



**Office of the County Manager**

141 Pryor Street, S.W.  
Atlanta, Georgia 30303  
(404) 612-8320

OCT 19 2010

**TO:** Commissioner Emma I. Darnell, District 5  
**THRU:** Zachary L. Williams, County Manager   
**FROM:** Roberto Hernandez, Deputy County Manager, *Rob Hernandez*  
**DATE:** October 19, 2010  
**SUBJECT:** Response to your Request for Information: Racial Profiling Analysis

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Please find attached the 2<sup>nd</sup> Quarter Total Reported Encounters by the Marshal, Police and Sheriff Departments of the following indicators classified by race/ethnicity:

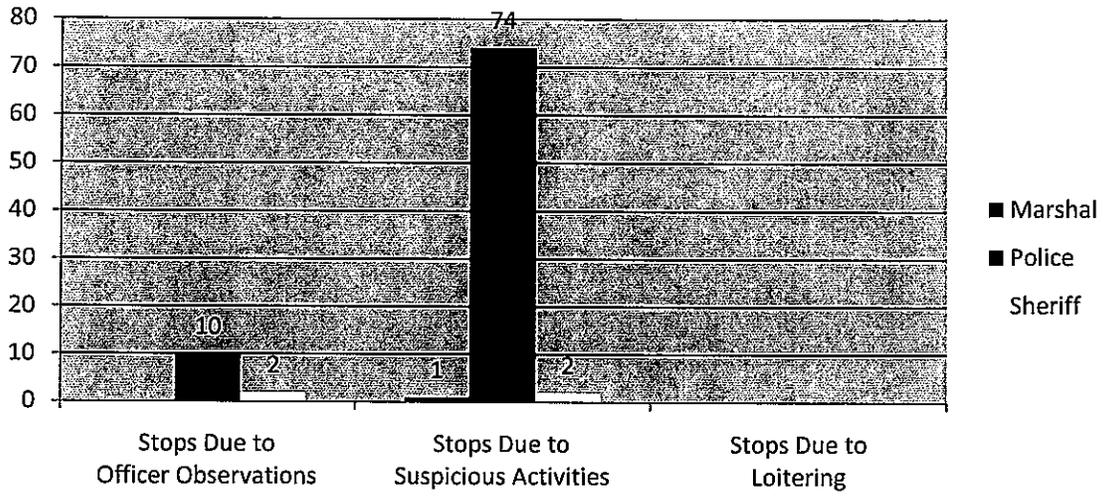
- Number of "Officer Observation" Contacts
- Number of Suspicious Activities" Contacts
- Number of "Loitering" Contacts

I have also attached a copy of the 2<sup>nd</sup> Quarter Racial Profiling Report approved for information purposes by the Board of Commissioners on September 1, 2010. Please contact me if you need additional information.

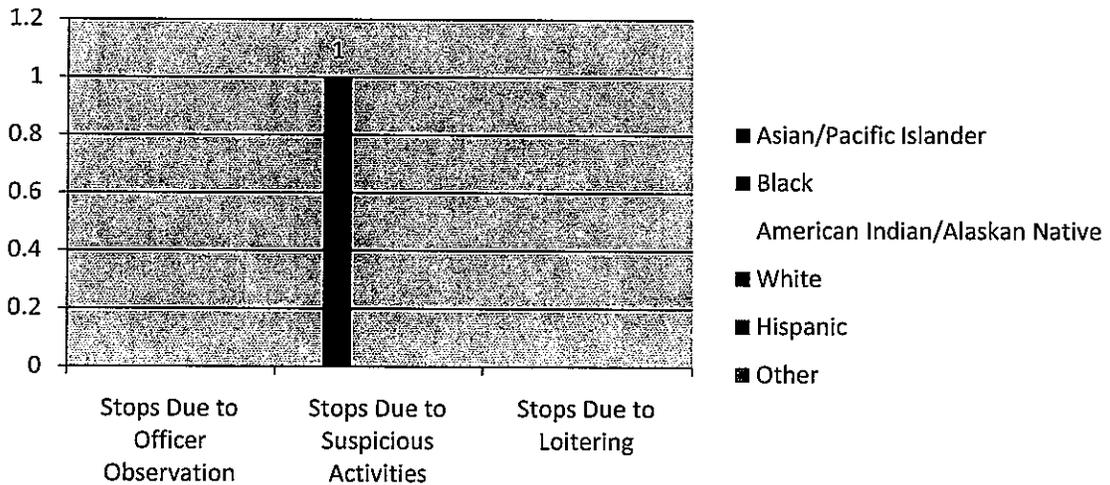
cc: Antonio Johnson, Marshal  
Cassandra Jones, Police Chief  
Ted Jackson, Sheriff

