



OLEPS

OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS

Ninth Aggregate Report of the New Jersey State Police October 2014



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NINTH AGGREGATE REPORT OF THE NEW JERSEY STATE POLICE OFFICE OF LAW ENFORCEMENT PROFESSIONAL STANDARDS JANUARY 1, 2013 TO JUNE 30, 2013

Introduction

Pursuant to the Law Enforcement Professional Standards Act of 2009 (N.J.S.A. 52:17B-222, et seq.) (the Act), the Office of Law Enforcement Professional Standards (OLEPS) is required to publish biannual reports containing aggregate statistics on the New Jersey State Police (State Police). For a more detailed history of the Act, see the OLEPS website www.nj.gov/oag/oleps.

As statutorily mandated, the Aggregate Report discusses motor vehicle stop activities conducted by the State Police. Specifically, the Aggregate Report includes information on the number of stops conducted, the number and type of post-stop activities, the number of arrests during stops, the number and type of charges filed from arrests during stops, details on evidence seized, and the number of wanted individuals apprehended during motor vehicle stops. The Aggregate Report includes this information for all stops made by the State Police during the current reporting period, January 1, 2013 to June 30, 2013, while the Supplement to the Aggregate Report details this information for two selected troops, Troop B, Troop D, and other units in the Division (those not part of any specific troop).

The reports include detailed discussion and analysis of the data to facilitate understanding of trends. Additionally, the report includes graphical depictions of data and trends.

This report discusses data in the aggregate. Rather than examining any stop individually, stops are only discussed as part of all activity by the State Police. This report analyzes the volume of and the racial/ethnic distributions of stops, dispositions, enforcement activities, and charges. This report does not determine whether the use of any disposition, enforcement, or charge is appropriate. Rather, the volume of these items across racial/ethnic groups is examined to determine whether there is any disproportionality to the use of these enforcements. Thus, this report will only note whether the number of activities involving drivers or individuals of a specific racial/ethnic group are in line with expectations of frequency, not whether troopers acted appropriately when conducting that activity.

The first section of this report, Data, discusses data sources and definitions used in this report. The Results section of the report provides a discussion of trends and patterns noted at the aggregate (Division-wide) level. Appendix One lists all previously published Aggregate Reports, their date of publication, and the reporting period covered.

For more information, this publication and all other reports can be found on the OLEPS website, <http://www.nj.gov/oag/oleps/reports.html>.

DATA

The data utilized in this report were obtained from the State Police. The State Police maintains several databases containing information on motor vehicle stops. These databases store information on drivers and passengers, and detail all actions or enforcements that occur during a stop. This report includes data on motor vehicle stops and individuals within these stops for all stops made by the State Police from January 1, 2013 to June 30, 2013. A separate publication, OLEPS' Supplement to the Ninth Report of Aggregate Data of Traffic Enforcement Activities contains data and analysis specifically for Troop B, D, and Other units in the Division.

Stop Level Data

This section utilizes the motor vehicle stop as the unit of analysis. All categorizations in this section refer to the motor vehicle stop rather than the individuals in the motor vehicle stop. Most enforcements or events can, theoretically, occur multiple times within a stop. The data here only indicate that the event happened at least once during a motor vehicle stop rather than the total number of occurrences.

Number of Stops

A motor vehicle stop is defined as an instance where a trooper directs a motorist to stop or remain in some location to facilitate interaction between the officer and motorists. Instances where a citizen requested aid from a trooper or was involved in an accident are not considered motor vehicle stops.¹

The number of motor vehicle stops in a reporting period is a function of a number of elements. While motor vehicle stops are a primary activity for troopers, other requirements may impact the ability of a trooper to stop vehicles. Troopers may dedicate their time to criminal investigations or public safety patrols, like those following a natural disaster. The ability to stop motor vehicles may also be impacted by staffing levels. During lean times, a given station, troop, and ultimately the entire Division, cannot make as many motor vehicle stops as during times of higher staff levels simply because there are fewer bodies. Additionally, trooper activities are also impacted by outside funding through grants that may target certain behaviors. While most of the grants implemented in the State Police have increased motor vehicle stop activities, it is possible that certain grants may target trooper activities away from the road to other areas of patrol.

Reason for Stops

During a motor vehicle stop, troopers are required to notify the communication center of the reason for the stop. Beginning in January of 2012, State Police policy required a specific statute to be called in where, previously, troopers only had to indicate whether the reason was for a moving, non-moving, or other violation. To maintain consistency with previous aggregate reports, all statute-specific reasons for a stop were coded as moving, non-moving, other, or no reason provided, by OLEPS.

¹ Such instances can "evolve" into motor vehicle stops depending on the circumstances and specifics of the interaction. Absent such evolution, such events are not included.

- **Moving:** Stops initiated for reasons pertaining to the movement of a vehicle. These reasons include rates of speed, failure to maintain lane, and unsafe lane change, etc.
- **Non-Moving:** Stops initiated for reasons not related to the movement of a vehicle. These reasons include those that pertain to vehicle maintenance, such as, seatbelt usage, usage of a handheld cell phone, or the maintenance of lamps, etc.
- **Other:** Stops initiated for another reason. This category includes directed stops and BOLOs.
- **No Reason Provided:** Stops not classified as moving, non-moving or other. This category includes stops that had no statute(s) listed.

Law Enforcement Procedures

The majority of motor vehicle stops end with the motorist receiving some sort of summons or warning without any other activities. However, some stops involve a law enforcement procedure or post-stop interaction such as an exit, frisk, search, etc. These procedures include any interaction between troopers and citizens that extend beyond conversation.

Troopers are required to document all enforcement activities that occur during a motor vehicle stop via motor vehicle stop reports. These reports are the source of information on the number and volume of law enforcement procedures during a given reporting period. The law enforcement procedures discussed in this report are:

- **Occupant Vehicle Exit:** The number of motor vehicle stops where an occupant was requested to exit the vehicle.
- **Occupant Frisk:** The number of motor vehicle stops where an occupant was subjected to a protective pat-down or frisk of their person for weapons.
- **Non-Consensual Search²:** The number of motor vehicle stops where an occupant was subjected to a search of their person or vehicle for evidence of a crime or incidental to their arrest.
- **Canine Deployments:** The number of motor vehicle stops where a canine was utilized to perform a sniff test.
- **Chemical Force:** The number of motor vehicle stops where an occupant was subjected to chemical force, such as pepper spray.
- **Deadly Force:** The number of motor vehicle stops where an occupant was subjected to deadly force.
- **Mechanical Force:** The number of motor vehicle stops where an occupant was subjected to mechanical force, such as a baton.

²This category includes both probable cause searches of a vehicle and probable cause searches of a person. Due to data limitations, OLEPS can no longer differentiate these categories and so they are represented as non-consensual searches.

- **Physical Force:** The number of motor vehicle stops where an occupant was subjected to physical force.

In some instances, troopers may use a combination of the above-mentioned types of force. These combinations will be noted when used.

The current discussion of consent searches provides more information on these searches than previous reports. Specifically, whether the searches were granted, denied, or whether consent was withdrawn will be discussed.

- **Consent to Search Requested:** The number of motor vehicle stops where consent to search was requested by the trooper.
 - **Consent to Search Denied:** The number of motor vehicle stops where consent to search was requested and denied by an occupant.
 - **Consent to Search Granted³:** The number of motor vehicle stops where consent to search was requested and granted by an occupant
 - **Consent to Search Withdrawn:** The number of motor vehicle stops where consent to search was requested, granted, and then withdrawn by an occupant.

Beginning in the previous reporting period, arrests are included as a law enforcement procedure rather than separately. The number of stops where an arrest was made will be detailed. For the purposes of this report, the following definition of arrest will be used:

- **Arrest:** The number of motor vehicle stops where any individual was taken into custody.

Evidence seizures are also included in the discussion of law enforcement procedures. OLEPS will comment on the number of motor vehicle stops where any evidence was seized. If available, the events surrounding the seizure will be identified. For example, whether the seizure occurred during a consent search, a frisk, a plain view seizure, etc.

- **Evidence seizures:** The number of motor vehicle stops where evidence was seized during a motor vehicle stop.

Data on law enforcement procedures represent the number of *stops* where a given procedure has occurred. There can be, and usually are, multiple law enforcement procedures per stop. Therefore, a given stop may be represented more than once. For example, a stop can have a vehicle exit, a frisk, and a canine deployment. This stop would be counted once in the total, but would be listed in each enforcement category.

Dispositions

Dispositions refer to the outcome of a motor vehicle stop: summons, warning, or other. Troopers record dispositions following the completion of a motor vehicle stop. Summonses or warnings are

³ The category consent search vehicle conducted is now known as consent to search granted.

further classified based on the type of violation, either moving or non-moving. For this report, each stop is placed into only one category of disposition. For example, a stop may be classified as a moving summons or a moving warning. However, if the driver of the stop received both a moving summons and a moving warning, the stop would be classified as mixed enforcement. Additionally, the data do not represent the total number of summonses or warnings issued in a single stop, only that at least one was issued. The categorizations of dispositions are:

- **Moving summons:** The number of motor vehicle stops where a summons for a moving violation was issued.
- **Non-moving summons:** The number of motor vehicle stops where a summons for a non-moving violation was issued.
- **Moving warning:** The number of motor vehicle stops where a warning for a moving violation was issued.
- **Non-moving warning:** The number of motor vehicle stops where a warning for a non-moving violation was issued.
- **Mixed disposition:**⁴ The number of motor vehicle stops where some combination of warnings and/or summonses for moving and/or non-moving violations were issued.
- **Other:** The number of motor vehicle stops that did not result in a summons or a warning, otherwise known as no enforcement.

⁴ For this report, mixed dispositions will incorporate the categories of: summons moving & warnings moving, summons non-moving & warnings non-moving, and summons and/or warnings/moving and/or non-moving.

Individual Level Data

This section details the volume of actions taken involving citizens: arrests, charges, and wanted persons. Because a vehicle can typically hold at least two individuals, these events may occur multiple times within a given motor vehicle stop. For example, one motor vehicle stop can have multiple arrests and each arrest can have multiple charges. For ease of interpretation, this section will use the words "individual" and "motorist" to describe those involved in these events.

Arrests

A single stop can involve multiple arrests, depending on the number of individuals in the vehicle. The total number of motor vehicle stops where an arrest occurred are detailed in the law enforcement procedures section. This section will detail the total number of motorists who were arrested during a motor vehicle stop. Thus, the number of arrests should be at minimum, the same as the number of stops with arrests, but will likely be higher.

Charges

This section details the charges filed against individuals who were arrested during motor vehicle stops in the current reporting period. Since each charge is specific to the circumstances of the crime, there are a large number of different statutes charged for this reporting period. To make the data more manageable, only the most common charges are discussed:

- **Obstruction:** Obstructing, impairing, or perverting the administration of law or preventing a public servant from performing an official function.
 - This category includes charges pertaining to contempt (outstanding warrants), failure to appear, hindering, and resisting arrest
- **Driving While Intoxicated:** Operating a motor vehicle while under the influence of alcohol or controlled dangerous substances with a blood alcohol concentration of .08% or higher.
- **Possession:** Possession, use, or being under the influence of any controlled dangerous substance including, but not limited to, marijuana, cocaine, heroin, or prescription drugs (without a prescription).
- **Paraphernalia:** Possessing any item that may be used to ingest, inhale, deliver, pack, repackage, or distribute a controlled dangerous substance.
 - Examples of paraphernalia include: pipes, hypodermic syringes, rolling papers, etc.
- **Weapons:** Possession of any prohibited weapons or devices.
 - Prohibited weapons or devices include handguns (without a permit to carry), sawed off shotguns, metal knuckles, silencers, or body armor penetrating bullets.
- **Other Charges:** The number of motor vehicle occupant(s) that had other criminal charges. These charges include charges pertaining to theft, property destruction, forgery, violence against others, licenses, traffic regulation, and motor vehicles.

Information on criminal charges is occupant specific rather than stop specific. This means that the data reported indicate the number of individuals who received each charge rather than the number of stops that resulted in criminal charges. Additionally, any individual may receive more than one criminal charge. Thus, the data on criminal charges are best understood as the total number of charges rather than individuals or stops with charges.

Wanted Persons

This section details the number of persons with outstanding warrants taken into custody during a motor vehicle stop in the current reporting period.

ANALYSIS

Analysis of State Police trends and activities are detailed here, separated by the unit of analysis- stops or individuals. Data on stops, law enforcement procedures, dispositions, criminal arrests, criminal charges, wanted persons, and evidence seized for the entire Division of State Police are discussed in the sections that follow.

Due to changes in data categorizations in the previous reporting period, analysis of trends was not possible in the Seventh Aggregate Report. Since this is the third reporting period since these changes, trends of activities can now be assessed. Caution is warranted as the following depictions generally, only reflect three reporting periods and thus, do not present long term trends. Due to the small number of reporting periods in comparison, differences between reporting periods may be exaggerated. Because of this, some trends may only be discussed in text, rather than graphically depicted, so as not to misrepresent changes in activity.

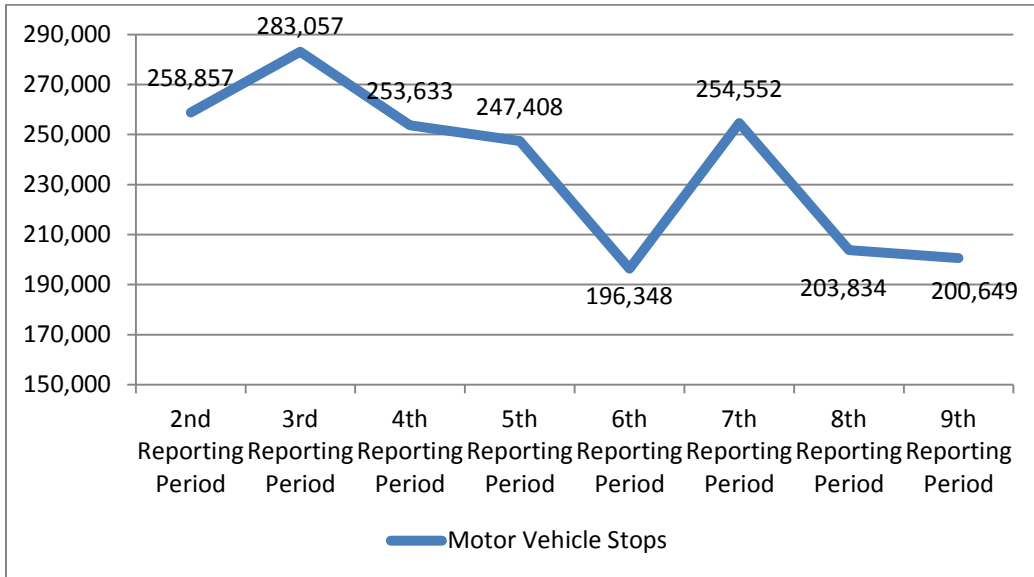
Stop Level Analysis

Number of Stops

From January 1, 2013 to June 30, 2013, the State Police conducted 200,649 motor vehicle stops. Compared to the previous reporting period, this number does not represent a dramatic change in the number of stops; the decrease is less than 2%. Historically, there are typically fewer stops in the second half of the year than the first half of the year. However, the low number of stops in the first half of 2013 is fewer than the number in the second half of 2012. This decrease in stops may result from the levels of attrition affecting the Division. During the current reporting period, the State Police had gone two years without a new recruit class. As troopers continued to retire, there were no new troopers to fill their spots, thus, the total number of troopers in the Division, and likely the total number of motor vehicle stops conducted decreased as a result.

Figure One depicts the trend of the number of motor vehicle stops for the current and previous eight reporting periods. While the number of stops does fluctuate each period, the current period is the second lowest number of stops in the nearly four years represented on the graph. As noted in previous Aggregate Reports, this may be due to the high rates of attrition currently affecting the Division.

Figure One: Trends of Motor Vehicle Stops
July 2009- June 2013



As in previous reporting periods, White drivers make up the largest proportion of all stops in the current reporting period. White drivers were involved in 63% of all stops, Black drivers were involved in 18%, Hispanic drivers were involved in 12%, Asian drivers were involved in 6%, American Indian were involved in 0%, and Other drivers were involved in 1%. Because American Indian and Other drivers make up such a small proportion of all stops and thus, all activities, they will not be routinely discussed in this report unless their pattern differs dramatically from this distribution.

