

UNIVERSITY OF CINCINNATI

Date: 02/16/07

I, Richard R. Johnson,
hereby submit this work as part of the requirements for the degree of:
Doctor of Philosophy

in:

Criminal Justice

It is entitled:

The Development of Criminal Suspicion by State
Troopers during Motor Vehicle Stops

This work and its defense approved by:

Chair: Dr. Robin Engel
Dr. James Frank
Dr. Lawrence Travis III
Dr. William King

The Development of Criminal Suspicion by State Troopers during Motor Vehicle Stops

A dissertation submitted to the

Division of Research and Advanced Studies
of the University of Cincinnati

in partial fulfillment of the
requirements for the degree of

DOCTOR OF PHILOSOPHY (Ph.D.)

In the Division of Criminal Justice
of the College of Education

2007

By

Richard R. Johnson

A.S., Indiana University South Bend, 1995

B.S., Indiana University South Bend, 1996

M.S., Indiana State University, 2000

Committee Chair: Dr. Robin Engel

ABSTRACT

How law enforcement officers exercise their discretion has importance for issues of public trust and confidence, the fair treatment of citizens, the legality of government agent behavior, and the effectiveness of their actions in achieving legitimate goals. The present study was a preliminary exploration into how state troopers develop suspicion upon which to base their searches of motor vehicles during traffic stop encounters. Utilizing a qualitative analysis of the responses of 148 state law enforcement officers who participated in sixteen focus group interviews, the present study investigated what factors state troopers rely upon during traffic stop encounters to build suspicion that criminal activity is afoot. More specifically it examined what words, behaviors, and objects sparked the suspicions of state troopers involved in highway criminal interdiction efforts. The results indicated that the respondents relied upon a number of suspiciousness cues such as the statements of the motorists, the objects they observed in relation to the vehicle, and the display of nonverbal indications of nervousness. The respondents insisted that they did not rely on a narrow list of suspiciousness indicators, but rather took a totality of the circumstances approach. Finally, variation in the suspiciousness indicators used was revealed between the respondents who were more successful and less successful than their peers in the detection of illegal contraband.

Contents

1. Introduction.....	4
2. Literature Review.....	12
3. Research Questions.....	39
4. Data and Methods.....	53
5. Findings.....	79
6. Discussion and Conclusion.....	126
7. References.....	142
8. Appendix A.....	158
9. Appendix B.....	160

Chapter 1 - Introduction

The majority of the social science research on policing in the United States has focused on police decision-making processes, and for good reason. Police officers exercise a tremendous amount of decision-making discretion during police-citizen encounters. How officers exercise their discretion has importance for issues of public trust and confidence, the fair treatment of citizens, the legality of government agent behavior, and the effectiveness of their actions in achieving legitimate goals (Davis, 1971). The majority of the research on police discretionary behavior, however, has been limited primarily to three decision points; stops, arrests, and the use of force (Sherman, 1980; Riksheim & Chermak, 1993). These three areas make up only a small portion of the official decisions police officers make each day, and the existing literature suggests that even though the latter two areas are extremely serious matters, they are in fact rare events (Walker & Katz, 2002). Further research is needed to expand our understanding of some of the other discretionary decisions officers make, especially those that affect our civil liberties.

The present study is a preliminary exploration into how officers develop suspicion on which to base their searches of motor vehicles during traffic stop encounters. In the debate over the issue of bias-based policing, the suggestion is often made that police officers routinely use illegitimate criteria on which to base their decisions to search motorists' vehicles (see for example Harris, 1999; Lundman & Kaufman, 2003). Others have argued that the majority of police searches are based on legally appropriate criteria (MacDonald, 2003). In the midst of all of this rhetoric, however, there is little research that has actually investigated what situational factors (legitimate or illegitimate) influence an officer's search decision. Only recently have social scientists begun to investigate what situational factors are used by officers in forming

suspicious about citizens, and what factors lead them to act on these suspicions through the stopping and searching of citizens (Alpert et al., 2005; Dunham et al., 2005; Dixon et al., 1989; Quinton et al., 2001).

The present study performed an initial, exploratory investigation into what factors police officers rely upon during traffic stop encounters to build suspicion that criminal activity is afoot. Generally it sought to discover what characteristics about the vehicle and its occupants, and the circumstances surrounding the traffic stop, lead a police officer to become suspicious that the occupant(s) is currently engaged in some sort of criminal activity beyond a simple traffic violation. More specifically, this study examined what words, behaviors, and objects sparked the suspicions of state troopers involved in highway criminal interdiction efforts. This study utilized a qualitative methodological design involving focus group interviews to explore what suspiciousness factors state troopers from two state law enforcement agencies report relying upon when trying to determine if a traffic law violator is engaged in more serious law-breaking activity.

Reasons for the Study

The study of the development of criminal suspicion during traffic stops by state troopers is important for a number of reasons. First, in the existing social science literature on police behavior there are many types of police behaviors that have rarely, if ever, been researched. In 2001 the National Research Council of the National Academies formed the Committee to Review Research on Police Policy and Practices. Chaired by policing scholar Dr. Wesley Skogan, the committee reviewed all of the existing research on policing in the U.S. The

committee summarized the general findings of the research, identified areas lacking study, and made recommendations for future research agendas. One area identified as needing further research was in the explanation of officer decision-making behavior in situations other than arrests and the use of force (Skogan & Frydl, 2004). The development of officer suspicion leading to vehicle searches is one area of police behavior that has only recently been examined. Therefore a study of officer development of suspicion will help fill a void in our current social scientific knowledge about police behaviors.

Second, the topic of this study has importance due to the impact of searches and seizures on civil liberties. Police officers wield tremendous discretionary power to seize and search the property of citizens (Davis, 1971). Officers may not only search property based on a search warrant issued by a magistrate, but can also search property without a warrant under the many exceptions provided by the courts. Most of these searches, however, (either with or without a warrant), must be based on probable cause (Roberson, 2003; Samaha, 1996). Nevertheless, to date the literature has been silent on exactly what “facts and circumstances” police officers rely upon to develop probable cause on which to base their searches during traffic stops.

In the case of searches, “probable cause is based on the facts and circumstances within the officer’s knowledge, and of which the officer has reasonably trustworthy information to believe, that property subject to seizure is at a designated location” (Gifis, 1991: 375). The probable cause to search may be established on the basis of the cumulative knowledge of the investigating officers, but cannot be based on facts which are completely innocuous by themselves (Gifis, 1991). Then on what do officers base their probable cause to search vehicles? Our fourth amendment rights are influenced by how police officers interpret the facts and circumstances present during traffic stop encounters. Expanding our knowledge about what facts

and circumstances officers define as suspicious can inform our knowledge about how street-level officers apply the law in police-citizen encounters.

Over the last decade there has been much political debate, and some social scientific research, on the topic of racial profiling. As was mentioned previously, some groups and individuals claim that police officers frequently engage in stopping motorists based either partially or solely on the driver's race (American Civil Liberties Union, 1999; Harris, 1999; Lamberth, 1996), while others argue that race is rarely a criteria used by the police in deciding whom to stop (MacDonald, 2003). While some initial studies of stops on the nation's roadways appeared to show a bias toward stopping drivers who were members of minority groups (American Civil Liberties Union, 1999; Harris, 1999; Lamberth, 1996), recent studies using more sophisticated methodologies have revealed that after controlling for traffic law violating behavior, stops by the police frequently show little if any bias against minority drivers (Alpert Group, 2004; Engel et al., 2004; Lange et al., 2005; Smith et al., 2003).

Post-stop police officer behavior, however, frequently appears to reveal disparities by citizen race. Most of the traffic stop research studies that also investigated vehicle searches have found a consistent bias for searching the vehicles of African American and Hispanic drivers (Engel & Johnson, 2006; Knowles et al., 2001). Therefore it is of great importance for the racial profiling debate to determine what factors officers' report they rely upon when determining suspiciousness and building probable cause in order to justify a vehicle search.

While a growing body of literature exists regarding traffic stops and vehicle searches with a focus on bias-based policing, these studies have generally been macro-level in nature and focused on the percentages of certain demographic groups that were stopped, searched, or arrested (Alpert Group, 2004; American Civil Liberties Union, 1999; Engel et al., 2004; Farrell

et al., 2003, 2004; Harris, 1999; Lange et al., 2005; Lamberth, 1996; Lovrich et al., 2003; Smith et al., 2003). Engel and associates (2002) have suggested that most of this research into bias-based policing has only looked at aggregate, macro-level data, and done so without having a testable theoretical foundation. While not measuring many incident level factors, most of these studies have made broad assumptions about the situational level characteristics that were responsible for these biased or unbiased outcomes. Only recently have social scientists begun to investigate in more detail the encounter level factors that influence officer decisions with regard to stops, citations, and searches. This study could help inform this investigation and provide information on officer behavior that could then be tested empirically at the individual or encounter level through survey or systematic social observation research.

Finally, another finding of the Committee to Review Research on Police Policy and Practices was that the majority of the social scientific knowledge we have about the police behavior is based on studies of officers employed by a limited number of large, urban, municipal police departments (Skogan & Frydl, 2004). Very little research exists on the behavior of officers employed by smaller, rural, and suburban agencies; much less officers employed by county, state, or federal law enforcement agencies. Since the present study focuses on sworn personnel employed by state police agencies, it will help expand the limited existing knowledge about state police troopers and their behaviors.

This is most important in light of the racial profiling controversy as a number of the allegations, and the majority of the landmark cases on the issue, have involved state police and highway patrol agencies (see for example *Wilkins v. Maryland State Police* (1993); *New Jersey v. Soto* (1996); *Chavez v. Illinois State Police* (1999); *Gerald v. Oklahoma Department of Public Safety* (1999)). The present study specifically investigated state trooper perceptions of

suspiciousness with regard to detecting criminal activity while engaged in highway criminal interdiction efforts during traffic patrol. Little effort to date has been expended to investigate this type of police behavior in a state police agency.

Outline of the Research

In the following pages the existing research on the development of suspicion by the police will be reviewed and the specific details of the present study will be outlined. In Chapter 2 a review of the existing literature will be conducted on the police development of suspicion when interacting with citizens. It will review the existing social psychological research on police officer use of individual nonverbal cues for detecting deception. It will discuss the research on police officer stereotypes about the characteristics of people and vehicles. Then the police reliance on familiar situations and circumstances in order to detect incongruent or ‘out of place’ situations or people will be analyzed. The chapter will provide a detailed review of the few existing studies that have attempted to specifically investigate how patrol officers develop suspicions and how these suspicions are tied to the actual official officer actions of stopping, questioning, and searching motorists and pedestrians in urban environments. Finally, the second chapter will discuss the need for the present study by identifying the shortcomings of the previous literature and suggesting where further knowledge would be helpful.

In Chapter 3 the theoretical foundation and the research questions for the study will be established. The theoretical frame used to guide this investigation is the social psychological theory of symbolic interaction. Symbolic interactionism postulates that a person’s behavior is shaped, at least in part, by the individual’s interpretations of the environment. Based on previous

experiences, the individual assigns meaning to the behaviors, words, and objects they encounter. The present study focused on the subjective meanings that state troopers have adopted for the behaviors, words, and objects they encounter during traffic stops. Specifically it sought to determine what behaviors, words, and objects state troopers have come to define as suspicious, thus leading to the three research questions for this study.

First, what characteristics about the *behaviors* of a vehicle and its occupant make up the working rules of state troopers about what constitutes suspicious criminal behavior? Second, what characteristics about the *objects* observed during traffic stops make up the working rules of state troopers about what constitutes suspicious criminal behavior? Third, what characteristics about the *words or statements* made by the vehicle's occupants during a traffic stop constitute suspicious behavior for state troopers?

Chapter 4 then goes on to describes the source of the data to be analyzed in this study. This research involved a qualitative analysis of focus group interviews with state troopers from two state police/patrol agencies. The data involved an analysis of the content of sixteen focus group interviews conducted with troopers, corporals, and sergeants employed by two state law enforcement agencies. The content of the focus group conversations focused on a number of topics related to highway criminal interdiction, including what indicators of suspiciousness the respondents had successfully relied upon in the past during traffic stop encounters in order to detect the transportation of illegal contraband.

Chapter 5 outlines the methodology employed in the study to analyze the qualitative data described in Chapter 4. A structured content analysis of the written transcripts from the focus group interviews was used to identify respondent statements about the words, behaviors, and objects they found suspicious during traffic stops. Weber (1990) describes content analysis as a

research tool used to determine the presence of certain words or concepts within texts. In the research here the concept of suspiciousness was under evaluation and the conceptual content analysis to be used in this study will follow the pattern outlined by Carley (1992), which has become the standard method for qualitative sociological content analysis (Ryan & Bernard, 2003).

Chapter 6 discusses the findings from this conceptual analysis. Specifically, it discusses exactly what words, behaviors, and objects were most frequently discussed by the focus group respondents as sources of suspicion or cues that something more serious than a traffic violation was occurring. Topics discussed by more than 10 percent of the participants were targeted so that the findings concentrate on the sources of suspicion shared by a sizeable number of the troopers, not just one or two. Finally, respondent variation is discussed. The responses of the participants that had an above average success rate in finding illegal contraband when they searched vehicles were compared with the responses of the participants who were less successful in finding illegal contraband when they searched.

Finally, Chapter 7 summarizes this study by discussing the importance of the findings. Specifically this chapter will briefly review the major findings. Next it will discuss how the findings fit into the broader literature dealing with police officer development of suspicion. Then it will discuss how the present study can serve to inform future research on this topic and how further study on this topic should proceed.

Chapter 2 – Research on Police Suspicion

In a recent article Alpert, MacDonald, and Dunham (2005) reported difficulty in conducting a literature review on police suspicion development and discretionary decision-making during traffic and pedestrian stops. This was because, prior to their study, no empirical literature existed in the U.S., and only a few recent qualitative studies in this area had been published in Europe. Despite this dearth of empirical research specifically investigating the development of police suspicion and its link to officer behavior, some related literature does exist.

In the field of social psychology, research exists regarding what verbal and nonverbal cues police officers rely upon to determine if a citizen is being untruthful. From the fields of sociology and criminal justice, there is qualitative research on how police officers come to stereotype the characteristics of ‘typical’ criminal offenders or crime circumstances, and how they treat citizens who have these characteristics. Other studies have focused on how the police rely on familiar situations and circumstances in order to detect incongruent or ‘out of place’ situations or people. There are now two published studies from the United Kingdom, and one from the United States that have explored how municipal police officers in urban environments develop the suspicion on which they base stops and searches of motorists and pedestrians. The present study seeks to expand this knowledge further with an exploration of how state law enforcement personnel, patrolling primarily interstate highways, develop suspicions during traffic stops that lead them to believe that the motorist is involved in criminal activity.

This chapter will begin with a review of the social psychology research regarding police officer use of verbal and nonverbal citizen cues to detect citizen deception. Next, it will discuss the social scientific research on the police development of stereotypical ideas about the typical offender (the ‘symbolic assailant’) and vehicle characteristics. The literature on how officers use an incongruity procedure to identify ‘out of place’ people and behaviors is then discussed. The chapter will go on to provide a discussion of the few existing studies that have attempted to link the development of officer suspicions to the official actions of stopping, questioning, and searching motorists and pedestrians. Finally, it will conclude with a discussion about how these suspiciousness indicators will help inform the present investigation into the development of suspicion by state troopers during traffic stops.

Nonverbal Cues for Detecting Deception

One source of clues used by police officers to detect the suspicious activities of citizens is through nonverbal behavior. Surveys of patrol officers and detectives have suggested that many within the police profession believe that certain nonverbal behavioral cues can indicate that a citizen is experiencing stress and anxiety over trying to successfully tell a lie. These cues include frequent speech disruptions (such as stutters, long pauses, and “ahs” or “ums”), frequent or inappropriate smiles, the avoidance of eye contact, and increased fidgeting or hand gestures.

Akehurst, Kohnken, Vrij, and Bull (1996) surveyed 60 experienced police officers in Portsmouth, England regarding their beliefs about suspicious behavioral cues. These officers agreed that when people are trying to hide something they tend to increase in involuntary speech disruptions and movements of the eyes, mouth, and hands. Specifically, these officers believed

that when people are being deceptive they increasingly stutter or take pauses while speaking; smile frequently or inappropriately; frequently avoid eye contact with the person to whom they are speaking; and make frequent hand and arm gestures. The greater the degree to which these behaviors occur, the more suspicious the officers stated they were of the person they were encountering (Akehurst et al., 1996).

Other studies using different samples of police officers have supported Akehurst and associates' findings. Vrij (1996) studied 91 police detectives in the Netherlands, Vrij and Taylor (2003) surveyed a sample of 52 patrol officers in England, Stromwall and Granhag (2003) surveyed 104 Swedish police officers, and Garrido, Masip, and Herrero (2004) studied 121 officers in Spain. All found that these police officers shared similar perceptions of suspicious nonverbal cues; that increases in the frequency of smiles, speech disruptions, avoidance of eye contact, and increased hand and arm gestures are suspicious and likely to indicate deception on the part of the citizen.

Furthermore, these beliefs about behavioral indicators of deception have been found to also be shared by professionals throughout the criminal justice system, not just by police officers. Surveys have demonstrated that correctional officers (Lakhani & Taylor, 2003; Vrij & Semin, 1996), parole officers (Porter et al., 2000), prosecutors (Stromwall & Granhag, 2003), and judges (Stromwall & Granhag, 2003) also perceived that frequent speech disruptions, frequent or inappropriate smiles, the avoidance of eye contact, and increased hand gestures can be interpreted as nonverbal indicators of deceptive statements.

While these beliefs about nonverbal behavioral indicators of deception have not been tested with police officers from the U.S., formal police investigative training in the U.S. frequently incorporates instruction in these methods of detecting deception. The most widely

accepted interviewing and interrogation training provided to the police in the U.S., the Reid Method of Interviewing and Interrogations, incorporates many techniques to determine the truthfulness of interviewee statements (Blair & Kooi, 2004; Inbau, Reid, Buckley, & Jayne, 2001).

As part of this training, the Reid Method teaches officers to observe for nonverbal indicators of stress or deception, including fidgeting; shifting of body posture; frequent leg and foot movements; frequent hand gestures; avoiding eye contact when speaking; fast or stuttered speech; frequent pauses while speaking; excessive or inappropriate smiling; and profuse sweating (Blair & Kooi, 2004; Brown, 2001; Inbau et al., 2001). Another source of police training about nonverbal cues comes from highway drug interdiction training. In response to the problem of drug transportation by motor vehicle, a number of police agencies have trained their patrol officers in methods of detecting suspicious or criminal behavior while conducting traffic stops. These drug interdiction training programs often teach officers that frequent or inappropriate smiles, frequent speech disruptions, avoidance of eye contact, and increasingly frequent arm or leg movements are signs of nervousness and deception (Connors & Nugent, 1990; Remsberg, 1997).

It is important to note, however, that the effectiveness of relying on these nonverbal cues to detect deception is in dispute (Blair & Kooi, 2004). Studies using mostly white college student test subjects to both tell lies and detect untruthful statements in a laboratory environment have provided evidence to suggest that people do tend to increase these nonverbal behaviors while being deceptive. These studies have also suggested that these behavioral differences can also be detected by student interviewers in a laboratory environment (deTurck & Miller, 1990; Fugita,

Hogrebe, & Wexley, 1980; Horvath, Jayne, & Buckley, 1994; Miller, deTurck, & Kalbfleisch, 1983).

Nevertheless, Vrij, Edward, and Bull (2001) have questioned whether people in a low stress/low risk laboratory environment would behave in the same way as they would when confronted with a real official police interrogation or contact on the street. In fact, a number of intervening factors have been found to influence the frequency with which these nonverbal cues of deception are displayed. Stress (deTurck & Miller, 1985), the complexity of the lie being told (Vrij & Heaven, 1999), the opportunity to rehearse the lie (Miller et al., 1983), the interpersonal space between the interviewer and interviewee (Winkel, Koppelaar, & Vrij, 1988), and personal awareness of these nonverbal cues (deTurck & Miller, 1990) have all significantly influenced the degree to which an individual displays these nonverbal indicators of deceit. Furthermore, racial and ethnic differences are a substantial influence on the baseline frequency at which these suspicious nonverbal behaviors are displayed (Fugita, Wexley, & Hillery, 1974; Winkel and Vrij, 1990).

Stereotypes of Personal and Vehicle Characteristics

Skolnick (1966) suggested that the characteristics of police work serve to create in police officers a specific “working personality” typified by authoritarianism, cynicism, and suspicion. The police officer work environment is characterized by three primary elements: isolation, authority, and danger. The element of danger serves to make police officers especially suspicious of citizens, increasing their attentiveness to any signs that may reveal a potential for violence or criminal activity. In order to teach new officers about what dangers to look for while doing their

job, more experienced officers often share short informal lists of characteristics young officers should watch for as indicators that a citizen may pose a threat of violence. While the specifics of these characteristics may vary from community to community, they all paint a picture for officers of what the typical offender, or “symbolic assailant”, looks like.

The features usually used to identify the symbolic assailant include characteristics such as age, sex, race, socioeconomic status, and, in some cases, location (Skolnick, 1966). The result is that the symbolic assailant is typically portrayed as a young man of low socioeconomic status who resides in a high-crime community and is non-white in ethnicity. Officers learn from their peers that while not all offenders look like the symbolic assailant, and not all people who look like the symbolic assailant are offenders, in many cases these characteristics accurately identify those who are involved in crime (Holmberg, 2000). These stereotypes about what the typical offender looks like may lead an officer to stop, question, and search persons who fit the officer’s own personal stereotype of what a criminal looks like, regardless of their actual likelihood of engaging in crime.

There is evidence that the public holds race-based stereotypes of the symbolic assailant as Allport and Postman (1975) found that White and Black research subjects were more likely to perceive African American men as violent criminal offenders. More recent studies using students and members of the public recruited at a shopping mall found that when playing a video game where they assumed the role of a police officer in a shootout situation, regardless of the race of the participant, the test subjects routinely were more likely to mistake African-American citizens as armed and misidentify White citizens as unarmed (Correll et al., 2002; Greenwald et al., 2002). Plant and associates (2005), however, found that after providing test subjects with several practice sessions with the police shootout simulation, this race bias effect disappeared, possibly

suggesting that real police officers, through their training, may not be influenced by their biases. In any case, the use of stereotypes about the “symbolic assailant” has yet to be shown empirically to cause official police actions in the United States (Skogan & Frydl, 2004), or the United Kingdom (Norris et al., 1992).

Apparently public stereotypes also exist with regard to automobile characteristics. Due to trends in vehicle selection and the way people personalize their vehicles, the car that one drives can oftentimes reveal something about the driver. Marketing research has found consistent trends in vehicle preferences by the political leanings of the driver. The stereotype that people with left-leaning political views tend to drive foreign, economy vehicles and politically right-leaning people prefer luxury cars, SUVs, and pickup trucks has some basis in fact. For example, a national survey in the U.S. of owners of Porsches, Jaguars, Land Rovers, and Hummers found that 59 percent of these vehicle owners identified themselves as Republicans while only 23 percent of the owners identified themselves as Democrats (Tierney, 2005).

Another study involved the observation of 1,300 vehicles with political bumper stickers on an interstate highway during presidential election year 2004. Of the bumper-stickered vehicles in the sample, 80 percent of the Honda Civics, 80 percent of the Toyota Corollas, and 74 percent of the Toyota Camrys had politically left-leaning or Democratic Party bumper stickers. Eighty-six percent of the Toyota Highlanders, 76 percent of the Ford Expeditions, and 75 percent of the Ford F-150 pickup trucks had Republican Party or politically right-leaning bumper stickers (Tierney, 2005).

In another example of vehicle stereotyping, Davies and Patel (2005) presented college students in the United Kingdom with written vignettes about two-vehicle traffic accidents and asked them to assign fault to one of the participants. The vignettes did not provide details about

how the accidents were caused, only providing descriptions of the vehicles and drivers involved. The respondents were consistently more likely to assign blame to drivers of sportier vehicles, red vehicles, younger drivers, and male drivers. They were least likely to assign blame to elderly drivers, female drivers, and drivers of sub-compact vehicles. While these assignments of blame were based on the stereotypes held by the students, it can be noted that these stereotypes had some basis in fact. Official British highway statistics indicated that young male drivers were seven times more likely than the average driver to become involved in a motor vehicle accident. Red vehicles and sports cars also had higher rates of accident involvement (Davies & Patel, 2005).

There is evidence to suggest that police officers also hold stereotypes about the drivers of vehicles based on the vehicle's physical characteristics. Ikner, Ahmad, and del Carmen (2005) showed a series of video taped scenes of different vehicles traveling in traffic to a sample of 120 patrol officers from a large urban police department in Texas. Based only on the appearance of the vehicle, the officers were asked to make judgments about the suspected race and gender of the vehicle's driver. The officers displayed a strong consensus in their perceptions of who they expected to be operating each of the vehicles observed.

For example, 71% of the officer respondents expected that Dodge Ram pickup trucks would be driven by Hispanic males. Most of the respondents also responded that Mitsubishi Galants (51%) and Cadillac Seviles (53%) would be driven by African American males. The majority of respondents (67%) felt that Nissan Pathfinders would be driven by white females, and 63% believed that Ford F-150 pickup trucks would be driven by white males (Ikner et al., 2005). The consistency with which these officers agreed on the perceived race and gender of the driver of each vehicle suggests that police officers hold very specific stereotypes about who they

expect to be driving certain vehicles. These stereotypes could play a role in their development of suspicion, especially if the driver observed operating a vehicle is inconsistent with their stereotyped image.

There is some evidence that vehicle characteristics, and the accompanying stereotypes about the people who drive them, influence not only officer attitudes but also their official behavior. In one experiment in California during the late 1960's, Heussenstamm (1971) had 15 research assistants (5 white, 5 African American, and 5 Hispanic) affix a Black Panther Party bumper sticker to their personal cars. All 15 research assistants had clean driving records, vehicles that passed a safety inspection, and were instructed to obey all aspects of the traffic law.

The research assistants claimed that they had taken care to obey all traffic regulations; however, after affixing the bumper stickers to their cars all of the participants quickly experienced being stopped by the police, having their vehicles searched, and being ticketed for an alleged minor traffic violation. Altogether, the participants experienced more than 40 traffic stops and received 33 traffic citations in just 17 days. All of them had been questioned at length about their possible involvement in criminal activity and all of them had experienced at least one search of their vehicle (Heussenstamm, 1971). Clearly, the presence of a Black Panther Party bumper sticker on a vehicle appeared to be a cue for determining possible criminal behavior for police officers in southern California during the late 1960s. What similar vehicle cues are used by police officers today?

‘Out of Place’ People and Situations

People routinely categorize the people and situations they observe based on the categories they know and culture about which they are familiar (Carlin, 2003). British sociologist Edward Rose (1994) provided a simple illustration of this act of categorizing persons and behaviors. While seated on a public bench, Rose observed an adult man walking towards an elementary school as a young girl danced and skipped in circles around the man. Based on his knowledge about people and his own culture, Rose categorized the man as the little girl’s father, the little girl as the man’s daughter and a student at the elementary school, and their behavior he categorized as a parent walking a child to school. Rose (1994) freely admits that while any of these categorizations may be incorrect, based on knowledge about the routine behaviors within his culture, the probability that all of his assumptions are correct is extremely high. The same type of assumed categorizations can occur with the observation of criminal behavior.

Carlin (2003) analyzed his own observation of a pickpocket he spotted while vacationing in Brussels. The man was dressed like a local and appeared Belgian by ethnicity, yet he walked with and stood extremely close to, groups of tourists, many of whom were dressed differently and were of Asian ethnicities. While most of the tourists talked to one another in their native languages, the pickpocket did not engage anyone in conversation. As the tourists were looking up and staring at the architecture of the historical buildings around them, the pickpocket’s gaze was focused on the shoulder bags and cameras of the tourists. Even though the pickpocket was trying to blend in with the tourists, the ways in which his appearance and behavior differed from what was normal for a tourist in this area is what made him detectable (Carlin, 2003).

