

**TENNESSEE HIGHWAY PATROL
VEHICLE STOPS DURING 2006:
A SUMMARY**



December 2007

STATE OF TENNESSEE
COMPTROLLER OF THE TREASURY

John G. Morgan

Comptroller

STATE CAPITOL
NASHVILLE, TENNESSEE 37243-0264
PHONE (615) 741-2501

December 4, 2007

The Honorable Ron Ramsey
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
And
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is a study prepared by the Office of Research in response to Public Chapter 193 of 2005, which requested that the Comptroller's Office analyze the Tennessee Highway Patrol's traffic stops for one year to determine whether race and ethnicity appear to play a role in troopers' decisions to stop motorists. This report summarizes the data provided by THP.

Sincerely,

John G. Morgan
Comptroller of the Treasury

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Nneka Gordon
Associate Legislative Research Analyst

Ethel Detch
Director

Assisted by Erin Do, Jessica Gibson, and Kim Potts
Principal Legislative Research Analysts

Ethel R. Detch, Director
Douglas Wright, Assistant Director
Offices of Research and Education Accountability
500 Deaderick St., Suite 1700
Nashville, TN 37243-0268
Phone 615/401-7911
Fax 615/532-9237

www.comptroller.state.tn.us/orea/reports

John G. Morgan
Comptroller of the Treasury

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EXECUTIVE SUMMARY

Every day Tennessee's Highway Patrol enforces traffic laws on over 13,000 miles of state, federal, and interstate highways. In any given year, troopers interact with the traveling public thousands of times. Public Chapter 193 of 2005 requested that the Comptroller's Office analyze the THP's traffic stops for one year to determine whether race and ethnicity appear to play a role in troopers' decisions to stop motorists.

The U.S. Department of Justice defines racial profiling as

any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.¹

Two principles follow the adoption of this definition:

- Police **may not use** racial or ethnic stereotypes as factors in selecting whom to stop and search.
- Police **may use** race or ethnicity to determine whether a person matches a specific description of a particular suspect.² (Emphasis added.)

Many states and cities have responded to public concerns about bias-based policing with legislation or data collection activities, resulting in several studies. In 2000, the Tennessee General Assembly created a one-year pilot project in which 44 Tennessee law enforcement agencies voluntarily collected vehicle stop data. The Comptroller's Office published *Vehicle Stops and Race: A Study and Report in Response to Public Chapter 910 of 2000*, resulting from that effort.³ The resulting 2002 study found racial variation in some of the reported data, but noted that several factors can skew such an analysis.

This report focuses on state highway enforcement and summarizes data collected during 2006. Troopers were to collect information on every vehicle stop on a written or electronic form developed by the Comptroller, including the race/ethnicity as perceived by the trooper, gender and age of person stopped, the reason for and result of the stop, whether a search occurred, the type and legal basis of search, and whether any contraband was discovered or property seized.

Study Limitations

Many factors may affect whether a law enforcement officer decides to stop a motorist for a moving or non-moving traffic violation. Data analysis alone cannot determine the presence or absence of racial profiling. Other states' studies have noted that analyzing vehicle stop data cannot determine whether racial profiling caused law enforcement to make such stops, only the presence or absence of racial disparity among vehicle stops. A 2004 Massachusetts study, however, noted that such an analysis "can serve as a very useful starting point for addressing concerns about racial profiling that may exist in communities throughout the state."⁴

THP officials point out that many of their stops occur on interstate highways where drivers travel at high rates of speed. Troopers often cannot see the driver until after stopping the vehicle. Although Tennessee's licensed drivers seemed to be the most appropriate available benchmark, that database does not include non-valid drivers. Similarly, commuters and tourists are subject to stops, but may be licensed elsewhere. Department of Safety officials also indicate that local judges in some counties give directives that may affect troopers' actions.

Overall Conclusion:

Vehicle stops of White, African American, and Other drivers appeared racially proportionate to Tennessee's valid drivers; Hispanic drivers appeared to be overrepresented. Additional analysis of post-stop activities such as search, disposition, and physical evidence seizure showed some variation by race; Hispanic drivers were overrepresented in many post-stop activities.

VEHICLE STOPS

In 2006, whites comprised the majority of Tennessee's licensed and certificated drivers (83 percent), followed by African American drivers (12 percent) and Hispanic drivers (2 percent).

- **Drivers of all races were stopped at similar rates, with the exception of Hispanic drivers.** One of 19 African American and white drivers was stopped, compared to one of 11 Hispanic drivers. (See page 7.)
- **Moving violations, such as speeding, were the reason identified for roughly 76 percent of vehicle stops.** African American and Other drivers were stopped for moving violations at slightly higher rates and for non-moving violations at slightly lower rates than Hispanic and white drivers. (See pages 7-8.)

POST-STOP ACTIVITIES

Disposition of Stops

Troopers completing the vehicle stop data form indicated one or a combination of four dispositions: verbal warning, written warning, citation, and arrest.

- **Drivers received citations, the most commonly identified disposition of vehicle stops, at similar rates regardless of race.** Ninety percent of stops resulted in a citation. (See page 8.)
- **White and African American drivers received written warnings at rates higher than other drivers. African American and Other drivers received verbal warnings at rates slightly higher than drivers of other races.** (See page 9.)
- **Of drivers initially stopped for any violation, Hispanic drivers were arrested at a higher rate than any other racial group.** One of 19 stopped Hispanic drivers was arrested, compared to one of 32 African American drivers and one of 49 white drivers. Analysis of moving violations showed similar trends. Of drivers initially stopped for non-moving violations, Hispanic and African American drivers were arrested at a higher rate than drivers of other racial groups. Hispanic drivers stopped for non-moving violations were arrested at a rate almost twice that of white drivers. Department of Safety officials attribute this to higher numbers of unlicensed drivers in the Hispanic population. (See pages 10-11.)

Searches and Seizure of Physical Evidence

The Tennessee Highway Patrol conducted searches in approximately 7.4 percent of all stops in Tennessee during 2006. Troopers searched any combination of personal effects, the driver, the passenger(s), and the vehicle. Troopers seized physical evidence such as weapons, drugs, and vehicles in 25.5 percent of all searches. Drugs were the most common item seized. However, troopers did not specify the types of physical evidence seized in almost half of all cases. (See pages 12, 16, and 19.)

- **Hispanic and American Indian drivers were searched at higher rates than other racial groups.** One of eight stopped Hispanic drivers and one of four American Indian drivers were searched, compared to one of 14 stopped white drivers. The number of American Indian drivers was very small, however, compared to the other driver categories. (See page 12.)
- **Searches for which the legal basis was not indicated by the troopers, ranged from 11 percent of searches of Hispanic drivers to 86 percent of searches of American Indian drivers.** Troopers had seven choices: consent, probable cause, incident to arrest, exigent circumstances, inventory, plain view, and warrant. (See page 14.)
- **Physical evidence was seized from searched Hispanic drivers at a lower rate than from searched African American and white drivers.** Searched Hispanic drivers had physical evidence seized at a rate of 15 percent compared to 25 percent of white drivers and 28 percent of African American drivers. (See page 16.)

- **Physical evidence was seized from searched American Indian drivers at a higher rate than any other race.** Over 92 percent of searched American Indian drivers had physical evidence seized. However, there were only 93 searched American Indian drivers, compared to thousands of searched white, African American, and Hispanic drivers. (See page 16.)
- **The types of physical evidence seized during searches was not specified in almost half of all cases.** Where type of physical evidence seized was indicated, drugs were the most common item seized. White drivers had drugs seized at a higher rate than other racial groups. (See page 19.)

(The report also contains various analyses by district. See pages 11, 13, 18, and Appendix 8.)

TRAINING

Troopers receive some pre-service and in-service cultural diversity training, but more specific application to vehicle stops may be needed. *General Order 506 – Profiling* requires officers to receive initial and on-going training in proactive enforcement tactics, including officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communication skills. The Commission on Accreditation of Law Enforcement Agencies, Inc. (CALEA) standard 1.2.9 recommends annual profiling related training, including traffic stops, cultural diversity and discrimination. Interviews with training officials indicate that officers receive some instruction on race and gender issues, but they provided few materials indicating how much relates specifically to vehicle stops. In addition, Tennessee Highway Patrol officials indicate that no specific hours of in-service training covered cultural diversity in 2006.⁵

The U.S. Department of Justice and the National Organization of Black Law Enforcement Officials have both cited education and training of officers as important tools for reducing racially biased policing and perceptions.^{6,7} (See pages 18-19.)

RECOMMENDATION

The Comptroller of the Treasury encourages the Tennessee Highway Patrol to reflect on the stop and post-stop data presented within this report and use it to inform statewide and district-level policies, procedures, and training. (See page 20.)

The Tennessee Highway Patrol responded to this report. See page 43.

Endnotes

1 Deborah Ramirez, Jack McDevitt, and Amy Farrell, "A Resource Guide On Racial Profiling Data Collection Systems, Promising Practices and Lessons Learned," November 2000, p. 3, prepared by Northwestern University for U.S. Department of Justice, accessed January 9, 2007, <http://www.ncjrs.gov/pdffiles1/bja/184768.pdf>.

2 Ibid.

3 Tennessee Comptroller of Treasury, *Vehicle Stops and Race: A Study and Report in Response to Public Chapter 910 of 2000*, March 2002, p. i.

4 Dr. Amy Farrell, Dean Jack McDevitt, Lisa Bailey, Carsten Andresen, and Erica Pierce, *Massachusetts Racial and Gender Profiling Study*, Final Report, May 4, 2004, Northeastern University: Institute on Race and Justice, p. 2., accessed July 17, 2007, http://www.racialprofilinganalysis.neu.edu/IRJsite_docs/finalreport.pdf.

5 Phone interview with Captain Donald Nicholson, Tennessee Department of Safety Training Center Director, Department of Safety, April 25, 2007.

6 Lorie Fridell, Robert Lunney, Drew Diamond, and Bruce Kubu, "Racially Biased Policing: A Principled Response, Police Executive Research Forum Report," June 2001, U.S. Department of Justice, Police Executive Research Forum, pp. 6-11, <http://www.cops.usdoj.gov/mime/open.pdf?Item=1598>.

7 National Organization of Black Law Enforcement Executives, p. 12.

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INTRODUCTION

Every day Tennessee's Highway Patrol (THP) enforces traffic laws on over 13,000 miles of state, federal, and interstate highways. In any given year, troopers interact with the traveling public thousands of times. Public Chapter 193 of 2005 requested that the Comptroller's Office analyze the THP's traffic stops for one year, to determine whether race and ethnicity appear to play a role in troopers' decisions to stop motorists.

The U.S. Department of Justice defines racial profiling as:

any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity.¹

Two principles follow the adoption of this definition:

- Police **may not** use racial or ethnic stereotypes as factors in selecting whom to stop-and-search.
- Police **may** use race or ethnicity to determine whether a person matches a specific description of a particular suspect.² (Emphasis added.)

Many states and cities have responded to public concern about bias-based policing with legislation or data collection activities. Several studies have resulted using data obtained during vehicle stops conducted by police or other law enforcement personnel.

In 2000, the Tennessee General Assembly passed Public Chapter 910, creating a one-year pilot project in which 44 law enforcement agencies voluntarily collected vehicle stop data. The resulting 2002 Comptroller's report, *Vehicle Stops and Race: A Study and Report in Response to Public Chapter 910 of 2000*, analyzed vehicle stop data submitted by six county sheriffs' departments, one university police department, and 37 municipal police departments.³ The 2002 study found racial variation in some of the reported data, but noted that several factors can skew such an analysis.

In 2005, the General Assembly passed Public Chapter 193, directing the Comptroller to examine similar data from the Tennessee Highway Patrol (THP) collected during 2006. (See Appendix 1.) Specifically, Public Chapter 193 required:

- Troopers to collect information on every vehicle stop on a written or electronic form developed by the Comptroller, including the race/ethnicity, gender, and age of person stopped, the reason for stop, and result of stop, including if a search occurred, the type and legal basis of search, and whether any contraband was discovered or property seized (see Appendix 2);
- The Tennessee Highway Patrol to collect data using the vehicle stop data forms between January 1, 2006, and December 31, 2006;
- The Tennessee Highway Patrol to submit forms monthly to the Comptroller, beginning no later than February 2006; and
- The Comptroller to report the results and review of traffic stops, including any recommendations, to the Governor and General Assembly by April 1, 2007.

METHODOLOGY

To develop this report, Office of Research staff:

- Consulted other state and city studies on racial profiling, as well as the U.S. Department of Justice;
- Reviewed federal and state laws and policies relating to racial profiling;
- Interviewed Tennessee Highway Patrol representatives and researchers;

- In collaboration with the THP designed a vehicle stop data form and instructions according to the statutory criteria (see Appendices 1 and 2);
- Conducted a one-week pre-test with THP District 3 prior to beginning statewide data collection; and
- Analyzed vehicle stop data forms completed by highway patrol troopers from the eight highway patrol districts in Tennessee, using driving population demographics from the Tennessee Department of Safety.

Additionally, Office of Research staff conducted training for THP supervisors at each district headquarters on how to properly complete the data form.

This report explores vehicle stops and the results of the stops with emphasis on the THP officers' perceptions of the racial identities of the drivers. The terms used to describe race in this report are those from which troopers chose when completing the forms. The racial categories are based on U.S. Office of Management and Budget definitions, expanding five of that agency's six categories of race and ethnicity into the seven shown on the vehicle stop data form.⁴ After consultation with the Tennessee Department of Safety, the Comptroller's Office added Middle Eastern to the race categories.

Study Limitations

Although data can be a useful tool, data analysis alone cannot determine the presence or absence of racial profiling. Studies conducted in other states have noted that analyzing vehicle stop data cannot determine whether racial profiling caused law enforcement to make such stops, but it can indicate the presence or absence of racial disparity among vehicle stops. A 2004 Massachusetts study noted that such an analysis "can serve as a very useful starting point for addressing concerns about racial profiling that may exist in communities throughout the state."⁵ Taking into account the limitations explored below, Tennessee communities and law enforcement agencies may find the resulting data analysis useful in addressing local concerns.

In addition, Highway Patrol officials indicate that troopers often cannot see drivers until after stopping them. Unlike local law enforcement officers, the THP patrols the state's interstate highways where cars travel at high rates of speed. THP officials also indicate that local judges sometimes give directives that may affect troopers' actions.

Reporting Inconsistencies The Tennessee Highway Patrol submitted 239,717 vehicle stop data forms from January 1, 2006, through December 31, 2006.⁶ (See Appendix 4.) The vehicle stop forms indicate a total of 212,334⁷ citations were issued during 2006. The Tennessee Highway Patrol reports issuing 270,648 citations for 2006. Department of Safety officials indicate that the discrepancy between the number of stop forms submitted and number of citations issued resulted from vehicle stops outside the study's requirements, such as citations resulting from roadblocks, checkpoints, and vehicle crash sites.⁸ In addition, drivers could receive multiple citations from a single vehicle stop, such as citations for speeding, not wearing a seatbelt, and driving with a suspended driver's license. These were captured as only one citation on the vehicle stop form.⁹

In some cases, troopers did not answer all items on the form, resulting in a small percentage of missing data.¹⁰ Instances in which the driver's race was unspecified were omitted from calculations.¹¹

Using Licensed Drivers as a Benchmark Studies in other states have used various comparison groups when analyzing data collected at vehicle stops, most notably census data and licensed driver data. Each potential comparison group has advantages and disadvantages. Exhibit 1 uses the statewide racial composition of "licensed drivers" as a benchmark against which to compare the racial composition of stopped drivers. However, use of such a benchmark cannot take into account:

- Non-valid drivers (those without driver licenses or certificates) who continue to drive. Approximately five percent of Tennessee drivers' licenses (235,072) were suspended, revoked, or canceled in 2006.¹²

- Non-Tennessee residents whose numbers are not accounted for in Tennessee licensed driver data but who are stopped on Tennessee highways.
- Holders of valid driver licenses who do not drive.

