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CAMPAIGN TO END RACIAL PROFILING

**TEXAS CRIMINAL
JUSTICE COALITION**

07 SMARTER POLICING PRACTICES Creating a Safer, More Unified Texas



ACKNOWLEDGEMENTS

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We would like to extend our greatest appreciation to Julieta Hernandez, Dahlia Herrod, and Evelina Flores for their contributions to this report.

We would also like to acknowledge the following individuals and organizations for their support of our efforts:

Gary Bledsoe, President, Texas NAACP
King Downing, National Coordinator, ACLU Campaign Against Racial Profiling
Econ One Research, Inc.
Will Harrell, Executive Director, ACLU of Texas
Scott Henson
Mary Ramos, Deputy State Director, Texas LULAC
Adrian Rodriguez, National Vice President Southwest, LULAC

Finally, we would like to acknowledge Lisa Kwiecien from 1 Other C Productions for the cover design, as well as the interior layout and design, with help from Vanessa Torres-Villescas.

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LETTER FROM THE EXECUTIVE DIRECTOR

Dear Readers,

During this time of year when Texas legislators are shaping policies that will affect all Texans, it is important that we educate the public and key stakeholders about issues concerning our communities. This report specifically provides information about law enforcement practices that affect public safety on our streets.

Within the pages of this report you will learn that “consent” searches being conducted by the majority of Texas law enforcement agencies continue to target minorities more often. But you will also find that some agencies are conducting consent searches of *all* races much more frequently than neighboring agencies. Finally, you will find that some agencies are still unsure about what Texas’ racial profiling law requires of them, which causes agencies to have problems with data reporting and prevents accurate data analysis for these agencies.

We ask that you as **law enforcement officers** use this report as a tool for determining whether possible sources of discriminatory behavior may exist at your agency. We are here to help you use the data findings to put policies in place which will improve the way you protect the public.

We ask that you as **community members** take this information into account when determining whether practices being conducted by your local law enforcement agency should change. We are here to help you understand the findings so that you can increase the dialogue with your local agencies to help you build stronger relationships of mutual confidence and trust.

Lastly, we ask that you as **key stakeholders** use this report to help Texas put in place policies that will create more effective and cost-efficient police practices, to the benefit of both law enforcement and the community. We are here to provide you with data analysis and recommendations of best practices that we have developed throughout the past four years while we have served as the sole repository of Texas’ racial profiling reports.

Only with the collaboration and input of each of these groups can we bring about needed change in Texas. Please join us as we work to ensure that our state law enforcement agencies are providing value-driven police services throughout Texas. Effective community policing practices will allow both officers and civilians to assist each other in encouraging communication and improving the protection of the public.

Respectfully,

A handwritten signature in black ink that reads "Ana Yáñez-Correa". The signature is written in a cursive, flowing style.

Ana Yáñez-Correa

Executive Director, Texas Criminal Justice Coalition



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Texas' racial profiling law (S.B. 1074, passed in 2001) requires every Texas law enforcement agency to annually create a report on the race of individuals they stop and search and submit it to their local governing body. Because no central repository was written into the law to collect and analyze the data on a statewide level, the Texas Criminal Justice Coalition (TCJC) has served since the inaugural year of data reporting as the sole statewide repository and analyst of required, annual racial profiling reports from Texas law enforcement agencies. In this role, TCJC obtains valuable feedback from law enforcement and community members and has assisted agencies in understanding their data, streamlining their reporting practices, and improving the way they protect the public through the implementation of needed policy changes. We also offer technical assistance to agencies regarding the requirements of the law.

To obtain the pool of agencies analyzed in this report, TCJC sent open records requests to 1,074 law enforcement agencies in October, 2006; we requested a copy of each agency's racial profiling report containing racial profiling data for calendar year 2005, as well as the racial profiling policy in use by each agency during 2005. Of agencies that responded with usable information prior to the data analysis process, 221 agencies issued 3,000 or more citations, accounting for 4.9 million stops. Though in some ways 3,000 is an arbitrary number, we chose these 221 agencies to avoid small samples that were not statistically significant.

This report focuses on 2005-year data regarding **disparities in consent search rates**. Consent searches occur when law enforcement officers have no legal basis for a search (such as reasonable suspicion, probable cause, or a warrant). Because requesting these searches falls fully within an officer's discretion, analysis of consent search rates comes closest to measuring, from the available data, how officers use their discretion differently depending on places and races.

