



ARIZONA DEPARTMENT OF PUBLIC SAFETY
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"Courteous Vigilance"

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DPS Response to Year Three Report

In January 2003, the Arizona Department of Public Safety (DPS) began voluntarily collecting data regarding traffic and pedestrian stops, including information pertaining to the characteristics of the traffic stop, driver, vehicle and officer(s). Then, in 2006 DPS entered a settlement agreement in *Arnold, et. al. v. Arizona Department of Public Safety*, which required continued collection and analysis of traffic stop data.

Pursuant to the agreement, DPS contracted with an independent research team from the University of Cincinnati Policing Institute (UCPI) to conduct the Department's traffic stop data analysis. The research team, led by Dr. Robin Engel, Director of the UCPI, has extensive experience with traffic stop studies for police agencies throughout the nation.

Over the past year, based on recommendations from the Year Two Report, DPS has been working with UCPI, the Governor's Citizens Traffic Stop Advisory Board, and the American Civil Liberties Union (ACLU) to address the previously reported disparities. DPS has benefited greatly from the recommendations made by the UCPI research team regarding changes to data collection and training.

To proactively address the recommendations, DPS pursued the following:

- ❖ The topic chosen for the required 2009 Advanced Officer Training (AOT) for all sworn officers within the agency was "Courtesy and Vigilance, Considerations for Effective and Culturally Responsible Law Enforcement in Arizona". During the development of this course, the Department requested and received input from the ACLU. The training consisted of four hours on cultural considerations for policing in Arizona and four hours on considerations for effective and culturally responsible criminal interdiction. This training was completed by all officers within the agency by the end of October 2009.
- ❖ DPS officers now systematically record any search situations where no contraband is seized, but criminal activity is detected. The Department has implemented changes on the consent to search form that allows officers, operating with or without K-9s, to document pre- and post stop indicators as well as facts that confirm criminal or other suspicious activity where no seizure was made.
- ❖ Based on the recommendations from the University of Cincinnati, the Department provided additional training to all K-9 officers using information gained from the study in an attempt to develop and implement best practices for the K-9 district statewide.

These proactive steps taken by the Arizona Department of Public Safety have allowed this agency to seek and institute positive, long term, and effective ways to prevent racial profiling and to address concerns or potential problems. The Arizona Department of Public Safety remains committed to ensuring that racially biased policing does not occur within the agency and has ensured adherence to specific policies and procedures dating back to 1979.

DPS recently received the Traffic Stop Data Analysis Study Year Three Report. This analysis of DPS traffic stops examined 539,344 officer-initiated stops between January 1 and December 31, 2008. The UCPI team focused its analysis on the post-stop outcomes received by motorists stopped by DPS officers in 2008. As documented in the report, this analysis revealed:

Based on these findings, it is the conclusion of this report that some racial and ethnic disparities exist for searches and seizures conducted during officer-initiated traffic stops. Again, these results are comparable to those reported in the Years 1 and 2 Reports, with little substantive difference in the racial/ethnic disparities discovered except for the rates of discovery of contraband or undocumented aliens now that the data field measuring the latter includes any undocumented aliens. These findings, however, do not address the legality of individual searches. The data collected and reported within this document only examine trends and cannot address questions of whether or not individual searches conducted by DPS officers were legally justified or based on discrimination.

The Department expects its employees to treat all people with fairness and respect as we carry out the mandates entrusted in us to provide public safety. DPS supervisory and command level personnel will continue to monitor enforcement activities to ensure compliance with the policies and procedures that prohibit racial profiling. They will also be persistent in investigating allegations of racial profiling. Additionally, DPS will continue collecting traffic stop data and is exploring further analysis of such data.

The Arizona Department of Public Safety is a full-service law enforcement agency committed to serving and protecting the citizens of our state and those who visit or travel through it. The pride, tradition, and reputation our department enjoys is built on decades of dedication to duty by its employees. DPS Officers are dedicated to reducing crime, keeping our public highways safe, and preventing acts of terrorism. They are law enforcement professionals and are expected to adhere to the laws of the United States, Arizona, and the regulations of this agency, and are committed to upholding the civil and constitutional rights of each person they encounter.