

Bias-Based Policing Administrative Review

Introduction

It is the policy of the Toledo Police Department that “Biased-based racial, ethnic, and gender profiling is an unacceptable behavior and shall not be tolerated. The Toledo Police Department shall utilize various management tools to ensure that racial/ethnic and/or gender profiling does not occur.” Bias-based profiling is defined as the stopping, questioning, detention, arrest, or other disparate treatment of any person based solely on their race, ethnicity, or gender.

There are several procedures in place to ensure that racial/ethnic characteristics are not being used by officers as a basis for traffic stops/suspect stops and to attempt to identify potential training and policy issues related to bias-based policing. The first of these procedures is training department personnel on bias-based policing issues in the academy and during annual in-service training. The bias-based training includes topics that ensure all citizens receive fair and equal treatment and that officers are making traffic stops, field contacts, or any other formal actions on the basis of probable cause or reasonable suspicion. Additionally, officers who have had bias-based or discrimination complaints sustained against them are subject to remedial training and the disciplinary process. Finally, an annual review of the department’s bias-based profiling policy is conducted, as is a review of the department’s practices concerning bias-based profiling.

Police Department Training

The Toledo Police Academy conducts bias-based profiling training to all trainees during the “Stops and Approaches” portion of academy training. Additionally, the Toledo Police Department Manual requires that all department personnel receive training annual on bias-based policing. This training was conducted, as part of a fall in-service training, for all sworn officers from September 8, 2014 to November 27, 2014.

Police Department Policy

Directive 103.10 was written to be in compliance with CALEA standard 1.2.9. The directive covers all aspects of bias-based profiling: definitions, prohibitions against bias-based profiling, bias-based profiling training, corrective measures, and an annual administrative review. The directive is in the Department Manual that is issued to all sworn officers and is also available to officers through the Toledo Police Intranet.

Bias-Based Citizen Complaints

All allegations of bias-based profiling by citizens are thoroughly investigated by the Toledo Police Department. In 2013, the Internal Affairs Section began to specifically track all bias-based complaints in the Administrative Investigative Management system. Additionally, the department uses video recording systems in marked police vehicles to assist in the investigation of alleged bias-based profiling by officers. The Toledo Police Internal Affairs Section reports that there was one citizen complaint that alleged bias-based actions in 2014. The following is

synopsis of the complaint filed against Toledo Police Officers, the resulting investigation by the Internal Affairs Section, and the findings of that investigation.

- *On May 5, 2014 an African American resident alleged that he was the driver of a vehicle that had been stopped by a Toledo Police Officer for no legitimate reason and that the only reason he was stopped was because of his race.*
- *The Internal Affairs Section conducted interviews with the complainant and the involved officers. The audio and video recordings from the traffic stop were then reviewed.*
- *Following the investigation, it was determined that the complainant was stopped for a legitimate purpose and that officers did have probable cause (no front license plate and obstructed rear license plate) for the traffic stop. Additionally, the involved officers stated they were unaware of the race of the complainant until the complainant's vehicle was lawfully stopped. The investigation led to a finding that the complainant's claims were **Unfounded**.*

Analysis of Traffic Stop and Field Interview Data

The Toledo Police Department collects data from traffic stops by recording the disposition codes given by officers at the conclusion of the interaction. These disposition codes denote the perceived race and gender of the driver of the involved vehicle once contact is made with the vehicle's operator, as well as, the actual disposition of the traffic stop (arrest, citation, or warning). In the past, the yearly totals for traffic stop data would be obtained and compared to the Census figures for the City of Toledo. However, aggregate percentages do not reflect racial or ethnic population density for geographical areas. Many neighborhoods are predominantly made up of one race or ethnicity. Consequently, the numbers of traffic stops conducted in these neighborhoods appear skewed when compared with the aggregate census data.¹ Additionally, police departments distribute manpower based on population density, calls for service, and the amount of crime that has occurred in an area. If a higher percentage of police officers are assigned to an area where the residents and drivers are predominantly one race or ethnicity, then there will be a higher rate of traffic stops for persons of that race or ethnicity. Therefore, additional data has been compiled for this analysis, in an effort to complete a more thorough evaluation of the traffic stop/suspect stop data for the City of Toledo.

In this analysis, UCR crime rates, calls for service, distribution of manpower, and demographic data will be collected and divided by police beat. This data will then be used to determine which beats (or sectors) are likely to have the highest rates of proactive enforcement. Once these areas of proactive enforcement are identified, the census data will be used to determine the demographic groups residing in the beats, and therefore, most likely to be stopped. This data will then be compared with the actual traffic stop and field interview (by sector/beat) data in order to determine if those findings are similar to what could reasonably be expected given the information provided.