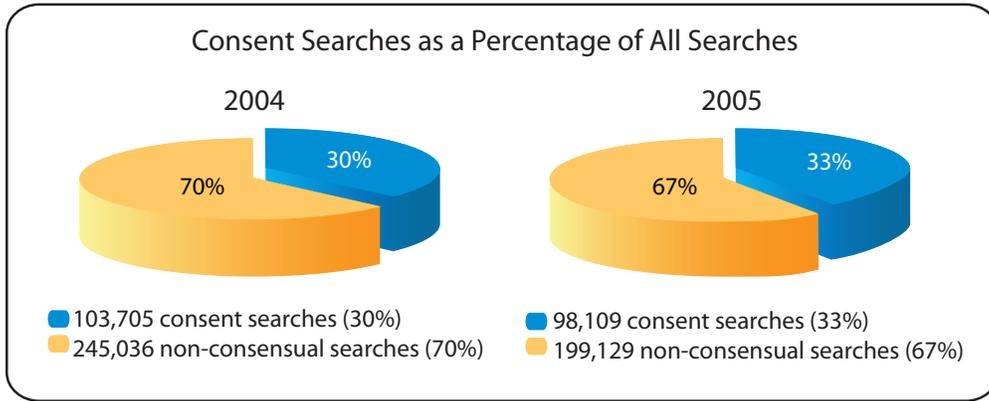
We determined that some law enforcement agencies continue to have problems complying with the data collection and reporting requirements of Texas' racial profiling law. Law enforcement, the public, and key stakeholders need a more comprehensive picture of what is happening at Texas traffic stops in order to create better community policing models.

As the sole statewide repository of Texas racial profiling reports, TCJC is well positioned to offer recommendations about what works – and what doesn't work – when it comes to the data collection and reporting provisions of Texas' racial profiling law. As such, throughout the pages of this report we have suggested solutions to the problems facing law enforcement as they undergo data collection and reporting processes, as well as recommendations related to other provisions within the law.



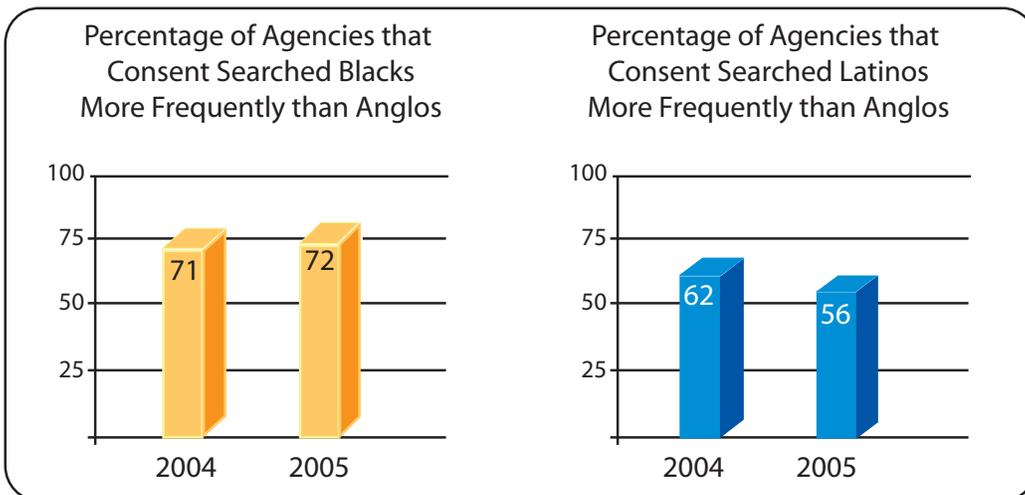
EXECUTIVE SUMMARY

- (1) In 2004, consent searches comprised 30% of all searches. This percentage increased to 33% in 2005 (98,109 consent searches of 297,238 total searches).



- (2) Approximately 3 out of 4 agencies (72%) reported consent searching Blacks more frequently than Anglos in 2005, which represents a slight increase from 71% in 2004.

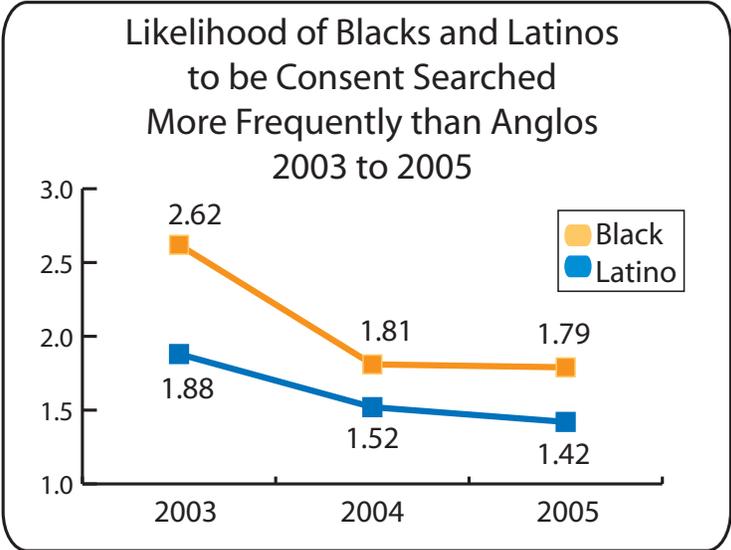
On the other hand, nearly 3 out of 5 agencies (56%) reported consent searching Latinos more frequently than Anglos in 2005, which decreased from 62% in 2004.



