

# Illinois Traffic Stops Statistics Study 2005 Annual Report



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## Introduction

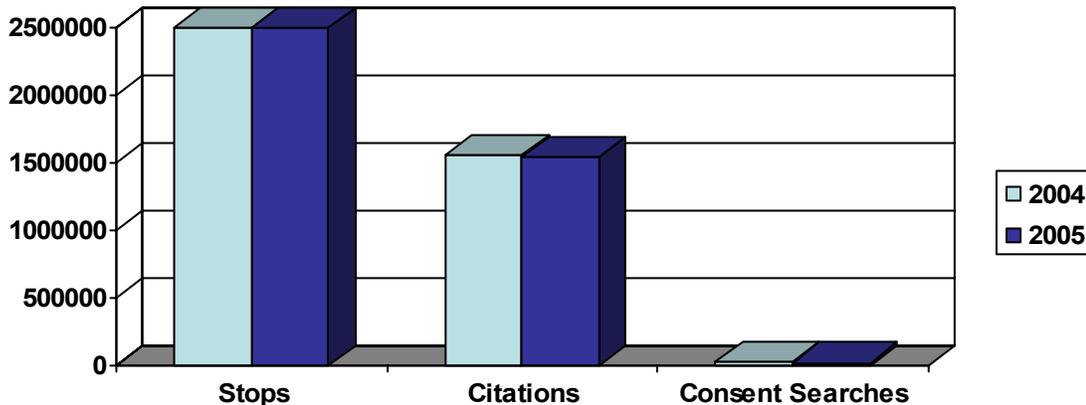
This is the second in our series of reports on data collected under the Illinois Traffic Stops Statistics Act. It describes traffic stops conducted by law enforcement officers in Illinois during 2005. There are two components to the report. First, this document describes the major findings of this year's analysis, and a technical appendix describes our activity this year and describes proposed modifications to the data collection protocol for 2007. Second, we provide an analysis of the traffic stop data for 970 law enforcement agencies in Illinois. For a detailed description of our methodology please refer to the report for 2004, available at the IDOT website: [www.dot.il.gov](http://www.dot.il.gov).

## Overview

As in our 2004 report, our analysis of the traffic stop data examined four dimensions:

- The ratio of the estimated minority driving population to the percentage of stops of minority drivers,
- The reason for the stop,
- The outcome of the stop, and
- Whether the officer conducted a consent search of the vehicle.

To begin, we looked at overall levels of activity. Figure One illustrates activity for 2004 and 2005 on three dimensions.

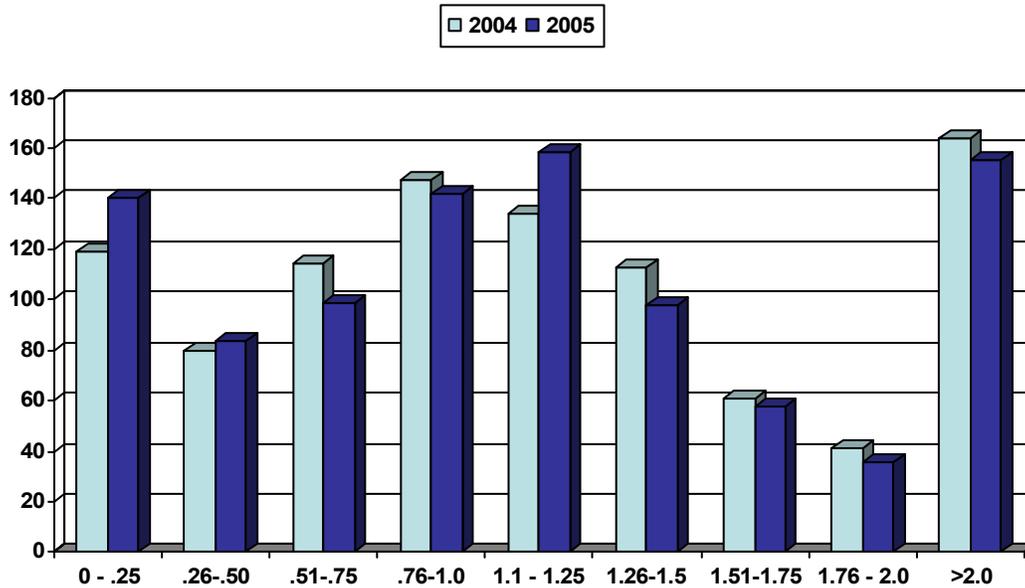


*Figure One. Summary Data for 2004 and 2005*

As can be seen in the chart the number of stops in 2005 was very similar to 2004 (the actual difference was only 5,000 stops). The number of citations was also down slightly. Both of these observations confirm that the data collection procedures are reliable and that there has been no “chilling” effect on police traffic stops as a result of the continuation of data collection. Finally, we observed that the number of consent searches was down by 12 percent when compared with 2004.

