

THE FAULTY EQUIPMENT TRAFFIC STOP: ITS EFFECTIVENESS IN TODAY'S LAW ENFORCEMENT

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Abstract

Faulty equipment on a motor vehicle has been used as probable cause for law enforcement officers to conduct a traffic stop countless times. A detailed investigation was conducted into the use and the outcome of these traffic stops conducted by members of the Florida Highway Patrol. Window tint enforcement varies by agency in Florida, but is strongly enforced by the members of the Florida Highway Patrol who have the necessary equipment. It was concluded that the faulty equipment traffic stop was an effective tool in apprehending criminals and removing contraband from Florida's roadways.

Introduction

Law Enforcement officers all over the world conduct traffic stops every day. Traffic stops are utilized in today's society for many different reasons. There are stops that are made because a violation of traffic law is observed in front of the law enforcement officer, stops are made because the driver is suspected of committing a crime other than traffic, and stops are made due to faulty equipment on the motor vehicle.

The traffic stop based on faulty equipment violations has been an effective tool for law enforcement officers throughout the years. These stops have located criminals and contraband that would not have been discovered otherwise. The State of Florida has a very broad law which requires all vehicles to be in proper condition and adjustment as required throughout chapter 316 in Florida State Statute. This law also allows law enforcement officers to stop any vehicle that appears to be in violation of this statute and the driver to submit to an inspection. In many cases, the driver of the vehicle is not violating any other traffic law other than the vehicle having faulty equipment. This allows the officer to make a valid traffic stop. Most types of faulty equipment will be discussed, however, one of the more common faulty equipment violations on vehicles today is window tint. You will find window tint on all types of vehicles, new and old. Can the appropriate use of the faulty equipment traffic stop be an effective tool in apprehending criminals and removing contraband from our roadways? (Florida State Statute, 2009)

Literature Review

Public Opinion

Many drivers have different opinions on the laws that govern the equipment that is authorized on motor vehicles. Window tint laws have been widely discussed and

debated within state government. Many states have regulations on the amount of available light that is able to pass through a window. In a news article written by Raymond Legendre, dated March 28, 2008, the legal limit of the State of Louisiana is discussed along with interviews of members of the community of Thibodaux, Louisiana. The legal limit in Louisiana is forty percent of light must travel through the window. In response, when asked if he agreed with the window tint law, one man stated, "I don't think they should" (have a law) and "A person's car is their own personal property." Another person interviewed stated that she thought police officers should spend their time enforcing more important laws, such as the speed limit. Trooper Gilbert Darder stated that the main reason for the law is because police cannot see inside dark tinted windows while on traffic stops, which makes their job more dangerous. The last person interviewed was a college student who stated that she agrees with the law and believes law enforcement should be able to see inside a vehicle for their safety. (Legendre, 2008)

Agencies Enforcement

Agencies throughout the country have different opinions on which laws they consider a priority and window tint laws are among them. In an article in the Lakeland Ledger, written by Merissa Green, the methodology of enforcement and opinion of four law enforcement agencies which operate in Polk County, Florida is discussed. The officials all agreed that the window tint law is a safety issue for both law enforcement officers and motorists. When the windows are too dark, it is difficult for motorists to see signs and traffic lights. Law Enforcement officers in the State of Florida are required to test the window tint with a device called a tint meter before issuing a citation. The legal limit in the State of Florida is twenty-eight percent of light must be able to travel through the front passenger windows and fifteen percent on the rear passenger windows. According to their spokesperson, the Polk County Sheriff's Office believes in the law and will continue to enforce it aggressively. The Lakeland Police Department enforces the law, however, according to their spokesperson, many of the people stopped are issued warnings. Winter Haven Police Department's spokesperson stated that he did not believe window tinting is a "big issue" at his department. The Florida Highway Patrol's spokesperson stated that "the tint laws are fair and should be enforced". The number of traffic stops conducted for window tint is based on the availability of tint meters in the individual department. Many departments do not have the funding to supply every officer with a tint meter. The Florida Highway Patrol issues tint meters to the Contraband Interdiction Program Troopers and each Troop is supplied with a limited number as well. The Lake Alfred Police Department's Chief, Art Bodenheimer, stated that his department has one tint meter for any of the officers to use. He stated that window tint is not a high priority, but he believes that it is a great tool for officer and public safety. (Green, 2009)

