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August 24, 2016

Col. Kriste Kibbey Etue  
Director, Michigan State Police  
P.O. Box 30634  
Lansing, MI 48909

Re: Race and Traffic Stops

Dear Col. Etue:

A few months ago, the Michigan State Police (MSP) publicly denied allegations that the department has a 70 percent ticket quota requirement for troopers. The MSP statement said, in relevant part:

The department has an activity analysis program wherein troopers' activity is reviewed on a semi-annual basis. The purpose of the activity analysis is to provide feedback for troopers on their performance in core areas of their job duties and to provide a tool for supervisors to fairly evaluate performance as measured against their peers at the post. The areas subject to the 70% baseline evaluation are: fugitive arrests, investigative and patrol arrests, investigative and patrol complaints, traffic stops (not tickets), and OWI arrests.

Although the statement denies a ticket quota, it acknowledges a 70 percent baseline evaluation of traffic stops. This evaluation criterion is problematic because it can create an incentive to stop motorists without proper grounds when troopers have deficient stop records and they become desperate to meet supervisors' expectations.<sup>1</sup> Of greater concern is the risk that some troopers will become racially selective when making arbitrary stops. When deciding whether to make an improper stop a trooper must decide whether the driver will complain, and whether he/she will be taken seriously if they do. For example, the likely presumption will be that it is safer to arbitrarily stop a young person of color (or any person who appears to be poor or powerless) than it is to stop a driver who appears to be influential.

It has been suggested that our concerns are misplaced because MSP has multiple policies and guidelines that prohibit racial profiling. We further understand troopers are trained not to discriminate, and additional training regarding bias-free policing is planned. Finally, we understand that daily review of trooper activities by supervisors provides a method and opportunity for detecting any improper conduct by troopers. The ACLU of Michigan applauds

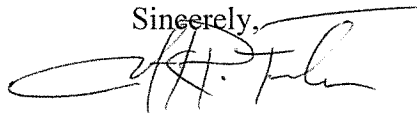
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<sup>1</sup> We have concerns as well about the expectations for fugitive, investigative and patrol arrests that we hope to discuss with you on a different occasion.

these measures, but troopers determined to engage in misconduct can distort or misstate facts in reports and they can otherwise ignore departmental policies. It will be helpful to know whether supervisors who review the troopers' daily reports routinely determine the racial identities of all persons stopped during each shift. It will likewise be helpful to know whether there are guidelines, standards or protocols that supervisors use to reach conclusions about whether there are racial patterns to the stops that warrant special inquiry or investigation. Finally, it will be helpful to know whether there are protocols for addressing patterns of improper stops. Please provide us with this information because it is important for such information to be made available for public review - particularly if MSP does not share our belief that the traffic stop evaluation practice should be terminated.

Thank you for considering our thoughts about these matters. We look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. P. Fancher', with a large, sweeping flourish extending to the left.

Mark P. Fancher

Staff Attorney – Racial Justice Project