

1-24-2024

An Examination of Racial Disparities in Traffic Stops Across Central and South Florida

Johnny Cotton
Walden University

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Walden University

College of Health Sciences and Public Policy

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Johnny Cotton

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Walden University
2024

Abstract

An Examination of Racial Disparities in Traffic Stops Across Central and South Florida

by

Johnny Cotton

MS, Auburn University at Montgomery, 2010

BS, Alabama State University, 2007

Proposal Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

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February 2024

Abstract

The frequent racial disparity among people who are involved in traffic stops by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties creates distrust with law enforcement officials in the community. The 1969 Florida Stop and Frisk Law remains one of Florida's controversial and legal topics as it represents a challenge to an individual's constitutional rights. There is no documented evidence that the consistent enforcement of Florida Statute 901.151 (Florida Stop and Frisk Law) makes a community safer. Through the lens of the police institutional theory, the purpose of this quantitative study was to determine racial disparities among drivers pulled over for a traffic violation by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties using public information from the Florida Highway Safety and Motor Vehicles Office of Inspector General. This quantitative study included a Pearson Chi-Square tests (using SPSS software) to compare the data. The study results indicated White drivers made up 43.5% of the traffic stops by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and were more prone to be pulled over for a traffic violation than drivers of other races. The results of this study may have implications for positive social change because Florida Highway Patrol Administrators can use them to understand the consequences that racial disparities in traffic stops can have for police-community relations.

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Dedication

I dedicate this scholarly work to my wife, Angela. Thank you for encouraging me to follow my dreams and being my best friend and inspiration. I could never have achieved this milestone without your support.

Acknowledgments

I finished this dissertation with the help of several important people and groups. Thank you to my chair, Dr. James Beeks, for your guidance and support. Thank you, Dr. Glenn Starks, for your recommendations and thoughtful reviews. Thank you, Ximi Z. Harry, Office of Inspector General, Florida Highway Safety and Motor Vehicles.

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Chapter 1: Introduction to the Study

Introduction

Section 901.151 of Florida Statute (Florida's Stop and Frisk Law) was conceived during a regular session of the 1969 Florida Senate with the vision of assisting law enforcement officials during the civil rights era of the 1960s (Florida Supreme Court Library, 2020). Lawmakers replicated the law based on the 1968 case of *Terry v. Ohio*. In its majority opinion written by Chief Justice Warren, the United States Supreme Court ruled detainment of an individual based on reasonable suspicion of existing, previous, or impending criminal violations is not an infringement of the individual's Fourth Amendment right (Farrell, 2022). The court declared law enforcement officials did not need establish probable cause to restrain a law-abiding person in public (Farrell, 2022).

Terry v. Ohio

Terry and two other men were observed by a plain clothes policeman in what the officer believed to be "casing a job, a stick-up." The officer stopped and frisked the three men and found weapons on two of them. Terry was convicted of carrying a concealed weapon and sentenced to three years in jail.

In an 8-to-1 decision, the Court held that the search undertaken by the officer is reasonable under the Fourth Amendment and that the weapons seized could be introduced into evidence against Terry. Attempting to focus narrowly on the facts of this particular case, the Court found that the officer acted on more than a "hunch" and that "a reasonably prudent man

would have been warranted in believing [Terry] was armed and thus presented a threat to the officer's safety while he was investigating his suspicious behavior." The Court found that the searches undertaken were limited in scope and designed to protect the officer's safety incident to the investigation. (Terry v. Ohio, n.d.)

In 1969, Bill Gunter (District 18), a Democratic member of the Florida Senate from 1966 to 1972, and Robert L. Shevin (District 43), a Democratic member of the Florida Senate from 1966 to 1970, sponsored Senate Bill 125, which became the original Florida Stop and Frisk law. Due to this law, police can stop and detain an individual without the commission of a crime. In 1997, Senator William Bankhead (District 8), a Republican member of the Florida Senate from 1988 to 1999, introduced an amendment to the law as Senate Bill 438.

This study contributes to the understanding of racial disparities among people who are involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. The potential violation of civil rights involving drivers of Afro-American descent in Florida during a Stop and Frisk search has fostered concerns by individuals from communities of color. One factor contributing to this concern is the disparities in the frequent stop-and-frisk of drivers of Afro-American descent in contrast to drivers of other ethnic groups (Gramlich, 2019). Such practices by Florida Highway Patrol Troopers cause drivers of Afro-American descent and drivers of other ethnic groups to have differing views of the United States criminal justice system (Gramlich, 2019).

Research illustrates that people of Afro-American descent experience harassment, false imprisonment, or lethal force by the police during a Stop and Frisk encounter. These encounters often encompass no qualifying factor(s) other than the driver being of Afro-American descent traveling on a public right-of-way (Brooks, 2014).

The real or perceived mistreatment of drivers of Afro-American descent by Florida Highway Patrol Troopers impacts this population's decision to obey or disobey a police command during a Stop and Frisk encounter (Bryant, 2017). The social implication for missing or uncollected data on traffic stops in Hillsborough and Miami-Dade counties by Florida Highway Patrol Troopers' enforcement of traffic laws based on the race of drivers is vital to improving police-community relations.

In this chapter, I present the background concept for the study, the research problem and purpose, the guiding research questions and hypotheses, and discussions of the theoretical framework, nature of the study assumptions, scope and delimitations, and limitations of the study. The chapter culminates with a consideration of the significance of the research and a summary and transitions to the next chapter.

Background

Law enforcement officials have enforced oppressive laws passed by local, county, state, and federal authorities since the 1970s; an example is Section 901.151 of the Florida Statute (Florida's Stop and Frisk Law). Florida legislators appear unconcerned when addressing the complaints and concerns of people of Afro-American descent and communities of color (Brooks, 2014). United States Bureau of Justice Statistics (2020)

indicates nationwide law enforcement officials in the United States conducted 4,918,700 traffic stops on motorists.

National data collection that covers federal, state, and local law enforcement authorities, in addition to special topics relating to law enforcement, is maintained by the Bureau of Justice. The Bureau collects data directly from law enforcement agencies, crime laboratories, and training academies throughout the United States (United States Bureau of Justice Statistics, 2020).

Figure 1 below provides the numbers and percentages of U.S. residents age 16 or older who had police contact involving threat or nonfatal use of force by demographic characteristics for 2018 and 2020. It includes statistical data of individuals by sex and race. In 2020, a higher percentage of male residents (3%) than female residents (1%) experienced the threat of force or use of force. Afro-American persons (4%) and Hispanic persons (2%) were more likely than White persons (1.5%) to experience the threat or use of force. Residents ages 18 to 24 (3%) were more likely to experience the threat of force or use of nonfatal force than those ages 45 to 64 (1%) or age 65 or older (1%). In general, similar shares of residents in most demographic categories experienced the threat or use of force in 2018 and 2020; however, Hispanic persons were more likely to experience the threat or use of force in 2018 than in 2020 (United States Bureau of Justice Statistics, 2020).

Figure 1.

U.S. Residents Age 16 Or Older Whose Police Contact Involved The Threat Or Nonfatal Use Of Force, By Demographic Characteristics, 2020

Demographic characteristic	2018			2020		
	Any police contact	With threat/nonfatal use of force ^a		Any police contact	With threat/nonfatal use of force ^a	
		Number	Percent		Number	Percent
Total	61,542,300	1,254,300	2.0%	53,836,600	1,045,600	1.9%
Sex						
Male*	30,467,400	917,900	3.0%	26,751,200	721,200	2.7%
Female	31,074,900	336,400 †	1.1 †	27,085,400	324,400 †	1.2 †
Race/Hispanic origin						
White ^{b*}	42,525,700	647,100	1.5%	36,677,800	560,200	1.5%
Black ^b	6,545,700 †	250,700 †	3.8 †	5,656,300 †	241,800 †	4.3 †
Hispanic	8,238,400 †	280,100 †	3.4 †	7,283,900 †	172,900 †	2.4 †
Asian ^b	2,419,500 †	30,900 †	1.3	2,595,000 †	26,600 †	1.0
Other ^{b,c}	1,813,000 †	45,500 †	2.5	1,623,600 †	44,000 †	2.7
Age						
16–17	1,143,500 †	39,200 †	3.4%	1,025,400 †	:	:
18–24*	8,859,700	280,000	3.2	7,513,500	229,800	3.1%
25–44	23,518,700 †	625,500 †	2.7	20,787,400 †	513,500 †	2.5
45–64	19,160,700 †	274,400	1.4 †	16,634,300 †	213,500	1.3 †
65 or older	8,859,600	35,200 †	0.4 †	7,876,000	69,200 †	0.9 †

Note: Details may not sum to totals due to rounding. Includes residents who had any police contact in the last 12 months. See appendix table 3 for standard errors.

*Comparison group.

†Not shown. Sample size is below the minimum threshold or coefficient of variation is greater than 50%.

‡Difference with comparison group is significant at the 95% confidence level.

^aIncludes residents whom police threatened with force, handcuffed, pushed or grabbed, hit or kicked, used chemical or pepper spray, used an electroshock weapon, pointed or fired a gun, or used another type of physical force.

^bExcludes persons of Hispanic origin (e.g., “white” refers to non-Hispanic white persons and “black” refers to non-Hispanic black persons).

^cIncludes Native Hawaiian or Other Pacific Islander, American Indian or Alaska Native, or persons of two or more races.

Source: Bureau of Justice Statistics, Police-Public Contact Survey, 2018 and 2020.

Brooks (2014) argued that the Florida Statute 901.151 has caused people of Afro-American descent to be disproportionately represented in national crime statistics. In my review of the literature, I focused on the variations in the racial disparities among people who are involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and assess whether race correlate with drivers stopped for a traffic violation.

I used public information maintained by the Florida Highway Safety and Motor Vehicles Office of Inspector General. Although researchers have investigated the topic of Stop and Frisk involving various law enforcement agencies throughout the United States,

researchers have not studied the adverse consequences of this practice among people who are involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties involving driver's race. Moreover, the results of this study can have implications for positive social change because Florida Highway Patrol Administrators can use these findings to understand the consequences that racial disparities in traffic stops can have for police-community relations.

The Florida Senate enacted this legislation during the height of the Civil Rights movement in the 1960s. The Fourth Amendment to the United States Constitution stipulates that American citizens have the right to be free from unreasonable searches and seizures (Crocker, 2022). However, the frequent racial disparity among people who are involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties continues to be an issue throughout the Florida criminal justice system (Unnever & Gabbidon, 2011). The "*Afro-American experience*" in America highlights the experiences of Afro-Americans during segregation and desegregation in Miami-Dade County before and after the Civil Rights Act of 1964 (Williams, 2016). Pennix (2016) explored the evolutions of racial profiling between 1960 and 2015 and how this practice still exists in some law enforcement organizations. For years race and ethnicity have been a critical issue in police decision-making. However, numerous high-profile cases in the 1990s caught the attention of law enforcement administrators and the media, altering public attitudes toward the police (Briggs, 2013).