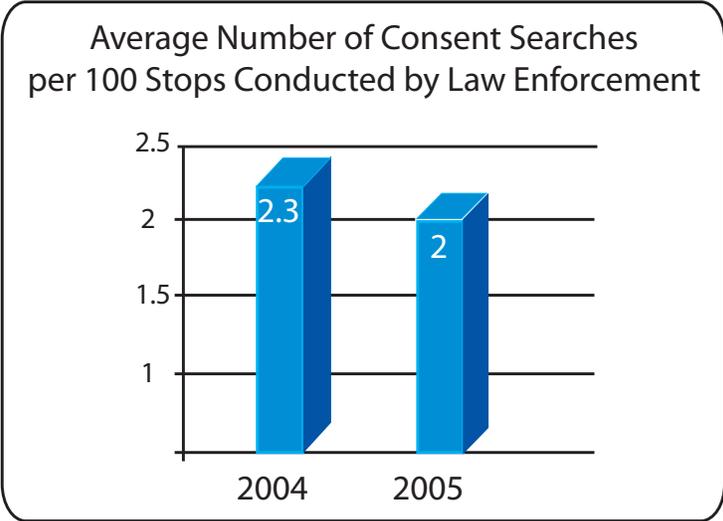
These findings do not suggest that Anglos are consent searched infrequently – far from it. Instead they suggest that minorities are being consent searched **more** frequently by most agencies.



(3) The likelihood of Blacks and Latinos to be consent searched more frequently than Anglos decreased significantly from 2003 to 2004, but then remained fairly constant from 2004 to 2005.



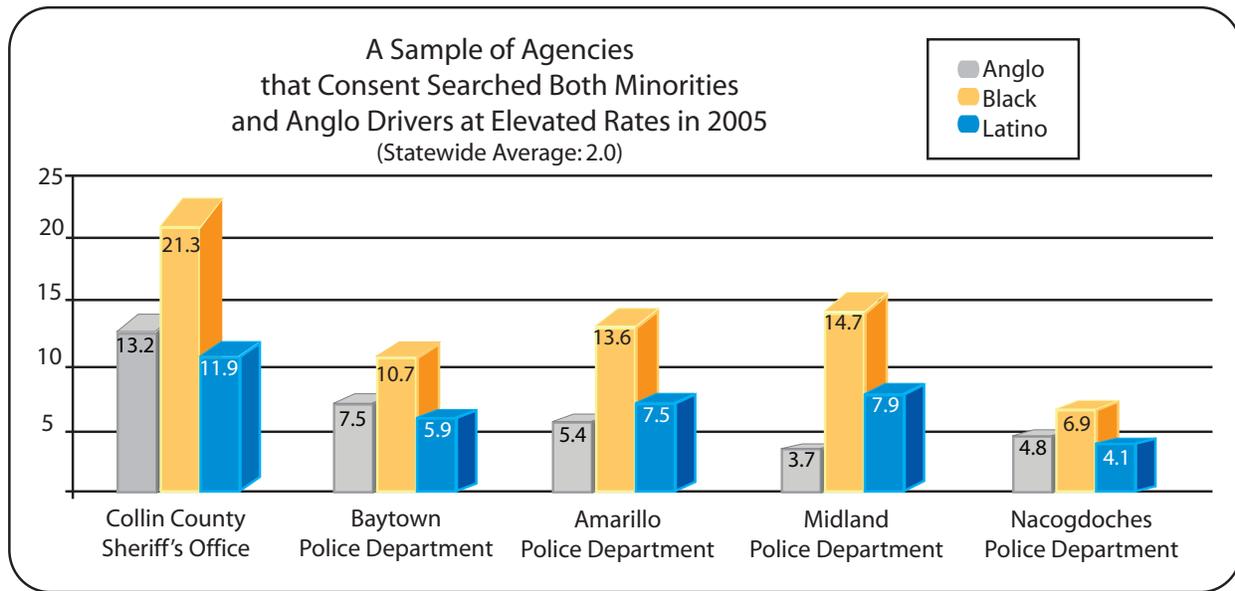
(4) Statewide, the percentage of drivers subjected to consent searches at traffic stops fell from 2.3% in 2004 to 2.0% in 2005 (98,109 consent searches out of 4,853,829 stops).





