



**A 10-year review  
of racial profiling  
and racial disparities  
in arrest rates  
in South Carolina**

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**A project of the South Carolina Progressive Network**

**January 2010**

## **Thanks to**

- SC Legislative Black Caucus
  - Stephen Hait, IT Manager for the SC Progressive Network, for sorting the data.
  - University of South Carolina's Women and Gender Studies Department for providing an intern to collect data for this study.
- \* Intern Kathryn Witzke, who tracked the data and helped with this report.

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# Racial Profiling in South Carolina

## Tracking a decade of data

This study — based on a review racial disparities in arrest rates over the past decade in South Carolina and a new law on reporting the race of those stopped for warnings — reveals that most police agencies in the state are breaking the law by not reporting. While the state's 293 police agencies are required by law to file monthly reports on the race and age of every traffic stop resulting in a warning and no ticket, the most recent report on the Department of Public Safety's web site ([http://www.scdps.org/public\\_contacts\\_reports.html](http://www.scdps.org/public_contacts_reports.html)) reveals that 189 of the state's police agencies are not in compliance.

The SC Progressive Network is releasing this study to stimulate public dialogue about racial profiling and to encourage police agencies to advocate for a database of all stops. We need a database that will allow us to track — and respond, if necessary — to patterns as they are revealed. That transparency will, in the long run, build trust between police and the communities they serve. The database we currently have is ineffective and a waste of resources.

### Background

Since its founding in 1995, the SC Progressive Network has facilitated an ongoing dialogue about race and the role it plays in our organization, in our communities, and in our government. In 2000, the Network conducted a study on racial disparities in South Carolina's criminal justice system. The numbers were staggering. In the decade of the 90's, nearly 10 percent of the state's entire black population was arrested every year. Blacks were twice as likely to be arrested as whites.

The profound racial disparities in arrests and convictions in South Carolina that this report details are a symptom of the country's 500-year history of social and economic discrimination based on race. It is a chronic condition that is reflected in a whole host of quality-of-life indicators ranking African Americans at the bottom. One of those indicators is the incarceration gap between white and black Americans. **The United States leads the world in the rate it locks up its citizens, according to the US Justice Policy Institute. While the US comprises 5 percent of the world's population, it houses 25 percent of the world's prisoners.**

South Carolina consistently ranks in the top states in incarceration rates, and blacks account for a majority of convictions. According to the SC Department of Corrections, the white prison population decreased by 4 percent between 1988 and 1998. During that same time, the black prison population grew by 60 percent. Black South Carolinians, in fact, seem to be more likely to be arrested than anyone, anywhere in the world.

In 2000, the Network polled 72 members of an honors program at a black college in Columbia and found that 43 percent of them had been stopped by the police in that year. Fewer than a third of those stopped were issued tickets. Most of the students (84 percent) thought that race was a factor.

### Legislative Fix

While the race of the more than two million ticketed drivers a year is recorded on the ticket, the data is not gathered so that it can be studied for patterns or anomalies. To find out whether race plays a role in police stops and arrest rates, the state needs a mechanism to track that data. Toward that end, in 2001, Network Co-Chair Rep. Joe Neal introduced the Police Stops Statistics Act (Attachment 1), which was intended to both mitigate and discourage racial profiling by requiring "all cops to report all stops." The bill required that the race, age and gender of all citizens stopped by police be gathered and the data made public.

The bill languished until 2005, when South Carolina stood to lose federal highway funding unless a mandatory seat belt law was enacted. The Republican majority needed more votes to pass the bill over Gov. Sanford's objections. The Republican leadership and the Black Caucus agreed to add the racial profiling bill to the seat belt bill. With Black Caucus support, the amended seat belt bill (Attachment 2) became law.

In April 2008, we learned that the racial profiling component of the seat belt bill was amended in conference committee to require only "non-custodial stops" or warnings be reported and recorded. This change gutted the original intention of the racial profiling bill.

Rep. Neal wrote the Department of Public Safety (DPS), pointing out that while their proposed contact form (Attachment 7) included the officers's badge number and location of the stop, the pending regulation excluded this information from the public database. Failure to identify the officer and location, Neal wrote, "will effectively render the effort ineffective and a waste of resources" (Attachment 3).

The DPS "Statement of Rationale" included in the regulation (Attachment 4, pg 2), ignores empirical statistics gathered by SLED that show vast racial disparities in arrest rates, DPS concluded, "There was no scientific or technical basis relied upon in the development of this regulation."

In April of 2009, at a hearing on the Department of Public Safety regulations to implement the law, we learned that DPS did not consider it that agency's responsibility to require the 293 certified police agencies in the state to follow the watered-down reporting requirement on the race of those stopped for warnings. The Senate Transportation Committee passed the "Contact Information from Traffic Stops Regulation (Attachment 4)", as proposed by DPS, which fails to identify the officer or the location.

As of December 2009, only 114 police agencies were in full compliance with the law that requires monthly reports on the race of those stopped, but not ticketed or arrested. As of August 2009, 71 police departments have never filed a report in the two years the law has been in effect (Attachment 5).

## **Next Steps**

Only when we require all cops to report all stops, and require the transparency to make this information public, will we know whether racial profiling is a problem in South Carolina.

Citizens and public officials should use this report to insure the compliance of their local law enforcement agencies with the law that requires monthly reporting on warning tickets. If your local agencies are doing a good job reporting, thank them and ask if they will support a community initiative for all stops to be reported. For police, this is a good opportunity to show the public that they don't condone racial profiling.

The problem with reporting this data does not lie with the police, as they already fill out the race, badge number and location on all warnings and tickets. The problem lies with the legislature's failure to mandate that DPS and the Dept. of Motor Vehicles to publicly report the data.

Brett Bursey  
Executive Director, SC Progressive Network

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## I. Overview

This report shows, based on Census data and numbers from the South Carolina Law Enforcement Division, that there are significant racial disparities in arrest rates in South Carolina. This report will not go into the many factors that may account for twice as many Blacks as whites being arrested.

The report builds on the SC Progressive Network's 2000 studies, surveys and town meetings on racial profiling that suggested the majority of Black South Carolinians think race plays a factor in many traffic stops and have anecdotal evidence to support that belief.

This report questions why we know the racial statistics for a quarter of a million crimes a year, but don't know the racial statistics on the more than two million traffic tickets issued each year.

This report confirms that statistics to track, identify and mitigate racial profiling are available but not kept by the state of South Carolina.

This report tracks the efforts of citizens and legislators to require the state to compile racial statistics on traffic stops, from the studies and town meetings, to the introduction of legislation in 2001, the passage of the watered down racial profiling bill in 2005, to its implementation and failure.

This report concludes with recommendations to address the concerns over racial profiling.

## II. Arrests by Race (other than traffic tickets)

Census data from 2006, the most recent and consistent, indicates a South Carolina general population of 4,254,989 residents. Of those residents, 2,958,982 (68.5%) are Caucasian, 1,253,131 (29%) are African-American, and 151,289 (3.5%) are Latino or Hispanic\*.

According to The South Carolina Law Enforcement Division, 238,081 arrests were made in 2006\*\*. These figures do not include over two million traffic tickets.

