

Racial Profiling Report | Full

Reporting Date: 02/24/2020

Agency Name: TRAVIS CO. SHERIFF'S OFFICE

TCOLE Agency Number: 453100

Chief Administrator: SALLY I. HERNANDEZ

Agency Contact Information:

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ATTN: Tracy J Miller

AUSTIN, TX 78767

This Agency filed a full report

TRAVIS CO. SHERIFF'S OFFICE has adopted a detailed written policy on racial profiling. Our policy:

- 1.) clearly defines acts constituting racial profiling;
- 2.) strictly prohibit peace officers employed by the TRAVIS CO. SHERIFF'S OFFICE from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the TRAVIS CO. SHERIFF'S OFFICE if the individual believes that a peace officer employed by the TRAVIS CO. SHERIFF'S OFFICE has engaged in racial profiling with respect to the individual;
- 4.) provides public education relating to the agency's complaint process;
- 5.) requires appropriate corrective action to be taken against a peace officer employed by the TRAVIS CO. SHERIFF'S OFFICE who, after an investigation, is shown to have engaged in racial profiling in violation of the TRAVIS CO. SHERIFF'S OFFICE policy adopted under this article;
- 6.) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - a.) the race or ethnicity of the individual detained;
 - b.) whether a search was conducted and, if so, whether the individual detained consented to the search; and
 - c.) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 7.) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision(6) to:
 - a.) the Commission on Law Enforcement; and
 - b.) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

Executed by: TRACY J. MILLER, Senior Planner

Total stops: 39748

Gender

| | |
|--------|-------|
| Female | 14438 |
| Male | 25310 |

Race / Ethnicity

| | |
|--------------------------|-------|
| Black | 4592 |
| Asian / Pacific Islander | 1694 |
| Hispanic / Latino | 10309 |
| White | 22879 |
| Alaska Native / American | 274 |

Was race or ethnicity known prior to stop?

| | |
|-----|-------|
| Yes | 845 |
| No | 38903 |

Reason for stop?

| | |
|---------------------------|-------|
| Violation of law | 1261 |
| Preexisting knowledge | 183 |
| Moving traffic violation | 27230 |
| Vehicle traffic violation | 11074 |

Street address or approximate location of the stop

| | |
|---------------------------|-------|
| City street | 9763 |
| US highway | 4269 |
| County road | 20345 |
| State highway | 4996 |
| Private property or other | 375 |

Was a search conducted?

| | |
|-----|-------|
| Yes | 916 |
| No | 38832 |

Reason for Search?

| | |
|------------|-----|
| consent | 175 |
| contraband | 64 |
| probable | 557 |

| | |
|--|-------|
| inventory | 29 |
| ncident to arrest | 91 |
| Was Contraband discovered? | |
| Yes | 465 |
| No | 39283 |
| Description of contraband | |
| Drugs | 388 |
| Currency | 2 |
| Weapons | 5 |
| Alcohol | 49 |
| Stolen property | 1 |
| Other | 20 |
| Result of the stop | |
| Verbal warning | 0 |
| Written warning | 28876 |
| Citation | 10775 |
| Written warning and arrest | 44 |
| Citation and arrest | 53 |
| Arrest | 0 |
| Arrest based on | |
| Violation of Penal Code | 57 |
| Violation of Traffic Law | 23 |
| Violation of City Ordinance | 2 |
| Outstanding Warrant | 44 |
| Was physical force resulting in bodily injury used during stop? | |
| Yes | 3 |
| No | 39745 |

Submitted electronically to the



The Texas Commission on Law
Enforcement



Travis County Sheriff's Office 2019 Annual Report on Racial Profiling

Report Prepared By:

Senior Planner Tracy Miller

February 13, 2020

BACKGROUND

During the 77th 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).