¹ Racial Profiling: "What does the data mean?" Practitioner's Guide to Data Collection & Analysis

Crime Rates

Toledo Police Department 2014 UCR Part 1-Violent Crimes								
	Beat	Aggravated Assault	Arson	Murder	Rape	Robbery	Beat Total	Sector Total
Sector 1	110	64	1	2	5	38	110	
	120	79	7	1	9	54	150	260
Sector 2	210	102	6	0	11	58	177	
	220	140	7	3	14	71	235	412
Sector 3	310	132	7	2	14	65	220	
	320	72	3	0	19	59	153	373
Sector 4	410	101	4	1	11	57	174	
	420	118	2	2	21	79	222	396
Sector 5	510	47	2	1	10	39	99	
	520	53	1	0	8	62	124	223
Sector 6	610	72	5	1	9	46	133	
	620	133	13	2	12	55	215	348
Sector 7	710	134	9	2	22	58	225	
	720	104	5	1	14	74	198	423
Sector 8	820	89	1	2	12	50	154	
	830	75	3	3	12	70	163	317

The above data was collected by the Criminal Intelligence Section. This table displays the 2014 U.C.R. part 1 violent crimes for the City of Toledo. The greatest percentage of violent crime occurred in Beats 220 with 8.5%, 710 with 8.2%, and Beat 420 with 8.1%. Conversely, the least number of incidents were found in Beat 510, which accounted for only 3.6% of the total number of incidents of violent crime, followed by Beat 110 with 4.0% and Beat 520 with 4.5%. Though not included in the table above, it should be noted that, while the number of crimes decreased by 288 incidents from 2013 to 2014. The number of reported crimes increased in Beats 830 and 110. The number of murders, in the city, dropped from 27 in 2013, to 23 in 2014, with the largest number of murders occurring in beats 220 and 820.

Based on this information, the department would be expected to conduct proactive police activities in the areas with the highest rates of violent crime. Therefore, the number traffic stops and suspect stops would be expected to be higher in beats 220,310, 420, 710, and 620. The department would also likely deploy a greater number of officers to these areas to carry out the proactive police activities.

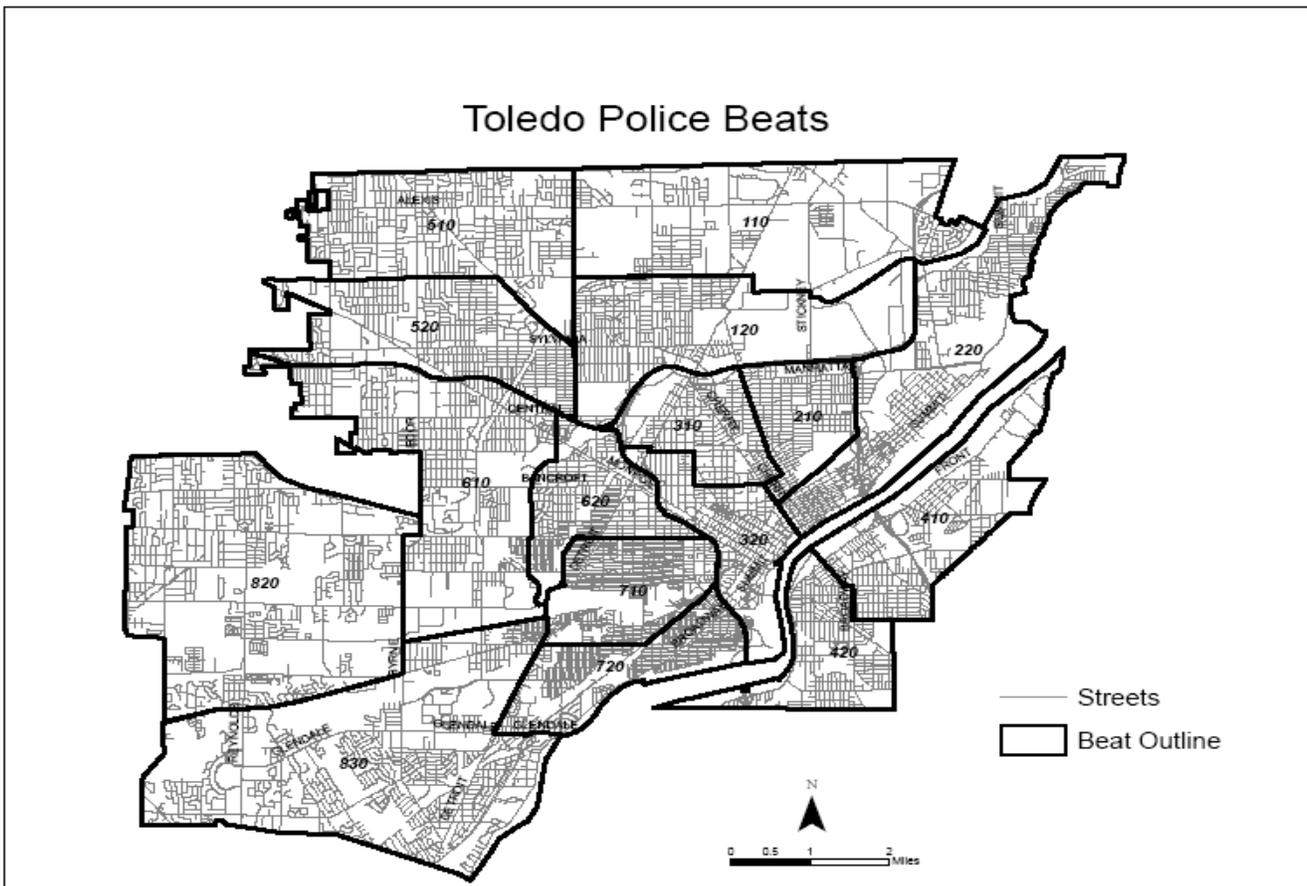
In addition to these figures, beat 620 has historically been the beat with the highest rate of violent crime in the city. This is likely due to the presence of criminal gangs operating in this area. There were 9 homicides in beat 620 in 2011, 4 in 2012, and 4 in 2013. Due to the historically high rates of violent crime occurring in this area, it would be expected that a high percentage of proactive police activity would take place in this beat.

