



COMMONWEALTH of VIRGINIA

Department of Criminal Justice Services

The Honorable Jackson H. Miller
Director

Tracy Louise Winn Banks, Esq.
Chief Deputy Director

Washington Building
1100 Bank Street
Richmond, Virginia 23219
(804) 786-4000
www.dcjs.virginia.gov

January 11, 2023

The Honorable Glenn Youngkin
Governor of Virginia
Patrick Henry Building
1111 East Broad Street
Richmond, Virginia 23219

The Honorable Jason Miyares
Attorney General of Virginia
Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219

Members of the Virginia General Assembly
c/o Division of Legislative Automated Systems
(DLAS)
Pocahontas Building, 5th Floor
900 East Main Street, Suite W528
Richmond, Virginia 23219

2022 Report on Analysis of Stops Collected Under Virginia's Community Policing Act: Pedestrian Supplement

On behalf of the Secretary of Public Safety and Homeland Security, attached please find the **2022 Report on Analysis of Stops Collected Under Virginia's Community Policing Act: Pedestrian Supplement**, in accordance with §9.1-192 of the *Code of Virginia*.

If you have any questions, please contact me at baron.blakley@dcjs.virginia.gov, or (804) 786-3057.

Sincerely,

A handwritten signature in black ink, appearing to read "Jackson H. Miller".

Jackson Miller
Director

Attachment

c: Robert Mosier, Secretary of Public Safety and Homeland Security

2022 REPORT ON ANALYSIS OF STOPS COLLECTED UNDER VIRGINIA'S COMMUNITY POLICING ACT: **PEDESTRIAN SUPPLEMENT**

NOVEMBER 30, 2022



Prepared by the
Virginia Department of Criminal Justice Services

www.dcjs.virginia.gov

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Executive Summary

Effective July 1, 2021, the Community Policing Act (CPA) was expanded to include not only reporting on traffic stops made by law enforcement, but also reporting on non-traffic (“pedestrian”) stops involving stop and frisk and other investigatory detentions. As with the traffic stop reporting, the CPA requires the collection and reporting of pedestrian stop factors such as the reporting agency, the reason for the stop, the demographic characteristics of the person(s) stopped, and the outcome of the stop. This is the first year in which DCJS has analyzed and reported on pedestrian stop data.

This pedestrian supplement to the 2022 “Report on Analysis of Traffic Stop Data Collected Under Virginia’s Community Policing Act” contains descriptive findings on 7,663 statewide pedestrian stops from 155 law enforcement agencies (LEAs), collected by the Virginia State Police (VSP) for FY2022.

The Virginia Department of Criminal Justice Services’ (DCJS) examination of the first year of reported pedestrian stop data showed that the data reported for FY22 had several major limitations which restricted its ability to analyze and interpret the data. This is not unusual when a new statewide data collection system is started. As noted in the DCJS 2021 report on traffic stop data collection, LEAs faced several challenges implementing this new reporting mandate. Among these challenges were a lack of resources needed to comply with the mandate (especially for smaller agencies), and a lack of clarity in the legislative language defining what types of pedestrian stops to include in the reporting. This report contains recommendations to help address these challenges.

Because of these data limitations, **the contents of this report should be viewed more as describing the state of the pedestrian stop reporting system at this time, and not as an accurate description of how many pedestrians were stopped, or of the characteristics of the individuals stopped or the circumstances of the stops.**

Nonetheless, DCJS has a mandate to report its findings based on the limited data available for this first-year report. With that caveat in mind, the major findings from the data are:

- The vast majority (94.7%) of pedestrian stops were made for Terry Stops or “Other” type stops. Only 5.3% (409) of pedestrian stops were for a traffic or equipment violation.
- The most frequent outcome of a pedestrian stop was no enforcement action taken (30.7%). A warning was issued in 28.5% of stops, and a citation or summons was issued in 20.1% of stops.
- The subject was arrested in 20.7% of pedestrian stops. The subject was searched in 23.6% of stops.
- Physical force by either party was rare in pedestrian stops. Officer force against the subject of a stop was reported for only 1.4% of stops, and subject force against an officer was reported for only 1.2% of stops.
- Black subjects were stopped at higher rates than White subjects. Although only 19.7% of Virginia’s population aged 10+ in the dataset were Black, 41.3% of subjects stopped were Black.
- Black subjects stopped were searched at higher rates than White subjects. 26.4% of Black subjects had a search of their person conducted, compared to 20.8% of White subjects.
- Black subjects stopped were arrested at higher rates than White subjects. 23.6% of Black subjects were arrested, compared to 17.9% of White subjects.

- Hispanic subjects (of any race) were stopped at a similar rate to White subjects. Hispanics made up 9.3% of Virginia’s population aged 10+ in the dataset, and they made up 7.1% of subjects stopped.
- Hispanic subjects stopped were searched at higher rates than White subjects. 28.0% of stopped Hispanic subjects had a search of their person conducted, compared to 20.8% of White subjects.
- Hispanic subjects stopped were arrested at higher rates than either White subjects or Black subjects. 24.1% of stopped Hispanic subjects were arrested, compared to 17.9% of White subjects and 23.6% of Black subjects.
- American Indian/Alaskan Native and Asian/Pacific Islander subjects rarely occurred in the pedestrian stop dataset. Only nine American Indian/Alaskan Native subjects, and 136 Asian/Pacific Islander subjects, were reported. Given these small numbers, any findings on searches and arrests for these groups are likely due to random chance from isolated incidents.

During the pedestrian stop data collection, DCJS observed broad variations in the numbers of pedestrian stops reported across agencies; in some cases, some agencies serving localities with large populations reported making fewer pedestrian stops than some much smaller agencies. Additionally, many agencies reported varying interpretations as to which “investigatory detentions” required stop data collection.

To better understand these issues, DCJS and VSP interviewed several Virginia LEAs about their FY2022 pedestrian data collection practices. Based on these interviews, DCJS identified recurring factors that appeared to be driving the variations seen in the reporting. DCJS then conducted a survey of Virginia LEAs asking them to identify which of these factors applied to their agencies’ reporting. 72% of the responding agencies who submitted FY2022 pedestrian stops reported at least one data collection factor which may cause their stop volume to appear comparatively lower or higher.

To address these data reporting issues, and to generally improve DCJS’s ability to meet the intent of the CPA legislation, DCJS makes the following recommendations:

PEDESTRIAN REPORT RECOMMENDATION #1: Incorporate Specific Violation field into the analysis:

DCJS and VSP should develop a list of offenses commonly associated with traffic stops, civil proceedings, and service of court orders to streamline the record auditing process. This will clarify stop cases which do and do not meet the general definition of “investigatory detention” that should be reported.

PEDESTRIAN REPORT RECOMMENDATION #2: Develop more pedestrian reporting-focused reporting training and documentation: DCJS and VSP should develop additional training and documentation to help law enforcement officers collect data on pedestrian stops.

PEDESTRIAN REPORT RECOMMENDATION #3: Provide additional resources to law enforcement agencies to support CPA data collection and reporting: DCJS should examine the feasibility of developing a grant program targeting Virginia law enforcement agencies that need additional resources to comply with the CPA.

DCJS also reintroduces three recommendations from the 2022 traffic stop report in the context of the pedestrian dataset:

TRAFFIC REPORT RECOMMENDATION #7: *Virginia should examine the need to provide resources to smaller law enforcement agencies that had difficulty implementing the CPA data collection and reporting requirements.*

TRAFFIC REPORT RECOMMENDATION #12: *The General Assembly should consider providing more specific definition on the types of investigatory detentions which require CPA data collection. The addition of pedestrian stops to the collection mandate has introduced many nuanced detention scenarios which are ultimately left up to the interpretive judgement of individual LEAs on whether to report them as Community Policing Act data.*

TRAFFIC REPORT RECOMMENDATION #13: *Consider amending Community Policing Act legislation to change the annual CPA report deadline from July 1 to November 1.*

Introduction

Legislative mandate

Effective July 1, 2021, the Community Policing Act (CPA) was expanded to include non-traffic related stops involving stop and frisk and other investigatory detentions. The Department of Criminal Justice Services (DCJS) is tasked with reporting on these pedestrian/individual stops to the Governor, General Assembly and the general public. Given the unique considerations involved in cleaning, preparing, and analyzing pedestrian data, DCJS has chosen to satisfy this year's requirement with a pedestrian data report supplement to the traffic stop data report. This is the first annual report supplement on Virginia's pedestrian stop data.