### a) White Arrests

Of the 238,081 arrests in 2006, 115,679, or 48.5% of the crimes, were committed by Caucasians. Based on the population density of each race or ethnicity, 3.9% of Caucasians in South Carolina were arrested in 2006.

### b) Black Arrests

Of the 238,081 arrests in 2006, 103,009, or 43.2% of the alleged offenses were committed by African-Americans. Based on the population density of each race or ethnicity, 8.2% of Blacks in South Carolina were arrested in 2006.

### c) Summary

- Blacks in South Carolina are twice as likely to be arrested for a crime as whites.
- Racial statistics are kept, and made available on arrest in SC for crimes other than traffic offenses\*\*.

\* Data based on the 2006 South Carolina Census. <<http://www.sccommunityprofiles.org/census/scpop06.php>>

\*\* Includes: Murder, Manslaughter (Negligent), Forcible Rape, Robbery, Aggravated Assault, Breaking and Entering, Larceny, Vehicle Theft, Arson, Simple Assault Forgery, Etc., Fraud, Bad Checks, Embezzlement, Stolen Property, Vandalism, Weapons, Etc., Prostitution, Sex Offenses, Drug Laws, Gambling, Against Family, DUI, Liquor Laws, Drunkenness, Disorderly Conduct, Curfew, Loitering, Runaways, All Other.

### **III Legislation on Racial Profiling**

a) H-3963:

The original legislation, introduced in 2001, would have required ‘all cops to report all stops’. It was not passed (Attachment 1).

b) S-1:

Racial profiling legislation was attached to the Seat belt bill (S-1), (Attachment 2), that was introduced and passed without the Governor’s signature in 2005. The law requires all police to report the age, race, and gender of all **non- ticketed stops**. It placed the burden of regulation on the Department of Public Safety and gave the Legislature power to enforce the law by withholding or repealing funding should an agency found in non-compliance.

c) DPS Regulation 3208

Prior to an April 2009 Senate Transportation subcommittee hearing on the DPS regulation (3208) to implement the statute, Rep. Joe Neal submitted comments noting that if the data gathered did not include the time, location and badge number, “the effort would be ineffective and a waste of resources” (Attachment 3).

The Progressive Network raised questions at the hearing as to how the statute will be enforced and a DPS spokesperson responded that it was not DPS’s responsibility to follow up with police agencies that do not comply with the law. The Senate approved the regulations (Attachment 4) and DPS has established a reporting system, but is not enforcing compliance with the statute.

### **IV. Implementation of the New Racial Profiling Law**

a) DPS implementation:

DPS advised all law enforcement agencies in August 2006 and again in March 2007, that starting July 1, 2007 they are required by law to make monthly reports on the race or ethnicity, gender, and date of birth of all stops that don’t result in a ticket or arrest. DPS establishes a on-line reporting system and begins posting the reports on their public web site July 1, 2007.

b) Compliance by law enforcement agencies :

- Of the 295 agencies with arresting power in the state, 80 agencies have yet to file any of the reports, required by law, for the past two years (July 1, 2007- July 1, 2009).
- No agency failing to comply with the law has been contacted by DPS, or any other government agency to urge compliance, or warn them that their state and federal funding is at risk.
- A table that lists every agency’s compliance record for the period studied is attached (Attachment 5).
- The legislature is mandated to review the law and make recommendations for changes in the 2010 session.

c) Request for information regarding implementation, June 2009

In an effort to measure the enforcement of the law, the South Carolina Progressive Network requested information of the Department of Public Safety regarding compliance (Attachment 6). In response to the request, the DPS Director met with Network representatives in August 2009. The director acknowledged that compliance with the law was poor, but reiterated that the DPS was not responsible for enforcing the reporting requirements.

## **V. Recommendations**

The intent of the original legislation (H-3963), to identify officers and agencies that are stopping, and or arresting, minorities in disproportionate numbers, was missed by Senate Bill S-1. The enforcement of the minimal requirements of S-1 has been nothing short of shameful. The Network recommends the following:

1. Citizens and public officials should use this report to insure the compliance of their local law enforcement agencies with the law that requires monthly reporting on warning tickets. If your local agencies are doing a good job reporting, thank them and ask if they will support a community initiative for all stops to be reported. For police, this is a good opportunity to show to the public that they don't allow racial profiling.
2. Use the opportunity provided by the legislature's failure to pass a meaningful racial profiling bill for community discussions and organizing around how structural racism hurts all our state's citizens. Organize a multi-racial forum on: "Is racial profiling a problem in South Carolina?"
- 3.. Legislation needs to be re-introduced that requires all cops to report all stops.

The information for over two million traffic stops a year is already in computers at the DMV. The DPS gathers the tickets and the DMV keeps the data. Both agencies argue the they have no authority, or budget, to create and run the necessary computer program to separate the data. A separate bill that deals only with the existing DMV data should be considered.

4. Racial data on non-ticketed police stops, required by S-1, should be continued, but amended to include the officer's identification and the location of the stop. Once a full data base of all stops is required, the data on warning tickets should be included.

*This is the bill we wanted*

**Racial Profiling Bill H-3963**

**Introduced April 19, 2001**

**Sponsors:** J.H. Neal, Cobb-Hunter, Rutherford, Howard, Allen, Breeland, J. Brown, R. Brown, Clyburn, Gourdine, Govan, J. Hines, M. Hines, Hosey, Kennedy, Lee, Lloyd, Mack, Moody-Lawrence, Parks, Scott, F.N. Smith, Whipper and Weeks. **Subject:** Race-based traffic, pedestrian stops, law enforcement officers policy to discourage; Discrimination, Public Safety

TO AMEND TITLE 23, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LAW ENFORCEMENT AND PUBLIC SAFETY, BY ADDING CHAPTER 22 SO AS TO DEFINE MINORITY GROUP, PROVIDE FOR THE COLLECTION AND COMPILATION OF CERTAIN INFORMATION GATHERED BY A LAW ENFORCEMENT OFFICER TO DETERMINE WHETHER TRAFFIC AND PEDESTRIAN STOPS HE MAKES ARE RACE-BASED, TO PROVIDE THAT EACH LAW ENFORCEMENT AGENCY SHALL ADOPT A POLICY TO DISCOURAGE RACE-BASED TRAFFIC AND PEDESTRIAN STOPS, TO PROVIDE THAT THE GOVERNOR MAY WITHHOLD STATE FUNDS FROM A LAW ENFORCEMENT AGENCY WHICH FAILS TO COMPLY WITH THE PROVISIONS CONTAINED IN THIS CHAPTER, TO ALLOW A LAW ENFORCEMENT AGENCY TO USE CERTAIN FEDERAL FUNDS TO EQUIP ITS VEHICLES WITH VIDEO EQUIPMENT TO RECORD TRAFFIC AND PEDESTRIAN STOPS, AND TO ALLOW LOCAL GOVERNMENTS TO ESTABLISH CIVILIAN REVIEW BOARDS OR USE EXISTING REVIEW BOARDS TO INVESTIGATE ALLEGATIONS OF MISCONDUCT BY LOCAL LAW ENFORCEMENT OFFICERS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 23 of the 1976 Code is amended by adding:

“Chapter 22

Race-Based Traffic and Pedestrian Stops

Section 23-22-10. (A) As used in this chapter, ‘minority group’ means persons of African, Hispanic, Native American, or Asian descent.