Calls for Service

<u>Total Calls for Service</u>		
Beat	Calls	Total by Sector
110	7,173	
120	11,846	19,019
210	8,329	
220	11,387	19,716
310	10,028	
320	11,035	21,063
410	10,542	
420	12,160	22,702
510	8,953	
520	10,835	19,788
610	11,366	
620	9,299	20,665
710	9,656	
720	10,690	20,346
820	11,944	
830	13,594	25,538

“Calls for Service” data was collected from the Communications Bureau. The data was recorded by “Reporting Areas” and then analyzed to determine what “Beat” that Reporting District is located in. 8 Sector had the most calls for service in 2014 and 1 Sector had the least. 4 Sector, 3 Sector, and 6 Sector were the next three busiest districts for calls for service.

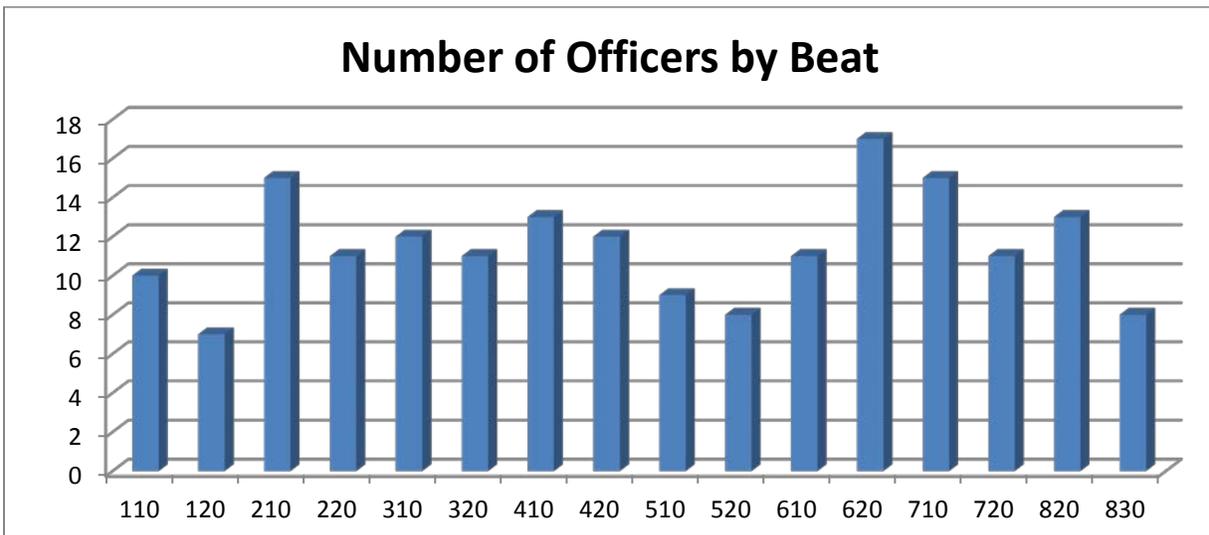
One factor used to determine manpower allocation is the number of “calls for service” by sector, received by the department from citizens. Based on the information in this table, it would be expected that more officers would be assigned to beats 830, 420, 820, 120, 220, and 610. However, because the department’s first priority is to respond to and reduce the rate of violent crime, the UCR rate is likely a more significant factor in the number of officers assigned to a beat.



Distribution of Manpower

The following graph shows the distribution of manpower for the Toledo Police Department in 2014, over a 24 hour time period. Dates were randomly selected and the number of officers assigned for those days was collected for shifts 4, 5, 6, and 8. A count was taken of each officer by beat and that number was then divided to get the average number of officers present for an entire 24 hour work period.

On the dates that were selected, Beat 620 averaged the most officers present with 17. Beats 710 and 210 averaged the second most officers present at 15, followed by Beats 410 and 820 which averaged 13. The lowest average number of officers was found in Beat 120 with 7 officers per day and Beats 520 and 830 with 8.



In addition to these officers, the department created the Drug and Gang Reduction Team in September of 2014. This unit, along with officers from the Tactical Operations Team, now fulfills the role previously filled by the Gang Suppression Unit and SWAT. The purpose of the unit is to proactively patrol those areas of the city with the highest instances of violent crime and drug activity. As part of their patrol techniques, the unit utilizes traffic stops/suspect stops, as a means of preventing crimes from occurring and increasing the visible police presence in these high crime areas. In addition to an increased number of officers, the Drug and Gang Reduction Team has also led to an increased number of traffic stops, citations, and arrests, particularly in the areas of the city with the highest rates of violent crime. The majority of this activity has focused on sectors 6 and 3 because of the presence of criminal gangs in these areas. Therefore, a high percentage of proactive police activities would be expected in these sectors.

In 2014, there were two initiatives conducted in beat 620 that increased the percentage of manpower in that area. Those initiatives will be discussed further in the following section.

