

# Racial Profiling Report | Tier two

---

<b>Agency Name:</b>	Travis County Sheriff's Office
<b>Reporting Date:</b>	02/22/2018
<b>TCOLE Agency Number:</b>	453100
<b>Chief Administrator:</b>	Sheriff Sally Hernandez
<b>Agency Contact Information:</b>	
<b>Phone:</b>	512.854.6923
<b>Email:</b>	tracy.miller@traviscountytexas.gov
<b>Mailing Address:</b>	PO Box 1748 Austin TX 78767

This Agency filed a full report because:

Agency chooses to fully report even though they have motor vehicle or audio equipment

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

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

Travis County 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 County Sheriff's Office from engaging in racial profiling;
- 3.) implements a process by which an individual may file a complaint with the Travis County Sheriff's Office if the individual believes that a peace officer employed by the Travis County 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 County Sheriff's Office who, after an investigation, is shown to have engaged in racial profiling in violation of the Travis County 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.

**Executed by:** Sheriff Sally Hernandez

Chief Administrator

**Travis County Sheriff's Office**

**Date:** 02/22/2018

## Travis County Sheriff's Office Motor Vehicle Racial Profiling Information

Total stops: 39729

---

### Gender

**Female:** 14967

**Male:** 24762

### Race or ethnicity

**African:** 4402

**Asian:** 1258

**Caucasian:** 22364

**Hispanic:** 11304

**Middle eastern:** 376

**Native american:** 25

### Was race or ethnicity known prior to stop?

**Yes:** 1118

**No:** 38611

### Reason for stop?

**Violation of law:** 2141

**Pre existing knowledge:** 31

**Moving traffic violation:** 17274

**Vehicle traffic violation:** 20283

### Was a search conducted?

**Yes:** 1410

**No:** 38319

### Reason for Search?

**Consent:** 376

**Contraband:** 63

**Probable cause:** 824

**Inventory:** 21

**Incident to arrest:** 126

Was Contraband discovered?

**Yes:** 1410

**No:** 0

Description of contraband

**Drugs:** 676

**Currency:** 1

**Weapons:** 20

**Alcohol:** 9

**Stolen property:** 79

**Other:** 625

Stop resulted in arrest

**Yes:** 559

**No:** 39170

Arrest based on

**Violation of Penal Code:** 421

**Violation of Traffic Law:** 1

**Violation of City Ordinance:** 0

**Outstanding Warrant** 137

Street address or approximate location of the stop

**City street:** 1873

**US highway:** 0

**County road:** 37856

**Private property or other:** 0

Written warning or a citation as a result of the stop

**Yes:** 39729

**No:** 0

Submitted electronically to the



The Texas Commission on Law Enforcement



# Travis County Sheriff's Office 2017 Annual Report on Racial Profiling

*Report Prepared By:*

*Senior Planner Tracy Miller*

*February 16, 2018*

## 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).

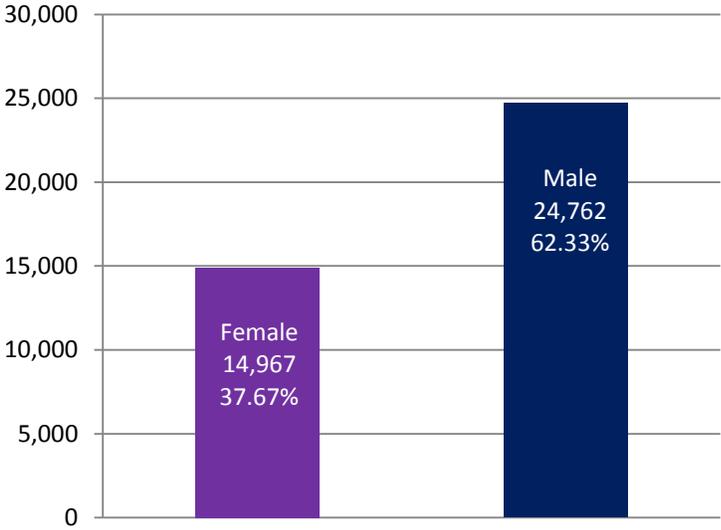
Per Senate Bill 1074 persons detained were classified as African, Asian, Caucasian, Hispanic, Middle Eastern (ME) or Native American (NA).

