
CITY OF PHILADELPHIA

CITIZENS POLICE OVERSIGHT COMMISSION

AUDIT PROJECT EXPLAINER



Title: Audit & Review of PPD Cars Stops After Implementation of the Philadelphia Driver Equality Act	Type of Report: <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental
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Racial disparities in vehicle stops have existed almost as long as automobiles have existed in the United States. As historian of criminal law and procedure in the 20th-century United States Sarah A. Seo noted, “the first incidents of police abuse of Black drivers began in the early 1930s and racism on the road became even more entrenched when traffic violations were used to pursue criminal investigation.”¹ These pretextual vehicle stops often allow police officers to stop drivers for minor traffic violations as a means to investigate other potential criminal activity.

Criminologists have conducted extensive research on racial disparities and biases present in vehicle stops. The Stanford Open Policing Project examined almost 100 million traffic stops conducted from 2011 to 2017 across 21 state patrol agencies and 29 municipal police departments, including Philadelphia. “The results show that police stopped and searched black and Latino drivers on the basis of less evidence than used in stopping white drivers, who are searched less often but are more likely to be found with illegal items.”² Stanford researchers conducted their analysis to examine racial bias in police vehicle stops by studying police vehicle stops, searches conducted after the initial stop, and the impact of the legalization of marijuana on vehicle stops.

Researchers examined racial bias in police vehicle stops through “a veil of darkness test was done to analyze whether black drivers are being pulled over at a higher rate during the day than at night, when officers would have a harder time distinguishing race from a distance. After adjusting for the variation in sunset times across the year, researchers found a 5 to 10 percent drop in the share of stopped drivers after sunset who are black, suggesting black drivers are being racially profiled during the day. Researchers reviewed the rate at which drivers were searched and the likelihood that those searches turned up illegal drugs and guns. There was evidence that the bar for searching black and Latino drivers is lower than that for white drivers, even though white drivers were more likely to have contraband. Across states, contraband was found in 36 percent of searches of white drivers, compared to 32 percent for black drivers and 26 percent for Latinos.”³ Furthermore, the study found that even after the legalization of recreational marijuana in some jurisdictions, the search rate remained twice as high for minorities, although there was a reduction in searches of both white and minority drivers.

¹ Liz Mineo, “Legal historian traces racism on the road,” Harvard Gazette, November 22, 2021.

<https://news.harvard.edu/gazette/story/2021/11/historian-urges-end-to-police-traffic-law-enforcement>.

² Ortiz, Erik. “Inside 100 million police traffic stops: New evidence of racial bias.” www.nbcnews.com/news/us-news/inside-100-million-police-traffic-stops-new-evidence-racial-bias

³ Ortiz, Erik. “Inside 100 million police traffic stops: New evidence of racial bias.”

As the study noted, racial bias in police vehicle stops occurred nationwide and the city of Philadelphia was not unaffected by it. To that end, legislation was enacted to address the racial disparities in police vehicle stops. Philadelphia became the first major city in the United States to address racial disparities in vehicle stops via the “Driving Equality Act”. Philadelphia City Council approved the legislation at the close of 2021 and the law was fully implemented in March 2022 after additional Philadelphia Police department training. This new law seeks to address the tensions between police and the community by “removing negative interactions through minor traffic stops.” The overall purpose of the new law is to end discriminatory traffic stops, promote public safety, redirect police time and resources to address more pressing issues, and keep Philadelphians safe while removing negative interactions that widen the divide and perpetuate mistrust.”⁴

Under the new law, Philadelphia police officers will not conduct a vehicle stop if the driver’s only offense is one of the eight secondary offenses such as a faulty brake light or expired inspection and emissions stickers. Officers will conduct vehicle stops for driver’s that commit primary and secondary offenses or if the Officer observes the driver or vehicles occupant commit an offense that may be a cause of concern for public safety.

CPOC’s Audit Project

The goal of this audit project is to examine police vehicle stops before dusk and after dusk in Philadelphia. The audit will examine police districts with the highest numbers of vehicle stops and analyze the performance activities of the specialized Highway Patrol Unit. This audit will further examine vehicle stops by police performed in the selected districts leading up to and after implementation of the Driver Equality law to measure the impact of the new law. This project will review a random sample of individual stops to monitor if/how secondary offenses are present in vehicle stops after the law was implemented. In addition, the methods of training for rank-and-file officers and management on the new law will be analyzed.

A review and audit of police vehicle stops after the enactment of the Driver Equality Law will provide the citizens of Philadelphia and those charged with the duties of police oversight important data on the effectiveness of the law and any recommendations necessary in creating and sustaining equitable and efficient policing in the city of Philadelphia.

Questions?

The mission of the PAC is to review the policies, practices, and customs of the PPD, and help improve the relationship between the community and the police. The PAC is always available to accept complaints and comments through our website, <http://www.phila.gov/PAC>. Please contact us online or by phone, at (215) 685-0891 if you have any questions or concerns about the Driver Equality Law and equitable policing in Philadelphia or any other policing-related topic.

⁴ “Councilmember Thomas Driving Equality Law To Go Into Effect March 3rd,” In Council News, February 23, 2022, <https://phlcouncil.com/councilmember-thomas-driving-equality-law-to-go-into-effect-march-3rd>.