



## Introduction

The purpose of this document is to provide an overview of the Garner Police Department's commitment to bias-free policing and to outline our individual and collective performance in this area. As required by policy, and CALEA Standards 1.2.9, this memo will serve as the annual review of bias-free policing by the Garner Police Department for calendar year 2020.

Garner Police Department policy 820.09, Bias-Free Policing, establishes our commitment to ensuring fair and equitable treatment of all persons. The policy states, *"The Garner Police Department is committed to preserving the peace and maintaining order in our community by practicing bias-free policing and respecting the rights and dignity of all. No employee of this Department shall engage in bias-based profiling in any arrests, asset seizure / forfeiture efforts, field contacts, traffic stops, or any other action related to the performance of their duties."*

The Garner Police Department has the following core values, which support our efforts in bias-free policing:

- *Commitment* – We have a selfless determination and relentless dedication to the public, our partners, and to each other. We will strive to continually improve our community and our agency.
- *Integrity* – We are committed to the highest standards of honesty and ethical conduct, which are the cornerstones of our profession.
- *Professionalism* – We accept responsibility for our actions. We are accountable to ourselves and those we serve. We will communicate honestly and consistently strive for excellence.

These values guide our actions daily. Officers who are professional, honest, and ethical do not engage in bias-based policing. The Garner Police Department is committed to ensuring that all members of our community are treated fairly, in accordance with the law, and without bias.

The Garner Police Department subscribes to the Law Enforcement Oath of Honor, which reads:

*On my honor,  
I will never betray my badge,  
my integrity, my character,  
or the public trust.  
I will always have the courage  
to hold myself and others  
accountable for our actions.  
I will always uphold the Constitution,  
my community,  
and the agency I serve.*

This Oath of Honor our officers take emphasizes that our officers serve with integrity and uphold the Constitution. This Oath of Honor is posted in our buildings, and our officers recite it at special events throughout the year to remind them of its importance in guiding their actions.

## **Analysis**

Several areas should be considered when evaluating bias-free policing by a professional law enforcement agency. These include, but are not necessarily limited to, enforcement actions, (including traffic stops and vehicle searches), complaints from citizens, and training provided to officers.

## **Traffic Stop Data**

United States Census Bureau (USCB) Population Data often serves as a baseline of comparison between law enforcement and citizen contact data and can often identify evidence of bias in traffic enforcement. Census population data includes all residents of the community sorted by race and ethnicity providing a number that can be used as a measuring standard for comparison in traffic enforcement. However, this data includes all ages of a population regardless of whether they are, or are not, among the driving population and does not provide data for comparing contacts with non-residents. This is noteworthy because the Town of Garner serves as a primary route into and around the City of Raleigh. We have an interstate, two major highways, and another thoroughfare that are heavily traveled and increase the vehicle traffic counts well above our population.

The North Carolina Department of Transportation (NCDOT) traffic counts show average annual daily traffic (AADT) counts for 2019 on the following roads:

- US 401 Hwy near Mechanical Blvd. 45,000
- US 70 Hwy and Mechanical Blvd 34,500
- US 70 Hwy and White Oak Rd. (near I-40) 40,000

- US 70 Hwy and Timber Dr.

35,500

The total daily traffic count for these roads in 2020 was approximately 155,000, which is almost five times the Town's population of 31,159 from the April 1, 2020 Census. Given the volume of traffic, and because there is no current count of the race of drivers as they travel through Garner, the racial composition of the daily driving population may be different from the racial composition of the Town's population. The differences between the racial composition of non-resident drivers and the Town's population will also cause the driving population to be racially different from the Town's population, thus potentially skewing traffic stop data. These differences are likely to occur independently of any action taken by the officers of the Garner Police Department and cannot be the result of bias-based profiling. The unknown composition of drivers is a factor to be considered in any use of race-based census data for the Town of Garner in evaluating traffic stops by officers of the Garner Police Department.

The most straightforward approach to evaluating traffic stop data is to compare the percentage of residents by race in the Town of Garner with the percentage of traffic stops by race of the driver. However, it should also be noted that concluding that racial bias is proven by mere racial disparities in rates of police actions such as traffic stops, searches, and arrests is generally recognized to be an unreliable indicator of bias. The USCB reported that the population of the Town of Garner as of April 1, 2020 was 31,159, which is small when compared to the population of Wake County at 1,129,410 and the State of North Carolina at 10,453,948 (USCB 2020). Caution should be exercised in interpreting percentage data because of statistical distortions caused by small numbers in some categories. For example; if only one person in the "Other" race category is stopped and subsequently searched, that data would reflect that 100% of "Other" races stopped were searched when it was only one person. If 100 citizens in the "White" race category were stopped and 50 were subsequently searched, that data would reflect that 50% of citizens in the "White" race category were searched when it was only 50 people out of a much larger population.