Lights

The main piece of equipment that fails on motor vehicles is a light bulb. Motor vehicles are equipped with light bulbs for headlights, tail lights, brake lights and turn signals. There are state laws to govern the use of these lights and which require every vehicle to be properly equipped with them. There has been discussion in the courts of Florida which discusses the legality of traffic stops concerning brake lights. In the case of Zarba v. State of Florida, 11/16/07, the officer stopped the defendant for the right brake light not working. The vehicle did have a center brake light along with the left brake light. The traffic stop resulted in a felony arrest for driving while license suspended. The case was overturned by the Court of Appeals stating that the two brake lights were sufficient to satisfy the law. Based on this court's decision, if the vehicle has two brake lights, there is no violation of Florida State Statute. (Legal Bulletin MMV II, Issue 3)

Method

The purpose of this research is to determine how effective the faulty equipment traffic stop has been in removing criminals and contraband from Florida's roadways. Data was gathered through surveys given to the members of the Florida Highway Patrol who hold the rank of Trooper, Corporal and Sergeant. The Florida Highway Patrol currently has one thousand five hundred and fifty-one law enforcement officers that hold the rank of Sergeant, Corporal and Trooper. These ranks were selected to be interviewed based on their job assignment. Members holding these ranks account for the majority of the traffic stops conducted by the Florida Highway Patrol.

Additional information was gathered through this survey of the law enforcement officers to determine what types of probable cause they used when making their traffic stops based on faulty equipment along with the most likely outcome of that traffic stop.

The survey gathered data from each individual concerning their opinion of faulty equipment traffic stops. This information was beneficial to determine the agency's overall opinion of the importance of the faulty equipment traffic stop. The overall opinion of the agency can be determined through analyzing the data provided.

Information was also gathered to determine how many Troopers have made criminal arrests from a faulty equipment traffic stop over the past two years. This data would be beneficial in order to show results from the traffic stops.

The officers were surveyed to determine which members have tint meters in their vehicles. These individuals who have tint meters were also asked how they obtained their tint meter, whether through the agency, through another department, or personally owned.

The survey was anonymous, therefore, those who answered the questions could feel secure in answering truthfully. However, this method made it impossible to track who responded to the survey.

The Florida Highway Patrol collects data from every traffic stop conducted by their members. This data is submitted on a Traffic Stop Data Form and is transmitted electronically to a database housed in their General Headquarters. Data collected for

traffic stops which were conducted for faulty equipment violations during 2008 and 2009 was obtained.

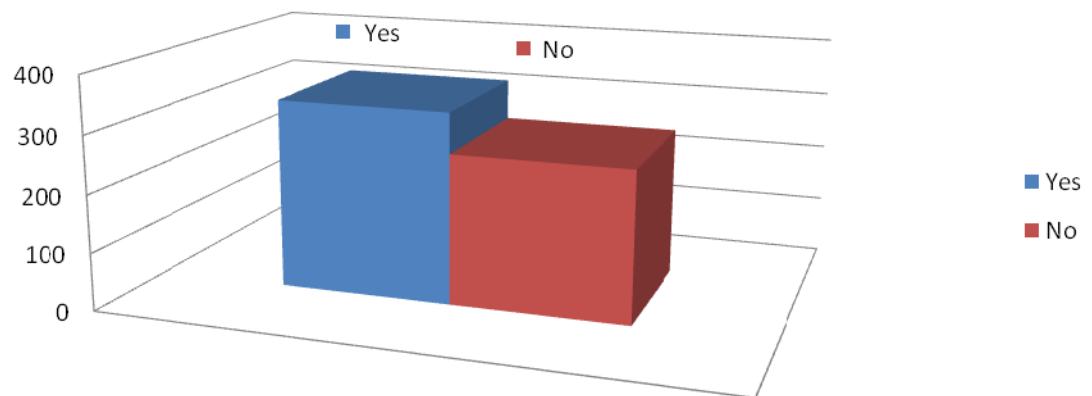
Results

The survey created was sent out to one thousand, five hundred and fifty-one law enforcement officers in the Florida Highway Patrol. Five hundred and ninety-five responses were received. This translates into a thirty-eight percent response rate. Of those five hundred and ninety-five responses, some questions were not answered.

The first question asked the law enforcement officers was if they make traffic stops for faulty equipment violations. The majority (98.3%) of the officers reported that they do make faulty equipment traffic stops. Two people skipped this question.

