THE PERSISTENCE OF RACIAL PROFILING

IN RHODE ISLAND:

A NINE MONTH REVIEW

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

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EXECUTIVE SUMMARY

A comprehensive study of traffic stop data collected in 2001-2002 documented significant racial disparities in the stopping and searching of drivers by local police departments in Rhode Island. Now, nine months into a one-year follow-up study ordered by the General Assembly, the findings are troubling, but clear: little has changed.

One critical lesson emerges from a nine-month analysis of the data. Even leaving aside the fundamental issues of fairness and discrimination, the statistics lead to the indisputable conclusion that the current search disparities by police departments also represent extremely poor police work.

More specifically, this report describes the following findings:

- After nine months of data collection, minority drivers statewide remain more than twice as likely to be searched as white drivers during traffic stops. The disparity has remained consistent over the period of the study, and is similar to what the 2001-2002 study uncovered.

- Of the 26 police departments with sufficiently large pools of search data for analysis during the nine-month period, 24 searched minorities at higher rates than they did whites.

- After nine months, there is no general trend of improvement in most police departments in reducing their racial disparities.

- The nine month figures show that a minority driver is slightly less likely than a white driver to be found with contraband when searched, despite the fact that his or her chances of being searched are twice as great. This has been true in all three quarters to date, as it was true in the 2001-2002 study.

- Of the 24 departments that disproportionately searched minorities in this nine-month study, 20 found whites to possess contraband at equal or higher rates than minorities.

- The nine-month overall productivity rate for searches is only 24.6%, meaning that only one-fourth of all searches leads to the discovery of contraband. This is particularly alarming, since only so-called "discretionary" searches – searches conducted by police based on "probable cause" or "reasonable suspicion" – are being analyzed. Thus, police officers' "reasonable suspicion" is wrong three out of every four times.

- Generally, police departments that search fewer vehicles are likely to have a higher "hit" rate for contraband. Likewise, lower racial disparities generally correlate with higher "hit" rates.

● It appears that police departments on the whole are continuing to ignore a statutory obligation to review traffic stop information on a regular basis in an effort to respond to any racial disparities highlighted by the information.

This report reiterates and expands upon some recommendations that the ACLU made six months ago when it analyzed the first three months of statistics. The recommendations made here include:

● Every law enforcement agency should be required to formally submit a report confirming that the traffic stop cards have been reviewed for disparities, and indicating whether that review has found any patterns relating to officers, locations or practices that are responsible for the disparity.

● Despite the formal conclusion of data collection, traffic cards should continue to be filled out by all police departments whenever a stop results in a search.

● Police officers should be required to document in writing their "probable cause" or "reasonable suspicion" grounds for conducting a search

● So-called "pretext" stops by police should be banned.

● Police officers should be provided appropriate training that addresses the legal standards for conducting a "reasonable suspicion" or "probable cause" search.

● Victims of racial profiling should be allowed to make use of collected traffic stop and search data in court to raise a "rebuttable inference of discrimination" where the statistics so suggest.

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1. INTRODUCTION

In 2000, the Rhode Island General Assembly authorized a two-year study of traffic stop data to help determine whether racial profiling was a problem in the state. Confirming long-standing grievances of the minority community, the study documented significant racial disparities in the stopping and searching of vehicles by police departments. In response, the General Assembly last year implemented some reforms and authorized another one-year study to examine whether there had been any improvement since the 2001-2002 study. This study began in October, 2004.

Now, after nine months of police department data collection– which includes information on 206,878 traffic stops and 6,648 documented vehicle searches – one thing is clear: discriminatory treatment of racial minorities on Rhode Island's highways and roads remains a serious problem.

For the third straight quarter, statistics show that minority drivers in Rhode Island are twice as likely as white drivers to be searched in the course of a routine stop, even while they are still less likely to be discovered with illegal items in their possession. These figures generally mirror the results of the 2001-2002 traffic stop study.

Unfortunately, and just as distressingly, the consistency of the figures further suggests that police departments are generally failing to analyze their own data in order to come to grips with, and seek to reduce, this ongoing problem.

The following is an update to two previous reports released this year by the Rhode Island ACLU. The first, "The Persistence of Racial Profiling in Rhode Island: An Analysis and Recommendations," was issued in May. That report reviewed self-reporting analyses, required by law, from local police departments as to what they

were doing to address the issue of racial profiling. The report also analyzed the traffic stops statistical data collected for October through December 2004 by the State Police and municipal police departments.

The racial disparities based on that data were quite troubling: Minority drivers were being searched at twice the rate of whites, although they were less likely to be found with contraband. In August of 2005, the ACLU issued a follow-up report when statistics for the study's second quarter (January-March 2005) were released. An analysis of that data showed no change in the 2 to 1 ratio, and in many cases documented aggravated disparities for individual departments.

The ACLU has prepared this third analysis to serve as an update and addendum to the information included in our earlier reports (which are accessible at http://www.riaclu.org/publications.html#reports). At the time this report is being released, the data collection for the one-year study will have already ceased. However, the state's full year's figures will not be available for some months. In light of the consistency of the data and the seriousness of the problem, the ACLU does not believe it is necessary to wait for the final quarter statistics in order to begin a serious discussion and consideration of possible remedies.

This report includes a state-wide overview and brief analysis of the data for 26 police departments found to have conducted a sufficient number of stops and/or searches to warrant a meaningful review of their statistics during the elapsed nine months of this study. The report also contains some recommendations for addressing the problem that is clearly documented by the statistics. We begin with an examination of some key trends and figures from the nine months of data.

2. A NINE-MONTH ANALYSIS OF TRAFFIC STOPS DATA

Search rates

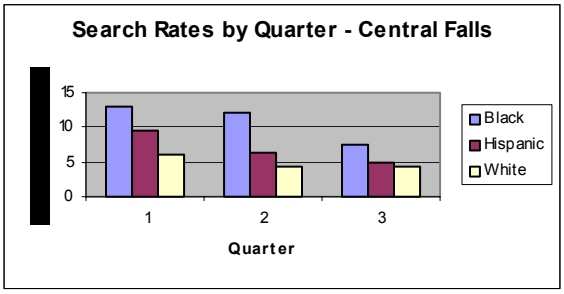
As with the ACLU's prior reports, we have examined the rates at which police engage in discretionary *searches* of motor vehicles, rather than *stops*. Unlike stop data, no baseline figures of the percentage of drivers of various races on the road are needed in order to analyze racial disparities in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

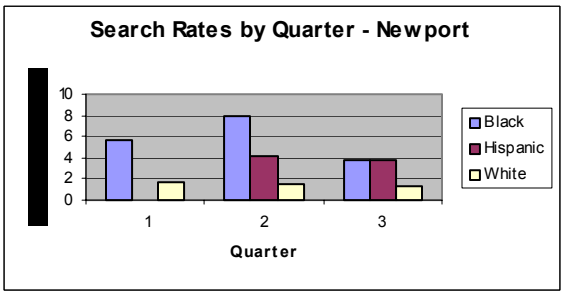
- As has already been noted, after nine months of data collection, minority drivers statewide remain more than twice as likely to be searched as white drivers during traffic stops, but still slightly less likely to be found with contraband. The disparity has remained consistent over the period of the study.
- During the third quarter of the study, the total number of stops increased substantially from previous quarterly periods – from 63,372 for the first three months (October-December 2004) and 67,198 stops for January-March 2005, to 76,008 in the most recent period. However, the 3% statewide discretionary search rate for this most recent quarter was a decrease from the previous quarter (when it was 3.9%) and about equal to the rate from the first quarter of the study.
- The percentage of both minority and white drivers who were searched this quarter decreased in roughly equal proportions (minorities from 6.9% to 5.2%, and whites from 3.2% to 2.5%) from the previous period.