In addition, the Middle Eastern racial/ethnic category cannot be fully analyzed, because the Division of Driver License Issuance's database does not maintain Middle Eastern as a racial/ethnic category. Department of Safety officials indicate that the valid driver category includes persons issued driving certificates.¹³

Inclusion of Commuters and Tourists The vehicle stop form developed for the study did not indicate the state or county of residence of the vehicle or driver stopped. However, it can be assumed that some drivers stopped were Tennesseans who were non-residents of the county where the stop occurred or were from other states, and thus not reflected in the racial composition of district and statewide licensed driver data.

Many Tennesseans commute from surrounding areas, particularly in cities that serve as regional commercial and industrial centers. Additionally, Tennessee has many tourists. In 2004, a projected 43.6 million person-trips, (i.e., including motorists "passing through" an area and those taking day and overnight trips) were taken to and through Tennessee, according to the state's Department of Tourist Development. An estimated 87 percent of visitors traveled by automobile.¹⁴

BACKGROUND

Overview of Tennessee Highway Patrol

The Tennessee Highway Patrol (THP) is responsible for enforcement of all federal and state laws relating to traffic, as well as investigating accidents involving property damage, personal injury, and fatalities.¹⁵ Troopers are responsible for safety on more than 13,000 miles of state and federal highways, including interstate highways.

As of May 2007, 841 uniformed personnel served the state of Tennessee.¹⁶ Of these, 87 percent were white and 95 percent were male. THP has substations in all 95 counties and district headquarters in eight locations, in addition to scale houses/weight stations in five locations.¹⁷ See Appendix 3 for a map of districts and headquarter locations.

What is Racial Profiling and Why is it a Concern?

The U.S. Department of Justice defines racial profiling as "any police-initiated action that relies on race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity."¹⁸

Racial profiling presents a multi-faceted problem with both legal and social dimensions. Law enforcement officers, the most visible representatives of civil government, play a pivotal role in the life of communities.¹⁹ However, as one U.S. Attorney argues, the practice of racial profiling "alienates a significant percentage of our country's population, and fosters distrust of law enforcement by the community."²⁰ According to a publication by the Office of Community Oriented Policing Services with the U.S. Department of Justice:

Polls indicate that a majority of citizens believe that police departments engage in racial profiling, while most police chiefs do not believe their officers engage in racial profiling. This difference of perception, at times, is a reflection of a fractured relationship between the police and the community. Citizens who do not trust the police are less likely to invest their time in understanding police policies, procedures, or efforts to collect data.²¹

Although there is no federal law prohibiting racial profiling by state and local law enforcement, the Fourteenth Amendment of the U.S. Constitution provides persons with "equal protection of the laws," and the Fourth Amendment protects people from "unreasonable searches and seizures."

However, in 1999, President Clinton issued an executive memorandum directing the Secretary of the Interior, the Attorney General, and the Secretary of the Treasury to collect race, ethnicity, and gender information for law enforcement activities in an effort to address the “problem of racial profiling.”²² In 2001, President George W. Bush stated that racial profiling is “wrong and we will end it in America”²³ and ordered the U.S. Attorney General “to review the use by federal law enforcement authorities of race as a factor in conducting stops, searches, and other investigative procedures.”²⁴

In 2002, Attorney John Ashcroft stated that “using race...as a proxy for potential criminal behavior is unconstitutional, and it undermines law enforcement by undermining the confidence that people can have in law enforcement.”²⁵ The U.S. Attorney General instructed the Civil Rights Commission to develop guidance for federal officials to “ensure an end to racial profiling in law enforcement.” The commission released a guidance document on the use of race by federal law enforcement agencies in June 2003.²⁶ Specifically, the guidelines state that:

- In making routine or spontaneous law enforcement decisions, such as ordinary traffic stops, federal law enforcement officers *may not* [emphasis added] use race or ethnicity to any degree, except that officers may rely on race and ethnicity in a specific suspect description.
- In conducting activities in connection with a specific investigation, federal law enforcement officers may consider race and ethnicity only to the extent that there is trustworthy information, relevant to the locality or time frame, that links persons of a particular race or ethnicity to an identified criminal incident, scheme, or organization.

Both the prohibition and standard apply even where the use of race or ethnicity might otherwise be lawful.²⁷ However, the application of these guidelines does not extend to state and local law enforcement officials.

Efforts to Identify and Address Racial Profiling

In 2001, the U.S. Department of Justice suggested ways for local law enforcement agencies to identify and address racially biased policing and community concerns regarding racial profiling. They recommend enacting policies prohibiting racially biased policing, providing education and training for law enforcement agencies, fostering minority community outreach, and engaging in data collection and analysis.²⁸ Additionally, a report from the National Organization of Black Law Enforcement Officials (NOBLE) proposes operational strategies such as analyzing training activities and forming police-community partnerships.²⁹

In recent years, multiple states have acted upon these recommendations by:

- statutorily defining and restricting bias-based policing,
- developing training requirements for law enforcement agencies,
- developing voluntary and mandatory data collection,
- educating the public, and
- providing outlets through which individual grievances may be addressed.³⁰

The Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA) standard 1.2.9 requires law enforcement agencies to maintain a written directive governing bias based profiling for accreditation.³¹ This standard also recommends that agency training include cultural diversity, asset seizure and forfeiture, and search issues.

In 2002, the Tennessee Highway Patrol promulgated General Order 506 to meet the written directive requirement of CALEA standard 1.2.9.³² The General Order defines bias-based profiling as:

The detention, interdiction, or other disparate treatment of any person based on their race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or affiliation with any other identifiable group.³³

In accordance with CALEA's training recommendation, General Order 506 states that "officers will receive initial and ongoing training in proactive enforcement tactics," including cultural diversity and laws governing search and seizure.³⁴

Communities throughout the U.S. have developed ways to involve the public in considering racial profiling issues. For example,

- In Lowell, Massachusetts, a police-citizen task force was formed to discuss racially biased policing and develop solutions. This group later became the Race Relations Council, which has discussed new ideas regarding police training and police citizen communication.
- In Albany, New York, a Community Police Council, composed of representatives from neighborhood associations and business improvement districts, was formed to share information with police. The council also identified quality of life and police conduct issues.³⁵

According to the U.S. Department of Justice, data collection and evaluation are appropriate methods to address concerns about racial profiling. However, the Department highlights the importance of establishing links with community members and other stakeholders. Therefore, police departments need guidelines on how to educate the community regarding interpretations of the data.³⁶

Metro-Nashville Police Department Community Outreach

In 2001, the Metro-Nashville Police Department received a U.S. Department of Justice grant to develop a training initiative addressing racial profiling and bias-based policing. Both representatives of the police department and various community and labor groups participated in conducting research about police and community perceptions of bias-based policing within Nashville.

In response to the research results, Metro-Nashville Police Department created "a unique interactive training initiative that combines participants from both the police department and community groups." This training focuses on three types of information:

- Traffic stop data in Nashville
- Police officer's perception of the issue of bias-based policing, and
- The community's perception of police bias in the city.

Additionally, the Metro Nashville Police Department provides a virtual reality learning experience, entitled "Perspectives on Profiling." This teaching tool provides reality based scenarios and instruction to increase ethical and bias-free decision-making.³⁷

ANALYSIS AND CONCLUSIONS

Data Notes for Exhibits:

- Unless otherwise indicated, calculations are based on vehicle stop data forms collected by the Tennessee Highway Patrol between January 1, 2006, and December 31, 2006 for the Comptroller of the Treasury's Office of Research.
- Calculations do not include the 1,084 stops in which the trooper did not specify driver's race.
- Reported race is based on the THP officers' perceptions of the racial identities of the drivers.
- Unless otherwise indicated, calculations for the "Other" race category included the smaller populations of American Indian, Asian, Middle Eastern, and other races.
- When calculations for the combined "Other" race category indicated a noteworthy trend, this category was disaggregated to identify the subgroup(s) with the greatest impact on the trend in question.

Interpreting the Exhibits:

Researchers calculated ratios and percentages of variables to determine areas of disparity by race.

Tennessee Licensed Drivers as Benchmark for Stops Analysis

white licensed drivers ÷ white stops = Ratio of white licensed drivers to white stops

Example: 3,657,925 white licensed drivers ÷ 195,984 white stops = 18.7

Interpretation: One of 19 white licensed drivers was stopped by troopers.

(white stops ÷ white licensed drivers) X 100 = white stops as a percentage of white drivers

Example: (195,984 white stops ÷ 3,657,925 white licensed drivers) X 100 = 5.4%

Interpretation: 5% of Tennessee's white licensed drivers were stopped by troopers.

Stops as Benchmark for Post-Stop Analysis (Reasons, Dispositions, Searches, and Evidence)

*Hispanic drivers stopped ÷ Hispanic drivers searched =
Ratio of Hispanic drivers stopped to Hispanic drivers searched*

Example: 8,905 Hispanic drivers stopped ÷ 1,073 Hispanic drivers searched = 8.3

Interpretation: One of 8 stopped Hispanic drivers was searched.

*(Hispanic drivers searched ÷ Hispanic stops) X 100 =
Hispanic drivers searched as a percentage of Hispanic stops*

Example: (1,073 Hispanic drivers searched ÷ 8,905 Hispanic drivers stopped) X 100 = 12.1%

Interpretation: 12% of stopped Hispanic drivers were searched.

OVERALL CONCLUSION

Vehicle stops of White, African American, and Other drivers appeared racially proportionate to Tennessee's valid drivers; Hispanic drivers appeared overrepresented.³⁸ Additional analysis of post-stop activities, including search, disposition, and physical evidence seizure, showed some variation by race; Hispanic drivers were over-represented in many post-stop activities.

CONCLUSIONS: VEHICLE STOPS

Of the total drivers with a valid license or certificate in 2006, white drivers comprised the majority (83 percent), followed by African American drivers (12 percent) and Hispanic drivers (two percent). (See Appendix 6.) However, stopped drivers in this report include drivers without licenses or certificates and drivers from multiple states, so "valid" drivers is not a perfect benchmark. Nevertheless, Tennessee's licensed and certificated drivers were the most appropriate available reference group for Exhibit 1. No other exhibit in this report relies on "valid driver's license" data as the benchmark.

White drivers and African American drivers were stopped by troopers at the same rate; Hispanic drivers were stopped at a higher rate. (See Exhibit 1.) One of 19 African American and white drivers was stopped, compared to one of 11 Hispanic drivers.

Exhibit 1: Comparison of Stops to Tennessee's Licensed Drivers, by Race, 2006

	Ratio of Tennessee's Licensed Drivers to Stops	Percent of Tennessee's Licensed Drivers Stopped
African American	19:1	5.4%
Hispanic	11:1	8.9%
Other	20:1	5.0%
White	19:1	5.4%
Total	18:1	5.4%

Sources: Becky Anderton, Information Systems Analyst IV, Department of Safety, "Re: Race by County File," Email to author, June 12, 2007. Vehicle stop data forms collected between January 1, 2006, and December 31, 2006 for the Comptroller of the Treasury's Office of Research.

Moving violations, such as speeding, were the most commonly identified reason for vehicle stops regardless of race.

Troopers completing the vehicle stop data form indicated one of the following reasons for each stop:

- moving violations, such as speeding,
- non-moving violations, such as expired tags,
- Be on the Lookout (BOLO), and
- criminal violations.³⁹

Roughly 76 percent of all stopped drivers were stopped for moving violations. (See Exhibit 2.) Researchers excluded BOLOs and criminal stops from calculations because combined they constituted less than 0.2 percent of total stops.

African American and Other drivers were stopped for moving violations at slightly higher rates and for non-moving violations at slightly lower rates than Hispanic and white drivers. (See Exhibit 2.)

Exhibit 2: Stops for Moving Violations and Non-Moving Violations, by Race, 2006

	Ratio of Stops to Moving Violations	Percent of Stops for Moving Violations	Ratio of Stops to Non-Moving Violations	Percent of Stops for Non-Moving Violations
African American	(1.24):1	80.56%	5:1	19.02%
Hispanic	(1.33):1	75.20%	4:1	24.39%
Other	(1.21):1	82.52%	6:1	16.52%
White	(1.32):1	75.59%	4:1	24.24%
Total	(1.31):1	76.32%	4:1	23.46%

Note: Calculations do not include the 1,218 stops (0.5%) in which the trooper did not specify a reason for the stop.

CONCLUSIONS: POST-STOP ACTIVITIES

Drivers received citations, the most commonly identified disposition, at similar rates regardless of race. Ninety percent of stops resulted in a citation.

Troopers completing the vehicle stop data form indicated one or a combination of the following four dispositions:

- verbal warning,
- written warning,
- citation, and
- arrest.⁴⁰

Drivers received citations, the most commonly identified disposition of vehicle stops, at similar rates regardless of race. (See Exhibit 3.) This pattern holds true for both moving and non-moving violations.

Exhibit 3: Stopped Drivers Receiving Citations, by Race, 2006

	Ratio of Stops to Citations	Percent of Stops Resulting in Citation
African American	(1.14):1	87.97%
Hispanic	(1.11):1	89.86%
Other	(1.15):1	87.07%
White	(1.11):1	90.10%
Total	(1.11):1	89.77%

Note: Calculations do not include the 5,184 stops (2.2%) in which the trooper did not specify a disposition. However, total dispositions are more than total stops because drivers could receive multiple dispositions. There were 238,985 dispositions for 233,449 stops with specified race and disposition.

White and African American drivers were most likely to receive a written warning. Stopped Hispanic drivers were issued written warnings at a lower rate than any other racial group. (See Exhibit 4.) One of every 54 stopped Hispanic drivers received a written warning (1.85 percent), compared to one of every 30 stopped white drivers and 31 African American drivers (3.32 percent).

Specifically, stopped Hispanic drivers received written warnings for both moving and non-moving violations at a lower rate than stopped drivers of other racial groups.

African American and Other drivers were given verbal warnings at a slightly higher rate than other drivers. Stopped Hispanic drivers were given verbal warnings at a similar rate as white drivers. (See Exhibit 5.) One of 11 stopped Other drivers received a verbal warning, compared to one of 15 stopped white drivers.

Exhibit 4: Stopped Drivers Receiving Written Warnings, by Race, 2006

	Ratio of Stops to Written Warnings	Percent of Stops Resulting in Written Warning
African American	31:1	3.20%
Hispanic	54:1	1.85%
Other	36:1	2.75%
White	30:1	3.32%
Total	31:1	3.24%

Note: Calculations do not include the 5,184 (2.2%) stops in which the trooper did not specify a disposition. However, total dispositions are more than total stops because drivers could receive multiple dispositions. There were 238,985 dispositions for 233,449 stops with specified race and disposition.

Exhibit 5: Stopped Drivers Receiving Verbal Warnings, by Race, 2006

	Ratio of Stops to Verbal Warnings	Percent of Stops Resulting in Verbal Warning
African American	12:1	8.38%
Hispanic	14:1	6.90%
Other	11:1	8.71%
White	15:1	6.77%
Total	14:1	7.01%

Note: Calculations do not include the 5,184 (2.2%) stops in which the trooper did not specify a disposition. However, total dispositions are more than total stops because drivers could receive multiple dispositions. There were 238,985 dispositions for 233,449 stops with specified race and disposition.

Of drivers initially stopped for any violation, Hispanic drivers were arrested at a higher rate than any other racial group. (See Exhibit 6.) One of every 19 stopped Hispanic drivers was arrested (5.14 percent), compared to one of every 49 stopped white drivers (2.06 percent).

Of drivers initially stopped for moving violations, Hispanic drivers were arrested at a rate twice that of African American drivers and three times that of white drivers. One of 20 Hispanic drivers stopped for moving violations was arrested, compared to one of 40 African American drivers and one of 57 white drivers. (See Exhibit 7.)

