

STATE OF WEST VIRGINIA

**PRELIMINARY PERFORMANCE REVIEW OF THE
WEST VIRGINIA STATE POLICE**

The Number of Minority Warning Citations
Issued by the West Virginia State Police
in August 2000 is in Keeping with
State Minority Populations

**OFFICE OF LEGISLATIVE AUDITOR
Performance Evaluation and Research Division
Building 1, Room W-314
State Capitol Complex**

**CHARLESTON, WEST VIRGINIA 25305
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January 2001

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John Sylvia
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January 7, 2001

The Honorable Edwin J. Bowman
State Senate
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The Honorable Vicki V. Douglas
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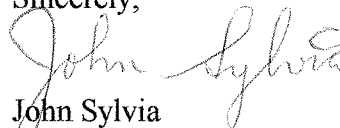
Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a *Preliminary Performance Review of the West Virginia State Police*, which will be presented to the Joint Committee on Government Operations on Sunday, January 7, 2001. The issue covered herein is "*The Number of Minority Warning Citations Issued by the West Virginia State Police in August 2000 is in Keeping with State Minority Populations.*"

We provided a copy of the report to the State Police on January 3, 2001. The State Police agreed with having the report presented at the January interim meeting instead of the February interim meeting. We received the agency response on January 3, 2001.

Let me know if you have any questions.

Sincerely,


John Sylvia

JS/wsc

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Executive Summary

The West Virginia State Police was created in 1919 under §15-2-1 of the West Virginia Code. The mission of the State Police is:

“... Statewide enforcement of criminal and traffic law with emphasis on providing basic enforcement and citizen protection from criminal depredation throughout the state and maintaining the safety of the state’s public streets, roads and highways.”

The State Police on average make 20,000 recorded traffic stops per month. These stops are fairly split between warning citations and actual traffic citations. This installment of the Preliminary Performance Review found the following regarding traffic stops made by the West Virginia State Police during August 2000.

Issue Area 1: The Number of Minority Warning Citations Issued by the West Virginia State Police in August 2000 is in Keeping with State Minority Populations.

The Performance Evaluation and Research Division (PERD) has determined that traffic stops by the West Virginia State Police are in keeping with the state’s population ratios indicating that the agency as a whole is not practicing racial profiling. In order to determine if the practice of racial profiling exists, PERD requested warning citation data from the agency for the month of August 2000. Warning citations as opposed to traffic violation tickets were the basis for the analysis because racial profiling maybe more reflected in warning citations than in traffic violation tickets. PERD was able to collect 4,835 of the 10,320 warning citations issued during August 2000. The chart below summarizes the findings of the data analyzed:

Table 1 Comparison of Persons Stopped to State Minority Population				
Race of Person Stopped	Number of Persons Stopped	Percentage of Sample	Percentage of State Population	Difference
White	4,526	93.61%	95.7%	-2.09
Black	119	2.46%	3.12%	+0.66
Other	19	0.40%	1.12%	+0.72
Blank or Illegible	171	3.54%	NA	NA

This analysis indicates that currently the agency as a whole is not stopping citizens due to their race. However, this is not a long term study and cannot comment on past practices of the agency nor those of individual officers. In addition, the analysis does not include data regarding searches of individuals. PERD recommends the following:

Recommendation 1:

The West Virginia State Police should complete its current plan to institute a detailed ticketing system which will monitor officer's actions more closely, assist in protecting the agency from lawsuits due to inappropriate behavior and provide an effective management tool. A periodic report regarding traffic stops should also be produced.

Review Objective, Scope and Methodology

This report is the fourth in a series of reports regarding the West Virginia State Police. This review of the Division of Public Safety was conducted in accordance with the West Virginia Sunset Law, Chapter 4, Article 10, Section 11 of the West Virginia Code as amended.

Objective

The objective of this report was to determine if the West Virginia State Police currently practiced racial profiling. This was at the request of the Committee. Initial information regarding traffic stops across the state was requested and the remaining research focused on obtaining additional information related to the issue.

Scope

The scope of the review focused on if the State Police pull drivers over due to their race. Other aspects of racial profiling include vehicle searches however, this report does not include information regarding what occurs after an individual is pulled over but simply if officers target minorities for traffic stops.

Methodology

Initially the agency was contacted and information requested regarding the type of information contained in management reports. Information was also requested regarding whether an individual's race is recorded during a traffic stop and how many tickets were issued for the month of June and August 2000. Tests were also conducted by entering data from both the Warning Citations and Traffic Citations. In addition, Research was conducted regarding racial profiling in other states and how it was determined to be occurring.

Issue Area 1: The Number of Minority Warning Citations Issued by the West Virginia State Police in August 2000 is in Keeping with State Minority Populations.