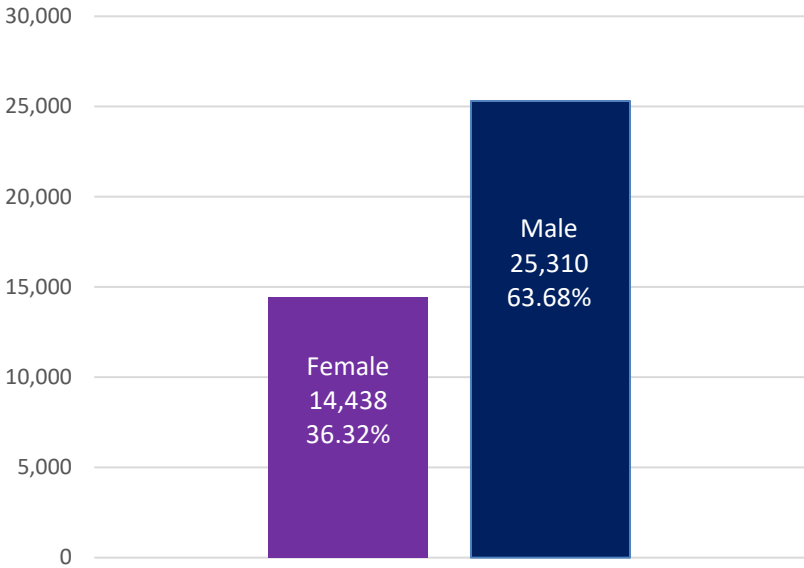
Per Senate Bill 1074 persons detained were classified as Black, Asian / Pacific Islander (Asian), White, Hispanic / Latino, or Alaskan Native / American Indian.

DATA COLLECTION

Between January 1, 2019 and December 31, 2019, Travis County Sheriff's Office deputies detained on traffic stops or had contact with 39,748 individuals.

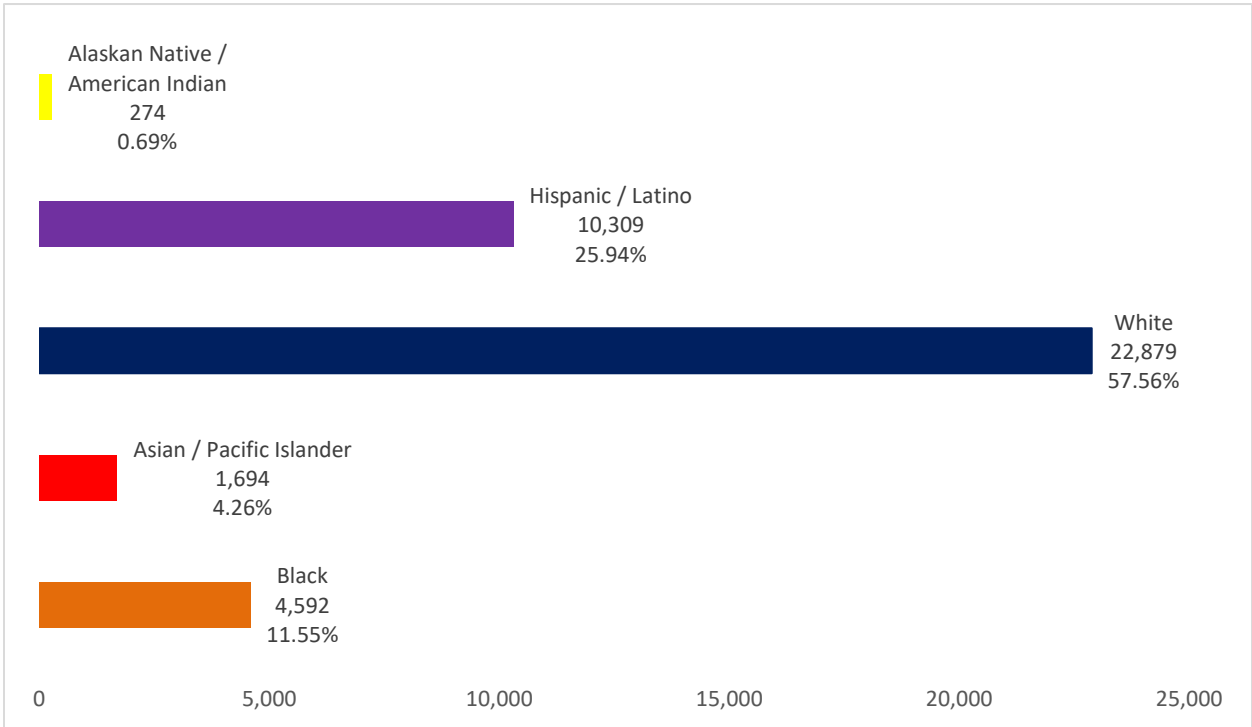
** It should be noted that these figures do not correspond with other statistical data on the number of citations written as they reflect the one entry dealing with the person contacted during the stop. Thus, these numbers will be significantly lower than the number of actual traffic citations or warnings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

| Gender | Total | Total |
|--------------|---------------|----------------|
| Female | 14,438 | 36.32% |
| Male | 25,310 | 63.68% |
| Total | 39,748 | 100.00% |



| Race Known | Total | Total |
|--------------|---------------|----------------|
| Yes | 845 | 2.13% |
| No | 38,903 | 97.87% |
| Total | 39,748 | 100.00% |

| Race | Total | Total |
|----------------------------------|---------------|----------------|
| Black | 4,592 | 11.55% |
| Asian / Pacific Islander | 1,694 | 4.26% |
| White | 22,879 | 57.56% |
| Hispanic / Latino | 10,309 | 25.94% |
| Alaskan Native / American Indian | 274 | 0.69% |
| Total | 39,748 | 100.00% |



The data used in this report was run on February 5, 2020.