Attachment

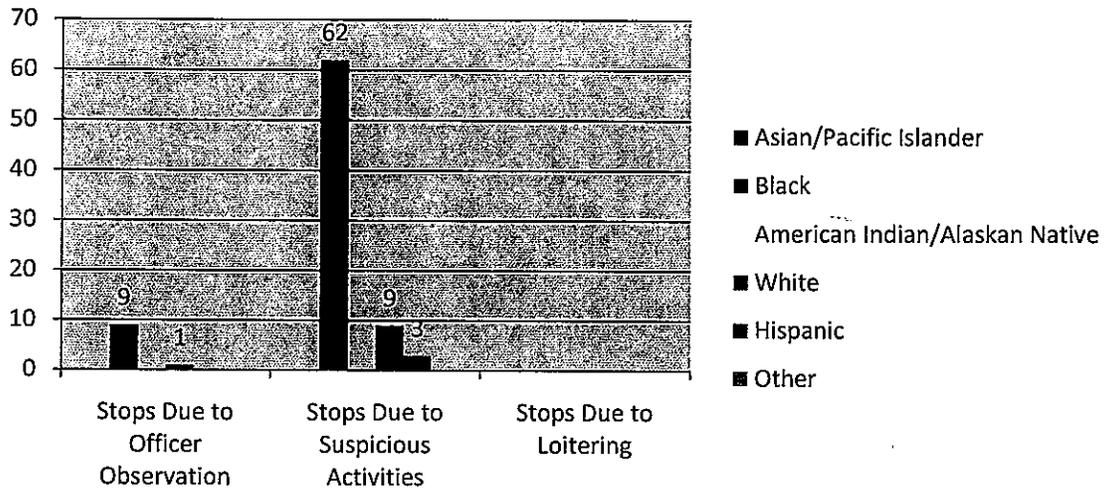
## 2nd Quarter Total Reported Encounters by Department



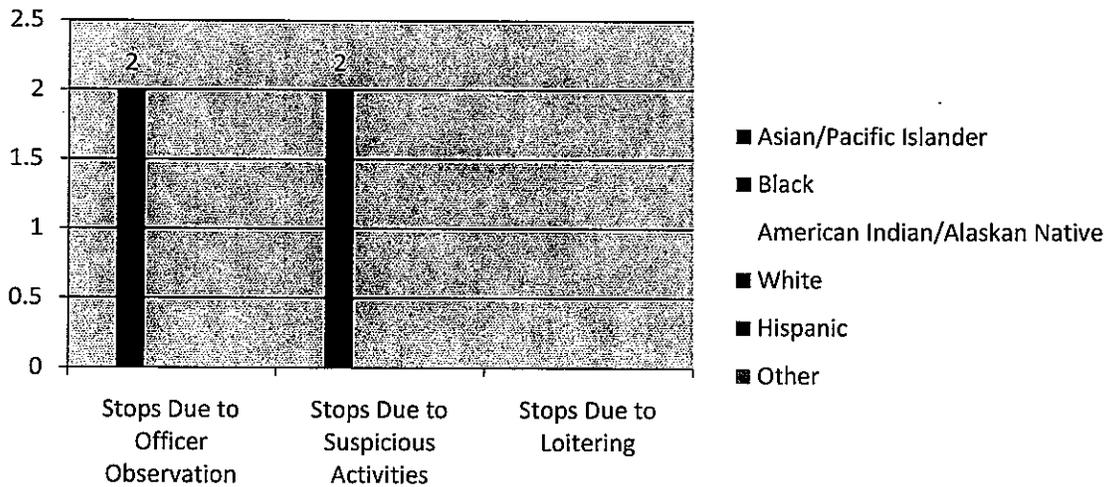
## 2nd Quarter Reported Encounters (by Race) Marshal's Department



## 2nd Quarter Reported Encounters (by Race) Police Department



## 2nd Quarter Reported Encounters (by Race) Sheriff's Office





# Racial Profiling Quarterly Report

for the period ending June 30, 2010

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## About the Report

On December 20, 2000, 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 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.