EXECUTIVE SUMMARY

- (5) Some agencies over-relied on consent searches as an investigation tool and conducted them much more frequently than the statewide average, raising the possibility that extra consent searches by these agencies represent a policy of general over-searching, regardless of race.



- (6) Although the number of agencies that are complying with the data collection and reporting requirements of Texas' racial profiling law is increasing, as many as 20% continue to have problems reporting all data elements or breaking them out into required racial categories. There is a need for more standardized reporting and data definitions that would require changes in state law.

CONCLUSION: This analysis reveals that, although Texas law enforcement agencies must continue to work towards reducing or eliminating consent search disparities – both across races and across agencies – they should also be given the means to better comply with the data collection and reporting requirements of Texas' racial profiling law, and be required to provide additional, standardized information that will afford a fuller picture of what is going on at Texas traffic stops.



CREATE A UNIFORM, STANDARDIZED REPORTING FORMAT TO HELP LAW ENFORCEMENT AGENCIES COMPLY WITH TEXAS' RACIAL PROFILING LAW

ISSUE

Each year since S.B. 1074 passed, more and more agencies have been complying with the law's requirements to collect and report certain data elements.

- Of the 221 surveyed agencies who issued 3,000 or more citations in 2005, only 21 agencies (9.5%) did not report all required Tier 1 data elements (stop, search, and arrest data), down from 16% in 2004.
- The number of agencies that did not break out all required Tier 1 data elements by race dropped slightly from 21% in 2004 to 19.9% in 2005.

The majority of non-compliant agencies are failing to meet the law's requirements because **the law did not create a standardized reporting format** (like a template or chart) to assist agencies in their data collection and reporting processes, nor did it empower any state agency to do so through rulemaking. As a result, agencies continue to interpret the data collection and reporting provisions of the law differently. This, in addition to the lack of resources (like computers or copy machines) at many agencies, causes problems with non-comparable data in certain situations.

For instance, some agencies are collapsing different sets of data together (e.g., combining citation stops with arrest stops, or Anglo contacts with Latino contacts). Likewise, some agencies are still not reporting basic Tier 1 elements (e.g., the number of consent searches, or racial designations for each ticketed motorist). In addition, agencies are not referring to "contacts" or "citations" in a uniform manner (with some agencies using those terms interchangeably).

SOLUTION

To have a clearer understanding of what is happening at Texas traffic stops, data collection and reporting procedures must be streamlined. **Policy-makers should confront the problems posed by inadequate reporting procedures and provide agencies with a framework for consistent data submission** that will produce usable and cost-effective data analysis. Law enforcement agencies and taxpayers invest significant resources in data collection and deserve accurate data comparisons and analysis.

- Empowering a state agency through rulemaking to create a uniform system or template – with standardized definitions for data elements – would be the simplest and most precise way to coordinate data and allow for apples to apples comparisons, in turn making it more clear which agencies may need to make some improvements.
- A standardized reporting format will prevent agencies from submitting unnecessary information in their



STANDARDIZED REPORTING FORMAT

reports (like a history of their city or agency, personnel charts, or photos of their agency's vehicles) – which only wastes the agency's time and resources. Additionally, it will prevent agencies from having to spend time re-compiling their data when the public determines that their initial report was not done correctly.

I have seen so many different variations of reporting racial profiling data. It is my hope that the state of Texas would take the initiative in developing a computer program that is uniform for every agency in the state.

– Chief Charles Barron, Alto Police Department

To help agencies understand their reporting requirements, TCJC created a chart in mid-2006 for agencies to use when compiling and reporting Tier 1 data; it drew from the best practices we have seen in reports from dozens of different agencies. We enclosed it with the open records requests we mailed to Texas' law enforcement agencies later that year. In response to our requests, 116 agencies submitted their information on the chart provided, and we received numerous calls from agencies thanking us for supplying them with a simple, easy to use format that clarifies the law's reporting requirements. This indicates that a uniform format would not only improve the data analysis process but also ease agencies' data reporting practices. *For a copy of the chart, please visit www.criminaljusticecoalition.org/end_racial_profiling.*

- Both agencies and the community benefit when data is sound, reliable, and uniform. Providing agencies with a standardized format can show that officers are acting *properly* – and can help counter allegations of racism. On the other hand, it can also provide data that assists police supervisors in making informed, internal policy changes to improve the way they protect the public and better ensure an ongoing, mutual relationship of confidence and community trust.



