

**THE PERSISTENCE OF RACIAL PROFILING
IN RHODE ISLAND:
AN UPDATE**

*A REPORT PREPARED BY THE RHODE ISLAND AFFILIATE,
AMERICAN CIVIL LIBERTIES UNION*

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**RHODE ISLAND AFFILIATE,
AMERICAN CIVIL LIBERTIES UNION**

128 DORRANCE STREET, SUITE 220

PROVIDENCE, RI 02903

(P) (401) 831-7171

(F) (401) 831-7175

RIACLU@RIACLU.ORG

WWW.RIACLU.ORG

THE PERSISTENCE OF RACIAL PROFILING IN RHODE ISLAND: AN UPDATE

I. A SIX-MONTH ANALYSIS OF TRAFFIC STOPS DATA

In May, 2005, the Rhode Island ACLU issued a detailed 42-page report, "The Persistence of Racial Profiling in Rhode Island: An Analysis and Recommendations." The report analyzed, among other information, the traffic stops statistic data collected by the State Police and municipal police departments for the period October-December 2004. The ACLU report documented significant racial disparities in traffic stop searches during that period. The analysis also had the benefit of following a similar, comprehensive two-year study of traffic stop data conducted during 2001 and 2002, which found similar disparities.

In early July, the statistics for the second quarter (January-March 2005) of this latest year-long study were released. Regrettably, an analysis of these statistics demonstrates little improvement. In fact, in many respects the second quarter statistics document backsliding by police departments. The ACLU has prepared this analysis to serve as an update and addendum to the more detailed information included in our earlier report. Those wishing more background information can access that report at <http://www.riaclu.org/friendly/documents/racialprofilingreport.pdf>.

This update includes a brief analysis of the data for 23 police departments found to have conducted a sufficient number of stops and/or searches to warrant a meaningful review of their statistics during the first six month period of this state-mandated study. What follows are a few key trends:

Search rates

As with the ACLU's first report, we have examined the rates at which police engage in discretionary searches of motor vehicles, rather than stops. Unlike stop data, no baseline figures are needed of the percentage of drivers of various races on the road in order to analyze racial disparities in searches. Once stopped, it's simple to determine whether a driver was searched, and how search rates relate to race.

- After six months of data collection, minority drivers statewide remain more than twice as likely to be searched as white drivers during traffic stops, but still slightly less likely to be found with contraband.
- During the second quarter of the study, the statewide discretionary search rate for all stopped drivers increased to 3.9 % (from 3.4% in the last quarter of 2004).
- The percentage of minorities searched, both in absolute numbers and in comparison to white drivers, was greater in the second quarter than in the first quarter of this latest study. That percentage increased from 6% to 6.9%, while the percentage of whites searched increased in a smaller increment, from 2.9% to 3.2%.
- Of the 21 police departments that conducted sixty or more searches during the six month period, 19 searched minorities at higher rates than they did whites. Two departments – Johnston and Portsmouth – searched the groups at equal rates. (One State Police *division* – the Portsmouth Barracks – searched whites at higher rates than minorities.)
- Eleven of those 21 departments have a higher racial disparity in searches for the first six months of this study than they had for 2001-2002.

In short, minority drivers remain the disproportionate targets of discretionary searches of police. There does not appear to be any legitimate explanation, other than race, to explain these consistent disparities. There is simply no reason that a driver, once stopped for a traffic violation, should be twice as likely to be searched as another driver who has an equal or greater probability of being in violation of the law.

Further, as was true in the 2001-2002 study, the latest figures continue to show that search outcomes provide no justification for the disparity:

Contraband

It's commonly suggested that minorities are scrutinized and searched more because they're more likely to have illegal substances in their possession. This is not the case.

- Of the 19 departments that disproportionately searched minorities in this six month study, 14 found whites to possess contraband at higher rates than minorities. Of the five exceptions, all had extremely small data samples of minority searches. (Note that some of the 14 departments with white contraband dominance also had small minority search samples.)
- Johnston and Portsmouth, despite searching whites and minorities at equal rates, found a far greater percentage of whites with contraband. In Johnston, white drivers were 2.4 times as likely as minorities to be found with contraband during these six months; in Portsmouth, 26.7% of white drivers and no minority drivers searched were found with contraband. (Again, the samples for minority searches can be small; Portsmouth conducted only six searches of minority drivers during this period.)

