

# Racial Profiling

## Texas Traffic Stops and Searches



Prepared by Steward  
Research Group on behalf of the  
Texas Criminal Justice Reform Coalition,  
the ACLU of Texas, NAACP of Texas,  
and Texas LULAC.

A first look at the nation's most  
comprehensive racial profiling dataset:  
Texas traffic stops and searches.

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# Executive Summary

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With the passage of Texas Senate Bill 1074 (SB 1074) in 2001, law enforcement agencies must now annually report detailed statistics concerning the race of individuals who are stopped and searched in their jurisdictions. For this study, data from 413 agencies was collected. The dataset includes several million police-civilian contacts representing the majority of traffic stops in Texas. This report analyzes each contributing agency's self-reported statistics, as well as the quality of the reports produced, in order to better inform policy leaders, law enforcement agencies, and community members as they address the problem and the perception of racial profiling. This is the largest set of racial profiling data that has ever been collected and analyzed.

## Goals

The goals of this report are three-fold:

1. Analyze the racial distribution of stop and search rates in Texas using self-reported data submitted by police and sheriffs' departments.
2. Review the quality of the racial profiling data collected and reported by law enforcement agencies.
3. Recommend additional research needed to explain racial disparities in stop and search rates.

## Findings

Our statistical analysis found the following:

1. Approximately 6 of every 7 law enforcement agencies reported searching blacks and Latinos at higher rates than Anglos following a traffic stop.
2. Overall, those law enforcement agencies which reported searching blacks at higher rates than Anglos also tended to report searching Latinos at higher rates than Anglos.
3. Approximately 3 of every 4 law enforcement agencies reported stopping blacks and Latinos at higher rates than Anglos.
4. These statistical disparities in stop rates appear regardless of the driving population used to compare the

stop rates. In this study, researchers compared stops to three different base populations (2000 U.S. Census driving age population data, Texas Fair Roads Standard data [the number of vehicles per household], and U.S. Department of Transportation survey data), and reported the results with the least racial disparity.

5. Overall, those law enforcement agencies which reported stopping blacks at higher rates than Anglos also tended to report stopping Latinos at higher rates than Anglos.
6. Overall, those law enforcement agencies that reported stopping blacks and Latinos at higher rates than Anglos also tended to report searching blacks and Latinos at higher rates than Anglos.
7. Few agencies reported other department-level data or mitigating information which may have explained the statistical disparities in their stop and search rates.
8. 140 departments, or 34% of departments that responded to the survey, did not report basic stop, search and arrest data required by SB 1074.
9. More than 83% of departments did not report using any auditing procedures to ensure the accuracy of data collected and reported to ensure against human errors, technical errors, and data tampering.
10. The lack of a generally accepted uniform reporting standard and the degree with which auditing procedures were not employed limited the usefulness of many reports filed by law enforcement agencies.

## Conclusion

In the absence of department-level mitigating factors, the statistical racial disparities in stop and search rates suggest a pattern of racial profiling by law enforcement agencies across Texas. Agencies should identify any mitigating factors or additional information which may indicate that the racial disparities are caused by legitimate law enforcement practices and not by race-based policing. It is imperative for law enforcement agencies to collect and report additional data, audit it for accuracy and completeness, and analyze it in order to better understand the role of race in police-civilian contacts.

# The 2001 Racial Profiling Data Collection Law (SB 1074)

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As of January 1, 2002, each Texas law enforcement agency that regularly engages in traffic and pedestrian stops is required to annually collect race data on its stops and searches. In March 2003, departments for the first time were required to report their annual findings to their respective local governing bodies - usually the city council or the county commissioner's court. This report contains data collected by Texas departments in 2002 and reported to local governing bodies in March 2003.

The Texas legislature divided the data collection process into two phases. In 2002, the first year of data collection, every law enforcement agency was required to report at least Tier I data. Tier I requires the data collection only of traffic stops which result in a ticket or arrest. It omits stops (a) involving pedestrians, (b) where only a warning was given or no action was taken, and (c) where a search took place but no ticket was issued. Tier I data includes the following data elements:

- The motorist's race/ethnicity (Caucasian, Black, Hispanic, Native American and Asian);
- Whether a search was conducted;
- Whether the officer had voluntary consent for the search from the motorist; and
- Whether the motorist was arrested.

In future years of data collection, departments are required to collect the more in-depth Tier 2 data – unless they have audio visual equipment in vehicles generally used for traffic stops, or unless they applied for funding to get such equipment (regardless of whether they actually received that funding). In these latter cases, law

enforcement agencies must report only Tier I data. Tier 2 requires data collection on every traffic stop, as well as data collection on all pedestrian stops. The following data must be compiled for these stops under Tier 2 requirements:

- The individual's gender;
- The individual's race/ethnicity;
- The traffic law or ordinance alleged to have been violated;
- Whether the officer conducted a search;
- Whether the officer had voluntary consent for the search from the individual;
- Whether probable cause existed to conduct a search and the specific facts supporting probable cause;
- Whether contraband was found during the search and the type of contraband found;
- Whether an arrest was made, a citation issued, or a warning issued;
- A statement or description of the offense charged, citation issued, or warning issued; and
- The address or approximate location of the stop.

Law enforcement agencies required to collect Tier 2 data are also required to conduct a comparative analysis of the data to “determine the prevalence of racial profiling,” and to include this comparative analysis in their annual report. Our findings indicate that the majority of departments either installed A/V equipment or at least applied for funding for A/V equipment and thus are indefinitely exempt from Tier 2 data reporting requirements.

# Recommendations

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## Recognize and Address Problems Identified

At best, racial profiling data can indicate whether a problem may exist at the local level. Initial findings from this analysis show that blacks and Latinos in Texas communities are more likely to be stopped and searched than their Anglo counterparts, yet most police and sheriffs' departments gave no indication in their reports that a problem existed. Many departments went so far as to declare there was no racial profiling based on their figures, despite numbers indicating racial disparities and without explanation of any local mitigating factors. Because these racial disparities could be caused by other factors in law enforcement, they may not indicate race-based profiling. However, to make this determination, local governments must recognize and seek explanations for the identified disparities. City councils, county commissioners, and police supervisors should: (1) investigate the reasons for the disparities highlighted in this report, and (2) begin to create and implement policies to monitor and eliminate profiling within their agencies.

## Focus on Racial Disparities in Searches

Nationwide, racial disparities in the likelihood of being searched during a traffic stop have been a leading concern in debates over racial profiling. Studies of data, including this one, have shown that black and Latino drivers are subjected to searches at significantly higher rates than Anglo drivers. Interpreting racial disparities in searches is much more reliable than in traffic stops because analysis does not depend on establishing a new baseline. The baseline used to compare search rates is the pool of drivers that could be subject to a search, i.e. the total number of those stopped. Regardless of the rate at which a racial group is stopped, the search rate should be commensurate with the rate at which the group is stopped, barring other mitigating factors. Examining search rates in more detail will help stakeholders and law enforcement agencies understand whether disparate search rates are, in fact, legitimate law enforcement practices or whether they represent racial profiling.

## Collect More Data on Contraband and "Hit Rates"

While current data indicates the existence of racial disparities in stops and searches by law enforcement agencies, the agencies are currently collecting too few data elements to concretely analyze the causes for the

disparities. Many of the data elements needed to perform a more purposeful analysis are actually required of agencies collecting Tier 2 data (pursuant to SB 1074) – primarily, whether or not contraband was discovered during a search. If blacks and Latinos are searched at a higher rate than Anglos, but contraband is found in their possession at the same or higher rate than it is found in the possession of Anglos, the high number of searches is likely to be based on legitimate factors (such as suspicious behavior) and may be justified. By contrast, if black and Latino "hit rates" from searches are the same or lower than that for Anglos, one can legitimately question whether significant numbers of minorities are unjustifiably being searched.

## Require All Departments to Collect Tier 2 Data

Currently, agencies with audio/visual equipment in vehicles regularly used in traffic enforcement are exempt under SB 1074 from the more in-depth Tier 2 data collection requirements. While cameras help both officers and the public in individual cases, they are no substitute for the ability of police supervisors to analyze patterns in aggregate department-wide data.

Furthermore, departments who applied for funding for audio-visual equipment from the Department of Public Safety but did not receive funding are also exempt from collecting the more extensive data, regardless of whether they actually used cameras or not. Because these two exemptions cover most departments, the majority are not collecting Tier 2 data.

Finally, most departments are not collecting data on stops that do not result in a citation. This means any analysis of department-level data is missing a critical dataset of police-civilian contacts. There are large numbers of motorists who are stopped and possibly searched but are not cited or arrested, and they are not included in most of these reported datasets. Because the vast majority of agencies did not collect this information, any resulting analysis of racial profiling data, including this one, cannot account for the full set of motorists stopped by police. The Texas Legislature should amend SB 1074 to mandate Tier 2 reporting for all agencies.

