



Law Enforcement Agency Guide

FREQUENTLY ASKED QUESTIONS BY OFFICERS & DATA-ENTRY

NC Traffic Stop
Statistics Reporting Program

1. Is the program still required?

YES → NCGS § 114-10.01 remains in effect. Two new amendments were signed into law on August 28, 2009.

2. When is the program going to stop?

To date, there is no sunset clause in the law.

3. Where can I find the entire wording of the law?

NCGS § 114-10.01 is available online from the NC General Assembly website. Follow this link:

www.ncga.state.nc.us/Sessions/2009/Bills/Senate/PDF/S464v6.pdf

4. What is the purpose and history of this law?

The purpose of the program established by NCGS § 114-10.01 is to collect traffic stop statistics in North Carolina. Since January 1, 2000, North Carolina state law enforcement officers have been required to compile traffic law enforcement statistics. The NC General Assembly expanded this requirement to apply to law enforcement officers employed by all 100 county Sheriff's Offices and law enforcement officers employed by most police departments. The legislation was included in Sections 23.7.(a) through 23.7.(c) of the State Budget Bill [Senate Bill 1005 enacted into law as Session Law 2001-424]. The legislation was enacted as NCGS § 114-10.01 effective January 1, 2002. The law was amended with two additional sections on August 28, 2009 regarding (1) the care of minor children if present during a traffic stop/subsequent arrest, and (2) the stipulation that required-to-report agencies submit timely traffic stop data to be eligible for law enforcement grants. The amendments became effective January 1, 2010.

5. What is racial profiling?

Racial profiling is generally defined as stopping a person based solely on race or ethnicity instead of an individualized suspicion arising from the person's behavior.

- The NC Traffic Stop Statistics Reporting Program collects both race and ethnicity data. There are five options for RACE: White, Black, Native American, Asian, or Other (used when Unknown). ETHNICITY has two options: Non-Hispanic or Hispanic (a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture).
- Information about a person's race and ethnicity may be obtained from direct communication or from a driver's license. Determination may also be made based on the officer's observation and discretion.
- Standard for Hispanic drivers is either as a White Hispanic or Black Hispanic based on the driver's identification information or the officer's discretion.

6. Does my agency have to report traffic stops?

YES IE → only if your agency meets one of the four qualifications set forth by NCGS § 114-10.01(b):

- All state law enforcement officers
- County sheriffs or county police departments
- Police departments in municipalities with a population of 10,000 or more persons
- Police departments with five or more full-time sworn officers for every 1,000 in population as calculated annually by SBI Crime Reporting

- 7. Must a report be generated for every vehicle stop made by an agency for whatever reason?**
NO → NCGS § 114-10.01 requires only routine traffic law enforcement statistics be reported. A traffic stop report should not be completed (1) if your agency stops a vehicle as a result of a BOLO or Amber alert, a radio broadcast “attempt to locate,” a warrant or stolen notice, or similar criminal investigation. Nor is a report completed (2) if your agency investigates a car accident or disabled vehicle.
- 8. Regarding INITIAL PURPOSE OF TRAFFIC STOP, when do we use the “Investigation” option?**
“Investigation” option is used only when there was an investigation done by the department employing the officer(s) that stopped the vehicle or if an outside agency did an investigation of the stop.
- 9. Do we report all vehicle stops in DUI roadblocks or vehicle safety checkpoints?**
NO → Routine agency traffic stops for roadblocks or checkpoints for impaired driving or traffic law enforcement are not required to be reported.
EXCEPT → if the roadblock or checkpoint results in an enforcement action (written warning or citation, search, seizure, or arrest), then that particular traffic stop must be reported. All such stops are to reported under INITIAL PURPOSE OF TRAFFIC STOP by “Checkpoint” option.
- 10. Must any and all passengers be included in traffic stop reports?**
NO → Only passengers who are searched are to be included by age, sex, race, and ethnicity.
- 11. Regarding BASIS FOR SEARCH, what does an officer enter if none of the options are appropriate for the specific basis of a search subsequent to the traffic stop?**
- “Other Official Information” option allows for the officer’s discretion in that (1) another officer or official may have provided information as probable cause or reasonable suspicion for the search, and/or (2) the officer may have information as probable cause or reasonable suspicion for the search which is not applicable in the other five options.
 - “Witness Observation” option likewise allows for the officer’s discretion in that (1) another person may have actually seen behavior and communicated what he/she witnessed to the officer to justify the search for probable cause or reasonable suspicion, and/or (2) the officer may have seen (witnessed) behavior as probable cause or reasonable suspicion for the search which is not applicable in the other five options.
- 12. How long should we keep the paper stop report?**
- There is no statutory requirement for record retention of traffic stops. Suggested retention of hard copy is two years. However, agencies are advised to follow their internal retention schedules for similar traffic law violation records and/or to consult their county legal counsel.
- 13. After the actual traffic stop, how long do we have to enter data into the SBI database?**
- For WEBSITE data entry: agencies are advised to regularly enter traffic stops within 7-10 days.
 - For FTP bulk entry: agencies are advised to enter on a monthly basis by the 10th day of the month, and when necessary, to enter individual stops via the website.
 - Statistics are available for public viewing 30 days after the close of the prior month.

