Council on Crime and Justice

RESEARCH DEMONSTRATION ADVOCACY

Traffic Stop Audit Project

An Institutional Ethnography of Traffic Stop Policy and Practice in the Minneapolis Police Department

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Prepared by the Council on Crime and Justice

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Executive Summary

Previous studies found that Minneapolis police officers stop Black and Latino drivers at rates significantly higher than would be expected based on their proportion of the City's driving age population. For Black drivers, this disparity exists in all but one of the census tracts within the City. It has also been determined that a significant percentage of the traffic stops involving Black drivers occur within relatively few neighborhoods and that these same neighborhoods account for a substantial percentage of the 911 calls within the City.

The Traffic Stop Audit came in response to these previous studies, with the Minneapolis Police Department (MPD) inviting the Council on Crime and Justice to further investigate the reasons underlying the observed racial disparity in traffic stops. The Audit used an institutional ethnography or audit methodology to examine the MPD as an institution, and how it functions relative to traffic stops. The purpose of the Audit was to determine whether any departmental policies or practices, including institutional beliefs and culture, contribute to the racial disparity in the City's traffic stops documented by the previous studies.

Based on field observations, document reviews and interviews conducted during the course of the Audit, five key findings were identified:

1. There is a widespread belief within the MPD that traffic stops are an effective, pro-active approach to reducing crime of all types.

2. The MPD is subject to significant external pressure to reduce crime, with this pressure occurring primarily at the administrative level and frequently working its way to patrol officers through various written and unwritten directives to conduct traffic stops in response to the public pressure.

3. While the MPD rules distinguish between traffic law enforcement stops and investigative stops, the distinction is often blurred in practice, with traffic law enforcement stops often being made, in reality, for investigative purposes.

4. CODEFOR is the primary strategy used by the MPD to identify and respond to crime, with traffic law enforcement stops being used as the primary crime reduction tactic for a wide range of "hot spots", particularly in neighborhoods with a high volume of 911 calls.

5. Generally speaking, there is a need for effective hands-on training within the MPD around the interrelationship between racial issues and effective policing.

Based on these findings, it is recommended that a pilot project be undertaken to test a community-driven, multi-pronged response to geographically-focused criminal activity ("hot-spots"), replacing the extensive reliance on intensive patrol and traffic stops to address "quality of life" issues within neighborhoods.

Introduction

Previous Studies

The Minneapolis Traffic Stop Audit (Audit or Study) builds upon a 2003 study by the Council on Crime and Justice (Council) in partnership with the Institute on Race and Poverty at the University of Minnesota. The 2003 study examined all traffic stops and searches within 65 Minnesota law enforcement jurisdictions during 2002. The Minneapolis Police Department (MPD or Department) participated in this study. Racial disparities in traffic stops and searches were present in nearly all of the participating jurisdictions, including Minneapolis. For the MPD, results showed that Black and Latino drivers were stopped at significantly higher rates than White drivers. The study found that Blacks account for 15.8% of the driving age population within the City of Minneapolis and

39.7 % of the stopped drivers; Latinos account for 6.6% of the driving age population and 10.8% of those stopped; while Whites account for 67.8% of the driving age population and 44.7% of the stopped drivers. The pattern of higher than expected stop rates for Black drivers existed in all but one of the city's census tracts. White drivers, on the other hand, were stopped at a lower than expected rate in all but nine Minneapolis tracts (Council on Crime and Justice, 2003).

Of those drivers stopped, the 2003 study showed that Black and Latino drivers were more likely to be subjected to discretionary searches. For those Latinos stopped, 28.5% were searched; for Blacks, 26.7% were searched; and for Whites, 9.4% were searched. Only 6% of all searches were made because officers observed contraband. Of those drivers searched, contraband was found in 4.7% of the searches involving Latino drivers, 11.0% of the searches involving Black drivers and 13.3% of the searches involving White drivers. Taken together, these findings mean that a traffic stop led to the discovery of contraband in only a small fraction of the 21,250 traffic stops of Black drivers.

In a more limited 2001 study of traffic stops in Minneapolis, the Council analyzed the geographic location of traffic stops in relation to Computer Assisted Dispatch (CAD) calls for each neighborhood within the City. The CAD data is a measure of police activity, primarily in response to 911 calls. This analysis revealed that five

neighborhoods (Phillips, Whittier, Jordan, Hawthorne, and Downtown West) accounted for 39.5% of the stops of Black drivers within the City. While these neighborhoods accounted for only 14.9% of the City population (25.7% of the Black population), they accounted for 31.6% of the city-wide CAD events. As a proportion of total police activity, the study determined that the level of traffic stops by patrol officers within these five neighborhoods fell in the mid-range when compared to all City neighborhoods. This seemed to suggest, the 2001 study concluded, "that the observed concentration of traffic stops of African Americans may be due to higher levels of policing, but not to police conducting traffic stops out of proportion to their other activities."

The Traffic Stop Audit came in response to these prior 2001 and 2003 studies. The Minneapolis Police Department invited the Council to further investigate the reasons underlying the racial disparity in the Department's traffic stops. In particular, the Department asked the Council to determine whether any departmental policies or practices, including any aspect of the departmental culture, contributed to the racial disparity in traffic stops.

National Perspective

Nationally, most police departments do not collect data on the race of the drivers stopped within their jurisdiction. As a result, limited statistical information exists on the relationship between race and police practices concerning traffic stops and searches. This not withstanding, there have been a number of studies throughout the country that have examined the racial composition of drivers subjected to traffic stops and searches. Almost all of the studies yield the same results; drivers of color are disproportionately stopped and searched.

For example, in a 2004 report of Missouri vehicle stops, African Americans and Latinos were stopped at rates higher than their representation in the population while Whites were stopped at lower rates (Missouri Attorney Generals Office, 2004). These findings were also consistent in a 2000 report of the St. Paul Police Department (Institute on Race and Poverty, 2001). In Los Angeles, "22 percent of African Americans who were stopped were asked to step out of their cars, as compared to only seven (percent) of Whites stopped" (Civilrights.org, 2003, p.2). Similarly a statistical report by the Rhode

Island Department of the Attorney General found, "African American and Latino drivers are disproportionately more likely to experience searches than White, Asian, or Native American drivers" (Farrel, McDevitt, & Ramirez, 2000; Council, 2003). Many of the studies provide personal stories on people of color who have been stopped by the police and then subjected to a search. Many of these people feel they had been targeted because of their race and not because of a traffic violation (Angulo & Weich 2003; Sutton, 2000; Harris 1999, 1998, & 1997).

Several studies have examined the use of traffic stops for minor driving violations as a method of stopping drivers, particularly drivers of color, for investigative purposes. It has been suggested that although traffic codes and laws vary from state to state, if law enforcement wants to search a particular vehicle, they need only to follow a driver for a few blocks and the driver is almost sure to commit some sort of traffic offense (Ramirez, McDevitt, & Ferrell, 2000). In 1999, David Harris, Professor of Law at the University of Toronto, wrote a frequently-referenced article entitled, *Driving While Black: Racial Profiling on Our Nation's Highways.* For his in-depth article examining racial profiling in the United States, Harris interviewed a significant number of people who had been stopped for minor traffic offenses and then had their car searched by the police. Harris documents the extent to which pretextual stops occur far more often for African Americans and Latinos, than for Whites.

Pretextual stops are legal in the United States. In Whren v. United States, 517 U.S. 806 (1966), the Supreme Court held that the constitutional reasonableness of a traffic stop does not depend on an officer's motivation and that observation of a traffic violation constitutes probable cause for a stop. Evidence of criminal activity that then flows from the traffic stop (e.g. via a search) is admissible in a criminal prosecution. Since this Supreme Court decision, it has been noted that the Court failed to understand that its decision would not be enforced uniformly: "law enforcement agents use selective enforcement of traffic laws as a pretext for stopping and searching African American motorists, who, according to the law enforcement rationale, are particularly likely to be engaged in illegal drug activity" (Angulo & Weich 2003, p. 1).

Recognizing that every pretextual traffic stop involves the police pulling over a citizen, not to enforce the traffic code, but to conduct a criminal investigation unrelated to driving, the Washington Supreme Court held that, under the Washington State Constitution, "a traffic infraction may not be used as a pretext to stop to investigate for a different reason to search even further." (State v. Ladson, 138 Wash. 2d, 343, 979 P.2d 833 (1999)). In doing so, the Washington Supreme Court stated that "the problem with a pretextual traffic stop is that it is a search or seizure which cannot be constitutionally justified for its true reason (i.e. speculative criminal investigation), but only for some other reason (i.e. enforce traffic code) which is at once lawfully sufficient, but not the real reason."