## Ratio

For each law enforcement agency and statewide we constructed an estimate of the minority driving population. We then compared that with the percentage of stops of minority drivers by that agency. This results in a ratio. For example, if a community had an estimated minority driving population of 10 percent and 12 percent of its stops were conducted on minority drivers the ratio would be 1.2 (12/10). The overall state ratio was 1.12, down from 1.15 in 2004. Moreover, if we examine the distribution of ratios across agencies the trends are favorable.

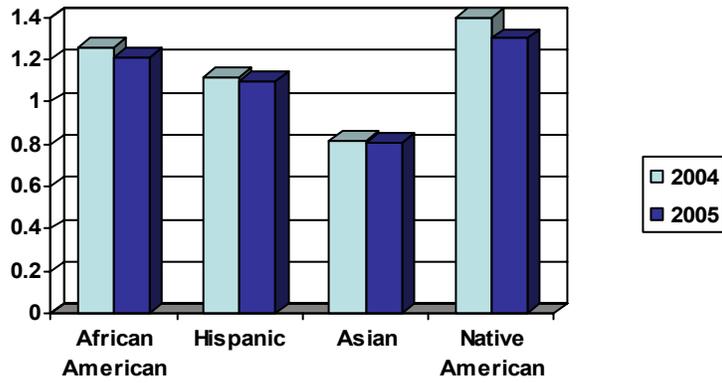


*Figure Two. Comparison of Ratios for 2004 and 2005*

Figure Two illustrates a positive trend in the ratio measure. To begin, the percentage of agencies with ratios of less than one has increased from 47 to 48 percent. Moreover the percentage of agencies with ratios of less that 1.25 has increased from 61 percent to 64 percent. In each of the categories with ratios over 1.25, the number of agencies has decreased. One hundred fifty five agencies (16 percent) have ratios greater than 2.

**Ratio (continued)**

We also observe overall improvement when we examine ratios by individual races.

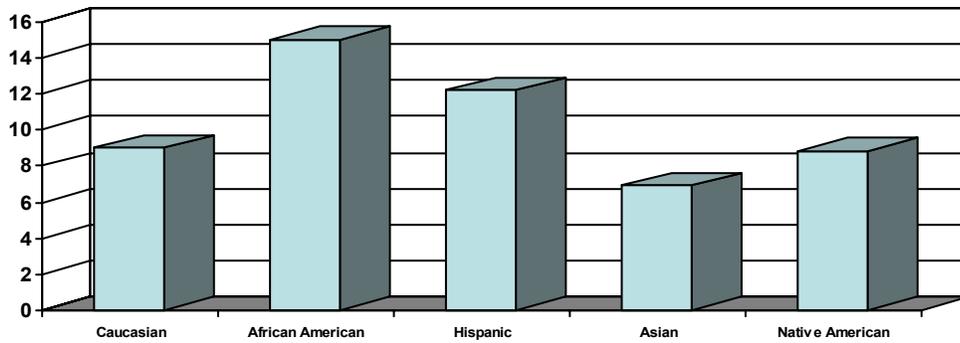


*Figure Three. Ratios by Race*

Figure Three illustrates that when compared with 2004 the ratio for each minority racial category is getting smaller (i.e., trending towards the point where the minority driving population is the same as the percentage of stops).

## Reason for the Stop

The second dimension of our analysis is the reason for the stop. The conventional approach to this analysis is that if race is not a factor in the stop decision, then the reasons for the stop should look similar across races. In 2005 Caucasian drivers were more likely to be stopped for a moving violation than minority drivers (73 percent of Caucasian vs. 68 percent of minority). By definition, minority drivers were more likely to be stopped for a non-moving violation (32 percent of minority vs. 27 percent of Caucasian). This difference manifests itself more clearly when we observe the distribution of stops for license/registration violations, a non-moving violation. This class of offenses is instructive because law enforcement officers can generally exercise significant discretion in deciding whether to initiate these contacts.

