



## 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 within city limits.
- Of those persons stopped, 9,589 were searched, with a search rate of 9.65%.
- Durham PD's search rate of 9.65% over the last 50 months is approximately three times greater than the statewide search rate for traffic stops of 3.24%.
- Black males made up 59.3% of all persons searched during traffic stops, despite accounting for just 17.6% of the city population.
- While African-Americans make up 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 searches conducted pursuant to motor vehicle stops were of African-Americans, 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 had more than doubled to 2,626 searches.
- 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."

\* Prepared by Ian A. Mance, Soros Justice Fellow/Attorney, Southern Coalition for Social Justice, using publicly available data accessed through the NCDOJ at <http://trafficstops.ncdoj.gov/Default.aspx?pageid=2>.

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