Data reflected in this report is collected from the Garner Police Department Report Management System (RMS) and is the same data reported to the SBI annually.

The following traffic contact data was collected from January 1 – December 31, 2020. It summarizes the number of motor vehicle stops conducted and enforcement actions taken by the Garner Police Department based on the driver's sex, race, and ethnicity.

# Garner Police Department

## Enforcement Action Taken by Driver's Sex, Race, and Ethnicity

Report From 1/1/2020 through 12/31/2020

Action	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Citation Issued	Female	207	173	0	2	5	387	64	323	387
No Action Taken	Female	2	3	0	0	0	5	1	4	5
On-View Arrest	Female	5	8	0	0	0	13	2	11	13
Verbal Warning	Female	412	426	1	6	10	855	94	761	855
Written Warning	Female	551	391	2	15	4	963	102	861	963
Citation Issued	Male	336	236	1	10	2	585	129	456	585
No Action Taken	Male	4	7	0	0	0	11	1	10	11
On-View Arrest	Male	11	11	0	0	0	22	6	16	22
Verbal Warning	Male	548	515	1	14	7	1085	142	943	1085
Written Warning	Male	623	349	1	25	1	999	127	872	999
Female Total	Female	1177	1001	3	23	19	2223	263	1960	2223
Male Total	Male	1522	1118	3	49	10	2702	405	2297	2702
<b>Total</b>		<b>2699</b>	<b>2119</b>	<b>6</b>	<b>72</b>	<b>29</b>	<b>4925</b>	<b>668</b>	<b>4257</b>	<b>4925</b>

*(SBI, 2019) Race/ethnicity categories reflect the race/ethnicity of the individual stopped, as determined by the officer at the time of the stop, to the best of their ability. In making this determination, officers may rely on the Identification Card issued to the individual by the North Carolina Department of Motor Vehicles.*

According to 2020 USCB data, “Black, or African American alone” make up 28.7% of the Town of Garner population while “White alone, not Hispanic or Latino” make up 64.4% of the Town of Garner population. “Other” (to include American Indian, Alaska native, Asian, Pacific Islander and two or more races make up 5.2% of the Town of Garner population. When we examine the rate of vehicles stopped by race in Garner in 2020, we find that approximately 54.8% of drivers in the “White” race category, 43% of drivers in the “Black” race category, and 2.2% combined in “Native American, Asian, and Other” categories were stopped. Because the racial composition of the daily driving population may be different from the racial composition of the Town’s population, it is difficult to draw any conclusions

from this data other than to assert that “Black” drivers are stopped at a rate of 11.8% less than “White” drivers.

When we examine the 1,956 stops in 2020 where no action was taken or a verbal warning was given, the data shows that approximately 50% of drivers in the “White” category and approximately 50% of drivers in the “Black” category were given verbal warnings or had no action taken against them. No disparity in “lack of action taken” existed between the two races. When we look at the 1,962 traffic contacts where written warnings were given, we find that 60% of “White” drivers and 46% of “Black” drivers were issued written warnings. White drivers were issued verbal warnings at a rate 11% higher than black drivers.

When we look at traffic contacts where citations were issued, we find that 20% of “White” drivers and only 19% of “African American” drivers stopped are given citations. Of the 972 drivers issued citations, 55.8% were “White” while 42.1% were “Black”. Of the 35 drivers arrested on view during traffic stops, 46% (16) were “White” while 54% (19) were “Black”. No disparity between the number of traffic stops conducted or the number and type of enforcement actions take was identified between drivers in the “White” and “Black” categories.

Upon further review of traffic stop data from 2020, the data indicates male, non-Hispanic drivers are stopped at a higher rate than Hispanic male drivers with respect to gender or ethnicity. No disparity between the number of traffic stops conducted or the number and type of enforcement actions taken was identified between drivers in the “Hispanic” and “Non-Hispanic” categories. Identifying ethnicity is often a best guess by the officer at the time of the traffic stop.

According to USCB from 2020, Hispanic or Latino comprise 9.1% of Garner’s residents. In Garner, Hispanics or Latino drivers are stopped at a rate of 14%, a slightly higher percentage than the census data, but gender and ethnicity traffic counts for drivers have not been established by NCDOT.