Audit Methodology

The Traffic Stops Audit examined racial disparities within the Minneapolis Police Department by using the institutional ethnography or audit method. The premise behind the audit methodology is that workers are institutionally organized to perform their jobs in a certain way. In other words, police are guided in how they perform their jobs by the forms, practices, policies, philosophy and culture of the institution in which they work. The audit is not a performance review of employees. Rather, it examines the institution or system and how it functions. Audits typically involve mapping the system, interviewing and observing workers and analyzing paperwork and other text generated throughout the handling of cases by the department or system subjected to the audit. This method of analyzing institutional practices is rooted in the emerging sociological field of institutional ethnography (Pence & Lizdas, 1998).

Audit Team

To directly assist the Council in carrying out the Project, the aforementioned Audit Team was created. The Team consisted of one member from a law enforcement agency; two members from community-based organizations; and one member from the Council's research staff. For one year, the Audit Team was involved in intense fieldwork that consisted of observations, interviews, and text review of policies and procedures.

Before beginning the Project, the Audit Team participated in a two and a half day training conducted by Ellen Pence, the developer of the Audit Methodology. Three MPD police officers also attended the training. The training consisted of an introduction to institutional ethnography, instruction on reading police reports, and practicing interview techniques with the police officers from the MPD. The officers also gave the Audit Team suggestions on interviewing techniques for other officers. During the training, the Audit Team participated in developing various protocols for the Project.

Throughout the Audit, the Audit Team received continuing education and training. This included training on what types of procedures to observe when conducting an observation and how to conduct different types of interviews, such as, big picture

interviews, text interviews and key person interviews (see Appendix C for further information).

In addition to their training, the Audit Team met once a month at the beginning of the Project and bi-weekly as the Project progressed. The purpose of these meetings changed over the course of the Project; evolving from a discussion of observations in the initial phase to data analysis in the final phase.

Oversight Committee

An Oversight Committee was formed to advise the Council throughout the Project. Members of the Oversight Committee included representatives from the Minneapolis Police Department, Minneapolis City Attorney's Office, Minnesota State Highway Patrol, Hennepin County Public Defender's Office, and various community organizations. Throughout the Project, the Oversight Committee met to provide advice and serve as a sounding board for Council research staff and the Audit Team described subsequently.

Initially, the Oversight Committee played a large role in assisting Council staff to develop the Project, as well as assisting in the formation of an Audit Team. For example, the Oversight Committee was responsible for determining important procedures and areas for the Audit Team to observe. The Committee was also involved in recruiting participants to be on the Audit Team.

During the observation phase of the Project, the Oversight Committee provided feedback to the Audit Team on their observations. For instance, after a series of ride-a-longs, the Audit Team would report back to the Oversight Committee with respect to their observations and would ask questions concerning things that were unclear. The Oversight Committee would then assist the Audit Team in interpreting their observations. For instance, on one occasion, the Audit Team had numerous questions about the computers and cameras in the squad cars. The Oversight Committee members familiar with this technology helped the Audit Team better understand how this technology affected an officer's work. As the Project progressed, the Oversight Committee then provided feedback on the data and analysis. Finally, the Oversight Committee made

suggestions with respect to the recommendations in this report (see Recommendation section).

Data Collection

The first phase of the Audit Project was observations. Audit Team members made numerous types of observations, including: new officer field trainings, 911 dispatch operations, traffic enforcement, neighborhood patrols ("ride-a-longs"), and various community and administrative meetings. After each observation, Audit Team members prepared field notes. A total of forty-one observations were conducted. The time spent on observations varied widely, depending on what was being observed. For example, the observation of an administrative meeting may have lasted two hours, whereas, some Audit Team members conducted a ride-a-long with an officer for a full ten hour shift. A more detailed description of each observation phase is below.

Ride-a-longs

The Audit Team conducted two rounds of ride-a-longs for a total of eighteen. All five MPD precincts participated. Officers were selected by the Deputy Chief of Patrol. Officers included those that were from the traffic enforcement unit, those that were assigned to specialized patrol, and those that only responded to 911 calls. The ride-a-longs, unlike other observations, were conducted by individual members of the Audit Team, not in pairs. Each Audit Team member rode with the same officer on a minimum of three occasions. This allowed the Team member to observe how the officer's work varied from shift to shift. Before each ride-a-long, the Audit Team member also attended roll call with the officer.

Administrative Meetings

Audit team members attended administrative meetings, such as CODEFOR and precinct community advisory committee meetings. From this, the Audit Team observed what was discussed, what decisions were made, and how these meetings influenced individual officers' work.

Trainings

Two types of trainings were observed: field training for new officers and a pilot diversity training. Each of the Audit Team members attended a minimum of three field trainings. This included observing officer training on how to conduct proper misdemeanor and felony stops.

The diversity training was observed by three of the Audit Team members. The point of attending this training was to examine how officers were trained to interact with people from diverse backgrounds. The training was not specific to traffic stops. Members from various community organizations also attended the diversity training session for observation purposes.

Interviews

After the observation stage was completed, Audit Team members conducted interviews with members of the MPD, as well as, selected public officials. In structuring the interviews, the information gained from the observation phase was used to guide who to interview, as well as, what types of information to seek from the interview. Overall, thirty-two interviews were conducted with ten precinct officers, eight patrol officers from the City-Wide Traffic Enforcement unit, five lieutenants, four inspectors, three deputy chiefs, one administrative assistant, and the Chief of Police. For the purposes of this Project, the term "administration" or "administrator" is used to refer to all sworn personnel within the Department other than precinct and traffic control officers.

Once the Project had developed an abundance of data, Council research staff analyzed and synthesized the data. Each research staff member read all the field notes, interviews, textual documents, and preliminarily identified basic themes for further discussion. If a proposed theme only surfaced in a couple of interviews, it was not further pursued as a theme. Once a theme was agreed upon and there was demonstrated evidence that it existed in multiple interviews, it was retained and all the interviews were reviewed to locate the array of supportive data on the theme.

Audit Findings

The observations, text reviews, and interviews that comprised the Audit, resulted in a substantial volume of materials, transcripts, and field notes. After analysis and consultation by the Audit Team, including discussion within the Oversight Committee, the following five key findings were identified.

FINDING ONE

There is a widespread belief within the MPD that traffic stops are an effective, pro-active approach to reducing crime of all types. Administrative staff and patrol officers believe that traffic stops are effective in not only responding to criminal activity but also in preventing it. An administrator explained how this belief works,

> "When I was a patrol officer (in this precinct) that was some of the things that we did to…if you don't do traffic stops, it's not going to lead to other things. I mean you're going to have traffic stops and you're going to find people with burglary tools in their car, stolen equipment in their car, with felony warrants, with misdemeanor warrants, with no insurance, no driver's license. I mean the traffic stop, I believe, is really the start to bigger things…That stops some of the even bigger things."

According to those within the Department, criminals act in a more suspicious manner when there is a police officer present. When a driver is acting suspicious, officers follow the car until they find reason to stop it. Watching for and stopping suspicious looking drivers is considered pro-active police work within the Department since there is a belief that in stopping suspicious drivers, the likelihood of discovering some type of criminal activity is high. An administrator explains how this instinct is used while working as a patrol officer:

> "I'll tell you, I used to stop cars, if I…if I drove past a car right, this is cop instinct coming in but…if I drove by a car and somebody did this [inspector makes a gesture] if they look at me right…or if they did [makes a gesture again] if they look away from me, I knew the person didn't have a drivers' license right? Eight out of ten times, I was right. Now the other two probably had a legitimate complaint…but eight out of ten times I'm right. People who are doing something criminal…they get nervous when they see the police, and they have the reaction. Um, they have a body reaction that after a certain amount of experience, you can zone in on. And then, you know, your cop instinct kicks in and you react to that. Now that's kind of a good thing from a law enforcement perspective…"

Traffic stops are a tactic used by all precinct commanders. The belief among both administration and officers is that contraband is found frequently enough that using traffic stops is an effective crime preventive strategy.

> "More than 50 percent of the narcotics that we seize come from traffic stops, more than 50 percent of the guns that we seize, come from traffic stops. Um, that's decreased. We're…we're getting more of those items through, ah, search warrants and other contact through the street. But it's a very good way to get guns and dope off the street."

This belief, that making traffic stops is an effective tactic to reducing and preventing crime, originates from various viewpoints within the Department; including knowledge of research, Department culture, perceived cost-effectiveness, experiences in other police departments and training Among the MPD administrators who cited research as a reason why they believe that traffic stops are an effective pro-active strategy, one high administrator states,

> "Wherever there is a crime pattern, regardless of what it is, um, we encourage a lot of traffic stops- for visibility. Studies have shown that, you know, consistently aggressive traffic enforcement reduces crime; leads to recovery of weapons, that sort of thing."

The belief in traffic stops as an effective crime prevention tactic also comes from the Department's culture. As previously noted, administrators and officers are alike in their belief that traffic stops are an effective way to manage criminal activity. Furthermore, they also believe it is a good way to interact with the community and make contact with people. One officer states,

> "One of the best ways to make contact with people is through traffic stops. Ah, each year there is at least 50,000 traffic stops done by the Minneapolis Police Department. And of course, some of those are, you know, high speed chases and a lot of them are just going through the stop sign. But, it's a really good way of making contact because, um, for the most part officers are not walking the street, you know shaking door handles; they're not going in and out of businesses."