(B) When a law enforcement officer stops a driver or a pedestrian based upon probable cause or reasonable suspicion that a violation of a state statute or local ordinance has occurred, the law enforcement officer shall report the following information to the law enforcement agency that employs him:

- (1) the age, gender, and race or minority group of the person stopped;
- (2) the traffic or pedestrian violation or suspicious behavior that led to the stop;
- (3) whether a search was conducted as a result of the stop;
- (4) if a search was conducted, whether the person consented to the search, the probable cause or reasonable suspicion for the search, whether the person or his property was searched;
- (5) whether any contraband was discovered in the course of the search and the type of any contraband discovered;
- (6) whether a warning or citation was issued as a result of the stop;
- (7) if a warning or citation was issued, the violation charged or warning provided;
- (8) whether an arrest was made as a result of either the stop or the search;
- (9) if an arrest was made, the crime charged; and
- (10) the location of the stop.

This information must be reported using a format determined by the Department of Public Safety.

(C) Each law enforcement agency shall compile the data described in subsection (B) of this section for a calendar year and submit it to the Director of the Department of Public Safety no later than March first of the following calendar year. The Department of Public Safety shall determine the format that each law enforcement agency shall use to submit the report. The Director of the Department of Public Safety shall analyze the annual reports submitted by each agency and submit a report of his findings to the Governor, the Speaker of the House of Representatives, the President of

the Senate, and each law enforcement agency not later than June first of each year. The Director of the Department of Public Safety report must include at least the following information for each agency:

- (1) the number of motor vehicles and pedestrians stopped by law enforcement officers during the previous calendar year;
  - (2) the number and percentage of stopped motor vehicles that were driven by members of each minority group and the number and percentage of pedestrians stopped in each minority group;
  - (3) a comparison of the percentage of stopped motor vehicles driven by each minority group, a comparison of the percentage of minority pedestrians stopped, and the percentage of the state's population that each minority group comprises; and
  - (4) a compilation of the information reported by each law enforcement agency pursuant to this subsection.
- (D) Each law enforcement agency shall adopt a policy on race-based traffic stops that:
- (1) prohibits the practice of routinely stopping members of minority groups for violations of vehicle and pedestrian statutes and ordinances as a pretext for investigating other violations of criminal law; and
  - (2) provides for periodic review by the law enforcement agency of the annual report of the Director of the Department of Public Safety required by subsection (C) of this section to determine whether a law enforcement officer of that agency has a pattern of stopping members of minority groups for violations of vehicle and pedestrian statutes and ordinances in a number disproportionate to the population of minority groups residing or traveling within the jurisdiction of the law enforcement agency. If the review reveals a pattern of race-based traffic or pedestrian stops, the agency must conduct an investigation to determine whether any officers of the law enforcement agency routinely stop members of minority groups for violations of vehicle or pedestrian statutes or ordinances as a pretext for investigating other violations of criminal law;
  - (3) provides for appropriate counseling and training of a law enforcement officer found to have been engaged in race-based traffic or pedestrian stops within ninety days of the review; and
  - (4) provides for annual sensitivity training for any employee who may conduct stops of motor vehicles or pedestrians in violation of the prohibition against racial profiling. The training must stress understanding and respect for racial and cultural differences and the development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.
- (E) If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds or federal pass-through funds appropriated to the noncompliant law enforcement agency.
- (F) If a law enforcement agency fails to comply with the provisions of this section, the Director of the Department of Public Safety may withhold accreditation of the noncompliant law enforcement agency.
- (G) A law enforcement agency in this State may utilize available federal funds to equip each vehicle used for traffic and pedestrian stops with a video camera and voice-activated microphone.

Section 23-22-20. (A) Each municipality or county may establish a civilian review board, or may use an existing civilian review board which has been appointed by the local governing body, with the authority to investigate allegations of misconduct by local law enforcement officers towards members of the public. The members shall not receive compensation but shall receive reimbursement from the local governing body for all reasonable and necessary expenses.

(B) The board shall have the power to receive complaints, and investigate, make findings, and recommend disciplinary action upon complaints by members of the public against members of the law enforcement agency that allege misconduct involving excessive use of force, abuse of authority, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation, and disability. The findings and recommendations of the board and the basis for their findings must be submitted to the chief law enforcement official. A finding or recommendation must not be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded, or withdrawn complaints be the basis for any findings or recommendations.

SECTION 2. This act takes effect upon approval by the Governor.

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*This is the bill we got*

**S-1: Seat Belt Bill  
(Section 5 added the racial reporting requirement for warnings)  
June 2005**

Sections 1-4 establish a mandatory seatbelt law.

**SECTION 5. Article 48, Chapter 5, Title 56 of the 1976 Code is amended by adding:**

**Section 56-5-6560.**

(A) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(B) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subsection (A) and prepare a report to be posted on the department's website regarding motor vehicle stops using the collected information.

(C) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(D) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2010 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2010 Session."

SECTION 5 relating to the Department of Public Safety take effect on July 1, 2006, and the requirements of SECTION 5 relating to local law enforcement take effect July 1, 2007.

Ratified the 2nd day of June, 2005.

Became law without the signature of the Governor -- 6/9/05.



## House of Representatives

State of South Carolina

**Joseph H. Neal**

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**Committees:**

Education and Public Works

Rules

April 3, 2008

Department of Public Safety

Rachel Erwin, Counsel

POB 1993, Blythewood, SC 29016

Re: Contact Information from Traffic Stops

Dear Ms. Erwin,

Please consider that the regulation your agency is promulgating to enforce Section 56-5-6560 falls short of the intent of the legislation.

While the statute requires your Department to design a form that "must include information regarding the age, gender and race or ethnicity of the driver of the vehicle" in a non custodial traffic stop, the regulation under consideration unnecessarily limits the information required to make the statute meaningful.

While your regulation limits the summary reports by complying law enforcement agencies to "race or ethnicity; gender; and the date the contact was issued", the field contact form prepared by your Department includes the officer's name, badge number, time and location of the stop - none of which are included in the required summaries.

To include the additional information in the Public Contact form your Department prepared to comply with the statute indicates that your Department has the authority to require this information be included in the monthly summaries.

I would encourage your Department to add to the reporting requirement, the time and place of the traffic stop, as well as the race and identification number of the officer making the stop.

I not only believe that recording this additional information is in keeping with the letter of the statute, but that failing to do so will effectively render the effort ineffective and a waste of resources.

Thank you for your response,

Representative Joseph H. Neal

Document No. 3208  
DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 38  
Statutory Authority: 1976 Code Section 56-5-6560

38-1000. Contact Information from Traffic Stops

Preamble:

The South Carolina Department of Public Safety is proposing to publish regulations under Article 11 of Chapter 38 of the Department's regulations. These regulations relate to contact information required to be collected by law enforcement officers when a driver is stopped for a traffic violation, but the driver is not issued a traffic citation or placed under arrest. Section 56-5-6560 requires all law enforcement agencies to collect specific information from the driver in these situations and report that information to the South Carolina Department of Public Safety. Section 56-5-6560 further requires the Department of Public Safety to enact regulations on this matter. A Notice of Drafting for the Proposed Regulations was published in the State Register on August 24, 2007. A discussion of the proposed regulations and statement of need and reasonableness is contained herein.