## 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, stop type ("signal 54 or 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. Each agency is responsible for reviewing the statistics to identify patterns of racial profiling.

Further analysis of Fulton County's data collection methods revealed duplication is reported stops when multiple agencies participate in a single stop. To resolve this data reporting issue, a software enhancement is scheduled for the next maintenance upgrade in the third quarter of 2010. In the interim, each agency will review their data and make the necessary adjustments to the report.

It is important to note that data contained in this report should not in itself be viewed as determining whether any type of biased policing is occurring. A number of factors other than bias can legitimately influence decisions by law enforcement officers to stop drivers or individuals. For example:

- Officer Characteristics, including amount of time on the police force; unit of assignment such as road patrol, investigations, traffic enforcement, etc.; level of experience and amount of training.
- Characteristics of the driving population (people who drive more or drive poorly are at more risk of being stopped by law enforcement) including, distance traveled, driving experience, and driving behavior.
- Characteristics of the transient population such as the time of day, location and destination, commuter population.

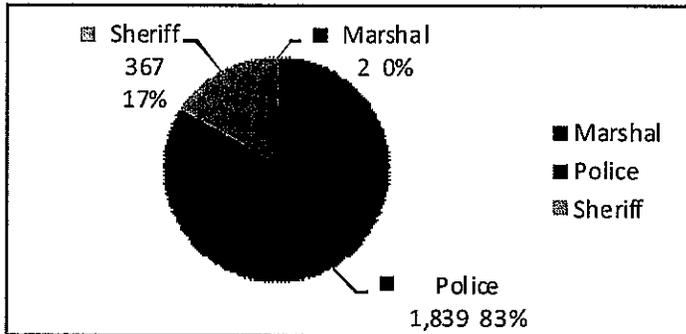
- Community demographics such as the unemployment rate and level of poverty in a community since certain socioeconomic factors may lead to improperly maintained vehicles, which are subject to more stops.
- Encounter characteristics including time of day, day of the week, volume of traffic and vehicle type
- Jurisdictional characteristics, including density, daytime versus permanent resident population, seasonal versus permanent population, amount of crime in a community, legal requirements (texting laws and seatbelt laws, for example), and departmental policies for stops (no warnings).

Further analytical research considering multiple influences are required to determine if biased policing is occurring and is beyond the scope of this report.

Section 1

**Summary of Second Quarter Law Enforcement Encounter Data**

Total number of reported encounters by Fulton County law enforcement agencies (traffic or pedestrian stops) for the period of April 1, 2010 through June 30, 2010 is 2,208.



For the second quarter of 2010, 2,208 traffic and pedestrian stops with Fulton County law enforcement agencies were reported. The Police Department, having primary law enforcement responsibility for the unincorporated area, comprised the majority (83%) of the reported encounters. The

The combined reported distribution of persons stopped by Fulton County law enforcement agencies is shown below:

**Table 1: Reported Encounters by Race, All Agencies**

Race	# of Encounters	%
American Indian or Alaskan	7	< 1%
Asian or Pacific Islander	22	< 1%
Black	1,751	79%
Hispanic	64	2.8%
White	357	16%
Other	7	< 1%
Total	2,208	100%

**Table 2: Reported Encounters by Gender, All Agencies**

Gender	# of Encounters	%
Male	1,400	63%
Female	808	37%
Unknown	0	0%
Total	2,208	100%

**Table 3: Reported Encounters by Age, All Agencies**

<b>Age</b>	<b># of Encounters</b>	<b>%</b>
< 15 Years of Age	0	0
16 to 49 Years of Age	1,827	82.7%
> 50 Years of Age	319	14.4%
Unknown	62	2.8%
Total	2,208	100%

## Section 2

### Reported Encounters by Agency

**Table 4: Distribution of Encounters by Race and Agency (n=2,208)**

Agency	American Indian or Alaskan	Asian or Pacific Islander	Black	Hispanic	White	Other
Marshal	-	-	2	-	-	-
Police	5	18	1,477	42	294	3
Sheriff	2	4	272	22	63	4
Total	7	22	1,751	64	357	7

As shown above the majority of the individuals stopped by Fulton County's three law enforcement agencies during this period were black (79%), followed by white (16%).