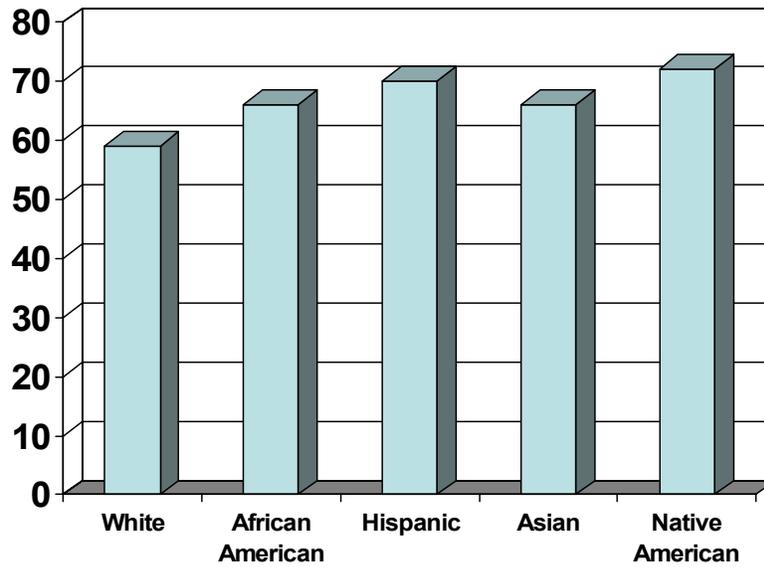


*Figure Four. Percent of Stops for License and Registration Violations by Race*

This figure illustrates the percentage of stops within each race for license/registration violations. For example, of all the stops of Caucasian drivers 9 percent were for these types of violations. By contrast, 15 percent of the stops of African American drivers were for license/registration violations. Differences of this magnitude may indicate real differences by race in offending, but may also indicate the use of these offenses disproportionately against minority drivers. Agencies should examine this aspect of their performance closely.

## Outcome of the Stop

Our analysis examined the outcome of the stop. That is, whether the driver was cited, given a written warning, or released with no action. This component of the analysis is important because at this point in the traffic contact the officer has an informed judgment about the race of the driver. In 2005 minority drivers were more likely to be cited than Caucasian drivers (68 percent of minority drivers vs. 60 percent of Caucasian drivers). These percentages are unchanged from 2004. While the magnitude of this difference is not very large at the aggregate level, there are more distinct differences when the data are examined by individual race.



*Figure Five. Percentage of Drivers Cited by Race, 2005*

As can be seen in Figure Five, all of the minority groups are more likely to be cited than are Caucasians, with Hispanic and Native American drivers at highest risk for being cited. A closer examination of these data at the agency level should explore whether these differences by race are related to the nature of the violation charged or other factors. That is, it is important for agencies to identify whether differential citation rates are related to the offenses or the drivers.

## Consent Searches

In the 2004 Annual Report we argued that there was evidence of disproportionality in the use of consent searches. In 2004, the vehicles of minority drivers were 2.5 times as likely to be subjected to a consent search as those of white drivers. The data for 2005 suggests some progress, but areas of concern remain.

First, in 2005 the number of consent searches statewide was down by 12 percent over 2004. Moreover, the number of consent searches (29,207) is relatively small. It represents slightly more than 1 percent of all stops. As we can see in Figure Six, in every category of race the percentages of stops resulting in a consent search has dropped. However, in spite of the fact that there are fewer consent searches, application of consent searches by race has become more problematic. The vehicles of minority drivers are now 2.8 times as likely to be subject to a consent search as those of Caucasian drivers. The disproportionality is more pronounced when viewed by individual race. In 2005 an African American was 3.3 times as likely to be the subject of a consent search as a Caucasian driver; a Hispanic 2.7 times as likely.