IMPROVE DATA ACCURACY AND FAIRNESS: REQUIRE THE COLLECTION OF THREE ADDITIONAL DATA ELEMENTS AT TRAFFIC STOPS

ISSUE

Currently, the majority of Texas law enforcement agencies are collecting Tier 1 data: race-based data for traffic stops leading to a citation or arrest, including whether a search was conducted and, if so, whether the person detained consented to the search. Some agencies have complained that the way the data is categorized is unfair. Under Tier 1 reporting requirements, agencies are not required to collect a critical dataset that would more precisely reveal law enforcement practices at traffic stops.

SOLUTION

In order to have a fuller picture of what is going on at stops – and to take into account mitigating factors being provided by law enforcement to explain stop and search rates – **agencies should be required to collect a handful of additional data elements at stops:**

- **Non-citation and non-arrest data.** Currently, Texas law enforcement agencies are not required to collect information on stops that do not result in a citation or arrest. As such, the race of motorists who are stopped (and possibly searched) but not issued a citation or arrested is not tracked by most agencies, and agencies using different definitions may not produce comparable data. Knowing which drivers are being stopped, searched, and let go with a warning might explain low numbers of citations or arrests among certain racial groups.
- **Contraband data.** Under Tier 1 reporting, agencies are not required to collect data when officers find contraband during searches. So, though it can be determined how many searches are being conducted by most agencies, it cannot always be determined if those searches are actually productive.

Requir[ing] all police agencies to collect data on traffic stops whether a citation was issued or not [...] will facilitate more consistent and widespread data collection.

– 2005 Legislative Recommendations from Special Meeting of Texas' Major Cities Chiefs, representing Austin, Dallas, El Paso, Fort Worth, Houston, San Antonio

With required contraband data collection, agencies can maintain or adjust their search practices and policies as needed. For instance, agencies that ascertain that their searches rarely uncover contraband or other evidence of wrongdoing can make internal changes to re-focus officer time on more productive practices that will benefit public safety and better conserve their resources.

Contraband data can also provide a mitigating explanation for high search rates. For instance, if data for an agency shows that Black and Latino drivers are searched at a higher rate than Anglo drivers, that finding might be criticized. But if the data also shows that contraband is found in their possession at a higher rate than for Anglo drivers, the higher number of searches may be explained by legitimate factors (such as suspicious behavior) rather than race.



DATA ACCURACY & FAIRNESS

- **Resident data.** Right now, agencies are not required to differentiate resident from non-resident motorists. This prevents comparisons of stopped motorists (many of whom may be daily commuters – like students or employees – or tourists and visitors in town for entertainment, shopping, or medical facilities) with local Census data to determine racial disparities in traffic stops.

Note: For an additional data element that large agencies may be interested in collecting and analyzing for internal purposes, please see Appendix IV.

Already, some agencies are going over and above what the law requires in terms of data collection and reporting. Of surveyed agencies required to collect and report only Tier 1 data, 78% reported additional data elements, most of which involved warning data or extra data on searches. This implies that the collection of a handful of additional data elements has value but would not impose a huge burden on Texas law enforcement agencies.

- Requiring the collection and reporting of each of the three above-mentioned elements would provide the state access to a more useful, concrete, and detailed set of racial profiling data for a given year – a dataset of relevant, reliable, and probative information that would allow for more serious efforts at achieving both departmental accountability and transparency for the public.
- The fiscal impact and manpower expenditures involved with this additional data collection would likely be minimal. Capturing and recording the three additional elements per detention would take little time and would not necessitate an overhaul of departmental technology to comply with the new reporting requirements.



CREATE A STATEWIDE REPOSITORY FOR RACIAL PROFILING REPORTS TO OVERSEE COMPLIANCE AND ADDRESS DATA ISSUES

ISSUE

Currently, each Texas law enforcement agency is required to report its annual data only to its own local governing body. Since S.B. 1074 passed, TCJC has served as the sole **statewide** repository of racial profiling reports produced annually by Texas law enforcement agencies, as well as the sole source of cross-agency monitoring. Although we would like to continue to provide technical assistance to agencies, we believe a state agency would better serve as a clearinghouse and analyst of the data. We envision a real community partnership, one in which we work together with a repository entity to facilitate the needs of law enforcement, community members, stakeholders, and members of the media interested in learning more about police practices that affect public safety in Texas.

SOLUTION

Agencies should not only submit their annual reports to their local governing bodies (to best maintain local oversight), but they should also submit their reports to an independent, neutral, centralized agency in a standardized format.