## Analyze Officer-Level Data

Departments should use officer-specific data internally as part of a comprehensive early warning system to guard

against racial profiling and related officer misconduct. Especially in smaller and mid-size departments, the actions of a few officers assigned to traffic enforcement can dramatically influence department-wide statistics. Even if legitimate reasons explain disparate results, i.e., the officer's specific assignment in a minority neighborhood, such judgments can only be made in an individual – not a department-wide – context. Although SB 1074 does not allow disclosure of individual officer data in the annual reports, departments can and should use this data for their own supervisory purposes. Video cameras financed under SB 1074 provide an excellent system for supervisors to perform oversight where disparities are unexplained or racial profiling is suspected.

## Require Data Auditing

Although law enforcement agencies must collect data, there are few measures in place to ensure that this data is being collected and reported accurately. More than 83% of departments reported using no data auditing procedures. Of the 17% reporting some auditing measures, these measures were often sub-standard. For example, the most common auditing policy used involved a superior officer reviewing data, but this “policy” was not further explained or systemized.

The saying, “Garbage in, garbage out” is as true in racial profiling as elsewhere. We cannot fully rely on the conclusions of any study or report unless mechanisms are in place to reliably guarantee that all reports are made for each stop, that the required information is filled in accurately and completely, and that the researchers provide for and account for data problems in their design, analysis, and conclusions. While some departments find data auditing unwarranted, auditing in other jurisdictions (such as Rhode Island and New Jersey) has revealed serious data tampering which skewed reported data and conclusions.

A review of Texas racial profiling reports quickly reveals the need for auditing mechanisms. Our research found a number of departments where totals were not properly computed and major discrepancies in reporting were evident. Significant data collection problems could have been identified and corrected if local agencies had merely compared the total number of racial profiling data entries to the total number of traffic stops to ensure they matched. University analysts and law enforcement agencies in other data-collecting states have already developed model auditing processes for departmental use. Ultimately, simple auditing procedures can and should be put in place to ensure against human error, technical errors, and data tampering.

## Adopt Uniform Reporting Standards

The quality and clarity of the racial profiling reports varied greatly from agency to agency. Approximately 34% of law enforcement agencies did not report the basic data required by SB 1074, and many departments did not report data broken out by race—making racial analysis impossible. Furthermore, many departments did not break out race by all racial categories, but for those that did, there was great variety in the racial or ethnic categories collected. Some departments counted Latinos as Anglos, thus making comparisons between racial groups impossible. Others did not collect data on Native Americans or Asian Americans, while some collected information on very specific ethnic groups, such as Pakistanis. Most notably, one county considered “Asians” and “Orientals” as two different ethnic groups.

Many departments also collapsed different sets of data together, making comparisons across departments cumbersome. For instance, many departments included written warnings or pedestrian stops in the same column with traffic citation stops. There was also great variety in what was reported for searches or arrests: some departments excluded searches incident to arrest, some excluded arrests resulting from warrants, and some even excluded consent searches.

Differences in local reporting standards make it difficult to concretely compare data statewide or across agencies. These deficiencies undermine the intent of SB 1074. The Texas Legislature should amend the law to authorize the Texas Commission on Law Enforcement Officer Standards and Education to standardize reporting procedures. Standardization will facilitate better analysis between and within law enforcement agencies.

## Report Different Data Separately

Many departments reported different types of data together, making analysis difficult in most cases and impossible in some. For instance, many departments who chose to collect pedestrian data or warning data did not identify it separately. As can be seen in the cases of the San Antonio Police Department and Houston Police Department (see *Why Collect Additional Data?*), aggregate data on officer interactions with pedestrians is often quite different from data on interactions with motorists. Often, different arrest, search, and citation patterns emerge for pedestrians, as well as for those receiving written warnings. Because of these often differing patterns, analysis of pedestrian and traffic data should be reported separately.

Additionally, police departments should break out dif-

ferent types of searches separately, as different types of searches involve different levels of officer discretion. Currently, departments include searches incident to arrest and inventory searches in their reported search totals. These types of searches are made without officer discretion and should be excluded from racial profiling analysis. The case studies in *Why Collect Additional Data?* make it clear that racial disparities can be either overly inflated or obscured if a department does not distinguish between different types of searches. It is the public's and the departments' best interest to report search types separately.

### **Enforce the Current Requirements of SB 1074**

Of agencies that responded to an open records request, 34% of police and sheriffs' departments did not report all basic stop and search rate data required by SB 1074. Hundreds of other departments did not respond to open

records requests, as required by law. The Texas Legislature, local city councils, and county commissioners' courts should ensure that all local law enforcement agencies are reporting racial profiling data pursuant to current state law.

### **Establish a Statewide Repository for Reports**

The Texas Commission on Law Enforcement Standards and Education or the Department of Public Safety should be mandated to collect and publish the racial profiling reports from all Texas law enforcement agencies while using consistent reporting standards. Having such a repository for the reports would create an additional layer of accountability for law enforcement agencies and would aid police and sheriffs' departments and community members in conducting comparisons in departmental data.



# Who is Getting Searched?

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## Summary of Findings

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- One** Approximately 6 of every 7 law enforcement agencies in Texas reported higher search rates of blacks and Latinos than of Anglos following a traffic stop.
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- Two** Overall, those law enforcement agencies that reported stopping blacks and Latinos at higher rates than Anglos also tended to report searching blacks and Latinos at higher rates than Anglos.
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- Three** Overall, those law enforcement agencies that reported searching blacks at higher rates than Anglos also tended to report searching Latinos at higher rates than Anglos.
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- Four** While statistical racial disparities in stop and search rates suggest a pattern of racial profiling by Texas law enforcement agencies, more research must be conducted and more data collected and reported before it is possible to determine the underlying causes of these racial disparities with statistical certainty. Furthermore, the lack of a generally accepted uniform reporting standard and the degree with which auditing procedures were not employed limited the usefulness of many reports filed by law enforcement agencies.
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# Racial Disparities in Searches by Region

Overall, law enforcement agencies in South and West Texas reported that blacks and Latinos were more likely than Anglos to be searched following a traffic stop by Texas law enforcement agencies in 2002.

**Table 1: Black and Latino search rates by geographical region**

<b>Region</b>	<b>Black Search Rate</b> How much more likely than an Anglo driver to be searched ?	<b>Latino Search Rate</b> How much more likely than an Anglo driver to be searched ?
North Texas	1.4 times more likely	1.3 times more likely
Northwest Texas	1.9 times more likely	1.4 times more likely
East Texas	1.3 times more likely	1.2 times more likely
Southeast Texas	1.5 times more likely	1.6 times more likely
Valley	1.8 times more likely	1.4 times more likely
West Texas	1.8 times more likely	1.1 times more likely
South Texas	2.2 times more likely	1.7 times more likely
Central Texas	1.6 times more likely	1.4 times more likely
<b>Statewide median</b>	<b>1.6 times more likely</b>	<b>1.4 times more likely</b>

## How to read the results table:

The relative search likelihood was calculated separately for each department in the region by dividing the per-

centage of blacks or Latinos who were searched following a traffic stop by the percentage of Anglo drivers searched following a stop.

# Racial Disparities in Searches by Department

Blacks and Latinos in Texas were significantly more likely than Anglos to be searched following a traffic stop by Texas law enforcement agencies in 2002: approximately 6 of every 7 law enforcement agencies reported racial disparities between non-Anglo and Anglo search rates.

## Notes on Interpreting Search Rates

Interpreting racial disparities in searches is much clearer than interpreting racial disparities in traffic stops. Because searches following a traffic stop are a subset of the total number of traffic stops, this is the baseline used to

determine whether disparities in searches exist between races. This is quite different than determining disparities in traffic stops because the number of traffic stops reported is a subset of the total number of the driving population, which cannot be definitively known.

It is important to note that this table does not include data on searches that were conducted but which did not result in a citation. Departments would provide a clearer picture of the causal factors behind their search data if they broke out separately the number of searches incidental to arrest, the number of searches based on articulated probable cause, and the number of searches that were “consent” searches (i.e., searches performed with the verbal consent of the driver). For more information, see “*Why Collect Additional Data?*”

## Notes on Table 2

The relative search likelihood was calculated separately for each department by dividing the percentage of blacks or Latinos who were searched following

a traffic stop by the percentage of Anglo drivers searched following a stop. Because some departments filed reports with obvious or potential inaccuracies or submitted incomplete data, this data was not used for comparative analysis. As such, an entry of ‘x’ means that the data was not available in the agency’s racial profiling report or that the data provided in the report is being reviewed further for accuracy. Furthermore, we have chosen to not report the stop and/or search ratio of all police departments with a stop or search ratio in excess of 3.0 until we are able to verify the validity of the underlying data. Racial profiling reports analyzed for this study can be obtained at [www.racialprofilingdataport.org](http://www.racialprofilingdataport.org).