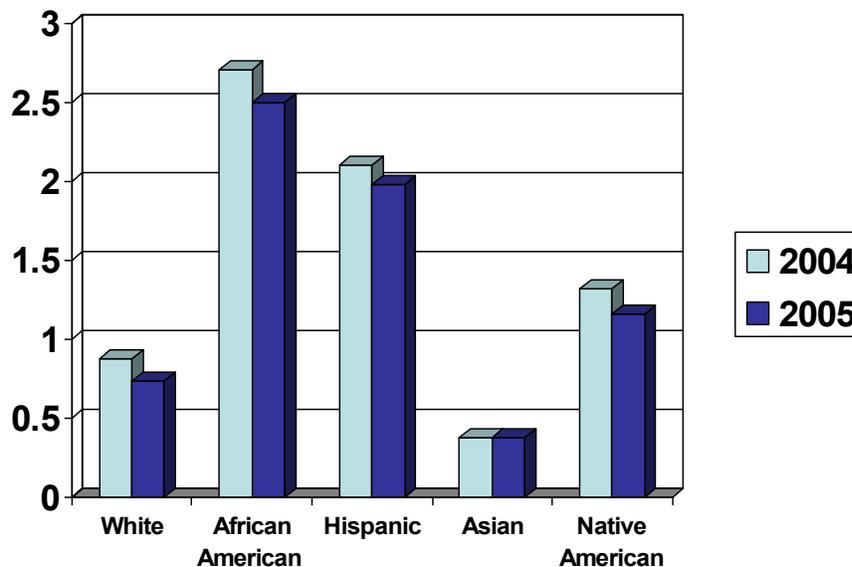


Figure Six. Percentage of Stops Resulting in a Consent Search by Race

## Summary

With the addition of a second year of data we now are better prepared to summarize the state of knowledge and practice regarding racial bias in traffic stops in Illinois. Through its actions the State of Illinois has created a reliable, useful tool to aid communities to better understand and respond to these issues. Additional years of data collection will permit the analysis of trends. It is important to remember, however, that while these statewide analyses are informative, the real important information is at the community and agency level. It is there that the real work of preventing racial profiling will take place.

## TECHNICAL APPENDIX

Signed into law by Governor Rod Blagojevich in July 2003, the Traffic Stop Statistical Study<sup>1</sup> requires all Illinois law enforcement agencies to collect data on certain types of interactions with the motoring public. The law mandates that agencies compile, among other information, the race of the driver stopped, the reason for the stop, the disposition of the stop, and whether a search of the vehicle was conducted. Drivers are categorized as Caucasian, African American, Hispanic, Native American/Alaskan Native, or Asian/ Pacific Islander. Each March, agencies submit data from the previous calendar year to the Illinois Department of Transportation. The Center for Public Safety at Northwestern University then analyzes the data and submits a report discussing how, if at all, race influences an officer's decision to stop a driver and what part, if any, race plays in the events following the stop. The first such report was issued in July of 2004;<sup>2</sup> the present report covers the 2005 calendar year. This entire process will be repeated for the 2006 and 2007 calendar years.

### THE "END RACIAL PROFILING ACT OF 2005": A PROPOSAL FOR NATIONAL LEGISLATION

The United States continued to address issues pertaining to racial profiling in 2005. At the federal level, a bill entitled the "End Racial Profiling Act of 2005" was introduced in the Senate.<sup>3</sup> The proposed legislation would prohibit any federal law enforcement agent or law enforcement agency from engaging in racial profiling. The bill defined "racial profiling" as

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<sup>1</sup> 625 ILCS 5/11-212 (2003).

<sup>2</sup> See ILLINOIS TRAFFIC STOP STATISTICS ACT: REPORT FOR THE YEAR 2004 (2004), *available at* <http://www.dot.state.il.us/trafficstop/2004summary.pdf>.

