# Testimony to House Government Operations Committee on H.464

## Recommendations for Revisions to Race Data Collection Statute 20 V.S.A. § 2366

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Thank you for the opportunity to speak to your committee today on H.464. By way of introduction, I am professor of economics, at the University of Vermont since 1995. Since 2010, I have been working with various police departments on race data collection and analysis along with Nancy Brooks at Cornell University. She participated in writing this testimony. To date, Professor Brooks and I have co-authored approximately 8 studies, based on Vermont's race data in traffic policing. We therefore have had substantial experience working with the original legislation requiring race data collection on traffic stops and believe that the statute could be substantially improved to achieve the end goals of that legislation.

Our recommendations are based on the premise that race data collection and analysis serve two important roles: 1) timely availability of data permits it to be used as a management tool by law enforcement agencies, and 2) trust building between the community and law enforcement can be enhanced by transparent traffic stop data. **Neither of those goals has been fulfilled by the original statute on race data collection due to excessively long delays in access to data, and poor quality data with little oversight or accountability.**

Our recommendations fall into three categories: 1) clarification of the original statute to overcome problems in accessing data, 2) additional data to collect to more effectively identify racial disparities, and 3) institutional responsibility for data collection, monitoring of the quality and timely reporting of data, and reports based on analysis of the data. In addition to my written testimony today, I have attached (in an addendum) a set of recommendations for revisions to the original statute that I presented to the Attorney General's Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel in September 2019. They serve as reference material for you, providing additional detail on the issues I raise with you today.

Recommendations:

1) **Make changes to the original statute to ensure data is available in a timely manner, and that data are available to the public directly from law enforcement agencies.**

   To be effectively used, data should be available to the public and to law enforcement within a short period of time. Currently, however, the delay in Vermont is a year or more and even then, data for some agencies have not been posted to Crime Research Group (CRG) website. (The statute as currently written requires the data to be

submitted to CRG by September of each year for the previous year, a time lag that is too long for meaningful use of the data). Other states have a more robust system with data available in a short period of time. North Carolina, for example, requires data to be posted within 60 days of the end of the month, and it is typically posted within 30 days. (See Figure 1 below showing North Carolina's data portal). This is an appropriate time lag, so as to ensure the data can be used as a management tool in a meaningful way.
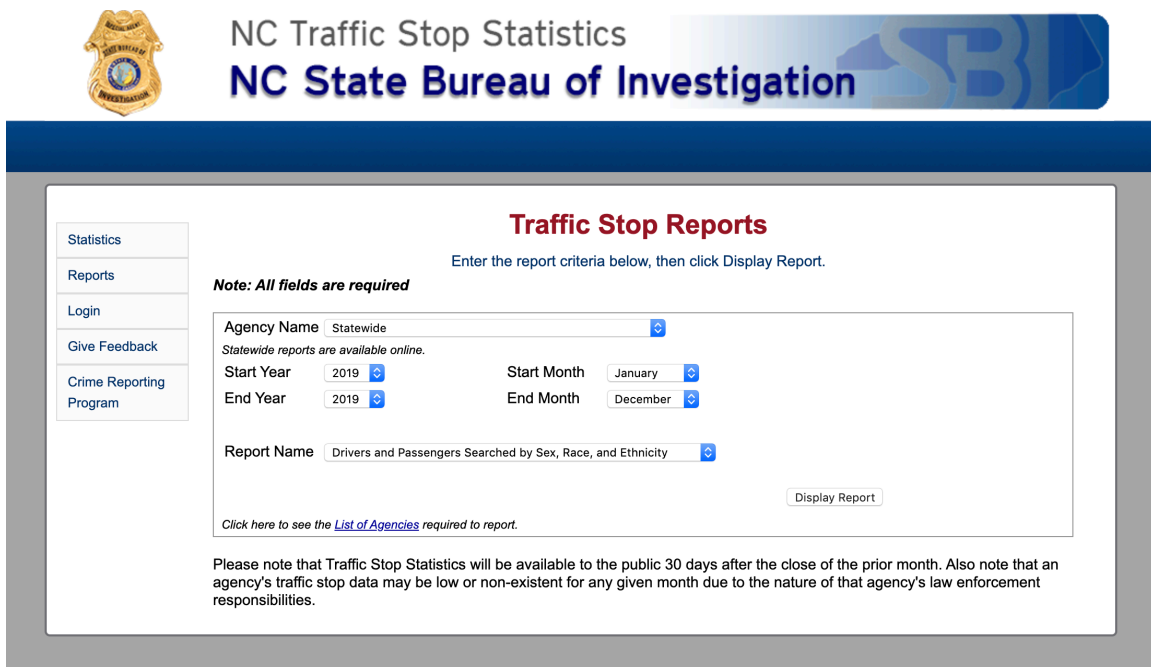
2) **Additional data to collect to effectively identify racial disparities.** In the recommendations noted below, I identify several additional variables to be included in the list of variables required by statute. Some of these are already collected by law enforcement but absent a change in legislation, police chiefs have informed us that they will not turn over such data. For example, **date and time of the stop** is helpful in analyzing trends and in assessing racial disparities that occur during the day vs. at night. **State in which the vehicle is registered**, also already collected by law enforcement, is useful information to test the question, raised by law enforcement, as to whether racial disparities can be attributable to out-of-state drivers. **Duration of the traffic stop** is a way in which racial disparities can manifest, and thus this data would be helpful. I identify several other variables on which data would be helpful in my recommendations to the AG panel (below), but suffice it to say here that much of this data is already collected by law enforcement and the burden of providing additional data to the public is not onerous.