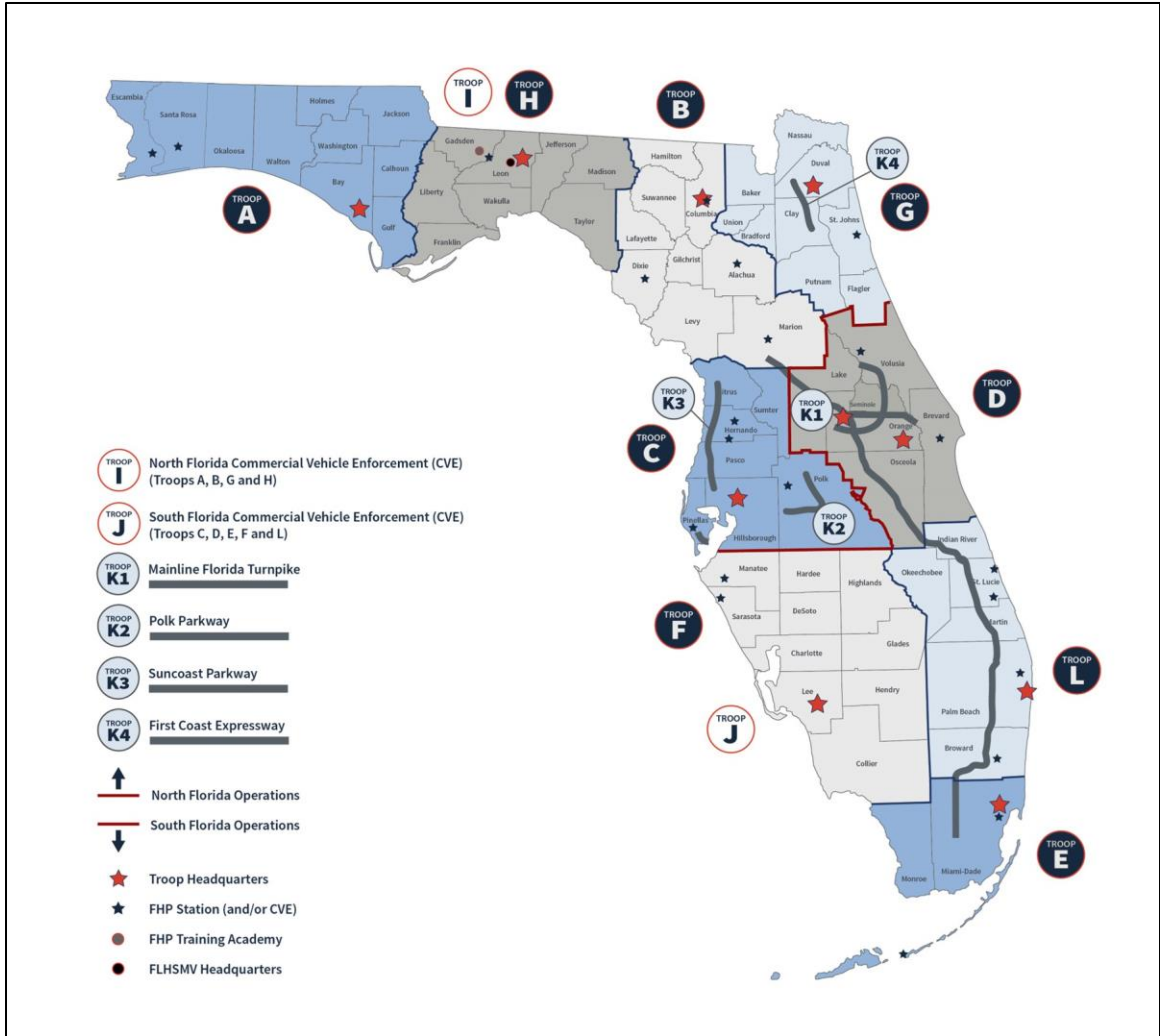
The Patrol Operations represents the largest component within the Florida Highway Patrol (FHP) and is responsible for the day-to-day law enforcement activities.

Patrol Operations conducts patrol and special enforcement details to support a safe driving environment; responds to, investigates, and clears the highway of traffic crashes; conducts criminal investigations; interdicts dangerous drugs, contraband, and criminal activities on the highways; and assists stranded motorists and others in need of assistance.

Patrol Operations are coordinated through two field regions (North and South) and consist of 10 Troops. The below map shows Troop Boundaries for the Florida Highway Patrol.

Figure 2.

Florida Highway Patrol Troop Boundaries



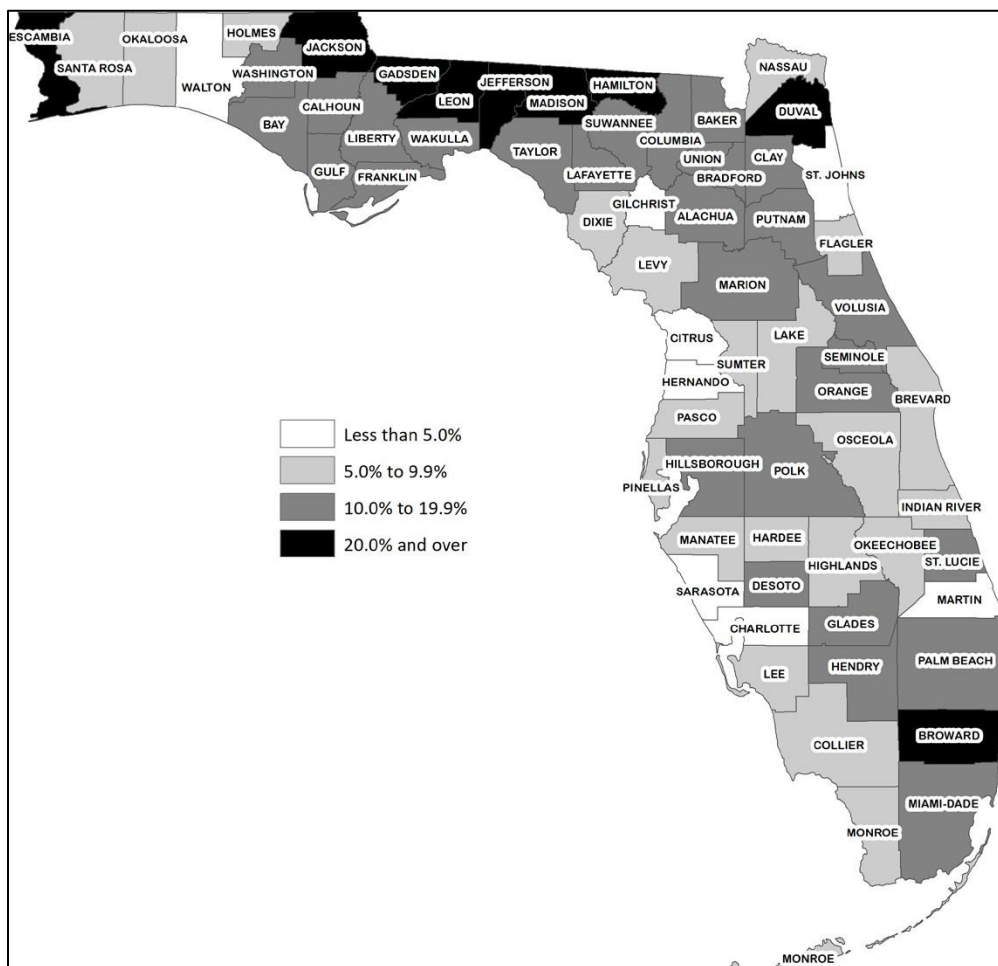
Note. From Troop Boundaries & Information. (n.d.). Florida Department of Highway Safety and Motor Vehicles. Retrieved November 20, 2023, from <https://www.flhsmv.gov/florida-highway-patrol/troop-boundaries-information/>

Figure 3 shows a map of the Afro-American population in Florida’s 67 counties as a percentage of the total population for 2020. Fifty counties in Florida experienced an increase in population between 2010 and 2020, and seventeen counties lost population over the decade. In terms of numeric population growth, the largest increases occurred in

counties located in Central and South Florida. Orange, Hillsborough, Miami-Dade, Broward, and Palm Beach each grew by more than 150,000 residents during the decade (Richardson & McCarty, 2021).

Figure 3.

Afro-American Population as a Percent of Total Population, 2020



Note. From Richardson, D., & McCarty, C. (2021). *Florida Population: Census Summary 2020*. University of Florida. https://www.bebr.ufl.edu/wp-content/uploads/2022/01/census_summary_2020.pdf

Problem Statement

Florida Highway Patrol Operations Division is responsible for day-to-day traffic enforcement for the agency. The members of this division respond to and investigate traffic accidents on Florida highways and interstate systems and issue traffic citations to drivers allegedly violating traffic laws. The Patrol Division is the largest within the agency and comprises 10 Troops divided into a North and South Region. In 2019, Troop C, headquartered in Tampa (Central Florida), employed 133 Troopers. Troop E, headquartered in Miami (South Florida), employed 116 Troopers (Office of Inspector General, 2020). Specifically, the problem is to what extent variation correlates with the race of drivers stopped by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

Section 901.151 of the Florida Statute (Florida's Stop and Frisk Law) allows the police to detain and frisk an individual without committing a criminal act. The Florida Highway Patrol created policies and procedures to guide its members during traffic stops. The department enacted a discriminatory policing policy that prohibits its members from selecting an individual(s) for enforcement action based in whole or in part on a trait common to a group without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable characteristics (FHP Policy Manual, 2015). Senator Benjamin L. Cardin (District 3), a Democratic member from Maryland, introduced The Law Enforcement Trust and Integrity Act of 2021 in the United States Senate on May 19, 2021. The bill requires all

law enforcement agencies in the United States to report statistics regarding practices on traffic violation stops, pedestrian stops, frisk and body searches, and the use of deadly force. The bill creates a Law Enforcement Oversight Task Force to coordinate the detection and referral of complaints of alleged law enforcement misconduct (S.1700 - 117th Congress 2021-2022). One factor that contributes to this problem is the disparity in how law enforcement officials patrol neighborhoods of color and frequently stop and frisk drivers of Afro-American descent (Gramlich, 2019). In this study, I will contribute to the body of knowledge needed to address the problem among people who are involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and assess whether race correlate with drivers stopped for a traffic violation.

Purpose of the Study

In this quantitative study, I examined racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and assess whether race correlates with drivers stopped for a traffic violation.

Research Question and Hypotheses

Research Question: How does race affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties?

Null Hypothesis (H_0): Race does significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

Alternative Hypothesis (H_a): Race does not significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

Theoretical Framework

I used Police institutional theory as the framework for this study because it includes tools to study how leaders in law enforcement organizations support traditions, incentivize behavior, and allow activities to become entrenched (Craig & Blount-Hill, 2023). William A. Westley developed the police institutional theory in 1953. The theory explains how members of criminal justice organizations behave. The approach was widely used in the 1990s when researchers sought an explanation for the institutional environment of law enforcement agencies (Crank, 2003).

The theory states that institutional demands from citizens, lawmakers, and the technical tension of the job influence employee behavior (Dolly, 2022). An example of technical tension is administrators in the Florida Highway Patrol pressuring Patrol Troopers to reduce traffic fatalities and increase traffic ticket count. Craig and Blount-Hill (2023) argued that law enforcement agencies are not organizations but a set of taken-for-granted practices that make up their actions. The notion of disconnecting from surroundings is the critical difference that plays a crucial role in the police institutional theory (Dolly, 2022).

The Florida Highway Patrol is a traditional line and staff organization with a director's decisions influencing decisions regarding organizational behavior (Dolly, 2022). While the organization allows shared practices across its jurisdictions, these

shared practices often take on a life of their own, frequently leading to policy and procedural violations and violations of criminal law (Craig & Blount-Hill, 2023).

Despite incidents and federal lawsuits involving stop and frisk, the standard guidelines for reasonable suspicion allow law enforcement officers to initiate detainments of individuals not committing a criminal act (Farrell, 2022). Prior research has centered on police brutality and training procedures for law enforcement officers. Still, people of Afro-American descent in Florida are 2.5 times more likely to be killed by law enforcement officials than White people (Mapping Police Violence, 2023). Burch (2023) alleged that people of Afro-American descent are frequently overrepresented in the criminal justice system, under-represented politically, and oppressed and marginalized racially. Studying how police institutional theory is related to traffic stops is essential because it shows how race plays a factor in policing.

