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## Safety Stops Draw Doubts

D.C. Police Gather Nonviolators' Data

By Allan Lengel  
Washington Post Staff Writer  
Monday, May 2, 2005; B01

Lisa Davis had done nothing wrong. She was wearing a seat belt, was obeying the speed limit and produced a valid driver's license when D.C. police pulled her over one recent night at a traffic safety checkpoint in a crime-plagued neighborhood.

Even so, an officer jotted down some basic information before letting her go, including her name, address and the time and location of the stop for a police database used for crime solving.

"I've got some serious constitutional issues with that," Davis said as she sat in her idling Acura at the checkpoint at Kansas Avenue and Shepherd Street NW in the Petworth neighborhood. "I feel like it's a violation of my rights. It's a slippery slope to Big Brother."

The details about Davis and the stop will be fed into the database, which is linked to a computer that includes arrest records and mug shots of criminals. The database allows a detective, for example, to enter into the computer the description of a car that fled a crime scene in hopes of finding a match from a traffic checkpoint.

The city's practice of recording information at traffic safety checkpoints on violators and law-abiding motorists alike -- and sometimes their passengers -- has garnered little attention since police began entering such data into a computer in 2002. Few, if any, of the more than 100 people pulled over almost nightly at the five or six checkpoints in high-crime areas realize that their names and whereabouts will end up in the database.

Arthur Spitzer, legal director of the American Civil Liberties Union of the National Capital Area, said he was unaware of the practice but said it sounded like "an abuse."

"They're not entitled to force you to cooperate with them to gather personal information without probable cause," he said.

Others see it differently.

"It's not incriminating in any way. It doesn't hurt [motorists'] reputation; it's not public information," said D.C. police Inspector Kevin Keegan, who heads the two units that target high-crime areas and conduct the vast majority of traffic safety checkpoint stops. "We're not trying to violate someone's civil rights."

Civil liberties advocates aren't the only ones questioning the practice. The policy is sparking concern among some officers who conduct the checkpoint stops, most of which are made in areas where crime, not traffic safety, is the primary concern.

"That's an invasion of privacy, demanding information from a citizen and putting that in a database," said Officer Gregory I. Green of D.C. police, who is assigned to represent the police union. "People are paranoid across the board about giving up information."

The concern is surfacing as Americans try to strike a balance between privacy and safety in the post-Sept. 11, 2001, era. At the same time, technological advances have prompted an explosion in the number and scope of databases that capture such personal information as credit ratings, Social Security numbers and shopping habits.

Much of the information that police record -- name, address, physical description, birth date -- can be found in motor vehicle records. Critics said the checkpoint information goes a step further by recording a driver's movement at a specific time and location. Sometimes phone numbers also are recorded.

"It is pretty clear they're basically trying to track people and gather information about people's whereabouts," said James Dempsey, executive director of the Center for Democracy and Technology, a Washington-based policy and civil liberties organization. "I think that's going too far."

Legal scholars are at odds over the practice, which they said has not been tested in local courts.

William Stuntz, a criminal law professor at Harvard University, said D.C. police seem to be within their rights.

"This would pose no legal problem because all this information . . . can be obtained through a routine traffic stop" or through observation, he said. "There's no additional privacy intrusion. I've got to say this is a good, sensible law enforcement tactic."

Others disagree.

"It seems like they're pushing the envelope by collecting data on law-abiding citizens," said David D. Cole, a constitutional and criminal law professor at Georgetown University Law School. "I think it's vulnerable to a constitutional challenge."

Some scholars said it is legally questionable if police pick spots for traffic safety checkpoints based on crime patterns. But Keegan said that's not the case. He said that his units already are assigned to high-crime areas and that the checkpoints are just one of many tasks they perform during a shift.

D.C. police Chief Charles H. Ramsey said the department would be remiss if it didn't use readily available data to fight crime. And he said that "if someone complains later on, we have some record of the contact."

Ramsey said residents in crime-plagued neighborhoods often complain at community meetings about "traffic, speeding, phony tags, all those kind of things. They're asking for traffic enforcement, too."

Some motorists, such as Lloyd Allen, said they don't mind police recording their information. "If it's going to fight crime, I have no problem," he said after being pulled over at Kansas Avenue NW.

Sometimes checkpoints are conducted for a specific reason: to catch drunk drivers or motorists without seat belts. But in those cases, police usually pull over only suspected violators.

But at most of the traffic safety checkpoints conducted by Keegan's mobile force and redeployment units, officers record the personal information of those who violate the law and those who don't.

Officers look for such things as valid driver's licenses and inspection stickers. To avoid accusations of racial profiling, officers usually stop every car, every other one or every third one.

The officers jot down motorists' information on a file-card-size form called a PD-76, which is recorded into the database. The forms also are used for routine traffic stops, and the information will also be used for a racial profiling study, Ramsey said.

Police in Baltimore also record information on nonviolators who are stopped at traffic safety checkpoints. Police in such cities as New York, Los Angeles and Chicago said they either do not have traffic safety checkpoints or do not collect such data.

D.C. homicide Detective Paul Regan said the collection of such data has been "a great intelligence tool."

Recently, Regan said, he was able to identify a potential witness in the slaying of a 27-year-old man in Southeast Washington by using the checkpoint data.

One recent night, D.C. police Sgt. Karl Jackson supervised a traffic safety checkpoint off Good Hope Road SE on a block where a woman had been fatally stabbed days before. He said he has mixed feelings about the practice.

"There's pros and cons," he said. "If you're getting the information from someone who hasn't done anything wrong, I don't think it should be put in the database."

"On the other hand," Jackson said, "crime is so bad and technology is so advanced that a person's name in the database might help solve a crime."