3) **Institutional responsibility for data collection, monitoring of the quality and reporting of data, and reports based on analysis of the data.** There are several challenges with data availability and quality:

- **Data are missing.** Agencies, to varying degrees fail to report required data categories, have missing data, or fail to report their data at all. There is no accountability mechanism in the original statute that effectively requires agencies to submit complete data in a timely manner.

- **Data posted on CRG website are incomplete.** As an example of incomplete data, Colchester registered 2,903 stops in 2016, and yet on CRG's website, for 2015-16 combined, CRG has posted a dataset with only 2,252 stops. Discrepancies such as these make the posted data unreliable, requiring researchers and interested members of the public to directly request data from law enforcement agencies to ensure accuracy and completeness, insofar as it exists.

- **Data records are not standardized and are reported in an inconsistent manner.** Some agencies submit data in a pdf file, making it impossible to analyze. There is no standardization of the format in which data is reported or in coding. For example, among 79 agencies, Native Americans are represented in the data using 14 different codes. The CRG does not standardize the data before posting it. While the original statute provided for the Criminal Justice Training Council to coordinate standardization of reporting, this has not occurred, making data analysis unnecessarily time consuming, even for experienced researchers. Further, this renders the data virtually unusable by the general public.

We recommend that legislation be enacted that shifts the responsibility to the state (e.g., the attorney general's office) for receipt of data from agencies, for posting the data for the public, and for creating summary reports. This would address the problem of lack of capacity and resources at the agency level, especially in smaller towns and sheriff's offices, to handle and analyze data. Situating responsibility for data collection and reporting in a state agency, such as the AG's office, would provide a means to hold agencies accountable for turning in data in a timely manner and ensure consistency and quality of the data (vendors do not have a mechanism to do this).[1] VSP and Burlington Police Department summary reports provide an example of the types of reports the state of Vermont could produce, and are produced by a number of others states. (See Figure 2 below for VSP's summary report for 2018. This is posted on their website). We recommend the state therefore take over handling of the data, rather than outsourcing this responsibility. Further, we recommend the state produce an annual data report by agency and for the entire state.

In the event of the continuation of the use of an external vendor to manage traffic stop data, the vendor at a minimum should ensure the data posted is uniformly coded, and that any report is based on an analysis of a range of agreed upon statistics (again, reports similar to VSP's, but with some revision). Further, if the state continues to use an external vendor, revised legislation should include some type of regular evaluation of the vender's performance, and define a transparent process for identifying a vendor, in the event of a change.

Figure 1. North Carolina Data Portal.



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[1] In North Carolina, legislation requires that law enforcement report its data to the state no more than 60 days after the close of a month. Failure to submit the required data can cause an agency to be ineligible for state grants.