Figure Two: Racial/Ethnic Distribution of Motor Vehicle Stops
January 1, 2013 – June 30, 2013

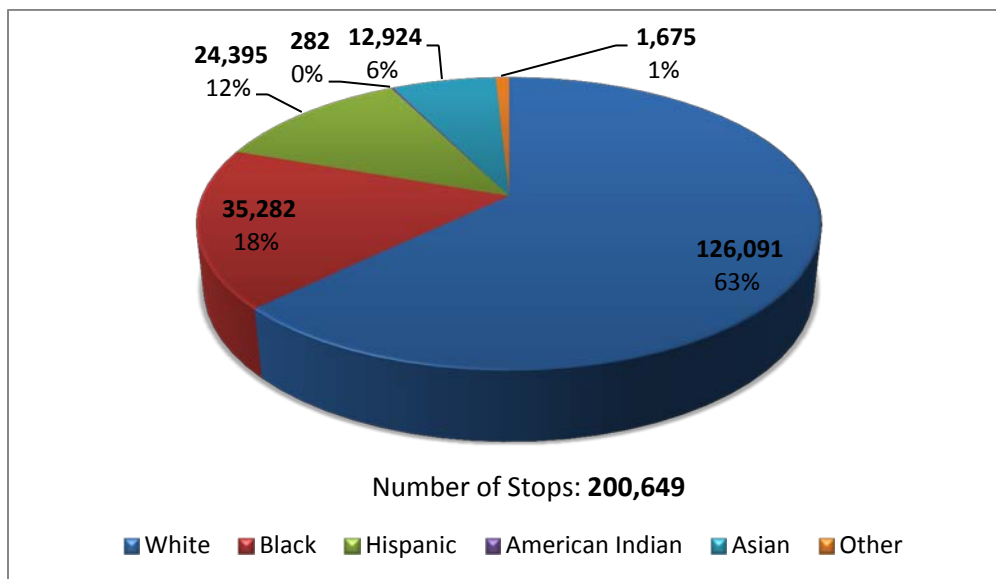
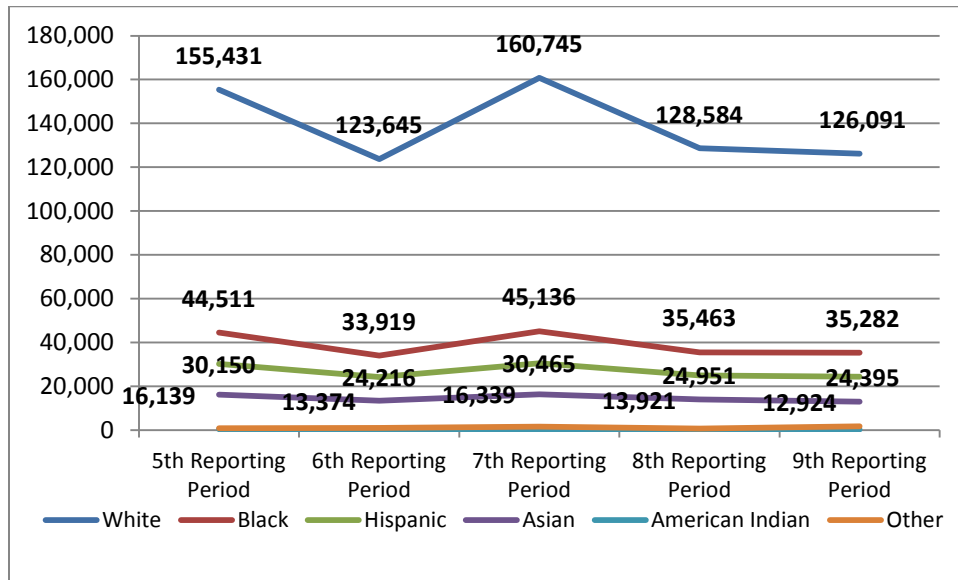


Figure Three graphs the number of stops made of drivers of each racial/ethnic group for the current and four previous reporting periods. The number of stops for each racial/ethnic group remained stable since the previous reporting period, as expected given the relatively minor change in the total number of stops. As noted in previous Aggregate Reports, despite fluctuations in the number of stops conducted, each racial/ethnic group still comprises the same general proportion of all stops. This consistency, suggests that despite the lack of an officially calculated benchmark⁵, this distribution may be the closest to a benchmark of State Police activity currently available.

Figure Three: Trends in Racial/Ethnic Distribution of Motor Vehicle Stops
July 2009 – June 2013



Reason for Stops

The proportion of stops made for each reason have remained relatively stable over time. As has been noted in previous reports, the majority of stops conducted are based on moving violations. The current reporting period also follows this trend; 81% of all motor vehicle stops were based on moving violations. As shown in Figure Four, 162,622 motor vehicle stops were conducted based on moving violations. Moving violations typically account for between 80% and 87% of all motor vehicle stops.

In contrast, non-moving violations typically account for a much smaller proportion of motor vehicle stops. Typically, non-moving violations account for between 11% and 17% of all motor vehicle stops. In the current reporting period, 35,202 stops, or 18% of all stops were made for non-moving violations, a slightly larger number and proportion than the previous reporting period.

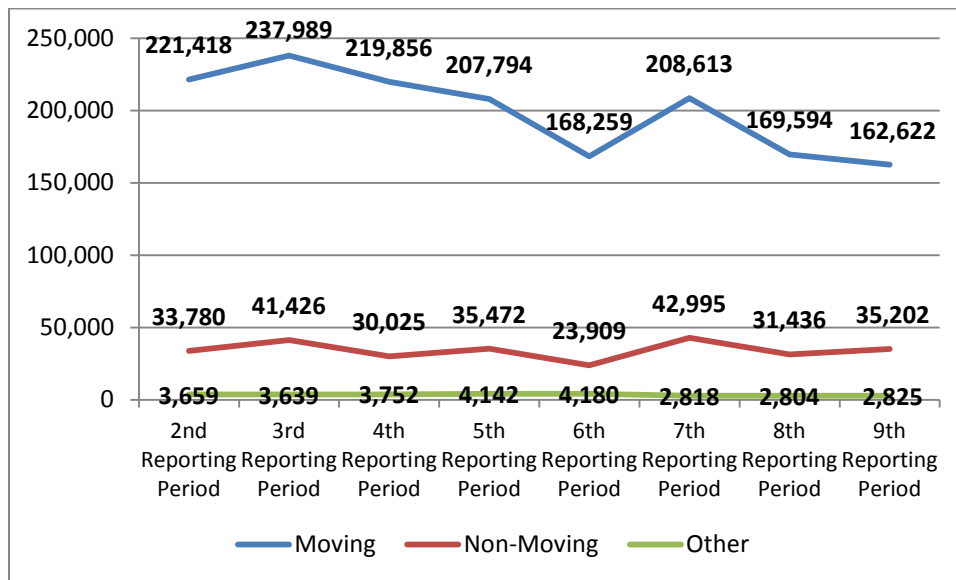
While non-moving violations make up a small proportion of all motor vehicle stops, stops made for other violations make up an even smaller proportion. The proportion of stops for other reasons is usually between 1% and 2% of all stops. In the current period, 2,825 motor vehicle stops, about 1%

⁵ A benchmark is a standard or point of reference to which, all activities can be compared.

of stops, were based on other violations. This number of stops is nearly identical to the previous reporting period.

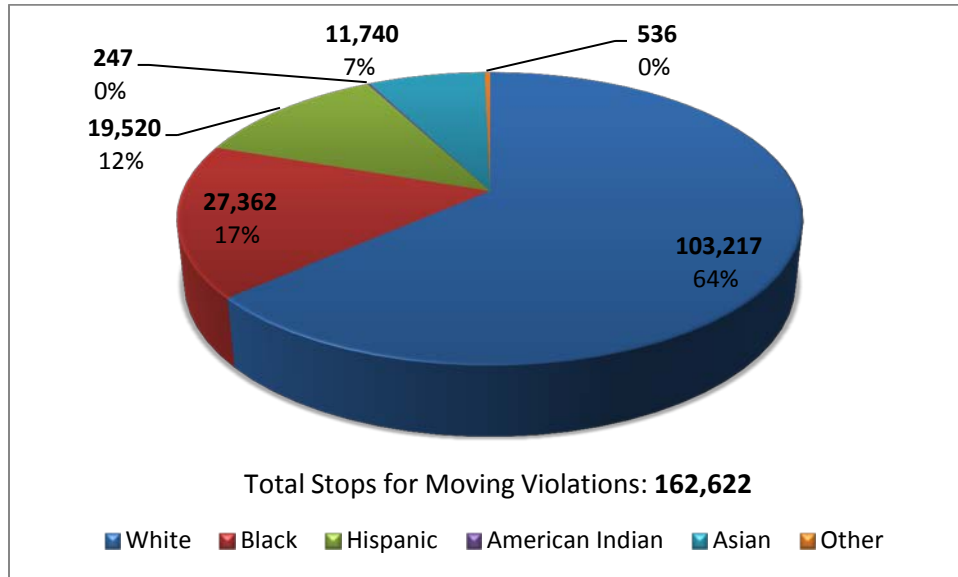
Overall, the same general pattern of stop reasons remains; the majority of stops are based on moving violations. However, given the relative stability in the number of motor vehicle stops from the previous to current reporting period, it was expected that stop reasons would also remain stable. However, as shown in Figure Four, there does appear to be a slight decrease in the number of stops made for moving violations and a slight increase in the number of stops made for non-moving violations. This change could easily result from target enforcement of laws. For example, if the State Police received a grant that targeted seat belts, there might be an increase in non-moving violations. Conversely, if a grant targeting a certain category of stops ended, a decrease in those stops might be noted.

Figure Four: Trends in Reasons for Motor Vehicle Stops
July 2009- June 2013



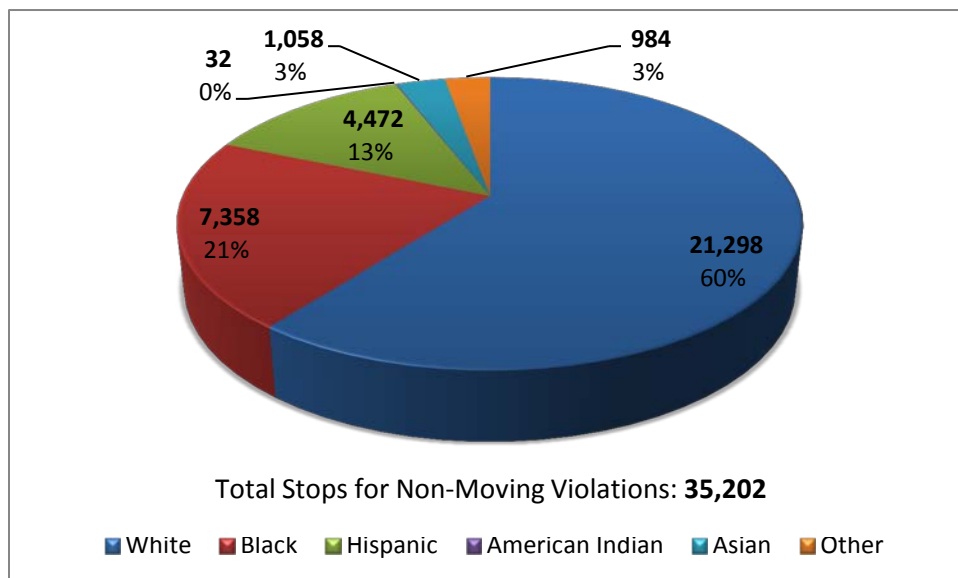
Because every stop receives a stop reason, the racial/ethnic distribution of all stops with a reason should be identical to that of all stops. Instead, it is more appropriate to assess the racial/ethnic distribution of each type of motor vehicle stop. The overwhelming majority of motor vehicle stops were based on moving violations, so the racial/ethnic distribution of stops with moving violations is nearly identical to that of all stops. As shown in Figure Five, 103,217 stops, 64%, with moving violations involved White drivers, 17% or 27,632 involved Black drivers, and 12% or 19,520 involved Hispanic drivers.

Figure Five: Racial/Ethnic Distribution of Stops made for Moving Violations
 January 1, 2013- June 30, 2013



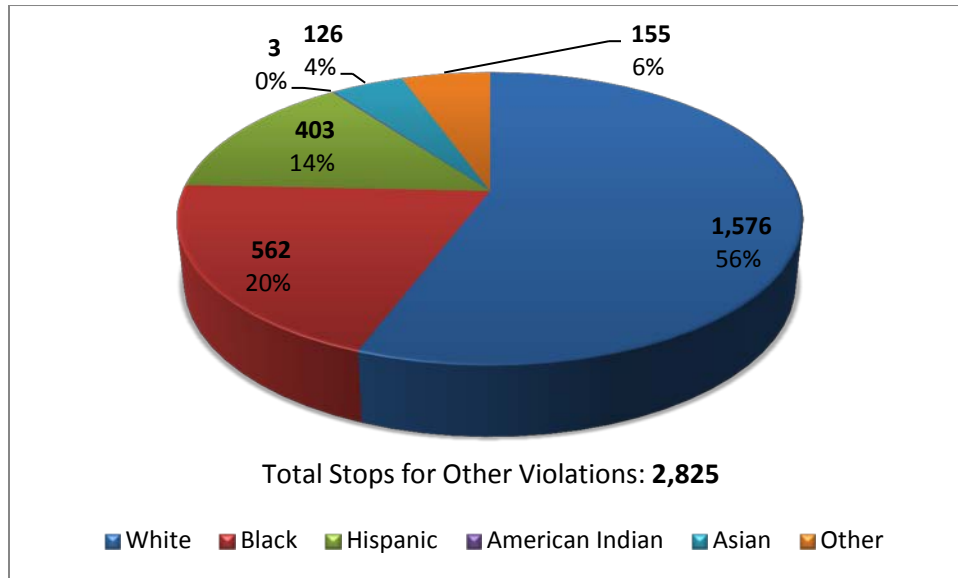
Despite involving a much smaller proportion of drivers, the racial/ethnic distribution of stops made for non-moving violations is similar, albeit slightly different from the distribution of all stops. White drivers were still involved in the majority of stops made for non-moving violations, 60% or 21,298 stops, though they do not make up as large a proportion as they do for all stops. Black drivers, however, were slightly overrepresented than their proportion of all stops. While Black drivers are only 18% of all stops, they are 21% of those made for non-moving violations. Similarly, Hispanic drivers are only 12% of all stops yet 13% of all those made for moving violations.

Figure Six: Racial/Ethnic Distribution of Stops made for Non-Moving Violations
 January 1, 2013- June 30, 2013



Because there are so few stops, less than 3,000, made for other reasons, the racial/ethnic distribution of these stops is more likely to differ from the overall distribution of stops. Indeed, the distribution does differ. White drivers, while still the majority of stops, were only involved in 1,576 stops, or 56% of stops made for other reasons. Black drivers, however, were involved in 562 stops, or 20% of stops made for other reasons. Hispanic drivers were involved in 403 stops for other reasons, 14% of all stops made for other reasons.

Figure Seven: Racial/Ethnic Distribution of Stops made for Other Violations
 January 1, 2013- June 30, 2013



In the current reporting period, the majority of stops were made for moving violations. Despite this, the racial/ethnic distributions of motor vehicle stops, regardless of the reason for the stop, followed the same general pattern; White drivers were involved in the majority of stops, while Black drivers were involved in about 18% and Hispanic drivers about 13% of stops.

Law Enforcement Procedures

The State Police conducted over 200,000 motor vehicle stops in the current reporting period, but only about 5% of these stops involved post-stop activity or law enforcement procedures. In the current reporting period, there were only 10,304 motor vehicle stops resulted in some sort of law enforcement procedure for this reporting period. Figure Eight depicts the trend of stops with law enforcement procedures for the current and previous four reporting periods. The number of stops with law enforcement procedures appears fairly consistent for the current and previous reporting periods; there was only a minor change in the number of stops resulting in a post-stop interaction. For the previous reporting period to the current reporting period, there was about a 2% increase in the number of stops with law enforcement procedures.

Figure Eight: Motor Vehicle Stops with Law Enforcement Procedures
January 2011 – June 2013

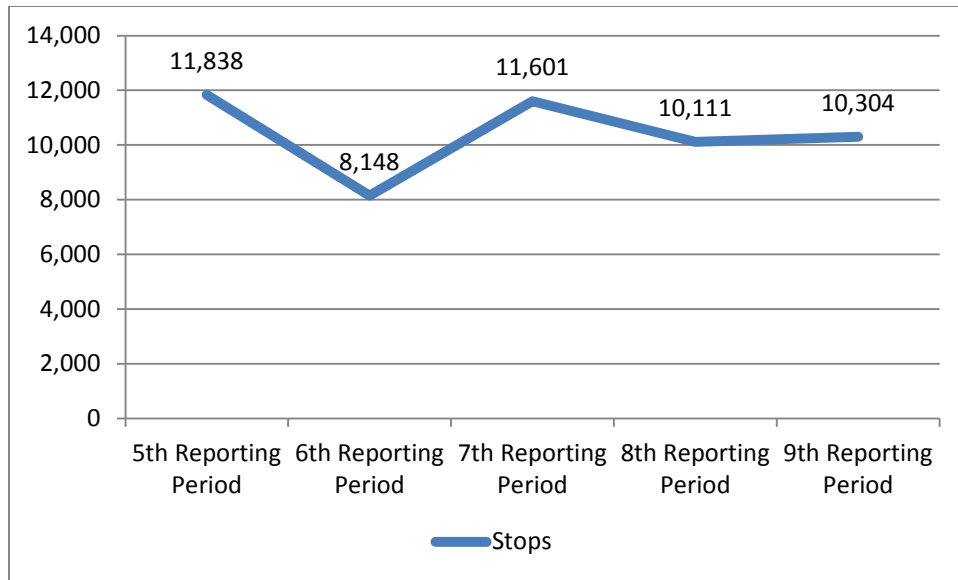


Figure Nine: Racial/Ethnic Distribution of Stops with Law Enforcement Procedures
January 1, 2013 - June 30, 2013