**Table 5: Distribution on Encounters by Age Group and Agency (n=2,208)**

Agency	< 15 Years	16-49	> 50 Years	Unknown	Total
Marshal	-	2	-	-	2
Police	-	1,517	272	50	1,839
Sheriff	-	308	47	12	367
Total	-	1,827	319	62	2,208

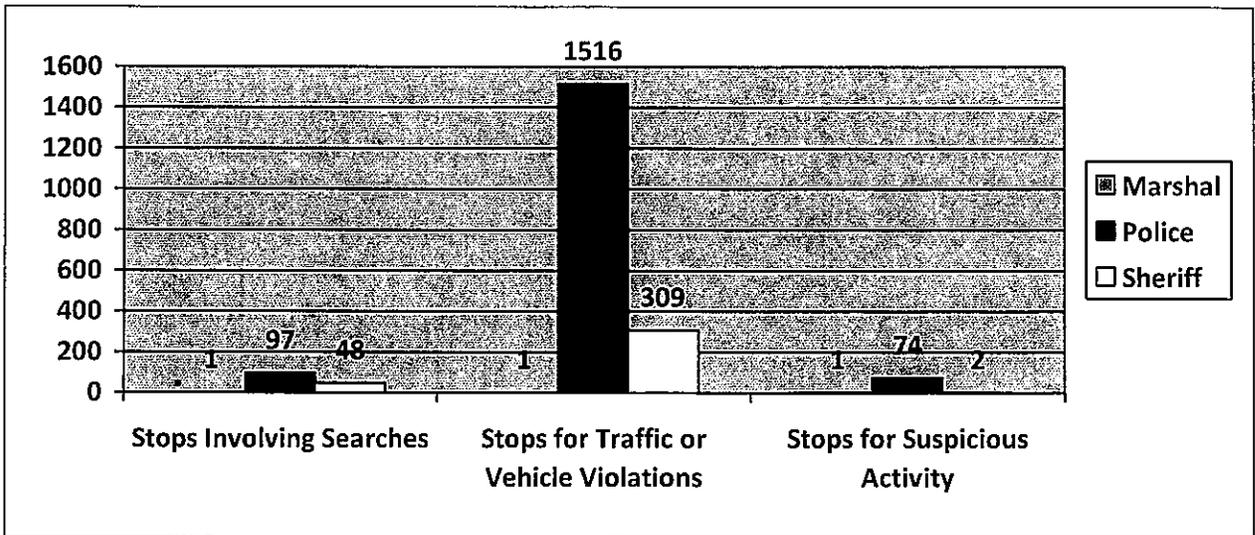
The bulk of individuals stopped fall into the 16-49 age group (82.7%).

**Table 6: Distribution of Encounters by Gender and Agency**

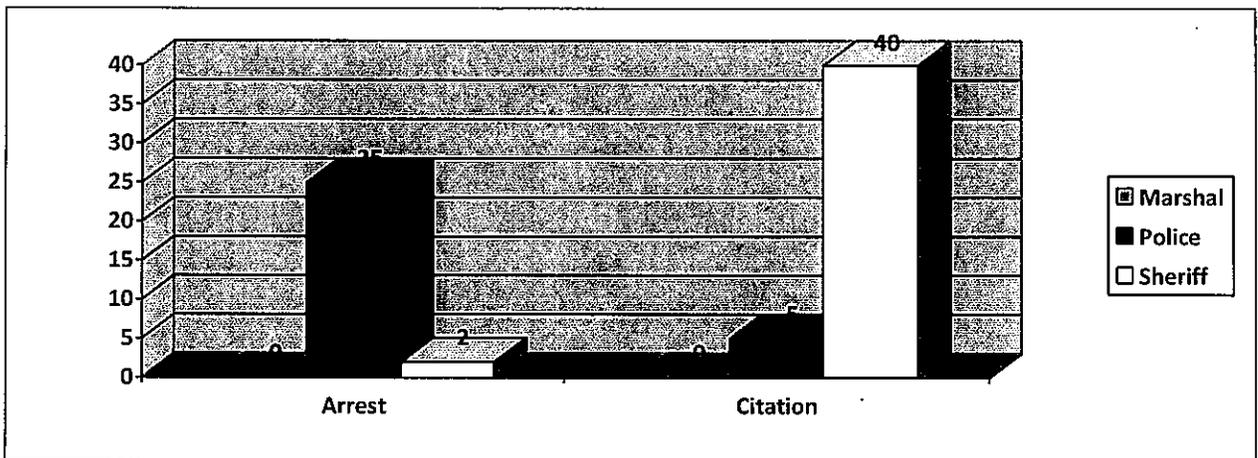
Agency	Male	Female	Unknown	Total
Marshal	2	-	-	2
Police	1,137	702	-	1,839
Sheriff	261	106	-	367
Total	1,400	808	-	2,208