Sacks (1972) suggested that people who are experienced at seeing what is different utilize an observational method he called the “incongruity procedure” (Sacks, 1972: 283). This procedure involves coming to recognize who or what is ‘normal’ at a certain time and place, therefore making anyone or anything different as noticeable because it is ‘out of place’. Criminal offenders are also aware that people and the police may employ this incongruity procedure and therefore attempt to modify their appearance and behavior to conform to what is considered normal at certain places and times (Sacks, 1972).

Evidence of this is revealed by Cherbonneau and Copes (2005) through interviews conducted with a sample of convicted auto thieves in the U.S. These auto thieves disclosed a number of techniques that they employed in an attempt to ‘blend in’ and not draw attention to themselves while stealing cars. Some of these techniques included dressing in a manner common to the socioeconomic stereotype of the type of vehicle they intended to steal; trying to avoid breaking a window when entering a locked car; and placing a fake key in the ignition of the vehicle after ‘hotwiring’ the vehicle. The auto thieves also reported taking extra care to avoid being stopped by driving the stolen car in strict adherence to the traffic laws whenever they saw a police car – traveling exactly at the speed limit, coming to complete stops at stop signs, and using their directional signals for all turns and lane changes (Cherbonneau & Copes, 2005).

Yet, as with Carlin’s (2003) pickpocket, it is these very attempts to artificially blend in where they do not that makes them ‘out of place’ among normal circumstances. While Cherbonneau and Copes’ (2005) auto thieves admitted that when driving their own vehicles they routinely exceed the speed limit, make rolling stops at stop signs, and infrequently signal turns or lane changes, they failed to see that by changing their behavior and strictly adhering to the traffic

laws when they saw a police car they were making themselves stand out among normal motorists.

Many of the auto thieves also reported other behaviors that, while intended to make them appear less suspicious, created more incongruent circumstances. For example, some of the thieves stated that because they had to break open the steering column to hotwire the vehicle, they would cover up this damage by wrapping the steering column in a towel or scarf. While such a technique temporarily cloaks the damage to the steering column, it is unusual to see a car with such items wrapped around the steering column. Many of the thieves also reported that if they observed a police car while driving a stolen vehicle they would not only begin paying closer attention to their own driving behavior but also take great care not to make eye contact with the officers for fear of exhibiting some signs of nervousness in their demeanor. Yet it is this very refusal to even glance at the police car beside them that makes their behavior incongruent with normal circumstances (Charbonneau & Copes, 2005).

Sacks (1972) argued that police officers, through their training and experience, learn to employ this incongruity procedure to detect suspicious circumstances warranting a stop and possible search. He suggested that through constant patrolling of, and interaction with, their assigned work environment, police officers become attuned to the local culture and what is normal. Through this intimate knowledge of one's beat the police officer is then able to identify people or behaviors that do not fit the way things normally appear. The officer then will place the unusual appearance under closer scrutiny – through observing, stopping, questioning, and/or searching – until he/she is satisfied that there is a legitimate explanation for the incongruent appearance.

Sacks (1972) also proposed that, through the experience of dealing with criminal offenders, police officers come to learn the techniques criminals employ to attempt to blend in with the normal surroundings. This process also involves learning the deviant uses for seemingly innocuous things and locations. “For the police, objects and places having routine uses are conceived in terms of favorite misuses. Garbage cans are places in which dead babies are thrown, schoolyards are places where molesters hang out, stores are places where shoplifters go, etc.” (Sacks, 1972: 294).

Therefore, as part of detecting criminals, police officers not only look for people or situations that appear ‘out of place’ with the normal activity for that time and location, but they also look for people attempting to ‘fit in’ with the normal activity or those utilizing places or objects that often have a secondary, deviant use (Sacks, 1972). Through his participant observation research with police officers in Southern California, Michael Brown (1981) found support for Sack’s assertions. Brown (1981) reported that while police officers are on patrol they are constantly scanning the people and vehicles in the vicinity, looking for cues that may arouse suspicion and lead the officer to make a stop.

Brown (1981) described three main indicators of suspicion used by patrol officers when deciding whether or not to stop and investigate a citizen. He described these cues as incongruity, prior information, and appearance. As police officers cruise in their patrol cars they have very little time in which to make determinations about the citizen they see. Therefore, Brown (1981) suggests, they rely on the stereotyped images they have of the typical offender (such as Skolnick’s (1966) “symbolic assailant”), information they have about the citizens and places with which they have had previous contact, and their perceptions about what is ‘out of place’ in the environments they observe.

McNulty (1994) also recorded observing Sack's incongruity procedure at work when she conducted an ethnographic study of a sample of police recruits in a metropolitan area in Arizona. She followed a sample of police recruits through their academy training experience and their first year of work as police officers. She observed that the socialization process of the academy and working with field training officers impressed upon the recruits the need to study the mundane in one's environment and learn its details. Through becoming intimately aware of their environment, the recruits were taught, they would be better at detecting when things were out of place. They were also repeatedly taught that people and events that seemed incongruent with expectations of normalcy were often indicators of criminal behavior.

McNulty (1994) was able to witness the use of the incongruity process while riding on patrol with her research subjects near the end of their first year as police officers. Most of the young officers had come to identify the geography of their beats by the normal activities observed in different places at different times, and the experiences they and their coworkers had encountered there. She found that the officers detected criminal behavior by observing the activities on their beats and mentally asking themselves, "What's wrong with this picture?" McNulty (1994) observed many instances where her research subjects correctly identified criminal behavior based on cues that she had clearly missed, leading her to ask her subjects how they had known what was going on. While many initially responded that they had responded to a 'gut instinct' or 'sixth sense' feeling that something was wrong, upon further questioning each officer was eventually able to articulate what incongruent circumstances lead him/her to action.

In one example an officer relied upon the presence of squashed insect stains on the rear license plate of a car as a clue that the plate had possibly been stolen off of the front of another vehicle. In another situation, while searching for two armed robbery suspects in a residential

area, an officer stopped and searched two men walking that had not fit the clothing descriptions of the suspects. Nevertheless it was discovered that these two men were armed, in possession of the stolen money, and were positively identified by the victim as the ones who robbed him. The officer reported to McNulty that even though the men did not fit the description, when he had shone his police car spotlight on them neither man reacted by looking toward the source of the light. The officer stated that based on repeated past experience, the normal reaction would have been to at least shield one's eyes and try to determine what was shining the powerful light at them (McNulty, 1994).

Another study that also demonstrated the use of this incongruity process by the police resulting in stops, questioning, and searches of citizens was Holmberg's (2000) observational study of police patrol officers in Copenhagen, Denmark. He found that these officers used an incongruity process related to how 'decent citizens' and 'typical offenders' looked and acted, using their discretion to detain and investigate citizens that met their stereotypes of criminals. Holmberg (2000) was very critical of the officers' use of the incongruity strategy to differentiate between normal citizens and those who were engaged in crime, arguing that the facts and circumstances the officers relied upon were not overly criminal and could have had a plausible explanation.

It is interesting to note, however, that even though Holmberg described the use of the incongruity process as discriminatory, most of the examples he offered from his field notes demonstrated that the citizen stopped was engaged in illegal activity of some sort, although not necessarily of the type that the officers had initially suspected. For example, in one account officers stopped a vehicle being driven very slowly through a residential area late at night. While the officers first suspected a burglar, they later discovered that the car contained a drunk driver.

In another instance officers stopped a shabbily dressed man with poor hygiene who had been walking down an alley behind a row of middle-class houses. First suspecting a daytime burglar, the officers learned that the man was a drug addict who claimed to be on his way to a methadone clinic. A records check revealed that the man was also a wanted fugitive (Holmberg, 2000).

Police Suspicion and Behavior Studies

Only a very few studies have sought to evaluate what characteristics police officers rely upon in the development of suspicion and then linked these characteristics to actual police behavior. One such study was conducted by Dixon, Bottomley, Coleman, Gill, and Wall (1989) as part of their evaluation of the implementation of new search and seizure rules across the United Kingdom. The research team was interested in discovering how patrol officers interpreted the guidelines of the Police and Criminal Evidence (PACE) Act in actual practice. Employing a variety of methods such as surveys of officers and administrators, interviews with patrol officers, and unstructured observations of officers in the field, the research team studied the police development and use of suspicion in one provincial English police force.

As suggested by Sacks (1972), it was discovered that patrol officers strived to become intimately familiar with the appearances and activities of the beats they patrolled (Dixon et al., 1989). Encouraged to do so by their training and fellow officers, constables on patrol tried to become sensitized to what was a normal appearance for particular places, times, days, and seasons. Armed with the knowledge about what was normal for their patrol beat, the officers then searched for people, activities, and things that appeared abnormal within this environment (Dixon et al., 1989).

Dixon and associates (1989) found that the characteristics used by these officers to determine incongruity were similar to those described by Skolnick (1966) and Holmberg (2000), however they also rested heavily on the intersection of time of day and place, in addition to physical appearance. For example, one officer spotted a man in grimy clothes walking in an industrial area carrying a large canvas bag over his shoulder. The officer reported to the researcher that because it was early in the evening on a Friday, the man could be assumed to be walking home from work at a nearby factory and carrying his laundry bag full of dirty work clothes. The officer reported that this was normal, whereas if he saw the same man in the same place in the middle of the night he would feel the need to scrutinize the man further (Dixon et al., 1989: 188).

Some of the characteristics officers reported relying upon to determine incongruity included location, time of day, day of the week, the number of citizens, their manner of dress, level of physical hygiene, the citizen's sex, and age. The officers, however, repeatedly indicated that it was not any of these factors by themselves that raised their suspicion, but rather their use in combination to determine incongruity (Dixon et al., 1989).

The behavior of the officers with regard to proactive stops and searches was found to be linked to their progressive development of suspicion. If the initial incongruity of a situation was found to spark an officer's interest, the officer would scrutinize the situation further, either through additional surveillance or the stopping and questioning of the parties involved. Whether or not more advanced action was taken by the officer depended on what the officer learned from this additional scrutiny. If the officer's initial concern was alleviated with a plausible excuse for the seemingly incongruent behavior, then the officer would withdraw from the situation and take no further action. If the officer's scrutiny failed to alleviate his/her concern, or increased the

officer's suspicion, then more formal action (such as a detention or search) usually resulted (Dixon et al., 1989).

For example, in one situation an officer spotted three juveniles, approximately age 15, standing on a street corner in a residential district shortly before 10 o'clock at night. He did not recognize the youths as residents of the neighborhood and, because of their young age and the time of night, the officer decided to approach and question the youths. The teens explained that they were from a neighborhood across town (which initially further heightened the officer's suspicion), but they also reported that they were on their way to stay with a friend nearby and were able to give the address of their destination. This provided the officer with a plausible explanation for the incongruent appearance and he sent the youths on their way (Dixon et al., 1989: 188).

In another example two officers observed a shabbily dressed, shoeless teen walking in a commercial district late at night. Responding to his incongruent appearance, the officers approached and questioned him. In this case, rather than providing the officers with a plausible excuse for his incongruent appearance, the youth provided the officers with a false address. This increased the officers' suspicions, leading them to detain the youth and search his person (Dixon et al., 1989: 189).

The Dixon and associates (1989) study produced evidence to suggest that the proactive investigatory behavior of the police officers with the police force studied was associated with learning what was familiar about their environment and then searching for what was 'out of place', just as Sacks (1972) had suggested. The study also revealed, however, that in determining what is 'out of place' in an environment, officers rely on their stereotyped perceptions about how 'law-abiding citizens' look and behave, as had been proposed by Skolnick (1966). Just as with

Skolnick's 'symbolic assailant' hypothesis, Dixon and associates (1989) found that in order to determine incongruence with the normal environment, officers often relied upon the physical characteristics of the citizen. However, unlike Skolnick's (1966) hypothesis, these physical characteristics were almost always used in conjunction with the variables of time and place in order to determine incongruity (Dixon et al., 1989).

Another more recent study from the United Kingdom also used a multi-method approach to determine how officers form suspicion and how this suspicion influenced their proactive behavior in the area of stops, questioning, and searches. Quinton, Bland, and Miller (2000) conducted over 100 hours of interviews and 340 hours of systematic social observation in the field in four metropolitan police agencies in England. The primary focus of this study was to determine the working rules employed by police officers in developing suspicions that lead to the stops and searches of citizens.

The Quinton study found that officers employed both a complex combination of the incongruity procedure similar to that described by Sacks (1972), and stereotypes about typical offenders and citizens like had been described by Skolnick (1966). In this study, however, the authors described the use of these two methods individually, in tandem, and in conjunction. While Dixon and associates (1989) suggested that officers used stereotypes about persons as part of the incongruity procedure, Quinton and associates (2000) suggested that officers sometimes also use stereotypes alone without any direct connection to being 'out of place' for a certain time or location.

For example, one officer demonstrated the incongruity process by reporting that he was suspicious when he saw cars with young White men driving slowly through a neighborhood at night that is populated almost exclusively by Afro-Caribbean citizens. The officer explained that

this was an unusual sight for the area and time, usually indicating that the Whites were trying to purchase drugs or pick up a prostitute (Quinton et al., 2000: 23). In an example of stereotyping, however, another officer reported that he was suspicious of specific models of vehicles that were easy to steal, such as the Geo Metro, the most frequently stolen car in the U.K. This officer indicated that he would scrutinize this type of vehicle no matter where it was or who was driving it (Quinton et al., 2000: 22).

Quinton and associates (2000) categorized the specific characteristics that the officers relied upon to determine incongruent circumstances as: appearance, behavior, time and place, and information and intelligence. The researchers' category of appearance included the citizen's age, clothing, type of vehicle, incongruence to the situation, ethnicity, being known to the police, and fitting suspect descriptions. The category of behavior included suspicious activity and observed offending. Time and place included the legal and illegal activities the officers expected to find at specific locations at specific times of day, or days of the week. Finally, information and intelligence included information about suspect descriptions, intelligence about types of crimes, intelligence about specific crime hotspots, and intelligence about known or wanted criminal offenders (Quinton et al., 2000).

Consistent with the Dixon and associates (1989) study, these researchers found that officers usually relied upon a complex combination of these factors for their development of suspicion. While an officer's attention was often attracted to a citizen by just one or two factors at first, leading to closer scrutiny of the situation, official action was based on a series of suspicious factors taken as a whole. Whether or not more formal action was taken depended upon whether or not the officer's suspicions were increased or alleviated after closer scrutiny of the citizen (Quinton et al., 2000).

Only one published study to date has been conducted in the United States attempting to evaluate how officers develop suspicion and how this suspicion is directly linked to official stops and searches. Alpert and Dunham supervised a study that involved over 1,050 hours of systematic social observation of municipal police officers in Savannah, Georgia in order to determine what factors officers relied upon to develop suspicion about motorists and pedestrians, and which of these factors were related to whether or not the officers actually acted upon these suspicions by stopping and searching the citizen (Alpert, MacDonald, & Dunham, 2005; Dunham, Alpert, Stroshine, & Bennett, 2005).

In this study, the officers were asked to narrate out loud to the observer what had raised their suspicions about the people and things they saw while on patrol. The research team categorized the objects, behaviors, and circumstances employed by the officers in forming suspicion as: information, time and place, behavior, and appearance. In the formation of suspicion that focused the officer's attention on a specific citizen or group of citizens, behavioral characteristics were by far the most influential as more than 66 percent of the comments about suspicious citizens were behavioral in nature. Three-quarters of these behavioral indicators involved law violating behavior such as running a stop sign, while others were suspicious but not illegal, such as abruptly turning around and covering one's face while walking away from the officer (Dunham et al., 2005).

Of the remaining officer comments about suspicion, 32 percent regarded prior information about the citizen (such as a known offender or suspect description), 17 percent dealt with the incongruity of circumstances with time and place, and the remaining 10 percent were related to a citizen or vehicle's appearance. Of the four categories described in this study,

officers reported they placed the most importance on information and behavior, while appearance and time and place were perceived as less important.

The study then empirically analyzed which suspicion categories were correlated with the officer's actual behavior of stopping a citizen. Three of the four suspicion categories were significantly correlated with the officer's decision to stop the citizen, with behavior being the greatest predictor. Unlike the studies in England, however, most of the behavior that created suspicion and provoked a citizen stop in this study was an overt violation of the law. In fact, more than 70 percent of the behavioral indicators were actually traffic offenses. While information and time and place were also related to the decision to stop, the citizen's appearance was not correlated to officer behavior with regard to stopping citizens (Alpert et al., 2005; Dunham et al., 2005). Even though appearance characteristics appear to play a part in catching an officer's attention, it appeared that the officers waited for an overt violation of a traffic or criminal law before they were motivated to actually stop a citizen.

These categories of suspicion were then compared to the different types of official action officers can take, such as stopping, conducting a pat-down, conducting a full search, using force, or arresting. The empirical findings revealed that only a few categories of suspicion were related to more serious officer behavior. Only the behavioral (criminal or traffic offense) and information (suspect description) suspicion categories were significantly correlated with whether or not the officer conducted a brief pat-down 'frisk' of the citizen, and whether or not the officer used any measure of physical force to control the citizen.

For example, citizens that had lengthy criminal records and were known to the police were more likely to be frisked, especially when they displayed behavior that violated the law. Whether or not the suspect was arrested was only correlated with the information available to the

officer, such as a suspect description or existence of an arrest warrant. None of the suspiciousness categories, however, were significantly correlated to the officer's decision to conduct a full search of the citizen or the citizen's vehicle (Dunham et al., 2005). Therefore, at least in this study, it appeared that most suspicious characteristics (including bona fide law violating behavior) only attract police officers' attention, and to some extent may influence officers to conduct stops and frisks. More formal police actions, such as searches and arrests, were based almost solely on legal factors such as probable cause of an offense (Alpert et al., 2005; Dunham et al., 2005).

The findings presented by Alpert and Dunham would suggest that police officers adhere to the rule of law governing frisks and searches. Stop-frisks are permitted when a "reasonably prudent person in the circumstances would be warranted in the belief that his or her safety was in danger" (Gifis, 1991: 467). Furthermore, "due weight is also given to the reasonable inferences that a police officer is entitled to draw from the facts in light of his or her professional experience" (Gifis, 1991: 467). A full search, however, requires the higher legal standard of probable cause, "the facts and circumstances within one's knowledge to warrant a person of reasonable caution to believe that property subject to seizure is at a designated location" (Gifis, 1991: 375).

In Alpert and Dunham's study, substantial evidence, such as a violation of the law, was required before the officers being observed conducted a full search of a person or vehicle (Alpert et al., 2005; Dunham et al., 2005). While these findings are encouraging for the civil liberties of citizens, they are inconsistent with findings by Gould and Mastrofski (2004) who found that officers observed on patrol in both Indianapolis (IN) and St. Petersburg (FL) frequently

conducted frisks and searches when insufficient legal justification existed to do so. Perhaps this suggests some level of officer reactivity to the observers in the Savannah study.

So to summarize what is known about police officer development of suspicion, few direct studies of this topic exist. There is evidence to suggest that some police officers, as well as other criminal justice professionals, rely upon certain nonverbal cues as indicators that a citizen is being deceptive. These suspicious nonverbal cues usually include frequent speech disruptions, grandiose hand gestures, frequent and inappropriate smiles, and avoiding eye contact with the officer. There is also some evidence, based on empirical and participant observer studies, suggesting that some officers hold stereotypes about the physical characteristics of people and vehicles. Several ethnographic and participant observational studies have presented evidence indicating that police officers also utilize an incongruence procedure whereby they strive to learn the normal people, behaviors, and appearances of their patrol beat. The officers then detect suspicious or criminal behavior by looking for people, behaviors, or appearances that are ‘out of place’ with the normal environment.

Only three studies have sought to fully evaluate the development of suspicion and directly relate it to officer behavior. Two of these studies found that officer decisions to stop, question, or search citizens relied on a combination of physical characteristic stereotypes and the incongruity procedure. The third study, however, found that while officers used such factors as appearance and time of day in the formation of suspicion, they generally did not formally act on their suspicions without witnessing a violation of the law or having specific incriminating information about the citizen.

State Trooper Studies

In the literature search for this chapter, only one published study could be located that specifically dealt with how state troopers came to decide when to search motor vehicles during traffic stop encounters. Furthermore, this lone published study only provided very brief details on this issue. As part of a large research study headed by Dr. Matt Zingraff undertaken to investigate racial disparities in traffic enforcement by the North Carolina Highway Patrol, focus groups interviews with troopers were conducted to collect information on a variety of topics (Smith, Devy, Zingraff, Mason, Warren, & Wright, 2003). These focus groups discussions covered such topics as the decision to stop a car, the decision to issue a ticket or warning, the decision to search the vehicle, the influence of the driver's race on stop outcomes, and how racial profiling can be addressed. Unfortunately the results of these focus group interviews were only briefly summarized in an appendix section of their report, with only three paragraphs devoted to how these North Carolina troopers decide when to search a vehicle during a traffic stop (Smith et al., 2003).

According to these troopers, the primary indicator they relied upon to justify a vehicle search was usually illegal contraband in plain view, followed by a search incident to the arrest of the driver or another occupant of the vehicle (Smith et al., 2003: 284). In fact, over half of the 34 troopers participating in these focus group interviews stated that they were very reluctant to conduct a vehicle search for any reason other than a plain view seizure or search incident to an arrest. The respondents cited primarily safety and civil liability concerns over conducting searches for any other reasons (Smith et al., 2003).

Conclusion

It is clear that there is little research into exactly how police officers develop suspicions about citizens that provoke them to official action, especially searches of citizens and their vehicles. More research is needed in this area for three reasons. First, the majority of the research thus far has been conducted in Europe, with only a few studies taking place in the U.S. It is as yet unknown if the cultural and legal differences that exist between the U.S. and European nations influence how officers form or act on their suspicions about citizens. Second, all of the studies of police suspicion so far have involved municipal level police officers assigned to urban neighborhoods, with no literature in existence about how state or federal law enforcement officers, or officers in rural areas, develop suspicion. It is also unknown if federal and state law enforcement officers are trained and socialized to observe for the same sources of suspicion as those used by municipal officers. Third, because the previous studies took place in urban environments, it is unknown if the suspiciousness cues utilized on a city street are the same as those utilized on an interstate highway.

These shortcomings identify several existing research needs in the study of police reliance upon suspicion. First, there is a need to further study the development, and use, of suspicion among police officers in the United States, and how (if at all) these officers differ from their European counterparts. Second, study is needed of various types of policing agencies and geographic environments. Studies need to be conducted with officers in urban, suburban, and rural communities. They need to evaluate the use of suspicion by county sheriff deputies and federal agents as well as municipal police officers.

It is also most important that studies on this topic be undertaken specifically with state troopers regarding their use of suspicion in highway criminal interdiction activities. This is important because the majority of the landmark cases related to issues of bias-based policing and accusations of ‘racial profiling’ have involved troopers engaged in highway interdiction duties (*Chavez v. Illinois State Police*, 1999; *Gerald v. Oklahoma Department of Public Safety*, 1999; *State of New Jersey v. Soto*, 1996; *Wilkins v. Maryland State Police*, 1993). The most cited origin of the practice of racial profiling has been the Drug Enforcement Administration’s (DEA) Operation Pipeline and other state and federal highway interdiction training programs targeted at state troopers (Harris, 1999). Therefore, there is clearly a void in the policing research on this topic that the resent study attempts to fill.

Chapter 3 – Research Questions

This chapter will discuss the specific research questions that will be investigated in the present study. Bernard and Ritti (1990) suggested that all social scientific research should involve an explicit theory by which the inquiry can be guided. Basing research efforts on an explicit theoretical foundation provides direction on what variables to include in the analysis and provides a clearer understanding of the findings. While quantitative and qualitative analyses can shed light on what social phenomena are taking place, it is primarily through a theoretical understanding of the issues that one begins to discover *how* or *why* the phenomena occurs (Bernard & Ritti, 1990).

In an in-depth study of police decision making that focuses on the micro-level decision processes of individual officers, it is necessary to utilize a micro-level theory that takes into account the research subject's interpretation of the people, things, and events they encounter. It must also be a theory that does not conflict with the findings of the existing literature, no matter what theoretical perspective the previous research had utilized. Rather, it should be one that explains the findings of the earlier investigations as well as informs the present study. The theoretical foundation that has been selected to inform the present inquiry into police officer formation of suspicion is symbolic interactionism. Now it is important to note that the present study is not in any way a test of the theory of symbolic interaction. The data that will be described in the next chapter does not fully lend itself to such a test. The theory of symbolic interaction is only used here to guide and structure our investigation.

The Development of Symbolic Interaction

Symbolic interactionism is a micro-level theoretical perspective utilized in sociology and social psychology that focuses on the subjective experiences of the individual as the basis for understanding society (Macionis, 2005). This perspective suggested that during social interactions individuals constantly adjust their behavior in response to the actions of others. Individuals present various actions symbolically, creating meanings which allow these actions to be interpreted by others who then adjust their behavior accordingly. As a result of individual interpretations of the actions and symbols that they encounter, individuals actively engage in constructing their own social realities. Different individuals may each interpret the same event differently due to their varying experiences in life (Ritzer, 1996). In the context of this study, we are interested in what actions and objects state troopers define as suspicious indicators of criminal behavior.

Symbolic interactionism traces its origin back to sociologist and philosopher George Simmel in Europe in the late nineteenth century (Ritzer, 1996). Prior to Simmel's writings most sociological theorizing was concerned with macro-level issues, such as the study of large institutions (Weber, 1889), social movements (Marx, 1847), and whole societies (Durkheim, 1933). Simmel, however, began to study the ways in which individuals interacted with one another, focusing on the interaction processes between pairs of people or small groups. Simmel's work later influenced American sociologist George Herbert Mead, who began to organize Simmel's ideas into a formal structure for a micro-level theory of behavior (Ritzer, 1996).

A key concept for Mead was the exchange of *symbols*. He suggested that social interaction involved a process of exchanging *symbols*. He described a *symbol* as something that

has a complex social meaning; something that stands for something else (Mead, 1934). For example, a smile has a variety of meanings depending on the social context. One could be smiling as a reaction to a pleasurable experience, as a way of showing approval, in an attempt to make one feel welcome, or as a way to ingratiate oneself with another. Symbols can be gestures, behaviors, words, or objects. Mead suggested that, unlike other species, humans are sensitive to the intentions or meanings behind the symbols they encounter. Also, the meanings of the same symbol from the same person may vary with the social context (Mead, 1934).

Surprisingly, Mead's ideas were never published during his lifetime. Two years after his death, however, his students published a collection of his lecture notes and unpublished writings entitled *Mind, Self and Society* (Ritzer, 1996). Mead's concepts became an integral part of sociological thought throughout the first half of the twentieth century, and his concepts were very influential in the development of the perspective formally named symbolic interactionism by sociologist Herbert Blumer. The true founder of symbolic interaction theory, Blumer (1969) developed three core principles of symbolic interaction.

First, individuals act towards people, actions, and objects on the basis of the meanings individuals have for them. Second, the meanings individuals ascribe to people, actions, and objects are created through interaction between people. The meaning for any person, action, or object is developed from one's experiences with it and the ways other people act toward it. Third, the meanings ascribed to people, actions, and objects are modified through an interpretive process. When an individual encounters a person, action, or object he or she must distinguish and manage the various potential meanings it could have in order to create the actual meaning it has for the individual (Blumer, 1969).