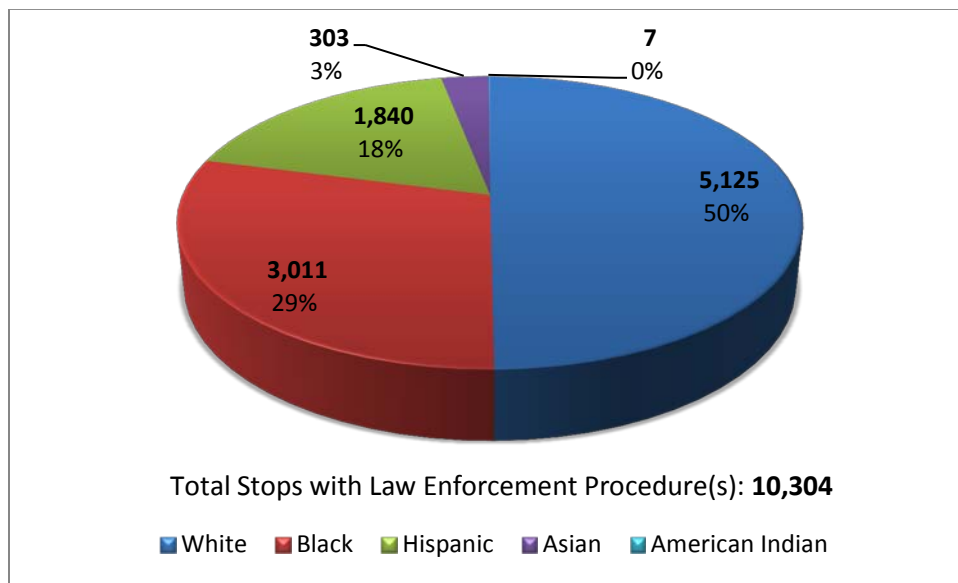


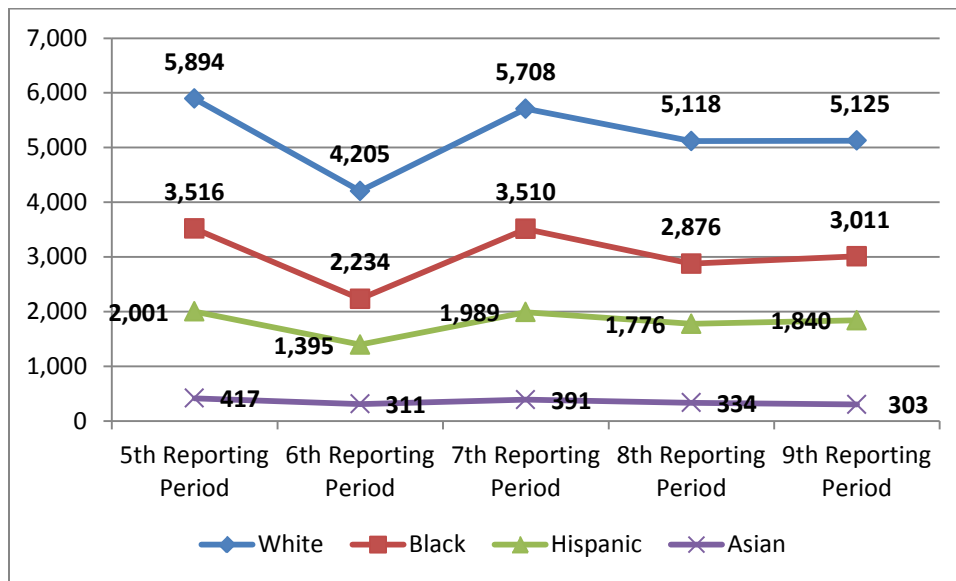
Figure Nine depicts the racial/ethnic distribution of stops where there was at least one law enforcement procedure. White drivers were involved in the highest proportion of stops with law enforcement procedures, 50% of stops or 5,125 motor vehicle stops. Black drivers were involved in 29%, or 3,011 motor vehicle stops with law enforcement procedures. Hispanic drivers were involved in 18% or 1,840 stops with law enforcement procedures. While not identical, this distribution is consistent with that of all stops made during the current reporting period. However, White drivers appear underrepresented while Black and Hispanic drivers appear overrepresented compared to their

proportions of all stops made. White drivers were involved in the highest proportion of stops with law enforcement procedures, 50% of stops or 5,125 motor vehicle stops. However, Black drivers were involved in a considerably larger proportion of stops with law enforcement procedures, 29% or 3,011 motor vehicle stops. Hispanic drivers were also slightly overrepresented; they were involved in 18% or 1,840 stops with law enforcement procedures. This disparity, that Black and Hispanic drivers are involved in a higher proportion of stops with law enforcement procedures, will be explored in the remainder of this report.

Figure Ten graphs the trend of the racial/ethnic distribution of stops with law enforcement procedures. The number of stops involving drivers of each racial/ethnic group remained fairly constant in the current reporting period. That said, there are slight differences in the current period compared to the previous. The largest change was noted for Black drivers; the number of stops with post-stop interactions where the driver was Black increased by 135 stops. Hispanic drivers also showed a modest increase, 64 stops, while Asian drivers increased by only 31 stops, and White drivers by only seven stops. Overall, the number of stops of each racial/ethnic group that resulted in a post-stop interaction did remain fairly consistent with the previous reporting period.

Figure Ten: Trend of Racial/Ethnic Distribution of Stops with Law Enforcement Procedures⁶

January 2011 – June 2013



Vehicle Exits

The most frequent post-stop interaction was an occupant vehicle exit. Of the 10,304 stops with post-stop interactions, 9,891 stops (96%) resulted in an occupant vehicle exit, roughly the same proportion as the previous reporting period. Troopers are permitted to ask a driver to exit for any reason, thus, the high frequency of this activity.

⁶ Due to the extremely small number of American Indian drivers stopped overall and involved in stops with post-stop interactions, American Indian drivers will not be depicted in any trend figures.

Figure Eleven: Racial/Ethnic Distribution of Stops with Vehicle Exits
 January 1, 2013 - June 30, 2013

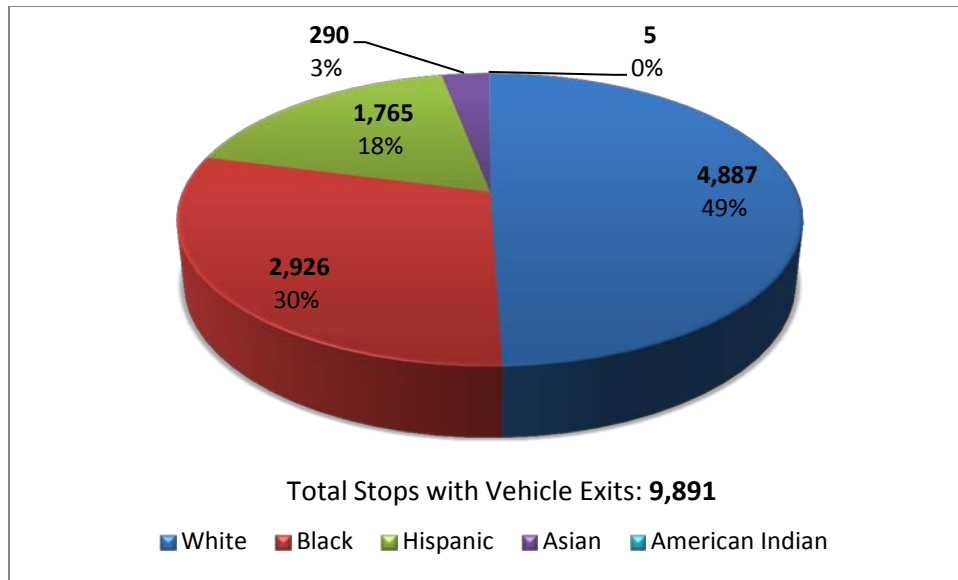
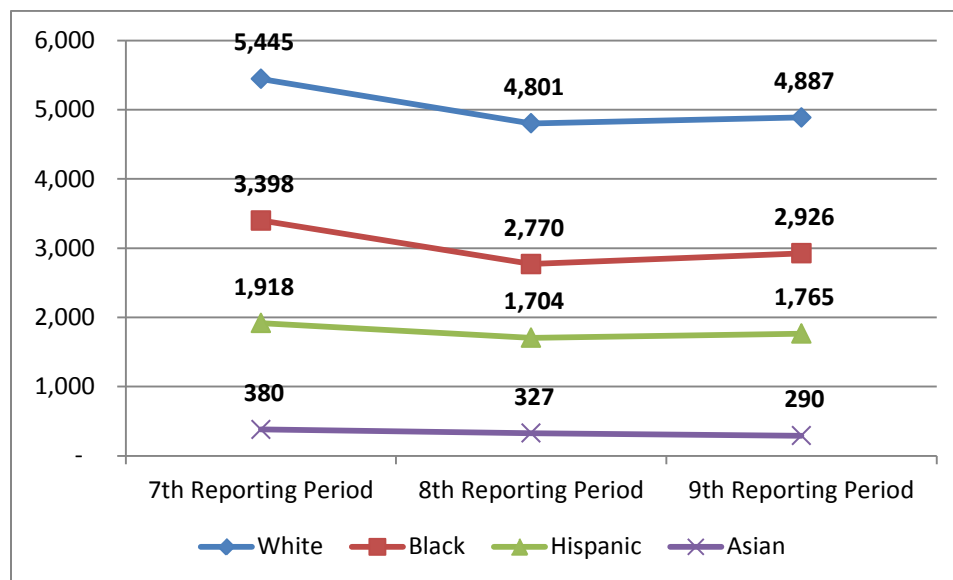


Figure Eleven depicts the racial/ethnic distribution of stops with vehicle exits. The frequency of vehicle exits for White drivers is higher than the frequency for all other racial/ethnic groups. White drivers were involved in 4,887 stops with vehicle exits (49%), Black drivers were involved in 2,926 stops (30%), and Hispanic drivers were involved in 1,765 stops (18%) with vehicle exits. Compared to the overall racial/ethnic distribution of stops, White drivers make up a smaller proportion and Black and Hispanic drivers make up a larger proportion of stops with vehicle exits. However, compared to the distribution of stops with law enforcement procedures, this distribution is nearly identical.

Figure Twelve: Trend of Racial/Ethnic Distribution of Stops with Vehicle Exits
 January 1, 2012 – June 30, 2013

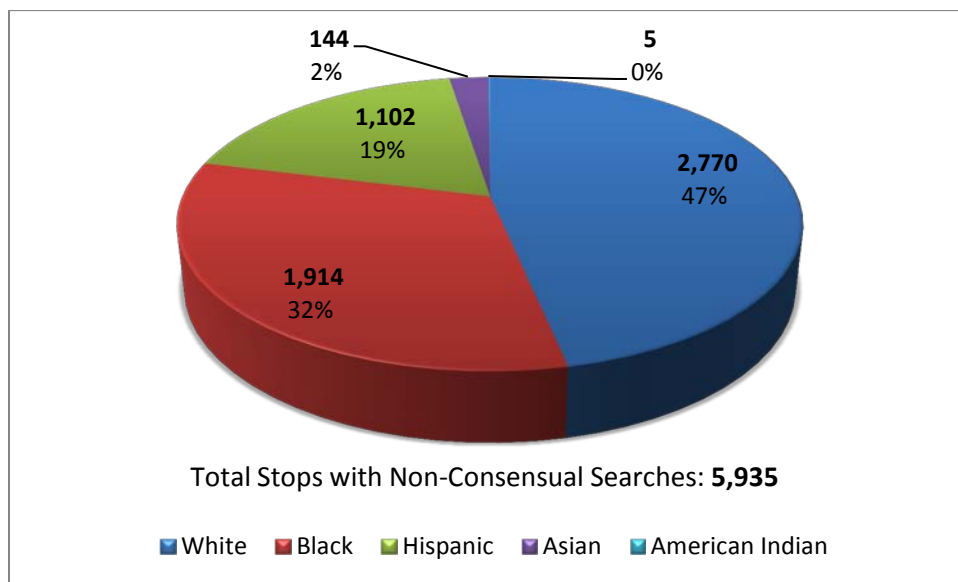


Because vehicle exits are the most frequent law enforcement procedure, the magnitude of change in the racial/ethnic distribution of stops with vehicle exits is consistent with that of law enforcement procedures. In the current reporting period there was a 3% increase in the total number of stops with vehicle exits. The largest increase was noted for Black drivers, who experienced a 5% increase and Hispanic drivers who experienced a 4% increase. Asian drivers actually experienced an 11% decrease in the number of stops with vehicle exits. The trends for the racial/ethnic distribution of vehicle exits matches the trends of law enforcement procedures over time.

Non-Consensual Searches

Non-consensual searches are the second most common law enforcement procedure. Of the 10,304 stops with post-stop interactions, 58% or 5,935 stops involved non-consensual searches. The number of stops with non-consensual searches is roughly the same as the previous reporting period where there were 5,998 stops with non-consensual searches. Because of the lack of change, the racial/ethnic distribution of these stops remains consistent with the previous period.

Figure Thirteen: Racial/Ethnic Distribution of Stops with Non-Consensual Searches
January 1, 2013 - June 30, 2013



As shown in Figure Thirteen, White drivers were involved in the largest proportion of stops with non-consensual searches. In the current period, White drivers were involved in 2,770 stops, 47%, with non-consensual searches. Black drivers were involved in 1,914 stops, 32%, with non-consensual searches while Hispanic drivers were involved in 1,102 stops, 19% of stops with non-consensual searches. While White drivers were still involved in the highest proportion of stops with non-consensual searches, they were involved in a much smaller proportion than their representation in all stops but roughly the same as their proportion of stops with law enforcement procedures. Black and Hispanic drivers are overrepresented compared to their proportion of all stops, but as with White drivers, involved in a similar proportion of stops as those with law enforcement procedures.

Figure Fourteen: Trend of Racial/Ethnic Distribution of Stops with Non-Consensual Searches

January 1, 2012 – June 30, 2013

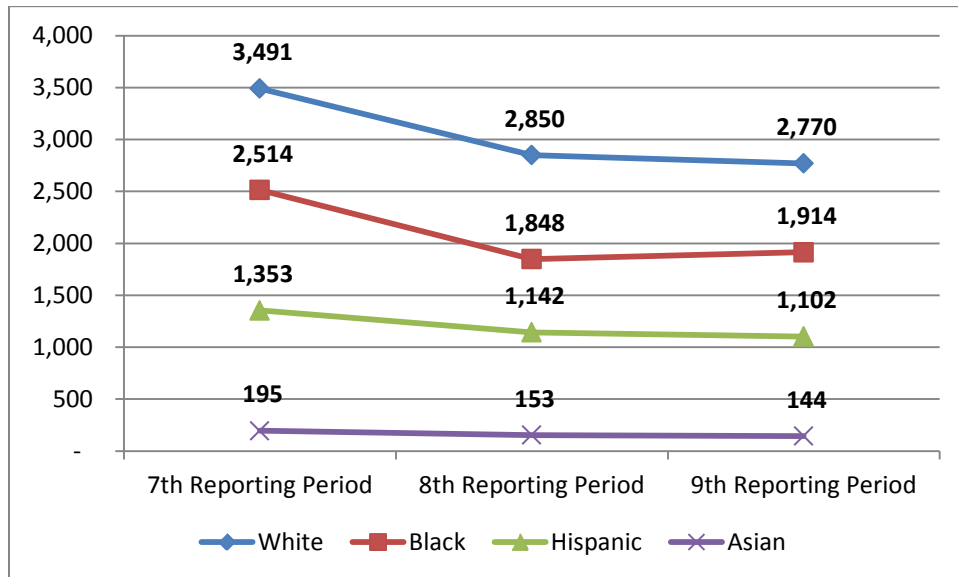


Figure Fourteen graphs the trend of non-consensual searches for each racial/ethnic group for the current and previous two reporting periods. The number of stops with non-consensual searches declined in the current period. Like the trend noted for all law enforcement procedures and vehicle exits, Black drivers experienced the greatest increase. For non-consensual searches, the proportion involving White drivers decreased by about 3%, the proportion involving Black drivers increased by 4%, the proportion involving Hispanic drivers declined by 3.5%, and the proportion involving Asian drivers declined by 6%.

Occupant Frisks

In the current period, there were 796 motor vehicle stops where at least one occupant was frisked, roughly 8% of all stops with a post stop interaction this reporting period.

As shown in Figure Fifteen, White drivers were involved in the largest proportion of stops with occupant frisks. There were 354 stops, 45%, with a frisk that involved White drivers, 226 stops, 28%, that involved Black drivers, and 191 stops, 24%, that involved Hispanic drivers. The racial/ethnic distribution of stops with frisks is similar to that of all stops with law enforcement procedures. However, compared to the distribution of all stops, Black and Hispanic drivers are overrepresented and White drivers, underrepresented.

Figure Fifteen: Racial/Ethnic Distribution of Stops with Occupant Frisks
 January 1, 2013 - June 30, 2013

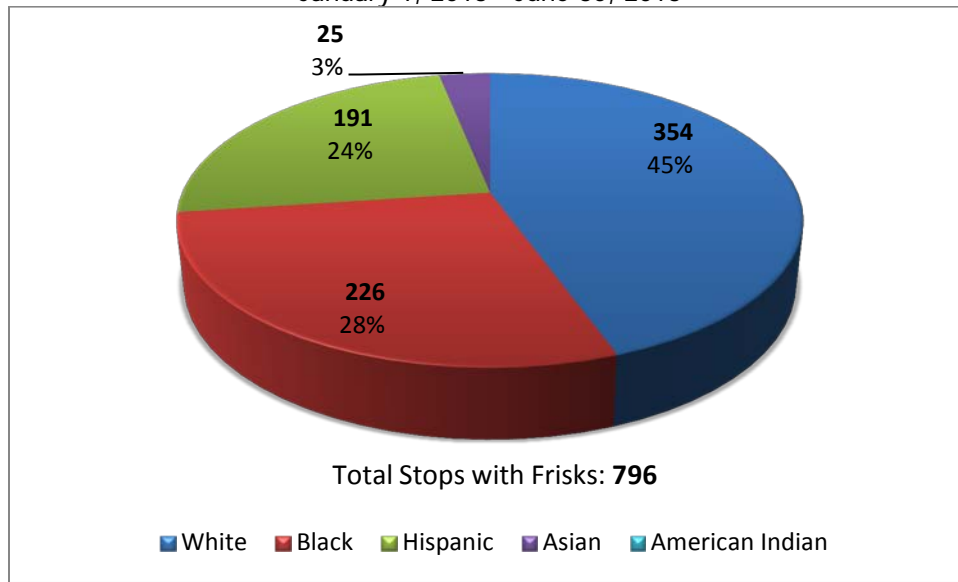
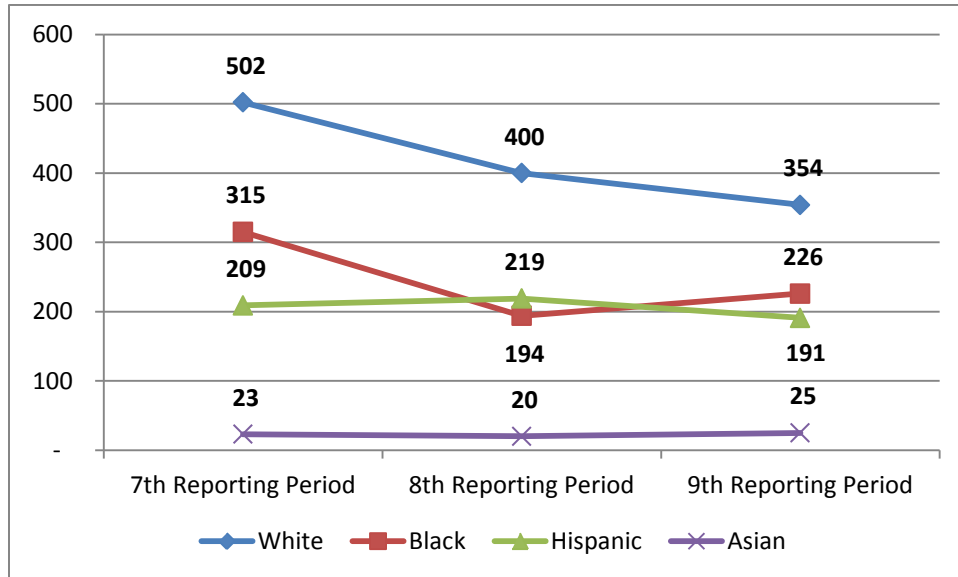


Figure Sixteen presents the trend of stops with frisks for each racial/ethnic group for the current and previous two reporting periods. Since the number of stops with law enforcement procedures increased, the same trend is expected for each specific procedure. Overall, the number of stops with frisks declined about 5% from the previous to current reporting periods. Each racial/ethnic group did not necessarily experience the same change. The number of stops with frisks involving Black drivers actually increased by about 16% in the current reporting period. This increase is unexpected given the decline in the number of stops with frisks. Similarly, Asian drivers also experienced an increase in the number of stops with frisks; there was an increase of 25% for Asian drivers, though this increase only amounts to five stops with a frisk. The number of stops with frisks involving White drivers declined by 12% and Hispanic drivers declined by 13%. In the previous reporting period there was an unexpected increase in the number of stops with frisks for Hispanic drivers while in the current period there is an unexpected increase in the number of stops with frisks for Black drivers. OLEPS will continue to examine frisks of Hispanic and Black drivers to ensure that these increases are not the result of any targeted actions on the part of troopers.