## Figure 2. Vermont State Police Summary Traffic Policing Annual Report, 2018

| 2018 (4/28/19) | White | Black | Asian | Hispanic | Native American | Blank/Error | Total |
|---|---|---|---|---|---|---|---|
| **TOTAL TRAFFIC STOPS** | | | | | | | |
| Including externally generated stops | 54299 | 1559 | 1217 | 782 | 46 | 61 | 57964 |
| Excluding externally generated stops and blanks | 53436 | 1533 | 1207 | 767 | 45 | 58 | 57046 |
| Percentage of Total Stops | 93.68% | 2.69% | 2.10% | 1.35% | 0.08% | 0.11% | |
| **REASON FOR STOP** | | | | | | | |
| Suspicion of DWI  (D) | 233 | 8 | 6 | 4 | 0 | 0 | 251 |
| Externally Generated ( E) | 841 | 25 | 9 | 15 | 1 | 1 | 892 |
| Investigatory (I) | 819 | 20 | 8 | 3 | 0 | 0 | 850 |
| Moving Violation (M) | 38103 | 1219 | 1067 | 650 | 36 | 48 | 41123 |
| Vehicle Equipment (V) | 14145 | 281 | 124 | 108 | 8 | 9 | 14675 |
| Other (O) (error) | 158 | 6 | 2 | 2 | 0 | 0 | 168 |
| **Outcome (excluding externally generated)** | | | | | | | |
| Ticket | 19325 | 614 | 608 | 326 | 19 | 9 | 20901 |
| Warning | 32106 | 860 | 576 | 418 | 27 | 47 | 34034 |
| Verbal Warning | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| No Action | 595 | 14 | 8 | 6 | 0 | 2 | 625 |
| Arrest for violation | 1367 | 46 | 15 | 17 | 0 | 1 | 1446 |
| Arrest for warrant | 37 | 0 | 0 | 0 | 0 | 0 | 37 |
| **Searches (excluding externally generated)** | | | | | | | |
| TOTAL STOPS WITH SEARCH | 322 | 25 | 5 | 15 | 0 | 0 | 367 |
| Search - SRS - Consent - Reasonable Susp. | 59 | 8 | 2 | 4 | 0 | 0 | 73 |
| Search - SPC -Consent - Probable Cause | 235 | 15 | 3 | 11 | 0 | 0 | 264 |
| Search - SW - Search Warrant | 28 | 2 | 0 | 0 | 0 | 0 | 30 |
| Searches (all types)  contraband found | | | | | | | |
| Contraband/Evidence found | 263 | 20 | 5 | 11 | 0 | 0 | 299 |
| NO Contraband found | 50 | 5 | 0 | 4 | 0 | 0 | 59 |
| marked as Search with Not Applicable/No Search | 9 | 0 | 0 | 0 | 0 | 0 | 9 |
| Blank/Error | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrests | 125 | 5 | 2 | 3 | 0 | 0 | 135 |
| **Searches (INCLUDING EXTERNALLY GENERATED)** | | | | | | | |
| TOTAL STOPS WITH SEARCH | 390 | 30 | 5 | 15 | 0 | 0 | 440 |
| Search - SRS - Consent - Reasonable Susp. | 69 | 8 | 2 | 4 | 0 | 0 | 83 |
| Search - SPC -Consent - Probable Cause | 286 | 20 | 3 | 11 | 0 | 0 | 320 |
| Search - SW - Search Warrant | 35 | 2 | 0 | 0 | 0 | 0 | 37 |
| Searches (all types)  contraband found | | | | | | | |
| Contraband/Evidence found | 319 | 24 | 5 | 11 | 0 | 0 | 359 |
| NO Contraband found | 61 | 6 | 0 | 4 | 0 | 0 | 71 |
| marked as Search with Not Applicable/No Search | 10 | 0 | 0 | 0 | 0 | 0 | 10 |
| Blank/Error | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arrests | 169 | 7 | 2 | 3 | 0 | 0 | 181 |
| **OUTCOME %** | | | | | | | |
| Ticket % | 36.2% | 40.1% | 50.4% | 42.5% | 42.2% | 15.5% | 36.6% |
| Warning % | 60.1% | 56.1% | 47.7% | 54.5% | 60.0% | 81.0% | 59.7% |
| Arrest for Violation | 2.56% | 3.00% | 1.24% | 2.22% | 0.00% | 1.72% | 2.53% |
| Arrest for Warrant | 0.07% | 0.00% | 0.00% | 0.00% | 0.00% | 0.00% | 0.06% |
| Arrest from Searches | 38.82% | 20.00% | 40.00% | 20.00% | N/A | N/A | 36.78% |
| Search Rates (excluding externally generated) | 0.60% | 1.63% | 0.41% | 1.96% | N/A | N/A | 0.64% |
| Hit Rates (contraband found/Searches) | 81.68% | 80.00% | 100.00% | 73.33% | N/A | N/A | 81.47% |
| **OUTCOME % INCLUDING EXTERNALLY GENERATED** | | | | | | | |
| Search Rates (INCLUDING EXTERNALLY GENERATED) | 0.72% | 1.92% | 0.41% | 1.92% | N/A | N/A | 0.76% |
| Hit Rates (contraband found/Searches) | 81.79% | 80.00% | 100.00% | 73.33% | N/A | N/A | 81.59% |