Symbolic interactionism has been used as an underlying framework to study a number of social issues related to crime and deviance. For example, Wiseman (1979) utilized this perspective to study homeless alcoholic men on skid row and how their interpretations of their world varied from those of the social welfare agents who were trying to rehabilitate them. She found that, because of their professional training and middle-class life experiences, the social workers and homeless shelter workers viewed the services they offered the homeless men as pathways to rehabilitation. The alcoholic men on skid row, however, viewed these services as a means to survive and assist them in perpetuating their chosen transient lifestyle.

While the social workers and shelter volunteers interpreted their own behavior as benevolent, the men on skid row viewed receiving services as a form of beating the system. While clergy members saw the giving of spiritual counsel along with food as meeting the spiritual and physical needs of the men on skid row, the alcoholic men perceived the sermons as an unnecessary hassle that had to be endured in order to get resources, making churches a last resort after all other aid source opportunities had been expended. Due to their differing life experiences and personal orientations, the two groups held very different interpretations of the very same people, actions, and objects (Wiseman, 1979).

Lerman (1967) utilized symbolic interactionism as a guide when he evaluated the ways street gang members interpreted the world around them. This study suggested that the views of gang members varied from the dominant society and resulted from interactions with other delinquent peers and role models. These gang members developed their own subculture of norms and ideas that caused them to interpret people's actions and motives very differently than mainstream society.

Wieder (1974) used a symbolic interactionist perspective to guide a study about the norms and etiquette of former prison convicts living in a half-way house. This study revealed that ex-cons maintained a normative code of behavior different from society as a whole, which influenced their behavior primarily in group settings. This code of behavior had been learned through experiences in prison and associations with other former convicts.

Phelan (1995) used a symbolic interactionist perspective to understand the dramatically different cognitions of fathers and daughters involved in incestuous relationships. The offending fathers and molested daughters held widely different interpretations and understandings of the same sexual abuse event, based on their previous family experiences and interactions with others (Phelan, 1995).

Hester and Eglin (1995) also applied symbolic interactionism to explain the interactions of the members of the courtroom workgroup, especially with regard to differing interpretations of the word “justice”. Based on their differing experiences and professional orientations, prosecutors and defense attorneys adapted very different definitions of the concept of justice with regard to case dispositions (Hester & Eglin, 1995).

Symbolic interactionism continues to be utilized as a theoretical guide for social scientific research. While originally applied to qualitative methods, symbolic interaction is currently being equally applied to quantitative studies of social phenomena (Ulmer & Wilson, 2003). Blumer (1969), Maines (2001), and Ulmer and Wilson (2003) have suggested that symbolic interactionism is a generic theoretical framework that can be used with a variety of methodologies. The versatility of symbolic interactionism allows its application across this entire research process to guide the investigation and explain the findings of both qualitative and quantitative research (Ulmer & Wilson, 2003).

The Principles of Symbolic Interaction

Herbert Blumer (1969) established the foundational principles of symbolic interaction. He suggested that humans are constantly engaged in interaction, whether individually or collectively, and that this social interaction must be the starting point of any theory of society. Symbolic interaction occurs when an individual interprets and creates meaning for the actions or gestures of others before responding to the other person's actions. Blumer (1969) suggested that the majority of the social interactions in life are symbolic interactions. Therefore social interaction is a process. One individual acts and the second individual interprets these actions based on his or her past experiences and associations. Then, based on this interpretation, the second individual responds. The first individual in turn interprets the reaction of the second; then he or she makes another counter move, and so on. Social interaction is thus an endless series of individual interpretations and responsive actions (Blumer, 1969).

The key components of symbolic interaction postulated by Blumer can be summarized in the following way:

1. Human Interaction – Symbolic interaction takes place between human beings, as animals and inanimate objects do not try to interpret the hidden behavioral meanings of objects, words, or actions.
2. Interpretation / Definition – Humans develop individualized meanings for specific words and behaviors. These meanings are learned through the individual's own life experiences, the influence of valued others, cultural influences, and through formal education and training. These meanings help the individual interpret the "real" meaning or motive behind what they experience.

3. Use of Symbols – Humans develop special meanings for not only words but also gestures and a wide array of objects. Even colors develop individual and cultural meanings for the individual.
4. Interpretation Before Response – When an individual interacts with another human the individual interprets the words, objects, and behaviors they encounter, applying their personal and cultural definitions to decipher the “true” meaning of what is being communicated. The individual attempts to interpret what the other person actually communicated, what they had intended to communicate, and how these communications affect him/herself.
5. Response Based on Meaning – Once the individual has developed his/her own interpretation of the words, behaviors, and objects encountered, the individual then chooses a response based on what he/she feels is appropriate in light of the individual interpretation.

Symbolic Interaction and Policing Research

The symbolic interactionist perspective has also been used to guide policing research and make sense of police officer behaviors and perceptions. Davis (1983) used symbolic interaction to investigate the interaction between the police and the disputants at domestic disturbances, noting how each participant held their own goals and specific interpretations of events. As a result of their training, organizational influences, and their personal life experiences, the officers held preconceptions about the disputants, the causes of domestic disputes, and the most effective interventions for these situations. Each disputant wanted a long term resolution to the conflict

and expected the police to enforce their will. The officers on the other hand only sought a short term resolution and the avoidance of an arrest if at all possible (Davis, 1983).

Hunt and Manning (1991) applied symbolic interaction to the process through which police officers learned to lie and distinguish which lies are professionally acceptable or unacceptable. Through peer observation, hearing “war stories”, familiarity with the law, and an understanding of departmental policies, officers learned that lies can be classified as morally acceptable and leading to a positive societal outcome, moral and leading to a negative societal outcome, immoral but leading to a positive societal outcome, and immoral but leading to a negative societal outcome. Through the norms of the police subculture, and the officer’s individual moral code, lies are used and interpreted differently.

Meehan (1992) used a symbolic interaction approach to understand the role conflict experienced by suburban police officers when handling complaints about youths congregating on street corners. While many residents of the community interpreted these street corner gatherings as a menace to the community, most of the officers saw the youths as harmless. The complainants defined the removal of these teens as a primary police function, the youths defined their removal by the police as harassment, and the officers defined their own intervention as simply preventing repeat calls from the citizenry (Meehan, 1992). Similarly, Ford (2003) utilized symbolic interactionism to describe how the norms of the police subculture are transmitted to police recruits during their academy and field training experiences. Through formal training experiences, the “war stories” of experienced officers, and even running cadences, the recruits learn the definitions of the police subculture.

Brent and Sykes (1979) applied the symbolic interactionist perspective to better understand the interactive process that resulted in conflict during police-citizen interactions.

Analyzing the verbal and behavior moves and counter-moves of police officers and citizens in confrontational police-citizen contacts, Brent and Sykes (1979) revealed that these interactions involve a complex process of information transmissions which convey symbolic meanings for both parties.

They found that in most confrontational contacts between citizens and the police, the officer made the first move by attempting to assert control over the interaction and apply an official definition to the situation (example: the officer defines the citizen as drunk and acting disorderly). The next moves are made by the citizen as he responds by either submitting to, or rebelling against, the officer's authority, and accepts or rejects the officer's definition of the situation. The citizen's responses to these two conditions end up dictating the officer's next response, which may be attempting to force the citizen's acknowledgement of his authority or definition of the situation if the citizen's response was uncooperative. Brent and Sykes (1979) suggested that conflict often results from differing interpretations between the officer and the citizen about the social order of the encounter. Often conflict resulted when the citizen did not share the same definitions of behavior or norms as the officer and refused to accept the officer's official interpretation of the situation.

Expanding on Brent and Sykes' (1979) work, Bayley (1986) investigated the decision processes of patrol officers in Denver, Colorado during traffic stop and disturbance encounters with citizens. The courses of action the officers selected at each major stage of the encounter (contact, processing, and exit) were varied and depended heavily on situational variables, the citizen's behavior, and the officer's actions in the previous stage of the encounter. In true symbolic interactionist nature, Bayley (1986) found that the actions taken by the citizen and the

officer in one stage of the encounter affected subsequent decisions about how to respond in later stages.

Based on the situational variables readily apparent at initial contact (examples: vehicle condition; citizen age, race, and sex; seriousness of offense; and citizen demeanor), the officers quickly defined the situation and began trying to shape the encounter with the citizen to produce an outcome the officer believed to be suitable to his or her definitions of the encounter. The officer's behaviors from then on focused on trying to get the citizen to reach the desired outcome as well, but the variety of tactics the officers employed to accomplish this goal were numerous (Bayley, 1986). In the wording of the symbolic interactionist perspective, the officers relied on the words, behaviors, and objects they encountered when first contacting the citizen to help them create a definition of the situation that fit their past experiences and knowledge. Then, based on this assumed definition, the officers elected an outcome based on how previously defined situations were generally handled.

The officers tailored their behaviors and statements in an attempt to coax the citizen toward the prescribed outcome. The citizen, however, was not always likely to respond favorably to the officers' choice of tactics or outcome, often requiring the officer to again reassess the situation and select another tactic to try to steer the citizen to the desired outcome, thus explaining why thirty-three different categories of action were eventually identified as being used by the officers in this study (Bayley, 1986). But the emphasis here is that the officer's behavior is dictated by a combination of the officer's personal definition of the situation, the situational variables apparent at the time, and the behavior of the citizen. Also, the citizen's behavior is contingent on the situational factors, his or her personal definitions of the situation,

and the behavior of the officer. Therefore, as suggested by Brent and Sykes (1979) and Bayley (1986), the behaviors of the officer and the citizen are intertwined.

Symbolic interactionism was also utilized as the theoretical foundation in some of the previously mentioned studies regarding police officer development of suspicion. Sacks' (1972) utilized the symbolic interaction perspective in his study that suggested the use of the incongruity procedure by police officers to detect 'out of place' people or situations. He suggested that officers develop their own specific definitions about what is normal and abnormal through training, experience, and peer influences. They use these specific definitions to interpret the true meanings of what they witness, acting on these personal interpretations by choosing whether or not to formally intervene further in situations.

McNulty (1994) also used symbolic interactionism as the foundation for her ethnographic study of how police officers learned the skills of policing during their first year on the job. She highlighted the influence of the academy experience and the field training officer as primary sources of learning new definitions for citizen appearances and behaviors. Then, once on their own, the new officers learn new definitions through interacting with their work environment as they come to define places by their connection to previous calls and incidents. Furthermore, while Skolnick (1966) did not specifically identify symbolic interactionism as the foundation for understanding police officer development of the 'symbolic assailant', a number of authors have identified Skolnick's work as an example of symbolic interaction at work (Ford, 2003; McNulty, 1994; Meehan, 1992; Sacks, 1972).

The Research Questions

As demonstrated above, there is precedent in using symbolic interactionism to guide the study of individual police officer behavior. The data collection method that was utilized in the present study, the interviews of state troopers (which will be described in detail in Chapter Four), does not lend itself to a test of symbolic interactionism as a theory. Interviewing only the troopers is one-sided and does not permit the evaluation of the simultaneous communication (and miscommunication) processes between the trooper and the vehicle occupants during a traffic stop encounter. Therefore, the symbolic interactionist perspective will only be applied here to structure the present investigation into the development of suspicion by state troopers.

Symbolic interactionism suggests that human social interaction involves the individual's interpretation of the words, behaviors, and objects displayed by others (Blumer, 1969). Using qualitative data collected from focus group interviews with members of two state law enforcement agencies, the present study asks the following general question. What characteristics and circumstances encountered during traffic stops do state troopers report as indicators that make them suspect that motorists are involved in criminal activity?

Using key components of the symbolic interactionism, the individual's interpretation of the words, behaviors, and objects that they encounter, three specific research questions were developed for this study:

1. What words encountered during traffic stops (uttered by the motorists, encountered in the vehicle paperwork, or encountered in a computer check) do state troopers report

- as indicators that make them suspect that the motorists are involved in criminal activity?
2. What behaviors (of the occupants or their vehicle's movements) encountered during traffic stops do state troopers report as indicators that make them suspect that the motorists are involved in criminal activity?
 3. What objects (including the appearance of the vehicle and occupants) encountered during traffic stops do state troopers report as indicators that make them suspect that the motorists are involved in criminal activity?

By analyzing the content of the sixteen focus group interviews, searching for statements directly related to relying on specific words, objects, and behaviors to develop suspicion, these three questions can be answered with rich qualitative detail.

Conclusion

The present study sought to answer a broad question. What characteristics and circumstances encountered during traffic stops do state troopers report as indicators that make them suspect that motorists are involved in criminal activity? This inquiry was guided and structured by the elements of symbolic interactionism, a sociological theory that suggests individuals have their own specific interpretations of the words, behaviors, and objects they encounter in life. The individual's own definitions are based on his/her past experiences with these or similar words, behaviors, and objects. Using this perspective as a guide, the present study sought to answer three specific questions.

What words encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? What behaviors encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? Finally, what objects encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? The data and the methods used to attempt to answer these three important questions will be described in detail in the next two chapters.

Chapter 4 – Data and Methods

As briefly discussed in Chapter 1, the majority of the research on police discretionary decisions has focused on only a limited number of areas; primarily stops, arrests, and the use of force (Riksheim & Chermak, 1993). While most of the research occurring today with regard to these three decision points is quantitative in nature, the first exploratory studies in these areas involved qualitative research methods. For example, the earliest foundational studies of police decision-making involved unstructured field observations and officer interviews as part of studies for the American Bar Foundation (Goldstein, 1960; Walker, 1993) and the President's Crime Commission (Black, 1980; Reiss, 1971).

This early qualitative research created a rich body of information from which a basic understanding of the concepts and processes involved in officer behavior were developed. These early qualitative studies revealed the tremendous degree of discretion patrol officers exercised in their application of the law (Black, 1980; Goldstein, 1960), and their use of coercion (Reiss, 1971). Theories of police behavior resulted from the knowledge gained in these early studies (Black, 1976; Klinger, 1997) as important causal variables were also identified for empirical evaluations of police arrest decisions (Klinger, 1994; Lundman, 1994; Smith & Visser, 1981; Worden & Shepard, 1995) and officer use of coercion (Friedrich, 1980; Terrill & Mastrofski, 2002).

Since little foundational research has been conducted to date regarding the police development of suspicion leading to vehicle searches, and none exists on the development of this suspicion among state police troopers during traffic stops, the present study is, by necessity, exploratory in nature. Like the earliest studies of police arrest decisions and the use of coercion,

the present study seeks to provide a basic understanding of the concepts and processes involved in developing suspicion during traffic stops. Therefore, because of its exploratory nature, and the fact that no micro-level causal factors have yet been identified to explain how these decisions occur, qualitative data would be most useful in this investigation.

Furthermore, since the concepts proposed to be explored here are primarily internal mental processes for police officers – how they develop suspicion in their own minds – they can only be fully explored through research techniques that would transform these hidden, internal thoughts into explicit information. Qualitative techniques such as interviews and spoken justifications for searches could help make these implicit concepts explicit. Therefore, as with the earliest studies of arrests and police use of coercion that preceded it, the present study is qualitative in nature with the anticipation that it could serve a foundational role to guide and inform future quantitative research in this area of officer decision making.

The data source for this investigation was written transcripts from sixteen focus group interviews conducted with sworn personnel employed by two state law enforcement agencies. This chapter will briefly describe the law enforcement agencies involved in this study and then the collection of the focus group data will be described in greater detail.

The Sampled Agencies

This study involved an examination of the attitudes and opinions of uniformed enforcement personnel employed by two state law enforcement agencies in the United States. In order to ensure the confidentiality of the participants in the focus group interviews, the descriptive characteristics of these agencies will only be discussed in general terms.

The first agency was a state highway patrol that employed approximately 1,500 sworn officers and 1,200 civilian support personnel. Being a highway patrol agency, almost all of the agency's resources are devoted to uniformed patrol and traffic enforcement, especially along state and federal highways. Although this agency's primary focus is traffic enforcement (during the year this data was collected the troopers with this agency issued over 1 million traffic citations and warnings), its troopers also engage in criminal enforcement activity, either through crimes encountered during traffic stops or through assisting local agencies with cases. For example, during the year this data was collected the troopers with this agency made almost 50,000 arrests for criminal offenses and recovered over 600 stolen vehicles. In the area of highway drug interdiction, they also seized more than 13,000 pounds of marijuana and over 400 pounds of cocaine from traffic stop encounters.

The second agency was designated a state police department and employed over 4,500 sworn personnel and over 1,600 civilian support personnel. Being a full-service policing agency, less than half of the agency's resources are devoted to the uniformed patrol division, with the rest of the agency personnel holding administrative, support, command, and investigative positions. The patrol division provides full-time police services for municipalities and unincorporated areas that lack full-time local police protection. In addition to responding to calls for service in unincorporated areas, the patrol division is also assigned the responsibility of patrolling all state and federal highways, enforcing the state's motor vehicle and commercial vehicle codes.

The estimated 2,000 sworn personnel assigned to patrol duties handled more than 220,000 calls for service and made arrests on over 70,000 criminal charges during the year this data was collected. They also engaged in a fair amount of traffic patrol and enforcement, issuing more than 470,000 traffic citations and warnings. Traffic patrol and enforcement is the

responsibility of all personnel assigned to patrol duties and they are expected to engage in traffic enforcement when not handling investigations or other calls for service.

The Focus Groups

The source of data for the present study was the content of typed transcripts from sixteen focus group interviews conducted in 2005 and 2006 with a total of 148 sworn personnel from the two agencies described above. All of the focus group participants were personnel regularly assigned to uniformed patrol duties. These focus groups were conducted as the initial part of larger studies commissioned by each state law enforcement agency and conducted by the Division of Criminal Justice at the University of Cincinnati. The purpose of the larger studies was to focus on a number of topics related to “best practices” in highway criminal interdiction; however one part of both studies involved identifying what factors patrol personnel rely upon to develop the suspicion that prompts them to conduct vehicle searches.

The focus group interview is an accepted method for collecting qualitative data (Bloor, Frankland, Thomas, & Robson, 2001; Krueger, 1988; Morgan, 1988, 1996). A focus group interview is a carefully planned discussion designed to obtain respondent opinions on a defined area of interest in a permissive, non-threatening environment (Krueger, 1988). Focus group interviews offer several advantages for social scientific research. First, they take advantage of the fact that people interact naturally and are influenced by the responses of others, creating high face validity. Second, they provide data quicker and cheaper than if the participants were interviewed individually. Third, focus group interviews allow the researcher to interact directly

with the respondents, permitting clarification through follow-up questions and probing (Krueger, 1988; Morgan, 1996).

Fourth, the researcher can collect information from the nonverbal responses of the participants to supplement the verbal responses. Fifth, the data from focus groups interviews uses the participant's own words that would usually be lost in a response to a survey questionnaire item. Sixth, focus groups are very flexible and can be used for a wide range of topics or individuals. Seventh, the qualitative results of focus group data are easier for laypersons and policy makers to understand than are complex statistical analyses (Bloor et al., 2001; Krueger, 1988; Morgan, 1996).

Finally, evidence exists to support the validity of data produced by focus group interviews. Reynolds and Johnson (1978) compared focus group and survey research on the same topic and discovered that the findings of both methods were in agreement approximately 90% of the time. In addition to consistency with the survey results in the findings, the data obtained from the focus group interviews was also far more detailed, providing a better overall understanding of the topic. Additionally, the investigation of related topics that came up during the focus groups and were not included in the survey instrument was only possible through the focus group method (Reynolds & Johnson, 1979).

In order to select the participants for the focus group interviews in the present study an official email message was sent from the office of the chief executive of each agency to all field commanders of the individual stations or "posts". The email briefly explained the purpose of the "best practices" study and requested that the commanders identify potential participants. The formally stated criteria for participation in the focus groups were assignment to uniformed patrol duties, and a record of past performance in highway criminal interdiction work by frequently

searching vehicles and seizing illegal contraband. Specifically, participants were to have been identified by their supervisors for voluntary participation in the focus groups based on their quantity of searches and effectiveness in seizing illegal contraband as a result of traffic stops.

Once the potential candidates were identified, each was invited by the office of the chief executive to participate in the focus group discussions. Across both agencies combined, 153 personnel were invited to participate in the focus group interviews and while all initially agreed to participate, only 148 reported to the actual focus group sessions. Each of the 148 actual participants attended one of the sixteen focus groups that were conducted in the summer and fall of 2005. Eight of the focus group interviews were conducted with only personnel from the highway patrol agency and eight group interviews were conducted with only personnel from the state police agency.

At the start of each focus group interview all of the participants were given a brief questionnaire that gathered the participants' basic demographic information, interdiction training history, and self-reported measures of the number of searches conducted to date that year, along with the number of these searches where contraband was discovered. Table 5.1 reveals the descriptive statistics of the personnel who participated in the focus group interviews.

One-hundred-twenty-eight of the participants (86.5%) held the rank of trooper and twenty were either corporals or sergeants assigned to patrol duties. The mean age of the participants was approximately 34 years old and the average length of employment with their respective agency was about nine years. All but six of the participants were male (96.0%). Ninety-three percent of the participants were Caucasian and about forty-two percent had at least a two-year college degree. Many of the participants had received specialized training in highway criminal interdiction as approximately seventy-three percent reported having attended at least one such

training program in their career. Of those who reported attending highway interdiction training, the mean number of courses attended was approximately three.

Table 5.1 Descriptive Statistics of Focus Group Participants (N = 148)

	Minimum	Maximum	Mean	Standard Deviation
<u>Demographics</u>				
Age	23	52	34	4.9
Male	0	1	.96	.15
White	0	1	.93	.26
Rank (1 – Trooper; 2 – Corporal, 3 - Sergeant)	1	3	1.19	.402
Years of Experience	1	23	8.8	4.05
Education (1 – High School; 2 – Some College, No Degree; 3 – 2 Year Degree; 4 – 4 Year Degree; 5 – Graduate Work)	1	5	2.70	1.23
Interdiction Training Courses	0	16	2.22	2.76
<u>Self-Reported Stop Information</u>				
Searches	0	167	36.21	33.89
Seizures	0	100	45.00	16.82
Hit Rate*	0	100	43.65	28

* Proportion of searches that resulted in a seizure of illegal contraband.

Although the original instructions to the field commanders specifically requested the recruitment of personnel who actively engaged in criminal interdiction work through frequent searches of vehicles and seizures of illegal contraband, some of those who participated in the focus groups did not fit these criteria. For example, on the demographics questionnaire each respondent was asked to report how many vehicle searches he/she had conducted. For a period of seven months, thirty of the participants (20.3%) had conducted an average of no more than one

vehicle search per month and three participants reported not having conducted any searches. Most of the participants, however, did indicate that they were very actively involved in criminal interdiction work as one-hundred of the participants (67.6%) reported conducting an average of at least one vehicle search a week. Therefore the sample was very appropriate for the present study as it represented a good cross-section of all patrol personnel conducting traffic stops, not just those high activity personnel involved in highway criminal interdiction efforts.

It is important to note here that the respondents were very specific in reporting the number of searches that they had conducted and the number of searches that had resulted in the discovery of illegal contraband. Very few of the respondents gave responses that appeared to be rounded up to the nearest tenth. It was believed that these recent statistics were known to each respondent for two reasons. First, such statistics were part of their annual performance evaluations and therefore the respondents kept track of their numbers of arrests, stops, citations, and contraband seizures so that they could measure their own performance and compare themselves with their peers. Second, both of these agencies were voluntarily involved in data collection efforts in order to address potential allegations of biased-based policing. The respondents on both agencies were aware that their employer was keeping detailed statistics on the number of stops, searches, and seizures they conducted. Therefore, the respondents were motivated to keep track of these statistics themselves in order to ensure that the department's statistics were accurate.

Each participant attended only one of the focus group interview sessions. Each group interview involved between six and twelve participants and followed the methodological strategies proposed by Krueger (1988) and Morgan (1988). Krueger (1988) and Morgan (1988) both suggested that focus groups should be conducted in a familiar (or at least neutral) location

for the participants and last no more than two hours in length. As a result, the focus group interviews were conducted in a conference room at the training academy of each respective agency, a facility familiar to all of the respondents that also emphasized the fact that the groups were sanctioned by their employing agency. All of the personnel who attended the interviews were paid by their employer for their time and traveled to and from the interviews in official department vehicles.

Several steps were taken to help ensure the confidentiality for each participant and ensure that they were voluntarily participating in this research. Each participant read and signed a consent form alerting the participant to the fact that the interviews would be audio taped. Each participant was randomly assigned a numeric code in order to conceal their identity on the audio tape. Each participant was asked to refrain from identifying him/herself, or any other participant, by name during the taped interview. The participants were also warned that even though the researchers would not reveal who made specific statements during the focus groups, the researchers could not guarantee that another one of their fellow participants would not reveal this information later. Finally, the participants were informed that participation was truly voluntary and that anyone who wished to leave could do so without any negative repercussions from their supervisors. It was anticipated that such conditions would assist the participants in becoming comfortable discussing issues related to their investigative techniques on patrol (Krueger, 1988; Morgan, 1988).

Krueger (1988) and Morgan (1988) suggested that focus group moderators should be as similar to the participants in appearance and status as possible in order to remove social barriers and increase rapport with the participants. This is even more critical when dealing with special populations that may be reluctant to speak frankly to people outside their social group, such as

police officers (Adler & Adler, 2003; Krueger, 1988; Morgan, 1988). Eight of the sessions were moderated by the author and eight were moderated by the principal investigator, Dr. Robin Engel. The focus group members were informed that their moderator was a researcher employed by the Division of Criminal Justice at the University of Cincinnati. In all but two of the focus groups the project's principal investigator was present and asked follow-up questions for the clarification of statements or ideas presented by the participants. Dr. Engel's professional background and role in the study were also explained to the participants.

In ten of the focus group interviews another research assistant was also present; however this research assistant made no statements during the focus group interviews and only acted as a scribe to take additional written notes. When this research assistant was present his identity and role were explained to the participants. All of the research staff members present were dressed in professional business attire so as to set a professional tone and not distract the participants from the discussion.

Each group began with the moderator explaining the ground rules for the interview session (Krueger, 1988; Morgan, 1988). These ground rules encouraged the attendees to participate as much as possible, noting that there were no right or wrong answers to the questions, only differing points of view. The participants were asked to speak loudly and clearly enough to be picked up by the audio recording device. They were asked to keep background noise and side-talk to a minimum, not talk over each other, and only use the participant's assigned numbers when making references to others. Finally, the participants were strongly encouraged to speak only from their own past personal experiences. They were asked to limit their comments to what they have done in the past, not what they would have liked to do or hope to do in the future.

The content of the interviews focused on a number of topics related to highway criminal interdiction and, as recommended by Krueger (1988) and Morgan (1988), lasted between ninety minutes and two hours. The moderator loosely followed a pre-established questioning route (Krueger, 1988; Morgan, 1988) designed to elicit information related to the research questions involved in the “best practices” study. Appendix A contains a copy of this questioning route. In the focus group sessions the moderator would lead the discussion by asking specific questions and both the moderator and Dr. Engel would ask clarifying or follow-up questions after the participants gave their responses. In the two focus groups that Dr. Engel did not attend, the moderator asked all of the direct and follow-up questions.

The moderator and Dr. Engel took brief notes during the interviews and after every two interviews the moderator created more detailed written notes about what had been said. These notes would eventually serve to supplement the audio tapes and assist in the transcription process. To ensure that everyone participated in the discussion the moderator occasionally directed questions to specific participants who had not made very many comments up to that point (Krueger, 1988; Morgan, 1988). As a result, all but one of the participants made at least one substantive comment during the interviews and the average number of substantive comments per participant was nineteen.

After the focus groups were completed, a team of research assistants was hired to transcribe the audio tapes into verbatim written transcripts. After each transcript was created, the moderators of the interviews reviewed each transcript in detail, comparing the transcript to the audio record, their notes, and their personal recollections of what had transpired during the groups. A number of alterations to the transcripts were made, however most involved instances where the transcriber had been unfamiliar with police jargon and as a result, incorrectly

interpreted a word or phrase. After all sixteen of the transcripts had been prepared and reviewed by the moderator, they were then coded for content.