Figure Sixteen: Trend of Racial/Ethnic Distribution of Stops with Frisks
 January 1, 2012 – June 30, 2013



Canine Deployments

Canine deployments are a relatively infrequent law enforcement procedure. There were 66 stops where a canine was deployed in the current period.⁷ The number of canine deployments in the current reporting period is about a 61% increase from the number of deployments in the previous reporting period.

Unlike the previous reporting period, White drivers make up the largest proportion of stops with canine deployments in the current period. There were only 32 stops, 48%, with a canine deployment that involved a White driver. However, there were 24 stops, 36%, involving Black drivers. Hispanic drivers were involved in a much smaller proportion of stops with canine deployments, 9 stops, or 14% of all stops with deployments. The high proportion of deployments with Black drivers is not *prima facie* evidence of disparate treatment. OLEPS continues to monitor the appropriateness of canine deployments in OLEPS' Oversight Reports.

⁷ This increase is inflated due to changes in data collection. Historically, the State Police have provided several data files to OLEPS for use in both the Aggregate and Oversight reports- one from Field Operations and one from the IT Bureau. After the changes made to the Aggregate data files in the previous reporting period, both files were compared. The Field Operations file indicated more stops with a canine deployment than the IT file. Reports for any motor vehicle stop that was indicated to involve a canine deployment (in either file) were reviewed to verify the deployment. This resulted in a total of 66 stops with canine deployments, 11 more than the number reported in the IT file. Thus, the total number of deployments reported for the current period are an increase from the previous reporting period, but this increase is inflated.

Figure Seventeen: Racial/Ethnic Distribution of Stops with Canine Deployments
 January 1, 2013 - June 30, 2013

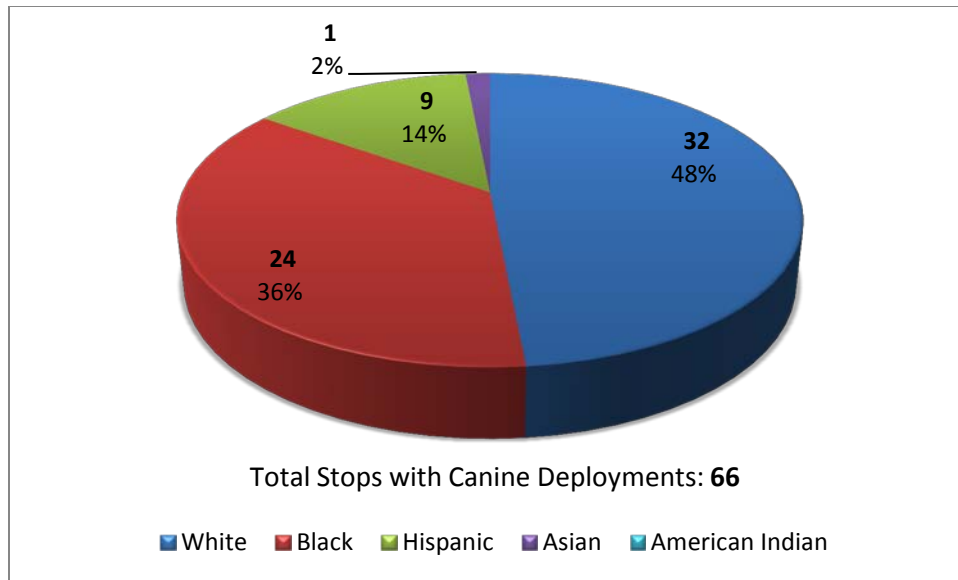


Figure Eighteen: Trend of Racial/Ethnic Distribution of Stops with Canine Deployments
 January 1, 2012 – June 30, 2013

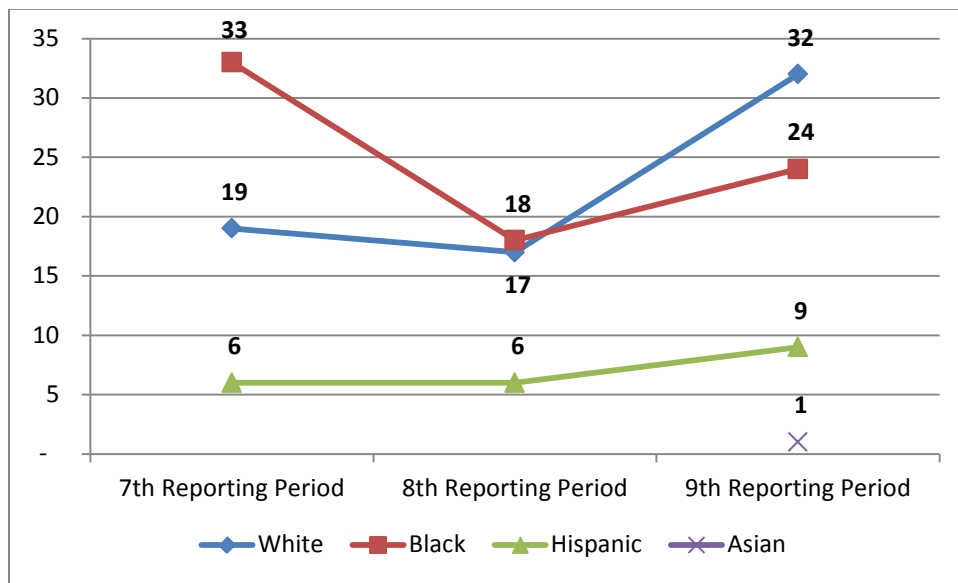


Figure Eighteen presents the trend of canine deployments by racial/ethnic group for the current and previous reporting period. As noted previously, there was a 61% increase in the total number of stops with canine deployments in the current reporting period. White drivers experienced the largest increase, 88%. The number of stops with canine deployments involving Black drivers increased by 33% in the current reporting period while Hispanic drivers increased by 50%. These increases seem large, but in actuality, the increase for White drivers only involved 15 deployments.

Uses of Force

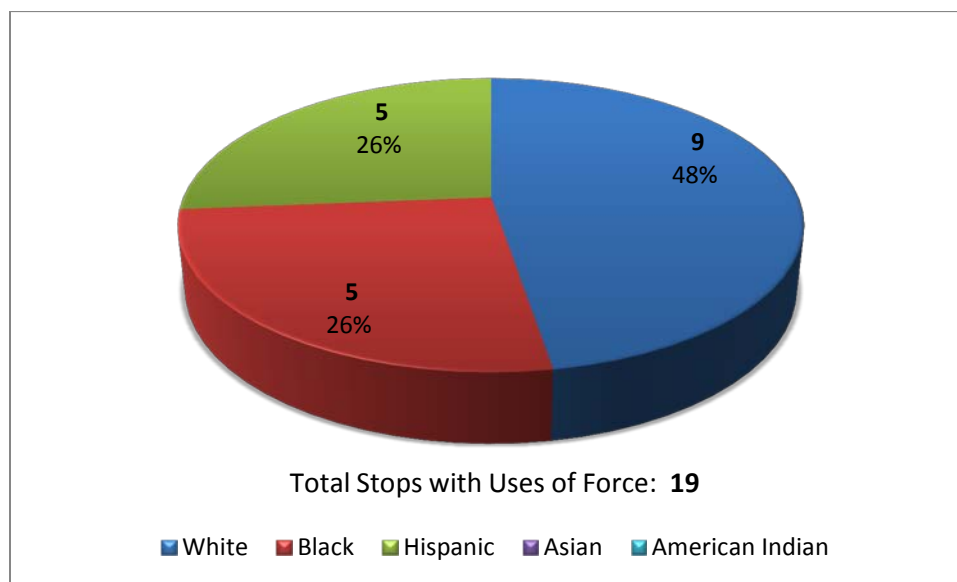
In this reporting period, there were 19 stops where force was used. This is a slight increase from the previous reporting period, where there were 17 uses of force. Force remains an infrequent event during motor vehicle stops. Only 0.1% of stops with a post stop interaction involved uses of force.

Physical force was the most frequently utilized form of force. There were 16 stops with uses of force that were classified as physical force. Chemical force was utilized in only one motor vehicle stop. Mechanical force was used in two stops. Unlike previous reporting periods, there were no reports of the use of multiple types of force in the current reporting period.

Figure Nineteen depicts the number of stops with uses of force by driver race or ethnicity. Because of the small number of stops with force, the percentages are somewhat misleading. White drivers were involved in 48% of all stops with force while Black drivers were 26%. However, White drivers were involved in nine stops with force while Black drivers were involved in five stops with force. Hispanic drivers were also involved in five stops with uses of force.

Figure Nineteen: Racial/Ethnic Distribution of Stops with Uses of Force

January 1, 2013 - June 30, 2013

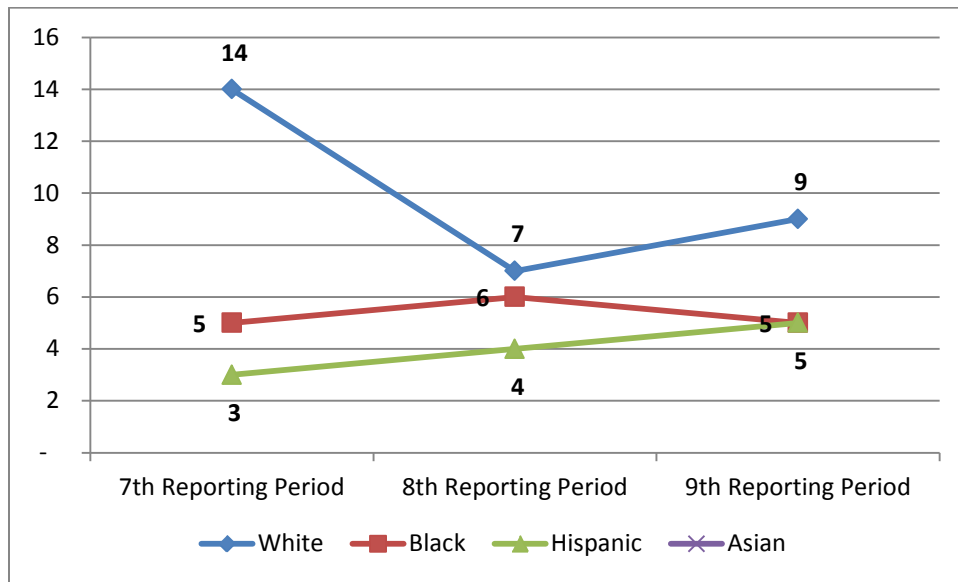


The racial/ethnic distribution of stops with uses of force is fairly consistent with the distribution of stops with law enforcement procedures. White drivers make up roughly the same proportion of stops with force, 48% as those with law enforcement procedures, 50%. Black drivers make up a similar proportion. They are 26% of stops with uses of force, only 29% of stops with law enforcement procedures. Unlike the previous reporting period, the extent of overrepresentation for Hispanic drivers is the largest; they are 26% of stops with uses of force and only 18% of stops with law enforcement procedures.

The total number of stops where force was used increased by about 12% in the current reporting period. As shown in Figure Twenty, White and Hispanic drivers experienced an increase in the number of stops with uses of force. For White drivers this increase was 29%, but was really only two

stops while for Hispanic driver the 25% increase was the result of one additional stop with a use of force. Black drivers experienced a 17% decrease in the number of stops with uses of force, which resulted from one less stop with a use of force in the current reporting period compared to the previous reporting period. Because force is a relatively rare event, slight changes can seem larger than they actually are when using percentages. The differences in the number of stops with uses of force were only one or two stops for each racial/ethnic group; there were no dramatic changes like that noted in the 7th to the previous reporting periods.

Figure Twenty: Trend of Racial/Ethnic Distribution of Stops with Uses of Force
 January 1, 2012 – June 30, 2013



Consent to Search

For this period, there were 1,387 stops with consent to search requests. There may be multiple outcomes for a consent request: granted, denied, or withdrawn. Figure Twenty-One presents the distribution of all consent to search request outcomes. The majority of consent to search requests were granted; 1,203 (95%) requests were granted, 64 (5%) were denied, and only two (0%) requests were granted by a vehicle occupant, and then withdrawn by an occupant during the stop.

Figure Twenty-One: Outcome of Consent to Search Requests
 January 1, 2013 - June 30, 2013

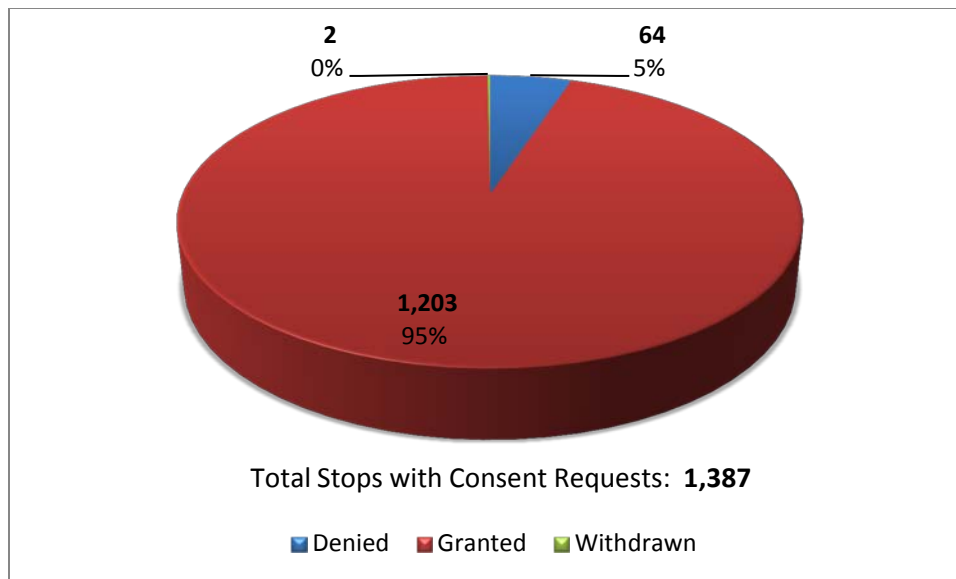


Figure Twenty-Two: Racial/Ethnic Distribution of Stops with Consent to Search Requests
 January 1, 2013 - June 30, 2013

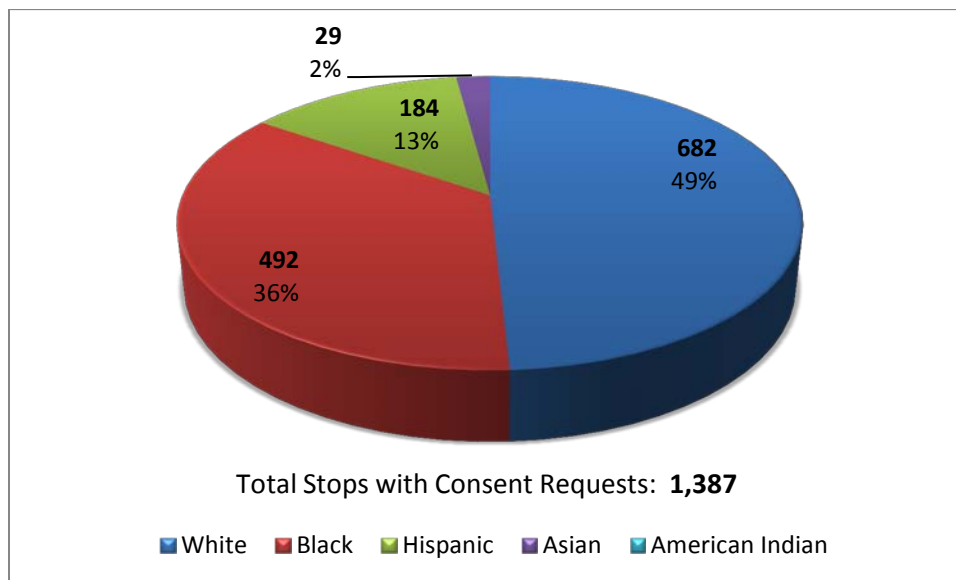
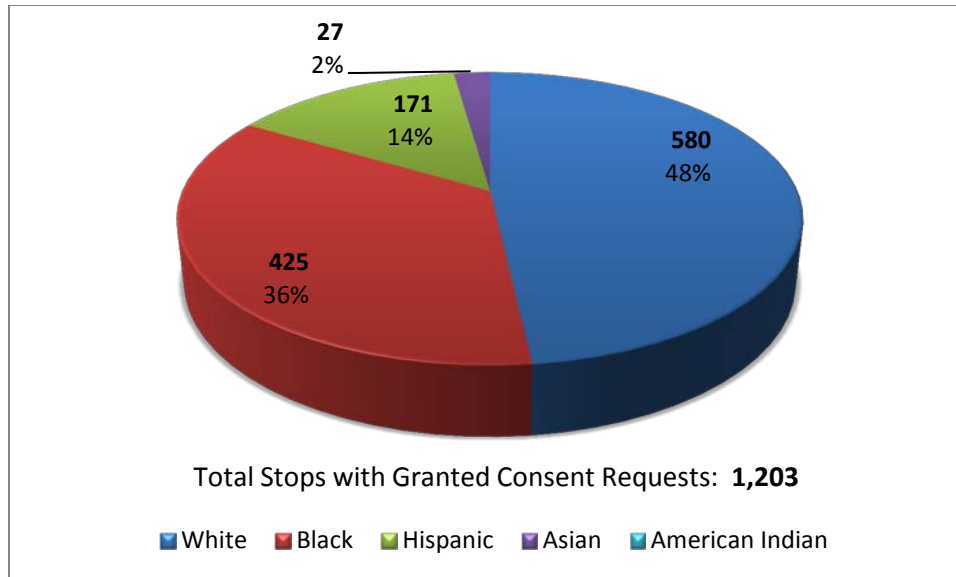


Figure Twenty-Two presents the racial/ethnic distribution for consent to search requests made during motor vehicle stops. White drivers made up the largest proportion of stops with consent to search requests. Nearly half, 49%, of all stops with consent to search requests involved White drivers. Black drivers were involved in 492 stops (36%) with consent to search requests, and Hispanic drivers were involved in 184 stops (13%) with consent to search requests. The racial/ethnic distribution of stops with consent to search requests is similar to the distribution of stops with law enforcement procedures, where White drivers make up 50%, Black drivers make up about 29%, and Hispanic

drivers make up about 18% of stops. However, when compared to the racial/ethnic distribution of all stops, White drivers are underrepresented and Black drivers are overrepresented among stops with consent to search requests.

