



BOC Meeting Date
02/17/10

Requesting Agency
County Manager

Commission Districts Affected
ALL

Requested Action (Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)
Present 2009 Fourth Quarter Racial Profiling Report

Requirement for Board Action (Cite specific Board policy, statute or code requirement)
The Board of Commissioners directed that quarterly reports be submitted on the Racial Profiling Policy passed on December 20, 2000.

Is this Item Goal Related? (If yes, describe how this action meets the specific Board Focus Area or Goal)
 Yes No

Summary & Background (First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)
The Board of Commissioners adopted the Racial Profiling Policy to ensure that Fulton County law enforcement officers do not stop, detain, search or attempt to initiate asset forfeiture efforts against an individual based solely upon that person's race, color, ethnicity, religion, socioeconomic status, disability, age, gender, and/or sexual orientation. The quarterly report provides information on how the various components of the policy are being implemented including distribution of the policy, training, community outreach, any reported racial profiling complaints and results of the investigation and data collected for racial profiling purposes.

During the Board's discussion of the Third Quarter Racial Profiling Report on July 15, 2009 (Item #09-0692). The Board requested staff to develop an evaluation tool to monitor training results. In response, staff completed an evaluation of the effectiveness of Racial Profiling Training conducted by Fulton County Law Enforcement Agencies. Our review concluded that conclusions could not be drawn regarding the effectiveness of the County's Law Enforcement Racial Profiling training due to lack of appropriate and reliable data.

The Board of Commissioners also requested from staff to develop appropriate pre and post tests to allow each agency to evaluate the extent to which trainees advanced their skills, knowledge and attitudes as a result of the bias based profiling training. After reviewing the training from each agency, staff recommendations were to use one test for pre and post training evaluations and to use the same pre and post test for all three agencies (See Exhibit 3).

Fiscal Impact / Funding Source (Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)
N/A

Exhibits Attached (Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)
Exhibit 1: Racial Profiling Policy Fourth Quarter Report Period Ending: December 31, 2009
Exhibit 2: Racial Profiling Statistics Summary Report 10/01/09 to 12/31/09
Exhibit 3: Strategy and Organizational Development Racial Profiling Pre Test
Exhibit 4: Strategy and Organizational Development Recommendation for Traffic Stop Data Analysis

Agency Director Approval		County Manager's Approval
Typed Name and Title Rob Hernandez, Deputy County Manager	Phone 404.612.3755	
Signature	Date 2/4/10	

Marshal Departmental Internal Affairs Complaint Brochure was reprinted to include an area for complaints regarding charges of racial profiling.

In the third quarter of 2002, a letter was sent by the Sheriff, Chief of Police and Marshal to community and business groups informing them of the racial profiling policy and providing them with a copy of the policy. Racial Profiling continues to be discussed at community meetings conducted by Special Services of the Police Department and by the Sheriff's Office Community Relations Section when interacting with various citizens' groups within Fulton County.

Complaints

There have been no complaints of reported racial profiling in any of the three agencies during the fourth quarter of 2009. The Police Department recently completed its review of the fourth quarter bias based profiling data. The data did not support signs of profiling by members of the department. The data did show a slight variation in the collection of the data by reporting officers. Steps have been put in place to eliminate the variation in the data collection process. The managers are also working on a project to redefine the data collection and review process of the department's bias based reporting process. The project consists of a review of the reporting process, collection process, and creating benchmarks to test data against. This data is available upon request.

Data Collection and Analysis

The CAD (Computer Aided Dispatch) system became operational on January 13, 2003. The system has the needed data fields for the gathering of racial profiling data through communications and is the permanent data collection solution replacing manual record keeping. The following information is collected on each traffic stop: officer employee number, date, time, signal either a 54 or an 87, location, reason for the stop, if an arrest was made, case number if case number drawn, race, sex, search code if search made and age. As generated by the CAD system, the fourth quarter 2009 statistics are included with a legend of the racial profiling report codes. Each agency is responsible for reviewing the statistics for any patterns of racial profiling.