Coding the Focus Group Data

Weber (1990) described content analysis as a research tool used to determine the presence of certain words or concepts within texts. Researchers identify and analyze the presence, meanings, and relationships of words and concepts, then make inferences about the messages presented within the text (Weber, 1990). To conduct a content analysis of any text, the text is broken down into manageable categories and then examined using one of two basic methods: conceptual analysis or relational analysis.

Conceptual analysis is used to establish the existence or frequency of concepts in a text (Weber, 1990). For example, if one was simply seeking to identify how homicide victims were portrayed in newspaper accounts of crime, a conceptual analysis could be conducted to identify all of the different descriptive words or phrases used to describe the victim. These descriptive statements could be reviewed simply for their existence or counted in order to compare their different frequencies of use. Relational analysis, on the other hand, is used to explore relationships between words or concepts in the text (Weber, 1990). For example, if one was interested in identifying how homicide victims were portrayed differently in newspaper accounts with relation to their race, a relational analysis could be conducted. This analysis would involve identifying and counting the words and phrases used to describe the victims and then categorizing these words and phrases by the victim's race. A comparison of the ways the specific

terms were used could then be conducted by race to determine if there were differences between the races in the descriptive terms used.

In the present study the conceptual analysis form of content analysis will be utilized. In this analysis of the transcripts from the focus group interviews, the goal will be simply to identify and count key concepts – the indicators of suspicion the participants reported using – rather than relate these concepts to other concepts within the text. Therefore, the conceptual analysis method of content analysis will be most appropriate.

Carley (1992) established an eight-step process for coding and analyzing data in a content analysis that has become the standard method of content analysis in the social sciences (Ryan & Bernard, 2003). These eight steps are as follows:

1. Decide on the level of analysis for the coding, such as the concept, phrase, or word level.
2. Decide how many concepts to code. This step, especially in exploratory studies, is often data driven and is determined by the number of concepts of interest presented in the text.
3. Decide whether to code for the existence or frequency of a concept in the text.
4. Decide how concepts will be distinguished – by themes, sentences, or phrases.
5. Develop rules for coding the text by developing a coding scheme.
6. Decide whether to code information that is irrelevant to the study.
7. Code the text using the coding scheme developed in step five.
8. Analyze the coded text by each specific concept identified in the coding scheme and attempt to draw conclusions and generalizations about these concepts (Carley, 1992; Ryan & Bernard, 2003).

This methodology was utilized by each focus group moderator in the coding of the sixteen focus group transcripts. As part of the “best practices” studies, the information of interest in the focus group interviews involved specific concepts that may have been expressed in a word or two, or in the form of an entire paragraph. The length of text associated to each concept was unimportant, only the concept the text was revealing was considered significant. Therefore, in the first step of the analysis the level of analysis was specified as the concepts about highway interdiction that were being tapped.

The second step involved deciding how many concepts to code (Carley, 1992). In an exploratory study such as this, this step was entirely data driven as the number of concepts that would be discovered depended upon how many different concepts were revealed in the text. A coding scheme was thus developed after the principal investigator and the author reviewed the written transcripts multiple times and developed an extensive list of concepts to be coded. The coding scheme that resulted consisted of eight main concept categories (vehicle indicators, pre-stop indicators, occupant indicators, investigation techniques, administrative issues, peer behavior, training, and safety) and a total of 1,504 subcategories under these eight headings. The transcripts were then reviewed and the concepts being discussed in each piece of text was assigned a code so that pieces of text addressing the same concept could easily be retrieved. Because of the complexity of the respondent’s comments, many of these pieces of text ended up being coded under multiple categories and subcategories because they simultaneously addressed many issues.

This coding process was accomplished using the NVivo qualitative research computer software. This software package allowed large segments of text to be coded, organized, and cross-referenced very easily (Weitzman, 2003). Pieces of text (ranging in size from a word to

entire paragraphs) were marked with a specific topic code related to the concept or concepts the text described. NVivo then permitted the location and retrieve of every piece of text in all of the transcripts that had been marked with the same topic or subtopic code. This software also provided the number of times this coded topic was discussed, or the number of participants who made a coded comment related to this topic (Weitzman, 2003).

Once the coding had been completed, the author could select a concept of interest, determine how many participants made a coded comment about this concept, and produce a document containing the actual text of every coded comment in the transcript related to this concept. This permitted the researcher to isolate one concept of interest at a time (Weitzman, 2003). While the content of the conversations focused on a number of topics related to “best practices” in highway criminal interdiction, approximately thirty-four percent of the participants’ coded comments concerned what indicators of suspiciousness they had successfully relied upon in the past during traffic stops in order to detect the transportation of illegal contraband and justify a search of the vehicle. One-hundred-forty-three of the participants (96.6%) made at least one substantive comment on this topic area.

Methodological Concerns and Weaknesses

One methodological concern involved in the coding process is related to the issue of inter-rater reliability. If those who coded the statements in the transcripts had different perceptions of the topic being coded, it could have resulted in identical passages of text to be interpreted two different ways. The resulting codes may, therefore, have been applied inconsistently (Babbie, 2004). With eight primary categories of concepts and literally dozens of

subcategories of different levels under each primary category, this issue was a major concern. With such a large number of categories to which a concept could potentially be coded, it appeared the potential for inconsistency in interpretation of statements across researchers would be high. In order to ensure the reliability of the coding scheme and the coding process, a measure of inter-rater reliability was developed to enable an internal data check to assess the accuracy of the coding process (Engel, Tillyer, Stoddard, & Klahm, 2007).

First, all sixteen focus group transcripts were coded by the moderators according to the coding scheme already established with the principal investigator. Then two other research assistants were hired to code three transcripts a second time. The transcripts coded by the moderators and the transcripts coded by the two independent coders were then compared for consistency in how the same pieces of text were coded. The categories and subcategories were compared across transcripts to determine if the two independent coders were consistent with the moderators in their choices of coding.

The inter-rater reliability measure was calculated by taking the number of participants identified by both coders (the moderator and the independent coder) and determining what percentage of the time they identified the same participant as making a comment on the same category. A high percentage of agreement between the coding of the two coders would suggest that both coders identified the same statement by the participant as representing the same category or subcategory a high percentage of the time.

There were eight main categories and numerous levels of subcategories within the coding scheme so for ease of analysis the inter-rater reliability measure was calculated for the first three levels of subcategorization within the coding scheme. This involved the eight main categories and the first two levels of subcategorization under each of these main categories. The percentage

of the time both coders matched the same participant statements with the same coding concepts was calculated to determine the reliability of the data that had been coded (Engel, et al., 2007).

Table 5.2 below reveals the degree to which the moderators' coding on the three transcripts examined matched the coding by the two independent coders. The percentages listed are the overall percentage match for all three transcripts, the overall percentage match for each transcript, and the inter-rater reliability score for each level within the transcripts. As can be seen across all three transcripts, the level of correspondence in coding was high. Across all three transcripts and all three levels of categorization, the level of correspondence in coding never fell below 87 percent. Overall the moderators and the independent coders were consistent more than 90 percent of the time. This reflected a very strong agreement across independent coders and suggested that the coding scheme was applied consistently.

Table 5.2 Inter-Rater Reliability Scores

	% Match
Transcript #1	91.26
Level 1 (Main Theme)	87.87
Level 2 (Sub-Themes)	87.87
Transcript #2	89.63
Level 1 (Main Theme)	91.35
Level 2 (Sub-Themes)	89.62
Transcript #3	96.10
Level 1 (Main Theme)	97.20
Level 2 (Sub-Themes)	95.80

It is important to note, however, that this inter-rater reliability measure cannot identify whether or not the coding scheme accurately reflects the meaning the respondent was truly attempting to convey. There is always a danger of measurement error on the part of both independent coders. Nevertheless, this reliability measure does reveal whether the coders were

using the coding scheme in a consistent manner and allowed estimation of the impact of coder subjectivity as a threat to the reliability of the results.

While there are many advantages to using focus group interviews to collect qualitative data, as was described in detail at the beginning of this section, there are, however, limitations associated with this method that must be addressed. Three main limitations associated with focus group data are concerns about groupthink, questions of external validity, and reliability. These weaknesses are not fatal flaws to this research and the discussion below will address how these limitations are to be partially overcome, however these limitations should be considered when interpreting the study's findings.

Groupthink is a situation where as part of a cohesive group of people, individuals repress any dissenting viewpoints they may have in order to maintain the cohesion of the group and avoid personal isolation from their peers (Janis, 1989). In the context of focus groups involving state troopers who are peers and share a common occupational and organizational subculture, there is a natural concern that some of the information gathered during group sessions would be adversely affected by the group dynamics so that the answers provided in the group are heavily influenced by what others in the group have said. A valid concern is that some of the participants in the focus groups did not express their disagreement with the responses presented by other participants, thus inhibiting the collection of valuable data.

There is evidence to suggest, however, that the potential influence of groupthink was limited in this study. At the start of each focus group session the moderator discussed the ground rules for the interview, including specifically encouraging the participants to share differing opinions if their own personal experiences differed from those of the other respondents. Also, frequently during the group interviews participants either disagreed with each other or offered a

response that differed from the experiences of some of the other participants. Some of these differences of opinions were broached with the caveat that the disagreement may have been a result of differences in geography across the state, or urban versus rural environments. Finally, the moderator frequently called on specific participants to share their opinions when the participants appeared to have quieted down and disengaged from the conversation.

The issue of external validity concerns whether or not the research findings could be generalized to the population of interest (Shadish, Cook & Campbell, 2002). The nature of qualitative data is more subjective than quantitative data as the participants' experiences may not be reflective of the experiences of others. Therefore, with smaller sample sizes and a non-random sampling procedure, it becomes more difficult to generalize to a larger group (Babbie, 2004). As a result, the data collected from the focus groups need to be interpreted in a limited manner with caution being exercised before generalizations are made to all state troopers. The participants of the focus groups, and their stated opinions and experiences, may not necessarily be representative of all state troopers, or even all troopers assigned to the respective agencies involved in the study. Nevertheless, the external validity of the data is strengthened when concentrating on opinions and experiences that were shared by a majority of the focus group participants.

The issue of reliability suggests that a piece of information should be viewed in similar ways by two or more individuals or across different periods of time. Qualitative data has often been criticized for having lower reliability than quantitative methods (Blalock, 1961, 1965), specifically due to issues of participant subjectivity and coder subjectivity (Babbie, 2004). Participant subjectivity deals with the concern that individual focus group respondents may comprehend and remember events in different ways, leading to different interpretations by

different participants (Babbie, 2004). If two participants interpret the same question differently, it may not be possible to easily detect who misconstrued the true meaning of the question simply by their responses to the question. Inaccurate interpretations of the questions or topics being discussed can weaken the reliability of the respondent's statements. Again, while it is impossible to determine to what extent participant subjectivity influenced the reliability of the data collected, evidence does exist to suggest that its influence was weaker than it would be with a questionnaire or one-on-one interview.

Krueger (1988) and Morgan (1988) have suggested that because of the verbal interaction between the participants, and the ability of the moderator to ask clarifying follow-up questions, focus groups reduce participant subjectivity by providing all of the parties involved more information about how each respondent is interpreting the topic of discussion. In fact this appeared to be the case in the present study as there were several instances during the focus group interviews where a respondent attempted to clarify an earlier statement after realizing that he had misunderstood the question or that another participant had misinterpreted his comments.

Analysis of the Coded Data

The purpose of this research was to identify the words, behaviors, and objects encountered during traffic stops that caused state law enforcement personnel to become suspicious that the motorist was engaged in some sort of criminal activity. The transcripts of sixteen focus group interviews involving 148 state law enforcement officers served as the data for this investigation. As described earlier, a detailed review of the focus group transcripts by the author and the principal investigator for the original "best practices" study produced a detailed

coding scheme with eight major categories and 1,504 subcategories. Every piece of text within the sixteen focus group transcripts had been coded into at least one specific category and further subcategories that were relevant to the participant statement being made.

While eight major categories and 1,504 subcategories existed for the purposes of the original “best practices” study, the present study only utilized data from three of the main categories (pre-stop indicators of suspicion, vehicle indicators of suspicion, and occupant indicators of suspicion). The coding scheme for these three categories is outlined in Appendix B. The levels of subcategorization under each of these three main categories can be seen in this outline. The pieces of focus group transcript text coded into these three main categories were used as the data source for this study.

While the topics addressed during the focus groups were broad and varied relating to many aspects of highway interdiction, the focus of the present study was much narrower. Using symbolic interactionism as a guide, the present study specifically sought to identify how the respondents relied upon the words, behaviors, and objects encountered during traffic stops to determine if criminal activity was occurring. This data was analyzed in the following way, emphasizing the importance of the words, behaviors, and objects the troopers encounter during traffic stops.

Identifying Words

First, using the NVivo qualitative research software, any participant statements relating to words as an indicator of suspicion were identified. All of the coded subcategories of topics discussed that were related in any way to statements made by the motorists or information in written form (such as vehicle registration papers or computer responses to driving record checks)

were identified. Next, using the NVivo software, the number of participants who commented on each of these specific word topics was calculated to determine the prevalence of the topic. This was done to help the author decide whether each specific topic discussed related to words was shared by a substantial percentage of the respondents or simply one or two respondents. The emphasis of this study was placed on the opinions shared by the bulk of the participants.

Because very few topics were discussed by a majority of the participants, a lower percentage was used to determine which remarks should be the focus of the analysis. Any topics discussed by at least ten percent (15) of the respondents became the primary focus of the analysis. It is important to note, however, that because the data relies solely on the spoken responses of the participants, utilizing ten percent as a lower limit produced a conservative estimate of the degree of consensus among the respondents. While only ten percent of the respondents may have made a verbal comment on the topic at hand, other respondents may have indicated their agreement through nonverbal gestures such as nodding their heads, or through simple one-word statements such as “right” or “yes”. Therefore, relying on only the percentage of respondents who made substantive verbal comments aloud necessarily excludes respondents who may have agreed as well but did not do so with a substantive statement.

Once all of the subcategories related to words were identified, those subcategories that were discussed by fifteen or more of the focus group participants were investigated. These subcategory topics related to words included the following:

- Nonsensical motorists’ travel itineraries
- Inconsistencies in the motorists’ travel plans
- Motorists’ lack of detailed knowledge about their travel plans
- Vehicle occupants who do not know each other

- Catching motorists in a lie
- Motorists who are unfamiliar with the vehicle's registered owner

The specific respondent comments on these topics were reviewed and analyzed for the main points these various comments were trying to convey. Then representative statements made by the participants were selected to illustrate the focus of this topic of discussion.

Identifying Behaviors

Again, using the NVivo qualitative research software, any participant statements relating to behaviors as an indicator of suspicion were identified. All of the coded subcategories of topics discussed that were related in any way to the physical movements of the vehicle occupants or the vehicle's movements in traffic were identified. Next, the number of participants who commented on each of these specific behavior topics was calculated to determine the prevalence of the topic. Any of the topics discussed by at least ten percent (15) of the respondents (a conservative estimate) became a primary focus of the analysis. Those topics that were discussed by fifteen or more of the focus group participants were investigated. These subcategory topics related to behaviors included the following:

- 'Atypical' driving behavior
- Trying to move away from the police vehicle in traffic
- Excessive reductions in speed at the sight of the police vehicle
- Furtive movements inside the vehicle
- 'Excessive' nervousness by the motorists
- Avoidance of eye contact
- Fixated gaze on a specific location of the motorists' vehicle

- Trembling
- Pulsating carotid artery
- Rapid breathing and sweating
- Exaggerated stretching

The specific respondent comments on these topics were reviewed and analyzed for the main point (or points) these various comments were trying to convey. Then representative statements made by the participants were selected to illustrate the focus of this topic of discussion.

Identifying Objects

Using the NVivo qualitative research software, any participant statements relating to objects as an indicator of suspicion were identified. All of the coded subcategories of topics discussed that were related in any way to an inanimate objects observed during traffic stops were identified. The number of participants who commented on each of these specific object topics was calculated to determine the prevalence of the topic and any topics discussed by at least ten percent (15) of the respondents became the primary focus of the analysis. Once all of the subcategories related to words were identified, those subcategories that were discussed by fifteen or more of the focus group participants were investigated. These subcategories related to objects included the following:

- An excessive number of air fresheners
- Drug paraphernalia items
- The presence or absence of luggage
- Personalized rental vehicles
- License plates from drug source states

- Illegal window tint
- Recent vehicle body modifications
- Disclaimers (anti-drug bumper stickers, pro-police window decals)
- Motorists' race/ethnicity
- Motorists' age
- Motorists' sex
- Motorists' physical signs of substance abuse

The specific respondent comments on these topics were reviewed and analyzed for the main points these various comments were trying to convey and representative statements made by the participants were selected to illustrate the focus of these topics of discussion.

Conclusion

As with many of the earliest studies in other areas of policing, the present study used qualitative data to discover what behaviors, words, and objects state troopers rely upon during traffic stops to develop suspicions about criminal activity. The data used were the written transcripts from sixteen focus group interviews conducted with 148 sworn personnel employed by two state law enforcement agencies and who routinely engaged in uniformed patrol and traffic stops. The content of these focus group interviews was analyzed for references to suspiciousness indicators relied upon by the respondents to detect criminal activity during traffic stop encounters.

The present study employed a qualitative methodology to investigate three broad research questions utilizing data from the focus group interviews with state troopers. Through this

analysis the most common topics related to words, behaviors, and objects that the respondents reported relying upon for suspicion were identified. These specific words, behaviors, and objects will be addressed in detail in the next chapter both through the words of the author and through direct quotes from the respondents from the focus group interviews. These findings describe the indicators that the troopers in the sample use to develop suspicion during traffic stop situations.

Chapter 5 – Findings

Using symbolic interactionism as a framework to guide this investigation, the content of the focus group interview transcripts was reviewed for examples of where the respondents relied upon words, behaviors, or objects in order to make determinations about the suspiciousness of motorists during traffic stop encounters. One-hundred-forty-four of the participants (97.3%) made at least one substantive comment concerning what indicators of suspiciousness they had successfully relied upon in the past during traffic stops in order to detect the transportation of illegal contraband and justify a search of the vehicle. The following discussion of these comments will be organized around their responses related to words, behaviors, and then objects. It will then provide a comparison between the comments of the respondents who had self-reported a high success rate in discovering illegal contraband and those respondents who had self-reported a low success rate in their vehicle searches.

Suspicious Words

Suspicious words can include the statements made by the occupants, the occupants' verbal responses to the trooper's questions, or printed or spoken information available to the trooper, such as a computer response to the trooper's check of the motorist's driving or criminal record. The transcripts were reviewed for these types of examples that were mentioned by respondents in the focus groups. One-hundred-twelve respondents (75.7%) made substantive comments about what they found suspicious about the words they encountered during traffic

stops. The respondents' comments about specific conversation topics that will be discussed here involve topics that were commented on by at least ten percent of the respondents in the sample.

Travel Itinerary

The most frequently addressed example of suspicious words discussed during the focus group interviews dealt with the travel plans uttered by the occupants of the stopped vehicle. Many of the respondents indicated that travel plans that didn't seem to make sense to them, or inconsistencies about travel plans, made them suspicious of the motorists they had stopped. For example, thirty-nine (26.4%) of the respondents made at least one substantive comment about having relied upon conflicting stories about travel plans between the driver and the passengers in the vehicle as an indicator of something more serious than a traffic violation. These included the driver and the passenger(s) stating different travel destinations, points of origin, or reasons for their trip.

The following are representative examples of the respondents' comments on this topic to illustrate their opinions. These comments are direct quotes by various respondents and were selected for their ability to describe the common themes that were discussed. Note, however, that any information that could be used to identify the respondent or his/her employing agency has been removed from the text.

Respondent: "That's what a lot of it comes down to. You just start talking to people. [My partner] talks to the driver and asks him where he is going, and I talk to the passengers and get conflicting stories."

Respondent: "Stories not matching up. It doesn't make sense where they're coming from, where they're going, or they'll even say the wrong direction. They'll say they're going to [a northern city] and they're, you know, southbound on the interstate."

Respondent: “He says he’s going to visit his aunt and the passenger says they’re going to visit, you know, a friend. The stories just don’t match up.”

Respondent: “If you can separate the driver and the passenger and ask them the same questions, you get inconsistent answers.”

Respondent: “Definitely conflicting stories. Maybe if you go up and get the driver out, you get them separated, and you ask them basically, “Where are you headed to?” And they say from here to there, and then you go question the passenger or passengers and they all give you different destinations in which they’re going. I think that’s definitely a good starting point as far as an indicator [of suspicion].”

In addition to inconsistencies in the motorists’ stories about their travel plans, travel plans that appeared to make no sense were also used as an indicator of criminal activity. Twenty-nine respondents (19.6%) made a substantive comment about relying on suspicious travel plans that did not appear to make sense. Traveling a long distance without any luggage, making a short trip with a large amount of luggage, or traveling an abnormally long distance for an unusual purpose were some of the examples of nonsensical travel plans provided by the respondents.

Respondent: “I had a guy tell me he went up to [a major urban area more than 200 miles away] to get a haircut, and in the car he’s got a couple ounces of crack and a couple ounces of coke, coming back to [his home state]. Their stories make no sense.”

Respondent: “Or you get somebody that’s traveling with no luggage in the car. Traveling from the [two states to the west], all the way across to [another state to the east], and there won’t be any luggage in the car at all. It makes no sense.”

Respondent: “Their story just doesn’t make sense why they’re going where or where they’re coming from. I had an experience where someone was going from [a west coast state] to [a Midwestern town] to take his daughter a car. Well, the car wasn’t worth the money it cost for the trip. I mean, just send her a check and she could have got a lot nicer car.”

Respondent: “They say, “Hey, we’re just going to [a nearby tourist landmark] for the day” and they might have 6 or 7 suitcases in the back seat, just inconsistent luggage. Or they say, “Hey, we’re going on a vacation up in [a state to the north] for a week” and they got just one small bag in the vehicle. Just their stories about their destination and the amount of luggage they have. That’s what I look at.”

Continuing on with the theme of nonsensical travel plans, two specific suspicious circumstances were discussed by a number of the participants. The first suspicious circumstance, discussed by fifteen of the respondents (10.1%), involved the inability of the vehicle occupants to provide specific details about their travels. For example, if the motorists were unable to give specific details about where they had been, what they did there, or where they were going, the respondents stated this lack of detailed knowledge would arouse their suspicions.

Respondent: “You’ll ask them a question and it’ll be a real simple question. “Where are you coming from?” You should be able to say, you know, “Here.” They’ll go, “Huh?” I mean, they’ll look right at me and just, you know, you’ll have to repeat the same question. It’s a real easy question. To me it just seems that they’re stalling to think “Oh boy, I have to come up with something.””

Respondent: “Where are you going?” They just give you a basic city. They can’t tell you specifically where they’re going. They have no idea where. They got to call a person when they get there.”

Respondent: “I’ve always gotten the basic story. But if you ask just one extra question then it screws them all up because they weren’t expecting one extra question to have to answer. They have about a three sentence line on what they think would be enough that they have to say if stopped. But if you ask just one more question it screws them all up. It just happens every time.”

Respondent: “You ask them where they’re coming from, you know. Well where you headed to? “[A large city in the state.]” Well where at in [that city]? “Where at?” What part? What’s the address? Or they say, “I’m just going to visit family.” Well where do

they live? What address? Who's your family member? What's their name? And they just start trying to buy time to figure out a name, an address, that kind of thing."

The second specific nonsensical circumstance involved vehicle occupants on a long distance trip that are not familiar with each other. Eleven of the participants commented that they have encountered two or three people in a car traveling together for a long distance trip, yet none of the occupants knew each other's name. Other respondents discussed situations where the vehicle occupants could only identify each other with nicknames, false names, or conflicting names. These respondents indicated that they viewed such circumstances as very suspicious.

Respondent: "They don't know the person riding with them. "Oh he's my best friend. I've known him for 15 years." What's his name? "I don't know.'"

Respondent: "It's the name game. I like to separate the people and ask them, "What's your buddy's name?" They'll never know. They'll never get their stories straight, it's always inconsistent."

Respondent: "If I get somebody that has a passenger and the driver has no ID, I'll bring him back, get his name, but then I'll go back and I'll ask the passenger "What's the drivers name?" to see if I'm getting the same story."

Respondent: "If there are multiple people in the car you separate them. Even something as easy as the relationship between those two people. You may ask them and one of them says that they're friends and the other one says that they're married. I mean just the relationship of the people in the car if you separate them. The simple questions like that. It's not anything that is too hard to answer, but they can't answer or they have different stories."

Occupant Lies

Another frequently discussed reliance on words for the development of suspicion involved lies spoken by one or more of the occupants in the vehicle. Thirty of the respondents

(20.3%) made comments to the fact that when they caught motorists in a lie they became suspicious that something more serious than a traffic violation was afoot. Some examples of these lies dealt with the motorist's identity. Apparently the respondents associated providing a false name with other types of criminal activity.

Respondent: "One person in the car may have identification, the other people in the car may not. He gives you a name, John Doe. You run John Doe with the date of birth information you've been given and it comes up as one of 4 or 5 aliases. "You said your name is John Doe?" You say, "Hey George", well if the guy looks at you, you know you've got him."

Respondent: "I'll have the gentleman's ID, or the lady's, and I'll start running it [on the patrol car computer] to see who they are. What we'll find also is usually that the person will not have ID, or will give you a false name. Once I get them on that misdemeanor violation, we're pretty much going to find out who they really are and usually this leads to some type of seizure of something. Or it's just being a criminal, meaning that the person had a warrant."

Respondent: "You're talking to the driver and they don't have any ID on them. They give you a name, date of birth, and you give them a pen and paper. They start writing down a name, cross it off, and write down another name."

Other specific examples of motorists' lies that the respondents found suspicious dealt with their alleged travels or their prior criminal history. For example, if the motorists lied about where they have been or whether or not they have ever been arrested before, the respondents suggested that their suspicion levels would be heightened.

Respondent: "My guy started to lie, that was the only thing different. He said he went to [a city very far to the north] to visit his two year old daughter. He left yesterday at 5:00 p.m. and this is today at 5:00 p.m. So in 24 hours he allegedly made a 16 hour drive up, visited his two-year old daughter, and then made the same 16 hour drive back. Thirty-two hours of driving in 24 hours."

Respondent: “I’ve had people with criminal histories and I ask them, “Have you ever been arrested for anything?” They throw their hands up in the air and look away, you know. Right there, now any questions I ask him I can tell by the response whether he’s being honest with me or dishonest with me. It’s more of a tool I use to find out whether they’re going to be truthful with me. Because some of them will say, “Yeah, I’ve been arrested for this or this or that” and then you know the guy is going to be pretty much honest with you. But then you have other guys that absolutely... You’ll have everything on the computer in front of you. “Ever been arrested?” “No.” So I try to use it for that.”

Vehicle Ownership

Another suspicious circumstance that is revealed through spoken words or the written vehicle registration documents involves vehicle ownership. Twenty-five respondents (16.9%) indicated that they were suspicious of motorists driving a car owned or rented by a third party who is not in the vehicle at the time of the traffic stop. Several also stated that they were even more suspicious if the vehicle’s owner or leasee was not well known to the current driver. The respondents suggested that in their minds, someone operating a vehicle owned by an unknown third party is highly unusual and does not make sense unless the vehicle is stolen or being used for some criminal enterprise.

Respondent: ““Is this your vehicle?” You know, they have to think because it’s a rental more times than not; or it is somebody else’s vehicle that they are borrowing. And they have to think of an elaborate story to make you believe that they’re using the vehicle for what they’re telling you they’re using it for. Like was mentioned by [another respondent], third party vehicles are a good indicator.”

