

Racial Profiling Report | Tier two

Agency Name:	Travis County Sheriff's Office
Reporting Date:	02/24/2017
TCOLE Agency Number:	453100
Chief Administrator:	Sally Hernandez
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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: Sally Hernandez

Chief Administrator

Travis County Sheriff's Office

Date: 02/24/2017

Travis County Sheriff's Office Motor Vehicle Racial Profiling Information

Total stops: 38452

Gender

Female: 14599

Male: 23853

Race or ethnicity

African: 3875

Asian: 1201

Caucasian: 22181

Hispanic: 10627

Middle eastern: 452

Native american: 116

Was race or ethnicity known prior to stop?

Yes: 852

No: 37600

Reason for stop?

Violation of law: 9116

Pre existing knowledge: 37

Moving traffic violation: 21861

Vehicle traffic violation: 7438

Was a search conducted?

Yes: 1162

No: 37290

Reason for Search?

Consent: 274

Contraband: 538

Probable cause: 170

Inventory: 23

Incident to arrest: 157

Was Contraband discovered?

Yes: 1162

No: 0

Description of contraband

Drugs: 611

Currency: 0

Weapons: 169

Alcohol: 0

Stolen property: 271

Other: 111

Stop resulted in arrest

Yes: 375

No: 38077

Arrest based on

Violation of Penal Code: 287

Violation of Traffic Law: 0

Violation of City Ordinance: 40

Outstanding Warrant 48

Street address or approximate location of the stop

City street: 2451

US highway: 0

County road: 36001

Private property or other: 0

Written warning or a citation as a result of the stop

Yes: 38001

No: 451

Submitted electronically to the



The Texas Commission on Law Enforcement



Travis County Sheriff's Office 2016 Annual Report on Racial Profiling

Report Prepared By:

Senior Planner Tracy Miller

February 12, 2017

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:

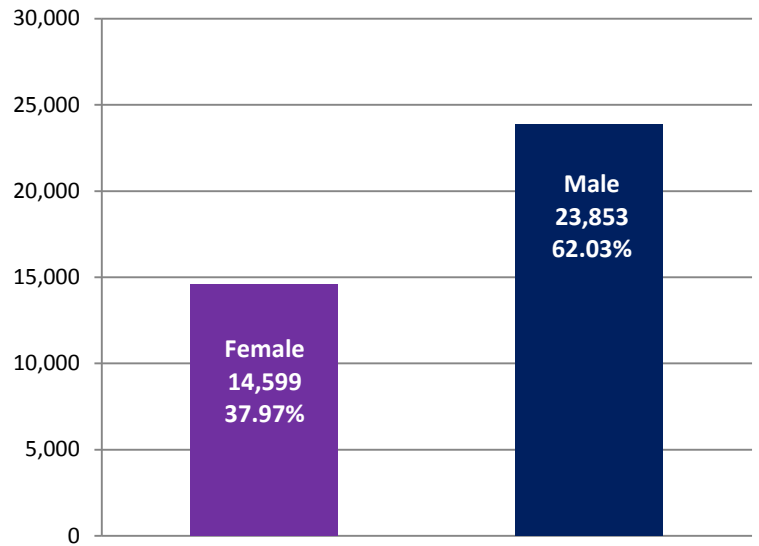
- 2.132 Requiring law enforcement agencies to develop a detailed written policy on racial profiling.
- 2.133 Requiring law enforcement agencies to collect reports on traffic and pedestrian stops.
- 2.134 Requiring law enforcement agencies to analyze the data collected and report the data to their respective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