**ADDENDUM**

**Recommendations Presented to Attorney General's Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, September 2019**

## I.     Introduction

National concerns about racial disparities have led to the widespread use of data collection as an important first step in being able to make evidence-based assessments of trends in racial disparities in the criminal justice system. Vermont joined this effort in 2014, when the Vermont legislature passed Statute 20 V.S.A. § 2366 in 2014 to require collection of traffic stop data by race. This memo, which outlines additional data needed to robustly investigate the role of race in criminal justice and policing, has several parts. First, we detail revisions needed to the original statute to ensure more complete traffic stop data and oversight to ensure its quality and timely availability. Second, we outline two additional areas where legislation is required to ensure adequate data: 1) use of force, and 2) criminal justice data.[2]

# II. RECOMMENDATIONS FOR REVISION TO THE TRAFFIC RACE DATA COLLECTION STATUTE 20 V.S.A. § 2366

Race data collection and analysis is an important component of efforts to promote transparency and accountability of law enforcement to the community, and to build trust that ultimately enhances community safety. The data can serve as a management tool for law enforcement agencies, useful for better understanding policing practices and outcomes, and for identifying training needs. Data accessibility also benefits community members' ability to understand how police forces are operating.

The earliest mandate requiring the collection of race data in traffic stops emerged in 2014, when the Vermont legislature passed the Race Data Collection Statute 20 V.S.A. § 2366 in 2014. The relevant portion of that statute, as related to traffic stop data, is:

> (1) On or before September 1, 2014, every State, county, and municipal law enforcement agency shall collect roadside stop data consisting of the following:
> (A) the age, gender, and race of the driver;
> (B) the reason for the stop;
> (C) the type of search conducted, if any;
> (D) the evidence located, if any; and
> (E) the outcome of the stop, including whether:
> (i) a written warning was issued;
> (ii) a citation for a civil violation was issued;
> (iii) a citation or arrest for a misdemeanor or a felony occurred; or
> (iv) no subsequent action was taken.

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[2] H.284 ("An act relating to data collection in the criminal justice system") was introduced in the Vermont legislature in 2019 but was not acted on. This memo outlines areas of data collection articulated in that bill.

(2) Law enforcement agencies shall work with the Criminal Justice Training Council and a vendor chosen by the Council with the goals of collecting uniform data, adopting uniform storage methods and periods, and ensuring that data can be analyzed. Roadside stop data, as well as reports and analysis of roadside stop data, shall be public.

(3) On or before September 1, 2016 and annually thereafter, law enforcement agencies shall provide the data collected under this subsection to the vendor chosen by the Criminal Justice Training Council under subdivision (2) of this subsection or, in the event the vendor is unable to continue receiving data under this section, to the Council. Law enforcement agencies shall provide the data collected under this subsection in an electronic format specified by the receiving entity.