- Searches of white drivers were even more likely than in the first quarter to turn up contraband compared to the searches of minority drivers.
- Despite an increase in the percentage of searches conducted during the second quarter, searches were less productive than ever – only 21.9% revealed contraband, down from 27.1% in the previous quarter.

Thus, the vast majority of Rhode Island police departments over-search minorities in the course of routine traffic stops, despite the fact that minority searches are even less likely to reveal contraband than are searches of white drivers (which are themselves unproductive.) While this trend has been evident since 2001, when the collection of traffic stops data was initiated, the large and growing body of data now available makes it both more apparent and less dismissible.

Departments Studied

With two exceptions, we have analyzed data only for police departments that conducted more than 60 searches during the six month period of the study. This number provides a reasonable and meaningful sample for analysis. The two exceptions are Pawtucket and South Kingstown which, though conducting fewer than 60 searches, engaged in a significant number of motor vehicle stops (over 7,000 each). We have also prepared a separate breakdown for the different barracks of the State Police.

The police departments not included in this study due to the small numbers of searches thus far conducted are: Barrington, Burrillville, Charlestown, Cumberland, Foster, Glocester, Hopkinton, Jamestown, Lincoln, Little Compton, New Shoreham, Richmond, Scituate, Smithfield, West Greenwich and Westerly.

Error Rates

Our last report devoted a fair amount of attention to the error rates by police departments in completing traffic stop forms. “Error Rates” refers to the percentage of data forms that are missing or contain unusable data in a given category. For example, a 5% error rate in the “search” category means that data regarding searches were not properly filled out or otherwise not usable on 5% of the department’s cards. Given the need for accurate and complete statistics, especially in such fields as those relating to searches, missing data is a serious issue that limits the efficacy of the state law and the analysis of the cards. Following the lead from the last report, we deemed an error rate of 3% or higher in a given category as “unacceptable.”

Unfortunately, the number of police departments with unacceptable error rates in the critical category of search data was greater during the first quarter of 2005 than the final quarter of 2004:

4th Quarter of 2004:

October: 8 Departments had an unacceptable error rate in the search category. They included five departments analyzed in this report: Providence, Middletown, Tiverton, Warwick, and West Warwick.

November: 5 Departments, including Providence and Middletown, had an unacceptable error rate in the search category.

December: 5 Departments, including Providence, had an unacceptable error rate in the search category.

1st Quarter of 2005:

January: 10 Departments had an unacceptable error rate in the search category. Among those analyzed in this report were: State Police, Cranston, Newport, North Kingstown, Providence and West Warwick.

February: 12 Departments had an unacceptable error rate in the search category. Among those analyzed in this report, they included: State Police, Cranston, East Providence, North Kingstown, Providence, South Kingstown, West Warwick and Woonsocket.

March: 15 Departments had an unacceptable error rate in the search category. Among those analyzed in this report were: Cranston, Johnston, Narragansett, Newport, North Kingstown, Providence, South Kingstown and Woonsocket.

While one can only speculate on the racial implications of the volume of missing data, the expanded data from six months of study only confirms the persistence of racial profiling in Rhode Island. The various recommendations contained in our previous report still stand, but we emphasize one among all others: *“Every law enforcement agency should be required to formally submit, on a monthly basis, a brief report confirming that the cards have been reviewed for disparities, and indicating whether that review has found any patterns relating to officers, locations, or practices that may be responsible for the disparity. To that end, police departments should further develop a formal system for statistical analysis and examination of any detailed breakdowns of traffic stop and search data provided by Northeastern on a monthly basis.”*

The information as to why racial disparity in searches is occurring in a police department is literally in the cards. If a police department wants to get to the bottom of these figures, it needs to directly analyze the cards in order to find out whether there are particular officers, locations or other factors that have led to the disparity. Unless and until that occurs, these disproportionate figures are almost inevitably bound to persist.

II. A STATISTICAL BREAKDOWN BY POLICE DEPARTMENT

What follows is a brief analysis of search data broken down by police department for the 21 departments that conducted 60+ searches during the six months of the study.