DESCRIPTION OF REGULATION:

The proposed regulation will provide the procedures local and other State law enforcement agencies must follow in reporting contact information from traffic stops to the Department of Public Safety.

Purpose: The Department of Public Safety proposes to publish these regulations in compliance with Section 56-5-6560.

Legal Authority: Section 23-3-30(6).

Plan for Implementation: The Department has developed a web-based application for agencies to upload contact information. Each agency affected by this code section has been issued a user account and a password to access the website so information can be uploaded.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is needed to comply with the Department's responsibilities as outlined by Section 56-5-6560.

DETERMINATION OF COSTS AND BENEFITS:

The cost to the Department of Public Safety of implementing this regulation will be minimal. The cost to local agencies and other state agencies will vary as outlined above in the preliminary fiscal impact.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

The proposed regulation will have no detrimental effect on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of Reg. 38-1000 is to outline the procedures local and other State law Enforcement agencies must follow in reporting contact information from traffic stops to the Department of Public Safety pursuant to Section 56-5-6560. **There was no scientific or technical basis relied upon in the development of this regulation (emphasis added).**

Text:

38-1000. Contact Information from Traffic Stops

A. Definitions.

For purposes of this regulation:

1. Department means the South Carolina Department of Public Safety.
2. Agency means a law enforcement agency required to report contact information pursuant to the provisions of Section 56-5-6560.

B. Procedures for Collecting Information.

1. To implement the provisions of Section 56-5-6560, the Department of Public Safety has developed a contact form to be utilized by Law Enforcement Agencies.
2. The contact form will be issued in book format with a sequential numbering system.
3. All law enforcement agencies which make traffic stops will be issued contact form books. Contact Form Books will be issued in the same manner in which Uniform Traffic Citation books are issued.
4. A contact form must be completed by a law enforcement officer each time a motor vehicle is stopped without a citation being issued or an arrest being made.
5. When a contact form is completed, all fields marked in red must be completed by the law enforcement officer. These fields include: race or ethnicity; gender; date of birth; and the date the contact was issued.

C. Procedures for Reporting Information.

1. Each law enforcement agency must summarize their contact information for a particular month into pre-determined categories.
2. Each law enforcement agency which has law enforcement officers that make traffic stops will be issued a user account and a password to access the Department of Public Safety's contact information database.
3. Each agency must report their summarized contact information via the Department's web portal on a monthly basis.
4. The summarized information collected for a particular month must be reported by the end of the next calendar month. The data for a particular month should include only those stops that occurred in that month.
5. An agency can amend any given month's report up to the time it is submitted. Once a report has been submitted, it can no longer be amended.
6. Fields on the contact database where there is no information to report should be left blank. The report generated by the Department will automatically generate a "0" in those fields. If an agency does not have any contacts to report for a particular month, the agency should still create and submit a "blank report" for that month. The blank report will have "0" in all the cells.

D. Report.

1. The Department will publish a reporting tool that will allow the agencies and the general public to query the summary information that has been submitted by the agencies.
2. The reporting tool will allow the summary information that has been submitted to be queried either by a specific agency or for all agencies. In either case, the data can be further refined to reflect a specific month or a range of months.
3. The reports generated from the reporting tool reflect the summary information that has been submitted at that specific point in time. Until all agencies submit their reports for a given period, the values on any given report may change.
4. The reporting tool will be accessible from the Department's website.

## Racial Profiling Compliance

DEPARTMENT	MONTHS-NOT-SUBMITTED
Allendale Police	NO COMPLIANCE
Allendale Sheriff	NO COMPLIANCE
Andrews Police	NO COMPLIANCE
Atlantic Beach Police	NO COMPLIANCE
Benedict College Public Safety	NO COMPLIANCE
Bethune Police	NO COMPLIANCE
Bonneau Police	NO COMPLIANCE
Bowman Police	NO COMPLIANCE
Branchville Police	NO COMPLIANCE
Brunson Police	NO COMPLIANCE
Calhoun Falls Police	NO COMPLIANCE
Cameron Police	NO COMPLIANCE
Campobello Police	NO COMPLIANCE
Chapin Police	NO COMPLIANCE
Cheersee Police	NO COMPLIANCE
Chester Police	NO COMPLIANCE
Chesterfield Police	NO COMPLIANCE
Citadel Public Safety	NO COMPLIANCE
Clafin University Public Safety	NO COMPLIANCE
Clarendon Sheriff	NO COMPLIANCE
Clio Police	NO COMPLIANCE
Cottageville Police	NO COMPLIANCE
Denmark Tech Public Safety	NO COMPLIANCE
Dept. of Natural Resources	NO COMPLIANCE
Dillon Police	NO COMPLIANCE
Eastover Police	NO COMPLIANCE
Elko Police	NO COMPLIANCE
Erskine Public Safety	NO COMPLIANCE
Estill Police	NO COMPLIANCE
Fairfax Police	NO COMPLIANCE
Florence Sheriff	NO COMPLIANCE
Fort Lawn Police	NO COMPLIANCE
Furman University Public Safety	NO COMPLIANCE
Gifford Police	NO COMPLIANCE
Great Falls Police	NO COMPLIANCE
Greenville Public Safety	NO COMPLIANCE
Hampton Police	NO COMPLIANCE
Heath Springs Police	NO COMPLIANCE
Hemingway Police	NO COMPLIANCE
Iva Police	NO COMPLIANCE
Jackson Police	NO COMPLIANCE
Jamestown Police	NO COMPLIANCE
Jonesville Police	NO COMPLIANCE
Lamar Police	NO COMPLIANCE
Lander Public Safety	NO COMPLIANCE
Landrum Police	NO COMPLIANCE
Lincolville Police	NO COMPLIANCE
Lynchburg Police	NO COMPLIANCE
Mayesville Police	NO COMPLIANCE
MCBee Police	NO COMPLIANCE

## Racial Profiling Compliance

DEPARTMENT	MONTHS-NOT SUBMITTED
McCull Police	NO COMPLIANCE
McCormick Police	NO COMPLIANCE
Midland Tech.	NO COMPLIANCE
Ninety Six Police	NO COMPLIANCE
Norris Police	NO COMPLIANCE
North Greenville College Public Safety	NO COMPLIANCE
Olar Police	NO COMPLIANCE
Orangeburg/Calhoun Tech College	NO COMPLIANCE
Palmetto Bluff Security	NO COMPLIANCE
Pawley's Island Police	NO COMPLIANCE
Perry Police	NO COMPLIANCE
Piedmont Tech Public Safety	NO COMPLIANCE
Presbyterian College	NO COMPLIANCE
Quinby Police	NO COMPLIANCE
Ridgeland Police	NO COMPLIANCE
Saluda Sheriff	NO COMPLIANCE
Sellers Police	NO COMPLIANCE
Silver Street Police	NO COMPLIANCE
Society Hill Police	NO COMPLIANCE
Spartanburg Comm. College Police	NO COMPLIANCE
Sullivan's Island Police	NO COMPLIANCE
Trenton Police	NO COMPLIANCE
Tri-County Tech DPS	NO COMPLIANCE
Union Public Safety	NO COMPLIANCE
USC Beaufort Police	NO COMPLIANCE
Varnville Police	NO COMPLIANCE
Williamston Police	NO COMPLIANCE
Wofford College Public Safety	NO COMPLIANCE
Yemassee Police	NO COMPLIANCE
York Tech College Security	NO COMPLIANCE
Calhoun Sheriff	22
Columbia College Police	22
Dataw Island	22
Greeleyville Police	22
Bamberg Sheriff	21
Edgefield Sheriff	21
Greenville Police	21
Johnsonville Police	21
Pacolet Police	21
SCDMH-Division of Public Safety	21
St. Stephen Police	21
Otlanta Police	20
Prosperity Police	20
Norway Police	19
Orangeburg Sheriff	19
Ellorree Police	18
Ridgeville Police	18
Denmark Police	17
Horry Sheriff	16
Loris Police	16
Dillon Sheriff	15