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 38,832 of the 39,748 contacts. Searches were conducted in 916 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 | White | Black | Hispanic | Asian | American Indian | Total |
|--------------------------|---------------|--------------|-----------------|--------------|------------------------|---------------|
| No Search | 22,474 | 4,407 | 10,001 | 1,678 | 272 | 38,832 |
| Searches Conducted | 405 | 185 | 308 | 16 | 2 | 916 |
| Total | 22,879 | 4,592 | 10,309 | 1,694 | 274 | 39,748 |

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 numbers for a given group and dividing by the total number of Travis County Sheriff's Office contacts (39,748). The results are displayed in Table 2.

Table 2 (race/total)

| REASON for Search | White | Black | Hispanic | Asian | American Indian | Total |
|--------------------------|---------------|---------------|-----------------|--------------|------------------------|----------------|
| No Search | 56.54% | 11.09% | 25.16% | 4.22% | 0.68% | 97.69% |
| Searches Conducted | 1.02% | 0.47% | 0.77% | 0.04% | 0.01% | 2.31% |
| Total | 57.56% | 11.56% | 25.93% | 4.26% | 0.69% | 100.00% |

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 numbers for each group and dividing by the total number of each category. The results are displayed in Table 3.

Table 3 (race/search total)

| REASON for Search | White | Black | Hispanic | Asian | American Indian | Total |
|--------------------------|--------------|--------------|-----------------|--------------|------------------------|----------------|
| No Search | 57.88% | 11.35% | 25.75% | 4.32% | 0.70% | 100.00% |
| Searches Conducted | 44.21% | 20.20% | 33.62% | 1.75% | 0.22% | 100.00% |

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 for each group and dividing by the total number of contacts within group. The results are displayed in Table 4.

Table 4 (race reason/race total)

| REASON for Search | White | Black | Hispanic | Asian | American Indian |
|--------------------|----------------|----------------|----------------|----------------|-----------------|
| No Search | 98.23% | 95.97% | 97.01% | 99.06% | 99.27% |
| Searches Conducted | 1.77% | 4.03% | 2.99% | 0.94% | 0.73% |
| Total | 100.00% | 100.00% | 100.00% | 100.00% | 100.00% |

CONTACTS

For 2019, of the 39,748 contacts, the largest number was identified by race / ethnicity as White 22,879 (57.56%); 10,309 (25.94%) were identified as Hispanic; 4,592 (11.55%) as Black; 1,694 (4.26%) as Asian; and 274 (0.69%) as American Indian.

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.

Black: 4,592 detentions. 4,407 (95.97%) were not searched and 185 (4.03%) were searched.

Asian: 1,694 detentions. 1,678 (99.06%) were not searched and 16 (0.94%) were searched.

White: 22,879 detentions. 22,474 (98.23%) were not searched and 405 (1.77%) were searched.

Hispanic: 10,309 detentions. 10,001 (97.01%) were not searched and 308 (2.99%) were searched.

American Indian: 274 detentions. 272 (99.27%) were not searched and two (0.73%) were searched.

SEARCH ANALYSIS

Of the 39,748 detentions, 916 (2.30%) resulted in a search being conducted. Of those searched 405 (44.21%) were White; 308 (33.62%) were Hispanic; 185 (20.20%) were Black; 16 (1.753%) were Asian; and two were American Indian (0.22%). Of the 39,748 detentions, the search authority listed is reflected in Tables 5 and 6.