Demographic Data

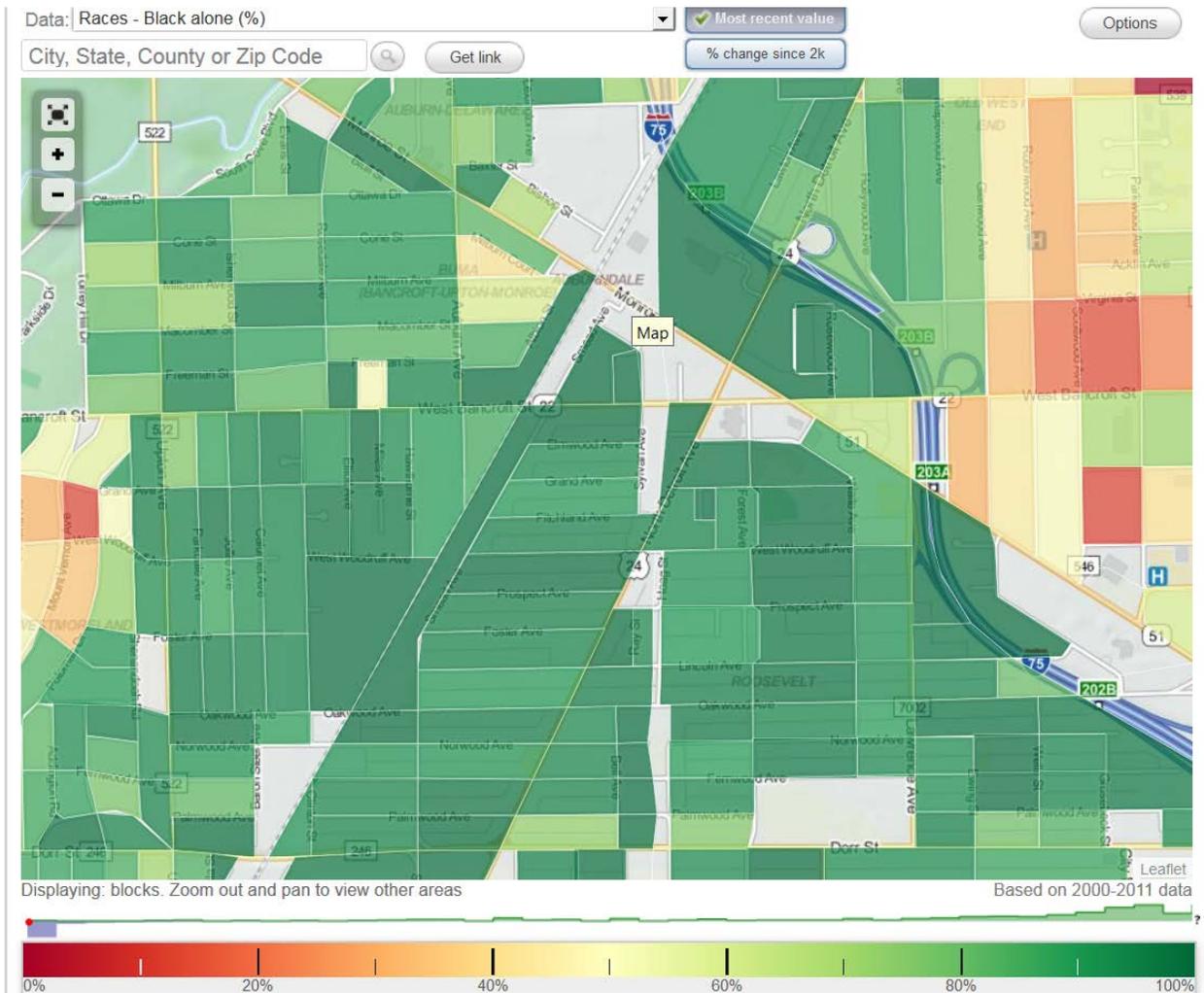
The data in the table below was collected using the United States Census data from 2010. This data was divided along the police “beats” used by the Toledo Police Department.

Census Data by Beat	% White	% Black	% Hispanic	% Other
110	92.25	.39	3.67	3.69
120	78.8	12.57	4.37	4.26
210	39.52	42.43	9.25	8.8
220	72.24	15.26	6.68	5.82
310	33.29	54.53	5.86	6.32
320	33.22	52.12	7.67	6.99
410	75.45	7.81	9.43	7.31
420	71.33	9.44	10.71	8.52
510	90.56	3.59	2.47	3.38
520	87.51	6.17	2.37	3.95
610	64.72	27.82	2.06	5.40
620	17.54	76.86	1.72	3.88
710	45.08	41.08	6.95	6.89
720	66.43	13.04	11.15	9.38
820	67.23	23.94	2.92	5.91
830	82.21	9.51	3.19	5.09

In the table above, the majority of white residents were located in beats 110, 510, and 520. The beats with the largest percentages of black residents were 620, 310, and 320. The majority of Hispanic residents were found in beats 720 and 420.