Of drivers initially stopped for non-moving violations, Hispanic and African American drivers were arrested at a higher rate than drivers of other racial groups. Hispanic drivers stopped for non-moving violations were arrested at a rate almost twice that of white drivers. (See Exhibit 8.) Department of Safety officials attribute this to higher numbers of unlicensed drivers in the Hispanic population.

Exhibit 6: Stopped Drivers Arrested, by Race, 2006

	Ratio of Stops to Arrests	Percent of Stops Resulting in Arrests
African American	32:1	3.10%
Hispanic	19:1	5.14%
Other	31:1	3.26%
White	49:1	2.06%
Total	43:1	2.32%

Note: Calculations do not include the 5,184 stops (2.2%) in which the trooper did not specify a disposition. However, total dispositions are more than total stops because drivers could receive multiple dispositions. There were 238,985 dispositions for 233,449 stops with specified race and disposition.

Exhibit 7: Disposition of Moving Violation Stops, by Race, 2006

		African American	Hispanic	Other	White	Total
Total Dispositions Issued for Moving Violation Stops		23,335	6,689	3,837	147,583	181,444
Verbal Warning	Percent	7.07%	5.26%	6.25%	5.91%	6.04%
	Ratio	14:1	19:1	16:1	17:1	17:1
Written Warning	Percent	3.08%	1.72%	2.61%	3.25%	3.16%
	Ratio	33:1	58:1	38:1	31:1	32:1
Citation	Percent	87.39%	88.11%	89.08%	89.08%	88.83%
	Ratio	(1.14):1	(1.13):1	(1.12):1	(1.12):1	(1.13):1
Arrest	Percent	2.46%	4.90%	2.06%	1.76%	1.97%
	Ratio	40:1	20:1	49:1	57:1	51:1
		100%	100%	100%	100%	100%

Note: Calculations do not include the 3,603 moving violation stops (2.0%) in which the trooper did not specify a disposition.

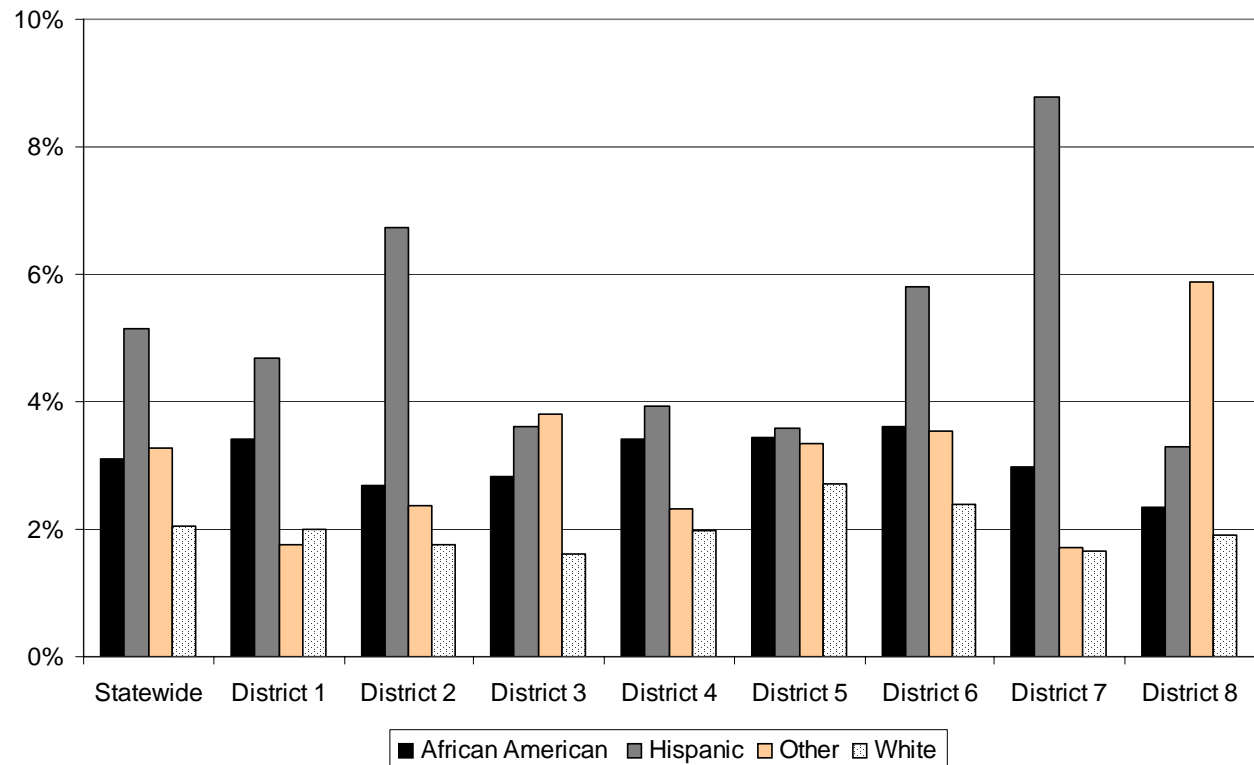
Similar to the statewide trend, stopped Hispanic drivers were arrested at a higher rate than any other racial group at the district level, with the exception of districts 3 and 8 (Nashville and Jackson). (See Exhibit 9.) (See Appendix 3 for a list of counties included in each district.) In District 6 (Cookeville) all races were arrested at higher rates than the corresponding state rates. In District 7, (Lawrenceburg) all races were arrested at lower rates than the corresponding state rates, except for Hispanic drivers. In addition, District 7 had the highest rate of Hispanic arrests (one of 11 stopped Hispanic drivers).

Exhibit 8: Disposition of Non-Moving Violation Stops, by Race, 2006

		African American	Hispanic	Other	White	Total
Total Dispositions Issued for Non-Moving Violation Stops		5,539	2,127	635	47,490	55,791
Verbal Warning	Percent	12.84%	10.95%	22.68%	8.74%	9.39%
	Ratio	8:1	9:1	4:1	11:1	11:1
Written Warning	Percent	3.25%	1.88%	3.62%	3.24%	3.20%
	Ratio	31:1	53:1	28:1	31:1	31:1
Citation	Percent	80.32%	82.79%	70.87%	85.49%	84.70%
	Ratio	(1.24):1	(1.21):1	(1.41):1	(1.17):1	(1.18):1
Arrest	Percent	3.59%	4.37%	2.83%	2.53%	2.71%
	Ratio	28:1	23:1	35:1	40:1	37:1
		100%	100%	100%	100%	100%

Note: Calculations do not include the 1,432 non-moving violation stops (2.6%) in which the trooper did not specify a disposition.

Exhibit 9: Statewide and District Arrests of Stopped Drivers, by Race, 2006



Search rates varied by race.

Searches were conducted in approximately 7.4 percent of all stops in Tennessee during Calendar Year 2006. Troopers searched any combination of personal effects, the driver, the passenger(s), and the vehicle. Of the items searched, troopers searched vehicles (38 percent) and drivers (29 percent) most often. General Order 513 sets out procedural guidelines for troopers in conducting searches and seizures. The form contained seven legal bases for search: consent, probable cause, incident to arrest, exigent circumstances, inventory, plain view, and warrant. (See Appendix 9 for an explanation of these terms.)

Hispanic and American Indian drivers were searched at higher rates than other racial groups.

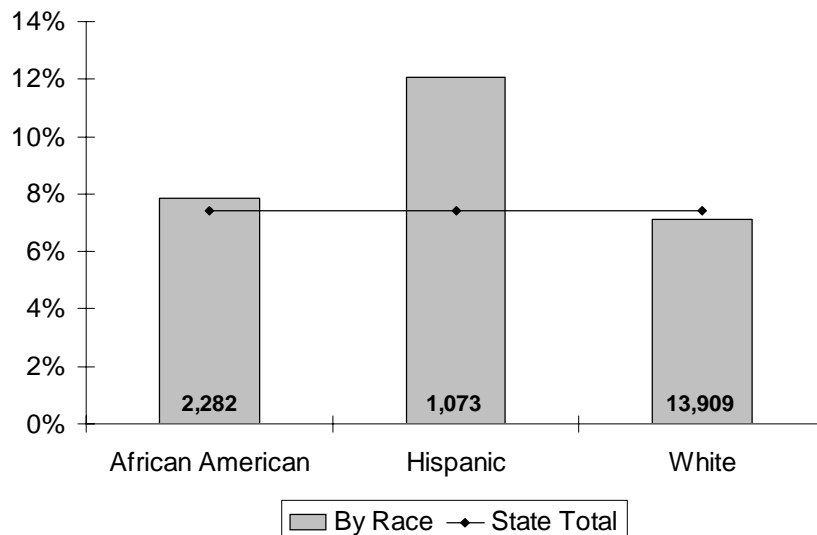
One of eight stopped Hispanic drivers and one of four stopped American Indian drivers were searched, compared to one of 14 stopped white drivers and one of 13 African American drivers. (See Exhibits 10, 11, and 12.) The number of American Indian drivers was very small, however, compared to other driver categories. This result is not consistent with a 2005 U.S. Department of Justice survey finding indicating that African American and Hispanic drivers were more likely than white drivers to be searched.⁴¹

Exhibit 10: Stops Resulting in Searches, by Race, 2006

	Ratio of Stops to Searches	Percent of Stops Resulting in Searches
African American	13:1	7.86%
Hispanic	8:1	12.05%
Other	12:1	8.49%
White	14:1	7.10%
Total	14:1	7.40%

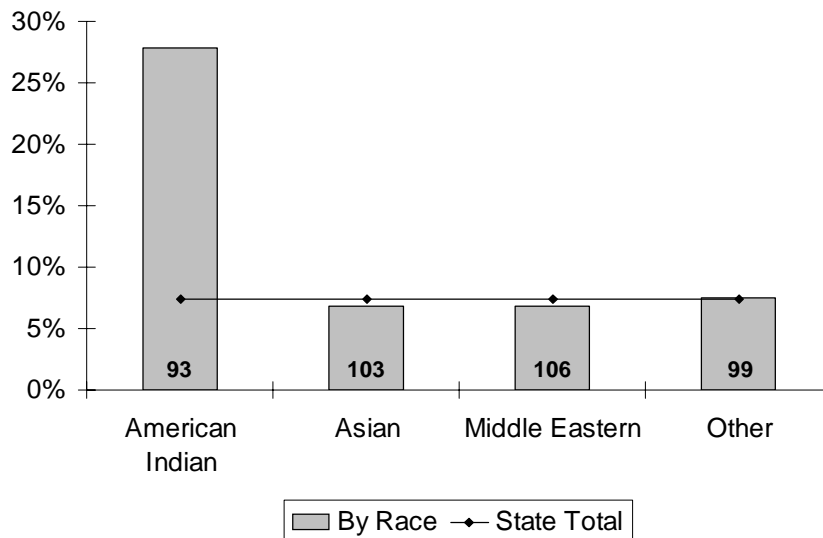
Note: 10,328 stop forms specified that a search was conducted. An additional 7,337 stop forms included information indicating that a search occurred, such as a legal basis for the search or seizure of physical evidence. Calculations include the 17,665 stop forms indicating that a search occurred.

Exhibit 11: Number and Percentage of Stopped Drivers Searched, by Race, Compared to Statewide Average, 2006



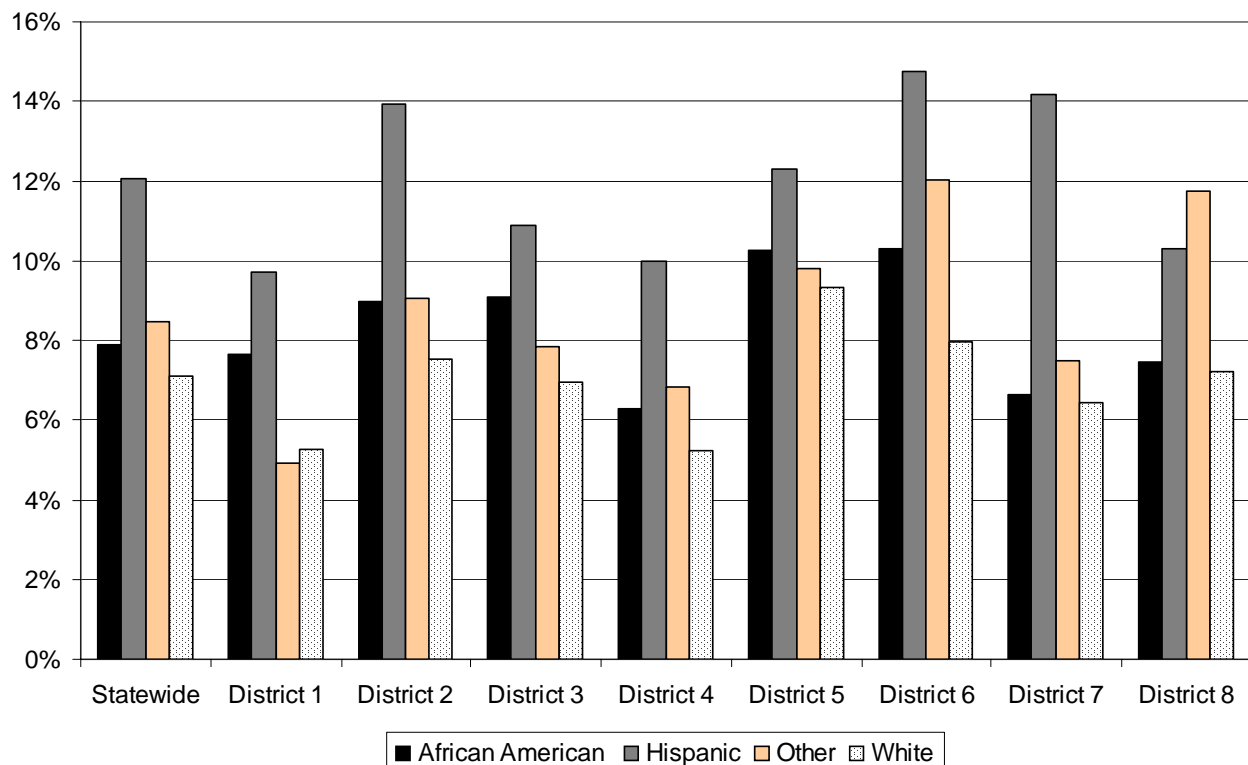
Similar to the statewide trend, stopped Hispanic drivers were searched at a higher rate than drivers of other racial groups in every district except District 8 (Jackson). (See Exhibit 13.) In District 8, stopped Other drivers were searched at the highest rate. In Districts 2, 5, and 6 (Chattanooga, Fall Branch, and Cookeville), all races were searched at higher rates than the corresponding state rates. In Districts 1 and 4 (Knoxville and Memphis), all races were searched at lower rates than the corresponding state rates.

Exhibit 12: Number and Percentage of Stopped “Other” Drivers Searched, by Race, Compared to Statewide Average, 2006



Note: Calculations for the combined “Other” race category indicated a noteworthy trend. Thus, authors analyzed the smaller populations of American Indian, Asian, Middle Eastern, and other races individually to identify the subgroup(s) with the greatest impact on the trend in question.

Exhibit 13: Statewide and District Searches of Stopped Drivers, by Race, 2006



Searches for which a trooper did not indicate the legal basis ranged from 11 percent of searches of Hispanic drivers to 86 percent of searches of American Indian drivers. (See Exhibit 14.)

Specifically, only 13 of the 93 searches of American Indian drivers had a legal basis indicated, while 954 of the 1,073 searches of Hispanic drivers had a legal basis indicated.

Hispanic drivers stopped for both moving and non-moving violations were searched at higher rates than other racial groups. (See Exhibits 15, 16, and 17.) One of nine Hispanic drivers stopped for moving violations was searched, compared to one of 16 white drivers. One of eight Hispanic drivers stopped for non-moving violations was searched, compared to one of 11 drivers in all other racial groups.

