – December 31, 2012



Despite involving a much smaller proportion of drivers, the racial/ethnic distribution of stops made for non-moving violations is similar, albeit slightly different from the distribution of all stops. White drivers were still involved in the majority of stops made for non-moving violations, 60% or 18,782 stops, though they do not make up as large a proportion as they do for all stops. Black drivers, however, were slightly overrepresented than their proportion of all stops. While Black drivers are only 18% of all stops, they are 22% of those made for non-moving violations. Similarly, Hispanic drivers are only 12% of all stops yet 14% of all those made for moving violations.

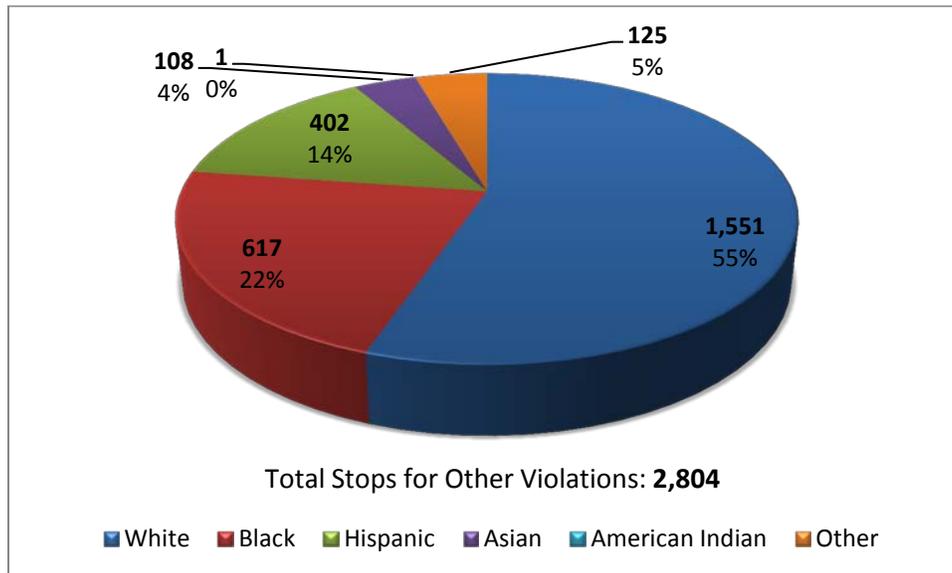
**Figure Six: Racial/Ethnic Distribution of Stops made for Non-Moving Violations**

July 1, 2012 – December 31, 2012



Because there are so few stops, less than 3,000, made for other reasons, the racial/ethnic distribution of these stops is more likely to differ from the overall distribution of stops. Indeed, the distribution does differ. White drivers, while still the majority of stops, were only involved in 1,515 stops, or 55% of stops made for other reasons. Black drivers, however, were involved in 617 stops, or 22% of stops made for other reasons. Hispanic drivers were involved in 402 stops for other reasons, 14% of all stops made for other reasons.

**Figure Seven: Racial/Ethnic Distribution of Stops made for Other Violations**  
 July 1, 2012 – December 31, 2012

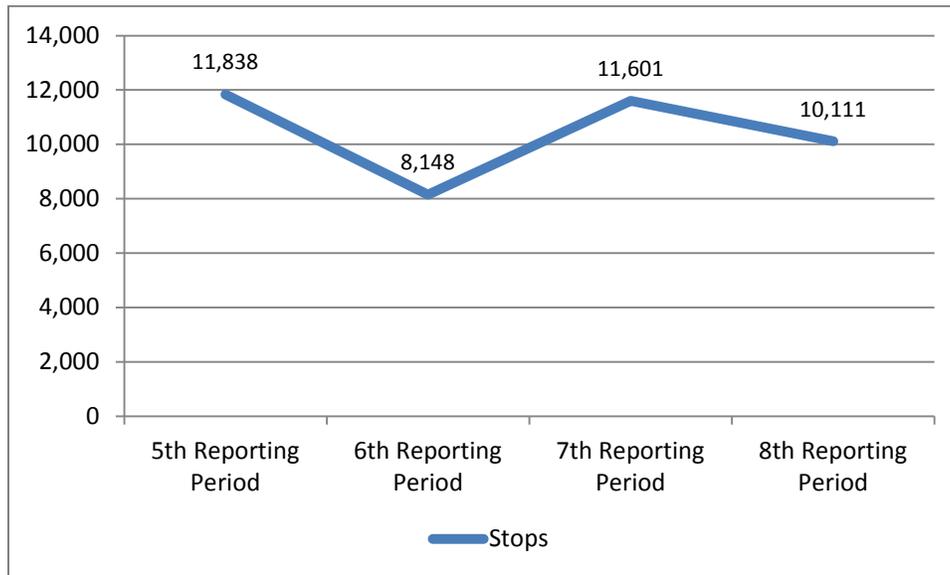


In the current reporting period, the majority of stops were made for moving violations. Despite this, the racial/ethnic distributions of motor vehicle stops, regardless of the reason for the stop, followed the same general pattern; White drivers were involved in the majority of stops, while Black drivers were involved in about 18% and Hispanic drivers about 13% of stops.

**Law Enforcement Procedures**

The State Police conducted over 200,000 motor vehicle stops in the current reporting period, but less than 5% of these stops involved post-stop activity or law enforcement procedures. There were only 10,111 motor vehicle stops resulted in some sort of law enforcement procedure for this reporting period. Figure Eight depicts the trend of stops with law enforcement procedures for the current and previous three reporting periods. Just as the number of stops made during the current reporting period declined, so too did the number of motor vehicle stops with law enforcement procedures. For the previous reporting period to the current reporting period, there was about a 13% decrease in the number of stops with law enforcement procedures. However, the actual proportion of stops with law enforcement procedures in the current period, 4.9%, is slightly higher than the 4.6% in the previous reporting period.

**Figure Eight: Motor Vehicle Stops with Law Enforcement Procedures**  
July 2009 - December 2012



**Figure Nine: Racial/Ethnic Distribution of Stops with Law Enforcement Procedures**  
July 1, 2012 – December 31, 2012

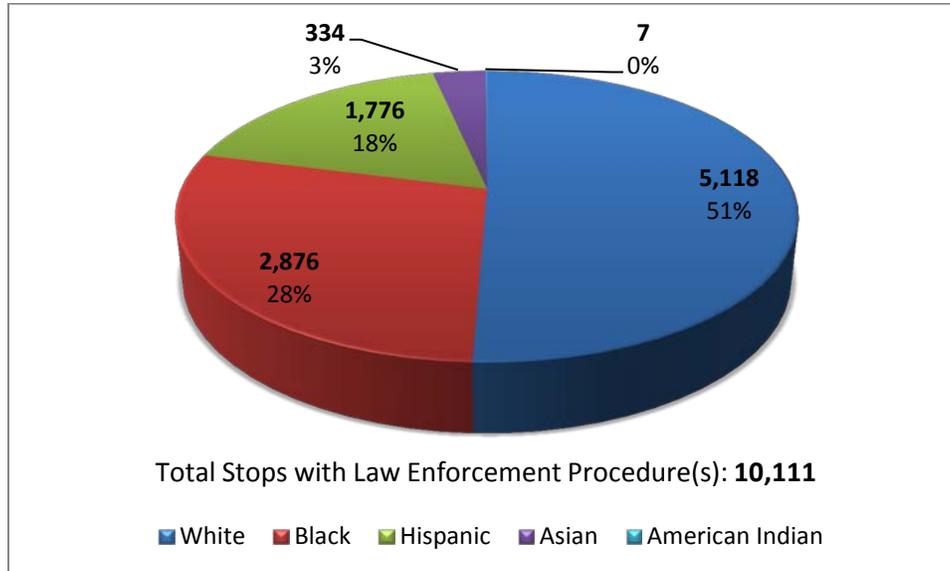


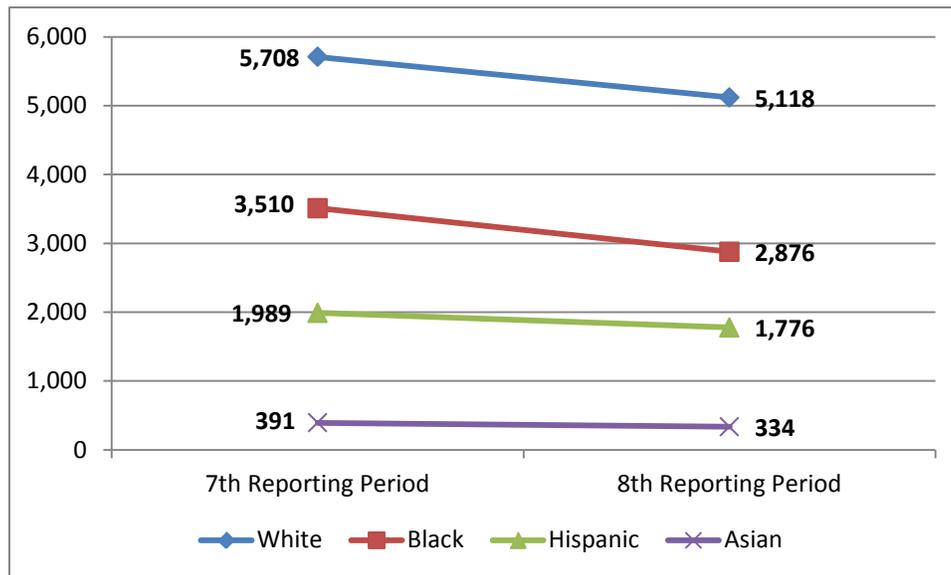
Figure Nine depicts the racial/ethnic distribution of stops where there was at least one law enforcement procedure. Because less than 5% of all motor vehicle stops involved law enforcement procedures, it is possible that the distribution is skewed or different from the overall distribution of stops. In fact, the distribution is slightly skewed, but does resemble the overall racial/ethnic distribution of motor vehicle stops. White drivers were involved in the highest proportion of stops with law enforcement procedures, 51% of stops or 5,118 motor vehicle stops. However, Black drivers were

involved in a considerably larger proportion of stops with law enforcement procedures, 28% or 2,876 motor vehicle stops. Hispanic drivers were also slightly overrepresented; they were involved in 18% or 1,776 stops with law enforcement procedures. This disparity, that Black and Hispanic drivers are involved in a higher proportion of stops with law enforcement procedures, will be explored in the remainder of this report.

Figure Ten graphs the trend of the racial/ethnic distribution of stops with law enforcement procedures. Because the total number of stops, and those with law enforcement procedures, decreased in the current reporting period, the number of stops involving drivers of each racial/ethnic group also declined. That said, there are differences in the magnitude of declines. The largest decline, were stops of Black drivers that resulted in law enforcement procedures. While the number of stops declined by 634, this was an 18% decrease. White drivers, also experienced a large decline, 590 stops, but this only represented a 10% decrease. Hispanic drivers also experienced an 11% decline, or 213 stops. Asian drivers experienced a 15% decline, though the difference in the number of stops only amounts to 57 stops. American Indian drivers (not shown) actually experienced an increase in the number of stops involving law enforcement procedures, increasing from three to seven stops in the current reporting period.

**Figure Ten: Trend of Racial/Ethnic Distribution of Stops with Law Enforcement Procedures<sup>6</sup>**

January 1, 2012 – December 31, 2012



*Vehicle Exits*

The most frequent post-stop interaction was an occupant vehicle exit. Of the 10,111 stops with post-stop interactions, 9,609 stops (95%) resulted in an occupant vehicle exit, roughly the same proportion as the previous reporting period. Troopers are permitted to ask a driver to exit for any reason, thus, the high frequency of this activity.

<sup>6</sup> Due to the extremely small number of American Indian drivers stopped overall and involved in stops with post-stop interactions, American Indian drivers will not be depicted in any trend figures.

**Figure Eleven: Racial/Ethnic Distribution of Stops with Vehicle Exits**  
 July 1, 2012 – December 31, 2012

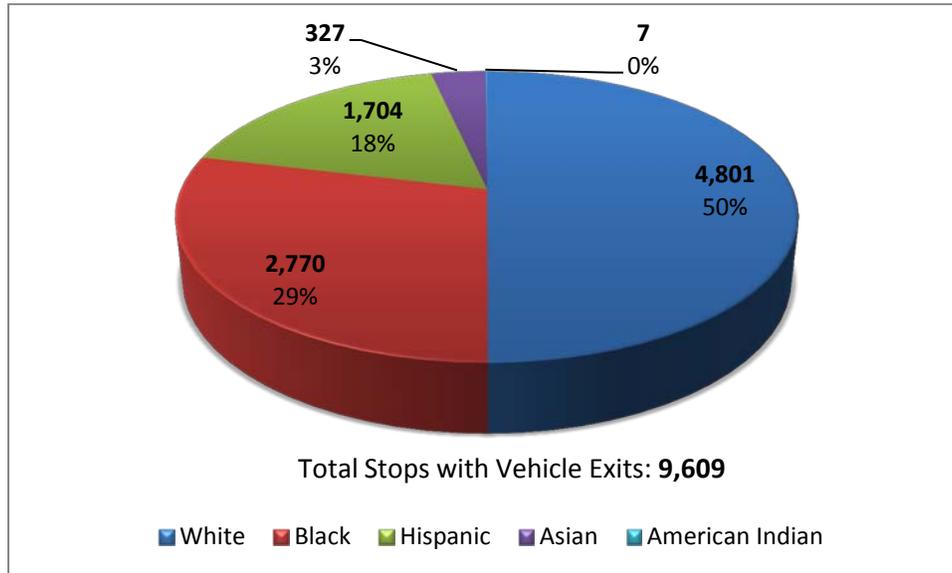
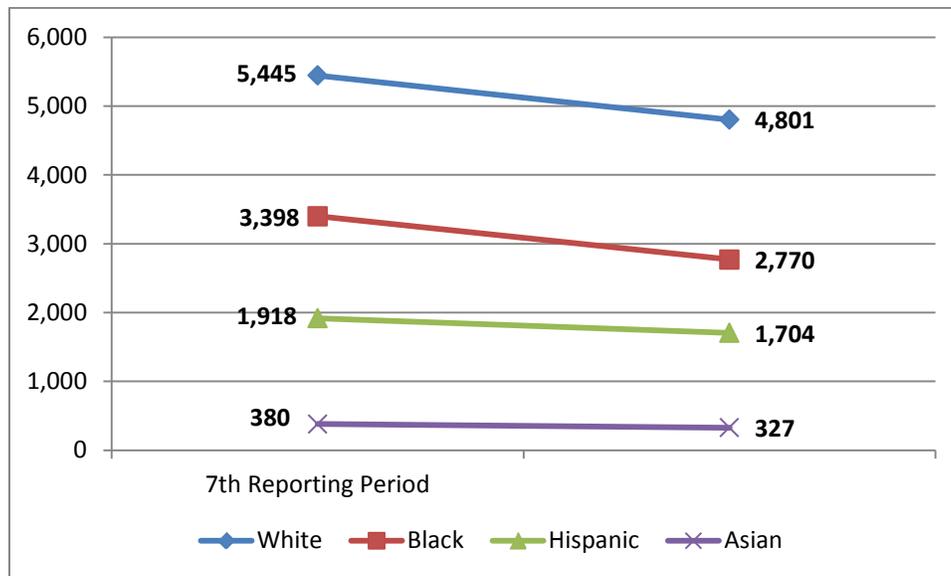


Figure Eleven depicts the racial/ethnic distribution of stops for vehicle exits. The frequency of vehicle exits for White drivers is higher than the frequency for all other racial/ethnic groups. White drivers were involved in 4,801 stops with vehicle exits (50%), Black drivers were involved in 2,770 stops (29%), and Hispanic drivers were involved in 1,704 stops (18%) with vehicle exits. Compared to the overall racial/ethnic distribution of stops, White drivers make up a smaller proportion and Black and Hispanic drivers make up a larger proportion of stops with vehicle exits. However, compared to the distribution of stops with law enforcement procedures, this distribution is nearly identical.