The MPD personnel interviewed often reported that traffic stops are a relatively cheap and easy way (in terms of officer resources) to prevent and respond to criminal activity. One officer illustrates this viewpoint,

> "Um, if people are feeling really bold and they're carrying guns and they're out

looking for trouble and we're stopping their cars, uh, there's a better chance that we're gonna get somebody with a warrant or revoked and be able to search a car and get a gun off the street or find a stolen car, or you know, whatever. I mean stopping more cars increases the likelihood that you're gonna, um, put somebody out of business before they get to do what they were planning to do tonight. Even if they only spend a couple hours in jail that might be the couple hours when they were going to do that, and you get their car down to the impound lot. It's off the street tonight and if you get a gun out of it, you've really put 'em out of commission for awhile. Um, so that there is a value to that. Now, honestly I don't know that I would put the whole traffic unit only on the North Side for the whole weekend. Um, I think that's a little extreme, but I've seen the effect of doing saturation patrol as part of a short term solution to problems."

Other officers bring this viewpoint with them from other police departments. One administrative person described how traffic stops were used in a department in another state,

"When I started working in [a city outside of Minneapolis], my first police job was in [city]. That was considered a very, very important part of managing crime is traffic stops and excessive, not excessive, but a lot of traffic stops. Um, at the time that I started, you know I'll be really honest; people really didn't care why you stopped a person. If you saw somebody you thought they were a problem, you stopped them, that's how we did business then. Traffic stops are still considered a really, really big part of managing activities and precincts. Especially now, everyone comes in and out and comes and goes in cars, buses too, but cars. Um, so yeah, traffic stops are a strategy so when you've had a lot of (criminal) activity in the area, we often tell officers to use traffic stops, use your traffic stops."

The belief in the value of traffic stops develops in police training. New officers are taught to look for suspicious behaviors in drivers. They are trained to stop cars based on a legal reason but once a car is stopped, officers are trained to look for other behavior that might indicate criminal involvement. This training instills the belief among officers that traffic stops are an effective way to combat crime at a very early point in their career. An administrative level person who is active in the training process states,

"I mean if we're specifically talking about traffic training, if we're talking about traffic enforcement, there's actually almost two areas off the top of my head-traffic enforcement and then there's also 'traffic awareness', I guess for lack of a better term. Because, ah, you know they might be looking for somebody in a vehicle, like a robbery suspect or a theft suspect, so their awareness of what they see as far the type of vehicle, or description of a suspect or something…"

Discussion

There is widespread belief, within the MPD, that traffic stops are an effective, proactive crime reduction strategy. This belief comes from a variety of sources but is often justified by citing research. There is some evidence to suggest that the extensive use of traffic law enforcement stops may be effective if used in "crackdown" contexts for short periods of time and, then, in only some limited situations. The effectiveness of traffic stops when used extensively over long periods of time, for general crime-reduction purposes, as by the MPD, has yet to be demonstrated. In this regard, it should be noted that the Council's 2002 Racial Profiling Study data shows that only a small percentage of traffic stops lead to the discovery of contraband. The strong institutional belief in the value of traffic stops as an effective crime fighting tool has two potential implications for the racial disparity in traffic stops: 1) it encourages traffic stops throughout the city, but particularly where drivers may appear most suspicious (because of their role or location) and 2) it may further disrupt police-community relationships resulting in less crime intelligence-sharing and, accordingly a perceived need by the police to further rely on traffic stops as a crime prevention tactic.

FINDING TWO

The MPD is subject to significant external pressure to reduce crime, with this pressure occurring primarily at the administrative level and frequently working its way to patrol officers through various written and unwritten directives to conduct traffic stops. For instance, business owners, City Council Members and community residents call on the MPD to reduce crime within their neighborhoods. Pressure primarily comes to reduce two types of crimes: traffic violations and low level offenses. It is not uncommon for the Department to receive calls from concerned citizens or City Council Members about cars running stop lights or speeding in residential areas. One administrator states,

> "I get a lot of phone calls, good, bad, and otherwise and email so they play, I think, a very critical role. Not just when they complain about what are we going to do about all the drug dealers in my neighborhood or what are you going to do about people blowing stop signs in my neighborhood….that helps me, believe it or not….that does help me 'cuz it gives me heads up."

This pressure eventually is placed on officers as evidenced by changes in their patrolling behavior. During some ride-a-longs, Audit Team members rode with patrol officers who spent part of their shift deployed at certain intersections watching for drivers to run stop signs or stop lights. Other Audit Team members witnessed officers conducting speed traps with laser guns. When asked why they did this, officers most often stated that their precincts had received complaints about traffic law violations from concerned citizens in the neighborhood. During an interview an administrator stated,

> "Last week we had some community members who were complaining because there was some speeding on Park Avenue around 26th street. They were going north on Park Avenue, and then west on 26th street and north up 5th Avenue to get onto 35W. And they were doing this starting at 3:30 in the afternoon on their way home. So what I did, when they called me…what I did is I put our traffic officers from our precinct over there and then I also sent an email to the lieutenant of our traffic unit and asked him to deploy some of his people over there and then just our general police officers did some extra patrol."

Concerned citizens also inform the Department when there is a high volume of low level offenses occurring in a particular area. For example, citizens often make the police aware of loitering problems at area businesses or possible prostitution problems. When asked the role the community has in their work, one administrator stated.

> "At various community meetings that we have, letting us know on a daily basis what's happening…we've been focusing a lot of our efforts on Bloomington Avenue because it's been a problem for years with drug dealings. And things have actually improved on Bloomington Avenue. But a resident called me the other day and…now they're all hanging out on 15th Avenue…and that's not surprising because when you send a lot of cops [to patrol] one area, some of the problem just moves to other areas."

When a resident or City Council Member calls a precinct to report a crime or traffic problem, a "blue sheet" is generally written up. The blue sheet contains the reported information and is given to patrol officers who are directed to spend part of their discretionary time addressing the concern. In many instances the response is to increase police presence and make traffic stops. In some instances, increasing traffic stops is clearly appropriate as residents are concerned about traffic safety in their neighborhoods. According to the precincts, some residents specifically want the police department to enforce more traffic laws and stop more cars. An administrative level person stated.

"I get a call from a city council person who says constituents are complaining about the stop sign at 53rd and Emerson. Uh, they say every morning during rush (hour) people run that stop sign…okay we write up a blue sheet. Assign it to an officer and he's told, three days this for two hours a day we want you on that stop sign and on your log you've got record the time you were there and what you did…and it comes back at the end of the week. If there was a total of six hours and he wrote 35 tickets, well, that is a problem. If he was there six hours and he wrote zero tickets or one….you know, maybe one neighborhood saw a guy run a stop sign and thought it was the end of the world."

Traffic stops are also a tactic commonly used when residents complain to the Department about low level crimes. If a blue sheet is written-up about a particular low level offense, often both the precinct traffic officers and the Citywide Traffic Unit officers are directed to have a police presence in the area and increase traffic stops.

[Referring to responding to crime] "What's nice about the traffic unit is they have a traffic day watch and they have a traffic night watch. So, if…like I used the example of 26th and Park. If we need some extra help in an area for eyes and ears, we can do a little traffic enforcement in that area, bring in an extra squad car or two and it helps."

According to many of the people the Audit Team interviewed in the Department, resources are currently stretched thin in all precincts. Many in the Department reported that due to budget cut-backs, the MPD has limited resources to respond to low level offenses and traffic violations. Interviewees reported that in recent years every unit within the Department has experienced some type of cut; ranging from staff cuts to across-the-board budget cuts.

Due to external pressure to respond to low level offenses and traffic violations, MPD administrative staff often gives directives through emails, blue sheets, and meetings to conduct traffic stops with the purposes of showing an increased police presence in neighborhoods where businesses and residents have expressed concern. According to the MPD, increasing traffic stops is a way for neighborhood residents to visibly see the police taking action and, in turn, residents will feel that their concerns are being addressed. Additionally, many administrative level personnel stated that traffic stops are a relatively inexpensive way to prevent and respond to crime. The community relies on the police department to help make their neighborhoods a safer place to live. Throughout observations and interviews, MPD personnel and some City Council Members discussed

the tension that the police and community are experiencing. The community relies on the police department to help make their neighborhoods a safer place; the MPD is becoming less empowered as an agency; due to many budget cuts, MPD personnel and City Council Members discussed increased tension between the police and communities.