Respondent: “He says, “Well it’s my cousin’s car. It’s my cousin’s.” Well what’s your cousin’s name? “Well I don’t know. It’s my cousin’s car.” What’s his name? “Pete.” Pete what? “I don’t know, it’s his vehicle, I don’t know.””

Respondent: “Every time I pull up there I’ll say, “Can I see your license, registration, and proof of insurance?” I’ll watch as they get it. “Whose car are you driving today?” I’ve been amazed since I’ve been asking that question for the last year and a half. I’ll just grab the registration, but then I just cut right to the chase, you know. “So whose car you

got?” Then it’s like, “It’s a friend of Billy Bob’s.” Now we’re going to talk, because if you don’t even know whose car you’re driving... I would at least know the person.”

Respondent: “One big thing is the owner is not present. If they’ve got out-of-state plates, if they’re driving a fairly decent car, and the owner is not present. If you think about how many people you know, unless it’s a son or daughter and they’re going to see another relative or going back to school, how often will somebody let someone use your car? I don’t know what you drive but if you drive something nice, would you let one of your buddies just take your car for a few days just for the heck of it?”

Other Words

There were a number of other types of suspicious verbal statements that were each only commented on by very few participants. These statements included partial or full admissions of guilt when asked if they were carrying contraband, trying to distract the trooper by asking unrelated questions in response to the trooper’s questioning, never asking why they were stopped, and failing to express displeasure over receiving a traffic citation. Due to the fact that only one or two respondents commented on these topics it can be assumed that reliance on these suspicious statements is not widespread and thus should not be generalized to the sample or the population. Nevertheless, they are used by a few individual respondents for their development of suspicion.

Behaviors

Suspicious behaviors can include gross motor movements made by the vehicle occupants, the occupants’ nonverbal responses to the trooper’s presence or questions, or the movements of the vehicle in traffic prior to initiating the actual traffic stop. The transcripts were reviewed for these types of examples that were mentioned by respondents during the focus groups. Eighty-two

respondents (55.4%) made at least one substantive comment about what they found suspicious about the behaviors of the motorists or the motorist's vehicle. Comments about specific behavior topics that were shared by at least 10 percent of the respondents focused primarily on two areas: vehicle movements in traffic and motorist signs of nervousness while making contact with the respondent.

Vehicle Movements

Many of the respondents spoke about how they developed suspicions from the movements of the motorist's vehicle. Several respondents stated their perception that those transporting illegal contraband frequently become nervous when seeing a police car and this nervousness leads criminals to modify their behavior in obvious ways that differ from the "typical" motorists they encounter. For example, one respondent articulated this belief in the following way:

Respondent: "I think that what we were saying about prior to the stop, about the vehicle, I've found that their demeanor is displayed right into their vehicle. You drive the way you're thinking and feeling. I've just seen it time and time again. It's just as if you're thinking about, you know, you want to hide from me. You turn right, it's just automatic. I watch the drivers and they're not looking at you, and all of a sudden they're just darting down a driveway or something."

Several of the participants identified specific ways in which vehicle movements that are "suspicious" stand out from the "typical" motorist or traffic law violator. The most frequently mentioned indicator was trying to stay away from the patrol car in traffic. Twenty-five of the participants (16.9%) described past examples of situations where they had become suspicious

when a motorist appeared to make overt attempts to move away from the patrol car through multiple lane changes, readjusting speed, or exiting the highway.

Respondent: “He doesn’t want anything to do with you. He doesn’t want any attention. Like that vehicle today that [another participant] mentioned, no matter where I put that state car, he wanted to get away from me. If I put it beside him, he slowed down. If I slowed down, he sped up. If I got in behind him he changed lanes. He didn’t want anything to do with that state car. And it was an unmarked state car. He did not want anything to do with that car. He wanted away from us as fast as possible. And as soon as we got near an exit he veered behind a tractor trailer and got off on the exit. So it’s just more of their reaction, the people’s reaction, how the public responds to us. But their reaction, the person’s reaction, operating that vehicle is like a Geiger counter.”

Respondent: “Well kind of like [another participant] said, as soon as they see you they change their total behavior. They try to get behind a commercial vehicle so you can’t get a look at them. Or, when you work a certain area long enough, there are certain exit ramps that just go to nowhere and you see someone get off immediately, exit right off as soon as you pull out. Usually a pretty good indicator they don’t want to be anywhere around you.”

Respondent: “The one I like is when you’re pulling out from the crossover and low and behold they pull off at an exit before you can hit the red and blues. There’s nothing at that exit. We have an area like that. Pull off the exit there but there’s not a thing around and they’re not from the area and nine out of ten times they’re getting off there to avoid you.”

Another participant gave a similar account, only this time dealing with situations on roadways other than federal interstate highways.

Respondent: “They’ll take side roads and then pop back out on the state highway down the road. You start following them and they’ll hit a side street. You turn down there and they’ll hit another side street.”

The participants who spoke on this topic reported that they found this type of behavior very unusual when compared to the majority of the vehicles they observed on the roadways.

Below are the comments of two of the respondents who attempted to describe this contrast between “suspicious” and “normal” vehicular behavior in reaction to the presence of a marked police car.

Respondent: “In [a heavily urban region], they don’t care about the state cars coming down the road. Most people, they just sit there. They will stay in the fast lane whether you get right behind them trying to get by them, they’ll just sit there. So it’s actually odd that they hurry and shift over just to get out of your way, you know. So when that happens, that’s just... It’s minor but it’s some indication.”

Respondent: “You can sit out on any highway in this state and you can sit there and you can watch a hundred cars go by. And there may be a hundred violations on those cars, a violation on every car that goes by. But it’s “The One”, and you can see him coming a mile away. Whether they know it or not, you can see it. It’s what they’re doing in that car, it’s how they’re driving that car. It’s different from all the rest.”

Another specific example of unusual vehicular behavior mentioned by the respondents was driving below the speed limit or a sudden reduction in speed in vehicles that were not driving excessively fast in the first place. Twenty-three participants (15.5%) stated that they had encountered this sort of behavior and viewed it as an atypical reaction to seeing their patrol vehicle.

Respondent: “They’re actually backing traffic up because they get what we call “statie-itis”. They see the marked car. In fact, a lot of the times I’ll actually sit out in the middle of the interstate, out in the open. Everybody is doing 10 to 15 above the limit and I won’t even touch them. And you’re sitting there, you’ve got the radar gun out the window but you’re not really clocking, and yet you’ll see this individual or individuals in the car. They’ll slow down to about 40 miles per hour on a 65 mile per hour highway. Well you now have a traffic violation [for traveling below the minimum speed limit].”

Respondent: “I would say the driver’s reaction to your presence. If somebody is coming down the road, and say like the speed limit is sixty-five, and when they observe your vehicle... They’re traveling a rate of sixty-five, they slow up to let’s say fifty-five, or

change lanes to get out of the attention. If they're in the third lane they change lanes to the right lane. Possibly going behind a semi, and go actually slower than they're permitted to go in an attempt to kind of like blend in or just get out of the main stream of attention."

Respondent: "It could be anything; from, they're in the left lane doing 68 miles an hour and all of a sudden they slam on the brakes and jerk it in the right lane as they go by. Now they're following too close to a vehicle in the right lane, a semi truck."

As described in the excerpts above, some of the respondents stated that the suspicious motorist's vehicular reaction to seeing them sometimes resulted in an unintentional violation of the traffic law, thus providing probable cause to justify a vehicle stop. For example, seven respondents reported that suspicious motorist attempts to move away from their patrol cars have resulted in a following too closely violation. Another nine respondents described having seen suspicious motorists reduce their speed so far that it violated the minimum interstate highway speed limit. It is important to reemphasize, however, that even though these traffic violations also occur under other circumstances, these driving behaviors are usually only considered suspicious by the respondents when they appear to occur in direct reaction to the presence of their patrol car. This point is emphasized in the respondent comment below.

Respondent: "Their reaction is paramount. That's why I like a marked car. They'll see that car coming from a mile away. They'll see the lights on top, and they'll start ducking. I want to see people's reactions to my presence there. I mean just sitting on the edge of the roadway watching people driving past."

Respondent: "You're in a crossover that is in plain view [of oncoming traffic]. People can see you for a long, long way. They dive into the right lane for no apparent reason; their speeds drastically change, going well below the posted speed limit. You are looking for a sudden and drastic change in their behaviors, their driving behaviors, their behaviors when they go by you."

Respondent: “I think the most important things are the changes in the behaviors simply by your mere presence; that most normal, common, prudent people don’t panic at this type of police presence. Now there is typically going to be a subtle change of behavior, but sometimes it is very exaggerated. I mean they are doing their best to blend in, but in their attempts to blend in they’re actually standing out.”

A number of other vehicular movements were also discussed during the focus group interviews; however, because of the low number of respondents discussing each it was difficult to determine if these vehicle movements were widely accepted as suspicious. For example, two respondents mentioned finding it suspicious when two vehicles traveling together split up and went different ways when spotting the patrol car. Four respondents discussed becoming suspicious when the motorist delayed an atypical amount of time in pulling over after they activated their emergency flashing lights. Finally, three respondents commented that since most motorists violate the speed limit to some degree and frequently commit other simple violations such as changing lanes without signaling, encountering any motorist driving perfectly would raise their suspicions.

Human Behaviors

The majority of the respondent comments about suspicious human behavior involved displays of what the respondents perceived as indicators of nervousness by the occupants of the vehicle. Ninety-five of the respondents (64.2%) made at least one substantive comment about relying on what they perceived to be nervous behaviors displayed by drivers and passengers in order to develop suspicion. Many of the respondents made comments referring to nervous behavior in general.

Thirty-three respondents (22.3%) commented that ‘excessive nervousness’ by the driver or passengers was a strong indicator of involvement in criminal activity. Several participants

acknowledged that most people are nervous when stopped by the police for a traffic violation, however twenty-two of the respondents who commented on 'excessive nervousness' also tried to differentiate this nervousness from the nervousness level displayed by the 'typical' motorist.

Examples of the respondents' attempts to distinguish the difference are presented below.

Respondent: "Most people, when you stop them, they're initially nervous. The more you talk to them they kind of get an idea of whether you're going to give them a citation or whatever. They calm down. Somebody who has something to hide usually seems to be nervous throughout the entire stop."

Respondent: "Everybody's nervous. I've been asked in court about it. "Oh, that's your indicator, they're nervous?" Well everybody is nervous. You've got to spend the time, and I'll go up and spend time with them. If they've got nothing to hide, they get relaxed. But if they consistently stay nervous, I'll break away from them and then go back up again, "Oh, I forgot to get this information." They become nervous again and stay nervous. That's an indicator. In the meantime you have to be nice, try to become their buddy, their friend. That's what does the relaxing, the contact. If they stay nervous you know something is up."

Respondent: "Let's face it. Everybody is going to be a little nervous if a police officer gets behind them. I mean even me, off duty, driving around. If a patrol car pulls in behind me, you just get nervous. It's a common reaction. But we're looking for extremes."

Many of the respondents did elaborate specifically about what individual behaviors they saw as signs of nervousness. Most of these specific examples were forms of nonverbal communication, with a heavy emphasis on eye contact. Eight-four respondents (56.8%) made at least one substantive comment about finding a significant amount of avoidance of eye contact suspicious. Forty-five of these respondents (30.4%) discussed the suspiciousness of avoiding eye contact prior to actually stopping the vehicle. They related instances where once the motorist initially spotted the patrol car, the driver thereafter stared straight ahead and refused to even glance over at the police vehicle. Below are examples of statements made by five different

respondents, each from different focus group sessions, suggesting the widespread reliance on this indicator to develop suspicion.

Respondent: “I want to see people’s reactions to my presence. Do they hug the steering wheel and they don’t want to look at me? It’s almost like with a little kid. If they can’t see me I can’t see them.”

Respondent: “Generally, if they’re speeding they’re going to look at you, but they’re going to hit the brake and then they’re going to be looking in their rearview mirror to see if you’re coming out after them. They’ll watch to see if you’re going to come out. A person who’s carrying will completely ignore you. You’ll see the muscles in his arms tighten up on the steering wheel and he’ll be looking dead straight ahead. He doesn’t want anything to do with you. He doesn’t want any attention.”

Respondent: “They don’t want to look at you. They stare dead ahead, that’s what they’ll do, and they do everything they can do to not look at you. “If I don’t look at him, he’s not going to see me.” And it’s a dead giveaway.”

Respondent: “When you start talking about indicators or things that make us suspicious, their hands will be at 10-and-2 (positions on the steering wheel), they will try to hide behind the cross member (doorpost on the car), they will lean back, they’ll look out of their passenger window, almost as if they are in an attempt that they don’t want you to see them.”

Respondent: “Before you even make the stop, they make a specific effort to pay no attention to you at all. Like if they know you’re back there, but they will not, you know they stick straight ahead, tighten up in the car.”

This reliance on the avoidance of eye contact as an indicator of suspicion was also evident in the respondents’ discussions about motorist contact after initiating a stop of the vehicle. Thirty-nine respondents (26.4%) commented that the avoidance of eye contact by the motorist when interacting with them and answering questions was highly suspicious, as illustrated by the example quotes below.

Respondent: “Avoiding eye contact with me. I mean it’s been my experience that most people you stop, a lot of times it’s hard for people to see us fully, and they’re leaning over so they can see us, trying to talk to you. Usually when there is something wrong, whether it be a person under suspension all the way up to a larger quantity of contraband or something like that, they just don’t want to make any eye contact with you. They’re looking down toward the center console, or just looking away from you.”

Respondent: “Well I need to see your driver’s license, registration, and proof of insurance.” And they keep that look, dead ahead. They’ll pass the information to you still looking straight ahead. That tells me that there is something very wrong. Either he’s got neck problems or he’s holding something.”

Respondent: “Just like when you’re doing an interrogation, you ask the person questions. They’ll look right at you and answer the question without any hesitation. Once you ask questions where they want to be deceitful, we look for the eyes shifting away from you.”

One respondent also tried to explain how the avoidance of eye contact was sometimes used as a way to differentiate between the ‘normal nervousness’ of the typical traffic law violator and the ‘excessive nervousness’ of someone involved in criminal activity.

Respondent: “You can stop a lot of people. Although they’re nervous they make eye contact with you. If you talk to them they try to maybe give you some type of excuse as to what they were doing, or what they weren’t doing, that resulted in the stop. Whereas somebody that lacked that eye contact and is nervous, you might see their chest pounding, their hands shaking, dropping their paperwork, trying to get it to you without looking at you. Somebody who just may be nervous from being stopped... I mean I think the big difference is the lack of eye contact at that point.”

Also associated with eye contact, several respondents commented on having relied upon motorists’ fixation on locations in their vehicle when asked about possible contraband in the vehicle. Fifteen respondents (10.1%) commented on their belief that those motorists carrying illegal contraband often will glance at the specific location where the contraband is concealed

when asked if they are carrying anything illegal in the vehicle. The following quotes attempt to describe the respondents' reliance on this indicator.

Respondent: "If you ask them if there is anything in the car you need to know about and they look at... Like if they look at a specific area in the car, a lot of times that's where it will be. Because they're making sure that you can't see it."

Respondent: "You ask if there is something illegal in the vehicle that I need to know about, and a good portion of the time they'll look right at it or where it's at."

Respondent: "A lot of people that have some type of contraband or something in their vehicle that they shouldn't, they will look at the area where they are hiding it. And I watch for where they look at in the vehicle. If a guy's looking at me and concentrating on me, he may not have anything and maybe it's just a normal traffic stop. But if he's looking away and looking towards his glove box or looking at the floor or under a floor mat towards that area, I think that is an indicator."

Respondent: "I ask everyone I stop if they have anything illegal in their car. I always watch where they look. Usually they look right at it."

Respondent: "Sometimes I'll pull people out of their car and I'll ask them if they have anything in the car. A lot of times they're looking at the trunk right after I ask them. That gives them away right there. I'll know when they immediately look at the trunk."

In addition to the avoidance of eye contact or fixating on a specific spot on the vehicle, a number of other nervousness cues were articulated by the respondents. Twenty-four respondents (16.2%) specifically identified trembling as an indicator of nervousness. These respondents focused primarily on the trembling of the hands as the motorist retrieved his/her license and vehicle registration paperwork. Again, as will be seen in the quotes below, the respondents continue to attempt to differentiate the trembling experienced by the typical traffic law violator from the nervousness displayed by someone engaging in criminal activity.

Respondent: “One thing that’s an indicator for me is most people are nervous. Everyone is pretty much nervous when we stop them. When I ask for the information, I pause for a couple of seconds and let them hold it there. And you can see the hand visibly shaking because they’re more nervous than normal. Everyone is nervous, but when I see their hand visibly shaking it might be a good little indicator that they’re more nervous than normal.”

Respondent: “The big thing is when they hand that license over to you, because it’s shaking. I mean some people are just nervous about that kind of stuff when they get in front of a police officer, but when you tell them you’re going to write them a ticket and if they’re still shaking when they’re handing you their registration or if their still shaking when their handing you their proof of insurance. If their nervousness continues beyond a certain point, I’ve found that there is usually something else that they’re nervous about. They’re not just nervous about getting a ticket at that point, they’re nervous about something else that may not be right with them, that may not be right with their vehicle, that may not be right with their license, that may not be right with something else.”

Twenty respondents (13.5%) indicated profuse sweating was a specific sign of nervousness they have encountered and relied upon. Another twelve respondents commented that rapid breathing was also an indicator of undue nervousness, and eleven identified a visibly pulsating carotid artery in the neck of as a sign extreme nervousness. The following are some examples of these types of comments.

Respondent: “I had a guy that looked like a normal guy, but he started sweating profusely, and before we even got to searching he looked like he just got stuck under the shower. He was so sweaty.”

Respondent: “I like watching their chest or their stomach move. You know, usually every time I’ve made an arrest they’re breathing rapidly, they can’t catch their breath.”

Respondent: “His breathing was very rapid and you can actually see the arteries in his neck just start pounding. That is an abnormal reaction in 95% of the people that I stop.”

Respondent: “Well if you get someone really nervous, they’ll start to sweat. You know, it may be cold outside and they’ll start to sweat. If you ask them for their paperwork you can see their hand shaking or their carotid artery in their neck will start pounding.”

Respondent: “Their neck pounds, and in 2 to 3 minutes in the conversation, their neck, it just gets... You see everything moving faster, the quick rise and fall of their chest.”

Fifteen respondents (10.1%) also specifically commented on a nervousness cue some of the respondents referred to as the ‘felony stretch’ – reacting to a sensitive question by stretching one’s arms and yawning to buy time while trying to think of an appropriate verbal response. Some of the respondents described the reliance on the felony stretch in the following ways.

Respondent: “What we call up in my area, the ‘felony stretch’. We tell the drivers to get out and come on back and talk to me. They stand up and do this over-exaggerated yawn and stretch and they hold it and it takes forever. I mean, when someone yawns and stretches it’s usually pretty quick, but when they over-exaggerate it, it seems like that’s a natural cue that their body needs more oxygen because they’re under so much stress.”

Respondent: “I mean the stretch. A lot of time you’ll have the felony stretch. They’ll stretch and yawn, things like that.”

Respondent: “Does he look nervous with his hands in his pockets or arms crossed? Does he do the ‘felony stretch’?”

Finally, with regard to nervousness, one respondent reported having observed a passenger urinate in his pants when the driver gave consent to search the vehicle. Another respondent reported having a passenger faint when questioned about the possibility of drugs in the car. While these behaviors do seem extremely suspicious even to any reasonable person, their lack of frequency makes their regular use as an indicator of criminal suspicion unlikely.

The last major behavioral area discussed by a significant number of the respondents dealt with vehicle occupants' furtive movements inside the vehicle as an indicator of suspicion. Twenty-four respondents (16.2%) made statements suggesting that they usually become suspicious of motorists who appeared to be reaching under the vehicle's seats or in interior compartments while being stopped, as illustrated by the quotes below.

Respondent: "The occupant's movements inside the vehicle when you're following them. You'll see them moving around. When you pull them over for a traffic stop, they are going to pull to the right and throw stuff away and move around, reaching under the seat. You can tell because the car is starting to weave a little bit because they're getting nervous, and they're trying to hide something, put something away."

Respondent: "Just prior movement, when you're stopping them, their hands are going everywhere, they're ducking down below the seats, it's like when you see that they're moving."

Respondent: "Prior to the stop, if you did have a speeder, or a lane violation or the overreaction, if you pulled behind the vehicle, something that heightened your senses would be if they reached in the back seat. If they reached in the back seat or the action of turning around to reach in the back seat to cover something up, maybe reach under their seat. Or if they're driving, if you see some people reach over to get in their glove compartment. There would be no reason to do that action when they are driving. So things like that always heighten my senses, well, make me wonder what's going on, what could be going on."

As with many of the behavioral indicators discussed before, several of the respondents discussed how the behaviors they found suspicious differed from the behaviors they saw displayed by the majority of the traffic law violators they stop. One example of this is the following respondent quote.

Respondent: "Some of the things that I look at is how they're trying to distract me with the interior, like they're trying to put clothing in a particular place. They don't want me to

see something. Like sometimes it's like their automatic reaction to cover something up. It's just abnormal behavior from the previous 20 or 30 or 40 other stops that you make.”

During the focus group interviews the largest number of respondents making substantive comments pertained to the use of words for the development of suspicion. Almost 76 percent of the respondents made at least one comment on the reliance on words for detecting criminal activity during traffic stops. Regarding the reliance on behaviors, approximately 55% of the respondents made at least one substantive comment about relying on the person's or the vehicle's behavior for detecting criminal activity. The reliance on objects, however, produced more respondent discussion as greater than 57 percent of the respondents made substantive comments about relying on their own definitions of objects to develop suspicion.

Objects

Eight-five participants (57.4%) made at least one comment about developing suspicions due to the observation of a specific inanimate object or the physical appearance characteristic of the motorist. The respondents' comments about the objects can best be categorized as comments about the appearance of people and comments about the appearance of the vehicle.

The Vehicle

The most frequently discussed topic related to the appearance of the vehicle itself dealt with the cleanliness of the vehicle's interior. Fifty-two respondents (35.1%) made substantive comments regarding the cleanliness of the vehicle, twenty-nine of whom (19.6%) discussed an abnormal number of air fresheners in the vehicle as something that made them very suspicious.

Air fresheners, especially the cardboard pine tree type of air freshener that is hung from the rearview mirror or air vents, were specifically discussed as an indicator of drug smuggling by these twenty-nine respondents. Furthermore, many other participants who did not make substantive comments either nodded their heads in agreement or responded with a “yes” or “that’s right” when this topic of air fresheners was presented by another respondent.

The participants explained their belief that drug users and smugglers used these air fresheners in an attempt to mask drug odors from police officers and drug-sniffing police dogs. This appeared to be such a widely accepted indicator that the participants had their own slang for this indicator. The participants routinely referred to the presence of an excessive number of pine tree air fresheners as a ‘felony forest’.

Respondent: “The air fresheners inside, we call it a ‘felony forest’. They have so many. You normally throw the old ones away. These guys have so many that it is overpowering.”

Respondent: “You see fifty Christmas trees hanging from the windshield.”

Respondent: “You have a felony forest, a lot of air fresheners all over the car.”

Like many of the indicators discussed previously, many of the respondents discussing the reliance on air fresheners again emphasized how the presence of these objects differed from the typical traffic law violator they encountered. Primarily the difference between the normal motorist and someone engaged in criminal activity, as they saw it, was the number of air fresheners used, the variety of scents, and the locations of the air fresheners. The quotes below illustrate this point.

Respondent: “The felony forest, the air fresheners. If they have multiple different scents hanging all over the vehicle. I mean most normal people won’t have seven different scents hanging in their vehicle.”

Respondent: “A number of air fresheners is usually a fairly good indicator or air fresheners in unusual locations. I mean, it’s not unusual for somebody to drive by with one hanging from their mirror or to see a couple in their vehicle, but when they drive by and you can see ten of them hanging or something like that. Or they’re all over the place. Or once you’re up at the vehicle, like one recent case I had, I walked up and there was probably eight of the Christmas trees hanging from the hood release lever at the low left by the guy’s ankle. He had a hundred grams of crack on his ankle. I mean, if you see something like that in an unusual location of the vehicle. You open the glove box and there is an air freshener hanging there.”

Respondent: “Another one I can count on is a deodorizer that’s not visible. The car smells like vanilla aroma or ‘felony forest’ and you can’t see it. It’s in there somewhere but they are using that to mask something. Or a lot of incense. If you almost get a headache from walking up to the car because it just reeks so bad, we know that a normal person driving a car can’t stay in a confined space like that. Those are my indicators.”

Another aspect of vehicle interior cleanliness discussed by many of the participants involved the presence of drug paraphernalia in the vehicle’s interior. Twenty respondents (13.5%) commented that they frequently utilized the presence of drug odors or drug paraphernalia as an indicator of criminal circumstances beyond a traffic violation. The smells of fresh or smoked marijuana or chemicals used in the manufacturing of methamphetamine were specifically discussed. The reliance on specific drug paraphernalia items were also mentioned, such as crack pipes, small plastic baggies, the corners of plastic baggies, cigarette rolling papers, film canisters, cigar debris, syringes, marijuana seeds, and the remains of marijuana cigarettes. It appeared that the respondents felt motorists who were so cavalier about having such items in their vehicles were chronic drug users who were bound to have at least a personal use quantity of drugs with them. The quotes below illustrate the respondents’ comments on this topic.

Respondent: “I take a real good look along the driver's door and the console to see what he's got in there. Like maybe if he was rolling a joint or if he was shooting heroin. I'll look for those little small plastic zip lock baggies that they put the grass in, look for anything, needle caps, just look inside of the console area. Look for an empty package with papers or seeds, just things that they'll use and forget about. And these baggies, these people don't think a thing about throwing them on the floor and leaving them in there for some reason. Same with the needle caps, just throw them on the floor. I don't know if they think that you're just going to not see it. It's always been a real good indicator that there's something more in there.”

Respondent: “Another thing that I look for when we make a traffic stop for criminal activity is just plain view things in the vehicle. If they have marijuana debris. I mean, we've had marijuana leafs or stems on the dashboard of the vehicle. Drug paraphernalia laying around the vehicle.”

Respondent: “I'll try to see if there is anything in plain view. Marijuana seeds and stems. The odor of raw or burnt marijuana.”

Another frequently discussed aspect of vehicle interior cleanliness involved the presence or absence of personal items such as luggage and discarded food or drink containers in the vehicle. The discussion of this as an indicator of suspicion, however, produced conflicting statements from different respondents. Eight respondents (5.4%) stated that the presence of numerous of personal items in the vehicle, giving it a ‘lived-in’ appearance, was a suspicious indicator of suspicious activity to them. The following is a participant quote illustrating this perception.

Respondent: They'll tell you they're coming from somewhere very close, the next town over, and they're going to visit somebody in the town that you're in, and yet they'll have fifty fast food wrapper bags. They'll have fifteen soda bottles. They'll have clothes all over inside the car. It'll look like they've been living inside of their car for six weeks with all kinds of stuff in there, and they're telling you they're only traveling for a short distance.”

Sixteen respondents (10.8%), however, felt that the absence of personal items in a vehicle on a long trip was a better indicator of criminal activity, as illustrated by the following quote.

Participant: “I’d say just the opposite of that. Things I look for are mostly luggage, because with the interstate you look for it if you’re traveling from a good distance. I know when I travel, I have soda bottles, food, and everything else, and you get these cars that are spotless and they’re traveling from many states away. That always indicates to me that you got a person who wants to get from point A to point B as fast as they can.”

These respondent comments suggest that the respondents were not necessarily using the presence or absence of personal items in the vehicle as an indicator in itself, but rather in conjunction with other information to determine if the items inside the vehicle are consistent with the other things they saw and heard. Thus the main point the respondents appeared to have been conveying was that they rely on the presence of personal items in the vehicle that would appear inconsistent with the alleged travel plans of the motorist.