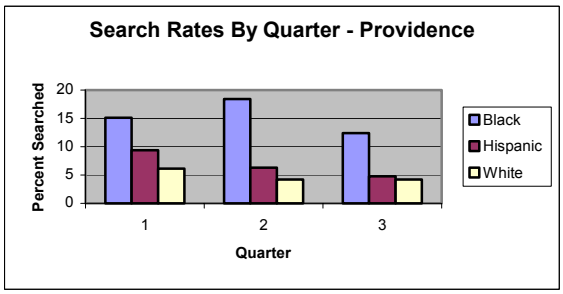
- Of the 26 police departments that conducted sixty or more searches during the nine-month period (a statistically significant pool of data), 24 searched minorities at higher rates than they did whites. Only two departments – Middletown and Tiverton – searched the groups at equal rates. (One State Police *division* – the Portsmouth Barracks – searched whites at higher rates than minorities.)
- Of the municipal police departments and State Police barracks with samples large enough to analyze at both six and nine month periods, a majority had worse racial search disparities at the nine-month mark than they did six months into the study.
- Of the eight departments with samples large enough to analyze for individual quarters (i.e., more than 60 searches per quarter), four saw a reduction in their racial disparities between the second and third quarters, and four had worse disparities. Only Providence and Woonsocket have seen a decline in their disparity rate for each quarter.
- Several large departments appeared to consistently target one minority group (either blacks or Hispanics) at high rates compared to other groups (including other minorities). In particular, Central Falls, Newport and Providence had comparatively high search rates of black drivers, while East Providence, Warwick and Woonsocket appeared to disproportionately search Hispanic drivers. Some smaller departments, like East Greenwich and North Kingstown, showed similar patterns. Although difficult to interpret, the consistency suggests that some departments, consciously or not, may be tailoring their search practices in a racially disparate manner.

SAMPLE CHARTS LOOKING AT OVER-SEARCHING OF PARTICULAR RACIAL GROUPS

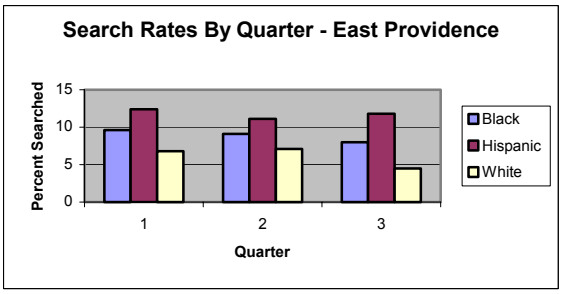
Departments that Over-searched Blacks in 3 Quarters

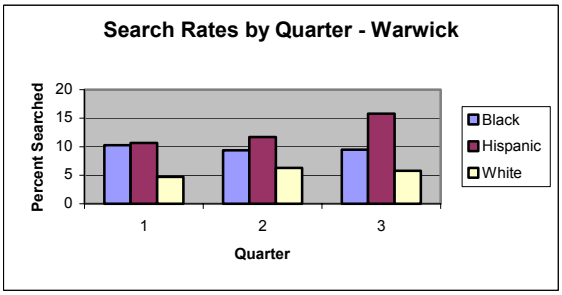


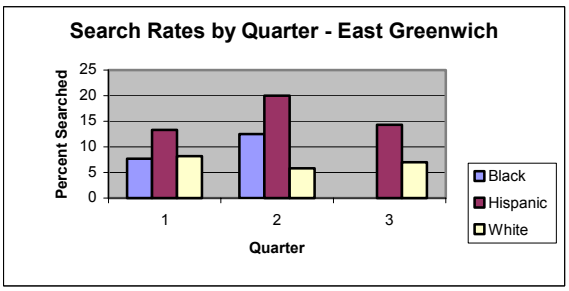




Departments that Over-searched Hispanics in 3 Quarters







Contraband

The troubling nature of the search statistics is multiplied when one examines the results of police searches, for the data in both studies have consistently shown that minority drivers are actually less likely than whites to be found with contraband in their possession.

- The nine-month figures show that a white driver is slightly more likely than a minority to be found with contraband when searched, despite the fact that his or her chances of being searched are half as great. This has been true in all three quarters to date, as it was true in the 2001-2002 study.
- Of the 24 departments that disproportionately searched minorities in this nine-month study, 20 found whites to possess contraband at equal or higher rates than minorities.
- Middletown and Tiverton, despite searching whites and minorities at equal rates over the nine months, found a greater percentage of whites with contraband. In Middletown, 29% of searched white drivers were found with contraband (20 out of 68), but none of the minorities searched had illegal items.

Productivity

"Productivity" refers to the rate at which searches, once initiated, revealed contraband in the possession of the driver.

The nine-month overall productivity rate is only 24.6%, which gives serious cause for alarm. It's crucial to recognize that these statistics involve only so-called "discretionary" searches by police: those that were conducted based on "probable

cause" or "reasonable suspicion" that something would be found. Searches incident to arrest are excluded from the analysis, as are so-called consent searches (those in which a driver volunteers to a search in the absence of suspicion), which were specifically banned by the General Assembly in 2004.

Yet, according to the data, these suspicion-based searches found contraband only about one-fourth of the time. In other words, police officers' "reasonable suspicion" was wrong three out of four times. This raises basic questions as to just how "reasonable" officers' reasonable suspicions are. And, considering that minorities were searched at twice the rate of whites, but were less likely to be found with contraband, it is difficult to escape the conclusion that "reasonable suspicion" means something different to officers depending on the race of the driver being stopped.

A closer look at the statistics provides some other useful pieces of information:

- Although search rates were down from the previous quarter, productivity was up: from 21.9% in the previous quarter to 25.2% in the most recent quarter. This is similar to the first quarter results, when the search rate was also 3% but productivity was 27%.
- Looked at another way, in the most recent quarter, 2,309 search outcomes were documented, with 581 resulting in the discovery of contraband. Yet in the previous quarter, when 2,649 search outcomes were recorded – 340 more – the number of successful searches was also 581.

