



## Durham Police Department Stop-and-Search Data\*

An analysis of the city's last 50 months of traffic stop data, submitted by the Durham Police Department to the NC State Bureau of Investigation pursuant to N.C.G.S. § 114-10.01, yielded the following results:

- Durham PD stopped 99,386 persons in traffic stops.
- Of those persons stopped, 8,715 were searched, with a search rate of 8.77%.
- Durham PD's search rate of 8.77% over the last 50 months far exceeds the statewide search rate for traffic stops of 3.24%.
- Despite accounting for just 17.6% of the city population, black males constitute nearly two-thirds (65.3%) of all persons searched during traffic stops. And despite the disparate rates of offending between men and women, black women in Durham are searched almost as much as are white men (1,284 vs. 1,344).
- While blacks make up just 41% of the city's population, eighty percent of those searched by DPD pursuant to traffic stops over the last five years were black.\*\*
- In the last year alone, 82.1% of persons searched pursuant to motor vehicle stops were black, a number more than twice the African-American representation in the city population (41%).
- The problem is getting worse: A review of the last five years of traffic stop data\*\* reveals that black motorists are steadily becoming an even greater percentage of the searched population. Of all motorists searched by DPD since 2009, the following percentage were black:
  - 2013: 83%\*\*
  - 2012: 80%
  - 2011: 80%
  - 2010: 78%
  - 2009: 77%
- The raw numbers also suggest that DPD has become much more aggressive in conducting motor vehicle searches in recent years. In 2009, for instance, DPD officers reported searching 1,305 motorists. Two years later, the number of searches more than doubled, with officers conducting 2,626 searches.

- Nearly two-thirds of all police traffic stop searches (64.7%) conducted in the city over the past 50 months were reported as “consent searches.” Durham police are much more likely to ask black motorists for consent to search their vehicles than they are to ask white motorists. Between 2000 and 2011, the DPD searched black motorists pursuant to consent searches at more than twice the rate of whites (7.1% v. 3.5%). Despite the more than 2-to-1 disparity in the rate of such searches, the percentage of such searches that uncovered contraband was virtually the same for blacks and whites (21.6% v. 19.5%).
- The statistical evidence suggests that in Durham County, the greatest racial disparities exist with respect to minor offenses for which officers are afforded the most enforcement discretion—a pattern highly suggestive of pretext. For example, a study by Dr. Frank Baumgartner at the University of North Carolina, which aggregated both Durham PD and Durham County Sheriff’s Office data between 2000 and 2011, recently found that a black motorist in Durham County is 162% more likely to be searched pursuant to a stop for a seat belt violation as compared to a similarly situated white motorist stopped for the same offense. This statistical evidence is highly suggestive of the sort of “racial profiling” that so concerned Justice O’Connor in *Atwater v. City of Lago Vista*—that in which an allegation of “a relatively minor traffic infraction . . . serve[s] as an excuse for stopping and harassing an individual.”
- While it is difficult to quantify what percentage of vehicle searches are conducted in pursuit of marijuana, the available data indicates that African-Americans in Durham are approximately four times as likely as whites to be arrested on a misdemeanor marijuana possession charge, despite strong evidence that both whites and blacks use the drug at roughly the same rate (11.7% v. 12.7%).
- Even a misdemeanor marijuana conviction in North Carolina can trigger more than 100 state collateral consequences, erecting barriers to housing, education and employment. In Durham, 60% of misdemeanor marijuana arrests involve young people between the ages of 15 and 24. The largest percentage of these misdemeanor marijuana arrests occur in communities of color where the population of African Americans between the ages of 18 and 35 is greater than 60%.

\* Traffic stop/search data analysis prepared by Ian A. Mance, Soros Justice Attorney-Fellow at the Southern Coalition for Social Justice (SCSJ), using publicly available data accessed through the NCDOJ at <http://trafficstops.ncdoj.gov/Default.aspx?pageid=2>. Statistics on marijuana were compiled using data from the FBI Uniform Crime Report, the U.S. Census, the UNC School of Government Collateral Consequences Assessment Tool, and the Substance Abuse and Mental Health Services Administration.

\*\* Data for 2013 is current through July 2013, the latest data set available.