Another major source of comments about the vehicle involved its status as a rental car. Thirty-one of the respondents (21.0%) made substantive comments about being suspicious of rental cars and many others respondents who didn’t make any substantive statements on this topic nodded their heads or gestured in agreement when these comments were made. It appeared that the participants believed rental vehicles were frequently used to smuggle drugs over long distances because rental vehicles are harder to trace an individual (especially if rented with false identification and a stolen credit card) and, if seized, the smuggler does not lose his/her personal vehicle.

Respondent: “Rental cars. The reason I say that is a lot of the times when I have found something it’s been in vehicles that are rental cars, rented by a third party that’s not usually in the vehicle. And typically it’s because they don’t care about the car. In my

opinion anyway, they don't want to lose their own car and they don't lose their own personal car if they lose a rental car."

Respondent: "A lot of the times they rent it, they get caught with it, so they don't lose it."

The respondents did not appear to be suspicious of all motorists operating a rental vehicle. Their suspicions seemed to be aroused primarily when the rental vehicle was being driven a long distance from its point of origin, none of the persons operating the vehicle was the registered leasee, and the rental vehicle that had been personalized as to make the vehicle less identifiable as a rental car. Some of the things the respondents discussed about personalizing rental vehicles included magnets and decals, radio antennas, air fresheners, window tint, and hats in the back window.

Respondent: "I had a couple of stops where they were rental vehicles that had personal items and stuff to try to disguise them from being a rental vehicle. Stickers in the window, CB antenna, cell phone antenna, stuff like that. I forget which university sticker, but it had a university sticker on it."

Respondent: "A lot of times you see the decal of the rental agency or the little bar code on the vehicle and you look inside the vehicle or you conduct your stop and you see enough little air freshener trees to start your own forest. Now that in a personally owned vehicle, having air fresheners, is not that uncommon. But in a rental car it is just one of those things that just triggers something in the back of your head. Who goes out and buys a bunch of little air fresheners for a rental vehicle? It's just one of those things that is not very common. I think reasonable people just don't do that."

Respondent: "The biggest one I found is personalization of the rental car. There's no reason to personalize a rental car with flags, banners, bumper stickers, air-fresheners. They're trying to blend in. They may put ball caps in the back window."

Respondent: “Disclaimers on a rental car. For instance, the yellow ‘support our troops’ magnets. The rental companies don’t put those on the car. So the person renting the car stopped at a gas station to buy one to make it not look like a rental car.”

Respondent: “Rental vehicles with patriotic or religious disclaimers on them, or honor roll stickers on them.”

Exterior vehicle characteristics were another source of suspicion amongst many of the respondents with the vehicle’s license plates drawing the greatest amount of attention. Thirty-one respondents (21.0%) discussed the vehicle’s license plate as an object of suspicion when its state of origin was considered a drug importation location. The degree to which respondents put stock in this object as a source of suspicion varied, however, as is illustrated by the respondent statements below.

Respondent: “I also look for state plates, such as California, Texas, or Arizona. License plates that look strange, or from the [drug importation] source states.”

Respondent: “Source areas are an item worth mentioning, but I wouldn’t base everything on license plates. Just because I’ve seized cocaine, large amounts, with [the respondent’s home state] plates also. It’s just another item worth noting when I see them.”

Respondent: “I do a lot of commercial vehicles, 99% of the time. But to answer your question about what do I look for, its registration plates. If I have a commercial vehicle registered in the south, a southern border state, from out west, well what’s it carrying?”

Respondent: “I had a stop not too long ago on [a major interstate highway] heading east, in which the operator was speeding, blatantly, more than 15 miles over the speed limit. When I got behind the operator it was an Arizona tag. I don’t see Arizona tags that often. So that raised a yellow flag, so to speak.”

Respondent: “License plates, states as far as like the ones that I’m aware of that are the latest. So I look harder at a vehicle from one of those two states, Texas or California.”

Respondent: “When a vehicle goes by and it’s a vehicle that is plated somewhere from out of the area, or you know or it is from a state that is considered a source state.”

Another exterior vehicle indicator discussed was after-market vehicle modifications.

While a couple of respondents commented briefly on being suspicious of vehicles with expensive chrome rims, racing spoilers, or lowered bodies, the majority of the comments about after-market vehicle modifications frequently turned to illegal window tint. Twenty-nine respondents (19.6%) commented that vehicles with illegal window tint made them more suspicious of criminal activity. The respondent quotes below illustrate their reasoning behind why many of them perceive a link exists between this simple equipment violation and criminal activity.

Respondent: “Window tint has always worked for me. That's probably the number one reason why I pull people over, aside from speeding violations. But I have tremendous success with tint. Sometimes I feel that they’re in there, they don't want me to see in for a reason.”

Respondent: “I notice window tint. The people who are carrying this stuff don’t want to be seen so they’re putting on the darkest window tint that they can get so that we can’t see into the vehicle.”

Respondent: “Another big thing with us is window tint. If it’s really dark front window tint, that raises the awareness a little bit.”

The condition of the vehicle exterior, especially with regard to recent repairs or alterations of the vehicle’s body, was discussed by twenty-three respondents (15.5%). Items hanging down from the undercarriage, fresh body work, overloaded shocks, and inconsistent body trim were mentioned as suspicious circumstances that they had successfully relied upon in

the past. Most of the respondents discussing these indicators suspicion suggested that these vehicle alterations, especially on a newer model vehicle, could indicate the presence of a hidden compartment to conceal drugs or other illegal contraband.

Respondent: “You might have some falsification to the car, like maybe the extended cab might be too long, or a raised bed or something in the truck. And you might see some of these things that might not look, you know, normal to a police officer, because they have different alterations on the vehicle.”

Respondent: “I’ve had several Ford Explorers with floor compartments and I’ve actually been able to spot them before stopping them by looking through the rear wheel well. You can see a modification underneath the body of the vehicle and that’s something, you know, that would be noticeable prior to even making a traffic stop.”

Another vehicle exterior indicator of suspicion mentioned by the respondents involved items they frequently referred to as ‘disclaimers’. Sixteen respondents (10.8%) reported believing that drug smugglers and others involved in crimes would often place bumper stickers, decals, or specialized license plates on their vehicles in an attempted to send the message that they were ‘good citizens’ or ‘pro-police’. Specifically these respondents considered license plates or decals with Drug Abuse Resistance Education (D.A.R.E.), Fraternal Order of Police (F.O.P.), or pro-military emblems as disclaimers.

Respondent: “I think of the D.A.R.E. registration plates now. I mean at one point in time police officers had them, your teachers had them, and so forth. The drug dealers are starting to get these plates. Bumper stickers, F.O.P. stickers, you know, anything to say ‘Hey, I’m a good guy, don’t be stopping me.’”

Respondent: “I love the D.A.R.E. license plate. I’ve gotten many people using the D.A.R.E. plate. What does it stand for? Drug abuse awareness education? And they got the plate on their car? They figure if they have the D.A.R.E. plate they are drawing your

attention away from the fact they're druggies. I love the F.O.P. stickers too. I got one of those three years ago. Nobody in their family was a cop."

While a number of elements of the inanimate objects about the vehicle served as a basis for suspicion for many respondents, a significant number of respondents also discussed the suspicious definitions they held about physical characteristics of the human beings they contacted during traffic stops.

The Physical Appearances of People

Sixty-one respondents (41.2%) commented on the personal characteristics of the occupants and how these were perceived as they developed their suspicions during traffic stops. The characteristics that created a significant amount of discussion amongst the respondents included the motorists' race, sex, age, and physical signs of substance abuse. Thirty respondents (20.3%) made at least one substantive comment about the influence of the motorist's race or ethnicity on the development of suspicion. A few of these respondents' comments revealed an attitude that illegal contraband smuggling involved all racial and ethnic groups, and that reliance on race/ethnicity as an indicator of suspicion was ineffective. The opinions expressed by these five respondents (3.4%), that race was an ineffective indicator to rely upon, are best summarized by the statement below.

Respondent: "Don't get me wrong. You might always get an officer who might stop them because they're black, but he's not doing it properly. He's doing it wrong. I mean we know this. I mean you can't profile based on race. You can't profile based on gender, age, or anything else. You're not successful either. You might get lucky once in a while, that's normal. You might catch the right guy at the right time, that's normal. But you're not going to be very successful that way. You're not."

In direct contrast to these five respondents, eight respondents (5.4%) made statements that suggested they do consider race and ethnicity to some extent when developing criminal suspicions about motorists. This use of race/ethnicity as an indicator of suspicion appeared to be especially true with regard to Hispanic and Arabic motorists. While some of these respondents suggested they used race as a form of incongruity test (suspicious of Whites in a predominantly Black neighborhood), other respondents revealed perceptions that members of certain racial/ethnic groups were disproportionately involved in specific types of criminal activities.

To some individual respondents, Hispanic motorists were considered more suspicious than others because of stereotypes they held that Hispanics were frequently involved in sophisticated interstate drug trafficking. For other respondents, motorists of Middle Eastern ethnicities were automatically considered potential terrorists.

Respondent: “Yeah, if I see a White person coming out of [a predominantly Black neighborhood]. If for some reason I was in that area, if I seen a White person coming out of there at two o’clock in the morning, they’re not supposed to be there at that time. Not that he’s not supposed to be there, it’s just odd for him to be there and that is the reason why. Now that should set off a red flag. Now all these other indicators, of course I’m going to search with a Black person coming out of a predominately White neighborhood, you know. Not that there are not Black people that live there. But if I see this ‘hoopdee’ vehicle coming out of there, you know, flying gang colors, of course I’m going to take more interest in that. I mean, there’s no secret.”

Respondent: “I think there’s some coincidence in the fact that the larger loads that I’ve had, plus the hidden compartments, they were all Hispanics. All Hispanics. And that’s just something that is within the drug trade, amongst Dominicans especially. They have shops in [a major eastern city] that produce those types of vehicles. They take a vehicle, they chop it and produce it and make some kind of hidden compartment vehicle. And they have electronically, magnetically, hydraulically done something within there. They’re more secretive the way they’re moving their narcotics, as opposed to somebody who runs into [the major eastern city], throws it in the trunk and goes back.”

Respondent: “On that vehicle stop the indicators were they wouldn’t look at us, [license plates from a specific neighboring state], and they’re Hispanics. I used to work in [the specific neighboring state] and there’s not that many Hispanics [there]. So that’s a clue.”

Respondent: “Look at Mexicans. We got Mexicans coming in with dope and sometimes a lot of the Blacks in our area have marijuana.”

Respondent: “You stop a Muslim from [a major Midwestern city] going to [a major Eastern city], you should be checking his trunk. Who knows what he has in there. If he’s going to give you consent, check it.”

During each focus group interview session the principal investigator shared with the respondents that there is a nation-wide trend in police agencies that Hispanic motorists tend to be searched more often than motorists of other racial/ethnic groups, however they are actually less likely to be found carrying any illegal contraband. In response to this information, some of the eight respondents who reported relying on race/ethnicity as an indicator of suspicion suggested that it was because Hispanics are better at concealing illegal contraband than criminals of other racial/ethnic groups. Others with this attitude also suggested that the Hispanics could have been stopped after they had already delivered their load of drugs.

Respondent: “It could be that they already made their drop and they’re on their way back. Or it could also be that the contraband is concealed so well that we simply can’t find it. It could be in a hidden compartment. And a lot of officers in this organization, and me included, aren’t adept to every type of concealment method possible. So if, it’s not, I don’t think it’s a hit on us, you know, that we simply couldn’t find it, we just couldn’t find it. And, that could be a reason why the [contraband discovery] rate would be a little lower.”

Respondent: “Cocaine comes from South American. If they have somebody hauling it, more often than not there’s also going to be a Hispanic following it. If we stop the trail vehicle, there’s nothing there. It gets documented as nothing found, but yet they are involved in criminal activity by following it because they know what’s going on.”

It is important to emphasize that only a small portion of the respondents suggested that they relied upon race/ethnicity as an indicator of suspicion. While only five respondents explicitly stated that race was an ineffective indicator of criminal activity, several respondents discussed that some of their peers may become suspicious of Hispanics inappropriately due to cultural differences in interpreting behavioral or vehicle suspiciousness cues. Fifteen additional respondents (10.1%) commented that what may be suspicious circumstances for a specific racial group under a specific situational context, may be legitimate or understandable behavior for a different racial group under the same situational context. These respondents discussed how some of their peers sometimes miss this distinction, leading them to become suspicious of Hispanic motorists inappropriately.

Respondent: “I hate to admit this, but I think sometimes one of the reasons for searches of the Hispanic population would be sometimes we may jump the gun because of a lack of knowledge. You have the language barrier. Therefore, you can’t really confirm your initial concern about that car. So therefore I think sometimes we have troops that jump the gun, call for the [drug-sniffing dog] and there’s nothing really there. You know what I mean? Just based on the initial nervousness and so forth. And a lot of times with the Hispanic population, seven times out of ten they probably just don’t have a license or they’re using someone else’s identity. It’s been my experience.”

Respondent: “Some of the indicators that we’ve discussed today are a lot of indicators that would be displayed by a lot of Hispanics driving down the highway. When they’re driving a vehicle that doesn’t belong to them, they’re nervous because they may be an illegal alien, and there is deodorizer in the car because somebody smoked dope in the car or they don’t want a stinky car. You know, it could be for any number of reasons. They may be coming from out of state, traveling somewhere. Their story doesn’t make a lot of sense [to us]. People follow through with that by calling a [drug-detection] dog out or doing a frisk or having them step out and do a protective sweep of the vehicle. Also there are language barriers a lot of times with officers that just don’t understand Spanish or can’t communicate effectively with them, and they think that they’re being evasive. So they follow through with it by calling a dog out.”

Respondent: “Sometimes I’ll get called out by post units in the area that I work in and more often than not it’s a vehicle stopped that has a load of illegal aliens in it. And, [the trooper initiating the stop] will be suspicious simply because they’re Hispanic and they don’t speak the language. But the indicator for me that would make me believe that there’s nothing up is that there’s fifteen people in the car. Nobody, at least not in my experience, is going to haul a load of dope with fifteen people in the car because the chances are pretty good that they’re going to be arrested for having fifteen illegal aliens in the car. So they’re not going to risk that.”

Respondent: “[Hispanics] here illegally. You stop them, they don’t have a license. They are here illegally. They automatically think that you’re going to load them up and drive them back. So they are nervous to begin with. So when you do a frisk or a pat-down, you’re not going to find a lot on them because what they are nervous about is that they’re thinking that you’re going to pack them up right there and drive them to the border. We really can’t do much with them, but they don’t realize that. And we get the cues that they are nervous, not making eye contact, wanting to get away from us. We see what we think are suspicious, so we pat them down, and really they just want to get away from us.”

The age of motorists stopped was only briefly discussed by the participants in the focus group interviews. None of these comments suggested, however, that age itself was ever used as an indicator of suspicion. The respondents simply suggested that if illegal drugs were found, youths in their teens and early twenties were more likely to only have a small quantity of contraband and that larger load drug couriers were usually adults in at least their late twenties. Twelve respondents (8.1%) made comments about the ages of the occupants that were found with illegal contraband, suggesting their perception that large-scale contraband smugglers were typically older.

Respondent: “I personally have always encountered smaller amounts [of drugs] with younger crowds. You get people going to concerts or going someplace else, whatever. But it’s always smaller amounts. But when it comes to the guys we are really looking for, you want to find a nice load, a couple of kilos, 30-40-50 pounds of weed or something like that, or multiple kilos or something like that, they’re always older.”

Similarly, only twelve respondents (8.2%) commented on the motorist's sex and these comments also did not identify sex as an indicator of suspicion, just that it was more difficult to catch women engaged in crime because of their reluctance to search a female suspect without enough probable cause to make an arrest.

Respondent: "How are you really going to get heroin out of her bra? You know what I'm saying? She's going to say, you know, I touched her. If I was a woman and I wanted to smuggle drugs, I'd get a boat load through [our state] because we're not going to take our hands and put them in places that we're going to lose our job for."

Although the motorists' age and sex were not considered indicators of suspicion, physical signs of personal substance abuse were discussed by several respondents as an indicator of suspicion. Fifteen participants (10.1%) commented that any physical signs of drug use by the motorist would make them highly suspicious that there was more to the stop than a simple traffic violation. These indicators included pupils that were dilated and fixed, needle marks, extreme weight loss, poor oral hygiene, clothing with pro-drug emblems, and pro-drug tattoos.

Respondent: "The skin regions, the crank [methamphetamine] spots. They have breath that would make Satan gag because their teeth are rotting out. When they talk, when they're zipping, it sounds like their teeth are made out of rubber. I mean it just screams out when you deal with these people. Their hygiene is non-existent. They reek."

Respondent: "You just know what a crack head looks like. The nervousness, you know, just the way they're dressed a lot of times. And usually they're a lot of times they're not usually the ones driving the car, usually the passenger. But the heroin addicts, they just look bad, you know, they're sleepy and just drawn in, sunken-in eyes."

Respondent: "The eyes don't lie to me either. Depends like at nighttime you have to use a light and those people that are using, where afterwards I spoke to them, they were on crack and their pupils are usually dilated and fixed. Heroin junkies, it is daylight and you

could use a light and their pupils are usually pinpointed and they don't change, they're constricted."

Respondent: "I had a kid with a marijuana leaf tattooed on his sternum one day. Just how stupid can you be? It just helps build on what you have there if they have something hanging off their mirror like hemp jewelry. A lot of times I'll get the junkies where their arms are just all tattooed on the inside of their forearm to cover up their track marks. That real pale, gaunt, almost jaundice look that the junkies get when they have hepatitis. I always kind of look for that a lot too. They look like they're half-dead."

Totality of the Circumstances

While analyzing the focus group transcripts for examples of the respondents' reliance on specific words, behaviors, and objects for developing suspicion, an important theme was revealed that tied many of these suspiciousness indicators together. Most of the individual respondents were found to have discussed the use of multiple indicators of suspicion. Rarely did a respondent discuss one particular indicator at length without mentioning its use in combination with other indicators of suspicion. An analysis of how many specific indicators were discussed by each respondent in the study produced a range from zero to 21 topics discussed. The mean number of indicators of suspicion that drew a substantive comment from a respondent was 6.5 indicators. This suggested an emphasis on a totality of the circumstances, rather than a reliance on simply one or two indicators to drive their suspicions. In fact, the concept of a totality of the circumstances was specifically referenced by thirty-eight (25.7%) of the respondents. Some representative examples of these specific comments appear below.

Respondent: "There were a lot of really good indicators that were brought up by everybody in here and really there's not any single one that just trips it for me. It has to

be a combination of things. It could be a multitude of things. It could be twenty, thirty things that you see that make you suspicious. From one key in the ignition, the reason for that would be that the vehicle is borrowed and the owner didn't want to give this yahoo that's going to be transporting a load of dope his house keys, so he gives him a lone car key. So you got one key in the ignition. You have nervous behavior, be it trembling hands or fingers, or fumbling through the wallet trying to find their license. Or, they're prepared already with the license, registration, insurance paperwork right there waiting when you get there. Avoiding eye contact, a passenger not even looking at you while you're talking on the passenger side. The windows won't roll down. Heavy deodorizer odor but no deodorizer is visible. You know, it's usually a whole compilation of a lot of things going on that just don't make sense. In and of themselves they mean nothing, but when you take them all together it paints a picture."

Respondent: "You have to take in the totality of the circumstances. Is there something mitigating why they're acting that way? I think that's the biggest thing here. I mean you listen to everyone else. Everyone has kind of got their little cues. But I think what you have to look at is how many of these indicators are present, and, you know, look at other things in their car too."

Respondent: "Basically, at the end of the day it comes down to the totality of the circumstances, culmination of everything. It's a combination of everything that just starts building."

To summarize, the topics that brought the largest degree of participation from the respondents (75.7%) were related to the words encountered during traffic stop encounters, such as information about the motorist's travel itinerary, catching the motorist telling a lie, and information about who owns the vehicle. The next most discussed area, commented on by 57.4 percent of the respondents, involved the objects encountered during traffic stops, such as items in the vehicle and the physical appearance of the motorists themselves. Finally, 55.4 percent of the respondents discussed a reliance on the behaviors they encountered during traffic stops, such as unusual vehicular movements, furtive movements inside the vehicle, signs of undue nervousness, and nonverbal communication. It is important to note that there was noticeable variation in the responses of the participants across and within topic categories. Large numbers of responses

on a topic suggest a consensus of agreement, but by no means were the responses to any topic unanimous.

Respondent Variation

Although variation in responses was clearly evident in the initial analysis, it was difficult to determine significant factors to investigate for possible sources of this variation amongst the respondents. These respondents were a very homogenous group. Most of the differences in the demographic characteristics of the respondents could not be properly analyzed due to only small amounts of variation. For example, only 2.7% of the respondents were female, making investigations of gender differences very difficult due to the small number of women. Although variation did exist in the number of criminal highway interdiction courses attended, because many of the respondents attended different courses, and these courses were hosted by a variety of different agencies at different periods of time, such an analysis would be too cumbersome to complete with such a small sample. Finally, a comparison between the two agencies utilized was completed, but no significant variation was discovered. The respondents from the two agencies had provided very similar responses.

It was possible, however, to analyze the differences between the respondents who reported being very successful in their searches of vehicles, finding contraband at an above average rate, and the respondents who were less successful in discovering illegal contraband. In order to identify which respondents should fit into each of these two groups, the median 'hit-rate' (percentage of searches resulting in the discovery of contraband), based on the participant's self-reports of searches and seizures, was calculated. The median percentage of searches that resulted

in the seizure of contraband for the entire sample was 43.65 percent. Utilizing this median value divided the sample in half, with seventy-four respondents in each the low success and high success groups.

The data was then reanalyzed for each group to see if the percentage of substantive comments on each category from each group differed substantially. The percentage of responses between the groups differed dramatically (the percentage of comments in one group being at least twice as high as the percentage of comments in the other group) in seven topical areas: pre-stop reactions to the presence of the police car; the vehicle owner/leasee not being present in the vehicle; untruthful statements by the occupants; vehicle types; the vehicle condition; occupant sleeping behavior; and the development of a sixth sense or natural police intuition.

Higher Hit-Rate Respondents

In the vast majority of the conversation topics discussed in the focus groups, both the respondents with hit rates above and below the median level made similar comments. There were three exceptions, however, where the respondents with hit rates above the median level made substantially more substantive comments than those respondents with hit rates below the median level. The first of these topics involved the pre-stop suspicious reactions to the presence of the police patrol vehicle. As was previously described above in the subsection discussing behavioral indicators of suspicion, a number of respondents commented that they become suspicious when they observe a vehicle reduce its speed to well below the speed limit, change lanes, and quickly exit the highway in reaction to the presence of their patrol car. This suspicious behavior also sometimes included the driver's refusal to make eye contact again with the police car after

initially spotting the police vehicle. The reanalysis by hit rate groups revealed that most of the comments about this suspicious behavior were made by members of the higher hit rate group.

While 14 percent of the lower hit rate group respondents commented on the pre-stop refusal to make eye contact with the police car, twice as many of the high hit rate respondents (28%) discussed this topic. Regarding the spontaneous reduction in speed from a normal speed to a speed at or below the minimum speed limit after spotting the police car, only 3 percent of the lower hit rate respondents discussed this indicator while 10 percent of the higher hit rate respondents did so. Likewise, while only 3 percent of the lower hit rate respondents discussed suspicions about vehicles that attempted to move away from the police car, 15 percent of the higher hit rate respondents did so. Because most of the respondents who reported relying on these indicators of suspicion had more success in discovering contraband than most of those who did not discuss this topic, it may be that these indicators of suspicion are effective at identifying motorists engaged in illegal activity.

Previously, in the section above discussing suspicious words uttered by the motorists, a number of statements revealed through conversation between the respondent and the vehicle occupants were determined to be suspicious. Two of these suspicious topics were discussed more frequently by the higher hit rate group members than by the lower hit rate group members. The revelation through conversation that the vehicle's owner or renter was not in the vehicle was discussed as a prompter of suspicion by 18 percent of the higher hit rate respondents, but only by 7 percent of the lower hit rate respondents. Similarly, only 7 percent of the lower hit rate respondents discussed relying on the untruthful statements of the motorists to develop suspicion, compared to 18 percent of the higher hit rate respondents who discussed vehicle occupant lies.

Lower Hit-Rate Respondents

There were four topics about which the respondents with hit rates below the median level made substantially more substantive comments than those respondents with hit rates above the median level. These topics included suspicious vehicle types, suspicious vehicle conditions, sleeping vehicle occupants, and a reliance on gut instincts. Regarding the first of these, a reliance of specific types of vehicle, 14 percent of the lower hit rate respondents found specific types of vehicles as more suspicious than others. These attitudes are illustrated by the lower hit rate respondent quotes below.

Lower Hit Rate Respondent: “Some people stereotype like the Mercedes and BMWs as the high profile drug dealer cars. But what we’re seeing are the 1999s or earlier. That’s what I’m looking at, because if we seize the car they just throw it away basically. If you do find them in a new fancy car, it’s going to be clean. They don’t want that car seized. They’re happier in that car than anything else, more than their house.”

Lower Hit Rate Respondent: “As far as cars go, I look for newer Nissan Altimas. It’s about that vehicle size.”

Lower Hit Rate Respondent: “We’re finding 1998s, 1999s, or earlier [Chevy] Cavaliers. If you stop them and get a load of dope out of the car, you might as well not even send it to impound because they’re not coming back for it. They aren’t worth the \$100 towing bill to get it back.”

In contrast to these respondent comments, only 4 percent of the higher hit rate group respondents discussed specific vehicle types, and all of these comments indicated the folly of looking for specific vehicle types when trying to detect criminal activity through traffic stops. This contrast is evident in the respondent quotes below.

Higher Hit Rate Respondent: “It’s so diverse. I mean I could stop a 2005 Lexus one day, and stop a 1979 Volkswagen the next day.”

Higher Hit Rate Respondent: “It could be any vehicle; it’s how they approach you, how they act when they go by in front of you, and how they continue on.”

Higher Hit Rate Respondent: “I wouldn’t say that there is any one vehicle that would stand out more than the next one. You know, I wouldn’t say that there is any one vehicle, I think the most important things are the changes of the behaviors simply by your mere presence.”

Similarly, far more respondents in the lower hit rate category focused on the condition of the vehicle as an indicator of criminal activity than did their peers in the higher hit rate category. The lower hit rate respondents were more likely to report being more suspicious of older vehicles in poor condition, as 14 percent of these lower hit rate respondents discussed relying on the vehicle’s overall operating condition, as illustrated by the respondent quotes below.

Lower Hit Rate Respondent: “This may be a blunt way of saying this, but I’ve always been taught that these things hold true, for more of your smaller time criminal activity, that shit drives shit. So a car that looks that way tends to lead to [people] that way. Just something that is beat up, you know, you’re going to find that stuff in old beat up cars. I mean it is not a hundred percent accurate, but I mean you got a much better probability I would say.”

Lower Hit Rate Respondent: “My philosophy is that if you don’t care about your vehicle, then you don’t care about yourself. So, I call them P.O.S. [Pieces of Shit]. If I see a good P.O.S. then, and the guy or gal that is driving a P.O.S., hands at 10 and 2. I usually look for a violation.”

Again the responses of the higher hit rate respondents were in direct contrast to these attitudes. Only 2 percent of the higher hit rate respondents commented on the vehicle’s

condition, and all of these comments were direct contradictions of opinion that vehicles in poor condition are an effective indicator of criminal activity, or at least interstate drug smuggling.