Exhibit 14: Unspecified Legal Basis for Search, by Race, 2006

	Ratio of Searches to Unspecified Legal Basis Searches	Percentage of Searches with Unspecified Legal Basis
African American	6:1	17.92%
Hispanic	9:1	11.09%
American Indian	(1.16):1	86.02%
Asian	3:1	29.13%
Middle Eastern	4:1	27.36%
Other	4:1	24.24%
White	7:1	14.86%
Total	6:1	15.61%

Note: Calculations for the combined “Other” race category indicated a noteworthy trend. Thus, authors analyzed the smaller populations of American Indian, Asian, Middle Eastern, and other races individually to identify the subgroup(s) with the greatest impact on the trend in question.

Exhibit 15: Searches Resulting from Stops for Moving Violations and Non-Moving Violations, by Race, 2006

	Ratio of Moving Violation Stops to Searches	Percent of Searches for Moving Violations	Ratio of Non-Moving Violation Stops to Searches	Percent of Searches for Non-Moving Violations
African American	14:1	7.18%	11:1	9.53%
Hispanic	9:1	11.77%	8:1	12.02%
Other	13:1	7.56%	11:1	9.44%
White	16:1	6.42%	11:1	8.76%
Total	15:1	6.74%	11:1	8.97%

Note: Calculations do not include the 1,218 stops (0.5%) in which the trooper did not specify a reason. 10,328 stop forms specified that a search was conducted. An additional 7,337 stop forms included information indicating that a search occurred, such as a legal basis for the search or seizure of physical evidence. Calculations include the 17,665 stop forms indicating that a search occurred.

Exhibit 16: Moving Violation Stops Resulting in a Search, by Race, Compared to Statewide Average, 2006

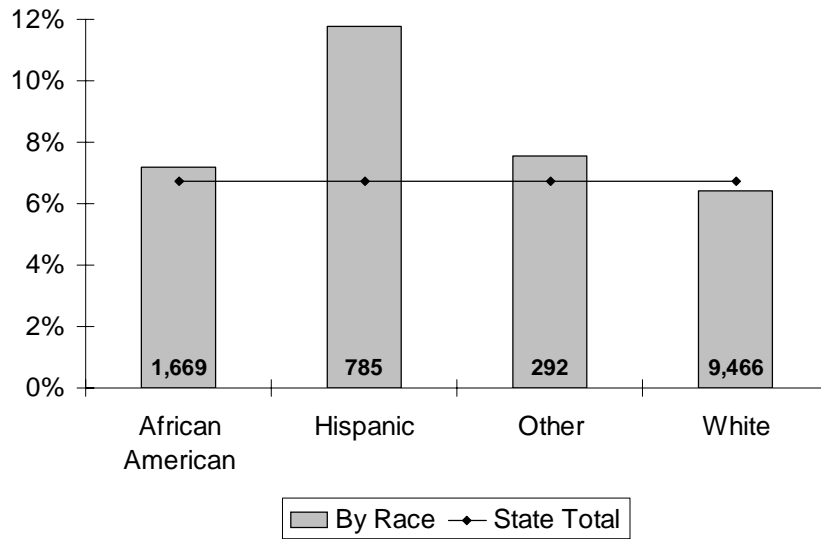
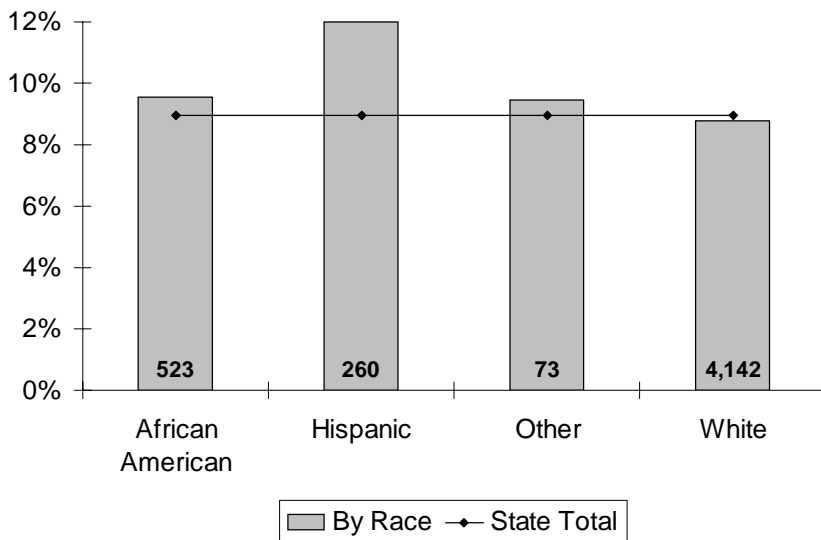


Exhibit 17: Non-Moving Violation Stops Resulting in a Search, by Race, Compared to Statewide Average, 2006



More searches were associated with citations (66.6 percent) than with arrests (22.2 percent). (See Exhibit 18.) Drivers receiving citations were searched at similar rates regardless of race. Arrested Hispanic drivers were searched at a slightly higher rate than arrested white drivers.

More searches were associated with verbal warnings (8.3 percent) than with written warnings (2.9 percent). (See Exhibit 18.) Drivers receiving verbal warnings were searched at similar rates regardless of race. Hispanic drivers receiving written warnings were searched at a lower rate than other racial groups, while African American and Other drivers receiving written warnings were searched at a higher rate than white drivers.

Exhibit 18: Disposition of Searched Drivers, by Race, 2006

		African American	Hispanic	Other	White	Total
Number of Searches		2,651	1,285	391	15,793	20,120
Percentage of Searches		13.18%	6.39%	1.94%	78.49%	100%
Verbal Warning	Percent	8.30%	8.48%	7.93%	8.26%	8.27%
	Ratio	12:1	12:1	13:1	12:1	12:1
Written Warning	Percent	3.85%	1.40%	3.84%	2.86%	2.92%
	Ratio	26:1	71:1	26:1	35:1	34:1
Citation	Percent	63.11%	60.47%	59.59%	67.85%	66.60%
	Ratio	(1.58) :1	(1.65) :1	(1.68) :1	(1.47) :1	(1.50) :1
Arrest	Percent	24.75%	29.65%	28.64%	21.03%	22.22%
	Ratio	4:1	3:1	3:1	5:1	5:1
		100%	100%	100%	100%	100%

Note: The number of searches associated with dispositions is higher than “total searches” reported earlier. Multiple dispositions per stop increases the number of searches reported.

Rates of physical evidence seized varied by race.

In 25.5 percent of all searches, troopers seized physical evidence such as weapons, drugs, vehicles, and other. “Other” physical evidence includes money, stolen property, drug paraphernalia, and license plates that have been placed on the wrong vehicle. In some instances, more than one type of physical evidence was seized.

Physical evidence was seized from searched Hispanic drivers at a lower rate than from searched African American and white drivers. Searched Hispanic drivers had physical evidence seized at a rate of 15 percent compared to 25 percent of white drivers and 28 percent of searched African American drivers. (See Exhibits 19 and 20.)

Physical evidence was seized from searched American Indian drivers at a higher rate than any other race. Over 92 percent of searched American Indian drivers had physical evidence seized. However, there were only 93 searched American Indian drivers, compared to thousands of searched Hispanic, African American, and white drivers. (See Exhibits 19 and 21.)

Exhibit 19: Searches Resulting in Physical Evidence Seizure, by Race, 2006

	Ratio of Searches to Physical Evidence Seized	Percent of Searches Resulting in Physical Evidence
African American	4:1	28.09%
Hispanic	7:1	15.10%
American Indian	(1.08):1	92.47%
Asian	3:1	35.92%
Middle Eastern	3:1	29.25%
Other	4:1	23.23%
White	4:1	25.31%
Total	4:1	25.47%

Note: 10,328 stop forms specified that a search was conducted. An additional 7,337 stop forms included information indicating that a search occurred, such as a legal basis for the search or seizure of physical evidence. Calculations include the 17,665 stop forms indicating that a search occurred. Calculations for the combined "Other" race category indicated a noteworthy trend. Thus, authors analyzed the smaller populations of American Indian, Asian, Middle Eastern, and other races individually to identify the subgroup(s) with the greatest impact on the trend in question.

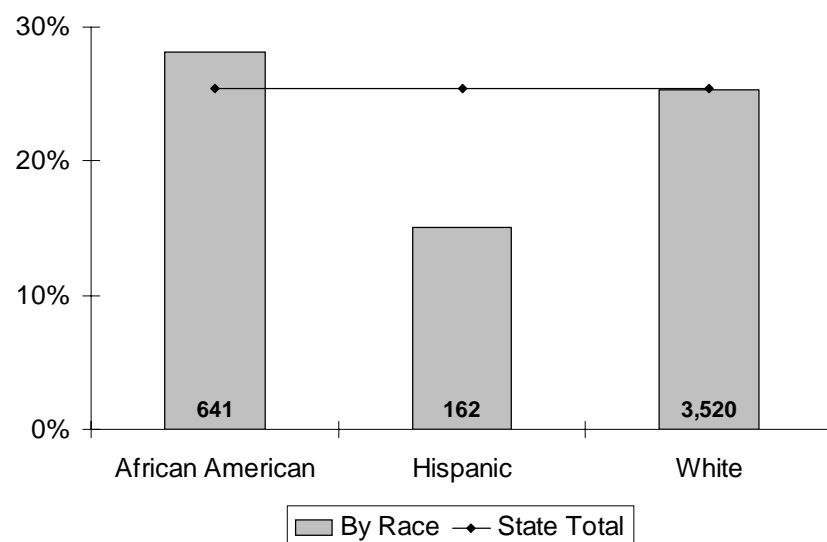
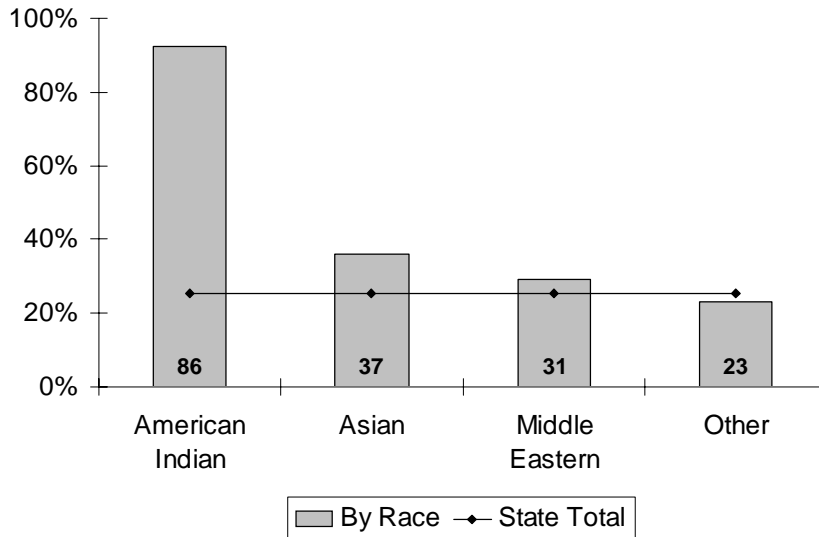
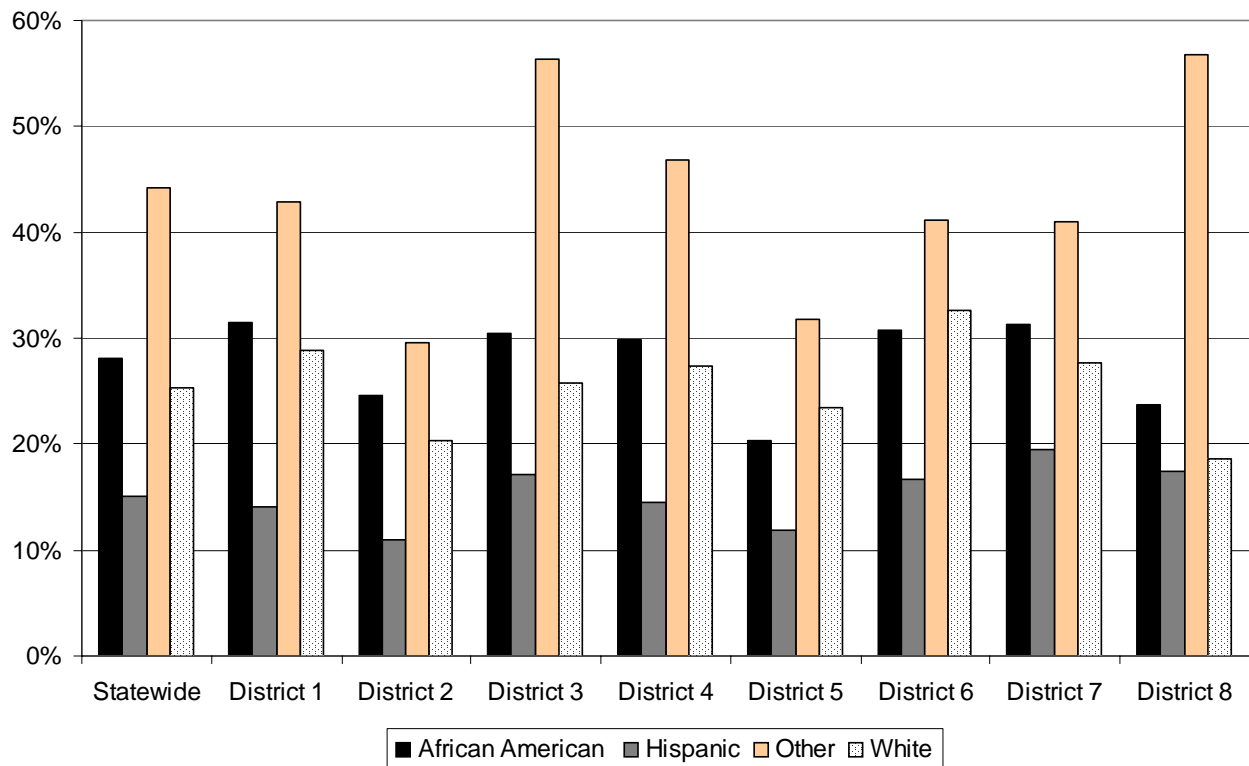
Exhibit 20: Searches Resulting in Physical Evidence Seizure, by Race, Compared to Statewide Average, 2006

Exhibit 21: Searches Resulting in Physical Evidence Seizure, by Other Race, Compared to Statewide Average, 2006



Note: Calculations for the combined "Other" race category indicated a noteworthy trend. Thus, authors analyzed the smaller populations of American Indian, Asian, Middle Eastern, and other races individually to identify the subgroup(s) with the greatest impact on the trend in question.

Exhibit 22: Statewide and District Searches Resulting in Physical Evidence Seizure, by Race, 2006



Note: Searches of "Other" drivers constituted only 2.3% of all searches statewide. Physical evidence seized from "Other" drivers constituted only 3.9% of all physical evidence seized statewide. Therefore, data for "Other," especially by district, are susceptible to inflation. For example, if the four searches of and four instances of physical evidence seized from American Indian drivers in District 7 are removed from the "Other" calculation, the percentage of searches of "Other" drivers resulting in physical evidence seizure in District 7 would drop by 13.1%.

Similar to the statewide trend, searched Hispanic drivers had physical evidence seized at a lower rate than drivers of other racial groups in every district. (See Exhibit 22.) Compared to the corresponding state rates, Districts 2 and 5 (Chattanooga and Fall Branch) conducted searches of all races at higher rates, but seized physical evidence from all races at lower rates. In District 3 (Nashville), troopers seized physical evidence from all races at higher rates than the corresponding state rates.