The *Code of Virginia* § 52-30.2(C) mandates that each Virginia law enforcement officer must collect Community Policing act data:

“Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person during any other investigatory stop.”

This report supplement deals with the cases which fall under the latter two conditions of a) stops and frisks and b) temporary detainments during investigatory stops.

While DCJS and Virginia State Police (VSP) commonly use the term “pedestrian” to refer to this sample of non-traffic CPA stops, the Community Policing Act never uses the term. A “Person Type” category was added to the data collection to capture individuals not associated with a traffic stop, with the options “driver”, “passenger,” or “pedestrian” for each stop subject. It is important to note that this sample consists of a broad range of non-driver stops beyond the strict definition of a pedestrian as a person engaged in foot traffic. All references to “pedestrian” in this report encompass all non-traffic individuals captured in the CPA data.

Because the publication date for this report falls in November, DCJS had additional time to receive the full fiscal year's data from VSP. The data in this report spans the full 12 months of July 2021–June 2022, compared to the traffic report's date span of July 2021–March 2022. Any comparison of case volumes between the traffic data and pedestrian data should consider the latter's longer date span.

Background

The Supreme Court case *Terry v. Ohio* (1968) provides the federal justification for many police investigative detentions of individuals. In this case, the court ruled that an officer may temporarily detain and question an individual when they have “reasonable, articulable suspicion” that the individual was involved in criminal activity. The officer may also frisk the individual for weapons, leading to the term “stop and frisk” as referenced in the Community Policing Act. Within the context of the fourth amendment's protection against “unreasonable searches and seizures,” Terry Stops are considered “reasonable” searches not requiring a warrant so long as they are brief, and the officer believes that criminal activity may be afoot and the suspect may be armed and presently dangerous. Police may seize non-weapon contraband discovered during a Terry Stop and arrest the individual based on such contraband.

The nature of non-traffic stops of individuals is sometimes ambiguous concerning when a subject has been detained. In traffic stops, the vehicle is pulled over and a clearly demarcated detention of the driver is in effect until the officer resolves the stop. Pedestrian stops may begin as simple consensual encounters—even when an officer questions an individual—and may escalate later into non-consensual detentions. Similarly, the element of suspicion of criminal activity involved in an “investigatory” stop can be ambiguous in encounters such as mental health calls which may be considered a “community caretaker” response to an individual who poses a threat to themselves, or the service of an existing warrant where the investigative component of the encounter was established prior to the stop. Taking these terms together, the potential for differing interpretations of “investigatory detention” play a key role in the differences in CPA collection practices across the state.

CPA Data Element History and Incorporation of Pedestrian Stops

The pedestrian data is derived from the same collection and reporting process as the CPA traffic stop data. To accommodate pedestrian records in the CPA database, VSP created a “Person Type” field to identify each subject as a driver, passenger, or pedestrian. To ensure that the dataset is structured for a subject-level unit of analysis, VSP instructed agencies to complete a separate record for each individual stopped (even in stops involving more than one subject). Otherwise, the same variables and collection instructions for the traffic stop data apply to the pedestrian stop data. Refer to the “How the Data Was Collected and Reported” section of the 2022 Traffic Stop Data report for details on variables reported, collection methods, and DCJS coordination with VSP to compile the dataset.

Pedestrian stop data circumvents some of the benchmarking issues associated with traffic stop data. Theoretically, methods for deriving post-stop disparity indices are the same as for traffic; the pool of stopped individuals in the data serves as a known baseline which can be compared against arrest and search rates for each race/ethnicity. However, the aforementioned collection issues in this year’s pedestrian data render such calculations unstable and prone to errors due to missing or invalid data. Additionally, the far smaller record volume of the pedestrian stop dataset leaves any analysis more prone to arbitrarily high disparity indices (see discussion in Appendix I of the 2022 Traffic Stop Report). As such, agency-level Disparity Indices have not been calculated for this year’s sample. For reference purposes, population estimates for each agency’s jurisdiction are still provided in their corresponding agency tables when available³.

³ These estimates use the same data as the 2022 traffic stop report, with the exception that City, County, and State estimates are age restricted to 10 years and older instead of 15 years and older.

Analysis

Selection of Data to Analyze

DCJS began receiving FY2022 Virginia Community Policing Act data from VSP in August 2021 via a secure electronic file transfer process, and eventually received a total of 18,734 stop records with the pedestrian value for Person Type for the period from July 1, 2021, through June 30, 2022. DCJS and VSP then did additional audits to review the records, resolve any data issues identified in the records where possible, and identify any remaining records with issues that could affect the analysis and interpretation of the data. This review process led DCJS and VSP to discover that differing agency data collection practices led to discrepancies in reported stop volumes across the state. The “Agency Survey on Pedestrian Data Collection Practices” section later in the report outlines the agency survey DCJS developed to further identify these discrepancies.

During this review, some pedestrian stop records were excluded from the analysis dataset for various reasons. Stops made at checkpoints or performed as “Calls for Service” were eliminated because these stops are not discretionary (i.e., officers are responding to a call prompting the stop rather than initiating a stop because they observed suspicious activity). Records were excluded if they were not reported completely (that is, if data elements in the record were not reported with valid data values as defined in *VSP Data Collection Instructions and Technical Specifications Version 4*).

After DCJS reviewed the remaining records, additional records were excluded from the analysis because some of the data variables needed for the analysis had no value coded (null values) or the values coded were outside the bounds of the allowable codes. Records removed for these reasons are listed in Table 1.

Due to low relevance to the majority of pedestrian cases, the “Vehicle Searched” field was not used as an exclusion criterion for the pedestrian data (as of Fiscal Year 2023, VSP’s collection instructions direct agencies to leave “Vehicle Searched” blank for pedestrian records). Age was restricted to 10 years or older to limit the sample to individuals with a reasonable risk of being stopped under suspicion of criminal activity.

Table 1. Records Excluded from Pedestrian Stop Analysis			
<i>Data Element</i>	<i>Criteria for DCJS Analysis Dataset</i>	<i>Number of records null or out of bounds</i>	<i>Total number of records to exclude</i>
Incident Date	Between 7/1/2021 and 6/30/2022	0	0
Agency ORI	Valid and not null	0	0
Reason for Stop	Values “E”, “O”, “S”, or “T” (Equipment Violation, Other, Terry Stop, Traffic Violation)	2 null; 10,713 “C” (Call for Service); 14 “P” (Checkpoint)	10,729
Age	10 or greater	256 age=0 (unknown); 40 age between 1 and 9	296
Person Type ⁴	Value “F” (Pedestrian/Individual)	1 “D” (Driver)	1

⁴ After DCJS compiled the FY22 pedestrian data, Gloucester Sheriff’s Office noted that a single driver stop in their FY22 data was miscoded as “F”.

Table 1. Records Excluded from Pedestrian Stop Analysis			
<i>Data Element</i>	<i>Criteria for DCJS Analysis Dataset</i>	<i>Number of records null or out of bounds</i>	<i>Total number of records to exclude</i>
Race	Values “A”, “B”, “I”, “W” (Asian, Black, American Indian, White); “U” (Unknown) included if Ethnicity is “H” (Hispanic)	283 “U” (and not Ethnicity “H”)	283
Gender	Values “F”, “M”, “O” (Female, Male, Other)	15 null	15
Action Taken	Values “W”, “A”, “S”, or “N” (Warning, Arrest, Citation/Summons, No Enforcement Action)	2 null	2
English Speaking	Values “Y” or “N”	3 null	3
Person Searched	Values “Y” or “N”	4 null	4
Officer Physical Force	Values “Y” or “N”	4 null	4
Subject Physical Force	Values “Y” or “N”	3 null	3
Record Duplicates	All values exact match with 1 or more other records	169	169
Total Records Excluded from Analysis			11,071

To be consistent with the methods of the traffic stop report, records with exact duplicate values for every field were de-duplicated (duplicate records were removed from the analysis sample). This approach incurs the risk of removing cases in which multiple subjects genuinely did share all recorded characteristics (age, gender, race, outcome of stop, etc.), at the benefit of removing accidentally duplicated records from analysis so that agency stop statistics are not falsely inflated.

Based on the records review described above, 11,071 of the original 18,734 records were excluded, leaving a final statewide analysis dataset containing a total of 7,663 records on pedestrian subjects aged 10 and older that were stopped by Virginia LEAs from July 1, 2021, through June 30, 2022. These records were based on the VSP CPA file finalized on August 26, 2022.

Limitations of data

Many of the limitations mentioned in the traffic stop report also pertain to the pedestrian data. This is the first year of pedestrian data collection, and many law enforcement agencies still struggle with resourcing needs related to CPA implementation which may affect their ability to collect and report all stop data. Subject race and ethnicity values are still based on either the officer’s perception, or the officer must ask the subject to self-identify. Whether and to what extent the data related to subject race/ethnicity in the Community Policing Database accurately captures this information cannot be determined without further review.

The majority of FY2022 pedestrian stop records were marked “Call for Service” for the reason for stop. The general practice for examining the potential for racial bias in both pedestrian and traffic stop data is to exclude non-discretionary stops from analysis. However, the collection practices survey (Appendix X) shows that many agencies may have logged some officer-initiated stops as calls for service. To maintain a relevant analysis sample, DCJS has excluded calls for service from all statewide descriptive statistics and tables. However, acknowledging the need to accurately represent agency stop volumes and the

potential for miscoded records, call for service stop counts are separately reported in the statewide table and each agency's stop data table (Appendices B–E).

Some pedestrian stop incidents involved more than one subject. This presents an issue for analysis in determining whether the appropriate level of observation is each individual subject stopped, or each “stop event” in which an officer stops one or more subjects during the same incident. Stop reasons and officer action taken can be correlated between subjects in the same stop event (e.g., an officer observes two subjects together who appear to be intoxicated and ends up arresting them both), but these subject stops can also still originate and conclude independently of each other. DCJS has chosen to use each individual subject stopped as the level of observation, but also reports the total number of stop events in the statewide table and each agency's stop data table (Appendices B–E) for context.

By distributing a survey to Virginia law enforcement agencies, DCJS discovered other limitations in the data due to discrepancies in agency pedestrian stop collection practices. See the “Agency Survey on Pedestrian Data Collection Practices” section of this supplement for details on this survey and its findings.

Analysis of Pedestrian Stops: Statewide

Overview of Statewide Pedestrian Stops

In total, 7,663 pedestrian stops made in Virginia were analyzed, representing all stops with full data reported by VSP and 154 other PDs and SOs for the 12-month period from July 1, 2021, through June 30, 2022.

- The vast majority (94.7% or 7,254) of the pedestrian stops were made for Terry Stops or “Other” type stops. Only 5.3% (409) of the pedestrian stops were made for a traffic or equipment violation.
- The most frequent outcome of a pedestrian stop was no enforcement action taken (30.7% or 2,355 stops). A warning was issued in another 28.5% (2,183) of stops, and a citation or summons was issued in 20.1% (1,537) of stops.
- The subject was arrested in 20.7% (1,588) of pedestrian stops. The subject was searched in 23.6% (1,808) of pedestrian stops.
- Physical force by either party was more frequent than in the traffic data, but still a rare occurrence in pedestrian stops. Officer force against the subject of a pedestrian stop was recorded for 104 stops (1.4%), and subject force against an officer was recorded for 90 stops (1.2%).

Subject Racial/Ethnicity Analysis of Statewide Traffic Stops

- During the 2022 reporting period, Black subjects were stopped at higher rates than White subjects. Although only 19.7% of Virginia's population aged 10+ in the dataset was Black, 41.3% of subjects stopped were Black.
- Black subjects who were stopped were searched at higher rates than White subjects. 26.4% of stopped Black subjects had a search of their person conducted, compared to 20.8% of White subjects.
- Black subjects who were stopped were arrested at higher rates than White subjects. 23.6% of Black subjects stopped were arrested, compared to 17.9% of White subjects.

- Hispanic subjects (of any race) were stopped at a similar rate to White subjects. Hispanics made up 9.3% of Virginia’s population aged 10+ in the dataset, and they made up 7.1% of subjects stopped.
- Hispanic subjects who were stopped were searched at higher rates than White subjects. 28.0% of stopped Hispanic subjects had a search of their person conducted, compared to 20.8% of White subjects.
- Hispanic subjects who were stopped were arrested at higher rates than either White subjects or Black subjects. 24.1% of stopped Hispanic subjects were arrested, compared to 17.9% of White subjects and 23.6% of Black subjects.
- American Indian/Alaskan Native and Asian/Pacific Islander subjects occurred very rarely in the pedestrian stop dataset. Only nine American Indian/Alaskan Native subjects were recorded, and 136 Asian/Pacific Islander subjects. This low volume of stops renders comparative analysis of searches and arrests for these racial and ethnic groups very sensitive to random chance from isolated incidents.

Outcomes of Subject Stops

Table 2 provides a breakdown of the outcomes for the 7,663 pedestrian stops.

Table 2. Outcomes of Subject Stops, Virginia Statewide		
	<i>All Subjects</i>	
<i>Action Taken</i>	<i>Number</i>	<i>Percent</i>
Subject arrested	1,588	20.7%
No enforcement action	2,355	30.7%
Citation/summons issued	1,537	20.1%
Warning issued	2,183	28.5%
Grand Total	7,663	100.0%

The most frequent outcome of a stop was no enforcement action (30.7%, or 2,355 stops). A warning was issued in 28.5% (2,183) of the stops. In 20.7% of the stops (1,588), the subject was arrested.

Reasons for Subject Stops

Table 3 shows a breakdown of the reasons for the 7,663 pedestrian stops statewide.

Table 3. Reasons for Traffic Stops, Virginia Statewide		
	<i>All Subjects</i>	
<i>Reason for Stop</i>	<i>Number</i>	<i>Percent</i>
Violation Total	409	5.3%
Traffic Violation	364	4.8%
Equipment Violation	45	0.6%
Investigative Total	7,254	94.7%
Other Non-consensual	4,485	58.5%
Terry Stop	2,769	36.1%
Grand Total	7,663	100.0%

Nearly 95% (7,254) of all stops reported were made for Terry Stops or “Other” investigative stops. Because Other is not a clearly defined category, the distinction between Terry Stops and Other stops is unclear in the data and stop recording trends between these two categories may vary by agency.

Traffic and equipment violations together comprise 5.3% of stops. While infrequent compared to the traffic stop dataset, legitimate pedestrian traffic and equipment violations may occur in situations like an individual illegally walking on a roadway or equipment violations where the subject was near (but not driving) a vehicle. These cases are difficult to delineate from falsely recorded driver stops without further information. VSP encouraged agencies to review their pedestrian stop data to ensure no driver stops appeared in the sample, but DCJS did not unilaterally exclude any records from the analysis dataset based on Reason for Stop or specific code violation cited.

Subject Searches

Nearly a quarter (1,808) of the 7,663 stops made resulted in law enforcement searching the subject. Table 4 shows a breakdown of searches made during the stops.

Table 4. Subject Searches, Virginia Statewide		
	<i>All Subjects</i>	
<i>Search Status</i>	<i>Number</i>	<i>Percent</i>
No Search	5,855	76.4%
Subject Searched	1,808	23.6%
Grand Total	7,663	100.0%

Demographics of Pedestrians Stopped

Table 5 shows a breakdown of the race/ethnicity of the 7,663 subjects stopped.

Population figures used in this report are from The National Center for Health Statistics (NCHS) vintage 2020 post-Census estimates of the resident population of the United States, age restricted to persons 10 years and older. Racial/ethnic categories used in this report are based on legacy U.S. Census definitions of four racial groups. The Black category used in this report includes Black or African American; the American Indian category includes American Indians or Alaskan Native; and the Asian category includes Asian or Other Pacific Islanders. The Hispanic category can include any race with Hispanic origin. More

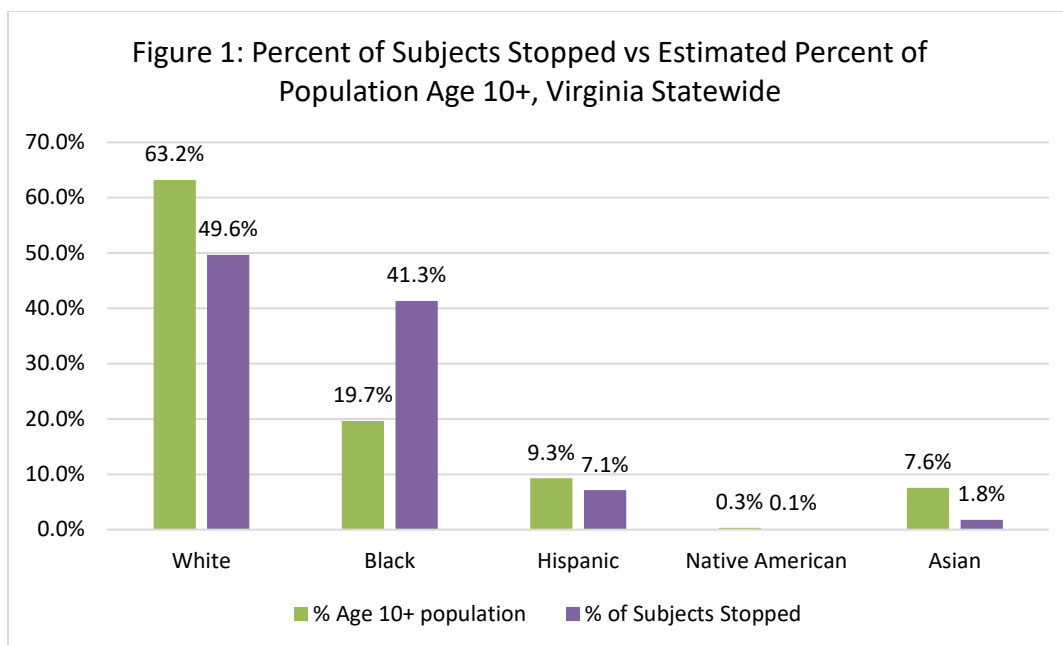
information about the population data used for the calculations in this report can be found in Appendix I of the 2022 Traffic Stop Report.

Table 5 shows a breakdown of the race/ethnicity of the 7,663 subjects stopped by Virginia law enforcement from July 1, 2021, through June 30, 2022.

Table 5. Race/Ethnicity of Subjects Stopped, Virginia Statewide		
<i>Race/Ethnicity</i>	<i>Number</i>	<i>Percent</i>
White	3,804	49.6%
Black	3,167	41.3%
Hispanic (any race)	547	7.1%
Asian	136	1.8%
American Indian	9	0.1%
Grand Total	7,663	100.0%

White subjects made up almost half (49.6%) of all subjects stopped statewide. Black subjects made up 41.3%, Hispanic subjects made up 7.1%, Asian subjects made up 1.8%, and American Indian subjects made up 0.1% of the subjects.

Figure 1 compares the percentage of each racial/ethnic group among subjects stopped to the percentage of each racial/ethnic group in Virginia’s population age 10 and older.



As can be seen in Figure 1, although only 19.7% of Virginia’s age-equivalent population is Black, 41.3% of the subjects stopped by law enforcement were Black. Hispanic subjects were underrepresented relative to their share of the population (9.3% and 7.1%, respectively). White and Asian subjects were also stopped at rates lower than their share of the age-equivalent population. The benchmark population rate for American Indians was 0.3% and the American Indian proportion of subjects stopped was 0.1%.

Gender of Subjects by Race/Ethnicity

Table 6 presents the gender of all subjects stopped, by race/ethnicity.

Table 6. Gender of Subjects Stopped, by Race/Ethnicity, Virginia Statewide						
	<i>White</i>		<i>Black</i>		<i>Hispanic (any race)</i>	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
<i>Male</i>	2,724	71.6%	2,454	77.5%	430	78.6%
<i>Female</i>	1,079	28.4%	713	22.5%	117	21.4%
<i>Other</i>	1	0.0%	0	0.0%	0	0.0%
<i>Total</i>	3,804	100.0%	3,167	100.0%	547	100.0%
	<i>American Indian</i>		<i>Asian</i>		<i>Total</i>	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
<i>Male</i>	7	77.8%	98	72.1%	5,713	74.6%
<i>Female</i>	2	22.2%	38	27.9%	1,949	25.4%
<i>Other</i>	0	0.0%	0	0.0%	1	0.0%
<i>Total</i>	9	100.0%	136	100.0%	7,663	100.0%

Males made up the majority of subjects stopped, regardless of race/ethnicity. The percentage of male subjects stopped was about equal for both White (71.6%) and Asian (72.1%) subjects. Males made up a somewhat higher percentage of Hispanic (78.6%), Black (77.5%), and American Indian (77.8%) subjects stopped.

Age of Subjects by Race/Ethnicity

Table 7 presents the age of all subjects stopped, by race/ethnicity.

Table 7. Age of Subjects Stopped, by Race/Ethnicity, Virginia Statewide						
	<i>White</i>		<i>Black</i>		<i>Hispanic (any race)</i>	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
<i>10 to 24</i>	1,239	32.6%	1,125	35.5%	231	42.2%
<i>25 to 34</i>	795	20.9%	836	26.4%	140	25.6%
<i>35 to 44</i>	804	21.1%	533	16.8%	100	18.3%
<i>45 to 54</i>	491	12.9%	315	9.9%	43	7.9%
<i>55 to 64</i>	336	8.8%	276	8.7%	29	5.3%
<i>65 and older</i>	139	3.7%	82	2.6%	4	0.7%
<i>Total</i>	3,804	100.0%	3,167	100.0%	547	100.0%
	<i>American Indian</i>		<i>Asian</i>		<i>Total</i>	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
<i>10 to 24</i>	3	33.3%	64	47.1%	2,662	34.7%
<i>25 to 34</i>	1	11.1%	20	14.7%	1,792	23.4%
<i>35 to 44</i>	5	55.6%	28	20.6%	1,470	19.2%
<i>45 to 54</i>	0	0.0%	14	10.3%	863	11.3%
<i>55 to 64</i>	0	0.0%	9	6.6%	650	8.5%
<i>65 and older</i>	0	0.0%	1	0.7%	226	2.9%
<i>Total</i>	9	100.0%	136	100.0%	7,663	100.0%

Younger subjects (age 10–34) made up 53.5% of White subjects stopped, but 61.9% of Black subjects and 67.8% of Hispanic subjects stopped. American Indian subjects had the lowest percentage of younger subjects stopped (44.4%). White and Black subjects had a higher percentage of subjects over age 55 stopped compared to Hispanic and Asian subjects.

English Speaking Status of Subjects

Table 8. English Speaking Status of Subject, Virginia Statewide		
<i>English Speaking Subject</i>	<i>Number</i>	<i>Percent</i>
Yes	7,456	97.3%
No	207	2.7%
Grand Total	7,663	100.0%

The CPA data includes a field on whether the stop subject speaks English (per the officer’s observation). The majority of subjects stopped (97.3%) spoke English. There were 207 subjects (2.7%) reported to not speak English.

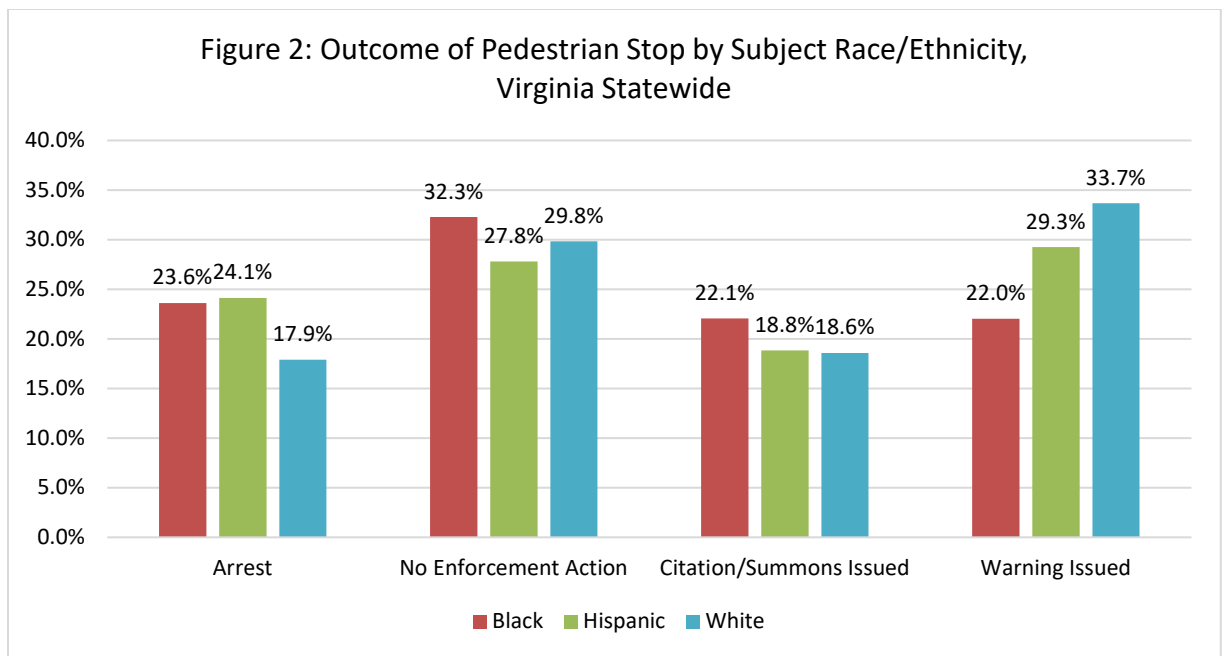
Use of Force

Table 9. Use of Physical Force		
<i>Type of Force</i>	<i>Number of Stops</i>	<i>Percent of Stops With Force Reported</i>
Officer Against Subject Only	41	31.3%
Subject Against Officer Only	27	20.6%
Both	63	48.1%
Any Physical Force	131	100.0%

Instances of either officer force against subject or subject force against officer constituted only 1.7% of all pedestrian stops (131 cases). Use of force counts by race/ethnicity can be found in the statewide summary table on page. 22, and the agency tables in Appendices B–E.

Outcome of Pedestrian Stops, by Subject Race/Ethnicity

Figure 2 presents the outcome of pedestrian stops, by subject race/ethnicity. Outcomes were coded based on the most serious outcome of the stop, even though more than one outcome was possible for a stop. American Indian and Asian subjects were excluded from the figure due to the small numbers in each stop category.



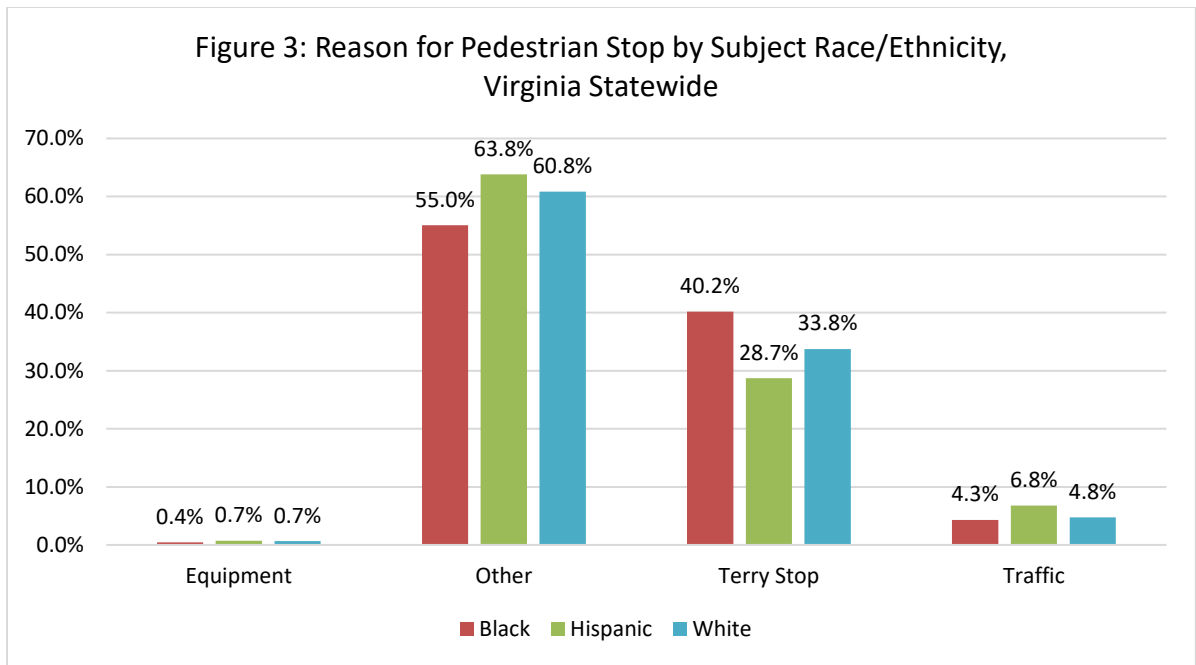
Issuance of a warning was the most likely outcome of a pedestrian stop for White (33.7% of the time) and Hispanic (29.3%) subjects, while no enforcement action was the most likely outcome for Black subjects (32.3% of the time).

Overall, 20.7% of subject stops resulted in an arrest of the subject. Although an arrest occurred in 17.9% of White subject stops, an arrest occurred in 23.6% of Black subject stops and 24.1% of Hispanic subject stops.

Issuance of a citation or summons was the least frequent outcome overall, occurring slightly below arrests at 20.1% of stops. Black subjects were issued a summons or citation more often than White or Hispanic subjects, at 22.1% compared to 18.6% and 18.8% respectively.

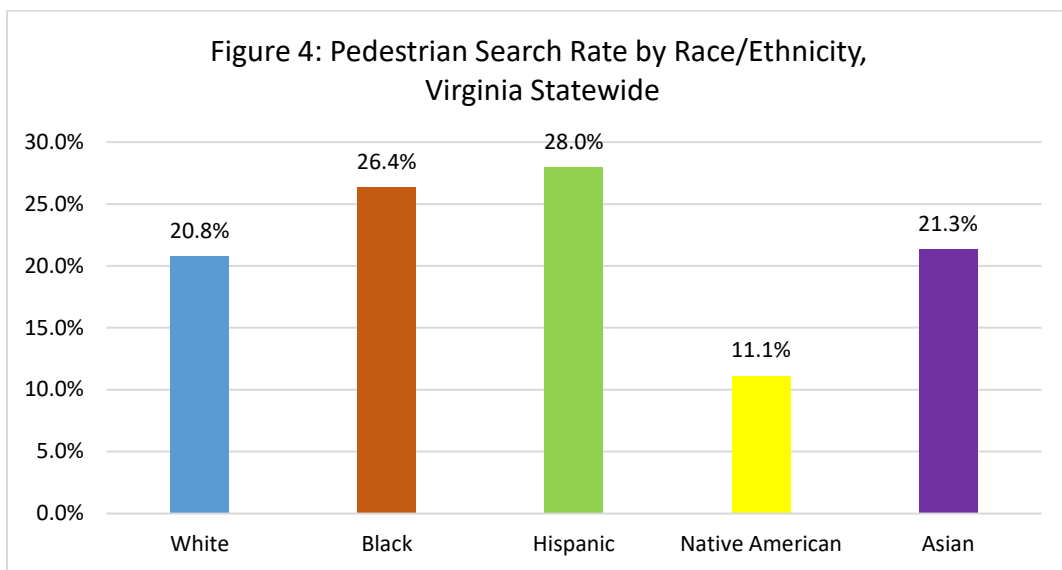
Reason for Pedestrian Stops, by Subject Race/Ethnicity

Figure 3 presents the reasons for pedestrian stops, by subject race/ethnicity. American Indian and Asian subjects were excluded from the figure due to the small numbers in each stop category.



Terry Stops—the brief detention of a person based on reasonable suspicion of involvement in criminal activity—and Other violations were the main reasons for subject stops among all racial/ethnic groups. Black drivers were less likely (55.0%) to be stopped for an Other violation than White (60.8%) or Hispanic (63.8%) drivers. On the other hand, Black drivers were more likely (40.2%) to be Terry stopped than White (33.8%) or Hispanic (28.7%) drivers. DJCS will need to further review the type of stops constituting an Other stop versus a Terry Stop to learn the significance of these trends.

Searches Made During Pedestrian Stops, by Subject Race/Ethnicity



Given that a certain number of subjects are stopped, how likely is it that the stop will subsequently result in a search of the subject? Figure 4 shows the percentage of subjects in each racial/ethnic group for which a search was conducted. “Search” means that specifically the subject was searched (vehicle search data was not used in the pedestrian analysis).

Overall, searches of subjects occurred in 23.6% of pedestrian stops. As shown above, Black and Hispanic subjects who were stopped were searched at higher rates than White subjects. 20.8% (790 out of 3,804) of stops of White subjects resulted in a search, whereas 26.4% (835 out of 3,167) of stops of Black subjects and 28.0% (153 out of 547) of Hispanic subjects resulted in a search. Asian subjects who were stopped were slightly more likely than White subjects to have a search conducted (21.3%, 29 out of 136), and the small sample of American Indian subjects were searched about half as often as White subjects (11.1%, 1 out of 9).

Statewide-Disparity/Divergence Index (DI)

To provide a standardized method for comparing disparities /differences between different racial/ethnic groups in traffic stops, DCJS calculated a Disparity/Divergence Index (DI). For pedestrian stops, the DI indicates the degree to which members of any racial/ethnic group were stopped relative to the group’s prevalence in the age-equivalent population.

The DI for each racial/ethnic group was calculated as:

$$\frac{\text{Group's percentage of all stops reported statewide}}{\text{Group's percentage of population age 10+ statewide}}$$

DIs of with a value of 1.0 or less for a group indicate that stops for that group occurred at a rate that is less than or equal to that group’s share of the age-equivalent population. DIs with a value greater than 1.0 indicate that stops for that group occurred at a rate that is higher than that group’s share of the age-equivalent population. The interpretation of different DI levels is shown in Table 10.

Table 10. Interpretation of Subject Stop DIs	
DI Range	Pedestrian Stop DI Interpretation Used in Report
1.0 or less	Subject group had <i>no overrepresentation</i> or is <i>underrepresented</i> in stops when compared to its proportion of the population age 10+
1.1 – 1.9	Subject group had <i>moderate overrepresentation</i> in stops compared to its proportion of the population age 10+
2.0 or higher	Subject group had <i>high overrepresentation</i> in stops compared to its proportion of the population age 10+
Note: The DI descriptors above (under-, moderate-, and high overrepresentation) are not based on tests of statistical significance. They are used merely as descriptors to differentiate between the levels of disparity observed. Some categories had calculated subject DIs of 3.0 and higher, indicating very high overrepresentation for a subject group. These higher DIs should be interpreted cautiously, because they may be the result of very low population percentages coupled with a very low number of stops.	

In addition to calculating a statewide DI to indicate the degree to which subjects in different racial/ethnic groups were stopped, DCJS also calculated a separate DI to indicate the degree to which subjects in each group were involved in events following stops, including the reason for stops, whether persons were searched, and actions taken towards subjects (summons/citation issued, warning given, arrest, etc.). The DI for events occurring after the stop is calculated in a different manner than the DI is calculated for the stop itself.

The DI for events occurring after the stop for each racial/ethnic group was calculated as:

$$\frac{\text{Group's percentage for each stop reason, search, or stop outcome}}{\text{Group's percentage of all stops reported statewide}}$$

DIs for events occurring after the stop, unlike those calculated for whether a stop occurred in the first place, were not calculated using the group's percentage of the resident population but were calculated using the percentage of subjects stopped statewide in each group.

Statewide DIs for subject stops, and for events following the stop, for each subject racial/ethnic group are displayed in Table 11.

To illustrate how the data is presented in Table 11, the "Subjects Stopped" section of Table 11 shows that Black individuals made up 19.7% of Virginia's population aged 10 and older, yet they made up 41.3% of the subjects stopped in Virginia. The comparison of the percentage of Black subjects stopped to the percentage of Virginia's statewide Black age-equivalent population produces a stop DI of 2.1 for Black subjects statewide ($41.3\%/19.7\% = 2.1$).

For another example of how the data in Table 11 is presented, the "Outcome of Stop" section of this report shows that although Black subjects made up 41.3% of the subjects stopped in Virginia, they made up 47.1% of the subjects arrested in Virginia. The comparison of the percentage of Black subjects stopped to the percentage of Black subjects arrested produces an arrest DI of 1.1 for Black subjects statewide ($47.1\%/41.3\% = 1.1$).

Two racial/ethnic groups had especially low volumes of pedestrian stops reported—136 stops of Asian subjects, and only nine stops of American Indian subjects. Because of the low sample of subjects reported, DIs for these groups are especially prone to uncertainty in interpreting general stop trends. For example, although only one stop of an American Indian involved an officer use of force against the subject, the DI for this category is an extremely high 8.2 (0.96% of officer force incidents/0.12% of total stops). Just because one of the nine stops of American Indian subjects involved officer force, this does not mean that over the course of 900 stops of American Indian subjects, 100 of them would involve officer force. It is important to consider this uncertainty in the DIs for such small groups.

Importantly, the DI does not tell us the reason(s) why members of a particular racial/ethnic group are being stopped at a higher or lower rate than their presence in the population. The DI simply tells us that members of a group are being disproportionately stopped compared to their presence in the population. It cannot tell us the motivations of the officers making the stops.

Table 11. Pedestrian Stop Report: Virginia Statewide
Stops Dated July 1, 2021–June 30, 2022

	Total	White	Black- African American	Hispanic (any race)	American Indian or Alaska Native	Asian-Other Pacific Islander
Population Demographics						
Number Age 10+ in CY2020 Population	7,544,687	4,768,116	1,482,586	700,504	23,580	569,901
Percent Age 10+ in CY2020 Population	100.00%	63.20%	19.65%	9.28%	0.31%	7.55%
Subjects Stopped						
Number of Subjects Age 10+ Stopped	7,663	3,804	3,167	547	9	136
Percent of Subjects Age 10+ Stopped	100.00%	49.64%	41.33%	7.14%	0.12%	1.77%
DI		0.8	2.1	0.8	0.4	0.2
Number of Stop Events (Analysis Only)	6,976	~	~	~	~	~
Reason for Stop						
Number of Calls for Service (Excluded from Analysis)	10,363	4640	4705	855	17	146
Percent Calls for Service	100.00%	44.77%	45.40%	8.25%	0.16%	1.41%
Number Stopped for Traffic Violation	364	181	137	37	0	9
Percent Stopped for Traffic Violation	100.00%	49.73%	37.64%	10.16%	0.00%	2.47%
DI		1.0	0.9	1.4	~	1.4
Number Stopped for Equipment Violation	45	25	14	4	0	2
Percent Stopped for Equipment Violation	100.00%	55.56%	31.11%	8.89%	0.00%	4.44%
DI		1.1	0.8	1.2	~	2.5
Number Stopped for Terry Stop	2,769	1,284	1,273	157	2	53
Percent Stopped for Terry Stop	100.00%	46.37%	45.97%	5.67%	0.07%	1.91%
DI		0.9	1.1	0.8	0.6	1.1
Number Stopped for Other Reason	4,485	2,314	1,743	349	7	72
Percent Stopped for Other Reason	100.00%	51.59%	38.86%	7.78%	0.16%	1.61%
DI		1.0	0.9	1.1	1.3	0.9
Outcome of Stop						
Number of Stops with Warning Issued	2,183	1,281	698	160	2	42
Percent of Stops with Warning Issued	100.00%	58.68%	31.97%	7.33%	0.09%	1.92%
DI		1.2	0.8	1.0	0.8	1.1
Number of Stops with Citation/Summons issued	1,537	707	699	103	0	28
Percent of Stops with Citation/Summons issued	100.00%	46.00%	45.48%	6.70%	0.00%	1.82%
DI		0.9	1.1	0.9	~	1.0
Number of Stops with Subject Arrested	1,588	681	748	132	1	26
Percent of Stops with Subject Arrested	100.00%	42.88%	47.10%	8.31%	0.06%	1.64%
DI		0.9	1.1	1.2	0.5	0.9
Number of Stops with No Enforcement Action	2,355	1,135	1,022	152	6	40
Percent of Stops with No Enforcement Action	100.00%	48.20%	43.40%	6.45%	0.25%	1.70%
DI		1.0	1.1	0.9	2.2	1.0
Additional Details of Stop						
Number of Stops with Subject Search	1,808	790	835	153	1	29
Percent of Stops with Subject Search	100.00%	43.69%	46.18%	8.46%	0.06%	1.60%
DI		0.9	1.1	1.2	0.5	0.9
Number of Stops with Office Force Against Subject	104	44	53	6	1	0
Percent of Stops with Office Force Against Subject	100.00%	42.31%	50.96%	5.77%	0.96%	0.00%
DI		0.9	1.2	0.8	8.2	~
Number of Stops with Subject Force Against Officer	90	37	47	6	0	0
Percent of Stops with Subject Force Against Officer	100.00%	41.11%	52.22%	6.67%	0.00%	0.00%
DI		0.8	1.3	0.9	~	~

Data sources:

Community Policing Data Collection, Virginia Department of State Police, August 2022.

Vintage 2020 postcensal estimates of the resident population of the United States (April 1, 2010, July 1, 2010-July 1, 2020), by year, county, single-year of age, bridged race, Hispanic origin, and sex. Available from: http://www.cdc.gov/nchs/nvss/bridged_race.htm as of July 9, 2021.

Prepared by: Virginia Department of Criminal Justice Services Research Center, November 2022.

“Stop Event” refers to each incident in which an officer stops one or more subjects. Because some subjects in the statewide dataset were stopped together, this number may be smaller than the count of subjects stopped.

