

End Racial Profiling

Strengthen reporting and provide accountability

Proposal: Amend Texas' racial profiling statute to:

1. strengthen the enforcement of the prohibition,
2. require agencies to report the most salient data using mathematically sound analysis, and
3. delete obsolete exceptions to reporting.

Data Supports Existence of Bias in Search Practices

(This data is collected but is not always reported)

Professor Frank Baumgartner of the University of North Carolina recently conducted an analysis of all traffic stop data for the Texas Department of Public Safety (DPS) over five years. The huge dataset strongly supports the finding that DPS searches Black drivers at a significantly higher rate than other drivers, even after accounting for a variety of explanatory factors. According to Baumgartner, "targeting Black drivers for search is a very serious issue."¹

Bias in stops and searches appears to be directly related to bias in "pretext" stops. The DPS analysis was based on millions of stops, enabling robust analysis of the stops based on race, gender, and the underlying traffic offense. The most minor offenses revealed the greatest bias: "Those speeding by just a small amount are more than 4 times as likely to be searched. Those speeding by more substantial amounts are much more likely simply to be given a ticket and put on their way." This variable is additive to other variables, leading to the clear targeting of certain Black drivers. "[A]n out-of-state Black male pulled over for speeding while going 68 MPH in a 65 MPH zone would have an extremely high likelihood of search," the researchers concluded.

Local Texas law enforcement data indicates the same problem with bias in stop and search practices. Where local jurisdictions include an analysis of roadside searches and contraband findings in their annual racial profiling reports, the data shows that Black drivers are searched at a higher rate and contraband is found at a lower rate.² After finding clear evidence of bias in searches in 2010, the Austin Police Department stopped publishing this analysis.³ It is not currently among the information *required* to be reported to local officials under the statute [Code of Criminal Procedure, Art. 2.134].

Accountability is Lacking

The University of North Carolina researchers found that a multi-year data analysis can help identify individual officers who show patterns of disproportionality in stops and searches. Texas statute prohibits racial profiling but also says racial profiling data cannot be used as "prima facie" evidence of racial profiling. Lawmakers can clarify that the data can be used in conjunction with other evidence to ensure that officers with patterns of bias can be identified, brought in for training, and even sanctioned if other methods do not improve the situation. Furthermore, lawmakers can delete outdated exceptions to reporting this data for agencies that previously qualified for grant funds for audio-video equipment.

IN SHORT

- Black and Hispanic drivers are subjected to "investigatory stop" tactics more frequently than white drivers, although contraband is found at lower rates.
- Years of reporting and analysis indicate problems with bias in stop and search practices, but the data cannot be used as evidence of racial profiling.
- Some jurisdictions are exempt from the reporting law because they qualified for one-time grant funds a decade ago.

¹ Baumgartner, Christiani and Roach, [Analyzing Racial Disparities in Traffic Stops Statistics from the Texas Department of Public Safety](#), September 2016. The data does not describe stops or searches of Hispanic drivers because they are not reliably identified.

² Austin Police Department Racial Profiling Report, [2010](#).

³ Austin Police Department Racial Profiling Report, [2014](#). In 2016 APD once again began publishing search and hit rate information, but does not currently collect data on searches that do not result in arrest. APD plans to start collecting that information in 2017.