**Figure Twelve: Trend of Racial/Ethnic Distribution of Stops with Vehicle Exits**  
 January 1, 2012 – December 31, 2012



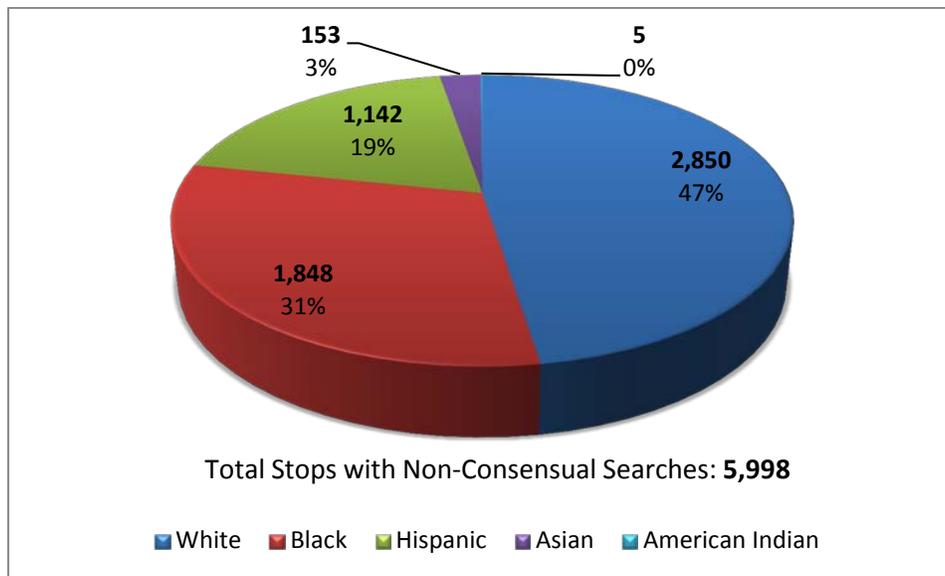
Because vehicle exits are the most frequent law enforcement procedure, the magnitude of change in the racial/ethnic distribution of stops with vehicle exits is consistent with that of law enforcement procedures. There was a 13% decline in the total number of stops with vehicle exits. The largest decline, 18% was for Black drivers asked to exit while Asian drivers declined by 14% and White and Hispanic drivers declined by 11% each. Thus, the racial/ethnic distribution of vehicle exits matches the trends of law enforcement procedures over time.

*Non-Consensual Searches*

Non-consensual searches are the second most common law enforcement procedure. Of the 10,111 stops with post-stop interactions, 59% or 5,998 stops involved non-consensual searches. Because there were fewer motor vehicle stops in the current reporting period, the number of stops with non-consensual searches also declined in the current reporting period, as expected. Despite this decrease, the racial/ethnic distribution of these stops remains consistent with the previous period.

**Figure Thirteen: Racial/Ethnic Distribution of Stops with Non-Consensual Searches**

July 1, 2012 – December 31, 2012



As shown in Figure Thirteen, White drivers were involved in the largest proportion of stops with non-consensual searches. In the current period, White drivers were involved in 2,850 stops, 47%, with non-consensual searches. Black drivers were involved in 1,848 stops, 31%, with non-consensual searches while Hispanic drivers were involved in 1,142 stops, 19% of stops with non-consensual searches. While White drivers were still involved in the highest proportion of stops with non-consensual searches, they were involved in a much smaller proportion than their representation in all stops but roughly the same as their proportion of stops with law enforcement procedures. Black and Hispanic drivers are overrepresented compared to their proportion of all stops, but as with White drivers, involved in a similar proportion of stops as those with law enforcement procedures.

**Figure Fourteen: Trend of Racial/Ethnic Distribution of Stops with Non-Consensual Searches**

January 1, 2012 – December 31, 2012

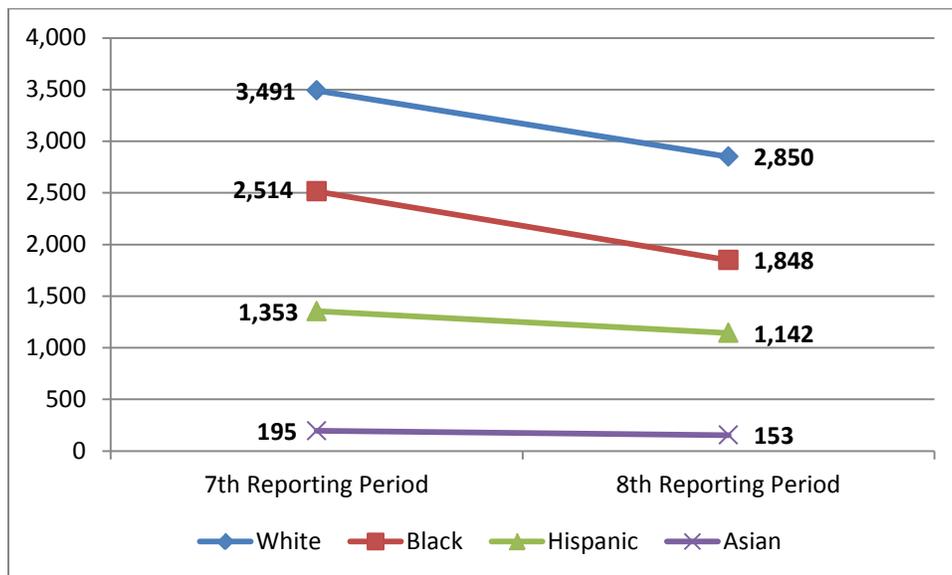


Figure Fourteen graphs the trend of non-consensual searches for each racial/ethnic group for the current and previous reporting periods. As with all stops, the number of stops with non-consensual searches declined in the current period. Like the trend noted for all law enforcement procedures and vehicle exits, Black drivers experienced the greatest decline. For non-consensual searches, the proportion involving White drivers declined by 18%, the proportion involving Black drivers declined by 26%, the proportion involving Hispanic drivers declined by 16%, and the proportion involving Asian drivers declined by 22%.

*Occupant Frisks*

In the current period, there were 834 motor vehicle stops where at least one occupant was frisked, roughly 8% of all stops with a post stop interaction this reporting period.

As shown in Figure Fifteen, White drivers were involved in the largest proportion of stops with occupant frisks. There were 400 stops, 48%, with a frisk that involved White drivers, 194 stops, 23%, that involved Black drivers, and 219 stops, 26%, that involved Hispanic drivers. The racial/ethnic distribution of stops with frisks is similar to that of all stops with law enforcement procedures. However, compared to the distribution of all stops, Black and Hispanic drivers are overrepresented and White drivers, underrepresented.

**Figure Fifteen: Racial/Ethnic Distribution of Stops with Occupant Frisks**  
 July 1, 2012 – December 31, 2012

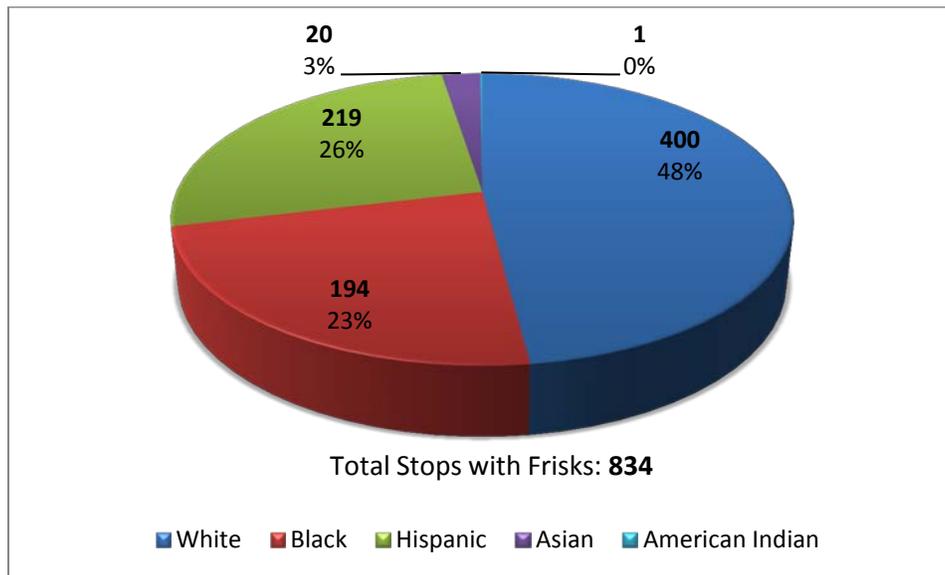
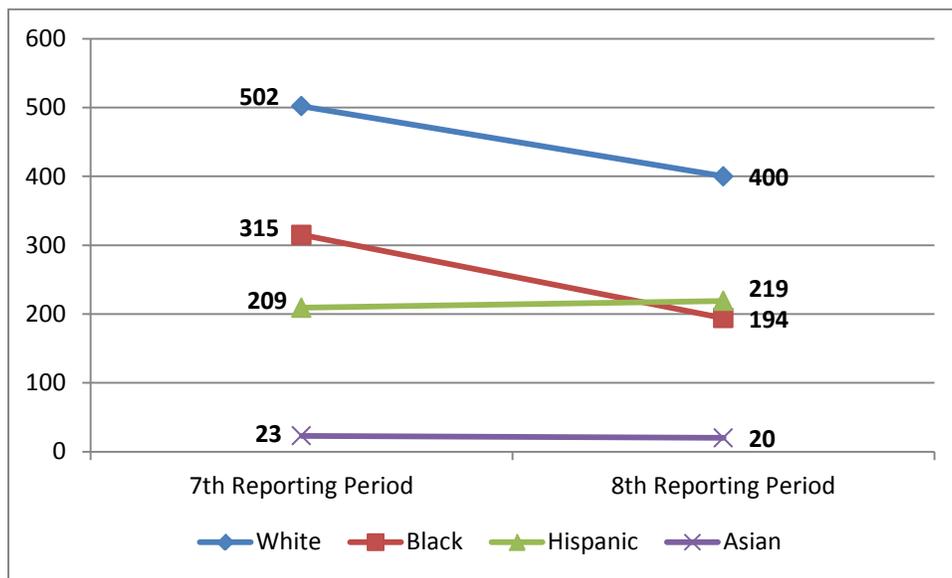


Figure Sixteen presents the trend of stops with frisks for each racial/ethnic group for the current and previous reporting periods. Since the number of stops with law enforcement procedures declined, the same trend is expected for each specific procedure. Overall, the number of stops with frisks declined 21% from the previous to current reporting periods. Each racial/ethnic group did not necessarily experience the same decline. The number of stops with frisks involving Hispanic drivers actually increased by 5% in the current reporting period. Though this is not a large increase, it is unexpected given the decline in stops and those with law enforcement procedures. The number of stops with frisks involving Black drivers declined by 38%, White drivers declined by 20%, and Asian drivers declined by 13%. OLEPS will continue to examine frisks of Hispanic drivers to ensure that this increase is not the result of any targeted actions on the part of troopers.

**Figure Sixteen: Trend of Racial/Ethnic Distribution of Stops with Frisks**  
 January 1, 2012 – December 31, 2012



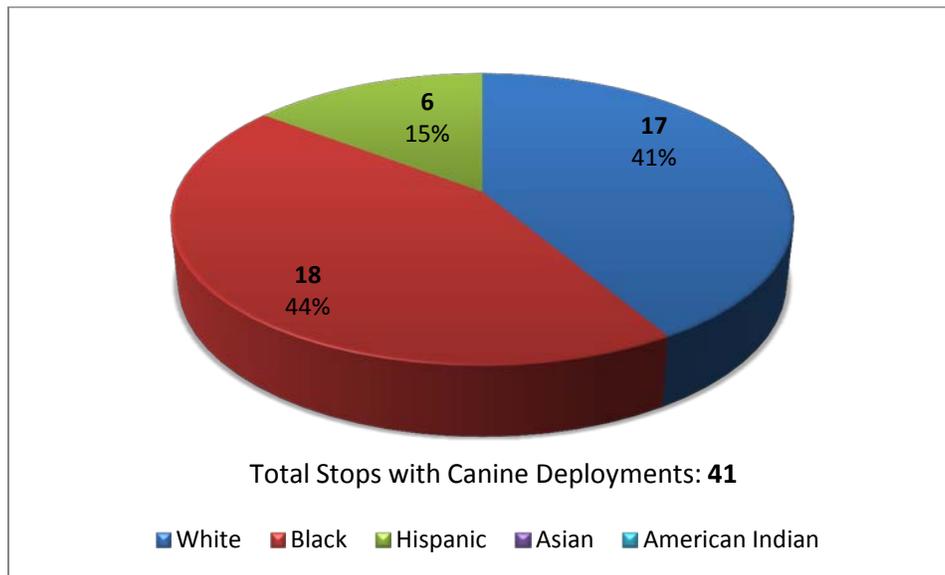
*Canine Deployments*

Canine deployments are a relatively infrequent law enforcement procedure. There were 41 stops where a canine was deployed in the current period. Despite policy changes that made these dogs more available throughout the State, there was a decrease in the number of stops with canine deployments, likely attributable to the overall decline in the number of motor vehicle stops.

