








# Missouri Attorney General

## EXECUTIVE SUMMARY FOR 2009 MISSOURI VEHICLE STOPS

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### I. BACKGROUND

Concerns by the citizens of Missouri and the Missouri legislature regarding allegations of racial profiling by law enforcement prompted the passage of state law [Section 590.650](#), RSMo (2000), which was enacted Aug. 28, 2000. Racial profiling has been defined as the inappropriate use of race by law enforcement when making a decision to stop, search or arrest a motorist.

Missouri's state law requires that all peace officers in the state report specific information including a driver's race for each vehicle stop made in the state. Law enforcement agencies are required to turn in the data to the Attorney General, and the Attorney General is required to compile the data and report to the Governor no later than June 1 of each year. The law allows the Governor to withhold state funds for any agency that does not comply with the law. State law requires that all information be reported to the Attorney General's Office by March 1.

The summary of statewide racial profiling data has been provided by Scott H. Decker, professor and director of the School of Criminology and Criminal

Justice at Arizona State University; Richard Rosenfeld, professor in the Department of Criminology and Criminal Justice at the University of Missouri-St. Louis; and Jeffrey Rojek, assistant professor in the Department of Criminology and Criminal Justice at the University of South Carolina.

**Table 1.** 2009 statewide summary of results

<b>Key Indicators</b>	<b>Total</b>	<b>White</b>	<b>Black</b>	<b>Hispanic</b>	<b>Asian</b>	<b>Am. Indian</b>	<b>Other</b>
<b>Population</b>	4,696,178	3,922,991	503,165	117,483	70,913	23,884	57,742
<b>Stops</b>	1,715,792	1,356,039	297,828	34,766	14,342	1,522	11,295
<b>Searches</b>	115,777	79,655	30,690	4,450	386	120	476
<b>Arrests</b>	84,309	58,073	22,494	3,087	253	88	314
<b>Statewide population %</b>	100%	83.54%	10.71%	2.50%	1.51%	.51%	1.23%
<b>Disparity index</b>	- - -	.95	1.62	.81	.55	.17	.54
<b>Search rate</b>	6.75%	5.87%	10.30%	12.80%	2.69%	7.88%	4.21%
<b>Contraband hit rate</b>	20.75%	22.56%	17.22%	13.42%	14.25%	22.50%	18.28%
<b>Arrest rate</b>	4.91%	4.28%	7.55%	8.88%	1.76%	5.78%	2.78%

**Notes:** Population figures are 2009 census estimates for persons 16 and older who designated a single race. Hispanics may be of any race. Other includes persons of mixed race and unknown race.

**Disparity index** = (proportion of stops / proportion of population). A value of 1 represents no disparity; values greater than 1 indicate over-representation, values less than 1 indicate under-representation.

**Search rate** = (searches / stops) X 100.

**Contraband hit rate** = (searches with contraband found / total searches) X 100.

**Arrest rate** = (arrests / stops) X 100.

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## II. STATEWIDE FINDINGS

**This report** summarizes the data from 642 law enforcement agencies in Missouri for calendar year 2009. An additional 44 agencies indicated they

made no traffic stops during the year. This represents 98.3% of the 698 law enforcement agencies in the state. The agencies filing reports recorded a total of 1,715,792 traffic stops, resulting in 115,777 searches and 84,309 arrests. [Table 1](#) breaks out the stops, searches and arrests by race and ethnic group. [Footnote 1](#)

The population totals in the table are Census estimates for 2009 compiled by Geolytics, Inc. In reports for years prior to 2005, the population totals were from the 2000 Census. The estimated totals are used in this report to reflect population change in Missouri since 2000. "These estimates," according to the U. S. Census Bureau, "are used in federal funding allocations, as denominators for vital rates and per capita time series, as survey controls, and in monitoring recent demographic changes" (emphasis added; see [www.census.gov/popest/estimates.php](http://www.census.gov/popest/estimates.php)). [Footnote 2](#)