DATA COLLECTION

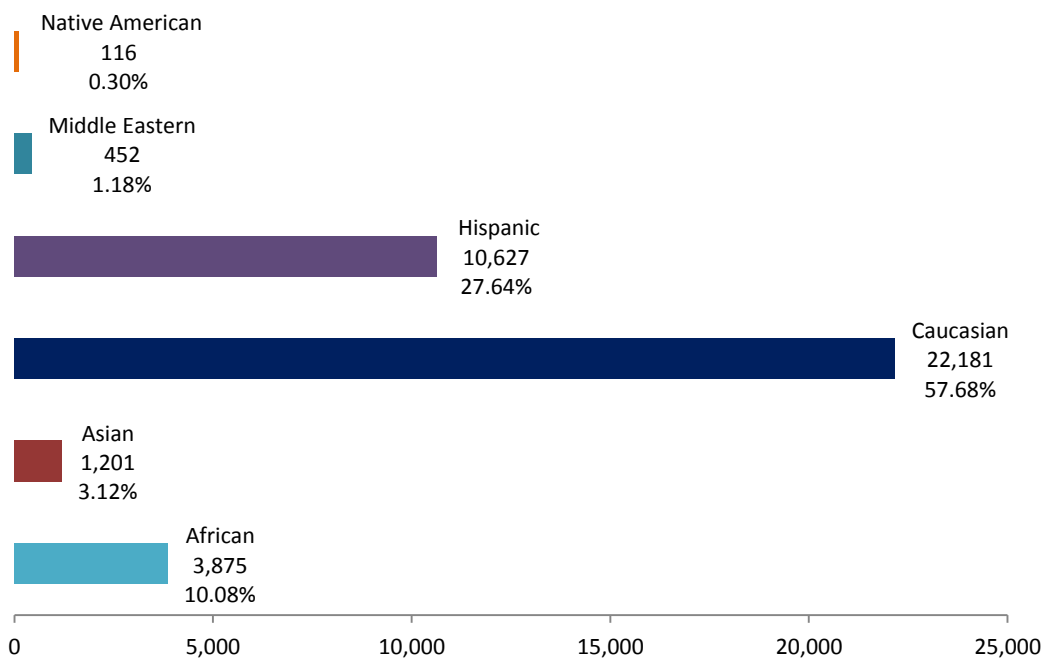
Between January 1, 2016 and December 31, 2016 Travis County Sheriff's Office deputies detained 39,270 individuals on traffic stops or pedestrian contacts; however this report excluded 818 records. There is a breakdown on page eight of this report that details all of the records that were excluded and why.

** 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	14,599	37.97%
Male	23,853	62.03%
Total	38,452	100%



Race	Total	Total
African	3,875	10.08%
Asian	1,201	3.12%
Caucasian	22,181	57.68%
Hispanic	10,627	27.64%
Middle Eastern	452	1.18%
Native American	116	0.30%
Total	38,452	100%



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 37,290 of the 38,452 contacts. Searches were conducted in 1,162 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	21,637	3,660	10,246	444	1,188	115	37,290
Searches Conducted	544	215	381	8	13	1	1,162
Total	22,181	3,875	10,627	452	1,201	116	38,452

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 (38,452). The results are displayed in Table 2.

Table 2 (race/total)

REASON for Search	Caucasian	African	Hispanic	ME	Asian	NA	Total
No Search	56.27%	9.52%	26.65%	1.15%	3.09%	0.30%	96.98%
Searches Conducted	1.41%	0.56%	0.99%	0.02%	0.03%	0.00%	3.02%
Total	57.68%	10.08%	27.64%	1.17%	3.12%	0.30%	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	58.02%	9.81%	27.48%	1.19%	3.19%	0.31%
Searches Conducted	46.82%	18.50%	32.79%	0.69%	1.12%	0.09%

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%	94.45%	96.41%	98.23%	98.92%	99.14%
Searches Conducted	2.45%	5.55%	3.59%	1.77%	1.08%	0.86%
Total	100%	100%	100%	100%	100%	100%

38,452 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 2016, of the 38,452 contacts, the largest number was identified by race / ethnicity as Caucasian 22,181 (57.68%); 10,627 (27.64%) were identified as Hispanic; 3,875 (10.08%) as African; 1,201 (3.12%) as Asian; 452 (1.18%) were identified as Middle Eastern and 116 (0.30%) 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: 3,875 detentions. 3,660 (94.45%) were not searched and 215 (5.55%) were searched.

Asian: 1,201 detentions. 1,118 (98.92%) were not searched and 13 (1.08%) were searched.

Caucasian: 22,181 detentions. 21,637 (97.55%) were not searched and 5,441 cases (2.45%) were searched.

Hispanic: 10,627 detentions. 10,246 (96.41%) were not searched and 381 (3.59%) were searched.

Middle Eastern: 452 detentions. 444 (98.23%) were not searched and eight (1.77%) was searched.

Native American: 116 detentions. 115 (99.14%) were not searched and one (0.86%) was searched.