Unlike all other law enforcement procedures discussed previously, White drivers do not make up the largest proportion of stops with canine deployments. There were only 17 stops, 41%, with a canine deployment that involved a White driver. Black drivers, made up a similar proportion of stops with canine deployments, 18 stops or 44%. White and Black drivers were involved in roughly the same proportion of stops with canine deployments. Hispanic drivers, on the other hand, were involved in a much smaller proportion of stops with canine deployments, 6 stops, or 15% of all stops with deployments. Thus, it appears that when compared to the overall racial/ethnic distribution of all stops, White drivers are grossly underrepresented and Black drivers are overrepresented. Even in comparison to the racial/ethnic distribution of stops with law enforcement procedures, the same pattern is noted, White drivers are underrepresented and Black drivers are overrepresented. The higher number of deployments with Black drivers is not *prima facie* evidence of disparate treatment. OLEPS continues to monitor the appropriateness of canine deployments in OLEPS' Oversight Reports.

**Figure Seventeen: Racial/Ethnic Distribution of Stops with Canine Deployments**

July 1, 2012 – December 31, 2012



**Figure Eighteen: Trend of Racial/Ethnic Distribution of Stops with Canine Deployments**

January 1, 2012 – December 31, 2012

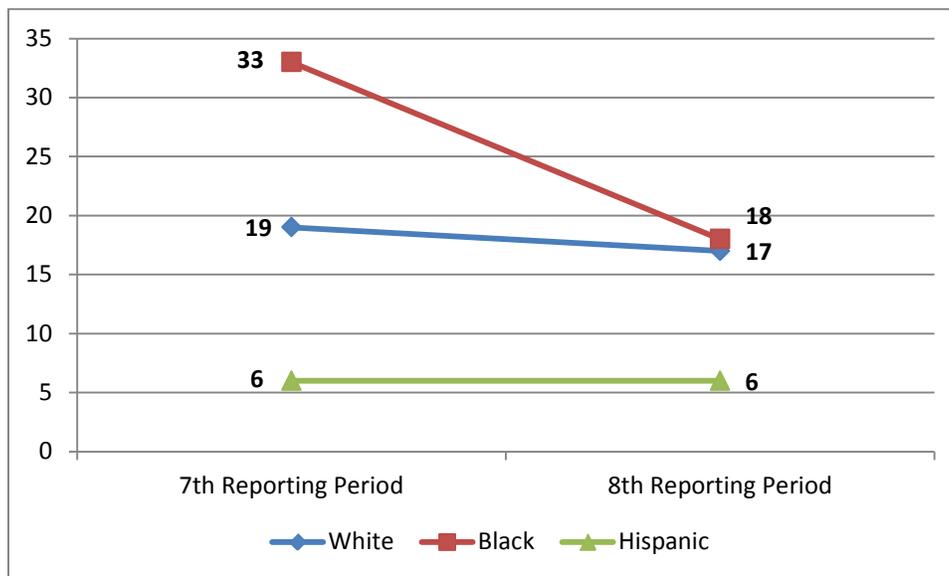


Figure Eighteen presents the trend of canine deployments by racial/ethnic group for the current and previous reporting period. As noted previously, there was a 29% decline in the total number of stops with canine deployments in the current reporting period. Black drivers, however, experienced the bulk of this decline. The number of stops with canine deployments involving Black drivers declined by 45% in the current reporting period while White drivers only declined by 11% and Hispanic drivers remained involved in the same number of stops with canine deployments.

While the disparity in the number of stops with canine deployments involving Black drivers may seem troubling, there are policies and procedures that govern these deployments which are designed to prevent the misuse of this procedure. Specifically, as noted in OLEPS' Oversight Report, a trooper must contact a supervisor and officially request such a deployment. The deployment is required to meet a specific set of legal standards prior to the supervisor granting approval. In addition to supervisors ensuring that legal standards are met, OLEPS reviews all stops with such deployments to determine whether they are appropriate. As of press, OLEPS' has not yet published findings on canine deployments that occurred in the current reporting period and cannot comment on whether all canine deployments in the current period are appropriate. These findings will appear in OLEPS Seventh Oversight Report.

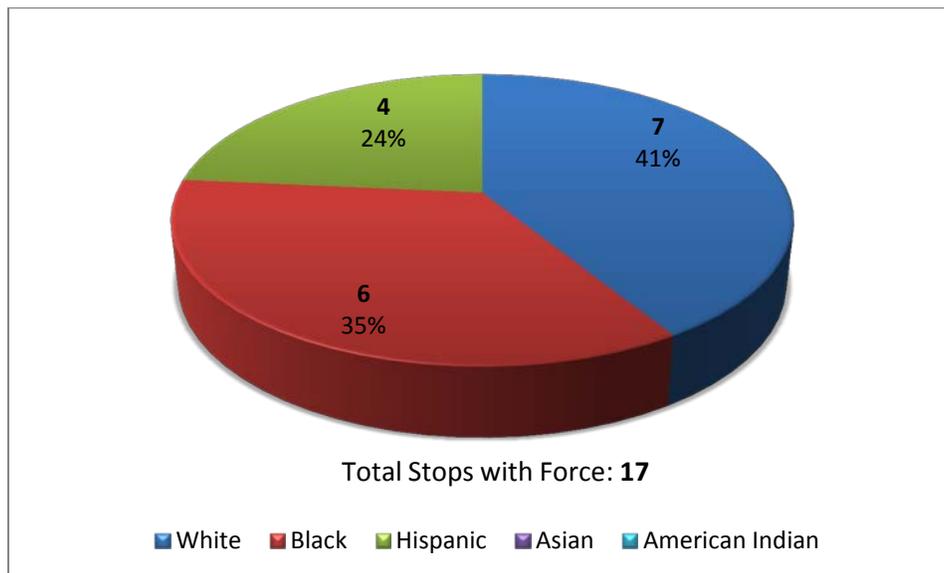
*Uses of Force*

In this reporting period, there were 17 stops where force was used. This is a decrease from the previous reporting period, where there were 22 uses of force. Force remains an infrequent event during motor vehicle stops. Only 0.1% of stops with a post stop interaction involved uses of force.

Physical force was the most frequently utilized form of force. There were 12 stops with uses of force that were classified as physical force. Chemical force was utilized in only one motor vehicle stop. There were several occurrences where more than one type of force used within a stop; chemical, physical and mechanical force were used in conjunction in one of these stops, physical and mechanical force were used in one stop, and physical and chemical force were used in two stops.

Figure Nineteen depicts the number of stops with uses of force by driver race or ethnicity. Because of the small number of stops with force, the percentages are somewhat misleading. White drivers were involved in 41% of all stops with force while Black drivers were 35%. However, White drivers were involved in seven stops with force while Black drivers were involved in six stops with force. Hispanic drivers were involved in only four stops with uses of force.

**Figure Nineteen: Racial/Ethnic Distribution of Stops with Uses of Force**  
 July 1, 2012 – December 31, 2012

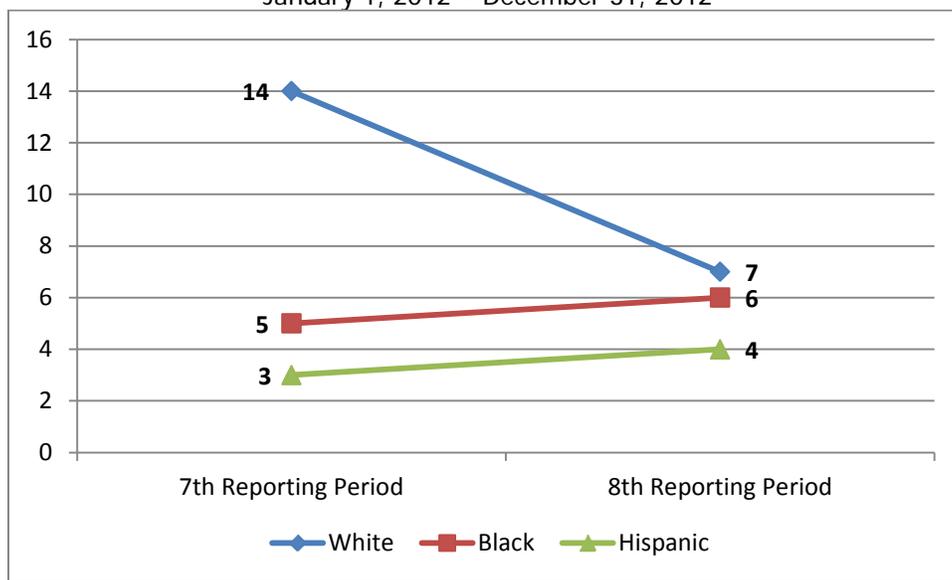


Unlike the previous reporting period, the racial/ethnic distribution of stops with uses of force is inconsistent with that of stops with law enforcement procedures. White drivers make up a much smaller proportion of stops with force, 41%, than all stops, 63%, or those with law enforcement procedures, 50%. Black drivers on the other hand make up a larger proportion. They are 35% of stops with uses of force, only 28% of stops with law enforcement procedures, and 18% of all motor vehicle stops in the current reporting period. The extent of overrepresentation for Hispanic drivers is smaller; they are 24% of stops with uses of force, 18% of stops with law enforcement procedures, and 12% of all motor vehicle stops.

The total number of stops where force was used declined by 23% in the current reporting period. As shown in Figure Twenty, White drivers were the only racial/ethnic group to experience a decline in the number of stops with uses of force. However, the decline experienced by White drivers was large, 50%. Black and Hispanic drivers actually experienced an increase in the number of stops with uses of force that they were involved in which represented 20% and 33% increases from the previous reporting period, respectively. Because force is a relatively rare event, slight changes can seem larger than they actually are when using percentages. The 50% decrease experienced by White drivers only amount to seven motor vehicle stops while Black and Hispanic drivers each only experienced one additional stop where force was used.

**Figure Twenty: Trend of Racial/Ethnic Distribution of Stops with Uses of Force**

January 1, 2012 – December 31, 2012



As noted in the section on canine deployments, OLEPS reviews all stops where force was used to ensure that the use was appropriate. However, OLEPS has yet to publish findings on motor vehicle stops conducted in the current reporting period. These findings will appear in OLEPS Seventh Oversight Report.

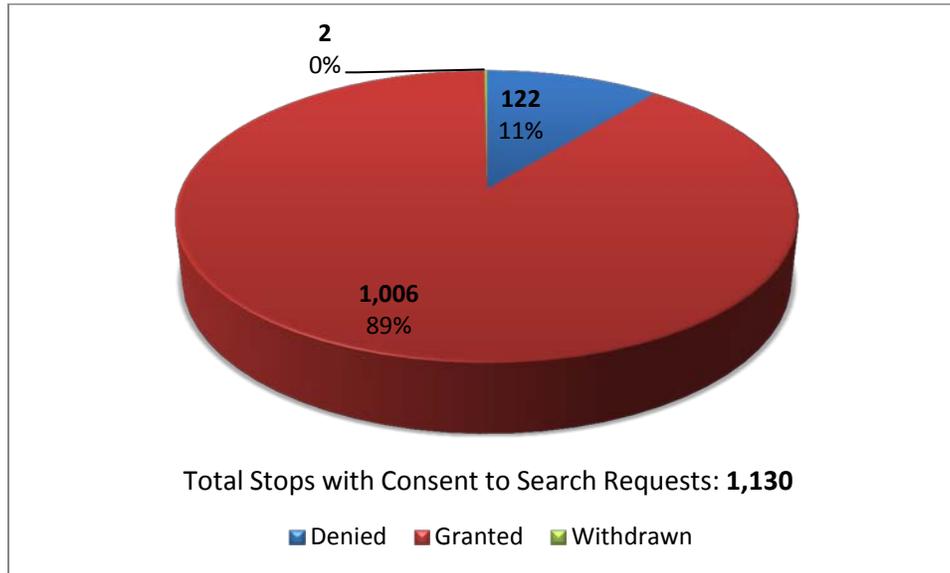
*Consent to Search*

For this period, there were 1,127 stops with consent to search requests. There may be multiple outcomes for a consent request: granted, denied, or withdrawn. Figure Twenty-One presents the

distribution of all consent to search request outcomes. The majority of consent to search requests were granted; 1,006 (89%) requests were granted, 122 (11%) were denied, and only two (0%) requests were granted by a vehicle occupant, and then withdrawn by an occupant during the stop.