## Racial Profiling Compliance

DEPARTMENT	MONTHS-NOT SUBMITTED
Whitten Center Police	15
Winnsboro Public Safety	15
Coastal Security Services	14
Inman Police	14
Lee Sheriff	14
Marion Sheriff	14
Anderson Sheriff	13
Batesburg/Leesville Police	13
McCormick Sheriff	13
Newberry Sheriff	13
Spartanburg Methodist Campus Safety	12
St. Matthews Police	12
Walhalla Police	12
Westminister Police	12
Abbeville Sheriff	10
Due West Police	10
Eutawville Police	10
Ridgeway Police	10
Springdale Police	10
Summerville Police	10
Charleston City Police	9
Cherokee Sheriff	9
Greer Police	9
Oconee Sheriff	9
Vance Police	9
Bishopville Police	8
Moncks Corner Police	7
Williston Police	7
North Charleston Police	6
Scranton Police	6
Starr Municipal	6
Woodruff Police Department	6
Cayce Public Safety	5
Crime Prevention Control Agency	5
Darlington Police	5
Ehrhardt Police	5
Hartsville Police	5
Lake City Police	5
Lake View Police	5
Lane Police	5
Pickens Sheriff	5
Salem Police	5
SC Public SVC-Santee Cooper	5
Walterboro Police	5
Williamsburg Sheriff	5
Aynor Police	4
Barnwell Sheriff	4
Blackville Police	4
Clemson Police	4
Colleton Sheriff	4
Cowpens Police	4

Racial Profiling Compliance	
DEPARTMENT	MONTHS-NOT SUBMITTED
Duncan Police	4
Gaffney Police	4
Greenwood Sheriff	4
GSP Airport Police	4
MUSC Public Safety	4
Newberry Police	4
Nichols Police	4
SCDPS-BPS	4
Sumter Sheriff	4
York Sheriff	4
Bob Jones University Public Safety	3
Hampton Sheriff	3
Hardeeville Police	3
Jasper Sheriff	3
Johnston Police	3
Kingstree Police	3
Lancaster Sheriff	3
Laurens Sheriff	3
Mullins Police	3
North Augusta Public Safety	3
North Police Department	3
Pelion Police	3
Pickens Police	3
Pine Ridge Police	3
Salley Police	3
Springfield Police	3
St. George Police	3
Swansea Police	3
West Columbia Police	3
Bamberg Police	2
Bennettsville Police	2
Camden Police	2
Clinton Public Safety	2
College of Charleston Public Safety	2
Coward Police	2
Darlington Sheriff	2
Folly Beach Public Safety	2
Fountain Inn Police	2
Francis Marion Public Safety	2
Georgetown Police	2
Greenville Sheriff	2
Horry Police	2
Latta Police	2
Lexington Sheriff	2
USC Aiken Police	2
Ware Shoals Police	2
York Police	2
Aiken Public Safety	1
Aiken Sheriff	1
Barnwell Police	1
Beaufort Police	1

## Racial Profiling Compliance

DEPARTMENT	MONTHS-NOT SUBMITTED
Beaufort Sheriff	1
Belton Police	1
Berkeley Sheriff	1
Blacksburg Police	1
Charleston Sheriff	1
Cheraw Police	1
Chester Sheriff	1
Clover Police	1
Columbia Police	1
CSA Security Operations	1
Easley Police	1
Edisto Beach Police	1
Georgetown Sheriff	1
Goose Creek Police	1
Greenville Tech Campus Police	1
Isle of Palms	1
Kershaw Sheriff	1
Laurens Police	1
Liberty Police	1
Manning Police	1
Mauldin Police	1
Mt. Pleasant Police	1
Myrtle Beach Police	1
New Ellenton Police	1
Norfolk Southern Police	1
North Myrtle Public Safety	1
Orangeburg Public Safety	1
Richland Sheriff	1
Rock Hill Police	1
Saluda Police	1
SC State University Police	1
SCDPS-SCHP	1
SCDPS-STP	1
Seneca Police	1
SLED	1
Spartanburg Public Safety	1
SRS Law Enforcement	1
Sumter Police	1
Tega Cay Police	1
Timmons ville Police	1
USC Upstate Police	1
Wellford Police	1
Abbeville Police	FULL COMPLIANCE
Anderson Police	FULL COMPLIANCE
Bluffton Police	FULL COMPLIANCE
Briar Cliff Acres Police	FULL COMPLIANCE
Burnettown Police	FULL COMPLIANCE
Central Police	FULL COMPLIANCE
Charleston Aviation	FULL COMPLIANCE
Chesterfield Sheriff	FULL COMPLIANCE
Clemson University Police	FULL COMPLIANCE

## Racial Profiling Compliance

DEPARTMENT	MONTHS-NOT SUBMITTED
Coastal Carolina Police	FULL COMPLIANCE
Columbia Metro Airport Police	FULL COMPLIANCE
Conway Police	FULL COMPLIANCE
Dorchester Sheriff	FULL COMPLIANCE
Edgefield Police	FULL COMPLIANCE
Elgin Police	FULL COMPLIANCE
Fairfield Sheriff	FULL COMPLIANCE
Florence Police	FULL COMPLIANCE
Forest Acres Police	FULL COMPLIANCE
Fort Mill Police	FULL COMPLIANCE
Greenwood Police	FULL COMPLIANCE
Hanahan Police	FULL COMPLIANCE
Harleyville Police	FULL COMPLIANCE
Holly Hill Police	FULL COMPLIANCE
Honea Path Police	FULL COMPLIANCE
Irmo Police	FULL COMPLIANCE
Lancaster Police	FULL COMPLIANCE
Lexington Police	FULL COMPLIANCE
Lyman Police	FULL COMPLIANCE
Pageland Police	FULL COMPLIANCE
Pamplico Police	FULL COMPLIANCE
Port Royal Police	FULL COMPLIANCE
Simpsonville Police	FULL COMPLIANCE
South Congaree Police	FULL COMPLIANCE
Spartanburg Env. Enf.	FULL COMPLIANCE
Spartanburg Sheriff	FULL COMPLIANCE
Summerton Police	FULL COMPLIANCE
Surfside Beach Public Safety	FULL COMPLIANCE
Traveler's Rest	FULL COMPLIANCE
Trident Tech Public Safety	FULL COMPLIANCE
Turbeville Police	FULL COMPLIANCE
Union Sheriff	FULL COMPLIANCE
USC Law Enforcement	FULL COMPLIANCE
Wagener Police	FULL COMPLIANCE
West Pelzer Police	FULL COMPLIANCE
Whitmire Police	FULL COMPLIANCE
Winthrop University Public Safety	FULL COMPLIANCE



**South Carolina Progressive Network**  
P.O. Box 8325  
Columbia, SC 29202

June 25, 2009  
Mark Keel, Director  
SC Department of Public Safety

Dear Mr. Keel,

Pursuant to the state Freedom of Information Act, please provide the following information regarding the Department's implementation of Section 56-5-6560 that regulates your agency's "Contact Information from Traffic Stops".

