

TIER 2 - FULL RACIAL PROFILING REPORT

Agency Name: TRAVIS CO. SHERIFF'S OFFICE
Reporting Date: 02/18/2016
TCOLE Agency Number: 453100
Chief Administrator: GREGORY M. HAMILTON
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This Agency filed a full report because:

Our agency chooses to fully report even though it qualifies for the partial exemption.

Certification to This Report 2.132 (Tier 2) – Full Report

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

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's 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.

I certify these policies are in effect.

Executed by: **GREGORY M. HAMILTON**

Chief Administrator

TRAVIS CO. SHERIFF'S OFFICE

Date: 02/18/2016

TRAVIS CO. SHERIFF'S OFFICE Motor Vehicle Racial Profiling Information

Gender:

1. **16043** Female
2. **26001** Male
3. **42044 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity:

4. **4878** African
5. **1379** Asian
6. **22573** Caucasian
7. **12572** Hispanic
8. **623** Middle Eastern
9. **19** Native American
10. **42044 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity known prior to stop?

11. **1110** Yes
12. **40934** No
13. **42044 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Reason for stop:?

14. **2128** Violation of law other than traffic
15. **52** Pre-existing knowledge (i.e. warrant)
16. **11608** Moving Traffic Violation
17. **28256** Vehicle Traffic Violation (Equipment, Inspection or Registration)
18. **42044 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Search conducted?

- 19. **1370** Yes
- 20. **40674** No

21. **42044 Total**

Reason for search?

- 22. **377** Consent
- 23. **86** Contraband/evidence in plain sight
- 24. **686** Probable cause or reasonable suspicion
- 25. **17** Inventory search performed as result of towing
- 26. **204** Incident to arrest/warrant

27. **1370 Total** (must equal line 19)

Contraband discovered?

- 28. **516** Yes
- 29. **854** No

30. **1370 Total** (must equal line 19)

Description of Contraband

- 31. **450** Illegal drugs/drug paraphernalia
- 32. **0** Currency
- 33. **27** Weapons
- 34. **15** Alcohol
- 35. **22** Stolen property
- 36. **2** Other

37. **516 Total** (must equal line 28)

Arrest result of stop or search:

- 38. **378** Yes
- 39. **41666** No

40. **42044 Total** (3, 10, 13, 18, 21, 40 and 51 must be equal)

Arrest based on:

- 41. **358** Violation of the Penal Code
- 42. **0** Violation of a Traffic Law
- 43. **16** Violation of City Ordinance
- 44. **4** Outstanding Warrant

Street address or approximate location of the stop:

- 45. **2750** City Street
- 46. **0** US Highway
- 47. **39294** County Road
- 48. **0** Private Property or Other

Written warning or a citation as a result of the stop:

- 49. **41231** Yes
- 50. **813** No

51. **42044 Total**

TRAVIS CO. SHERIFF'S OFFICE has submitted electronically the analysis in PDF format required by 2.134 CCP(c) which contains

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

I certify the analysis meets the above requirements.

Executed by: **GREGORY M. HAMILTON**

Chief Administrator

TRAVIS CO. SHERIFF'S OFFICE

Date: 02/18/2016



JAMES N. SYLVESTER
Chief Deputy

GREG HAMILTON

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

Prepared By:
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Research and Planning Section
Travis County Sheriff's Office

February 15, 2016



Safety, Integrity, Tradition of Service

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:

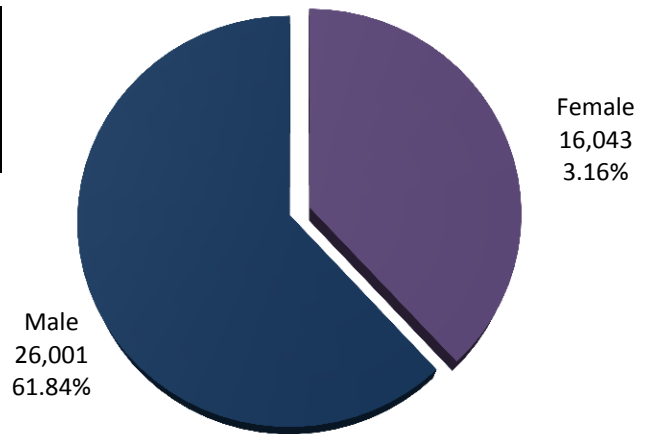
- 2.132 Requiring law enforcement agencies to develop a detailed written policy on racial profiling.
- 2.133 Requiring law enforcement agencies to collect reports on traffic and pedestrian stops.
- 2.134 Requiring law enforcement agencies to analyze the data collected and report the data to their respective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