**Figure Twenty-One: Outcome of Consent to Search Requests**

July 1, 2012 – December 31, 2012



**Figure Twenty-Two: Racial/Ethnic Distribution of Stops with Consent to Search Requests**

July 1, 2012 – December 31, 2012

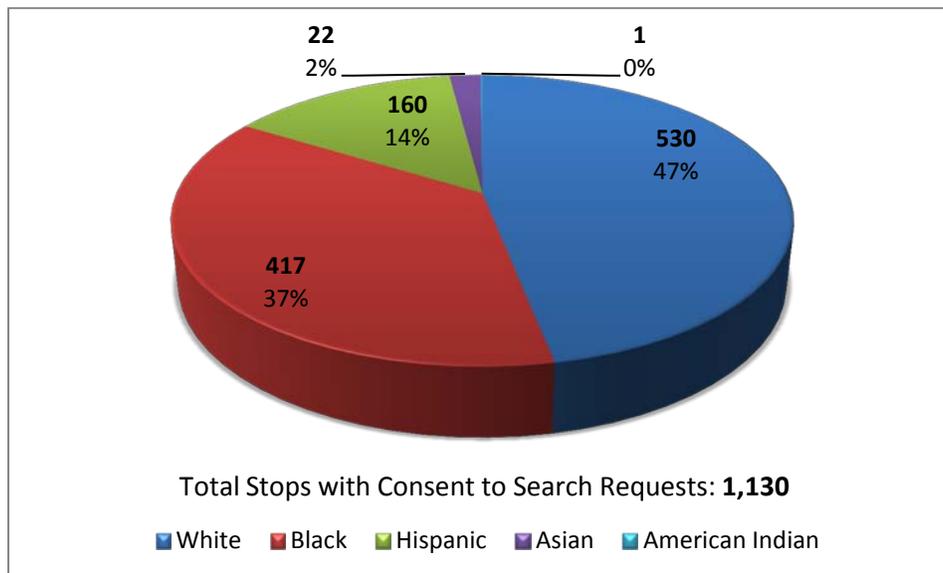


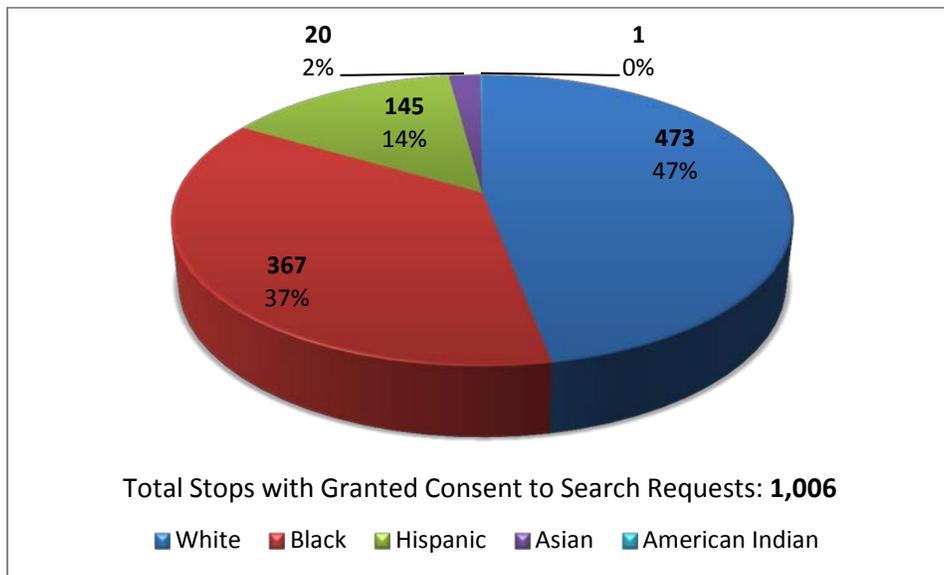
Figure Twenty-Two presents the racial/ethnic distribution for consent to search requests made during motor vehicle stops. White drivers made up the largest proportion of stops with consent to search requests. Nearly half, 47%, of all stops with consent to search requests involved White drivers. Black

drivers were involved in 417 stops (37%) with consent to search requests, and Hispanic drivers were involved in 160 stops (14%) with consent to search requests. The racial/ethnic distribution of consent to search requests differs from the distribution of the total number of stops. White drivers were involved in 63% of all motor vehicle stops and only 46% of all stops with consent to search requests. In contrast, Black drivers made up a higher proportion of stops with consent searches compared to their overall proportion of all stops. Black drivers were involved in 37% of all stops with consent requests and only 18% of overall stops. Thus, it appears that Black drivers are more likely, and White drivers are less likely, to be involved in stops with consent to search requests than their proportion of all stops. However, the distribution of stops with consent to search requests is much closer to the distribution of stops with law enforcement procedures, where White drivers make up 50%, Black drivers make up about 28%, and Hispanic drivers make up about 18% of stops.

Among the possible outcomes of these requests, this pattern remains the same; White drivers had the highest proportion of both granted (Figure Twenty-Three) and denied consent to search requests (Figure Twenty-Four). Because the majority of consent to search requests are granted, the distribution of granted consent requests is identical to that of all stops with requests. However, the distribution of denied consent to search requests deviates slightly. When consent was denied, Black drivers were involved in a slightly higher proportion, 40%, compared to their proportion of total consent to search requests. Thus, it appears that while White drivers are most likely to be asked for consent to search and to grant that search, Black drivers have a slightly higher likelihood of denying the search.

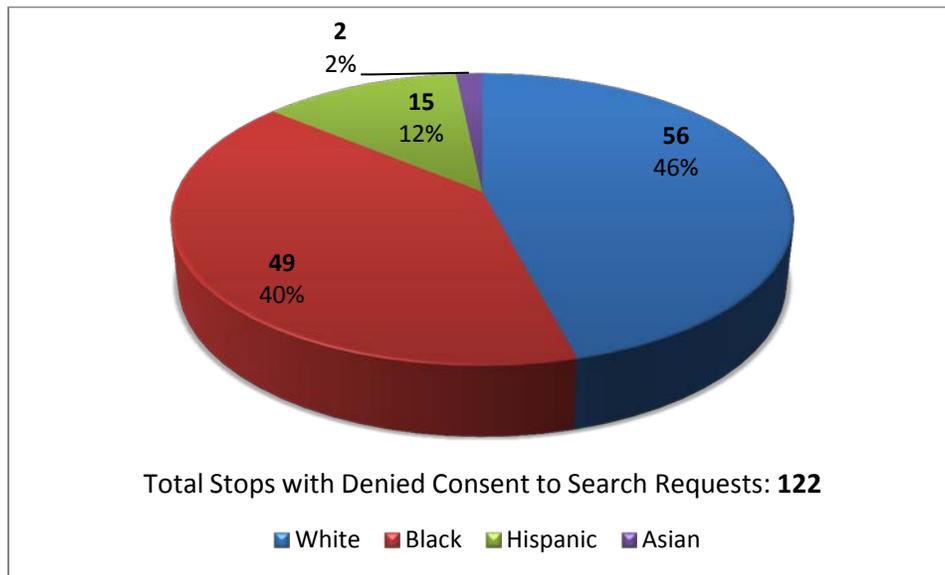
**Figure Twenty-Three: Racial/Ethnic Distribution of Stops with Granted Consent Searches**

July 1, 2012 – December 31, 2012



**Figure Twenty-Four: Racial/Ethnic Distribution of Stops with Denied Consent Requests**

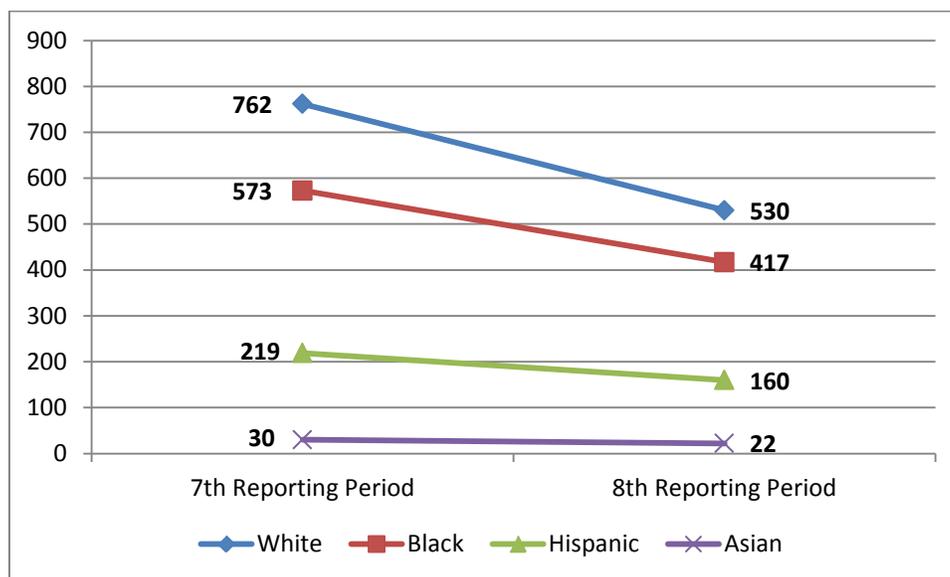
July 1, 2012 – December 31, 2012



Because the total number of stops decreased, the total number of stops with consent to search requests also decreased in the current reporting period. The total number of requests decreased 29% in the current reporting period. This number includes all requests, regardless of the outcome (granted or denied). Figure Twenty-Five graphs this trend for each racial/ethnic group. White drivers experienced the largest decline, 30%. However, all other racial/ethnic groups did experience similar declines. Stops with consent requests declined by roughly 27% for all other racial/ethnic groups.

**Figure Twenty-Five: Trend of Racial/Ethnic Distribution of Stops with Consent Requests**

January 1, 2012 – December 31, 2012



Trends in each category of consent to search request that were granted, denied, or withdrawn are not presented pictorially. However, in the current reporting period, there was a 42% decline in the number of stops with denied consent requests while there was only a 28% decline for granted consent requests. Generally, each racial/ethnic group experienced declines that were similar to the overall decline for each category of consent requests.

*Arrests*

In the current reporting period, there were 7,173 motor vehicle stops where at least one person was arrested. In the majority of these stops, only one person was arrested. However, there were eight individuals arrested in one stop and several stops where five or six individuals were arrested. On average, there were 1.2 arrests per stop.

**Figure Twenty-Six: Racial/Ethnic Distribution of Stops with Arrests**  
 January 1, 2012 - June 30, 2012

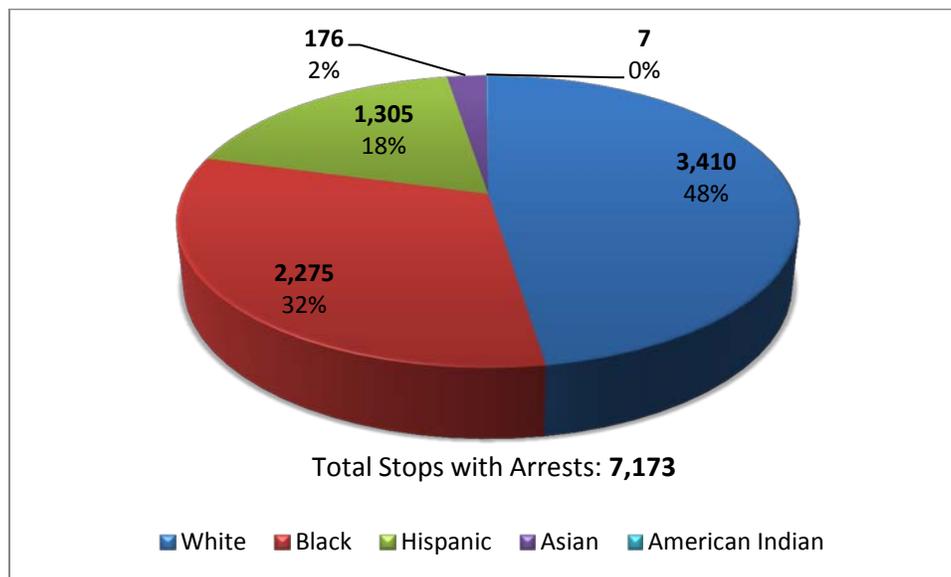
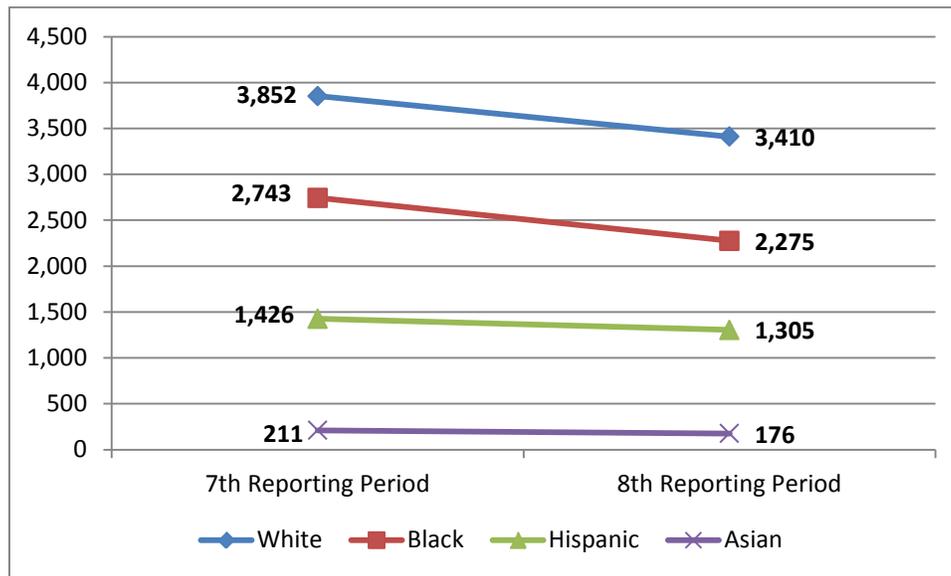


Figure Twenty-Six depicts the racial/ethnic distribution of all motor vehicle stops where an arrest was made. Overall, White drivers were involved in the highest proportion of stops where an arrest was made. Roughly 48% of all stops where an arrest was made involved White drivers. Black drivers were involved in 32% of all stops where an arrest was made while Hispanic drivers were involved in 18% of stops where an arrest was made. Asian drivers were only involved in 2% of all stops with arrests and American Indian drivers were involved in 0%.

Compared to the overall racial/ethnic distribution of stops, it appears that White drivers are underrepresented while Black and Hispanic drivers are overrepresented. White drivers were 63% of all stops yet only 48% of stops with arrests. Conversely, Black drivers were only 18% of all stops but 32% of all stops with arrests. The overrepresentation for Hispanic drivers is not nearly as dramatic, Hispanic drivers were 12% of all stops and 18% of all stops with arrests.

**Figure Twenty-Seven: Trend of Racial/Ethnic Distribution of Stops with Arrests**

January 1, 2012 – December 31, 2012



The total number of stops where an individual was arrested declined about 12% in the current reporting period, similar to the decline for stops with law enforcement procedures. This decline varied among racial/ethnic groups as shown in Figure Twenty-Seven. Black and Asian drivers experienced the largest decline, the number of stops with Black or Asian drivers where an individual was arrested declined by 17% in the current reporting period. Conversely, the decline for White drivers was only 11% while the number of stops with arrests involving Hispanic drivers declined 8%.

The disproportionately high number of stops with arrests for Black drivers is interesting, especially in light of the large decline in the number of stops with arrests. This disproportionality warrants additional analysis. In the individual analysis section, the actual number of and charges for arrests will be discussed, explaining this disproportionality.