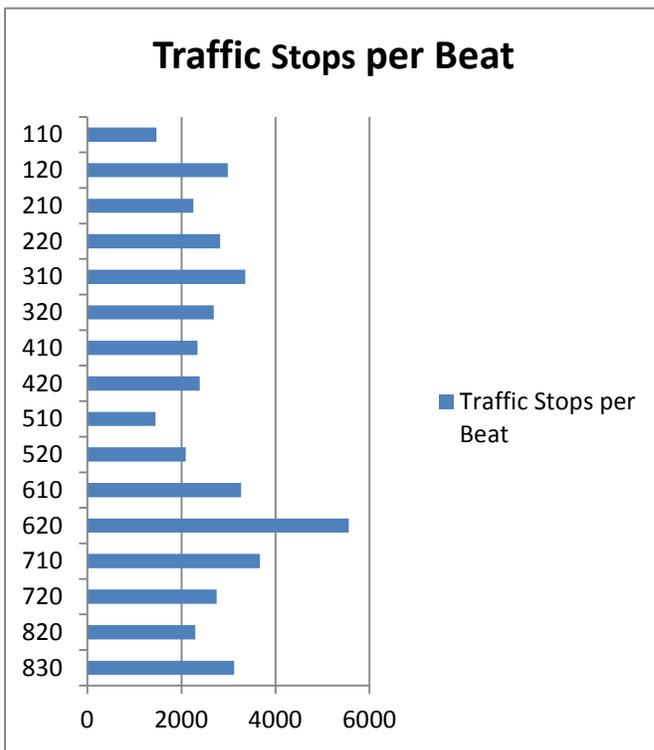
There were two issues that were discovered when the data for this table was being analyzed. First, the computer program that was used to produce the data below was not able to completely separate one police beat from another. The program used census data compiled by zip code. When a designated area (police beat) was selected for analysis, it included all of the demographic data for any zip code which fell within the selected area. This resulted in several areas of the city being counted more than once, as police beat and zip codes overlapped. As a consequence, the program calculated that the total population for the City of Toledo was 587,737, when the total population of each beat was combined. The actual population for the City of Toledo in 2010 was 287,208, according to the United States Census Bureau. However, the resulting demographic percentages are believed to closely represent the actual demographic percentages of the police beats. This is based on the experience of officers, who have worked in those areas, and because there is a lack of viable alternative data, the table was still used for the purposes of this comparison.

The second issue discovered was the effectiveness of using census data, as a benchmark or baseline. Census data provides the actual number of residents, in an area, and not the demographics of the actual drivers. Also, according to a report produced by the National Organization of Black Law Enforcement Executives entitled *Racial Profiling ‘What Does the Data Mean?’* “The census is also known to have high “miss” rates in the minority community, and like all statistical studies, the census also has an error rate.” So, the possibility exists that actual demographic data in the areas most affected by this analysis, may be underreported. Finally, this census data is now four years old and has likely changed since this table was completed.



The above demographic map was located on City-Data.com and represents the percentage of African-American residents within beat 620. The more intense the color green, the higher percentage of African-American individuals residing in that area.

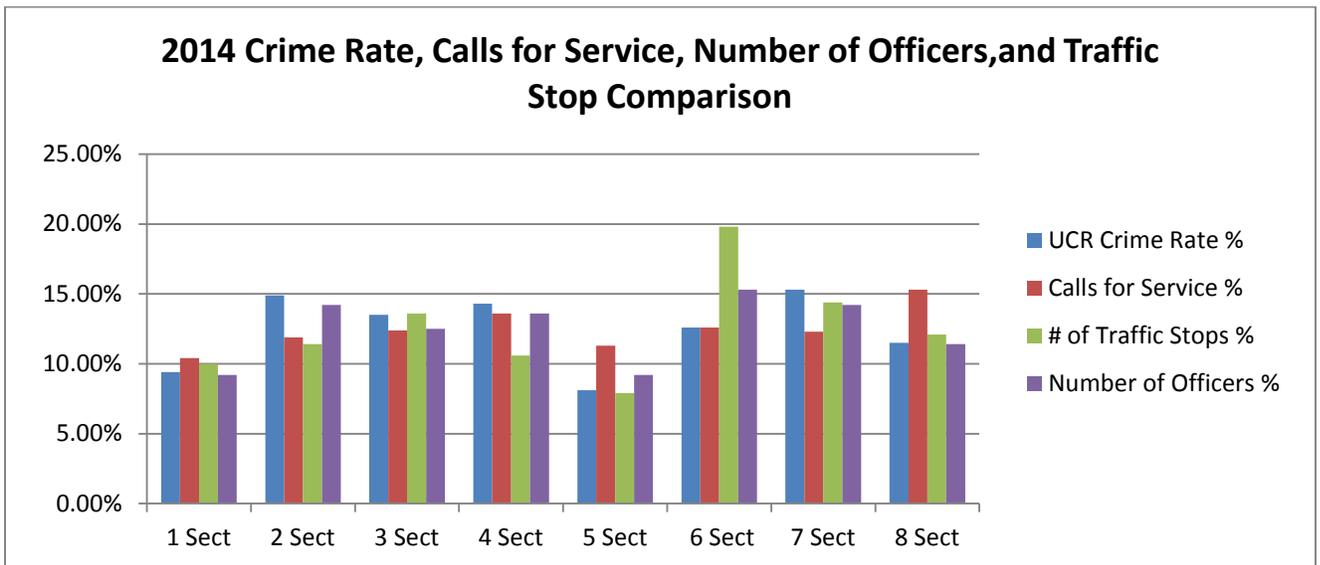
As stated earlier in this analysis, a high percentage police resources have been dedicated to this area in response to high rates of violent crime that have occurred in this beat. In 2014, members of the Special Operations Section and TCIRV, with the assistance of several surrounding agencies, conducted targeted enforcement of the Gear Gang Crips Gang, which operates in this beat. This targeted enforcement included traffic stops, suspect stops, surveillance, and serving search and arrest warrants. The targeted enforcement was conducted over a period of several months. Additionally, extra patrol by the Operations Division was initiated in this area, after several shootings occurred on Joffre Avenue. Units operating out of Scott Park District Station conducted a "Model Block" program, in which a targeted enforcement approach was adopted for the designated area. If a higher percentage of proactive police activity occurs in this beat, then it is expected that the residents of this beat would be represented at higher rate, as a result.



