

Behind the Badge

By Jon Blum

Why do sports cars get pulled over all the time? I have always been told that if you drive a red or fancy car, police stop you more often. Isn't this profiling?

Beth S.

Dear Beth:

Precise statistics on the make, model and color of cars stopped by police are not maintained by the Garner Police Department. Frankly speaking, I am not certain if any law enforcement agency makes this distinct effort.

Your question regarding the relevance of vehicle model and color, as it relates to police actions, is very common and shared particularly by those owning red sports cars. I can interpret your question in two ways:

1. Do law enforcement officers stop certain cars 'just because' of model type or color (hence your use of the word 'profiling.')?
2. Do law enforcement officers stop certain cars more frequently simply because they are more noticeable?

ANSWER FOR QUESTION 1: If police officer Jones stops a white mustang, but **only** because the car is a mustang - that would be profiling and illegal. Why? Well, the model of a car alone, in and of itself, is not enough to initiate a stop. However, if police officer Jones stops the same mustang for an expired tag, speeding or running a red light, that would NOT be profiling. The mustang's driver may argue otherwise, but the latter stop was lawful because Officer Jones had what courts refer to as '*reasonable suspicion*'; or a logical reason to believe the driver violated the law (i.e., he/she observed the mustang speeding, running a red light, or having an expired tag). And if I may, 'profiling,' as highlighted in recent years by the media, refers to the stopping of cars solely on a driver's race or ethnicity. The race of any human being alone, in and of itself (just like the model of a car), does not offer enough 'reasonable suspicion' needed to make stop. Officers must have 'reasonable suspicion' to believe the driver, passengers or vehicle to be in violation of *any* law before a stop can occur. The Garner Police Department, along with all other North Carolina agencies, maintains statistics on driver race, age, gender and reason(s) for traffic stops.

ANSWER FOR QUESTION 2: Is a new yellow Hummer hard to miss driving down the road? Humans are visual creatures. Anything we personally consider to be more visually appealing, unique or different tends to gather attention whether we like it or not. Tastes may vary, but the ability to recognize and identify persons, vehicles, places or things will inevitably be determined by individual uniqueness. So, when the gray Honda Accord, silver Toyota Camry, white Chevy Malibu, blue Ford Taurus and red Corvette simultaneously drive by at 55MPH, which one will you be able to identify 10 miles down

the road with distinct certainty? What am I saying? Drivers who violate the law in cars that are unique by model, color, customized, muffler sound, etc. are usually easier to find in a pack of colorless sedans and SUV's.

I drive a red Jeep Cherokee. What do you drive Beth?

The Garner Police Department wishes everyone a Happy, Healthy and Peaceful Holiday Season.

