

# AGENDA ITEM REPORT



**Date:** August 10, 2022  
**To:** Board of County Commisisoners  
**From:** Sarah Plinsky, County Administrator  
**Department:** Administration  
**Subject:** Receive the Douglas County Pedestrian and Traffic Stop Study

## BACKGROUND INFORMATION:

Douglas County law enforcement agencies and the Criminal Justice Coordinating Council (CJCC) contracted with Dr. Jack McDevitt from Northeastern University and Dr. Janice Iwama from American University in 2017 to conduct a study if there are racial disparities in pedestrian and traffic stops. Dr. McDevitt and Dr. Iwama have collected and evaluated the data and have presented to the CJCC several times. This presentation, along with several presentations to cities and community groups, is the conclusion of their work and will lead to the final report.

## RECOMMENDATION:

No Action. Informational purposes only.

# Douglas County Pedestrian and Traffic Stop Study, 2020-2021

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AUGUST 2022

By:

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## Table of Contents

<b>EXECUTIVE SUMMARY .....</b>	<b>I</b>
<b>I. INTRODUCTION.....</b>	<b>1</b>
<b>II. LITERATURE REVIEW .....</b>	<b>6</b>
<b>III. SETTING: DOUGLAS COUNTY .....</b>	<b>11</b>
<b>IV. PEDESTRIAN AND TRAFFIC STOPS IN DOUGLAS COUNTY.....</b>	<b>15</b>
<b>CHARACTERISTICS OF DRIVERS/SUBJECTS IN PEDESTRIAN AND TRAFFIC STOPS.....</b>	<b>17</b>
<b>CHARACTERISTICS OF PEDESTRIAN AND TRAFFIC STOPS .....</b>	<b>20</b>
<b>CHARACTERISTICS OF PEDESTRIAN AND TRAFFIC STOP SEARCHES .....</b>	<b>24</b>
<b>V. METHODOLOGY &amp; FINDINGS .....</b>	<b>30</b>
<b>BENCHMARKING ANALYSES .....</b>	<b>31</b>
<b>POST STOP ANALYSIS OF TRAFFIC STOPS.....</b>	<b>38</b>
<b>VI. RECOMMENDATIONS .....</b>	<b>45</b>
<b>REFERENCES.....</b>	<b>47</b>
<b>APPENDIX A: STOP DATA COLLECTION FORM.....</b>	<b>50</b>
<b>APPENDIX B: PEDESTRIAN STOPS.....</b>	<b>51</b>
<b>APPENDIX C: TRAFFIC ACCIDENTS .....</b>	<b>52</b>

## ACKNOWLEDGEMENTS

The Douglas County Pedestrian and Traffic Stop Data Collection Project is a product of the commitment and dedication of numerous individuals who have worked diligently to assist in the production of this comprehensive report. We would like to begin by thanking Robert Bieniecki and Michael Brouwer, who served as Coordinators of the Douglas County Criminal Justice Coordinating Council (CJCC) during the study period, and the leaders in the five law enforcement agencies for their commitment to this comprehensive process and completion of this report.

We would also like to thank the members of the Douglas County Criminal Justice Coordinating Council Committee who have worked with us throughout the duration of this analysis to discuss and provide input about the data collection and analysis process. The dedication and input of this committee have assisted us in producing a comprehensive report that can be used by law enforcement and community practitioners to collectively identify and address the important issues involving allegations of racial profiling by law enforcement officials in Douglas County, Kansas.

We are also thankful for the work and support of the staff at American University and Northeastern University for their support and guidance, and our research assistants, Jordayne Moses, Darwin Romero, Sophia Nayar, Connor Rempe, Hannah Gianfriddo, and Christian Law for their hard work in the compilation of this analysis.

## Executive Summary

Racial profiling involves an individual officer taking an action such as deciding to pull over an individual, deciding to issue a citation rather than a warning or deciding to search an individual based on the individual's race, ethnicity, or other intrinsic characteristic rather than the behavior of the individual. This represents a decision by an individual officer and social science cannot measure that thought process accurately. Social science can identify patterns of decisions that might occur if individual officers were engaged in racial profiling, patterns such as more drivers of a certain race or ethnicity being stopped compared to their driving population or more drivers from one group receiving a citation than drivers from other groups. The problem with these measures is that they might be indicative of racial profiling, or they may be the result of other law enforcement decisions or priorities. For example, if the analysis revealed more people of color being searched in a particular neighborhood, it could be the result of racial profiling by officers working in that neighborhood or it might be the result of a legitimate law enforcement to crime occurring in that neighborhood. For example, a local neighborhood group might complain that a certain group of individuals might be selling drugs in that neighborhood and that group might be of a certain race or ethnicity. In that case the disparity in searches might be the result of law enforcement reacting to community calls about crime problems in this case drug dealing.

In order to determine if disparities are the result of discrimination or the result of other causes law enforcement agencies must engage in a multi-step process:

1. First, as is the case in Douglas County, law enforcement agencies must agree to collect data on all stops conducted by their officers. This was done by all the Douglas County law enforcement agencies.
2. Second, the data on stops needs to be analyzed to determine if any disparities exist and if so in what specific areas and actions do these disparities exist. To determine if these disparities are the result of discrimination each law enforcement must look into each disparity identified and determine if there is a legitimate law enforcement explanation, and then identify those disparities with no legitimate law enforcement explanation. This analysis should be done at the officer level to determine if the actions of individual officers are causing the disparity.
3. Finally, the law enforcement agency should report back to their community the result of their investigation, for both the disparities they deem legitimate and those that they are dealing with in other ways. This process should be repeated annually to measure if disparities are being reduced or new disparities are being identified.

### Findings

- At the County level this analysis found that Black drivers were more 2.73 times more likely to be stopped compared to their adjusted population estimate. Since we do not have information on the residency of the driver, we cannot conclude whether this disparity in

stops of Black drivers is similar in all agencies or is more pronounced in one or more jurisdictions.

- At the County level using a multivariate analytic approach this analysis found no statistically significant disparities in either citations given or arrests for people of color
- At the County level using a multivariate analytic approach this analysis found statistically significant disparities in the decision to search drivers of color. Specifically, drivers of color were 1.72 times more likely to be searched than white drivers.
- The analysis using the “Veil of Darkness” methodology revealed that for Douglas County drivers of color were more likely to be stopped after dark an indication according to this analytic approach that officers were not engaging in racial profiling in Douglas County.
- The analysis at the agency level revealed that two agencies had a disparity indicating that drivers of color were more likely to receive a citation rather than a warning. Officers from Eudora were 2.76 times more likely to give a citation to drivers of color compared to white drivers and deputies from DCSO were 1.21 times more likely to give a citation to drivers of color compared to white drivers. Controlling on the reason for the stop in Eudora these disparities seemed to be focused on stops for speeding while the smaller disparities in the DCSO were seen in all of the most frequent basis for stop.
- In the two jurisdictions with sufficient number of searches to allow for analysis both Lawrence and the DCSO had disparities indicating that people of color were more likely to be searched, specifically, the DCSO deputies were 2.96 times more likely to search person of color and Lawrence PD officers were 1.89 times more likely to search person of color.

# I. Introduction

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Data collection by law enforcement agencies on policing activity can be an effective and important tool that local agencies can use to inform policies and practices. According to the Presidential Task Force on 21<sup>st</sup> Century Policing,<sup>1</sup> transparent data collection is a major steppingstone to building trust and legitimacy between police and their communities. Transparent data collection can help departments in developing effective policies, serving as a means for oversight, assisting with the application of technology and social media tools, improving community policing and other crime reduction efforts, assisting with training and education, and improving officer wellness and safety.

Despite the widespread calls for data driven decision making by law enforcement agencies, many do not analyze their traffic and pedestrian stop data even though this is the most frequent point of interaction between police and community members with one in ten U.S. residents ages 16 years or older encountering a police officer during a traffic stop.<sup>2</sup> One of the main reasons why agencies do not analyze their traffic enforcement data to determine if racial or ethnic disparities exist is simply that they do not collect all the data necessary to answer this question. Most law enforcement agencies collect information on drivers who were stopped and received a written warning or citation for a traffic violation. Unfortunately, there is little to no information on stops that did not result in a citation or a written warning, where the officer gave the driver a verbal warning, for example. To conduct an analysis that identifies patterns of racial and ethnic disparities in traffic enforcement, an agency needs to collect data on all traffic stops regardless of the outcome of the stop. However, many law enforcement agencies see the collection of this data as burdensome to their officers and have chosen not to collect it. The agencies in Douglas County, Kansas understood the need to have a complete data set to determine if disparities exist and agreed to change their data collection practices and collect data on all traffic stops.

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<sup>1</sup> On December 18, 2014, former President Barack Obama issued an order appointing a task force on 21<sup>st</sup> century policing to identify best practices and make recommendations on how policing practices can reduce crime while maintaining positive relationships with the community. The final report by the task force can be found here: <https://ric-zai-inc.com/Publications/cops-p311-pub.pdf>

<sup>2</sup> Harrell and Davis (2020)

## Development of Project

This project was developed following concerns expressed by the community and the police in Douglas County, Kansas about whether racial profiling was occurring in their communities. With 121,304 residents, Douglas County accounts for 4.2 percent of the total population in the state of Kansas. Like other counties in the state of Kansas, residents of Douglas County are predominately non-Hispanic White, but an increasing number of residents come from diverse backgrounds as shown in Table 1.1. According to the U.S. Census data, the overall population in Douglas County increased by about 11 percent between 2010 to 2020. The largest increase was among residents who identify as other race, which increased by 212.4 percent. Residents who identify as belonging to two or more races increased by about 74 percent while Asian and Hispanic residents increased by about 50 percent. The non-Hispanic Black population increased by about 24 percent and the non-Hispanic White population increased by about 5 percent between 2010 and 2020. On the other hand, the non-Hispanic American Indian/Alaska Native and Native Hawaiian/Other Pacific Island populations decreased by about 17 percent and 84 percent, respectively

Table 1.1. Percent Change in Douglas County Population by Race/Ethnicity

	<b>2010</b>	<b>2020</b>	<b>% Change</b>
<b>Total population</b>	<b>109,052</b>	<b>121,304</b>	<b>+11.2%</b>
NH White	89,625	94,090	+5.0%
NH Black or African American	3,879	4,812	+24.1%
NH American Indian and Alaska Native	2,608	2,178	-16.5%
NH Asian	4,194	6,343	+51.2%
NH Native Hawaiian and Other Pacific Islander	83	13	-84.3%
NH Some other race	241	753	+212.4%
NH Two or more races	3,078	5,353	+73.9%
Hispanic or Latino (of any race)	5,344	7,762	+45.2%

Following the killings of Michael Brown in Ferguson, Missouri and Freddie Gray in Baltimore, Maryland, concerns arose across the country about police misconduct and whether police were engaging in racial profiling in their traffic enforcement activity. As indicated earlier, most communities, such as those in Douglas County, had insufficient information on pedestrian and traffic stops to address these questions. The Douglas County Criminal Justice Coordinating



Council (CJCC) set out to locate a group of researchers who could help the local law enforcement agencies collect and examine data that would answer the question on whether racial disparities exist in pedestrian and traffic stops.

Based on recommendations from experts in this area of research, Robert Bieniecki, the former Coordinator of the Douglas County CJCC, met with Dr. Jack McDevitt from Northeastern University's Institute on Race and Justice and Dr. Janice Iwama from American University in 2017. Previously, Drs. McDevitt and Iwama had conducted similar analyses in Rhode Island, Vermont, and Washington State. They met with members of the CJCC, the Sheriff, and police chiefs, who would be involved in the study, to address any questions on the key research questions, community concerns, and required data needed to address them.<sup>3</sup> After these meetings, a contract to collaborate with Douglas County law enforcement agencies to conduct a study on pedestrian and traffic stops was developed and the work began in 2019.

The initial task required to collect adequate data involved designing a new data collection protocol. The research team met with the leaders of each law enforcement agency and members of the CJCC to design a data collection tool that would collect sufficient information to conduct a reliable analysis of pedestrian and traffic enforcement practices in Douglas County. This process involved trying to find a balance between collecting sufficient data to conduct a reliable analysis and not overburdening the officers who would be collecting the data (see Appendix A for data collection form). Once the required data collection information was agreed upon the next step was to determine how each agency would collect this information.

Due to the range in the sizes of each of the law enforcement agencies in Douglas County, each agency has different technological capacities and resources. Although each agency agreed to collect the same data, the data collection tool would vary based on their existing data collection capacities. The Douglas County Sheriff's Office (DCSO) agreed to design a data collection template that could be used by the deputies in their patrol cars. Following a discussion with the small agencies (Baldwin and Eudora Police Departments), DCSO agreed to collect and store their data along with the DCSO data. The Lawrence Police Department developed a separate system for

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<sup>3</sup> It is interesting to note that of the four police chiefs and Sheriff who attended those first planning meetings only one police chief, Chief Lovett from the Eudora Police Department, remains in leadership roles in their respective agencies.

their officers to input information from their patrol cars based on their existing technological capacities. Finally, the University of Kansas Police Department (KUPD) agreed to have officers complete paper forms and have their administrative staff input the data as they were doing with other data being collected by the KUPD officers. While the data collection systems varied across agencies, each agency collected the same data elements to compare pedestrian and traffic stop patterns across agencies.