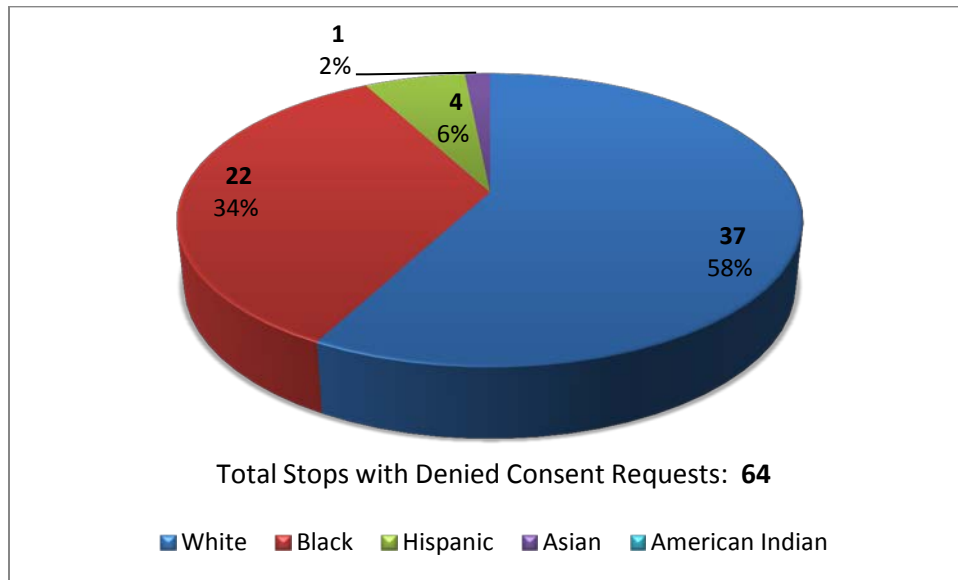
Figure Twenty-Three: Racial/Ethnic Distribution of Stops with Granted Consent Searches

January 1, 2013 - June 30, 2013



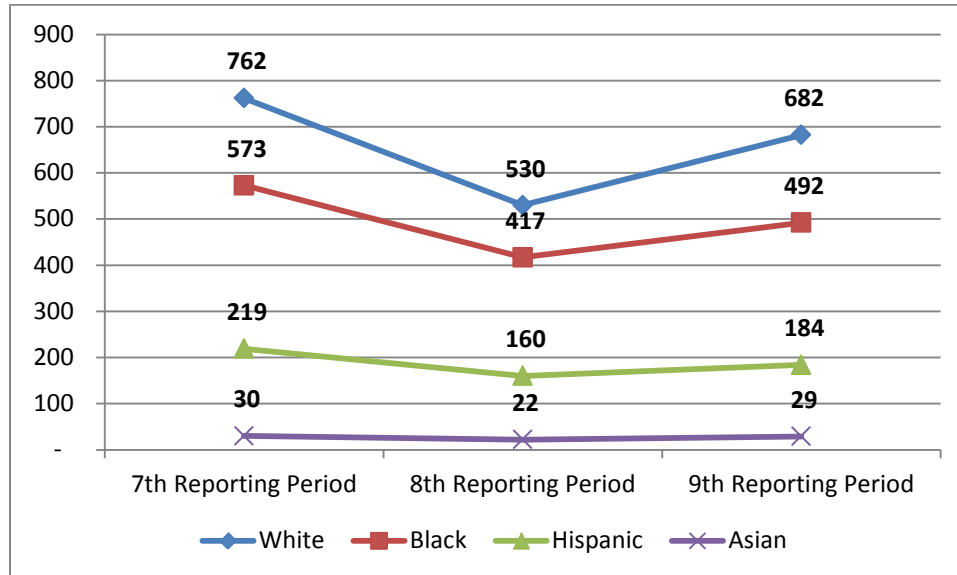
Among the possible outcomes of these requests, this pattern remains the same; White drivers had the highest proportion of both granted (Figure Twenty-Three) and denied consent to search requests (Figure Twenty-Four). Because the majority of consent to search requests are granted, the distribution of granted consent requests is nearly identical to that of all stops with requests. However, the distribution of denied consent to search requests deviates slightly. Specifically, White drivers were involved in an even larger proportion of stops with denied consent requests, 58% than their proportion of all stops with consent requests, 49%. Additionally, Hispanic drivers were involved in a much smaller proportion of stops with denied consent requests, 6%.

Figure Twenty-Four: Racial/Ethnic Distribution of Stops with Denied Consent Requests
 January 1, 2013 - June 30, 2013



The total number of stops with consent to search requests increased slightly in the current reporting period. The total number of requests increased 23% in the current reporting period. This number includes all requests, regardless of the outcome (granted or denied). Figure Twenty-Five graphs this trend for each racial/ethnic group. Percentage-wise, Asian drivers experienced the largest increase, 32%. However, this amounted to only seven additional stops with consent requests. White drivers on the other hand, experienced an increase of 29%, 152 stops. Black and Hispanic drivers also experienced an increase in the number and proportion of stops with consent to search requests, roughly 18% and 15%, respectively.

Figure Twenty-Five: Trend of Racial/Ethnic Distribution of Stops with Consent Requests
 January 1, 2012 – June 30, 2013



Trends in each category of consent to search request that were granted, denied, or withdrawn are not presented pictorially. However, in the current reporting period, there was a 48% decline in the number of stops with denied consent requests while there was a 20% increase in the number of stops with granted consent requests. Generally, each racial/ethnic group experienced increases in the number of stops with granted consent requests that were similar to the overall increase for each category of consent requests. The decline in the number of stops with denied consent requests was largest for Black drivers.

Arrests

In the current reporting period, there were 7,347 motor vehicle stops where at least one person was arrested. In the majority of these stops, only one person was arrested. However, there were six individuals arrested in three stops and several stops where five individuals were arrested. On average, there were 1.1 arrests per stop.

Figure Twenty-Six: Racial/Ethnic Distribution of Stops with Arrests
January 1, 2013 - June 30, 2013

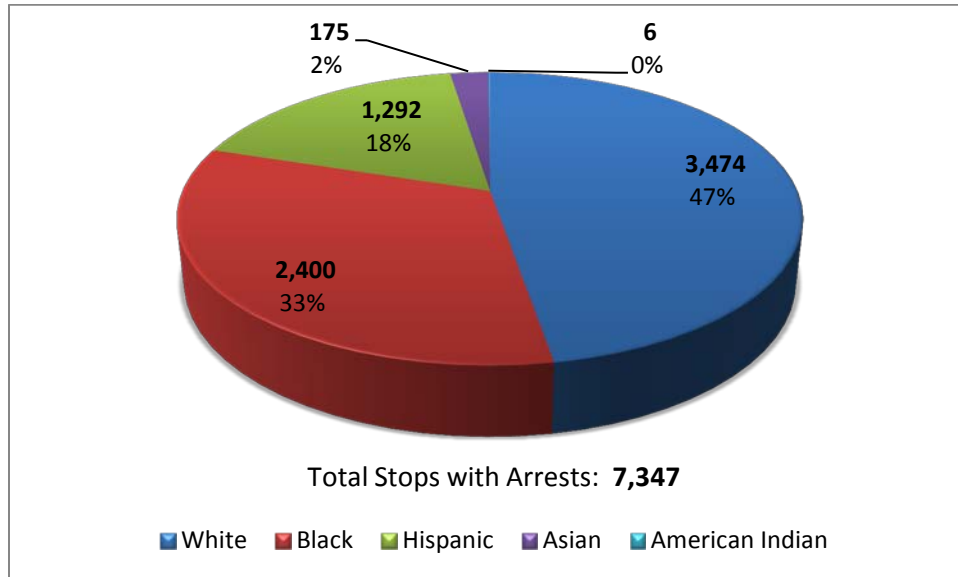
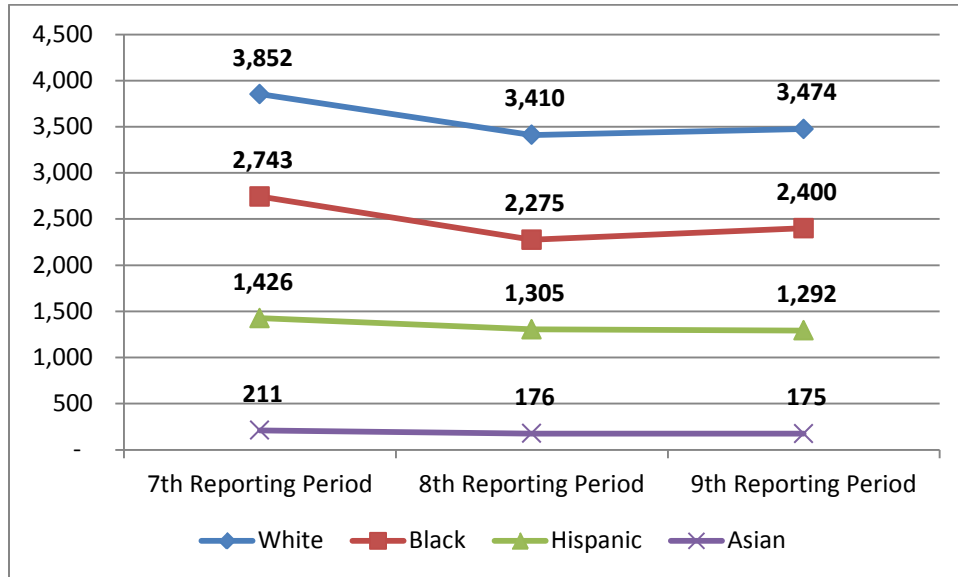


Figure Twenty-Six depicts the racial/ethnic distribution of all motor vehicle stops where an arrest was made. Overall, White drivers were involved in the highest proportion of stops where an arrest was made. Roughly 47% of all stops where an arrest was made involved White drivers. Black drivers were involved in 33% of all stops where an arrest was made while Hispanic drivers were involved in 18% of stops where an arrest was made. Asian drivers were only involved in 2% of all stops with arrests and American Indian drivers were involved in 0%.

Compared to the overall racial/ethnic distribution of stops, it appears that White drivers are underrepresented while Black and Hispanic drivers are overrepresented. White drivers were 63% of all stops yet only 47% of stops with arrests. Conversely, Black drivers were only 18% of all stops but 33% of all stops with arrests. The overrepresentation for Hispanic drivers is not nearly as dramatic, Hispanic drivers were 12% of all stops and 18% of all stops with arrests.

Figure Twenty-Seven: Trend of Racial/Ethnic Distribution of Stops with Arrests
 January 1, 2012 – June 30, 2013



The total number of stops where an individual was arrested increased about 2% in the current reporting period. Since this increase is fairly small, the increase was very slight for each racial/ethnic group. Black and White drivers experienced the largest increases; the number of stops with Black or White drivers where an individual was arrested increased by 5% and 2%, respectively, in the current reporting period. Conversely, Hispanic and Asian drivers actually experienced slight declines. Hispanic drivers declined by 1% and Asian drivers by about .5%.

Historically, the number of stops with arrests for Black drivers has been disproportionately high compared to other racial/ethnic groups. In the current period, they are still disproportionately high in comparison to their proportion of all stops, but not quite as disproportionate as previous reporting periods. The actual number of and charges for arrests will be discussed in the individual analysis section, explaining this disproportionality.

As noted in the previous aggregate report, White drivers are more likely to be involved in any post-stop interaction than other drivers. Black drivers are roughly 30% of all law enforcement procedures utilized in the current reporting period. This does suggest some sort of disproportionality, however, the reason for this disproportionality is not necessarily known. As noted earlier, the appropriateness of enforcement activities is not assessed in this report, but is in OLEPS' Oversight Reports. Further analysis is necessary to uncover the reason(s) for the disproportionality in law enforcement procedures. However, because the majority of stops with law enforcement procedures have at least one arrest made, it is possible that the disproportionality for all law enforcement procedures stems from this.

Evidence Seizures

The seizure of evidence during a motor vehicle stop is a relatively rare occurrence, occurring in only 1,078 motor vehicle stops. Evidence may have been seized in conjunction with a variety of activities including: frisks, non-consensual searches, consent requests, execution of a search warrant, plain view seizures, or even a request for the retrieval of property.

Figure Twenty-Eight: Racial/Ethnic Distribution of Evidence Seizures
 January 1, 2013 - June 30, 2013

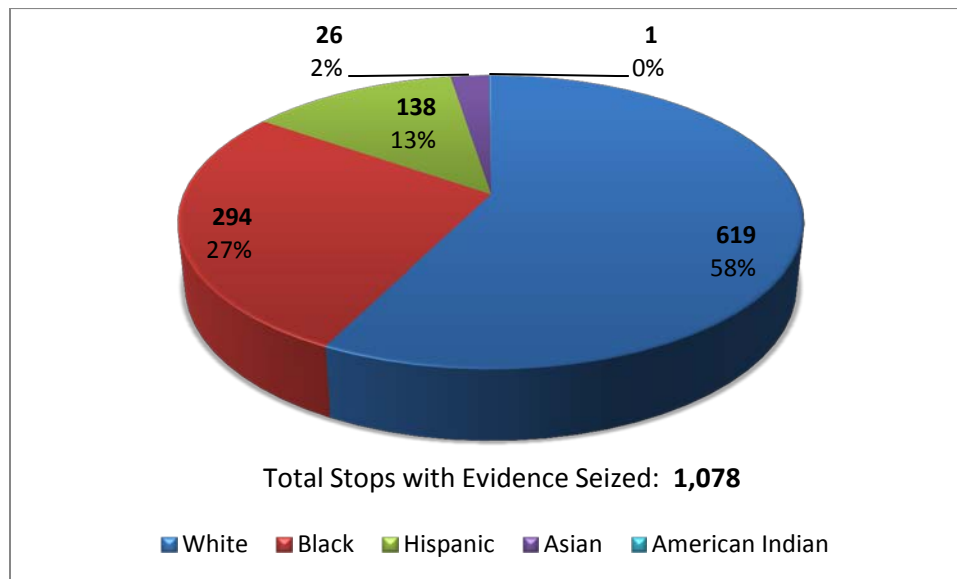
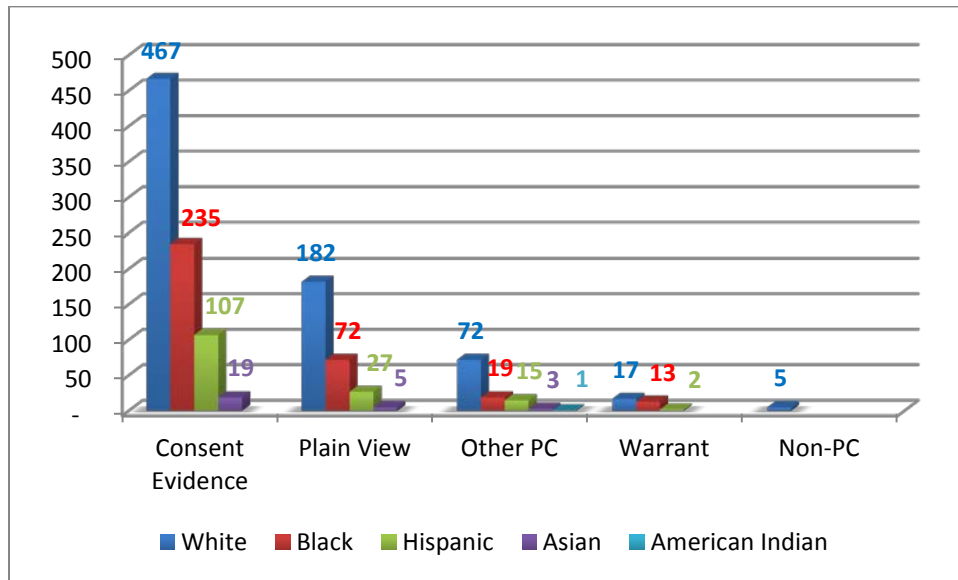


Figure Twenty-Eight depicts the racial/ethnic distribution of stops with evidence seizures. The majority of stops in which evidence was seized involved White drivers. In 58% of all stops with evidence seized, the driver was White, in 27% of stops the driver was Black, and in 13% of stops the driver was Hispanic. Compared to the overall distribution of motor vehicle stops, Black drivers are overrepresented. While only 18% of all stops, Black drivers are involved in 27% of stops with evidence seized. However, the distribution of stops with evidence seizures is more similar to the distribution of stops with law enforcement procedures.