Analysis of Pedestrian Stops: Agency-Level

For this supplement to the 2022 report, DCJS examined pedestrian stop data for Virginia State Police (VSP) as an agency statewide and for 154 other individual Police Departments (PDs) and Sheriff's Offices (SOs). Population estimates displayed depended on the level of resident population data available for the locality served by the agency. Therefore, the findings are presented separately in Appendices B–E for four different groups of law enforcement agencies: VSP, agencies serving cities and counties, agencies serving towns, and other agencies. Because of the high variability of the pedestrian data given the considerations outlined in this report, Disparity Indices are not included for individual agency tables. Percentages of each category by racial/ethnic group are still shown for each table. Additionally, the complete pre-aggregated pedestrian analysis dataset for FY22 is included in Appendix I (with accompanying resources for the dataset in Appendices J and K).

Agency Survey on Pedestrian Data Collection Practices

Prior to receiving the full 12 months of data, DCJS examined initial trends in the preliminary nine-month CPA pedestrian data results for FY2022 (July 2021–March 2022). This data showed broad variation in stop volumes reported by agencies which did not align with their relative traffic stop volumes. In addition, VSP had received feedback from many agencies expressing difficulty reaching a consistent definition of the “investigatory detentions” requiring stop data collection. To reach a better understanding of the stop volume variation, DCJS and VSP conducted several interviews with Virginia law enforcement agencies concerning their FY2022 pedestrian data collection practices. To gather feedback from as many agencies as possible, DCJS identified recurring factors from the interviews influencing both higher and lower volume stop collection and developed a survey asking LEAs which of these factors applied to their agency. Table 12 lists each of the survey factors and whether each one would trend toward higher or lower stop data collection volume (see Appendix F for further details on each factor).

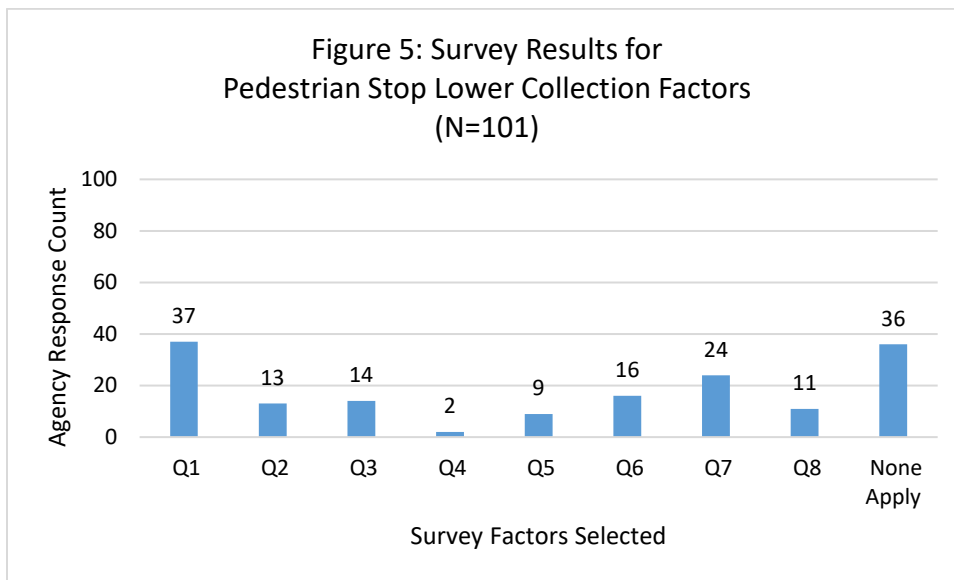
Table 12: Pedestrian Data Collection Practices Survey Factors		
<i>Factor</i>	<i>Factor Description</i>	<i>Collection Volume Trend</i>
Q1	Stops that result in No Enforcement Action are less likely to be collected.	Lower
Q2	Non "stop and frisks" resulting in arrest or summons are not collected or are under-collected.	Lower
Q3	Not all officers are consistently able to collect/report pedestrian stops.	Lower
Q4	Specific offenses are systematically not collected or under-collected.	Lower
Q5	Person Searched field is not always marked "Y" for stops with a search.	Lower
Q6	Pedestrian stops are sometimes recorded as traffic (Person Type "D" or "P").	Lower
Q7	Cases logged as “Call for Service” include officer-initiated stops.	Lower
Q8	Data includes only pedestrian subjects who are part of public foot traffic.	Lower
Q9	Data include cases where reason for stop was not “investigatory” per the VSP guidance (service of existing warrant, eviction, etc.).	Higher
Q10	Data includes consensual subject encounters.	Higher
Q11	Some Stops that are not officer-initiated are not logged as Calls for Service.	Higher
Q12	Traffic stops sometimes recorded as pedestrian (Person Type "F").	Higher
Q13	CPA Record System duplicates stop records per each charge/suspected offense.	Higher
Q14	Stops of mopeds, motorized scooters, bicycles, etc. would generally be recorded as Pedestrian.	Higher
Q15	Departmental decision to err to the side of "over-collection" given uncertainty of investigatory detention definition.	Higher

The survey also included an open response “Other factors” question where agencies could identify additional collection factors not listed in the survey.

Survey Results

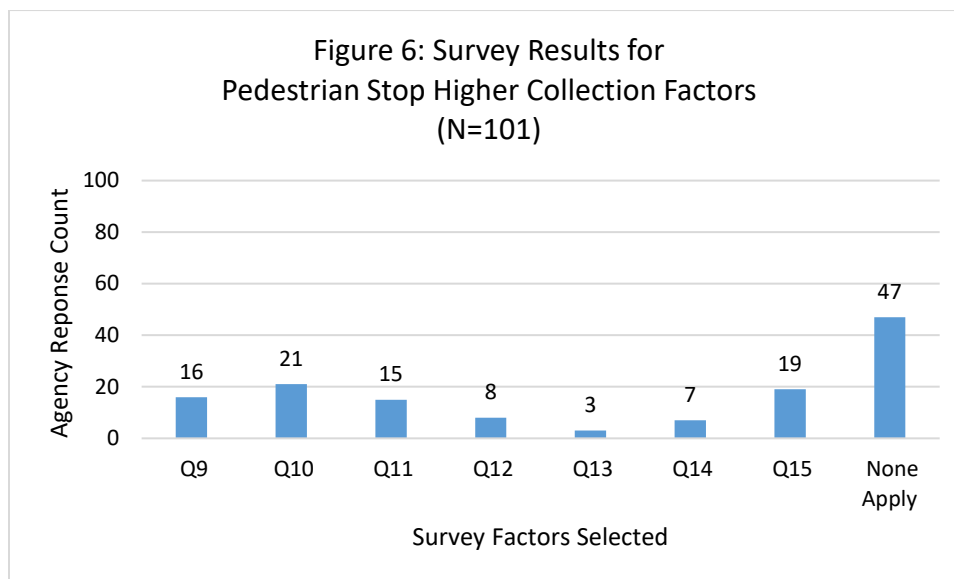
Out of 365 agencies contacted, 197 (54%) completed the survey. Among the 197 responding agencies, 101 noted that they had reported at least one FY2022 pedestrian stop per the CPA. Figures 5 and 6 show the summary of results for those 101 agencies. A complete table of responses by agency and additional guidance notes on each survey factor are provided in Appendix F.

Lower Collection Factors



For the 101 agencies who reported FY2022 pedestrian stops, nearly two thirds (64%) had at least one factor influencing lower reported stop volumes. The most commonly reported lower collection factor was “Stops that result in No Enforcement Action are less likely to be collected” (Q1), selected by 37 agencies. For the two agencies that selected the “Specific offenses are systematically not collected or under-collected” factor (Q4), one noted trespassing as the specific offense and the other noted public intoxication. For the 96 responding agencies that did not report any FY2022 pedestrian stops, 35% noted at least one lower collection factor which may have influenced their lack of stops reported.

Higher Collection Factors



For the same 101 agencies, the majority (53%) had at least one factor influencing higher reported stop volumes. The most commonly reported higher collection factor was “Data includes consensual subject encounters” (Q10), selected by 21 agencies.

Conclusion from Survey

Among responding agencies who reported pedestrian stops for FY2022, only 28% (28 agencies) reported that neither any of the higher nor any of the lower collection factors applied to their agency. Given the frequency of the issues identified, DCJS discourages agency-to-agency comparison of pedestrian stop data for FY2022. Even for agencies with all the same collection factors marked in the survey, we cannot assess the extent to which a factor increased or decreased the number of stop records for a given agency. These issues may affect not only the number of stops reported for each agency, but also the number and racial distribution of searches and arrests following a stop. Furthermore, 54 agencies who submitted FY2022 pedestrian data did not complete the survey, so these agencies’ data collection issues are not reflected in the survey results and are unknown to DCJS. This first year’s dataset, combined with the survey results provided, best serve as an initial diagnostic to improve and standardize the data collection practices. The CPA data can only be used for comparisons of *actual stop volume* once issues of *stop collection volume* have been identified and resolved.