Table 5

| REASON for Search | Total |
|--------------------------------------|---------------|
| No Search | 38,832 |
| Consent | 175 |
| Plain View | 64 |
| PC or Reasonable Stop | 557 |
| Impound | 29 |
| Incident to On-Site Arrest / Warrant | 91 |
| Total | 39,748 |

Table 6

| REASON for Search | Total |
|--------------------------------------|----------------|
| No Search | 97.70% |
| Consent | 0.44% |
| Plain View | 0.16% |
| PC or Reasonable Stop | 1.40% |
| Impound | 0.07% |
| Incident to On-Site Arrest / Warrant | 0.23% |
| Total | 100.00% |

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

Table 7

| REASON for Search | White | Black | Hispanic | Asian | American Indian | Total |
|--------------------------------------|---------------|--------------|---------------|--------------|-----------------|---------------|
| No Search | 22,474 | 4,407 | 10,001 | 1,678 | 272 | 38,832 |
| Consent | 99 | 17 | 56 | 3 | | 175 |
| Plain View | 35 | 4 | 23 | 2 | | 64 |
| PC or reasonable stop | 218 | 143 | 188 | 7 | 1 | 557 |
| Impound | 15 | 1 | 11 | 2 | | 29 |
| Incident to On-Site Arrest / Warrant | 38 | 20 | 30 | 2 | 1 | 91 |
| Total | 22,879 | 4,592 | 10,309 | 1,694 | 274 | 39,748 |

Table 8

| REASON for Search | White | Black | Hispanic | Asian | American Indian |
|--------------------------------------|----------------|----------------|---------------|----------------|-----------------|
| No Search | 98.23% | 95.97% | 97.01% | 99.06% | 99.28% |
| Consent | 0.43% | 0.37% | 0.54% | 0.18% | 0.00% |
| Plain View | 0.15% | 0.09% | 0.22% | 0.12% | 0.00% |
| PC or reasonable stop | 0.95% | 3.11% | 1.82% | 0.41% | 0.36% |
| Impound | 0.07% | 0.02% | 0.11% | 0.12% | 0.00% |
| Incident to On-Site Arrest / Warrant | 0.17% | 0.44% | 0.29% | 0.12% | 0.36% |
| Total | 100.00% | 100.00% | 99.99% | 100.01% | 100.00% |

COMPARATIVE DATA

Using the **2016 Census population totals** and the **2011 Texas Fair Roads Standards** the following is noted.

| Race | Travis County ¹ | SMSA ² | Texas Fair Road ³ | TCSO Contacts |
|-------------------|----------------------------|-------------------|------------------------------|---------------|
| White | 49.40% | 51.88% | 40.00% | 57.56% |
| Black | 8.90% | 6.88% | 19.00% | 11.55% |
| Hispanic / Latino | 33.80% | 36.74% | 41.00% | 25.94% |
| Asian | 6.80% | 3.42% | 0.00% | 4.26% |
| American Indian | 1.30% | 1.38% | 0.00% | 0.69% |
| Other | 2.60% | 2.56% | 0.00% | 0.00% |

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 2016 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 White 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 White 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

During 2019 the Travis County Sheriff's Office Internal Affairs section investigated, and unfounded, one complaint for racial profiling.

¹ 2016 Census – Travis County ONLY

² 2016 Census – the average for Bastrop, Caldwell, Hays, Williamson and Travis Counties combined

³ Sul Ross State University DPS – Traffic Contacts and Fair Roads Standard Comparison

EXCLUDED DATA

A total of 577 records (detailed below) were excluded because the State Report template does not accept the information as provided:

- ⌘ they do not have citation numbers; we believe these are test or training records and cannot be verified
- ⌘ they are unattended vehicles and are automatically excluded from the report

OBSERVATIONS AND COMMENTS

This is the 17th biased-based profiling report issued by the Travis County Sheriff's Office since the inception of HB 1074. During the past 18 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 out-of-date.

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. Similarly, data collected from the previous years supports the conclusion.

| Gender | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|--------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Female | 15,770 | 16,043 | 11,325 | 14,967 | 12,218 | 14,438 |
| Male | 26,732 | 26,001 | 19,736 | 24,762 | 22,319 | 25,310 |
| Total | 42,502 | 42,044 | 31,061 | 39,729 | 34,537 | 39,748 |

| Race | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |
|----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Black | 5,053 | 4,878 | 3,198 | 4,402 | 4,128 | 4,592 |
| Asian / Pacific Islander | 1,267 | 1,379 | 935 | 1,258 | 1,376 | 1,694 |
| White | 23,302 | 22,573 | 17,207 | 22,364 | 19,253 | 22,879 |
| Hispanic / Latino | 12,281 | 12,572 | 9,276 | 11,304 | 9,747 | 10,309 |
| Middle Eastern | 538 | 583 | 353 | 376 | NA* | NA* |
| Alaskan Native / American Indian | 61 | 19 | 92 | 25 | 33 | 274 |
| Total | 42,502 | 42,044 | 31,061 | 39,729 | 34,537 | 39,748 |

*NA – no longer separated in the report