1. Please confirm that out of the 295 law enforcement agencies listed on the DPS web site, that a total 71 agencies have complied with the statute.
2. What steps has DPS taken to enforce compliance with the statute?
3. As the statute gives the General Assembly authority to withhold funds to any state or local law enforcement agency that fails to comply with the reporting requirements, how and when does DPS plan to provide this information to the General Assembly?
4. What would it take for DPS (in conjunction with DMV) to provide the information on age, gender and race of citizens who were ticketed or arrested, separated by agency, for 2008?

I look forward to discussing the Department's implementation of the section at your earliest convenience.

Regards,

Brett Barsey  
Director  
SC Progressive Network

- A. Philip Randolph Institute
- Alma Place
- Alumni For All Programs
- Antiopacist/Black/Urban Local 999
- Armed Forces Veterans/Urban Local 999
- Carolina Alliance for Full Employment
- Carolina Power Resources Center
- COOP Family Systems
- Coalition Place
- Coalition for Better Youth Conditions
- Coalition of Organizations
- Consumer Union of SC
- Delta Sigma Theta Sorority/Student Chapter/Charity
- Dept. of Public Campaign SC
- Environ Justice CDC
- Environ Justice, Health Impact & Urban Issues of SC
- Environ Justice, Inc
- Genius of Great USA
- Greater Charlotte/Outlets/Labor Council
- Greater Columbia/Outlets/Labor Council
- Greater Piedmont/Outlets/Labor Union
- Grants/Work
- GWOP/Trade/Corp
- Home HealthCare
- HSpan/Outlets
- FF 0025
- International Laborers/Union, Local 999
- Legalized Women Voters Organization
- Lawrence Place/Work
- National Association of Social Workers, SC
- National/Local Fund
- Non-Monetary Foundation
- Open Door/Outlets/Charity
- Palmetto Risk/Outlets/Outlets
- PLAN/Outlets
- Planned Parenthood/Outlets/Outlets
- PROFACOR
- Prostate/Outlets
- Senior Resources of the Low Country
- SOEHA
- SO-FL/CD
- SC Inst. of Community Development/Organizations
- SC Campaign to End AIDS
- SC Coalition Against Domestic Violence and Sexual Assault
- SC Equity Coalition
- SC Fair Share
- SC Gay & Lesbian Public Movement
- SC Independent Living Council
- SC Legislative Black Caucus
- SC NACF
- SC NCF
- SC Professional Firefighters/Union
- SC Rural Education Resources Group
- SC Urban Education Project
- Spe. Inter. C. Justice/Outlets/Outlets
- Southside Foundation Project
- Speakee Student/Outlets



This is the warning ticket used to gather the limited data that is supposed to be collected. Bill sponsor Rep. Joe Neal has requested that the officer's badge number, location, and if a search resulted in an arrest, be added to the data base. This information is collected, but not included in the reports.

Under the current law, if a citizen is stopped for a warning, or "suspicious behavior", and a search results in an arrest, no data is gathered.

PUBLIC CONTACT / WARNING STATE OF SOUTH CAROLINA CITY OR COUNTY OF _____				
FIRST NAME		MIDDLE NAME	LAST NAME	
STATE LICENSED		DRIVERS LICENSE NO.		
FACE or ETHNICITY	GENDER	DATE OF BIRTH		
HIGHWAY TYPE AND NO.	COUNTY	CODE	DATE	TIME
VEHICLE LICENSE NO.	STATE	VEHICLE MAKE	YEAR	CHECK IF CMV
ISSUED BY	RANK	BADGE NO.		
NATURE OF CONTACT				
<input type="checkbox"/> SPEEDING	<input type="checkbox"/> DISREGARDING TRAFFIC SIGNAL			
<input type="checkbox"/> CONTACT ONLY	<input type="checkbox"/> FOLLOWING TOO CLOSE			
<input type="checkbox"/> IMPROPER LANE USE	<input type="checkbox"/> CHANGING LANES UNLAWFULLY			
<input type="checkbox"/> FAILURE TO DIM LIGHTS	<input type="checkbox"/> NO RIGHT OF WAY			
<input type="checkbox"/> IMPROPER BACKING	<input type="checkbox"/> DEFECTIVE EQUIPMENT			
<input type="checkbox"/> IMPROPER LIGHTS	<input type="checkbox"/> IMPROPER PASSING			
<input type="checkbox"/> IMPROPER TURN	<input type="checkbox"/> DRIVER'S LICENSE VIOLATION			
<input type="checkbox"/> DISOBEYING STOP SIGN	<input type="checkbox"/> VEHICLE LICENSE VIOLATION			
<input type="checkbox"/> SEAT BELT VIOLATION	<input type="checkbox"/> OTHER (SPECIFY) _____			
RECORD CONTACT				
PRIMARY REASON FOR CONTACT (CHECK ONLY ONE):				
<input type="checkbox"/> MOVING VIOLATION	<input type="checkbox"/> BOLD			
<input type="checkbox"/> NON-MOVING VIOLATION	<input type="checkbox"/> TRAFFIC COLLISION			
<input type="checkbox"/> MOTORIST ASSISTANCE	<input type="checkbox"/> SUSPICIOUS ACTIVITY			
<input type="checkbox"/> OTHER (SPECIFY) _____				
SEARCHES (CHECK ALL THAT APPLY):				
<input type="checkbox"/> SEARCH CONDUCTED:	<input type="checkbox"/> OF DRIVER	<input type="checkbox"/> OF VEHICLE	<input type="checkbox"/> OF PASSENGER	
<input type="checkbox"/> CONSENT SEARCH REQUESTED:	<input type="checkbox"/> YES	<input type="checkbox"/> NO		
<input type="checkbox"/> CONSENT GIVEN:	<input type="checkbox"/> YES	<input type="checkbox"/> NO		
<input type="checkbox"/> SEARCH MADE BY CONSENT	<input type="checkbox"/> INCIDENT TO ARREST			
<input type="checkbox"/> INVENTORY (VEHICLE TOWED)	<input type="checkbox"/> PROBABLE CAUSE			
<input type="checkbox"/> OTHER (SPECIFY) _____				
000051-A				
AGENCY COPY				
FORM 07 (REV 12-86)				

State, The (Columbia, SC)  
April 2, 2008

Exclusive

## Stop rates higher for black motorists

RICK BRUNDRETT, rbrundrett@thestate.com

Sheriff's deputies disproportionately stop and warn black drivers in more than half of South Carolina's counties, an analysis of records by The State newspaper has found.