After the data collection form was agreed upon and the data collection systems were developed, the law enforcement agencies agreed to train their officers on how to record the information on each pedestrian and traffic stop. Members of the research team met with each agency to provide training either to the department's supervising officers or, in the case of Baldwin and Eudora Police Departments, to their full-time and part-time officers. During these trainings, police officers raised questions on the data collection and analyses including how the driver's/subject's race/ethnicity would be determined. Like numerous other studies examining racial disparities in traffic stops, officers were asked to record the race/ethnicity of the driver/pedestrian based on their perception at the time the stop was conducted.

Following these training sessions, it was agreed that each agency would collect data for a pilot period from September of 2019 to December of 2019. The data was audited by the research team to determine if any data inconsistencies or problems existed. The initial audit revealed that most officers were recording the data completely and with few problems. Although the initial project was intended to examine pedestrian and traffic stop data from January 1, 2020 through December 31, 2020, the CJCC and law enforcement agencies agreed to extend the study through the end of 2021 due to the decline in pedestrian and traffic stops during the COVID-19 pandemic and to permit researchers with enough data to examine patterns and trends in stop activity and to determine whether there were any racial disparities.

## **Organization of Report**

This report is organized into three major sections. First, we include a literature review of some of the relevant literature on racial profiling and include some national developments concerning traffic enforcement. Section III discussed the characteristics of each jurisdiction in

Douglas County including demographic shifts over the past decade. Section IV describes the characteristics of the traffic and pedestrian stops in Douglas County over the study period and compares these data to national data from the US Department of Justice. Section V describes a wide variety of measures of racial and ethnic disparities in the decision to stop a vehicle the decision to issue a citation to a driver, the decision to arrest the driver and the decision to search the driver. Section VI. offers some recommendations about how this analysis might be most helpful and next steps for subsequent analysis.

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## II. Literature Review

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According to the Kansas Attorney General's Office, *racial or bias-based policing* refers to “the unreasonable use of race, ethnicity, national origin, gender, or religion by law enforcement officer in deciding to initiate an enforcement action.”<sup>4</sup> It is a concern in traffic stops since it is a violation of an individual's civil rights. Racial profiling in traffic stops inherently contradicts the goals of law enforcement to enforce the law in a fair and impartial way based on a person's conduct and not their racial or ethnic identity. It is also an ineffective policing strategy, unsuccessful in crime prevention, establishes mistrust in the law and law enforcement while creating and extending tension and mistrust between police units and targeted communities.<sup>5</sup> Communities of color, in particular, experience higher levels of stops due to racial profiling.<sup>6</sup> In addition to the increasing mistrust in police, racial profiling in traffic stops can lead to individuals facing disproportionate costs in terms of fines and insurance surcharges as well leading the victims of racial profiling to be less cooperative with law enforcement.<sup>4</sup> Furthermore, people of color have shown and spoken about the psychological trauma caused by police officers and how that has also deteriorated academic performance for students of color.<sup>5</sup>

### **Procedural Justice and Legitimacy**

Racial profiling by police is a delegitimizing practice. Public evaluations of policing have revealed several aspects about the importance of legitimacy. First, legitimacy can be viewed as the belief that criminal justice institutions ought to be allowed to exercise their authority to maintain social order, manage conflicts and solve problems in their communities.<sup>7</sup> Second, when testing for legitimacy, researchers have operationalized it in a multitude of ways, ranging from general beliefs in the effectiveness of police in stopping and solving crime, to the individual actions of officers. This presents a situation where police performance and police treatment are at odds. Prevailing

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<sup>4</sup> For more information, see the Kansas Attorney General's website for more information on racial and other bias-based policing: [https://ag.ks.gov/docs/default-source/documents/attorney-general's-office-racial-or-bias-based-policing-policy.pdf?sfvrsn=3b704f88\\_8](https://ag.ks.gov/docs/default-source/documents/attorney-general's-office-racial-or-bias-based-policing-policy.pdf?sfvrsn=3b704f88_8).

<sup>5</sup> See Megan Welsh, Joshua Chanin, Stuart Henry, *Complex Colorblindness in Police Processes and Practices*, (Oxford University Press 2020)

<sup>6</sup> Jack Glaser, *Suspect Race: Causes and Consequences of Racial Profiling* (Oxford University Press 2014).

<sup>7</sup> Tyler & Jackson, 2013

research has shown however, that variations in public evaluations of legitimacy is more so explained by police treatments than by police performance, positing that the antecedent to police legitimacy is procedural fairness.<sup>8</sup> Third, decreases in police legitimacy due to procedural unjust behavior can result in less public cooperation with law enforcement, less compliance with criminal statutes, and less support for policing policies and legislation. While each of these facets are important on their own, the aggregate effect of legitimacy can either help or hinder the successful deterrence and solving of crimes.

Recent research is uncovering the fact that racial profiling can have negative impacts on those who believed they were profiled. Among a sample of community members and college students, those who believed they were unfairly stopped reported emotional, cognitive, and behavioral reactions during and in the aftermath of encounters. These reactions ranged from feeling unbothered to feeling fearful and offended. Cognitive reactions ranged from cognitive coping of the incident to altered perceptions about the police and themselves. Lastly, behavioral reactions ranged from help-seeking behavior to changing their appearance to avoid procedurally unjust police contact.<sup>9</sup>

In a two-wave survey of New Yorkers, respondents who reported receiving a favorable or fair outcome were more likely to accept them and less likely to complain (Tyler & Fagan, 2006). Additionally, respondents who reported having a procedurally just encounter with police had higher ratings of police legitimacy compared to those who did not have any encounter with police, regardless of the outcome of the stop (Tyler & Fagan, 2006). The inverse finding is also true: respondents who reported having a procedurally unjust encounter with police had significantly lower ratings of police legitimacy than those who did not have any encounter (Tyler & Fagan, 2006). As a result of some respondents' greater levels of police legitimacy, “[t]hey felt greater obligation to obey; had more trust and confidence in the police; and identified more strongly with the police” (Tyler & Fagan, 2006, pg. 260). Policing agencies have much to gain and much to lose, even in short encounters such as traffic stops (Mazerolle et al., 2013).

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<sup>8</sup>Murphy et al., 2008; Sunshine & Tyler, 2003; Tyler & Huo, 2002; Tyler & Jackson, 2013

<sup>9</sup> Nadal et al., 2017

## Impact of COVID-19

During the COVID-19 pandemic, traffic activity in Douglas County and across the country decreased primarily due to stay-at-home orders.<sup>10</sup> Police activity during the COVID-19 pandemic also declined across the country but recent analyses indicate that in some communities' racial disparities persisted. For instance, it was reported that "Black motorists were 71% more likely to be pulled over than white drivers, and 25% more likely to be arrested" in Missouri. These statistics are lower compared to 2019, where Black drivers were over ninety percent more likely to be pulled over by police compared to white motorists. On the other hand, in Minnesota, police were ordered by Minneapolis Mayor Jacob Frey to decrease stops for minor instances such as minor equipment infractions or expired tags. Minneapolis Police Department data also showed that Black drivers continued to be more likely to be searched than white drivers. Racial disparities in traffic stops remained in Minnesota and that has not changed since the pandemic.<sup>8</sup>

### Pretextual Stops

A pretextual traffic stop involves police officers pulling over a vehicle for a minor infraction such as a broken taillight, tinted windows, touching a lane line etc. Further, a pretext search is used as a tool to obtain further evidence on a greater offense in which the police lack probable cause or reasonable suspicion to legally search the vehicle (Jonas, 1989). Officers pull a motorist over for a minor traffic and/or equipment violation to then utilize this pretextual stop to further investigate the driver for more serious criminal violations (Mercer, 2020). The US Supreme Court ruling of *South Dakota v. Opperman* in 1973 argued that law enforcement actors were lawfully able to search vehicles that they had impounded on the basis that the search was for the purpose of greater good in the community (Carr, 2021). Twenty-three years later in 1996, the case of *Whren v. United States* ruled that pretextual stops do not violate the Fourth Amendment, granted that police officers can identify an objective violation of a traffic law, they are lawfully allowed to stop a motorist (Edwards, 2021). The Court ruled that police officers had the right to stop a car for any traffic violation, even when probable cause and/or reasonable suspicion were not present (Carr,

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<sup>10</sup> Alice Tomer and Lara Fishbane, *Coronavirus has Shown Us a World Without Traffic. Can We Sustain It?* (Brookings 2020).

2021). In recent years, following the careful consideration of data brought forth by varying scholars and researchers, some communities are challenging the effectiveness of pretextual stops.

## **National Developments**

It has been just about 25 years since the Traffic Stops Statistic Act of 1997 was passed unanimously by the US House of Representatives (Harris, 2020). This piece of legislation marked the first instance of trying to combat racial profiling in traffic stops; legislators, state officials, and other community actors attempted to understand the terms associated with the concept of racial profiling. Racial profiling can be simply understood as “the police practice of stopping Black and Brown drivers in disproportionate numbers for traffic infractions, in attempts to investigate other crimes for which the police have no evidence” (Harris, 2020).

The city of Philadelphia recently became the first major U.S. city to ban police stops involving pretextual and/or low-level offenses due to the racially skewed effect it has illustrated for Black and other POC drivers (Krzaczek, 2022). Philadelphia’s Driving Equality Law was introduced due to a study conducted across the years 2018-2019 by the Philadelphian Defender Association that indicated that Black drivers accounted for 72% of recorded instances compared to white drivers only making up 15% (Krzaczek, 2022). Further, it was determined that minor traffic offenses encompassed 97% of the total amount of police vehicle stops found across this sample (Krzaczek, 2022). Under this law drivers are no longer legally able to be stopped for having a “vehicle registration that has been expired for 60 days or less, temporary registration permits that are in the wrong location, but otherwise clearly displayed in the rear window, unfastened registration plates, as long as they are still visible, a single brake or headlight out, other obstructions, like rearview mirror decorations, minor bumper damage, operation of vehicle without official certificate of inspection, unlawful operation without evidence of emission inspection” (Krzaczek, 2022).

Lawmakers in Maine are also considering passing a bill that would ban police officers from conducting pretextual stops in an attempt to directly target issues involving racial profiling (AP, 2022). Massachusetts lawmakers are following suit as a ruling handed down by the state Appeals Court argued that the pretextual traffic stop and the inventory search can no longer be automatically justified (Carr, 2021). In November 2019 the Oregon Supreme Court ruled that

police officers could no longer pull a motorist over for minor things such as a broken taillight, or failure to signal, to then ask unrelated questions pertaining to searching the vehicle for illegal contraband (Mercer, 2020). Similarly, lawmakers in Texas are planning to introduce a wide-ranging criminal justice package that includes the banning of pretextual traffic stops altogether (Mercer, 2020).

Resident demographics of Montgomery County, Maryland indicate that Black residents make up 18% of the population yet account for 32% of 2018 county police traffic stops (Mercer, 2020). In Baltimore County, Maryland a House bill was introduced to end traffic stops involving the basis of stopping motorists simply due to their license frame covering part of their plate (Mercer, 2020). The Virginia Senate has passed a bill ending citations for things such as a broken license plate light, objects dangling from the rearview mirror, exhaust noise, tinted windows and the odor of marijuana (Mercer, 2020). Specific legislation in Virginia was also introduced in order to ban law enforcement from initiating searches solely based on the assumption that one can smell marijuana coming from a vehicle (Oliver, 2020). Virginia lawmakers argued that police tend to use these instances of pretextual stops to search individuals that they suspect are guilty of other acts of criminality, further enabling acts of racial profiling (Oliver, 2020).

Despite arguments put forth by *Whren v. United States*, the question on whether or not pretextual stops are a violation of one's Fourth Amendment rights are being reconsidered. By allowing officers direct opportunity to stop, arrest, search, and cite motorists for minor violations without needing a more compelling reason, patterns of inequivalent treatment and racial disparities have been recorded. The Fourth Amendment has been used as a crutch to allow officers to be granted particular protections and safeguards to protect what they deem as reasonable suspicion enough to move forth with investigative processes during traffic stops (Hall, 1996).



### III. Setting: Douglas County

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Douglas County is the fifth largest county in Kansas with a population of 121,304 residents and home to the University of Kansas. It is comprised of four municipalities – Baldwin (4,684), Eudora (6,551), Lawrence (97,348), and Lecompton (857) – with Lawrence representing the largest city in the county making up over 80 percent of the county’s population. Below is a brief description of each municipality and their population.

#### **Baldwin City**

Baldwin City is located in Southeast Douglas County about 12 miles south of Lawrence. Between 2010 and 2020, the city of Baldwin experienced an 8.2 percent increase in their population from 4,331 to 4,684 residents (U.S. Census Bureau, 2021). This rise in the population is due primarily to an increase in persons of color – particularly Hispanic/Latinx residents and residents who identify as two or more races (see Table 3.1). On the other hand, the non-Hispanic White population dropped from 96.2 percent to 86.8 percent of the population. Nevertheless, the city makes up less than five percent of the population in Douglas County and covers less than three square miles, which is primarily composed of residential streets except for U.S. Highway 56 that passes near the downtown area (Kansas Department of Transportation, 2006). Baldwin city is also home to a small private educational institution, Baker University, which houses about 1,000 students on-campus according to the school’s annual enrollment in the fall of 2020 (USNWR, 2022).<sup>11</sup>

#### **Eudora**

Eudora is located in Eastern Douglas County, Kansas about 8 miles east of Lawrence. Between 2010 and 2020, Eudora’s population increased by about 8 percent from 6,063 to 6,551 residents. Once again, Eudora’s population is significantly smaller than the city of Lawrence and makes up less than 3 square miles of land. The only major highway that runs through Eudora is U.S. Highway 10, which is a connecting highway from the Kansas City metropolitan area to Lawrence, Kansas (Kansas Department of Transportation, 2006). Like the rest of the county, most

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<sup>11</sup> Baker University has their own private security on-campus, which is responsible for the safety of students.