**Four summary indicators** are included in Table 1 that may be useful in initiating further assessments of racial profiling in traffic stops. The first, termed the "disparity index," relates each group's proportion of total traffic stops to its proportion of the driving-age population 16 years-old and older. A value of 1 on this index indicates that a group's proportion of traffic stops equals its population proportion: it is neither "under-represented" nor "over-represented" in traffic stops. Values above 1 indicate over-representation, and those below 1 indicate under-representation. For example, the 1,356,039 whites who were stopped accounted for 79.0% of all traffic stops in 2009. Whites comprise an estimated 83.5% of Missouri's driving age population. The value for whites on the disparity index is, therefore, .95 (.79033/.83536). Whites were stopped, in other words, at slightly below the rate expected based on their fraction of the estimated population age 16 and over.

The same is not the case for several of the other groups. African-Americans represent 10.7% of the population sixteen years and older but 17.4% of all traffic stops, for a value on the disparity index of 1.62. African-Americans were stopped at a rate 62% greater than expected based solely on their proportion of the population sixteen and older. Hispanics were stopped at a rate somewhat below their population proportion, and Asians, American Indians, and persons of mixed or unknown race were stopped at a rate well below their proportion of the driving-age population. The values on the disparity index for the different groups can be compared directly to one another. For example, the likelihood that a black motorist was stopped is 1.70 times that of a white motorist (1.62/.95). In other words, blacks were 70% more likely than whites to be stopped based on their respective proportions of the Missouri driving-age population in 2009.

**The disparity index** is a gauge of the likelihood drivers of a given race or ethnic group are stopped based on their proportion of the residential

population age 16 and over, and not of the population of motorists on the state's streets, roads, and highways. A group's share of the residential population age 16 and over may or may not equal its proportion of drivers. Although in most instances the two proportions should be close, that may not always be the case. The extremely low DI value for American Indians, for example, could indicate that they are under-represented among the state's motorists. In addition, motorists from other states are stopped on Missouri's roadways. To the extent that out-of-state drivers do not reflect the race and ethnic composition of Missouri's population, the Disparity Index will not accurately portray the probability that Missouri residents are stopped.

**The second indicator** that can be used to assess racial profiling is the "search rate," or the number of searches divided by the number of stops (x 100). (Searches include searches of drivers or property in the vehicle.) The search rate for all motorists who were stopped is 6.8%. Asians were searched at a rate well below the statewide average, and Blacks, Hispanics, and American Indians were searched at rates above the average for all motorists who were stopped. The search rate for the different groups also can be compared directly with one another. Blacks were 1.76 times more likely to be searched than whites (10.30/5.87). Hispanics were 2.18 times more likely than whites to be searched (12.80/5.87).

The reasons for conducting a search and the outcome of the search (i.e., discovery of contraband) should be considered when making comparisons across groups. Some searches are conducted with the consent of the driver, or because the officer observed suspected contraband in plain view, had reasonable suspicion that an individual may possess a weapon (Terry search), or other reasons. These searches may or may not result in an arrest. Other searches are conducted incident to arrest -- this means that there is no other reason given for the search other than arrest. Searches are almost always performed when there is an outstanding arrest warrant, whether or not contraband may be present.

**The third summary indicator**, the "contraband hit rate," reflects the percentage of searches in which contraband is found. Contraband was found in 20.8% of all searches that were conducted in 2009. However, there is considerable variation in the contraband hit rate across race and ethnic groups. The contraband hit rate for whites was 22.6%, compared with 17.2% for Blacks and 13.4% for Hispanics. This means that on average searches of Blacks and Hispanics are less likely than searches of whites to result in the discovery of contraband. This difference may result in part from the higher arrest rates for blacks and Hispanics, circumstances that compel a search.

The "arrest rate" is the **fourth summary indicator** included in Table 1 that may be useful for assessing racial profiling. Just under 5% of all traffic stops

resulted in an arrest (84,309/1,715,792). The probability of arrest varies across the race and ethnic groups. Approximately 7.6% of the stops of African-Americans and 8.9% of the stops of Hispanics resulted in arrest, compared with 4.3% of the stops of whites. African-Americans and Hispanics are searched more often than whites, but they are arrested more often as well.