Higher Hit Rate Respondent: “I disagree with [the previous comment by a lower hit rate respondent]. If he sees a crap car, there is a good probability that there is [only] personal use [quantities of drugs]. I think for a courier, or a big bust, it can be any car. And it probably won’t be a crap car, because they are trying to divert as much attention away from the vehicle. But it could be any car. It could be a semi-truck.”

Higher Hit Rate Respondent: “I would say probably 90 percent or better that it won’t be a crap car, because they are trying to divert attention away.”

Another area of significant contrast between these two groups was with regard to their reactions about seeing occupants sleeping in the vehicle. While 10 percent of the lower hit rate respondents discussed this topic, only 3 percent of the higher hit rate respondents had any comments on this topic. Furthermore, similar to the comments related to the vehicle type and condition, the substance of the comments differed dramatically between the two groups.

Lower Hit Rate Respondent: “Rear passengers, when they go by you they are sitting up awake. Anybody in the back, [normally] when you get up there they’re all sleeping, no idea why you stopped them.”

Lower Hit Rate Respondent: “Sometimes we get a passenger way back in the seat, can’t help but sleep with the sun in his eyes. Things like that. There’s no reason.”

Lower Hit Rate Respondent: “The passenger’s sleeping during the day where the seat is reclined, indicating that they’ve been on a long haul.”

The higher hit rate respondents made few comments on the suspiciousness of sleeping people inside the vehicle. Even when they did discuss passengers who were sleeping they were

referring to those who remained unconscious during the traffic stop while the rest of the occupants interacted with the trooper. This point is illustrated by the example statement below by a higher hit rate group respondent.

Higher Hit Rate Respondent: “The one that easily is a dead give away is the passenger that is passed out and won’t wake up. That one definitely means something’s up. If he’s not waking up, something’s up.”

The final significant distinction between the high and low hit rate groups involved discussions about the topic of using police officer intuition to detect criminal activity. A reliance on a ‘sixth sense’ ability to detect suspicious behavior was only mentioned by four respondents, yet it deserves further discussion. While 97.3% of the participants failed to mention any sixth sense ability to detect criminal behavior, and most of the participants clearly articulated the specific behaviors, words, and objects they relied upon when they developed suspicion, four of the participants (2.7%) claimed that they primarily relied upon a “gut instinct” that could be articulated in specific words, behaviors, or objects. Most importantly, all of the respondents relying on gut instincts belonged to the lower hit rate group. The example below illustrates the attitude expressed by these four respondents with regard to this police officer intuition.

Respondent: “Don’t forget, you have to give some credence to gut instincts. You have a tendency to develop a sixth sense. It just happens. I could have just initiated a traffic stop and a car will go by and that’s ‘the one’. I missed him because I’m all tied up with this one now. There’s always something. There’s a lot to be said for a policeman’s intuition. Like I said, you develop it over time.”

Moderator: *Do all police officers have that gut instinct, or is it only a select few?*

Respondent: “Any that are worth their salt; anybody that’s done some work.”

Relying on a ‘gut instinct’ rather than facts that can be clearly articulated is likely to have complications when it becomes necessary to explain the legality of one’s actions in court. Evidence of this was presented in the statement of one of the respondents who reported relying primarily on ‘police gut instincts’.

Respondent: “You can’t teach good instincts either, that gut feeling. But it just gets thrown out [of court] every time. You can’t articulate it. It’s hard to do, and you can’t articulate it here unless you go out and do it.”

The four participants that had reported relying primarily on a sixth sense or gut instinct had hit rates much lower than the median hit rate for the sample. The self-reported number of searches and seizures of these four respondents were compared with the other 70 respondents in the lower hit rate group who did not make reference to this ‘gut instinct’. The hit rates of the gut instinct respondents ranged from 7.5 percent to 25 percent, with a mean of 13.9 percent of their searches discovering contraband. For the remaining 70 participants in the lower hit rate group the hit rates ranged from zero to 36.4 percent, with a mean of 23.8 percent of their searches resulting in the discovery of contraband. A difference of means test (two-sample *t*-test) was calculated between these four ‘gut instinct’ respondents and the other 70 lower hit rate respondents to determine if this hit rate was statistically significantly different. This difference was significant at the .05 level ($p = .032$), suggesting that the respondents who relied primarily on their gut instincts to detect criminal activity during traffic stops were far less successful at finding illegal contraband than the majority of those who were below average in successfully detecting criminal activity.

Conclusion

In summary, during the focus group interview sessions a majority of the respondents disclosed the things that they relied upon during traffic stops to develop suspicion and detect criminal behavior. The most commonly discussed examples dealt with the words encountered through interacting with the motorists during the stop. These primarily involved information about the motorist's travel itinerary, catching the motorist telling a lie, and information about ownership of the vehicle. The second most frequently discussed area involved the objects encountered during traffic stops, such as items in the vehicle and the physical appearance of the motorists themselves. The least discussed area involved behaviors the respondents encountered during traffic stops, such as unusual vehicular movements, furtive movements of the occupants inside the vehicle, signs of undue nervousness, and nonverbal communication cues.

Quite a bit of discussion involved the reliance on multiple indicators of criminal activity, rather than simply one or two suspicious circumstances. Most of the respondents discussed multiple indicators of suspicion and many specifically suggested that they utilized a totality of the circumstances approach when trying to detect criminal activity. Variation among the respondents was also found in that those who were above average in detecting illegal contraband addressed some different issues than those respondents who were below average. Those who were above average were more likely than the below average respondents to discuss pre-stop vehicular behavior reactions to the presence of the police car, the significance of the vehicle owner/leasee not being present in the vehicle, and the importance of untruthful statements by the occupants. The respondents who were below average in detecting illegal contraband were more likely than the above average respondents to discuss their reliance on vehicle types, vehicle

condition, occupant sleeping behavior, and a sixth sense or police gut instinct when developing suspicion.

Chapter 6 – Discussion and Conclusion

The present study was a preliminary exploration into how state troopers develop suspicion about criminal activity during traffic stop encounters. Generally it sought to discover what characteristics about the vehicle and its occupants, and the circumstances surrounding the traffic stop, lead a police officer to become suspicious that the occupant(s) is currently engaged in some sort of criminal activity beyond a simple traffic violation. More specifically, this study examined what words, behaviors, and objects sparked the suspicions of state troopers involved in highway criminal interdiction efforts. This study utilized a qualitative methodological design involving focus group interviews to explore what suspiciousness factors state troopers from two state law enforcement agencies report relying upon when trying to determine if a traffic law violator is engaged in more serious law-breaking activity.

This inquiry was guided and structured by the elements of symbolic interactionism, a sociological theory that suggested individuals have their own specific interpretations of the words, behaviors, and objects they encounter in life. The individual's own definitions are based on his/her past experiences with these or similar words, behaviors, and objects. Using this perspective as a guide, the present study sought to answer three specific questions. What words encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? What behaviors encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? Finally, what objects encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior?

The findings reveal that these questions were answered, at least as they apply to those who participated in the focus group interview sessions. Regarding the reliance on words, the respondents seemed to rely on the travel plans expressed by the occupants of the vehicle. Specifically the suspicious characteristics of these travel plans were trips that did not appear to make any sense, the inability to provide specific details about one's travel plans, and multiple occupants who provide conflicting information about the destination or purpose for the trip. Answers to the trooper's questions that revealed that the occupants of the vehicle were traveling a long distance but were not familiar with their traveling companions were also sources of suspicion. Catching the motorists in a lie, such as providing a false name, lying about travel plans, or lying about one's criminal history peak the suspicions of many of the respondents. Finally, discovering, through the vehicle registration papers and conversation with the motorist, that the registered owner or leasee of the vehicle was not present was another source of suspicion based on words.

A number of behaviors were also identified by a significant number of respondents as a source of suspicion. One area of suspicious behavior related to the reactions of the motorist's vehicle to the presence of the police car. The respondents shared that they tend to become suspicious of vehicles that swerve abruptly, excessively reduce their speed, and quickly exit the highway in reaction to their patrol car. Likewise, the respondents indicated that they became very suspicious of vehicle occupants they observed make furtive movements inside the vehicle while the traffic stop was being initiated. The avoidance of eye contact with the trooper by the vehicle occupants, either while driving or while communicating during the traffic stop, was another suspicious behavioral indicator of crime for the respondents, as was an occupant's gaze being fixated on a specific location in the vehicle.

Nonverbal signs of nervousness were also a behavioral source of suspicion for many of the respondents. Observing vehicle occupants who had trembling hands, were sweating, breathing rapidly, or making exaggerated stretching or yawning movements caused a number of the respondents to suspect criminal activity was occurring. For a minority of respondents who were less successful than their peers in the detection of illegal contraband, passengers who appeared to be sleeping was also a significant indicator of potential criminal activity.

Concerning the reliance on objects for the development of suspicion, there were a number of things that the respondents indicated they looked for during traffic stop encounters. Interior items such as excessive numbers of air fresheners, drug paraphernalia items, and the presence or absence of personal items such as luggage or soda bottles were objects that served as indicators of criminal activity for many of the respondents. Vehicle exterior characteristics were also considered suspicious as well, such as license plates from a perceived drug source state, illegal window tint, and anti-drug or pro-police decals. A large number of the respondents also discussed being very suspicious of rental vehicles that had been personalized with decals or radio antennas so as to disguise the fact that it was a rental vehicle. A small number of respondents who were less successful than their peers in discovering illegal contraband also tended to focus on specific vehicle types, especially older vehicles in poor condition, when trying to detect criminal activity.

A number of respondents reported relying on the physical appearance of the vehicle occupants as a source of suspicion. Many of the respondents relied upon signs of substance abuse, such as needle marks or pupils that were dilated and fixed. A smaller group of respondents, however, reported that they generally were more suspicious of motorists who were of Hispanic or Middle Eastern ethnicities.

Potential Study Weaknesses

Interpreting the findings of this study must be done with an educated understanding of its potential weaknesses. To begin with, the present study utilized a small sample. While there were a total of 148 participants in the focus groups, not all of the participants spoke on each topic addressed. The findings here are based on topics that were addressed by more than 10 percent of the respondents and the greatest degree of participation that was every achieved on any topic was 75 percent of the respondents. This is an exploratory study intended to identify the potential sources of suspicion utilized by state troopers during traffic stops in order to detect criminal activity. Although the study did highlight a number of potential sources of suspicion, further research, such as wide scale surveys, need to be conducted before any serious attempt is made to generalize these findings to any specific agency or state troopers in general.

Further caution should be taken with regard to generalizing the results as great variation existed just within this sample. The number of suspiciousness indicators described by each respondent ranged from zero to twenty-one, with a mean of about six. The specific content of these comments on suspiciousness cues varied between respondents with lower and higher search success rates at finding illegal contraband. It is likely that regional variation exists between urban and rural assignments within the same state. It can also be anticipated that variation exists across states and regions of the country. For example, do highway patrol troopers in the drug source states of Texas and California consider their own state plates as an indicator of criminal activity? Therefore, great care should be taken when applying the conclusions of this study in any manner other than to inform future empirical research.

Finally, it is important to note that there was no way to link the respondent's comments to their actual behavior. One may recall that in one study Alpert and associates (2005) had urban police officers describe to researchers what they found suspicious about the citizens and situations they encountered while on patrol. Few of the suspicious circumstances they identified, however, actually lead to official actions in the way of stopping, questioning, or searching the citizens involved. Most of these official actions in Alpert's study only resulted from observed violations of the law, suspect descriptions given out as part of an ongoing criminal investigation, or prior criminal arrests of the citizen. Although the respondents may state they base their suspicions on the criteria they described in the focus group interviews, it may be possible that these suspicious indicators do not influence their behavior beyond calling for more investigation. Caution should be taken before assuming that the respondents would actually conduct a search of a motorist's vehicle based on the suspicion indicators they discussed here.

Comparisons to the Previous Literature

The literature review in Chapter 2 discussed a number of previous studies related to the development of police officer suspicions. These studies primarily involved research with urban municipal police officers in the U.S. and Europe, and they revealed a number of different ways that these officers develop suspicion while on patrol. The present study involving state troopers shared examples with all of these previous studies.

Chapter 2 described several studies, primarily dealing with police officers in Europe, suggesting that officers utilize citizen nonverbal cues to detect deception and develop suspicion.

Specifically, these studies suggested that officers consider citizen increases in speech disruptions, inappropriate smiles, hand gestures, and avoidance of eye contact as suspicious and unconscious indicators that the citizen is trying to cover up some illegal activity (Akehurst et al., 1996). The present study found some evidence of this reliance on nonverbal cues among the state trooper respondents. Several respondents discussed relying on an avoidance of eye contact when interacting with the vehicle's occupants during a traffic stop (and even before stopping the vehicle) as a source of suspicion. Some of the respondents also revealed being suspicious of grandiose hand gesturing in the form of stretching, what the respondents referred to as the 'felony stretch'.

The present study, however, differed from the previous literature on nonverbal signs of deception in that the state trooper respondents never discussed smiles or speech disruptions but did focus on nonverbal signs of nervousness such as trembling, rapid breathing, profuse sweating, and a pulsating carotid artery. The state trooper respondents also related instances where they became suspicious of motorists who fixed their gaze on specific locations. While it appeared that many of the respondents in the present study did partially relied upon nonverbal cues in their development of suspicion, the nonverbal cues the troopers discussed appeared to be less subtle and more overt in nature.

Skolnick (1966) suggested that police officers develop suspicion based on stereotypes about the personal characteristics of typical criminal offenders. Skolnick suggested that these stereotypes about the 'symbolic assailant' caused officers to be most suspicious of young men of lower socioeconomic status who were members of racial or ethnic minority groups. To a lesser extent, these stereotypes emerged during the focus group discussions in the present study. The respondents did discuss stereotypes about the age and sex of potential suspects, but neither of

these attributes was identified as a source of suspicion. Regarding the motorist's age, the respondents simply discussed their perception that younger criminal offenders would be less likely to be transporting large quantities of drugs than criminal offenders in their 30s or 40s. The respondents' comments concerning the motorist's sex only referred to the difficulty searching female suspects without incurring civil liability.

On the characteristic of race, however, there were respondents who clearly utilized race-specific stereotypes about who is involved in specific types of criminal behaviors. While some of the respondents stated that race was not an effective indicator of criminal activity, and many suggested that cultural differences with the Hispanic population caused officers to inappropriately scrutinize Hispanic motorists, several respondents voiced their beliefs that the Hispanic population is strongly associated with interstate drug smuggling activity. A few respondents also expressed a belief that Muslims and people of Middle Eastern origin were potential terrorists. Therefore, the present study findings partially agreed with Skolnick's (1966) explanation for how police officers develop suspicion.

Examples of police stereotyping of vehicles and vehicle characteristics are also found in the literature (Heussenstamm, 1971; Ikner et al., 2005), and were evident in the present study as well. Heussenstamm (1971) found that to police officers in one community in California, Black Panther Party bumper stickers were associated with criminal activity, causing cars bearing these bumper stickers to be frequently stopped and searched. In the present study the respondents indicated that they became suspicious of vehicles displaying anti-drug or pro-police bumper stickers and decals, based on a belief that these emblems were being falsely used by criminals to disguise the motorist's true nature.

Ikner and associates (2005) found that officers on one police department in Texas held specific stereotypes about the driver characteristics of a number of different vehicles. Their study found that officers held fairly uniform stereotypes about the age, race, and sex of those who usually drove specific types of vehicles. The present study also revealed stereotypes about vehicles held by some of the respondents. Specifically, a number of respondents, who were below the average in their success at detecting illegal contraband through vehicle searches, perceived that older model vehicles in poor condition were strongly associated with criminal behavior. One may remember the quote from one of these respondents that “shit drives shit”, suggesting the perception that many citizens who drive weathered vehicles are of immoral character and usually involved in some sort of illegal activity. The respondents in the present study did not reveal any stereotypes about the race, age, or sex of those who drive specific makes and models of vehicles, stereotypes were applied by some to the age and condition of the vehicle.

Sacks (1972) suggested that police officers develop suspicions about citizens through an incongruity procedure that involves first learning what is normal for the area the officer patrols and then becoming suspicious of people and circumstances that do not fit this expectation about what is appropriate and normal for the given place and time. McNulty (1994) found evidence of Sack’s hypothesis in her ethnographic study of rookie police officers in a southwestern state. She found that from the earliest stages of their police academy training, officers were taught to ask the question, “What’s wrong with this picture?” As young officer became familiar with the people and circumstances in their patrol districts, they became more adept at detecting unusual people and behavior.

Evidence of this method of developing suspicion was very prevalent in the present study as there were numerous examples where the respondents indicated that a certain behavior or

situation was suspicious because it differed from what they perceived to be ‘normal’ motorist behavior, based on their prior experiences on numerous previous traffic stops. For example, a number of the respondents discussed evidence of ‘excessive’ nervousness as an indicator of potential criminal activity. Several of these respondents, however, commented about how this nervousness differed from the nervousness displayed by a ‘typical’ motorist who had only committed a traffic violation. Another example involved the respondents’ statements about travel plans that did not make sense or lacked detail. They suggested that these circumstances were suspicious because they differed from what the respondent expected to be a normal response based on their numerous previous contacts with motorists not engaged in criminal activity.

One interesting example of this incongruity procedure in the present study involved the respondents’ comments about suspicious vehicular behavior in reaction to the presence of their patrol car. The respondents shared that most motorists who are not speeding excessively typically do not dramatically reduce their speed, swerve to a farther lane, avoid eye contact, and exit immediately at the appearance of a police car in traffic. Observing this atypical behavior is what causes them to become suspicious. Several of these atypical driving behaviors were also discovered to be displayed by auto thieves by Cherbonneau and Copes (2005). Through interviews with convicted auto thieves, Cherbonneau and Copes (2005) learned that when these offenders were operating a stolen vehicle they also abruptly changed their driving behavior and tried to perfectly obey all traffic laws after spotting a police car. These auto thieves revealed that they would avoid eye contact with the police officers while driving and try to get away from the police car by turning off onto side streets.

Another aspect of the police development of suspicion discussed by Sacks (1972) involved officers learning the deviant uses for normal things. “For the police, objects and places

having routine uses are conceived in terms of favorite misuses. Garbage cans are places in which dead babies are thrown, schoolyards are places where molesters hang out, stores are places where shoplifters go, etc.” (Sacks, 1972: 294). This aspect of suspicion development was also evident in the present study. The most notable examples involved the respondents’ perceptions about air fresheners and rental vehicles. While the layperson may perceive multiple air fresheners in a vehicle as innocuous, to the respondents these ‘felony forests’ were viewed as being used to mask the odor of illegal drugs. While many perceive of rental vehicles as a convenient source of local mobility while on business trips or vacations, the respondents perceived of rental cars as a tool used by drug smugglers so that they did not risk losing their own personal vehicle through civil forfeiture.

Alpert and associates (2005) also found evidence of police officers relying on an incongruity procedure for the development of suspicion; however, officer behaviors such as stops, searches, and arrests were primarily based on behaviors that constituted a violation of the law. In the present study some evidence was revealed of a reliance on law violating behavior as an indicator of more serious criminal activity. Several respondents described the presence of illegal window tint or illegal drug paraphernalia as catalysts for their suspicions about felony criminal activity such as drug smuggling. Therefore, to a lesser extent the state trooper respondents in the present study also seem to rely on minor law violations in their development of suspicion during traffic stop encounters.

A final method for developing suspicion during traffic stops that was revealed by a small number of respondents in the present study involved the use of ‘gut instincts’, or a sixth sense intuition developed through the experiences police officers live through. This method for developing suspicion was not described in any of the literature reviewed. Although some of

McNulty's (1994) research subjects discussed developing a 'police officer's intuition', all of the officers in her study were able to articulate specific facts and circumstances that lead them to become suspicious of certain people or situations.

One aspect of relying on suspiciousness cues that was revealed in the present study was the emphasis on a totality of the circumstances. Most of the respondents who shared the indicators of suspicion they relied upon described multiple indicators, with an average of six indicators discussed per respondent. Several respondents specifically addressed the importance of considering the totality of the circumstances, evaluating multiple suspicious circumstances rather than relying on just one or two characteristics. This emphasis on a totality of the circumstances was also evident in some of the previous literature on police development of suspicion as Dixon and associates (1989) and Quinton and associates (2001) both revealed similar examples. In both of these studies from the United Kingdom the officers repeatedly indicated that it was not any specific factors by themselves that raised their suspicion, but rather several factors in combination determined whether or not they became suspicious.

Policy Implications

As this was simply an initial exploratory study into the development of state trooper suspicion during traffic stop encounters, great care must be taken when considering any related policy implications. The methodological weaknesses involved – small sample size, less than 100 percent participation, no link to actual behavior – preclude any direct policy implications. The findings of this study identified a number of factors that could serve as variables in future empirical research on this topic. What these few respondents stated they relied upon to develop

suspicion, however, should not be assumed to be accurate for the majority of the personnel employed by these two agencies, or any other state police/highway patrol agency. Therefore the primary policy implication is the need for further research, especially of an empirical nature.

Nevertheless, even if the respondents only represent the attitudes and opinions of a small number of state troopers in the nation, issues of concern to public policy do appear to exist. In the debate over the issue of bias-based policing, the suggestion has been made by some that police officers routinely use illegitimate criteria on which to base their decisions to search motorists' vehicles (Harris, 1999; Lundman & Kaufman, 2003). Some evidence did surface that at least some of the respondents did consider race/ethnicity as a general indicator of suspicion. The few respondents who stereotyped Hispanic motorists as being drug couriers and Arab motorists as being terrorists provide some support for this assertion. How widespread this attitude truly is, however, and whether or not it is truly correlated to trooper behavior has yet to be determined.

While some have argued that officers rely upon the motorist's race as one criterion for vehicle stops and searches, others have argued that the majority of police searches are based on legally appropriate criteria (MacDonald, 2003). The present study revealed an extensive list of characteristics the respondents reported relying upon to develop suspicion and encourage them to request consent to search a vehicle. Perhaps law enforcement executives and community leaders should review the suspiciousness indicators revealed here to determine if they support the reliance on such indicators by the police officers on their agencies.

Police chiefs and other government leaders should review the indicators of suspicion presented here and determine if these characteristics are legitimate characteristics of criminal activity in their jurisdiction. Indicators that are determined to be legitimate can be incorporated

into officer training curriculums while indicators that are determined to be illegitimate can be referenced in department policies and procedures as inappropriate under most circumstances. Written policies and procedures, as well as formal police training programs, could also re-emphasize that officer suspicions and official actions must be based on facts and circumstances that can be clearly articulated, not simply based on officer 'gut instincts' or intuition.

Finally, the present study revealed a few significant differences in the suspicion indicators utilized by the respondents who were more successful at detecting illegal contraband than their peers in the focus group sessions. Similarly, the respondents who were below average in their ability to detect illegal contraband through vehicle searches also relied upon a few indicators differently than their more successful peers. This finding suggested that specifically which indicators troopers rely upon to develop suspicion during traffic stop encounters has an impact on their accuracy in detecting criminal activity.

Determining exactly which suspiciousness indicators are the most effective at detecting criminal activity has two important public policy implications. First, if such indicators could be identified it could increase the effectiveness of police criminal investigative activity through highway criminal interdiction. Troopers and other officers could target their time and effort searching only vehicles that had a high probability of containing illegal contraband.

The second public policy implication would be that it could reduce the number of innocent citizens subjected to vehicle searches and requests for consent for vehicle searches based on faulty indicators of suspicion. As the mean percentage of searches resulting in the discovery of illegal contraband was only 43.7 for the respondents in the sample, over half of the searches conducted resulted in no contraband found. While it is possible that some of these searches failed to detect contraband because it had just been delivered or was concealed too well,

it is also likely that many (if not most) of these motorists searched were not engaged in criminal activity. Refining the effectiveness of the suspicious indicators used could help reduce unnecessary intrusions of citizen 4th amendment constitutional rights.

Conclusion

The present study was a preliminary exploration into how state troopers develop suspicion about criminal activity during traffic stop encounters. Generally it sought to discover what characteristics about the vehicle and its occupants, and the circumstances surrounding the traffic stop, lead a police officer to become suspicious that the occupant(s) is currently engaged in some sort of criminal activity beyond a simple traffic violation. More specifically, this study examined what words, behaviors, and objects sparked the suspicions of state troopers involved in highway criminal interdiction efforts. This study utilized a qualitative methodological design involving focus group interviews to explore what suspiciousness factors state troopers from two state law enforcement agencies report relying upon when trying to determine if a traffic law violator is engaged in more serious law-breaking activity.

This inquiry was guided and structured by the elements of symbolic interactionism, a sociological theory that suggested individuals have their own specific interpretations of the words, behaviors, and objects they encounter in life. The individual's own definitions are based on his/her past experiences with these or similar words, behaviors, and objects. Using this perspective to categorize the findings, the present study sought to answer three specific questions. What words encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? What behaviors encountered during

traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior? Finally, what objects encountered during traffic stops cause state troopers to become suspicious that the motorist is engaged in criminal behavior?

The findings reveal that these questions were answered, at least as they apply to those who participated in the focus group interview sessions. A number of words, behaviors, and objects were identified as sources of suspicion for the respondents. It was also revealed that most of the respondents relied on a number of factors in combination for their development of suspicion, emphasizing a totality of the circumstances approach. The findings also suggested that variation existed in the facts and circumstances the respondents relied upon to base their suspicions, based on their level of success in discovering illegal contraband.

As this was simply an initial exploratory study into the development of state trooper suspicion during traffic stop encounters, the next logical step would be to conduct empirical studies utilizing the suspiciousness indicators identified here as variables. Survey research could be conducted with state troopers to determine their level of agreement with, or reliance upon, the suspiciousness indicators revealed in this study. Such an analysis could utilize the suspiciousness indicators described here as dependent variables to determine if the individual level characteristics of specific state troopers are correlated to a reliance on specific cues.

The suspiciousness indicators discovered in the present study could also be utilized as independent variables to determine their strength of correlation to the survey respondents' hit rates for success in detecting illegal contraband through vehicle searches. The indicators with the highest correlations to successfully discovering illegal contraband could be identified for their effectiveness and those most negatively correlated with success could be identified and their future use in police training discouraged.

Finally, observational research, similar to that conducted by Alpert and associates (2005) and Dixon and associates (1989) could be conducted to try to actually link these suspiciousness cues to actual trooper behaviors such as stopping and searching motorists. Researchers could ride along on patrol with state troopers assigned to highway criminal interdiction units to observe these troopers engaging in traffic stops and vehicle searches. As with the Alpert and associates (2005) study the researchers could ask the troopers to articulate their sources of suspicion aloud to them while they are formulating their suspicions and in after-stop debriefings.

The troopers' statements about their sources of suspicion could be analyzed for agreement with the suspiciousness indicators described in the present study. The articulated sources of suspicion could then be analyzed for correlations with trooper actions such as electing to stop a vehicle, requesting consent to search a vehicle, requesting the assistance of a drug detection dog, and actually conducting a search. These correlations could reveal which, if any, of the suspiciousness indicators described in the present study are actually linked to trooper behavior.

Whatever future methodological direction is taken in the future to examine the development of suspicion by state troopers during traffic stop encounters, the present study created a foundation upon which future research can be built. It identified key variables to investigate and identified a possible source of variation in trooper reliance on suspiciousness cues.

References

Akehurst, L., Kohnken, G., Vrij, A. and Bull, R. (1996), Lay persons' and police officers' beliefs regarding deceptive behaviour. *Applied Cognitive Psychology*, 10(4), 461-471.

Allport, G. W., and Postman, L. (1974). *The Psychology of Rumor*. New York: Henry Holt and Co.

Alpert Group (2004). *Miami-Dade Police Department Racial Profiling Study*. Miami, FL: The Alpert Group.

Alpert, G.P., MacDonald, J.M., and Dunham, R.G. (2005). Police suspicion and discretionary decision making during citizen stops. *Criminology*, 43(2), 407-434.