<sup>3</sup> S. 2138, 109th Cong. (2005).

the practice of a law enforcement agent or agency relying, to any degree, on race, ethnicity, national origin or religion in selecting which individuals to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person of a particular race, ethnicity, national origin, or religion to an identified criminal incident or scheme.<sup>4</sup>

Note that in this definition, religion is included as one of the bases on which an officer may not, in the absence of other legitimate information, stop a driver. This is different from how previous state and federal agencies and organizations have defined the term<sup>5</sup> and provides yet another definition of “racial profiling” to consider when contemplating the issue. The bill was introduced on December 16, 2005 and was referred to the Committee on the Judiciary that same day.<sup>6</sup>

#### CONTINUED DATA COLLECTION AT THE STATE AND LOCAL LEVEL IN 2005

At the state level, the push to collect data continued in 2005. According to one source, only four states—Vermont, Mississippi, North Dakota, and Hawaii—have yet to collect any data.<sup>7</sup> Of the remaining forty-six states, twenty-five have implemented legislation requiring the collection of data related to traffic stops and twenty-one states plus the District of Columbia have voluntarily begun collecting such data.<sup>8</sup> Another

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<sup>4</sup> *Id.* § 3(6).

<sup>5</sup> See ILLINOIS TRAFFIC STOP STATISTICS ACT: REPORT FOR THE YEAR 2004, at 16–18 (2004), available at <http://www.dot.state.il.us/trafficstop/2004summary.pdf> (discussing the multitude of definitions).

<sup>6</sup> See Thomas.loc.gov, Bill Summary & Status: S. 2138, available at <http://thomas.loc.gov/cgi-bin/bdquery/z?d109:SN02138:@@X> (last visited May 10, 2006). The ACLU noted in a press release following the introduction of the bill that it had been “introduced in the House and Senate in 2001 and 2004 and both times languished in committee without ever receiving an up-or-down vote.” See Press Release, ACLU, ACLU Applauds Senate Reintroduction of Racial Profiling Bill (Dec. 19, 2005), available at <http://www.aclu.org/racialjustice/racialprofiling/23090prs20051219.html>.

<sup>7</sup> Racial Profiling Data Collection Resource Center at Northeastern University, <http://www.racialprofilinganalysis.neu.edu/background/jurisdictions.php> (last visited May 10, 2006).

<sup>8</sup> *Id.*

source reports that “110 agencies in states without mandatory data collection have implemented their own data collection programs.”<sup>9</sup>

The trend nationally, then, is clearly and unambiguously towards the increased use of data collection as a viable means of preventing, detecting, and eradicating racial profiling. Illinois has been a key participant in this process since the 2003 inception of the Traffic Stop Statistical Study Act.<sup>10</sup> It continues to lead the rest of the country in this area, as evidenced by the Illinois General Assembly’s recent passage of SB2368, called the Racial Profiling Prevention and Data Oversight Act.<sup>11</sup>

LOOKING BACK TO 2004:  
A SUMMARY OF THE DATA COLLECTION AND ANALYSIS PROCESS

Much was learned procedurally in this first year of analysis. Substantively, we faced two significant challenges. The first of these was determining our analytical methodology. Other states conducting similar studies have used a number of methods.<sup>12</sup> Based on the size and scope of the Illinois study, we developed a model using 2000 Census data.<sup>13</sup> Our second challenge was how narrowly or broadly to define “Hispanic,” for which the Census Bureau designates an ethnicity rather than a race.<sup>14</sup> Our solution was to categorize anyone claiming Hispanic heritage as “Hispanic,” which resulted in all Hispanics being recognized in our analysis as Hispanic (instead of, for example,

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<sup>9</sup> Jeffrey Grogger & Greg Ridgeway, *Testing for Racial Profiling in Traffic Stop From Behind a Veil of Darkness 2* (revised Oct. 25, 2005), available at <http://www.i-pensieri.com/gregr/papers/vod.pdf>.

<sup>10</sup> 625 ILCS 5/11-212 (2003).

<sup>11</sup> The bill was sent to Governor Rod Blagojevich on June 1, 2006. See Illinois General Assembly: Bill Status for SB2368, <http://www.ilga.gov/legislation/BillStatus.asp?DocNum=2368&GAID=8&DocTypeID=SB&LegID=23138&SessionID=50&GA=94> (last visited June 27, 2006).

<sup>12</sup> See ILLINOIS TRAFFIC STOP STATISTICS ACT: REPORT FOR THE YEAR 2004, at 27–37 (2004), available at <http://www.dot.state.il.us/trafficstop/2004summary.pdf>.

<sup>13</sup> See *id.* at 37–42.

<sup>14</sup> See *id.* at 43–51.