During the second quarter, males were stopped with more frequency (63.4%) than females.

The following graph compares the number of stops by agency, number of stops reported for traffic or vehicle violations and the number of stops reported for suspicious activity. For the purposes of this report, "suspicious activity" means acting furtively and suspiciously, avoiding eye contact, departing quickly when seen or approached, individuals in places they do not belong (for example, at a car wash but without a vehicle), individuals overdressed for the weather, or overloaded vehicles.



This next graph depicts the number of arrests made and citations issued by agency resulting from either a pedestrian stop or traffic stop.



Section 3

**Actions Resulting from Stops by Agency**

**Fulton County Marshal**

Indicator	4 <sup>th</sup> Quarter 2009		1 <sup>st</sup> Quarter 2010		2 <sup>nd</sup> Quarter 2010	
	#	%	#	%	#	%
Pedestrian or Vehicle Stops	4	100%	5	100%	2	100%
Stops Involving Searches	1	25%	0	0	1	50%
Stops reported for traffic or vehicle violations	2	50%	5	100%	1	50%
Stops reported for suspicious activity	2	50%	0	0	1	50%
Stops resulting in arrest	2	50%	0	0	0	0
Stops resulting in citations	0	0	1	20%	0	0

**Fulton County Police Department**

Indicator	4 <sup>th</sup> Quarter 2009		1 <sup>st</sup> Quarter 2010		2 <sup>nd</sup> Quarter 2010	
	#	%	#	%	#	%
Pedestrian or Vehicle Stops	1,106	100%	1,715	100%	1,839	100%
Stops Involving Searches	37	3%	161	10%	97	5%
Stops reported for traffic or vehicle violations	871	79%	1,344	78%	1,516	82%
Stops reported for suspicious activity	66	6%	83	5%	74	4%
Stops resulting in arrest	17	2%	29	2%	25	1%
Stops resulting in citations	407	37%	578	34%	500	27%

Additional data and analysis for the Police Department follows.

**Table 1: Contacts (January – June)**

Race/Ethnicity	Contacts		Reason							
	N	%	Traffic Viol.	Equip. Violation	Dispatch Call	Officer Observation	BOLO	Susp. Activity	Loitering	Unk
<b>Caucasian Percentages</b>	563	15.89	479	43	0	0	2	28	0	7
			85.08	7.64	0	0	0.36	4.97	0	1.24
<b>African American Percentages</b>	2864	80.81	2269	420	0	21	14	124	0	28
			79.22	14.66	0	0.73	0.49	4.33	0	0.98
<b>Hispanic Percentages</b>	78	2.20	68	4	0	0	0	5	0	1
			87.18	5.13	0	0	0	6.41	0	1.28
<b>Asian Percentages</b>	20	.56	19	1	0	0	0	0	0	0
			0.95	0.05	0	0	0	0	0	0
<b>Native American Percentages</b>	10	.28	10	0	0	0	0	0	0	0
			1	0	0	0	0	0	0	0
<b>Other Percentages</b>	9	.25	6	1	0	0	0	0	0	1
			66.67	11.00	0	0	0	0	0	.33
<b>Total</b>	<b>3544</b>	<b>100</b>	<b>2851</b>	<b>469</b>	<b>0</b>	<b>21</b>	<b>16</b>	<b>157</b>	<b>0</b>	<b>38</b>
			80.45%	13.23%	0	.59%	.45%	4.43%	0	1.07%