- The pattern of increased productivity was true for both white and minority drivers. White searches with known outcomes decreased by 164 between the quarters, but just four fewer discoveries of contraband were reported. Minority searches decreased by 176 – almost 20 percent of the second quarter total - but again, only four fewer discoveries of contraband resulted.

It is useful and informative to examine how targeting minorities affects the productivity of searches:

- As a general rule, departments with the greatest racial search disparities over nine months had lower productivities than those that searched drivers at equal rates. For example:

  The 10 departments with the lowest nine-month racial disparities had a collective (weighted) search ratio of 1.7, based on their combined data. The collective rate of successful searches, at 29.8%, was higher than the state average. On the other hand, the 10 departments with the highest nine-month racial disparities in searches had a collective search ratio of 2.1. And at 22.5%, their collective success rate fell short of the state average.

- Examined another way, the data show that of the 10 departments with the highest success rates (averaging 38.2%), the average search disparity was 1.6 – much lower than the state average. Of the 10 departments with the lowest success rates (averaging just 13.2%), the average search disparity was 2.1.

Thus, two patterns that appear to emerge from the statistics are "search less, find more," and complementary to that, "search more equally, find more." We note again that a reduced number (as well as percentage) of searches this quarter produced an equal number of discoveries. This was especially true when it pertains to race.

In enacting the "Racial Profiling Prevention Act of 2004," the General Assembly found that:

> Racial profiling harms individuals subjected to it because they experience fear, anxiety, humiliation, anger, resentment and cynicism when they are unjustifiably treated as criminal suspects."; and
>
> Racial profiling damages law enforcement and the criminal justice system as a whole by undermining public confidence and trust in the police, the courts, and criminal law, and thereby undermining law enforcement efforts and ability to solve and reduce crime. R.I.G.L. § 31-21.2-2(e) and (f).

It is time to add the now-evident point that racial profiling is also just poor police work. Stereotyping black and Hispanic drivers as being more likely to have contraband leads police officers to spend limited resources and time on unproductive fishing expeditions. Reducing these disparities is not just a matter of basic fairness, it is a matter of good policing.

In fact, the statistics utterly destroy an argument that some police had offered, and continue to offer, in resisting the collection of traffic stop data. They warned that officers, fearful of being accused of racial profiling, would hesitate to pull over or search cars with minority drivers, even if that meant ignoring legitimate suspicions. Data collection, they said, could thus ultimately hamper productivity and impede good police work.

Instead, the data convincingly demonstrate just the opposite: police remain inclined to routinely over-search minorities even as they are less likely to find contraband on those drivers.

In short, searching fewer minority drivers is good, not poor, policing. Searching more minorities simply means more wasted minutes, more angry drivers, more questions about the prevalence of racial profiling, and embarrassing departmental statistics.

Error Rates

On a positive note, error rates have decreased substantially in recent months. Error rates describe the percentage of a Department's cards in which a data category was incomplete. 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 a department's cards. In the first months of the study error rates were astronomical. And remarkably, as data collection continued, the number of departments with unacceptable error rates *increased*.

In March, the half-way point of the study, 15 Departments had error rates deemed "unacceptable" by statisticians in the crucial category of "Search." These included Cranston, Johnston, Narragansett, Newport, North Kingstown, Providence, South Kingstown and Woonsocket, large departments that were conducting hundreds of stops and searches. But given the volume of missing data, the actual extent and racial breakdown of searches was unclear.

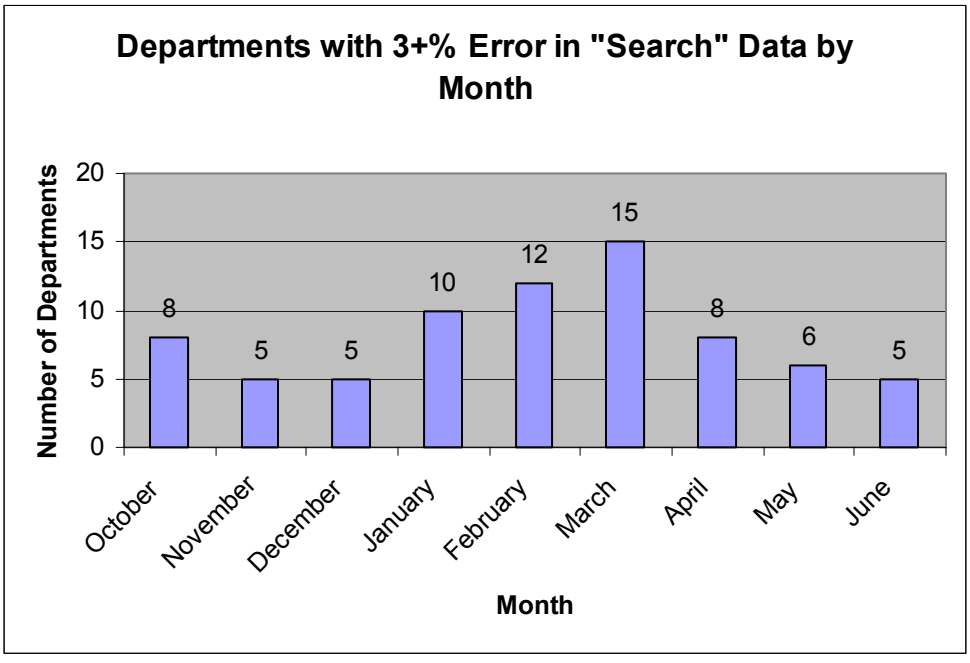
A LOOK AT ERROR RATES

3rd Quarter of Data Collection (April – June 2005)

April: 8 Departments had an unacceptable error rate in the "search" category. They included five departments analyzed in this report: Bristol, Burrillville, East Greenwich, Hopkinton, and West Warwick.

May: 6 Departments had an unacceptable error rate in the "search" category. They included four departments analyzed in this report: Bristol, East Greenwich, Johnston, and Middletown.

June: 5 Departments had an unacceptable error rate in the "search" category. They included four departments analyzed in this report: the State Police, East Greenwich, and Middletown.



Almost all of these departments reduced their error rates to "acceptable" levels in the most recent quarter ("acceptable" is defined as more than 97% complete), making the error rates' effect on data somewhat less problematic than in the past.

We note that departments with accuracy problems tend to have them consistently over many months. We also note that several of the improved departments report having made special provisions to address the problem, including Providence, which now has a supervisor charged with inspecting all cards after receipt from officers. This seems to be effective: since April, Providence has been "acceptable" in all data categories, while formerly it was among the least accurate departments in the state.

Increased oversight thus appears to be one workable, if obvious, way to solve the error issue.

3. RECOMMENDATIONS

Clearly, the practice of over-searching is unproductive, and in the case of minority drivers it has deleterious effects that go far beyond what's found or not found. And yet the pattern has persisted since 2001, when the collection of traffic stops data was initiated. The state now has almost three years worth of data covering a span of about five years. The evidence of a serious problem is overwhelming.