Caucasian).<sup>15</sup> Additionally, this solution nicely complemented certain other methodological decisions, particularly those involving drivers of “Two or More Races” and “Some other Race” (both Census categories not found in the Illinois law).<sup>16</sup>

*Agency Response to 2004 Report*

After the 2004 report was published, we were contacted by a number of agencies who reported having invested a great deal of time, financial resources, and effort in reviewing their individual analyses. Large agencies like the Chicago Police Department and the Illinois State Police devoted considerable effort to enhance data collection and analysis methodologies, and to introduce strategies designed to manage this issue. Many small and medium-sized agencies created working groups to enhance data collection and policy implementation. Groups like the Illinois Association of Chiefs of Police, and the Lake and DuPage County Chiefs Associations devoted considerable attention to the consent search issue. These groups, and the Illinois Sheriffs Association and the Fraternal Order of Police contributed significantly to the work of the Governor’s Task Force on Racial Profiling. Law enforcement executives in many communities worked hard to respond to inquiries made by city and village officials, community representatives, and individual citizens. This, in turn, opened channels of communication and facilitated the beginning of a dialogue in which all parties had a voice. Ultimately, such a dialogue can only serve to improve the quality of police-community relations and increase the confidence level of law enforcement, community members, and government representatives alike in the local police agency.

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<sup>15</sup> *See id.*

<sup>16</sup> *See id.* at 42–43.

## ILLINOIS TRAFFIC STOP STATISTICS ACT: REPORT FOR THE YEAR 2005

For the most part, the present report continues to utilize many of the processes that we developed in 2004. This is most evident in regards to benchmarks. Those benchmarks identified in 2004 continue to be the relevant reference points for the various Illinois agencies.<sup>17</sup> As in 2004 we permitted agencies the opportunity to appeal their benchmarks.<sup>18</sup> That is, if an agency thought that the benchmark did not accurately reflect the minority driving population in a community, the agency could provide data to support their contention.

In 2005, twenty-five agencies requested that we adjust their benchmark. As noted earlier, we applied the same methodology for determining whether the agency had sufficiently supported their appeal so as to justify a modification.<sup>19</sup> Additionally, we used the same classification system implemented in 2004, a thorough review of which can be found in the 2004 Report.<sup>20</sup> In each case in which we modified a benchmark we used a standard system of classification. Class 1 agencies are those that share a border with Chicago or another large metropolitan area with a significant minority population. Class 2 agencies patrol smaller communities surrounded by jurisdictions with much higher benchmarks. Agencies labeled Class 3 were able to demonstrate that the relevant benchmark should be based on a geographic area larger than either the city or county. Class 4 agencies are agencies that do not fit neatly into any of the first three categories but whose data, location, and supporting evidence suggest that an adjustment is appropriate. In all cases, we required the appealing agency to submit both a narrative

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<sup>17</sup> See generally *id.* Those benchmarks adjusted in 2004 continue to be used in 2005.

<sup>18</sup> See ILLINOIS TRAFFIC STOP STATISTICS ACT: REPORT FOR THE YEAR 2004, at 59–62 (2004), available at <http://www.dot.state.il.us/trafficstop/2004summary.pdf>.

<sup>19</sup> See *id.*

<sup>20</sup> See *id.* at 60–62.

explanation of why it was requesting a benchmark modification as well as numerical and statistical support for the appeal. The list of agencies that sought review of their benchmarks in 2005 and our response to that request is contained in Table 1 below.

TABLE 1  
REQUESTS FOR BENCHMARK MODIFICATION, 2005

AGENCY SUBMITTING REQUEST	DISPOSITION	REASON
Crete	Approved	Class 2
Des Plaines	Approved	Class 2
East Peoria	Approved	Class 3
Elmhurst	Approved	Class 4
Geneseo	Approved	Class 3
Hickory Hills	Approved	Class 2
Hometown	Approved	Class 1
Lake in the Hills	Denied	Insufficient Data
Lincolnwood	Approved	Class 1
Marengo	Denied	Insufficient Data
Matteson	Denied	Insufficient Data
Merrionette Park	Approved	Class 1
Mount Prospect	Approved	Class 2
Niles	Approved	Class 2
North Aurora	Approved	Class 1
Olympia Fields	Approved	Class 2
Oswego	Approved	Class 2
Park Forest	Approved	Class 2
Rockford Park District	Denied	Insufficient Data
Romeoville	Denied	Application Withdrawn by Agency
South Holland	Approved	Class 2
Southern Illinois University, Edwardsville	Approved	Class 4
Wheeling	Denied	Late Application
Winnebago County Sheriffs Department	Denied	Insufficient Data
Wood Dale	Approved	Class 2