## DATA COLLECTION

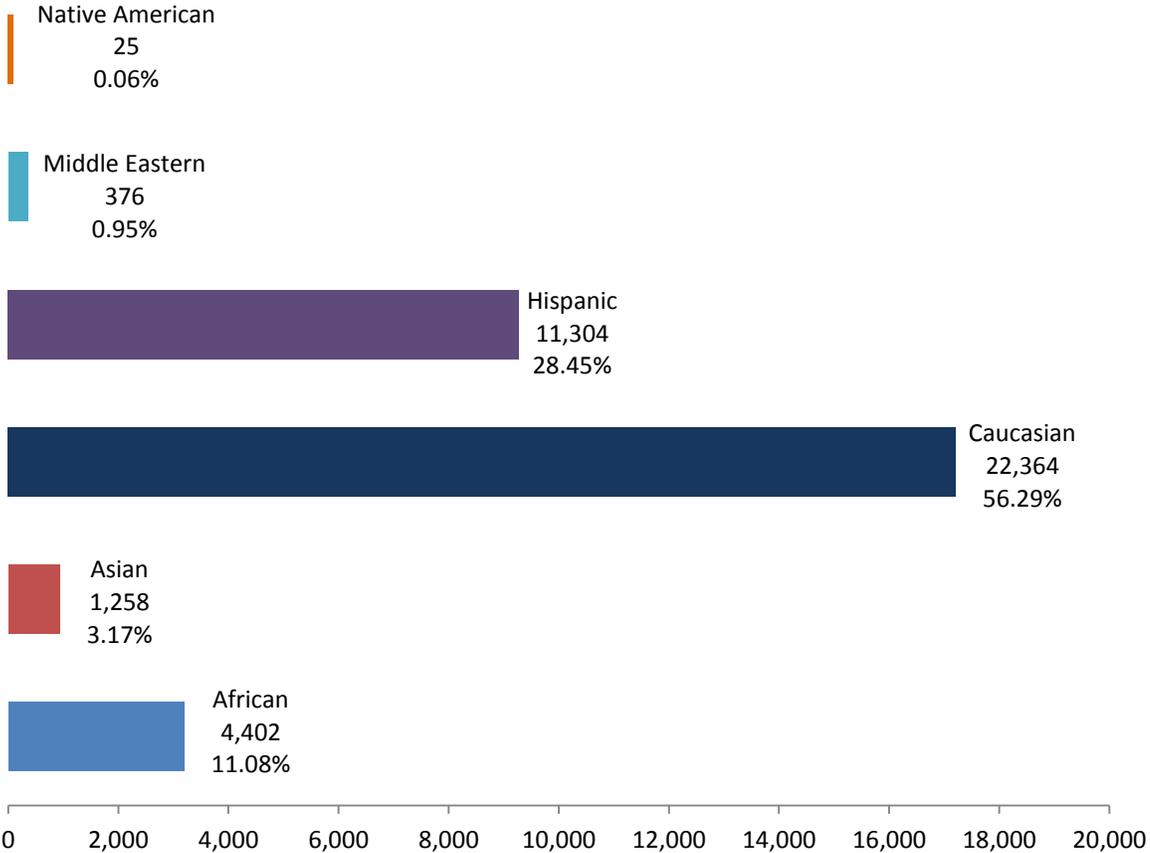
Between January 1, 2017 and December 31, 2017 Travis County Sheriff's Office deputies detained 39,729 individuals on traffic stops or pedestrian contacts.

*\* 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, 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	14,967	37.67%
Male	24,762	62.33%
<b>Total</b>	<b>39,729</b>	<b>100%</b>



Race	Total	Total
African	4,402	11.08%
Asian	1,258	3.17%
Caucasian	22,364	56.29%
Hispanic	11,304	28.45%
Middle Eastern	376	0.95%
Native American	25	0.06%
<b>Total</b>	<b>39,729</b>	<b>100%</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 38,319 of the 39,729 contacts. Searches were conducted in 1,410 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	NA	Total
No Search	21,737	4,107	10,830	373	1,248	24	<b>38,319</b>
Searches Conducted	627	295	474	3	10	1	<b>1,410</b>
<b>Total</b>	<b>22,364</b>	<b>4,402</b>	<b>11,304</b>	<b>376</b>	<b>1,258</b>	<b>25</b>	<b>39,729</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 numbers for a given group and dividing by the total number of Travis County Sheriff's Office contacts (39,729). The results are displayed in Table 2.