Eudora residents are non-Hispanic white, but this population has shrunk from 93.4 to 82.9 percent from 2010 to 2020. On the other hand, the Hispanic/Latinx population has nearly quadrupled from 2.9 percent to 11.8 percent the population, making it the fastest growing population and the second largest racial/ethnic group in Eudora (see Table 3.1). Less than five percent of the population is composed of non-Hispanic Black/African American, American Indian/Alaska Native, Asian, and two or more races.

## **Lawrence**

As the largest city in Douglas County in terms of population and size, Lawrence's population has grown by about 13 percent from 86,426 to 97,348 residents between 2010 and 2020 and is made up of 33.56 square miles of land. Lawrence is located about 25 miles east of Topeka and 25 miles west of Kansas City with U.S. interstate highway 70 running through the city and connecting them to these major areas. U.S. Highway 59 is another major highway, which runs north and south, that passes through Lawrence and the Kansas Department of Transportation works in partnership with Lawrence, Parsons and Atchison to keep it maintained (Kansas Department of Transportation, 2006). Like Baldwin and Eudora, Lawrence is primarily made up of non-Hispanic White residents, which have declined from 79.1 to 75 percent of the population. On the other hand, their Hispanic/Latinx and Asian population have experienced a 1 to 2 percent increase from 2010 to 2020 and currently make up about 6.7 and 6.4 percent of the population, respectively. Less than ten percent of the population is composed of non-Hispanic Black/African American residents (4.7 percent) and residents belonging to two or more races (4.7 percent). Other racial/ethnic categories (American Indian/Alaska Native and other races) have experienced little change in the composition of the population from 2010 to 2020 and make-up the remaining 2.4 percent of the population (see Table 3.1).

In addition to the residential population, Lawrence is also home to the University of Kansas (KU), the largest public university in the state with 26,780 students enrolled in their undergraduate and graduate programs.<sup>12</sup> The campus, which is settled on 1,000 acres of land, contributes to the economy, traffic patterns, and pedestrian patterns of Lawrence (USN, 2022). According to the Fall

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<sup>12</sup> For more information on KU's enrollment, see <https://aire.ku.edu/sites/air/files/files/CDS/2021-2022/B1.pdf>.

2021 enrollment,<sup>13</sup> the student population at KU's Lawrence campus is largely represented by a White student population (67.7 percent), followed by Hispanic Latinx students (8.7 percent), international students (7.2 percent), Asian/Asian American students (5.4 percent), and students who identify as two or more races (5.0 percent). Less than two percent of the student population identifies as American Indian/Alaska Native or other racial/ethnic categories.

While the KU student population contributes significantly to a rise in the residential population in Lawrence during the academic year, like many other universities, KU moved to online teaching on March 23, 2020 following the COVID-19 pandemic protocol.<sup>14</sup> During the 2020-2021 academic year, KU moved one-third of their courses online, one-third were blended and held both in-person and online (HyFlex), and one-third were held in-person.<sup>15</sup> Furthermore, most athletic and other university events were cancelled to avoid close contact and the spread of the COVID-19 virus. As a result, the campus population was well-below the average number during this time period making it difficult to account for their presence in the city's population counts. However, most classes switched back to in-person in the Fall of 2021 with the return of many students to campus.

Lawrence is also home to Haskell Indian Nations University, a public tribal university with about 1,000 students representing more than 150 Native American tribes from across the country. Similar to KU, Haskell University moved their classes online in March of 2020. However, most of the classes remained online during the 2020-2021 citing concerns with high levels of COVID-19 cases.<sup>16</sup> Although students were permitted to return to campus in the Fall of 2021, some of the classes remained online during the fall semester and the start of the spring semester.



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<sup>13</sup> For more information on enrollment statistics, see <https://aire.ku.edu/enrollment>.

<sup>14</sup> For more information, see <https://coronavirus.ku.edu/sites/coronavirus.ku.edu/files/files/Faculty%20Development%20Message%203-13-2020.pdf>.

<sup>15</sup> See: <https://coronavirus.ku.edu/sites/coronavirus.ku.edu/files/files/Faculty%20Development%20Message%203-13-2020.pdf>.

<sup>16</sup> See: <https://www.kcur.org/2022-02-07/pandemic-weary-haskell-students-feel-in-the-dark-on-universitys-decision-to-stay-remote>.

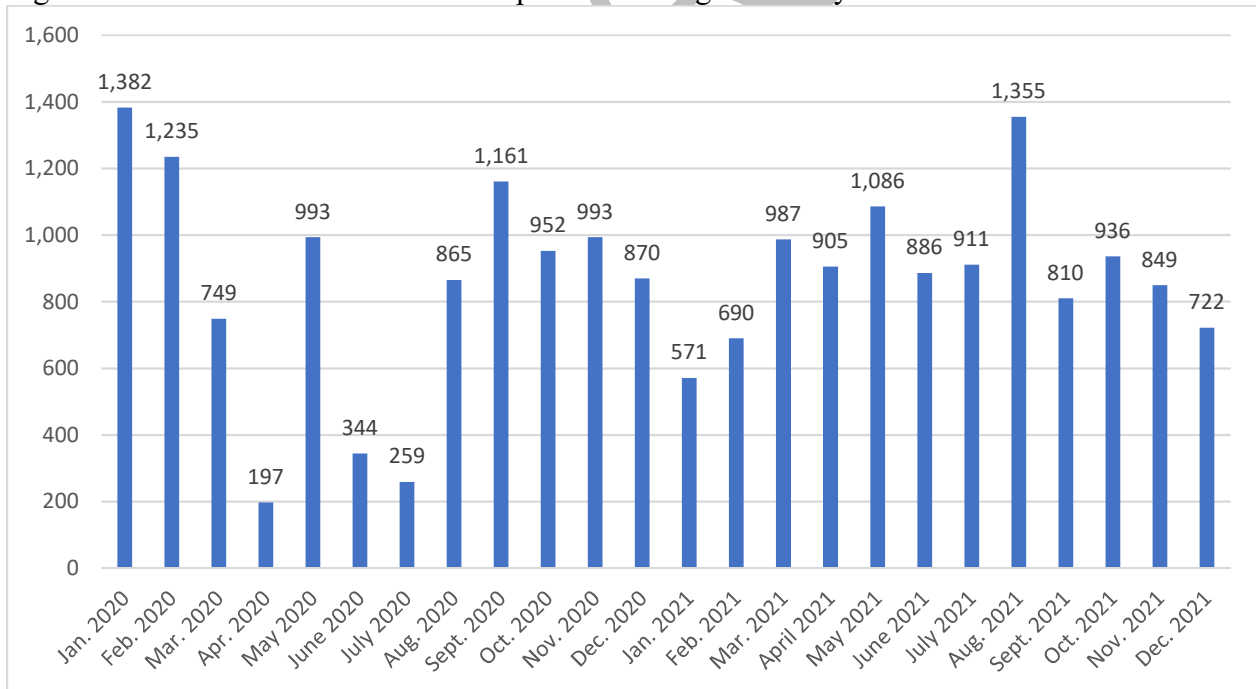
Table 3.1. Population Change in Douglas County, 2010-2020

	2010 U.S. Census Data				2020 U.S. Census Data				% Difference from 2010 to 2020			
	Douglas County	Baldwin	Eudora	Lawrence	Douglas County	Baldwin	Eudora	Lawrence	Douglas County	Baldwin	Eudora	Lawrence
<b>Total population</b>	<b>109,052</b>	<b>4,331</b>	<b>6,063</b>	<b>86,426</b>	<b>121,304</b>	<b>4,684</b>	<b>6,551</b>	<b>97,348</b>				
Hispanic or Latino	4.9%	1.2%	2.9%	5.5%	6.4%	4.7%	11.8%	6.7%	1.5%	3.5%	8.9%	1.2%
NH White	82.2%	96.2%	93.4%	79.1%	77.6%	86.8%	82.9%	75.0%	-4.6%	-9.4%	-10.5%	-4.1%
NH Black/African American	3.6%	1.3%	0.0%	4.4%	4.0%	1.5%	0.9%	4.7%	0.4%	0.2%	0.9%	0.3%
NH American Indian/Alaska Native	2.4%	0.5%	2.1%	2.7%	1.8%	1.0%	1.5%	2.0%	-0.6%	0.5%	-0.6%	-0.7%
NH Asian	3.8%	0.0%	0.3%	4.8%	5.2%	0.3%	0.6%	6.4%	1.4%	0.3%	0.3%	1.6%
NH Native Hawaiian/Other Pacific Islander	0.1%	0.0%	0.0%	0.1%	0.0%	0.1%	0.0%	0.0%	-0.1%	0.1%	0.0%	-0.1%
NH Some other race	0.2%	0.0%	0.0%	0.3%	0.6%	0.0%	0.0%	0.4%	0.4%	0.0%	0.0%	0.1%
NH Two or more races	2.8%	0.7%	1.3%	3.2%	4.4%	5.6%	2.3%	4.7%	1.6%	4.9%	1.0%	1.5%

## IV. Pedestrian and Traffic Stops in Douglas County

From January 1, 2020 through December 31, 2021, Douglas County law enforcement agencies collected information on 20,708 pedestrian and traffic stops. The number of pedestrian and traffic stops conducted fell by about 85 percent from 1,382 stops in January 2020 to less than 200 stops in April 2020 (see Table 4.1). This significant decrease in stop activity is associated to the passage of stay-at-home restrictions in Douglas County and across the country following the COVID-19 pandemic.<sup>17</sup> While the number of stops conducted increased over the following months, the number of stops remains below the pre-COVID average with many agencies also facing challenges with budget cuts and staffing shortages. Furthermore, like other law enforcement agencies across the country, Douglas County agencies have started to consider making changes around police practices when an officer conducts a stop.

Figure 4.1. Total Number of Traffic Stops across Douglas County



<sup>17</sup> For more information on the Douglas County restrictions following the COVID-19 pandemic, see <https://www.douglascountyks.org/depts/administration/county-news/2020/03/22/douglas-county-information-about-services-response>.

When we look at the number of monthly stops conducted by each agency (see Table 4.1), only Baldwin PD has returned to pre-COVID levels of traffic enforcement by December of 2021. While we do not know what the optimum level of traffic enforcement is for each community, COVID-19 pandemic has demonstrated that the levels of traffic enforcement in each community can shift rather dramatically. Subsequent analyses could determine if these shifts in traffic enforcement have impacted crime rates or the level and severity of traffic accidents in these communities.

Table 4.1 Total Number of Stops by Month, January 2020-December 2021

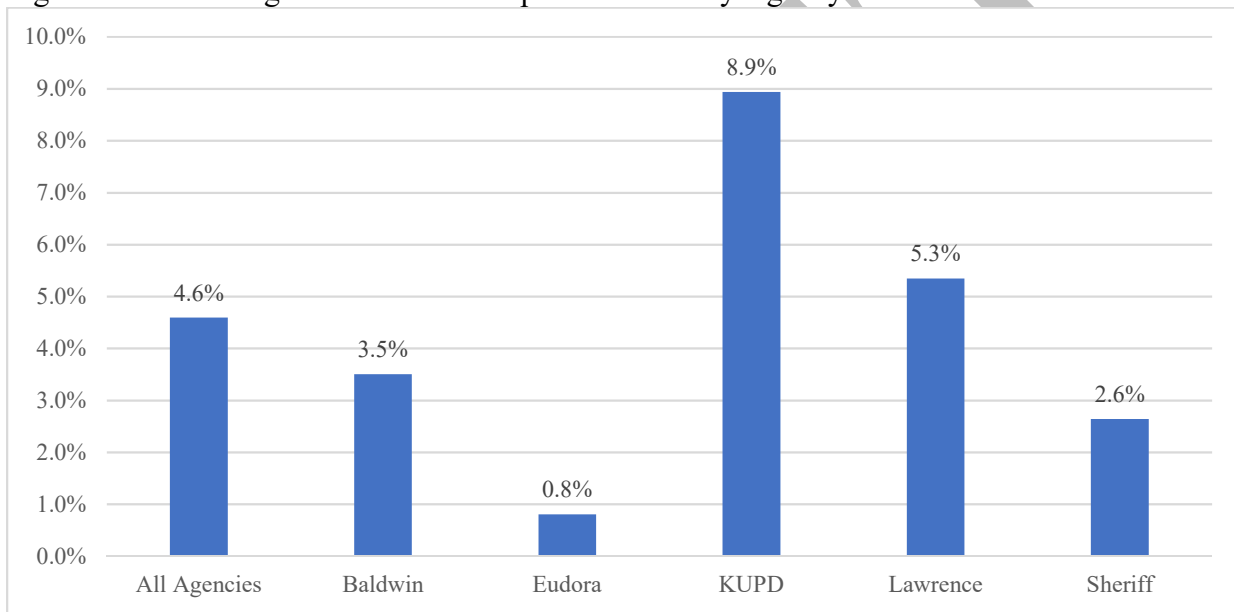
Month	All Agencies	Baldwin	Eudora	KUPD	LKPD	Sheriff
January 2020	1,382	21	95	189	543	534
February 2020	1,235	32	119	216	509	359
March 2020	749	11	54	81	469	134
April 2020	197	8	6	10	141	32
May 2020	993	7	10	22	858	96
June 2020	344	3	3	27	247	64
July 2020	259	4	32	21	91	111
August 2020	865	23	93	52	420	277
September 2020	1,161	30	67	138	726	200
October 2020	952	10	71	99	443	329
November 2020	993	62	110	111	273	437
December 2020	870	35	86	26	392	331
January 2021	571	22	32	36	325	156
February 2021	690	38	11	79	328	234
March 2021	987	53	8	84	479	363
April 2021	905	33	24	46	445	357
May 2021	1,086	63	18	103	558	344
June 2021	886	50	9	120	455	252
July 2021	911	32	65	80	428	306
August 2021	1,355	28	83	361	526	357
September 2021	810	27	35	149	309	290
October 2021	936	52	29	137	367	351
November 2021	849	70	32	145	273	329
December 2021	722	28	24	74	255	341
<b>Total No. of Stops</b>	<b>20,708</b>	<b>742</b>	<b>1,116</b>	<b>2,406</b>	<b>9,860</b>	<b>6,584</b>

According to national-level survey data on police contacts with the public, about 10 percent of all stops initiated by police officers involved a pedestrian stop.<sup>18</sup> On the other hand, less than five percent of all stops in Douglas County involved a pedestrian stop making up a total of 943

<sup>18</sup> Harrell and David (2020).

pedestrian stops (see Figure 4.2). However, there is some variation across agencies given the different sizes and landscapes of each jurisdiction in Douglas County. For example, Eudora PD conducted only 9 pedestrian stops during the study period, which made up less than one percent of their stop activity. In comparison, KUPD conducted 211 pedestrian stops, which made up about 9 percent of their stop activity. In order to better understand some of the differences in stop activity across the law enforcement agencies in Douglas County, we provide an overview on the characteristics of the pedestrian and traffic stops in the following section.