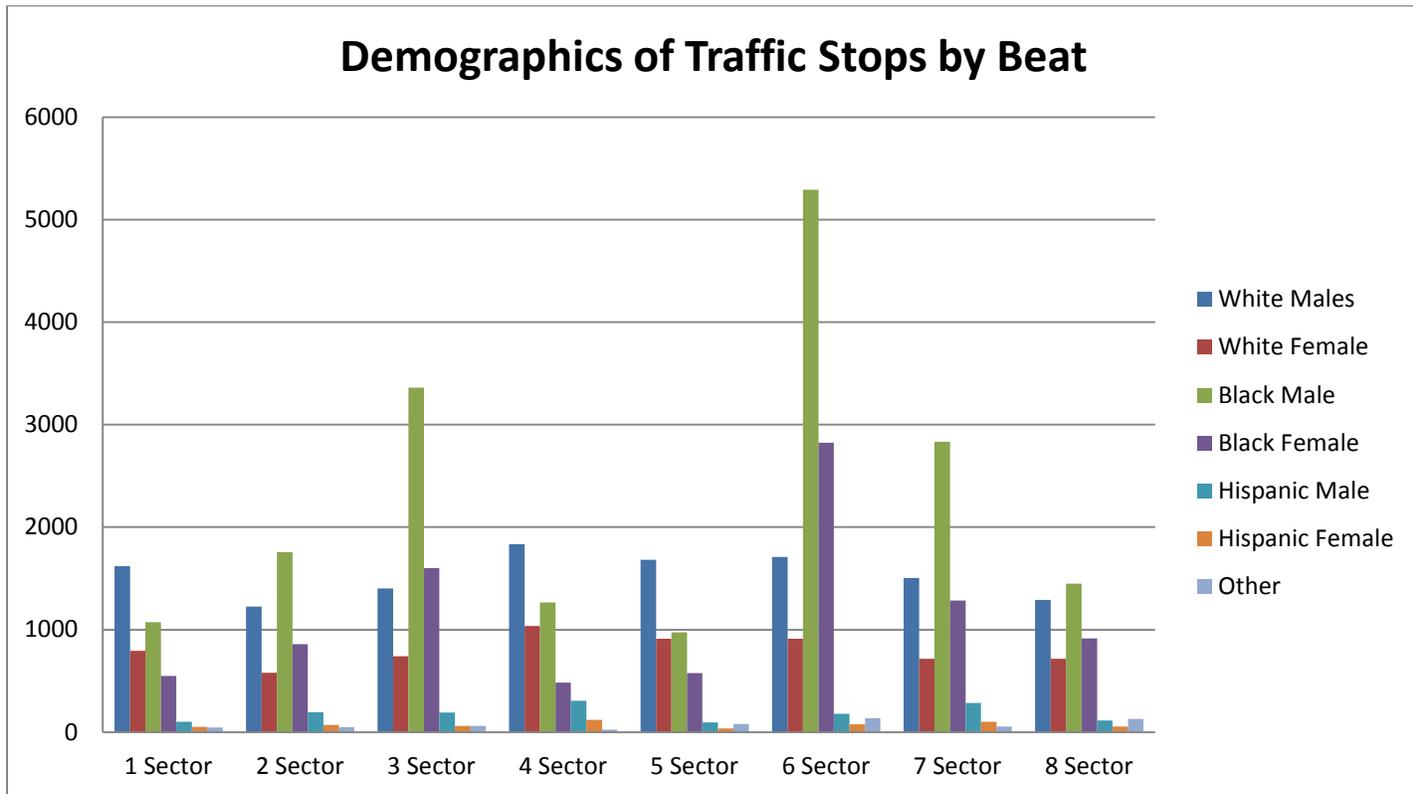
This chart displays the number of traffic stops that have occurred in each Toledo Police Beat in 2014. The largest number of traffic stops occurred in 620's beat (5,557), followed by beats 710 (3,669) and 310 (3,354). The fewest number of traffic stops occurred in beats 110 (1,470) and 510 (1,449).

As expected, beat 620 had the highest number of traffic stops. This is likely due to the additional proactive police activity that occurred in this beat.