The Citywide Traffic Unit is comprised of officers who are dedicated to traffic enforcement and accident investigations. The Traffic Unit often responds to traffic concerns that City Council Members and the community want addressed. However, near the end of this study, the Traffic Unit went through a transformation. Police administration and some officers, not in the Citywide Traffic Unit, wanted to see Traffic Unit officers make more traffic stops in neighborhoods where there is significant levels of crime. The result was the creation of the STOP Program (discussed in later pages) with the Citywide Traffic Unit, according to the administration, becoming more geographically focused. The Traffic Unit no longer makes traffic stops just for the purpose of issuing tickets, but as a way to manage the external pressures to reduce low level crimes. One administrator spoke of the reformation of the traffic unit,

> "The Traffic Unit is still doing traffic enforcement, it is just that we say do you know where…it's a big deal, an open air market drug dealing area, that was one of the first areas that we concentrated that we focused on…the way I look at traffic now is, the enforcement that we are doing is just simply more focused. More coordinated as opposed to a sort of few areas of the city."

Discussion

The MPD wants to be responsive to community concerns. Additionally, they want to demonstrate to the community that they are responding to their concerns. This is highly commendable. The use of traffic stops is viewed within the Department as a way to both be responsive and to demonstrate the Department's responsiveness in a highly visible way. While the use of traffic law enforcement stops (TLE's) are a legitimate response for traffic enforcement issues (speeding, running stop signs, etc.), the use of traffic stops to combat low level crimes may have a negative impact on relations between the police and residents of the community.

With the re-formalization of the Citywide Traffic Unit, there will be fewer resources devoted to citizens' concerns regarding traffic violations. Instead more traffic stops will

be made for the purposes of crime reduction. This practice may further increase the racial disparity in traffic stops and the tension with the communities the police are attempting to help. Perhaps different strategies should be employed that use the community as a resource working with the MPD to combat low level crimes (see the Recommendation Section).

FINDING THREE

While the MPD Rules distinguish between traffic law enforcement stops and investigative stops, the distinction is often blurred in practice, with traffic law enforcement stops often being made, in reality, for investigative purposes. Both sets of rules are contained in the Minneapolis Police Department Policy and Procedure Manual. The more comprehensive set of rules govern police stops for driving violations, commonly referred to TLE's. As set out in the Preamble to the Traffic Law Enforcement section, the purpose of TLE's is to enhance traffic safety and flow:

> "It is the policy of this department to <u>promote the safe and expeditious flow of vehicular and pedestrian traffic </u>through effective traffic law enforcement based on community need, officer discretion and department objectives. This governs the department's traffic law enforcement activities performed by the patrol division and the traffic division. <u>These activities are specifically directed toward controlling violations</u> through preventive patrol and active enforcement. This also governs relationships with motorists, pedestrians, courts and prosecutors." (Emphasis added.)

All TLE's must be pursuant to state statute or city ordinances. Rule 7-603 states: "Officers shall use Minnesota State Laws when enforcing all vehicle parking and driving violations. The only exception shall be for miscellaneous city ordinance violations that are not covered under state law."

A separate set of rules govern investigative stops. The applicable rules are set out in Section Five – Code of Conduct and use of Force. Rule 5-104 regarding Impartial Policing, states: "The MPD is committed to unbiased policing and to reinforcing procedures that ensure that police service and law enforcement is provided in a fair and equitable manner to all." In addition the rule articulates:

"All investigative detentions, pedestrian and vehicle stops, arrest, searches and seizures of property by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution and statutory authority. <u>Officers must be able to articulate specific facts, circumstances and conclusions that support reasonable suspicion or probable cause for a pedestrian or vehicle stop,</u> investigative detention, arrest, non-consensual search or property seizure. Except as provided below [allowing race to be used as an identifying characteristic], officers shall not consider race, ethnicity, national origin, gender, sexual orientation or religion in establishing either reasonable suspicion or probable cause."

Recognizing that perceptions of biased policing can arise in the context of traffic stops, Rule 5-104.01 provides:

In an effort to prevent perceptions of biased law enforcement, officers shall utilize the following practices when conducting pedestrian and vehicle stops:

- Be courteous, respectful, polite and professional.
- Introduce or identify themselves to the citizen and explain the reason for the contact as soon as practical, unless providing this information will compromise the safety of officers or other persons.
- Ensure that the length of detention is no longer than necessary to take appropriate action for the known or suspected offense.
- Attempt to answer any relevant questions that the citizen may have regarding the citizen/officer contact, including relevant referrals to other city or county agencies when appropriate.
- Provide name and badge number when requested, preferable in writing or on a business card.
- Explain and/or apologize if you determine that the reasonable suspicion was unfounded (e.g. after an investigatory stop).

The evidentiary distinction in the MPD rules between TLE's and investigative stops can be summarized as follows: to make a TLE stop, an officer must first observe a moving violation of either state law or City ordinance (e.g. driving over the speed limit or failing to stop for stop sign); whereas to make an investigative stop, an officer must have a reasonable suspicion or probable cause to believe that the driver of the vehicle has engaged in criminal behavior apart from her/his driving. In practice, an observed violation of a traffic law serves as the initial basis for the stop, but the TLE stop is often used for the purpose of investigating some further criminal activity, such as possession of illegal drugs or weapons.

This was a predominate theme as evidenced in the Audit observations and interviews. It was particularly true for high crime neighborhoods (see Finding Number Four). One officer expressed the use of TLE stops this way:

> "I mean you really need to have the traffic stop, starting with the expired tab, to the cracked windshield, to something obstructed hanging from their rearview mirror….it leads to a lot of different arrests; it really does. Cuz the person that's involved in criminal activity…it's those little things that they don't take care of that you and I do."

Officers were quick to point out that it was not difficult to find reason to stop someone for a traffic violation. During a ride-a-long, one officer stated to an Audit Team member that if you follow someone long enough, they are going to break a traffic law. Another officer stated during an interview,

> "We always stop cars based on driving behavior…or equipment violations. But believe me, you follow a car long enough, you can get somebody to do a traffic violation, or there's an equipment violation…so if you were in fact doing a lot of traffic stops in a high crime area you might have the possibility of lowering crime."

The use of TLE's as a pretext for investigation can occur entirely as a result of individual officer discretion or as a result of officer discretion influenced or directed by departmental policy. The MPD Rules recognize that exercise of officer discretion plays a major role in the performance of an officer's daily duties and that this discretion is informed by the officer's personal experience as a police officer. A relevant rule, Rule 5-103, also recognizes that an officer's discretion will be guided by departmental policy and the officer's work environment. It states:

> "The police profession is one that requires officers to use considerable judgment and discretion in the performance of their daily duties. Officers have a large body of knowledge from Department policies and procedures, training, their own professional police experience and the experiences of their fellow officers to guide them in exercising proper judgment and discretion in situations not specifically addressed by Department rules and regulations."

Operationally, TLE's are intended to be made predominantly by officers in one of the traffic units, either at the City-Wide Traffic Unit or precinct level. Investigative stops, on the other hand, are intended to be made primarily by patrol officers at the precinct level.

However, the division of labor is not so clear in practice. To increase the Department's capacity to respond to specific crime concerns, officers in a traffic unit can be directed, for example, to make TLE stops with a different "mission" in mind. One officer states,

> "Well exactly, if there is intel that there is gang stuff bubbling on the North Side and we're really concerned about shootings, they [Traffic Unit officers] are probably more likely to ask for permission to search a car, or dig a little deeper on a stop than they would if they were just out there to write speeding tickets and get people to slow down. They have a different mission. Even though they're still the traffic unit, they've been assigned a different mission and they're going to do it in a different way."

Discussion

Officer discretion is inherently a part of making traffic stops. The role of discretion is properly recognized by the MPD Rules. However, the blurring of the distinction between TLE's and investigative stops removes a primary source of guidance for officers when exercising discretion, and allows other sources, such as departmental culture and training, to predominate. To the extent the MPD culture then governs, the result will be to further rely on traffic stops as a crime preventive strategy. By distinguishing between TLE stops and investigative stops, the MPD Rules require, or at least suggest, that traffic stops which are intended to serve an investigative purpose are subject to the "articulable suspicion or probable cause" standard of Rule 5-104. (This is not to say that an officer, while conducting a traffic stop for purely traffic law enforcement purposes, should not also be alert to the possibility of criminal activity on the part of the driver.) In practice, however, the distinction is largely lost. This is true, the Audit found, as individual officers are encouraged and sometimes directed by police administration to use TLE stops as a pretext for an investigation. While such pretextual stops are legal, they do seem to be inconsistent with Department's Rules. This has significant racial implications because, as detailed in Finding Four, the blurring between the two types of stops is most predominant in neighborhoods with higher levels of crime which are also communities of color.