(4) The data provided pursuant to subdivision (3) of this subsection shall be posted electronically in a manner that is analyzable and accessible to the public on the receiving agency's website.

The data collection effort in Vermont has been a useful first step. At this juncture, five years after passage of the legislation, it is useful to revisit and make recommendations for changes to the initial legislation based on what we have learned since 2014 as well as research conducted in other states on this topic. Below we outline several recommendations for changes to the legislation.

These recommendations are based on the view that there are two important roles of data collection and analysis: 1) timely availability of data in order to serve as a management tool for law enforcement agencies, and 2) trust building between the community and law enforcement. Revisions to current data collection practices and analysis and collection of additional data can help to answer questions the community has about policing, and may quell concerns about racial bias. It is thus in our collective interest to be able to answer such questions.

### A. Additional Data to Collect

Data collection in Vermont has unfolded with varying degrees of timeliness, completeness of data collection, and data quality. Many of the improvements to the data collection that we propose are not challenging to implement and are consistent with the types of data collected by law enforcement agencies in other states.

Several additional categories of data would be helpful in identifying disparities.

1. **Incident numbers.** The initial legislation did not request that law enforcement supply incident numbers—the unique numbers associated with a stop. Incident numbers are necessary for data analysis because each stop can have more than one outcome – for example, a warning, and 2 tickets. If analysts do not have incident numbers, the number of stops could be overestimated and may thus distort results. Incident numbers are associated

with each stop and thus, all law enforcement agencies in Vermont possess these data. Many agencies already supply this data to the public. Others have refused, however, pointing out the legislation does not require it. Amending the legislation to require the number of incidents per stop be provided is therefore necessary. Additionally, the details of each incident must be reported.[3]

2. **Year of vehicle.** This data is helpful in identifying whether socioeconomic status of drivers influences officer decisions on whom to stop and search. Concerns have been raised by some citizens about "poverty profiling"—the targeting of older vehicles that may be indicative of the socioeconomic status of the driver. It is not clear that police are engaged in poverty profiling; data on year of vehicle would allow an analysis of this question.

3. **State of vehicle registration.** A number of observers have suggested that we should look more carefully at out-of-state drivers, based on a concern that these drivers are more likely to be responsible for drug trafficking, thus contributing to racial disparities in traffic policing. With data on state of vehicle registration, we would be able to analyze whether arrest, search, and hit rates (the percentage of searches that yield contraband) differ between in- and out-of-state drivers. This data appears to already be collected by law enforcement but specific legislation is needed that requires these data to be provided to the public.

4. **Officer-level data.** The legislation does not require officer-level data (anonymized) to be included in data shared with the public. This makes it difficult to understand whether racial disparities by agency are due to a small number of individual officers, or to a generalized phenomenon within agencies. Other states, including North Carolina, require such data to be reported to the public.[4]

5. **Duration of traffic stop.** One way that racial disparities may emerge in a traffic stop is the length of time a driver is detained. Data on start and stop times would be helpful in answering this question.[5] Most law enforcement agencies in Vermont already report the time of the stop. The only additional information needed then would be the end time of the stop.

6. **Type of contraband found.** A critical indicator to identify bias in traffic stops is "hit rates"—the percentage of searches that yield contraband. Studies in many parts of the country show that while the search rate of black and Hispanic drivers is higher than that for white drivers, blacks and Hispanics

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[3] To clarify what we mean by this, some agencies report incident numbers but only the most severe outcome of the stop. For example, a driver may receive a warning for one infraction, a ticket for another, and may be arrested. The agency, however, may only report the arrest as the most severe outcome, thereby omitting the other outcomes of the stop. All outcomes of the stop should be reported, however, not just the most severe outcome.

[4] See, for example, Baumgartner, *et al* 2018, Chapter 6. Illinois requires arrest data by officer to be made publicly available.