Each motor vehicle stop can involve one or more seizures of evidence. In the current reporting period, 175 of the 1,078 stops with seizures had evidence seized as the result of more than one type of activity. For example, a trooper may observe contraband in plain view and also conduct a consent search that produces evidence. Thus, there are actually, 1,261 searches/seizures that led to an evidence seizure. At most, a single stop included three different types of searches/seizures that resulted in evidence. However, the majority of stops only involved one type of search/seizure.

While the exact evidence seized is unknown, it is known how the evidence was obtained. Figure Twenty-Nine depicts the type of search/seizures that resulted in evidence for each racial/ethnic group. The majority of the 1,261 evidence seizures resulted from consent searches. In total, there were 828 evidence seizures as the result of a consent search. Of these consent search seizures, 56% involved White drivers, 28% involved Black drivers, 13% involved Hispanic drivers, and 2.3% involved Asian drivers.

Figure Twenty-Nine: Types of Evidence Seizures
 January 1, 2013 - June 30, 2013



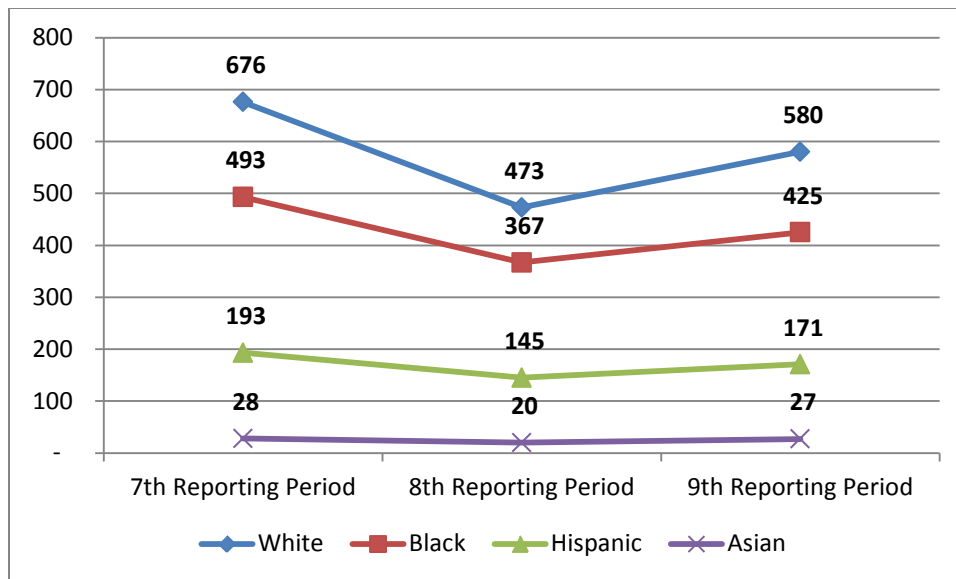
Like the previous reporting period, the second most frequent searches/seizures were those considered plain view. In 286 seizures, the reason provided indicated that a controlled dangerous substances (CDS), controlled dangerous weapons (CDW), or open containers were in plain view and subsequently seized. Of these seizures, 64% involved White drivers, 25% involved Black drivers, 9% involved Hispanic drivers, and 2% involved Asian drivers.

Seizures classified as "Other PC" were the third most frequently cited search leading to an evidence seizure. These activities include all PC based searches/seizures other than plain view seizures. Thus, vehicle frisks, proof of ownership, secure vehicle, retrieval of property, or public exigency searches fall under this category. There were 110 searches/seizures classified as Other PC. Again, the majority, 65%, involved White drivers, while 17% involved Black drivers, 14% involved Hispanic drivers, and 3% involved Asian drivers.

Searches/seizures classified as Non-PC or as the result of a search warrant were rare. These two categories accounted for less than 40 seizures in the current reporting period.

Figure Thirty depicts the trend motor vehicle stops with evidence seized by racial/ethnic group. Overall, there was a 30% increase in the number of stops where evidence was seized. This increase was largest for White drivers; the number of stops with White drivers where evidence was seized increased 44% in the current period. The increase was still noticeable, but smaller for all other racial/ethnic groups. For Black drivers the increase was only 15%, for Hispanic drivers the increase was 9%, and the increase for Asian drivers was 37%.

Figure Thirty: Trend of Racial/Ethnic Distribution of Stops with Evidence Seizures
 January 1, 2012 – June 30, 2013



Dispositions

For each stop made by the State Police, a disposition is issued. As depicted in Figure Thirty-One, 75,190 stops (37%) resulted in some kind of summons, 66,966 stops (33%) resulted in a warning, 21,894 stops (11%) resulted in some combination of warnings and/or summons, and 36,599 stops (18%) resulted in another, unspecified disposition. As in previous reporting periods, the most common dispositions were summonses and warnings issued for moving violations. Each of these categories makes up about 25% of all dispositions issued during this reporting period. Dispositions based on non-moving violations were less common; there were 25,330 summonses for non-moving violations and 13,734 warnings for non-moving violations issued during motor vehicle stops made during this reporting period.

Figure Thirty-One: Dispositions of All Stops
January 1, 2013 – June 30, 2013

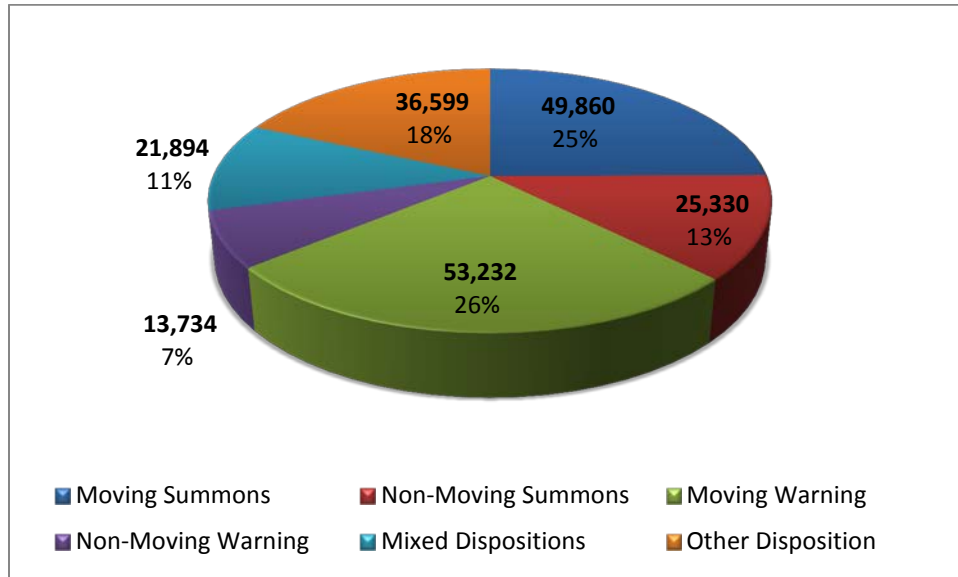
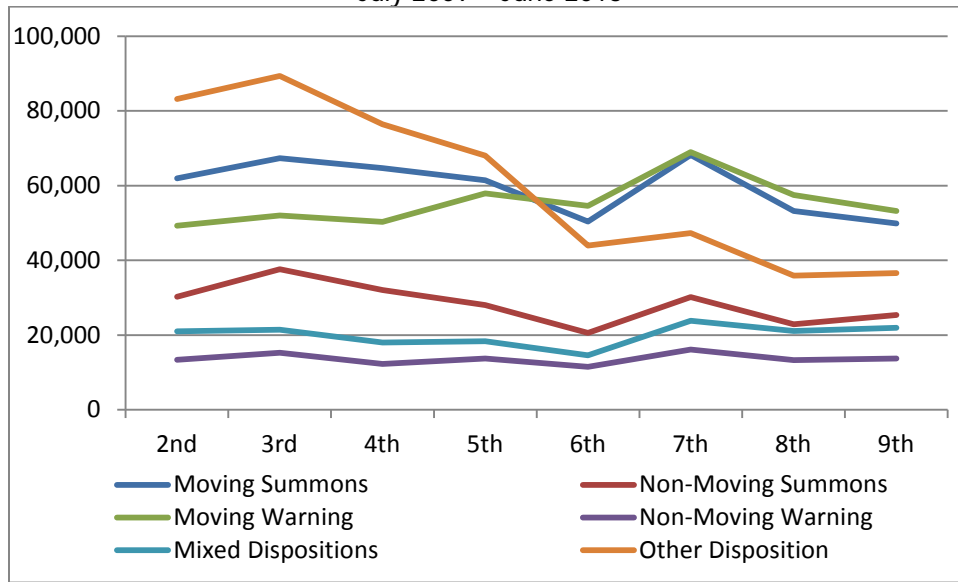


Figure Thirty-Two graphs the number of stops resulting in each disposition for the current and past seven reporting periods. Because the number of motor vehicle stops made in the current reporting period is similar to the previous reporting period, there were only slight changes to the number of stops in each category of disposition. As noted in the previous Aggregate Report, the State Police have made concerted efforts to reduce the number of stops with other dispositions. While there was a slight decrease in the number of stops with other dispositions in the previous period, the number of other dispositions increased slightly in the current reporting period from 35,881 to 36,599 stops in the current reporting period.

Figure Thirty-Two: Trends of Dispositions
July 2009 – June 2013

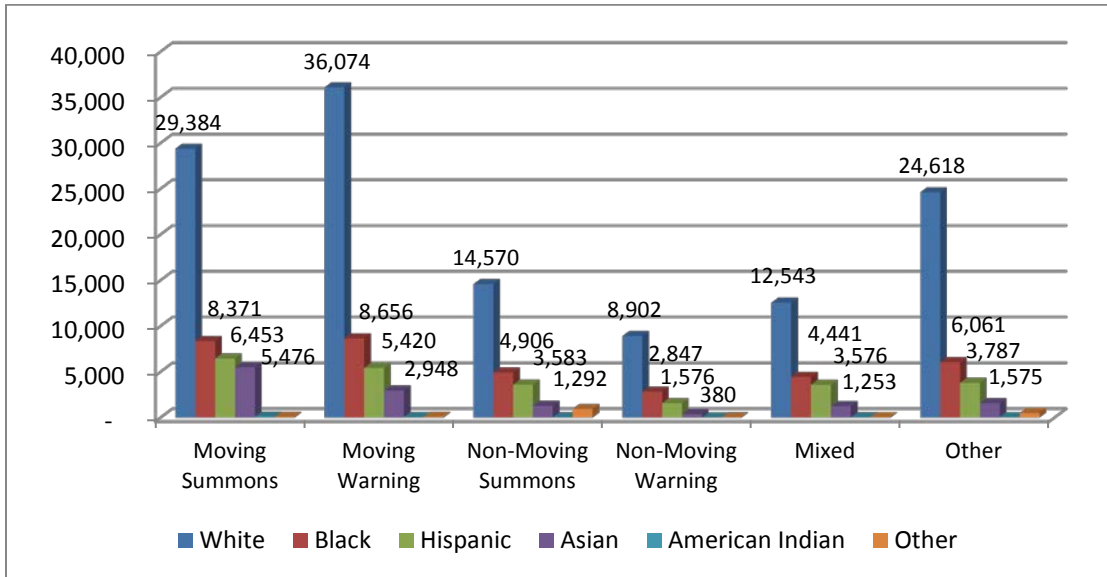


Since the State Police began its attempts to reduce the number of stops with no enforcements, the number of stops resulting in warnings and summonses for moving violations have increased, surpassing other violations in the sixth reporting period. While these two disposition categories have historically been frequent, they are now the most frequent outcomes for motor vehicle stops. In the 7th reporting period, the number of warnings and summonses for moving violations were nearly identical. However, since then, the State Police has issued slightly more moving warnings than summonses.

Historically, moving summonses have been the most frequent disposition for all racial/ethnic groups. However, in the current reporting period, this is not necessarily true. Moving summonses were the most frequent outcome for Hispanic, Asian, and American Indian drivers but, moving warnings were most common for White and Black drivers. For Other drivers, non-moving summonses were the most frequent outcome.

Across disposition categories, White drivers continue to make up the largest proportion of each disposition type. The overall pattern remains that between 57 and 68 percent of all disposition types involved White drivers and between 16 and 21 percent of all disposition types involved Black drivers. Because State Police is required to record a disposition for all motor vehicle stops, the racial/ethnic distribution of dispositions should be nearly identical to the racial/ethnic distribution of all stops.

Figure Thirty-Three: Racial/Ethnic Distribution of Disposition Types
 January 1, 2013 – June 30, 2013



The most common outcome across stops were moving warnings. There were 53,232 stops (27%) that received a moving warning. Of these stops, there were 36,074 stops (68%) that involved White drivers, 8,656 stops (16%) that involved Black drivers, and 5,420 (10%) that involved Hispanic drivers. This is very similar to the overall pattern of the racial/ethnic distribution of all stops, where the majority of stops involve White drivers. However, White drivers are slightly overrepresented and Black and Hispanic drivers, slightly underrepresented among moving warnings.

The second most common outcome for stops were moving summonses, which were cited in 49,860 stops (25%). There were 29,384 stops (59%) with moving summonses that involved White drivers, 8,371 stops (17%) with moving summonses that involved Black drivers, and 6,453 stops (13%) with moving summonses that involved Hispanic drivers. This is also very similar to the overall racial/ethnic distribution of all stops, albeit underrepresented for White drivers and Black drivers and slightly overrepresented for Hispanic drivers.

Unlike the distribution for law enforcement procedures, the racial/ethnic distribution for each disposition category is consistent with the overall racial/ethnic distribution of motor vehicle stops. White drivers receive roughly 60% of all categories of dispositions, while Black drivers are closer to 18%, and Hispanic motorists were about 12%. Thus, the distribution of disposition types roughly matches that of all stops.

Individual Level Analysis

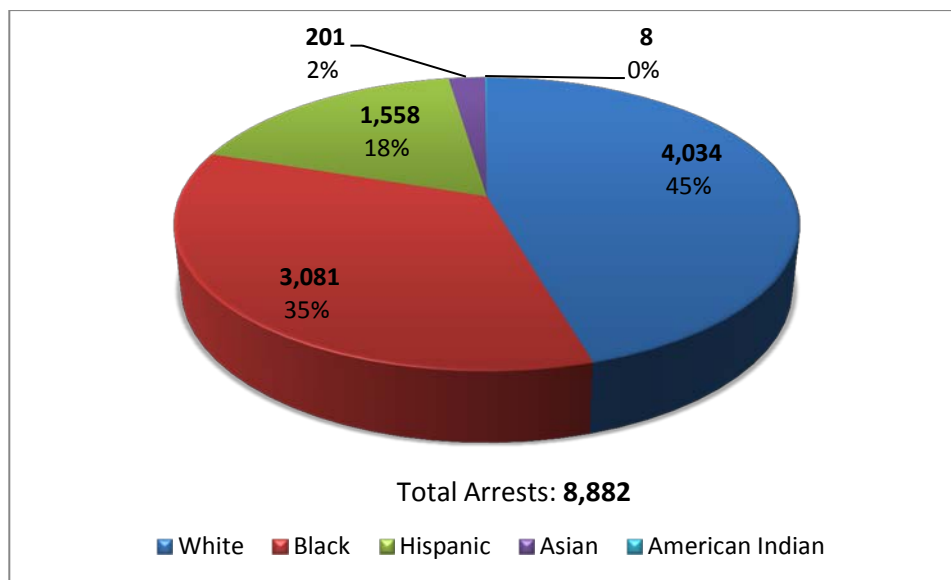
Arrests

While there were 7,347 motor vehicle stops where an arrest was made, there were 8,882 actual arrests. That is, there were 8,882 individuals arrested during motor vehicle stops in the current reporting period. On average, there were 1.1 arrests per motor vehicle stop but, a few stops did have as many as six arrests.

Because each stop averaged just a little more than one arrest, the racial/ethnic distribution of the individuals who were arrested should be similar to the racial/ethnic distribution of stops with arrests. Figure Thirty-Four depicts this distribution, and it is nearly identical to the distribution of stops with arrests. As found for stops with arrests, White individuals made up the largest proportion of all arrests. In 45% of all arrests made during the reporting period, the individual was White. In 35% of all arrests, the individual arrested was Black while in 18% of all arrests, the individual arrested was Hispanic. Finally, Asian individuals were involved in 2% of all arrests while American Indians were involved in 0%. These proportions are nearly identical to those from the previous reporting period.

Of the 8,882 arrests made in the current reporting period, 6,481 arrests were of the driver of a vehicle. The remaining 2,401 arrests were of passengers. Thus, the distribution of stops with arrests, which is based on the driver's race/ethnicity, is nearly identical to the distribution of all arrests because drivers made up the largest proportion of those who were arrested.