- **A repository entity would be able to ensure that law enforcement agencies are complying with the data collection and reporting requirements of the law, and would be able to track which agencies, over time, are having difficulty meeting the law's requirements.**
 - To obtain the pool of law enforcement agencies for this study, TCJC mailed open records requests for racial profiling reports and related information to 1,074 agencies. We had a response rate of 58% to those requests. Subsequent requests for the information were made first by the Office of Senator Royce West, author of S.B. 1074, and then again by the Office of the Attorney General to agencies that still had not replied. Ultimately, 93 agencies either (1) did not respond to the open records request or responded too late to be included in our analysis, (2) did not provide usable information, or (3) never created an annual report or could not locate a copy of it. These factors prevent the timely and comprehensive analysis of statewide data. A repository that agencies are required to submit their reports to would best ensure the accurate collection and consistent reporting of racial profiling data.
 - TCJC has found that, throughout the years as we have sent the open records requests for reports and information, certain agencies have continually failed to respond to initial requests for information – either within the time allotted under Texas' Public Information Act, or ever. Because by this point (after 4 years of reporting requirements), no agency should have an excuse for failing

A central repository will [...] ensure compliance among the police departments with the racial profiling laws.

– 2005 Legislative Recommendations from Special Meeting of Texas' Major Cities Chiefs, representing Austin, Dallas, El Paso, Fort Worth, Houston, San Antonio



STATEWIDE REPOSITORY

to submit a report, it seems Texas agencies are facing larger problems with management, efficiency, and internal information flow. A repository entity could track these agencies and help them to comply with both the racial profiling law and the Public Information Act. It is no longer excusable that some agencies continue to comply with these laws year in and year out, while others never do.

- **A repository entity would be able to produce annual reports that analyze data for statewide trends, and offer interested agencies higher-level analysis of additional data elements. This would better help agencies identify ineffective police practices, as well as implement best practices.**
 - Law enforcement officers have recommended that, for large agencies, data should be analyzed not just in the aggregate but also by district (within each jurisdiction) to account for unequal police deployment to certain areas of town (e.g., enforcement details targeting criminal activities in specific neighborhoods). *For more information on this recommendation, please see Appendix IV.* This would best be handled by an entity that has the resources to offer more attention to the data analysis process.
 - A repository for reports (easily accessible by other agencies and the public [*see below*]) would effectively enable law enforcement agencies to compare their data to determine best practices or the need for improvements. Some supervisors have expressed that, had they understood the value of data findings sooner, they would have changed internal policies earlier to mirror those already implemented by other agencies for the sake of efficiency and productivity.
- **A repository entity would be able to implement an online reporting format for law enforcement agencies, which would ease the speed with which the agencies could transmit their annual information.**
 - Many agencies send large bundles of information to TCJC and other requestors in response to open records requests; they are paying heavy postage costs, as well as costs for certified mail delivery. Implementation of an online submission format would eliminate those costs.
- **A repository would be able to store the annual reports (electronically, or in paper format for agencies that do not have Internet capabilities) so that interested members of the public could contact the repository for information rather than having to burden agencies with open records requests.**
 - Agencies must incur legal expenses and administrative costs when providing their reports to interested members of the public. A repository could offer members of the public easier access to racial profiling information about local agencies; the public could also view a majority of the data online as long as the online reporting format [*see above*] is established.

Any consideration for legislative relief aimed at reining in [...] requests would be greatly appreciated.
– Texas Sheriff



- **Repository staff would be able to assist officers with technical issues (legal requirements of the law, online submission compliance, grant funding, etc.), and help members of the public understand the data analysis.**
- In 2006, TCJC received nearly 300 calls for information from law enforcement agencies who were unclear about what the law requires of them. This communication with agencies has benefited both the agencies (who receive help that clarifies reporting requirements) as well as TCJC (since we get valuable feedback from agencies about their struggles to comply with the law). Although we want to continue to foster these relationships and serve in this educational capacity, having an additional entity to provide technical assistance would be more efficient for all involved.
 - Repository staff could also help agencies with tangential issues that arise under S.B. 1074. For instance, staff could work with agencies to aid them in obtaining state or federal-level grant funding for audio-visual equipment for their vehicles, which affects data collection requirements. *See the section titled Provide Funding to Support Law Enforcement Agencies, Officers, and Training Academies for more information.*
 - When members of the public have questions about their local agency, or members of the media need help interpreting the data and findings, a repository entity could serve as a resource (in addition to TCJC) for addressing racial profiling issues.

NOTE: *During Texas' 79th Legislative Session in 2005, the Texas Senate approved legislation that would create a statewide repository, require the collection of additional data elements, and implement a uniform reporting format. The bill failed to pass in the House before time expired. The 80th Texas Legislature should confront the problems posed by inadequate reporting procedures.*



REQUIRE WRITTEN CONSENT AT TRAFFIC STOPS TO MINIMIZE UNPRODUCTIVE PRACTICES AND IMPROVE CONFIDENCE IN THE CRIMINAL JUSTICE SYSTEM

ISSUE

In Texas, law enforcement officers can conduct a search at a traffic stop without having a legal basis for the search (such as probable cause or a warrant), as long as the person detained provides consent for the search.

