



Missouri's 2016 Vehicle Stop Report (VSR) will be issued by Attorney General Josh Hawley on June 1. Given the experience of the past sixteen years, it is very likely we know now what it will say. It will almost certainly document that African Americans, Latinos and other People of Color are disproportionately affected by stops, searches and arrests.

In response, chiefs and sheriffs will say the VSR doesn't measure the right things and is misleading. Reporters will gather quotes and write stories. The public will wonder what it all means. If we stay in the same loop that we have been in for the past sixteen, soon to be seventeen years, not much will change.

For the last eight years, Empower Missouri has been studying the VSR. Empower Missouri is a statewide not-for-profit which advocates for the well-being of all Missourians through civic leadership, education, and research. Fair policies for vulnerable people are the focus for Empower Missouri, so we are familiar with their concerns. We are familiar with the questions that vulnerable populations ask of their chiefs and sheriffs and the types of explanations they would like to hear in response to the VSR. We are absolutely committed to "building a welcoming and inclusive 21st Century social climate free of hate and prejudice" (a phrase from our Guiding Principles).

We also know the work many law enforcement agencies have been doing to win the trust and cooperation of community members. We know there are important points executives should be telling the public about improvements in policies, supervision and training. Sometimes someone just needs to ask them the right questions.

It is important that we all remember that the VSR does provide an opportunity for assessing police work and starting a public dialogue about needed improvements. Here are some points to keep in mind:

1. The overall stops, searches and arrests are not good indicators of disproportionate enforcement because these actions include many things officers do that involve no discretion and therefore give little opportunity for bias. A stop for doing 90 in a 30 does not involve bias, but if there's a disproportion in stops for doing 32 in a 30, bias might be involved. Arrests made for outstanding warrants do not involve officer discretion. If there is a group disproportion, it's caused by other elements of the criminal justice system, such as municipal court policies. No

discretion is involved when officers make a search following an arrest, but a great deal of discretion is involved when officers ask for consent to search.

So don't pay too much attention to the headline indicators. Look instead, for instance, at the disproportions in consent searches. You have to do the math yourself:

- a. Determine consent search rates for each group by dividing its consent searches by its stops;
- b. Divide the minority rates by the white rate;
- c. This result tells you, "The minority group is affected by consent searches at a rate X times the rate for white drivers;
- d. Or use our [Disproportion Calculator](#). Or wait for us to figure rates and disproportions for all categories of officer actions for all agencies. We will have reports ready a few hours after we receive the data from the AG, probably June 1.

2. The disparity indexes used to express disproportions can be misleading, as the chiefs often observe. Disparity indexes compare a group's percentage of stops to its estimated percentage of drivers. For disparity indexes to be accurate, the group proportions of drivers on the roads in the jurisdiction need to be known. Group proportions of drivers are the benchmarks used for comparisons.

The VSR assumes the group proportions of drivers are the same as the group proportions of driver-age residents, but they often are not because we travel to work, shop, play, and so on. The estimated benchmarks are reasonably accurate for statewide results. They are reasonably accurate for many agencies. But if an agency has group proportions different from those of surrounding jurisdictions and has a major highway or attracts commuters, then the estimates need to be adjusted. Sometimes it is enough to substitute a set of county or regional proportions.

Disparity Indexes undervalue disproportions for majority groups and overvalue disproportions for minority groups.

- If a group has 90% of the population and 100% of the stops, its disparity index is $100/90$ or 1.11.
- If a group has 10% of the population and 20% of the stops, its disparity index is $20/10$ or 2.00.

Past Executive Summaries have recommended dividing minority disparity indexes by white disparity indexes to express the information in the form, "Minority drivers are affected at a rate X times the white rate."

In Ferguson in 2013, before the death of Michael Brown, the disparity index for black drivers was 1.37, giving the impression that discrimination was not a major problem. The black disparity index was misleading because black drivers were actually a 60% majority and the white

disparity index was extremely low: 0.38. Dividing 1.37 by 0.38 produces the information that black drivers were affected at a rate 3.61 times the rate for white drivers.

3. The actions officers take after a stop has occurred are better indicators of disproportion because they often involve clear officer discretion and because the disproportions do not rely on estimates for group driver proportions.

Consent searches, drug-dog alert searches, reasonable suspicion-weapon searches and resisting arrest charges all involve a high degree of officer discretion. In these searches, officers do not have probable cause but are relying on suspicions. They are supposed to have “reasonable suspicions” but their suspicions may be affected by minority stereotypes. An officer may make an arrest for resistance when a driver is clearly violent but the officer could have contributed to driver anger or failed to deescalate the situation.

Instead of group proportions of drivers, post-stop disproportions can be based on the group proportions of drivers who have been stopped. See the above example of computing disproportions for consent searches. These disproportions are factual, not based on estimates.

4. Even the most dependable disproportions do not prove officer bias. A disproportion in outstanding warrant arrests could be caused by economic factors exacerbated by municipal court policies. **When a high group disproportion exists, reporters need to ask agencies what factors other than bias are contributing to them.**

For instance, the most convincing alternative factor is that members of the group are indeed violating laws at disproportionate rates. If there is a disproportion in resisting arrest charges, an agency may be able to document that many of the incidents involved drivers who were violent before being contacted by officers—they were fleeing a convenience store robbery, for instance. An agency may be able to document that officers found contraband after conducting consent searches at a rate high enough to convince the public that they were acting on facts about the driver indicating criminal behavior, not on suspicions based on markers of ethnicity.

Reporters also need to ask community members whether their experiences support the disproportions in the data and whether they find the agency’s response helpful. Community members’ voices should be given equal weight with agency officials in reporting; after all, they are the authority on the reality of their own lives.

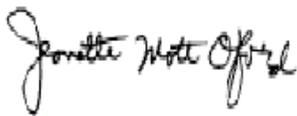
5. There is always some good news in VSRs. A good number of agencies are doing the right things to improve policing, and their disproportions have declined. The overall state disproportions for groups other than black and Hispanic drivers are generally low. The disproportions for consent searches have declined significantly since 2000. In 2015, black drivers were affected by consent searches at a rate 1.10 times the rate for white drivers. One small agency had a huge disproportion for consent searches of black drivers. Officers only

stopped 43 of them but 10 were given consent searches. There's good news here too; the officers are probably not acting out of overt bias; they probably only need to be alerted to the affect their actions have and be given better policies, supervision and training.

6. It is in the interest of the safety of both police officers and community members for police officers to be recognized as legitimate guardians of public safety by the people who depend on them. Without recognized legitimacy, they do not have the public cooperation they need to identify and control individuals committing serious crimes. **If reporters do a good job of covering the VSR, communities will have the facts they need to begin a public dialogue** leading to consensus on how policing should be done.

Additional resources will be added to our website under [Press Packets](#).

Questions?



Jeanette Mott Oxford, Executive Director
[Empower Missouri](#)
308 E. High Street, Suite 100
Jefferson City, MO 65101
[573-634-2901](tel:573-634-2901) x 301 office; [314-775-3261](tel:314-775-3261) cell
Jeanette@EmpowerMissouri.org

Don Love, Co-Chair
Human Rights Task Force of Empower Missouri
573-230-6446
HumanRights@EmpowerMissouri.org