On April 08, 1969, during the Regular Session of the Florida Senate, Bill Gunter (District 18, Orlando), a Democratic member of the Florida Senate from 1966 to 1972, and Robert L. Shevin (District 43, Miami), a Democratic member of the Florida Senate from 1966 to 1970, sponsored Senate Bill 125. A bill entitled "An act to authorize temporary questioning of persons in public places by police officers; providing for a weapons search; providing an effective date" (Florida Supreme Court Library, 2020). On June 06, 1969, Florida Governor Claude R. Kirk Jr. (Republican) advised that he had filed in the Office of the Secretary of State and that Senate Bill 125 would become law without his approval (sb.fleg.gov, 2003). On March 04, 1997, Senator William G. "Bill" Bankhead (District 8, Ponte Vedra Beach), a Republican member of the Florida Senate

from 1988 to 1999, introduced an amendment to the law as Senate Bill 438, an Act relating to Florida Statutes (Florida Supreme Court Library, 2020).

Nature of the Study

In this study, I examined variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I used police institutional theory and a correlational, cross-sectional design with public data maintained by the Florida Highway Safety and Motor Vehicles Office of Inspector General to address the study's research question. This research design is applicable and consistent with determining the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. The independent variable was the Florida Highway Patrol Trooper's racial demographics, and the dependent variable was the race of the driver stopped.

To ensure high reliability for the evaluation of the study and because of the vast amount of numerical and categorical data, I selected a quantitative research design instead of a qualitative one. Qualitative studies are best used for answering research questions of why a phenomenon occurred or did not occur (Guetterman et al., 2015).

I analyzed data maintained by the Florida Highway Safety and Motor Vehicles Office of Inspector General regarding traffic stops made by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties from 2017 – 2022. My goal was to determine variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. Moreover,

the results of this study can have implications for positive social change because Florida Highway Patrol Administrators can use them to understand the consequences that racial disparities in traffic stops can have for police-community relations.

Definitions

Several words in this study require a well-defined definition to provide transparency to the meaning for this study which guaranteed proper interpretation of this study background.

Afro-American: An African American (Merriam-Webster, n.d.).

Asian: a native or inhabitant of Asia (Merriam-Webster, n.d.).

Descent: Derivation from an ancestor (Merriam-Webster, n.d.).

Hispanic: of, relating to, or being a person of Latin American descent and especially of Cuban, Mexican, or Puerto Rican origin living in the U.S. (Merriam-Webster, n.d.).

Racial Disparities: refers to the imbalances and incongruities between the treatment of racial groups, including economic status, income, housing options, societal treatment, safety, and myriad other aspects of life and society (Introduction – Social Justice, 2023).

Stop and Frisk Statute: a state law that allows a police officer to stop, detain, and question a person without making an arrest based on a reasonable suspicion that the person has committed or is about to commit a crime (Merriam-Webster, n.d.).

Validity: the quality of being well-grounded, sound, or correct (Merriam-Webster, n.d.).

White: of or relating to a group of people having European ancestry, classified according to physical traits (such as light skin pigmentation) (Merriam-Webster, n.d.).

Assumptions

I assumed that data collected and maintained by the Florida Highway Safety and Motor Vehicles Office of Inspector General were accurate and complete. I assumed the geographical location of the traffic stop is valid. I assumed that the demographic and racial data were accurate. I assumed all traffic stops were lawful and legal. I assumed that the agency has policies related to record-keeping, and they followed them to ensure accurate information had been reported.

Scope and Delimitations

The null hypothesis for this study is that race did not significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. The research scope includes a brief discussion of the jurisdiction and mission of the Florida Highway Patrol. In 1939, former Governor Fred Cone motioned to establish the Florida Highway Patrol to promote traffic safety awareness through professional law enforcement - Florida Highway Safety and Motor Vehicles [FLHSMV, 2023]. The agency has authorization for 2,496 full-time employees, 1,982 sworn positions, and 514 nonsworn positions (FLHSMV, 2023). The State of Florida is divided into 67 counties, each consisting of multiple municipalities (FLHSMV 2023). In 2021, The county of Hillsborough (Tampa), located in Central Florida, had a population of 1,478,194 million residents, while the county of Miami-Dade (Miami), located in South Florida, had a population of 2,662,777 (USA Facts, 2023). Racial/ethnic

groups in Hillsborough County in 2021 are as follows: White (46.5%), followed by Hispanic (30.3%), and Afro-American (16.3%) (USA Facts, 2023). The racial/ethnic groups in Dade County are Hispanic (69.1%), followed by Afro-American (15%) and White (13.6%; USA Facts, 2023).

In this study, I focused on the variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. Florida Statute 901.151 allows law enforcement officials to detain an individual based on reasonable suspicion of existing, previous, or impending criminal violations. Administrators within the Florida Highway Patrol use this knowledge to enact or amend policies and improve training practices.

The study delimitations were traffic stops in Hillsborough and Miami-Dade counties. I considered the representative bureaucracy theory but did not select it because it represents the types of people being represented in government, not race as a category (see Portillo & Bearfield, 2022).

Limitations

The data were limited to traffic stops by Florida Highway Patrol Troopers assigned to Hillsborough and Miami-Dade counties between January 01, 2019, to June 30, 2019. The researcher will use public data maintained by the Florida Highway Safety and Motor Vehicles Office of Inspector General. Data were limited to the integrity of Florida Highway Patrol Troopers conducting and recording the traffic stop. The data were statistical analysis on numbers received from the agencies with no influence from me. I cross-checked the data by verifying the official letterhead and certification from the

providing agency's record to ensure accurate information is provided. Data were public records obtained through a record request. Data were limited to publicly recorded information available and included in the request. Data were limited because the information obtained in the public records request will not state if the traffic stop is unlawful. Therefore, I considered all received record request documentation lawful traffic stops.

To avoid conflict of interests, which may affect the autonomy and integrity of the findings, I disclosed portions of my personal history that may have influenced this study. As a former police officer with over 30 years of experience from a patrol officer to police administrator with the Montgomery Police Department in Montgomery, Alabama. My career assignments included Patrol, Traffic, Juvenile, and the Bureau of Investigations. The administrative component included Senior Internal Affairs Investigator, overseeing 2500 employees.

Significance

Law enforcement officials have enforced oppressive laws passed by local, county, state, and federal authorities since the 1970s and appear stagnant when addressing the complaints and concerns of people of Afro-American descent and communities of color. (Brooks, 2014). A 2020 study conducted by the Bureau of Justice involving respondents 16 or older regarding public-police contact revealed that Afro-American (6%) and Hispanic (3%) persons were more likely to experience the threat of force or use of nonfatal force during a police encounter in contrast to White persons (2%). Mapping Police Violence data shows that people of Afro-American descent are 2.5 times more

likely to be killed by law enforcement officials than White people in Florida (Mapping Police Violence, 2023). The most common reason for contact with the police is being a driver in a traffic stop (United States. Bureau of Justice Statistics. Police-Public Contact Survey, 2020). Research indicates nationwide; law enforcement officials in the United States conducted 4,918,700 traffic stops on motorists (United States. Bureau of Justice Statistics. Police-Public Contact Survey, 2020).

I conducted this study to determine variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. My goal was to fill the gap in the literature by validating the perceptions of drivers of Afro-American descent involving Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. Moreover, the results of this study can have implications for positive social change by allowing Florida Highway Patrol Administrators to understand the consequences that racial disparities in traffic stops can have for police-community relations.

Summary

In 1939 former Governor Fred Cone motioned to establish the Florida Highway Patrol to promote traffic safety awareness through professional law enforcement (FLHSMV, 2023). In 1969, Section 901.151 of Florida Statute (Florida's Stop and Frisk Law) was conceived during a regular session of the Florida Senate with the vision of assisting law enforcement officials during the civil rights era of the 1960s (Florida Supreme Court Library, 2020). The law is simulated based on the 1968 case of Terry v. Ohio.

Section 901.151 of the Florida Statute (Florida's Stop and Frisk Law) allows Florida Highway Patrol Troopers to detain an individual without committing a criminal act. The potential violation of civil rights involving drivers of Afro-American descent in contrast to drivers of other ethnic groups in Florida during a Stop and Frisk search has fostered concerns by some individuals from communities of color. One factor contributing to this concern is the disparities in the frequent stop-and-frisk of drivers of Afro-American descent compared to drivers of other ethnic groups (Gramlich, 2019).

I used police institutional theory as the framework for this study because it can be used to study how leaders in law enforcement organizations support traditions, incentivize behavior, and create entrenched activities (Craig & Blount-Hill, 2023). Craig and Blount-Hill (2023) argued that law enforcement agencies are not organizations but a set of taken-for-granted practices that make up their actions.

Chapter 1 included an outline of this quantitative study. The research question for this study was: How does race affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties? The chapter included the theoretical framework, the nature of the study, and definitions of terms used for the analysis. The chapter also included potential contributions of the study that can be used to advance knowledge in the discipline and described potential implications for positive social change that are consistent with and bounded by the scope of the study.

Chapter 2: Literature Review

Introduction

I conducted this study to determine variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. Section 901.151 of the Florida Statute (Florida's Stop and Frisk Law) allows the police to detain and frisk an individual without committing a criminal act. I examined racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and assess whether race correlates with drivers stopped for a traffic violation.

Philando Castile, Patrick Lyoya, and Brandon Wimberly are people of Afro-American descent who died at the hands of law enforcement officials during a traffic stop encounter in the United States (Mapping Police Violence, 2023). The data showed that between 2018 and 2022, law enforcement officials killed 375 people in Florida during a police encounter (Mapping Police Violence, 2023). Data collected by the Bureau of Justice revealed that Florida had 373 state and local law enforcement agencies, totaling 47,177 full-time sworn personnel in 2018. (Gardner & Scott, 2022). The common reason for contact with the police is being a driver in a traffic stop (United States Bureau of Justice Statistics, 2020). Mapping Police Violence data shows that people of Afro-American descent are 2.5 times more likely to be killed by law enforcement officials than White people in Florida (Mapping Police Violence, 2023). The alleged mistreatment of drivers of Afro-American descent by law enforcement officials impacts this population's

decision to obey or disobey a trooper's command during a Stop and Frisk encounter (Bryant, 2017).

Racial disparities refer to the imbalances and incongruities between the treatment of racial groups, including economic status, income, housing options, societal treatment, safety, and myriad other aspects of life and society (Capatosto & Santos, 2020). In this study, I addressed the following research question: How does race affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties? I examined variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

Previous researchers reviewed Afro-Americans' experienced social and economic disparities before the Civil Rights Act of 1964 and desegregation after the act in Miami-Dade County (Williams, 2016). Pennix (2016) explored the evolutions of racial profiling between 1960 and 2015 and how this current practice still exists in some law enforcement organizations. For years race and ethnicity have been a critical issue in police decision-making. However, numerous high-profile cases in the 1990s caught the attention of law enforcement administrators and the media, altering public attitudes toward the police (Briggs, 2013).

Literature Search Strategy

To gather peer-reviewed literature for the study, I used the Walden University Library database, Sage Journals, Thoreau at Walden Library search engine, ProQuest One Academic, Sage Research Methods, ProQuest Dissertation, and Theses Global between

2014 and 2023. To obtain a recent overview of previous studies, I focused on peer-reviewed literature over the past 5 years. I used Flsenate.gov and Congress.gov. for articles related to this study The search terms were: *stop and frisk*, *New York stop and Frisk law*, and *Florida stop and frisk law*. To narrow the study search tools and strategies, I searched the terms *police brutality*, *police brutality*, *African American men*, *the impact of stop and frisk*, *police brutality*, and *racial disparities in traffic stops*. I selected the articles because of their relevance to the research topic.