The types of physical evidence seized during searches was not specified in almost half of all cases. (See Exhibit 23.) In instances where type of physical evidence seized was indicated, drugs were seized most often. White drivers had drugs seized at a higher rate than other racial groups.

Exhibit 23: Types of Physical Evidence Seized, by Race, 2006

		African American	Hispanic	Other	White	Total
Weapon	Number	51	18	3	247	319
	Percent	6.88%	9.23%	1.60%	6.21%	6.26%
Drugs	Number	184	31	9	1,185	1,409
	Percent	24.83%	15.90%	4.81%	29.81%	27.64%
Vehicle	Number	56	15	5	232	308
	Percent	7.56%	7.69%	2.67%	5.84%	6.04%
Other Physical Evidence	Number	67	29	15	429	540
	Percent	9.04%	14.87%	8.02%	10.79%	10.59%
Unspecified Physical Evidence	Number	383	102	155	1,882	2,522
	Percent	51.69%	52.31%	82.89%	47.35%	49.47%
Total		741	195	187	3,975	5,098

ADDITIONAL CONCLUSION: TRAINING

Troopers receive some pre-service and in-service cultural diversity training, but more specific application to vehicle stops may be needed. General Order 506 – Profiling requires officers to receive initial and ongoing training in proactive enforcement tactics, including officer safety, courtesy, cultural diversity, laws governing search and seizure, and interpersonal communication skills. Annual profiling-related training, which includes cultural diversity, is recommended by CALEA standard 1.2.9.

The Director of the POST Commission's Law Enforcement Training Academy indicates that agency provides Tennessee law enforcement officers, including troopers, with 400 hours of basic pre-service training; THP then provides additional training for troopers. The basic curriculum includes two weeks of legal training taught by the three POST attorneys addressing each of the basic criminal rights and the appropriate related procedures. He indicates that the THP also teaches a course on traffic stop procedures and patrol tactics and that instructors discuss race and gender in various ways throughout the training.⁴²

As for in-service training, the August 2005 CALEA on-site assessment report stated that THP provided cultural diversity instruction during initial training and in-service training on an annual basis.⁴³ Analysts, however, could not determine whether this training relates to vehicle stops. In addition, Tennessee Highway

Patrol officials indicate that no specific hours of in-service training covered cultural diversity in 2006.⁴⁴ The department provided a lesson plan dated June 28, 2007, titled 'Safe and Legal Traffic Stops (S.A.L.T.S.),' which includes some material related to racial profiling. Although this indicated the intent to provide relevant training, the material had not been approved by the POST Commission as of August 6, 2007. The Department of Safety provided few additional pertinent training materials.

Both the U.S. Department of Justice and the National Organization of Black Law Enforcement Officials have cited education and training of officers as important tools for reducing racially biased policing and perceptions.^{45, 46}

ADMINISTRATIVE RECOMMENDATION

The Comptroller of the Treasury encourages the Tennessee Highway Patrol to reflect on the stop and post-stop data presented within this report and use it to inform statewide and district-level policies, procedures, and training.

DEPARTMENT RESPONSE

The Department of Safety responded to this report. See Appendix 10.

ENDNOTES

1 Deborah Ramirez, Jack McDevitt, and Amy Farrell, "A Resource Guide On Racial Profiling Data Collection Systems, Promising Practices and Lessons Learned," November 2000, p. 3, prepared by Northwestern University for U.S. Department of Justice, p. 3. Accessed January 9, 2007, <http://www.ncjrs.gov/pdffiles1/bja/184768.pdf>.

2 Ibid.

3 Tennessee Comptroller of Treasury, Office of Research, *Vehicle Stops and Race: A Study and Report in Response to Public Chapter 910 of 2000*, p. i.

4 U.S. Office of Management and Budget, "Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity," November 2, 2000, <http://www.census.gov/population/www/socdemo/race/Ombdir15.html>, accessed May 21, 2007. Note: Native Hawaiian or Other Pacific Islander category was omitted and replaced by an Other category.

5 Dr. Amy Farrell, Dean Jack McDevitt, Lisa Bailey, Carsten Andresen, and Erica Pierce, *Massachusetts Racial and Gender Profiling Study*, Final Report, May 4, 2004, Northeastern University: Institute on Race and Justice, p. 2, accessed July 17, 2007, http://www.racialprofilinganalysis.neu.edu/IRJsite_docs/finalreport.pdf.

6 Troopers were instructed to complete a Vehicle Stop Data Form each time a vehicle was stopped. However, this form did not have to be completed at roadblocks or at checkpoints.

7 Office of Research analysis of vehicle stop data forms showed that 210,465 citations were issued to drivers and 1,869 citations were issued to passengers.

8 Christopher Osbourn, Statistical Research Specialist, Department of Safety, "Re: Stats for Racial Profiling Study," Email to author, May 9, 2007. 4,498 citations issued during crash investigations; 27,818 citations issued at Fixed Scales/CV Inspectional stations; 6,653 citations issued at Driver License checkpoints; 1,413 citations issued at sobriety checkpoints; and an estimated 1,296 citations were issued during Homeland Security checkpoints. Approximately 16,000 citations are unaccounted for.

9 Interview with Christopher Osbourn, Statistical Research Specialist, Department of Safety and Ehrin Ehlert, Trooper, Department of Safety, May 10, 2007.

10 The reason for the stop was omitted from 1,321 (0.6%) forms. The driver's race was omitted from 1,084 (0.5%) forms. In addition, the district of the trooper completing the vehicle stop data form was omitted from 115 (0.0%) forms. For explanation on handling missing data, see Paul Glewwe and Micheal Levin, "Presenting simple descriptive statistics from household survey data," Chapter XVI, p. 347. Accessed April 25, 2007, http://unstats.un.org/unsd/HHsurveys/pdf/Chapter_16.pdf.

11 Instances where troopers neglected to answer items were placed in the "Unspecified" category in Appendix tables.

12 Christopher Osbourn, Statistical Research Specialist, "Re: Revoked Suspended or Canceled DLs," e-mail to author, June 12, 2007.

13 Phone Interview with Becky Anderton, Information Systems Analyst IV, Department of Safety, June 21, 2007.

14 Tennessee, *The Stage is Set for You, 2005-2006 Annual Report*, Tennessee Department of Tourist Development, pp. 32-33, 36-37. Accessed May 22, 2007, <http://www.tennessee.gov/tourdev/pdf/2005ar.pdf>.

15 Tennessee Code Annotated, Title 4, Chapter 7.

- 16 Natasha Spicer, Administrative Services Assistant, Department of Safety, "Re: Information for Profiling Study," Email to author, April 13, 2007.
- 17 Tennessee Department of Safety, "Tennessee Highway Patrol," accessed May 22, 2007, <http://www.tennessee.gov/safety/thp.htm>.
- 18 Ramirez, McDevitt, and Farrell, p. 3.
- 19 Henry I. DeGeneste and John P. Sullivan, "Policing a Multicultural Community," *Fresh Perspectives*, A Police Executive Research Forum Publication, July 1997, p. 1.
- 20 Richard H. Deane, Jr., "A Message from United States Attorney Richard H. Deane, Jr.," p. 2.
- 21 Joyce McMahan, Joel Garner, Captain Ronald Davis, and Amanda Kraus, "How to correctly collect and analyze racial profiling data: Your reputation depends on it! Final Project Report for Racial Profiling Data Collection and Analysis," U.S. Department of Justice, Washington, DC: Government Printing Office, 2002, Executive Summary, p. 5. Accessed July 17, 2007, <http://www.cops.usdoj.gov/mime/open.pdf?Item=770>.
- 22 President Bill Clinton, Memorandum for the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, "Fairness in Law Enforcement: Collection of Data," June 9, 1999, p. 1067. Accessed June 14, 2007, <http://www.aele.org/fedprof.html>.
- 23 U.S. Department of Justice, "Fact Sheet: Racial Profiling", June 17, 2003. Accessed June 14, 2007, http://www.usdoj.gov/opa/pr/2003/June/racial_profiling_fact_sheet.pdf.
- 24 President George W. Bush, "Memorandum For the Attorney General, February 27, 2001." Accessed May 15, 2007, <http://www.whitehouse.gov/news/releases/2001/02/20010228-1.html>.
- 25 U.S. Department of Justice, "Fact Sheet: Racial Profiling", June 17, 2003. Accessed June 14, 2007, http://www.usdoj.gov/opa/pr/2003/June/racial_profiling_fact_sheet.pdf.
- 26 U.S. Department of Justice, Civil Rights Commission, "Guidance Regarding the Use of Race By Federal Law Enforcement Agencies," June 2003, Introduction and Executive Summary. Accessed June 14, 2007, http://www.usdoj.gov/crt/split/documents/guidance_on_race.htm.
- 27 Ibid.
- 28 Lorie Fridell, Robert Lunney, Drew Diamond, and Bruce Kubu, "Racially Biased Policing: A Principled Response, Police Executive Research Forum Report," June 2001, U.S. Department of Justice, Police Executive Research Forum, pp. 6-11, <http://www.cops.usdoj.gov/mime/open.pdf?Item=1598>.
- 29 National Organization of Black Law Enforcement Executives, "A NOBLE Perspective: Racial Profiling – A Symptom of Bias-Based Policing," NOBLE, May 3, 2001, pp. 2, 10-18.
- 30 Tennessee Comptroller of Treasury, Office of Research, *Vehicle Stops and Race: A Study and Report in Response to Public Chapter 910 of 2000*, p. 7.
- 31 Commission on Accreditation for Law Enforcement Agencies, Inc., "Standards Manual Text: Number 1.2.9," 2003.
- 32 Tennessee Department of Safety, General Order – 506, Profiling, March 31, 2002.
- 33 Ibid., p. 1.
- 34 Ibid., p.2.
- 35 Police Executive Research Forum, *Racially Biased Policing: A Principled Response*, Police Executive Research Forum Report, June 2001, pp. 103, 110, <http://www.cops.usdoj.gov/mime/open.pdf?Item=1598>.
- 36 McMahan, Garner, Davis, and Kraus, pp. 1-3, 39.
- 37 Perspectives on Profiling: A Police-Community Partnership, Metro-Nashville Police Department, accessed July 17, 2007, <http://www.police.nashville.org/news/reports/profiling.htm>.
- 38 See the previous discussion of limitations of the licensed driver database in "Methodology."
- 39 The directions to participating agencies (Appendix 2) defined "criminal" as "any criminal activity, belief of criminal activity, or suspicious behavior."
- 40 The results of the stop are called dispositions. Troopers were instructed to choose all the dispositions that apply. Therefore, the total number of dispositions exceeds the total number of vehicle stop data forms.
- 41 Matthew R. Durose, Erica L. Smith and Patrick A. Langan, U.S. Department of Justice, Bureau of Justice Statistics, "Contacts Between Police and the Public, 2005", April 2007, p. 1, accessed May 22, 2007, <http://www.ojp.usdoj.gov/bjs/pub/pdf/cpp05.pdf>.
- 42 Brian Grisham, Director, Tennessee Law Enforcement Training Academy/ POST Commission, August 6, 2007.
- 43 Howard E. Shearer, Memorandum to the Commission on Accreditation for Law Enforcement Agencies, Inc, "On-site Assessment Report for the Tennessee Department of Safety," September 12, 2005, p. 17.
- 44 Phone interview with Captain Donald Nicholson, Tennessee Department of Safety Training Center Director, Department of Safety, April 25, 2007.
- 45 Fridell, et al, p. 8
- 46 National Organization of Black Law Enforcement Executives, p. 12.

APPENDIX 1: Public Chapter 193 of 2005

Chapter No. 193] PUBLIC ACTS, 2005 1

CHAPTER NO. 193

SENATE BILL NO. 2214

By Jackson

Substituted for: House Bill No. 1925

By Henri Brooks, Cooper

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 7, relative to racial profiling study by Tennessee highway patrol.

WHEREAS, the people of Tennessee are dedicated to the fair and equitable treatment of all persons regardless of race, ethnicity, national origin, or religion; and

WHEREAS, the term "racial profiling" has come to mean the practice of using race, ethnicity, national origin, or religion as the primary factor in deciding who is subject to law enforcement investigations; and

WHEREAS, racial profiling is unconstitutional and not an effective use of law enforcement resources; and

WHEREAS, there has been in recent years a growing national awareness of instances of racial profiling; and

WHEREAS, some individuals have from time to time alleged instances of some Tennessee law enforcement officers practicing racial profiling; and

WHEREAS, thirty-seven (37) municipal police departments, six (6) county sheriffs' departments and one (1) university police department in Tennessee voluntarily participated in a racial profiling study throughout the year 2001, and the results of that study were compiled by the comptroller of the treasury and reported to the Tennessee General Assembly in March 2002; and

WHEREAS, many state officials and many law enforcement leaders recognized that this study brought attention to the problem, helped to identify areas where additional education and training are needed in regard to racial profiling, and generally contributed to a better understanding of the concerns of racial profiling among law enforcement officers, public officials and the public in general; and

WHEREAS, the commissioner of safety has voluntarily agreed to conduct a similar study involving officers of the Tennessee highway patrol; and

WHEREAS, this General Assembly seeks to continue the progress made in the past regarding the elimination of racial profiling; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. It is the intent of the General Assembly that the provisions of this act shall serve as a permissive pilot project and as such shall apply to the Tennessee highway patrol.

SECTION 2. (a) Commencing on January 1, 2006, and continuing all through the calendar year, the Tennessee highway patrol, using the form developed and promulgated pursuant to subsection (d) of this section, shall record and retain the following information:

(1) The number of persons stopped for traffic violations;

(2) Characteristics of race, color, ethnicity, gender and age of such persons; provided, that the identification of such characteristics shall be based on the observation and perception of the law enforcement officer responsible for reporting the stop and the information shall not be required to be provided by the person stopped;

(3) The nature of the alleged traffic violation that resulted in the stop;

(4) Whether a warrant or citation was issued, an arrest made or a search conducted as a result of the stop; and

(5) If a search was conducted, the type of search and the legal basis for that search, and whether contraband was discovered and property was seized.

(b) The Tennessee highway patrol shall begin submitting such data and information to the comptroller of the treasury on a monthly basis, beginning no later than February 1, 2006, by submitting or electronically transferring a copy of the form prescribed by the comptroller of the treasury.

(c) Any law enforcement officer who in good faith records traffic stop information pursuant to the requirements of this section shall not be held civilly liable for the act of recording such information.

(d) The comptroller of the treasury shall, within the limits of existing resources, provide for a review of the prevalence and disposition of traffic stops reported pursuant to this section. The comptroller of the treasury shall develop and promulgate a form, in both printed and electronic format, to be used by law enforcement officers to which this act applies when making a traffic stop to record personal identifying information about the operator of the motor vehicle that is stopped, the location of the stop, the reason for the stop and other information that is required to be recorded pursuant to subsection (a) of this section. The comptroller of the treasury shall report to the governor and General Assembly the results of such review, including any recommendations, no later than April 1, 2007.

