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## Travis County Sheriff's Office 2015 Annual Report on Racial Profiling

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*Safety, Integrity, Tradition of Service*

## **BACKGROUND**

During the 77<sup>th</sup> Legislative Session the Texas Congress passed SB 1074 titled *PROHIBITION OF RACIAL PROFILING BY PEACE OFFICERS*. The Act amended the Code of Criminal Procedures to include the following articles:

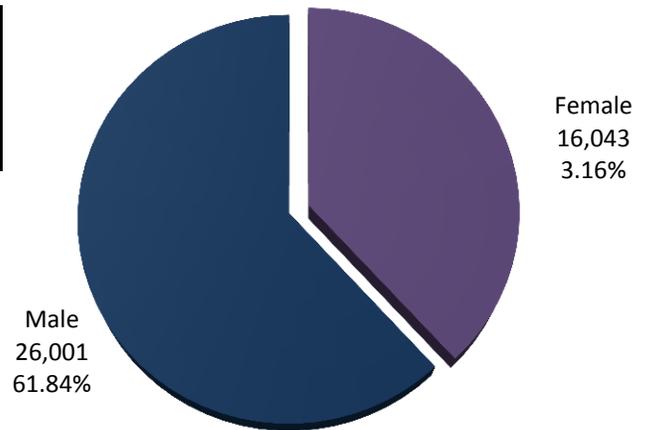
- 2.132 Requiring law enforcement agencies to develop a detailed written policy on racial profiling.
- 2.133 Requiring law enforcement agencies to collect reports on traffic and pedestrian stops.
- 2.134 Requiring law enforcement agencies to analyze the data collected and report the data to their respective governing bodies (The Commissioners Court).

## **DATA COLLECTION**

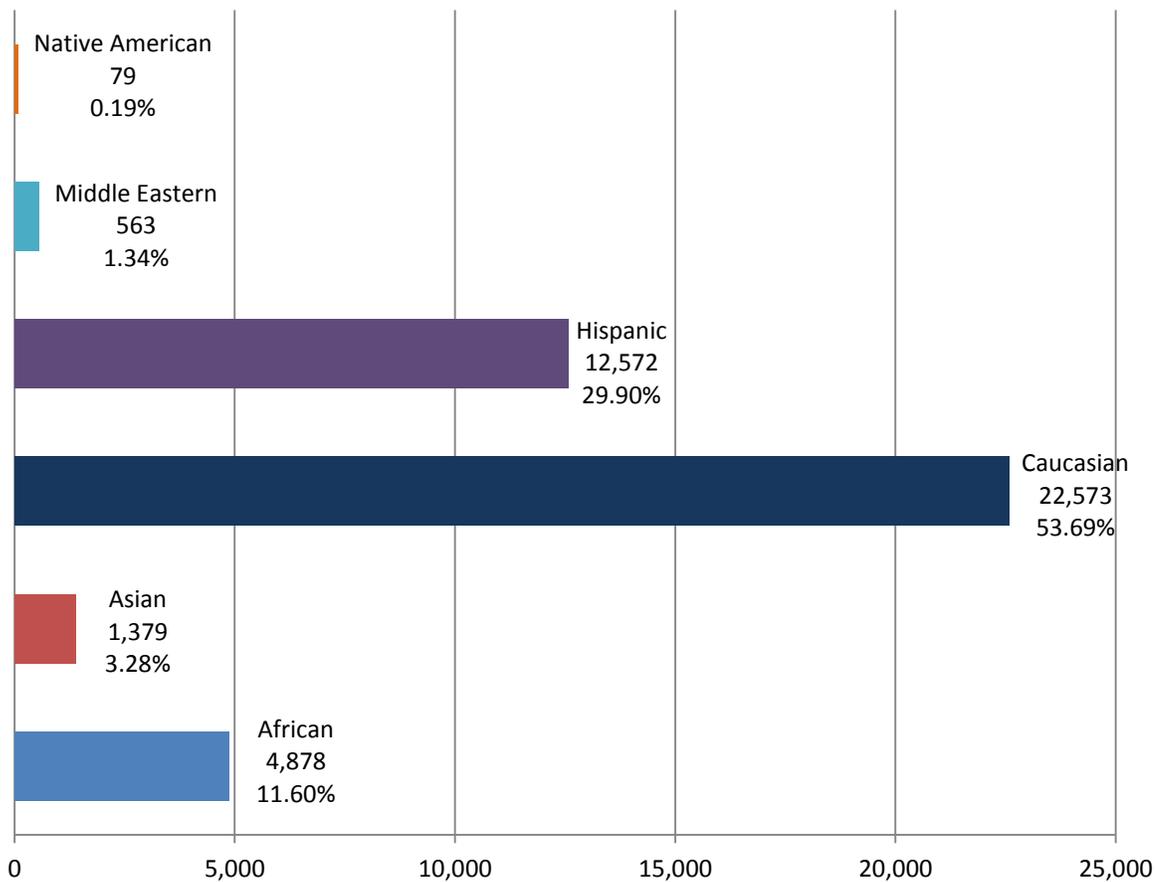
Between January 1, 2015 and December 31, 2015 Travis County Sheriff's Office deputies detained 42,044 individuals on traffic stops or pedestrian contacts.