Legislative Update

Senator Gloria Butler has introduced SB 325, anti-racial profiling legislation which requires policies that prohibit law enforcement officers from impermissibly using race or ethnicity in determining whether to stop a motorist or pedestrian, and requires annual training on racial profiling for law enforcement officers. Representative Pedro Marin plans to introduce a similar bill in the House of Representative. This bill was dropped on January 27, 2010 and has been referred to the Senate Public Safety Committee.



**Racial Profiling Policy
Fourth Quarter Report
Period Ending: December 31, 2009**

EXHIBIT 1

On December 20, 2000, the Board of Commissioners passed the Racial Profiling Policy to ensure that Fulton County law enforcement officers do not stop, detain, search or attempt to initiate asset forfeiture efforts against an individual based solely upon that person's race, color, ethnicity, religion, socioeconomic status, disability, age, gender and/or sexual orientation. The Board also directed that a quarterly report be submitted on the policy. The quarterly report provides information on how the various components of the policy are being implemented including distribution of the policy, training, community outreach, any reported racial profiling complaints and results of the investigation, and procedures set up for data collection and analysis.

Distribution of the Policy

During 2001, the Sheriff, Chief of Police and Marshal distributed the policy to all members of their respective agencies. Additionally, the policy was added to the Marshal Departmental Policies and Procedures Manual. The Chief of Police incorporated the Racial Profiling Policy into the General Orders Manual for distribution to all personnel.

Training

The Racial Profiling Policy provides that each of the agency's training directors ensure that officers/deputies receive periodic training on racial profiling. The policy further provides that the training may be conducted through in-service, special courses or roll call training.

In January of 2009, annual training on racial profiling began. During the second quarter of 2009, the Marshal Department Command Staff completed in-service training which included bias based profiling. As noted in the previous quarterly report, the deputies completed their training in the first quarter of 2009. The Police Department annually trains officers on cultural sensitivity. The department continually collects data to look for signs of any biased based policing profiles via the Fulton County Communications dispatchers. The data is collected and reviewed for any signs of policy violations. Each officer receives cultural sensitivity training as a part of their annual in-service training and is afforded opportunities to train in areas that will enhance their skill in the area of community policing. The Sheriff's Office has included biased based profiling as a part of the in-service training curriculum for 2009. The first class starts in January and will be completed by July 1, 2010.

Community Outreach

Several materials are available to the community on the Racial Profiling Policy. In 2001, a video providing an overview of the policy was produced in addition to a brochure. The

**Racial Profiling Statistics
Summary Report 10/01/09 to 12/31/09**

RACE

Agency / # of people	As./Pacific Islander	As./Pacific Islander %	Black	Black %	Am.Ind./Alaskan	Am.Ind./Alaskan %	White	White %	Hisp.	Hisp. %	Other	Other %
Marshal 4	0	0%	4	100%	0	0%	0	0%	0	0%	0	0%
Police 1,106	4	.3%	825	74%	1	.1%	240	21%	34	3%	2	.2%
Sheriff 402	6	1.5%	302	75%	1	.3%	81	20%	12	3%	0	0%
Total # of people reported 1,512	10	.6%	1,131	75%	2	.2%	321	21%	46	3%	2	.2%

AGE

Agency / # of people	< = 15	< = 15 %	16 to 49	16 to 49 %	> = 50	> = 50 %	Unknown	Unknown %
Marshal 4	0	0%	1	25%	1	25%	2	50%
Police 1,106	0	0%	909	82%	169	15%	28	3%
Sheriff 402	0	0%	339	84%	49	12%	14	3%
Total # of people reported 1,512	0	0%	1,249	82%	219	14%	44	3%

GENDER

Agency / # of people	Male	Male %	Female	Female %	Unknown	Unknown %
Marshal 4	3	75%	1	25%	0	0%
Police 1,106	709	64%	397	35%	0	0%
Sheriff 402	288	71%	114	28%	0	0%
Total # of people reported 1,512	1,000	66%	512	33%	0	0%

Total # of Profiling Statistics Reported this period = 1,512

Note: This data should not in itself be viewed as determining whether Racial Profiling is occurring.