**Table 2: Alphabetical listing of police and sheriff’s departments with black and Latino search rates**

Law Enforcement Agency	Black Search Rate	Latino Search Rate
	How many times more likely than an Anglo driver to be searched?	How many times more likely than an Anglo driver to be searched?
Addison Police Department	1.6	0.9
Alamo Heights Police Department	>3	2.8
Allen Police Department	1.7	2.2
Andrews County Sheriff’s Department	x	0.6
Angleton Police Department	1.5	1.2
Anson Police Department	0.6	0.9
Aransas County Sheriff’s Department	0.8	0.7
Archer County Sheriff’s Department	>3	x
Argyle Police Department	0.9	1.4
Arlington Police Department	1	1
Athens Police Department	1.1	1.2
Austin Police Department	2.3	2.2
Balch Springs Police Department	0.8	1.6
Balcones Heights Police Department	0.9	0.8
Bandera County Sheriff’s Department	0.8	1.1
Bastrop County Sheriff’s Department	1.7	1.8
Bastrop Police Department	1.4	1.1
Baytown Police Department	1.4	0.9
Bell County Sheriff’s Department	0.3	X

<b>Law Enforcement Agency</b>	<b>Black Search Rate</b> How many times more likely than an Anglo driver to be searched?	<b>Latino Search Rate</b> How many times more likely than an Anglo driver to be searched?
Bellaire Police Department	2.2	1.6
Benbrook Police Department	1.4	1.5
Bexar County Sheriff's Department	>3	>3
Big Spring Police Department	0.8	0.9
Blue Mound Police Department	1.4	1.6
Boerne Police Department	2.2	2.6
Bonham Police Department	1.6	0.7
Borger Police Department	1.3	1.1
Bowie County Sheriff's Department	0.8	x
Brazos County Sheriff's Department	1.5	1.6
Brenham Police Department	1.3	2.1
Brookshire Police Department	2	0.7
Brownsboro Police Department	0.5	1.2
Brownsville Police Department	1	1
Bryan Police Department	>3	>3
Buffalo Police Department	0.4	2.6
Burkburnett Police Department	1	1
Burleson Police Department	1.1	1.3
Burnet Police Department	x	1.5
Callahan Sheriff's Department	x	2.7
Canton Police Department	1.3	0.8
Canyon Police Department	1.1	1.3
Cedar Park Police Department	1.1	1.3
Cherokee County Sheriff's Department	1	0.3
Childress County Sheriff's Department	x	2.3
Clear Lake Shores Police Department	2	>3
Cleburne Police Department	2.2	2.2
Clute Police Department	0.9	1.2
Coffee City Police Department	x	x
College Station Police Department	2.1	2.3
Colorado City Police Department	1.6	1.4
Commerce Police Department	0.6	x

<b>Law Enforcement Agency</b>	<b>Black Search Rate</b> How many times more likely than an Anglo driver to be searched?	<b>Latino Search Rate</b> How many times more likely than an Anglo driver to be searched?
Conroe Police Department	1.9	0.9
Converse Police Department	0.9	0.9
Coppell Police Department	1.9	1.1
Copperas Cove Police Department	1.6	1.4
Corpus Christi Police Department	2.7	1.9
Corral County Sheriff's Department	1	1
Corsicana Police Department	1.2	0.9
Corvell County Sheriff's Department	0.5	1.4
Dallas County Sheriff's Department	1.3	1.8
Dallas Police Department	1.8	3
Dayton Police Department	>3	>3
Deaf Smith County Sheriff's Department	x	1.3
Del Rio Police Department	x	0.8
Denison Police Department	1.6	0.7
Denver City Police Department	x	1.3
Dickinson Police Department	0.9	0.4
Dublin Police Department	1.2	1.6
Dumas Police Department	x	>3
Duncanville Police Department	1.5	2
Eagle Lake Police Department	1.7	1.4
Eagle Pass Police Department	x	1.1
Early Police Department	>3	x
East Mountain Police Department	1.1	2.5
Eastland Police Department	2.4	1.7
Eden Police Department	1	1.1
Edna Police Department	1.4	1.2
El Paso Police Department	1.8	1.2
Erath County Sheriff's Department	x	2.3
Eules Police Department	1.1	1.9
Fair Oaks Ranch Police Department	>3	x
Floresville Police Department	1.8	1.8
Flower Mound Police Department	0.2	0.6

<b>Law Enforcement Agency</b>	<b>Black Search Rate</b> How many times more likely than an Anglo driver to be searched?	<b>Latino Search Rate</b> How many times more likely than an Anglo driver to be searched?
Forest Hill Police Department	1	1.5
Fort Worth Police Department	1.8	1
Fredericksburg Police Department	1.3	2
Galveston Police Department	1.6	1.4
Garden Ridge Police Department	0.7	>3
Garland Police Department	1.4	1.2
George West Police Department	x	2.2
Georgetown Police Department	2.5	2.6
Gladewater Police Department	2.7	x
Granbury Police Department	x	1.6
Grand Prairie Police Department	1.8	1.7
Grand Saline Police Department	x	1
Grapevine Police Department	>3	2.6
Greenville Police Department	2.7	2.3
Gregory Police Department	1.8	1.2
Grimes County Sheriff's Department	1.8	>3
Hallettsville Police Department	1.9	x
Haltom City Police Department	0.7	1.3
Harlingen Police Department	0.2	1.5
Harris County Sheriff's Department	1.4	1.4
Haskell County Sheriff's Department	x	1
Hawkins Police Department	x	x
Helotes Police Department	x	1
Hemphill Police Department	0.9	0.3
Hidalgo Police Department	x	0.8
Highland Village Police Department	2.6	2.4
Hill Country Village Police Department	x	1.9
Hill County Sheriff's Department	2.7	2.4
Hillsboro Police Department	x	x
Holland Police Department	>3	>3
Hollywood Park Police Department	>3	2.6
Hood County Sheriff's Department	x	1.2

<b>Law Enforcement Agency</b>	<b>Black Search Rate</b>	<b>Latino Search Rate</b>
	How many times more likely than an Anglo driver to be searched?	How many times more likely than an Anglo driver to be searched?
Hopkins County Sheriff's Department	1.9	0.9
Horizon City Police Department	1.1	0.7
Houston Police Department	>3	2.4
Hunt County Sheriff's Department	0.6	x
Huntsville Police Department	2.1	>3
Hurst Police Department	1	1
Idalou Police Department	>3	1.3
Ingleside Police Department	0.9	1.8
Irving Police Department	1	1.2
Jacksboro Police Department	0.7	2.1
Jackson County Sheriff's Department	2.2	1.4
Jamaica Beach Police Department	2.6	x
Jersey Village Department	>3	>3
Jourdanton Police Department	>3	1.6
Kaufman County Sheriff's Department	1.2	0.8
Kaufman Police Department	1.6	1.5
Kerens Police Department	1.8	1.2
Kingsville Police Department	1.8	1.2
Kirby Police Department	1.6	0.8
Kyle Police Department	1.2	1.4
La Feria Police Department	x	1.4
La Grange Police Department	1.4	1.2
La Porte Police Department	0.5	0.5
Lago Vista Police Department	2.6	2
Lakeview Police Department	1.1	1.1
Lakeway Police Department	2.3	2.8
Lamesa Police Department	>3	1
Lancaster Police Department	0.9	1.2
Laredo Police Department	x	1.8
Lavaca County Sheriff's Department	>3	1.6
League City Police Department	1.3	1.9
Leander Police Department	1.6	1

<b>Law Enforcement Agency</b>	<b>Black Search Rate</b> How many times more likely than an Anglo driver to be searched?	<b>Latino Search Rate</b> How many times more likely than an Anglo driver to be searched?
Lewisville Police Department	1.6	1.9
Liberty Police Department	x	1.5
Live Oak Police Department	0.9	1.4
Livingston Police Department	1.6	1.6
Longview Police Department	2.3	1.4
Lubbock County Sheriff's Department	1.6	0.9
Lubbock Police Department	2.9	2.2
Madisonville Police Department	0.9	>3
Marble Falls Police Department	2.2	1.1
McAllen Police Department	x	1.4
Meadows Place Police Department	1.5	0.8
Memorial Villages Police Department	2	1.8
Midland County Sheriff's Department	1.9	2.1
Midland Police Department	>3	2.1
Montgomery County Sheriff's Department	1.5	1.4
Moore County Sheriff's Department	x	1.4
Morgan's Point Police Department	2.6	2.4
Mount Pleasant Police Department	1.3	0.9
Nacogdoches Police Department	1.6	1.1
Nassau Bay Police Department	x	>3
Navasota Police Department	1.7	1.5
Needville Police Department	0.3	1
Nueces County Sheriff's Department	x	1.4
Oak Point Police Department	0.9	1
Palacios Police Department	0.7	1.7
Palmer Police Department	0.8	1.7
Palo Pinto County Sheriff's Department	2.2	0.8
Panola County Sheriff's Department	1.2	1
Pfleugerville Police Department	1.1	1.4
Plano Police Department	2	2.3
Polk County Sheriff's Department	0.8	1.1
Port Aransas Police Department	>3	1.2