14. Do agencies have to wait 30-60 days to review traffic stop data on the website?

NO → Only the public side of the website has a time-release disclaimer. At any time, agencies may LOGIN to access Stop Reports of real-time data. Each agency is strongly encouraged to review data on a monthly basis to confirm SBI Stop Reports reflects the agency's records of traffic stop data.

ATTN → Since agencies which submit bulk entry via FTP do not LOGIN to the website to enter individual stop reports, these agencies may overlook the need to LOGIN to monitor real-time data. Such agencies may have duplicate data which inflate statistics disclosed to the public or errant records disclosed for public review.

It is the responsibility of each agency to monitor submitted data of traffic stop reports.

15. What is an Officer ID? Who assigns Officer IDs?

NCGS § 114-10.01(d) protects the identity of each law enforcement officer whose traffic stop is submitted. An Officer ID is a unique alias (anonymous name or number) assigned by the agency which is included in each traffic stop submission to the SBI. Since the SBI database is a public record and may be provided to requesting persons/agencies, only the Officer IDs (aliases) are disclosed. The actual identity of the law enforcement officer is not a public record, is retained by the agency, and may only be disclosed by the agency when required by a court order or subpoena.

16. What is the difference between the Agency User ID and the Officer ID?

- Each agency has only one User ID which allows access to the state database.
- Each agency may have multiple Officer IDs assigned to each and all officers who conduct traffic stops.

17. Where do I get the form?

The form is available online to be downloaded. You may print as many as you need. Follow these links:

WWW.NCDOJ.GOV > [SBI](#) > [Administrative Services](#) > [Logistics](#) > [SBI-122 Traffic Stop Report](#)

The direct URL address is:

WWW.NCDOJ.GOV/About-DOJ/State-Bureau-of-Investigation/Administrative-Services/Logistics.aspx

18. How do we submit the data?

Data is entered by electronic submission through our website at:

WWW.NCDOJ.GOV > [CRIME](#) > [View Traffic Stop Statistics](#) > [TAKE ACTION](#) > [LOGIN](#)

19. What does my agency need to enter the website LOGIN?

LOGIN is secured-access for law enforcement data entry and for agencies to review of data in real-time reports.

You will need an Agency User ID and Password. **Contact SBI Crime Reporting to be assigned your LOGIN access.**

20. If I enter a traffic stop with errors in the information, can the record be fixed?

Contact SBI Crime Reporting and provide the Stop Record Number or the specific date + time + Officer ID to have the erroneous record deleted from the state database. You may re-enter the correct data via the website.

- It is important to have erroneous records removed so that your agency does not have duplicate data which will inflate your statistics viewable by the public. Contact us by email or phone to remove errors.

21. Why does the website time-out?

If I get interrupted when entering traffic stops, I must re-enter my login and password. Why?

Time-out is a standard security practice. If data entry is inactive for 20 minutes, the agency's access is shut-down. The website time-out is system protection for data integrity of the state's database.

22. What is the difference between the buttons SUBMIT and SUBMIT—Limited Screen Refresh?

- The SUBMIT button returns a completely blank report screen. Use this button when you have only one Officer ID's report to enter.
- The SUBMIT— Limited Screen Refresh button will return a report screen retaining some data from your previous entry: the Officer ID + County + City + Date + Time.
- Use SUBMIT— Limited Screen Refresh button when you have multiple reports from the same officer.
Be careful to change the date and time as necessary or your data will show a single officer made many different stops at the exact same date and time!

23. Will the SBI accept batch transfers?

YES → Batch transfers may be submitted via FTP from agencies which have the appropriate software extraction module and validation program to ensure only clean data (error-free) is submitted to the state database. It is the agency's responsibility to ensure they do not submit duplicate data. The SBI re-validates batch transfers prior to processing into the state database. If an agency fails SBI validation three times in a year, the agency may no longer submit data via FTP and will be required to submit via the web data entry application. Contact SBI Crime Reporting for further details.

24. What does FTP mean?

"File Transfer Protocol" is a common way to transfer bulk-data files over the internet from your computer to the state database.