There are three Appendices to this year’s full report. Appendix A presents the traffic stop analysis using the statewide proportions of race and ethnicity, rather than those for each jurisdiction. This year’s report compares the 2009 disparity index to the disparity index for 2000 through 2008. These comparisons are presented in Appendix B. For each agency, the disparity index for each race-ethnic group is presented for the years 2000-2008. For the state as a whole, the key indicators show small changes between 2008 and 2009. The disparity index is generally stable across the two years, although Hispanics were nearly 15% less likely to be stopped in 2009 than in 2008 (DI = .81 and .95, respectively). The search rate (the percentage of stops in which a search is conducted) decreased for all groups, as did the arrest rate. The third appendix included with this year’s report, Appendix C, presents the key indicators using the 2000 Census figures for each jurisdiction’s race and ethnic populations.

A reasoned determination of the existence of racial profiling in a community requires a comprehensive evaluation of the full range of information compiled in the agency reports. This brief summary of selected indicators for the state as a whole is intended to stimulate those local evaluations and dialogue.

**Table 2. Agencies that did not submit reports as required by state law**

\*Denotes agencies that submitted reports, but after the deadline (Section 590.650, RSMo)

Bismarck Police Department	Bland Police Department	Canalou Police Department
Chariton County Sheriff's Dept.	Clarksdale Police Department	Cowgill Police Department
Crocker Police Department	East Lynne Police Department	Hayti Heights Police Department
Higbee Police Department	Tallapoosa Police Department	Wright County Sheriff's Dept.

**Table 3. Agencies that submitted incomplete reports**

Eminence Police Department Oran Police Department Winona Police Department

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### III. ANALYSIS BY ATTORNEY GENERAL CHRIS KOSTER

**Table 4. Agencies that reported no stops (many contract out vehicle stops to other agencies)**

Altenburg Police Department	Atlanta Police Department	Bull Creek Village Police Dept.
Bunceton Police Department	Bunker Police Department	Clarkson Valley Police Dept.
Dudley Police Department	Eolia Police Department	Essex Police Department
Fairfax Police Department	Fairview Police Department	Fisk Police Department
Forest City Police Dept.	Gainesville Police Department	Gilman City Police Department
Golden City Police Department	Grant City Police Department	Garvois Mills Police Department
Holland Police Department	Irondale Police Department	Jackson Co. Drug Task Force
Keytesville Police Department	Ladonia Police Department	Lake Annette Police Department
Latour Police Department	Marston Police Department	Mayview Police Department
Meramec College Police Dept.	Mineral Area College DPS	Mokane Police Department
Neelyville Police Department	Novinger Police Department	Pasadena Park Police Dept.
Shelbyville Police Department	Sheldon Police Department	Silex Police Department
St. George Police Department	St. Louis CC at Forest Park	Taos Police Department
Three Rivers Community College	Union Star Police Department	Wardsville Police Department
Westwood Police Department	Windsor Police Department	

### ANALYSIS BY ATTORNEY GENERAL CHRIS KOSTER

[Footnote 4](#)

**10 years ago** Missouri released its first report on vehicle stop data. This report represents the tenth annual analysis of vehicle stop data in Missouri, a review that includes information about more than 1.7 million stops by law enforcement in the state during 2009. This report can be compared to data

going back to 2000 on the Attorney General's Web site at [ago.mo.gov](http://ago.mo.gov).

The analysis in 2009, as well as in 2005, 2006, 2007 and 2008, used census estimates to reflect the changes in Missouri's population since the 2000 census. That census was the benchmark for the previous five reports.

As our state's population changes in number and demographics, these census estimates can help provide a more accurate benchmark to analyze the data. (Appendix C of this report provides key indicators by each agency using the 2000 census information.)