Note: "Search Ratios" correspond to: [Percent Minority Drivers searched/ Percent White Drivers searched]. For example, a 10% minority search rate and 5% white search rate equals a "search ratio" of 2. Stated another way, a minority in this scenario is twice as likely to be searched during a traffic stop.

Total Statewide

October 2004 – March 2005 Number of Stops: 130,870

Number of Searches: 4,512 (based on 123,255 traffic stop cards)

Search ratio 2001-2002: 2.5

Search ratio 4th Qtr 2004: 2.1

Search ratio 1st Qtr 2005: 2.2

Search ratio Oct. 2004–March 2005: 2.1

Comment: The number of traffic stops in 2005's first quarter increased over the previous quarter, from 63,672 to 67,198. The general trends of the data and an analysis of them appear at the beginning of this report.

For the police departments examined below, five pieces of statistical information are offered. In the first column, the first figure represents the total number of stops conducted by the department during the six month period of the study, followed by a smaller number: the number of stops that included usable data for the study's search analysis. Underneath, the figure represents the total number of reported searches conducted during that period.

The second column contains two numbers: first, the minority-white disparity ratio of searches found in the 2001-2002 study and, second, the ratio computed thus far from the 2004-2005 data.

State Police

Number of Stops: 21,255/20,032

Search ratio 2001-2002: 1.7

Number of Searches: 382

Search ratio Oct. 2004–March 2005: 1.9

Comment: The State Police are still almost twice as likely to search minority drivers as they are whites. The total percentage of drivers searched was relatively low this quarter – 2.3% – but represented an increase from 1.5% during the first quarter of the study. For January-March 2005, 25.6% of white drivers searched were found with contraband, compared to 13.2% of minority drivers. A breakdown of the statistics by barracks appears at the end of this report.

Bristol

Number of Stops: 3,452/3,349
Number of Searches: 183

Search ratio 2001-2002: 2.1
Search ratio Oct. 2004–March 2005: 1.9

Comment: Bristol police search minority drivers at approximately twice the rate of white drivers. This is just slightly lower than the department's search ratio established in the 2001-2002 study. Bristol was one of the few departments where searched minorities were more likely than whites to be found with contraband.

Central Falls

Number of Stops: 1,967/1,782
Number of Searches: 120

Search ratio 2001-2002: 1
Search ratio Oct. 2004–March 2005: 1.7

Comment: Central Falls' search ratio for the first six months of this study is significantly higher than its ratio during the 2001-2002 study, when there was virtually no discrepancy between searches of white and minority drivers. The actual ratio disparity could be higher, as Central Falls had the second worst error rate in this study (behind only Providence): there is a 9.4% discrepancy between the number of stops conducted, as indicated by cards, and the number of cards usable for search analysis.

Coventry

Number of Stops: 3,131/3,025
Number of Searches: 72

Search ratio 2001-2002: 1.1
Search ratio Oct. 2004–March 2005: 2.2

Comment: Like Central Falls, Coventry had a very low search ratio in 2001-2002, but this six-month study shows that police are now searching minority drivers more than twice as often as they do whites.

Cranston

Number of Stops: 5,099/4,767
Number of Searches: 216

Search ratio 2001-2002: 1.3
Search ratio Oct. 2004–March 2005: 1.4

Comments: Cranston's search ratio was a low 1.2 in the first three months of this six-month study, but during the latest three month period, minorities were more than one-and-a-half times as likely as whites to be searched, although no more likely to be found with contraband. The increase in this latest compilation of data is largely due to a jump in the Hispanic driver search rate – from 4% in the first three months to 7% this latest quarter. Asian drivers also remained disproportionate targets of searches by the Cranston police. From October-December 2004, they were searched 7.5% of the time, and for January-March 2005, they were searched 6.2% of the time once stopped. In contrast, just 3.7% of whites were searched during January-March 2005, a decrease from the 4.4% rate of previous months.

East Greenwich

Number of Stops: 1,604/1,501

Search ratio 2001-2002: 2.5

Number of Searches: 102

Search ratio Oct. 2004–March 2005: 1.4

Comment: Even though minority drivers were searched almost one-and-a-half times as often as whites during the six month period, no search of a minority yielded contraband, while 12% of searches of white drivers did so. The department's 1.4 ratio is still a marked improvement from the figures for the 2001-2002 study.