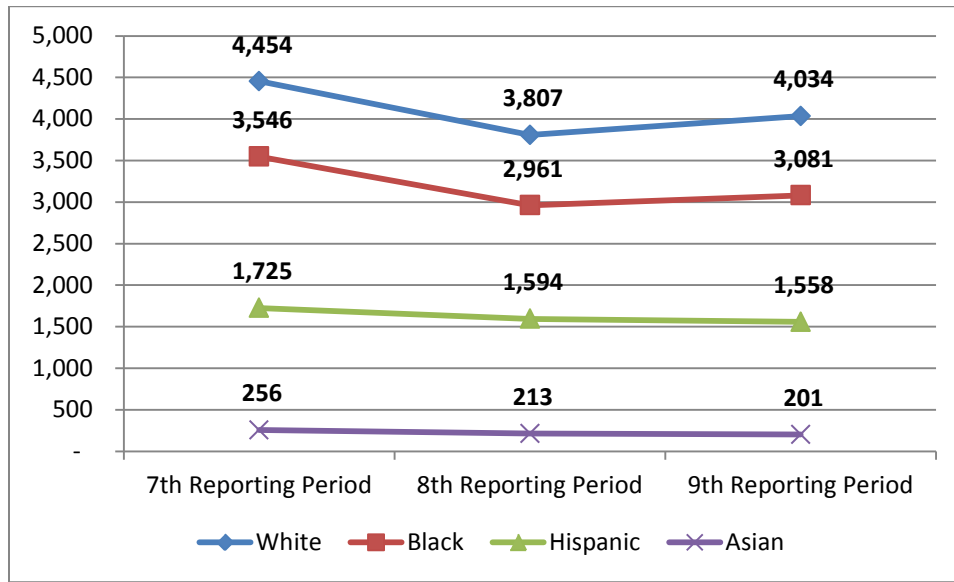
Figure Thirty-Four: Racial/Ethnic Distribution of All Arrests
January 1, 2013 - June 30, 2013



Overall, the number of arrests increased about 4% from the previous reporting period. This increase is slightly more than the increase for all stops with arrests, which increased 2%. The number of White

individuals who were arrested was the largest increase from the previous reporting period; there was a 6% increase in the number of White individuals who were arrested in the current reporting period. Black individuals experienced a similar increase, about 4% while Hispanic individuals experienced a 2% decline and Asian motorists experienced a 6% decline in the number of arrests.

Figure Thirty-Five: Trend of Racial/Ethnic Distribution of Individuals Arrested
January 1, 2012 – June 30, 2013



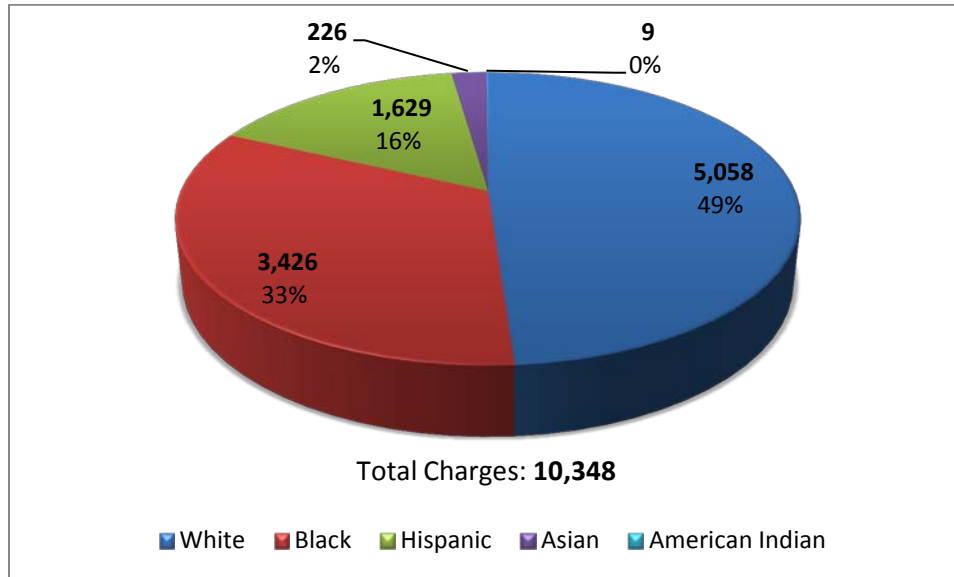
Black and Hispanic individuals made up a larger proportion of all individuals arrested. Whether troopers had appropriate probable cause to arrest is not explored in this report but is in OLEPS' Oversight Report. Examination of the charges filed following arrests may help elucidate possible reasons for this disproportionality in the racial/ethnic distribution of those arrested.

Charges

For an arrest, an individual can be charged with one or multiple charges. For the current period, while there were 8,882 arrests, there were actually 10,348 charges filed. On average, each arrest resulted in 1.17 charges filed. However, several arrests had as many as seven charges filed.

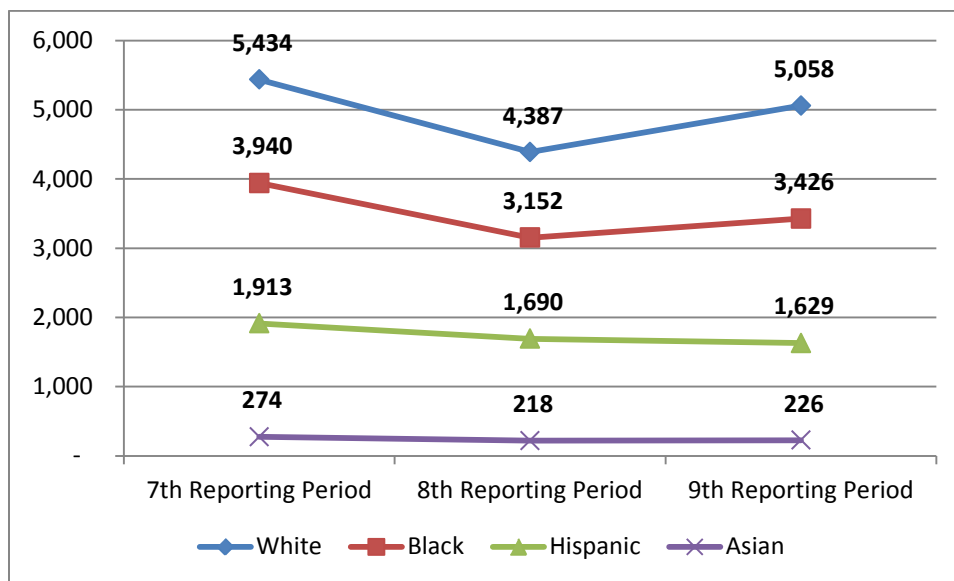
The racial/ethnic distribution of those arrested and that had charges filed is presented in Figure Thirty-Six and is similar to the distribution of all arrests. White individuals were involved in the largest proportion of charges filed, 49%. Black individuals were involved in 33% of all charges, Hispanic individuals were involved in 16% of all charges filed, and Asian individuals were involved in 2% of charges filed. Compared to the distribution of those individuals who were arrested, the proportions are nearly similar. However, White individuals make up a larger proportion of those charged than arrested while Black and Hispanic individuals make up a smaller proportion of those charged.

Figure Thirty-Six: Racial/Ethnic Distribution of Charges
 January 1, 2013 - June 30, 2013



While the number of individuals arrested increased by about 4% in the current reporting period, the total number of charges filed increased by 9%. As shown in Figure Thirty-Seven, White, Black, and Hispanic individuals experienced an increase in the total number of charges filed, while Hispanic individuals experienced a decrease. However, White individuals experienced the largest increase, 15%, while charges against Hispanic individuals actually declined 4%, charges against Black individuals increased about 9%, and charges against Asian individuals increased about 4%.

Figure Thirty-Seven: Trend of Racial/Ethnic Distribution of Charges
 January 1, 2013 – June 30, 2013



In some cases, an individual may be arrested and not charged. While this is possibly a data entry error, it is more likely a reflection of policies and procedures following State v. Peña-Flores, 198 N.J. 6 (2009).⁸ Following this ruling, State Police policy requires immediate arrest when a trooper has probable cause in the form of the odor of marijuana. In these instances, an individual is placed under arrest immediately when the odor of either raw or burnt marijuana is detected. The trooper may then request for consent to search the vehicle, request a canine, or request a search warrant. If none of these searches provide evidence to confirm the odor and the odor dissipates, the trooper must release the individual. Thus, an arrest was made, but the individual was never charged because the odor of marijuana, or probable cause, dissipated.

In the current reporting period there were 1,077 arrests where an individual was not ultimately charged with any specific statute. The racial/ethnic distribution of those not charged should, ideally, be identical to the racial/ethnic distribution of those charged. If the distributions differ, further analysis is required to determine what specifically causes these differences.

Figure Thirty-Eight: Racial/Ethnic Distribution of Arrests with No Charges

January 1, 2013 - June 30, 2013

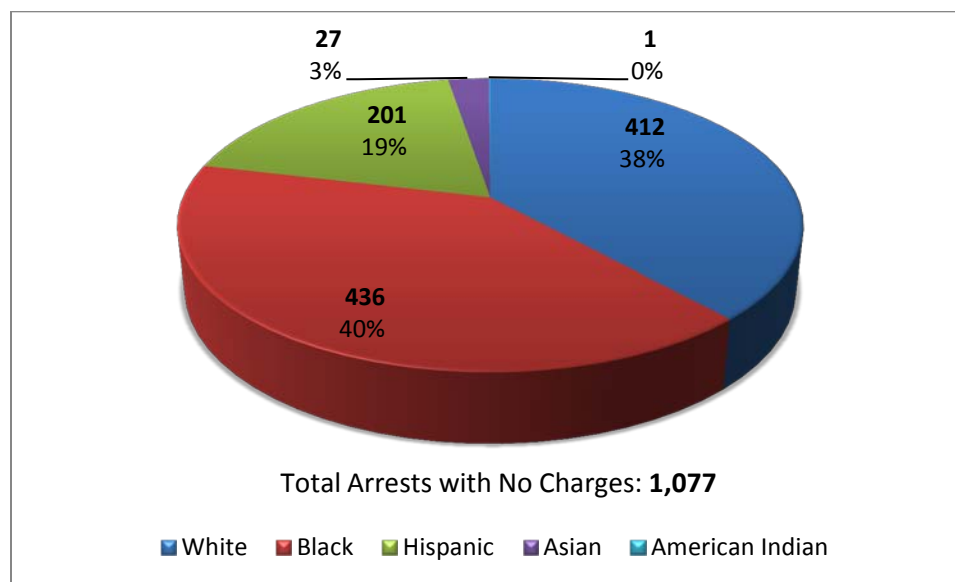


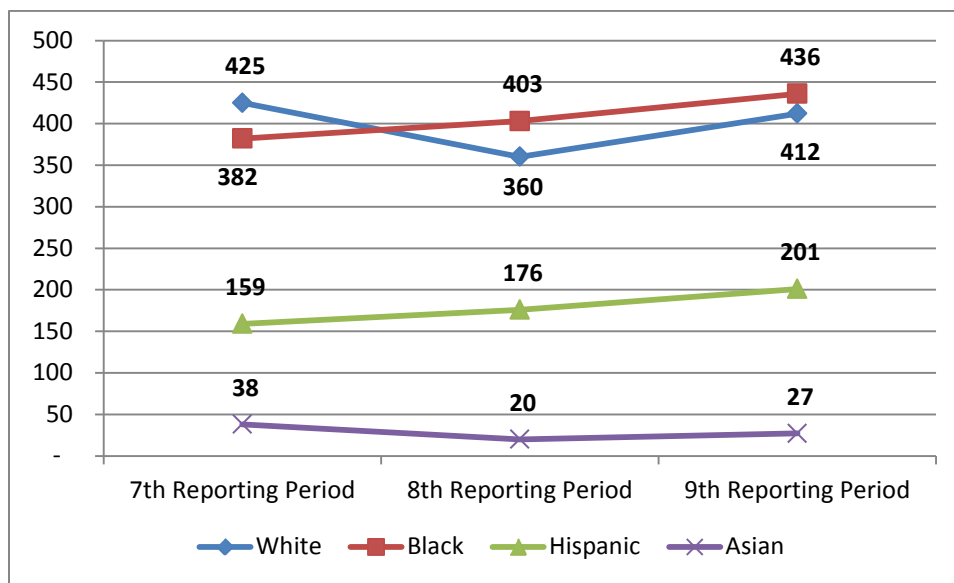
Figure Thirty-Eight depicts the racial/ethnic distribution of those arrested but not charged in the current period. The distribution of those not charged is similar to that of those who were charged, however, some differences do emerge. Specifically, while Black drivers were roughly 1/3 of all charges filed, they are 40% of those individuals for whom no charges were filed. Conversely, White drivers were 49% of charges filed yet only 38% of those with no charges filed. Thus, it would appear that Black individuals are slightly overrepresented among arrests with no charges. This is not unexpected as OLEPS has noted the high number of motor vehicle stops where a consent search was requested based on PC, the odor of marijuana. The presence of that particular form of PC, as

⁸ State v. Peña-Flores, 198 N.J. 6 (2009), hereafter referred to as Peña-Flores, served to further define the exigent circumstances under which a search of a vehicle could be conducted without securing a search warrant under the automobile exception when there was probable cause to believe that a crime had been (or will be) committed.

discussed previously, requires an immediate arrest until a trooper can ascertain whether there is contraband on the person or in the vehicle.

While the distribution of those not charged may be similar to that of those charged, the trend of those not charged differs from those charged. As shown in Figure Thirty-Nine, the number of Black and Hispanic individuals not charged has increased in the current and previous reporting periods. Specifically, the number of Black individuals not charged increased by about 8% while the number of Hispanic individuals increased 14% in the current reporting period. Thus, it appears that Black and Hispanic drivers are not only disproportionately represented among those arrested and not charged, but that this disproportionality has increased in the current reporting period. As noted previously, this may be the result of immediate arrest upon the odor of marijuana. OLEPS will continue to examine this trend in future reports. However, White individuals also experienced an increase in those arrested and not charged, roughly 14% in the current reporting period. This may suggest an increase overall, rather than any sort of biased enforcement. Nonetheless, OLEPS will continue to examine the number and proportion of arrests that result in no charges filed for all racial/ethnic groups.

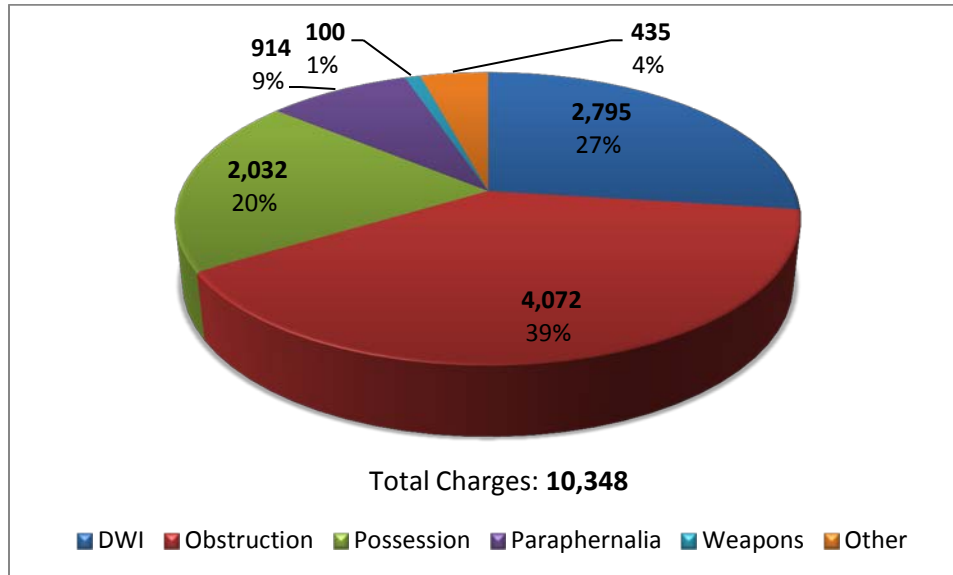
Figure Thirty-Nine: Trend of Racial/Ethnic Distribution of Individuals Not Charged
January 1, 2012 – June 30, 2013



Types of Charges

The charges filed following an arrest can be numerous. As noted above, an individual may be charged with multiple charges. While there are a number of charges that can be chosen for any violation, there are also a few charges that are commonly used. Each specific charge was coded to reflect the overall type of charge. Figure Forty depicts the types of charges filed for arrests made during motor vehicle stops in the current reporting period.

Figure Forty: Types of Charges Filed
 January 1, 2013 - June 30, 2013



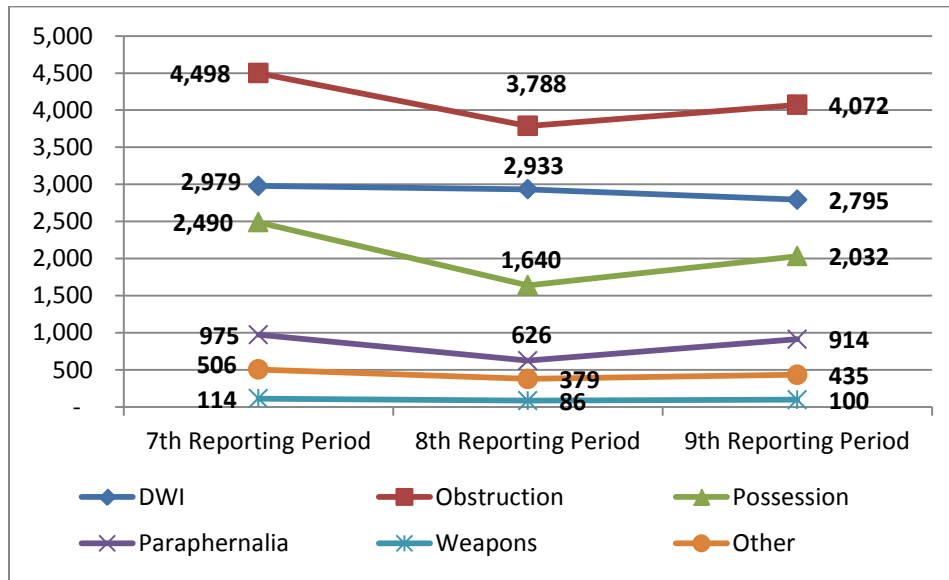
For the current reporting period, the most commonly cited charges pertained to obstruction; 39% of all charges filed were categorized as obstruction. This category does include such charges as resisting arrest, hindering apprehension, and contempt. Contempt is the charge listed when an individual is arrested based on an outstanding warrant and for the current period and is actually the most frequently cited obstruction charge. Contempt was the specific charge cited in 89% of all obstruction charges in the current reporting period. From this information, it can be inferred that a large proportion of arrests made during motor vehicle stops in the current reporting period are based on outstanding warrants.