DATA COLLECTION

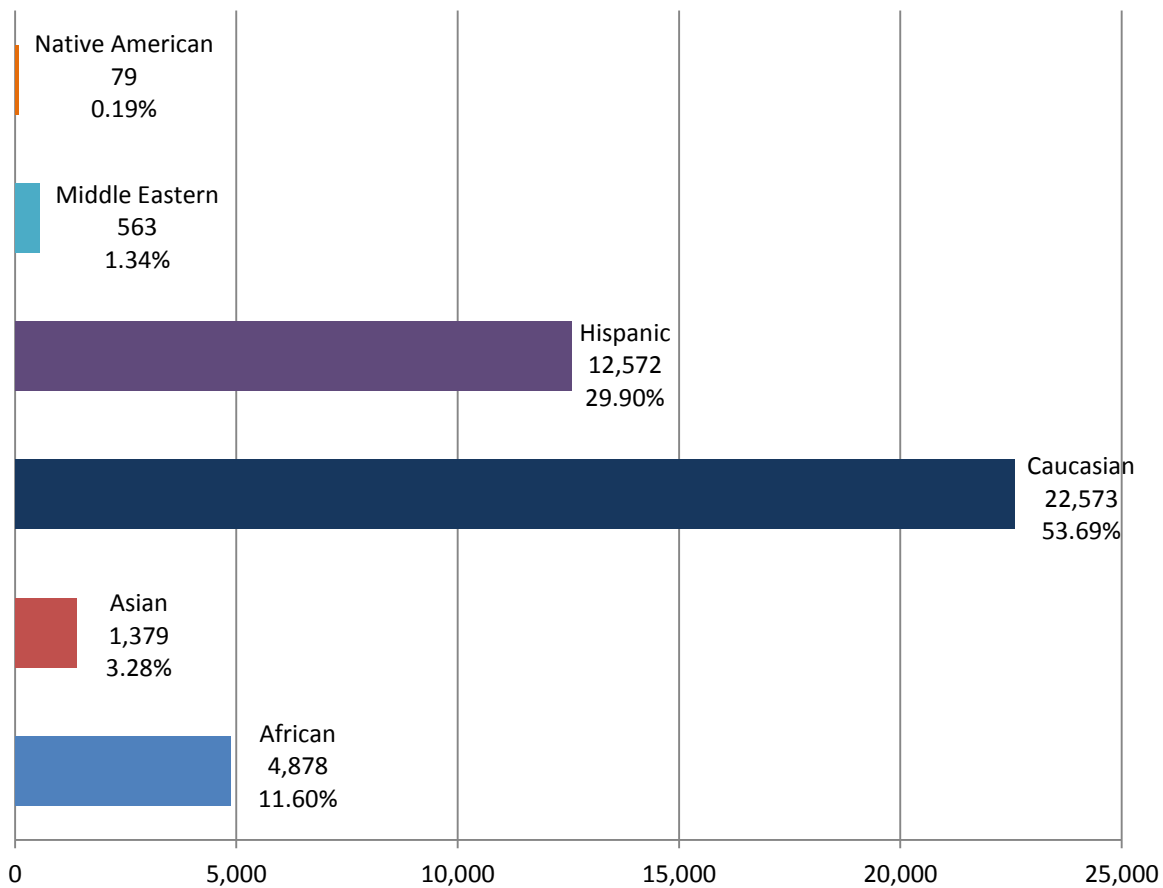
Between January 1, 2015 and December 31, 2015 Travis County Sheriff's Office deputies detained 42,044 individuals on traffic stops or pedestrian contacts.

** 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%
Total	42,044	100.00%



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%
Total	42,044	100.00%



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
Total	22,573	4,878	12,572	623	1,379	19	42,044

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%
Total	53.69%	11.60%	29.90%	1.48%	3.28%	0.05%	100%

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 forth 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
Total	42,044

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%
Total	100%

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
Total	22,573	4,878	12,572	623	1,379	19	42,044

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%
Total	100%	100%	100%	100%	100%	100%

COMPARATIVE DATA

Race	Travis County ¹	SMSA ²	Texas Fair Road ³	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.

¹ 2010 Census – Travis County ONLY

² 2010 Census, includes Bastrop, Caldwell, Hays, Williamson and Travis Counties

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

OBSERVATIONS AND COMMENTS

This is the 14th 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
62 Total

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

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

ARREST Result of STOP
48 Yes
18,856 No
18,904 Total

ARREST Result of STOP
330 Yes
22,810 No
23,140 Total

ARREST Result of STOP
378 Yes
41,666 No
42,044 Total

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

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

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

STOP Location
936 City Street
17,968 County Road
18,904 Total

STOP Location
1,814 City Street
21,326 County Road
23,140 Total

STOP Location
2,750 City Street
39,294 County Road
42,044 Total

WRITTEN WRN or CIT Given
18,904 Yes
0 No
18,904 Total

WRITTEN WRN or CIT Given
22,327 Yes
813 No
23,140 Total

WRITTEN WRN or CIT Given
41,231 Yes
813 No
42,044 Total