East Providence

Number of Stops: 7,480/6,883

Search ratio 2001-2002: 1.5

Number of Searches: 521

Search ratio Oct. 2004–March 2005: 1.5

Comment: Similar to the results from 2001-2002, minorities remained about one-and-a-half times as likely as whites to be searched, while less likely to be found with contraband. The disparity is greatest for Hispanic drivers, 11.7% of whom were subjected to searches, compared to 6.9% of whites, during this six month period.

Johnston

Number of Stops: 4,026/3,854

Search ratio 2001-2002: 3.8

Number of Searches: 86

Search ratio Oct. 2004–March 2005: 1

Comment: Johnston Police actually searched white drivers at *higher* rates than minority drivers in the first quarter of 2005 (3.6% of whites vs. 3.2% of minorities.) This Department deserves accolades for maintaining a 1 to 1 search ratio over the six month period. It may or not be coincidental that, as the ACLU's last report noted, Johnston was one of the few police departments in the state to indicate it had reviewed traffic stop enforcement patterns as a way of trying to reduce disparities. Of 55 searches conducted during this last quarter, only three – approximately 5% – turned up contraband. All were of white drivers. As a result, Johnston, despite its 1:1 search ratio, has one of the highest contraband discrepancies: for the six months of the study, whites were almost two and a half times as likely as searched minority drivers to be found with contraband.

Middletown

Number of Stops: 2,956/2,757

Search ratio 2001-2002: 1.2

Number of Searches: 64

Search ratio Oct. 2004–March 2005: 1.4

Comment: Although the numbers are relatively small (56 white searches and 8 minority searches), it is worth noting that none of the searches conducted on minorities during the first six months of the study turned up any contraband, while the searches conducted on white drivers yielded contraband almost 25% of the time. This is very similar to neighboring Portsmouth's contraband statistics.

Narragansett

Number of Stops: 2,519/2,366
Number of Searches: 62

Search ratio 2001-2002: 3
Search ratio Oct. 2004–March 2005: 1.5

Comment: For the six months of the study, Narragansett has commendably halved its search ratio disparity from its 2001-2002 showing. However, it is worth noting that even though minority drivers are one-and-a-half times as likely as white drivers to be searched, white drivers are one-and-a-half times more likely to be found with contraband.

Newport

Number of Stops: 4,210/4,045
Number of Searches: 81

Search ratio 2001-2002: 2.6
Search ratio Oct. 2004–March 2005: 2.8

Comment: For the six months of this study, Newport has a high racial search disparity of 2.8, slightly worse than their ratio during the 2001-2002 study.

North Kingstown

Number of Stops: 4,630/4,497
Number of Searches: 107

Search ratio 2001-2002: 2.1
Search ratio Oct. 2004–March 2005: 2.2

Comment: The promising decrease in North Kingstown's search disparity at the end of 2004 (1.5) was reversed in the first quarter of '05, when minorities were 3.2 times as likely to be searched as white drivers. During this latest quarter, six of 55 Hispanic drivers were searched. This 11% rate of searches was almost six times the rate of searches of whites (1.9%). And yet, searches of white drivers were 2.6 times as likely as minority searches to reveal contraband during the same period.

North Providence

Number of Stops: 3,103/2,907
Number of Searches: 89

Search ratio 2001-2002: 2
Search ratio Oct. 2004–March 2005: 2.2

Comment: As was the case in 2001-2002, North Providence police are searching minorities at least at twice the rate that white drivers are searched. Contraband was more likely to be found on whites.

North Smithfield

Number of Stops: 1,549/1,462
Number of Searches: 98

Search ratio 2001-2002: 3.1
Search ratio Oct. 2004–March 2005: 1.8

Comment: North Smithfield has a relatively high overall search rate: approximately 6.7% of all stopped drivers are searched. Still, minority search rates are close to double those of whites, even though it is clearly an improvement over the very high

3.1 ratio disparity from 2001-2002. Although not a subject of this report, it is worth mentioning that minority drivers were stopped at unusually high rates, compared to other suburban communities: during the first six months of this latest study, almost 25% of all stopped drivers were not white.

