COMMONWEALTH of VIRGINIA

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December 18, 2023

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2023 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 ***2023 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 Baron Blakley, the Manager of our Criminal Justice Research Center, at baron.blakley@dcjs.virginia.gov, or (804) 786-3057.

Sincerely,

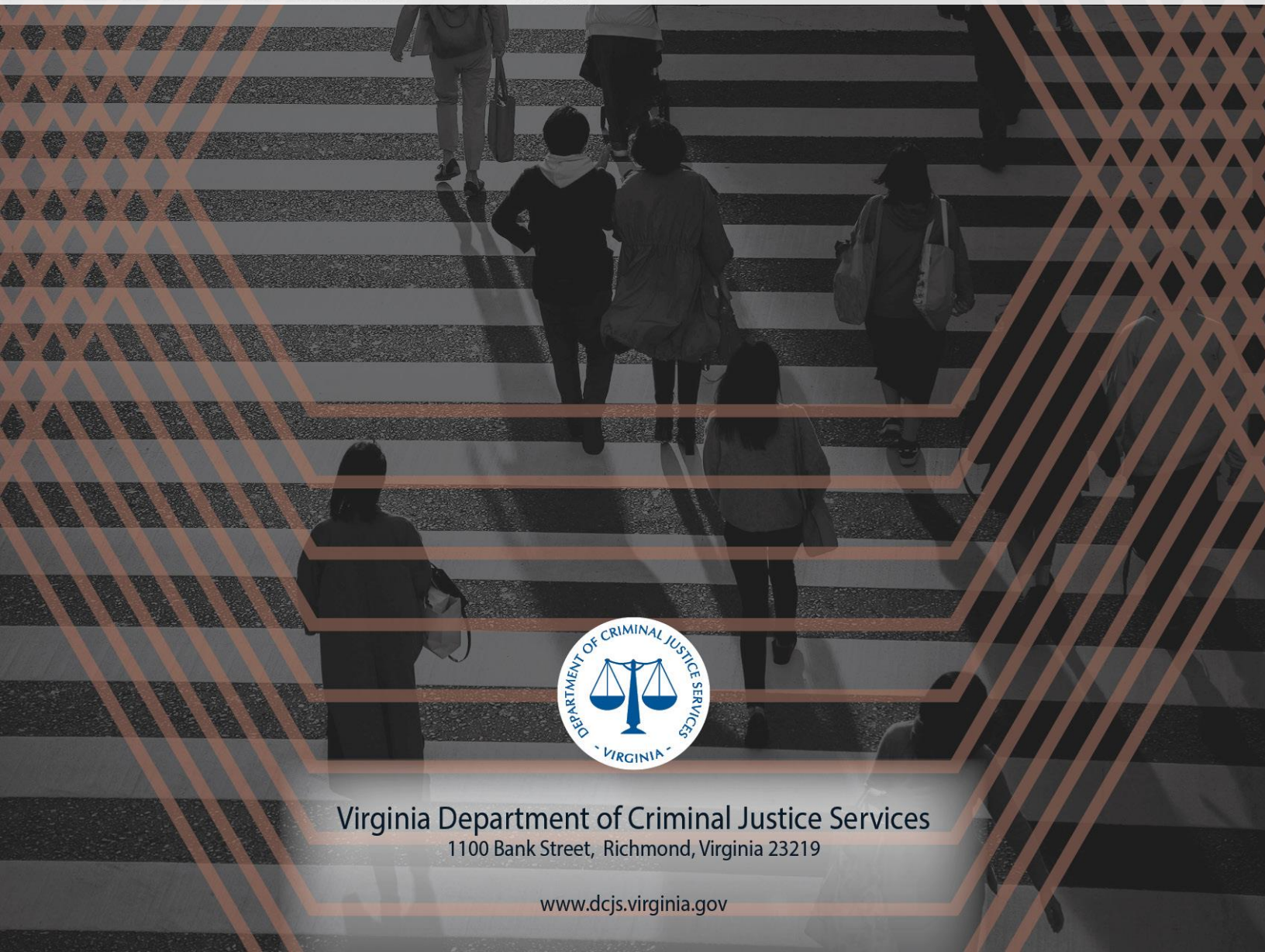
Jackson Miller
Director

Attachment

c: Terrance C. Cole, Secretary of Public Safety and Homeland Security

2023 Report on Analysis of Stops Collected under Virginia's Community Policing Act: PEDESTRIAN SUPPLEMENT

November 2023



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2022 Report on Analysis of Traffic Stop Data Collected under Virginia's Community Policing Act
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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 second year in which DCJS has analyzed and reported on pedestrian stop data.

This report, the "2023 Report on Analysis of Stops Collected under Virginia's Community Policing Act: Pedestrian Supplement" ("2023 Pedestrian Supplement" report) is a supplement to the "2023 Report on Analysis of Traffic Stop Data Collected Under Virginia's Community Policing Act" ("2023 Traffic Stop" report). This supplement contains descriptive findings on 7,413 statewide pedestrian stops from 155 law enforcement agencies (LEAs), collected by the Virginia State Police (VSP) for FY2023.

The Virginia Department of Criminal Justice Services' (DCJS) examination of the second year of reported pedestrian stop data includes a similar number of cases as were reported for FY2022, and the same limitations continue to restrict DCJS' ability to analyze and interpret the data. As noted in the DCJS 2023 report on traffic stop data collection, LEAs continue to face numerous challenges implementing the reporting mandate. Among these challenges are 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 supplement report reiterates recommendations to help address these challenges.

Because of these data limitations, **the contents of this report should be viewed more as describing the current state of the pedestrian stop reporting system, 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 data available for this second-year report. With that caveat in mind, the major findings from the data are:

- The majority (87.8%) of pedestrian stops continue to be Terry Stops or "Other" investigative type stops, although that is a decrease of 6.9% from the previous year's rate of 94.7%. 12.1% (901) of pedestrian stops were for a traffic or equipment violation, which was an increase from 5.3% (409) in FY2022. (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).
- The percentage of pedestrian stops resulting in no enforcement action being taken decreased from 30.7% to 22.8%. Conversely, the percentage of stops resulting in a warning (33.7%) or citation/summons (24%) increased proportionately.
- The percentage of subjects arrested decreased slightly to 19.5% (from 20.7%) of pedestrian stops. The percentage of subjects searched declined to 19.7% from the previous year's rate of 23.6%.
- Physical force by either party remained rare in pedestrian stops. Officer force against the subject of a stop was reported for only 1.2% of stops, and subject force against an officer was reported for only 1.1% of stops.

- Black subjects continue to be stopped at higher rates than White subjects. Although only 19.7% of Virginia's population aged 10+ in the dataset were Black, 43.8% of subjects stopped were Black.
- Although the percentage of stop subjects who had a search of their person conducted decreased overall, Black stop subjects continued to be searched at higher rates than White subjects. 23.7% of Black subjects were searched, compared to 14.6% of White subjects.
- Black subjects stopped were also arrested at higher rates than either White or Hispanic subjects. 25% of Black subjects were arrested, compared to 13.9% of White subjects and 21.9% of Hispanic 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 9.4% of subjects stopped.
- Hispanic stop subjects were searched at higher rates than White subjects. 26.6% of stopped Hispanic subjects had a search of their person conducted, compared to 14.6% of White subjects.
- Hispanic subjects stopped were arrested at higher rates than White subjects. 21.9% of stopped Hispanic subjects were arrested, compared to 13.9% of White subjects.
- American Indian/Alaskan Native and Asian/Pacific Islander subjects rarely occurred in the pedestrian stop dataset. Only 12 American Indian/Alaskan Native subjects, and 117 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 pedestrian stop data collection, DCJS continues to observe 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 pedestrian stop data collection.

Based on interviews conducted by DCJS and VSP with several Virginia LEA's, and findings from the FY2022 data collection survey, DCJS identified a number of recurring factors that appeared to be driving the variations seen in the reporting. To address these issues, and to generally improve DCJS's ability to meet the intent of the CPA legislation, DCJS reintroduces the following recommendations from the *2022 Pedestrian Supplement* report:

> ***PEDESTRIAN SUPPLEMENT RECOMMENDATION #1:*** *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.*
>
> ***PEDESTRIAN SUPPLEMENT RECOMMENDATION #2:*** *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 5.3" 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 or not to report them as Community Policing Act data.*

PEDESTRAIN SUPPLEMENT RECOMMENDATION #3: *Collect data on searches made for contraband during traffic stops, and the results of the searches, and add this data to the CPA database.*

Because the search rate among pedestrian stops is about ten times higher than for that for traffic stops, data on the results of each search is even more informative for the pedestrian dataset. Furthermore, information on the type of contraband yielded would allow DCJS to calculate how often Terry Stops uncover a weapon in the subject's possession.

PEDESTRAIN SUPPLEMENT RECOMMENDATION #4: *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 reports. 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.

DCJS also reintroduces the recommendation from the *2023 Traffic Stop* report in the context of the pedestrian dataset:

STANDING RECOMMENDATION: *The percentages and Disparity Indexes (DIs) presented in this report should not be interpreted to indicate that any individual law enforcement agency is practicing bias-based profiling. Given the limitations noted above, these figures should only be used to identify where the numbers indicate that certain ethnic/racial groups are being disproportionately stopped, which may bear further review to identify why this is occurring and whether any action should be considered to reduce or eliminate it.*

This is a standing recommendation given the limitations of the CPA's current data fields. In addition, any year-to-year comparison of CPA findings should take into consideration both methodological differences and external factors involved in each year's report.

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 (see Appendix F for legislative language). The Virginia 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 second 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 2023, 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 2022–June 2023, compared to the traffic report's date span of July 2022–March 2023. 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 any items immediately recognized as contraband, or evidence of a crime, discovered during a Terry Stop and arrest the individual based on such items.

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 data collection practices across the state.

While pedestrian stop data has not been collected and reported on as widely as traffic stop data on a national scale, there are a few key state and city mandates which have undertaken these efforts. Most notably, the New York City Police Department (NYPD) widely implemented a "stop and frisk" strategy in the 1990s. They have been publicly reporting "stop, question and frisk" data since 2002 (New York City Police Department, 2022). A 2007 study of roughly 175,000 NYPD pedestrian stops spanning January 1998 through March 1999, and benchmarking against 1990 Census data, found that "blacks and Hispanics represented 51% and 33% of the stops while representing only 26% and 24% of the New York City population" (Gelman, Fagan, & Kiss, 2007). In the 2013 federal lawsuit *Floyd et al. v. City of New York, et al.* the court reviewed stop data from January 2004 through June 2012 and ruled that NYPD's stop and frisk practices violated the fourth and fifteenth amendments due to racial profiling against black and Hispanic individuals. This ruling resulted in a court-appointed monitor overseeing the department's reform of stop and frisk practices. This monitor is still in place and most recently reported NYPD stop and frisk findings in June 2023 (*Nineteenth Report of the Independent Monitor,* 2023). Currently the NYPD has Neighborhood Safety Teams (NSTs) operating in 32 high-crime command areas to combat gun violence. Results regarding the lawful/unlawfullness of Terry stops performed by the NSTs are mixed.

On a statewide level, Illinois and Oregon collect and analyze pedestrian data as part of their annual racial profiling reports. A brief overview of their methods and results can help inform the current landscape of pedestrian stop data analysis.

Illinois began reporting statewide pedestrian stop data in 2016. Per 625 ILCS 5/11-212 of the Illinois statute code, pedestrian stop data is to be collected for every pedestrian detention in a public place, with "detention" defined as "all frisks, searches, summons, and arrests"[1]. In calendar year 2021, they reported 72,615 pedestrian stops – 94.4% of these stops originating from the Chicago Police Department. Statewide, 68% of these stops (49,079) involved black or African American subjects versus the same racial group comprising 14% of the benchmark population. For Hispanic subjects, this racial/ethnic group comprised 21% of stops (15,160) versus 17% of the benchmark population[2]. White pedestrians comprised 10% of stops (7,366) and 61% of the benchmark *(The Mountain-Whisper-Light: Statistics and Data Science,* 2021).

The authors of the Illinois report note several limitations to their findings. First, while the report gives 95% confidence intervals for stop rates and stop rate ratios (roughly equivalent to the disparity indices used in this report), these intervals "do not consider the error in estimating the driver and pedestrian

[1] The statute code can be referenced here: www.ilga.gov/legislation/ilcs/fulltext.asp?DocName=062500050K11-212.

[2] Statewide benchmarks for this analysis were developed using the US Census Bureau's 2020 decennial census data.

benchmark populations." Therefore, stop subjects who reside outside of the stop's jurisdiction lower the relevance of the benchmark estimates and corresponding confidence intervals. Secondly, the report mentions that officers may perceive a subject's race differently than the subject self-identifies for census purposes, and that stop rates for racial groups can be influenced by the residential race distribution of officer beat assignments and high priority patrol areas. They also highlight that 59% of law enforcement agencies across the state were non-compliant in reporting their pedestrian stops, and that many other agencies reported relatively small numbers of stops, which increase the uncertainty involved in analysis. Finally, they mention the potential for sampling error within the *American Community Survey* estimates used to construct population benchmarks (which this DCJS report also uses), especially given the higher variability of smaller groups such as American Indian/Alaska Native. Due to these limitations, the report concludes that "if a stop rate ratio comparing a racial group to Whites differs substantially from 1.0, that may be the basis for further inquiry but does not prove that there is racial profiling" and "racial profiling cannot be proved by the numeric results in this report" *(The Mountain-Whisper-Light: Statistics and Data Science,* 2021).

The Oregon Criminal Justice Commission began reporting statewide pedestrian stop data in 2019 (Oregon Criminal Justice Commission, 2019). As with this report, their analysis excludes "Calls for Service" to focus on officer-initiated stops. Oregon's 2021 pedestrian data consisted of 14,141 stops with 86% White subjects, 7% Hispanic subjects, and 3% Black subjects (Oregon Criminal Justice Commission, 2021). To manage the administrative challenges of collection and reporting for smaller agencies, they used a three-tiered reporting schedule in which larger agencies (100 or more officers) began reporting in the first year, mid-sized agencies (25–99 officers) began in the second year, and small agencies (1–24 officers) began reporting in the third year. Oregon's pedestrian stop data is combined with traffic stop data for analyses and does not present any pedestrian-exclusive benchmarking. In the report's "Limitations" section, the Commission notes that the analyses can only identify disparities in police interactions by race and those analyses "cannot be used either as absolute proof that a law enforcement agency engaged in racially biased conduct or as disproof of racially biased conduct." They also state that because the data is reported on an agency level rather than an officer level, the findings can only detect disparities across an entire law enforcement agency or at a larger level of aggregation. Finally, the report caveats that stop volumes presented in the 2021 report may have been lower due to COVID-19 reducing the number of stops officers perform. All of these considerations similarly apply to Virginia's analyses within this report.

Pedestrian data collection efforts outside of Virginia demonstrate that racial profiling trends are possible, but also confirm that many limitations to interpretation of findings are not unique to Virginia. Furthermore, evidence from these external analyses does not imply that Virginia's data will yield the same results.

CPA Data Element History and Incorporation of Pedestrian Stops

The pedestrian data is derived from the same collection and reporting process as the *Traffic Stop* report. To accommodate pedestrian records in the Community Policing Act (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* 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 *2023 Traffic Stop* report). As such, agency-level Disparity Indices (DI) for stop type, action taken, search, and force variables have not been calculated for this year's sample, only the DI for overall stop volume by race was calculated. For reference purposes, population estimates for each agency's jurisdiction are still provided in their corresponding agency tables when available[3].

[3] These estimates use the same data as the *2023 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 FY2023 Virginia Community Policing Act data from VSP in August 2022 via a secure electronic file transfer process, and eventually received a total of 23,644 stop records with the pedestrian value for "Person Type" for the period from July 1, 2022 through June 30, 2023. 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 summarizes 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 5.3).*

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.

Table 1. Records Excluded from Pedestrian Stop Analysis

Data Element	*Criteria for DCJS Analysis Dataset*	*Number of records null or out of bounds*	*Total number of records to exclude*
Incident Date	Between 7/1/2022 and 6/30/2023	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)	10,842 "C" (Call for Service); 79 "P" (Checkpoint)	10,921
Age	10 or greater	388 age=0 (unknown); 5 age between 1 and 9 Missing=1	394
Person Type	Value "F" (Pedestrian/Individual)	4,630 "P" (Passenger)	4,630
Race	Values "A", "B", "I", "W" (Asian, Black, American Indian, White); "U" (Unknown) included if Ethnicity is "H" (Hispanic)	205 "U" (and not Ethnicity "H")	205
Record Duplicates	All values exact match with 1 or more other records	81	81
Total Records Excluded from Analysis			16,231

Due to low relevance, of 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.

To be consistent with the methods of the *2023 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, 16,231 of the original 23,644 records were excluded, leaving a final statewide analysis dataset containing a total of 7,413 records on pedestrian subjects age 10 and older that were stopped by Virginia LEAs from July 1, 2022 through June 30, 2023. These records were based on the VSP CPA file finalized on September 20, 2023.

Limitations of Data

Many of the limitations mentioned in the *2023 Traffic Stop* report also pertain to the pedestrian data. This is the second 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 FY2023 pedestrian stop records were marked "Call for Service" as 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. 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 (Appendix A), Virginia State Police table (Appendix B), and each agency's stop data table (Appendices C–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.

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 "Reasons for Variations in Numbers of Pedestrian Stops Reported by LEAs" section of this supplement report for a summary of this survey and its findings.

Analysis of Pedestrian Stops: Statewide

Overview of Statewide Pedestrian Stops

In total, 7,413 pedestrian stops made in Virginia were analyzed, representing all stops with full data reported by VSP and 154 other Police Departments and Sheriff's Offices for the 12-month period from July 1, 2022 through June 30, 2023.

- The majority (87.8%) of pedestrian stops continue to be Terry Stops or "Other" investigative type stops, although that is a decrease of 6.9% from the previous year's rate of 94.7%. 2.1% (901) of pedestrian stops were for a traffic or equipment violation, which is an increase from the 2022 rate of 5.3% (409).
- The percentage of pedestrian stops resulting in no enforcement action being taken decreased from 30.7% to 22.8%. Conversely the percentage of stops resulting in a warning (33.7%) or citation/summons (24%) increased proportionately
- The percentage of subjects arrested decreased slightly to 19.5% of pedestrian stops. The percentage of subjects searched declined to 19.7% from the previous year's rate of 23.6%.
- Physical force by either party remained rare in pedestrian stops. Officer force against the subject of a stop was reported for only 1.2% of stops, and subject force against an officer was reported for only 1.1% of stops.

Subject Racial/Ethnicity Analysis of Statewide Traffic Stops

- During the 2023 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 were Black, 43.8% of subjects stopped were Black.
- Although the percentage of stop subjects who had a search of their person conducted decreased overall, Black stop subjects continued to be searched at higher rates than White subjects. 23.7% of Black subjects were searched, compared to 14.6% of White subjects.
- Black subjects stopped were also arrested at higher rates than either White or Hispanic subjects. 25% of Black subjects were arrested, compared to 13.9% of White subjects and 21.9% of Hispanic 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 9.4% of subjects stopped.
- Hispanic stop subjects were searched at higher rates than White subjects. 26.6% of Hispanic subjects who were stopped had a search of their person conducted, compared to 14.6% of White subjects.
- Hispanic stop subjects were also arrested at higher rates than White subjects. 21.9% of stopped Hispanic subjects were arrested, compared to 13.9% of White subjects.
- American Indian/Alaskan Native and Asian/Pacific Islander subjects occurred very rarely in the pedestrian stop dataset. Only 12 American Indian/Alaskan Native subjects and 117 Asian/Pacific Islander subjects were recorded. 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.

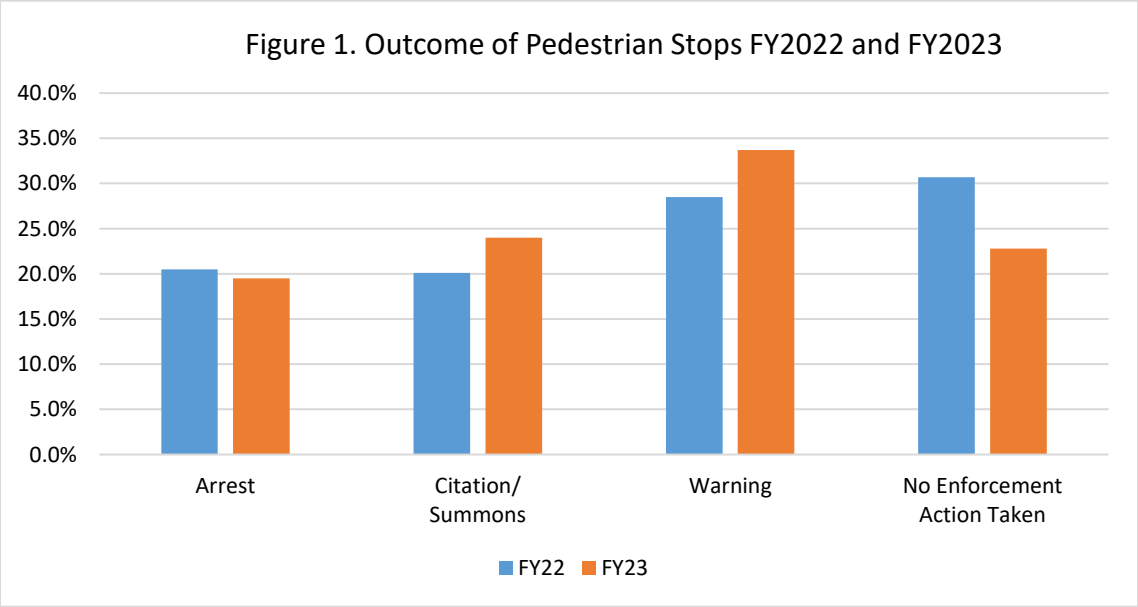
Outcomes of Subject Stops

Table 2 provides a breakdown of the outcomes for the 7,413 pedestrian stops.

Table 2. Outcomes of Subject Stops, Virginia Statewide		
	All Subjects	
Action Taken	*Number*	*Percent*
Subject arrested	1,447	19.5%
Citation/summons issued	1,779	24.0%
Warning issued	2,498	33.7%
No enforcement action	1,689	22.8%
Grand Total	7,413	100.0%

The most frequent outcome of a pedestrian stop was issuance of a warning (33.7%, or 2,498 stops) which replaced no enforcement action taken as the most likely stop outcome from the previous year. A citation/summons was issued in 24.0% (1,779) of stops, and no action was taken in 22.8% (1,689) of stops. Arrest of the stop subject was the least likely outcome of a pedestrian stop with 19.5% (1,447) of stops resulting in an arrest.

Figure 1 shows a shift toward an increase in law enforcement action taken during pedestrian stops in FY2023 compared to FY2022.



Reasons for Subject Stops

Table 3 shows a breakdown of the reasons for the 7,413 pedestrian stops statewide.

Table 3. Reasons for Pedestrian Stops, Virginia Statewide		
	All Subjects	
Reason for Stop	*Number*	*Percent*
Violation Total	901	12.1%
Traffic Violation	839	11.3%
Equipment Violation	62	0.8%
Investigative Total	6,512	87.8%
Other Non-consensual	4,168	56.2%
Terry Stop	2,344	31.6%
Grand Total	7,413	100.0%

Nearly 88% (6,512) of all stops reported were made for Investigative "Other Non-Consensual" or Terry 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 12.1% 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 incorrectly 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.

Demographics of Pedestrians 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 *2023 Traffic Stop* report.

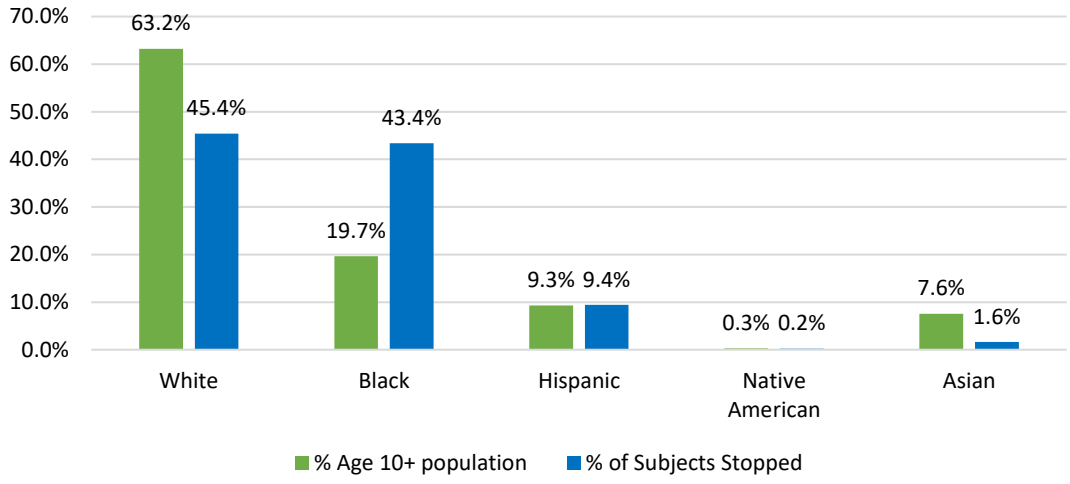
Table 4 shows a breakdown of the race/ethnicity of the 7,413 subjects stopped by Virginia law enforcement from July 1, 2022 through June 30, 2023.

Table 4. Race/Ethnicity of Subjects Stopped, Virginia Statewide		
Race/Ethnicity	*Number*	*Percent*
White	3,369	45.4%
Black	3,220	43.4%
Hispanic (any race)	695	9.4%
Asian	117	1.6%
American Indian	12	0.2%
Grand Total	7,413	100.0%

White subjects made up nearly half (45.4%) of all subjects stopped statewide. Black subjects made up slightly less (43.4%), Hispanic subjects made up 9.4%, Asian subjects made up 1.6%, and American Indian subjects made up 0.2% of the subjects.

Figure 2 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.

Figure 2. Percent of Subjects Stopped vs Estimated Percent of Population Age 10+, Virginia Statewide



As can be seen in Figure 2, although only 19.7% of Virginia's age-equivalent population is Black, 43.4% of the subjects stopped by law enforcement were Black. Hispanic and Native American subjects were represented proportionate to their share of the age-equivalent population (9.4% and 0.2%, respectively). White subjects were stopped at a rate lower than their share of the age-equivalent population (45.4%) as were Asian subjects (1.6%).

Gender of Subjects by Race/Ethnicity

Table 5 presents the gender of all subjects stopped, by race/ethnicity.

Table 5. Gender of Subjects Stopped, by Race/Ethnicity, Virginia Statewide						
Gender	*White*		*Black*		*Hispanic (any race)*	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
Male	2,528	75.0%	2,504	77.8%	570	82.0%
Female	840	24.9%	714	22.2%	123	17.7%
Other	1	0.0%	2	0.1%	2	0.3%
Total	3,369	100.0%	3,220	100.0%	695	100.0%
	American Indian		*Asian*		*Total*	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
Male	10	83.3%	82	70.1%	5694	76.8%
Female	2	16.7%	34	29.1%	1713	23.1%
Other	0	0.0%	1	0.9%	1	0.0%
Total	12	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 (75.0%) and Black (77.8%) subjects. Males made up a somewhat higher percentage of Hispanic (82.0%) and American Indian (83.3%) subjects stopped, while Asian (70.1%) subjects had the lowest percentage of male subjects

Age of Subjects by Race/Ethnicity

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

Table 6. Age of Subjects Stopped, by Race/Ethnicity, Virginia Statewide						
Age	*White*		*Black*		*Hispanic (any race)*	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
10 to 24	963	28.6%	1000	31.1%	272	39.1%
25 to 34	746	22.1%	935	29.0%	183	26.3%
35 to 44	750	22.3%	556	17.3%	136	19.6%
45 to 54	432	12.8%	356	11.1%	63	9.1%
55 to 64	329	9.8%	293	9.1%	31	4.5%
65 and older	149	4.4%	80	2.5%	10	1.4%
Total	3,369	100.0%	3,220	100.0%	695	100.0%
	American Indian		*Asian*		*Total*	
	# of stops	% of stops	# of stops	% of stops	# of stops	% of stops
10 to 24	2	16.7%	48	41.0%	2,285	30.8%
25 to 34	4	33.3%	19	16.2%	1,887	25.5%
35 to 44	2	16.7%	24	20.5%	1,468	19.8%
45 to 54	3	25.0%	9	7.7%	863	11.8%
55 to 64	0	0.0%	10	8.5%	663	8.8%
65 and older	1	8.3%	7	6.0%	247	3.3%
Total	12	100.0%	117	100.0%	7,413	100.0%

Younger subjects (age 10–34) made up 50.7% of White subjects and 50% of American Indian subjects stopped. A higher percentage of Black (60.1%) subjects and of Hispanic (65.4%) subjects were also in the younger age bracket. White and Asian subjects had a higher percentage of subjects over age 55 stopped compared to Hispanic and Black subjects.

English Speaking Status of Subjects

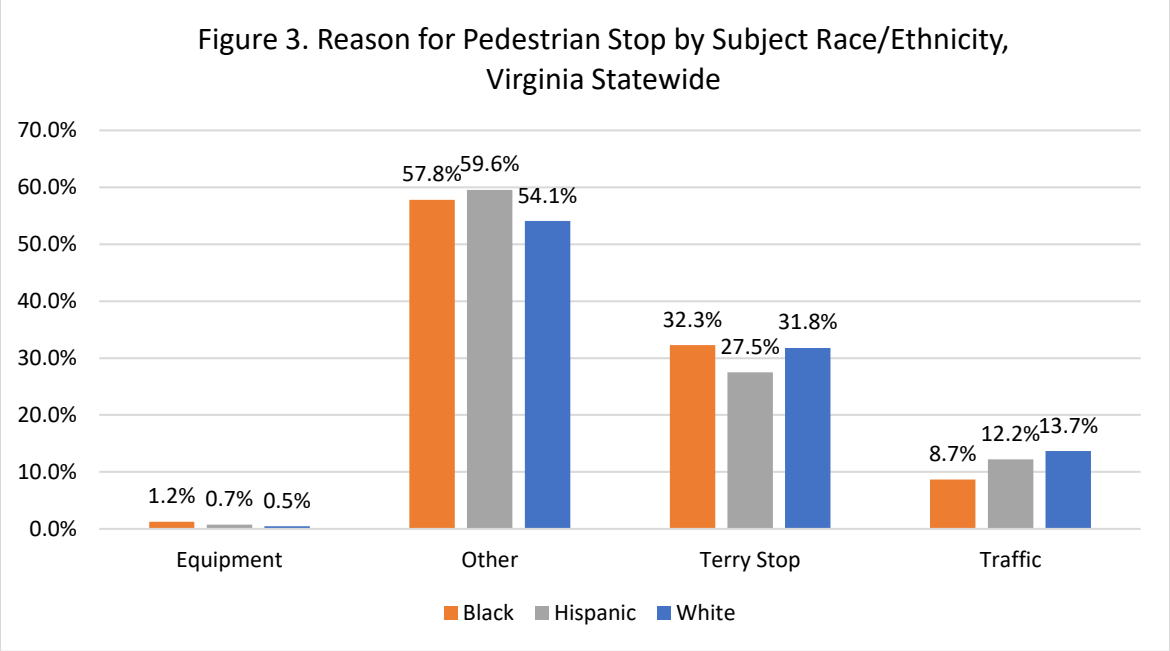
Table 7 presents the English speaking status of subjects stopped.

Table 7. English Speaking Status of Subject, Virginia Statewide		
English Speaking Subject	*Number*	*Percent*
Yes	7,094	95.7%
No	319	4.3%
Grand Total	7,413	100.0%

The CPA data includes a field on whether the stop subject speaks English (per the officer's observation). While the majority of subjects stopped (95.7%) spoke English, this was a decrease from (97.3%) in FY2022. Subjects reported to not speak English saw a reciprocal increase of 1.6% resulting in 4.3% of the total number of pedestrian stops.

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. For "Other" violations, Hispanic (59.6%) subjects were stopped at a slightly higher rate compared to Black subjects (57.8%) and White subjects (54.1%). For Terry stops, however, Black subjects were stopped at a rate (32.3%) similar to White subjects (31.8%), with Hispanic (27.5%)

subjects somewhat less likely to be Terry stopped. 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.

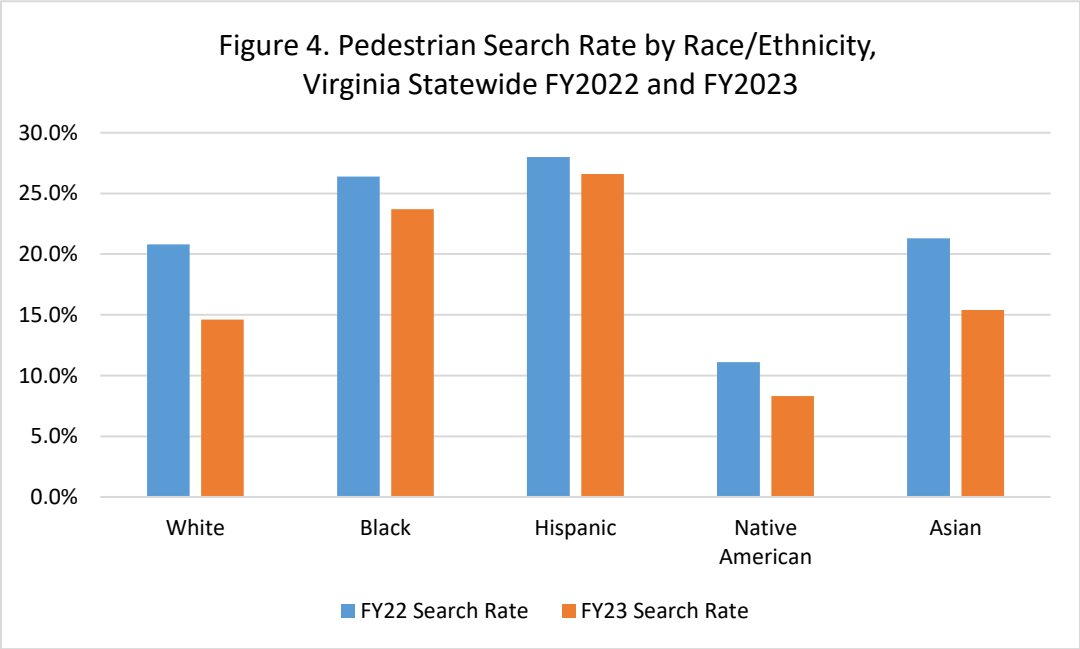
Subject Searches

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?

Table 8 shows a breakdown of searches made during pedestrian stops.

Table 8. Subject Searches, Virginia Statewide		
	All Subjects	
Search Status	*Number*	*Percent*
No Search	5,954	80.3%
Subject Searched	1,459	19.7%
Grand Total	7,413	100.0%

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). Nearly one fifth (1,459) of the 7,413 stops made resulted in law enforcement searching the subject. Compared to FY2022, search rates across all ethnic groups have decreased.



Overall, searches of subjects occurred in 19.7% of pedestrian stops, a decrease from 23.6% from FY2022. As shown in Figure 4, Black and Hispanic subjects who were stopped were searched at higher rates than White subjects. 14.6% (493 out of 3,369) of stops of White subjects resulted in a search, whereas 23.7% (762 out of 3,220) of stops of Black subjects and 26.6% (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 (15.4%, 18 out of 117), and the small sample of American Indian subjects were searched about half as often as White subjects (8.3%, 1 out of 12).

Use of Force

Use of physical force was rare among stops. Table 9 presents the percentage of officer against subject, subject against officer, or both, that occurred in these cases.

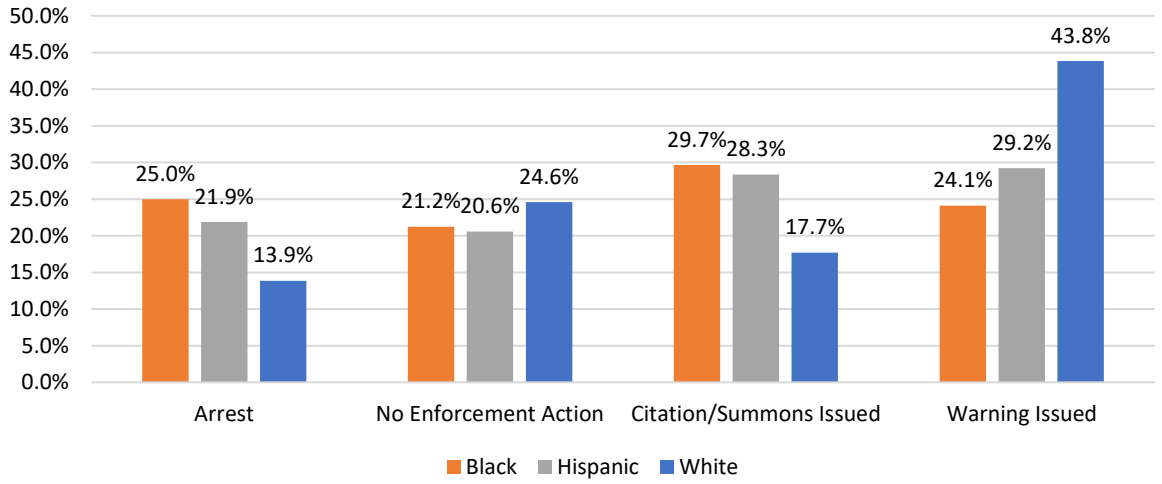
Table 9. Use of Physical Force		
Type of Force	*Number of Stops*	*Percent of Stops With Force Reported*
Officer Against Subject Only	22	20.8%
Subject Against Officer Only	16	15.1%
Both	68	64.2%
Any Physical Force	106	100.0%

Instances of either officer force against subject or subject force against officer decreased by one fifth to a level of 1.4% of all pedestrian stops (106 cases). Use of force counts by race/ethnicity can be found in the statewide summary table (Table 11) and the Virginia State Police and other law enforcement agency tables in Appendices B–E.

Outcome of Pedestrian Stops, by Subject Race/Ethnicity

Figure 5 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.

Figure 5. Outcome of Pedestrian Stop by Subject Race/Ethnicity, Virginia Statewide



Issuance of a warning was the most frequent outcome of a pedestrian stop for White subjects (43.8% of stops). Hispanic subjects were nearly equally likely to either be issued a citation/summons (28.3%) or receive a warning (29.2%). Issuance of a citation/summons was a slightly more frequent outcome for Black subjects (29.7% of the time).

Overall, 20.7% of pedestrian stops resulted in an arrest of the subject. Although an arrest occurred in 13.9% of White subject stops (a decrease from 17.9% in FY2022), stops resulting in an arrest increased

slightly to 25% (from 23.6%) of Black subjects and decreased slightly to 21.9% (from 24.1%) of Hispanic subjects.

Black and Hispanic subjects were issued summons/citations more often (29.7% and 28.3%, respectively) compared to White subjects (17.7%).

Statewide Disparity Index (DI)

To provide a standardized method for comparing disparities between different racial/ethnic groups in traffic stops, DCJS calculated a Disparity 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 Disparity Index (DI)

DI Range	Pedestrian Stop DI Interpretation Used in Report
1.0 or less	Subject group had *no overrepresentation* or is *underrepresented* in stops when compared to its proportion of the population age 10+
1.1–1.9	Subject group had *moderate overrepresentation* in stops compared to its proportion of the population age 10+
2.0 or higher	Subject group had *high overrepresentation* 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 "Population Demographics" section shows that Black individuals made up 19.65% of Virginia's population aged 10 and older, yet the "Subjects Stopped" section of the table shows that they made up 43.44% 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 2.2 for Black subjects statewide (43.44%/19.65% = 2.2).

For another example of how the data in Table 11 is presented, the "Outcome of Stop" section of the table shows that although Black subjects made up 43.44% of the subjects stopped in Virginia, they made up 55.63% 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 1.3 for Black subjects statewide (55.63.%/43.44%= 1.3).

Two racial/ethnic groups had especially low volumes of pedestrian stops reported – 117 stops of Asian subjects, and only 12 stops of American Indian subjects. Because of the small numbers of these subjects reported, DIs for these groups are especially prone to uncertainty in interpreting general stop trends. Instances of this are more pronounced in the specific agency stop volume tables in Appendices B–E. As a hypothetical example, if there was an instance where a single American Indian was involved in an officer use of force against the subject stop, then the DI for this category would be an extremely high 6.9 (1.11% of officer force incidents/0.16% of total stops). Just because one of the 12 stops of American Indian subjects involved officer force, this does not mean that over the course of 1200 stops of American Indian subjects, 111 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, 2022–June 30, 2023

	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	7,413	3,369	3,220	695	12	117
Percent of Subjects Age 10+ Stopped	100.00%	45.45%	43.44%	9.38%	0.16%	1.58%
Disparity Index		0.7	2.2	1.0	0.5	0.2
Number of Stop Events (Analysis Only)	7,413	~	~	~	~	~
Reason for Stop						
Number of Calls for Service (Excluded from Analysis)	10,624	4648	4952	879	16	129
Percent Calls for Service	100.00%	43.75%	46.61%	8.27%	0.15%	1.21%
Number Stopped for Traffic Violation	839	460	279	85	1	14
Percent Stopped for Traffic Violation	100.00%	54.83%	33.25%	10.13%	0.12%	1.67%
Disparity Index		1.2	0.8	1.1	0.7	1.1
Number Stopped for Equipment Violation	62	16	40	5	0	1
1Percent Stopped for Equipment Violation	100.00%	25.81%	64.52%	8.06%	0.00%	1.61%
Disparity Index		0.6	1.5	0.9	~	1.0
Number Stopped for Terry Stop	2,344	1,071	1,039	191	5	38
Percent Stopped for Terry Stop	100.00%	45.69%	44.33%	8.15%	0.21%	1.62%
Disparity Index		1.0	1.0	0.9	1.3	1.0
Number Stopped for Other Reason	4,168	1,822	1,862	414	6	64
Percent Stopped for Other Reason	100.00%	43.71%	44.67%	9.93%	0.14%	1.54%
Disparity Index		1.0	1.0	1.1	0.9	1.0
Outcome of Stop						
Number of Stops with Warning Issued	2,498	1,477	776	203	4	38
Percent of Stops with Warning Issued	100.00%	59.13%	31.06%	8.13%	0.16%	1.52%
Disparity Index		1.3	0.7	0.9	1.0	1.0
Number of Stops with Citation/Summons issued	1,779	596	955	197	1	30
Percent of Stops with Citation/Summons issued	100.00%	33.50%	53.68%	11.07%	0.06%	1.69%
Disparity Index		0.7	1.2	1.2	0.3	1.1
Number of Stops with Subject Arrested	1,447	467	805	152	4	19
Percent of Stops with Subject Arrested	100.00%	32.27%	55.63%	10.50%	0.28%	1.31%
Disparity Index		0.7	1.3	1.1	1.7	0.8
Number of Stops with No Enforcement Action	1,689	829	684	143	3	30
Percent of Stops with No Enforcement Action	100.00%	49.08%	40.50%	8.47%	0.18%	1.87%
Disparity Index		1.1	0.9	0.9	1.1	1.1
Additional Details of Stop						
Number of Stops with Subject Search	1,459	493	762	185	**1**	18
Percent of Stops with Subject Search	100.00%	33.79%	52.23%	12.68%	**0.07%**	1.23%
Disparity Index		0.7	1.2	1.4	**0.4**	0.8
Number of Stops with Office Force Against Subject	90	21	57	11	0	1
Percent of Stops with Office Force Against Subject	100.00%	23.33%	63.33%	12.22%	0.00%	1.11%
Disparity Index		0.5	1.5	1.3	~	0.7
Number of Stops with Subject Force Against Officer	84	21	52	10	0	1
Percent of Stops with Subject Force Against Officer	100.00%	25.00%	61.90%	11.90%	0.00%	1.19%
Disparity Index		0.6	1.4	1.3	~	0.8

Data sources:

Community Policing Data Collection, Virginia Department of State Police, August 2023.

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 report to the *2023 Traffick Stop* 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 FY2023 is included in Appendix H (with accompanying resources for the dataset in Appendices I and K–J).

Reasons for Variations in Numbers of Pedestrian Stops Reported by LEAs

Because last year's FY2022 pedestrian stop data showed large variations in the numbers of stops reported by LEAs (even after accounting for differences in LEA size and local population), DCJS surveyed the 365 LEAs to ask what factors the agencies believed could contribute to their agency reporting relatively high or low numbers of pedestrian stops. 197 (54%) of the 365 LEAs responded to the survey. Of these, 101 LEAs reported making at least one pedestrian stop during the reporting period.

Table 12 lists each of the contributing factors cited in the survey, the percentage of agencies citing that factor, and whether that factor would trend toward higher or lower stop data collection volumes. 64% of the LEAs reported at least one factor that would trend toward lower pedestrian stop volumes, and 53% of LEAs reported at least one factor that would trend toward higher pedestrian stop volumes.

Table 12: Pedestrian Stop Data Collection Factors LEA Survey Results

Factor Description	*Percent of LEAs Citing Factor*	*Collection Volume Trend*
Stops that result in No Enforcement Action are less likely to be collected.	37%	Lower
Non "stop and frisks" resulting in arrest or summons are not collected or are under-collected.	13%	Lower
Not all officers are consistently able to collect/report pedestrian stops.	14%	Lower
Specific offenses are systematically not collected or under-collected.	< 1%	Lower
Person Searched field is not always marked "Y" (Yes) for stops with a search.	1%	Lower
Pedestrian stops are sometimes recorded as traffic ("Person Type" "D" or "P").	16%	Lower
Cases logged as "Call for Service" include officer-initiated stops.	24%	Lower
Data includes only pedestrian subjects who are part of public foot traffic.	11%	Lower
Data include cases where reason for stop was not "investigatory" per the VSP guidance (service of existing warrant, eviction, etc.).	16%	Higher
Data includes consensual subject encounters.	21%	Higher
Some Stops that are not officer-initiated are not logged as "Call for Service".	15%	Higher
Traffic stops sometimes recorded as pedestrian ("Person Type" "F").	1%	Higher
CPA Record System duplicates stop records per each charge/suspected offense.	< 1%	Higher
Stops of mopeds, motorized scooters, bicycles, etc. would generally be recorded as Pedestrian.	7%	Higher
Departmental decision to err to the side of "over-collection" given uncertainty of investigatory detention definition.	19%	Higher

Among the 64% of the 101 LEAs citing at least one factor influencing lower reported stop volumes, the most commonly reported factor was "Stops that result in No Enforcement Action are less likely to be collected" (cited by 37% of LEAs).

Among the 53% of the 101 LEAs citing at least one factor influencing higher reported stop volumes, the most commonly reported factor was "Data includes consensual subject encounters" (cited by 21% of LEAs).

Given the frequency of the factors that could contribute to higher or lower reporting volumes among LEAs, DCJS discourages agency-to-agency comparisons of pedestrian stop data presented in this report. These factors may affect not only the numbers of stops reported for each agency, but also the numbers and racial distributions of searches and arrests reported following a stop. The CPA data can only be used for comparisons of *actual stop volume* once issues of *stop collection volume* have been identified and resolved.

