

## Consent Searches

In the 2009 Missouri Vehicle Stops Report, Black drivers were affected by Consent Searches at a rate per stop 1.45 times the White rate. Since 2016, the rates have been close to equal. Since 2019, White drivers have been slightly more likely to be subjected to consent searches. What happened?

Because advocates were pointing out the disproportion, officers became aware that they might not be careful enough about the facts they used to make the decision to ask for consent to a search. When they checked their facts, they were able to ignore the distraction of stereotypes.

This peaceable change is why we need to take the VSR seriously as a tool that helps law enforcement identify situations in which guidance on facts will help officers protect public safety while protecting everyone's Constitutional rights.

Consider the 2015 Supreme Court Rodriguez decision.

## Rodriguez Decision

In 2015, Black drivers were subjected to Drug Dog Alert Searches at a rate per stop 1.81 times the White rate. In 2016, Black drivers were subjected to DDA Searches at a rate per stop 1.03 times the White rate, near equity.

What happened is that the Supreme Court ruled in 2015 that the violation an officer had used to make a stop was not sufficient to justify detaining the driver while a drug dog was summoned. Officers were required to cite more facts before calling for the dog.

Law enforcement agencies responded by adopting policies that specified what information was necessary to satisfy a judge. Officers were trained on the facts. The Columbia, Missouri, Police Department required that a supervisor sign off before the dog was summoned, and other agencies probably made similar changes.

See [Rodriguez v. United States - Wikipedia](#).

Officers are willing to make changes themselves when they know they need to double-check their facts in a situation in which the data reveal a group is disproportionately affected by their actions. Disproportions drop even more dramatically when judges look closely at the facts officers knew when making high-discretion decisions.

## Resident Stops

In 2023 Black drivers were stopped at a rate per estimated driver 1.64 times the White rate. The stop disproportion has been high enough to raise concerns since the first VSR in 2000, but no one has been able to pinpoint the situation that drives the disproportion.

Now that a checkoff for residency has been added to the VSR, we can finally see that Black drivers in their own jurisdictions were stopped at a rate just 16% higher than the White rate. That's low enough that it could be caused by socioeconomic factors.

The situation that drives the stop disproportion is Black drivers outside of their own jurisdictions. Visiting Black drivers were stopped at a rate per estimated driver 2.21 times the White rate.

A significant number of stops of Black drivers outside of their home jurisdictions occur in about a dozen agencies in urban areas. Perhaps these agencies have convincing public safety reasons for these stops, but the huge stop disproportion is circumstantial evidence that innocent people on their way to a commercial center to work and shop are being stopped for reasons that have no public safety justification.

If these dozen agencies document that they have convincing reasons for stopping these drivers, we will at least know that discrimination is not involved. We would still need to be convinced that there is no way to protect public safety without stopping so many innocent people.

Stopping innocent Black drivers deprives officers of the help they need to control violent crime. The objective evidence of the data allows us to move beyond mutual recriminations to address the root causes of violence.

## Data Credibility

The VSR law, [590.650](#), as implemented by the Code of State Regulations requires officers to check off all reasons that contributed to making a stop. If they observed a license violation and a traffic violation, they are to check off both. If an investigative intention was involved, this must be checked as well as the violation.

Lawmakers were specifically looking for information on how groups were affected by investigative stops. The law repeatedly refers to the use of investigative stops as "pretexts" to stop Black drivers. But officers in some jurisdictions never check off more than one reason, subverting the intention of the law. The Missouri State Highway Patrol is the prime violator. I suspect the software they use, MULES, does not allow them to check off more than one reason. More than 100 agencies also use this software produced by the Department of Public Safety.

Until recently, Attorney Generals have made an effort to ensure the accuracy of the data released. Several years ago, when one agency submitted data with many unintentional errors, the AG corrected the data and released a new report. Since then, the report has stated that agencies are responsible for reporting accurate data:

The analysis in the report is based on the aggregated data reported by each agency. Thus, it relies on the assumption of accuracy in the reported data in terms of the tallying of stops and resulting outcomes, the distinction between resident and non-resident drivers, etc. [\[Annual Report, page 6\]](#)

Attorneys General do not have the resources to verify everything, but when agencies are not following the requirements of the law or making obvious errors, the responsibility for reliable reports falls to the AGO.

## Conclusion

The Vehicle Stops Report for 2024 is due out June 1. What will it tell us that we can use to work together for make life better for everyone?

I'm glad to answer questions.

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