*\* It should be noted that these figures do not correspond with other statistical data on the number of citations written as they reflect the one entry dealing with the person contacted during the stop. Thus, generally these numbers will be significantly lower than the number of actual traffic citations or warnings written in the course of a year.*

Gender	Total	Total
Female	16,043	38.16%
Male	26,001	61.84%
<b>Total</b>	<b>42,044</b>	<b>100.00%</b>



Race	Total	Total
African	4,878	11.60%
Asian	1,379	3.28%
Caucasian	22,573	53.69%
Hispanic	12,572	29.90%
Middle Eastern	563	1.34%
Native American	79	0.19%
<b>Total</b>	<b>42,044</b>	<b>100.00%</b>



## COMPARATIVE ANALYSIS

Comparative analysis of disposition was completed for searches. Four different scenarios were examined. The first involved contact where no search occurred. In fact, no search occurred in 40,674 of the 42,044 contacts. Searches were conducted in 1,370 cases. The first model examines the total number of search types for each race / ethnic group. The results are displayed in Table 1.

**Table 1**

REASON for Search	Caucasian	African	Hispanic	ME	Asian	I	Total
No Search	22,019	4,606	12,056	614	1,362	17	40,674
Searches Conducted	554	272	516	9	17	2	1,370
<b>Total</b>	<b>22,573</b>	<b>4,878</b>	<b>12,572</b>	<b>623</b>	<b>1,379</b>	<b>19</b>	<b>42,044</b>

The second search model examines the rate of incidence of each type of search for the race / ethnicity compared to the total number of contacts by the Travis County Sheriff's Office. The rate of incidence is calculated by taking the total number of each search type for a given group and dividing that number by the total number of Travis County Sheriff's Office contacts (42,044). The results are displayed in Table 2.

**Table 2** (race/total)

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA	Total
No Search	52.37%	10.96%	28.67%	1.46%	3.24%	0.04%	96.74%
Searches Conducted	1.32%	0.65%	1.23%	0.02%	0.04%	0.00%	3.26%
<b>Total</b>	<b>53.69%</b>	<b>11.60%</b>	<b>29.90%</b>	<b>1.48%</b>	<b>3.28%</b>	<b>0.05%</b>	<b>100%</b>

The third search model examines the rate of involvement for each group compared to the total number of each search type. Rate of incidence is calculated by taking the number of specific search types for each group and dividing that number by the total number of those specific types of searches. The results are displayed in Table 3.

**Table 3** (race/search total)

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA
No Search	54.14%	11.32%	29.64%	1.51%	3.35%	0.04%
Searches Conducted	40.44%	19.86%	37.66%	0.66%	1.24%	0.15%

The fourth search model compares the rate of incidence for each type of search compared to the number of contacts for each race / ethnicity group. Rate of incidence is calculated by taking the number of specific search types for each group and dividing that number by the total number of contacts with that group. The results are displayed in Table 4.

**Table 4** (race reason/race total)

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA
No Search	97.55%	94.42%	95.90%	98.55%	98.77%	89.47%
Searches Conducted	2.45%	5.58%	4.10%	1.45%	1.23%	10.53%
Total	100%	100%	100%	100%	100%	100%

42,044 individuals were detained by Travis County Sheriff's Office deputies on traffic stops or pedestrian contacts from January 1 through December 31, 2016. Per SB 1074 persons detained were classified African, Asian, Caucasian, Hispanic, Native American or Middle Eastern.