A number of factors other than bias can legitimately influence decisions to stop drivers or individuals.

Further analytical methods considering multiple influences are required and beyond the scope of this report:

- > Officer characteristics
- > Characteristics of driver population
- > Transit population
- > Community demographics
- > Encounter characteristics (time, days, traffic volume, vehicle type)
- > Jurisdictional characteristics
 - legal requirements
 - departmental policies
 - population

Racial Profiling Statistics Agenda Summary

FULTON COUNTY MARSHAL

# of Stops	4
% of Stops Involving Searches	25%
% of Stops Reported for Traffic or Vehicle Violations	50%
% of Stops Reported for Suspicious Activity	50%
% of Stops Resulting in Arrest	50%

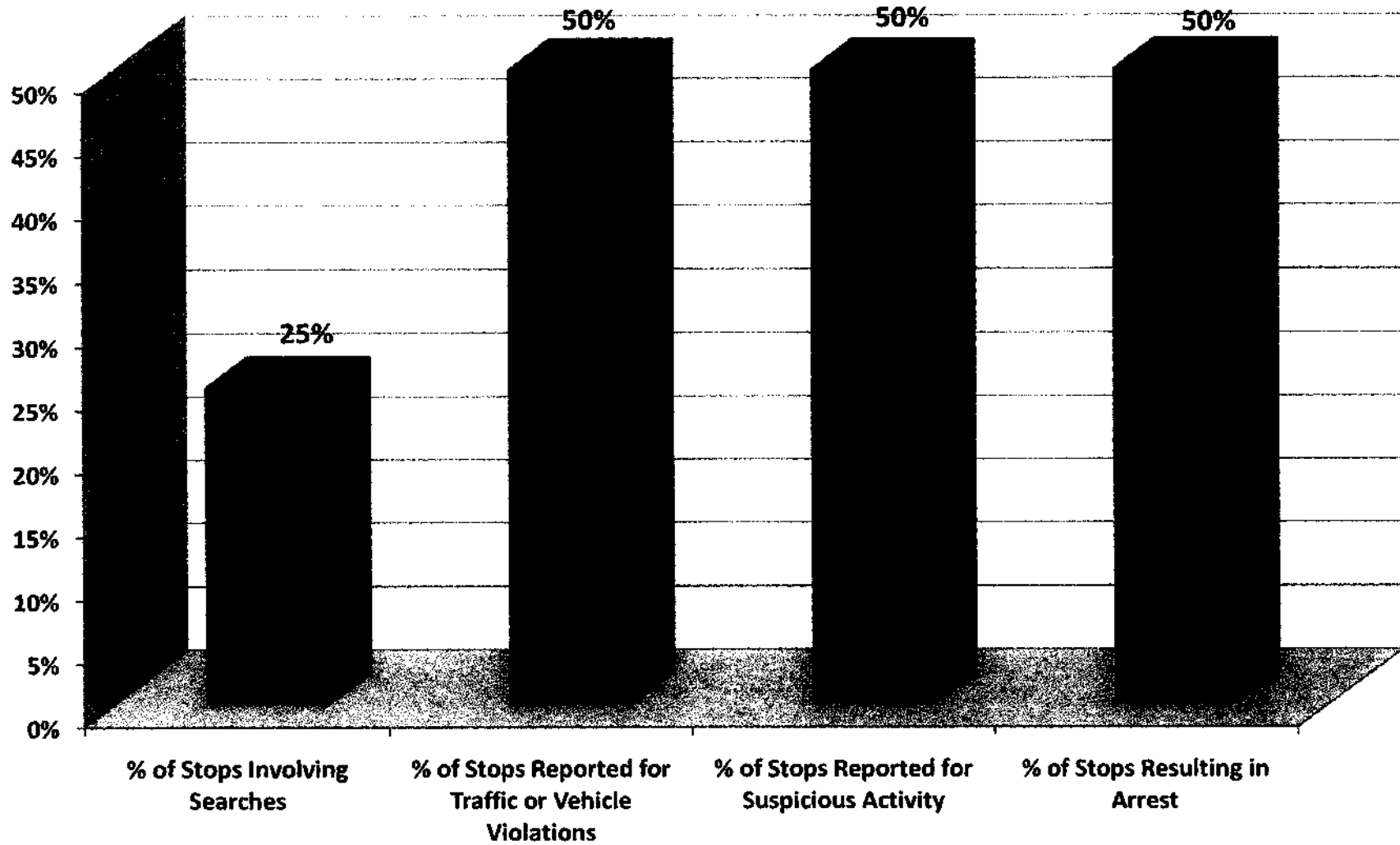
FULTON COUNTY POLICE

# of Stops	1106
% of Stops Involving Searches	3%
% of Stops Reported for Traffic or Vehicle Violations	79%
% of Stops Reported for Suspicious Activity	6%
% of Stops Resulting in Arrest	2%

FULTON COUNTY SHERIFF

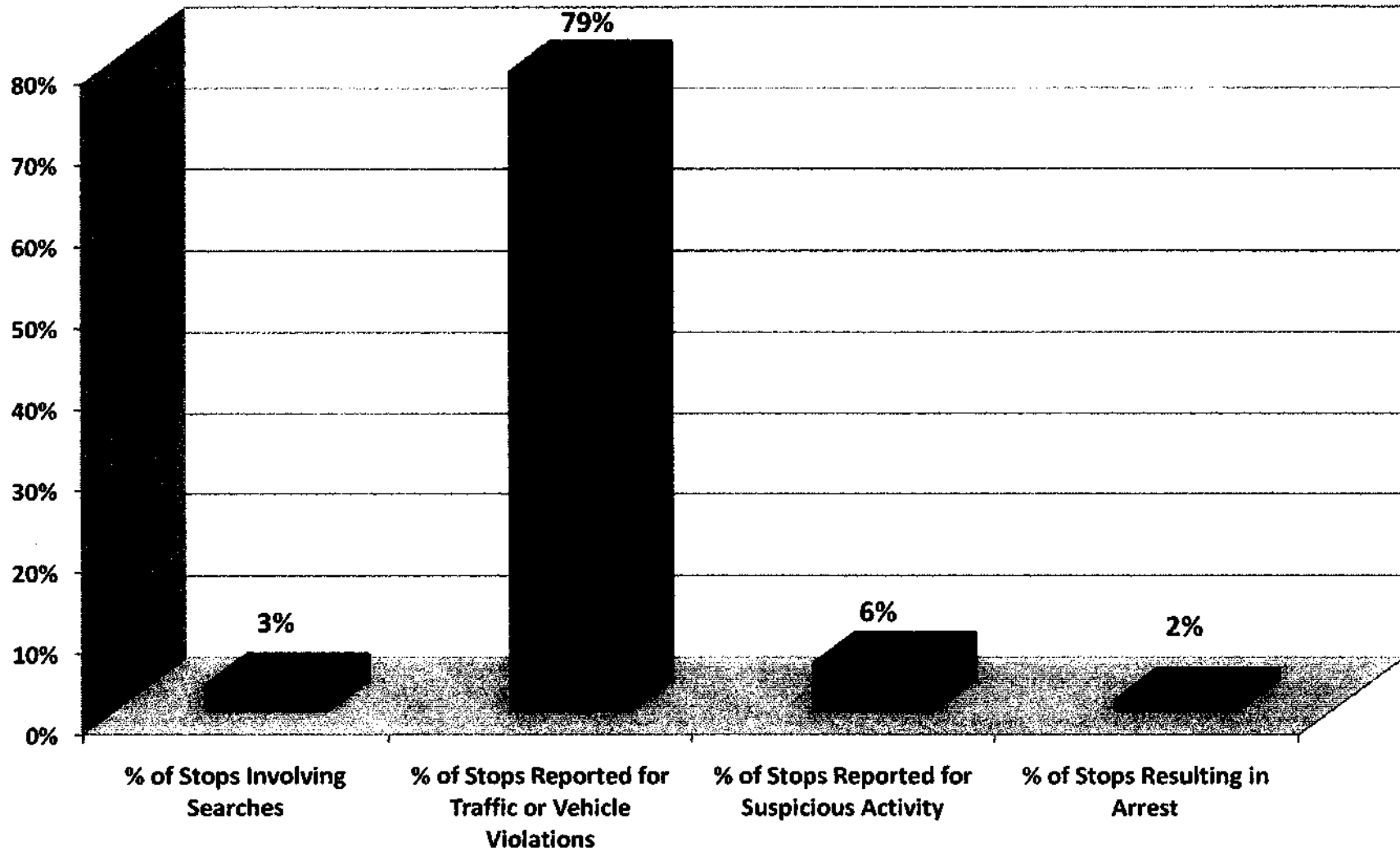
# of Stops	402
% of Stops Involving Searches	3%
% of Stops Reported for Traffic or Vehicle Violations	82%
% of Stops Reported for Suspicious Activity	1%
% of Stops Resulting in Arrest	2%