(e) The provisions of this act shall be in effect from the effective date of this act until July 1, 2007.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Chapter No. 193]

PUBLIC ACTS, 2005

3

PASSED: May 9, 2005


JOHN G. WILDER
SPEAKER OF THE SENATE


JIMMY NATCHER, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 19th day of May 2005


PHIL BREDESEN, GOVERNOR

APPENDIX 2: Vehicle Stop Data Form and Instructions to Participating Agencies

VEHICLE STOPS DATA FORM

(1) RACF ID #

(2) COUNTY CODE

(3) DATE (mm/dd/yy) / /

(4) TIME (AM/PM) : 1 AM
2 PM

(5) LOCATION (Choose one) INTERSTATE 1
STATE ROUTE 2
COUNTY 3
CITY 4

(6) GENDER (Choose one) MALE 1
FEMALE 2

(7) RACE/ETHNICITY (Choose one) AFRICAN AMERICAN 1 5 HISPANIC
AMERICAN INDIAN 2 6 WHITE
ASIAN 3 7 OTHER
MIDDLE EASTERN 4

(8) APPROXIMATE AGE (Choose one) UNDER 18 1 5 40s
18-19 2 6 50s
20s 3 7 60s
30s 4 8 70 and over

(9) REASON FOR INITIATING STOP (Choose one) MOVING VIOLATION 1 3 CRIMINAL
NON-MOVING VIOLATION 2 4 BOLO

(10) RESULTS OF STOP (Choose all that apply) ARREST MADE → 1 Driver 5 Passenger(s)
CITATION ISSUED → 2 Driver 6 Passenger(s)
WRITTEN WARNING → 3 Driver 7 Passenger(s)
VERBAL WARNING → 4 Driver 8 Passenger(s)

(11) DID SEARCH OCCUR? (Choose all that apply) NO 1
YES 2 → 3 Vehicle
4 Personal Effects
5 Driver
6 Passenger(s)

(12) LEGAL BASIS FOR SEARCH (Choose all that apply) CONSENT 1 5 INVENTORY
PROBABLE CAUSE 2 6 PLAIN VIEW
INCIDENT TO ARREST 3 7 WARRANT
EXIGENT CIRCUMSTANCES 4

(13) WAS PHYSICAL EVIDENCE SEIZED? (Choose all that apply) NO 1
YES 2 → 3 Weapon(s)
4 Drugs
5 Vehicle
6 Other

CT-0424

General Instructions

The Vehicle Stops Data Form is to be completed each time a trooper stops a vehicle. However, this form does not have to be completed at roadblocks or at checkpoints. When completing each form, mark the appropriate boxes with an X using a black pen. The District Office will submit the forms to the Comptroller's Office of Research weekly.

Specific Instructions

(1) RACF ID

Enter your individual RACF ID number.

(2) County Code

Enter the two-digit county code used on traffic citations

(3) Date

Record the day and month when the stop occurred.

(4) Time

Enter the time the stop occurred. Check the am/pm box. **Do not use military time.**

(5) Location (choose one)

Record the location where the stop was made. Select from the following: Interstate, State route, City, or County.

(6) Gender (choose one)

Record the gender of the **driver** based on your perception at the time you approach the vehicle. Select from the following: Male or Female

(7) Race/Ethnicity (choose one)

Record the race/ethnicity of the **driver** based on your perception at the time you approach the vehicle from the following categories:

African American - A person having origins in any of the black racial groups of Africa.

American Indian – a person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.

Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, China, Japan, Korea, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Hispanic - A person of Cuban, Mexican, Puerto Rican or other Spanish culture or origin, regardless of race.

Middle Eastern – a person having origins in the areas near the southern and eastern parts of the Mediterranean, a territory that extends from the eastern Mediterranean Sea to the Persian Gulf.

White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Other - For the purposes of this project, other is any of the race/ethnic categories not defined above.

(8) Approximate age (choose one)

Record the age of the **driver** based on your perception at the time you approach the vehicle. Select from the following: under 18, 18-19, 20s, 30s, 40s, 50s, 60s, 70 and older.

(9) Reason for initiating stop (choose one)

Record the primary reason for initiating the stop from the following:

Moving traffic violation, Non-moving violation, Criminal, or BOLO. Criminal includes any criminal activity, belief of criminal activity, or suspicious behavior.

Do not record contact with drivers whom you did not pull over for one of the reasons above.

(10) Results of stop (choose all that apply)

Record the result(s) of the stop from the following:
Citation issued, Written warning, Verbal warning, Arrest made.

Whom action was taken against (choose all that apply)

Record against whom action was taken from the following:
Driver, Passenger(s).

(11) Did search occur? (choose one)

Record whether or not a search occurred.

Type of search (choose all that apply)

Record the type(s) of search from the following:
Vehicle, Driver, Personal Effects, Passenger(s).

(12) Legal basis for search? (choose all that apply)

Record the legal basis for the search from the following:
Consent, Warrant, Probable cause, Inventory, Incident to Arrest, Plain View, Exigent Circumstances.

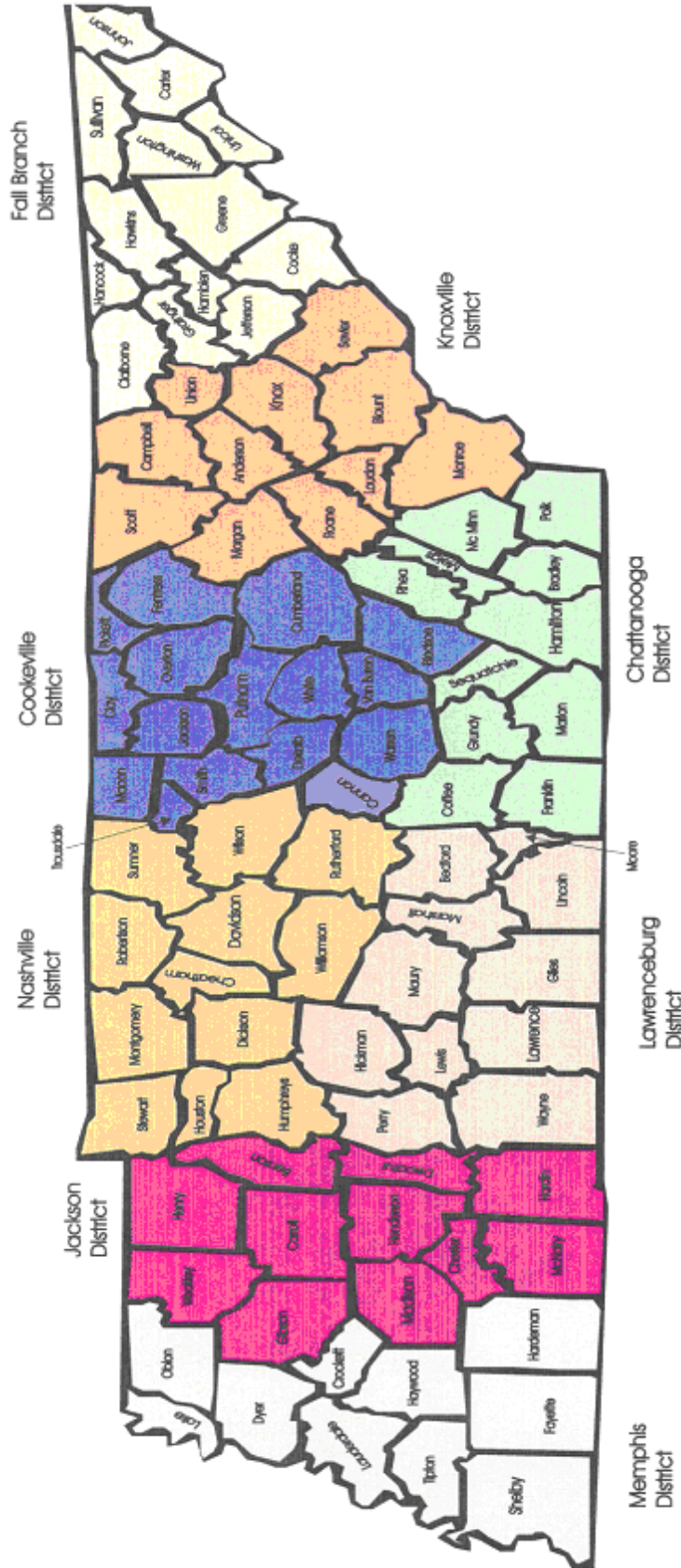
(13) Was physical evidence seized? (choose one)

Record whether or not physical evidence was seized.

Type of Evidence Seized (choose all that apply)

Record the type(s) of evidence seized from the following:
Weapon(s), Drugs, Vehicle, Other.

APPENDIX 3: Tennessee Highway Patrol Districts



District 1 - Knoxville

- Scott, Campbell, Morgan, Anderson, Roane, Loudon, Union, Knox, Sevier, Blount and Monroe

District 2 – Chattanooga

- Coffee, Franklin, Grundy, Marion, Sequatchie, Bledsoe, Rhea, Meigs, McMinn, Hamilton, Bradley and Polk

District 3 – Nashville

- Stewart, Houston, Humphreys, Montgomery, Dickson, Cheatham, Robertson, Davidson, Williamson, Sumner, Wilson and Rutherford

District 4 – Memphis

- Lake, Obion, Dyer, Lauderdale, Crockett, Haywood, Tipton, Shelby, Fayette, and Hardeman

District 5 – Fall Branch

- Cocke, Jefferson, Hamblen, Sullivan, Carter, Johnson, Unicoi, Washington, Claiborne, Grainger, Greene, Hancock, and Hawkins

District 6 – Cookeville

- Putnam, Fentress, Overton, Pickett, Cumberland, Van Buren, White, Cannon, Dekalb, Smith, Warren, Clay, Jackson, Macon and Trousdale

District 7 – Lawrenceburg

- Giles, Lawrence, Wayne, Bedford, Lincoln, Moore, Marshall, Maury, Hickman, Lewis and Perry

District 8 – Jackson

- Madison, Gibson, Weakley, Carroll, Henry, Benton, Decatur, Henderson, Chester, Hardin and McNairy

Source: Tennessee Department of Safety, "THP Administration", accessed May 22, 2007, <http://www.tennessee.gov/safety/thpadmin.htm>.

APPENDIX 4: Monthly Frequency of Vehicle Stops, by District, 2006

	District 1	District 2	District 3	District 4	District 5	District 6	District 7	District 8	Unknown	Monthly Total
January	2,963	3,681	4,484	2,790	3,683	2,304	2,624	2,854	16	25,399
February	2,363	2,764	3,283	2,324	3,104	2,359	2,034	2,470	1	20,702
March	2,431	3,131	3,576	2,718	2,909	2,745	2,309	2,572	4	22,395
April	2,404	3,163	2,900	2,132	2,726	2,344	2,039	2,117	1	19,826
May	3,159	3,259	3,673	2,966	2,918	2,984	2,439	2,600	1	23,999
June	2,441	2,659	3,291	2,435	2,306	2,311	1,961	2,277	1	19,682
July	2,843	2,401	3,509	2,510	2,702	2,543	1,962	2,401	0	20,871
August	2,428	2,235	3,246	2,657	2,435	2,517	1,833	2,433	31	19,815
September	2,664	2,175	4,277	2,821	2,624	2,508	1,951	2,375	2	21,397
October	1,700	1,384	2,233	1,478	1,867	1,554	1,305	1,675	55	13,251
November	2,371	1,588	2,045	2,114	2,477	2,119	1,485	2,108	2	16,309
December	1,769	1,641	2,542	2,208	2,263	2,161	1,474	2,012	1	16,071
District Total	29,536	30,081	39,059	29,153	32,014	28,449	23,416	27,894	115	239,717

Source: Comptroller of the Treasury, Office of Research. Data collected between January 1, 2006 and December 31, 2006.

APPENDIX 5: Stop Data Trends, January 2006-December 2006

	Highest Rate	Lowest Rate
White		
▪ 1 of 19 drivers was stopped		
▪ 1 of 14 drivers stopped was searched		✓
▪ 1 of 4 drivers stopped and searched had evidence seized		
▪ 1 of 49 drivers stopped was arrested		✓
▪ 1 of 16 drivers stopped for a moving violation was searched		✓
▪ 1 of 57 drivers stopped for moving violations was arrested.		✓
▪ "Incident to Arrest" was the legal basis for 1 of 6 searches.		
African American		
▪ 1 of 19 drivers was stopped		
▪ 1 of 13 drivers stopped was searched		
▪ 1 of 4 drivers stopped and searched had evidence seized		
▪ 1 of 32 drivers stopped was arrested		
▪ 1 of 14 drivers stopped for a moving violation was searched		
▪ 1 of 40 drivers stopped for moving violations was arrested.		
▪ "Incident to Arrest" was the legal basis for 1 of 5 searches.		
Hispanic		
▪ 1 of 11 drivers was stopped.	✓	
▪ 1 of 8 drivers stopped was searched.	✓	
▪ 1 of 7 drivers stopped and searched had evidence seized.		✓
▪ 1 of 19 drivers stopped was arrested.	✓	
▪ 1 of 9 drivers stopped for a moving violation was searched.	✓	
▪ 1 of 20 drivers stopped for moving violations was arrested.	✓	
▪ "Incident to Arrest" was the legal basis for 1 of 3 searches.	✓	
Additional Trends of Note		
▪ 1 of 1.08 (92.47%) American Indian drivers stopped and searched had evidence seized. Stopped American Indian drivers had evidence seized at a higher rate than any other racial group.	✓	
▪ No legal basis for search was provided for 1 of 1.16 (86.02%) searches of stopped American Indian drivers.	✓	

Source: Comptroller of the Treasury, Office of Research. Data collected between January 1, 2006 and December 31, 2006.

APPENDIX 6: Summary of Vehicle Stop Data

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
Tennessee Driving Population	100%	12.3%	0.1%	1.2%	unknown	2.3%	83.3%	0.8%	N/A
Total Stops	239,717	12.1%	0.1%	0.6%	0.7%	3.7%	81.8%	0.5%	0.5%
Criminal	183	30.6%	6.0%	0.5%	0.5%	4.9%	55.2%	0.5%	1.6%
Moving	181,899	12.8%	0.1%	0.7%	0.7%	3.7%	81.0%	0.6%	0.4%
Non-Moving	55,957	9.8%	0.1%	0.4%	0.5%	3.9%	84.5%	0.3%	0.5%
BOLO	357	18.5%	2.2%	2.2%	3.1%	7.6%	63.6%	1.1%	1.7%
Unspecified	1,321	11.6%	1.8%	0.7%	0.5%	2.8%	74.4%	0.4%	7.8%
Verbal Warning	16,435	14.5%	0.2%	0.8%	0.9%	3.6%	79.1%	0.4%	0.4%
Written Warning	7,612	11.9%	0.1%	0.4%	0.5%	2.1%	83.8%	0.6%	0.6%
Citation	210,465	11.9%	0.1%	0.6%	0.6%	3.7%	82.2%	0.6%	0.4%
Arrest	5,441	16.2%	1.4%	0.5%	0.4%	8.1%	72.7%	0.4%	0.3%
Unspecified	5,323	11.2%	0.8%	1.7%	1.8%	6.4%	75.0%	0.4%	2.6%
No	221,972	12.0%	0.1%	0.6%	0.7%	3.5%	82.0%	0.5%	0.5%
Yes	17,745	12.9%	0.5%	0.6%	0.6%	6.0%	78.4%	0.6%	0.5%
Vehicle	7,022	12.9%	0.2%	0.4%	0.4%	8.8%	76.4%	0.7%	0.2%
Personal effects	3,622	13.1%	0.2%	0.4%	0.3%	7.9%	77.2%	0.6%	0.2%
Driver	5,295	13.9%	0.2%	0.3%	0.4%	8.8%	75.7%	0.5%	0.2%
Passenger	1,675	13.5%	0.2%	0.4%	0.2%	8.3%	76.6%	0.4%	0.3%
Unspecified	672	14.3%	-	-	0.4%	9.1%	75.3%	0.3%	0.6%
No	13,211	12.4%	0.1%	0.5%	0.6%	6.9%	78.6%	0.6%	0.3%
Yes	4,534	14.1%	1.9%	0.8%	0.7%	3.6%	77.6%	0.5%	0.7%
Weapon	319	16.0%	0.3%	-	0.3%	5.6%	77.4%	0.3%	-
Drugs	1,413	13.0%	0.1%	0.2%	-	2.2%	83.9%	0.3%	0.3%
Vehicle	310	18.1%	-	0.6%	0.3%	4.8%	74.8%	0.6%	0.6%
Other	541	12.4%	0.4%	1.3%	0.2%	5.4%	79.3%	0.9%	0.2%
Unspecified	2,552	15.0%	3.2%	1.1%	1.2%	4.0%	73.7%	0.6%	1.2%

Note: Troopers could choose more than one disposition per stop, search multiple items, and seize multiple types of evidence. Therefore, the number of total dispositions, total searches, and total evidence may exceed the number of total stops. Percent may not equal 100 due to rounding.