Figure 4.2. Percentage of Pedestrian Stops Conducted by Agency



### Characteristics of Drivers/Subjects in Pedestrian and Traffic Stops

Findings from a national survey conducted by the Department of Justice on police contacts with the public reported that more than one-half of all individuals stopped by an officer were male (54.5 percent) and about two-thirds of the individuals stopped by an officer were non-Hispanic White (66.5 percent).<sup>19</sup> Compared to the national-level stop data, Douglas County law enforcement agencies reported stopping a larger percentage of males and non-Hispanic White pedestrians and drivers as shown in Table 4.2. According to the demographic patterns on pedestrian stops across the county, around three-quarters were male (74.2 percent) and three quarters were non-Hispanic

<sup>19</sup> Harrell and David (2020).

White (75.3 percent). On the other hand, less than two-thirds (61.5 percent) of all drivers stopped were male and more than three-quarters of the drivers stopped (76.3 percent) were non-Hispanic White. Based on the data collected, persons of color made up a less than one-quarter of all individuals stopped for either a pedestrian or a traffic stop in Douglas County. However, there is some variation across agencies in terms of gender and race/ethnicity. For example, a greater percentage of traffic stops conducted by KUPD involved a female driver (40.5 percent) and a greater percentage of pedestrian stops conducted by the Sheriff's Office involved a female pedestrian in comparison to other local agencies. Also, a greater percentage of traffic stops conducted by Lawrence PD involved a person of color in comparison to other local agencies.

According to the national-level survey data on police initiated contacts with the public, findings indicate that less than one-quarter of all stops involved a person aged 16 to 24 (22.5 percent) and nearly one-half of all stops involved a person aged 25 to 44 (40.8 percent).<sup>20</sup> Compared to the national-level data, a greater percentage of persons aged 15 to 24 were represented in pedestrian and traffic stops conducted by Douglas County law enforcement agencies (34.0 and 39.7 percent, respectively). As home to the largest university in the state of Kansas, this percentage is not surprising given the large presence college-aged students living in Douglas County while attending the University of Kansas (KU). On the other hand, around 40 percent of all pedestrian stops and 34 percent of all traffic stops involved a person aged 25 to 44. Additionally, less than three-quarters of all pedestrians stopped (72.3 percent) and less than two-thirds of drivers stopped (60.5 percent) were Douglas County residents. About 16 and 28 percent of pedestrians and drivers stopped were from another county in Kansas, respectively, and 11 percent of pedestrians and drivers stopped were from a state outside of Kansas. Less than one percent of pedestrians and drivers stopped were recorded as being from another country.

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<sup>20</sup> Harrell and David (2020).



Table 4.2. Driver/Subject Stop Characteristics, January 2020-December 2022

	Pedestrian Stops						Traffic Stops					
	All Agencies	Baldwin	Eudora	KUPD	Lawrence	Sheriff	All Agencies	Baldwin	Eudora	KUPD	Lawrence	Sheriff
<b>Total No. of Stops</b>	943	25	9	211	526	172	19,765	717	1,107	2,195	9,334	6,412
<b>Gender</b>												
Female	25.3%	24.0%	0.0%	24.6%	23.6%	33.1%	38.3%	37.7%	36.9%	40.5%	38.3%	37.9%
Male	74.2%	76.0%	88.9%	75.4%	76.0%	66.3%	61.5%	62.2%	63.1%	59.5%	61.5%	61.9%
Trans/Transgender	0.4%	0.0%	11.1%	0.0%	0.4%	0.6%	0.2%	0.1%	0.1%	0.0%	0.2%	0.3%
<b>Race/Ethnicity</b>												
American Indian	2.4%	0.0%	0.0%	0.9%	3.0%	2.9%	1.1%	0.1%	0.2%	1.0%	1.6%	0.8%
Asian or Pacific Islander	2.3%	0.0%	0.0%	6.2%	1.3%	1.2%	2.2%	1.0%	1.4%	4.3%	2.5%	1.3%
East Indian	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.4%	0.0%	0.4%	0.5%	0.5%	0.3%
Hispanic/Latinx Black	0.2%	0.0%	0.0%	0.0%	0.0%	1.2%	0.2%	0.0%	0.0%	0.0%	0.3%	0.2%
Hispanic/Latinx White	5.2%	4.0%	0.0%	4.3%	4.9%	7.6%	6.2%	6.4%	7.3%	4.3%	6.4%	6.4%
Middle Eastern	0.7%	0.0%	0.0%	1.4%	0.8%	0.0%	1.3%	0.6%	0.9%	2.3%	1.4%	0.9%
Multiple Race/Ethnicity	0.5%	0.0%	0.0%	0.0%	1.0%	0.0%	0.6%	0.0%	0.1%	0.1%	1.1%	0.0%
NH Black	13.3%	16.0%	11.1%	13.3%	14.1%	10.5%	11.6%	5.6%	5.7%	12.0%	14.1%	9.5%
NH White	75.3%	80.0%	88.9%	73.9%	74.9%	76.7%	76.3%	86.3%	84.1%	75.3%	72.0%	80.4%
<b>Residency</b>												
Douglas County	72.3%	68.0%	100.0%	62.6%	77.4%	68.0%	60.5%	54.8%	49.3%	49.7%	70.4%	52.5%
Other Kansas County	16.0%	20.0%	0.0%	19.9%	12.4%	22.7%	27.8%	32.4%	39.1%	30.8%	18.7%	37.7%
Out-of-State	11.1%	8.0%	0.0%	16.6%	10.1%	8.7%	11.4%	12.6%	11.4%	19.1%	10.6%	9.7%
International	0.5%	4.0%	0.0%	0.9%	0.2%	0.6%	0.3%	0.3%	0.2%	0.3%	0.3%	0.1%
<b>Age Group</b>												
Under 15	0.6%	0.0%	0.0%	0.0%	0.6%	1.7%	0.1%	0.3%	0.0%	0.0%	0.1%	0.1%
15-24	34.0%	60.0%	55.6%	71.6%	20.3%	25.0%	39.7%	44.4%	28.3%	68.7%	39.5%	31.6%
25-34	21.3%	4.0%	0.0%	9.5%	25.3%	27.3%	19.2%	17.7%	21.2%	12.5%	18.9%	21.8%
35-44	18.0%	4.0%	22.2%	7.6%	21.7%	21.5%	14.4%	12.4%	19.0%	8.1%	13.0%	17.8%
45-54	10.9%	16.0%	22.2%	3.8%	12.5%	13.4%	9.6%	9.2%	10.9%	4.3%	8.5%	12.8%
55-64	5.2%	12.0%	0.0%	5.2%	4.2%	7.6%	7.2%	7.8%	10.3%	3.9%	6.1%	9.3%
65 and Over	1.2%	4.0%	0.0%	1.9%	0.6%	1.7%	4.8%	7.8%	6.2%	2.4%	4.1%	6.1%

## Characteristics of Pedestrian and Traffic Stops

Looking at the characteristics of pedestrian and traffic stops, there are numerous reasons for changes to patterns and trends in police activity throughout the year. Decisions like increasing traffic enforcement activity in a neighborhood in response to an accident, community request, and funding from statewide campaigns such as “Click-It or Ticket” can impact the level of enforcement in a particular month. It is important to examine the data using a smaller unit of analysis, such as an agency, to obtain a better understanding on what policies and/or practices may have affected this fluctuation in stop activity. Below, we provide a description of pedestrian and traffic stop activity in each of the five police agencies as shown in Table 4.3.

*Basis for Stop.* According to national-level survey data, more than 30 percent of all street stops were based on an investigation of a suspicious person and about 13 percent of all street stops involved a call for service/assistance. Compared to the national-level survey data, most pedestrian stops reported in Douglas County were based on a violation of city/town ordinance (32.1 percent), followed by an investigation of a suspicious person (30.9 percent) and a call for service (19.2 percent). These were reported as the primary basis for all pedestrian stops with the exception of Baldwin PD, Euroda PD, and the DCSO. While 40 percent of all pedestrian stops involved a call for service and 20 percent of all pedestrian stops involved an investigation of a suspicious person, 16 percent of all pedestrian stops by Baldwin PD officers included motorist assist or a courtesy call. DCSO and Eudora PD, on the other hand, reported a greater percentage of warrants served to individuals (23.8 and 11.1 percent, respectively) in comparison to the other three agencies.

Of the 19,765 traffic stops conducted in Douglas County, a majority of the stops involved speeding (40.2 percent) followed by other traffic violations such as failure to stop at a stop sign (21.5 percent) and equipment or inspection violations (20.0 percent). Similarly, national-level survey found that a majority of traffic stops involved speeding (40.9 percent) followed by other traffic violations such as failure to stop at a stop sign (25.3 percent) and equipment violations (12.2 percent). Yet, there is some variation across agencies given the size and scope of their jurisdictions and main responsibilities. While one-quarter to one-half of all traffic stops involved a driver caught for speeding more than 10 miles per hour over the speed limit in four of the five agencies, 13.4 percent of all traffic stops by KUPD involved a driver caught for speeding. Given the size and

layout of the campus as well as the type of traffic enforcement conducted on-campus, this is not surprising as it would be difficult to speed more than 10 miles per hour above the speed limit KU's on-campus. Nevertheless, KUPD like many other local law enforcement agencies consider speeding under 10 miles per hour over the speed limit as highly discretionary and therefore, officers are less likely to stop a vehicle for this reason alone. On average, less than 3 percent of all traffic stops involved drivers speeding less than 10 miles per hour over the speed limit in Douglas County. On the other hand, speeding more than 10 miles per hour over the speed limit is considered a low discretionary stop and therefore, drivers are at a greater risk of being pulled over by a police officer by engaging in this behavior.

Additionally, traffic stops often based on greater discretion, as indicated in the literature, are equipment or inspection violations and other traffic violations (see Chapter II for more information on pre-textual stops). Equipment violations generally include traffic stops due to defective equipment such as headlight or taillight.<sup>21</sup> In Douglas County, the number of equipment violation stops varied by agency with one-third of all traffic stops conducted by KUPD involving an equipment or inspection violation (32.9 percent) and less than 13 percent of all traffic stops conducted by DCSO involving an equipment or inspection violation (12.6 percent). "Other traffic violations" also varied across agencies in Douglas County with almost one-half of all traffic stops by KUPD reported as "other" (41.9 percent) and about one-tenth of all traffic stops reported by DCSO recorded as "other" (12 percent). At the beginning of the study, when it became clear that a large number of stops were being recorded as "other traffic violations," the research team added an additional field to the data collection protocol asking officers and deputies to specify the basis for those stops. Further analysis of this additional data field indicated that the most common reason for traffic stops that were recorded as "other traffic violations" were for failing to stop at a stop sign (19.2 percent), driving without headlights (12.5 percent), and violating a traffic control device (10 percent). Future research in this area should include some additional reasons for the stop that agencies should consider including to the existing categories in the data collection form under basis for stop (see this recommendation in Chapter VI).

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<sup>21</sup> According to the Lawrence Municipal Court, drivers may have their charges dismissed for a defective equipment violation if repairs are made and approved by an officer from the Police Department within 72 hours of the violation date and the driver provides proof of repair to the Court Clerk's office prior to their scheduled court appearance.