**The overall number** of stops reported increased in 2009. As it has in the past, the disparity index for African-American drivers continues to be of significant concern. The disparity index for African-American drivers increased from 1.59 in 2008 to 1.62 in 2009. The disparity index for Hispanic drivers decreased from .95 in 2008 to .81 in 2009, however, both groups continue to have search rates significantly higher than that of white drivers.

These findings continue a disturbing trend for African-American drivers in Missouri. Specifically, the disparity indexes for African-American drivers have increased each of the last five years, exhibiting disparity indexes of 1.42 in 2005, 1.49 in 2006, 1.58 in 2007, 1.59 in 2008 and 1.62 in 2009. In fact, the disparity rate for African-American drivers has gone down only one time in the history of the report, and then only slightly, to 1.34 in 2004 from 1.36 in 2003. Stated another way, the disparity index for African Americans has increased in nine of the last ten years. The 2009 disparity rate of 1.62 compares to a rate of 1.27 ten years ago.

With 642 law enforcement agencies conducting vehicle stops in Missouri, there is no single explanation why these disparities exist. This report provides statistical information so the data from each agency can be examined, and appropriate questions asked of those agencies.

**In 2004**, state law was changed to require law enforcement to include investigative vehicle stops in their reports, in addition to the stops for traffic violations.

One of the best uses of these reports is as a springboard for dialogue and communication between law enforcement agencies and the communities they serve. It is vital that Missouri law enforcement agencies continue to review the rates of stops and searches and to continue their outreach efforts.

Statistical disproportion does not prove that law enforcement officers are making vehicle stops based on the perceived race or ethnicity of the driver. The compilation and analysis of data, however, does help both law enforcement and the community with a starting point for dialogue to



appreciate each other's perspective and arrive at common ground.

**I am proud** that Missouri took a leading role, under the stewardship of then-Attorney General Nixon, Governor Carnahan and many in the legislature, in passing legislation requiring the collection and examination of vehicle stop data on this scale. We are continuing that tradition in carrying on the detailed and critical examination necessary to ensure fairness to Missouri's law enforcement application. It is my hope that this report may serve as a springboard to open dialogue and legislative review.

We continue to show that commitment through laws that require each law enforcement agency to not only have a written policy regarding racial profiling, but also to provide additional training to officers and to promote the use of effective, non-combative methods for carrying out their duties in a racially and culturally diverse environment.

Missouri's law enforcement members continue to do commendable work in the face of many challenges. I appreciate their efforts and willingness to compile the information for these annual reports.

The number of agencies that did not comply with the vehicle stops reporting law in 2009 continued to be relatively low at 13. This represents an increase from 2008 when 11 departments failed to report. Failure to report is unacceptable and should be considered so by the General Assembly. A list of these agencies has been turned over to the Governor for imposition of the statutory sanctions.

Along with the data, several individual law enforcement agencies provided other information about factors that may impact their numbers. The reader should consider these factors when examining the data.

**Law-abiding drivers** have the right to travel throughout Missouri without the fear that they will be stopped based solely on their race or ethnicity. I am confident that Missourians of all races and ethnic groups and law enforcement officers from throughout the state agree with me.

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## FOOTNOTES

**Footnote 1:** Hispanics may be of any race. About 1 percent of the population designated two or more races. These persons are included in the "other" category along with persons of unknown race.

**Footnote 2:** For detailed descriptions of the methodology used in forming the



population estimates, see [www.census.gov/popest/estimates.php](http://www.census.gov/popest/estimates.php) and [www.geolytics.com/USCensus.Estimates-Projections.Data.Methodology.Products.asp](http://www.geolytics.com/USCensus.Estimates-Projections.Data.Methodology.Products.asp).

**Footnote 3:** Caution should be used when comparing 2000 to subsequent years, especially for smaller agencies, because the 2000 figures are based on only four months of traffic data, while those for subsequent years are based on the full calendar year.

**Footnote 4:** The executive summary relies upon and updates materials prepared for the 2007 Annual Report published under the administration of Attorney General Jay Nixon.

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