## CONTACTS

For 2015, of the 42,044 contacts, the largest number was identified by race / ethnicity as Caucasian 22,573 (53.69%); 12,572 (29.90%) were identified as Hispanic; 4,878 (11.60%) as African; 1,379 (3.28%) as Asian; 563 (1.34%) were identified as Middle Eastern and 19 (0.19%) as Native Americans.

## SEARCHES

Includes all searches conducted during a detention including frisks (Terry), consensual searches, searches based on probable cause, searches conducted under warrant, and searches incident to an arrest.

**African:** 4,878 detentions. 4,606 (94.42%) were not searched and 272 (5.58%) were searched.

**Asian:** 1,379 detentions. 1,362 (98.77%) were not searched and 17 (1.23%) were searched.

**Caucasian:** 22,573 detentions. 22,019 (97.55%) were not searched and 554 cases (2.45%) were searched.

**Hispanic:** 12,572 detentions. 12,056 (95.90%) were not searched and 516 (4.10%) were searched.

**Native American:** 19 detentions. 17 (89.47%) were not searched and 2 (10.53%) was searched.

**Middle Eastern:** 623 detentions. 614 (98.55%) were not searched and 9 (1.45%) was searched.

## SEARCH ANALYSIS

Of the 42,044 detentions, 1,370 (3.26%) resulted in a search being conducted. Of those searched 554 (40.44%) were Caucasian; 516 (37.66%) were Hispanic; 272 (19.86%) were African; 17 (1.243%) were Asian; nine were Middle Eastern (0.66%) and two were Native American (0.15%). Of the 42,044 detentions, the search authority listed is reflected in Tables 5 and 6.

**Table 5**

REASON for Search	Total
Consent	377
Contraband / plain site	86
Impound	17
Incident to On-Site Arrest	198
Incident to Warrant Arrest	10
No Search	40,674
PC or reasonable stop	682
<b>Total</b>	<b>42,044</b>

**Table 6**

REASON for Search	Total
Consent	0.90%
Contraband / plain site	0.20%
Impound	0.04%
Incident to On-Site Arrest	0.47%
Incident to Warrant Arrest	0.02%
No Search	96.74%
PC or reasonable stop	1.62%
<b>Total</b>	<b>100%</b>

When searches are examined by race, the following is noted in Table 7 and 8.

**Table 7**

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA	Total
No Search	22,019	4,606	12,056	614	1,362	17	40,674
Consent	181	50	134	4	7	1	377
Contraband / plain site	40	10	34	0	2	0	86
PC or reasonable stop	228	168	273	5	7	1	682
Impound	8	2	7	0	0	0	17
Incident to Warrant Arrest	4	2	4	0	0	0	10
Incident to On-Site Arrest	93	40	64	0	1	0	198
<b>Total</b>	<b>22,573</b>	<b>4,878</b>	<b>12,572</b>	<b>623</b>	<b>1,379</b>	<b>19</b>	<b>42,044</b>

**Table 8**

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA
No Search	97.55%	94.42%	95.90%	98.56%	98.77%	89.47%
Consent	0.80%	1.03%	1.07%	0.64%	0.51%	5.26%
Contraband / plain site	0.18%	0.21%	0.27%	0.00%	0.15%	0.00%
PC or reasonable stop	1.01%	3.44%	2.17%	0.80%	0.51%	5.26%
Impound	0.04%	0.04%	0.06%	0.00%	0.00%	0.00%
Incident to Warrant Arrest	0.02%	0.04%	0.03%	0.00%	0.00%	0.00%
Incident to On-Site Arrest	0.41%	0.82%	0.51%	0.00%	0.07%	0.00%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

## COMPARATIVE DATA

Race	Travis County <sup>1</sup>	SMSA <sup>2</sup>	Texas Fair Road <sup>3</sup>	TCSO Contacts
African	8.52%	10.81%	19.00%	11.61%
Asian	5.79%	7.00%	0.00%	3.28%
Caucasian	69.30%	60.44%	40.00%	53.74%
Hispanic	50.30%	45.70%	41.00%	29.93%
Native American	1.26%	1.14%	0.00%	0.05%
Other	23.37%	20.60%	0.00%	1.39%