Theoretical Foundation

Community-police relations involving proactive policing tactics such as investigative stops and frisks have long been a subject of contentious discussion (Khan et al., 2021). Existing research on police brutality and civil rights violations has yielded positive results in some communities (Farrell, 2022). Nevertheless, stop-and-frisk tactics used by the police in Florida still impact the perceptions drivers of Afro-American descent have of law enforcement officials (George, 2021). I used police institutional theory as the theoretical foundation for this study.

Police institutional theory is a sociological approach that considers organizations as a broader part of the external environment. The leaders in the organization communicate with stakeholders to determine which policies to create (Dolly, 2022). William A. Westley developed the police institutional theory in 1953. The theory explains how members of criminal justice organizations behave. The approach was widely used in the 1990s when researchers sought an explanation for the institutional environment of law enforcement agencies (Crank, 2003).

An example of technological tension is administrators in the Florida Highway Patrol pressuring patrol troopers to reduce traffic fatalities and increase traffic ticket count. I used police institutional theory to examine variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties to understand deviation in Florida Highway Patrol Trooper behavior (see Dolly, 2022).

Police institutional theory was relevant to the Florida Highway Patrol issues because many problems extend beyond a Trooper's duties of traffic control (see Dolly, 2022). A press release by the United States Attorney's Office for the Southern District of Florida on Wednesday, May 20, 2015, stated: "Former FHP Trooper Kirk Chambers pleaded guilty to violating Title 18, United States Code, 1951(a) by participating in a conspiracy to affect commerce through extortion under color of law (para 1)."

According to United States Attorney's Office for the Southern District of Florida (2015):

Chambers was employed as a sworn FHP Trooper between 2006 and 2015 and in 2013, the FBI and local law enforcement agencies opened an investigation into allegations that South Florida law enforcement personnel were being paid bribes by local wrecker operators to illegally solicit business from stranded drivers at accident scenes. Chambers was one of the officers identified as taking bribes (para 2).

A press release by the United States Attorney's Office for the Southern District of Florida on Monday, March 6, 2023, stated: "Christopher James Chappell, a 46-year-old

former Captain with the Florida Highway Patrol, has pled guilty to accessing child sexual abuse material (para 1).”

According to United States Attorney’s Office for the Southern District of Florida (2023):

As part of his guilty plea, Chappell admitted to watching a video depicting the sexual abuse of a prepubescent minor child while he engaged in sexual acts with another individual. Chappell then sent a photo of his sexual encounter to a third individual in a group chat, which showed the child sexual abuse material playing in the background (para 2).

This case was brought as part of Project Safe Childhood, a nationwide initiative to combat the growing epidemic of child sexual exploitation and abuse, launched in May 2006 by the Department of Justice (para 3).

As popular movements Black Lives Matter, #METOO, and Dreamers strengthened, law enforcement organizations have answered the demand to create anti-racism policies. The Florida Highway Patrol created policies and procedures to guide its members during traffic stops. The department enacted a discriminatory policing policy that prohibits its members from selecting an individual(s) for enforcement action based in whole or in part on a trait common to a group without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable characteristics (FHP Policy Manual, 2015).

While limited research studies addressing racial disparities in policing have resulted in a reduced gap between the police and communities of color, annual statistical reports from the Bureau of Justice still confirm abuse of people of Afro-American descent by law enforcement officials (Brooks, 2014). Police transformation dates to the 1960s, when Americans witness the unfair treatment of men of Afro-American descent and people of color during mass protests throughout the country (Mulaphong & Cheurprakobkit, 2021). Khan et al.'s (2021) study of racial and ethnic disparities in stop and frisk acknowledged inequity in policing. Section 901.151 of Florida Statute (Florida's Stop and Frisk Law) was conceived during a regular session of the 1969 Florida Senate with the vision of assisting law enforcement officials during the civil rights era of the 1960s (Florida Supreme Court Library, 2020).

In this study, I examined variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I analyzed the following components: traffic stops made by race and compare them to their racial make-up by county census data. Individuals identifying their origin as Hispanic, Latino, or Spanish in the county census data may be represented in any race. However, the traffic stops for individuals who identified as Hispanic, Latino, or Spanish were listed as Hispanic in the review (see Florida Highway Patrol Bias Based Profiling Review, 2020).

Literature Review

Previous Applications of Florida Stop and Frisk

Authoritarian policymaking is a fundamental factor in stop and frisk (Saunders et al., 2016). Merriam-Webster (n.d) described *authoritarian* as relating to or favoring a concentration of power in a leader or an elite not constitutionally responsible to the people. An individual creates policies inspired to maintain structure in a world they consider unsafe and on the verge of collapsing (Saunders et al., 2016).

On April 04, 1968, Dr. Martin Luther King Jr. was assassinated as he delivered a speech to sanitation workers from the balcony of the Lorraine Hotel in Memphis, Tennessee (Whitlinger & Fretwell, 2019). During this era (1968 to 1970s), race riots became prevalent throughout Florida. The Overtown and Liberty City communities in the City of Miami exercised influence in South Florida and throughout the state. Individuals of Afro-American descent held riots in Jacksonville and Tallahassee, primarily on the campus of Florida A&M University. Men of Afro-American descent (civil rights leaders, clergy members, and elected officials) often stood up to state political leaders and were portrayed as militant or anti-government (George, 2021).

A group of concerned citizens frustrated with the political climate in America organized the Miami Race Riots on August 07, 1968. The riots resulted from segregation, racially discriminatory housing practices, and poor community-police relations (Davis, 2019). They eventually moved from communities of color to Miami's predominately white business district. During this time, protesters dragged motorists from their cars and looted businesses (Davis, 2019). To make their voices known, the demonstration

organizers overlapped it with the Republican National Convention in Miami Beach (Davis, 2019). During this time, Ralph Abernathy, President of the Southern Christian Leadership Conference (SCLC), and former Florida Governor Claude Kirk met in Miami to discuss racial tensions (Davis, 2019). The meeting failed to reach an agreement, and talks were scheduled for later (Davis, 2019).

On April 08, 1969, during the Regular Session of the Florida Senate, Bill Gunter (District 18, Orlando), a Democratic member of the Florida Senate from 1966 to 1972, and Robert L. Shevin (District 43, Miami), a Democratic member of the Florida Senate from 1966 to 1970, sponsored Senate Bill 125. A bill entitled “An act to authorize temporary questioning of persons in public places by police officers; providing for a weapons search; providing an effective date” (Florida Supreme Court Library, 2020). On June 06, 1969, Florida Governor Claude R. Kirk Jr. (Republican) advised he had filed in the Office of the Secretary of State and that Senate Bill 125 would become law without his approval (sb.fleg.gov, 2003). On March 04, 1997, Senator William G. “Bill” Bankhead (District 8, Ponte Vedra Beach), a Republican member of the Florida Senate from 1988 to 1999, introduced an amendment to the law as Senate Bill 438, an Act relating to Florida Statutes (Florida Supreme Court Library, 2020).

Since 1845, police administrators in the New York Police Department (NYPD) have been searching for alternatives to reduce crime (Odom, 2015). After the election of Mayor Rudy Giuliani in 1994, the department created a policy and utilized stop and frisk as an alternative to combat criminal activity. While police agencies used stop and frisk as an investigative tool in some form, the controversy surrounding the New York Police

Department stop and frisk policy has caused a great divide among individuals within the United States (Saunders & Kelly, 2016).

Data show more than 16,000 individuals per week were stopped and frisked in the State of New York during January 2012 (Saunders & Kelly, 2016). The same data revealed that 85-87% of individuals detained during this period were people of Afro-American descent. Data showed nine out of ten individuals stopped and frisked were not guilty of violating a criminal act (Saunders & Kelly, 2016). Addressing the issue of stop and frisk is critical in maintaining public trust among men of Afro-American descent and communities of color.

In the case *Floyd et al. v. City of New York et al.*, a United States District Court in the Southern District of New York heard arguments regarding the stop and frisk policies of the New York Police Department. The lawsuit alleged members of the New York Police Department created an unconstitutional and racially biased stop and frisk policy that targeted men of Afro-American descent and people of color. In August 2013, Federal Judge Shira A. Scheindlin ruled the Stop and Frisk policies of the New York Police Department caused implicit racial profiling of men of Afro-American descent and people of color. In her 195-page decision, the judge mentioned that the men of Afro-American descent and people of color detained by the police would not have been stopped if they were white (Goldstein, 2013).

In Tampa, Florida, stop and frisk has hampered police-community relations and is responsible for members of the Tampa Police Department racially profiling individuals of Afro-American descent living in a poor community of color (Choudhury, 2015). An

article published in May (2015) by Choudhury (2015) revealed that members of the Tampa Police Department issued more than 10,000 bike citations between 2003 to 2015. 79% of the citations were to Afro-Americans, who account for only 26% of the city population (Choudhury, 2015). The article emphasized that children 15 to age three received 142 bike citations during the 12-year period. The article added that all but nine of the children receiving citations were children of Afro-American descent (Choudhury, 2015). Men of Afro-American descent fared worse than children of the same ethnicity during a stop-and-frisk encounter with members of the Tampa Police Department when riding a bicycle. Adults who fail to pay a bike traffic citation risk having their Florida driver's license suspended and debt reported to a collection agency. Law enforcement officials can impound an individual's bike if he/she cannot provide a receipt proving the bike is their property, as was the case for one man of Afro-American descent (Choudhury, 2015).

Tampa is not unique in its stop-and-frisk approach to detaining individuals of color riding a bicycle in Florida. Reports surrounding the City of Fort Lauderdale, Florida, also indicate a problem (Choudhury, 2015). As a crime prevention strategy, the City of Fort Lauderdale passed an ordinance in 2003 requiring bike owners to obtain a registration license. In return, the individual would receive a registration sticker proving ownership (Swenson, 2015). According to City leaders, the new law positively reduced crime and assisted the police with apprehending offenders with outstanding warrants (Swenson, 2015). Still, the Broward County Public Defender's Office disagreed with public officials on their perspective of the law. The public defender's office alleged that

members of the Fort Lauderdale Police Department were discriminatory in their enforcement of the ordinance because they primarily stopped and detained individuals in communities of color (Swenson, 2015). A Broward-Palm Beach New Times investigation conducted in October (2013) revealed that 86% of the bicycle citations issued by members of the Fort Lauderdale Police Department over three years went to people of Afro-American descent (Swenson, 2015). The study added that officers seldom enforced the law in primarily white communities (Swenson, 2015). Like many cities across America, Tampa and Fort Lauderdale have embraced the “Proactive Policing Model” to reduce criminal offenses. Officers no longer wait to be dispatched to a 911 call. Instead, they attempt to stop crime before it occurs (Choudhury, 2015). New data has occurred since the last audit by the Broward-Palm Beach New Times regarding the Broward bike law. Data indicates that individuals of Afro-American descent now receive 93% of the citations issued (Swenson, 2015).

On June 19, 2017, Aramis Ayala, the first elected Afro-American State Attorney in Florida, was pulled over for a traffic violation while driving a State issued vehicle in Orlando. The police officer told Attorney Ayala the traffic stop resulted from no data being returned on her license tag and dark tinted windows on her vehicle. Attorney Ayala asked the officer, "Why did you run my license tag?" The officer responded that officers routinely check driver's vehicle license tags. Vehicle registration on State issued vehicles in Florida is confidential and does not show license tag registration to law enforcement officers conducting a license tag inquiry (Grinberg, 2017).