As noted in previous reports, a number of individuals were charged in reference to drugs and alcohol. These charge categories, DWI, Possession, and Paraphernalia, were cited in slightly more than half of all charges filed. Charges for possession of a controlled dangerous substance, or being under the influence of such a substance were 20% of all charges filed while charges for possession of drug paraphernalia were 9% of all charges filed. Marijuana was the most frequently cited drug in possession charges, cited in over 56% of all possession charges. Charges for driving while intoxicated (DWI) were 27% of all charges filed.

Charges for the possession of prohibited weapons and devices were relatively rare in the current reporting period. These charges amounted to about 1% of all charges filed.

Other charges included a variety of both criminal and traffic violations that were cited in the current reporting period. These charges only amounted to 4% of all charges filed. The most commonly cited other charge was theft of some kind.

Figure Forty-One: Trend of Arrest Charges
January 1, 2012 – June 30, 2013



The total number of charges filed in the current reporting period increased about 9%, as noted previously. Figure Forty-One illustrates this increase by charge categories. As shown, the magnitude of the increase varied across charge types. For example, the number of charges for DWI actually declined by only 5%. However, paraphernalia charges increased by 46% and possession charges increased by 24%. The relative constant of DWI charges may be indicative of targeted DWI enforcement patrols that did not change in frequency during the current and previous two reporting periods.

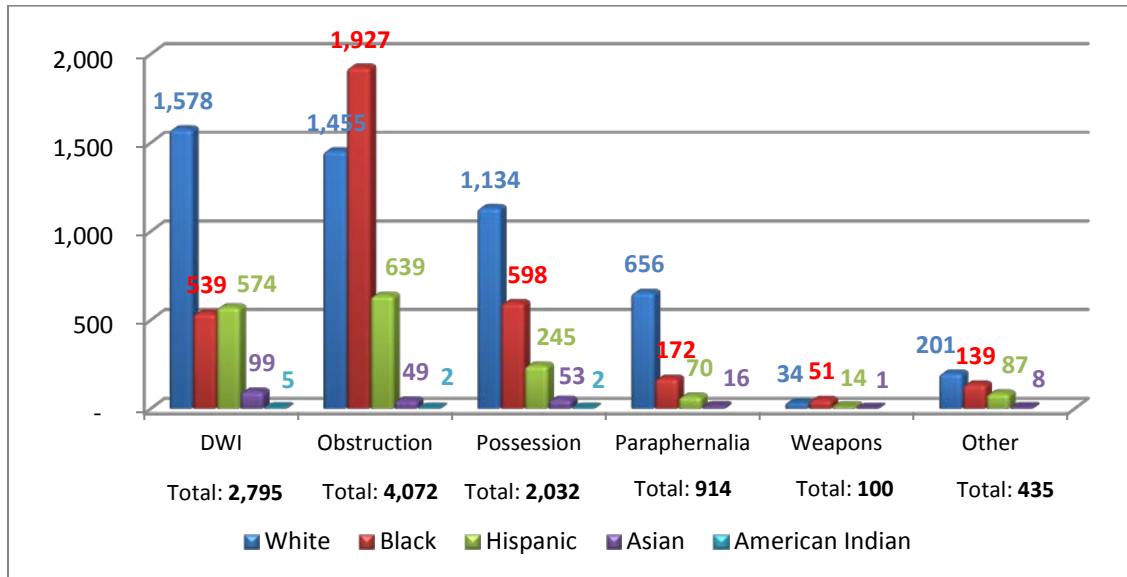
Since an individual can be charged with multiple charges, the racial/ethnic distribution of each charge category is explored in Figure Thirty-Two. The distribution of all charges in Figure Twenty-Six indicated that White motorists make up the largest proportion of all charges, followed by Black, Hispanic, Asian, and then American Indian individuals. This same distribution is expected for each category of charges.

This pattern is upheld for those charged with DWI. Among those charged with DWI, White individuals were most likely to be charged with DWI. In 1,578 (56%) DWI charges the individual charged was White, in 539 (19%) instances the individual charged was Black, in 574 (21%) the individual charged was Hispanic, in 99 (3%) the individual charged was Asian, and in five instances the individual charged was American Indian. Thus, there were more White individuals charged with DWI than other racial/ethnic groups. Coincidentally, DWI was the most frequently cited charge for all White individuals and also, Asian and Hispanic individuals.

Obstruction charges, the most frequent category of charges, do not follow the expected pattern. Rather than White individuals making up the largest proportion, Black individuals are those who most frequently received obstruction charges. In the current period, 1,927 (47%) obstruction charges were cited for Black individuals while only 1,455 (35%) cited White individuals. Hispanic individuals made up 16% and Asian motorists made up 1% of all obstruction charges. Not only did Black individuals

make up the largest proportion of all obstruction charges, obstruction was also the most frequently cited charge for Black drivers.

Figure Thirty-Two: Racial/Ethnic Distribution for Types of Charges Filed
January 1, 2013 - June 30, 2013



White individuals were the largest proportion of those charged with paraphernalia or possession of controlled dangerous substances. White motorists were charged in 1,134 (56%) charges of possession, Black motorists were charged in 598 (29%), Hispanic motorists were charged in 245 (12%), and Asian individuals were charged in 53 (3%) possession charges. Paraphernalia charges were similarly distributed. White individuals were cited in 656 (72%) paraphernalia charges while Black motorists were charged in 172 (19%), Hispanic individuals were charged in 70 (8%), and Asian individuals were charged in 16 (2%) paraphernalia charges.

Weapons charges were more common for Black than White individuals. Black individuals were involved in 51 (51%), White individuals were involved in 34 (34%), Hispanic individuals in 14 (14%), and Asian individuals in one (1%) of instances where weapons charges were filed. This pattern reverses for other charges. Black individuals were involved in 139 (32%) instances of other charges while White motorists were cited in 201 (46%) instances. Hispanic motorists were involved in 87 (20%) and Asian drivers eight (2%) instances with other charges.

As mentioned in previous reporting periods, Black individuals appeared to be more likely to be arrested than their likelihood of being involved in a stop overall. Though the racial/ethnic distribution of all stops is unknown, this pattern is still likely in the current reporting period. Through examination of the charges filed for all arrests in this period, an explanation is possible. Roughly 40% of all charges pertained to the obstruction of justice, the vast majority of which were identified as contempt. Contempt, as noted, is the charge listed when an individual has an outstanding warrant. Additionally, Black drivers made up the largest proportion of charges for obstruction and contempt. Thus, the disproportionality of arrests and charges is unlikely the result of trooper discretion. In fact,

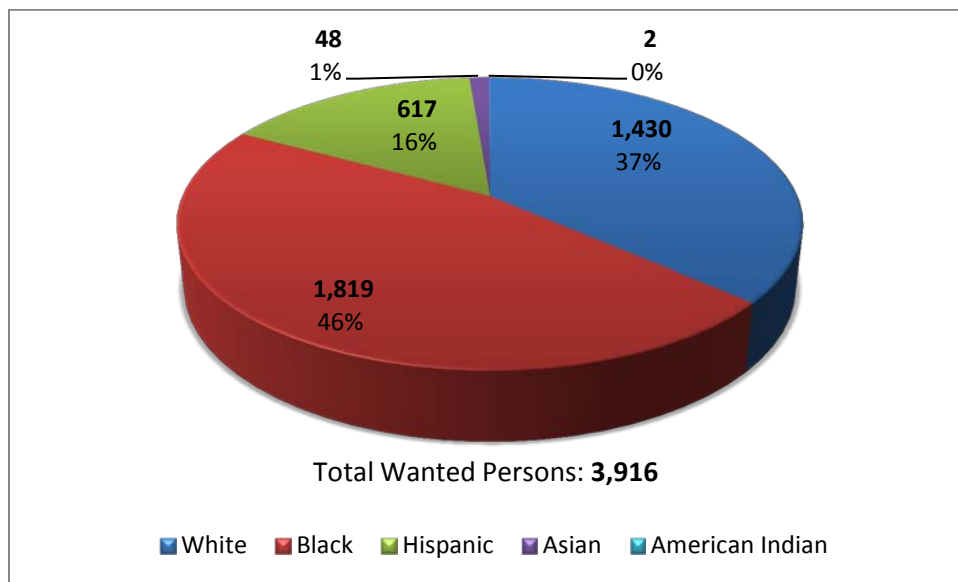
the opposite could be said. The disproportionality results from a lack of trooper discretion as arrest is required when an outstanding warrant is noted.

Though not depicted graphically (but available upon request), the trend of the racial/ethnic distribution of each charge type revealed, for the most part, patterns consistent with the current reporting period. Generally, each racial/ethnic group exhibited an increasing number of charges for each type of charge. In the current period, with the exception of obstruction and weapons charges, White individuals remain the largest proportion of each charge category. Most changes from the previous to current reporting period were relatively small. However, White individuals did experience large increases in the number of charges for both possession and paraphernalia. Black individuals experienced large increases for weapons and paraphernalia. Generally, the change in charge types was not as dramatic for Hispanic individuals as it was for White and Black individuals; for some charge types, Hispanic drivers exhibited minimal changes or even slight decreases in the number of charges in each category.

Wanted Persons

When State Police interact with individuals during a motor vehicle stop, they run database checks to determine if the individual has any outstanding warrants. If the individual does, they can be arrested. In the current reporting period, 3,916 of all arrests were of wanted persons, those with outstanding warrants.

Figure Thirty-Three: Racial/Ethnic Distribution of Wanted Persons
January 1, 2013 - June 30, 2013

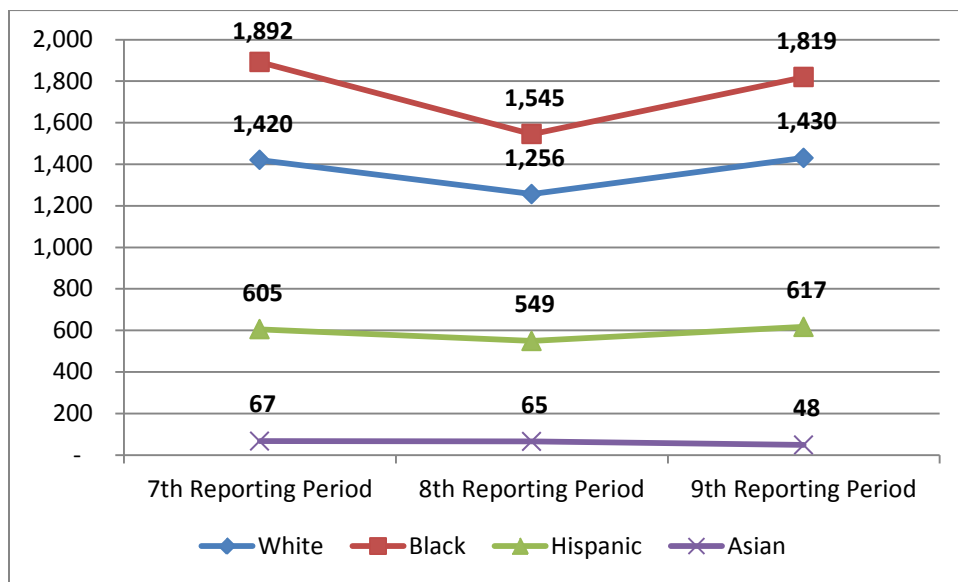


As noted previously, individuals with outstanding warrants make up a large proportion of all arrests and charges filed and are categorized as obstruction. In actuality, 3,916 individuals arrested during the current reporting period were wanted persons. Additionally, Black individuals were noted as the largest proportion of those charged with obstruction. Thus, it would be expected that Black individuals

would also be a large proportion of all wanted persons. Indeed, Black individuals made up 46% of all wanted persons while White individuals were only 37%, Hispanic individuals were 16%, and Asian individuals were 1% of those identified as wanted persons. Because contempt, the charge cited for outstanding warrants, is the most frequent charge in the obstruction category, that racial/ethnic distribution is nearly identical to that of wanted persons.

While the total number of wanted persons increased by about 15% in the current reporting period, the degree of increase differed for each racial/ethnic group. The number of Black individuals who were identified as wanted persons increased by about 18% in the current reporting period, while the number of wanted Hispanic individuals increased by 12%. The number of White individuals who were wanted increased 14% in the current reporting period. Overall though, Black individuals remain the largest proportion of those identified as wanted persons.

Figure Thirty-Four: Trend of Racial/Ethnic Distribution of Individuals Wanted Persons
 January 1, 2012 – June 30, 2013



SUMMARY

This report details the volume of trooper stop related activity for the January 1, 2013 to June 30, 2013 reporting period. The data indicate a very small decrease in the total number of stops reported from the previous reporting period and that White drivers continue to be involved in the majority of interactions between motorists and the State Police. These data indicate that the percentage of White drivers who were stopped, who were the recipients of law enforcement procedures, who were arrested, who had charges filed against them, and who had evidence seized is higher than the corresponding percentages of Black drivers, Hispanic drivers, and all other racial/ethnic categories.

Black drivers are generally 30% of all categories of post-stop interactions but typically involved in less than 20% of all stops. As noted in previous reporting periods and in this report, Black drivers were more likely to have outstanding warrants. Because these drivers do have outstanding warrants, there may be reasonable articulable suspicion to conduct post-stop interactions based on their criminal history. Specifically, Black drivers were almost 40% of those wanted persons and those who were arrested and not charged.

Hispanic drivers were involved in only 18% of all stops with post-stop interactions yet were only 12% of all stops. However, their involvement in specific actions fluctuated much more than for Black or White drivers. Hispanic drivers were only 6% of stops with denied consent searches but 24% of all stops with frisks and 26% of all stops with uses of force. This fluctuation may be explained by the smaller number of Hispanic drivers involved in stops with post-stop interactions as compared to White and Black drivers. Nonetheless, these patterns will continue to be explored in future Aggregate reports.

The results presented here do seem in line with those from the previous reporting period, suggesting, that there are no aberrations from previous reporting periods. Generally, the trends of all activities and elements of stops matched the overall slight decline in the number of stops. Trends were analyzed by race/ethnicity as well. While there were some instances where the trends differed for each racial/ethnic group, there were no dramatic differences.

The State adheres to the principles underlying the Consent Decree and commits substantial resources and effort by members of the Department of Law and Public Safety and the New Jersey State Police. The State remains committed to continuing the progress in producing these data in the spirit of the Act.

APPENDIX ONE
Previously Published Aggregate Reports

Report	Publication Date	Reporting Period
First Semiannual Public Report of Aggregate Data	June 27, 2000	January 1, 2000- April 30, 2000
Second Semiannual Public Report of Aggregate Data	January 10, 2001	May 1, 2000- October 31, 2000
Third Semiannual Public Report of Aggregate Data	July 17, 2001	November 1, 2000- April 30, 2001
Fourth Semiannual Public Report of Aggregate Data	January 28, 2002	May 1, 2001- October 31, 2001
Fifth Semiannual Public Report of Aggregate Data	June 27, 2002	November 1, 2002- April 30, 2002
Sixth Semiannual Public Report of Aggregate Data	December 27, 2002	May 1, 2002- October 31, 2002
Seventh Semiannual Public Report of Aggregate Data	June 27, 2003	November 1, 2002- April 30, 2003
Eighth Semiannual Public Report of Aggregate Data	December 24, 2003	May 1, 2003- October 31, 2003
Ninth Semiannual Public Report of Aggregate Data	June 25, 2004	November 1, 2003- April 30, 2004
Tenth Semiannual Public Report of Aggregate Data	December 28, 2004	May 1, 2004- October 31, 2004
Eleventh Semiannual Public Report of Aggregate Data	June 28, 2005	November 1, 2004- April 30, 2005
Twelfth Semiannual Public Report of Aggregate Data	December 28, 2005	May 1, 2005- October 31, 2005
Thirteenth Semiannual Public Report of Aggregate Data	June 28, 2006	November 1, 2005- April 30, 2006
Fourteenth Semiannual Public Report of Aggregate Data	December 28, 2006	May 1, 2006- October 31, 2006
Fifteenth Semiannual Public Report of Aggregate Data	June 28, 2007	November 1, 2006- April 30, 2007
Sixteenth Semiannual Public Report of Aggregate Data	January 14, 2008	May 1, 2007- October 31, 2007
Seventeenth Semiannual Public Report of Aggregate Data	July 25, 2008	November 1, 2007- April 30, 2008
Eighteenth Semiannual Public Report of Aggregate Data	January 23, 2009	May 1, 2008- October 31, 2008
Nineteenth Semiannual Public Report of Aggregate Data	August 12, 2009	November 1, 2008- April 30, 2009
First Public Report of Aggregate Data ⁹	April 2010	May 1, 2009- June 30, 2009
Second Public Report of Aggregate Data	December 2010	July 1, 2009-December 31, 2009
Third Public Report of Aggregate Data	July 2011	January 1, 2010-June 30, 2010
Fourth Public Report of Aggregate Data	August 2011	July 1, 2010-December 31, 2010
Fifth Public Report of Aggregate Data	January 2012	January 1, 2011-June 30, 2011
Sixth Public Report of Aggregate Data	March 2012	July 1, 2011-December 31, 2011
Seventh Public Report of Aggregate Data	December 2013	January 1, 2012-June 30, 2012

⁹ All aggregate reports published after the first report in April 2010 were published by OLEPS.

Report	Publication Date	Reporting Period
Eighth Public Report of Aggregate Data	December 2013	July 1, 2012- December 31, 2012