**Table 2** (race/total)

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA	Total
No Search	54.71%	10.34%	27.26%	0.94%	3.14%	0.06%	96.45%
Searches Conducted	1.58%	0.74%	1.19%	0.01%	0.03%	0.00%	3.55%
<b>Total</b>	<b>56.29%</b>	<b>11.08%</b>	<b>28.45%</b>	<b>0.95%</b>	<b>3.17%</b>	<b>0.06%</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 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	Caucasian	African	Hispanic	ME	Asian	NA	Total
No Search	56.73%	10.72%	28.26%	0.97%	3.26%	0.06%	<b>100%</b>
Searches Conducted	44.47%	20.92%	33.62%	0.21%	0.71%	0.07%	<b>100%</b>

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	Caucasian	African	Hispanic	ME	Asian	NA
No Search	97.20%	93.30%	95.81%	99.20%	99.21%	96.00%
Searches Conducted	2.80%	6.70%	4.19%	0.80%	0.79%	4.00%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

## CONTACTS

For 2017, of the 39,729 contacts, the largest number was identified by race / ethnicity as Caucasian 22,364 (56.29%); 11,304 (28.45%) were identified as Hispanic; 4,402 (11.08%) as African; 1,258 (3.17%) as Asian; 376 (0.95%) were identified as Middle Eastern and 25 (0.06%) 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:** 4,402 detentions. 4,107 (93.30%) were not searched and 295 (6.70%) were searched.

**Asian:** 1,258 detentions. 1,248 (99.21%) were not searched and 10 (0.79%) were searched.

**Caucasian:** 22,364 detentions. 21,737 (97.20%) were not searched and 627 (2.80%) were searched.

**Hispanic:** 11,304 detentions. 10,830 (95.81%) were not searched and 474 (4.19%) were searched.

**Middle Eastern:** 376 detentions. 373 (99.20%) were not searched and three (0.80%) were searched.

**Native American:** 25 detentions. 24 (96.00%) were not searched and one (4.00%) was searched.



## COMPARATIVE DATA

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

Race	Travis County <sup>1</sup>	SMSA <sup>2</sup>	Texas Fair Road <sup>3</sup>	TCSO Contacts
African	8.90%	6.88%	19.00%	10.43%
Asian	6.80%	3.42%	0.00%	0.06%
Caucasian	49.40%	51.88%	40.00%	54.71%
Hispanic	33.80%	36.74%	41.00%	27.26%
Native American	1.30%	1.38%	0.00%	0.00%
Other	2.60%	2.56%	0.00%	0.94%

## 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 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

During 2017 the Internal Affairs division of the Travis County Sheriff's Office reported no complaints of racial profiling.

<sup>1</sup> 2016 Census – Travis County ONLY

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

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

## EXCLUDED DATA

A total of 741 records (detailed below) were excluded because the State Report template does not accept the information as provided:

In the **PATROL Citation** report the following 516 records were excluded:

- ⌘ 515 records were excluded because "OTHER" was selected for RACE
- ⌘ One record was excluded because the Traffic section was "NULL"

In the **E-Citation** report the following 225 records were excluded:

- ⌘ 89 records were excluded because "UNKNOWN" was selected for RACE
- ⌘ Three records were excluded because "UNNKOWN" was selected for GENDER
- ⌘ 52 records were excluded because a "NA NO SEARCH" was selected when some type of search was conducted
- ⌘ 81 records were excluded because they were "UNATTENDED VEHICLES"

## OBSERVATIONS AND COMMENTS

This is the 15<sup>th</sup> biased-based profiling report issued by the Travis County Sheriff's Office since the inception of HB 1074. During the past 16 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.

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 16 years continues to suggest 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 16 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. Similarly, data collected from the previous three years supports the conclusion.

Gender	2014	2015	2016	2017
Female	15,770	16,043	11,325	14,967
Male	26,732	26,001	19,736	24,762
<b>Total</b>	<b>42,502</b>	<b>42,044</b>	<b>31,061</b>	<b>39,729</b>

Race	2014	2015	2016	2017
African	5,053	4,878	31,98	4,402
Asian	1,267	1,379	935	1,258
Caucasian	23,302	22,573	17,207	22,364
Hispanic	12,281	12,572	9,276	11,304
Middle Eastern	538	583	353	376
Native American	61	19	92	25
<b>Total</b>	<b>42,502</b>	<b>42,044</b>	<b>31,061</b>	<b>39,729</b>