Racial Profiling Statistics: Fulton County Marshal



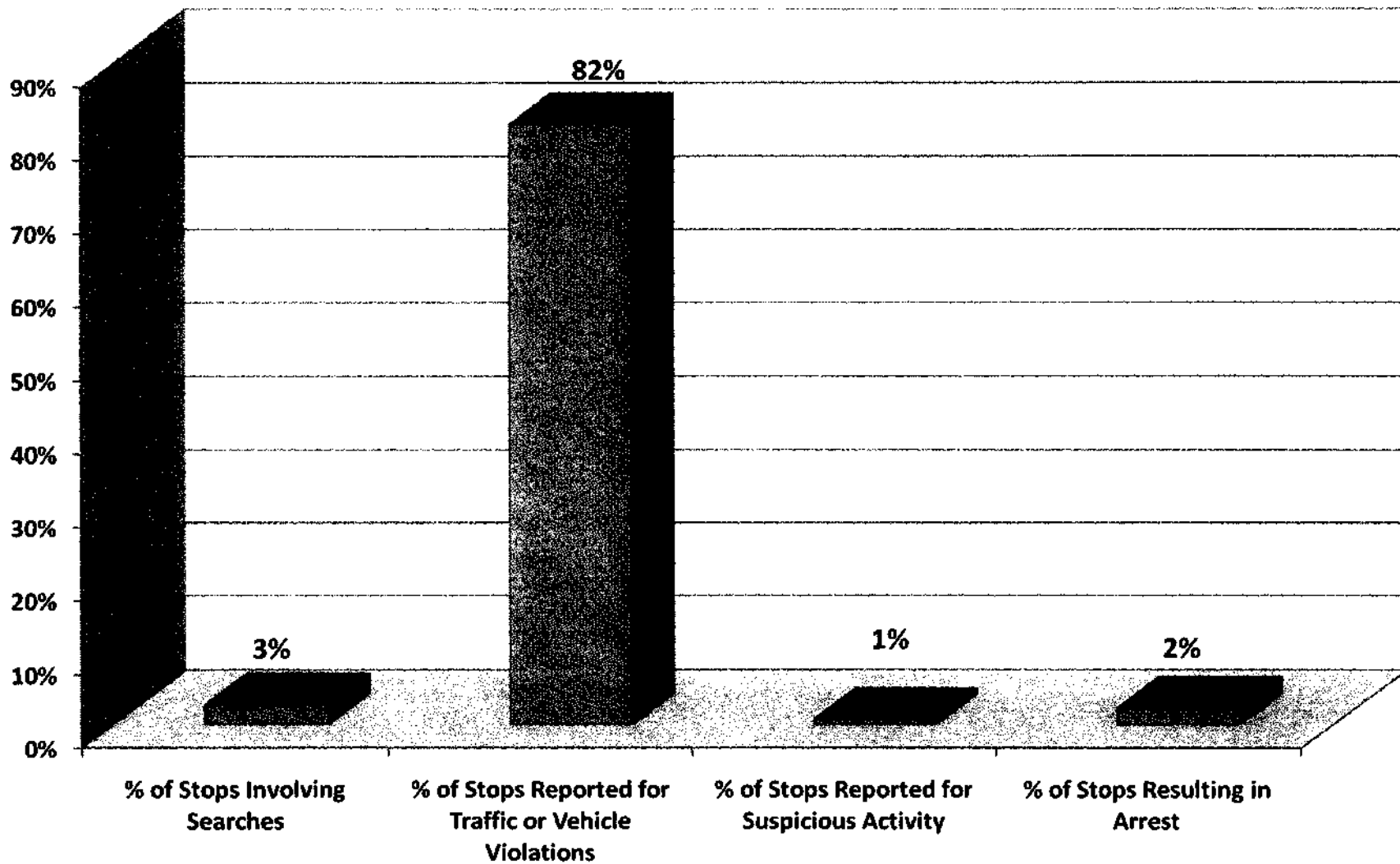
Note: Percentages above do not add to 100% because items are derived from parts of different categories including: type of search, reason for stop, and disposition. The total number of stops by the County Marshal's Office this quarter was 4.