# Garner Police Department

## Initial Purpose of Traffic Stop by Driver's Sex, Race, and Ethnicity

Report From 1/1/2020 through 12/31/2020

Purpose	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity
Checkpoint	F	1	3	0	0	0	4	0	4	4
Checkpoint	M	2	7	0	0	0	9	1	8	9
Driving While Impaired	F	2	2	0	0	0	4	0	4	4
Driving While Impaired	M	3	2	0	0	0	5	2	3	5
Investigation	F	0	0	0	0	0	0	0	0	0
Investigation	M	0	1	0	0	0	1	0	1	1
Other Motor Vehicle Violation	F	21	9	0	0	0	30	5	25	30
Other Motor Vehicle Violation	M	23	18	0	0	0	41	5	36	41
Safe Movement Violation	F	80	70	0	1	2	153	13	140	153
Safe Movement Violation	M	134	80	0	4	0	218	47	171	218
Seat Belt Violation	F	16	21	0	0	0	37	4	33	37
Seat Belt Violation	M	30	40	0	0	0	70	9	61	70
Speed Limit Violation	F	757	570	1	18	12	1358	173	1185	1358
Speed Limit Violation	M	930	560	2	38	8	1538	247	1291	1538
Stop Light/Sign Violation	F	44	53	0	2	1	100	10	90	100
Stop Light/Sign Violation	M	74	73	0	2	0	149	17	132	149
Vehicle Equipment Violation	F	78	72	0	1	1	152	21	131	152
Vehicle Equipment Violation	M	95	107	1	4	2	209	36	173	209
Vehicle Regulatory Violation	F	178	201	2	1	3	385	37	348	385
Vehicle Regulatory Violation	M	231	230	0	1	0	462	41	421	462
FemaleTotal	F	1177	1001	3	23	19	2223	263	1960	2223
MaleTotal	M	1522	1118	3	49	10	2702	405	2297	2702
<b>Total</b>	<b>A</b>	<b>2699</b>	<b>2119</b>	<b>6</b>	<b>72</b>	<b>29</b>	<b>4925</b>	<b>668</b>	<b>4257</b>	<b>4925</b>

*(SBI, 2019 – Race/ethnicity categories reflect the race/ethnicity of the individual stopped, as determined by the officer at the time of the stop, to the best of their ability. In making this determination, officers may rely on the Identification Card issued to the individual by the North Carolina Department of Motor Vehicles)*

The Covid19 pandemic severely impacted our ability to hold traffic checkpoints in 2020. Those checkpoints, when held, are located in random locations and pre-selected locations

based on speeding complaints, officer-observed violations, and increased occurrences of traffic crashes. Checkpoints must be approved by a supervisor and are prohibited from being conducted repeatedly in the same location, unless an ongoing problem persists.

Speed limit violations continued to be the number one reason for the initial purpose of a traffic stop and accounted for approximately 59% of all stops. It should be noted that based on speed, officers were usually unable to identify the gender or race of the driver with accuracy until the officer made contact with the driver of the vehicle at the time of the stop. Male drivers are stopped for speeding at a rate of 8% higher than that of female drivers. Speed enforcement is conducted in areas where citizen complaints are received, violations are observed, and where speed related crashes most often occur.

Vehicle equipment, safe movement, and vehicle regulatory violations were the next most prominent reasons for the initial purposes of a traffic stop and were consistent among gender and race, and no disparity was noted. Enforcement of these violations occur in random locations and at random times throughout the Town. Traffic stops for these reasons usually result from officer-observed violations.

## Garner Police Department

### Initial Purpose of Traffic Stop by Enforcement Action Taken

Report From 1/1/2020 through 12/31/2020

Purpose	Verbal Warning	Written Warning	Citation Issued	On View Arrest	No Action Taken	Total
Checkpoint	3	2	8	0	0	13
Driving While Impaired	2	0	0	6	1	9
Investigation	0	0	0	0	1	1
Other Motor Vehicle Violation	44	14	3	5	5	71
Safe Movement Violation	235	89	42	4	1	371
Seat Belt Violation	49	14	41	0	3	107
Speed Limit Violation	792	1499	598	5	2	2896
Stop Light/Sign Violation	110	100	35	3	1	249
Vehicle Equipment Violation	301	34	21	5	0	361
Vehicle Regulatory Violation	404	210	224	7	2	847
<b>Total</b>	<b>1940</b>	<b>1962</b>	<b>972</b>	<b>35</b>	<b>16</b>	<b>4925</b>

As noted in the chart above, speed limit violations accounted for the most citations issued (13%) with vehicle regulatory violations being second with 7.2% of all traffic stops. Of the 1,373 vehicles stopped for vehicle regulatory violations, no action, verbal, and written warnings were issued approximately 70% of the time. Of the 798 vehicles stopped for vehicle equipment violations, no action, verbal, and written warnings were

issued approximately 92% of the time. The data shows that officers gave verbal warnings, written warnings, or took no action in approximately 76% off all traffic stops.