Sources: Becky Anderton, Information Systems Analyst IV, Department of Safety, "Re: Race by County File", Email to author, June 12, 2007. Vehicle stop data forms collected by the Tennessee Highway Patrol between January 1, 2006 and December 31, 2006 for the Comptroller of the Treasury's Office of Research.

APPENDIX 7: Reasons for and Disposition of Stops, by Race

REASON	DISPOSITION	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
CRIMINAL	Verbal warning	25.0% (3)	-	-	-	8.3% (1)	66.7% (8)	-	-
	Written warning	-	-	-	-	-	100% (3)	-	-
	Citation	40.7% (37)	12.1% (11)	-	-	3.3% (3)	44.0% (40)	-	-
	Arrest	33.9% (41)	8.3% (10)	0.8% (1)	-	3.3% (4)	52.1% (63)	-	1.7% (2)
MOVING VIOLATION	Verbal warning	15.0% (1,650)	0.2% (23)	0.8% (92)	0.6% (71)	3.2% (352)	79.3% (8,725)	0.5% (54)	0.4% (40)
	Written warning	12.5% (718)	0.1% (6)	0.4% (23)	0.6% (35)	2.0% (115)	83.2% (4,794)	0.6% (36)	0.6% (32)
	Citation	12.6% (20,393)	0.1% (136)	0.7% (1,110)	0.7% (1,165)	3.6% (5,894)	81.3% (131,469)	0.6% (1,007)	0.4% (612)
	Arrest	16.0% (574)	0.9% (32)	0.5% (19)	0.4% (14)	9.1% (328)	72.4% (2,595)	0.4% (14)	0.3% (9)
NON-MOVING VIOLATION	Verbal warning	13.5% (711)	0.2% (13)	0.9% (46)	1.3% (68)	4.4%(233)	78.9% (4,152)	0.3% (17)	0.5% (25)
	Written warning	10.0% (180)	0.3% (5)	0.3% (6)	0.3% (6)	2.2% (40)	85.9% (1,541)	0.3% (6)	0.5% (9)
	Citation	9.4% (4,449)	0.1% (41)	0.3% (132)	0.3% (120)	3.7% (1,761)	85.5% (40,597)	0.3% (157)	0.5% (223)
	Arrest	13.1% (199)	0.1% (2)	0.3% (4)	0.2% (3)	6.1% (93)	79.3% (1,200)	0.6% (9)	0.3% (4)
BOLO	Verbal warning	11.1% (8)	2.8% (2)	1.4% (1)	-	5.6% (4)	79.2% (57)	-	-
	Written warning	25.0% (2)	-	-	-	-	75.0% (6)	-	-
	Citation	27.9% (43)	3.9% (6)	-	0.6% (1)	4.5% (7)	59.7% (92)	1.3% (2)	1.9% (3)
	Arrest	23.3% (31)	4.5% (6)	0.8% (1)	0.8% (1)	9.8% (13)	57.1% (76)	0.8% (1)	3.0% (4)
UNSPECIFIED	Verbal warning	15.2% (12)	-	-	1.3% (1)	1.3% (1)	78.5% (62)	2.5% (2)	1.3% (1)
	Written warning	18.4% (9)	-	-	-	6.1% (3)	73.5% (36)	-	2.0% (1)
	Citation	9.3% (89)	-	0.6% (6)	0.2% (2)	3.2% (31)	86.1% (821)	0.2% (2)	0.3% (3)
	Arrest	39.8% (35)	27.3% (24)	2.3% (2)	3.4% (3)	2.3% (2)	25.0% (22)	-	-

Source: Comptroller of the Treasury, Office of Research. Data collected between January 1, 2006 and December 31, 2006.

APPENDIX 8: Summary of Vehicle Stop Data, by District

Data Notes: Troopers could choose more than one disposition per stop, search multiple items, and seize multiple types of evidence. Therefore, the number of total dispositions, total searches, and total evidence may exceed the number of total stops. Percent may not equal 100 due to rounding.

Sources: Becky Anderton, Information Systems Analyst IV, Department of Safety, "Re: Race by County File," Email to author, June 12, 2007. Vehicle stop data forms collected by the Tennessee Highway Patrol between January 1, 2006 and December 31, 2006 for the Comptroller of the Treasury's Office of Research.

District 1		Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population		698,162	3.5%	0.2%	1.0%	N/A	1.2%	93.5%	0.5%	N/A
Stops		29,536	8.0%	0.1%	0.6%	0.8%	3.0%	86.5%	0.4%	0.6%
Moving		23,281	8.1%	0.1%	0.7%	0.9%	2.9%	86.3%	0.4%	0.6%
Non-Moving		5,939	7.6%	0.1%	0.4%	0.6%	3.0%	87.6%	0.3%	0.6%
REASON										
Criminal		33	30.3%	3.0%	0.0%	0.0%	6.1%	51.5%	3.0%	6.1%
BOLO		55	18.2%	1.8%	0.0%	1.8%	9.1%	65.5%	1.8%	1.8%
Unspecified		228	7.5%	0.4%	1.8%	0.4%	2.6%	86.0%	0.0%	1.3%
Arrest		650	12.5%	0.5%	0.8%	0.2%	6.3%	79.1%	0.2%	0.6%
Citation		26,284	7.8%	0.1%	0.6%	0.8%	2.9%	86.8%	0.4%	0.6%
Written Warning		1,394	10.3%	0.0%	0.6%	0.6%	1.3%	86.4%	0.3%	0.6%
Verbal Warning		1,488	9.3%	0.1%	0.8%	0.5%	3.5%	85.0%	0.3%	0.5%
Unspecified		592	7.1%	0.7%	0.8%	2.4%	4.4%	83.1%	0.3%	1.2%
SEARCH										
No		27,882	7.9%	0.1%	0.6%	0.8%	2.8%	86.8%	0.4%	0.6%
Yes		1,654	10.9%	0.2%	0.5%	0.7%	5.1%	81.6%	0.2%	0.6%
Vehicle		712	12.8%	0.1%	0.3%	0.4%	8.4%	77.1%	0.4%	0.4%
Personal effects		343	13.7%	0.3%	0.3%	0.3%	7.0%	77.6%	0.6%	0.3%
ITEM SEARCHED										
Driver		496	13.3%	0.0%	0.4%	0.4%	8.9%	76.6%	0.2%	0.2%
Passenger(s)		132	11.4%	0.0%	1.5%	0.0%	12.1%	73.5%	0.8%	0.8%
EVIDENCE SEIZED in SEARCH										
No		1179	10.4%	0.0%	0.4%	0.6%	6.2%	81.5%	0.3%	0.4%
Yes		475	12.0%	0.8%	0.8%	0.8%	2.5%	81.9%	0.0%	1.1%
Weapon		52	13.5%	0.0%	0.0%	0.0%	1.9%	84.6%	0.0%	0.0%
Drugs		145	12.4%	0.7%	0.0%	0.0%	3.4%	83.4%	0.0%	0.0%
Vehicle		27	18.5%	0.0%	0.0%	0.0%	3.7%	74.1%	0.0%	3.7%
Other		52	9.6%	1.9%	1.9%	1.9%	1.9%	82.7%	0.0%	0.0%
Unspecified		278	11.9%	1.1%	1.1%	1.1%	2.2%	80.9%	0.0%	1.8%

District 2

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population	506,602	8.4%	0.1%	1.0%	N/A	2.1%	87.7%	0.7%	N/A
Stops	30,081	11.3%	0.1%	0.8%	0.6%	4.3%	81.7%	0.7%	0.4%
Moving	23,273	12.5%	0.1%	0.9%	0.7%	4.3%	80.3%	0.8%	0.3%
Non-Moving	6,559	6.9%	0.1%	0.5%	0.3%	4.3%	87.1%	0.2%	0.5%
REASON									
Criminal	21	19.0%	0.0%	0.0%	0.0%	4.8%	76.2%	0.0%	0.0%
BOLO	58	15.5%	0.0%	1.7%	1.7%	10.3%	69.0%	0.0%	1.7%
Unspecified	170	13.5%	0.6%	0.0%	0.0%	2.9%	80.6%	0.0%	2.4%
Arrest	633	14.4%	0.8%	0.6%	0.5%	13.9%	68.4%	0.6%	0.8%
Citation	26,536	10.9%	0.1%	0.7%	0.6%	4.1%	82.6%	0.7%	0.4%
Written Warning	429	15.9%	0.2%	0.5%	0.7%	1.9%	79.3%	1.4%	0.2%
Verbal Warning	2,221	15.6%	0.1%	1.3%	0.7%	5.7%	75.7%	0.7%	0.2%
Unspecified	738	8.5%	1.0%	2.3%	1.4%	6.9%	79.1%	0.4%	0.4%
SEARCH									
No	27,668	11.2%	0.1%	0.8%	0.7%	4.1%	82.2%	0.7%	0.4%
Yes	2,413	12.6%	0.5%	1.0%	0.4%	7.5%	76.7%	0.5%	0.6%
Vehicle	833	16.3%	0.2%	0.6%	0.2%	12.7%	68.9%	0.8%	0.1%
Personal effects	519	19.7%	0.0%	0.8%	0.0%	11.6%	66.9%	0.6%	0.6%
ITEM SEARCHED									
Driver	626	17.9%	0.2%	0.6%	0.3%	12.5%	67.9%	0.5%	0.2%
Passenger(s)	178	19.7%	0.0%	0.6%	0.6%	7.9%	71.3%	0.0%	0.0%
EVIDENCE SEIZED in SEARCH									
No	1,923	12.0%	0.1%	1.1%	0.4%	8.4%	76.7%	0.6%	0.7%
Yes	490	15.3%	2.2%	0.6%	0.6%	4.1%	76.7%	0.2%	0.2%
Weapon	30	10.0%	0.0%	0.0%	0.0%	16.7%	73.3%	0.0%	0.0%
Drugs	217	21.7%	0.0%	0.5%	0.0%	3.7%	74.2%	0.0%	0.0%
Vehicle	21	19.0%	0.0%	0.0%	0.0%	23.8%	57.1%	0.0%	0.0%
Other	64	21.9%	0.0%	0.0%	0.0%	10.9%	67.2%	0.0%	0.0%
Unspecified	255	13.7%	4.3%	0.8%	1.2%	2.7%	76.5%	0.4%	0.4%

District 3

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population	1,141,810	12.4 %	0.2%	2.0%	N/A	3.9%	80.1%	1.5%	N/A
Stops	39,059	14.1%	0.2%	1.0%	0.7%	4.7%	78.0%	0.9%	0.4%
Moving	31,215	14.7%	0.1%	1.1%	0.7%	4.6%	77.6%	1.0%	0.3%
Non-Moving	7,541	11.5%	0.1%	0.9%	0.6%	5.1%	80.5%	0.8%	0.5%
REASON									
Criminal	43	30.2%	16.3%	0.0%	0.0%	7.0%	46.5%	0.0%	0.0%
BOLO	61	14.8%	3.3%	1.6%	4.9%	9.8%	60.7%	3.3%	1.6%
Unspecified	199	18.1%	3.0%	1.0%	0.5%	3.5%	72.4%	1.0%	0.5%
Arrest	759	20.6%	3.3%	0.7%	1.1%	8.7%	64.8%	0.5%	0.4%
Citation	35,073	14.0%	0.1%	1.0%	0.7%	4.7%	78.2%	1.0%	0.3%
DISPOSITION									
Written Warning	891	14.4%	0.1%	0.6%	0.6%	2.7%	80.8%	0.6%	0.3%
Verbal Warning	2,148	15.3%	0.2%	0.9%	0.6%	3.3%	78.7%	0.6%	0.5%
Unspecified	910	12.3%	1.0%	3.0%	2.2%	8.2%	71.9%	0.3%	1.1%
SEARCH									
No	36,146	13.8%	0.1%	1.0%	0.7%	4.5%	78.5%	0.9%	0.4%
Yes	2,913	17.2%	0.8%	0.8%	0.7%	6.8%	72.6%	0.7%	0.4%
ITEM SEARCHED									
Vehicle	1,041	19.0%	0.1%	0.6%	0.4%	8.9%	70.0%	0.5%	0.5%
Personal effects	467	20.1%	0.0%	0.6%	0.2%	7.9%	70.2%	0.6%	0.2%
Driver	840	22.3%	0.1%	0.6%	0.4%	7.5%	68.2%	0.6%	0.4%
Passenger(s)	256	26.6%	0.0%	0.8%	0.0%	3.5%	67.6%	0.4%	1.2%
EVIDENCE SEIZED in SEARCH									
No	2,124	16.4%	0.0%	0.5%	0.6%	7.8%	73.8%	0.7%	0.2%
Yes	789	19.3%	2.9%	1.6%	0.9%	4.3v	69.2%	0.8%	1.0%
TYPE of EVIDENCE									
Weapon	42	31.0%	0.0%	0.0%	0.0%	2.4%	66.7%	0.0%	0.0%
Drugs	203	21.2%	0.0%	1.0%	0.0%	1.0%	74.9%	0.5%	1.5%
Vehicle	17	17.6%	0.0%	0.0%	0.0%	0.0%	76.5%	0.0%	5.9%
Other	70	15.7%	0.0%	4.3%	0.0%	8.6%	68.6%	1.4%	1.4%
Unspecified	529	18.0%	4.3%	1.9%	1.3%	4.9%	67.7%	0.9%	0.9%

District 5

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population	523,226	1.8%	0.1%	0.5%	N/A	1.0%	96.3%	0.3%	N/A
Stops	32,014	4.4%	0.1%	0.4%	0.5%	3.2%	90.5%	0.4%	0.6%
Moving	23,673	4.7%	0.1%	0.5%	0.6%	3.1%	90.0%	0.4%	0.6%
Non-Moving	8,144	3.1%	0.1%	0.2%	0.2%	3.5%	92.1%	0.2%	0.5%
REASON	19	21.1%	0.0%	5.3%	0.0%	5.3%	63.2%	0.0%	5.3%
BOLO	41	12.2%	0.0%	0.0%	0.0%	7.3%	78.0%	0.0%	2.4%
Unspecified	137	7.3%	1.5%	0.7%	0.7%	2.2%	87.6%	0.0%	0.0%
Arrest	887	5.4%	0.5%	0.3%	0.2%	4.2%	88.3%	0.7%	0.5%
Citation	28,069	4.2%	0.1%	0.4%	0.5%	3.3%	90.6%	0.4%	0.5%
DISPOSITION	1,774	5.4%	0.3%	0.2%	0.3%	2.8%	89.6%	0.7%	0.7%
Written Warning	1,560	5.8%	0.1%	0.5%	0.4%	2.1%	90.2%	0.1%	0.9%
Verbal Warning	603	3.3%	0.3%	1.2%	1.2%	4.0%	88.7%	0.0%	1.3%
Unspecified	28,979	4.3%	0.1%	0.4%	0.5%	3.1%	90.6%	0.3%	0.6%
SEARCH	3,035	4.7%	0.2%	0.5%	0.3%	4.2%	89.2%	0.5%	0.5%
No	1,316	4.6%	0.1%	0.2%	0.1%	4.7%	89.7%	0.5%	0.3%
Vehicle	698	3.7%	0.1%	0.1%	0.1%	1.6%	93.6%	0.4%	0.3%
Personal effects	1,076	4.0%	0.1%	0.0%	0.1%	4.2%	91.0%	0.5%	0.2%
Driver	375	2.7%	0.0%	0.0%	0.3%	1.9%	95.2%	0.0%	0.0%
Passenger(s)	2,336	4.9%	0.0%	0.4%	0.3%	4.8%	88.7%	0.6%	0.3%
No	699	4.1%	0.7%	0.7%	0.3%	2.1%	90.7%	0.3%	1.0%
Yes	70	1.4%	1.4%	0.0%	0.0%	5.7%	90.0%	1.4%	0.0%
EVIDENCE SEIZED in SEARCH	327	2.4%	0.0%	0.0%	0.0%	0.9%	95.7%	0.6%	0.3%
Weapon	57	10.5%	0.0%	1.8%	0.0%	5.3%	80.7%	1.8%	0.0%
Drugs	100	5.0%	0.0%	2.0%	0.0%	1.0%	92.0%	0.0%	0.0%
Vehicle	253	5.1%	1.6%	1.2%	0.8%	3.6%	85.4%	0.0%	2.4%
Other									
Unspecified									