<b>Law Enforcement Agency</b>	<b>Black Search Rate</b> How many times more likely than an Anglo driver to be searched?	<b>Latino Search Rate</b> How many times more likely than an Anglo driver to be searched?
Port Arthur Police Department	1.2	0.8
Port Neches Police Department	1	1.3
Portland Police Department	1.5	1.5
Prairie View Police Department	2	>3
Rancho Viejo Police Department	x	1.1
Randall County Sheriff's Department	x	1.5
Richardson Police Department	1.1	1.2
River Oaks Police Department	0.5	1.2
Roanoke Police Department	0.7	0.7
Rockport Police Department	2	1.3
Rosenberg Police Department	>3	2.9
Round Rock Police Department	0.9	1
Rowlett Police Department	1.3	1.4
Sabinal Police Department	1.7	0.9
Saginaw Police Department	2.2	1
Sansom Park Police Department	0.3	0.7
San Angelo Police Department	>3	1.5
San Antonio Police Department	2.4	2.1
San Marcos Police Department	1.6	1.2
San Patricio County Sheriff's Department	1.5	x
Schertz Police Department	1.5	1.1
Seagoville Police Department	1.2	1.6
Seymour Police Department	1.4	1.5
Shavano Park Police Department	2.9	x
Shelby County Sheriff's Department	0.9	0.4
Shenandoah Police Department	1.9	2.5
Sherman Police Department	2.6	1.4
Sinton Police Department	x	1.5
Slaton Police Department	2.1	1.3
Smithville Police Department	2.8	>3
Stafford Police Department	1	>3
Sterling County Sheriff's Department	2.9	0.9

<b>Law Enforcement Agency</b>	<b>Black Search Rate</b> How many times more likely than an Anglo driver to be searched?	<b>Latino Search Rate</b> How many times more likely than an Anglo driver to be searched?
Sugar Land Police Department	1	1.6
Sulphur Springs Police Department	3	2.1
Sundown Police Department	x	x
Sweeny Police Department	1.2	0.9
Swisher County Sheriff's Department	x	x
Terrell Hills Police Department	>3	1.1
Terry County Sheriff's Department	>3	1.6
Texarkana Police Department	2.2	2.6
Thompsons Police Department	0.7	0.5
Tool Police Department	x	1.9
Travis County Sheriff's Department	1.8	1.8
Tulia Police Department	2.6	1.6
Tyler County Sheriff's Department	0.6	x
Tyler Police Department	1.9	1
UT Police Department	x	>3
Universal City Police Department	2.4	x
University Park Police Department	1.5	>3
Val Verde County Sheriff's Department	>3	2.0
Walker County Sheriff's Department	0.7	0.6
Weatherford Police Department	1.6	1.7
Wells Police Department	2.8	2.1
West University Place Police Department	2.8	>3
Westworth Police Department	1	2.6
Wharton County Sheriff's Department	2.5	2.2
Wichita Falls Police Department	1.8	1.9
Williamson County Sheriff's Department	1.5	1.4
Wilson County Sheriff's Department	1.1	0.8
Winnsboro Police Department	1.4	1.7
Wise County Sheriff's Department	>3	0.8
Wylie Police Department	0.9	1.2
Young County Sheriff's Department	2.3	x

# Who is Getting Stopped?

## Summary of Findings

- One** Approximately 3 of every 4 law enforcement agencies in Texas reported stopping blacks and Latinos at higher rates than Anglos.
- Two** These statistical disparities in stop rates appear regardless of the driving population used for comparison. In this study, researchers compared stops to three different base populations (2000 U.S. Census population data, Texas Fair Roads Standard data [the number of vehicles per household], and U.S. Department of Transportation survey data), and reported the results with the least racial disparity.
- Three** Overall, those law enforcement agencies that reported stopping blacks at higher rates than Anglos also tended to report stopping Latinos at higher rates than Anglos.
- Four** Overall, those law enforcement agencies that reported stopping blacks and Latinos at higher rates than Anglos also reported searching blacks and Latinos at higher rates than Anglos.
- Five** While statistical racial disparities in stop and search rates may suggest a pattern of racial profiling by Texas law enforcement agencies, more research must be conducted and more data collected and reported before it is possible to determine the underlying causes of these racial disparities with statistical certainty. Furthermore, the lack of a generally accepted uniform reporting standard and the degree with which auditing procedures were not employed limited the usefulness of many reports filed by law enforcement agencies.

## Racial Disparities in Stops by Region

*Overall, law enforcement agencies in North and South Texas reported that blacks and Latinos were significantly more likely than Anglos to be stopped by Texas law enforcement agencies in 2002. Those departments with relatively high stop rates for Blacks also tended to report high Latino stop rates.*

**Table 3: Black and Latino traffic stop rates by geographical distribution**

<b>Region</b>	<b>Black Stop Rate</b> How much more likely than an Anglo driver to be searched ?	<b>Latino Stop Rate</b> How much more likely than an Anglo driver to be searched ?
North Texas	1.9 times more likely	1.9 times more likely
Northwest Texas	1.8 times less likely	1.6 times more likely
East Texas	1.5 times less likely	1.8 times less likely

<b>Region</b>	<b>Black Stop Rate</b> How much more likely than an Anglo driver to be searched ?	<b>Latino Stop Rate</b> How much more likely than an Anglo driver to be searched ?
Southeast Texas	1.6 times more likely	1.4 times more likely
Valley	1.6 times more likely	1.8 times more likely
West Texas	1.4 times more likely	1.6 times more likely
South Texas	2.2 times more likely	1.7 times more likely
Central Texas	1.5 times more likely	1.1 times more likely

**How to read the results table:**

The relative stop likelihood was calculated separately for each department in the region by dividing the percentage of blacks or Latinos who were stopped by the percentage of Anglo drivers stopped. Population baselines us-

ing 2000 U.S. Census driving population data, Texas Fair Roads Standard data, and 2002 U.S. Department of Transportation survey data were constructed. The population baseline that resulted in the smallest statistical disparity, i.e. the baseline that was most favorable to the law enforcement agencies, was used to construct the table above.

# Racial Disparities in Stops by Department

*Blacks and Latinos in Texas were significantly more likely than Anglos to be stopped following a traffic stop by Texas law enforcement agencies in 2002: approximately 3 of every 4 law enforcement agencies in Texas reported stopping blacks and Latinos at higher rates than Anglos.*

**Notes on Interpreting Stop Rates:**

Many Texas jurisdictions reported only the total number of stops by race rather than a stop rate. Such reports say very little without interpretation using accepted statistical methodologies. For example, if after collecting data a particular city discovers that 45% of its traffic stops are of black drivers, that number by itself does not reveal much. Instead, agencies and stakeholders would want to know the proportion of traffic stops compared to an appropriate baseline of those eligible to be stopped in that community. Currently, an ongoing debate about how best to determine this baseline has not reached a definitive conclusion. Regression analysis, drivers license population data, Census population data, vehicle availability figures by race (supplied by the U.S. Census), and transportation surveys have all been employed at different times by different agencies and jurisdictions. In the individual reports submitted to Texas city councils and county commissioners in 2002, slightly more than half of all departments employed no baseline whatsoever. Of those using a baseline, local U.S. Census data was generally used to compare stop rates among groups. In this report, a comparison was made between the stop rates by race and three different baselines: basic US Census

driving age population data, Texas Fair Roads Standard data, and U.S. Department of Transportation survey data. Our conclusion is that racial disparities remain relatively stable regardless of which baseline is used. Consequently, the use of different baselines does not invalidate the integrity or meaning of stop disparities. The information contained in the table below shows the stop rate when compared to the baseline which resulted in the least disparity.

**Notes on Table 4:**

The relative stop likelihood was calculated separately for each department by dividing the percentage of blacks or Latinos who were stopped by the percentage of Anglo drivers stopped. Because some departments filed reports with obvious or potential inaccuracies or submitted incomplete data, this data was not used for comparative analysis. As such, an entry of ‘x’ means that the data was not available in the agency’s racial profiling report or that the data provided in the report is being reviewed further for accuracy. Furthermore, we have chosen to not report the stop ratio of all police departments in excess of 3.0 until we are able to verify the validity of the underlying data. Racial profiling reports analyzed for this study can be obtained at [www.racialprofilingdatapoint.org](http://www.racialprofilingdatapoint.org).