FINDING FOUR

CODEFOR is the primary strategy used by the MPD to identify and respond to crime with traffic law enforcement stops being used as the primary crime reduction tactic for a wide range of "hot spots" particularly in neighborhoods with a high volume of 911 calls. To assist precincts in identifying high crime areas or "hot spots" the MPD uses a strategy called CODEFOR (Computer Optimized DEployment Focus On Results). According to the MPD website, CODEFOR "is a strategy to reduce crime involving every unit of the Minneapolis Police Department, including patrol, investigations, administration, special units, and support services." It is said to combine…

> "the latest technology with field-proven police techniques such as directed patrol, safe streets, and community-oriented policing. It utilizes computer-generated data to identify crime "hot spots" quickly, and divert police resources to them in a coordinated manner."

CODEFOR is modeled after COMPSTAT, a crime reduction strategy developed by the New York Police Department. COMPSTAT has been linked to significantly reducing crime in New York City (Magers & Jeffrey, 2004; Walsh, William, Vito & Gennaro, 2004; Willis, James, Mastrofski, Stephen, Weisburd & David, 2004).

Both COMSTAT and CODEFOR are said to include: 1) accurate and timely intelligence; 2) rapid deployment of resources and personnel; 3) effective tactics; and 4) relentless follow-up and assessment. Although there are similarities, CODEFOR operates differently than COMPSTAT in at least one important respect: MPD's choice of "effective tactics" appears more focused on the use of traffic stops. One administrator explains how CODEFOR is implemented in Minneapolis,

> "I think the COMSTAT model is different in every city, every city that implements a COMSTAT model is different. How we implement it in this precinct, we tell officers where we want their discretionary time to be spent…but traffic stops are part of what we tell them to do. So when I had areas, like these two areas that regularly have more criminal activity in them, I will tell officers that's where I want them to spend discretionary time, I give them a map, I tell them where it's at, and why I want them to be there."

While the MPD does use a variety of tactics, such as an investigative detail to respond to crime patterns generated by CODEFOR, increased patrol and traffic stops are tactics

used either alone or in combination with other tactics, in nearly all cases. For instance, it was the most commonly used tactic cited by administration staff. When CODEFOR maps show significant levels of crime within a certain area, both lieutenants and precinct commanders say they direct their officers to patrol the area, make traffic stops, and search cars for contraband whenever possible. One administration staff explains the role of traffic stops in CODEFOR,

> "Great CODEFOR issue, right, a spike of daytime burglaries in an area where you don't normally see them. One of their reactions was to ask me to assign some of my traffic unit guys to do some of their extra patrol, to basically do a blue sheet up in [neighborhood]. Document your stops, blah blah blah, so at the end of the week I can let the Inspector here… know hey, traffic guys worked [neighborhood] eight hours this week, they made 22 stops. Um, you know they wrote so many tags, they made one arrest dah dah dah and when he goes to CODEFOR [meetings] they say what are you doing about it? Well, we did this and this, and we asked the traffic unit to assist and they did this many stops…dah dah dah… and as a result our burglaries went down, hopefully. I mean hopefully that works. Um, so yeah, they [traffic stops] are a big part of CODEFOR"

It does not necessarily matter what crime pattern is occurring at a particular hot spot, traffic stops are the preferred tactic to combat the crime. One administration staff explains this way,

> "Now I also deploy and request traffic resources to my high crime areas where I have a high instance of gangs and guns with hopes that…and I just did this last week as a matter of fact. Up on the north end of the precinct, we had a real cluster of burglaries and it was a real distinctive geographical pattern that occurred during the daytime hours. So I asked both daytime city-wide traffic and my precinct traffic officers to spend as much time in that area as possible, with hopes that the mere presence alone would deter the burglaries, or in a high crime area, you know, drugs, or prostitution simply by the fact that you have police cars with flashing lights."

He went on to state,

> "The other goal might be, in some of those areas with high drugs or narcotics or gangs that you might, by making a simple traffic stop, you might then be able to recover a weapon, which happens a lot, or uncover somebody that might have warrants for their arrest. Another crime fighting strategy that's an indirect result of what they're there for, which is traffic stops."

Until its redeployment, the Citywide Traffic Unit was commonly pulled from regular duties of traffic enforcement to assist precinct officers in CODEFOR "hot spot" areas.

The Traffic Unit was commonly directed to do "aggressive" traffic enforcement in areas, such as the Hawthorne or Phillips neighborhoods (both experience a great deal of criminal activity). One officer gives an example of how this directive works,

> "I mean if the traffic guys [City-Wide Traffic Unit] are directed to go hit the north side this weekend to try to keep crime down, they're more likely to ask for searches because they've been told: "we want you to go and try to get these guns." When they are assigned, like this weekend, to hit the north side in an effort to sort of keep a lid on gang violence, they're probably more likely to ask for consent to search a car, more likely to run…to ask all passengers their names to run warrants than they are if they are doing speed details on Hiawatha where their goal really is to slow down traffic and to write speeding tickets."

As discussed in Finding Three of this report there is blurring between TLE's and investigative stops. When TLE's are made in CODEFOR areas, they are often made for investigative purposes. The intent of the TLE is to find contraband. Having a police presence and finding contraband, according to the MPD, will prevent or displace the crime that is occurring in a specific neighborhood. One officer states,

> "If there is a surge of burglaries [shown by CODEFOR maps] in an area that normally doesn't have a lot of activity, um, an extra squad up there may be pulling a few cars over for minor traffic violations you might scare off a burglar. We know it works because when we do that the burglaries go away. You might catch the burglar…but at the very least you put a stop to that pattern of crime. Even if it moves it you're constantly moving so nobody gets too comfortable doing crime in the area."

Particularly within the CODEFOR context, the Department views traffic stops as a preventive measure as conducting traffic stops allows them to search cars, which they feel yield significant amounts of contraband. One inspector's statement illustrates this belief,

> "I mean you're going to have traffic stops and you're going to find people with burglary tools in their car, stolen equipment in their car, with felony warrants, with misdemeanor warrants, with no insurance, no driver's license. I mean the traffic stop, I believe, is really the start to bigger things."

A modified approach to address crime "hot spots" was implemented during the spring and summer of 2005. MPD adopted a new strategy rooted in intelligence-led policing (ILP) and operating under the program STOP (reference to Strategic Operations). According to the literature there are four elements of ILP: (1) targeting offenders

(especially active criminals through overt and covert means), (2) the management of crime and disorder "hot spots", (3) the investigation of linked serious crimes and incidents, and (4) the application of preventative measure, including working with local partnerships to reduce crime and disorder. According to one high ranking MPD administrative person, "STOP is driven by CODEFOR." According to several MPD officers, the STOP strategy uses traffic law enforcement as a part of the strategy for addressing "hot spots." One administrative level person states,

> "Well, the capacity of the Minneapolis Police Department right now is very limited… as far as our proactive work goes because of the staffing shortages and the reason that this STOP unit was put together was to have a proactive unit that could go city-wide anywhere that it got hot. And that's what's happening with STOP right now. STOP has been working, it started out primarily working in its short life to this point, it started out primarily working on the North Side. What's different about this particular unit as opposed to just a unit that kind of just moves in and…and with a net, there's an intelligence officer assigned to this unit. And this intelligence officer is doing recon work, constantly doing recon work in various parts of the city-based on ah, requests from precinct commanders."

STOP was implemented at a time when field work for this project had been completed. Therefore, the Audit Team did not observe the STOP program in operation. However two interviews were conducted with MPD officials who have knowledge of the program. From those interviews it appears that traffic stops are a major component of STOP.

> "The new STOP strategy brought together [unclear] Departmental resources, such as the City-Wide Traffic Unit and made their resources available on [a] city wide basis to respond to "hot spots" rather than relying on the [unclear] to occur only at the precinct level. Hot spots continue to be identified through CODEFOR and traffic stops remain an extensively used tactic. An intelligence [unclear] capacity is also put on STOP."

There is no longer a City-Wide Traffic Unit that responds to traffic law enforcement concerns. The City-Wide Traffic Unit has been consolidated with the STOP unit. The traffic unit within STOP is directed to where crime is occurring along with the other elements of STOP. According to some, the traffic unit is much more focused. One high ranking official states,

"Traffic [City-Wide Traffic Unit] is part of this new STOP Division and with this the traffic enforcement is a lot more focused, I mean in a large part, many of the City-Wide Traffic officers would kind of hold their favorite fishing pole and write tags. They are the traffic unit is still doing traffic enforcement…. The way I look at traffic now is the enforcement that we are doing is just simply more focused, more coordinated as opposed to a sort of a few areas."

This official goes on to state that STOP also involves checking drivers for outstanding warrants once they stopped them for traffic violations,

"So the traffic unit is still doing, primarily, traffic enforcement it just that, run everybody for warrants because at the very least…because in some areas of the city there is a lot of people running around that have warrants, serious warrants, and we are going to see some guns and drugs, once they start doing it they'll find people with warrants and guns."