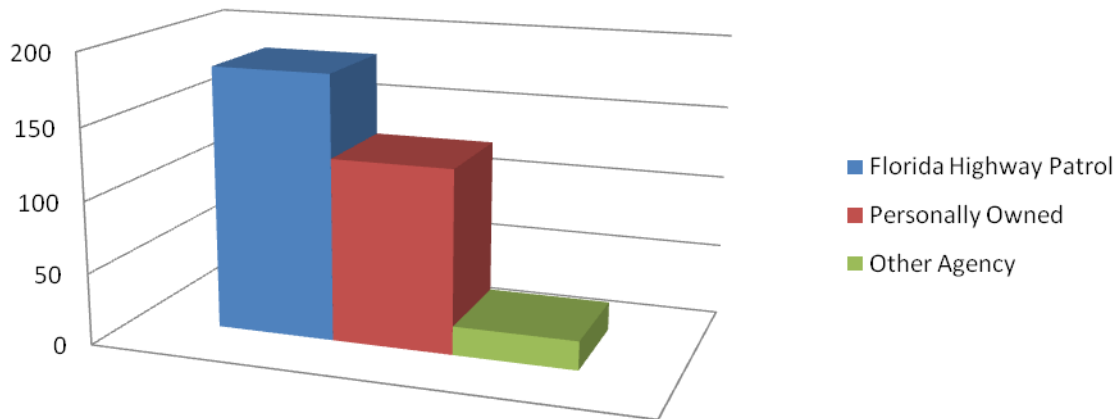
They were also asked if they have a window tint meter available to them. Window tint meters are a valuable tool for enforcing the Florida State Statute concerning window screening material. Three hundred and thirty-one (55.9%) people responded that they possess a window tint meter, two hundred and sixty-one (44.1%) people responded that they do not have a window tint meter. Three people skipped this question.

TABLE 1. Officers who possess a window tint meter



For those who have a window tint meter available to them, it was determined that one hundred and eighty-four (55.6%) of the meters were issued by the Florida Highway Patrol. One hundred and twenty-seven (38.4%) reported that the meters were personally owned and twenty (6%) of the tint meters were issued by another law enforcement agency.

TABLE 2. Method of obtaining window tint meter



The officers reported that the most common probable cause used when making faulty equipment traffic stops was non-working lights. This accounted for four hundred and twenty (74.3%) responses. One hundred and seventeen people (20.7%) responded that window tint was their most common probable cause used, while four people (.7%) responded that bald tires was their most common probable cause. Twenty-four people (4.2%) advised that broken glass is their most common probable cause for a traffic stop. Thirty people skipped this question.

The officers were asked how they document traffic stops conducted for window tint violations. The Florida Highway Patrol utilizes a Traffic Stop Data Reporting Form (TSDR) in order to document all traffic stop conducted by its personnel. The TSDR collects the county of the stop, time and date of the stop, the race, gender, and age of the driver, the tag number of the vehicle, the probable cause used to initiate the traffic stop, and the enforcement action taken. There is also a section that depicts whether or not a search was conducted on the vehicle. If there was a search, data is collected to document the type of search and if contraband was located. There are numerous codes assigned for the probable cause section of the TSDR. The two that are used for window tint violations are code 21 – Faulty Equipment and 33 – Other non-moving violations. Two hundred and sixty-eight (53.6%) people responded that they use code 21. Two hundred and thirty-two (46.4%) people responded that they use code 33. Ninety-five people skipped the question.

The officers were asked what the most likely enforcement action would be when stopping someone for a faulty equipment violation. The majority of the responses, four hundred and fifty-five (77.5%), stated they generally issue a warning or correction card. One hundred and twenty-two (20.8%) stated they generally issue a citation. Eight (1.4%) answered that they generally make a misdemeanor arrest from a faulty equipment traffic stop. Two (.3%) people stated they are most likely to make a felony arrest based on the stop. Eight people skipped this question.

The officers were asked if they have ever made a significant criminal arrest based on a faulty equipment traffic stop. The majority of the officers, four hundred and eleven (70.4%), advised they have made a significant criminal arrest. One hundred and

seventy-three (29.6%) officers stated they have not made a significant arrest. Eleven people skipped this question.

The officers who answered yes to the previous question, were asked which type of criminal arrests they have made based on faulty equipment traffic stops. They were asked to indicate all answers that apply to them. One hundred and eighty-four (45.1%) stated they have made significant drug arrests. Two hundred and seventy-five (67.4%) stated they have made a felony warrant arrest and two hundred and thirty-one (56.6%) stated they have made other felonious arrests. One hundred and eighty-seven people skipped this question.

The officers were asked how many significant arrests they have made base on a faulty equipment traffic stop. One hundred and fourteen (22.4%) officers reported they have made 1-2 significant arrests. One hundred and one (19.8%) officers reported they have made 3-4 significant arrests. One hundred and thirteen (22.2%) officers reported they have made 5-10 significant arrests and one hundred and eighty-one (35.6%) officers reported making 10 or more arrests. Eighty-six people skipped this question.