As noted in the previous aggregate report, White drivers are more likely to be involved in any post-stop interaction than other drivers. However, compared to their proportion of all stops, they are slightly under represented and Black drivers are slightly overrepresented. While Black drivers were about 18% of all motor vehicle stops, they are roughly 30% of all law enforcement procedures utilized in the current reporting period. This does suggest some sort of disproportionality, however, the reason for this disproportionality is not necessarily known. As noted earlier, the appropriateness of enforcement activities is not assessed in this report, but is in OLEPS' Oversight Reports. Further analysis is necessary to uncover the reason(s) for the disproportionality in law enforcement procedures. However, because the majority of stops with law enforcement procedures have at least one arrest made, it is possible that the disproportionality for all law enforcement procedures stems from this.

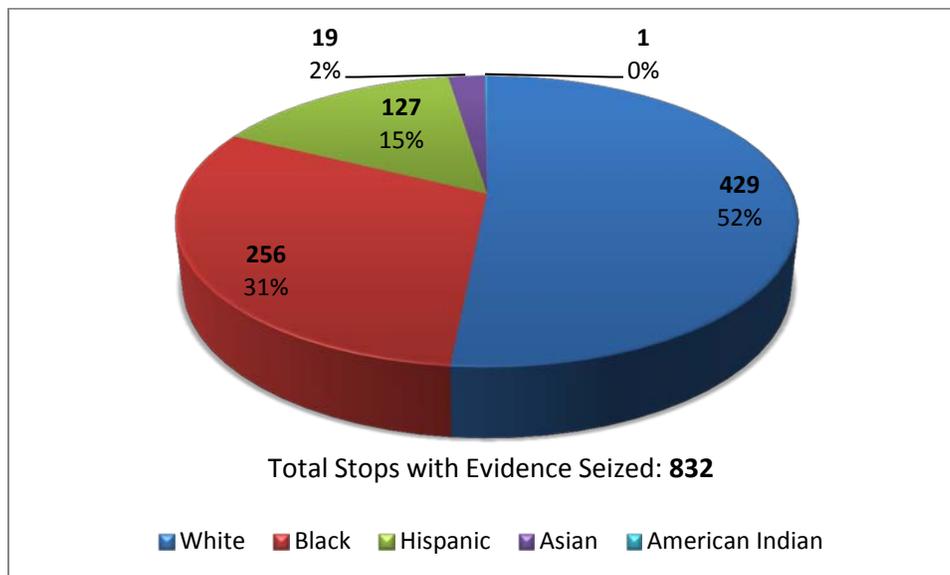
*Evidence Seizures*

The seizure of evidence during a motor vehicle stop is a relatively rare occurrence, occurring in less than 1% of all motor vehicle stops. In the current reporting period, evidence was seized in 832 motor

vehicle stops. Evidence may have been seized in conjunction with a variety of activities including: frisks, non-consensual searches, consent requests, execution of a search warrant, plain view seizures, or even a request for the retrieval of property.

Figure Twenty-Eight depicts the racial/ethnic distribution of stops with evidence seizures. The majority of stops in which evidence was seized involved White drivers. In 52% of all stops with evidence seized, the driver was White, in 31% of stops the driver was Black, and in 15% of stops the driver was Hispanic. Compared to the overall distribution of motor vehicle stops, Black drivers are overrepresented. While only 18% of all stops, Black drivers are involved in 31% of stops with evidence seized. However, the distribution of stops with evidence seizures is more similar to the distribution of stops with law enforcement procedures.

**Figure Twenty-Eight: Racial/Ethnic Distribution of Evidence Seizures**  
July 1, 2012 – December 31, 2012

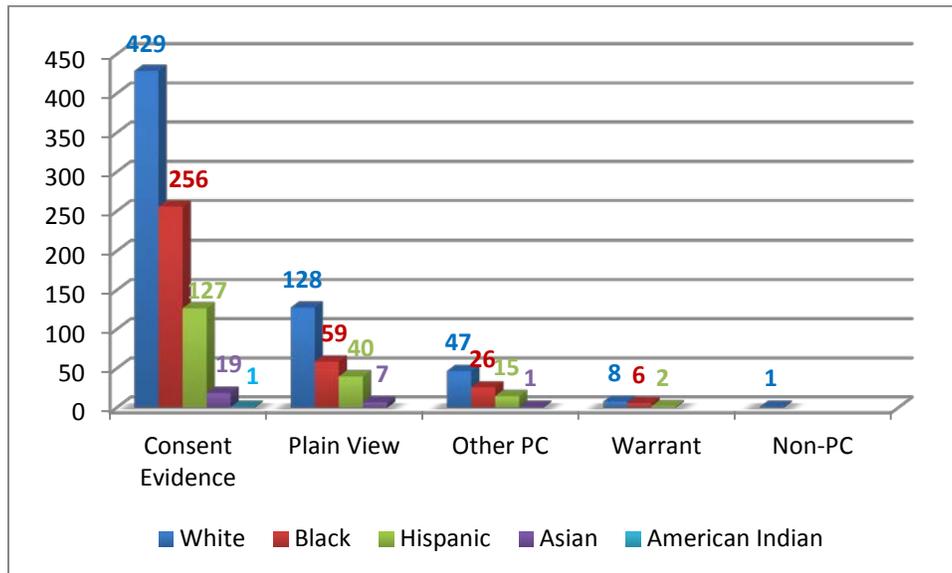


Each motor vehicle stop can involve one or more seizures of evidence. In the current reporting period, 331 of the 832 stops with seizures had evidence seized as the result of more than one type of activity. For example, a trooper may observe contraband in plain view and also conduct a consent search that produces evidence. Thus, there are actually, 1,172 searches/seizures that led to an evidence seizure. At most, a single stop included three different types of searches/seizures that resulted in evidence. However, the majority of stops only involved one type of search/seizure.

While the exact evidence seized is unknown, it is known how the evidence was obtained. Figure Twenty-Nine depicts the type of search/seizures that resulted in evidence for each racial/ethnic group. The majority of the 1,172 evidence seizures resulted from consent searches. In total, there were 832 evidence seizures as the result of a consent search. Of these consent search seizures, 52% involved White drivers, 31% involved Black drivers, 15% involved Hispanic drivers, and 2.2% involved Asian drivers.

**Figure Twenty-Nine: Types of Evidence Seizures**

July 1, 2012 – December 31, 2012



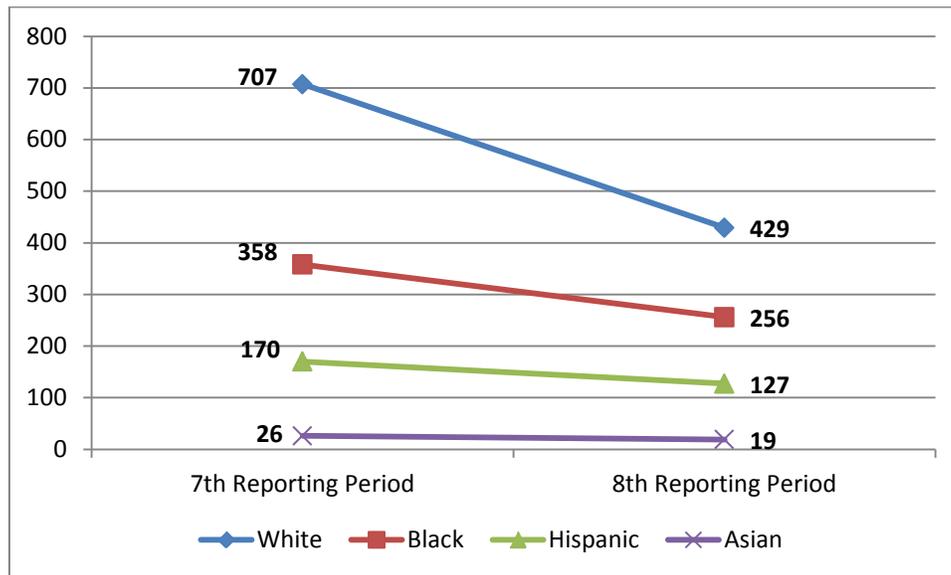
Unlike the previous reporting period, the second most frequent searches/seizures were those considered plain view. In 234 seizures, the reason provided indicated that a controlled dangerous substances (CDS), controlled dangerous weapons (CDW), or open containers were in plain view and subsequently seized. Of these seizures, 55% involved White drivers, 25% involved Black drivers, 17% involved Hispanic drivers, and 3% involved Asian drivers.

Seizures classified as “Other PC” were the third most frequently cited search leading to an evidence seizure. These activities include all PC based searches/seizures other than plain view seizures. Thus, vehicle frisks, proof of ownership, secure vehicle, retrieval of property, or public exigency searches fall under this category. There were 89 searches/seizures classified as Other PC. Again, the majority, 53%, involved White drivers, while 29% involved Black drivers, 17% involved Hispanic drivers, and 1% involved Asian drivers.

Searches/seizures classified as Non-PC or as the result of a search warrant were rare. These two categories accounted for less than 20 seizures in the current reporting period.

Figure Thirty depicts the trend motor vehicle stops with evidence seized by racial/ethnic group. Overall, there was a 34% decline in the number of stops where evidence was seized. This decline was largest for White drivers; the number of stops with White drivers where evidence was seized declined 39% in the current period. The decline was still noticeable, but smaller for all other racial/ethnic groups. For Black drivers the decline was only 28%, for Hispanic drivers the decline was 25%, and the decline for Asian drivers was 27%.

**Figure Thirty: Trend of Racial/Ethnic Distribution of Stops with Evidence Seizures**  
 January 1, 2012 – December 31, 2012



As noted, evidence seizures during motor vehicle stops are relatively rare. Despite their relative infrequency, Black drivers do appear disproportionately involved in such stops as compared to their overall proportion of motor vehicle stops. Similar to the pattern observed for law enforcement procedures, Black drivers are about 30% of all evidence seizures yet only 18% of all stops. Again, this report does not assess the appropriateness of searches/seizures leading to evidence seizure. However, the disproportionality of stops with evidence seizures does merit further analysis by the State Police.

### Dispositions

For each stop made by the State Police, a disposition is issued. As depicted in Figure Thirty-One, 76,133 stops (37%) resulted in some kind of summons, 70,756 stops (35%) resulted in a warning, 21,064 stops (10%) resulted in some combination of warnings and/or summons, and 35,881 stops (18%) resulted in another, unspecified disposition. As in previous reporting periods, the most common dispositions were summonses and warnings issued for moving violations. Each of these categories makes up about 27% of all dispositions issued during this reporting period. Dispositions based on non-moving violations were less common; there were 22,902 summonses for non-moving violations and 13,305 warnings for non-moving violations issued during motor vehicle stops made during this reporting period.

**Figure Thirty-One: Dispositions of All Stops**

July 1, 2012 – December 31, 2012

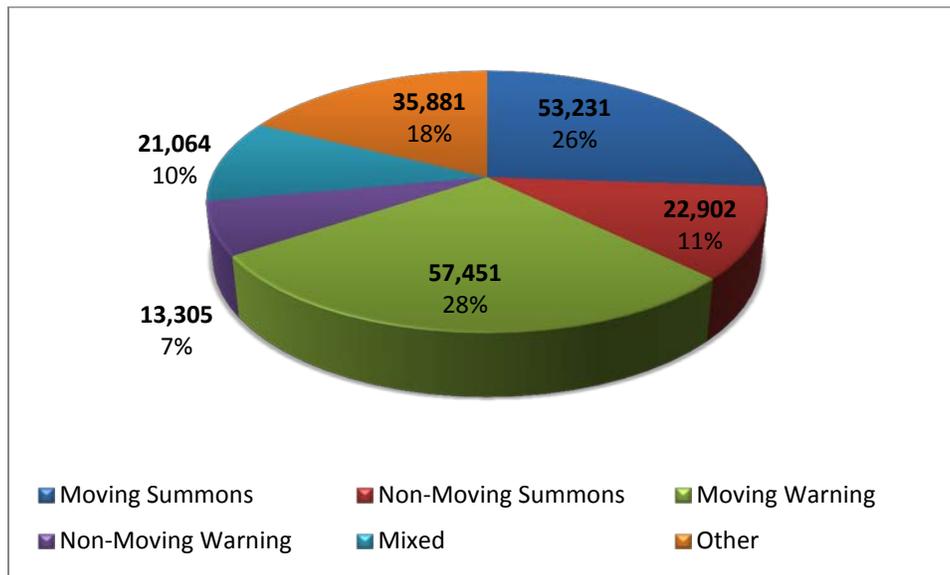
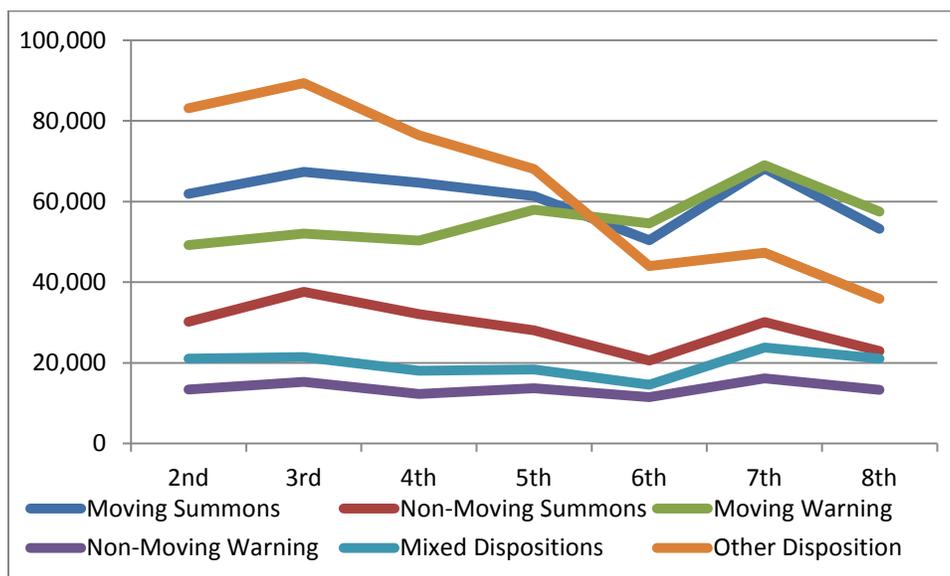


Figure Thirty-Two graphs the number of stops resulting in each disposition for the current and past six reporting periods. Because the number of motor vehicle stops made in the current reporting period is smaller than the previous periods, each category of disposition declined in the current reporting period. As noted in the previous Aggregate Report, the State Police have made concerted efforts to reduce the number of stops with other dispositions. While there was a slight increase in the number of stops with other dispositions in the previous period, the number of other dispositions decreased in the current reporting period from 47,302 to 35,881 stops in the current reporting period.