## ANALYSIS

In conducting an analysis of the collected data the Travis County Sheriff's Office has chosen three benchmarks with which to compare the data. The first is the 2010 census data for Travis County. The second is the 2011 Texas Fair Roads Standards. The Texas Fair Roads Standards reflects the percentage of a given demographic that is self-reported as having access to a vehicle. The third benchmark chosen is a comparison between those persons classified as Caucasian to those persons classified in the other racial / ethnic groups. This benchmark was chosen because the Travis County Sheriff's Office believes that the intent of SB 1074 is to provide a tool for the law enforcement community to identify trends or patterns that may suggest significant disparate treatment of the minority community when compared to the Caucasian majority.

The Travis County Sheriff's Office has chosen a deviation from the benchmark of more than 5%, plus or minus, to be "statistically significant".

## RACIAL PROFILING COMPLAINTS

The Internal Affairs division of the Travis County Sheriff's Office reported no complaints of racial profiling in 2015.

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<sup>1</sup> 2010 Census – Travis County ONLY

<sup>2</sup> 2010 Census, includes Bastrop, Caldwell, Hays, Williamson and Travis Counties

<sup>3</sup> Sul Ross State University DPS – Traffic Contacts and Fair Roads Standard Comparison

## **OBSERVATIONS AND COMMENTS**

This is the 14<sup>th</sup> biased-based profiling report issued by the Travis County Sheriff's Office since the inception of HB 1074. During the past 14 years the Travis County Sheriff's Office has collected and analyzed Tier 2 data on well over one million detentions. As each year passes, it becomes more difficult to conduct accurate comparative analysis concerning rates of incidence because the benchmark data becomes stale.

While it is interesting to review the data, it is impossible to draw significant definitive conclusions from the data. The fact remains that there are far too many variables in police work to ever be able to exclude them all except for race. For example the data from the past 14 years has suggested that Caucasians have been significantly over-represented. Is it reasonable to conclude that deputies have been profiling Caucasians? Does the data suggest that Caucasians are more likely to engage in unlawful driving behaviors than the other groups? Or do other factors such as transient traffic from neighboring counties account for the disparate rate? The accuracy of statistical benchmarks derived from self-reporting of vehicle availability and real accounting of the population of the area, must be factored when attempting to derive a definitive conclusion. Additionally, intangibles such as commuter traffic, tourists, and students make up a significant portion of the Travis County driving public, but they are not reflected in the benchmark standards.

Compliance with this law also has a significant fiscal impact on the taxpayers. During the course of the past 14 years the Travis County Sheriff's Office has compiled and analyzed data on well over one million detentions. Internal audits indicate that compliance with this law adds approximately two minutes per detention to gather and record data. We continue to expend large amounts of man-hours and resources dedicated to compiling and analyzing the data, not to mention the countless hours of data entry that is required to input the collected data into the systems. In addition the Travis County Sheriff's Office continues to spend additional funds on technology to comply with reporting requirements and anticipates that these expenditures will only escalate in order to maintain compliance.

## **CONCLUSION**

The data does not support a conclusion that the Travis County Sheriff's Office racially profiles traffic offenders / pedestrians when initiating a detention or search.

**Racial Profile Tier 2 - E-CITES****GENDER**

7,967 Female  
 10,937 Male  
 0 Other  
**18,904 Total**

**RACE**

1,986 African  
 736 Asian  
 10,884 Caucasian  
 4,899 Hispanic  
 399 Middle Eastern  
 0 Native American  
 0 Other  
**18,904 Total**

**RACE KNOWN**

207 Yes  
 18,697 No  
**18,904 Total**

**REASON for STOP**

0 Violation other than  
 0 Pre-existing  
 0 Moving Traffic  
 18,904 Vehicle Traffic Violation  
 0 Other  
**18,904 Total**