Law enforcement officials in those counties, including Richland and Lexington, say the numbers do not mean their officers are deliberately targeting drivers because of their race -- a practice commonly called racial profiling. State troopers -- the target of scrutiny in the wake of recent racially charged allegations about how they treat black motorists -- stopped and warned black drivers at roughly the same rate as the state's black population.

"When you put all of the numbers together and all of the incidents together," Department of Public Safety spokesman Sid Gaulden said, "you won't find a systemic pattern of misconduct or discrimination."

Lonnie Randolph, president of the state NAACP, said, though, racial profiling remains a "major concern" of his organization. "Racism is still a problem in America and in South Carolina," he said. "We cannot deny it."

Public Safety director James Schweitzer and Highway Patrol commander Col. Russell Roark resigned under fire Feb. 29 after Gov. Mark Sanford said they were too lenient on a white trooper shown on a videotape using a racial slur against a fleeing black suspect during a 2004 traffic stop in Greenwood County.

The U.S. attorney for South Carolina, the FBI, the Justice Department and the State Law Enforcement Division have launched investigations into possible civil rights violations stemming from that incident and others caught on videotape -- including two in which troopers struck suspects fleeing on foot with their patrol vehicles.

Under a law that took effect in July, all police agencies must report to the Department of Public Safety the race, gender and age of all drivers who are stopped and issued warnings but not given tickets or arrested. State Rep. Joe Neal, D-Richland, the author of the reporting law, said he pushed for the reporting requirements as part of the law mandating drivers to wear seat belts after hearing concerns that minorities routinely were being "stopped, searched and never ticketed."

The State newspaper obtained the Department of Public Safety's database -- the first release of the information -- under the S.C. Freedom of Information Act.

The newspaper analyzed information on 317,678 drivers who were stopped by 191 public police agencies statewide from July 1 through Feb. 1. The paper then compared sheriff's departments' data on the racial makeup of stopped drivers to the state's population and Department of Motor Vehicle records.

Among the findings:

**\*\* In at least 25 of 46 counties, or 54 percent -- including Richland, Lexington and Kershaw -- sheriff's deputies stopped black drivers at rates higher than their counties' black populations.**

\*\* Of the 4,861 drivers stopped by Richland County sheriff's deputies, 3,186, or about 66 percent, were black -- about 19 percentage points higher than the county's 47 percent black population. That was the biggest such gap for any sheriff's department in the state that issued at least 100 warnings during the period.

\*\* The Lexington County Sheriff's Department wasn't far behind. Of the 6,002 drivers stopped during the period, 1,660, or about 28 percent, were black. That was double the county's 14 percent black population rate.

\*\* In Kershaw County, of the 430 drivers sheriff's deputies stopped, 147, or 34 percent, were black. That was about 8 percentage points higher than the county's 26 percent black population.

\*\* Statewide, 33 percent of the 317,678 drivers stopped were black -- slightly higher than the state's black population rate of 29 percent.

\*\* State troopers -- the target of scrutiny in the wake of recent racially charged allegations about how they treat black motorists -- stopped and warned black drivers at roughly the same rate as the state's 29 percent black population rate.

\*\* Of the total number of drivers stopped statewide, about 18 percent were both black and between the ages of 16 and 36 -- the group experts point to as most likely to be targeted if racial profiling is taking place.

The rates are comparable across the board when compared to Department of Motor Vehicles data showing the percentage of black licensed drivers for each county.

The database contained no information from many small departments, including Batesburg-Leesville and Eastover, and sheriff's departments in Allendale, Clarendon, Florence, Lee, Marlboro, Orangeburg and Saluda counties. Those agencies did not report numbers to the state.

## THE RIGHT NUMBERS?

**USC criminal justice professor Michael Smith, recognized nationwide as an expert on racial profiling, said no conclusions can be drawn from the database -- in part because it doesn't contain information about drivers who are ticketed or arrested.**

**“Without the other half,” he said, “you’ve got squat.”**

Most researchers in the field no longer use U.S. Census statistics or information about the number of licensed drivers when trying to determine whether racial profiling exists, Smith said.

Those researchers use other methods, he said, such as comparing an officer's "post-stop activities" -- including the type of tickets written -- with the actions of other officers within a department. If an officer is ticketing a higher percentage of black drivers than others in his department, that's an indication he might be racially profiling drivers.

Neal said he intended the state database to be used as a starting point to "drill down" into particular departments to determine whether racial profiling exists. "If you've got a small community of African-Americans and you're not showing similar stops by the same officers in similar (white) areas, do you not have racial profiling?"

## INTER-COUNTY TRAFFIC

Lexington County Sheriff James Metts said the percentage of black drivers stopped in his county -- 28 percent -- is higher than the county's black population -- 14 percent -- likely because "we have a lot of traffic out of Orangeburg County and Richland County," which have higher black populations.

Metts, who said his department has a written policy banning racial profiling, said the last complaint he received about the problem was in 2003.

"It's extremely important that we don't have any racial profiling of the black population," he said. "You've got to have reasonable suspicion before you stop a car. You just can't stop it because you want to."

By comparison, in Columbia, of the 3,429 drivers city police stopped, 1,825, or 53 percent, were black -- about 11 percentage points higher than the city's black population rate. Columbia officials did not respond to repeated requests for comment on the statistics.

## “THEY'RE EXPECTED”

Richland County Sheriff Leon Lott readily admits his deputies stopped twice as many black drivers as white drivers during the seven-month period starting in July.

But, he said, "our stops are basically requests we get (from) within the African-American community" to patrol specific areas of concern. "Those numbers are numbers that don't shock me; they're expected," Lott said. He said his department's figures in the database include drivers who also were ticketed and/or arrested.

Lott said he started a detailed reporting system on traffic stops in 2003 to "make sure we didn't have any racial profiling going on."

NAACP president Randolph, who also serves on the Richland sheriff's department's Citizens Advisory Council, said he hasn't "seen any trends or any complaints from citizens" about racial profiling by Richland deputies. Richland's Citizens Advisory Council is the only one of its kind in the state, Randolph said. All police agencies, he said, including the Highway Patrol -- rocked in recent weeks by allegations of discrimination against black motorists -- should have similar committees.

"Any time you don't have a situation where citizens have the opportunity to monitor a department, it makes it more likely that those problems will exist."

Reach Brundrett at (803) 771-8484.

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State, The (Columbia, SC)

April 2, 2008

## **Lawmaker assails lack of data about traffic stops**

RICK BRUNDRETT, rbrundrett@thestate.com

The Highway Patrol and local police agencies aren't collecting enough information to determine whether racial profiling exists -- and two key black lawmakers say it's a deliberate attempt to skirt the intent of the law mandating the reports.

Under the law that took effect July 1, all police agencies must report to the Department of Public Safety the race, gender and age of all drivers who are stopped and issued warnings but are not given tickets or arrested. Rep. Joe Neal, D-Richland, the law's chief sponsor, said the regulations developed by the Department of Public Safety were supposed to require police agencies also to report the names and races of the officers making the stops and other details.

"This is just outrageous," Neal said. "Clearly, this has to be an effort on their part to blunt the impact of this bill."

Department of Public Safety spokesman Sid Gaulden said this week the agency isn't collecting additional information because the law as written doesn't require it.

"If (lawmakers) want additional information," he said, "the quickest way is to amend the law."