**Table 4: Alphabetical listing of police and sheriff's departments with black and Latino stop rates**

<b>Police Department</b>	<b>Black Stop Rate</b>	<b>Latino Stop Rate</b>
	How many times more likely than an Anglo driver to be stopped?	How many times more likely than an Anglo driver to be stopped?
Addison Police Department	1.5	x
Alamo Heights Police Department	x	>3
Alamo Police Department	x	>3
Allen Police Department	2.1	2
Amarillo Police Department	>3	>3
Angleton Police Department	1.4	1.5
Aransas County Sheriff's Department	x	1.7
Aransas Pass Police Department	1.6	1.1
Argyle Police Department	x	>3
Arlington Police Department	2.2	1.6
Athens Police Department	1.2	1.7
Austin Police Department	1.8	1.5
Balch Springs Police Department	1.6	2
Balcones Heights Police Department	2.5	1.9
Bartlett Police Department	1.9	1.1
Bastrop County Sheriff's Department	1.6	1
Bastrop Police Department	1.7	0.9
Baytown Police Department	1.8	1.4
Bedford Police Department	2.5	1.9
Bellaire Police Department	>3	>3
Benbrook Police Department	1.8	2.4
Bexar County Sheriff's	1.5	x
Big Spring Police Department	1.4	1.6
Blue Mound Police Department	x	1.4
Boerne Police Department	x	1.7
Borger Police Department	2.4	1.2
Bovina Police Department	x	1
Brazos County Sheriff's Department	2	1.8
Brenham Police Department	1.6	1.8
Brookshire Police Department	>3	1

<b>Police Department</b>	<b>Black Stop Rate</b> How many times more likely than an Anglo driver to be stopped?	<b>Latino Stop Rate</b> How many times more likely than an Anglo driver to be stopped?
Brownsville Police Department	x	>3
Bryan Police Department	1.6	1.4
Buffalo Police Department	x	>3
Bullard Police Department	x	>3
Burleson Police Department	x	x
Burnet County Sheriff's Department	1.9	0.3
Burnet Police Department	x	1.5
Canton Police Department	>3	>3
Canyon Police Department	x	2.5
Cedar Park Police Department	1.2	1.3
Cherokee County Sheriff's Department	1.9	1.6
Cleburne Police Department	1.3	2
Clute Police Department	1.8	0.9
College Station Police Department	1.8	x
Colorado City Police Department	x	1.9
Comanche Police Department	x	>3
Conroe Police Department	2.3	1.5
Converse Police Department	1.6	1.5
Coppell Police Department	>3	2.6
Copperas Cove Police Department	1.1	x
Corinth Police Department	2.5	1.9
Corpus Christi Police Department	2.2	1.9
Corral County Sheriff's Department	x	x
Corsicana Police Department	1.4	1.6
County Of Val Verde Sheriff's Department	x	>3
Crockett County Sheriff's Department	x	1.1
Crowley Police Department	>3	1
Cuero Police Department	0.8	x
Dallas Police Department	1.5	1
Dayton Police Department	1	1.2
Deafsmith County Sheriff's Department	x	0.9
Decatur Police Department	2	0.9

<b>Police Department</b>	<b>Black Stop Rate</b>	<b>Latino Stop Rate</b>
	How many times more likely than an Anglo driver to be stopped?	How many times more likely than an Anglo driver to be stopped?
Del Rio Police Department	x	1.3
Denison Police Department	1.9	2.6
Denton County Sheriff's Department	x	>3
Denver City Police Department	x	1.6
Desoto Police Department	2.2	>3
Dickinson Police Department	1.7	x
Dublin Police Department	x	1.8
Dumas Police Department	x	1.8
Duncanville Police Department	>3	1.6
Eagle Lake Police Department	>3	x
Eagle Pass Police Department	x	>3
Eastland Police Department	x	2.4
Eden Police Department	x	0.7
Edna Police Department	1.3	2.3
El Campo Police Department	1.7	1.8
El Paso Police Department	1.1	1.6
Eules Police Department	1.5	x
Fair Oaks Ranch Police Department	x	>3
Floresville Police Department	x	0.8
Flower Mound Police Department	2.7	>3
Fort Worth Police Department	2	2.4
Fredericksburg Police Department	x	1.9
Galveston Police Department	>3	x
Garland Police Department	2.1	1.7
George West Police Department	x	1.5
Georgetown Police Department	>3	1.6
Giddings Police Department	1	0.8
Gilmer Police Department	1.5	>3
Gonzales County Sheriff's Department	1.6	1.4
Gorman Police Department	x	x
Granbury Police Department	x	2
Grand Prairie Police Department	x	>3

<b>Police Department</b>	<b>Black Stop Rate</b> How many times more likely than an Anglo driver to be stopped?	<b>Latino Stop Rate</b> How many times more likely than an Anglo driver to be stopped?
Grapevine Police Department	>3	2.2
Greenville Police Department	1.6	0.9
Gregory Police Department	x	x
Hale Center Police Department	x	1.1
Haltom City Police Department	>3	2.1
Harlingen Police Department	2.3	>3
Harris County Sheriff's Department	0.9	x
Helotes Police Department	x	0.7
Hidalgo Police Department	x	>3
Hill Country Village Police Department	x	>3
Hillsboro Police Department	1.1	x
Hollywood Park Police Department	x	>3
Horizon City Police Department	x	>3
Houston Police Department	1.7	1.4
Huntsville Police Department	1.6	x
Hurst Police Department	>3	>3
Hutto Police Department	>3	1.5
Ingleside Police Department	0.6	1.5
Iron County Sheriff's Department	x	1.8
Irving Police Department	1.7	1.7
Jackson County Sheriff's Department	x	2.6
Jersey Village Police Department	>3	2.7
Jourdanton Police Department	x	1.2
Katy Police Department	>3	1.4
Kaufman Police Department	1.4	>3
Kerr County Sheriff's Department	x	0.9
Kimble County Sheriff's Department	>3	2.7
Kingsville Police Department	x	x
Kyle Police Department	1.3	0.8
La Feria Police Department	x	1.8
La Grange Police Department	1.5	1.3
La Porte Police Department	1.9	0.8



<b>Police Department</b>	<b>Black Stop Rate</b> How many times more likely than an Anglo driver to be stopped?	<b>Latino Stop Rate</b> How many times more likely than an Anglo driver to be stopped?
Lacy Lakeview Police Department	>3	x
Lago Vista Police Department	2.8	2.1
Lakeview Police Department	1	x
Lakeway Police Department	1.8	>3
Lamarque Police Department	>3	>3
Lamesa Police Department	1.9	1.7
Lampasas Police Department	2.3	2
Lancaster Police Department	1.7	2.4
Laredo Police Department	x	2
Lavaca County Sheriff's Department	x	2.9
League City Police Department	2.5	2.4
Leander Police Department	1.3	1
Lee County Sheriff's Department	1	1.3
Lewisville Police Department	1.2	>3
Live Oak Police Department	>3	1.3
Livingston Police Department	1.1	1.5
Llano County Sheriff's Department	x	2.2
Longview Police Department	2	1.7
Lubbock County Sheriff's Department	x	1.2
Marble Falls Police Department	1.3	0.9
McAllen Police Department	1.0	>3
Meadows Place Police Department	>3	1.5
Memorial Villages Police Department	x	x
Midland County Sheriff's Department	1.1	2.1
Midland Police Department	1.7	2
Milford Police Department	x	>3
Montgomery County Sheriff's Department	1.5	1
Morgan's Point Police Department	>3	>3
Mount Pleasant Police Department	0.9	1.1
Nacogdoches Police Department	2	2.8
Navarro County Sheriff's Department	x	>3
Navasota Police Department	1.1	0.7

<b>Police Department</b>	<b>Black Stop Rate</b> How many times more likely than an Anglo driver to be stopped?	<b>Latino Stop Rate</b> How many times more likely than an Anglo driver to be stopped?
Needville Police Department	x	2.7
Nueces County Sheriff's Department	x	x
Oak Point Police Department	x	>3
Oak Ridge Police Department	x	2.8
Odessa Police Department	1.5	1.6
Orange Grove Police Department	x	1.5
Palacios Police Department	x	0.9
Palmer Police Department	>3	1.2
Panola County Sheriff's Department	1.9	>3
Pearsall Police Department	x	1.7
Pfleugerville Police Department	1.6	0.8
Plano Police Department	2.4	2.7
Polk County Sheriff's Department	1.9	1.9
Port Arthur Police Department	1.5	1.1
Port Neches Police Department	x	1.4
Portland Police Department	2.2	>3
Prairie View Police Department	x	x
Rancho Viejo Police Department	x	x
Randall County Sheriff's Department	x	1.6
Richardson Police Department	>3	2.1
River Oaks Police Department	x	2.1
Roanoke Police Department	>3	1.7
Rockport Police Department	x	1.8
Rockwall County Sheriff's Department	x	>3
Rosenberg Police Department	>3	2.5
Round Rock Police Department	1.6	1.5
Rowlett Police Department	1.6	2.9
Rusk Police Department	1.4	1.5
Sabinal Police Department	x	1.3
Sachse Police Department	2	>3
Saginaw Police Department	1.9	1.9
Sansom Park Police Department	x	>3