In our first report, issued in May, we offered a series of recommendations. We noted in particular one basic step that departments did not appear to be taking:

> Northeastern [University]'s 2003 report emphasized the need for law enforcement to "closely examine and address any internal practices or actions of individual officers that may cause the types of disparate stop patterns observed in this study." Similarly, the 2004 law required all agencies to review traffic stop data on a regular basis "in an effort to determine whether any racial disparities in the agency's traffic stops enforcement exists, and to appropriately respond to any such disparities." Only a handful of police departments described taking this action in their status reports, and the most recent statistics lend credence to the view that detailed internal analyses of traffic stop card data are not being performed. In the absence of such a review, other remedial steps are bound to be unsuccessful.
>
> In response, the ACLU recommended that:
>
> "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."

When the second quarter of data showed continued dismaying results in terms of racial disparities, the updated report emphasized that recommendation among all others, noting that:

> 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.

It is clear that this review is simply not happening, even though examining the search data from traffic stop cards would not be difficult for police departments. With only one exception (Providence), all departments have averaged fewer than 100 searches a month. In all but five jurisdictions, the average number of cards with search data is less than 30 a month. Thus, police supervisors need only review a small number of traffic stop cards each month in order to determine what is responsible for the continued search disparity rates, as well as to examine and address the documented problems with search productivity.

Calls for continued data collection are appropriate, and the ACLU applauds police departments that have indicated plans to do so. But the collection of more information is virtually meaningless unless police departments take the next step of actually analyzing the data they already have. Few, if any, appear to have done so.

The ACLU's May 2005 report offered a series of other recommendations, some of which have become moot with passage of time. Others remain timely and essential. We reiterate and expand upon some of them below:

● Every law enforcement agency should be required to formally submit a report confirming that the cards documenting searches from all four quarters of this study have been reviewed; indicating what patterns relating to officers, locations, or practices have been found that appear to be responsible for the department's disparities; and describing what actions have been, or will be, taken in response.

● Once a full-year analysis is completed by Northeastern University, police departments should take similar action in response to any disparities found in the

traffic *stop* data, and should further review and revise any departmental policies and practices that may be contributing to those disparities.

● Traffic cards should continue to be filled out by all police departments whenever a stop results in a search. Analysis of these cards for racial disparities and productivity should be on-going.

● Police officers should be required to call in and also document in writing their "probable cause" or "reasonable suspicion" grounds for conducting a search. This documentation should be a public record.

● So-called pretext stops – in which police use minor traffic violations as a pretext for pulling over "suspicious" vehicles that officers otherwise have no grounds to stop – should be banned. Such stops almost certainly bear some responsibility for the high percentage of fruitless searches conducted by police.

● Victims of racial profiling should be allowed to make use of collected traffic stop and search data in court to raise a "rebuttable inference of discrimination" where the statistics so suggest.

● Police officers should be provided appropriate training that addresses the legal standards for conducting a "reasonable suspicion" or "probable cause" search.

● Detailed standards should be adopted for the use of in-cruiser cameras during police stops for those police cars so equipped.

● In order to promote uniformity and clarity, the Select Commission on Race and Police-Community Relations, in conjunction with the R.I. Justice Commission, should issue detailed guidelines and a template for police departments to follow in submitting their annual status reports, the next one of which is due in two months.

4. A STATISTICAL BREAKDOWN BY POLICE DEPARTMENT

What follows is a brief analysis of search data broken down by police department for the 26 departments that conducted at least 60 searches or made more than 2,000 stops during the first nine months of the study.

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

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.

<u>Total Statewide</u>
October 2004 -- June 2005 Number of Stops: 206,878
Number of Searches: 6,648 (based on 195,243 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 2nd Qtr 2005: 2.1
Search ratio Oct. 2004--June 2005: 2.1

Comment: The number of traffic stops in the most recent quarter increased substantially over the previous quarter, from 67,198 to 76,008. 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 nine 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.

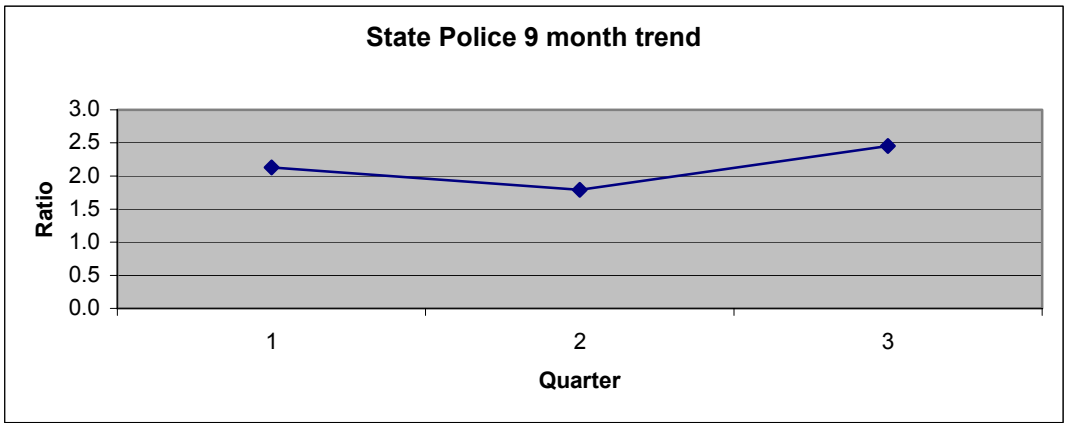
The second column contains two numbers: first, the minority-white disparity ratio of searches found in the 2001-2002 study and, second, the ratio computed thus far from the 2004-2005 data.

For the eight departments that have conducted 60 or more searches in each quarter, rendering each quarterly figure statistically significant, a chart is included.

State Police

Number of Stops: 38,047/35,943
Number of Searches: 611

Search ratio 2001-2002: 1.7
Search ratio Oct. 2004—June 2005: 2.2



Comment: The State Police are more than twice as likely to search minority drivers as they are whites. Hispanics were searched at the highest rates this quarter, with a search likelihood 3.5 times that of whites, although whites were more likely to be found with contraband. A breakdown of the statistics by barracks appears at the end of this report. Compared to other departments and to the state average, the State Police continue to search a relatively small number of drivers – just 1.4 percent in the latest quarter.

Bristol

Number of Stops: 5,250/5,077
Number of Searches: 255

Search ratio 2001-2002: 2.1
Search ratio Oct. 2004--June 2005: 2

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, but it's been steadily increasing. The figures for the latest quarter are especially troubling, with black drivers 4.3 times as likely as white drivers to be searched. Put another way, while approximately one out of every 25 stopped white drivers was searched, one out of every six stopped black drivers was subjected to a search.

Burrillville

Number of Stops: 2,124/2,009
Number of Searches: 80

Search ratio 2001-2002: 2.5
Search ratio Oct. 2004--June 2005: 1.9

Comment: Although Burrillville has searched only five minorities during the first nine months of the study, it nonetheless represents a search rate that is double that for

white drivers. Further, none of the searches of minorities has been productive, while more than one-third of the searches of white drivers turned up contraband.