## LOOKING FORWARD TO 2006

In future analyses we are particularly interested in examining consent search data, because this category of analysis has been the most problematic for two years. Other states have also reported data indicating that minority drivers are much more likely to be searched than white drivers.<sup>21</sup> In Illinois minority drivers in 2004 were 2.5 times more likely to be the subject of a consent search; in 2005 the gap had increased to 2.8.

At first glimpse, this discrepancy appears to indicate that law enforcement is disproportionately targeting minority drivers for consent searches. The conclusion, however, would be inaccurate or, at the very least, premature. In 2004 and 2005, the question answered by officers completing the stop card required by the Traffic Stop Statistical Study simply asked whether a consent search was performed. Because a driver can refuse to grant consent, the inquiry should really be divided into two separate questions: (1) was consent to search the vehicle sought? And (2) did the driver give consent for the search? The bifurcation is necessary in order to differentiate between officer bias in seeking the consent to search a vehicle and disparities in the rate that minorities and non-minorities grant consent. There is a body of research suggesting that

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<sup>21</sup> For example, Missouri's report for 2004 indicated that African Americans were 1.71 times more likely and Hispanics were 1.84 times more likely than whites to be the subject of a search. See 2004 ANNUAL REPORT: MISSOURI VEHICLE STOPS (2004), available at <http://www.ago.mo.gov/racialprofiling/racialprofiling.htm#findings>. In a 2003 study of Texas law enforcement, African Americans were between 1.3 and 2.2 times as likely and Hispanics between 1.1 and 1.7 times as likely as whites to be searched. See DWIGHT STEWARD, RACIAL PROFILING: TEXAS TRAFFIC STOPS AND SEARCHES 9 (2004), available at <http://www.texasnaacp.org/RacialProfilingReport2004.pdf>. Note, however, that neither the Missouri nor the Texas studies separated consent searches from other types of searches including searches pursuant to a warrant, arrest, probable cause, or reasonable suspicion. This is an important caveat, as consent searches involve significantly more discretion on the part of the officer and thus are far more likely to evidence racial bias if indeed the officer is acting pursuant to such a bias. Because non-consent (and thus low-discretion) searches were included in the Missouri and Texas reports, those numbers are not as instructive in attempting to determine the extent to which race affects a driver's likelihood of being the subject of consent search. Additionally, it does not allow for any meaningful comparison to Illinois consent search numbers.

white drivers tend to refuse consent more than minority drivers. If this is in fact true, an officer asking an equal number of white and non-white drivers for consent to search a vehicle will end up searching more minority vehicles not because the officer has unfairly targeted these drivers for consent searches but rather because more minority drivers have given their consent. If we are to determine the extent to which race plays a part, if at all, in the decision to search a vehicle—one of the components of our second analytical question—we must have the relevant data available.

The General Assembly responded to this issue in drafting SB2368 by separating the consent search question into two distinct questions.<sup>22</sup> Should SB2368 be enacted, the data generated will provide us with the ability to make more accurate conclusions in evaluating the interplay between consent searches and race in Illinois. This would give us yet another analytical tool by which to evaluate consent search data in future reports.

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<sup>22</sup> See Illinois General Assembly: Full Text of SB2368, <http://www.ilga.gov/legislation/fulltext.asp?GAID=8&SessionID=50&GA=94&DocTypeID=SB&DocNum=2368&LegID=23138&SpecSess=&Session> (last visited June 27, 2006).

## Compliance

The success of the Illinois Traffic Stop Statistics Study is due to the overwhelming participation by law enforcement agencies throughout Illinois including: state, municipal, and county agencies as well as college and university police, railroad police, and other agencies. We would like to thank Illinois law enforcement agencies for providing their data for the past two years and their commitment to this study. Also, we would like to commend those agencies who worked vigorously to comply for the first time this year. The cooperation from Illinois law enforcement agencies is greatly appreciated.