Racial Profiling Statistics: Fulton County Police



Note: Percentages above do not add to 100% because items are derived from parts of different categories including: type of search, reason for stop, and disposition. The total number of stops by the Fulton County Police Department this quarter was 1106.

Racial Profiling Statistics: Fulton County Sheriff



Note: Percentages above do not add to 100% because items are derived from parts of different categories including: type of search, reason for stop, and disposition. The total number of stops by the Fulton County Sheriff's Office this quarter was 402.

RACIAL PROFILING

1. Criminal profiling is an investigative method that through observation of activities and environment identifies suspicious behavior of individuals and develops a legal basis to stop them for questioning.
 - a. True
 - b. False
2. Under Fulton County's policies, it is not acceptable to consider race, ethnicity, and national origin as the sole factor in establishing probable cause.
 - a. True
 - b. False
3. In the event of allegations of discriminatory practices for bias-based profiling, the supervisor shall assume no responsibility to further investigate the allegations
 - a. True
 - b. False
4. If a citizen feels that he/she has been detained, stopped or searched as a result of bias-based profiling, they may file a complaint against the accused officer.
 - a. True
 - b. False
5. Racial profiling is confined to actions initiated solely on the race of an individual rather than their behavior.
 - a. True
 - b. False
6. If you have a bulletin about a Latino male suspect driving a red Honda, and you see a red Honda whose driver appears to be Latino and stop him, this is considered racial profiling.
 - a. True
 - b. False
7. Violations of S.O.P. 3.05 will result in remedial training and/or disciplinary actions.
 - a. True
 - b. False
8. Officers are prohibited from making non-enforcement contacts with citizens in order to avoid racial profiling.
 - a. True
 - b. False
9. The Law Enforcement Code of Ethics should always be used when making a stop.
 - a. True
 - b. False
10. The only way an officer can search a person or vehicle is with either a search warrant or a legally-recognized exception to the warrant requirement.
 - a. True
 - b. False
11. To stop a person for questioning, a standard of reasonable suspicion or probable cause is required by the Fifth Amendment of the U.S. Constitution and statutory authority.
 - a. True
 - b. False
12. Culture should always be a part of an officer's decision making process when making a stop.
 - a. True
 - b. False



13. Name three tools that can be used in identifying criminal activity.
 - a. Individual characteristics
 - b. Observable behavior
 - c. Criminal indicators

14. Why does racial profiling matter?
 - a. Because it is illegal
 - b. All investigatory detentions, traffic stops, arrests, searches and seizures must be based upon the standard of reasonable suspicion or probable cause.
 - c. Race, color, ethnicity, religion, socioeconomic status, disability, age, gender, socioeconomic status or disability cannot be the sole factor in determining existence of probable cause.
 - d. All of the above

15. Communicating effectively to individuals, especially during stops, is one of the most important tools for law enforcement officers.
 - a. True
 - b. False