Drivers of Pedestrian Stop Volume

While it is impossible to gauge the relative stop volume of agencies given the collection issues involved, agencies offered some factors which influence the number of stops a given locality may perform. Many of these factors pertain to traffic stop volume as well. Factors mentioned include:

- Rural vs. urban population: In general, cities have a higher density of foot traffic than towns and other rural areas, leading to a higher pool of potential stop subjects.
- Primary vs. secondary law enforcement agency: Some agencies’ (especially Sheriff’s Offices) primary functions in their jurisdiction are limited to services such as jail security, court security, and civil process while a separate primary department handles most of the jurisdiction’s criminal

investigative work. These secondary agencies tend to perform a minimal number of pedestrian stops.

- College jurisdictions and tourist destinations: Areas with a college student population or major tourist attractions tend to cause seasonal pedestrian increases, especially in small towns and other areas which are otherwise less populated. Other agencies noted that school closures due to COVID-19 caused a significant temporary decrease in foot traffic in their jurisdiction, leading to fewer stops. Furthermore, localities with campus-exclusive law enforcement agencies may result in the campus-exclusive agency performing most of the locality's pedestrian stops.
- Community College Agencies: Agencies exclusively serving community colleges may have a mainly commuter population which spends a limited time on foot in the area. This would lead to fewer pedestrian stops.
- Fluctuations in staffing: Agencies tend to perform fewer stops when they are below their full sworn officer capacity.

Conclusions/Recommendations

The overarching conclusion of this report supplement is that the FY2022 pedestrian stop data is too inconsistent to yield meaningful analytical results. Descriptives and statewide DIs are shown to provide details on the data collected, but the dataset very likely does not serve as a standardized, representative sample of Virginia’s pedestrian stops. Many comparative charts and tables used in the traffic stop report were not created for this pedestrian data due to the extent of data collection issues. Therefore, DCJS proposes the following steps for future action on pedestrian data reporting. Items within the purview of DCJS are listed under “DCJS Steps for Future Reporting”; items requiring external action are listed under “Recommendations.” It is important to note that many of the items from each section can be applied to improve the traffic stop data collection and analysis as well.

DCJS Steps for Future Reporting

DCJS outlines the following three steps as internally actionable items to improve the pedestrian stop data reporting:

Incorporate Specific Violation field into analysis

Because DCJS identified many issues with FY2022 pedestrian data collection, we did not use the Specific Violation field in the analysis or record exclusion criteria. DCJS and VSP can develop a list of offenses commonly associated with traffic stops, civil proceedings, and service of court orders to streamline the record auditing process and flag cases which may not meet the general definition of “investigatory detention.” VSP can send these cases back to LEAs for review and remove any cases they determine to be outside of the scope of the CPA. This option will be more feasible next year as VSP improves their CPA data repository and associated audit processes.

Assist VSP in developing pedestrian-focused training and documentation

A major finding of the pedestrian survey is that data collection practices are not standardized across Virginia. These findings have been shared with the VSP Data Analysis and Reporting Team (DART), so that new training and documentation can be tailored to the challenges identified in the findings. Where feasible, DCJS and VSP can update the CPA Collection Instructions and Technical Specifications to clarify pedestrian collection scenarios. Additionally, DCJS and VSP can jointly develop pedestrian-specific training on collection for law enforcement agencies. These trainings will also be a source of feedback from LEAs to learn more about data collection challenges and further refine CPA oversight.

Create DCJS-hosted CPA grant opportunities for law enforcement agencies

The pedestrian data elements introduced in SB 5030 required large-scale collection system updates for many law enforcement agencies. While some agencies were able to adapt their systems and collect FY2022 data, others lacked the funds to perform these updates and could not comply with the pedestrian stop reporting mandate. If financially and administratively feasible, DCJS will examine developing grant funding opportunities in 2023 targeted to Virginia LEAs who need additional resources to comply with the Community Policing Act.

Recommendations

In this pedestrian supplement, DCJS reintroduces three recommendations from the 2022 traffic stop report in the context of the pedestrian dataset.

TRAFFIC REPORT RECOMMENDATION #7: *Virginia should examine the need to provide resources to smaller law enforcement agencies that had difficulty implementing the CPA data collection and reporting requirements. Assistance could be provided in several ways, such as helping these agencies train staff on reporting requirements and practices and providing them with more effective data collection tools such as a statewide electronic summons application.*

We emphasize this recommendation for the pedestrian stop analysis due to the number of agencies not reporting stop data and the extensive collection challenges identified in the pedestrian data survey. VSP and DCJS can provide state-level training where possible, but agencies will still need resources for internal training and data collection system upgrades to address current gaps in the standardization and completeness of pedestrian stop records.

TRAFFIC REPORT RECOMMENDATION #12: *The General Assembly should consider providing more specific definition on the types of investigatory detentions which require CPA data collection. The VSP Instructions and Technical Specifications Version 5.2 includes a section providing clarification on investigatory detentions; however, the addition of pedestrian stops to the collection mandate has introduced many nuanced detention scenarios which are ultimately left up to the interpretive judgement of individual LEAs on whether to report them as Community Policing Act data.*

The traffic stop report proposed the following amendment to § 52-30.2(C) to more precisely define the circumstances for stops mandated for collection:

*“Each time a law-enforcement officer or State Police officer stops a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person **on the basis of criminal suspicion during any other investigatory stop not in service of a warrant or other court orders.**”*

In light of the survey findings, and to limit data collection and analysis to only relevant cases involving an officer’s decision to perform a stop, DCJS proposes the following additional change to § 52-30.2(C):

*“Each time a law-enforcement officer or State Police officer **performs an officer-initiated stop** of a driver of a motor vehicle, stops and frisks a person based on reasonable suspicion, or temporarily detains a person **on the basis of criminal suspicion during any other investigatory officer-initiated stop not in service of a warrant or other court orders.**”*

This change will remove the many Calls for Service—and any other cases in which the officer did not initiate the stop on their own discretion—collected by LEAs. This would reduce the data collection burden on LEAs and improve DCJS’s ability to analyze and report the data in its annual reports.

TRAFFIC REPORT RECOMMENDATION #13: *Consider amending Community Policing Act legislation to change the annual report deadline from July 1 to November 1.*

DCJS suggests this change for both the traffic and pedestrian stop report. In future years, this would allow DCJS to prepare traffic and pedestrian stop reports which are based on a full 12-month fiscal year of data, rather than on only nine-months of data.

Appendices (available online)

Appendix A: Pedestrian Stop Volumes by Agency

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-A-Stop-Volumes-by-Agency.pdf>

Appendix B: Pedestrian Stop Table for Virginia State Police

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-B-VSP-Stop-Table.pdf>

Appendix C: Pedestrian Stop Tables for Law Enforcement Agencies Serving Cities and Counties

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-C-City-County-Combined.pdf>

Appendix D: Pedestrian Stop Tables for Law Enforcement Agencies Serving Towns

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-D-Town.pdf>

Appendix E: Pedestrian Stop Tables for Other Law Enforcement Agencies

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-E-Other.pdf>

Appendix F: Agency Pedestrian Data Survey Instructions and Results

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-F-Combined.pdf>

Appendix G: Bias-Based Profiling Legislation (SB 5030) Effective July 1, 2021

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/cpad-appendices/2022/Appendix-G.pdf>

Appendix H: VSP Community Policing Data Collection Instructions and Tech. Specifications (V.4)

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/cpad-appendices/2022/Appendix-H.pdf>

Appendix I: FY22 Pedestrian Stop Analysis Pre-Aggregated Dataset

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-I-CPA-Preaggregated-Pedestrian-Analysis-Dataset.csv>

Appendix J: FY22 Pedestrian Stop Analysis Pre-Aggregated Dataset User Guide

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-J-FY22-CPA-Pedestrian-Data-User-Guide.pdf>

Appendix K: FY22 Pedestrian Stop Pre-Aggregated Dataset Data Dictionary

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-K-Pedestrian-Data-Dictionary.xlsx>

Appendix L: References

<https://www.dcls.virginia.gov/sites/dcls.virginia.gov/files/publications/research/pedestrian/2022/Appendix-L-References.pdf>