Discussion

CODEFOR, as implemented by the MPD, is an effective crime <u>identification</u> strategy. It is used to assist the MPD in identifying "hot spot" areas. Determinations of where to distribute resources are then based on the patterns generated by the crime mapping. Increasing traffic stops is the strategy that is consistently used in response to identified crime patterns. CODEFOR's heavy reliance on traffic stops <u>in</u> <u>response</u> to identified crime hot spots, leads to large numbers of traffic stops in those areas with the highest incidence of reported crime, namely communities of color. Though STOP is considered to be an ILP approach to "hot spots", the strategy, as implemented by the MPD, appears to extensively incorporate traffic law enforcement for crime prevention purposes, now with greater geographic focus consistent with the CODEFOR strategy. As a result, it appears that traffic stops will not be used less but rather relied on more in the future. If true, this may further exasperate the racial disparity in traffic stops observed in the Council's 2003 Study.

FINDING FIVE

Generally speaking, there is a lack of effective hands-on training within the MPD around the inter-relationship of racial issues and effective policing. It is difficult to examine racial bias without understanding the role class and poverty play in producing inequality or disparity. For northern industrial cities, such as Minneapolis, racial segregation is the most obvious form of racial bias. Racial residential segregation is both a function of "race" and "class." This relationship is an important contextual element in understanding institutional behavior particularly as it relates to poverty, crime and the policing of high crime neighborhoods. These issues are not simplistic nor are they unique to Minneapolis. In both our observations and interviews it was apparent that some personnel within the Department had more of an understanding of the complexities of these issues.

A City Council Member that we interviewed expressed concern that many officers did not have much exposure to people of color in other contexts than their job and developed biases as a result:

> "Well, the police don't live here. They go through the academy, coming from somewhere distant, North, South, East and West. They only see bad boys on TV, or they saw a few comedies with black men in it, or they saw a few dramas where the black men are criminals. So they land in the academy and the first shift they have is in North Minneapolis on the worst shift of the day when all the criminals are out and the good people are in bed sleeping, right? So they spend five years chasing bad guys down alleys, they are all black. Every time they chase one, another black brain cell is tattooed with this accumulating warped conception of the community. The never get to community meetings, they never get to meet me, so they drive down the road by my house and I wave and they look at me like…
> My wife went to the store the other day and a couple of them were there and she saw then standing on the fence of the gas station which is a big drug hang out, so she was really glad to see some guys out there. She said good to see you out there, she said one of them half-heartedly waved and the other looked at her like "Who the hell are you?" and so, now if she had MBA tattooed on her forehead went to school with white people or something, I don't know, maybe they would have waved back. But there was this sense because they cannot differentiate between good black people and bad black people, they error on the side that everybody is bad. There is just this sense out there. They live out in the suburbs, they come in and they have this bad experience with black people, because they don't have any black friend, never went to school with any black people. All they know is you grab them and you wrestle them to the ground. I don't know how they could have

a different attitude than that? I am struggling with my own perception of black people, and I'M BLACK. So I know how those jokers are because it gets pounding my head every day, sometime we have to turn off the TV when we see a couple of things cause our little girls are watching. And they are just burning stuff in their heads, and they're black. I have every reason to respect black people, because they're caught up in it. That is why I say we should do some bias testing because these guys, what chance do they have? 80-90% of the black people they have know, it is in the relationship of arrest and book, that's it. It is scary to me personally. Frankly, [it is] very scary. I don't think that there is a workable situation**.**"

Some of the people we interviewed have a similar understanding of the complexity of the disparities and discussed many of the surrounding issues that impact why racial disparities exist.

> "I read your (CCJ's) reports, the last couple of reports, and right now if you look at demographics and where we have the higher number of officers working, it is basically your lower income areas. With that comes either vehicles that are not quite up to snuff, with a head light out, cracked windshield, loud muffler. With those you also have people that have issues with drivers licensing, where they have failed to pay a fine or they might not have insurance, so basically it is the, what is the word for it, with that demographic, the disparity that comes along with just being lower income. If you are lower income you are more likely to have an issue with a driver's license. You are more likely to have no insurance. You are more likely to have a vehicle that is going to be towed. So when I look at the numbers there, one of the things that was, for me when I read the report, the last report, was that when we looked at vehicle tows, there was a disparity that we towed more people of color or racial minorities, all that makes sense. We know they are the ones that are going to have-first of all we are going to have more officers in that area. There are going to be more issues with drivers' license and vehicle issues…. I would say when you look at economical disparity issues, we tend to make those worse every legislative session, when we increase the fines for license we increase the fines for, it is taxing by proxy."

Another interviewee shared a similar understanding:

> "I've argued to people that Minnesota traffic law, maybe not by design, but in reality, um, makes it difficult for poor people to have a car. Um, equipment laws being what they are, you know, tail lights out, bumper not connected, uh, cracked windows, all those things cost money to replace. If you don't have the money to replace, your tail light goes out, you don't have $60 to take it to a garage and get it replaced. What do you do? You drive around without a tail light. Then you get a ticket.

Well, you get pulled over at least and you might get a ticket. Or if you didn't have $60 for a tail light, you probably don't have a $100 for a fine. So, you may not pay your fine, and now, your license gets revoked. And then the next time you get pulled over for that ticket, or that tail light, you get a ticket for being revoked and your car gets towed. Assuming you can come up with $130 to get your car out of the lot, you probably can't pay your DAR, now you've got a warrant for your arrest. So when you get pulled over, again probably for that same damn tail light which you haven't been able to fix, um you're going to jail because you've got a warrant. It's just a hard hole to climb out of. It can be. Now, that said, I don't think we should get rid of the tail light law because if you don't have tail lights on your car, you're likely to have someone smash you in the rear and that's not good for anyone. Um, but it makes…it creates this hole to climb out of, and frankly people with money don't get stopped for a tail light in the first place cause when their tail light is out, they fix it."

Others we interviewed and observed had a more simplistic view of the cause of the racial disparity in traffic stops to the point of stating that Black people commit more crimes and that is why they are stopped more. In our interviews and during observations, allegations of racial profiling were often dismissed as resulting from officers responding to 911 calls in high crime areas that happen to be communities of color. In focus groups, interviews, and ride-a-longs, a common theme was that people of color "play the race card". One officer in a focus group gave an example of an incident where a Black man said he was only being arrested because he was Black.

"…you know, but what I think this is all race stuff all right, and that's why we're all here [in the focus group]. At least that why we're…we're studying what color people are when we pull them over and all that stuff. And the cops are expected to look beyond color and to me; you know, it's best to do that, too. When they're dealing with the police, alright, they're getting stopped not because they're Black or whatever, it's because they've committed a crime or they're getting arrested for doing a crime……… There's the perception they say--you don't know what it's like to be Black. Okay that…I don't, okay maybe. But they think that they don't know what it's like to be White either. And we don't…I don't know what it's like to be Asian and they don't know what it's like to be Hispanic and everything like that. We need to get beyond this whole race thing, and that's what…that's what we got to deal with. That's where…that's what we're dealing with in the police department right now. And there's…there's a perception that just because a person gets arrested that's Black, it's because he's Black.…but we get tired of hearing it, and that's what all these…when you think of all these studies

you know…you know it…it gets to be well okay, we got…you now got to list all these things that are on traffic stops, all of these Black/White, male/female, the searchin' and all that stuff--cop's thinking…what…it's not worth it [referring to collecting race information for drivers in traffic stops]"

Another focus group member similarly expressed the view that African Americans commit more crimes and that is why they are pulled over at a higher rate.

"The African American community [is] committing more crimes, is that the case? I mean that's what it would mean to me, if I looking at the results okay well, that's a community that's committing more crimes, so that's why they're getting searched and stopped."

After a ride-a-long, one of the Audit Team members wrote the following observations.

"[The officer] was very welcoming but apprehensive as was everyone else I met there. It is obvious that this racial profiling topic is very wearing on them……. [The officer] said he would guess that about 80% of the people in his work area are Black. He said that the last census revealed about the same info. I asked him why there seemed to be almost no Black cops in the 4th precinct. His opinion was that they don't want to put up with the BS from the Black citizenry. He expressed that he thought it hard for a Black officer because he is either looked upon as, maybe, an Uncle Tom or that other Blacks try to get too chummy with him on calls and try to get him to act like a "brother" instead of an officer. [The officer] said that a Black officer will likely transfer to another precinct or position. He thought it was probably the most difficult for a Black officer in the 4th precinct, in his opinion. [The officer] also thought that Black officers were not likely to receive that unfavorable treatment from other people of color [Asian, Hispanic, Indian etc.]. Again, in his opinion. It should be noted that [the officer] does not live in Minneapolis. He lives way south of the cities as does the Inspector. [The officer] could only think of one officer that does actually live in Minneapolis."