[5] Illinois, for example, reports on average duration of stops by race. http://www.ilga.gov/reports/ReportsSubmitted/65RSGAEmail100RSGAAttach2017%20ITSS%20Executive%20Summary.pdf

have a lower probability of being found with contraband. There is thus considered to be oversearching of minority drivers, possibly due to a lower threshold of evidence. However, the severity of contraband (the type and quantity) that can be found during a search differs widely. Contraband can range from cigarettes possessed by a teenager to stolen goods to small quantities of illegal substances, or criminal quantities of illegal drugs. Absent more specific information, it is difficult to use hit rate data to test for racial bias. For example, it could be that black drivers are more likely to be found with less serious forms of contraband, and white drivers with larger quantities of illegal drugs. Other states require reporting of detailed information on the type of contraband found. Here in Vermont, the Vermont State Police (VSP) provided detailed data on contraband found in 2016 vehicle searches. The categories of contraband identified were: cigarettes, cash/counterfeit money, alcohol, drug paraphernalia, opioids, marijuana, LSD, mushrooms, and cocaine. In addition, the data indicated whether contraband resulted in civil or criminal charges. The VSP's categories could be adopted by other agencies in Vermont. To make these data useful for analysis, legislation on how to categorize data is necessary so that there is consistency in reporting contraband types.

7. **Differentiate types of searches**. One of the goals of data analysis is to explore outcomes of traffic stops where officers have discretion about whom to stop and search. Thus, for example, we would be most concerned with racial disparities only in arrests not based on a warrant (since officers have no discretion on whether to arrest a driver with an outstanding warrant). Similarly, with searches, we are most concerned about whether there are racial disparities in the decision to search drivers. However, some searches are subsequent to an arrest (say, for example, an arrest based on a warrant), Such searches are based on agency policy rather than officer discretion. As yet, this type of search is not identified in the data. Currently, Vermont law enforcement agencies report on only three types of searches: searches based on probable cause, reasonable suspicion, and a warrant. By delineating an additional category of search type (search subsequent to an arrest), we can improve the quality of the data at our disposal to identify possible racial bias.

8. **Passenger data in cases of a search.** Concerns have been raised about the lack of data that differentiates between searches of drivers and their vehicles vs. passengers. Other states do record passenger age, race and gender data in the case of a search, and there is thus precedent for this information to be collected. Law enforcement agencies have reported frustration with being unable to record passenger information in cases where the search is of the passenger. Data on passenger searches can contribute to a more accurate understanding of racial disparities. For example, officers may stop vehicles with white drivers and black passengers. If the passenger is searched, this is recorded as a search of a white driver rather than a black passenger—thus inflating the white search rate, and underestimating the black search rate.[6]

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[6] An example of traffic report forms in North Carolina that include passenger search data can be found at: https://fbaum.unc.edu/TrafficStops/SBI-122-form.pdf.

9. **Expand categories of reasons for stop.** Currently, there are several options officers use to identify the reasons for a stop: moving violation, suspicion of DUI, vehicle equipment, investigatory stop, externally generated stop. Categories could be expanded to include some of the following more detailed categories (as done in other states): Speed limit, Stop lights/sign, driving impaired (DUI), vehicle equipment, vehicle regulatory, seat belt, investigatory, and externally generated stop.

10. **Use of force data.** Use of force data is also important in helping to identify racial disparities in policing. The Vermont State Police and Burlington Police Departments already collect and product use of force reports (they do not provide access to raw data). Their reports can serve as an example of what all law enforcement agencies can be required to provide.

### B. Improving Data Quality

There are four major problems with data as currently collected and reported: 1) missing data, 2) quality and consistency of data, 3) failure to submit data, and 4) failure to record a stop.

a. **Missing data**. There is a significant amount of missing data reported by law enforcement agencies (Seguino and Brooks 2018).[7] Some agencies, for example, have high percentages of missing data on race of driver—but the problem of missing data extends to a number of other indicators as well. Relatedly, accident data reported to the Department of Motor Vehicles has a large quantity of missing data on race of driver (about 32% in 2016, for example). This is a problem since one of the best ways to identify the racial composition of drivers (needed to determine whether stop rates differ by race) is not-at-fault accident data.