<b>Police Department</b>	<b>Black Stop Rate</b>	<b>Latino Stop Rate</b>
	How many times more likely than an Anglo driver to be stopped?	How many times more likely than an Anglo driver to be stopped?
San Angelo Police Department	1.6	1.5
San Antonio Police Department	2	1.8
San Marcos Police Department	1.3	1
Schertz Police Department	1.3	2.2
Seagoville Police Department	1.9	x
Selma Police Department	2.6	2
Seymour Police Department	x	2.7
Shenandoah Police Department	>3	2.3
Sherman Police Department	>3	0.8
Sinton Police Department	x	0.9
Slaton Police Department	x	1.8
Smithville Police Department	1.2	1.1
Somervell County Sheriff's Department	x	x
Southside Place Police Department	>3	>3
Stafford Police Department	1.3	0.8
Sterling County Sheriff's Department	x	1.3
Sugar Land Police Department	>3	1.8
Sulphur Springs Police Department	1.7	2.5
Sundown Police Department	x	1.7
Tarrant County Sheriff's Department	0.8	0.8
Terrell Hills Police Department	x	>3
Terry County Sheriff's Department	x	1.7
Texarkana Police Department	1.4	1.8
Tom Green County Sheriff's Department	1.2	1.1
Travis County Sheriff's Department	0.9	0.3
Tyler Police Department	>3	>3
Universal City Police Department	>3	1.1
University Park Police Department	>3	>3
Uvalde County Sheriff's Department	x	1.3
Victoria Police Department	x	1.8
Ward County Sheriff's Department	1.3	1.6
Washington County Sheriff's Department	x	2.4

<b>Police Department</b>	<b>Black Stop Rate</b> How many times more likely than an Anglo driver to be stopped?	<b>Latino Stop Rate</b> How many times more likely than an Anglo driver to be stopped?
Waskom Police Department	>3	2.6
Weatherford Police Department	1.7	2.1
Wharton County Sheriff's Department	1.7	2
Wharton Police Department	>3	1.9
White Settlement Police Department	>3	1.1
Wichita Falls Police Department	1.7	1.3
Williamson County Sheriff's Department	1.6	1.4
Wilson County Sheriff's Department	x	2.6
Windcrest Police Department	>3	>3
Winnsboro Police Department	x	2.2
Wise County Sheriff's Department	x	2.2
Wylie Police Department	1.4	2.7
Yoakum Police Department	>3	0.9

# How did Police and Sheriffs' Departments Report on Racial Profiling?

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*The majority of Texas police and sheriffs' departments reported the racial profiling data mandated by SB 1074:*

- Approximately 66% of the departments surveyed reported all required stop, search, and arrest data.
- Approximately 34% of departments did not report all stop, search, and arrest data or did not break out their data by race.
- Approximately 83% of departments did not report using auditing procedures in the data collection and data reporting process.
- Approximately 62% of departments reported using audio/visual equipment in their vehicles regularly used for traffic stops.

*A substantial number of law enforcement agencies appeared to make a concerted effort to provide data and/or analysis above the minimum reporting requirements of SB 1074:*

- Approximately 57% of the departments surveyed reported using some baseline or comparative analysis in their reports.

- Approximately 17% of departments reported using some sort of internal auditing procedures in the data collection and/or data reporting process.
- Approximately 44% of departments reported data on the number of racial profiling complaints the department received.

## **Notes on methodology:**

1. The availability baseline statistics for analyzing stop rates used by police and sheriffs' departments included: U.S. Census data, Texas Department of Public Safety Drivers License statistics, and Texas Fair Roads Standard data.
2. Internal data auditing efforts reported by police and sheriffs' departments include 'spot checking tickets,' 'spot checking by supervisor,' and 'comparing tickets.'
3. A police or sheriff's department was classified as reporting racial profiling complaint data if the department, at a minimum, provided the number of racial profiling complaints.
4. Columns do not total 100% because a law enforcement agency could perform multiple actions.

# Why Collect Additional Data?

## A Case Study from the Austin, San Antonio and Houston Police Departments

Departments that choose to collect only Tier 1 data fail to capture and report a significant part of police-civilian interactions – and potential racial disparities – in a given jurisdiction. Likewise, those agencies that choose not to report certain data separately can run similar risks; by including pedestrian and traffic stops together or by failing to break out different types of searches, they may be inadvertently inflating or hiding disparities. Law enforcement agencies and the governing bodies that oversee them should collect and report additional data and report that data separately in order to have a better informed analysis of racial profiling.

### Why Should Departments Separate Out Different Types of Searches?

Searches and search rates play a large role in the debate on racial profiling. Collecting and reporting only the total of searches by race can both hide certain racial disparities as well as unnecessarily inflate other disparities. It benefits the community, local governing bodies, and law enforcement agencies to collect and report data on different types of searches separately. The San Antonio Police Department provides an excellent case study on how reporting different searches separately can both mask greater disparities and ameliorate concerns with other disparities.

In San Antonio, for example, Latino motorists are searched 17.3% of the time, blacks are searched 19.7% of

the time, and Anglos are searched only 8.2% of the time. This would indicate that Latinos and blacks are 2.1 times and 2.4 times more likely than Anglos to be searched, respectively. This significant disparity warrants further explanation, which is partially provided by examining detailed breakdowns of search data. Since the San Antonio Police Department separated out different types of searches, the cause for the disparity in Latino search rates can be better understood. Searches of Latinos more often are a result of arrests, inventory searches, or probable cause searches – searches where officers have no discretion over whether to conduct a search. If these searches are excluded from examination and the focus instead is on officer-discretion (consent search) situations, then the figures reveal that the disparity in search rates for Latinos is much less: they are only 1.3 times more likely than Anglos to be (discretionarily) searched following a police stop. This would indicate that while Latinos are searched at higher rates than Anglos, many of these searches are not based on officer discretion and therefore may not necessarily be attributed to race-based policing.

By contrast, the opposite is true if discretionary searches are isolated for blacks. When searches are looked at as a group, blacks are almost 2.5 times more likely than Anglos to be searched following a stop. However, if discretionary (consent) searches are isolated, then blacks are 3.3 times more likely than Anglos to be (discretionarily) searched following a stop.

### San Antonio Police Department

	Percentage Of Searches Compared To Stops	Discretionary Search Rates (Consent)	Non-discretionary Search Rates (Probable Cause, Incident to Arrest, Inventory)
Blacks	19.7% were searched	3.0%	16.4%
	2.4 times more likely than Anglos to be searched	3.3 times more likely than Anglos to be searched	2.5 times more likely than Anglos to be searched
Latinos	17.3% were searched	1.2%	16.0%
	2.1 times more likely than Anglos to be searched	1.3 times more likely than Anglos to be searched	2.2 times more likely than Anglos to be searched
Anglos	8.2% were searched	0.9%	7.3%

It is clear from the San Antonio case study that distortions can be made in either direction (i.e., exaggerating disparities in the case of Latinos or hiding greater disparities in the case of blacks) if different types of searches are not collected and reported separately.

### Why Should Departments Collect Data on Pedestrian Stops Separately?

In general, law enforcement agencies should collect pedestrian data because it represents a significant percentage of department-civilian contacts. In San Antonio, for example, pedestrian stops account for over 25% of all law enforcement-initiated police-civilian contacts. In Houston and Austin, pedestrian stops account for 20% and 10% of all police stops, respectively.

More importantly, pedestrian data should be collected and reported separately from traffic stop data. This is

because police-pedestrian interactions often have their own unique patterns of behavior and action. For instance, in many jurisdictions, pedestrians – regardless of their race – are much more likely to be searched than motorists. Because of such distinct patterns, combining pedestrian and traffic stop data can often distort or mask different racial disparities.

In San Antonio, the data shows that black, Latino, and Anglo pedestrians are searched at similar rates during a police-pedestrian stop. However, black and Latino motorists are more than twice as likely as Anglos to be searched following a traffic stop. If pedestrian and traffic stop data were lumped together, the full extent of the racial disparities in traffic stops would not be revealed; the combined data shows that blacks and Latinos are stopped only 1.8 and 1.5 times as often as Anglos, respectively.