Five major problems with consent searches continue to crop up:

- (1) Texas law enforcement officers are not required to obtain a person's written consent prior to conducting a consensual search of the motorist or vehicle. Likewise, officers are not required to record the allowance of consent by the motorist on audio or video tape. This policy reduces the number of prosecutable cases: persons found with contraband or other evidence of wrongdoing during consent searches can more easily contest the search in court and have that evidence thrown out due to lack of documentation of valid consent.
- (2) Many people do not realize that they have the right to say 'no' to consent searches, and officers are not required to inform citizens that they are free to leave before providing their consent to a vehicle search. This – compounded by the fact that people generally feel anxious and intimidated at traffic stops and often believe that refusing consent will result in further detainment – leads to them consenting to searches.
- (3) The overwhelming majority of consent searches in Texas continue to be of Black and Latino motorists, pointing to possible sources of bias-based policing.

Please see Appendix II, which includes a Table revealing two major findings:

- Approximately 60-70% of agencies reported consent searching Blacks or Latinos more frequently than Anglos in 2005; and
 - The likelihood of Blacks and Latinos to be consent searched more frequently than Anglos decreased significantly from 2003 to 2004, but then remained fairly constant from 2004 to 2005.
- (4) In some areas, agencies are very unlikely to use consent searches as an investigation tool and generally only conduct searches when probable cause is present. Others tend to over-rely on consent searches, which, in 2005, resulted in thousands of people of all races – Black, Latino, *and* Anglo – being subjected to searches without legal basis. These disparities raise the possibility that certain agencies have general policies encouraging officers to conduct consent searches at stops more frequently.

Interestingly, we have found instances where a city's police department rarely uses consent searches, whereas its own county sheriff's department relies heavily on them. For instance, Plano Police Department (PPD) and Collin County Sheriff's Office (CCSO) have overlapping jurisdictions – they police the same areas and deal with the same criminal elements.



However, Collin County Sheriff’s Office is actually conducting far more consent searches of **all** drivers than Plano Police Department. Anglos are consent searched by CCSO during 13.2% of stops, while they are consent searched by PPD during 1.1% of stops – meaning Anglos are 12 times more likely to be consent searched by CCSO than PPD.

Blacks are consent searched during 21.3% of stops by CCSO but only consent searched during 2.7% of stops by PPD – meaning Blacks are 7.9 times more likely to be consent searched by CCSO than PPD.

Latinos are consent searched during 11.9% of stops by CCSO but consent searched during 2.3% of stops by PPD – meaning Latinos are 5.2 times more likely to be consent searched by CCSO than PPD.

	Percentage of Anglos stopped who were consent searched	Percentage of Blacks stopped who were consent searched	Percentage of Latinos stopped who were consent searched
Plano Police Department	1.1	2.7	2.3
Collin County Sheriff’s Office	13.2 <i>Anglos are 12 times more likely to be consent searched by CCSO than PPD</i>	21.3 <i>Blacks are 7.9 times more likely to be consent searched by CCSO than PPD</i>	11.9 <i>Latinos are 5.2 times more likely to be consent searched by CCSO than PPD</i>

For more information about Texas law enforcement agencies’ consent search frequency, please see Appendix I, which includes a Table ranking agencies from highest reliance on consent searches to lowest reliance on consent searches.

SOLUTION

Requiring officers to obtain a person’s written consent prior to conducting a consensual search at a traffic stop would have multiple benefits – both for law enforcement, and for the members of the community they are paid to protect. For instance, written consent search policies would accomplish the following:

- **They would provide a more solid basis for successful prosecution** by decreasing the likelihood that the hard work of law enforcement officers is lost on technicalities. This better ensures that roadside searches stand up in court by preventing the “he-said, she-said” problems that surface in the courtroom when defendants claim they never consented to a search.

Although oral consent is sufficient, written consent is definitely preferred to oral consent because it reduces the likelihood of a swearing match in court later.
 – Texas District and County Attorneys Association manual, “Traffic Stops”



WRITTEN CONSENT

- **They would ensure that drivers are informed of their rights at the scene before they waive them**, thus helping to build a better relationship between police and community members who have sometimes expressed they feel unfairly targeted or bullied through the use of consent searches.
- **Written consent policies could reduce the number of consent searches conducted without decreasing public safety.** After the Austin Police Department implemented a 2004 policy requiring written consent at traffic stops, the number of consent searches during traffic stops declined; approximately 63% fewer drivers consented to police searches of their vehicles when they knew they had the right to refuse. Officials say there was no harm to public safety.