b. **Quality and consistency of data**. The Vermont State Police identified quality of data as an area for training several years ago, and embarked on a project to train each barracks on data collection to ensure that troopers understood and shared the same definition for each category of data. For example, some troopers may have categorized the reason for a stop as investigatory while other troopers might have categorized a stop under the same conditions a due to vehicle equipment. A similar effort as the VSP's to ensure that all law enforcement agencies across the state understand and categorize stops and stop outcomes in a consistent manner would improve the quality of the data and promote community trust. It is noteworthy that the original statute requires that the Criminal Justice Training Council work to ensure agencies adopt a uniform storage method for data. However, data continue to be reported that use different methods of coding, making it unnecessarily time-consuming to analyze the data. Legislation to require a statewide training process and a mechanism to ensure a consistent method for coding data could dramatically improve the usefulness of this data collection effort.

c. **Failure to report data in a timely manner**. A number of agencies failed to make traffic stop data available by September 2016 as required by the legislation.

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[7] For example, race was missing in over 17% of Addison County Sheriff incident reports for 2016. In Manchester, 15% of incident reports failed to report reason for stop. These are examples, but many agencies have high rates of missing data.

Moreover, to date, several agencies have still not reported their 2016 data. Further, 34 of 77 agencies (or 44% of all agencies) have not yet reported their 2017 data (as posted on Crime Research Group website, the current repository for these data). And as of yet, 2018 data is not available for any agencies other than Vermont State Police and Burlington Police Department. The delay in access to data undermines the goals of data collection and analysis: to ensure law enforcement agencies have data to use as an administrative tool to internally monitor police practices, and to provide the public with data to ensure accountability and transparency. In some states, law enforcement is required to submit data twice a year to state agencies (such as the attorney general's office), and agencies that fail to provide data in a timely manner face sanctions. Currently, in Vermont, there is no oversight of submission of traffic stop data, or review of its quality. Mechanisms should be put in place to ensure timely reporting of data and quality of that data. This issue, which is linked to problems with public access to the data, will be discussed in greater detail below, with some suggestions on how to approach this from a legislative standpoint.

d. **Failure to record a stop**. In theory, officers should record every stop so that we have a full accounting of all traffic stops. However, various citizens report that they have been stopped over the last several years, and have not received a warning or citation. In these cases, it is likely no action was taken. Although *no action taken* is listed as one of the choices for recording the outcome of a stop, very few agencies report this outcome, suggesting that some stops may not be recorded.[8] It is important that the legislature make clear that officers, regardless of the outcome of a stop, must record every stop.

### C. Improved Access to Data and to Data Reports

Traffic stop data are not now available on a timely basis. In part, this is due to delays in posting of the data at the Crime Research Group (CRG) website. It is not clear what the cause of the delay is (it could be linked to agency delays in reporting data, for example). Moreover, the legislation requires law enforcement agencies to provide their data to members of the public as well as the CRG. But a number of agencies contacted since 2017 have rejected requests for their data, arguing it has been provided to the CRG and hence they are not under any obligation to fulfill a public records request for their data. The legislative mandate to require agencies to supply traffic stop data to the public should therefore be clarified to ensure that law enforcement understands its obligations to make data publicly available. This legislation should be written so as ensure access to the coded data in an easily usable form (Excel) from both each law enforcement agency and the state.

Regarding frequency by which law enforcement submits their raw data, some states require monthly reports from law enforcement agencies. Others require data to be reported semi-annually or annually. As it stands now in Vermont, delays in access to the data are at least one year, if not longer. This does not permit the data to be used as a management tool, nor does it provide community members with timely access to the data in a way that can both improve trust and also hold law enforcement accountable.

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[8] This may happen especially in cases of a pretextual stop. A pretextual traffic stop is one in which an officer stops a driver for a traffic violation, minor or otherwise, to allow investigation of a suspected criminal offense.

Further, the legislation does not require the state or its vendor to produce an official report, based on the data. Other states regularly produce reports (annually) of summary results of the data in a consistent format.

We propose changes in the frequency and format of law enforcement agency submission of data and data reports, as well as to the state's posting of data and data reports.