Prior to the traffic stop, Attorney Ayala's office was at odds with former Florida Governor Rick Scott regarding her refusal to seek the death penalty in criminal cases. Attorney Ayala stated she did not violate traffic or criminal laws, and the tint on the vehicle's windows complied with Florida law. The traffic stop lasted approximately a minute, during which the officer confirmed Attorney Ayala's identity and released her without issuing a traffic citation. (Grinberg, 2017).

Crime and Politics

Whether racial disparities in traffic stops by Florida Highway Patrol Troopers existed in Hillsborough and Miami-Dade counties between 2017 – 2022 is an ongoing debate. While existing literature has explored racial disparities in police encounters, these studies often do not analyze police conduct from a political viewpoint (Zanders, 2023).

Burch (2023) argued that the overrepresentation of people of Afro-American descent in the criminal justice system is why they are under-represented politically. The author also argued that people of Afro-American descent are oppressed and marginalized politically, economically, and socially (Burch, 2023). These forms of unequal authority and representation have been conceived as related to the high issuance of traffic citations for drivers of Afro-American descent in Hillsborough and Miami-Dade counties in contrast to drivers of other ethnic groups (Burch, 2023).

The lack of political strength diminishes the voice people of color have on issues affecting their community. It reduces voting power in passing new legislation or amending current laws. Without a voice and voting strength, people of Afro-American descent are left at the will of the majority ethnic group in power (Burch, 2023).

Case Law

The Fourth Amendment of the United States Constitution protects individuals from government intrusion. It states that no law enforcement officer shall violate a person's right to be secure in their house, and all persons, along with their property, papers, and effects, are protected against unreasonable searches or seizures (Karaim, 1985).

Hayes v. Florida, 470 U.S. 811 (1985) was a case regarding Fourth Amendment rights issues. Circumstances relating to the case involve the defendant Mr. Hayes being developed as a suspect in a Burglary case after his fingerprints were discovered at a crime scene. During the investigation, law enforcement officers in Punta Gorda, Florida, showed up at Mr. Hayes' house and demanded he accompany them to the police station for questioning and fingerprinting or face arrest at the residence (Karaim, 1985). Mr. Hayes complied with officials' demands, and after identifying his fingerprints, law enforcement officials arrested Mr. Hayes for violating a criminal offense (Karaim, 1985). The United States Supreme Court examined issues surrounding the "investigative detention" of Mr. Hayes (Karaim, 1985). Justices ruled that law enforcement officials cannot forcibly remove a citizen from a residence or another place he is entitled to be (a vehicle) without a warrant or probable cause and transport that person to a police station for processing because such acts are considered an arrest (Karaim, 1985). The court ruled that the police can temporarily detain a person in public based on the reasonable suspicion that the person is about to commit a crime or having the person's fingerprints taken will lead to a connection to a crime if police dispatch is involved (Karaim, 1985).

As law enforcement officers enhance their investigatory techniques during a traffic stop, courts have expanded their authority to prohibit illegal searches and seizures (Zanello, 2015). Drug sniffing canines are essential in assisting the police with the war on drugs and locating contraband on motorists traveling public highways (Zanello, 2015). The issue facing law enforcement agencies is that courts have released conflicting rulings regarding the use of drug-sniffing canines (Zanello, 2015). Drug sniffing canines have long been used in police investigatory stops and frisks of motorists. The method has aided law enforcement officials in determining if a driver has contraband on their person or in a vehicle (Zanello, 2015). While the Fourth Amendment has afforded people the right to privacy in their homes and property, the question is, does having a drug-sniffing canine walk around an individual's person or vehicle constitute a search (Zanello, 2015)?

Florida v. Harris and Florida v. Jardines are examples of conflicting court rulings regarding drug-sniffing canines. In Florida v. Harris, the vehicle driver refused the human officer a search before the drug-sniffing canine alerted him on a possible illegal controlled substance inside the vehicle (Zanello, 2015). The Florida Supreme Court ruled that the human officer did not have probable cause for a search, even though his drug-sniffing partner is trained and certified in identifying contraband (Zanello, 2015).

In Florida v. Jardines, the police acted on confidential information about illegal substances growing inside a residence. When they arrived at the home, the drug-sniffing canine alerted them of a possible illegal controlled substance inside the residence while standing on the home's front porch (Zanello, 2015). The United States Supreme Court

ruled that officers violated the Fourth Amendment because they needed a search warrant before the drug-sniffing canine alerted them of a controlled substance (Zanello, 2015).

Officer Bias

Mapping Police Violence data shows that people of Afro-American descent are 2.5 times more likely to be killed by law enforcement officials than White people in Florida (Mapping Police Violence, 2023). The decision whether to conduct a traffic stop on an alleged traffic violator and issue such driver a traffic citation is usually at the discretion of the officer conducting the traffic stop. The importance of this fundamental decision is significant because it more carefully aligns with the overall understanding of racial profiling, whereby people of Afro-American descent experience everyday interactions with the police (Abrahams, 2020). This study considers officer decisions vital because they relate to the statistical data regarding officer and driver contact.

High-profile incidents involving the unarmed killing of people of Afro-American descent have generated concern for individuals traveling on America's highways (Tillyer et al., 2019). Studies have shown that drivers of Afro-American descent are likely to receive traffic citations from officers assigned to the Patrol Operations/Division than officers assigned to another bureau (Tillyer et al., 2019). Studies revealed that officers of Afro-American descent are reluctant to issue traffic citations and conduct vehicle searches on people of Afro-American descent than their white counterparts (Tillyer et al., 2019). However, Afro-American male officers, compared to Afro-American female officers, are more likely to conduct a vehicle search and issue a traffic citation on people of Afro-American descent (Tillyer et al., 2019). The author alluded to the differences in

disparate treatment of drivers of Afro-American descent in contrast to other ethnic groups are cognitive biases in officer decision-making (Tillyer et al., 2019).

Summary

Between 2018 - 2022, law enforcement officials killed 375 people in Florida during a police encounter (Mapping Police Violence, 2023). The alleged mistreatment of drivers of Afro-American descent by law enforcement officials impacts this population's decision to obey or disobey a law enforcement officer's command during a Stop and Frisk encounter (Bryant, 2017). The chapter began by introducing the literature review and research strategies I used to find the information for the study. The literature review began with the previous applications of Florida stop and frisk. I then discussed crime and politics, and case law surrounding the study. Some case law centered around the criminal offense of Burglary and willingness to participate in an ongoing investigation voluntarily. These issues relate to racial disparities because many people of Afro-American descent live in recreational and personal vehicles as they travel the highways.

Chapter 3 presents a synopsis of data collection, analysis, threats of validity, and ethical concerns for additional study replication. I discuss sampling techniques and statistical designs.

Chapter 3: Research Method

Introduction

I examined variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I used a quantitative analysis of public data from the Florida Highway Safety and Motor Vehicles Office of Inspector General.

Chapter 3 includes the quantitative methodology used to examine variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I present a synopsis of data collection, analysis, threats of validity, and ethical concerns for additional study replication. I also discuss sampling techniques and statistical designs.

Research Design and Rationale

The research question for this study was: How does race affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties? I used a nonexperimental quantitative design to examine variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I used Pearson Chi-Square tests (SPSS software) to compare the data. The Chi-Square tests were applicable to the study because it can be used to compare one or more categorical variable. The independent variable was the Florida Highway Patrol Trooper's racial demographics, and the dependent variables were the race of the driver stopped and the population's racial demographics according to the county census.

It would be impossible to conduct this study as an observation. I could not observe every traffic stop Florida Highway Patrol Troopers conducted in Hillsborough and Miami-Dade counties for 2017 through 2022. Traffic stops conducted by Troopers are sometimes discretionary, and I could not watch each location to observe a traffic stop. Time is also an influential factor in selecting this design. I was the only researcher conducting this study and could not expeditiously collect data from each Trooper assigned to Hillsborough and Miami-Dade counties. Therefore, analyzing data was the most viable and precise way to conduct this study.

Methodology

Population

The data set for this study was made up of all documented traffic stops conducted by Florida Highway Patrol Troopers assigned to Troops in Hillsborough County and Miami-Dade County, from January 01, 2019, to June 30, 2019. To ensure consistent data, I used only data involving the Florida Highway Patrol. Consistency practice is expected because this state agency is subject to the oversight of the Florida Highway Patrol Office of Inspector General. While most law enforcement agencies in Florida do not require employees to keep data on traffic stops. The Florida Highway Patrol has implemented a policy that requires all members to record and enter data from all traffic stops in the Traffic Stop Data Report system (FLHSMV, 2023).

Sampling and Sampling Procedures

I studied a sample of documented traffic stops by Florida Highway Patrol Troopers assigned to Troops in Hillsborough and Miami-Dade counties between January

01, 2019, to June 30, 2019. I collected public data from the Florida Highway Safety and Motor Vehicles Office of Inspector General. I selected a random sample of traffic stops from the provided data.

Data Collection

My use of data provided by the Florida Highway Safety and Motor Vehicles Office of Inspector General eliminated the need to obtain an informed consent form and only required consent from the Walden University Institutional Review Board. I contacted the Florida Highway Safety and Motor Vehicles Office of Inspector General and request public data for the 2020 audit report.

Instrumentation and Operationalization of Constructs

Instrumentation was not a requirement for this study. I used public data from the Florida Highway Safety and Motor Vehicles Office of Inspector General. The independent variable was the Florida Highway Patrol Trooper's racial demographics. The dependent variables were the race of the driver stopped and the population's racial demographics according to the county census.

Data Analysis Plan

I used Pearson Chi-Square tests (IBM's SPSS software) to compare the data. The Chi-Square test is applicable to the study because it compares one or more categorical variable. I logged and grouped the data in an Excel spreadsheet to determine the variable's difference.

Threats to Validity

Because the data were limited to traffic stops by Florida Highway Patrol Troopers assigned to Hillsborough and Miami-Dade Counties between January 01, 2019 to June 30, 2019, the sample will not represent the census population outside of those counties. I cannot ensure the data used in this study is 100% accurate and reliable. To reduce bias, I collected traffic stop data conducted by Florida Highway Patrol Troopers assigned to all 67 Florida counties. Because I used pre-collected data on traffic stops, each stop's nature (violation) is different.

Ethical Procedures

Before conducting this study, I received permission from The Institutional Review Board. I only used data provided and maintained by the Florida Highway Safety and Motor Vehicles Office of Inspector General. No consent forms were required for the study because I used only data obtained through a request from the Florida Highway Safety and Motor Vehicles Office of Inspector General. I did not alter the data. Though the data for the study is accessible to the public, after completing this study, I will store the data on a password-protected computer in my home for five years and then destroy the study.

Summary

In this study, I examined variations in the racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I assessed whether race correlates with drivers stopped for a traffic violation. Chapter 3 included an in-depth description of the methodology, encompassing

the population, sampling and sampling procedures, data collection and instrumentation, and operationalization of constructs for the study. The research design and rationale included substance as to why the study was needed. The chapter concluded with the ethical procedures surrounding the study that will ensure a valid outcome. Chapter 4 will include discussion of the research results of the investigation.

Chapter 4: Results

Introduction

The purpose of this quantitative study was to examine racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and assess whether race correlates with drivers stopped for a traffic violation. The independent variable was the Florida Highway Patrol Trooper's racial demographics, and the dependent variable was the race of the driver stopped.

I analyzed secondary data from the Florida Highway Patrol Office of Inspector General between January 01, 2019, and June 30, 2019. My objective was to enhance the body of knowledge related to disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. The study results complement existing literature and have implications for positive social change by allowing Florida Highway Patrol Administrators to understand the consequences that racial disparities in traffic stops can have for police-community relations.