<b>Disposition</b>			
	<b>Arrest</b>	<b>Citation</b>	<b>Warning/ No Action</b>
<b>Caucasian</b>	<b>30</b>	<b>516</b>	<b>72</b>
<b>Percentages</b>	<b>5.33</b>	<b>91.65</b>	<b>12.79</b>
<b>African American</b>	<b>161</b>	<b>2270</b>	<b>663</b>
<b>Percentages</b>	<b>5.62</b>	<b>79.26</b>	<b>23.15</b>
<b>Hispanic</b>	<b>6</b>	<b>73</b>	<b>16</b>
<b>Percentages</b>	<b>7.69</b>	<b>93.59</b>	<b>20.51</b>
<b>Asian</b>	<b>0</b>	<b>25</b>	<b>4</b>
<b>Percentages</b>	<b>0</b>	<b>83.33</b>	<b>13.33</b>
<b>Native American</b>	<b>0</b>	<b>10</b>	<b>1</b>
<b>Percentages</b>	<b>0</b>	<b>100</b>	<b>10</b>
<b>Other</b>	<b>0</b>	<b>7</b>	<b>2</b>
<b>Percentages</b>	<b>0</b>	<b>77.78</b>	<b>22.22</b>
<b>Total</b>	<b>197</b>	<b>2901</b>	<b>758</b>
<b>% Above</b>	<b>5.56</b>	<b>81.86</b>	<b>21.39</b>

An analysis of the Table 1 data indicates:

- The department issued 4,425 citations for the first six months of 2010.
- Of the 3,544 contacts, 80% were for traffic violations and 13% were for equipment violations.
- The data shows the greatest number of contacts were African American at 81% and Caucasians at 16%.
- The least number of contacts were Native Americans and Multi-cultural at less than 1%.

**Table 2: Contacts (April – June)**

Race/Ethnicity	Contacts		Reason							
	N	%	Traffic Viol.	Equip. Violation	Dispatch Call	Officer Observation	BOLO	Susp. Activity	Loitering	Unk
<b>Caucasian Percentages</b>	294	16.07	265 90.14	17 5.78	0 0	0 0	1 0.34	9 3.06	0 0	1 0.34
<b>African American Percentages</b>	1477	80.75	1190 80.57	205 13.88	0 0	9 0.61	2 0.14	62 4.20	0 0	9 0.61
<b>Hispanic Percentages</b>	42	2.30	37 88.10	2 4.76	0 0	0 0	0 0	3 7.14	0 0	0 0
<b>Asian Percentages</b>	8	.44	8 1.00	0 0	0 0	0 0	0 0	0 0	0 0	0 0
<b>Native American Percentages</b>	5	.27	5 1	0 0	0 0	0 0	0 0	0 0	0 0	0 0
<b>Other Percentages</b>	3	.16	2 66.67	0 0	0 0	0 0	0 0	0 0	0 0	1 .33
<b>TOTAL</b>	<b>1829</b>	<b>100</b>	<b>1507</b>	<b>224</b>	<b>0</b>	<b>9</b>	<b>3</b>	<b>74</b>	<b>0</b>	<b>11</b>
<b>%</b>			<b>82.39</b>	<b>12.25</b>	<b>.00</b>	<b>.49</b>	<b>.16</b>	<b>4.05</b>	<b>0</b>	<b>.60</b>

	Disposition		
	Arrest	Citation	Warning/ No Action
<b>Caucasian Percentages</b>	12 4.08	254 86.39	45 15.31
<b>African America Percentages</b>	84 5.69	1206 81.65	411 27.83
<b>Hispanic Percentages</b>	2 4.76	35 83.33	13 30.95
<b>Asian Percentages</b>	0 0	15 83.00	3 16.67
<b>Native American Percentages</b>	0 0	4 80	1 20
<b>Other Percentages</b>	0 0	3 100.00	0 0.00
<b>Totals</b>	<b>98</b>	<b>1517</b>	<b>473</b>
<b>%</b>	<b>5.33</b>	<b>82.49</b>	<b>25.72</b>

Agency Demographics		
	N	%
Caucasian	50	35.21
African American	89	62.68
Hispanic	2	1.41
Asian	1	0.70
Native Am	0	0
Other	0	0
<b>Totals</b>	<b>142</b>	<b>100</b>

An analysis of the Table 2 data indicates:

- The greatest number of contacts were with African Americans at 81%, and Caucasians at 16%. The total number of contacts for the 2<sup>nd</sup> Quarter was 1,829.
- The least number of contacts occurred with Native Americans and Multi-cultural at less than 1%.
- The data also shows that the greatest number of searches were for Probable Cause (PC) at 75% and Consensual search at 24%.
- Of the 1,829 Contacts, 82% were for Traffic Violations and 12% were for Equipment Violations.
- The department issued 2191 citations in the 2<sup>nd</sup> quarter of 2010.

