

## Testimony to House Judiciary Committee Racial Disparities in Vermont Traffic Policing

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My thanks to members of this committee for the opportunity to testify. I would like to share with you the major findings of my recent study on race and policing in Vermont, co-authored with Nancy Brooks, Cornell University.<sup>1</sup>

Our study analyzed police traffic stop data to assess the extent, if any, of racial disparities in policing. This task is made possible by legislation passed in the Vermont House that required police departments to begin to collect traffic stop data by race as of September 2014.

We compiled the dataset used to conduct this analysis from data sent to us by individual law enforcement agencies. In total, this report was based on data from 29 police agencies. These include 24 out of 44 municipal police agencies. Because our dataset covers the largest towns and cities in Vermont, however, it represents 78% of the total population policed by all municipal police agencies. In addition, the dataset includes three out of 14 county sheriff departments as well as the Vermont State Police and University of Vermont police.

Our study is based on an analysis of several indicators: 1) stop rates by race compared to racial shares of the population; 2) males as a share of stops by race, 3) the proportion of drivers by race receiving citations; 4) racial differences in arrest rates; 5) racial differences in search rates; and 6) the percentage of searches that yield contraband (the “hit” rate). Where an agency has provided data, we also offer an agency-level analysis of stop behavior by officer.

Among our main findings are the following:

- *Ticket rates:* At the state level, Black and Hispanic drivers are more likely to receive a citation once stopped than are White or Asian drivers.
- *Arrest rates:* At the state level, the Black arrest rate is almost double the White arrest rate. At the agency level, disparities differ. For example, at the high end, Black drivers stopped by Rutland police are 2.6 times more likely to be arrested than White drivers, subsequent to a discretionary stop (excluding arrests on warrant), and in Williston, 2.3 times more likely.

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<sup>1</sup> A full copy of the study can be found at [http://www.uvm.edu/giee/pdfs/SeguinoBrooks\\_PoliceRace\\_2017.pdf](http://www.uvm.edu/giee/pdfs/SeguinoBrooks_PoliceRace_2017.pdf)

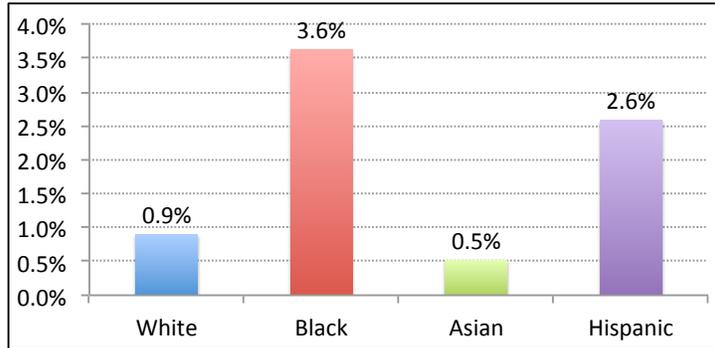
- *Search and “hit” rates:* At the state level, Black drivers are four times more likely to be searched, subsequent to a stop, than White drivers. Hispanics also experience elevated search rates compared to Whites; they are almost three times more likely to be searched. Asian drivers are less likely to be searched than White (or Black and Hispanic) drivers. In contrast to these search rates, Black and Hispanic drivers are less likely than White or Asian drivers to be found with contraband that leads to a citation or an arrest. Officers would appear to have a lower threshold of evidence for searching vehicles with Black and Hispanic drivers. This suggests a problem of over-searching of Black and Hispanic drivers as compared to a possible under-searching of White and Asian drivers. Variations exist at the agency level. However, only a few agencies have sufficient data to make statistically reliable inferences on racial differences in hit rates. Among those that do (Burlington, Rutland, Vermont State Police), hit rates of Black drivers are lower than of White drivers. Hits that result in arrests—indicative of more serious contraband—occur also at a lower rate for Black drivers than White drivers for all of three of these agencies as well as Williston.
- *Stop rates:* Black and Hispanic drivers are stopped at a higher rate than their share of the population while White and Asian drivers are stopped at rates that are below their population shares. Stop rate disparities are often subject to criticism because researchers typically lack precise measures of the driving population. We have sought to overcome that by using accident data on the race of not-at-fault drivers. Also, most of our indicators of racial disparities are based on post-stop outcomes, which do not rely on estimates of the driving population.
- Male drivers are more likely to be stopped than female drivers, regardless of race/ethnicity. But the racial disparities in male shares of stops are notably large. At the agency level, for example, in Middlebury, among Black drivers stopped, 88% are male, while among White drivers stopped, 62% are male. Overall, Black and Hispanic males comprise a larger share of stopped drivers in their racial/ethnic group than do White males, suggesting a possibility that Black and Hispanic males, in particular, are targets of heightened police scrutiny.
- *Officer stop rates of Black drivers:* Twelve agencies provided traffic stop data by officer, allowing us to calculate within-agency disparities in stop rates. The results indicate that the disparity in Black/White stop rates at the agency level cannot, in general, be attributed to the behavior of just a few officers. The data indicate that this behavior is common to many officers, perhaps suggesting more pervasive cultural norms within agencies that contribute to disparities. Of note, in Brandon Police Department, 67% of officers stop Black drivers at a rate that is 50% greater than their share of the population. A sizeable share of officers in Bennington, Manchester, Middlebury, and Winooski also stop Black drivers at rates higher than expected, given population shares.
- *Data quality:* Missing data is a concern. Some agencies were not able to respond to our request for data. Moreover, many agencies have high rates of missing data in key categories. For example, in St. Albans Police Department, race was not recorded in 29% of stops, and in Addison County Sheriff Department, race was missing in 17% of traffic stop incident reports. Missing data undermines efforts to accurately assess the degree of racial disparities in traffic policing.
- In our study, we make several recommendations regarding additional data to be collected. We proposed the following categories of data to be collected and made