To address the question regarding what variables are correlated with racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties, I obtained secondary data. In 2021, Hillsborough County (Tampa), located in Central Florida, had a population of 1,478,194 million residents, while Miami-Dade County (Miami), located in South Florida, had a population of 2,662,777 (USA Facts, 2023). Racial composition in Hillsborough County in 2021 are as follows: White (46.5%), followed by Hispanic (30.3%), and Afro-American (16.3%; USA Facts, 2023). The racial composition in Miami-Dade County are

as follows: Hispanic (69.1%), followed by Afro-American (15%) and White (13.6%) (USA Facts, 2023). The targeted population for this study was 313 documented traffic stops conducted by Florida Highway Patrol Troopers assigned to Troops in Hillsborough and Miami-Dade Counties, from January 01, 2019, and June 30, 2019.

The following research questions and hypotheses were used in this study:

How does race affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties?

H₀: Race does significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

H_a: Race does not significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

Data Collection

The data I collected for this study were from a secondary source. Chi-Square tests was conducted to generate statistics of traffic stops by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade Counties made by race. The sample for this size study was $N=313$. Statistical Analysis in Social Science (SPSS) software processed the data and provided approximation specifications. SPSS software is a statistical platform offering a user-friendly interface and robust features that allow researchers to manage, analyze, and report data. The data were limited to traffic stops by Florida Highway Patrol Troopers assigned to Hillsborough and Miami-Dade counties between January 01, 2019, and June 30, 2019.

Study Results

In this study, I investigated variables associated with racial disparities among drivers pulled over for a traffic violation by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I located secondary data from the Florida Highway Patrol Office of Inspector General, which conducted a 2020 audit of the Florida Highway Patrol. These data represent drivers pulled over in Hillsborough and Miami-Dade counties between January 01, 2019, and June 30, 2019. From this data, I developed a research question and variables. The independent variable was the Florida Highway Patrol Trooper's racial demographics, and the dependent variable was the racial demographics of the driver.

The results are presented in the order of the study's research question and hypotheses. The research question was: How does race affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties?

To answer this question, I posed the following hypotheses:

H_0 : Race does not significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

H_a : Race does significantly affect disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

After developing the question and variables, I used Chi-Square Tests in SPSS to analyze the research question answers. The software was used to weigh the driver's and

trooper’s race within the two counties examined. Figure 4 provides the case processing summary for the study. When looking at the table, N of Valid Cases shows 313, the number of traffic stops analyzed for the study.

Figure 5 provides the crosstabulation of driver’s and trooper’s race. The county shows the driver’s race, and the number of traffic stops the trooper’s race made. For example, Afro-American troopers stopped nine Afro-American drivers, Hispanic troopers stopped eight Afro-American drivers, white troopers stopped 39 Afro-American drivers, and troopers of other races stopped one Afro-American driver for a total of 57 traffic stops involving Afro-American drivers.

The expected count shows the numerical data for Afro-American drivers expected to be pulled over by troopers. For example, the desired numerical data for Afro-American troopers stopping Afro-American drivers is 8.4. Hispanic troopers stopping Afro-American drivers is 10.6. White troopers stopping Afro-American drivers is 37.2, and troopers of other races stopping Afro-American drivers .9, for a total of 57 traffic stops involving Afro-American drivers.

Figure 4.

Case Processing Summary

Case Processing Summary						
	Valid		Cases Missing		Total	
	N	Percent	N	Percent	N	Percent
DriverRace *	313	0.7%	46022	99.3%	46335	100.0%
RaceTrooperUpdated						

Figure 5.*Crosstabulation of Driver and Trooper Race*

		DriverRace * RaceTrooperUpdated Crosstabulation					
		RaceTrooperUpdated				Total	
DriverRace		Black	Hispanic	White	Others		
Black	Count	9 _a	8 _a	39 _a	1 _a	57	
	Expected Count	8.4	10.6	37.2	.9	57.0	
	% within DriverRace	15.8%	14.0%	68.4%	1.8%	100.0%	
	% within RaceTrooperUpdated	19.6%	13.8%	19.1%	20.0%	18.2%	
	Residual	.6	-2.6	1.8	.1		
	Standardized Residual	.2	-.8	.3	.1		
	White	Count	16 _{a, b}	17 _b	101 _a	2 _{a, b}	136
		Expected Count	20.0	25.2	88.6	2.2	136.0
		% within DriverRace	11.8%	12.5%	74.3%	1.5%	100.0%
		% within RaceTrooperUpdated	34.8%	29.3%	49.5%	40.0%	43.5%
		Residual	-4.0	-8.2	12.4	-.2	
		Standardized Residual	-.9	-1.6	1.3	-.1	
	Hispanic	Count	18 _{a, b}	31 _b	52 _a	2 _{a, b}	103
		Expected Count	15.1	19.1	67.1	1.6	103.0
		% within DriverRace	17.5%	30.1%	50.5%	1.9%	100.0%
		% within RaceTrooperUpdated	39.1%	53.4%	25.5%	40.0%	32.9%
		Residual	2.9	11.9	-15.1	.4	
		Standardized Residual	.7	2.7	-1.8	.3	
Other	Count	3 _a	2 _a	12 _a	0 _a	17	
	Expected Count	2.5	3.2	11.1	.3	17.0	
	% within DriverRace	17.6%	11.8%	70.6%	0.0%	100.0%	
	% within RaceTrooperUpdated	6.5%	3.4%	5.9%	0.0%	5.4%	
	Residual	.5	-1.2	.9	-.3		
	Standardized Residual	.3	-.6	.3	-.5		
Total	Count	46	58	204	5	313	
	Expected Count	46.0	58.0	204.0	5.0	313.0	
	% within DriverRace	14.7%	18.5%	65.2%	1.6%	100.0%	
	% within RaceTrooperUpdated	100.0%	100.0%	100.0%	100.0%	100.0%	

Each subscript letter denotes a subset of RaceTrooperUpdated categories whose column proportions do not differ significantly from each other at the .05 level.

The Pearson Chi-Square showed Troopers pulled over White drivers at 43.5%, Hispanic drivers at 32.9%, Afro-American drivers at 18.2%, and drivers of other races at 5.4%.

Table 1.

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	18.304 ^a	9	.032
Likelihood Ratio	18.079	9	.034
Linear-by-Linear Association	2.998	1	.083
<i>N</i> of Valid Cases	313		

Note. Six cells (37.5%) have expected count less than five. The minimum expected count is .27.

The standard assumption for a table larger than a 2-by-2 is less than five, or 20% of the cells have an expected count greater than five. The results list a. six cells at (37.5%) which violates the assumption. There is no association between race and people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. The Likelihood Ratio is 18.079 with a Degree of Freedom (df) nine and Asymptotic Significance of .034.

Figure 6.*Correlations of Driver's and Trooper's Race*

Correlations			
		DriverRace	RaceTrooperUpdated
DriverRace	Pearson Correlation	1	-.098
	Sig. (2-tailed)		.083
	N	44961	313
RaceTrooperUpdated	Pearson Correlation	-.098	1
	Sig. (2-tailed)	.083	
	N	313	1322

I used a bivariate Pearson Correlation analysis test that included all the drivers in the study from Hillsborough and Miami-Dade Counties to determine if the trooper's race was related to the race of the drivers stopped for a traffic violation. The Pearson Correlation was $-.098$, and the significance value was $.083$. Though troopers stopped multiple driver's unequal to their community representation, no driver was significantly impacted by the traffic stops. The results mean Florida Highway Patrol Troopers in Hillsborough and Miami-Dade Counties do not stop drivers based on race.

Figure 7.*Symmetric Measures*

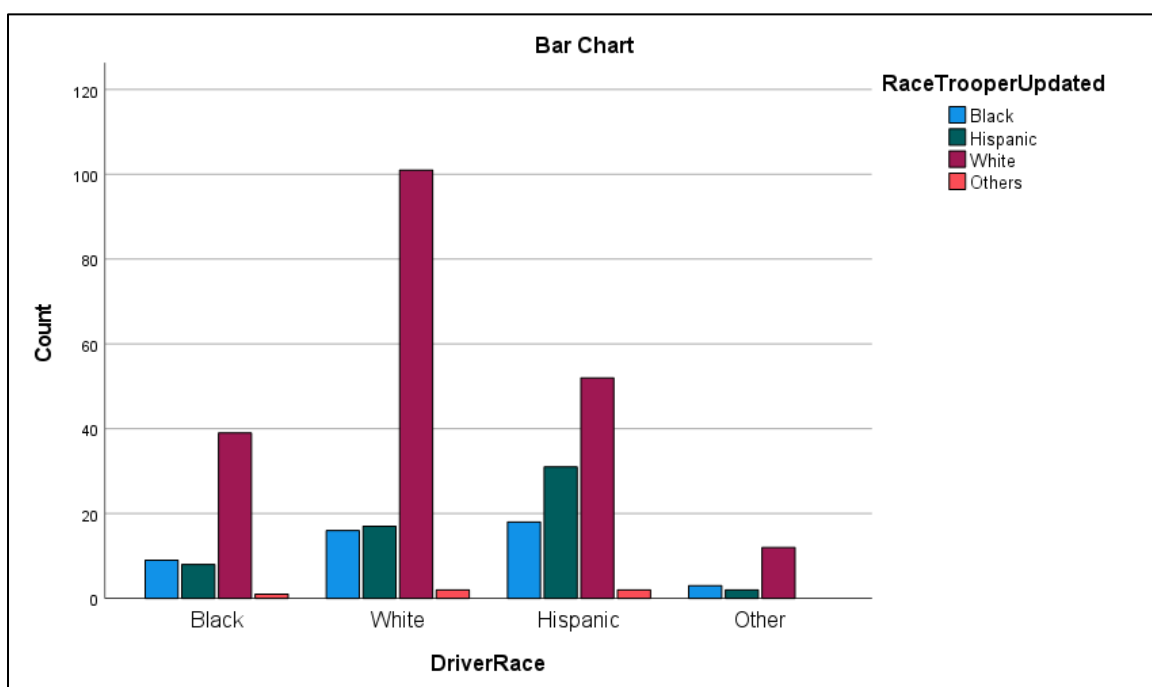
Symmetric Measures			
		Value	Approximate Significance
Nominal by Nominal	Phi	.242	.032
	Cramer's V	.140	.032
N of Valid Cases		313	

The statistical outcome of these variables may be unusual, but according to some current preceding research, the potential violation of civil rights involving drivers of

Afro-American descent in Florida during a traffic stop has fostered concerns by individuals from communities of color (Gramlich, 2019). These encounters often encompass no qualifying factor(s) other than the driver being of Afro-American descent traveling on a public right-of-way (Brooks, 2014).

Figure 8.

Bar Chart for Driver's and Trooper's Race



Note. Chart-count in percentage.