<b>San Antonio Police Department</b>			
	<b>Search Rates After Traffic Stops</b>	<b>Search Rates After Pedestrian Stops</b>	<b>Pedestrian And Traffic Stops Combined</b>
<b>Blacks</b>	19.7%	59.5%	33.4%
	2.4 times more likely than Anglos to be searched	1.1 times more likely than Anglos to be searched	1.8 times more likely than Anglos to be searched
<b>Latinos</b>	17.3%	61.5%	28.6%
	2.1 times more likely than Anglos to be searched	1.1 times more likely than Anglos to be searched	1.5 times more likely than Anglos to be searched
<b>Anglos</b>	8.2%	53.8%	18.5%

Houston data shows similar patterns. The figures reveal that pedestrians, regardless of race, are more likely to be searched following a traffic stop than motorists. Similar to San Antonio, the search rate disparities in Houston are less striking in pedestrian searches and much more severe in searches following traffic stops. Black pedestrians are 1.4 times more likely than Anglos to be searched, while Anglos and Latinos are searched at about the same

rate. However, black motorists are 3.5 times more likely than Anglos to be searched following a traffic stop, while Latinos are 2.4 times more likely than Anglos to be searched following a traffic stop. If pedestrian and citation data were lumped together, figures would reveal that blacks are searched only 3.0 times more often than Anglos, and Latinos are searched only 1.9 times more often.

## Houston Police Department

	Search Rates After Traffic Stops	Search Rates After Pedestrian Stops	Pedestrian and Traffic Stops Combined
Blacks	6.3%	31.1%	13.1%
	3.5 times more likely than Anglos to be searched	1.4 times more likely than Anglos to be searched	3.0 times more likely than Anglos to be searched
Latinos	4.4%	25.4%	8.0%
	2.4 times more likely than Anglos to be searched	1.1 times more likely than Anglos to be searched	1.9 times more likely than Anglos to be searched
Anglos	1.8%	23.0%	4.3%

Departments should collect data on pedestrians, but they should report pedestrian and traffic data separately in order to illuminate possible differing racial patterns.

### Why Should Departments Collect and Report Tier 2 Data on Contraband?

When contraband hit rate data is included in racial profiling reports, it can go far towards ameliorating concerns about search rate disparities for different races. For instance, although data may show that one racial group is searched more often than another, it maybe the case that

within that dataset, the former racial group has higher contraband “hit rates.” Such would indicate the disparity is more likely based on effective law enforcement decision-making and detection (suspicious behavior, etc.) than on race. However, if one racial group is systematically subjected to searches which are not productive, such could serve as a red flag warranting further investigation by law enforcement supervisors.

In San Antonio, separate figures reveal that blacks and Anglos are more likely to be found with contraband than Latinos.

## San Antonio Police Department

	Contraband Hit Rates From Traffic Searches
Blacks	18.10%
Anglos	16.30%
Latinos	13.90%

These figures are important when recalling from the second table above that Latinos in San Antonio are consistently searched at higher rates than Anglos, despite the fact that Latinos are less likely than Anglos to be found with contraband. This is a racial disparity that warrants further investigation.

In Austin, contraband hit rates based on consent searches – those searches where officers have the greatest degree of discretion whether to conduct a search – also reveal

significant disparities that demand further investigation. Data from the Austin Police Department reveals that Anglos are twice as likely as both blacks and Latinos to be found with contraband during consent searches; however, blacks are 5.3 times more likely than Anglos to be subject to a consent search following a stop, while Latinos are 2.3 more likely than Anglos to be subject to a consent search following a stop.



## Austin Police Department

	Consent Search Rates	Contraband Hit Rates From Consent Searches
Blacks	2.1%	12.3%
	5.3 times more likely than Anglos to be subject to consent searches	Anglos are 2.1 times more likely to be found with contraband
Latinos	0.9%	13.1%
	2.3 times more likely than Anglos to be subject to consent searches	Anglos are 1.9 times more likely to be found with contraband
Anglos	0.4%	25.4%

### Why Should Departments Collect Data on All Traffic Stops?

Most departments are not collecting data on all traffic stops, but only on stops that result in a traffic citation or arrest. However, other departments both large (such as San Antonio, Austin, and Houston), and small (such as Live Oak and Corinth) are choosing to collect data on all traffic stops their officers make, including those where motorists are released without a citation or ticket. Because stops that result in a release without a ticket represent a significant subset of the total police-civilian contacts for a city, departments should collect information on these occurrences to provide a fuller picture of law enforcement-initiated police-civilian contacts.

In Houston, blacks make up 38% of the motorists who were stopped and then released without a ticket or warning. However they make up only 23% of the driving population (using vehicle availability figures). Anglos make up 32.4% of the motorists who were stopped and then released without a ticket or warning, yet they make up 43% of the driving population (using vehicle availability

figures). In Austin similar patterns emerge, blacks make up 22% of motorists who were stopped and then released without a ticket or warning; however, they only make up 8.3% of the total driving population (according to vehicle availability figures). All told, in Houston and in Austin, blacks had higher release rates than whites.

Such a significant disparity indicates that, at a minimum, these release rate statistic should be comprehensively collected and closely monitored. For example, a high number of minority motorists who are stopped by law enforcement officers without being ticketed can serve as a red flag indicating racial profiling, especially if one class of people is more likely to be pulled over without their actually having committed any offense. But additionally – and more fundamentally – collecting and analyzing this data over time, as well as investigating reasons for any disparities, provides a basis for fulfilling the spirit and the letter of Texas’ racial profiling law. Ultimately, we want to prevent officers from looking for an excuse to stop certain motorists, either because they are hoping to obtain probable cause for a search in plain view, or because they seek to create an opportunity to ask for consent.

# Appendix 1: Agencies that Did Not Report All Required Data

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We received 413 reports through our open records requests for racial profiling data. 140 of the agencies, or 34% percent of the agencies surveyed, did not report all the required Tier 1 data (citation stops, arrests, consent searches, and total searches by race). Approximately thirty of those departments did not report data on Asian Americans or Native Americans. Ten of those departments did not report data on Latinos or included Latinos with Anglos. Eighteen did not include data broken out by race—making any analysis of racial profiling impossible. Twenty-four departments did not include consent searches, total searches, or arrests. Some included no meaningful data whatsoever.

Note: because over half of the departments who received an open records request did not respond, the following lists may not be complete—most likely, there are other departments that also failed to report all Tier 1 data.

## Agencies that Did Not Report Figures on Latinos or Included Latinos with Anglos

Friendswood Police Department  
Grapeland Police Department  
Hays County Sheriff's Department  
Hunt County Sheriff's Department  
Kaufman County Sheriffs Department  
Killeen Police Department  
Kinney County Sheriff's Department  
Smith County Sheriff's Department  
Tyler County Sheriff's Department  
Universal City Police Department

## Agencies that Did Not Include All Figures Broken Down by Race

Blanco County Sheriff's Department  
Canyon Police Department  
Crockett Police Department  
Denton County Police Department  
El Paso County Sheriff's Department  
Killeen Police Department  
George West Police Department  
Haskell Police Department  
Hays County Sheriff's Department  
Hearne Police Department  
Hemphill County Sheriff's Department  
Lamar County Sheriff's Department  
O'Donnell Police Department  
Parker County Sheriff's Department

Pearsall Police Department  
Pecos Police Department  
Tom Green County Sheriff's Department  
Wharton Police Department  
West Lake Hills Police Department

## Agencies That Did Not Report All Required Data

Anderson County Sheriff's Department  
Bastrop County Police Department  
Bastrop Police Department  
Beaumont Police Department  
Bexar County Sheriff's Department  
Blanco County Sheriff's Department  
Bonham Police Department  
Bowie County Sheriff's Department  
Brazoria Police Department  
Bridge City Police Department  
Bridgeport Police Department  
Brookshire Police Department  
Brownwood Police Department  
Bullard Police Department  
Burnet County Sheriff's Department  
Canyon Police Department  
Cedar Hill Police Department  
Childress County Sheriff's Department  
Childress Police Department  
Cibolo Police Department  
Cleveland Police Department  
Clute Police Department  
Conroe Police Department  
Coppell Police Department  
Corinth Police Department  
Corsicana Police Department  
Crandall Police Department  
Crawford Police Department  
Crockett County Sheriff's Department  
Crockett Police Department  
Cuero Police Department  
Denton County Sheriff's Department  
Desoto Police Department  
Dickson Fire Marshall's Office  
Eagle Lake Police Department  
Eastland Police Department  
Edwards County Sheriff's Department  
El Campo Police Department