**Figure Thirty-Two: Trends of Dispositions**

July 2009 – December 2012



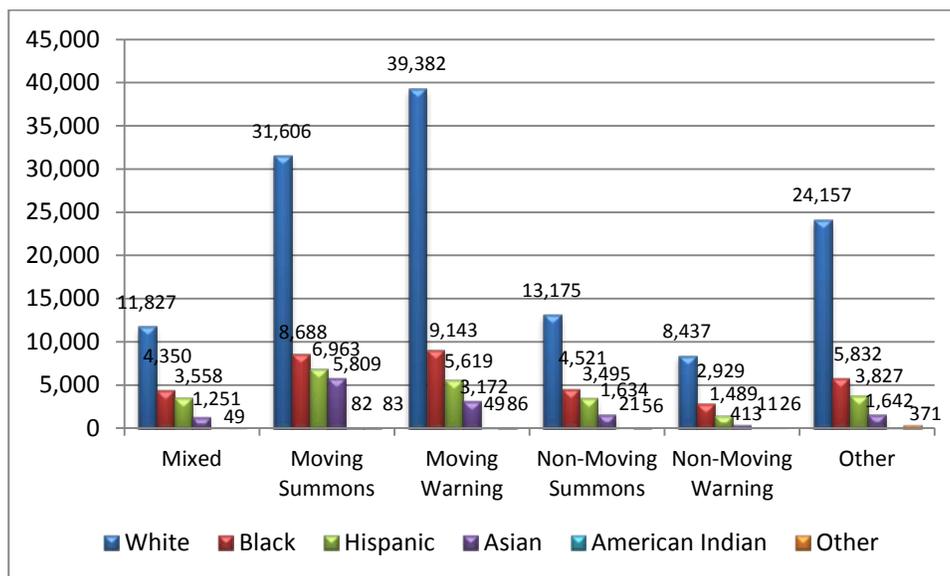
Since the State Police began its attempts to reduce the number of stops with no enforcements, the number of stops resulting in warnings and summonses for moving violations have increased, surpassing other violations in the sixth reporting period. While these two disposition categories have historically been frequent, they are now the most frequent outcomes for motor vehicle stops. In the previous reporting period, the number of warnings and summons for moving violations were nearly identical. However, in the current reporting period, the State Police issued slightly more moving warnings than summonses.

Historically, moving summonses have been the most frequent disposition for all racial/ethnic groups. However, in the current reporting period, this is not necessarily true. Moving summonses were the most frequent outcome for Hispanic, Asian, and American Indian drivers but, moving warnings were most common for White, Black, and Other drivers.

Across disposition categories, White drivers continue to make up the largest proportion of each disposition type. The overall pattern remains that between 56 and 68 percent of all disposition types involved White drivers and between 16 and 22 percent of all disposition types involved Black drivers. Because State Police is required to record a disposition for all motor vehicle stops, the racial/ethnic distribution of dispositions should be nearly identical to the racial/ethnic distribution of all stops.

**Figure Thirty-Three: Racial/Ethnic Distribution of Disposition Types**

July 1, 2012 – December 31, 2012



The most common outcome for stops were moving warnings. There were 57,451 stops (28%) that received a moving warning. Of these stops, there were 39,382 stops (69%) that involved White drivers, 9,143 stops (16%) that involved Black drivers, and 5,619 (10%) that involved Hispanic drivers. This is very similar to the overall pattern of the racial/ethnic distribution of all stops, where the majority of stops involve White drivers. However, White drivers are slightly overrepresented and Black and Hispanic drivers, slightly underrepresented among moving warnings.

The second most common outcome for stops were moving summonses, which were cited in 53,231 stops (26%). There were 31,606 stops (59%) with moving summonses that involved White drivers, 8,688 stops (16%) with moving summonses that involved Black drivers, and 6,963 stops (13%) with moving summonses that involved Hispanic drivers. This is also very similar to the overall racial/ethnic distribution of all stops, albeit underrepresented for White drivers and Black drivers and slightly overrepresented for Hispanic drivers.

Unlike the distribution for law enforcement procedures, the racial/ethnic distribution for each disposition category is consistent with the overall racial/ethnic distribution of motor vehicle stops. White drivers receive roughly 60% of all categories of dispositions, while Black drivers are closer to 18%, and Hispanic motorists were about 13%. Thus, the distribution of disposition types roughly matches that of all stops.

## Individual Level Analysis

### Arrests

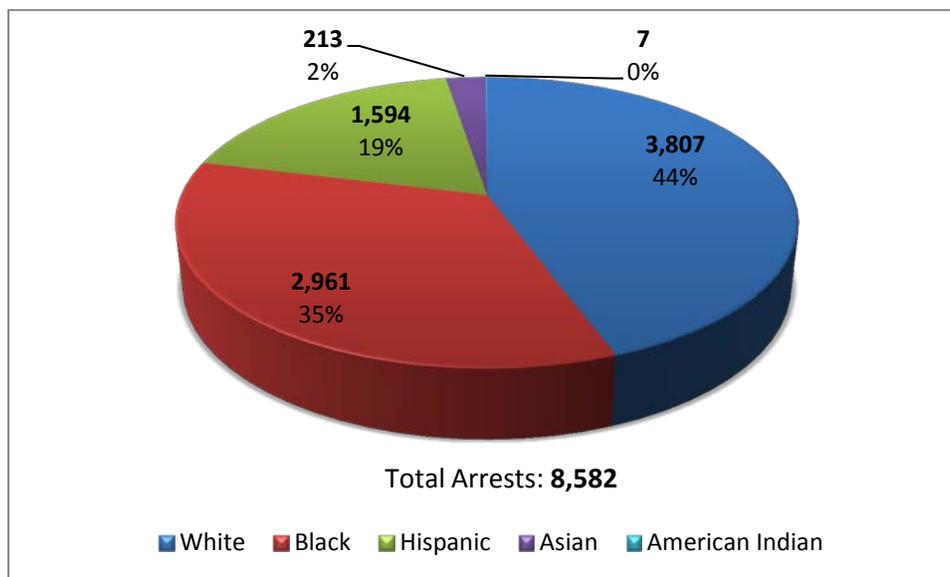
While there were 7,173 motor vehicle stops where an arrest was made, there were 8,582 actual arrests. That is, there were 8,582 individuals arrested during motor vehicle stops in the current reporting period. On average, there were 1.2 arrests per motor vehicle stop but, a few stops did have as many as six arrests and one stop had eight arrests.

Because each stop averaged just a little more than one arrest, the racial/ethnic distribution of the individuals who were arrested should be similar to the racial/ethnic distribution of stops with arrests. Figure Thirty-Four depicts this distribution, and it is nearly identical to the distribution of stops with arrests. As found for stops with arrests, White individuals made up the largest proportion of all arrests. In 44% of all arrests made during the reporting period, the individual was White. In 35% of all arrests, the individual arrested was Black while in 19% of all arrests, the individual arrested was Hispanic. Finally, Asian individuals were involved in 2% of all arrests while American Indians were involved in 0%.

Of the 8,852 arrests made in the current reporting period, 6,434 arrests were of the driver of a vehicle. The remaining 2,148 arrests were of passengers. Thus, the distribution of stops with arrests, which is based on the driver's race/ethnicity, is nearly identical to the distribution of all arrests because drivers made up the largest proportion of those who were arrested.

**Figure Thirty-Four: Racial/Ethnic Distribution of All Arrests**

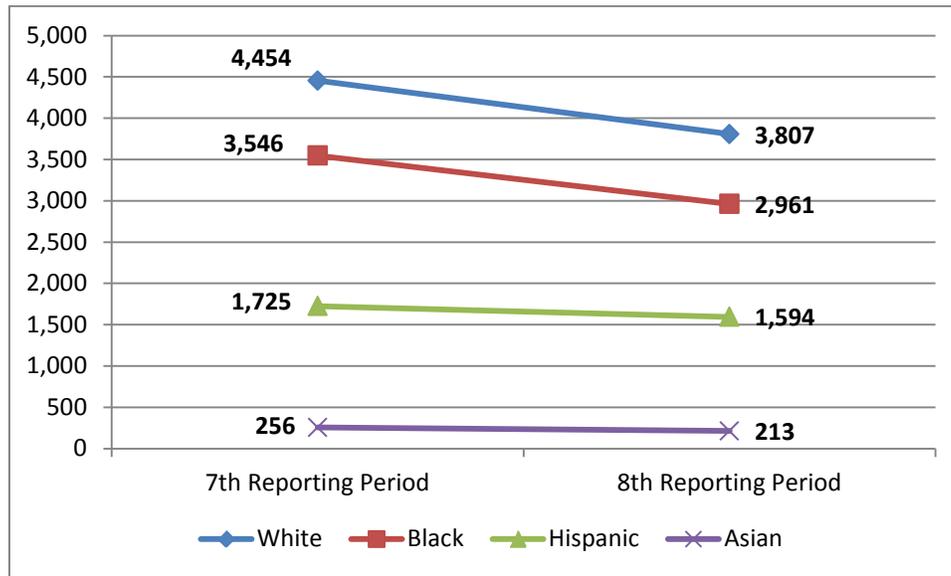
July 1, 2012 – December 31, 2012



Because there were fewer motor vehicles stops conducted, the opportunity to arrest any individual was less likely. Overall, the number of arrests declined 14% from the previous reporting period. This

decline is roughly the same as the decline for all stops with arrests, which declined 13%. The number of Black individuals who were arrested was the largest decline from the previous reporting period; there was a 16% decline in the number of Black individuals who were arrested in the current reporting period.

**Figure Thirty-Five: Trend of Racial/Ethnic Distribution of Individuals Arrested**  
January 1, 2012 – December 31, 2012



While only 18% and 12% of drivers encountered were Black or Hispanic, respectively, individuals of these racial/ethnic groups make up a larger proportion of all individuals arrested. Whether troopers had appropriate probable cause to arrest is not explored in this report but is in OLEPS' Oversight Report. Examination of the charges filed following arrests may help elucidate possible reasons for this disproportionality in the racial/ethnic distribution of those arrested.

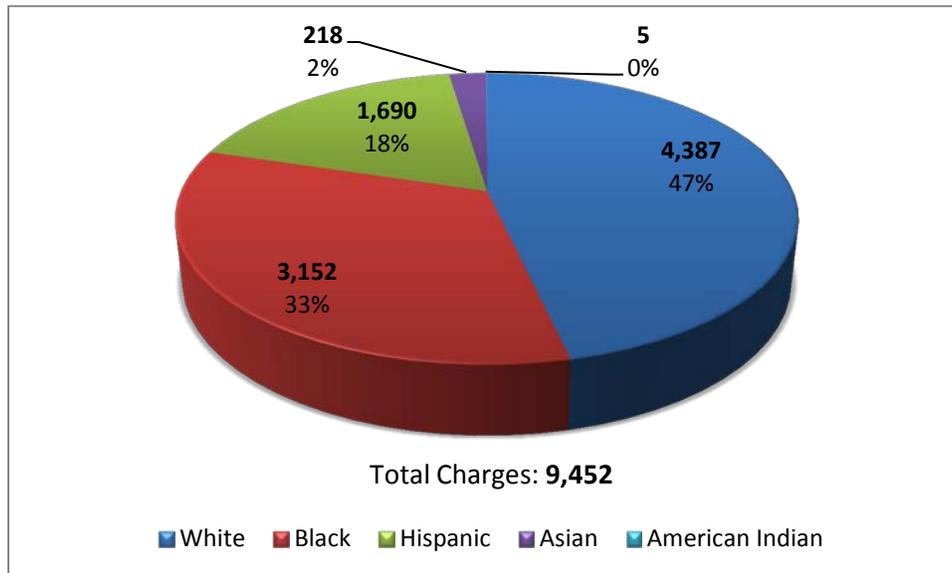
## Charges

For an arrest, an individual can be charged with one or multiple charges. For the current period, while there were 8,582 arrests, there were actually 9,452 charges filed. On average, each arrest resulted in 1.01 charges filed. However, several arrests had as many as seven charges filed.

The racial/ethnic distribution of those arrested and that had charges filed is presented in Figure Thirty-Six and is similar to the distribution of all arrests. White individuals were involved in the largest proportion of charges filed, 47%. Black individuals were involved in 33% of all charges, Hispanic individuals were involved in 18% of all charges filed, and Asian individuals were involved in 2% of charges filed. Compared to the distribution of those individuals who were arrested, the proportions are nearly identical.

**Figure Thirty-Six: Racial/Ethnic Distribution of Charges**

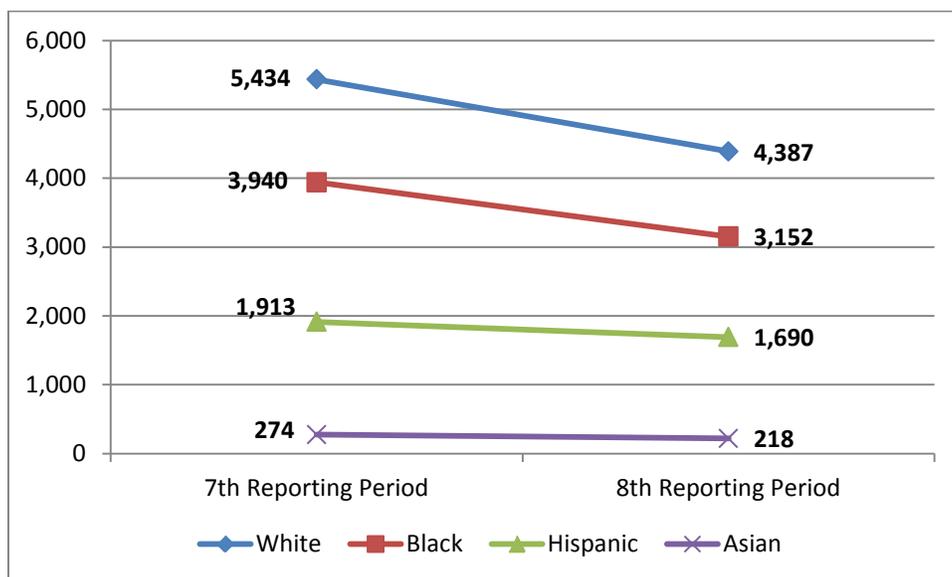
July 1, 2012 – December 31, 2012



While the number of individuals arrested declined by 14% in the current reporting period, the total number of charges filed declined by 18%. As shown in Figure Thirty-Seven, each racial/ethnic group experienced a decline in the total number of charges filed. However, Hispanic individuals experienced the smallest decline, 12%, while charges against White individuals declined 19% and charges against Black and Asian individuals each declined 20%.