American Civil Liberties Union (1999). *Arrest the Racism: Racial Profiling in America*. American Civil Liberties Union.

Retrieved from: <http://www.aclu.org/profiling/index.html>.

Babbie, E. (2004). *The Practice of Social Research*. 10th Ed. Wadsworth: Belmont, CA.

Bayley, D. H. (1986). The tactical choices of police patrol officers. *Journal of Criminal Justice*, 14(3), 329-348.

Bernard, T.J. and Ritti, R.R. (1990). The role of theory in scientific research. In K.L. Kempf (Ed.), *Measurement Issues in Criminology* (pp. 1-20). New York, NY: Springer-Verlag.

Black, D. (1980). *The Manners and Customs of the Police*. New York, NY: Academic Press.

Blair, J. and Kooi, B. (2004). The gap between training and research in the detection of deception. *International Journal of Police Science and Management*, 6(2), 77-83.

Bloor, M., Frankland, J., Thomas, M., and Robson, K. (2001). *Focus Groups in Social Research*. Thousand Oaks, CA: Sage.

Blumer, H. (1969). *Symbolic Interactionism: Perspective and Method*. Englewood Cliffs, NJ: Prentice-Hall.

Brent, E. E., and Sykes, R. E. (1979). Mathematical model of symbolic interaction between police and suspects. *Behavioral Science*, 24(6), 388-402.

Brown, M. (1981). *Working the Street: Police Discretion and the Dilemmas of Reform*. New York: Sage.

Carley, K. M. (1993). Coding choices for textual analysis: A comparison of content analysis and map analysis. In P. Marsden (Ed.), *Sociological Methodology* (pp. 75-126), Oxford, UK: Blackwell.

Carlin, A. (2003). Observation and membership categorization: Recognizing “normal appearances” in public space. *Journal of Mundane Behavior*, 4(1), 1-14.

Cherbonneau, M., and Copes, H. (2005). Drive it like you stole it: Auto theft and the illusion of normalcy. *British Journal of Criminology*, 45, 1-19.

Connors, E. F., and Nugent, H. (1990), *Street-Level Narcotics Enforcement*. Washington, DC: U.S. Bureau of Justice Assistance.

Correll, J., Park, B., Wittenbrink, B., and Judd, C. M. (2002). The police officer’s dilemma: Using ethnicity to disambiguate potentially threatening individuals. *Journal of Personality and Social Psychology*, 83(6), 1314-1329.

Davies, M.D. and Patel, D. (2005). The influence of car and driver stereotypes on attributions of vehicle speed, position, and culpability in a road accident scenario. *Legal and Criminological Psychology*, 10(1), 45-62.

Davis, K.C. (1971). *Discretionary Justice: A Preliminary Inquiry*. Urbana, IL: University of Illinois Press.

Davis, P. W. (1983). Restoring the semblance of order: Police strategies in the domestic disturbance. *Symbolic Interaction*, 6(2), 261-278.

deTurck, M. and Miller, G. (1985), Deception and arousal: Isolating the behavioral correlates of deception. *Human Communication Research*, 12(2), 181-201.

deTurck, M. and Miller, G. (1990), Training observers to detect deception: Effects of self-monitoring and rehearsal. *Human Communication Research*, 16(4), 603-620.

Dixon, D., Bottomley, A.K., Coleman, C.A., Gill, M., and Wall, D. (1989). Reality and rules in the construction and regulation of police suspicion. *International Journal of the Sociology of Law*, 17, 185-226.

Dunham, R.G., Alpert, G.P., Stroshine, M.S., and Bennett, K. (2005). Transforming citizens into suspects: Factors that influence the formation of police suspicion. *Police Quarterly*, 8(3), 366-393.

Durkheim, E. (1933). *The Division of Labor*. New York: The Free Press.

Engel, R.S., Calnon, J.M., and Bernard, T.J. (2002). Theory and racial profiling: Shortcomings and future directions in research. *Justice Quarterly*, 19(2), 249-273.

Engel, R. S., Calnon, J. M., Liu, L., and Johnson, R. R. (2004). *Project on Police-Citizen Contacts: Year 1 Final Report*. Harrisburg, PA: Pennsylvania State Police.

Engel, R. S. and Johnson, R. R. (2006). Understanding racial and ethnic disparities in search and seizure rates. *Journal of Criminal Justice*, 34(6), 605-617.

Engel, R. S., Tillyer, R., Stoddard, C., and Klahm, C. (2007). *Examining Racial and Ethnic Disparities in Search and Seizure Rates*. Cincinnati, OH: University of Cincinnati.

Farrell, A., McDevitt, J., Bailey, L., Andresen, C., & Pierce, E. (2004). *Massachusetts Racial and Gender Profiling Study*. Boston, MA: Northeastern University.

Retrieved from: http://www.racialprofilinganalysis.neu.edu/IRJsite_docs/finalreport.pdf

Farrell, A., McDevitt, J., Cronin, S., & Pierce, E. (2003). *Rhode Island Traffic Stop Statistics Act Final Report*. Boston, MA: Northeastern University.

Retrieved from: http://www.racialprofilinganalysis.neu.edu/IRJ_docs/RIFinalReport.pdf

Ford, R. E. (2003). Saying one thing, meaning another: The role of parables in police training. *Police Quarterly*, 6(1), 84-110.

Friedrich, R. J. (1980). Police use of force: Individuals, situations, and organizations. *Annals of the Academy of Political and Social Science*, 452, 82-97.

Fugita, S., Hogrebe, M. and Wexley, K. (1980), Perceptions of deception: Perceived expertise in detecting deception, successfulness of deception and nonverbal cues. *Personality & Social Psychology Bulletin*, 6(4), 637-643.

Fugita, S., Wexley, K. and Hillery, J. (1974), Black-white differences in nonverbal behavior in an interview setting. *Journal of Applied Social Psychology*, 4(4), 343-350.

Garrido, E., Masip, J., and Herrero, C. (2004). Police officers' credibility judgments: Accuracy and estimated ability. *International Journal of Psychology*, 39(4), 254-275.

Gifis, S.H. (1991). *Law Dictionary, Third Edition*. Hauppauge, NY: Barons.

Goldstein, J. (1960). Police discretion not to invoke the criminal process: Low visibility decisions in the administration of justice. *Yale Law Journal*, 60, 543-594.

Greenwald, A. G., Oakes, M. A., and Hoffman, H. G. (2003). Targets of discrimination: Effects of race on responses to weapons holders. *Journal of Experimental Social Psychology*, 39(3), 399-405.

Harris, D.A. (1999). *Driving While Black: Racial Profiling on our Nation's Highways*. New York: American Civil Liberties Union.

Hester, S. and Eglin, P. (1995). Justice and symbolic interaction. In S. Caffrey and G. Mundy (Eds.) *The Sociology of Crime and Deviance: Selected Issues* (pp. 349-362). Kent, UK: Routledge.

Heussenstamm, F.K. (1971). Bumper stickers and the cops. *Transaction*, 8(1), 32-33.

Holmberg, L. (2000). Discretionary leniency and typological guilt: Results from a Danish study of police discretion. *Journal of Scandinavian Studies in Criminology and Crime Prevention*, 1(1), 179-194.

Horvath, F., Jayne, B. and Buckley, J. (1994). Differentiation of truthful and deceptive criminal suspects in behavior analysis interviews. *Journal of Forensic Sciences*, 39(3), 793-807.

Hunt, J. and Manning, P. K. (1991). Social context of police lying. *Symbolic Interaction*, 14(1), 51-70.

Ikner, M.A., Ahmad, J., del Carmen, A. (2005). Vehicle cues and racial profiling: Police officers' perceptions of vehicles and drivers. *The Southwest Journal of Criminal Justice*, 2(2), 82-100.

Inbau, F. E., Reid, J. E., Buckley, J. B. and Jayne, B. P. (2001), *Criminal Interrogation and Confessions*. Baltimore, MD: Williams and Wilkins.

Janis, I. (1989), *Crucial Decisions: Leadership in Policymaking and Crisis Management*. New York: Free Press.

Klinger, D. A. (1994). Demeanor or crime? Why 'hostile' citizens are more likely to be arrested. *Criminology*, 32(3), 475-493.

Klinger, D. A. (1997). Negotiating order in patrol work: An ecological theory of police response to deviance. *Criminology*, 35(2), 277-306.

Knowles, J., Persico, N. and Todd, P. (2001). Racial bias in motor vehicle searches: Theory and evidence. *Journal of Political Economy*, 109(11), 203-229.

Krueger, R.A. (1988). *Focus Groups: A Practical Guide for Applied Research*. Beverly Hills, CA: Sage.

Lakhani, M. and Taylor, R. (2003), Beliefs about the cues to deception in high- and low-stake situations. *Psychology, Crime & Law*, 9(4), 357-369.

Lamberth, J. (1996). *A Report to the ACLU*. New York: American Civil Liberties Union.

Lange, J.E., Johnson, M.B., and Voas, R.B. (2005). Testing the racial profiling hypothesis for seemingly disparate traffic stops on the New Jersey Turnpike. *Justice Quarterly*, 22(2), 193-223.

Lerman, P. (1967). Gangs, networks, and subcultural delinquency. *American Journal of Sociology*, 73(1), 63-72.

Lovrich, N., Gaffney, M., Mosher, C., Pickerill, M. & Smith, M. R. (2003). *Washington State Patrol Traffic Stop Data Analysis Project Report*. Pullman, WA: Washington State University.

Lundman, R. J. (1994). Demeanor or crime? The Midwest City police-citizen encounters study. *Criminology*, 32(4), 631-656.

Lundman, R. J. and R. L. Kaufman (2003). Driving While Black: Effects of Race, Ethnicity, and Gender on Citizen Self-Reports of Traffic Stops and Police Actions. *Criminology*, 41(1), 195-220.

MacDonald, H. (2003). *Are Cops Racist? How the War Against Police Harms Black Americans*. Chicago, IL: Ivan R. Dee.

Macionis, J. J. (2005). *Society: The Basics*. New York: Prentice Hall.

Maines, D. R. (2001). *The Faultline of Consciousness: A View of Interactionism in Sociology*. New York: Aldine de Gruyter.

Marx, K. (1847). *Wage Labor and Capital*.

- Mead, G.H. (1934). *Mind, Self, and Society*. Chicago, IL: University of Chicago Press.
- Meehan, A. J. (1992). I don't prevent crime, I prevent calls: Policing as a negotiated order. *Symbolic Interaction*, 15(4), 455-480.
- Miller, G., deTurck, M. and Kalbfleisch, P. (1983), Self-monitoring, rehearsal, and deceptive communication. *Human Communication Research*, 10(1), 97-117.
- Miller, L. S., and Whitehead, J. T. (1996). *Introduction to Criminal Justice Research and Statistics*. Cincinnati, OH: Anderson.
- Morgan, D.L. (1988). *Focus Groups as Qualitative Research*. Newbury Park, CA: Sage.
- Morgan, D.L. (1996). Focus groups. *Annual Review of Sociology*, 22, 129-152.
- McNulty, E. W. (1994). Generating common sense knowledge among police officers. *Symbolic Interaction*, 17(3), 281-294.
- Norris, C., Fielding, N., Kemp, C., and Fielding, J. (1992). Black and blue: An analysis of the influence of race on being stopped by the police. *The British Journal of Sociology*, 43(2), 207-224.

Phelan, P. (1995). Incest and its meaning: The perspectives of fathers and daughters. *Child Abuse and Neglect*, 19(1), 7-24.

Plant, E. A., Peruche, B. M., and Butz, D. A. (2005). Eliminating automatic racial bias: Making race non-diagnostic for responses to criminal suspects. *Journal of Experimental Psychology*, 41(1), 141-156.

Porter, S., Woodworth, M. and Birt, A. (2000), Truth, lies, and videotape: An investigation of the ability of federal parole officers to detect deception. *Law and Human Behaviour*, 24(6), 643-658.

Quinton, P., Bland, N., and Miller, J. (2001). *Police Stops, Decision-Making and Practice*. Police Research Series Paper 130. London, UK: Home Office

Reiss, A.J. (1971). *The Police and the Public*. New Haven, CT: Yale University Press.

Remsberg, C. (1997), *Tactics for Criminal Patrol: Vehicle Stops, Drug Discovery, and Officer Survival*. Northbrook, IL: Calibre Press.

Reynolds, F. D., and Johnson, D. K. (1978). Validity of focus group findings. *Journal of Advertising Research*, 18(3), 21-24.

Riksheim, E.C. and Chermak, S.M. (1993). Causes of police behavior revisited. *Journal of Criminal Justice*, 21(4), 353-382.

Ritzer, G. (1996). *Sociological Theory*. New York, NY: McGraw Hill.

Roberson, C. (2003). *Criminal Procedure Today: Issues and Cases, Second Edition*. Upper Saddle River, NJ: Prentice-Hall.

Rose, E. (1994). Waiting for the world to walk by. Paper presented at a meeting of the Manchester Ethnographic Group, University of Manchester, UK, October 27, 1994.

Ryan, G.W. and Bernard, H.R. (2003). Data management and analysis methods. In N.K. Denzin and Y.S. Lincoln (Eds.), *Collecting and Interpreting Qualitative Materials, Second Edition* (pp. 259-309). Thousand Oaks, CA: Sage.

Sacks, H. (1972). Notes on police assessment of moral character. In D. Sudnow (Ed.). *Studies in Social Interaction*, pp. 280-293. New York: The Free Press.

Samaha, J. (1996). *Criminal Procedure, Third Edition*. St. Paul, MN: West.

Shadish W.R., T.D. Cook and D.T. Campbell. (2002). *Experimental and Quasi-Experimental Designs for Generalized Casual Inference*. New York: Houghton Mifflin.

Skogan, W. and Frydl, K. (2004). *Fairness and Effectiveness in Policing: The Evidence*. Washington, DC: National Academies Press.

Skolnick, J. (1966). *Justice without Trial*. New York: Wiley.

Smith, D. A., and Visser, C. A. (1981). Street-level justice: Situational determinants of police arrest decisions. *Social Problems*, 29(2), 167-177.

Smith, W. R., Tomaskovic-Devey, D., Zingraff, M. T., Mason, H. M., Warren, P. Y. & Wright, C. P. (2003). *The North Carolina Highway Traffic Study*. Raleigh, NC: North Carolina State University.

Retrieved from: http://www.chass.ncsu.edu/justice/reports/hwy_traffic_study_03.htm

Stromwall, L. and Granhag, P. (2003), How to detect deception? Arresting the beliefs of police officers, prosecutors and judges. *Psychology Crime & Law*, 9(1), 19-36.

Terrill, W., and Mastrofski, S. D. (2002). Situational and officer-based determinants of police coercion. *Justice Quarterly*, 19(2), 215-248.

Tierney, J. (2005). Your car: Politics on wheels. *The New York Times*, April 4, 2005.

Trochim, W. (2001). *The Research Methods Knowledge Base, Second Edition*. New York: Atomic Dog.

Ulmer, J. T. and Wilson, M. S. (2003). The potential contributions of quantitative research to symbolic interactionism. *Symbolic Interaction*, 26(4), 531-552.

Vrij, A. (1993). Credibility judgments of detectives: The impact of nonverbal behavior, social skills, and physical characteristics on impression formation. *Journal of Social Psychology*, 133(5), 601-610.

Vrij, A., Edward, K. and Bull, R. (2001), People's insight into their own behaviour and speech content while lying. *British Journal of Psychology*, 92(2), 373-389.

Vrij, A. and Heaven, S. (1999), Vocal and verbal indicators of deception as a function of lie complexity. *Psychology, Crime & Law*, 5(3), 203-215.

Vrij, A. and Semin, G. (1996), Lie experts' beliefs about nonverbal indicators of deception. *Journal of Nonverbal Behaviour*, 20(1), 65-80.

Vrij, A. and Taylor, R. (2003). Police officers' and students' beliefs about telling and detecting trivial and serious lies. *International Journal of Police Science and Management*, 5(1), 41-49.

Walker, S. (1993). *Taming the System: The Control of Discretion in Criminal Justice, 1950-1990*. New York, NY: Oxford University Press.

Walker, S. and Katz, C.M. (2002). *The Police in America: An Introduction, Fourth Edition*. Boston, MA: McGraw-Hill.

Weber, M. (1889). *The History of Medieval Business Organizations*.

Weber, R. (1990). *Basic Content Analysis, Second Edition*. Newbury Park, CA: Sage.

Weitzman, E. A. (2003). Software and qualitative research. In N.K. Denzin and Y.S. Lincoln (Eds.), *Collecting and Interpreting Qualitative Materials, Second Edition* (pp. 310-339). Thousand Oaks, CA: Sage.

Wieder, D.L. (1974). *Language and Social Reality: The Case of Telling the Convict Code*. The Hague, The Netherlands: Mouton.

Winkel, F., Koppeleaar, L. and Vrij, A. (1988), Creating suspects in police-citizen encounters: Two studies on personal space and being suspect. *Social Behaviour*, 3(3), 307-318.

Winkel, F. and Vrij, A. (1990), Interaction and impression formation in a cross-cultural dyad: Frequency and meaning of culturally determined gaze behaviour in a police interview setting. *Social Behaviour*, 5(5), 335-350.

Wiseman, J.P. (1979). *Stations of the Lost: The Treatment of Skid Row Alcoholic*. Chicago, IL: University of Chicago Press.

Worden, R. E., and Sheppard, R. L. (1995). Demeanor, crime, and police behavior: A reexamination of the Police Service Study data. *Criminology*, 34(1), 83-105.

Appendix A – Focus Group Interview Questioning Route

GREETING & PAPERWORK COMPLETION

WELCOME & INTRODUCTION

GROUND RULES

“As part of this focus group we ask that you observe a few ground rules.”

“First, there are no right or wrong answers, but rather differing points of view. Please share your point of view, even if it differs from what others have said.”

“Second, we will be tape recording the discussion, so we are asking that you speak loud enough to be picked up by the microphone.”

“Third, because we are taping the conversation we ask that you keep background noise to a minimum and do not speak while one of your peers is speaking.”

“Fourth, for confidentiality purposes please refer to other participants only by their participant identification numbers during the discussions.”

QUESTIONS

I. The Development of Suspicion

“The first topic we want to address is the development of suspicion during a traffic stop that would lead to a request to consent a search.”

A. Pre-stop Indicators

1. “Based on your own personal experiences with successful drug and other contraband seizures, have there been accurate indicators of illegal activity that you have detected prior to initiating the traffic stop?”
2. Follow-up “Can you give us an example?”
3. Follow-up “How frequently do you encounter or use pre-stop clues?”

B. Vehicle Characteristics

1. “Again, based on your own personal experiences, after you have initiated the stop, what, if any, details about the vehicle itself have been accurate indicators of criminal activity?”
2. Follow-up “Can you explain further?”
3. Follow-up “How frequently do you encounter these clues?”
4. Follow-up “How accurate are these clues?”

C. The Occupants

1. Based on your own personal experiences, what details about the occupants themselves have been accurate indicators of criminal activity?
2. Follow-up “Can you give an example?”
3. Follow-up “How frequently do you encounter these clues?”

4. Follow-up “How accurate are these clues?”

D. Nonverbal Behavior

1. “How often does the occupants’ nonverbal behaviors factor into your investigation?”
2. “What types of nonverbal behaviors have you found to be accurate clues to criminal behavior?”
3. “Are there any nonverbal behaviors that you have been inaccurate clues?”
4. “Are nonverbal behavior clues more important, less important, or equally important as other types of clues in developing your suspicion?”

II. Perceptions of Peers

“You are some of the most successful troopers and corporals on your department with regards to highway criminal interdiction. Most of the other members of your department are not as successful in detecting and seizing illegal contraband. We are interested in your opinions about your peers.”

A. Reluctance to Search

1. Most of the patrol troopers on your department engage in very few searches (consensual or otherwise) during traffic stops. Based on your experiences with your peers, what do you think deters them from engaging in more searches during vehicle stops?”
2. Follow-up “Without naming names, have you heard this yourself?”
3. Follow-up “Why haven’t these things deterred you?”
4. “Do you feel the supervisors within the department emphasize or support the use of vehicle stop searches and highway criminal interdiction?”
5. “What could management do to increase the number of vehicle searches conducted by all members assigned to patrol duties?”

B. Unsuccessful Searches

1. “Some of your peers do conduct high numbers of searches during vehicle stops, but are far less successful in discovering illegal contraband. Based on your experiences, what do you think leads them to be unsuccessful?”
2. “Are there any inaccurate clues that these troopers may be relying upon?”

III. Training and Management Issues

“We would now like to focus on your perceptions about training and management issues related to highway criminal interdiction.”

A. Training

1. “For those of you who have received training in highway criminal interdiction, how accurate has this training been when compared to your own experiences on the road?”
2. “Is there anything that you feel should be added or removed from this type of training?”
3. “Should highway criminal interdiction training be increased, decreased, or remain the same on this department?”

CLOSE AND THANKS

Appendix B – Qualitative Coding Scheme

I. Pre-stop Indicators

A. Time-Location

1. Time of Day
2. Direction of Travel
3. Source Location
4. Other

B. Occupants

1. Age
 - a. Youth
 - b. Other
2. Race
 - a. Can't Tell
 - b. African American
 - c. Hispanic
 - d. Other Race
 - e. Ineffective Indicator
 - f. White
 - g. Depends on Drug
 - h. Other
3. Number
 - a. One Occupant
 - b. Two Occupants
 - c. Many Occupants
 - d. Other
4. Behavior
 - a. Eye Contact
 - b. Interior Movements
 - c. Passengers Awake
 - d. Other
5. Other

C. Vehicle

1. Exterior
 - a. Vehicle Type
 - b. Vehicle Condition
 - c. Modifications
 - d. License Plate
 - e. Inspection Sticker
 - f. Disclaimers
 - g. Other
2. Rental Vehicle

- a. Effective Indicator
 - b. Identification of
 - c. Other
 - 3. Commercial Vehicle
 - a. Suspicious ICC Number
 - b. Suspicious DOT Number
 - c. No Trailer
 - d. Other
 - 4. Other
- D. Vehicle Behavior
 - 1. Speeding
 - 2. Below Speed Limit
 - 3. Perfect Driving
 - 4. Following Too Closely
 - 5. Moving Away
 - 6. Vehicles Splitting Up
 - 7. Other
- E. Sixth Sense
 - 1. Effective
 - 2. Other
- F. Other

II. Vehicle Indicators

- A. Interior
 - 1. Disclaimers
 - a. Religious Items
 - b. Other
 - 2. Drug Culture Items
 - a. Pro-Drug Emblems
 - b. Hemp Items
 - c. Rock Band Emblems
 - d. Other
 - 3. Drug Paraphernalia
 - a. Roaches
 - b. Marijuana Seeds
 - c. Drug Residue
 - d. Needles
 - e. Burnt Spoons
 - f. Glass Vials
 - g. Film Canisters
 - h. Rolling Papers
 - i. Pipes
 - j. Plastic Baggies
 - k. Other
 - 4. Plain View-Smell

- a. Drugs Visible
 - b. Drug Odor
 - c. Other
- 5. Cleanliness
 - a. Generally Messy
 - b. Generally Clean
 - c. Fast Food Wrappers
 - d. Leaf Debris
 - e. Cigar Wrappers
 - f. Air Fresheners
 - g. Many Personal Items
 - h. No Personal Items
 - i. Other
- 6. Other Items
 - a. Cell Phones
 - b. CB Radio
 - c. DVD Player
 - d. Maps
 - e. Other
- 7. Other
- B. Exterior
 - 1. Vehicle Type
 - a. SUV
 - b. Van
 - c. Car
 - d. Motorcycle
 - e. Pickup-Work Truck
 - f. Semi Truck
 - g. Other
 - 2. Vehicle Condition
 - a. Clean
 - b. Dirty
 - c. Mechanically Good
 - d. Mechanically Poor
 - e. Other
 - 3. Modifications
 - a. Rims
 - b. Racing Modifications
 - c. Muffler Modifications
 - d. Overloaded Shocks
 - e. Fresh Body Work
 - f. Low Hanging Undercarriage/Spare Tire
 - g. Window Tint
 - h. CB Antenna
 - i. Cell Phone Antenna
 - j. Hollow Fuel Tank

- k. Inconsistent Body Molding
 - l. Other
 - 3. License Plate
 - a. Source State
 - b. Missing
 - c. Temporary
 - d. Wanted/Stolen
 - e. Other
 - 4. Inspection Sticker
 - a. Missing
 - b. Fake
 - c. Other
 - 5. Disclaimers
 - a. Religious Emblems
 - b. Pro-Military Emblems
 - c. Anti-Drug Emblems
 - d. Other
 - 6. Other
 - C. Rental Vehicles
 - 1. Effective Indicator
 - 2. Contract Violations
 - 3. Identification of
 - 4. Other
 - D. Commercial Vehicles
 - 1. False Fuel Tanks
 - 2. Suspicious ICC Numbers
 - 3. Suspicious DOT Numbers
 - 4. No Trailer
 - 5. Ungreased 5th Wheel
 - 6. Other
 - E. Other

III. Occupant Indicators

- A. Person
 - 1. Age
 - a. Younger
 - b. Middle-Aged Adults
 - c. Older
 - d. Other
 - 2. Race
 - a. African American
 - b. Hispanic
 - c. White
 - d. Other
 - 3. Sex

Male
Female

B. Information

1. Criminal History
2. Intelligence Information
3. No License
4. Other

C. Appearance

1. Drug Culture Items
 - a. Pro-Drug Emblems
 - b. Hemp Items
 - c. Rock Band Emblems
 - d. Other
2. Substance Use Indicators
 - a. Eyes
 - b. Hygiene
 - c. Skin
 - d. Alertness
 - e. Plain View - Plain Smell
 - f. Other
3. Disclaimers
 - a. Religious Emblems
 - b. Pro-Military Emblems
 - c. Anti-Drug Emblems
 - d. Other
4. Clothing
 - a. Expensive Clothes
 - b. Wrinkled Clothes
 - c. Other
5. Hygiene
 - a. Unshaven
 - b. Body Odor
 - c. Other
6. Other

D. Behavior

1. Nervousness
 - a. Very Calm
 - b. General Nervousness
 - c. Trembling
 - d. Sweating
 - e. Dry Mouth
 - f. Rapid Breathing
 - g. Carotid Pulsating
 - h. Urinating Oneself
 - i. Fainting
 - j. Other

2. Body Movements
 - a. Reaching Under Seats
 - b. Covering Up Items
 - c. Stretching
 - d. Putting Hands Up
 - e. Staring Back at Patrol Car
 - f. Other
3. Eye Movements
 - a. Avoiding Eye Contact
 - b. Looking at Contraband Location
 - c. Other
4. Occupants Talking
5. Occupants Sleeping
 - a. Passengers Sleeping
 - b. Passengers Awake
 - c. Other
6. Reluctance
 - a. Hesitates to Exit Vehicle
 - b. Hesitates to Get License
 - c. Hesitates to Open Compartment
 - d. Other
7. Too Helpful
8. Other
- E. Statements
 1. Travel Plans
 - a. Make No Sense
 - b. Source Locations
 - c. No Detail
 - d. Conflicting Information
 - e. Other
 2. Vehicle
 - a. Distances Self from Vehicle
 - b. No Vehicle Documentation
 - c. Leasee or Owner Not Present
 - d. Other
 3. People
 - a. False Name/ID
 - b. Strangers to Each Other
 - c. Criminal History
 - d. Other
 4. Interference
 - a. Only One Talker
 - b. Delayed Responses
 - c. Answers Questions with Questions
 - d. Other
 5. Doesn't Ask Why Stopped

6. Admissions
 - a. Openly Confesses Crime
 - b. Requests a Vehicle Search
 - c. Non-definitive Answers
 - d. Rats out Others
 - e. Other
7. Not Upset by Ticket
8. Other