Emory Police Department  
Eustace Police Department  
Fair Oaks Ranch Police Department  
Fairfield Police Department  
Flower Mound Police Department  
Forest Hill Police Department  
Fort Worth Police Department  
Friendswood Police Department  
Frost Police Department  
Garden Ridge Police Department  
Gatesville Police Department  
George West Police Department  
Gilmer Police Department  
Grapeland Police Department  
Hale Center Police Department  
Haskell County Sheriff's Department  
Haskell Police Department  
Hays County Sheriff's Department  
Hearne Police Department  
Helotes Police Department  
Hemphill Police Department  
Hemphill County Sheriff's Department  
Hockley County Sheriff's Department  
Holland Police Department  
Hollywood Park Police Department  
Hudson Oaks Police Department  
Hughes Springs Police Department  
Hunt County Sheriff's Department  
Hutto Police Department  
Iron County Sheriff's Department  
Jack County Sheriff's Department  
Jack County Police Department  
Jefferson Police Department  
Joaquin Police Department  
Justin Police Department  
Katy Police Department  
Kaufman County Sheriff's Department  
Kaufman Police Department  
Kenedy Police Department  
Kennedale Police Department  
Kermit Police Department  
Kerrville Police Department  
Killeen Police Department  
Kingsville Police Department  
Kinney County Sheriff's Department  
Kirby Police Department  
Kyle Police Department  
Lakeview Police Department  
Lamar County Sheriff's Department  
Limestone County Sheriff's Department  
Marble Falls Police Department

Midland County Sheriff's Department  
Milford Police Department  
Navarro County Sheriff's Department  
New London Police Department  
Nueces County Sheriff's Department  
Oalaska Police Department  
Odessa Police Department  
O'Donnell Police Department  
Orange Grove Police Department  
Parker County Sheriff's Department  
Port Lavaca Police Department  
Pearsall Police Department  
Pecos Police Department  
Randall County Sheriff's Department  
Richardson Police Department  
Rockwall County Sheriff's Department  
Sachse Police Department  
San Angelo Police Department  
San Marcos Police Department  
Selma Police Department  
Seymour Police Department  
Shelby County Sheriff's Department  
Smith County Sheriff's Department  
Sonora Police Department  
Sweeny Police Department  
Taylor County Sheriff's Department  
Tool Police Department  
Texas Department of Public Safety  
Thorndale Police Department  
Thrall Police Department  
Tom Green County Sheriff's Department  
Troup Police Department  
Tulia Police Department  
Tyler County Sheriff's Department  
Universal City Police Department  
Upshur County Sheriff's Department  
Van Police Department  
Waco Police Department  
Waskom Police Department  
Waxahachie Police Department  
West Lake Hills Police Department  
West Tawakoni Police Department  
Wharton Police Department  
Wharton County Sheriff's Department  
White Deer Police Department  
White Oak Police Department  
White Settlement Police Department  
Wilson County Sheriff's Department  
Wise County Sheriff's Department  
Wolfforth Police Department

# Appendix 2: Defining and Measuring Racial Profiling

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Recently there has been more public scrutiny of discretionary decisions in traffic enforcement, including police decisions to stop, search, and ticket motorists. Because traffic stops are the most frequent source of contact between individuals and the police, these interactions dramatically shape how individuals perceive law enforcement as a whole. Furthermore, because claims of racial profiling have commonly been based on anecdotal accounts, systematic data collection of police contacts with drivers allows departments to address the perception – as well as the reality – of racial profiling.

Departments in many states are now required to collect data on who they stop and search, either because of legislative mandates, executive orders, or as the result of litigation. In Texas, the Legislature not only mandated data collection but also defined racial profiling: “any law enforcement initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.” It is important to distinguish this statutory definition from other definitions offered. Some have defined racial profiling as law enforcement action based solely on race; however, this is a more narrow definition of racial profiling than

is defined under Texas law. It is not enough that other factors contributed to a decision to stop or search if none of those other factors independently provide an officer probable cause without factoring in race. Ultimately, law enforcement agencies in Texas may not legally use race or ethnicity as any factor in selecting whom to stop and search, but they may use race or ethnicity to determine whether a person matches a specific description of a suspect for a particular crime.

In Texas, as across the nation, the goals of collecting accurate racial profiling data are to inform a larger debate on whether racial profiling exists in a given community, and to provide police supervisors with tools to stop it. Data analysis can provide a “bird’s eye view” of data across a department while also allowing departments to be compared with one another. Likewise, department-wide totals may be a useful measurement for community leaders to judge progress toward equitable traffic enforcement. However, aggregate statistics alone cannot prove or disprove racial profiling. In order for data collection to actually diminish racial profiling, supervisors must take the next step and analyze officer-specific data, in conjunction with video review of individual stops, to address specific profiling concerns.

# Appendix 3: Methodology

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## The Context and Parameters of this Study

Most police and sheriff's departments did not engage in a comparative analysis of their data to determine the prevalence of racial profiling (nor were they required to do so under SB 1074). Additionally, SB 1074 does not require any state agency to analyze the reports, nor does it mandate a uniform standard for reporting SB 1074 data. Due to this critical absence of standard reporting and analysis, the Texas Criminal Justice Reform Coalition, American Civil Liberties Union of Texas, League of United Latin American Citizens of Texas, and the State Conference of NAACP Branches collected reports from across the state and commissioned Steward Research Group to analyze the data contained in the reports to determine whether racial disparities existed in stops and searches across Texas. All told, data from 413 agencies was analyzed. This dataset includes several million police-civilian contacts representing the majority of traffic stops in Texas. This is the largest dataset of racial profiling data that has ever been collected and analyzed. As the first cross-jurisdictional analysis of Texas data, this study represents a first step in the journey towards understanding what these reports mean – not the final destination. Over time, as agencies report data annually and as cross-jurisdictional standards for data auditing and reporting are created, analysis of Texas racial profiling data will become much more useful for researchers, policy makers, community leaders, and police supervisors who want to limit discrimination in traffic stops and searches.

As with many examinations of disparity, determining the existence of racial profiling is a complex endeavor. In some communities, law enforcement officials have expressed frustration because they believe disparities in traffic stops are the result of legitimate law enforcement activities in high crime neighborhoods. On the other hand, many believe that traffic stops based on race or ethnicity, rather than on individual behavior, are regular occurrences in many departments. In addition to providing an initial assessment of racial disparities in stop and search rates, this study also offers recommendations to improve future data collection. This additional data will be necessary to truly determine the existence of racial profiling and the role that race plays in law enforcement decisions.

## Limitations

Not all law enforcement agencies are included in this report. Some agencies chose not to respond to our open

records request and many agencies submitted data that was incomplete. This is discussed further in the section *How Did Police and Sheriffs' Departments Report on Racial Profiling?*

2. Pursuant to the mandate of SB 1074, most law enforcement agencies only collected and reported data on the traffic stops where a ticket was issued. However, there was significant inconsistency in how these departments represented the figures. Many departments used the term “police contacts” when they actually intended to signify police traffic stops that resulted in a citation or arrest. As a result of this inconsistency, it was not possible to determine with complete accuracy whether a department was collecting data on all stops or only those traffic stops resulting in an arrest or citation.

Other inconsistencies in the reported data involve departments that included pedestrian data with traffic data, and departments that included written warnings with citation data.

## Database construction methodology in brief

Using a sample of Texas law enforcement agency racial profiling reports, we assembled a database containing data for the 413 departments that responded to an open records request.

### *Our approach:*

**Step (1) Collect racial profiling reports from Texas police and sheriffs' departments** We obtained these reports from open records requests sent to over 1,000 police and sheriffs' departments in Texas. More than 400 agencies responded.

**Step (2) Review each report and assemble an electronic database of racial profiling data** For each report reviewed, we collected data on traffic stops, searches, data auditing processes used by the law enforcement agency, and the availability of A/V equipment. We used multi-phase data entry and error-checking procedures to increase the accuracy of the electronic data collected.

**Step (3) Construct statistical factors to measure relative stop and search rates by race** We constructed minority availability baselines from widely used data taken from the U.S. Census and the newly available 2002 road use survey provided by the Texas Department of Transportation.

## Research methodology in brief

We developed a conservative statistical framework to provide law enforcement agencies and the public with a standardized and consistent way to interpret the police-public contact data contained in the racial profiling reports.

### *Our approach:*

We used conservative foundations based on the principal assumption that law enforcement agencies do not engage in racial profiling. We took into consideration the expressed concerns of law enforcement groups, community organizations, and the general public. We have made available the tracking of results over time and the comparison of results to similarly situated law enforcement agencies. Furthermore, we can now alert law en-

forcement officers and concerned individuals to potential problem areas.

## Notes on law enforcement agency sample

The law enforcement agencies comprising the sample for this report are sufficiently representative of the universe of police and sheriffs' departments in Texas to warrant statistical analysis. The sample includes most of the major cities and many rural towns, as well as urban and rural counties. Approximately 70% of the departments reviewed were police departments and approximately 30% of the departments were sheriff's departments. Agencies that were not included in this report include agencies that did not respond to the open records request submitted, did not have data broken down by race, or did not report stop and search rate data at all.