Although written consent policies are already in place in Austin and at other agencies throughout Texas, a statewide requirement would give drivers uniform protection and ensure that officers' valuable time is no longer wasted but instead freed up for more productive uses (like improving 911 response times). Taxpayers could feel confident knowing that policing resources they are funding are being most efficiently and effectively allocated.

Increased dialogue between law enforcement and the community has encouraged the local implementation of consent search policies that mirror smart policing recommendations. One example:

If a search is conducted pursuant to consent, the officer shall document the circumstances under which the consent is obtained. The documentation may be enumerated in the "notes" section of the field Contact Report and written consent will be obtained from the person consenting to the search. The language for such consent shall be, "Having been informed of my constitutional right not to submit to a search, I voluntarily consent to such a search and do hereby authorize any deputy from the _____ to conduct said search."

– Written consent policy language, Texas Sheriff's Office

For a list of agencies that have implemented smarter policing practices, as well as additional model "written consent" policy language, please see Appendix V.

NOTE: *The Texas Legislature passed legislation in 2005 requiring written or recorded consent to search vehicles at traffic stops. Although S.B. 1195 garnered impressive, bi-partisan support, Governor Rick Perry vetoed the bill, urging legislators to revisit the issue in 2007. He stated in his veto message there was "insufficient information" to determine whether written or recorded consent should be mandated by law. However, Governor Perry "would expect members of the legislature to review this issue during the interim and to bring back their findings to the 80th legislative session."*



**PROVIDE FUNDING TO SUPPORT LAW ENFORCEMENT AGENCIES,
OFFICERS, AND TRAINING ACADEMIES**

ISSUE

Some agencies are struggling financially to maintain compliance with certain, non-data-related provisions of the law and deserve aid that would help them protect the public and their own officers. In addition, as Texas attempts to increase the number of qualified law enforcement officers and training personnel, the state should provide interested individuals with the means to do so.

SOLUTIONS

➤ ***Offer Additional Funding for Audio-Visual Equipment for Law Enforcement Agencies' Vehicles.***

When S.B. 1074 passed, it created an incentive for agencies to install audio-visual (A/V) equipment in their vehicles: if an agency outfits each of its vehicles with A/V equipment or applied for funding from the DPS for A/V equipment from 2001 to 2003 (regardless of whether that funding was received), the agency only has to collect Tier 1 data.

In addition to the data-based incentive included in the law, the use of A/V equipment – and the retention of tapes – offers other benefits:

- Routine review of the tapes allows supervisors to monitor individual conduct and helps to determine if unexplained disparities or patterns of bias-based profiling exist;
- Searches and seizures are documented (even from a considerable distance), which better ensures that roadside searches stand up in court;
- Officers are protected from claims against them if recorded incidents exonerate them, which in turn helps to prevent lawsuits; and
- The public's confidence in law enforcement is boosted when they know that police-public contacts during traffic stops are being recorded.

The video recording of traffic stops is good for both the citizen and law enforcement agency because it shows exactly what happens, which allows for most complaints to be resolved.
 – Chief Larry Brazil, Lufkin Police Department

Currently, there are no longer any DPS funds available to agencies to provide them with equipment (including replacements or upgrades, like digital cameras) or to help them with tape storage and review. Funds should be directed towards this effort.

In addition, should a statewide repository be created (*as discussed previously*), staff members should aid interested agencies in identifying and applying for federal and state grants that would enable them to continue to benefit from camera usage.



➤ *Create a Loan Forgiveness Program for Individuals Seeking to Become Officers*

The value and worth of a law enforcement agency is determined by public perception. If those served by an agency perceive that officers are not fair in administering their duties, they will become suspicious and distrustful of law enforcement in general. As such, Texas' law enforcement agencies have begun putting in place recruitment and hiring policies that have the potential to reduce racial bias (and the perception of racial bias in policing) by creating a workforce that reflects the diversity of Texas cities.

However, Texas must also try to diversify the policing models and theories being introduced at agencies. In order to increase the number of qualified law enforcement officers who are focused on community-oriented policing strategies, the state should use incentives to recruit, train, and retain quality law enforcement officers.

For instance, the state should adopt a loan forgiveness program for those entering the field of law enforcement with 4-year criminal justice degrees. The higher one's educational level is, the more tools that individual will have to resolve conflicts when engaging in police work. A loan forgiveness program, in which state funding is provided to graduates to help them repay their student loans, would ameliorate the burden of tuition costs and encourage individuals to enter law enforcement.

➤ *Stabilize Funding for Law Enforcement Training Academies at Council of Governments*

Currently, