



Advocates for Basic  
Legal Equality, Inc.

DAYTON OFFICE

130 W. Second St.  
Suite 700 West  
Dayton, OH 45402

In Dayton:  
(937) 228-8104

Toll-free:  
(800) 837-0814

Fax: (937) 259-2880

TTY: (888)837-4600

[www.ablelaw.org](http://www.ablelaw.org)

# Who Gets Stopped in Oakwood? The Racial Divide

BY ELLIS JACOBS, SENIOR ATTORNEY, ADVOCATES FOR BASIC LEGAL EQUALITY  
and  
MARTHA HURLEY, PROFESSOR AND DIRECTOR OF THE CRIMINAL JUSTICE STUDIES  
PROGRAM UNIVERSITY OF DAYTON

For years, many people in the Dayton area have been concerned that African-American drivers were stopped at a disproportionate rate when they drove through Oakwood.

Indeed, in 2001, the *Dayton Daily News* did a study of traffic stops in Oakwood. It found that 18.4% of drivers who got tickets in Oakwood were African-American while less than .5% of the residents of Oakwood were African-American. (*Dayton Daily News*, “Oakwood Cites High Percentage of Blacks,” Mara Lee, March 1, 2001.) In response to the articles and community pressure, the City of Oakwood agreed to collect more comprehensive data on stops. (*Dayton Daily News*, “Oakwood to Track Traffic Stops by Race,” Mara Lee, May 2, 2001.)

In 2016, after Advocates for Basic Legal Equality (ABLE) was contacted by the Montgomery County Public Defender who was concerned that those appearing in Oakwood municipal court for traffic violation were overwhelmingly African-American, ABLE decided to look at the Oakwood data to see what was happening.

To that end, we requested detailed data on each traffic stop and each ticket written in 2016 from the Oakwood law director and met with him on several occasions to understand the data and how best to analyze it. The data was provided to us in a format that was difficult to work with, but with some effort we were able to overcome those difficulties and perform an analysis.

The purpose in doing this analysis was to see whether there was evidence of bias in how tickets were issued by the Oakwood police.

We were able to determine the racial distribution of drivers receiving tickets easily, but we recognized that simply comparing the race of people getting tickets to the race of people living in Oakwood is not adequate since, as prior Oakwood officials argued, the demographics of people using the roads that run through Oakwood are likely to be different from the demographics of Oakwood itself (*Dayton Daily News*, "Profiling Rumors Addressed," Mara Lee, May 5, 2001).

It was not feasible to conduct an actual count of drivers nor was there a way to accurately model the racial make-up of drivers from available data, so we used two approaches to address this issue.

First, since most traffic tickets are given on the main arteries that run through Oakwood and since those arteries also run through Kettering, we conducted a similar analysis on Kettering traffic stops to allow comparison of the race of the drivers who were stopped in the two neighboring jurisdictions.

Second, we looked to see if the race of drivers receiving tickets in Oakwood varied depending on how the stop was initiated.

There are two primary ways a traffic stop is initiated in Oakwood. Oakwood police give traffic tickets when they see drivers committing traffic offenses or driving vehicles with obvious equipment problems. They also park adjacent to major streets and have the discretion to run computer database checks on the license plates of cars as they drive by to check for license suspensions and other infractions reflected in those data bases.

We compared the race of the drivers who received only status/suspension tickets (likely to have resulted from an officer running the license plate without observing a violation), to the race of the drivers who received moving violations and/or equipment violations, with or without status violations.

## Here is what we found:

In 2016, Oakwood was 0.1% African American (Figure 1), but 26% of the drivers pulled over and ticketed were African American (Figure 2) and those African American drivers received 33.3% of the tickets written in Oakwood that year (Figure 3).

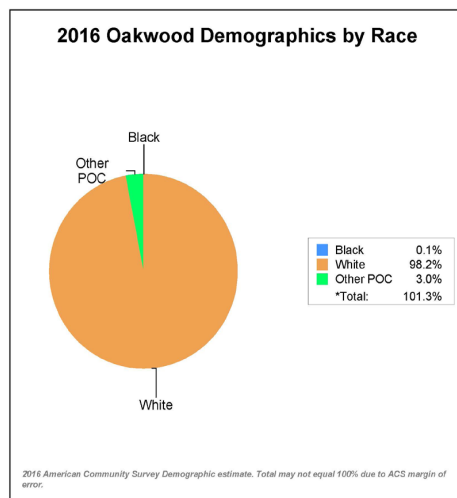


Figure 1

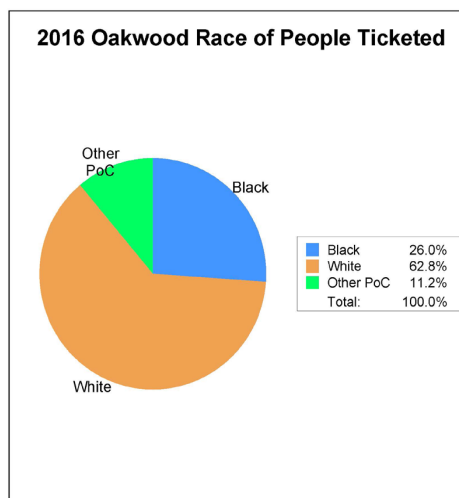


Figure 2

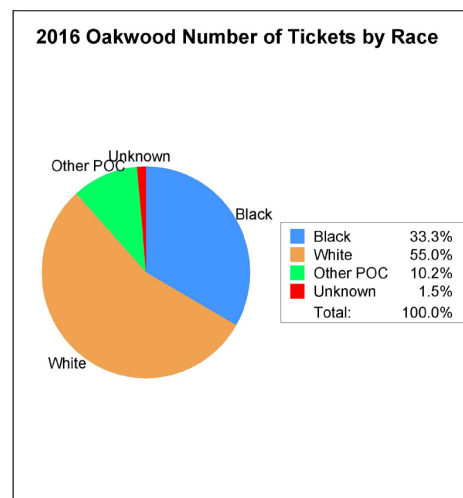


Figure 3

Kettering, which is located next to Oakwood and shares some of the same main traffic arteries, was 4.9% African American in 2016 (Figure 4). In Kettering, 20.1 % of the drivers receiving traffic tickets were African American (Figure 5) and they received 23% of the tickets (Figure 6).

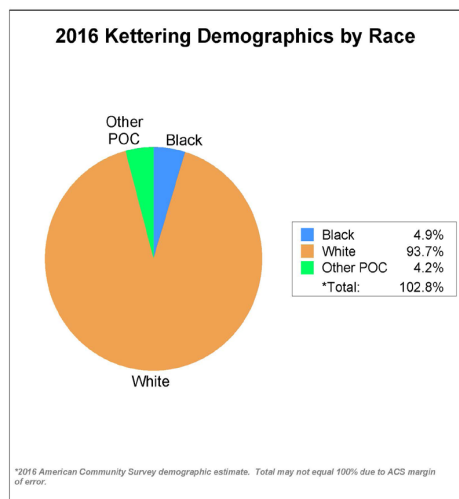


Figure 4

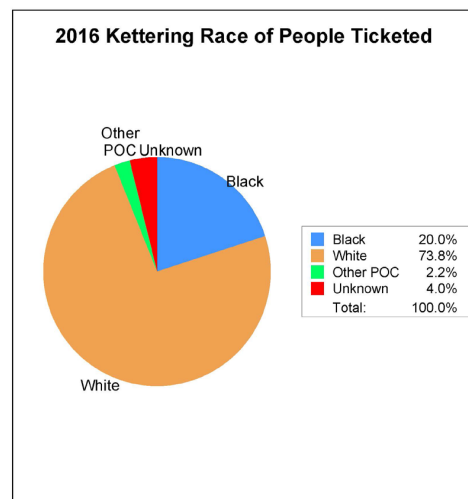


Figure 5

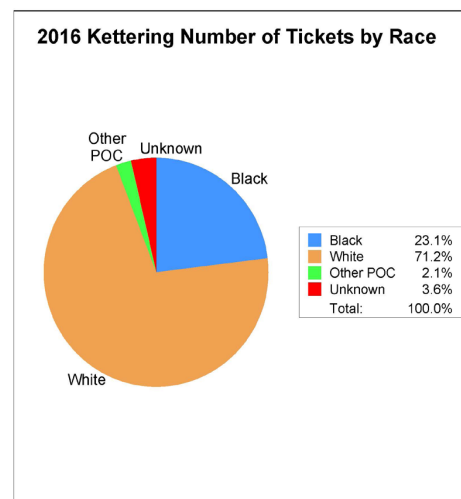


Figure 6

Kettering has a larger African American population than Oakwood and it shares similar through traffic, yet a black person driving through Oakwood was more likely to be stopped and ticketed by the police and receive more tickets when stopped than a black person driving through Kettering.

When we sorted the data by the way people were stopped in Oakwood in 2016, a similar pattern was evident.

In Oakwood, Black drivers accounted for 21.9% of the stops where a problem with driving or equipment was observed (Figure 7), **but they accounted for 36.8% of the stops where a license plate check was run without tickets being written for an observable driving or equipment problem. (Figure 8.)**

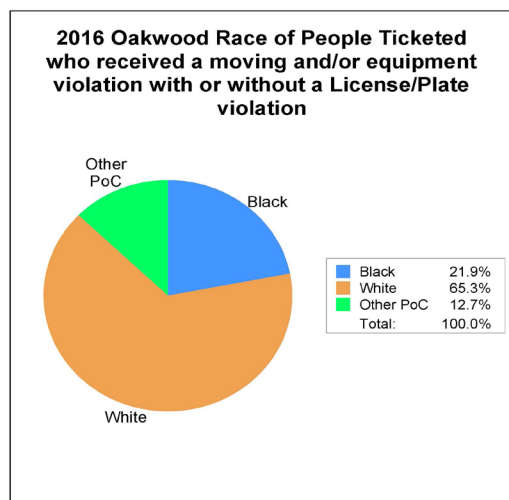


Figure 7

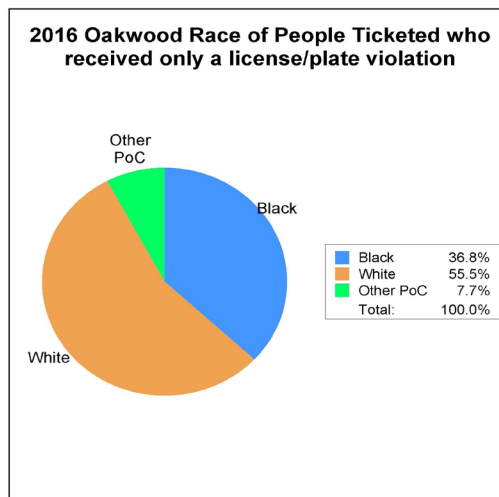


Figure 8

These “license plate check” stops do not result from bad driving or faulty equipment but from an officer’s decision to run the plate of a passing car. In these stops, officer discretion is at its greatest. It is striking that such an outsized percentage of these tickets are given to Black drivers.

We did not have all of the data we would have needed to fully explore the causes and consequences of the racial divide in police stops in Oakwood.

For example:

Some police stops may be unrecorded.

We had only one year of data. To assess the full scope of the problem, analysis of trends across multiple years would be preferred.

Because time of day of the stop was not provided, we could not tell whether the ability of the officers to see the race of drivers had an impact on the frequency of stops. Time of day can be an important variable in determining the existence of racial profiling.

Racial disparities across police stops may be most strongly associated with certain officers. We did not attempt to do this analysis.

We did not have the ability to analyze the location of stops. It is possible that differential enforcement (high enforcement or low enforcement) in a particular area of Oakwood generated the disparities.

An equally troubling question, which the data did not allow us to analyze, is whether stops resulted in the initiation of an interview, search, or seizure leading to arrest. A traffic stop is not a mere inconvenience but can have powerful, sometimes life altering, collateral consequences for people who are stopped.

### Conclusion:

While there were limits on the analysis we could do with the data we had available, we nonetheless think these findings are significant and point to a problem with how traffic stops are conducted in Oakwood. Indeed, we have good reason to think that the problems identified in the 2016 data continue. A current Oakwood resident has observed:

*“When I moved to Oakwood about 8 years ago I began noticing that the people getting pulled over by the police all appeared to be African Americans. It became so apparent and disturbing to me, that in the Fall of 2018 I decided to make a serious note of every single time I saw a car pulled over for a traffic violation and to specifically check to see who was driving. And, time and time again – actually pretty much every single time – it has been an African American. I don’t fully understand why this is happening but if it is because of the color of their skin that simply does not make me proud of my community.”*

### Recommendations:

Oakwood should commission an independent study of its current traffic stop data and make those findings public. **Action should not wait for that study, however. We strongly believe that the analysis presented here, along with current observations, provides compelling grounds for Oakwood to immediately adopt policies and begin appropriate training to ensure that all people driving in Oakwood are treated fairly and without discrimination.**

*Ellis Jacobs is a senior attorney at Advocates for Basic Legal Equality in Dayton. He represents individuals and organizations in a wide variety of civil cases including cases related to incarceration and the criminal justice system.*

*Martha Hurley is a University of Dayton professor and the Director of the Criminal Justice Studies Program at U. D. She holds a doctorate in criminal justice and is a scholar of comparative corrections and criminal justice policy.*

*Thanks to Tina Nordyke who helped with data analysis and to Rudy Wehner for focusing our attention on this issue.*

October 2019



TOGETHER, WE DO  
THE COMMUNITY  
JUSTICE