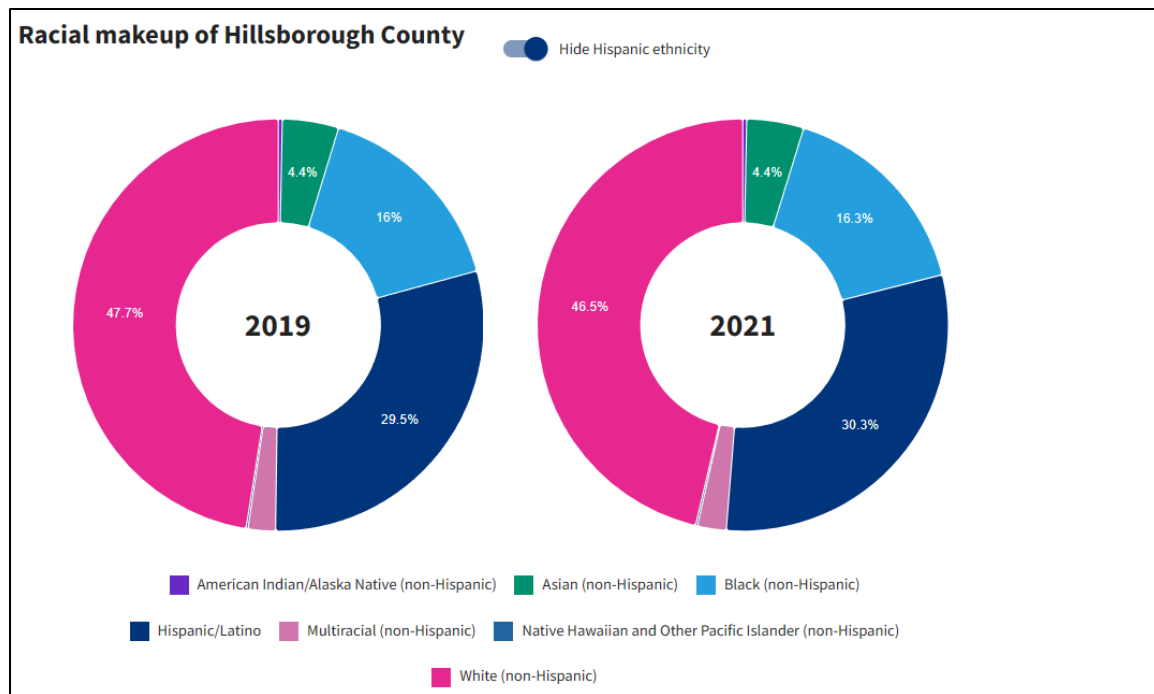
Of the 313 drivers stopped for a traffic violation, 57 were Afro-American, 136 were White, 103 were Hispanic, and 17 were drivers of other races. When examining the Trooper's Race, Afro-American Troopers stopped nine Afro-American drivers (19.6%), 16 White drivers (34.8%), 18 Hispanic drivers (39.1%), and three drivers of other races (6.5%). Hispanic Troopers stopped eight Afro-American drivers (13.8%), 17 White drivers (29.3%), 31 Hispanic drivers (53.4%), and two drivers of other races (3.4%).

White Troopers stopped 39 Afro-American drivers (19.1%), 101 White drivers (49.5%), 52 Hispanic drivers (25.5%), and 12 drivers of other races (5.9%). Troopers of Other Race stopped one Afro-American driver (20.0%), two White drivers (40.0%), 2 Hispanic drivers (40.0%), and zero drivers of another race (0%).

Figure 9 shows a map of the racial makeup in Hillsborough County as a percentage. In 2021, Hillsborough County was more diverse than it was in 2019. In 2021, the White (non-Hispanic) group comprised 46.5% of the population, compared with 47.7% in 2019. Between 2019 and 2021, the share of people who are Hispanic/Latino grew the most, increasing 0.8 percentage points to 30.3%. The White (non-Hispanic) population had the most significant decrease, dropping 1.2 percentage points to 46.5% (USA Facts, 2023).

Figure 9.

Census Data of Hillsborough County by Race

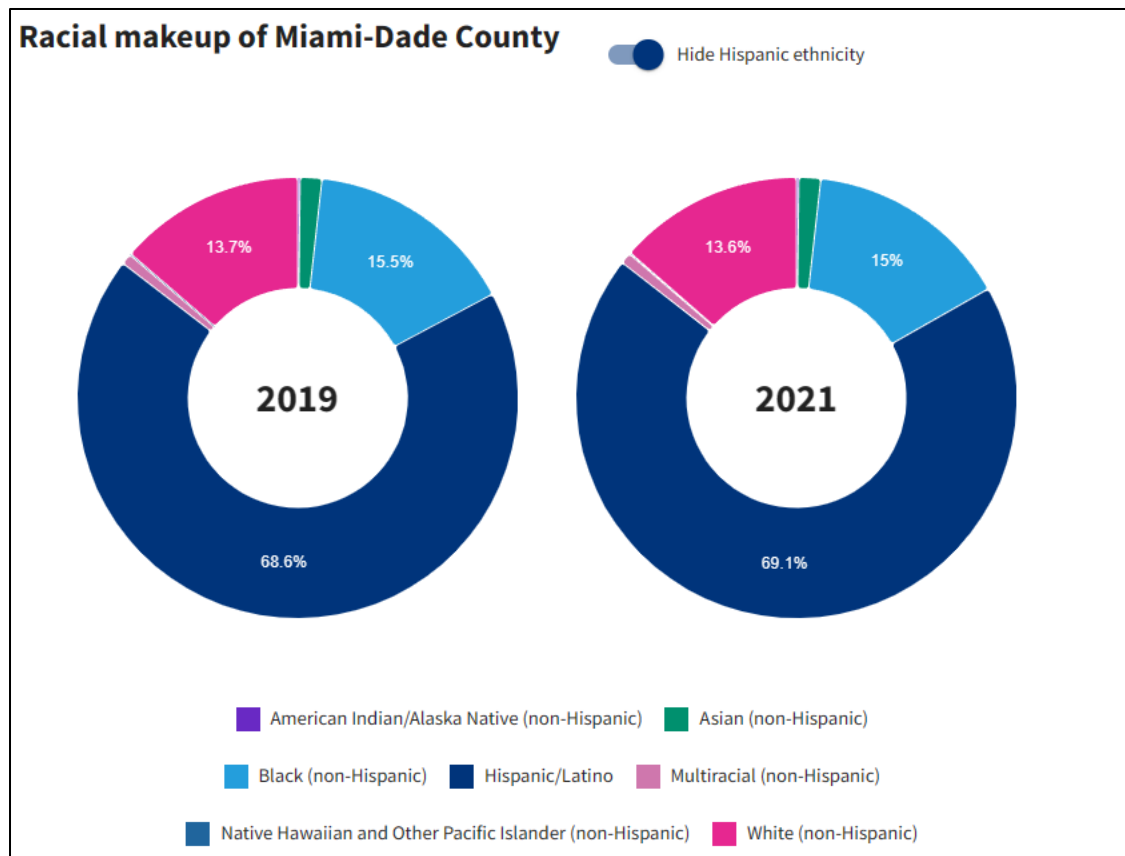


Note. From USAFacts. (2023). Hillsborough County, FL population by year, race, & more. USAFacts. <https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/florida/county/hillsborough-county/?endDate=2021-01-01&startDate=2017-01-01>.

Figure 10 shows a map of the racial makeup in Miami-Dade County as a percentage. In 2021, Miami-Dade County was less diverse than it was in 2019. In 2021, the White (non-Hispanic) group comprised 13.6% of the population, compared with 13.7% in 2019. Between 2019 and 2021, the share of people who are Hispanic/Latino grew the most, increasing 0.5 percentage points to 69.1%. The Afro-American (non-Hispanic) population had the most significant decrease, dropping 0.5 percentage points to 15% (USA Facts, 2023).

Figure 10.

Census Data of Miami-Dade County by Race



Note. From USAFacts. (2023). Hillsborough County, FL population by year, race, & more. USAFacts. <https://usafacts.org/data/topics/people-society/population-and-demographics/our-changing-population/state/florida/county/hillsborough-county/?endDate=2021-01-01&startDate=2017-01-01>.

Summary

Chapter 4 displayed the study results, followed by tables that revealed each variable in the study. I was astonished by the variable results, which stimulated me to review the data sets received. As previously stated, I used preexisting data from the Florida Highway Patrol Office of Inspector General. While reviewing the final study

conducted by the Office of Inspector General, the results revealed regarding racial profiling, no anomalies were observed with Troop C nor Troop E.

In Chapter 5, I provide an in-depth review of the study's results. I explain the results based on how it relates to the police institutional theory and its framework. The results of this study confirm how leaders can incentivize behavior and allow activities to become entrenched in a law enforcement agency.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this quantitative study was to examine racial disparities among people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and assess whether race correlates with drivers stopped for a traffic violation. The independent variable was the Florida Highway Patrol Trooper's racial demographics, and the dependent variable was the race of the driver stopped. In this study, I analyzed preexisting data from the Florida Highway Patrol Office of Inspector General. My goal was to advance knowledge in the discipline and provide Florida Highway Patrol Administrators the opportunity to understand the consequences that racial disparities in traffic stops can have for police-community relations. The results of this study can be used by elected officials, law enforcement administrators, and other stakeholders with a foundation in this area.

I used the police institutional theory in this study and assessed racial disparities among drivers pulled over for a traffic violation by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. The study results indicated that no one variable can consistently explain this occurrence. The study results are based on data from the Florida Highway Patrol Office of Inspector General, which conducted a survey on bias-based policing involving members of the Florida Highway Patrol from January 01, 2019, to June 30, 2019. I used SPSS software with a random selection of 313 drivers in Hillsborough and Miami-Dade counties for this study. Due to the results, I believe law enforcement administrators in the Florida Highway Patrol have developed an awareness

of citizens' concerns and created policies and procedures as a response. The study results indicate White drivers made up 43.5% of the traffic stops by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties and are more prone to be pulled over for a traffic violation than drivers of other races. While a few changes in police-community relations have transpired, racial disparities among drivers of Afro-American descent pulled over for a traffic violation in Florida are still prevalent.

Interpretation of the Findings

In this study, I analyzed the variables correlated with racial disparities among drivers pulled over for a traffic violation by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties. I believed the explanation for people involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties existed in a multiple-variable hypothesis. The study found no association between race and drivers involved in a traffic stop by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties.

According to the study results, the statement "officers seldom enforced the law in primarily white communities" does not support Swenson's (2015) assertion. The study results indicate that Troopers pulled over Hispanic drivers (18.5%) in Hillsborough and Miami-Dade counties for traffic violations more than Afro-American drivers (14.7%). However, the study results indicate Troopers pulled over Afro-American drivers more than drivers of other races (Asian and Indian). As cited in existing literature, Afro-Americans experienced social and economic disparities before the Civil Rights Act of 1964 and desegregation after the act in Miami-Dade County (Williams, 2016). High-

profile incidents involving the unarmed killing of people of Afro-American descent have generated concern for individuals traveling on America's highways (Tillyer et al., 2019). Studies have shown that drivers of Afro-American descent are more likely to receive traffic citations from officers assigned to the Patrol Operations/Division than officers assigned to another bureau (Tillyer et al., 2019). Studies revealed that officers of Afro-American descent are more reluctant to issue traffic citations and conduct vehicle searches on people of Afro-American descent than their white counterparts (Tillyer et al., 2019).

In 2019, Afro-Americans represented 16% of Hillsborough County and 15.5% of Miami-Dade County. When examining the Trooper's Race, Afro-American Troopers stopped nine Afro-American drivers (19.6%). Hispanic Troopers stopped eight Afro-American drivers (13.8%). White Troopers stopped 39 Afro-American drivers (19.1%), and Troopers of other races stopped one Afro-American driver (20.0%).

Limitations of the Study

I conducted this study using archival data collected by the Florida Highway Patrol Office of Inspector General and is limited to the organization that collected it. The data were secondary and the sources are public domain. I had no access to the participant's (driver's) private data. I used these data to find accurate and unbiased results based on the existing literature. Data were limited because the information obtained in the public records request will not state if the traffic stop is unlawful. Therefore, I considered all received record request documentation lawful traffic stops.