Portsmouth

Number of Stops: 3,017/2,868
Number of Searches: 100

Search ratio 2001-2002: 1.7
Search ratio Oct. 2004–March 2005: 1

Comment: Portsmouth was one of only three departments studied that, commendably, had a roughly even minority-white search ratio for the six month period of the study. Interestingly, no searches of minorities have yet turned up contraband, while 23 of 86 documented searches of white drivers (27%) did so.

Providence

Number of Stops: 7,730/6,775
Number of Searches: 769

Search ratio 2001-2002: 1.4
Search ratio Oct. 2004–March 2005: 1.9

Comment: As was true in the first quarter of the study, Providence remains among the more problematic police departments in a number of respects. The impact of the department's six-month 1.9 search ratio disparity is heightened by the very high number of searches that police generally conduct. That is, 12.7% of all stopped drivers are now being searched – 8.8% of whites, and 16.2% of minorities. Thus, as Providence's data pool grows, minorities remain almost twice as likely as white drivers to be searched. In contrast, whites are about one-and-a-half times more likely to be found with contraband. Providence's error rate also remains extremely troubling, and likely suggests an ever greater racial search disparity. There was a 12.4% discrepancy between the total number of stop cards submitted and the number of cards that could be used for purposes of analyzing search data for the six months of the study.

Tiverton

Number of Stops: 2,263/2,154
Number of Searches: 86

Search ratio 2001-2002: 6.3
Search ratio Oct. 2004–March 2005: 1.1

Comment: Tiverton has appeared to make the greatest improvement of all municipalities since the 2001-2002 study. Its search ratio in the two-year study was an astonishing 6.3, but the for the six months of this latest study, the search ratio was commendably close to 1. Because Tiverton's annual report on the steps it was taking to address racial profiling was quite sparse, it is unclear what accounts for this significant drop.

Warren

Number of Stops: 1,999/1,925

Search ratio 2001-2002: 2.2

Number of Searches: 89

Search ratio Oct. 2004–March 2005: 3.3

Comment: The search data for Warren after six months present a troubling pattern. Minority drivers are more than three times as likely to be searched once stopped, but white drivers are close to three times as likely to have contraband! African-American drivers in particular experienced the brunt of this: During the first six months of this latest study, 11 out of 56 – almost 20% – of stopped black drivers were searched. By contrast, only 4% of stopped white drivers were searched.

Warwick

Number of Stops: 8,141/7,560

Search ratio 2001-2002: 2.1

Number of Searches: 454

Search ratio Oct. 2004–March 2005: 1.6

Comment: Warwick's search disparity decreased from 1.9 in the first quarter of the six-month study to 1.5 in the second quarter. This was partly due to an increase in the percentage of searches of white drivers, from 4.7% to 6.3%. Meanwhile, minority search rates stayed steady at roughly 9%, even though minorities were slightly less likely than whites to be found with contraband when searched.

West Warwick

Number of stops: 1,969/1,838

Search ratio 2001-2002: 1.9

Number of Searches: 85

Search ratio Oct. 2004–March 2005: 2

Comment: As was true for 2001-2002, West Warwick continues to search minorities at twice the rate that whites are searched. However, the department's search disparity decreased from 2.3 to 1.6 between the two quarters. Also, although it reflects a small sample size, West Warwick was one of the few departments that found minorities to possess contraband at higher rates than white drivers.

Woonsocket

Number of Stops: 3,485/3,122

Search ratio 2001-2002: 2

Number of Searches: 229

Search ratio Oct. 2004–March 2005: 2

Comment: Throughout the six months of this study, minorities remained about twice as likely as whites to be searched, but only half as likely to be found with contraband once searched. Search rates for Hispanic drivers are particularly high: 13.8% were searched while less than 6% of stopped white drivers were searched. Woonsocket has also maintained a relatively high search rate generally during these six months: over 7% of those stopped were subject to searches. Only Providence and East Providence had higher search rates. Also troubling is the department's error rate. There was a 9.4% discrepancy between the total number of stops conducted by Woonsocket police and the number of stops with usable search data for October 2004–March 2005. Only Providence had a higher error disparity.

III. A MISCELLANEOUS BREAKDOWN OF STATISTICS

A. PAWTUCKET AND SOUTH KINGSTOWN

Pawtucket and South Kingstown are not included in the main body of the report because they each conducted a very small number of searches, minimizing the significance that can be placed on an analysis of those figures. However, these departments also conduct more stops of cars than virtually all other departments, so their data are still worth examining.