Neal was surprised when told by a reporter that the early numbers in the database were limited only to the race, gender and age of the drivers. Without information about the officers, he said, "we'll have a difficult time in determining whether racial profiling exists."

Neal said that when the bill was being drafted, the Legislative Black Caucus "made it perfectly clear what our intent was."

Rep. Leon Howard, D-Richland, the caucus's chairman, backed up Neal's recollection.

"Basically, they're breaking the law," said Howard, one of the Department of Public Safety's most vocal critics. "If you're going to stop racial profiling, which was our intent, that is information you have to keep records on, right?"

The Department of Public Safety has published proposed regulations in the State Register that mirror what's already required of local agencies, Gaulden said. The regulatory process includes a public comment period and review of the proposed rules by the General Assembly, he said.

It would take more time to amend the proposed regulations now than to change the law, Gaulden said. Neal disagreed, saying the regulations would take effect automatically if no lawmaker objected. He expects no objections.

Neal plans to write a letter to the department asking that the regulations be changed to include information on the officers. If the department refuses to change the regulations, he will seek to amend the law before the current legislative session ends June 5.

"Otherwise, what they're doing is simply to allow an agency to make up the data."

Gaulden said the Department of Public Safety would concur with any changes in the law. "If that's what legislators want," he said, "of course."

Staff Writer Roddie Burris contributed to this report. Reach Brundrett at (803) 771-8484.

State, The (Columbia, SC)  
January 22, 2006

## **BLACK MEN GET 1 OF 4 TICKETS**

ADAM BEAM, STAFF WRITER

Black men - one of every eight S.C. motorists - got one of every four tickets issued for not wearing a seat belt by state police during the first month of the South Carolina's new mandatory seat-belt law. Overall, men - regardless of their race - were more likely to be ticketed for not wearing a seat belt, state Department of Public Safety statistics show.

Men make up about half of the state's driving-age population. They received two-thirds of the tickets issued for seat-belt violations.

Experts said they were not surprised, adding men and black men, in particular, are less likely to wear seat belts.

Neither black legislators - who said they feared the seat-belt law could result in racial profiling - nor law enforcement officials said they were willing to pass judgment on whether the seat-belt law is being enforced fairly, based on only a month's worth of data.

The law, which went into effect Dec. 9, allows police to stop drivers solely for not wearing a seat belt. Previously, in most cases, motorists had to commit another violation before they could be cited for failing to wear a seat belt.

Black lawmakers had expressed concern that some law enforcement officers would use the law to target black motorists.

"The Legislative Black Caucus really had concerns about the seat-belt bill being used as yet . . . another reason to stop black motorists," said Rep. Joe Neal, D-Richland. "We need to know whether or not there is a problem with racial profiling out there."

From Dec. 9 to Jan. 9, state Highway Patrol officers issued 6,700 tickets. According to the S.C. Department of Public Safety, which includes the state Highway Patrol, of the seat-belt tickets issued statewide:

- \* 32 percent went to blacks, who make up about 28 percent of the state's population old enough to drive. The widest disparity came in Beaufort County, where blacks make up 22 percent of that county's driving-age population but received 45 percent of the tickets issued.
- \* 63 percent went to whites, who make up 69 percent of the state's population old enough to drive. In Lee County, whites - 38 percent of that county's driving-age population - received 51 percent of the tickets issued.
- \* 24 percent went to black men, who account for 12 percent of the state's population old enough to drive.
- \* 43 percent went to white men, who account for 34 percent of the state's population old enough to drive.

### **'NOBODY REALLY KNOWS IF IT OCCURS'**

The new seat-belt law almost died in the General Assembly last year because of fears that it would result in racial profiling - law enforcement officers' pulling over motorists because of their race, not their actions. The law requires law enforcement agencies to keep detailed demographic information, -including motorists' race - about every traffic stop.

Local police agencies only have to report those numbers to the Department of Public Safety once a year. The state agency is required to publish the numbers.

Jeff Moore, executive director of the S.C. Sheriffs' Association, said he supported the reporting aspect of the law because it gives law enforcement the chance to see if racial profiling exists. "Racial profiling is not something that is taught in the academy or part of the policy of a local law enforcement agency," he said. "Nobody really knows if it occurs, and how it occurs or where it occurs or the frequency."

The statistics will show law enforcement agencies whether they need more training, he said, and how effective their training has been.

Moore said the problem is with individual police officers who are "hassling people because they are black or Hispanic."

Reporting statistics isn't the most effective way to prevent racial profiling, said Mia Butler, a lobbyist for McLeod Butler & Co. who worked with the Legislative Black Caucus on the seat-belt law. Instead, law enforcement agencies need to spend money on training officers, she said. "There is a definite need to train law enforcement with regard to any stops that are made, not just for seat belt."

#### 'DIFFICULT TO DISCERN'

The Highway Patrol has collected detailed demographic data since 2001 to help make safer those areas in the state with more traffic fatalities, said Col. Russell Roark, head of the Highway Patrol. "We want to look at the type of violations that we are having and the type of individuals who are committing those violations."

It is too early to tell what the seat-belt statistics indicate about whether some law enforcement officers engage in racial profiling, Roark said. But, he added, studies have shown blacks are more likely not to wear a seat belt.

That's true, according to Irwin Goldzweig, a researcher at Meharry Medical College in Tennessee. "Seat-belt use among African-American males is lower than the general population." Seat-belt use also is lower among men.

Max Young, director of the state Office of Highway Safety, a branch of the Department of Public Safety, said he uses statistics on seat-belt use when planning education programs. That was one reason his agency asked USC football coach Steve Spurrier to appear in a public service message promoting seat-belt use last year. "Part of our ongoing dilemma is how can we reach (men)," Young said. "(But) there is a part of that audience that is going to respond better to enforcement. "When they see the chances of getting caught are greater, perhaps that is the part that will be convincing to some."

Reach Beam at (803) 771-8405 or abeam@thestate.com.

#### BLACK AND TICKETED

Fears of racial profiling almost killed South Carolina's new mandatory seat-belt law. In the first month of the new law, blacks, who make up 28 percent of the state's driving-age population, received 32 percent of the tickets issued for seat-belt violations by state police. However, blacks were far more likely to be ticketed in some counties, according to data. In order of the disparity between blacks of driving age and tickets written to blacks, those counties were:

County	Percentage of Blacks	Percentage of stops	Percentage Difference
1. Beaufort	22 percent	45 percent	+23
2. Newberry	31 percent	48 percent	+17
3. Dillon	42 percent	57 percent	+15
4. Dorchester	24 percent	38 percent	+14
5. Barnwell	41 percent	52 percent	+11

SOURCES: S.C. Department of Public Safety and the U.S. Census

#### WHAT THE LAW SAYS

Key points in the new seat-belt law that went into effect Dec. 9:

- \* Police officers can stop and ticket drivers solely for not wearing a seat belt.
- \* Any time a vehicle is stopped by a state or local law enforcement officer, the officer must complete a form that includes the age, gender and race of the driver - even when a citation is not issued. **(INCORRECT - the law only applies to non-ticketed stops. Network addition)**
- \* The Department of Public Safety has to develop and maintain a database for the information and prepare a report to be posted on its Web site.

SOURCE: Department of Public Safety