The officers were asked for an average of traffic stops they make each day. This question was an open ended question and I received a wide variety of responses. I received five hundred and sixty-eight responses to this question. Ten of these responses did not provide a number and therefore could not be tabulated (ex. Varies, depends on shift). To categorize the responses I created groups and reviewed their responses. Twenty-seven people skipped this question.

- 0 to 5 – 195 (35.7%)
- 6 to 10 – 269 (48.2%)
- 11 to 15 – 60 (10.8 %)
- 16 to 20 – 23 (4.1 %)
- 21 or more – 7 (1.2%)

The officers were asked to provide the number of those traffic stops made during a shift that are for faulty equipment violations. This question was also set up for an open answer response. Therefore, the responses were grouped into categories as in the previous question. Thirty-one people skipped this question

- 0 to 2 – 360 (64%)
- 3 to 4 – 110 (20%)
- 5 to 6 – 49 (9%)
- 7 to 8 – 9 (2%)

Five (1%) people responded that the number of traffic stops they conduct for faulty equipment depends on the time of day they are working. Six (1%) people responded that they make half of their traffic stops for faulty equipment violations. Without knowing the number they provided in the previous question, I was unable to place their response in a specific group. Seven (1%) people responded that the number of traffic stops they make for faulty equipment varies. Seven (1%) people responded with written responses

that were not able to be categorized. The percentages were rounded to the nearest percentage for these responses. Thirty-one people skipped this question.

The Florida Highway Patrol is separated geographically into eleven Troops. Each officer was asked to identify which Troop he/she was assigned. Twenty –seven people skipped this question.

- Troop A – 31 (5.4%)
- Troop B – 38 (6.6%)
- Troop C – 71 (12.5%)
- Troop D – 75 (13.2%)
- Troop E – 63 (11.1%)
- Troop F – 67 (11.8%)
- Troop G – 28 (4.9%)
- Troop H – 54 (9.5%)
- Troop K – 84 (14.8%)
- Troop Q – 17 (3%)

The Florida Highway Patrol has three ranks that routinely work traffic as part of their assignments. The ranks are: Trooper, Corporal, and Sergeant. The officers were asked to provide their rank while answering the survey. Twenty-four people skipped this question.

- Trooper – 377 (66%)
- Corporal – 95 (17%)
- Sergeant – 99 (17%)

The officers were asked for their years of service with the Florida Highway Patrol. The officers were given a range to report their years of service. Seventeen people skipped this question.

- 0 to 5 years – 56 (27%)
- 6 to 10 years – 137 (23.7%)
- 11 to 15 years – 72 (12.5%)
- 16 to 25 years – 126 (21.8%)
- 26 or more years – 87 (15%)

The officers were asked to provide their gender. The Florida Highway Patrol currently has one thousand three hundred and eighty-eight members who are male and one hundred and sixty-three members who are females. These numbers represent the members who hold the rank of Trooper, Corporal and Sergeant. Eighteen people skipped this question.

- Male – 514 (89.1%)
- Female – 63 (10.9%)

In reviewing data gathered from the traffic stop data form, the Florida Highway Patrol made 112,775 traffic stops for faulty equipment in 2008. Of these stops, 3,142

resulted in a criminal arrest and 40,445 of these stops resulted in a uniform traffic citation. Of the 3,142 arrests, 312 were for felony violations and 2,830 were for misdemeanor violations. Criminal charges arose out of faulty equipment traffic stops 2.78% of the time. These statistics do not count the number of charges, only that a criminal arrest was made as a result of the traffic stop. In 2009, the Florida Highway Patrol made 56,813 traffic stops for faulty equipment violations. Of these stops, 1,478 resulted in a criminal arrest and 18,851 resulted in a uniform traffic citation. Of the 1,478 arrests, 144 were for felony violations and 1,334 were for misdemeanor violations. Criminal charges arose out of faulty equipment traffic stops 2.6% of the time. For the two year period, 169,588 traffic stops were made by the Florida Highway Patrol for faulty equipment violations. Of those stops, 4,620 people were arrested for a criminal violation. Therefore, criminal violations were found in 2.7% of the stops.

In comparison, the Florida Highway Patrol made 1,030,667 traffic stops for unlawful speed during the same two year period. Of these stops, 10,442 people were arrested for a criminal violation. Criminal violations were found in approximately 1% of the traffic stops made for unlawful speed. According to the statistical information, a criminal arrest is more likely to arise from a traffic stop based on faulty equipment than a traffic stop based on unlawful speed.