Even though the majority of agencies submitted data in 2004 and 2005, there were still some that did not comply. In 2004 fifty-four law enforcement agencies failed to submit data. This year forty-five agencies failed to submit data. A minimum of two letters were sent both years reminding agencies to submit their data pursuant to the law. IDOT has worked diligently to ensure that every agency that wants to comply has the capacity and support necessary to participate in this study. At present, however, there are no penalties established for agencies that fail to comply with the law. The following page lists law enforcement agencies that failed to submit traffic stop data for either 2005 or 2004. Agencies marked with an asterisk failed to submit data for both years.

The following Illinois law enforcement agencies failed to submit traffic stop data to IDOT.

**2005**

ALORTON POLICE  
ALVIN POLICE  
BARRY POLICE  
BELGIUM POLICE  
BRIDGEPORT POLICE  
BROOKLYN POLICE  
BUNCOMBE POLICE  
CHADWICK POLICE  
CRAWFORD COUNTY SHERIFF  
CUBA POLICE  
DIXMOOR POLICE  
DONNELSON POLICE\*  
DOWNS POLICE\*  
EAST CARONDELET POLICE  
EAST ST LOUIS PARK DISTRICT POLICE\*  
EDINBURG POLICE  
ELIZABETHTOWN POLICE  
FAIRMOUNT POLICE  
FILLMORE POLICE\*  
GILBERTS POLICE  
GREENFIELD POLICE  
GREENVIEW POLICE  
GULFPORT TOWN MARSHALL  
HAMEL POLICE  
HINES VA HOSPITAL POLICE  
HURST POLICE  
HUTSONVILLE POLICE  
INDIANOLA POLICE  
IRVINGTON POLICE  
IUKA POLICE  
JUNCTION CITY POLICE\*  
LAKE BLOOMINGTON POLICE\*  
LENZBURG POLICE  
MENDON POLICE\*  
MIDDLETON POLICE  
NEPONSET POLICE  
OLD SHAWNEETOWN POLICE\*  
ORIENT POLICE  
PALMYRA POLICE  
SPILLERTOWN POLICE\*  
ST. FRANCISVILLE POLICE\*  
THOMSON POLICE  
TILDEN POLICE  
VALIER POLICE\*  
WOODLAND POLICE\*

**2004**

ALBANY POLICE  
AMTRAK POLICE  
ASHLEY POLICE  
BATH POLICE  
BECKMEYER POLICE  
BENEDICTINE POLICE  
BURNHAM POLICE  
CAPITOL AIRPORT POLICE  
CISSNA PARK POLICE  
COFFEEN POLICE  
CYPRESS POLICE  
DONGOLA POLICE  
DONNELSON POLICE\*  
DOWNS POLICE\*  
DURAND POLICE  
EAST ST LOUIS PARK DISTRICT POLICE\*  
ENFIELD POLICE  
FILLMORE POLICE\*  
FORD HEIGHTS POLICE  
GOVERNORS STATE UNIVERSITY POLICE  
GREATER PEORIA AIRPORT POLICE  
GRIDLEY POLICE  
ILLINOIS CENTRAL COLLEGE POLICE  
JUNCTION CITY POLICE\*  
LAKE BLOOMINGTON POLICE\*  
LEAF RIVER POLICE  
LOYOLA UNIVERSITY POLICE  
LUDLOW POLICE  
MACKINAW POLICE  
MAPLE PARK POLICE  
MAQUON POLICE  
MAZON POLICE  
MCNABB POLICE  
MENDON POLICE\*  
MORTON COLLEGE POLICE  
MT AUBURN POLICE  
NEW HAVEN POLICE  
OLD SHAWNEETOWN POLICE\*  
OLMSTED POLICE  
OREANA POLICE  
PANAMA POLICE  
REND LAKE COLLEGE POLICE  
ROCKFORD AIRPORT POLICE  
SPILLERTOWN POLICE\*  
SPRING BAY POLICE  
ST FRANCISVILLE POLICE\*  
STRASBURG POLICE  
TERMINAL RAILROAD ASSOCIATION POLICE  
THEBES POLICE  
THOMPSONVILLE POLICE  
TOULON POLICE  
VALIER POLICE\*  
WILSONVILLE POLICE  
WOODLAND POLICE\*