During the last few years a national “hot button” issue has been racial profiling: The stopping by law enforcement of minority citizens due to the belief, that minorities are more likely to be involved in criminal activity. Many states and cities across the United States have dealt with this issue by conducting lengthy investigations or studies to determine if their state police or local law-enforcement officers are guilty of this practice. The Performance Evaluation and Research Division (PERD) has determined that traffic stops by the West Virginia State Police are in keeping with the state’s population ratios indicating that the agency as a whole is not practicing racial profiling.

Analysis of Traffic Stops

In order to determine if the practice of racial profiling exists, PERD requested warning citation data from the agency for the month of August 2000. Warning citations as opposed to traffic violation tickets were the basis for the analysis because racial profiling maybe more reflected in warning citations than in traffic violation tickets. If an officer was profiling a certain population and nothing was found, then a warning may be issued simply as an excuse for pulling the individual over. However, this data source is limited because warning citations are destroyed within thirty days. Therefore, the analysis focused on one month. Actual traffic citations which are maintained for several years were considered as a source of data but posed problems due to the legibility of the copies, especially after duplication. PERD was able to collect 4,835 of the 10,320 warning citations issued during August 2000. The chart below summarizes the findings of the data analyzed:

Table 1 Comparison of Persons Stopped to State Minority Population				
Race of Person Stopped	Number of Persons Stopped	Percentage of Sample	Percentage of State Population	Difference
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Blank or Illegible	171	3.54%	NA	NA

The state police is divided into six troops across the state. In order to further analyze the

data, an analysis was done according to the racial makeup of those counties which encompass each troop and the warning citations issued. This analysis also indicates that the traffic stops made by the agency are not out of line with the racial makeup of those areas. Table 2 below provides the total number of stops reviewed, the percentage of minority stops and the percentage of minority populations residing within each troop.

Troop Number*	Total Number of Stops Reviewed	Percentage of Minority Stops	County Minority Pop. within a Troop
1	99	1%	3.25%
2	1,137	5%	4.86%
3	1,520	1%	1.54%
4	982	5%	4.91%
5	725	2%	2.89%
6	679	4%	4.24%

* A complete listing of the counties within each Troop is contained in Appendix XX

This analysis indicates that currently the agency as a whole is not stopping citizens due to their race. However, this is not a long term study and cannot comment on past practices of the agency nor those of individual officers. In addition, the analysis does not include data regarding searches of individuals.

Racial Profiling a National Issue

For several years racial profiling has been a very publicized national issue. Numerous stories have appeared in magazines and newspapers across the nation regarding the selective enforcement methods of various law-enforcement agencies across the country. One of the more publicized has been the State of New Jersey. There the state police was accused of racial profiling and subsequent investigations by the state attorney general confirmed that the agency was guilty of the practice. The investigation prompted many changes within the New Jersey State Police and much litigation followed the confirmation. Other states have also faced this problem which may stem from federal profiles regarding drug suspects. Some organizations contend that the federal profiles of criminal suspects are tainted due to the selective enforcement efforts which focus on minorities. As a result of these efforts, the number of minority convictions for drug crimes are much higher than for non minorities.

Future Plans of the West Virginia State Police

According to senior staff members of the state police, a new ticket system is being implemented. In June 2000 the agency began *“working on a plan to implement a system of data collection from traffic stops made by troopers during the performance of their duties.”* The agency intends to implement a *“scantron”* type of form which could be processed through an optical reader. The data derived from such a system would not only aid the department in detecting racial profiling, but would also provide numerous other categories of data to assist in daily management duties and future planning for enforcement.

Initially the agency plans to conduct a limited test of the system to determine its effectiveness and make adjustments prior to fielding the system statewide. In addition, the state police plan to develop a policy regarding racial profiling as a *“partner to this project.”*

Summary

The efforts of the West Virginia State Police are pro-active and will guide the agency in the appropriate direction. By implementing a detailed ticketing system the agency will have an abundance of information by which to manage the organization. The data provided to PERD for this issue all had to be inputted by hand and was very labor intensive; however, the new ticketing system should produce detailed computerized data which will be invaluable to the organization in making management decisions and managing personnel. In addition, by being pro-active the agency may avoid costly litigation because increased data can alert supervisors to the actions of officers which are abusing the rights of citizens.

Recommendation 1:

The West Virginia State Police should complete its current plan to institute a detailed ticketing system which will monitor officer's actions more closely, assist in protecting the agency from lawsuits due to inappropriate behavior and provide an effective management tool. A periodic report regarding traffic stops should also be produced.