The Florida Highway Patrol's study results are limited to the Florida Highway Patrol and is not to suggest that the same study conducted on another law enforcement agency in Hillsborough and Miami-Dade counties would reveal similar results. The geographical data were obtained from USAFacts, which obtained its data from the United States Census Bureau. This examination's model in other parts of the United States is required to collectively and accurately locate the data to determine if police departments across the United States share similar record-keeping practices. Researchers should examine the extent of transparency among other law enforcement agencies in the United States. Traffic stops in law enforcement should not be used as a means of harassment or revenue generator, but as a tool to safeguard public safety. The results of this study can contribute to a positive social change in police-community relations rather than exacerbate the stigma that has existed between people of Afro-American ethnicity and law enforcement.

Recommendations

Future inquiry regarding police institutional theory as it relates to variations in racial disparities among drivers involved in a traffic stop by Florida Highway Patrol Troopers is needed to determine if this study is unique to Florida Highway Patrol Troopers or law enforcement agencies in Florida. Florida Highway Patrol Policy requires all members to use their patrol vehicle's communication system to advise the communication center of their location, the vehicle's tag number, a description of the vehicle, and number of occupants in the vehicle between 11:00 pm and 7:00 am. Florida Highway Patrol is the only law enforcement agency in Florida that requires members to

complete a “traffic stop data report,” which includes driver demographics and the outcome of the stop after every traffic stop. Administrators in the agency have the option to review data from a traffic stop. Further research might indicate that law enforcement agencies that require their members to record and document driver information during each traffic stop may decrease disparities among drivers in a community and reduce perceptions drivers of Afro-American descent have regarding law enforcement officials.

Implications

This study shows that disparities in traffic stops by Florida Highway Patrol Troopers in Hillsborough and Miami-Dade counties are of great consequence, and the perceptions drivers of Afro-American descent have of law enforcement officials have merit. Law enforcement administrators can use the study results to create policies and procedures that govern troopers’ behavior. Moreover, the results of this study can have implications for positive social change if Florida Highway Patrol Administrators use the findings to understand the consequences that racial disparities in traffic stops can have for police-community relations.

Conclusion

Research on racial disparities in traffic stops has grown tremendously over the past 20 years. Early studies sought to document case law and politics in policing, then moved to stop-and-frisk laws while focusing on officer bias. Law enforcement officers' aggressive police tactics against individuals of color are a growing concern for people of Afro-American descent in America. Patrol officers are the front-line personnel of all law enforcement agencies who initially respond to a severe incident and enforce traffic

offenses. These personnel ordinarily have less work experience than those employed in individual bureaus such as investigations or administration and are more influenced by political leader's grievances. Because of such influence, these law enforcement personnel sometimes enforce traffic offenses against individuals of color based on requests from their administrative leadership and local political leaders. Previous studies have shown not all law enforcement officers are bad. However, it has shown that not all law enforcement officers are good (Cotton, 2021).

In this study, I explored factors in support of social change by developing new research that could assist administrators in the Florida Highway Patrol and legislators in devising policies to oversee trooper's behavior. Using this study's findings to inform police administrators of the significance of documenting driver demographics and the outcome of a traffic stop could ensure record legitimacy and transparency in the future and reduce racial disparities in traffic stops across Central and South Florida.

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Appendix A: Florida Highway Patrol Traffic Stop Policy

The Florida Highway Patrol created the following policies and procedures to guide members during traffic stops.

17.21.01 PURPOSE - To provide guidance to members related to traffic stops.

17.21.02 Authority - Members of the agency obtain their authority from Florida Statutes Sections 316.640 and 321.05.

17.21.03 POLICY - The greatest amount of discretion afforded to members of the Florida Highway Patrol is in conducting traffic stops. Members are routinely afforded discretion to determine which vehicles to stop and what type of enforcement action to take. Members are given guidance in taking enforcement action in FHP Policy 17.06. Statutory requirements regulate the types of action members may take for certain violations. Proactive traffic enforcement has long been recognized as an effective method of crime control. It is one of the primary duties assigned to members of the Florida Highway Patrol by Chapters 316 and 321 of the Florida Statutes. Initiating a traffic stop or basing enforcement action on the vehicle occupant's race, ethnicity, gender, or economic status is illegal, inconsistent with the principles of American policing and an indefensible public protection strategy. Therefore, traffic stops being conducted by members of the Florida Highway Patrol must be conducted in a professional manner in order to maintain the confidence of the public.

17.21.04 DEFINITIONS

A. INTERCEPTING – The activation of emergency lights and/or siren at the discretion of the member to make notification of a patrol car presence and to cause the violator to stop as quickly and safely as possible.

B. OVERTAKING – The active attempt by a member to catch up to and stop a traffic violator before there is recognition by the violator that the member is attempting to stop the violator.

17.21.05 OBJECTIVES To ensure that members of the Florida Highway Patrol conduct traffic stops in a professional and objective manner.

17.21.06 PROCEDURES A. INITIATING A TRAFFIC STOP

1. Overtaking Confirmed Violators When overtaking a confirmed violator, the member will determine the appropriate time and location to make his/her presence known by activating emergency lights or siren or both in order to affect the traffic stop.

2. Intercepting Violators a. Upon turning on a violator on a multi-lane divided or undivided roadway, the member shall determine the appropriate time and location in which to activate emergency lights. b. Upon obtaining sufficient evidence of a violation, the member shall stop the violator as soon as practical.

3. Members are permitted to follow a violator for short distances prior to activating the emergency lights/sirens if, in the member's opinion, the risk posed by immediately stopping the violator outweighs the risk posed by allowing the violator to continue.

4. In determining when to actually initiate a traffic stop, a member should consider the following criteria: a. The severity of the violation(s). b. The weather conditions. c. The characteristics of the occupants, if known. d. The characteristics of the roadway.

5. Members should not hesitate to direct the violator to a safe location.

6. When parked off the roadway, members shall consider the circumstances in deciding whether to leave the emergency lights on.

7. The patrol unit shall be parked to the rear of the violator's vehicle.

8. In all traffic stops, a member should consider using the patrol vehicle's communication system to advise the communication center of their location, the tag number of the vehicle, a description of the vehicle and the occupants.

9. Between the hours of 11:00 PM and 7:00 AM, members shall use the communication system as outlined above for ALL traffic stops.

10. Members shall not use the public address system as a means of communication with a traffic violator or with the general public except when necessary. It is only to be used after all other means or efforts have failed to direct a violator or the general public to a safe position. Members are authorized to use the public address system to the extent necessary when a clear threat exists to the safety of the member or the public.

11. Members will use the spotlight/takedown lights with care. The primary purpose of the lights is to illuminate traffic stop, traffic crash and crime scenes and to aid members in searches. Spotlights/takedown lights are not to be intentionally used to

obscure the vision of the driver of any vehicle while that vehicle is in motion. The use of any lights for the sole purpose of illuminating the occupants of passing vehicles prior to observing a violation is prohibited.

FHP Search and Seizure Policy 11.02.01

Search and Seizure is a common practice in all law enforcement agencies and has been a concern for Executive Administrators of the Florida Highway Patrol since its creation. 11.02.07 Section B requires multiple officers to be at a scene before searching a vehicle. Supervisors in the Florida Highway Patrol strongly encourage members to obtain a warrant before conducting a search of a vehicle if reasonable doubt occurs during a traffic stop. Leaders frequently update this policy to ensure the rights of individuals granted in the Fourth Amendment to the United States Constitution are protected.

11.02.03 DEFINITIONS

A. **BIASED POLICING** (formerly: Biased Based Profiling) – The selection of an individual(s) for enforcement action based in whole or in part on a trait common to a group, without actionable intelligence to support consideration of that trait. This includes, but is not limited to, race, ethnic background, national origin, gender, sexual orientation/identity, religion, economic status, age, cultural group, or any other identifiable characteristics.

B. **PLAIN VIEW** – Observation of evidence of a crime or contraband, without searching, from a location where the member has a lawful right to be.

C. **PROBABLE CAUSE** – A fair probability that the evidence will be found, based on an objective assessment of the totality of the circumstances, viewed in light of

the member's training and experience. It means there is a reasonable basis for believing that a crime has been or is being committed, and showing that the items to be seized are at the place to be searched.

D. REASONABLE SUSPICION – Articulate facts sufficient to a member, based on their knowledge and experience, that a person is committing, has committed, or is about to commit a crime.

E. SEARCH – The action of examining a premises, including a vehicle, of a person involved or believed to be involved in criminal activities with an object of collecting evidence expected or anticipated to be available there which is otherwise not available.

F. SEIZURE (of a person) – An indication of detention or when one's freedom of movement has been restrained by an officer in a way which would cause a reasonable person to believe they were not free to leave.

G. STOP AND FRISK LAW (Section 901.151, F.S.) – Authorized temporary detainment of a person when a member has reasonable suspicion that the person has committed, is committing, or is about to commit a crime in order to ascertain the identity of the person and the circumstances surrounding the person's presence that led to the member's suspicion. If, during the temporary detainment, the member has reasonable suspicion to believe the person is armed with a dangerous weapon and therefore offers a threat to the safety of the member or any other person, the member may search such person only to the extent necessary to disclose, and for the purpose of disclosing, the presence of such weapon (FHP Policy Manual, 2015).

FHP Office of Inspector General Bias Based Profiling Review

From January 01, 2019, to June 30, 2019, the Florida Highway Patrol Office of Inspector General examined traffic stop data involving members of the Florida Highway Patrol. Officers working in the Patrol Division had data assessed from traffic stops compared to the County census for July 2018 for variances more significant than 20% (Office of Inspector General, 2020).

Appendix B: 2022 Florida Statutes

Title XLVII – Criminal Procedure and Corrections**Chapter 901 - Arrests and Temporary Detentions**

901.151 - Stop and Frisk Law.

Universal Citation: FL Stat § 901.151 (2022)

901.151 Stop and Frisk Law.—

(1) This section may be known and cited as the “Florida Stop and Frisk Law.”

(2) Whenever any law enforcement officer of this state encounters any person under circumstances which reasonably indicate that such person has committed, is committing, or is about to commit a violation of the criminal laws of this state or the criminal ordinances of any municipality or county, the officer may temporarily detain such person for the purpose of ascertaining the identity of the person temporarily detained and the circumstances surrounding the person’s presence abroad which led the officer to believe that the person had committed, was committing, or was about to commit a criminal offense.

(3) No person shall be temporarily detained under the provisions of subsection (2) longer than is reasonably necessary to effect the purposes of that subsection. Such temporary detention shall not extend beyond the place where it was first effected or the immediate vicinity thereof.

(4) If at any time after the onset of the temporary detention authorized by subsection (2), probable cause for arrest of person shall appear, the person shall be arrested. If, after an inquiry into the circumstances which prompted the temporary

detention, no probable cause for the arrest of the person shall appear, the person shall be released.

(5) Whenever any law enforcement officer authorized to detain temporarily any person under the provisions of subsection (2) has probable cause to believe that any person whom the officer has temporarily detained, or is about to detain temporarily, is armed with a dangerous weapon and therefore offers a threat to the safety of the officer or any other person, the officer may search such person so temporarily detained only to the extent necessary to disclose, and for the purpose of disclosing, the presence of such weapon. If such a search discloses such a weapon or any evidence of a criminal offense it may be seized.

(6) No evidence seized by a law enforcement officer in any search under this section shall be admissible against any person in any court of this state or political subdivision thereof unless the search which disclosed its existence was authorized by and conducted in compliance with the provisions of subsections (2)-(5). History. —ss. 1, 2, ch. 69-73; s. 1459, ch. 97-102.

Appendix C: Bill of Rights

Fourth Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized (Smentkowski, 2023).