## Vehicle Searches

Out of 4925 traffic stops conducted in 2020, only 138 (or 2%) of those stops resulted in a vehicle search being conducted and 145 individuals being searched.

## Garner Police Department

### Type of Search by Basis of Search

Report From 1/1/2020 through 12/31/2020

Type of Search	Erratic/Suspicious Behavior	Observation of Suspected Contraband	Other Official's Information	Suspicious Movement	Informant's Tip	Witness Observation	Total
Consent	2	3	7	2	0	1	15
Probable Cause	8	73	6	4	0	4	95
Protective Frisk	0	0	1	0	0	0	1
Search Incident to Arrest	2	7	17	0	0	0	26
Search Warrant	0	0	1	0	0	0	1
<b>Total</b>	<b>12</b>	<b>83</b>	<b>32</b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>138</b>

Stops may include multiple bases of search for each stop and totals may not equal total searches

## Garner Police Department

### Drivers and Passengers Searched by Sex, Race, and Ethnicity

Report From 1/1/2020 through 12/31/2020

Type	Gender	White	Black	Native American	Asian	Other	Total By Race	Hispanic	Non Hispanic	Total By Ethnicity	Total Stopped	Percent Searched
Driver	Female	17	27	0	0	0	44	3	41	44	2223	1.98
Driver	Male	31	46	0	0	0	77	12	65	77	2702	2.85
Passenger	Female	4	6	0	0	0	10	0	10	10	10	100.00
Passenger	Male	7	7	0	0	0	14	3	11	14	14	100.00
	Female	21	33	0	0	0	54	3	51	54	2233	2.42
	Male	38	53	0	0	0	91	15	76	91	2716	3.35



It is important to note in this analysis that most traffic stops are initiated by driver and vehicle action and not because of the race or ethnicity of the driver or occupants, although this can occur. When police are given broadcasts or suspect descriptions that include the race of the suspect it is inevitable that those races will be stopped and possibly searched. Because the State does not include a way to collect or analyze this information, we cannot determine how often this occurs and how it may skew the data.

Search by consent and protective frisks are the most subjective standard category, because it requires the officer to ask for consent. Search incident to arrest and probable cause searches are objective standards that once met require the officer to search. Looking at the previous charts, black drivers and passengers were subjected to searches at a higher rate than white drivers. Probable cause and search incident to arrest were the two highest number of objective standards considered by officers when conducting vehicle searches.

It is also important to note that only 11% of all searches conducted were done so after consent was given to an officer by the vehicle's occupants. Other searches include probable cause, protective frisks for officer safety, searches incident to arrest, and search warrant searches. Although protective frisks are not "searches" by definition, this information is documented on the traffic stop form, and thus we record it.

### **Asset Forfeiture**

We had an officer assigned to the DEA Task Force for part of 2020 until his promotion to corporal. During 2020, the officer's team seized \$1,914,920 in U.S. currency and \$21,000 in property. The total amount (\$1,935,920) is still listed as *share pending decision* in the Equitable Sharing Program. The percentages/amounts that will be disbursed to the participating agencies has yet to be determined.

### **Citizen Complaints**

The Garner Police Department received zero internal or external complaints about biased-based policing.

### **CALEA Accreditation Standards**

The Garner Police Department is currently accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) and has held this accreditation since 1994. CALEA Law Enforcement Standard 1.2.9 addresses "Bias Based Profiling" and sets forth specific criteria that an accredited law enforcement agency must meet to maintain accreditation.

Standard 1.2.9 requires that, “The agency has a written directive governing bias- based profiling and, at a minimum, includes the following provisions:

- a prohibition against bias-based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts;
- training agency enforcement personnel in bias-based profiling issues including legal aspects;
- corrective measures if bias-based profiling occurs; and
- a documented annual administrative review of agency practices including citizen concerns.