- We propose that agencies submit their data to the state semi-annually and that either they or the state generate a *prescribed* data report (that is, a data report that follows a standard format, similar to VSP's but with some revisions) to be posted within one month of receipt. The public should have access to the uniformly coded data for its own analysis, in addition to any analysis the state or its vendor may wish to conduct.
- We recommend the state take over handling of the data from the vendor, and produce an annual data report by agency and for the entire state. (See examples of reports produced by other states as noted in footnotes 5-7).
- In the event of continuation of the use of an external vendor to manage traffic stop data, the vendor at a minimum should ensure the data posted is uniformly coded, and that any report is based on an analysis of a range of agreed upon statistics (again, reports similar to VSP's, but with some revision). It would be useful to provide details in the legislation as to the statistics and format of the report that are required. Further, if the state continues to use an external vendor, revised legislation should include some type of regular evaluation of the vender's performance, and define a transparent process for identifying a vendor, in the event of a change.

To reiterate, legislation should ensure that mechanisms are in place to ensure that raw data is coded in a standardized way and posted on a state-sponsored website that includes prescribed summary reports of the data. The state should have the responsibility for producing summary reports of these data, rather than outsourcing this task. Several states do this already, with the raw data and data reports posted on attorney general or department of transportation websites. Examples include Missouri, Rhode Island, and Connecticut.[9] In addition, North Carolina maintains a website that allows any user to create simple reports on stops and searches for any reporting agency.[10] Baumgartner, et al (2018: 50) note, the state office that manages traffic stop data is "a model of transparency and open data." Vermont should aspire to a similar level of access to and quality of data.

In Vermont, the Vermont State Police (VSP) and Burlington Police Department (BPD) have been exemplary in their transparency with data access and provision of clear and timely summary reports on their data.[11] However, this is lacking in most other agencies in the rest

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[9] For Missouri, see https://ago.mo.gov/home/vehicle-stops-report. Rhode Island produces annual reports of its traffic stop data; see http://www.dot.ri.gov/community/CCPRA/. Connecticut provides reports on data as well as access to raw data; see http://ctrp3.ctdata.org/. Illinois provides reports by law enforcement agency; see http://www.idot.illinois.gov/transportation-system/local-transportation-partners/law-enforcement/illinois-traffic-stop-study.

[10] See http://trafficstops.ncsbi.gov/.

[11] VSP raw data and summary data reports can be found at: https://vsp.vermont.gov/communityaffairs/trafficstops. Burlington's data can be found at:

of the state. Part of this may be due to the fact that both VSP and BPD are larger agencies with the resources to manage and analyze data that smaller agencies do not have. Legislation that shifts responsibility to the state (e.g., the attorney general's office) for posting the data and creating summary reports would be important. It would also provide a means to hold agencies accountable for turning in data in a timely manner, and ensure consistency and quality of the data (non-state entities do not have a mechanism to do this).[12] VSP and BPD summary reports provide an example of the types of reports the state of Vermont could produce (and are produced by a number of others states already as noted).

## III. Conclusion

The 2014 Vermont legislation to require collection and reporting of race data in traffic stops was an important first step. Several adjustments to that legalisation are required in order to achieve the goals of traffic stop data analysis, which include that the data serve as a management tool for law enforcement and also serve the community in better understanding traffic policing and ultimately improving police-community trust.

We encourage readers to look at the websites of other states (noted in footnotes 5-7) that serve as models of data collection and reporting. See also, Brooks and Seguino (2017) for an example of a standard reporting format by agency. The examples of VSP and BPD are also instructive in identifying good practices in data collection and reporting. Finally, we suggest that the legislation be revised so that responsibility for ensuring access to high quality data and appropriate reporting not be outsourced, but rather, that it be conducted by a state agency with the tools to ensure compliance by law enforcement and additionally, can support under-resourced agencies to fulfil their obligations to report high quality data on a regular basis and to benefit from analysis of their data.

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https://www.burlingtonvt.gov/Police/Data/OpenData. Its reports can be found at: https://www.burlingtonvt.gov/Police/Data/Reports. Burlington's report formats are not consistent from year to year, however, making analysis and evaluation of trends difficult. A uniform format should be established for any mandated reports.

[12] In North Carolina, legislation requires that law enforcement report its data to the state no more than 60 days after the close of a month. Failure to submit the required data can cause an agency to be ineligible for state grants.

# REFERENCES

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