Table 4.3. Characteristics of Pedestrian and Traffic Stops by Agency

	Pedestrian Stops						Traffic Stops					
	All Agencies	Baldwin	Eudora	KUPD	Lawrence	Sheriff	All Agencies	Baldwin	Eudora	KUPD	Lawrence	Sheriff
<b>Total No. of Stops</b>	<b>943</b>	<b>25</b>	<b>9</b>	<b>211</b>	<b>526</b>	<b>172</b>	<b>19,765</b>	<b>717</b>	<b>1,107</b>	<b>2,195</b>	<b>9,334</b>	<b>6,412</b>
<b>Basis for Stop</b>												
APB or BOLO	1.6%	4.0%	0.0%	0.0%	2.5%	0.6%	0.2%	0.8%	0.1%	0.0%	0.2%	0.4%
Call for Service	19.2%	40.0%	0.0%	33.6%	9.1%	30.2%	0.6%	1.4%	0.1%	0.0%	0.7%	0.7%
Equipment/Inspection Violation	2.9%	0.0%	0.0%	0.0%	4.4%	2.3%	20.0%	27.8%	16.9%	32.9%	21.9%	12.6%
Motorist Assist or Courtesy	5.6%	16.0%	0.0%	0.0%	4.6%	14.5%	0.5%	0.3%	0.3%	0.1%	0.5%	0.6%
Registration Violation	0.6%	0.0%	0.0%	0.0%	0.8%	1.2%	8.9%	8.6%	4.5%	6.3%	11.0%	7.5%
Special Detail or Directed Patrol	1.3%	0.0%	0.0%	4.7%	0.4%	0.0%	9.4%	0.0%	0.3%	4.1%	18.1%	1.2%
Speeding - 10mph or greater	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	37.5%	25.8%	56.0%	13.4%	27.6%	58.3%
Speeding - less than 10mph	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.7%	2.8%	2.3%	0.8%	3.3%	2.6%
State Statute Violation	5.3%	20.0%	11.1%	10.9%	2.9%	3.5%	3.5%	7.9%	0.9%	0.1%	3.2%	5.0%
Suspicious Person	30.9%	20.0%	77.8%	19.9%	38.8%	19.2%	0.9%	0.6%	0.1%	0.0%	1.7%	0.4%
Violation of City/Town Ordinance	32.1%	12.0%	0.0%	52.1%	35.9%	0.6%	2.8%	9.5%	0.1%	2.8%	4.5%	0.1%
Warrant	9.7%	8.0%	11.1%	6.2%	6.5%	23.8%	0.4%	0.4%	0.2%	0.3%	0.5%	0.5%
Other Traffic Violation	5.4%	4.0%	0.0%	2.4%	7.2%	4.1%	21.5%	16.7%	22.6%	41.9%	23.4%	12.0%
<b>Duration of Stop</b>												
0-15 min	61.5%	64.0%	66.7%	40.3%	74.9%	45.9%	90.3%	86.6%	88.6%	94.4%	89.5%	90.7%
16-30 min	20.8%	0.0%	11.1%	33.2%	15.4%	25.6%	6.7%	8.8%	9.3%	3.1%	6.9%	6.9%
Over 30 min	18.6%	40.0%	22.2%	28.4%	9.9%	29.7%	3.0%	4.5%	2.1%	2.3%	3.6%	2.3%
<b>Outcome of Stop</b>												
Arrest Driver/Passenger	9.1%	16.0%	0.0%	19.4%	4.6%	9.9%	1.9%	2.1%	1.5%	1.4%	2.0%	1.9%
Arrest following a warrant	9.0%	16.0%	11.1%	4.7%	7.2%	18.6%	0.3%	0.0%	0.2%	0.4%	0.4%	0.2%
Citation	3.8%	0.0%	0.0%	7.6%	2.7%	3.5%	22.4%	10.9%	15.9%	21.7%	28.3%	16.5%
Emergency/Mental Detention	0.6%	0.0%	0.0%	1.9%	0.0%	1.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
No Action	39.2%	36.0%	66.7%	19.9%	41.3%	55.8%	2.4%	1.3%	1.0%	0.7%	3.8%	1.3%
NTA	9.3%	8.0%	11.1%	32.2%	3.0%	0.6%	2.0%	3.1%	0.7%	1.5%	2.6%	1.4%
Verbal/Written Warning	32.1%	32.0%	11.1%	17.5%	45.1%	11.6%	72.3%	83.3%	82.1%	74.7%	65.2%	79.0%
<b>Total No. of Searches</b>	<b>29.5%</b>	<b>36.0%</b>	<b>44.4%</b>	<b>35.5%</b>	<b>22.2%</b>	<b>42.4%</b>	<b>4.8%</b>	<b>4.9%</b>	<b>3.0%</b>	<b>3.2%</b>	<b>6.2%</b>	<b>3.8%</b>

*Duration of the Stop.* While most traffic stops concluded in less than fifteen minutes, on average, across all Douglas County agencies, two-thirds of all pedestrian stops concluded in less than 15 minutes in three of the five agencies. Most pedestrian stops conducted by DCSO and KUPD lasted more than 15 minutes, 55.2 and 61.1 percent, respectively. On the other hand, less than 40 percent of all pedestrian stops conducted by Baldwin PD, Eudora PD, and Lawrence PD lasted more than 15 minutes. On average, around 10 percent of all traffic stops lasted longer than 15 minutes in Douglas County. Further analysis of this data indicates that these stops often involved the seizure of a vehicle, due to a lack of a registration for example, or the arrest of the driver/pedestrian for an outstanding warrant.

*Outcome of Stop.* Contrary to national-level survey data which reports that nearly one-half of all traffic stops received a citation (48.8 percent), less than one-quarter of all traffic stops in Douglas County received a citation (22.4 percent).<sup>22</sup> Nearly three-quarters of all traffic stops resulted in a verbal or written warning (72.4 percent) and the remaining traffic stops resulted in no action (2.4 percent), were given a notice to appear (NTA) (2.0 percent), resulted in an arrest (1.9 percent), and/or were arrested following a warrant (0.3 percent). When we look at the outcome of the traffic stops by jurisdiction, there is some variation across the outcome of stops. For example, more than 80 percent of all traffic stops by Baldwin PD and Eudora PD resulted in a verbal or written warning (83.4 and 82.1 percent, respectively) while less than three-quarters of all traffic stops by KUPD and Lawrence PD resulted in a verbal or written warning (74.9 and 65.2 percent, respectively). Consequently, traffic stops made by KUPD and Lawrence PD were more likely to receive a citation (21.7 and 28.3 percent, respectively).

Turning to pedestrian stops, about 40 percent of all pedestrian stops at the national-level and in Douglas County resulted in no enforcement action.<sup>23</sup> Nearly one-third of all pedestrian stops in Douglas County received a verbal or written warning while only 21 percent of all pedestrian stops received a warning according to national-level survey data. A smaller percentage were given a notice to appear (9.3 percent), resulted in an arrest (9.1 percent), resulted in an arrest following

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<sup>22</sup> David, Whyde, & Langton (2018).

<sup>23</sup> Ibid.

a warrant (9.0 percent), and/or were issued a citation (3.8 percent) according to Douglas County pedestrian stop data.

### Characteristics of Pedestrian and Traffic Stop Searches

According to a report by the Department of Justice, searches took place in about 3 to 4 percent of all traffic stops and about 10 to 20 percent of all pedestrian stops.<sup>24</sup> Similar to these findings, police officers in Douglas County conducted 959 searches during the two-year study period, making up about 4.8 percent of all traffic stops reported across the county. As indicated in Table 4.2, Lawrence PD conducted the most searches, making up about 6.2 percent of their total traffic stops, and Eudora PD conducted the fewest searches, making up about 3.0 percent of their total traffic stops. On the other hand, about 29.5 percent of the pedestrian stops resulted in a search. It is interesting to note that pedestrian stops were six times more likely to involve a search rather than traffic stops.

#### *Reason for Search*

The stop data collection form allowed officers to indicate the basis for their search, choosing between consent, inventory/tow, probable cause, terry frisk, and a search incident to an arrest (see Table 4.3). Looking at pedestrian stops in Douglas County, about one-half of the 278 searches were following an arrest while one-quarter were based on probable cause. In comparison, more than one-half of the 959 searches during a traffic stop were based on probable cause (58.2 percent) and one-third of the searches were following an arrest (34.0 percent). About 17 percent of searches during a pedestrian or traffic stop were based on consent from the individual. However, there is some variation in reasons for searches across agencies. For example, most searches during a traffic stop were based on probable cause and/or following an arrest in all agencies except for Lawrence PD and DCSO, which included consent in about one-fifth of their searches. On the other hand, most pedestrian searches were incident to an arrest and/or based on probable cause except for searches conducted by officers in Eudora PD, which included consent in one-half of the searches conducted. Lawrence PD and DCSO also recorded consent as one of the reasons for conducting a search following a pedestrian stop in 25 and 15 percent of the searches, respectively.

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<sup>24</sup> Langton & Durose (2013); David, Whyde, & Langton (2018)

### *Evidence or “Hit Rates”*

If a search was conducted during a stop, officers were asked to record what type of contraband was found. Contraband can include items such as alcohol, drugs or drug paraphernalia, money, firearms, weapons other than firearms, or other contraband items found during a search following a stop. The “hit rate,” as it is often referred to, represents the proportion of searches or frisks that result in one or more types of contraband being found. Previous research on racial profiling found that searches where nothing is found can damage a community’s trust in the police. Analysis of hit rates allows law enforcement agencies to assess the productivity of their search practices (see table 4.4).

Based on the total number of searches conducted by police officers in Douglas County, about 44 percent of the pedestrian searches and 60 percent of the traffic stop searches resulted in contraband being found. This hit rate is substantially higher than the national average of one-quarter of all searches resulting in contraband being found. Again, we see variation across the law enforcement agencies in Douglas County with more than one-half of all searches conducted by Baldwin PD (62.9 percent), Lawrence, PD (63.5 percent), and DCSO (57 percent) resulted in contraband being found. Lawrence PD was also more likely to find contraband following a search at a pedestrian stop (60.7 percent) while only one-third of all pedestrian searches by Baldwin PD, KUPD, and DCSO found contraband.

Table 4.4. Search Characteristics for Pedestrian and Traffic Stops by Agency

	Pedestrian Stops						Traffic Stops					
	All Agencies	Baldwin	Eudora	KUPD	Lawrence	Sheriff	All Agencies	Baldwin	Eudora	KUPD	Lawrence	Sheriff
<b>Total No. of Searches/Frisks</b>	<b>278</b>	<b>9</b>	<b>4</b>	<b>75</b>	<b>117</b>	<b>73</b>	<b>959</b>	<b>35</b>	<b>33</b>	<b>71</b>	<b>576</b>	<b>244</b>
<b>Reason for Search/Frisk</b>												
Consent	17.6%	0.0%	50.0%	9.3%	24.8%	15.1%	16.9%	0.0%	6.1%	1.4%	19.8%	18.4%
Probable Cause	28.8%	22.2%	0.0%	21.3%	42.7%	16.4%	58.2%	57.1%	54.5%	42.3%	62.8%	52.5%
Terry Frisk	6.5%	11.1%	0.0%	1.3%	8.5%	8.2%	5.0%	2.9%	9.1%	11.3%	3.5%	6.6%
Inventory/Tow	1.8%	0.0%	0.0%	0.0%	1.7%	4.1%	3.0%	11.4%	3.0%	0.0%	2.4%	4.1%
Search Incident to Arrest	55.4%	66.7%	50.0%	68.0%	41.9%	63.0%	34.0%	40.0%	51.5%	45.1%	27.4%	43.0%
<b>Evidence Found</b>	<b>43.5%</b>	<b>33.3%</b>	<b>0.0%</b>	<b>33.3%</b>	<b>60.7%</b>	<b>30.1%</b>	<b>60.0%</b>	<b>62.9%</b>	<b>48.5%</b>	<b>45.1%</b>	<b>63.5%</b>	<b>57.0%</b>
Alcohol	8.3%	11.1%	0.0%	10.7%	10.3%	2.7%	15.8%	8.6%	12.1%	18.3%	14.4%	20.1%
Drugs/Drug Paraphernalia	32.0%	22.2%	0.0%	13.3%	48.7%	27.4%	44.9%	54.3%	45.5%	26.8%	49.3%	38.5%
Firearm	2.5%	0.0%	0.0%	0.0%	6.0%	0.0%	5.0%	2.9%	0.0%	0.0%	6.1%	4.9%
Money	1.4%	0.0%	0.0%	0.0%	3.4%	0.0%	0.3%	0.0%	0.0%	0.0%	0.5%	0.0%
Other	3.6%	0.0%	0.0%	6.7%	4.3%	0.0%	1.8%	0.0%	0.0%	1.4%	1.7%	2.5%
Weapon other than Firearm	4.3%	0.0%	0.0%	4.0%	6.0%	2.7%	3.3%	2.9%	3.0%	0.0%	3.6%	3.7%
<b>No Evidence Found</b>	<b>56.5%</b>	<b>66.7%</b>	<b>100.0%</b>	<b>66.7%</b>	<b>39.3%</b>	<b>69.9%</b>	<b>40.0%</b>	<b>37.1%</b>	<b>51.5%</b>	<b>54.9%</b>	<b>36.5%</b>	<b>43.0%</b>

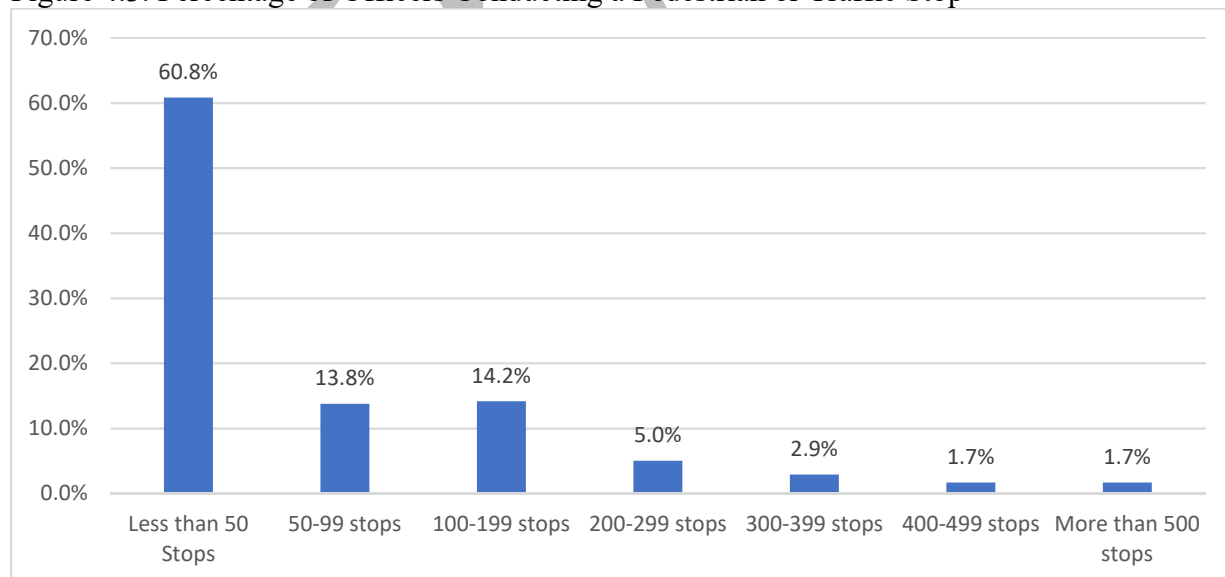
DR



## Officer Productivity

Although there is limited information on the demographic characteristics of the officers' conducting pedestrian and traffic stops, this data collection offers law enforcement agencies with another set of metrics beyond raw outputs such as arrests and citations to examine officer productivity.<sup>25</sup> Over the course of the study, 240 officers recorded information on pedestrian and traffic stops in all of Douglas County. While all officers recorded at least one stop from January 1, 2020 to December 31, 2021, a small percentage of officers were largely responsible for a majority of the stops that took place. As shown in Figure 4.3, more than one-half of the officers (60.8 percent) conducted fewer than 50 of the pedestrian and traffic stops during the two years of data collection. On the other hand, about 6 percent of officers conducted more than 300 stops during the two-year study period. This measure can be used by agencies to measure the two key dimensions of productivity: efficiency and effectiveness. By using data on stop characteristics reported by officers, agencies may consider using this data to measure productivity depending on the priorities of the command staff.

Figure 4.3. Percentage of Officers Conducting a Pedestrian or Traffic Stop

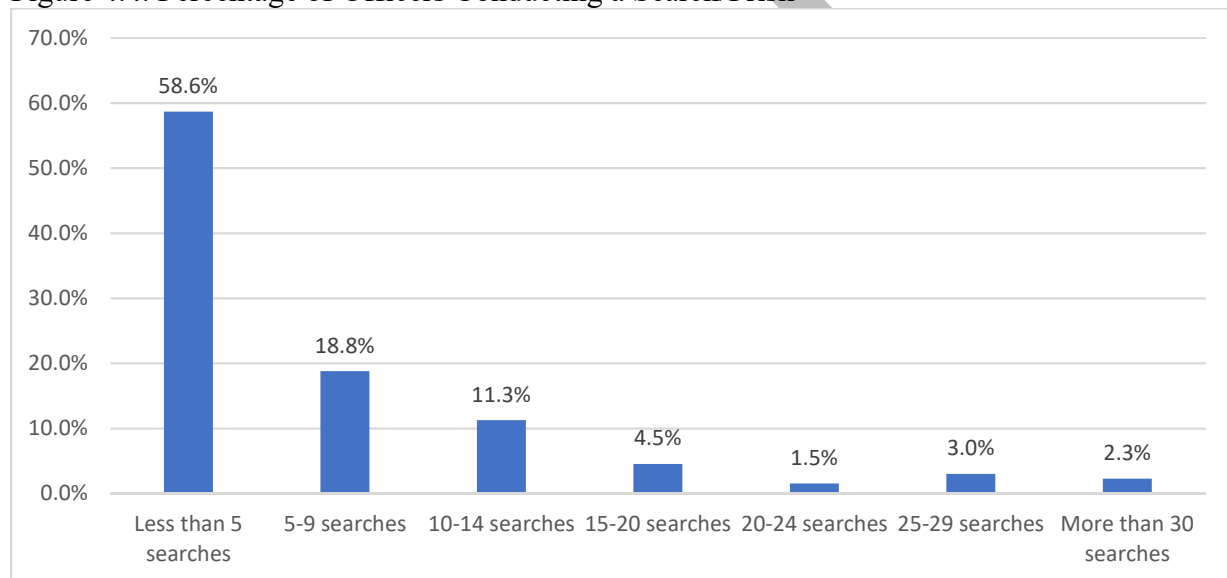


Similarly, the search data indicates that less than one-half of the 240 officers conducted at

<sup>25</sup> It is important to note that there is considerable variation in the literature on what constitutes police productivity. Nevertheless, it is important to use multiple indicators that capture the complex role of police officers in measuring productivity. It is up to the agencies to decide

least one search during the study period (see Figure 4.4). Of the 133 officers who conducted a search, more than one-half of the officers conducted less than 5 searches (58.6 percent) while about 5 percent conducted 25 or more searches. It is important for agencies to consider whether this information might provide an additional measure to operationalize productivity in their agencies. For example, agencies may consider looking at hit rates among officers conducting searches following a pedestrian or traffic stop to determine what officer-level or stop-level characteristics are associated to higher hit rates. This measure not only provides agencies with an opportunity to gauge on an officer’s productivity but also determine whether the priorities that are being set by the command staff are effectively being communicated and whether there are any issues with training being offered to new officers on conducting stops and/or searches.

Figure 4.4. Percentage of Officers Conducting a Search/Frisk



### Summary

This review of the data collected on 20,708 pedestrian and traffic stops in Douglas County from January 1, 2020 to December 31, 2021 provides a wealth of information that are relevant for community members, policymakers, and practitioners to better understand their agencies and communities. While county-level data reflects some similarities to patterns found at the national-level, there is some variation across the five agencies – Baldwin PD, Eudora PD, KUPD, Lawrence PD, and DCSO – in stop and search characteristics. In addition to the demographic makeup and

size of these communities (as discussed in Chapter III), Douglas County agencies also vary from small to midsize agencies with small agencies, such as Baldwin PD, Eudora PD, and the KUPD, who typically employ less than 25 sworn officers, and midsize agencies, such as Lawrence PD and the Douglas County Sheriff's Office, who typically employ 50 to 200 sworn officers.<sup>26</sup> The following chapter will examine some of these characteristics and their association to

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<sup>26</sup> Although there is no universal standard for the structure, size, or governance of law enforcement agencies in the United States, the International Association of Chiefs of Police (IACP) categorize agencies in terms of size and population served.

## V. Methodology & Findings

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Racial profiling is a significant concern for many law enforcement agencies across the country. Using different methodological approaches, numerous studies have confirmed that racial disparities exist in the practice of pedestrian and traffic stops.<sup>27</sup> Scholars have indicated that these disparities may be due to several different factors including institutional racism, individual racial bias, either conscious or unconscious on the part of the officer, and/or the enforcement of departmental policies.<sup>28</sup> Yet, not all agencies are collecting information on the driver's race/ethnicity in a pedestrian and/or traffic stop. As a result, it is important to collect data to determine whether there are disparities and if they exist, it is vital to determine if they are caused by individual or institutional bias.

Nevertheless, measuring whether racial disparities exist in traffic stops remains challenging. Many studies compare the proportion of drivers of different races and ethnicities to the census data for that jurisdiction. While this is a relatively straightforward calculation, it is often inaccurate. For example, the distribution of drivers by race/ethnicity within an area may differ from those drivers who reside in that same area making it challenging to use census data. Additionally, the distribution of drivers by race/ethnicity may vary over time, driving behaviors may vary across racial/ethnic groups, and the exposure to police varies across racial/ethnic groups. The current study employs numerous methodological approaches to ascertain whether there are racial disparities and assess when, where, and how widespread they may be. In the following sections, we discuss each methodological approach, the limitations, and the findings using traffic stop data from Douglas County, Kansas. Due to the small number of pedestrian stops conducted during the study period (n=951), we excluded these stops in the analyses below.<sup>29</sup> Therefore, the findings are based on information collected on the 19,757 traffic stops that took place during the two-year study period from January 1, 2020 to December 31, 2021.

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<sup>27</sup> Pierson et al., 2020;

<sup>28</sup> Doyle and Nembhard (2021)

<sup>29</sup> See Appendix B for a descriptive analysis on pedestrian stops.

## Benchmarking Analyses

The best estimate of the driving population is, unfortunately, expensive and labor intensive because it involves traffic and violator observations to estimate the population of drivers available to be stopped and count them on the roadways. Previous studies using this benchmark have faced limitations and, as a result, have focused on observing drivers in certain locations, such as intersections with a high density of traffic, and at certain times of the day, such as the daytime when the lighting conditions permit for the most accurate estimation of the driver's race/ethnicity, to measure the driving population for the area under study. Therefore, this benchmark is best applied in local settings, but is difficult to replicate at the county-level.

*Traffic Accident Data.* Another benchmark used in studies that is more cost effective involves traffic crash data to estimate the racial and ethnic composition of the driving population. To assess the accuracy of using crash data as a benchmark for traffic stop data, Alpert and colleagues (2004) conducted a study comparing demographic data from not-at-fault drivers in two vehicle crashes to observation data gathered at high volume intersections in Miami-Dade County, Florida. The study found that the percentage point difference across drivers and crash victims was very small (less than 2 percent) in their study examining two-vehicle traffic crash data at 11 high crash intersections in Miami-Dade County. When data from all intersections were aggregated, the overall difference between the percentage of drivers observed and those involved in traffic accidents (as victims) was also small and statistically insignificant. They found support for these data to serve as a less costly and more comprehensive estimate of the driving population than traffic observation methods currently provide. Nevertheless, due to the underreporting of traffic accident data in the current study, researchers could not use this method of benchmarking traffic stops to draw definitive conclusions on racial profiling in the area (see Appendix C for more information on the traffic accident data).

*Residential Driving Population.* Some studies have dealt with this challenge by limiting the analysis to stops of residents compared to the census population. Unfortunately, the data collection form in this study only collected information on whether the driver is a resident of Douglas County rather than the city/town where the driver resides. When we look at the disparity in stops compared to the population of Douglas County, we do find some disparities. First, we

limit the census data to the Douglas County population that is 15 years or older to better reflect the driving population in Kansas.<sup>30</sup> Next, we break down the driving population by race/ethnicity to examine whether any racial disparities exist.<sup>31</sup> We find White drivers were stopped at a rate almost the same as the White population of Douglas County, 81.8 percent and 82 percent, respectively. When we look at the stops of Black drivers, we see a significant disparity with Black drivers making up about 12 percent of the drivers stopped in Douglas County over the study period but only making up about 4 percent of the driving age population in Douglas County. Therefore, Black drivers were stopped 2.73 times more than would have been expected given the driving population size. Since we do not have information on the residency of the driver, we cannot conclude whether this disparity in stops of Black drivers is similar in all agencies or is more pronounced in one or more jurisdictions.

Table 5.1. Disparity between Residential Population

	<b>Total Population</b>	<b>15 years and Over</b>	<b>% 15 years and Over</b>	<b>Traffic Stops</b>	<b>% Traffic Stops</b>	<b>Disparity</b>	<b>Ratio</b>
<b>Total</b>	<b>121304</b>	<b>102875</b>	<b>100.0%</b>	<b>11961</b>	<b>100.0%</b>		
White	98416	84356	82.0%	9785	81.8%	-0.2%	1.00
Black	5231	4466	4.3%	1419	11.9%	7.5%	2.73
American Indian or Alaska Native	2550	2353	2.3%	157	1.3%	-1.0%	0.57
Asian or Pacific Islander	6426	5601	5.5%	306	2.6%	-2.9%	0.47
Two or more races	6982	4471	4.3%	85	0.7%	-3.6%	0.16

*Multivariate Analyses.* Other scholars have also examined whether there is racial or ethnic bias in traffic stops by isolating the significant predictors associated to traffic stops. Although the primary focus is to test whether or not the driver’s race/ethnicity was a significant predictor in traffic stops, studies have discovered that other demographic attributes influence traffic stop

<sup>30</sup> Although the minimum driving age in Kansas without any restrictions is 17 years of age, residents can drive at the age of 15 without a licensed adult while meeting certain restrictions (e.g., traveling to/from school/work/religious institution and restricted hours) and after obtaining the necessary documentation (for more information, visit: <https://www.ksrevenue.gov/dovgdl.html>).

<sup>31</sup> Due to the available information from the U.S. Census Bureau at the county-level, the racial/ethnic categories Hispanic/Latinx population. For example, White and Black population categories include Hispanic/Latinx White and Hispanic/Latinx Black, respectively. Therefore, the stop data was also re-categorized accordingly to include Hispanic/Latinx White and Hispanic/Latinx Black to the White and Black populations, respectively.

decision making such as the driver's gender, age, residency status, and vehicle registration. Stop characteristics are also commonly associated to traffic stop decision making such as the basis for stop (e.g., equipment violation), time of day, location of the stop, day of the week, whether the stop occurred during the daytime or nighttime, and whether contraband was found. Studies involving traffic stop data from more than one agency also included controls for possible variation across agencies given different policies, practices, and training provided to officers when making a traffic stop. Additionally, studies have included local controls such as arrest or crime rates given its impact on police officer's decision making when conducting a stop.

Nevertheless, there are certain limitations in the application of this approach using the current traffic stop data. First, the data is self-reported by the officers. Although each law enforcement agency was provided with a monthly memo summarizing their stop data to confirm whether any variables were mischaracterized on the stop data collection form during the two-year study period, anomalous cases may still exist in the data. Second, information on the officers was not collected capturing demographic characteristics and levels of experience (e.g., years of service). Generally, this information is not available to researchers, but studies have shown that certain officer-level characteristics are significant in shaping some of the decision making during a traffic stop. However, there have been mixed findings on some of these characteristics (e.g., gender, race/ethnicity) in relation to outcomes in traffic stops (e.g., citation, search, etc.). For this reason, we recommend an officer-level analysis by each agency in the areas where disparities are identified. Third, the data collection period encompassed the COVID-19 pandemic and its immediate aftermath; it is possible that this may have impacted reporting practices and the decision making in traffic stops. To minimize the impact this may have had on traffic activity, the current study was extended an additional year as noted earlier. It remains to be seen whether future analyses identify different patterns and trends in traffic activity as we move even further away from the initial effects of the COVID-19 pandemic.

Using logistic regression models to predict the likelihood that a citation was given, an arrest was conducted, and a discretionary search took place, Table 5.2 shows the results for these outcomes while controlling for characteristics on the driver, stop, and agency as noted earlier. The primary focus of these analyses, persons of color, was measured using a dummy variable to reflect

whether the driver was a person of color or not.<sup>32</sup> Results indicate that the odds that drivers searched were persons of color following a traffic stop was 1.59 times greater than drivers who were not persons of color, net of other variables in the analysis. On the other hand, the odds of persons of color being cited or arrested following a traffic stop were not significant after controlling for other variables in the analyses. As shown in numerous studies, being a male driver was a significant predictor of the stop resulting in a citation, arrest, or search, while controlling for other variables. Younger drivers were also significantly more likely to be issued a citation or searched and older drivers were significantly more likely to be arrested. Contrary to public opinion, a driver with an out-of-state license or registration was not a significant predictor for stops resulting in a citation, an arrest, or a search. Rather, Kansas license holders were significantly more likely to be cited. While traffic stops resulting in a citation were significantly more likely to occur during the daylight hours, arrests and searches were significantly more likely to occur at nighttime.

Looking at stop characteristics, drivers stopped for an equipment/inspection violation or other traffic violation were less likely to receive a citation while drivers stopped for speeding more than 10 mph over the speed limit were more likely to receive a citation. On the other hand, drivers stopped for speeding more than 10 mph over the speed limit were less likely to be arrested or searched. Drivers stopped for an equipment/inspection violation or other traffic violation were also less likely to be arrested. As expected, contraband found on drivers stopped increased the chances that the driver would be arrested or searched. Not surprisingly, higher arrest rates meant that a driver was more likely to be issued a citation (1.65 times greater) or arrested (1.99 times greater) while controlling for other variables. On the other hand, searches were not significantly associated to arrest rates. While officers from Eudora PD, KUPD, Lawrence PD, and DCSO were more likely to issue a citation than Baldwin PD (set as the reference category) while controlling for other variables, neither of the individual agencies were significantly related to traffic stops resulting in an arrest or search.

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<sup>32</sup> As suggested in prior research (Barnum and Perfetti, 2010; Novak, 2004, Schafer et al., 2006), we conducted the analyses with other categories of persons of color (for example, including all racial/ethnic groups except for Whites and Asians) and no substantive differences were found in the results.



Table 5.2. Logistic Regression Analysis for Correlates Predicting Citations, Arrests, and Searches

	Citation		Arrest		Discretionary Search	
	OR		OR		OR	
Person of color	1.050		1.224		1.586	**
Driver's age	0.990	***	1.009	*	0.969	***
Male driver	1.309	***	1.633	***	1.447	***
Out-of-state license	0.772	**	0.731		1.107	
Out-of-state registration	0.956		0.845		1.269	
Daylight	1.954	***	0.450	***	0.642	**
Day of the week						
Monday	1.199	*	0.525	**	1.139	
Tuesday	1.122		0.745		1.128	
Wednesday	1.049		0.564	**	1.569	
Thursday	1.009		0.647		1.388	
Friday	1.138		0.579	**	1.335	
Saturday	1.054		0.859		1.197	
Agency						
Eudora PD	1.712	***	1.565		1.147	
KUPD	5.436	***	1.542		0.879	
Lawrence PD	2.978	***	0.588		2.226	
DCSO	1.392	*	1.534		1.396	
Equipment violation	0.300	***	0.359	***	0.726	
Speeding violation	1.269	***	0.223	***	0.411	***
Other traffic violation	0.525	***	0.621	**	0.821	
Contraband found	0.932		24.444	***	306.180	***
City (1=Yes; 0=No)	1.207	**	1.461	*	0.870	
Arrest rate	1.654	***	1.969	***	1.047	
Constant	0.056	***	0.008	***	0.013	***
Model $\chi^2$	1952.5	***	847.2	***	3002.500	***
Nagelkerke R2	0.152		0.253		0.605	

$N=18536$ , 1 = yes, 0 = no

\* $p < .05$ , \*\* $p < .01$ , \*\*\* $p < .001$

*Veil of Darkness.* More recently, a growing number of studies have used the “veil of darkness” test to assess whether there is racial/ethnic bias in traffic stops. This hypothesis “asserts that police are less likely to know the race of a motorist before making a stop after dark than they

are during daylight.”<sup>33</sup> In order to test for racial profiling, previous studies have compared the distribution of stops by race/ethnicity between those made during the daylight to dark while restricting the sample to stops made during the intertwilight period (i.e., between roughly 5 and 9 pm).<sup>34</sup> According to Grogger and Ridgeway (2007), limiting the analysis to stops occurring during the intertwilight period and controlling for time of day, we can test for differences in the race distribution of traffic stops between night and day, which may equalize differences in risk arising due to differences in driving behavior and police exposure.

Previous studies have implemented the “veil of darkness” test with the full sample of traffic stop data and the intertwilight sample of traffic stop data. Using information on civil twilight collected from the U.S. Naval Observatory public database, we examine the percent of persons of color among drivers stopped using both the full and intertwilight sample. As shown in Table 5.3, 11.8 percent of drivers stopped were persons of color. Looking at the percentage of drivers during the daylight and darkness, 18.3 percent of drivers were persons of color of during the daylight hours and 23.7 percent of drivers were persons of color during dark hours. If we were to use the full sample to test for racial profiling, these two numbers do not show any evidence of racial profiling, because it shows that persons of color drivers are not disproportionately stopped during daylight when visibility is high.

Table 5.3. Percent of Persons of Color Among Stopped Drivers, by Daylight

	Full Sample (n=19,765)	Intertwilight Sample (n=2,872)
Total	11.8%	10.7%
Daylight	18.3%	20.7%
Dark	23.7%	22.4%

Whether this reflects police behavior or the effect of an important omitted variable, such as racial differences in travel patterns, cannot be said. By limiting the sample to intertwilight hours, the percentage of drivers stopped who are persons of color during this time frame is also at about 10.7 percent. Among drivers stopped during the daylight hours, 20.7 percent were persons of color; among drivers stopped when it was darker hours, 22.4 percent were persons of color. Restricting

<sup>33</sup> See Grogger and Ridgeway (2007), p. 878.

<sup>34</sup> By limiting the sample to the intertwilight period, this test implicitly controls for different traffic patterns, driving behavior, and exposure to law enforcement across racial and ethnic groups between daylight and darkness.

the sample to the intertwilight period reduces the contrast between day and night. However, this sample provides little evidence of racial profiling.

Table 5.4 presents the results of the veil of darkness analysis conducted on the entire subset of stops that occurred during the intertwilight period. Subset analyses were also conducted for males only given the large representation of male drivers among those stopped in Douglas County. The results present evidence that is consistent with Table 5.3, which is that officers are stopping persons of color less frequently during daylight than during darkness. We did not find a statistically significant relationship between lighting and persons of color among the male subset, however. The estimate in the second row adjusts for clock time.<sup>35</sup> We did not find a statistically significant relationship between lighting and persons of color when adding time-of-day controls and the subset analyses conducted on males only also indicated no significant relationship between lighting and persons of color.

Table 5.4. Logistic Regression Analysis of the Racial Profiling Effect

Adjustments	Intertwilight Sample (n=2,872)	Intertwilight Sample – Males Only (n=1,711)
None	0.810*	0.808
Clock Time	0.864	0.861

Although there was no evidence that drivers identified as persons of color or male drivers identified as persons of color were disproportionately involved in traffic stops during daylight hours, it is important to consider other controls and subsets of the data that may help improve future analyses. For example, other studies have also included different controls for clock time, day of the week, location, and officer-level characteristics. Additionally, the models assume that there is no seasonality in day–night risk differentials. Depending on the location, this assumption may be violated if there are significant seasonal changes based on high tourism, popular events, etc. To mitigate this risk, future analyses could focus on a subset of stops that occurred within the same season.

<sup>35</sup> Time controls included a time bin and time bin quadratic. Time bins were included by dividing the intertwilight period into eight equal temporal groups. The roughly 3.5 hours of civil twilight range was decomposed into eight equal blocks. The earliest block was assigned one, the second block two, and so on. A time bin quadratic variable was created by taking the square of the time bin. We explored alternative methods used in previous research (e.g., 6 versus 8 time bins, 6-point linear time splines, cubic time splines), which made no difference to any of the key findings.

## Post Stop Analysis of Traffic Stops

Due to the amount of discretion that an officer exercises once the stop has occurred, it is important to examine post-stop activity in addition to the general traffic stop patterns. While the decision to pull over a vehicle may not necessarily be linked to the driver's characteristics, post stop decisions often involve an officer talking to the driver and examining his/her driver's license and therefore being in a better position to assess the race and ethnicity of the driver. For example, an area of concern in post-stop activity is the decision to issue a citation versus a warning because most agencies allow officers almost total discretion in making this decision. This discretionary power may become a cause for concern. The officer's decision to write a ticket as opposed to a verbal or written warning has serious implications for the driver. Financially, a cited driver faces the immediate effects of the fine attached to the offense, which can be quite large in some cases. The driver may also have to deal with increased insurance premiums.

Additionally, racial disparities in traffic stop dispositions may also be problematic because official records of police action might be interpreted as a reflection of trends in driving behavior. If people of color receive more citations because of their race or ethnicity rather than differences in driving behavior, these practices may create a record that could be used in subsequent decisions by future police officers and other governmental units.

To understand more completely the racial differences in the outcomes of traffic stops, we examine the decision to issue a citation in this section of the report by presenting the absolute disparity and ratio between white and people of color for each community. An absolute disparity simply measures the difference in outcome between the percent of persons of color who are issued a citation in comparison to the percent of white drivers who are issued a citation. For example, if 5.0% of drivers who are persons of color are cited and 2.0% of white drivers are cited the absolute difference is 3.0% (5.0% minus 2.0%). A ratio describes the degree of disparity between the percent of persons of color who are issued a citation and the percent white drivers who are issued a citation. Using the above example, if 5.0% of persons of color are cited and 2.0% of white drivers are cited the ratio is 2.5, meaning the odds of a person of color being cited are 2.5 times the odds of a white driver being cited.

To address the question of racial disparities in citation rates, we must examine those cases

where a citation was issued. Table 5.5 presents the proportion of white and persons of color who were issued a citation during the study period. We find that, with the exception of Lawrence PD, all agencies were more likely to issue a citation to drivers of color than to white drivers but those were very small. Of individuals stopped by the Sheriff’s Office, persons of color were 1.21 times more likely to receive a citation compared to white drivers and in Eudora persons of color were 1.76 times more likely to receive a citation compared to white drivers.

Table 5.5. Disparities in Citations Issued

	<b>Citations Issued to White Drivers</b>	<b>Citations Issued to Persons of Color</b>	<b>Absolute Difference</b>	<b>Ratios</b>
Baldwin	10.8%	11.2%	0.4%	1.04
Eudora	14.2%	25.0%	10.8%	1.76
KUPD	21.2%	23.2%	2.0%	1.09
LKPD	29.5%	25.1%	-4.4%	0.85
Sheriff	15.8%	19.2%	3.4%	1.21
All Agencies	22.2%	23.0%	0.8%	1.03

While there are clear differences in outcomes of stop depending on the driver’s race/ethnicity, it is important to examine what other factors could potentially influence these outcomes. With regards to citations, questions are frequently raised about the different types of offenses that are more likely to result in a driver being issued a citation versus a warning. For example, common moving violations – such as speeding, traffic light violations, and stop-sign violations – are more likely to result in a citation being issued to the driver. Therefore, it is important to consider drivers who are stopped for the same offense or reason for which the stop was conducted.

*Basis for Stop in Traffic Stops*

Table 5.6 presents the basis for the stop for each of the five agencies involved in this study. The most common reasons for a traffic stop in Douglas County were for violations in speeding 10 miles per hour or more over the speed limit, equipment or inspection violations, and other traffic violations. As mentioned earlier, other traffic violations often involve failure to stop at a stop sign or failure to signal an upcoming turn. We next review each agency decision to issue a citation as opposed to a warning for each of these traffic violations.

Table 5.6. Disparities in Citations Issued by Traffic Stop Violation

	White Drivers Issued a Citation			Persons of Color Issued a Citation			Absolute Difference			Ratios		
	Equipment or Inspection Violation	Speeding 10 mph or more	Other Traffic Violation	Equipment or Inspection Violation	Speeding 10 mph or more	Other Traffic Violation	Equipment or Inspection Violation	Speeding 10 mph or more	Other Traffic Violation	Equipment or Inspection Violation	Speeding 10 mph or more	Other Traffic Violation
Baldwin PD	5.0%	18.2%	10.6%	5.6%	16.2%	1.7%	0.6%	-2.0%	-8.9%	1.12	0.89	0.16
Eudora PD	4.3%	16.4%	14.9%	-	33.0%	2.4%	-4.3%	16.6%	-12.5%	-	2.01	0.16
KU PD	16.2%	20.1%	20.0%	15.1%	28.2%	5.0%	-1.0%	8.1%	-15.0%	0.94	1.41	0.25
Lawrence PD	8.1%	47.6%	21.0%	10.1%	46.3%	3.2%	2.0%	-1.3%	-17.8%	1.24	0.97	0.15
Sheriff	3.8%	18.4%	10.1%	9.5%	24.0%	3.1%	5.7%	5.6%	-7.0%	2.48	1.31	0.31
All Agencies	8.3%	27.4%	18.0%	10.5%	35.0%	3.5%	2.2%	7.6%	-14.5%	1.26	1.28	0.19

DRAFT

Looking at drivers stopped for an equipment or inspection violation, the Sheriff Deputies were 2.5 times more likely to issue a citation to persons of color than to white drivers. This result should be viewed with much caution because it is based on a very small number of stops. On the other hand, there were little to no differences in the drivers who were stopped by Baldwin PD, KU PD, and Lawrence PD for an equipment or inspection violation. In contrast, Eudora PD was twice as likely to issue a citation to persons of color for speeding 10 mph or more over the speed limit in comparison to white drivers stopped for speeding 10 mph or more over the speed limit. There was little to no difference in race/ethnicity among drivers who were stopped and issued a citation for speeding by Baldwin PD and Lawrence PD. KU PD and the Sheriff's Office were 1.4 and 1.3 times more likely to issue a citation, respectively, for speeding. When we review stops for other traffic violations, we find that officers in all five agencies are more likely to issue a citation to White drivers versus persons of color among stops for other traffic violations. Nevertheless, we urge caution when exploring these types of differences as they do not account for other factors such as time of day, seasonal differences, location, etc.

#### *Discretionary Searches*

Another area of concern in post-stop activity is whether racial disparities are evident in the decision to conduct a search. Numerous studies on police traffic stop activity suggest that people of color are significantly more likely to be searched once they are stopped than white drivers. Although there are several important factors that may explain these differences, disparate search rates, more than any other post-stop activity, are consistently identified in prior research on racial profiling and as a major issue by members of communities of color. For this reason, it is critical to differentiate between two types of searches, discretionary (consent, terry frisk, and probable cause) and non-discretionary (incident to arrest, towed vehicle) searches. This dichotomy serves as a way of differentiating between searches occurring pursuant to policy (when bias would not be expected) and searches occurring pursuant to an exercise of officer's discretion (when more bias might be expected). Nevertheless, there are limitations in how discretionary searches are examined. As discussed in Chapter IV, the Douglas County stop data collection form did not include a category to describe the type of probable cause (e.g., plain view, smell). Therefore, it is unclear whether a

search was conducted based on lower versus higher levels of discretion given the scope of the decision to conduct the traffic stop.

Table 5.7. Disparities in Discretionary Searches Conducted

	Discretionary Searches of White Drivers	Discretionary Searches of Persons of Color	Absolute Difference	Ratios
Baldwin	2.9%	2.0%	-0.9%	0.70
Eudora	1.3%	2.3%	1.0%	1.76
KUPD	1.7%	2.0%	0.3%	1.20
LKPD	3.6%	6.5%	2.9%	1.82
Sheriff	1.6%	4.3%	2.8%	2.77
All Agencies	2.5%	5.1%	2.6%	2.05

Table 5.7 reports the disparate ratios in discretionary searches conducted by agency. Based on all traffic stops conducted in Douglas County, law enforcement agencies were twice as likely to conduct a discretionary search on a person of color than a white driver. Looking closer at the stop activity reported by individual agencies, the Sheriff’s Office was 2.8 times more likely to conduct a discretionary search on a person of color than a white driver. Eudora PD and Lawrence PD were 1.8 times more likely to conduct a discretionary search on a person of color than a white driver. On the other hand, Baldwin PD was more likely to conduct a discretionary search on a white driver than a person of color following a traffic stop and there was little difference in the race/ethnicity in discretionary searches conducted by KU PD (1.2).

Table 5.8. Disparities in Evidence Found in Discretionary Searches

	No Evidence Found in Searches of White Drivers	No Evidence Found in Searches of Persons of Color	Absolute Difference	Ratios
LKPD	25.3%	28.2%	2.9%	1.12
Sheriff	30.0%	38.9%	8.9%	1.30
All Agencies	26.4%	29.9%	3.5%	1.13

Turning to the discretionary searches that resulted in no evidence found, there was a small difference in the race/ethnicity of drivers searched without any contraband found in traffic stops conducted across Douglas County as shown in Table 5.8. Yet, while there is also little difference in the race/ethnicity of drivers searched without any contraband found following traffic stops conducted by Lawrence PD, discretionary searches conducted by the Sheriff’s Office were 1.3 times more likely to turn up with no evidence when conducted on persons of color than White



drivers. We did not include Baldwin PD, Eudora PD, or KU PD in this analysis due to the small number of searches conducted. However, it is important to monitor this information as searches can significantly erode trust between the community and their police department.

## **Summary of Findings**

Based on the different analytical methods used to examine whether there is any evidence of racial disparities in traffic stops across Douglas County based on 2020-2021 traffic stop data, we find mixed results. It should be noted that these methods are not all dealing with the same cases; therefore, an exact comparison between any of them cannot be made. It is possible, however, to draw tentative conclusion based on findings from each of these analytical approaches (see table 5.9).

First, limiting the analysis to stops of residents compared to the census population reveals that Black drivers, who are residents of Douglas County, were stopped 2.73 times more than would have been expected given the makeup of the Black population in Douglas County. Second, multivariate regression models predicting three different outcomes of drivers (issued a citation, arrested, or searched) indicated that persons of color were 1.59 times more likely than White drivers to experience a discretionary search following a traffic stop while controlling for other variables. On the other hand, the odds of persons of color being cited or arrested following a traffic stop were not significant after controlling for other variables in the analyses. Third, the veil of darkness test found no relationship between available lighting and persons of color stopped and therefore, provides no evidence of racial profiling. Finally, the post stop analyses indicated that some areas for concern. For example, there was little to no difference between persons of color and white drivers in traffic stops that received a citation, but a closer examination into the type of traffic stop violations revealed larger disparities. Specifically, persons of color pulled over for an equipment/inspection violation or for speeding 10 mph over the speed limit were 1.3 times more likely to receive a citation for these violations in comparison to White drivers. On the other hand, persons of color pulled over for other traffic violations, such as failing to stop at stop sign or running through red light, were less likely to receive a citation than White drivers. Persons of color were also twice as likely to be searched (following consent, probable cause, or terry frisk), but

there was a small and insignificant difference between persons of color and white drivers, who were searched and found with no contraband.

**Table 5.9. Summary of Findings by Type of Analysis**

<b>Type of Methodology</b>	<b>Findings from All Agencies</b>
Adjusted Census Data	Yes - Black Residents Only
Multivariate Analysis	
Citations	No
Arrests	No
Discretionary Searches	Yes
Veil of Darkness	No
Post-Stop Analyses	No
Citations	
Equipment/Inspection Violations	Yes
Speeding (10 mph over)	Yes
Other Traffic Violations	No
Discretionary Searches	Yes

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## VI. Recommendations

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This analysis did not find widespread racial profiling by law enforcement officers in Douglas County but did identify some racial and ethnic disparities that should be analyzed further and monitored to assess if they are increasing over time.

### **Recommendation #1**

All law enforcement agencies in Douglas County should continue to collect data on all traffic stops and continue to monitor this data to determine if disparities noted in this report persist or if new disparities develop.

### **Recommendation #2**

Each law enforcement agency in Douglas County in conjunction with the CJCC should review the data elements currently being collected and determine if any new data elements should be added or if any existing data elements can be deleted. Some additional fields that this analysis found might have some additional value, the town of residence of driver, at least for communities in Douglas County, some specific categories of the miles over the speed limit to replace the current field of over or under 10 miles over the speed limit, and some additional information on the contraband found in a search specifically including marijuana. Including the town of residence of the driver may be particularly important since it would help to understand the disparity in stops of Black Drivers that was found in this analysis.

### **Recommendation #3**

Similar to many other law enforcement agencies across the country, agencies in Douglas County should review the reasons for the stops by their officers with an eye towards whether certain low level high discretion stops are worth continuing. The question being raised in many law enforcement agencies across the country are these low-level high discretion stops making our roadways safer or are they eroding trust between police agencies and particularly communities of color.

### **Recommendation #4**

Each law enforcement agency in Douglas County should conduct follow-up analyses in each area where disparities have been found. Due to the concentration of traffic enforcement activity in a small number of officers, this analysis should be conducted at the officer level to understand if any training or other corrective actions should be taken.

**Recommendation #5**

Once the follow up analysis has been completed, the results of the analysis should be communicated to residents of each community. This can be accomplished by asking to discuss the finding with local groups who have expressed concerns about racial profiling in the past. Also, these data and ongoing data should be made available to the community via a data dashboard at the CJCC or other relevant organization.

**Recommendation #6**

Consideration a version of the "Light Out Program" that is currently being employed by more than 120 law enforcement agencies. This program business to fund a program where drivers stopped for an equipment violation would receive a voucher to help pay for the repairs that are necessary for their vehicle.

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## Appendix A: Stop Data Collection Form

Douglas County Stop Data Collection Form		Rev. July 9, 2020
Date:	Time:	Officer ID:
Agency:	Area:	Call No.:
Location:		
DOB of Subject:		
Ethnicity of Subject: <input type="radio"/> Hispanic/Latinx <input type="radio"/> Non-Hispanic/Latinx		
Race of Subject: <input type="radio"/> White <input type="radio"/> American Indian <input type="radio"/> East Indian <input type="radio"/> Black <input type="radio"/> Asian/Pacific Islander <input type="radio"/> Middle Eastern		
Gender of Subject: <input type="radio"/> Male <input type="radio"/> Female <input type="radio"/> Trans/Transgender		
Residency of Subject: <input type="radio"/> Douglas County <input type="radio"/> Other Kansas County <input type="radio"/> Out-of-State <input type="radio"/> International		
Vehicle Registration: <input type="radio"/> Douglas County <input type="radio"/> Other Kansas County <input type="radio"/> Out-of-State		
Reason for Stop: <input type="radio"/> Ped Check/Terry Stop <input type="radio"/> Traffic Stop <input type="radio"/> Traffic Accident		
Basis for Stop: <input type="radio"/> APB/BOLO <input type="radio"/> Special Detail/Directed Patrol <input type="radio"/> Call for Service <input type="radio"/> State Statute Violation <input type="radio"/> Equipment/Inspection Violation <input type="radio"/> Suspicious Person <input type="radio"/> Motorist Assist/Courtesy <input type="radio"/> Warrant <input type="radio"/> Registration Violation <input type="radio"/> Violation of City/Town Ordinance <input type="radio"/> Speeding – less than 10mph <input type="radio"/> Other Traffic Violation (please specify): _____ <input type="radio"/> Speeding – 10mph or greater                      _____		
Outcome of Stop: <input type="radio"/> Citation <input type="radio"/> Arrest Driver/Subject <input type="radio"/> Mental Detention <input type="radio"/> Verbal Warning <input type="radio"/> Arrest Passenger <input type="radio"/> NTA <input type="radio"/> Written Warning <input type="radio"/> Arrest following a warrant <input type="radio"/> No Action		
Duration of Stop: <input type="radio"/> 0-15 min. <input type="radio"/> 16-30 min. <input type="radio"/> Over 30 min.		
Search/Frisk Conducted: <input type="radio"/> Yes <input type="radio"/> No		
Scope of Search/Frisk: <input type="radio"/> Driver <input type="radio"/> Passenger(s) <input type="radio"/> Vehicle <input type="radio"/> Pedestrian		
Search/Frisk Conducted as a Result of: <input type="radio"/> Consent <input type="radio"/> Search Incident to Arrest <input type="radio"/> Inventory/Tow <input type="radio"/> Probable Cause <input type="radio"/> Terry Stop		
Evidence Found in Search/Frisk: <input type="radio"/> None <input type="radio"/> Firearm <input type="radio"/> Weapon other than firearm <input type="radio"/> Alcohol <input type="radio"/> Money <input type="radio"/> Drugs/Drug Paraphernalia <input type="radio"/> Other		
If firearm is/are found in search/frisk: <input type="radio"/> Illegal firearm <input type="radio"/> Legal firearm		



## Appendix B: Pedestrian Stops

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## Appendix C: Traffic Accidents

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