**SEARCH Conducted**

118 Yes  
 18,786 No  
**18,904 Total**

**REASON for Search**

23 Consent  
 0 Contraband/plain site  
 57 PC or reasonable susp  
 0 Impound  
 38 Incident to arrest  
**118 Total**

**CONTRABAND Discovered**

56 No  
 62 Yes  
**118 Total**

**Racial Profile Tier 2 - PATROL****GENDER**

8,076 Female  
 15,064 Male  
 0 Other  
**23,140 Total**

**RACE**

2,892 African  
 643 Asian  
 11,689 Caucasian  
 7,673 Hispanic  
 224 Middle Eastern  
 19 Native American  
 0 Other  
**23,140 Total**

**RACE KNOWN**

903 Yes  
 22,237 No  
**23,140 Total**

**REASON for STOP**

1,206 Violation other than  
 52 Pre-existing  
 11,608 Moving Traffic  
 9,352 Vehicle Traffic Violation  
 922 Other  
**23,140 Total**

**SEARCH Conducted**

1,252 Yes  
 21,888 No  
**23,140 Total**

**REASON for Search**

354 Consent  
 86 Contraband/plain site  
 629 PC or reasonable susp  
 17 Impound  
 166 Incident to arrest  
**1,252 Total**

**CONTRABAND Discovered**

798 No  
 454 Yes  
**1,252 Total**

**Racial Profile Tier 2 - COMBINED****GENDER**

16,043 Female  
 26,001 Male  
 0 Other  
**42,044 Total**

**RACE**

4,878 African  
 1,379 Asian  
 22,573 Caucasian  
 12,572 Hispanic  
 623 Middle Eastern  
 19 Native American  
 0 Other  
**42,044 Total**

**RACE KNOWN**

1,110 Yes  
 40,934 No  
**42,044 Total**

**REASON for STOP**

1,206 Violation other than  
 52 Pre-existing  
 11,608 Moving Traffic  
 28,256 Vehicle Traffic Violation  
 922 Other  
**42,044 Total**

**SEARCH Conducted**

1,370 Yes  
 40,674 No  
**42,044 Total**

**REASON for Search**

377 Consent  
 86 Contraband/plain site  
 686 PC or reasonable susp  
 17 Impound  
 204 Incident to arrest  
**1,370 Total**

**CONTRABAND Discovered**

854 No  
 516 Yes  
**1,370 Total**

Racial Profile Tier 2 - E-CITES
DESCRIPTION of Contraband
45 Illegal drugs
0 Currency
0 Weapons
15 Alcohol
0 Evidence
2 Other
<b>62 Total</b>

Racial Profile Tier 2 - PATROL
DESCRIPTION of Contraband
405 Illegal drugs
0 Currency
27 Weapons
0 Alcohol
22 Evidence
0 Other
<b>454 Total</b>

Racial Profile Tier 2 - COMBINED
DESCRIPTION of Contraband
450 Illegal drugs
0 Currency
27 Weapons
15 Alcohol
22 Evidence
2 Other
<b>516 Total</b>

ARREST Result of STOP
48 Yes
18,856 No
<b>18,904 Total</b>

ARREST Result of STOP
330 Yes
22,810 No
<b>23,140 Total</b>

ARREST Result of STOP
378 Yes
41,666 No
<b>42,044 Total</b>

ARREST Based On
48 Violation of Penal Code
0 Violation of Traffic Law
0 Violation City Ordinance
0 Outstanding Warrant
<b>48 Total</b>

ARREST Based On
310 Violation of Penal Code
0 Violation of Traffic Law
16 Violation City Ordinance
4 Outstanding Warrant
<b>330 Total</b>

ARREST Based On
358 Violation of Penal Code
0 Violation of Traffic Law
16 Violation City Ordinance
4 Outstanding Warrant
<b>378 Total</b>

STOP Location
936 City Street
17,968 County Road
<b>18,904 Total</b>

STOP Location
1,814 City Street
21,326 County Road
<b>23,140 Total</b>

STOP Location
2,750 City Street
39,294 County Road
<b>42,044 Total</b>

WRITTEN WRN or CIT Given
18,904 Yes
0 No
<b>18,904 Total</b>

WRITTEN WRN or CIT Given
22,327 Yes
813 No
<b>23,140 Total</b>

WRITTEN WRN or CIT Given
41,231 Yes
813 No
<b>42,044 Total</b>