**Figure Thirty-Seven: Trend of Racial/Ethnic Distribution of Charges**

January 1, 2012 – December 31, 2012



In some cases, an individual may be arrested and not charged. While this is possibly a data entry error, it is more likely a reflection of policies and procedures following State v. Peña-Flores, 198 N.J. 6 (2009).<sup>7</sup> Following this ruling, State Police policy requires immediate arrest when a trooper has probable cause in the form of the odor of marijuana. In these instances, an individual is placed under arrest immediately when the odor of either raw or burnt marijuana is detected. The trooper may then request for consent to search the vehicle, request a canine, or request a search warrant. If none of these searches provide evidence to confirm the odor and the odor dissipates, the trooper must release the individual. Thus, an arrest was made, but the individual was never charged because the odor of marijuana, or probable cause, dissipated.

In the current reporting period there were 961 arrests where an individual was not ultimately charged with any specific statute. The racial/ethnic distribution of those not charged should, ideally, be identical to the racial/ethnic distribution of those charged. If the distributions differ, further analysis is required to determine what specifically causes these differences.

**Figure Thirty-Eight: Racial/Ethnic Distribution of Arrests with No Charges**

July 1, 2012 – December 31, 2012

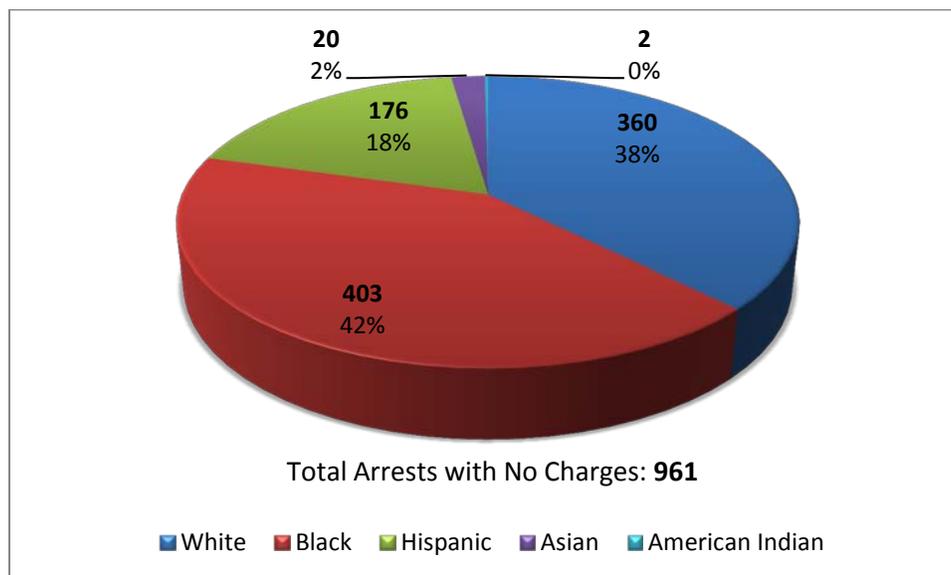


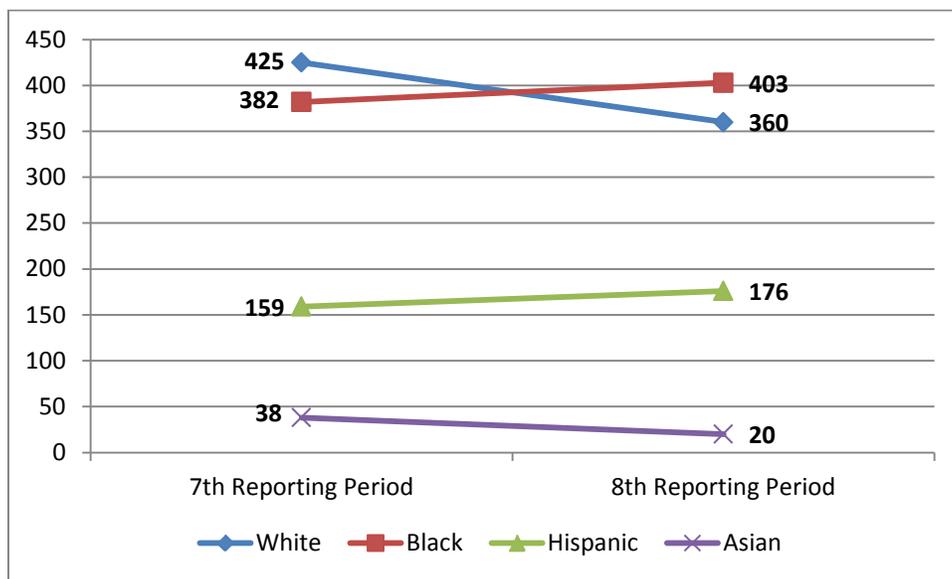
Figure Thirty-Eight depicts the racial/ethnic distribution of those arrested but not charged in the current period. The distribution of those not charged is similar to that of those who were charged, however, some differences do emerge. Specifically, while Black drivers were roughly 1/3 of all charges filed, they are 42% of those individuals for whom no charges were filed. Conversely, White drivers were 47% of charges filed yet only 38% of those with no charges filed. Thus, it would appear that Black individuals are slightly overrepresented among arrests with no charges. This is not unexpected as OLEPS has noted the high number of motor vehicle stops where a consent search was requested based on PC, the odor of marijuana. The presence of that particular form of PC, as

<sup>7</sup> State v. Peña-Flores, 198 N.J. 6 (2009), hereafter referred to as Peña-Flores, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed.

discussed previously, requires an immediate arrest until a trooper can ascertain whether there is contraband on the person or in the vehicle.

While the distribution of those not charged may be similar to that of those charged, the trend of those not charged differs from those charged. As shown in Figure Thirty-Nine, the number of Black and Hispanic individuals not charged increased in the current reporting period. Specifically, the number of Black individuals not charged increased by about 5% while the number of Hispanic individuals increased 11%. Thus, it appears that Black and Hispanic drivers are not only disproportionately represented among those arrested and not charged, but that this disproportionality has increased in the current reporting period. As noted previously, this may be the result of immediate arrest upon the odor of marijuana. OLEPS will continue to examine this trend in future reports.

**Figure Thirty-Nine: Trend of Racial/Ethnic Distribution of Individuals Not Charged**  
 January 1, 2012 – December 31, 2012

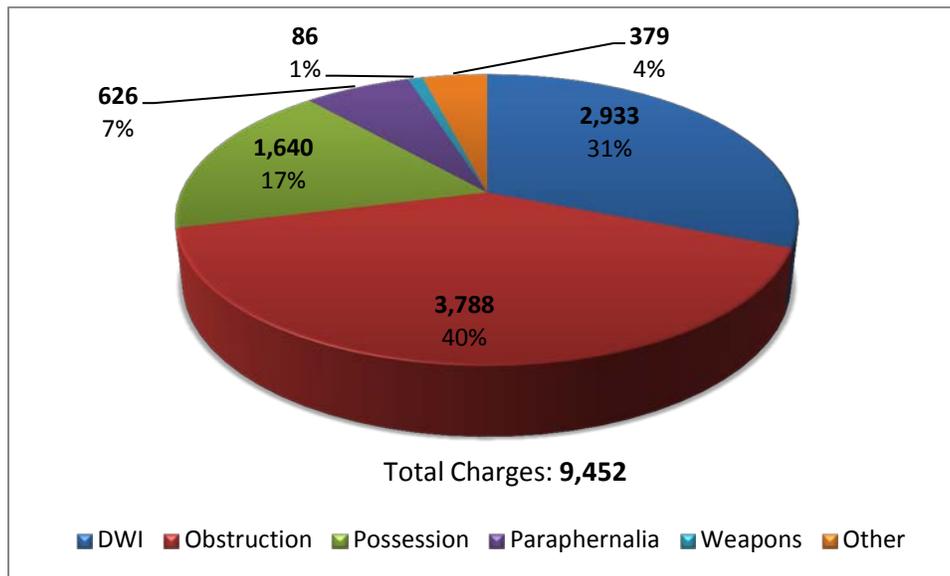


*Types of Charges*

The charges filed following an arrest can be numerous. As noted above, an individual may be charged with multiple charges. While there are a number of charges that can be chosen for any violation, there are also a few charges that are commonly used. Each specific charge was coded to reflect the overall type of charge. Figure Forty depicts the types of charges filed for arrests made during motor vehicle stops in the current reporting period.

**Figure Forty: Types of Charges Filed**

July 1, 2012 – December 31, 2012



For the current reporting period, the most commonly cited charges pertained to obstruction; 40% of all charges filed were categorized as obstruction. This category does include such charges as resisting arrest, hindering apprehension, and contempt. Contempt is the charge listed when an individual is arrested based on a warrant and for the current period and is actually the most frequently cited obstruction charge. Contempt was the specific charge cited in over 89% of all obstruction charges in the current reporting period. From this information, it can be inferred that a large proportion of arrests made during motor vehicle stops in the current reporting period are based on outstanding warrants.

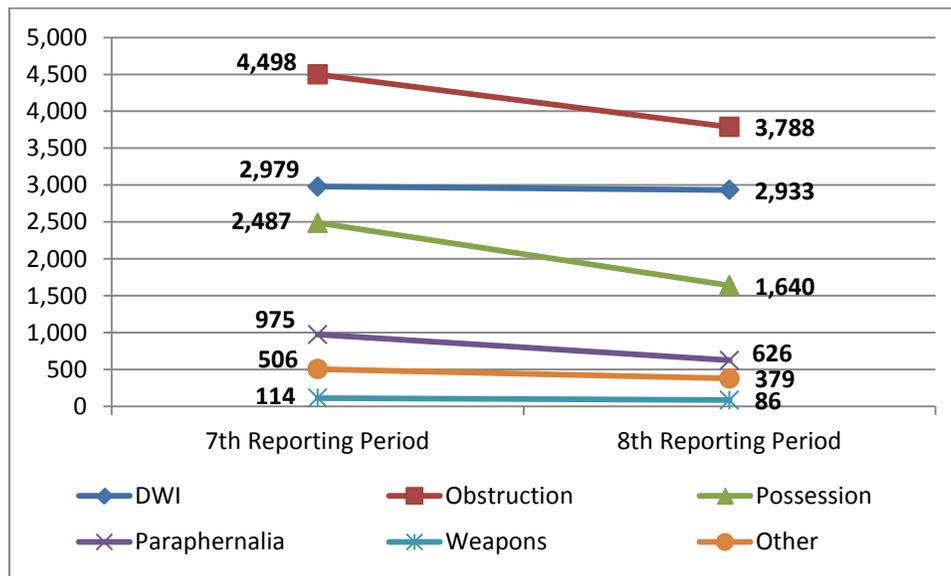
As noted in previous reports, a number of individuals were charged in reference to drugs and alcohol. These charge categories, DWI, Possession, and Paraphernalia, were cited in slightly more than half of all charges filed. Charges for possession of a controlled dangerous substance, or being under the influence of such a substance were 17% of all charges filed while charges for possession of drug paraphernalia were 7% of all charges filed. Marijuana was the most frequently cited drug in possession charges, cited in over 61% of all possession charges. Charges for driving while intoxicated (DWI) were 31% of all charges filed.

Charges for the possession of prohibited weapons and devices were relatively rare in the current reporting period. These charges amounted to about 1% of all charges filed.

Other charges included a variety of both criminal and traffic violations that were cited in the current reporting period. These charges only amounted to 4% of all charges filed. The most commonly cited other charge was theft of some kind.

**Figure Forty-One: Trend of Arrest Charges**

January 1, 2012 – December 31, 2012



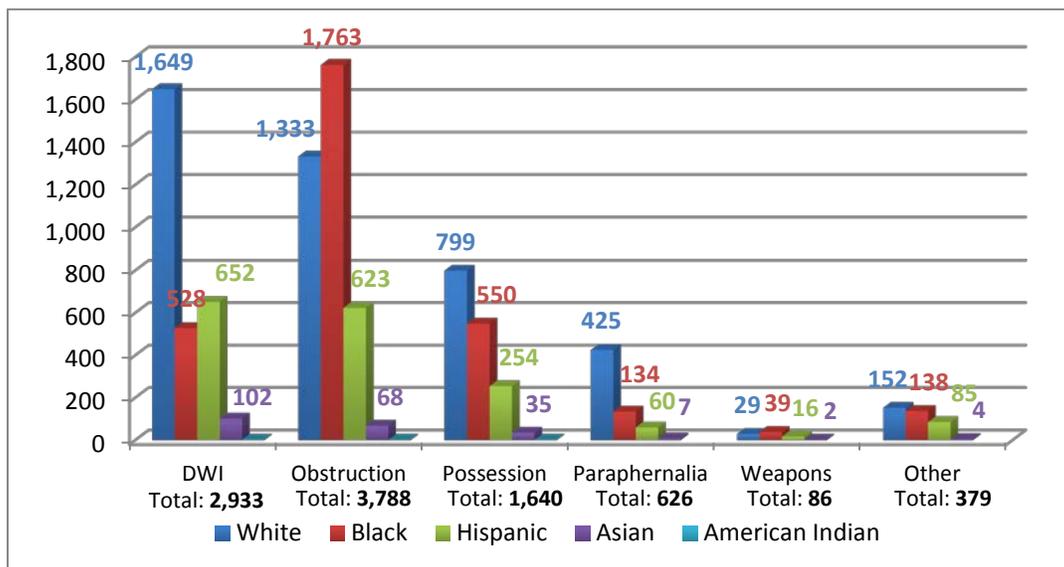
The total number of charges filed in the current reporting period declined 18%, as noted previously. Figure Forty-One illustrates this decline by charge categories. As shown, the magnitude of the decline varied across charge types. For example, the number of charges for DWI declined by only 2%. However, possession charges declined by 34% and paraphernalia charges declined by 36%. The relative constant of DWI charges may be indicative of targeted DWI enforcement patrols that did not change in frequency during the two reporting periods.