publicly available: 1) year of vehicle (to permit assessment of claims of “poverty profiling,” 2) state in which vehicle is licensed, 3) race, search and contraband information on passengers, 4) more detailed information on contraband found in all searches.

No doubt some agencies were disappointed with the results of the data analysis. But it was clear to me in my conversations with police chiefs that their officers do not intentionally want to do be doing harm to one community or another. And yet, there are many agencies here and across the country that are conducting daily operations with no idea of how those operations may be impacting different communities or groups. Data help officers become self-reflective about their policing practices. They are a tool, in other words, to improve the quality of policing.

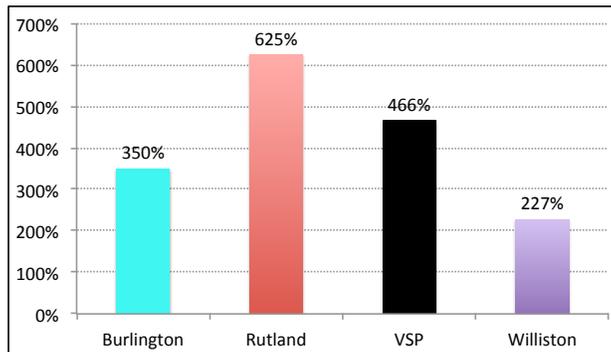
The data tell us that the police are casting too wide a net. Why might this be so? There may be specific reasons for some disparities that precede the officer’s interaction with the driver. For example, drivers with a prior ticket are less likely to get a warning. In that case, the officer issuing the ticket is inadvertently responding to what may have been previous bias. Another factor is the possibility of implicit bias—that is, subconscious stereotypes that influence our behavior without us being aware of them. Negative stereotypes about people of color and men of color in particular are endemic in our society—we come by our biases due to years of negative portrayals in the media and elsewhere of people of color.

The report we produced is not a picture of who we in Vermont are. It is a snapshot at a point in time, and we can use these data to annually evaluate racial disparities in policing. This will help the police to assess progress in closing racial disparities, and to figure out what is it that works and what doesn’t work. And agencies can use these data to work with and learn from each other. Vermont law enforcement agencies have the potential to be a leading example in the country for addressing a problem that exists in all states in the US. Vermont was the first state to outlaw slavery. It could become a leader in fair and unbiased policing as well, and data is essential to that task. I congratulate the legislature for its foresight in passing legislation requiring data collection which has made this first step possible.

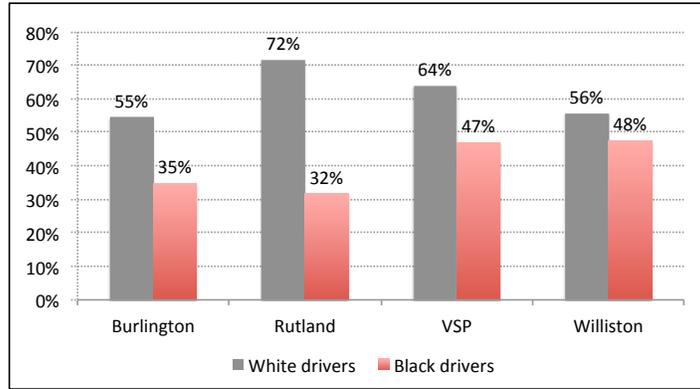


**Statewide search rates  
2015**

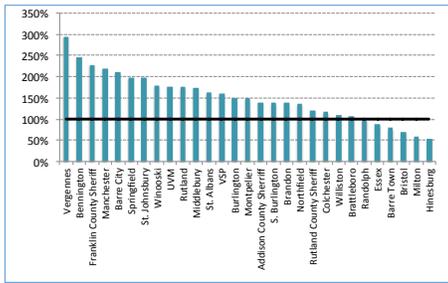
How much more likely is a  
**Black driver to be searched**  
than a White Driver?



White drivers are more likely to be found with contraband that leads to ticket/arrest



Most agencies stop Black drivers at a higher rate than expected



And most stop Asian drivers at a lower rate than expected