When interviewing officers and inquiring about why racial disparities in traffic stops exists, many stated that traffic stops are used as a tool to intervene and prevent violent and property related offenses in communities with high crime rates. These communities, they believe, just happen to be communities of color. The issue becomes a racial one, from the officer's perspective, because of a general distrust among minorities toward the police. As the MPD officers see it, the solution rests in community awareness and

education that will result in an increased understanding of the officer's role on the part of the community and improved police-community relationships. Police officers see community mistrust and opinions about racial profiling as a function of word-of-mouth rumor and media attention. After recognizing that some police misconduct invariably occurs within a department of 700 officers, one interviewee states:

> "But the problem is…is that the media only reports on the ones who do something wrong because again it is sensationalism, all right? And then they look at every single cop as being like that. You don't hear 'em talk about any…did you hear that good job that cop did or my neighborhood's getting cleaned up, or I don't have those drug dealers on the corner anymore."

Another interviewee comments on how negative impressions become applied to all officers.

> "It's hard to take. I think from anybody…anybody from any group or whatever would hate to be lumped in with everybody else if somebody else was this here pattern, and all of a sudden there you're looked at the same way because they go to the same school as them, or they live in the same neighborhood or whatever."

At the same time there are sentiments that suggest the public or the media erroneously vilifies officers and the Department by highlighting isolated incidents and assigning negative characteristics to the Department as a whole. One interviewee expresses his frustration and the tensions that arise.

> "Police officers do not drive crime, they react to it. The community should be held to the same standard. They should realize all the positive things police do for the community. It creates stress when they have to answer to their friends and family and justify themselves."

Lack of Effective Training

Training is an important area for addressing individual officer's biases or negative perceptions of people of color. In the fall of 2004 a pilot Cultural Diversity training was observed by a number of Audit Team members. According to the Audit Team, it is difficult to determine whether diversity training is an effective tool in improving law enforcement and citizen relations. During the Audit Team's observation, much of the discussion focused on poor community-police relations and the role of the media in

perpetuating stereotypes about officers being racist. Education specifically targeted to increasing knowledge or changing behaviors was minimal. Consistently, Audit Team members were told that the current diversity trainings are not useful, that the officers do not use what they learn, and the observations of the Audit Team support this. Both the training observations and interviews suggest that MPD officers do not believe diversity training is helpful in that they do not learn anything they can use during the course of their job.

Officers need positive exposure to people of color, specifically experiential opportunities. If an officer is on the night shift in North Minneapolis, the only people they may come in contact with are victims of crime or offenders. If this is the only experience they have of people of color, it is likely to lead to stereotyping.

In a focus group with patrol officers, participants said they have too much training on how to deal with the public and that what really is needed is for the community to be trained in how to deal with officers. In terms of rectifying an environment of distrust around the disparity in traffic stops, officers tend to see community education as important. One interviewee states:

> "School 'em; educate them in school, when they're young. Yes, as they're growing up. The parents gotta'…the parents got it instilled in their mind, that the cops are assholes. And they're tellin' their kids that. An officer keeping it in the schools and they know the cops aren't the assholes that their parents are telling 'em they are. They might think different."

Another officer thought the solution was straightforward-"personal responsibility." Yet others believe that specific training within communities of color on how to interact with police officers is critical. One interviewee was not so sure of an approach, but offers insight nonetheless:

> "I don't think you can educate the people our age and above, I mean they've got their feelings and emotions, how are they gonna' change it? They've had their dealings with the cops. They already know what the…what their perception is of the cops. We've really got to start it the only place it will start---is in the young."

Some of these officers recommended there be public relations activities or training with young people that present a more positive view of officers. Some interviews revealed an understanding that one way to contribute to better community relations is for

officers to explain why they stopped someone in a traffic situation. One interviewee hypothesized that perhaps new officers are not explaining why they stop people or failing to explain it as well as they should.

It appears that patrol officers and command staff alike are concerned about the public's view of law enforcement and the Department. There is a strong desire to promote solutions to improving relationships between communities of color and the MPD. This may stem from a genuine desire to improve community relations as well as an institutional survival strategy to appear useful and relevant. Community policing was identified as an approach that could work to address crime within the communities of color, if implemented properly:

> "We kind of toyed with the concept of community policing about 10 years ago, and ah we're…I think community policing is probably about the single greatest form of policing that's been invented. It's also about the most expensive form of policing that's ever been expended…invented. If you start looking at cities that were successful with implementing the community policing philosophy, you'll find that more often than not, one of the first steps they did was to hire another 200 to 300 police officers. So, that those officers have the time to work with the community to build those relationships. If you don't…I mean if you don't address all three sides of that triangle, you got a program that isn't going to last that long….. We had the program, not the philosophy."

Discussion

Diversity training needs to go beyond classroom, didactic training and provide an opportunity for officers to interact with the African American community members in a positive way. Training should involve hands-on experiences or opportunities to interact with people of color in different contexts than what they experience "on the job" (i.e., after the commission of a crime). While improved training alone is not the solution to reducing the disparity in traffic stops, the lack of effective training allows individual biases to go unaddressed and, more importantly for purposes of this institutional audit, allows the institutional culture of the MPD to widely support the disproportionate stopping of drivers of color as an effective crime prevention strategy.

Conclusion

Having requested the Council on Crime and Justice to undertake this Study, the MPD gave the Audit Team essentially unfettered access to the workings of the Department's traffic stop policies and practices. Few police departments, if any, have been so open and cooperative in seeking to better understand the reasons for the underlying racial disparity in the traffic stops made by their officers. For this, the Department should be applauded by all city residents and by fair minded people across the nation.

While the Audit produced mounds of data, it was a qualitative study seeking to answer the "why" question that arose from earlier studies showing a wide racial disparity in traffic stops made by MPD officers. Because of the Study's qualitative nature, it is not possible to quantify the extent to which any of the key findings contribute to the observed disparity. There is strong evidence suggesting that each finding make its own contribution. But there is also an interrelationship - and a synergism – among the findings that clearly suggest that the sum is greater than the parts; that taken together these key findings almost assuredly mean that the institutional contribution to the racial disparity in MPD traffic stops exceeds the contribution made by individual officers acting out their individual racial biases.

This conclusion carries with it both good and bad implications. The good news is that changes in departmental policy and practice can be expeditiously developed and announced within a hierarchal organization, such as the MPD. The bad news is that the institutional culture also needs to be changed, and it is a culture not only deeply imbedded within the Department, but one that finds support – and encouragement – within the community. Announcements from the police administration regarding new policies will have a limited affect in changing this culture. The same is true for training, even more effective training.

For this reason, the Council's key recommendation calls for the development of a pilot project to test whether a community-directed, multi-prong response to certain types of "hot spots" will allow the MPD to reduce its reliance on traffic stops for crime prevention purposes in neighborhoods with high concentrations of persons of color, yet enhance public safety within the neighborhoods chosen for the pilot project. If this can

be achieved, as we believe it can, then experimental training will have greater effect, announced changes in policy will have wider adherence, and Departmental culture will change to better coincide with the practical reality of effective policing. Most importantly, there is reason to believe that police-community relations will also improve, giving rise to a heightened intelligence sharing on criminal activities that will sharply reduce the need to rely on traffic stops as the predominate institutional tactic for fighting crime.

Recommendation

To address the racial disparity in traffic stops generated by the current MPD response to CODEFOR identified "hot spots", a pilot project is proposed to test a community-based problem-solving response to low-level offenses within a yet-to-be-determined neighborhood (or two). The approach would combine the following elements:

- o CODEFOR-style crime mapping of low-level offenses within the neighborhood to identify "hot spots".

- o Information from neighborhood representatives regarding the significance of the "hot spots" identified via the crime mapping as well as the presence of other "hot spots" within the neighborhood.

- o Communication between neighborhood representatives, the MPD and other governmental agencies (e.g., public schools, community corrections, etc.) in order to better understand the exact nature of the problem underlying the "hot spot".

- o Selection of the appropriate strategy to quickly and affectively respond to the problem underlying the "hot spot".

Two additional elements are at the heart of the proposal and will be determinative of its success:

- o Sufficient resources must be available to provide a broad range of potential response strategies that can be quickly implemented; and

- o The "hot spot" response must be community-driven.

With respect to these latter two elements, it is the Council's belief that sufficient resources are currently available (or nearly so), if they are properly tapped and coordinated within the project. Additionally, the Council believes that the project will be "community-driven" only if there is significant input from the chosen neighborhood into the specific design of the project; into the identification of "hot spots" within the neighborhood; into selection of the responsive strategy for each "hot spot"; and if the overall project is coordinated by someone living within the chosen neighborhood.

References

Adelman, R.M. 2005. The Roles of Race, Class, and Residential Preferences in the Neighborhood Racial Composition of Middle-Class Blacks and Whites*. *Social Science Quarterly* 86:1, 209-228

Campbell, M. & Gregor, F. 2002. *Mapping Social Relations: A Primer in Doing Institutional Ethnography*. Toronto, Canada: Garamond Press.

Council on Crime and Justice, 2001. *Minneapolis Police Traffic Stops and Driver's Race Analysis and Recommendations,* Minneapolis, Minnesota.