Since an individual can be charged with multiple charges, the racial/ethnic distribution of each charge category is explored in Figure Forty-Two. The distribution of all charges in Figure Thirty-Eight indicated that White motorists make up the largest proportion of all charges, followed by Black, Hispanic, Asian, and then American Indian individuals. This same distribution is expected for each category of charges.

This pattern is upheld for those charged with DWI. Among those charged with DWI, White individuals were most likely to be charged with DWI. In 1,649 (56%) DWI charges the individual charged was White, in 528 (18%) instances the individual charged was Black, in 652 (22%) the individual charged was Hispanic, in 102 (3%) the individual charged was Asian, and in two instances the individual charged was American Indian. Thus, there were more White individuals charged with DWI than other racial/ethnic groups. Coincidentally, DWI was the most frequently cited charge for all White individuals and also, Asian and Hispanic individuals.

Obstruction charges, the most frequent category of charges, do not follow the expected pattern. Rather than White individuals making up the largest proportion, Black individuals are those who most frequently received obstruction charges. In the current period, 1,763 (47%) obstruction charges were cited for Black individuals while only 1,333 (35%) cited White individuals. Hispanic individuals made up 16% and Asian motorists made up 2% of all obstruction charges. Not only did Black individuals make up the largest proportion of all obstruction charges, obstruction was also the most frequently cited charge for Black drivers.

**Figure Forty-Two: Racial/Ethnic Distribution for Types of Charges Filed**  
 July 1, 2012 – December 31, 2012



White individuals were the largest proportion of those charged with paraphernalia or possession of controlled dangerous substances. White motorists were charged in 799 (49%) charges of possession, Black motorists were charged in 550 (34%), Hispanic motorists were charged in 254 (15%), and Asian individuals were charged in 35 (2%) possession charges. Paraphernalia charges were similarly distributed. White individuals were cited in 425 (68%) paraphernalia charges while Black motorists were charged in 134 (21%), Hispanic individuals were charged in 60 (10%), and Asian individuals were charged in 7 (1%) paraphernalia charges.

Weapons charges were more common for Black than White individuals. Black individuals were involved in 39 (45%), White individuals were involved in 29 (34%), Hispanic individuals in 16 (19%), and Asian individuals in 2 (2%) of instances where weapons charges were filed. This pattern reverses for other charges. Black individuals were involved in 138 (36%) instances of other charges while White motorists were cited in 152 (40%) instances. Hispanic motorists were involved in 85 (22%) and Asian drivers 4 (1%) of all instances with other charges.

As mentioned briefly, Black individuals appeared to be more likely to be arrested than their likelihood of being involved in a stop overall. However, through examination of the charges filed for all arrests in this period, an explanation is possible. Roughly 40% of all charges pertained to the obstruction of justice, the vast majority of which were identified as contempt. Contempt, as noted, is the charge listed when an individual has an outstanding warrant. Additionally, Black drivers made up the largest proportion of charges for obstruction and contempt. Thus, the disproportionality of arrests and charges is unlikely the result of trooper discretion. In fact, the opposite could be said. The disproportionality results from a lack of trooper discretion as arrest is required when an outstanding warrant is noted.

Though not depicted graphically (but available upon request), the trend of the racial/ethnic distribution of each charge type revealed, for the most part, patterns consistent with the current reporting period. Generally, each racial/ethnic group exhibited a declining number of charges for each

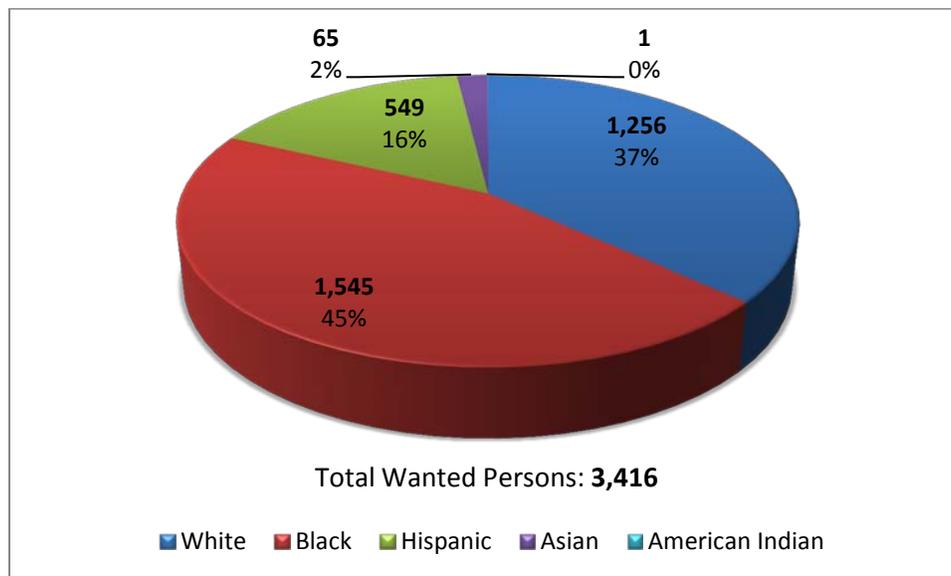
type of charge. In the previous reporting period, Black individuals made up the largest number and proportion of other charges. However, in the current period, the number of other charges by Black individuals declined more dramatically than White individuals so that White drivers made up a larger proportion. Generally, the change in charge types was not as dramatic for Hispanic drivers as it was for White and Black drivers; for some charge types, Hispanic drivers exhibited minimal changes or even slight increases in the number of charges in each category.

## Wanted Persons

When State Police interact with individuals during a motor vehicle stop, they run database checks to determine if the individual has any outstanding warrants. If the individual does, they can be arrested. In the current reporting period, 3,416 of all arrests were of wanted persons, those with outstanding warrants.

**Figure Forty-Three: Racial/Ethnic Distribution of Wanted Persons**

July 1, 2012 – December 31, 2012

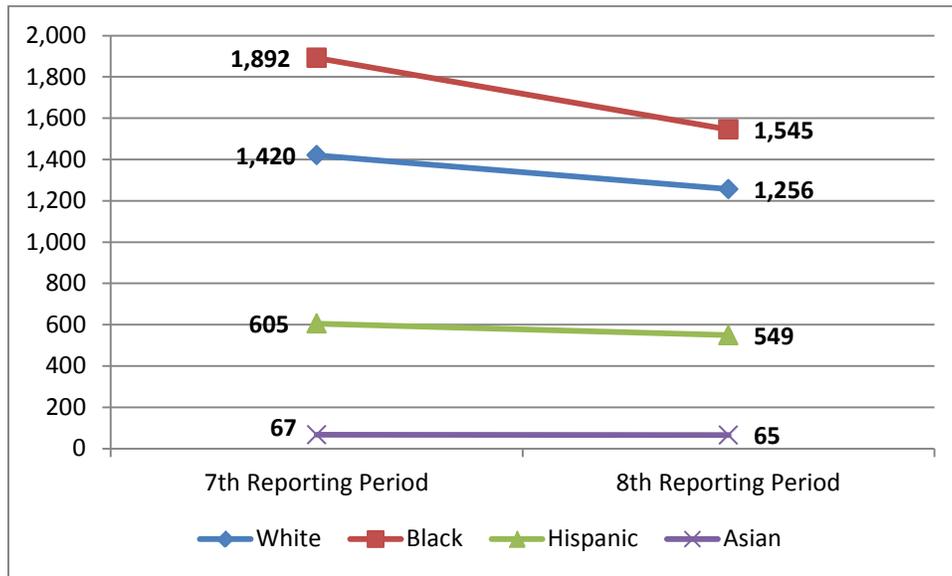


As noted previously, individuals with outstanding warrants make up a large proportion of all arrests and charges filed and are categorized as obstruction. In actuality, 3,416 individuals arrested during the current reporting period were wanted persons. Additionally, Black individuals were noted as the largest proportion of those charged with obstruction. Thus, it would be expected that Black individuals would also be a large proportion of all wanted persons. Indeed, Black individuals made up 45% of all wanted persons while White individuals were only 37%, Hispanic individuals were 16%, and Asian individuals were 2% of those identified as wanted persons. Because contempt, the charge cited for outstanding warrants, is the most frequent charge in the obstruction category, that racial/ethnic distribution is nearly identical to that of wanted persons.

While the total number of wanted persons declined by about 14% in the current reporting period, the degree of decline changed for each racial/ethnic group. The number of Black individuals who were

identified as wanted persons declined by 18% in the current reporting period, while the number of wanted Hispanic individuals declined 9%. The number of White individuals who were wanted declined 12% in the current reporting period. Overall though, Black individuals remain the largest proportion of those identified as wanted persons.

**Figure Forty-Four: Trend of Racial/Ethnic Distribution of Individuals Wanted Persons**  
 January 1, 2012 – December 31, 2012



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## SUMMARY

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This report details the volume of trooper stop related activity for the July 1, 2012 to December 31, 2012 reporting period. These data indicate a decrease in the number of stops reported and that White drivers continue to be involved in the majority of interactions between motorists and the State Police. The percentage of White drivers who were stopped, who were the recipients of law enforcement procedures, who received some sort of disposition, who were arrested, who had charges filed against them, and who had evidence seized is higher than the corresponding percentages of Black drivers, Hispanic drivers, and all other racial/ethnic categories.

While White drivers make up the largest proportion of most categories, Black drivers are involved in a higher proportion of specific enforcement activities than their proportion of motor vehicle stops. Specifically, Black drivers are generally 30% of all categories of post-stop interactions while they are only about 18% of all stops. This disproportionality does not necessarily indicate disparate treatment on the part of troopers. Rather, it suggests that such stops should be further analyzed. OLEPS does analyze individual stops in other reports such as the Oversight Report. For the same time period as this report, all stops with RAS consent requests, canine deployments, and uses of force were reviewed in addition to a large sample of stops with arrests. In these stops, OLEPS did not find any evidence of disparate treatment or inappropriate use of such enforcement activities based on race.

The finding that Black drivers were more likely to have outstanding warrants may explain this finding. Because these drivers do have outstanding warrants, there may be reasonable articulable suspicion to conduct post-stop interactions based on their criminal history. While Black drivers were a higher proportion of law enforcement procedures such as, searches, frisks, etc., than their proportion of all stops, they were also a higher proportion of evidence seizures. Thus, while they may be overrepresented in enforcement procedures, evidence was found in a similar proportion of stops with Black drivers, validating such enforcements. This disproportionality of Black drivers in enforcement activities will continue to be examined closely, both in OLEPS' Aggregate and Oversight reports.

This report is the first to discuss trends in motor vehicle stops and the activities occurring within those stops. Generally, the trends of all activities and elements of stops matched the overall decline in the number of stops. Trends were analyzed by race/ethnicity as well. While there were some instances where the trends differed for each racial/ethnic group, there were no dramatic differences. As trends were only assessed for the current and previous reporting period, generally, some differences may appear exaggerated. It is OLEPS' expectation that continued assessment of trends in State Police activity will normalize. That is, those fluctuations will not appear as large as in the current reporting period. It is OLEPS' general opinion that while a troubling pattern may emerge, the pattern becomes problematic when it continues for two consecutive reporting periods. Thus, any trends noted in the current report will be examined in future reports to determine whether they present a consistent pattern over time.

The State adheres to the principles underlying the Consent Decree and commits substantial resources and effort by members of the Department of Law and Public Safety and the New Jersey State Police. The State remains committed to continuing the progress in producing these data in the spirit of the Act.

**APPENDIX ONE**  
Previously Published Aggregate Reports

<b>Report</b>	<b>Publication Date</b>	<b>Reporting Period</b>
First Semiannual Public Report of Aggregate Data	June 27, 2000	January 1, 2000- April 30, 2000
Second Semiannual Public Report of Aggregate Data	January 10, 2001	May 1, 2000- October 31, 2000
Third Semiannual Public Report of Aggregate Data	July 17, 2001	November 1, 2000- April 30, 2001
Fourth Semiannual Public Report of Aggregate Data	January 28, 2002	May 1, 2001- October 31, 2001
Fifth Semiannual Public Report of Aggregate Data	June 27, 2002	November 1, 2002- April 30, 2002
Sixth Semiannual Public Report of Aggregate Data	December 27, 2002	May 1, 2002- October 31, 2002
Seventh Semiannual Public Report of Aggregate Data	June 27, 2003	November 1, 2002- April 30, 2003
Eighth Semiannual Public Report of Aggregate Data	December 24, 2003	May 1, 2003- October 31, 2003
Ninth Semiannual Public Report of Aggregate Data	June 25, 2004	November 1, 2003- April 30, 2004
Tenth Semiannual Public Report of Aggregate Data	December 28, 2004	May 1, 2004- October 31, 2004
Eleventh Semiannual Public Report of Aggregate Data	June 28, 2005	November 1, 2004- April 30, 2005
Twelfth Semiannual Public Report of Aggregate Data	December 28, 2005	May 1, 2005- October 31, 2005
Thirteenth Semiannual Public Report of Aggregate Data	June 28, 2006	November 1, 2005- April 30, 2006
Fourteenth Semiannual Public Report of Aggregate Data	December 28, 2006	May 1, 2006- October 31, 2006
Fifteenth Semiannual Public Report of Aggregate Data	June 28, 2007	November 1, 2006- April 30, 2007
Sixteenth Semiannual Public Report of Aggregate Data	January 14, 2008	May 1, 2007- October 31, 2007
Seventeenth Semiannual Public Report of Aggregate Data	July 25, 2008	November 1, 2007- April 30, 2008
Eighteenth Semiannual Public Report of Aggregate Data	January 23, 2009	May 1, 2008- October 31, 2008
Nineteenth Semiannual Public Report of Aggregate Data	August 12, 2009	November 1, 2008- April 30, 2009
First Public Report of Aggregate Data <sup>8</sup>	April 2010	May 1, 2009- June 30, 2009
Second Public Report of Aggregate Data	December 2010	July 1, 2009-December 31, 2009
Third Public Report of Aggregate Data	July 2011	January 1, 2010-June 30, 2010
Fourth Public Report of Aggregate Data	August 2011	July 1, 2010-December 31, 2010
Fifth Public Report of Aggregate Data	January 2012	January 1, 2011-June 30, 2011
Sixth Public Report of Aggregate Data	March 2012	July 1, 2011-December 31, 2011
Seventh Public Report of Aggregate Data	December 2013	January 1, 2012-June 30, 2012

<sup>8</sup> All aggregate reports published after the first report in April 2010 were published by OLEPS.