Discussion

The faulty equipment traffic stop has been used by law enforcement officers to stop vehicles for a long period of time. Over the years it has been a way for law enforcement officers to notify motorists of defective equipment that they may or may not know about. It has also been used as probable cause for a traffic stop when no other violations were present. The Florida Highway Patrol Contraband Interdiction Program members reported approximately 348 cases in the past two years in which their probable cause for the traffic stop was the use of a tint meter. Over the past two years members of the Florida Highway Patrol arrested four thousand six hundred and twenty criminals based solely on traffic stops based on faulty equipment. In some areas of the state, window tint stops account for over fifty percent of their criminal arrests. These are criminals who were driving down the road and would never have been stopped if their vehicle was in proper repair. The percentage of criminal arrests, while low, is promising considering the alternative. These criminals are being caught due to a traffic violation on a public street, not while they are in their home or another place which could provide them some sort of advantage. From the group of officers that responded to the survey, the majority stated that they have made a significant criminal arrest resulting from faulty equipment traffic stops. Thirty-five percent of those advised that they have made ten or more significant arrests after stopping someone for faulty equipment. It is my opinion that faulty equipment traffic stops are an effective tool for law enforcement officers to use to capture fugitives of justice, reduce the amount of contraband on Florida's highways, and to apprehend those who violate other criminal statutes on Florida's vast roadways. The traffic stop is one of the most "routine" functions of a law enforcement officer's day, however, many of the most notorious criminals have been apprehended through violations of traffic law. Law enforcement officers need to use every tool at their

disposal to combat drug and weapon smugglers and at one point or another, the narcotics and weapons have to be transported on the roadways in order to reach their destination. Law enforcement officers need to remain diligent and be proactive in their enforcement of all laws, for you never know what you may find when you stop someone for having a tag light out.

Recommendation

It is my recommendation that all members of the Florida Highway Patrol, who hold the rank of Sergeant, Corporal and Trooper, be issued a window tint meter and be trained on its use. Just over half of those who responded in the survey advised they have window tint meters at their disposal. Of those, approximately half are issued by the Florida Highway Patrol and the others are either personally owned or provided by another agency. The window tint meters are not expensive and would pay for themselves in short order. By providing a window tint meter to those officers without, I believe there would be an increase in the enforcement of the violation of Florida State Statute and there would be an increase of criminal arrests that were made from those stops.

I would further recommend that a specific code be placed on the traffic stop data form used by the Florida Highway Patrol to better track the use and effectiveness of the window tint meters. This would allow the agency to follow the effectiveness of the device and to determine if they were being used to enforce state statute.

Mark Brown has worked with the Florida Highway Patrol since 2000. He has worked as a Traffic Homicide Investigator, District Sergeant, and as a Shift Commander. Mark is currently a Captain supervising the Quincy District in Troop H. The Quincy District comprises Gadsden, Wakulla, Franklin and Liberty Counties. Mark has a bachelor's degree in Criminology and Business Administration from Florida Southern College.

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APPENDIX 1

Survey Questions

1. Do you make faulty equipment traffic stops?
 - a. Yes
 - b. No
2. If No, please explain why not. If you do, skip to questions #3.
3. Do you have a window tint meter?
 - a. Yes
 - b. No
4. If yes, where did you get the window tint meter?
 - a. Florida Highway Patrol
 - b. Personally owned
 - c. Other Agency
5. What is the most common probable cause used when making a faulty equipment traffic stop?
 - a. Non-working lights
 - b. Broken glass
 - c. Window tint
 - d. Bald tires
 - e. Other _____
6. When you issue a citation for window tint, how do you code it on the Traffic Stop Data Form?
 - a. 21 (faulty equipment)
 - b. 33 (other non-moving violations)
 - c. Other _____
7. When you stop someone for faulty equipment, what is the most likely outcome?
 - a. Issue a warning/correction card
 - b. Issue a citation
 - c. Misdemeanor Arrest
 - d. Felony Arrest
8. Have you ever made a significant criminal arrest based on a faulty equipment traffic stop?
 - a. Yes
 - b. No

9. If yes, which type of arrest have you made? (Check all that apply)

- a. Significant Drug Arrest
- b. Felony Warrant Arrest
- c. Other Felony

10. How many significant arrests have you made based on a faulty equipment traffic stop?

- a. 1-2
- b. 3-4
- c. 5-10
- d. 10+

11. Which Troop are you in?

- a. A
- b. B
- c. C
- d. D
- e. E
- f. F
- g. G
- h. H
- i. K
- j. L
- k. Q

12. What is your rank?

- a. Trooper
- b. Corporal
- c. Sergeant

13. How long have you been with the Florida Highway Patrol?

- a. 0-5 years
- b. 6-10 years
- c. 11-15 years
- d. 16-25 years
- e. 26+

14. What is your gender?

- a. Male
- b. Female