Appendix A
Troop and County Population Statistics

* Derived from Bureau of Employment Statistics, County Profiles 1/10/99

County	White	Black	Other	Spanish	Total Pop.	Total Minority Pop.	Perct. Minor.
Troop 1							
Hancock	34135	901	197	199	35432	1297	3.66%
Brooke	26673	202	117	85	27077	404	1.49%
Ohio	48791	1684	396	146	51017	2226	4.36%
Marshall	37002	204	150	229	37585	583	1.55%
Marion	55076	1859	314	311	57560	2484	4.32%
Monongalia	71770	1836	1903	637	76146	4376	5.75%
Wetzel	19184	16	58	37	19295	111	0.58%
Tyler	9757	4	35	22	9818	61	0.62%
Taylor	14993	96	55	64	15208	215	1.41%
Preston	28896	73	68	77	29114	218	0.75%
Doddridge	6952	2	40	12	7006	54	0.77%
Harrison	68056	975	340	817	70188	2132	3.04%
Sub'Total	421285	7852	3673	2636	435446	14161	3.25%
Troop 2							
Grant	10273	106	49	35	10463	190	1.82%
Hardy	10744	209	24	55	11032	288	2.61%
Hampshire	16314	112	72	93	16591	277	1.67%
Mineral	25866	735	96	101	26798	932	3.48%
Morgan	11985	92	51	50	12178	193	1.58%
Berkeley	56511	2209	533	399	59652	3141	5.27%
Jefferson	32959	2661	306	428	36354	3395	9.34%
Sub'Total	164652	6124	1131	1161	173068	8416	4.86%
Troop 3							
Gilmer	7593	32	44	24	7693	100	1.30%
Lewis	17086	48	89	67	17290	204	1.18%
Braxton	12905	46	47	37	13035	130	1.00%
Upshur	22631	121	115	112	22979	348	1.51%
Barbour	15333	148	218	89	15788	455	2.88%
Webster	10704	3	22	29	10758	54	0.50%
Tucker	7703	4	21	16	7744	41	0.53%
Randolph	27444	223	136	144	27947	503	1.80%
Pocahontas	8920	69	19	31	9039	119	1.32%
Pendelton	7869	167	18	27	8081	212	2.62%
Sub'Total	138188	861	729	576	140354	2166	1.54%
Troop 4							
Wood	85569	793	553	254	87169	1600	1.84%
Wirt	5184	4	4	3	5195	11	0.21%
Ritchie	10211	7	15	7	10240	29	0.28%
Roane	15056	4	60	37	15157	101	0.67%
Jackson	25817	16	105	65	26003	186	0.72%
Calhoun	7836	2	47	18	7903	67	0.85%
Clay	9968	1	14	14	9997	29	0.29%
Kanawha	192019	13792	1808	897	208516	16497	7.91%
Pleasants	7513	17	16	9	7555	42	0.56%

Appendix B
Agency Response



West Virginia State Police
 725 Jefferson Road
 South Charleston, West Virginia 25309-1698
 Executive Office

Cecil H. Underwood
 Governor

January 3, 2001

Colonel Gary L. Edgell
 Superintendent

Mr. Aaron Allred
 Legislative Auditor
 Building 1, Room E-132
 1900 Kanawha Boulevard East
 Charleston, West Virginia 25305-0610

Dear Mr. Allred:

I have reviewed your office's draft report regarding the analysis of traffic stops effected and citations issued by members of the West Virginia State Police. I found the report to fairly reflect statistical data regarding the race of persons stopped by our Troopers for traffic infractions. The report also accurately summarizes the department's current efforts to improve and automate traffic stop documentation records.

The issue of racial profiling by law enforcement is a topic of considerable national attention. Numerous police agencies have found themselves under close scrutiny for alleged racial profiling by line officers and some of these departments have actually found themselves in judicial settings, attempting to defend enforcement practices or dispel allegations that officers use race inappropriately in enforcement efforts. Challenging the integrity of a police agency's enforcement policies regarding racial profiling has become more commonplace in recent months and I believe that it is imperative that the West Virginia State Police take immediate, proactive measures to ensure that this agency not only enforces a policy that prohibits racial profiling by its officers, but also develops statistical and historical data that will confirm and defend the agency's commitment to the lawful, constitutional application of its law enforcement powers.

As defenders of the constitution, it is incumbent upon the State Police, and every police agency, to ensure that the delivery of public safety and police services is non-discriminatory, regardless of any racial, cultural, religious or other differences found in a free society. To that end, the West Virginia State Police has been working diligently to develop a system to capture relevant data, including race, for every police traffic contact, store and analyze that data and to use this information to not only validate its non-discriminatory police practices, but to improve resource allocation and utilization. A pilot test of this innovative data collection mechanism has been completed and a review of line officer input is underway. I anticipate that by early next year the program will be in full operation.

Again, I find your report to appropriately represent our efforts in traffic enforcement/citizen contact and our attempt to further enhance the professionalism of the State Police through more detailed data collection, analysis and feedback. I believe this will be but another tool that we have brought into play in our ongoing efforts to improve accountability and integrity in this fine organization. Every step we take to enhance State Police operations is another improvement to public safety services within the Mountain State.

Should you require any additional information, data, statistics or records, please do not hesitate to contact me personally, or Lieutenant Colonel J. S. Powers or Major C. R. Bedwell who are intimately familiar with our efforts in this regard.

RECEIVED

JAN 05 2001

Legislative Manager

Sincerely,

Gary L. Edgell
 Colonel Gary L. Edgell
 Superintendent

GLE:crb

Equal Opportunity Employer