District 6

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population	240,189	1.2%	0.1%	0.4%	N/A	2.0%	96.0%	0.3%	N/A
Stops	28,449	5.7%	0.1%	0.6%	0.7%	4.4%	87.6%	0.5%	0.3%
Moving	20,301	6.6%	0.1%	0.7%	0.9%	4.3%	86.5%	0.6%	0.3%
Non-Moving	7,960	3.2%	0.1%	0.2%	0.3%	4.8%	90.7%	0.3%	0.4%
REASON									
Criminal	17	23.5%	11.8%	0.0%	0.0%	5.9%	58.8%	0.0%	0.0%
BOLO	38	18.4%	0.0%	2.6%	0.0%	2.6%	73.7%	0.0%	2.6%
Unspecified	133	7.5%	3.8%	0.8%	0.8%	4.5%	80.5%	0.0%	2.3%
Arrest	746	7.8%	1.5%	0.5%	0.1%	9.8%	79.8%	0.5%	0.0%
Citation	25,472	5.5%	0.1%	0.6%	0.7%	4.4%	87.9%	0.5%	0.3%
Written Warning	849	6.5%	0.0%	0.1%	0.6%	2.6%	89.4%	0.4%	0.5%
Verbal Warning	1,945	7.8%	0.1%	0.4%	0.6%	3.6%	86.6%	0.7%	0.4%
Unspecified	444	7.2%	2.3%	1.1%	1.8%	9.2%	77.3%	0.2%	0.9%
SEARCH									
No	26,039	5.6%	0.0%	0.6%	0.8%	4.1%	88.1%	0.5%	0.3%
Yes	2,410	6.9%	0.8%	0.5%	0.5%	7.7%	82.4%	1.0%	0.2%
Vehicle	1,298	8.4%	0.2%	0.6%	0.5%	10.3%	78.4%	1.5%	0.1%
Personal effects	772	9.6%	0.3%	0.4%	0.6%	8.8%	79.3%	0.9%	0.1%
Driver	947	8.4%	0.2%	0.5%	0.5%	10.1%	79.2%	0.8%	0.1%
Passenger(s)	383	10.2%	0.5%	0.3%	0.3%	10.4%	76.8%	1.3%	0.3%
EVIDENCE SEIZED in SEARCH									
No	1,651	7.0%	0.0%	0.6%	0.7%	9.4%	80.9%	1.2%	0.3%
Yes	759	6.7%	2.5%	0.4%	0.1%	4.1%	85.5%	0.7%	0.0%
Weapon	43	16.3%	0.0%	0.0%	0.0%	4.7%	79.1%	0.0%	0.0%
Drugs	299	8.7%	0.3%	0.0%	0.0%	1.7%	89.0%	0.3%	0.0%
Vehicle	18	5.6%	0.0%	0.0%	0.0%	0.0%	94.4%	0.0%	0.0%
Other	164	7.9%	0.6%	0.6%	0.0%	6.1%	82.3%	2.4%	0.0%
Unspecified	340	4.1%	5.0%	0.6%	0.3%	5.6%	84.1%	0.3%	0.0%

District 7

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population	236,883	6.2%	0.1%	0.4%	N/A	2.2%	90.7%	0.3%	N/A
Stops	23,416	11.7%	0.1%	0.4%	0.5%	3.3%	83.3%	0.3%	0.4%
Moving	18,129	12.8%	0.1%	0.4%	0.5%	3.3%	82.1%	0.4%	0.4%
Non-Moving	5,135	7.7%	0.1%	0.3%	0.2%	3.0%	88.0%	0.1%	0.6%
REASON	15	26.7%	0.0%	0.0%	6.7%	0.0%	66.7%	0.0%	0.0%
BOLO	27	22.2%	0.0%	3.7%	3.7%	7.4%	59.3%	0.0%	3.7%
Unspecified	110	12.7%	0.0%	0.0%	0.9%	1.8%	81.8%	0.9%	1.8%
Arrest	481	17.0%	0.4%	0.2%	0.2%	13.9%	67.6%	0.2%	0.4%
Citation	20,156	11.7%	0.0%	0.4%	0.5%	3.3%	83.4%	0.3%	0.4%
Written Warning	619	12.8%	0.2%	0.2%	0.3%	1.3%	83.4%	1.1%	0.8%
Verbal Warning	1,840	12.1%	0.1%	0.5%	0.2%	1.5%	84.8%	0.3%	0.6%
Unspecified	698	10.7%	0.3%	1.1%	1.3%	5.6%	79.8%	0.1%	1.0%
SEARCH	21,842	11.7%	0.0%	0.4%	0.5%	3.0%	83.6%	0.4%	0.4%
No	1,574	11.6%	0.3%	0.5%	0.4%	6.9%	79.6%	0.2%	0.6%
Yes	591	10.3%	0.0%	0.2%	0.2%	9.8%	78.7%	0.3%	0.5%
ITEM SEARCHED	302	9.3%	0.0%	0.0%	0.0%	10.6%	79.1%	0.7%	0.3%
Driver	419	11.2%	0.0%	0.0%	0.0%	12.6%	75.2%	0.5%	0.5%
Passenger(s)	107	10.3%	0.0%	0.0%	0.0%	14.0%	75.7%	0.0%	0.0%
EVIDENCE SEIZED in SEARCH	1,137	11.0%	0.0%	0.4%	0.4%	7.7%	79.8%	0.3%	0.4%
No	437	13.0%	0.9%	0.7%	0.5%	4.8%	79.2%	0.0%	0.9%
Yes	21	19.0%	0.0%	0.0%	4.8%	4.8%	71.4%	0.0%	0.0%
TYPE of EVIDENCE	88	10.2%	0.0%	0.0%	0.0%	4.5%	85.2%	0.0%	0.0%
Weapon	31	6.5%	0.0%	3.2%	3.2%	6.5%	80.6%	0.0%	0.0%
Drugs	39	12.8%	0.0%	0.0%	0.0%	10.3%	76.9%	0.0%	0.0%
Vehicle	299	15.7%	1.3%	0.7%	0.7%	4.7%	75.6%	0.0%	1.3%
Other									
Unspecified									

District 8

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
District Driving Population	263,566	12.1%	0.1%	0.5%	N/A	0.8%	86.1%	0.4%	N/A
Stops	27,894	15.4%	0.2%	0.4%	0.5%	2.4%	80.4%	0.3%	0.4%
Moving	18,682	16.3%	0.1%	0.5%	0.5%	2.4%	79.4%	0.3%	0.4%
Non-Moving	9,031	13.6%	0.2%	0.2%	0.3%	2.3%	82.6%	0.3%	0.5%
REASON									
Criminal	7	14.3%	0.0%	0.0%	0.0%	14.3%	71.4%	0.0%	0.0%
BOLO	38	23.7%	5.3%	2.6%	0.0%	7.9%	57.9%	2.6%	0.0%
Unspecified	136	14.7%	5.9%	0.7%	0.7%	4.4%	72.8%	0.7%	0.0%
Arrest	575	17.6%	2.3%	0.9%	0.0%	3.8%	74.6%	0.7%	0.2%
Citation	24,699	15.3%	0.1%	0.4%	0.4%	2.4%	80.7%	0.3%	0.4%
Written Warning	577	17.2%	0.3%	0.7%	0.9%	1.6%	78.3%	0.3%	0.7%
Verbal Warning	2,052	17.9%	0.0%	0.4%	0.6%	2.0%	78.7%	0.2%	0.2%
Unspecified	455	9.7%	0.4%	1.1%	1.3%	5.3%	81.5%	0.0%	0.7%
SEARCH									
No	25,840	15.4%	0.1%	0.4%	0.5%	2.3%	80.6%	0.3%	0.4%
Yes	2,054	15.6%	0.7%	0.4%	0.6%	3.4%	78.7%	0.4%	0.2%
ITEM SEARCHED									
Vehicle	616	14.4%	0.2%	0.2%	0.3%	4.9%	79.4%	0.6%	0.0%
Personal effects	223	13.9%	0.0%	0.4%	0.0%	3.1%	81.6%	0.9%	0.0%
Driver	377	15.9%	0.0%	0.3%	0.3%	4.5%	78.2%	0.8%	0.0%
Passenger(s)	88	12.5%	0.0%	0.0%	0.0%	3.4%	84.1%	0.0%	0.0%
EVIDENCE SEIZED in SEARCH									
No	1,683	14.5%	0.0%	0.2%	0.7%	3.4%	78.3%	0.4%	0.1%
Yes	416	18.3%	3.4%	1.2%	1.0%	2.9%	72.1%	0.5%	0.7%
TYPE of EVIDENCE									
Weapon	29	20.7%	0.0%	0.0%	0.0%	0.0%	79.3%	0.0%	0.0%
Drugs	75	17.3%	0.0%	0.0%	0.0%	1.3%	81.3%	0.0%	0.0%
Vehicle	57	17.5%	0.0%	0.0%	0.0%	0.0%	80.7%	1.8%	0.0%
Other	26	23.1%	0.0%	0.0%	0.0%	0.0%	76.9%	0.0%	0.0%
Unspecified	271	17.3%	5.2%	1.8%	1.5%	4.1%	68.6%	0.4%	1.1%

Unspecified District

	Total	African American	American Indian	Asian	Middle Eastern	Hispanic	White	Other	Unspecified
Stops	115	2.6%	-	-	0.9%	0.9%	18.3%	-	77.4%
Moving	19	10.5%	-	-	5.3%	5.3%	78.9%	-	-
Non-Moving	6	16.7%	-	-	-	-	83.3%	-	-
Criminal	-	-	-	-	-	-	-	-	-
BOLO	-	-	-	-	-	-	-	-	-
Unspecified	90	-	-	-	-	-	1.1%	-	98.9%
Arrest	-	-	-	-	-	-	-	-	-
Citation	18	5.6%	-	-	5.6%	5.6%	83.3%	-	-
Written Warning	-	-	-	-	-	-	-	-	-
Verbal Warning	6	16.7%	-	-	-	-	83.3%	-	-
Unspecified	91	1.1%	-	-	-	-	1.1%	-	97.8%
SEARCH	100	1.0%	-	-	1.0%	1.0%	11.0%	-	86.0%
Yes	15	13.3%	-	-	-	-	66.7%	-	20.0%
Vehicle	2	50.0%	-	-	-	-	50.0%	-	-
Personal effects	2	50.0%	-	-	-	-	50.0%	-	-
Driver	-	-	-	-	-	-	-	-	-
Passenger(s)	-	-	-	-	-	-	-	-	-
EVIDENCE SEIZED in SEARCH	15	13.3%	-	-	-	-	66.7%	-	20.0%
No	-	-	-	-	-	-	-	-	-
Yes	-	-	-	-	-	-	-	-	-
Weapon	-	-	-	-	-	-	-	-	-
Drugs	-	-	-	-	-	-	-	-	-
Vehicle	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
Unspecified	-	-	-	-	-	-	-	-	-
TYPE of EVIDENCE									
Weapon	-	-	-	-	-	-	-	-	-
Drugs	-	-	-	-	-	-	-	-	-
Vehicle	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-
Unspecified	-	-	-	-	-	-	-	-	-

APPENDIX 9: Definitions of Legal Basis for Search

Consent: Members may search a person or a person's property, including a vehicle when that person orally gives that member permission to search. This consent must be voluntary. At any time the person can withdraw his/her consent to a search of his/her person and the search shall cease. Also, at any time the person can withdraw his/her consent to a search of his/her property, including a vehicle, or any part thereof and the search shall cease. Any evidence or contraband found before the withdrawal of the search shall be retained.

Probable Cause: Facts and circumstances within the arresting officer's knowledge and of which he/she has reasonably trustworthy information sufficient to warrant a person of reasonable caution to believe that a crime is being committed, has been committed, or will be committed. Members may, with probable cause to believe the vehicle contains contraband or evidence of a crime, search said vehicle in any area or part where such contraband or evidence may be found.

Incident to Arrest: All persons arrested shall be searched for the protection of the member, the prevention of escape, and the discovery of evidence or contraband. Members shall also search passenger compartments of an arrested person's vehicle for weapons and/or evidence, excluding the vehicle's trunk.

Exigent Circumstances: Demanding conditions that will allow a warrantless search (e.g. prevention of destruction of evidence of a crime, possible escape of a criminal, or when safety of public or officer is in jeopardy).

Inventory: Members shall, upon custodial arrest, conduct an inventory of the arrested person's vehicle before towing. Vehicle inventory will include the entire area of the vehicle.

Plain View: Observation of evidence of a crime or contraband, without searching, from a location to which the member has legal presence. Any time a member observes, in plain view, immediately recognizable evidence of a crime or contraband, and the member has a legal presence, the evidence or contraband shall be seized provided that the detection was inadvertent.

Warrant: When executing a search warrant, members shall search only those places noted on the warrant.

Source: Tennessee Highway Patrol General Order 513, Vehicle Inventory and Searches, August 31, 2000.

Note: terms used on the vehicle stops form differed slightly from those listed in the General Order.

APPENDIX 10: Response Letter from the Tennessee Department of Safety



DEPARTMENT OF SAFETY
TENNESSEE HIGHWAY PATROL
1150 Foster Avenue
Nashville, Tennessee 37243-1000

PHIL BREDESEN
Governor

DAVE MITCHELL
Commissioner

MIKE WALKER
Colonel

November 16, 2007

Ethel Detch, Director
State of Tennessee
Comptroller of the Treasury
Office of Research
505 Deaderick Street, Suite 1700
Nashville, TN 37243

Dear Director Detch:

Commissioner Mitchell, myself, and the Research, Planning and Development Department have reviewed the revisions to the Comptroller's Report on Vehicle Stops Data by the THP. We concur with the suggested revisions and are approving the final report for print.

If you have any questions, feel free to contact my office at 615-251-5175.

Sincerely,

A handwritten signature in blue ink that reads "Mike".

Colonel Mike Walker
Tennessee Highway Patrol

Offices of Research and Education Accountability Staff

Director

◆ Ethel Detch

Assistant Director (Research)

◆ Douglas Wright

Assistant Director (Education Accountability)

Phil Doss

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◆ Erin Do

◆ Jessica Gibson

Kevin Krushenski

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Senior Legislative Research Analysts

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Associate Legislative Research Analysts

◆ Keith Boring

◆ Nneka Gordon

Eric Harkness

◆ Patrick Hultman

◆ Cara Huwieler

◆ Regina Riley

Executive Secretary

◆ Sherrill Murrell

Legislative Intern

Joseph Woodson

Former staff members Stephanie Barca and Mike Montgomery
also assisted with this project.

Office of Management Services staff members Carla Farris, Deborah Finn,
Pat Gray, Tim Sundell, and Corey Tester provided database assistance.

◆ indicates staff who assisted with this project

The Offices of Research and Education Accountability provide non-partisan, objective analysis of policy issues for the Comptroller of the Treasury, the General Assembly, other state agencies, and the public.

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Offices of Research and Education Accountability
Suite 1700, James K. Polk Building
505 Deaderick Street
Nashville, TN 37243-0268
615-401-7911

<http://comptroller.state.tn.us/cpdivorea.htm>