SEARCH ANALYSIS

Of the 38,452 detentions, 1,162 (3.02%) resulted in a search being conducted. Of those searched 544 (46.82%) were Caucasian; 381 (32.79%) were Hispanic; 215 (18.50%) were African; 13 (1.12%) were Asian; eight were Middle Eastern (0.69%) and one was Native American (0.09%). Of the 38,452 detentions, the search authority listed is reflected in Tables 5 and 6.

Table 5

REASON for Search	Total
No Search	37,290
Consent	289
Plain View	90
PC or Reasonable Stop	603
Impound	23
Warrant	2
Incident to On-Site Arrest	155
Total	38,452

Table 6

REASON for Search	Total
No Search	96.98%
Consent	0.75%
Plain View	0.23%
PC or Reasonable Stop	1.57%
Impound	0.06%
Warrant	0.01%
Incident to On-Site Arrest	0.40%
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	Asian	ME	NA	Total
No Search	21,637	3,660	10,246	1,188	444	115	37,290
Consent	142	39	105	1	2	0	289
Contraband / plain site	55	6	24	3	1	1	90
PC or reasonable stop	254	154	185	7	3	0	603
Impound	5	0	17	0	1	0	23
Warrant	1	0	1	0	0	0	2
Incident to On-Site Arrest	87	16	49	2	1	0	155
Total	22,181	3,875	10,627	1,201	452	116	38,452

Table 8

REASON for Search	Caucasian	African	Hispanic	Asian	ME	NA
No Search	97.55%	94.45%	96.41%	98.92%	98.23%	99.14%
Consent	0.64%	1.01%	0.99%	0.08%	0.44%	0.00%
Contraband / plain site	0.25%	0.15%	0.23%	0.25%	0.22%	0.86%
PC or reasonable stop	1.15%	3.97%	1.74%	0.58%	0.66%	0.00%
Impound	0.02%	0.00%	0.16%	0.00%	0.22%	0.00%
Warrant	0.00%	0.00%	0.01%	0.00%	0.00%	0.00%
Incident to On-Site Arrest	0.39%	0.41%	0.46%	0.17%	0.22%	0.00%
Total	100%	100%	100%	100%	100%	100%

COMPARATIVE DATA

Using the **2010 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
African	8.52%	10.81%	19.00%	10.08%
Asian	5.79%	7.00%	0.00%	3.12%
Caucasian	69.30%	60.44%	40.00%	57.68%
Hispanic	50.30%	45.70%	41.00%	27.67%
Native American	1.26%	1.14%	0.00%	0.30%
Other	23.37%	20.60%	0.00%	1.18%

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 2016.

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

EXCLUDED DATA

Over the past year we have had to exclude data that we are not able to count. 818 records (detailed below) were excluded because the State Report template does not accept the information as provided:

In the **PATROL Citation** report the following 659 records were excluded:

- ⌘ 614 records were excluded “OTHER” being selected for RACE
- ⌘ 23 records were excluded because they were “UNATTENDED VEHICLES”
- ⌘ 10 records were excluded because “OTHER or UNKNOWN” was selected for GENDER
- ⌘ 12 records were excluded because the ‘TYPE OF STOP’ was incomplete

In the **E-Citation** report the following 159 records were excluded:

- ⌘ 116 records were excluded due a null “RACE”
- ⌘ Seven records were excluded due to a null “GENDER”
- ⌘ 35 records were excluded because “NA NO SEARCH” was selected when some type of search was conducted
- ⌘ One record was excluded due to a null “CONTRABAND”

OBSERVATIONS AND COMMENTS

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

Obedience within our agency is paramount as well. We recently discovered that an undisclosed number of officers issued verbal warnings without completing the form for racial profile documentation because they have video and believed that someone was reviewing their video. This has created some conflicts in our reporting as well and we will be reviewing and updating our internal policies.

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. And a quick reminder of our breakdown for the previous two years supports the conclusion.

Race	2014	2015
African	5,053	4,878
Asian	1,267	1,379
Caucasian	23,302	22,573
Hispanic	12,281	12,572
Middle Eastern	538	583
Native American	61	19
Total	42,502	42,044

Gender	2014	2015
Female	15,770	16,043
Male	26,732	26,001
Total	42,502	42,044