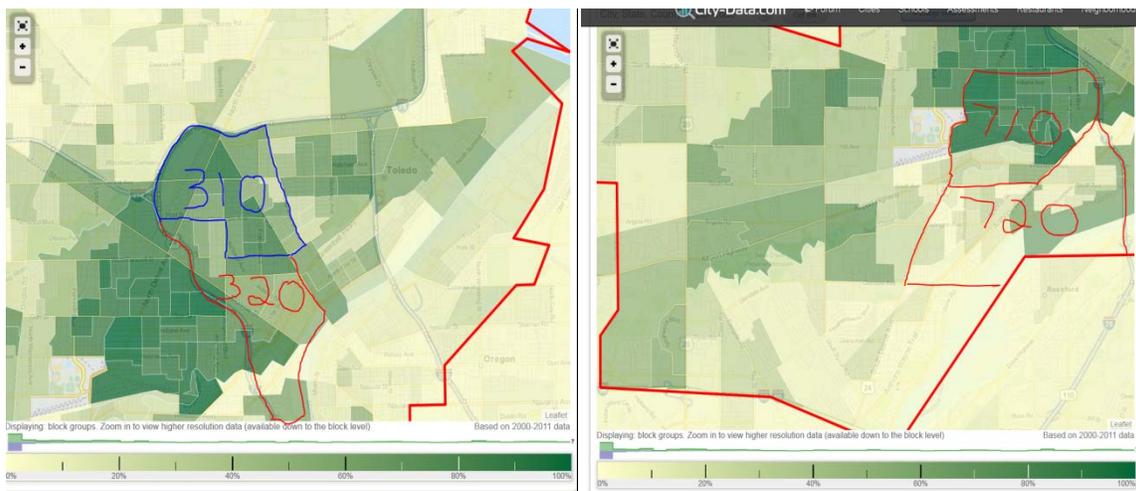
The above chart displays a comparison of the percentages of the total UCR rates, Calls for Service, and Traffic Stops in each sector. For example, Sector 1 had 9.4% of the UCR crime, 10.4% of the Calls for Service, 10.0% of the traffic stops conducted, and 9.2% of the officers assigned in the City of Toledo for 2014.



Traditionally, it would be expected that the percentages displayed in the chart would be proportional, and the percentage of Calls for Service, Crime Rates, Number of Traffic Stops, and Officers Assigned would be similar by sector. In 2014, most of the percentages appear to be proportional. However, according to the data in the above comparison the percentages appear to be disproportionate in 6 sector. In 2014, 19.8% of the traffic stops conducted, 12.6% of the UCR crimes reported, 12.6% of the Calls for Service reported, and 15.3% of the officers were assigned to 6 sector. Again, this should be expected, given the targeted enforcement that was conducted in beat 620 last year.



The graph above displays the demographics of traffic stops that have taken place in each sector. For example, of the 4,237 traffic stops that occurred in 1 Sector 1,620 were of white males, 764 were of white females, and 1,074 were of black males. Predictably, the highest number of traffic stops occurred in beat 620, as a result of the proactive police activity. This resulted in a high percentage of black drivers being stopped in 6 Sector because of the percentage of black residents in that sector. Both 3 and 7 Sectors also a higher number of black male drivers subjected to traffic stops more than other drivers. This is likely due to the high number of traffic stops that occurred in beats 710 and 310, which also have a large percentage of black residents.



Again, the more intense the color green, the higher percentage of African-American individuals residing in that area.

Another factor related to Bias-Based Policing is the detention or arrest of individuals based solely on that individual race, gender, or ethnicity once the stop has been initiated.

Result of Traffic Stop	Stops Resulting in Warnings	Stops Resulting in Citations	Stops Resulting in Arrest
White Male	54%	34%	12%
White Female	53%	36%	11%
Black Male	50%	30%	21%
Black Female	52%	34%	15%
Hispanic Male	57%	31%	11%
Hispanic Female	57%	35%	8%
Other	63%	35%	2%

The table above displays the dispositions of traffic stops divided by race and gender. For example, the first row shows: of all white males subjected to traffic stops in 2014, 54% received a warning, 34% received a citation, and 12% were arrested.

In 2014, it appears the majority of disposition percentages are similar when compared with the other categories, with the exception of those stops resulting in arrest. Black males were arrested at higher rate than other groups in this category. It is important to note that “arrest” in this category does not necessary indicate an individual was placed into custody and transported to Lucas County Corrections Center. This usually occurs for arrest warrants involving some degree of violence and most on-view arrests. Instead, the majority of individuals arrested on outstanding warrants during a traffic stop receive a Recognizance Summons from officers and are released at the scene.

It should also be noted that an officer’s discretion is removed in instances where the driver has a valid arrest warrant, which removes the opportunity for bias to occur. Currently, the department does not have the ability differentiate if an arrest stemming from a traffic stop occurred for an arrest warrant or for an on-view charge.