CALEA also offers the following commentary related to this standard for law enforcement agencies:

*“Profiling can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.*

*Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.*

*Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support.”*

The Garner Police Department continues to meet and exceed the requirements set forth in this regard and collects proofs that are provided to CALEA as part of our ongoing accreditation process.

## **In-Car & Body-Worn Camera Systems**

The Garner Police Department utilizes Mobile Video Recorder (MVR) systems, more commonly known as “in-car cameras”. In addition to MVR, the police department saw full implementation of the body-worn camera (BWC) program in 2018. MVR is audio/video recording equipment designed for fixed installation within a police vehicle while BWC is designed to be worn on the officer’s body. The use of in-car and body-worn camera systems provide for accountability, periodic review of officer performance, allows supervisors to assess training needs, and accurately investigate any complaints. We currently equip all first responder vehicles with in-car camera systems, and all sworn police officers are issued body-worn cameras.

This equipment is a valuable tool, not only in the prosecution of traffic violations and criminal offenses, but in the evaluation of officer tactics, performance, training, and complaint review purposes. Garner police officers record all citizen interactions, including traffic stops and calls for service.

Garner Police Policy 430.05, Body-Worn and In-Car Camera System, states: *Personnel, who supervise officers utilizing MVR equipment, or other recording devices, are responsible for conducting reviews of recorded media to assess officer performance, determine whether recording devices are being fully and properly used, and to identify material that may be of value for training purposes.* These periodic reviews allow us another means of identifying bias in the action of our officers. The collective reviews conducted in 2020 identified zero instances of biased-based policing by one of our sworn personnel.

## **Officer Training**

The Garner Police Department follows the requirements of the North Carolina Criminal Justice Training and Standards Commission in providing training to all sworn personnel regarding bias-free policing. Our supervisors routinely provide informal guidance to our officers related to taking enforcement and other action based on individualized behaviors and criminal violations rather than race. Every law enforcement officer certified by the Criminal Justice Education and Training Standards Commission in North Carolina must receive 24 hours of in-service training annually.

The required in-service training topics for 2020 were:

Armed/Unarmed Security/Company Police: Understanding Their Roles and Authority  
Career Survival: Training and Standards Issues

Communications Strategies When Encountering Persons Who are Deaf or Hard of Hearing  
Firearms Qualification  
Legal Updates – Classroom  
Long Term Effects of Childhood Adversity – Classroom  
The Signs Within: Suicide Prevention Education and Awareness – Classroom

Garner officers received 47.5 hours of in-service training, almost double what the state requires. Garner officers collectively attended a total of 3,227 hours of advanced training in 2020 beyond the state’s mandated 24 hours of annual in-service training. Many officers attended advanced training including, but not limited to leadership, traffic enforcement, drug enforcement, investigations, and use of force.

## **Summary**

The Garner Police Department is committed to practicing bias-free policing and respecting the rights and dignity of all persons we interact with. This report summarizes data collected from the Garner Police Department’s Records Management System, the United States Census Bureau, and the North Carolina Department of Transportation.

Based on this administrative review of traffic stop and complaint data, training received by our officers, and the philosophy of the Department, there is no evidence of bias-based profiling by the members of the Garner Police Department.

During a review of traffic stop forms submitted in 2020, traffic stop forms were submitted in 97% of all traffic stops. This number will likely never be 100% because of officer omission and some stops do not require a traffic stop form; however, the submission rate is well above the expected submission rate of at least 90% or higher for each officer.

Furthermore, Directive 820.09 (Bias Free Policing) mandates the annual review of traffic stop data and biased-based policing complaints. The Administration Bureau Captain conducts quarterly reviews of officers traffic stops and compares their number of traffic stop forms with the number of traffic stops to ensure compliance with state law governing collection of traffic stop data. Any deviance identified through this review is forwarded to the officer’s supervisor so it can be promptly addressed.

Racial bias in law enforcement cannot be completely eliminated nor can it be proven through unreliable indicators of police actions such as traffic stops, searches, and arrests. We must understand that the data used to evaluate bias is flawed and to not rely solely on this data to determine if bias exists in our agency. The presence of some racial disparity in police actions is expected and is not proof that bias exists, nor is the absence of racial disparity in police actions proof that bias does not exist. It is incumbent on our agency to

continue to provide training that includes, but not limited to, minority sensitivity, de-escalation, use of force, and ethics. Officers should continue to hold one another accountable for their actions while supervisors continue to monitor performance, provide remedial training, and apply corrective actions and discipline as necessary.

Upon review of Departmental policies and current Departmental practices, no changes are recommended at this time.