Pawtucket

Number of Stops: 7,559/7,429

Search ratio 2001-2002: 3.6

Number of Searches: 39

Search ratio Oct. 2004–March 2005: [2.7]

Comment: Pawtucket conducts more stops than any other department besides Providence, but actually conducts the fewest searches – about 1/2 of 1% of drivers stopped are subjected to searches. Therefore, Pawtucket's large search disparity ratio of 2.7 for the first six months may be misleading. Only additional data from future months will more positively indicate whether Pawtucket remains one of the police departments with a high disparity, as it had in 2001-2002.

South Kingstown

Number of Stops: 7,454/7,269

Search ratio 2001-2002: 3

Number of Searches: 54

Search ratio Oct. 2004–March 2005: [2.4]

Comment: Like Pawtucket, South Kingstown stops large numbers of drivers but maintains one of the lowest search rates. For example, just 16 drivers out of 3,135 were searched in the most recent quarter. The total data from six months indicates that, despite the apparently very selective criteria for engaging in searches, this department searches minorities 2.4 times as frequently as whites, yet whites were almost twice as likely (1.7) to be found with contraband. Because of the small number of searches, full analysis awaits additional data from future months.

B. STATE POLICE STATISTICS BROKEN DOWN BY BARRACKS

Since the State Police engage by far in more stops and searches than other departments, a closer examination of that agency's statistics, broken down by barracks, can be helpful. That breakdown follows.

State Police (Chepachet)

Number of Stops: 3,364/3,256

Search ratio 2001-2002: 3.9

Number of Searches: 34

Search ratio Oct. 2004–March 2005: [5.1]

Comment: The small number of documented searches (just 34 in six months) means that this high 5.1 ratio disparity could be skewed, as the numbers are not high enough to be statistically significant. But even with this very small pool, the indications are troubling: in the first quarter of 2005, 1,484 white traffic stops led to 16 searches, while just 242 minority stops led to an almost-equivalent 11 searches. And of the searched drivers, whites were 5.7 times more likely to have contraband. In this regard, it is also worth noting that Chepachet had a very high disparity ratio in the 2001-2002 study.

State Police (Hope Valley)

Number of Stops: 5,475/5,112
Number of Searches: 125

Search ratio 2001-2002: <1
Search ratio Oct. 2004–March 2005: 1.5

Comment: The State Police at Hope Valley showed a slight increase in their racial search disparity this quarter – minorities were 1.6 times as likely as whites to be searched, compared to 1.4 times as likely in the previous quarter period. Throughout the six month period, minorities were less likely than whites to possess contraband.

State Police (Lincoln)

Number of Stops: 5,364/4,990
Number of Searches: 71

Search ratio 2001-2002: 2.4
Search ratio Oct. 2004–March 2005: 2.1

Comment: The six-month statistics for the Lincoln Barracks show that minorities are twice as likely as white drivers to be searched. This is slightly less than the Barracks' disparity ratio in the 2001-2002 study.

State Police (Portsmouth)

Number of Stops: 2,314/2,243
Number of Searches: 59

Search ratio 2001-2002: 2.6
Search ratio Oct. 2004–March 2005: <1

Comment: The Portsmouth barracks actually searched white drivers at higher rates than minorities over the six-month period. No other barracks or police department analyzed in this report did that. Overall, 56 white drivers and three minority drivers were searched. The contraband outcome supports the negative disparity: 33.7% of white searches unearthed contraband, while no minority searches were fruitful.

State Police (Wickford)

Number of Stops: 3,910/3,732
Number of Searches: 82

Search ratio 2001-2002: 2.3
Search ratio Oct. 2004–March 2005: 3.3

Comment: The State Police at Wickford searched minorities more than three times as frequently as whites over the six month period. However, the overall search rate was relatively low (1.6% for the last quarter of 2004, and 2.7% for the first quarter of 2005). Note, though, that the overall search rate is rising. And while the white search rate rose marginally between the quarters (from 1.2% to 1.8%), the minority rate jumped ominously from 3.4% to 6% (although the search numbers just for this quarter are too small to be reliable).