**2014 Field
Interviews
By Race/Gender**

	110	120	210	220	310	320	410	420	510	520	610	620	710	720	820	830	Total
White Male	24	41	77	85	24	26	76	49	49	46	13	14	25	40	26	35	650
White Female	3	6	50	24	6	4	30	42	5	1	3	2	5	6	2	7	196
Black Male	45	59	124	101	78	74	59	48	21	27	94	61	74	64	48	37	1,014
Black Female	6	2	22	8	5	7	3	3	4	5	3	2	5	2	6	3	86
Hispanic Male	1	1	8	7	1	4	5	3	1	0	1	0	0	8	0	1	41
Hispanic Female	0	0	2	1	2	0	1	5	0	0	0	0	0	0	0	0	11
Other	0	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	2
Beat Total	79	109	283	227	116	116	174	150	80	83	114	79	109	120	82	83	
Sector Total		188		510		232		324		163		193		229		165	2,004

The table above displays the data for Field Interviews conducted by Toledo Police Officers, in 2014. The data was compiled from Field Interview Reports completed by officers, after they were either, dispatched to a location with individuals involved in suspicious activity, or observed suspicious activity, while on routine patrol. Though not represented in the above table, there were 25 more Field Interview Reports completed by officers in 2014 than in 2013. The most Field Interview Reports were generated in 210's Beat (283), 220's Beat (227) and 410's Beat (174). The fewest number of reports were generated in Beats 110, 510, and 520. Black males were the group that was recorded the most often on the reports totaling 1,014 (51%), followed by white males with 650 (32%). Both of these figures are consistent with data that has been analyzed in previous years. The suspect's activity most often listed by officers, as the reason for the stop/report, was Suspicious/Gang activity which accounted for 46% of the total stops. Suspected Burglar/Prowler/Theft activity was cited as the second most frequent reason for the stop/report in 30% of the reports. At this time, the department does not collect data related specifically to suspect stops and their dispositions.

After analyzing the data above, race and gender do not appear to be factors in which individuals are stopped for Field Interviews by Toledo Police Officers. Generally, the sectors where the most Field Interviews were conducted mirror the areas of the city with the highest rates of violent crime and calls for service. The department generally assigns more officers to patrol those areas with higher rates of crime and calls for service, therefore more field interviews are expected to be conducted in those areas. In addition, officers assigned to Tactical Operations Team and the Drug and Gang Reduction Team are expected to conduct additional field interviews in these affected areas of the city. If a higher percentage of police officers are assigned to an area where the residents are predominantly one race or ethnicity, then there will be a higher percentage of suspect stops for persons of that race or ethnicity.

Conclusion

The Toledo Police Department is proactively combating bias-based policing issues through the use of department policy, training of officers, thorough investigation of complaints, analysis of traffic stop data, and the annual review of all topics relating to bias-based policing. The Toledo Police Department Manual clearly states, that “bias-based policing will not be tolerated by officers.” The consequences, for officers found to be in violation of this policy, are remedial training and/or disciplinary action. These issues are reviewed, on an annual basis. All Toledo Police Officers receive training on bias-based policing, prior to graduation from the Toledo Police Academy, and began receiving additional training, on an annual basis, starting in 2012. All allegations of bias-based policing, by officers, are investigated by the Internal Affairs Section. Finally, analysis of traffic stop/suspect stop data is compared with the demographics, crime rates, calls for service, and any other pertinent data to ensure that any bias-based policing issues are identified and addressed, immediately.

In the 2014 bias-based policing analysis, traffic stop data was compiled and analyzed. It is important to note that, the traffic stop statistics gathered by the Toledo Police Department are compiled by recording the officer’s perception of the vehicle driver’s race/gender *after* a traffic stop has been completed and not what the officer perceived the race/gender of the driver was, prior to initiating the traffic stop. Therefore, it is difficult to ascertain if officers are conducting traffic stops based on a driver’s race/gender, when it is not known if the officer could determine the driver’s race/gender, prior to conducting a traffic stop.

In 2014, black male drivers were stopped 12% more often than any other group. Once, stopped for a violation, white female drivers were most likely to receive a citation, and black males were most likely to be arrested; although, many of these citations and arrests may have been the result of following department policies relating to license violations and warrant arrests, instead of officer discretion. This data is consistent with analysis from previous years, with the exception of white females being the most likely to receive a citation.

Toledo Police Officers initiated over 700 fewer traffic stops in 2014, than in 2013. The number of Field Interviews conducted by officer remained almost the same, as in the previous year. Although, there was a decrease in the number of traffic stops conducted by officers, the total remained high when compared to previous years. The historically high number of traffic stops is still likely due to the addition of several police classes, which resulted in an increase of self-initiated police activity. Despite these large increases, the demographic percentages found in both the Traffic Stop data and Field Interview data remained consistent with previous years. One issue that was discovered when this data is compared solely with the census data for the City of Toledo, as a whole, was the large number of black male drivers that were stopped and arrested by Toledo Police Officers. However, when this data is compared to the demographics of Toledo Police “beats,” and the distribution of officers to those “beats” no patterns of police conduct were detected to indicate that the Toledo Police Department, or any of its police officers, are inappropriately using racial, ethnic, or gender characteristics, while conducting traffic stops.

Recommendations

The Toledo Police Department should continue to take proactive measures to ensure that its officers enforce laws and investigate criminal activity on the basis of probable cause or reasonable suspicion and not based on the race, ethnicity, or gender of the citizens they encounter. The department should continue to train officers that all citizens receive fair and equal treatment, to thoroughly investigate all bias-based related complaints, and take immediate corrective action when required.

Additionally, the department should study the higher number of traffic stops occurring in 620's beat in greater detail. Although, there is no evidence to suggest that any bias-based activity is occurring in this beat, the department needs to determine if such a large police presence is still required in this area, given the reduction in UCR crimes and calls for service.

Finally, additional methods of determining the demographics of the city should be investigated. The possibility exists that the demographic data used in this analysis is flawed and other methods may exist that could provide a more accurate portrayal of the city's driving population.