16. Targeting suspected criminals based upon their conduct or focusing suspicion on a person of a particular subgroup based on specific suspect information is still considered racial profiling.
 - a. True
 - b. False

17. An individual may be detained based only on factors related to a violation or the investigation of a violation of:
 - a. Georgia Statutes and Local Ordinances only
 - b. Federal Law only
 - c. Federal Law, Georgia Statues, and Local Ordinances
 - d. Federal Law and Georgia Statues only

18. Information about the officer and the individual interviewed during a traffic stop is recorded via the Computer Aided Dispatch system.
 - a. True
 - b. False

19. Officers not providing justification or reporting incidents involving the use of force are in violation of which of the following statutes?
 - a. Title 42, U.S.C., 14141 – Police Misconduct Statute
 - b. Title 42, U.S.C., 1983 – Federal Civil Rights Act
 - c. Both a and b
 - d. Neither a nor b

20. Racial profiling occurs when a law enforcement officer impermissibly uses which of the following in deciding whom to investigate:
 - a. Race
 - b. Religion
 - c. Ethnicity
 - d. All of the above

Strategy and Organizational Development Recommendation for Traffic Stop Data Analysis

In researching data sources on bias based profiling, it was determined that benchmarks are highly dependent on the demographics of the area for which bias based profiling data is being collected. In this context, benchmarks are estimates of the demographic features (i.e. race, ethnicity, age, gender, etc.) of the driving population. The most common benchmarking strategy uses residential population data and asserts that the representation of an ethnic group within a defined geographic area e.g. Fulton County is a significant indicator of the *expected* representation of that group in traffic stop data. While this strategy is flawed for several reasons, one of the more significant limitations is that aggregate percentages do not reflect racial or ethnic population density. With this in mind, recommendations for Traffic Stop Data analysis are:

1. Establish benchmarks based on a geographical subset of the county that reflects the demographics of the area for which bias-based profiling data is being collected, using the ethnic categories currently being tracked:

Asian/Pacific Isl. Black Am. Indian/Alaskan White Hispanic Other

If this data can be further refined to indicate the driving population (Fulton County residents, age 16 and over, with a valid driver's license) by ethnic category, a more accurate picture of the population for which data is being tracked and analyzed will be created.

2. Use the Stop Disparity Index (SDI) and Stop Disparity Ratio (SDR) to provide additional views for analysis and interpretation of traffic stop data. For example, using 2008 Census data, Blacks comprise 42.6% of the Fulton County population. They represent a disproportionately higher percent of traffic stops (81%). They are almost two times (1.90) more likely to be stopped than their representation in the general population and five and a half times more likely to be stopped than the other ethnic group with almost equal representation in the general population.

CAUTION: Use of this data without taking into consideration the need for subset benchmarks (recommendation #1) could skew the data, potentially resulting in selection of an inappropriate course of action.

3. When appropriate, analyze additional data by ethnic group, for example:

- Primary reason for stop and Disposition of stop
- Primary reason for search and Disposition of search

Tracking search data will provide a basis for development of a Search Disparity Index and a Search Disparity Ratio. If, however, the number of searches by ethnic group is comparably low, there may not be sufficient data from which to draw valid conclusions.

Analysis of comparisons between benchmarks and traffic stop data, the Stop Disparity Index, Stop Disparity Ratio, Search Disparity Index and Search Disparity Ratio should identify areas of concern.

4. Utilize *Root Cause Analysis* to identify reasons for the disparities. If root cause analysis of the data being captured and the data recommended is inconclusive, analysis of officer characteristics and characteristics of the driver population, currently deemed beyond the scope of this report, may be necessary to complete the cause and effect analytical cycle and provide the foundation for action plans to resolve any issues.

In conclusion, sufficient data is being collected and there are steps that can be taken to facilitate data analysis. However, the *key* to thorough and accurate analysis is the development of appropriate benchmarks. Given the additional research and statistical support necessary to develop and maintain benchmarks, it is recommended that these tasks be undertaken by some other group with the requisite expertise.