**Table 3 Data – Demographics of Unincorporated South Fulton County**

Race/Ethnicity	Number	%
Black	75,357	64.11
White	34,515	29.36
Hispanic	3,396	2.89
Am. Indian/Alaska Native	148	0.13
Asian	2,776	2.36
Native Hawaiian/Other Pacific Islander	63	0.05
Other	165	0.14
Two or More Race	1,118	0.95
<b>TOTALS:</b>	<b>117,538</b>	<b>100</b>

A comparison of the demographics provided by the Fulton County Demographer indicates that police contacts with specific race/ethnicity groups is reflective of the general race and ethnic makeup of the population in unincorporated South Fulton County; however, our commuter transit population is not captured in the demographics. As shown by the data, our greatest number of contacts occurs with African Americans and Caucasians. This is expected since the (Table 1 & 2 Data) is reflective of the population demographics (Table 3 Data).

### Fulton County Sheriff's Office

Indicator	4 <sup>th</sup> Quarter 2009		1 <sup>st</sup> Quarter 2010		2 <sup>nd</sup> Quarter 2010	
	#	%	#	%	#	%
Pedestrian or Vehicle Stops	402	100%	368	100%	367	100%
Stops Involving Searches	11	3%	49	13%	48	13%
Stops reported for traffic or vehicle violations	329	82%	311	85%	309	84%
Stops reported for suspicious activity	3	1%	5	1%	2	1%
Stops resulting in arrest	9	2%	9	3%	7	2%
Stops resulting in citations	83	21%	53	14%	40	11%

## **Section 4**

### **Policy Distribution**

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In 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.

## **Section 5**

### **Training**

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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.

#### **Marshal's Office**

Bias-Based Profiling Training in conjunction with Search & Seizures, and Constitutional Law Training was completed during the first quarter at the Marshal's Office's annual In-Service. The mandatory Pre-Test and Post Test were given to the Deputies and have been placed in the Department's Training files for future reference.

#### **Police Department**

As a nationally accredited agency, the Fulton County Police Department exceeds standards in addressing profiling. The department's guiding principle for investigatory encounters with the public is based on reasonable suspicion supported by articulated facts or other suspect information. The agency relies on continual training to maintain this standard. The department conducts training that includes profiling-related topics addressing field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support. The training also consists of a review of county and departmental policy relative to bias-based profiling. The training establishes how officers can put these policies into practice on a daily basis. To increase awareness of each facet of biased-based profiling, the police department has instituted pre- and post-testing as a part of the training curriculum. This will aid in measuring the effectiveness of the training and employee comprehension. Testing will conclude in 2010.

The police department has a zero tolerance for bias based profiling as indicated on the department's website. The department also provides annual surveys whereby the citizens can rate the department. One of the questions asked of the citizens is whether they have been racially or bias based profiled by the police department. Citations are monitored routinely by supervisors.

The department conducts training that includes profiling-related topics addressing field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support. The training also consists of a

review of county and departmental policy relative to bias-based profiling. The training establishes how officers can put these policies into practice on a daily basis.

To increase the awareness of each facet of biased based profiling, the police department has instituted pre- and post-testing as a part of the training curriculum. This will aid in measuring the effectiveness of the training and employee comprehension. Training for the year 2010 is still ongoing and a final review of pre and post training evaluations should be ready by the end of the 4<sup>th</sup> Quarter.

### **Sheriff's Office**

The Sheriff's Office has trained at least 90 percent of the Officers assigned to the Law Enforcement Division, thus far on bias-based profiling. Training is a continued effort to keep all officers updated.

### **Section 6**

## **Community Outreach**

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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 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.

### **Section 7**

## **Complaints**

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There have been no complaints of reported racial profiling in any of the three agencies during the second quarter of 2010. 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.

### **Section 8**

## **Other Information**

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Senate Bill 325 introduced by Senator Gloria Butler regarding anti-racial profiling legislation that 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 did not pass the Georgia General Assembly during the 2010 Legislation Session.