Council on Crime and Justice, 2003. *Minnesota Statewide Racial Profiling Report,* Minneapolis, Minnesota.

Clark, W.A.V. & Blue, S.A. 2004. Race, Class, and Segregation Patterns In U.S. Immigrant Gateway Cities *Urban Affairs Review* 96 (6) 667-688

DeVault, M. & McCoy, L. 2002. Institutional Ethnography: Using Interviews to Investigate Ruling Relations. In J.A. Holstein & J.F. Gubrium (Eds.) *Handbook of Interview Research: Context and Method* (pp. 751-776). Thousand Oaks, CA: Sage.

Fischer, M.J. The Relative Importance of Income and Race in Determining Residential Outcomes in U.S. Urban Areas. *Urban Affairs Review* 38 (5) 669-696

Hall, B. 1993. Introduction. In P. Park, M. Brydon-Miller, B. Hall, Br T. Jackson, (Eds.), *Voices of change: Participatory research in the United States and Canada* (xii-xxii). Westport. CT: Bergin & Garvey.

Institute on Race and Poverty. 2001 Report on Traffic Stop Data. Minneapolis, MN: University of Minnesota Law School.

Krogh, K.S., Lindsay, P.H. 1999. Including people with disabilities in research. *Augmentative and Alternative Communication* 15, (4) 222-233.

Lincoln, Y. S., & Guba, E. G. 1985. Naturalistic inquiry. Beverly Hills, CA: Sacie.

Massey, D.S., & Denton, N.A. 1993. *American Apartheid: Segregation and the Making of the Underclass*. Boston: Harvard University Press.

Miles, B. M., & Huberman, A. M. 1994. Qualitative data analysis: An expanded source book (2nd Ed.). Thousand Oaks, CA: Sage.

Minkes, J., Robinson, C., & Weston, C. 1994. *Consulting the children: Interviews with children using residential respite care services.* Disability & Society, 9, 47-57.

Missouri Attorney General's Office. 2004. 2004 annual report: Missouri vehicle stops. Retrieved 03/10, 2006 from http://ago.mo.gov/racialprofiling/racialprofiling.htm

Padgett, D. 1998. *Qualitative Methods in Social Work Research*: Challenges and Rewards. Thousand Oaks, CA: Sage.

Pence E. & Sadusky, J. 2005. *The Praxis Safety and Accountability Audit Tool Kit*, Duluth, MN: Praxis International, Inc.

Pence, E. & Smith, D. 2004. The Safety and Accountability Audit. Paper prepared for the National Institute of Justice and Office on Violence Against Women Meeting.

Rose, D. 2001. *Participatory research in practice: Some recent rethinking and circumspection. Revisiting Feminist Research Methodologies: A Working Paper.* Status of Women in Canada, Ottawa, Ontario.

Small, S. 1995. Action-Oriented Research: Models and Methods. *Journal of Marriage and the Family*, 57 (4) 941-952.

Vander Stoep, A., Williams, M., Jones, R., Green, L., & Trupin, E. 1999. Families as full research partners: What's in it for us? *The Journal of Behavioral Health Services & Research*. 26 (3) 329-345.

Wright, U. T. 2003. Institutional Ethnography: A Tool for Merging Research and Practice. Paper presented at the Midwest Research to Practice Conference in Adult, Continuing and Community Education.

Appendix A – Enhancing Methodological Rigor

According to Padgett (1998) there are several ways to enhance the methodological rigor of qualitative studies. These approaches include: (1) prolonged engagement, (2) triangulation, (3) peer debriefing, (4) member checking, (5) negative case analysis, and (6) audit trails. Prolonged engagement refers to the amount of time spent in the field researching a subject. Triangulation is determined by using multiple sources of data by which to understand the subject from multiple vantage points. Peer debriefing is a group method to discuss interpretations and conclusions with others and may include peers that can provide insights into the data. Member checking consists of the researchers restating, summarizing, or paraphrasing the information stated by a participant to ensure that what was heard or written down is in fact correct. Following data collection, member checking is reporting back preliminary findings to participants, asking for commentary on the findings, and incorporating these ideas into the findings. Negative case analysis seeks accounts from other participants that differ from the main themes that are emerging in the data. The inclusion of complementary and conflicting data may strengthen the validity of the data collected. If the researcher cannot uncover disconfirming evidence, then the findings may be relatively stronger and more convincing. Audit trails document the evidence found by the researcher to support the development of themes and ideas. This is primarily so that another researcher can easily replicate the research. More importantly, it allows someone to challenge or confirm the interpretation of the data made by the researcher.

The approach used in the Minneapolis Traffic Stop Audit Study is strong in a number of methodological areas. The field work in this project began in June 2004 and was sustained until June of 2005. Having spent a full year conducting various observations and interviews assures a thorough examination of the issues that are uncovered in the audit. Peer debriefings were used with the audit team to uncover relevant themes and examine them in the context of the audit trails. The audit team met monthly or every six weeks during the course of the project to debrief. Member checking was done by conducting presentations with the Oversight Committee to determine whether finding reflect the experiences and/or knowledge of the Committee members. The audit trails

were developed from topics use in other institutional ethnographies, particularly the Safety and Accountability Audit developed by Dr. Ellen Pence.

For the purpose of the Minneapolis Traffic Stop Audit, the trails include 1) Rule and Regulations; 2) Administrative Practices and Resources; 3) The Department's Mission; 4) Training and Accountability; and 5) Theories and Concepts. Data analysis consisted of the coding of audit trails with NVivo 2.0 using the cross-case data analysis method. NVivo is a popular software program developed by Qualitative Solutions and Research International (QSR). The advantage of using the software is that many different kinds of documents can be kept in one place, and themes, ideas and "data bites" can be linked together by shared content (Walsh, 2003). Berg, 2001 suggests a cross-case data process that begins with collecting the data and having it transformed into text. According to this approach codes were identified within the interview text and affixed to the textually represented data sources. The codes were translated into categorical themes and the materials were sorted using these categories. The materials were then examined to identify meaningful themes that are present in the context of previous research and existing theories discussed in the body of the report (see *Theoretical Frameworks*).

Another unique methodological facet of this project is the use of Participatory Action Research (PAR) approaches. PAR was developed as an alternative to conventional research approaches in which social scientists control the research agenda, design and implement research while treating participants purely as human subjects (Hall, 1993; Rose, 2001). The participatory component of the PAR model originates from developing countries in response to ethical concerns to the research process. North American and European researchers were characterized as being more concerned with describing the social world than with changing it (Krogh & Lindsey, 1999; Vander Stoep, Williams, Jones, Green, & Trupin, 1999). Conventional research was of little use to community stakeholders, attempted to achieve unrealistic goals, and exploited community participants (Rose, 2001). Kurt Lewin is generally cited as having introduced the action-oriented western component of PAR in 1946. His work is described as social research involving the researcher as an agent of change while at the same time generating critical knowledge about it (Small, 1995).

PAR is often characterized by qualitative research methods (Krogh & Lindsay, 1999). However, PAR is distinguished by 3 primary facets: 1) an iterative process for conducting research that includes reflection and action; 2) having community members and stakeholders involved with the research process; and 3) using findings to promote positive community change (Hall, 1993; Rose, 2001). Though participatory action-oriented researchers frequently use qualitative methods, quantitative methods may also be used (Krogh & Lindsay, 1999; Miles & Huberman, 1994; Sommer & Sommer, 1991). PAR researchers must be prepared to use a range of methods as the social problems of interest tend to be more novel and understudied. PAR researchers need to design new instruments and techniques to gather data as well as make methodological choices about rigor. PAR researchers must also be sensitive to the needs and perspectives of their non-researcher counterparts by selecting measures that have a high degree of face validity and practical utility (Small, 1995).

PAR is not the most appropriate approach for all studies. Methods and approaches must match the type of research question, the stage of the field of inquiry and the purpose of the research. Studies that are designed to investigate the impact of treatment or services often involve an experimental design. Experimental studies are not as conducive to having participants guide the research process (Krogh & Lindsay, 1999). However, PAR is useful when studying social phenomena that have not received much pervious attention. In these contexts, PAR utilizes community member's knowledge of both the political context and the community dynamics surrounding the issue. Community members are also poised to use the findings to make positive changes in their community.

When using PAR approaches the concepts of objectivity and validity are under heightened scrutiny. Community researchers bring with them characteristics, attitudes, and feelings that can conflict with the neutrality of the research process. While the issues of objectivity and validity are present in any research approach, PAR makes explicit these challenges at the outset of the study. Acknowledging the challenges to objectivity that are inherent in using community members in the research process assists in maintaining the integrity of the work. Qualitative methods are often employed because methodological rigor can be assured through immersion in the setting (prolonged exposure), triangulation of data from several sources, and checks with persons familiar with the setting or issue (Krogh & Lindsay, 1999; Lincoln & Guba, 1985; Padgett, 1998).