Suspect Citizens

*Suspect Citizens* offers the most comprehensive look to date at the most common form of police–citizen interactions, the routine traffic stop. Throughout the war on crime, police agencies have used traffic stops to search drivers suspected of carrying contraband. From the beginning, police agencies made it clear that very large numbers of police stops would have to occur before an officer might interdict a significant drug shipment. Unstated in that calculation was that many Americans would be subjected to police investigations so that a small number of high-level offenders might be found. The key element in this strategy, which kept it hidden from widespread public scrutiny, was that middle-class white Americans were largely exempt from its consequences. Tracking these police practices down to the officer level, *Suspect Citizens* documents the extreme rarity of drug busts and reveals sustained and troubling disparities in how racial groups are treated.

Frank R. Baumgartner holds the Richard J. Richardson Distinguished Professorship at University of North Carolina at Chapel Hill. He is a leading scholar of public policy and has written extensively on agenda-setting, policy-making, and lobbying. His work on criminal justice includes two previous books on the death penalty.

Derek A. Epp is Assistant Professor of Government at the University of Texas at Austin. In *The Structure of Policy Change*, he explains how the capacity of governmental institutions to process information affects public policy. He also studies economic inequality with a particular focus on understanding how rising inequality affects government agendas.

Kelsey Shoub is a graduate student in the Department of Government at the University of North Carolina at Chapel Hill. Her research focuses on using publicly available big data to answer questions about what influences policy change, policy outputs, and the context within which they take place.
Suspect Citizens

What 20 Million Traffic Stops Tell Us about Policing and Race

FRANK R. BAUMGARTNER
University of North Carolina, Chapel Hill

DEREK A. EPP
University of Texas, Austin

KELSEY SHOUB
University of North Carolina, Chapel Hill
Suspect Citizens
what 20 million traffic stops tell us about policing and race

Frank R. Baumgartner, Derek A. Epp, Kelsey Shoub

Cambridge University Press

University Printing House, Cambridge CB2 8BS, United Kingdom
One Liberty Plaza, 20th Floor, New York, NY 10006, USA
477 Williamstown Road, Port Melbourne, VIC 3207, Australia
314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India
79 Anson Road, #06-04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.
It furthers the University’s mission by disseminating knowledge in the pursuit of education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108429313
DOI: 10.1017/9781108553599

© Frank R. Baumgartner, Derek A. Epp and Kelsey Shoub 2018
This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2018
Printed in the United States of America by Sheridan Books, Inc.

A catalogue record for this publication is available from the British Library.

Library of Congress Cataloging-in-Publication Data
Title: Suspect citizens : what 20 million traffic stops tell us about policing and race / Frank R. Baumgartner, University of North Carolina, Chapel Hill, Derek A. Epp, University of Texas at Austin, Kelsey Shoub, University of North Carolina, Chapel Hill.
Identifiers: LCCN 2018003783 | ISBN 9781108429313 (hardback) | ISBN 9781108454049 (paperback)
Classification: LCC HV7936.R3838 2018 | DDC 363.23089/00973—dc23
LC record available at https://lccn.loc.gov/2018003783


Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.
## Contents

**List of Figures**  
page vii

**List of Tables**  
ix

**Acknowledgments**  
xi

1. Suspect Citizens: Fighting the War on Crime with Traffic Stops  
1

2. A Legislative Mandate to Address Concerns about Racial Profiling  
35

3. Who Gets Stopped?  
64

4. What Happens After a Stop?  
78

5. Finding Contraband  
95

6. Search and Arrest Patterns by Officer and Agency  
125

7. Profiling Hispanics, Profiling Blacks  
148

8. Black Political Power and Disparities in Policing  
165

9. Reforms that Reduce Alienation and Enhance Community Safety  
187

10. Conclusions  
214

**Appendix A: Text of SB 76 as Enacted in 1999**  
237

**Appendix B: Status of the Law as of 2017**  
241

**Appendix C: SBI-122 Form**  
245

**Appendix D: Durham Police Department Written Consent to Search Form**  
247

**Appendix E: Shortcomings in the Official Data**  
249
### Contents

| Notes     | 253 |
| References| 259 |
| Index     | 273 |
Figures

2.1 Media Attention and Legislative Action on “Driving while Black”  page 38
3.1 Traffic Stops by Year  66
3.2 Racial Composition of Traffic Stops over Time  67
3.3 Comparison of Proportion of the Community and Stops by Race  73
4.1 Search Rates over Time  82
4.2 Search Rates by Hour of the Week  83
4.3 Search Rates by Hour of the Day  84
4.4 Outcome Rates by Race, Gender, and Age Group  90
5.1 How Much Contraband is Found?  104
5.2 Comparing Officer-Level Search and Hit Rates  111
5.3 Percent Difference in the Likelihood of Finding Contraband  116
5.4 Percent Difference across Race in the Likelihood of Searches and Contraband  118
5.5 Percent Difference across Race in Likelihood of Finding Contraband, by Gender and Age  120
6.1 Distributions of Stop Outcomes, by Officer  129
6.2 Citation Rates for Four Types of Stop, by Officer  130
6.3 Black and White Stops, by Officer  134
6.4 Black and White Searches, by Officer  135
6.5 Black–White Stop and Search Ratios, by Officer  137
6.6 High Disparity Officers  139
6.7 Distribution of Search Rates, by Agency  142
6.8 High Disparity Agencies  145
6.9 Percentage of Investigatory Stops, by Agency  146
7.1 Outcome Rates by Ethnicity, Gender, and Age Group  156
7.2 Percent Difference in the Likelihood of Search and Contraband 161
7.3 White and Hispanic Search Rates Compared 163
8.1 Black Political Power 174
8.2 Effect of Black Political Power on Traffic Stop Outcomes 177
8.3 Effect of Investigatory Stops Ratio on Traffic Stop Outcomes 178
8.4 County Political Power Factor Scores 182
8.5 Effect of Black Political Power on Traffic Stop Outcomes (Sheriffs) 184
8.6 Effect of Investigatory Stops Ratio on Traffic Stop Outcomes (Sheriffs) 185
9.1 Consent Searches per Month in Three Cities 202
9.2 Probable Cause Searches per Month in Three Cities 203
9.3 Frequency of Calls for Service (Adjusted for Crime) and Arrests 211
Tables

2.1 Frequency of Stop Purposes by Race  page 54
2.2 Driver Age and Sex  56
2.3 Driver Race and Ethnicity  56
2.4 A Mutually Exclusive Race / Ethnicity Identifier  56
2.5 Stop Outcomes  57
2.6 Number of Incidents Resulting in Force or Injury  59
2.7 Searches by Type  59
2.8 Searches by Basis of Search  61
2.9 Who or What was Searched  61
2.10 Passenger Demographics by Search Status  62
2.11 Contraband  62
2.12 Property Seized  63
3.1 Comparison of State Population to Traffic Stops, by Race, 2010  68
3.2 Stop Rates by Race by Agency  72
3.3 Estimated Driving Habits by Race  75
4.1 Search Rates by Race, by Type of Search  86
4.2 Search Rates by Race, by Stop Type  86
4.3 Differential Outcomes by Race  87
4.4 Predicting Outcomes of a Traffic Stop, 2002–2016  92
5.1 Type of Contraband Found, by Type of Search  101
5.2 Contraband Hit Rates, by Search Type  102
5.3 Police Actions Resulting from the Discovery of Contraband  106
5.4 Arrest-Worthy Contraband Hit Rates, by Search and Contraband Type  107
5.5 Percentage of Searches that Result in Contraband  113
5.6 Stops, Searches, Contraband Hits, and Arrests by Race  114
<table>
<thead>
<tr>
<th>Table</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.7</td>
<td>Predicting the Discovery of Contraband after Different Types of Search</td>
<td>122</td>
</tr>
<tr>
<td>6.1</td>
<td>High and Low Search Rate Agencies</td>
<td>143</td>
</tr>
<tr>
<td>7.1</td>
<td>White, Black, and Hispanic Traffic Stops Compared</td>
<td>153</td>
</tr>
<tr>
<td>7.2</td>
<td>Relative Frequencies of White, Black, and Hispanic Stops, by Purpose</td>
<td>154</td>
</tr>
<tr>
<td>7.3</td>
<td>Type of Search by Ethnicity</td>
<td>158</td>
</tr>
<tr>
<td>7.4</td>
<td>Percentage of Searches that Result in Contraband</td>
<td>159</td>
</tr>
<tr>
<td>8.1</td>
<td>Summary Statistics of Traffic Stop Black–White Ratios</td>
<td>171</td>
</tr>
<tr>
<td>8.2</td>
<td>The Effect of Political Power on the Disparity of Traffic Stop Outcomes</td>
<td>175</td>
</tr>
<tr>
<td>8.3</td>
<td>Summary Statistics of Traffic Stop Black–White Rate Ratios</td>
<td>180</td>
</tr>
<tr>
<td>8.4</td>
<td>Predicting Disparities in Traffic Stops Outcomes, Sheriff’s Departments</td>
<td>182</td>
</tr>
<tr>
<td>9.1</td>
<td>Comparing Outcome Rate Ratios between All Stops and Safety Stops</td>
<td>193</td>
</tr>
<tr>
<td>9.2</td>
<td>Comparing Odds-Ratios from Logistic Regressions between All Stops and Safety-Related Stops</td>
<td>194</td>
</tr>
<tr>
<td>9.3</td>
<td>The Effect of Written Consent Forms on Consent Search Rates in Three Cities</td>
<td>206</td>
</tr>
<tr>
<td>9.4</td>
<td>Probable Cause Search Rates</td>
<td>208</td>
</tr>
<tr>
<td>9.5</td>
<td>Monthly Average Adjusted Calls for Service and Arrests by Policy Intervention</td>
<td>212</td>
</tr>
</tbody>
</table>
Acknowledgments

This project began in 2011 with a phone call from local attorney Chris Mumma, asking if Baumgartner could volunteer to do some data analysis for a commission looking into racial disparities in criminal justice. The state had collected data on traffic stops but had never analyzed them. Baumgartner quickly recruited graduate student Derek Epp into the project, though Derek was working on a dissertation on a different topic. We both worked on this project “in parallel” with our other priorities for a time. Later, we recruited Kelsey Shoub and eventually an entire team of undergraduate students, then two more graduate students, to join us. Now, seven years later, Epp is an assistant professor of government at the University of Texas at Austin, Shoub is on the verge of receiving her PhD, and we have completed a book, several articles, and have begun (with new collaborators) to expand our studies of traffic stops nation-wide. This book, and the research that it reports, was the object of considerable institutional support which we are happy to acknowledge. We also want to thank many individuals for various other kinds of help and feedback.

First, the Department of Political Science at UNC-Chapel Hill has been a wonderful place to do the research. The highly trained and motivated graduate students, bright and hard-working undergraduates, and institutional resources made it a fantastic environment for Baumgartner to build a team. This was further facilitated by the funds from the Richardson Professorship, for which he is grateful.

Thanks to Karla Slocum and the staff of the UNC Institute for African American Research for a faculty fellowship allowing Baumgartner to devote more time to this project in fall 2015. The IAAR also hosted
Acknowledgments

Baumgartner for a talk where we were able to get excellent feedback on the work.

We also want to thank our UNC colleagues Chris Clark, Andrea Benjamin, Isaac Unah, Candis Watts Smith, Debbie Stroman, Pat Parker, Whitney Robinson, Mosi Ifatunji, Navin Bapat, and numerous faculty and students who participated in seminars and shared stories of their own encounters with the police. We appreciate all the support and encouragement.

Sociology student Carmen Huerta-Bapat completed a dissertation in 2016 using the underlying data from this book; she focused on Hispanic–White disparities, and we learned a lot from her study. Baumgartner was privileged to serve as the co-chair of her committee.

Epp would like to recognize the support of all the faculty and staff at the Rockefeller Center at Dartmouth College. In particular, thank you to Ron Shaiko for believing in the project from the start and providing much needed institutional support.

Shoub in turn would like to recognize the support of the University of North Carolina Political Science Department for graduate assistant funding as well as the Graduate School for research fellowships in summer 2017 and academic year 2017–18 allowing her to focus solely on her dissertation and this book.

We also acknowledge the assistance of the NC Department of Justice and State Bureau of Investigation for making available the official statistics on which this analysis relies, and for answering technical questions about the organization of this complex database.

We want to thank the following students from UNC-Chapel Hill who have worked on the project that led to this book, and in some cases continue to work on analyses of traffic stops nation-wide, helping us gather and analyze mountains of data. These include graduate students Leah Christiani and Kevin Roach, who have coauthored some papers with us looking beyond North Carolina, and the following undergraduates: Katherine B. Elliott, Amira Jiwa, Morgan Herman, Reena Gupta, Dana Corbett, Colin Wilson, Julio Zaconet, Justin Cole, Brenden Darouge, Eliza Duckworth, Audrey Sapirstein, Enrique Lambrano, Alex Bennett, Sarah McAdon, Isabelle Zawistowska, Amanda Witwer, Libby Doyle, Patrick Archer, and Arvind Krishnamurthy.

This project would not have gotten off the ground, or even have been conceived, if not for the long-lasting efforts of James E. Williams, who retired during the time our book was in preparation from a long career as the public defender for Orange and Chatham Counties, NC and a leader in
Acknowledgments

the study of racial inequalities in the courts. James convened and chaired the task force on racial inequities in the criminal justice system for the North Carolina Advocates for Justice, and later was instrumental in creating the North Carolina Commission on Racial and Ethnic Disparities in the Criminal Justice System (NC-CRED). Our original contact about this project came from Attorney Chris Mumma, who was involved with the task force James Williams set up, and who initially asked Baumgartner if he could undertake some analysis of a state database. It was a fortuitous stroke of good fortune, generating an entire stream of research activities and insights into our criminal justice system. Rich Rosen and Raul Pinto also deserve thanks for their feedback in those early years of the project.

Chief Chris Blue of the Chapel Hill Police Department, along with several of his top staff members met with us several times in an effort to understand local police traffic statistics and consistently showed great openness to the challenges of transparency; these meetings were very helpful. Orange County Sheriff Charles S. Blackwood and his staff similarly were helpful in meetings several times. In all, we met with police chiefs, other police leaders, and municipal leaders in Chapel Hill, Carrboro, Charlotte, Roanoke Rapids, Durham, and Fayetteville, and we appreciate all of their time and feedback.

Mike Fliss has been involved in some elements of the project, but he has taken the work much further than we have as he completes his PhD in Epidemiology at UNC with a combination of the data we are also using as well as supplements from many other data sources. We look forward to seeing the final results of his impressive work. Bayard Love worked on the initial stages of the project, independently from us and later as a collaborator on an article (see Baumgartner, Epp et al. 2017); we thank him for his insights, ideas, and commitment.

Ian Mance of the Southern Coalition for Social Justice has been involved in projects related to this for at least as long as we have. His entrepreneurial efforts led to the creation of a website that makes available all the data we use here in a user-friendly and simplified format. Then he did it for Maryland. Then Illinois. His Open Data Policing site (https://opendatapolicing.com/) makes possible many of the things that we believe our book demonstrates to be so important. At the same time as Ian has accomplished all this he has also defended clients and advocated for important reforms in criminal justice. It has been a pleasure to collaborate with him on occasion over the past few years.

We would further like to thank the many judges, public defenders, and district attorneys who have participated in various legal trainings
we have presented, in some cases jointly with Attorney Ian Mance and Fayetteville Police Chief Harold Medlock, over several years; these have been sponsored by the UNC School of Government and by Wake Forest University School of Law. We learned so much from our discussions with Chief Medlock, in particular. As readers of this book will learn, he came into a difficult situation and made his city a better place.

We appreciate the work and feedback of UNC School of Government professors Emily Coward and Alyson Grine (now at NC Central University School of Law), whose manual, *Raising Issues of Race in North Carolina Criminal Cases*, explains in detail how attorneys can use the data on which this book is based in their cases (see Grine and Coward 2014). We thank them for their important and careful work.

We have received useful feedback from talks and presentations at the annual meetings of the American and Midwest Political Science Associations, and at the Universities of Antwerp (Belgium), Aarhus (Denmark), Leiden (Netherlands), Arizona, Harvard, Michigan, Edinburgh (Scotland), CIDEX (Mexico City, Mexico), Glasgow (Scotland), Duke, Oklahoma, the State Politics Working Group at UNC-Chapel Hill, community forums in the Chapel Hill area including the Fearington Democratic Club, the Ethnical Humanist Society of the Triangle, and a community meeting at the United Church of Chapel Hill organized by UNC professor Debbie Stroman.

A number of local and other journalists have taken an interest in this work and have produced excellent studies of their own; we appreciate their work. This includes Sharon LaFraniere and Richard Oppel, Jr. of the *New York Times*, Virginia Bridges and Jim Wise of the *Raleigh News and Observer*, Sean Collins Walsh, Jeremy Schwartz, Eric Dexheimer, and Christian McDonald of the *Austin American-Statesman*, Brian Collister of KXAN-TV in Austin, Texas, Frank Stasio and Leoneda Inge of WUNC-FM in Chapel Hill, Andrew Barksdale of the *Fayetteville Observer*, Joe Killian of the *Greensboro News and Record*, and Michael Gordon and Eric Frazier of the *Charlotte Observer*.

Texas State Representative Garett Coleman (D-Houston), Chair of the Committee on County Affairs, and Rep. Ramon Romero (D-Fort Worth) have been active in addressing similar issues to those discussed in this book through their legislative work in Austin, Texas, and we thank them for their devotion to the issue. It will be apparent to readers in Chapter 2 of this book that none of this would have been possible without the active legislative leadership of a number of members of the North Carolina General Assembly. While we were not here at the time, we thank them...
Acknowledgments

for their work as well. We hope that this book stands as a clear documentation that their concerns were well-founded and deserving of more investigation.

Over the years during which this project has been developing, we have posted a wealth of information to the following website: www.unc.edu/~fbaum/traffic.htm. This includes reports on each of the largest police agencies in North Carolina as well as spreadsheets with officer-level metrics of traffic stops and searches by race. The site also includes links to various media stories and other related items.

We have created this page for materials associated with this book: www.unc.edu/~fbaum/books/SuspectCitizens/. The site includes all the data and replication do-files associated with the analysis reported here, appendices to certain chapters in the book providing technical and statistical details as well as robustness tests for certain analyses, links to relevant sites such as the NC Department of Justice traffic stops office, Ian Mance’s Open Data Policing initiative, and other resources. The site will also be updated regularly with links to media coverage, reviews, and other materials associated with the book after its publication.