Central Falls

Number of Stops: 3,168/2,875 Search ratio 2001-2002: 1
Number of Searches: 173 Search ratio Oct. 2004--June 2005: 1.5

Comment: More than half of stopped drivers in Central Falls are Hispanic (52%), which is consistent with the city's 48% Hispanic population. The disparity between white and Hispanic searches is also slight. In contrast, black drivers are searched 1.8 times as often as whites. Yet, as this study finds again and again, searches of white drivers were by far the most productive: 20% revealed contraband, compared to a 16% success rate for searches of Hispanics, and 12% for searches of blacks.

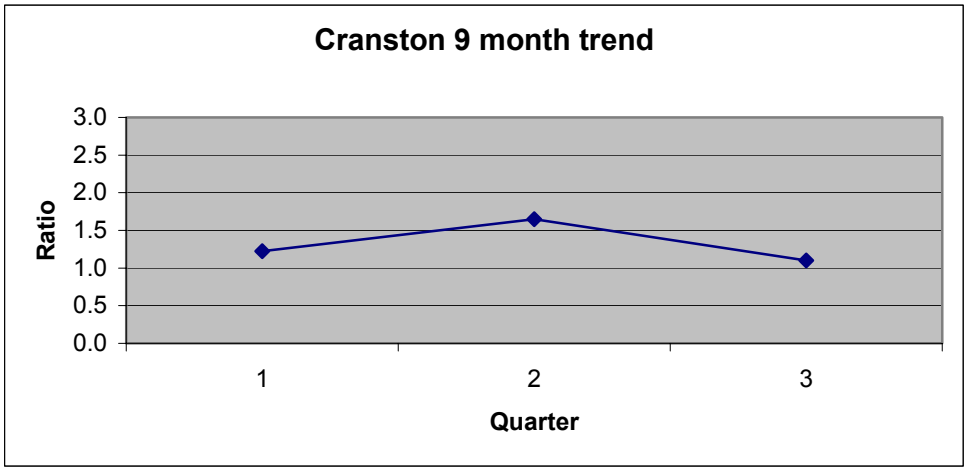
Coventry

Number of Stops: 4,911/4,743 Search ratio 2001-2002: 1.1
Number of Searches: 120 Search ratio Oct. 2004--June 2005: 2.3

Comment: After nine months, the data show that that police are searching minority drivers more than twice as often as they do whites, with the disparity increasing each quarter. It is a major departure from the 2001-2002 study, when the Department's search ratio disparity was very low.

Cranston

Number of Stops: 7,566/7,122 Search ratio 2001-2002: 1.3
Number of Searches: 264 Search ratio Oct. 2004--June 2005: 1.4



Comments: The most recent quarter has been the best yet for Cranston, with minorities and whites searched at rates that are close to equal, and overall search rates reduced to just 2% percent of all drivers (down from 4.6% and 4.4%

respectively in the first two quarters). The productivity of searches correspondingly increased significantly in the last quarter: 28% of searches revealed contraband, compared to 15% and 20% in the previous periods.

Cumberland

Number of Stops: 4,663/4,512
Number of Searches: 79
Search ratio 2001-2002: 1.7
Search ratio Oct. 2004--June 2005: 2.2

In Cumberland, minority drivers are searched at more than double the rate of whites. Although the total numbers are small, it is worth noting that it is one of the very few communities where minorities were also found with contraband at a much higher rate than whites.

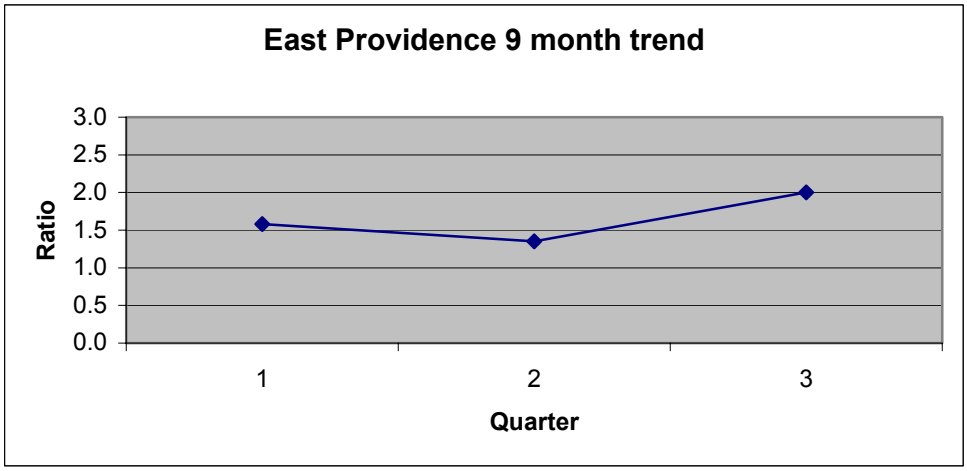
East Greenwich

Number of Stops: 2,513/2,328
Number of Searches: 160
Search ratio 2001-2002: 2.5
Search ratio Oct. 2004--June 2005: 1.3

Comment: The search disparity in East Greenwich is relatively low, perhaps partly because all drivers, whites included, are searched at high rates (6.8% of all drivers stopped in the nine months.) However, Hispanic drivers appear to be consistently singled out for disparate treatment. Over nine months, 11.5% of Hispanics were searched, compared to 6.7% of whites and 6.6% of blacks. In addition, not a single search of a non-white driver revealed contraband over the nine months. This may partly explain why East Greenwich police found contraband in just 10.7% of all searches, one of the lowest rates in the state.

East Providence

Number of Stops: 11,828/10,784
Number of Searches: 745
Search ratio 2001-2002: 1.5
Search ratio Oct. 2004--June 2005: 1.6



Comment: In the 2001-2002 study and for the first six months of this study, minorities were about one-and-a-half times more likely than whites to be searched. In the most recent quarter, however, minorities were searched at double the rate of whites. In all quarters of the latest study, the disparity has been greatest for Hispanic drivers, 11.8% of whom where subjected to searches during the nine month period, compared to 6% of whites and 8.9% of blacks. This is similar to East Greenwich, as is the high overall search rate of 6.9% during the nine months. Mirroring the statewide trend, whites are still slightly more likely to be found with contraband.

Glocester

Number of Stops: 2,579/2,471 Search ratio 2001-2002: 2.3
Number of Searches: 43 Search ratio Oct. 2004--June 05: N/A

After nine months the Glocester Police have made more than 2,000 stops, but they conduct very few searches, and have yet to search a single minority. Their focused search practices are rewarded in their productivity. Twenty-five of the 43 searches conducted over the nine months revealed contraband, close to 60%! This rate is the highest in the state.

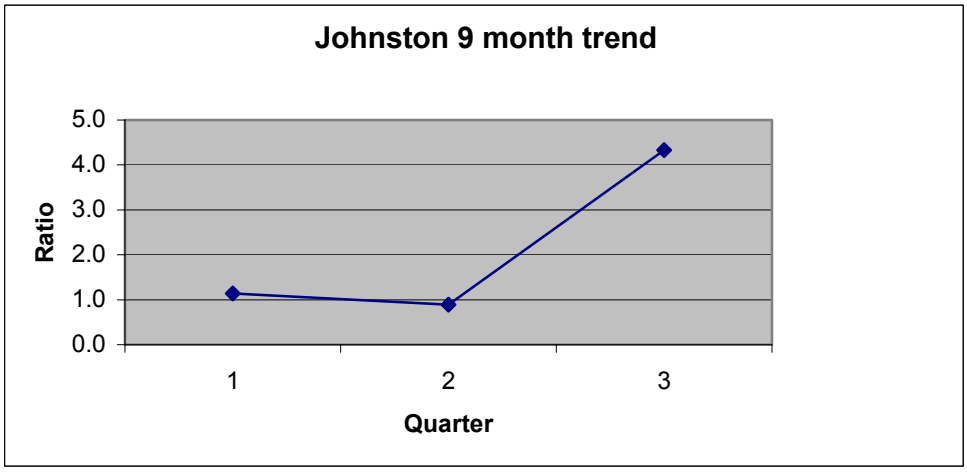
Hopkinton

Number of Stops: 2,709/2,496 Search ratio 2001-2002: 1.4
Number of Searches: 57 Search ratio Oct. 2004--June 2005: N/A

Like Glocester, Hopkinton stops lots of cars, but conducts very few searches. In fact, after nine months it is still slightly below the 60-search cutoff our reports have been using for statistical validity purposes. It is close enough, however, to at least note that the town's search ratio is 2.1, with productivity lower than one-third.

Johnston

Number of Stops: 6,764/6,402 Search ratio 2001-2002: 3.8
Number of Searches: 122 Search ratio Oct. 2004--June 2005: 1.7



Comment: The minority search ratio in Johnston was 4.3 this quarter, the second worst in the state. How could this happen, when Johnston maintained a 1 to 1 search ratio over the first six months of this latest study, and 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)? The explanation lies in the white search rate, which plummeted to just .9% of drivers in the most recent quarter. This reduction, coupled with a slight increase in minority search rates, significantly increased the disparity.

Importantly, in spite of their reduced frequency, the percentage of white searches that revealed contraband increased from 6.7% in the last quarter to 19% in this quarter. This mirrors the statewide trend – search less, find more. Johnston police should now correct the disparity by lowering search rates for all racial groups.

Middletown

Number of Stops: 5,455/4,238 Search ratio 2001-2002: 1.2
Number of Searches: 95 Search ratio Oct. 2004—June 2005: 1.1

Comment: Middletown searched white drivers more frequently than minority drivers in the most recent quarter, making its nine month ratio almost 1:1, down from its 1.5 ratio after six months. This is commendably comparable to their low 2001-2002 disparity as well. Predictably, productivity increased from 21% after six months to 27% at nine months. Why? Because not a single minority has been found with contraband in the nine months, while contraband was found in 29% of the searches of white drivers.

Narragansett

Number of Stops: 3,709/3,491 Search ratio 2001-2002: 3
Number of Searches: 78 Search ratio Oct. 2004—June 2005: 1.3

Comment: The Narragansett Department had no search disparity in the latest quarter, bringing its nine-month ratio down to 1.3, a significant improvement from the 2001-2002 study. We note that as the disparity has decreased, productivity increased. This was true because over nine months, white drivers were found with contraband 2.2 times as often as minorities!

Newport

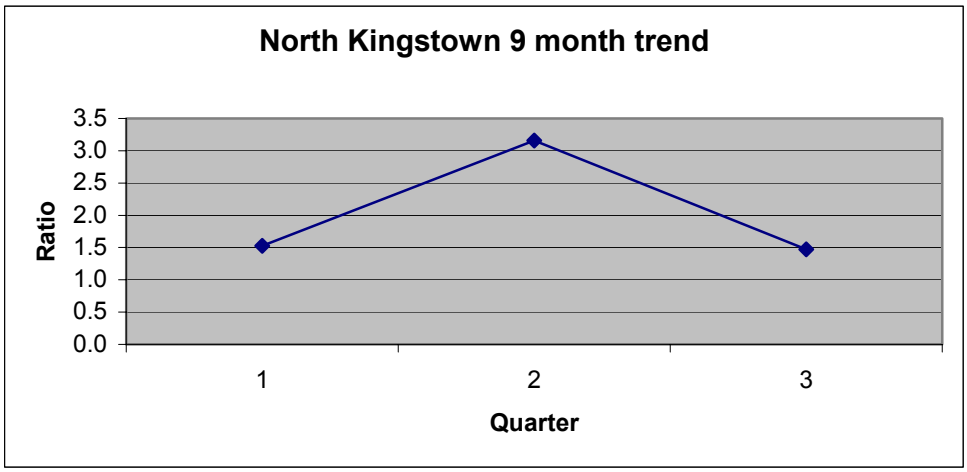
Number of Stops: 6,395/6,124 Search ratio 2001-2002: 2.6
Number of Searches: 113 Search ratio Oct. 2004--June 2005: 2.7

Comment: Newport has had a consistently high racial search disparity over nine months. Black drivers were the primary targets in all quarters; at times, overall, their search likelihood was five times that of whites. Yet over nine months, white and minority drivers were found with contraband at equal rates. The percentage of successful searches was a low 17%.

North Kingstown

Number of Stops: 6,937/6,632
Number of Searches: 146

Search ratio 2001-2002: 2.1
Search ratio Oct. 2004—June 2005: 2



Comment: North Kingstown's search disparity decreased greatly in the most recent quarter, from 3.2 to 1.5. Over nine months, however, minority drivers have been searched at twice the rate of whites. The disparity is most severe for Hispanics, who were searched at 2.9 times the white rate. Over that same period, minority and white drivers were found with contraband at equal rates. Only 17% of all searches uncovered contraband.

North Providence

Number of Stops: 4,908/4,627
Number of Searches: 127

Search ratio 2001-2002: 2
Search ratio Oct. 2004—June 2005: 2.1

Comment: North Providence police showed a slight improvement in the latest quarter. Search rates of all racial groups decreased, with greatest reduction for Hispanic drivers (from 4.8% to .6%.). However, its racial disparity for the nine month period remains above 2, and searches of white drivers produce contraband one-and-a-half times more often than searches of minority drivers.

North Smithfield

Number of Stops: 2,444/2,302
Number of Searches: 142

Search ratio 2001-2002: 3.1
Search ratio Oct. 2004—June 2005: 1.8

Comment: North Smithfield police have searched a very high 6.2 % of all drivers over nine months, with rates consistently above state averages for all racial groups. Black drivers are searched at the highest rates: 11.2% over nine months compared to 5% for white drivers. Despite – or more accurately, because of – its zealous search practices, North Smithfield had the lowest productivity rate in the state, with just 5.3% of searches revealing contraband.

Although our analysis has focused exclusively on search data, we feel it is worth noting in passing that in all quarters, minorities were stopped in North Smithfield at rates that were far higher than those of comparable suburban towns: over nine months, 22.5% of stopped drivers were not white.

Pawtucket

Number of Stops: 11,727/11,509 Search ratio 2001-2002: 3.6
Number of Searches: 82 Search ratio Oct. 2004--June 2005: 2.8

Comment: In the latest quarter, Pawtucket maintained its practice of stopping large numbers of drivers but searching very few (just 1.1%.) After nine months, however, the department has conducted 82 searches, enough to validate a problematic racial disparity of 2.8. It appears that Pawtucket police are disproportionately selecting minorities as the targets of the very few searches they choose to conduct. (Specifically, searches were conducted on .5% of stopped white drivers, but 1.3% of minorities stopped were searched.) Equal percentages of white and minority drivers have been found in possession of contraband over the nine months.

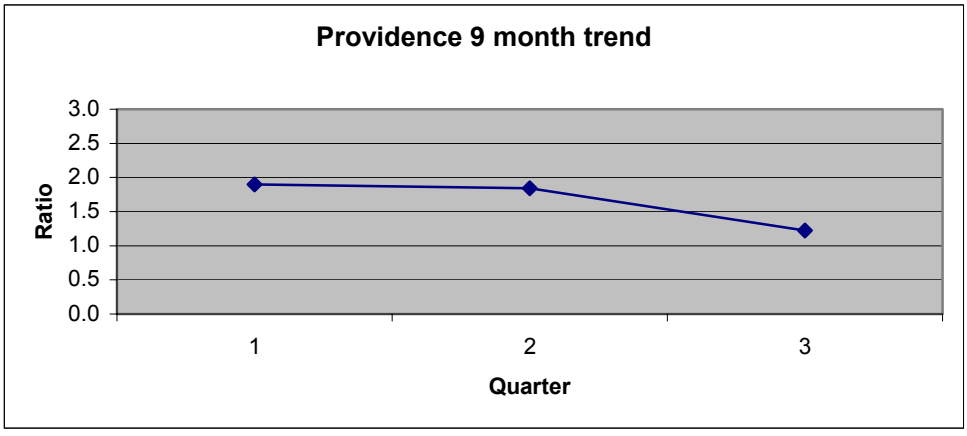
Portsmouth

Number of Stops: 4,666/4,412 Search ratio 2001-2002: 1.7
Number of Searches: 142 Search ratio Oct. 2004--June 2005: 1.2

Comment: Although the figures for the latest quarter are too small to be statistically significant, they are worth noting. After having a roughly even minority-white ratio for the first six months of the study, the Department's ratio rose to 1.6 in this most recent quarter, largely because black drivers were searched at a rate more than three-and-a-half times that of whites. Interestingly, no searches of minorities have turned up contraband in nine months, while 30 of 124 documented searches of white drivers (24%) did so.

Providence

Number of Stops: 11,433/10,139 Search ratio 2001-2002: 1.4
Number of Searches: 1,107 Search ratio Oct. 2004—June 2005: 1.6



Comment: Providence showed improvement in the most recent quarter, with a disparity reduced to just 1.2, although the nine-month average remains above 1.5. Also, overall search rates are still extremely high: 10% of all stopped drivers are searched (8.9% of whites and 10.9% of minorities), and black drivers have been searched at the highest rates throughout the nine months (15.1%, 18.4%, and 12.4% for the respective quarters), despite the fact that Hispanic drivers are actually stopped more frequently.

While the minority search rate has fallen, the white search rate has risen. Although this is one fix for inequity, it appears problematic given the high number of searches that Providence already conducts. And in keeping with the statewide trend, more searches do not mean exemplary results – though it is above the state-wide average, over nine months, the rate of productive searches was just 33% for those of white drivers and 25% for minority drivers. The success rate for black drivers in particular, the most searched class of drivers, was an even lower 22%.

South Kingstown

Number of Stops: 11,163/10,881 Search ratio 2001-2002: 3
Number of Searches: 73 Search ratio Oct. 2004—June 2005: 2.5

Comment: Like Pawtucket, South Kingstown stops large numbers of drivers but maintains one of the lowest search rates (.5% of all drivers in the most recent quarter.) But with 73 searches in the nine-month study, South Kingstown's trends are now based on a reliable sample. The search ratio for this period was 2.5: that is, minorities were two-and-a-half times more likely to be searched than white drivers. South Kingstown's practice of oversearching minorities has not led to a corresponding level of productivity. Over the nine months, 1.4% of all minority drivers were searched, and 32% of those searches revealed contraband. In contrast, just .6% of whites were searched, but 55% of them were found with contraband!

Tiverton

Number of Stops: 3,482/3,323 Search ratio 2001-2002: 6.3
Number of Searches: 143 Search ratio Oct. 2004—June 2005: 1.0

Comment: At the nine-month mark, Tiverton's search ratio remains 1-to-1, as it was six months into the study. Tiverton's overall search rate and productivity rate are fairly typical. So what's different about Tiverton? We don't know, but the reversal of the appalling 6.3 ratio that the Department displayed in 2001-2002 remains commendable.

Warren

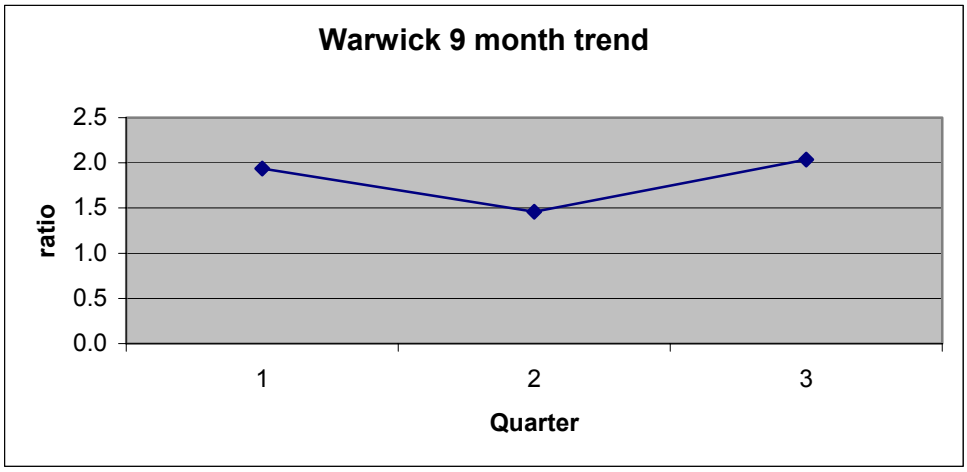
Number of Stops: 3,243/3,131 Search ratio 2001-2002: 2.2
Number of Searches: 139 Search ratio Oct. 2004—June 2005: 3.3

Comment: Warren's third quarter statistics were too small to be statistically significant, but they mirror the police department's troubling overall data for the nine months of the study. In the most recent quarter, minority drivers were searched at more than three times the white rate, but not a single one was found with contraband. This pattern has held for the duration of the nine-month study, with a 3.3 search disparity, but with white drivers more than four times as likely to be found with illegal items when searched.

In nine months, 18% of black drivers were searched when stopped, as were 11% of Hispanics (compared to just 4% of whites). These numbers are even harder to justify when we note that exactly one minority search revealed contraband. This partially explains why Warren's rate of successful searches is a woeful 14%.

Warwick

Number of Stops: 12,531/11,651
Number of Searches: 725
Search ratio 2001-2002: 2.1
Search ratio Oct. 2004—June 2005: 1.8



Comment: Warwick's search disparity had dropped in the previous quarter because search rates of white drivers increased, while minority search rates stayed the same. In the most recent quarter, however, the white search rate declined while the minority rate increased from 9.2% to 11.8%. The increase was greatest for Hispanic drivers, especially troubling because this group has been targeted at the highest rates in all three quarters to date. The department's searches have a very low productivity rate, with just a 14% success rate in searches of white and black drivers. Despite the department's focus on Hispanic drivers, the success rate for those searches was even lower, at 11.4%.

West Warwick

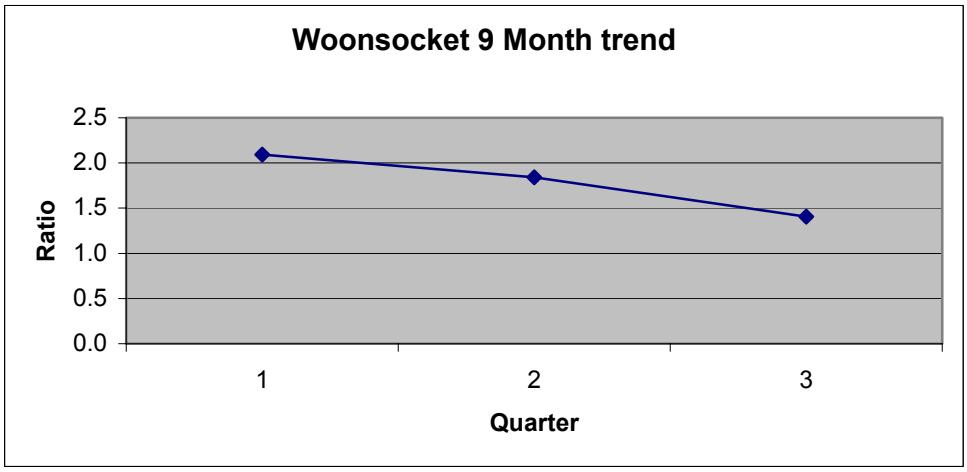
Number of stops: 2,714/2,524
Number of Searches: 131
Search ratio 2001-2002: 1.9
Search ratio Oct. 2004—June 2005: 2.1

Comment: The West Warwick department's nine-month search disparity rate is slightly higher than 2. Although it reflects a relatively small sample size, we note that

this was one of the few departments that found minorities to possess contraband at higher rates than white drivers.

<u>Woonsocket</u>

Number of Stops: 5,544/5,010
Number of Searches: 341
Search ratio 2001-2002: 2
Search ratio Oct. 2004—June 2005: 1.8



Comment: Woonsocket has shown improvement in each quarter, with a disparity reduced to 1.4 for the latest quarter. Over nine months, however, minorities were about twice as likely as whites to be searched, while less likely to be found with contraband. Much of the recent improvement was due to the reduced Hispanic search rate (down from an average of 13.8% in the first two quarters to 8.1% in the latest quarter.) As in Warwick, East Providence, East Greenwich and North Kingstown, Hispanic drivers appeared to have been targeted at rates much higher than those for other groups, all to no avail: the 15.6% nine-month success rate for searches of Hispanic drivers was the lowest of any racial group in the city.

5. STATE POLICE STATISTICS BROKEN DOWN BY BARRACKS

Since the State Police engage by far in more stops 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: 6,336/6,157 — Search ratio 2001-2002: 3.9
Number of Searches: 54 — Search ratio Oct. 2004—June 2005: [5.3]

Comment: Both in the most recent quarter and over the span of nine months, this unit has had the worst racial search disparity of any in the state, although the overall search numbers themselves are extremely low. The nine-month figures, based on 54 searches, show minorities being searched at more than five times the white rate. This is due to the extremely low white search rate: of about 5,400 white drivers stopped in nine months, just 31 – .6% - were searched. But in that same period, troopers stopped 760 minority drivers, and searched 23! Whatever is deterring police from searching whites clearly doesn't apply when the driver is a minority. And this conduct is all the more baffling because whites were almost twice as likely to have contraband.

State Police (Hope Valley)

Number of Stops: 9,158/8,634 — Search ratio 2001-2002: <1
Number of Searches: 198 — Search ratio Oct. 2004—June 2005: 1.8

Comment: The disparity for this barracks has been growing over the past 9 months (from 1.3 to 1.6 to 2.5 for the respective quarters), and minorities are now searched at more than double the white rates. White drivers, however, are more likely to have contraband.

State Police (Lincoln)

Number of Stops: 9,674/9,064 — Search ratio 2001-2002: 2.4
Number of Searches: 111 — Search ratio Oct. 2004—June 2005: 2

Comment: Minorities stopped by state troopers in Lincoln over the past nine months were more than twice as likely to be searched, but less likely to be found with illegal items. Note that like Chepachet, this unit rarely searches white drivers (just .9% in nine months), but shows no such restraint with minorities. In nine months, 3,604 more white drivers were stopped, but just nine more were searched!

State Police (Portsmouth)

Number of Stops: 4,146/3,972 — Search ratio 2001-2002: 2.6
Number of Searches: 88 — Search ratio Oct. 2004—June 2005: <1

Comment: The Portsmouth state police were searching white drivers more frequently than minority drivers at the end of the previous study period. In the most recent quarter they decreased the white search rate, so the ratio is now 1 to 1, with 1.8% of all drivers getting searched. The Portsmouth barrack's productivity rate was high: 37% of all searches were productive. Despite the 1:1 search disparity ratio, white drivers were 4.3 times as likely to have contraband as minorities.

State Police (Wickford)

Number of Stops: 7,190/6,838
Number of Searches: 140
Search ratio 2001-2002: 2.3
Search ratio Oct. 2004—June 2005: 3.3

Comment: This barracks has a very consistent search disparity of 3.3. Like other State Police barracks, Wickford searched white drivers extremely infrequently, but did not hesitate to search minorities at rates that well exceeded the state average. Productivity, however, was the lowest of the State Police Barracks – just 16% of searches revealed contraband.