The DCJS survey of LEAs also asked them to describe what "Other Factors" (not listed in Table 12) could influence whether their agency might report a relatively high or low number of pedestrian stops. Their responses included the following:

- *Rural vs. urban population*: Cities tend to have a higher foot traffic density than towns and other rural areas, leading to a higher pool of potential stop subjects for LEAs serving cities.
- *Primary vs. secondary law enforcement agency*: Some agencies' (especially Sheriff's Offices) primary functions in the locality are limited to services such as jail security, court security, and civil process, while a separate primary department handles the criminal investigative work. These secondary agencies tend to perform a small number of pedestrian stops.
- *College jurisdictions and tourist destinations*: Areas with a college student population or major tourist attractions tend to have seasonal pedestrian increases, especially in small towns and other less populated areas. Other LEAs cited school closures due to COVID-19 as causing significant temporary decreases in foot traffic in their jurisdiction, leading to fewer stops. Additionally, localities with campus-exclusive LEAs may result in the campus-exclusive agency performing most of the locality's pedestrian stops.
- *Community College Agencies*: LEAs exclusively serving community colleges may have a mainly commuter, not pedestrian population, which could lead to fewer pedestrian stops.
- *Fluctuations in staffing*: LEAs tend to perform fewer stops when they are below their full sworn officer capacity.

For a more complete discussion of the DCJS survey and findings regarding factors influencing how LEAs collect and report pedestrian stop data, refer to the DCJS *2022 Report on Analysis of Stops Collected under Virginia's Community Policing Act: Pedestrian Supplement* – November 30, 2022. https://rga.lis.virginia.gov/Published/2023/RD68.

Conclusions/Recommendations

The overarching conclusion of this report supplement is that the FY2023 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. For this reason, many comparative charts and tables used in the *2023 Traffic Stop* report were not created for this pedestrian supplement report. 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 as the pedestrian stop data collection.

DCJS Steps for Future Reporting

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

Assist VSP in further developing pedestrian-focused training and documentation
A major finding of the previously mentioned FY2022 pedestrian survey is that data collection practices were not standardized across Virginia. These findings were shared with the VSP Data Analysis and Reporting Team (DART), so that new training and documentation could be tailored to the challenges identified in the findings. Training was provided over the course of FY2023 and data quality improved with regard to missing data points and incorrect coding. The *CPA Collection Instructions and Technical Specifications (Version 5.3)* were updated to clarify pedestrian collection scenarios. Additionally, DCJS and VSP can jointly develop additional pedestrian-specific training on data 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 data 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 FY2024 targeted to Virginia LEAs who need additional resources to comply with the Community Policing Act.

Recommendations

In this *2023 Pedestrian Supplement* report, DCJS reintroduces four recommendations from the *2022 Pedestrian Supplement* report.

PEDESTRIAN SUPPLEMENT RECOMMENDATION #1: *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.

PEDESTRIAN SUPPLEMENT RECOMMENDATION #2: *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 *2023 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 "Call 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.

PEDESTRAIN SUPPLEMENT RECOMMENDATION #3: *Collect data on searches made for contraband during traffic stops, and the results of the searches, and add this data to the CPA database.*

Because the search rate among pedestrian stops is about ten times higher than for that for traffic stops, data on the results of each search is even more informative for the pedestrian dataset. Furthermore, information on the type of contraband yielded would allow DCJS to calculate how often Terry Stops uncover a weapon in the subject's possession.

PEDESTRIAN SUPPLEMENT RECOMMENDATION #4: *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 reports. 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.

DCJS also reintroduces the recommendations from the *2023 Traffic Stop* report in the context of the pedestrian dataset:

STANDING RECOMMENDATION: *The percentages and Disparity Indexes (DIs) presented in this report should not be interpreted to indicate that any individual law enforcement agency is practicing bias-based profiling. Given the limitations noted above, these figures should only be used to identify where the numbers indicate that certain ethnic/racial groups are being disproportionately stopped, which may bear further review to identify why this is occurring and whether any action should be considered to reduce or eliminate it.*

> This is a standing recommendation given the limitations of the CPA's current data fields. In addition, any year to-year comparison of CPA findings should take into consideration both methodological differences and external factors involved in each year's report.

RECOMMENDATION: *For the DCJS 2024 CPA report, local resident analyses should be broken out for Town agencies and benchmarked against county-level census-derived benchmark estimates.*

> Effective July 1, 2023, the *VSP Community Policing Data Instructions and Technical Specifications Version 5.3* have revised value "R" for the Residency data element from "Resident of town/city/county of stop" to "Resident of city/county of stop." This change removes a degree of ambiguity from the residency coding of Town agency data – for the 2023 analysis, DCJS was unable to distinguish cases where a Town agency had marked "R" referring to town residency vs. county residency, which rendered the Residency field problematic for Town agency level analysis. With "town" removed as a possible descriptor in the "R" value, DCJS can more confidently categorize these cases as local county residents and follow the same benchmarking process as the City and County agencies accordingly.
>
> A key assumption to this approach is that in the typical Virginia town, local county drivers are intermixed with the town's drivers enough that the town's driving population closely resembles its overall county's driving population. Anecdotally, feedback along these lines is what led to the Residency value change in the version 5.3 VSP technical specifications. However, DCJS could consult with VSP, town agencies reporting traffic stops and academic/demographic institutions working in the field of criminal justice research to develop testing and pre-implementation thresholds to validate this assumption.

This recommendation does not require new legislative action or executive action beyond agency implementation.

Appendices *(available online)*

Appendix A: Pedestrian Stop Volumes by Agency

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-A-Statewide-Pedestrian-Stop-Volume-by-Agency.pdf

Appendix B: Pedestrian Stop Table for Virginia State Police

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-B-VSP-Stop-Table.pdf

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

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-C-City-County-Combined.pdf

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

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-D-Town.pdf

Appendix E: Pedestrian Stop Tables for Other Law Enforcement Agencies

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-E-Other.pdf

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

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-F-Bias-Based-Profiling-Legislation.pdf

Appendix G: *VSP Community Policing Data Collection Instructions and Tech. Specifications (V.5.3)*

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/cpad-appendices/2023/Appendix-G.pdf

Appendix H: FY2022 Pedestrian Stop Analysis Pre-Aggregated Dataset

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-H-Pedestrian-Stop-Analysis-Pre-aggregated-Dataset.xlsx.csv

Appendix I: *FY2022 Pedestrian Stop Analysis Pre-Aggregated Dataset User Guide*

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-I-FY23-CPA-Pedestrian-Data-User-Guide.pdf

Appendix J: FY2022 Pedestrian Stop Pre-Aggregated Dataset Data Dictionary

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-J-Pedestrian-Data-Dictionary.pdf

Appendix K: References

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-K-References.pdf

Appendix L: Agencies Not Reporting

https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/research/pedestrian/2023/Appendix-L-Agencies-Not-Reporting.pdf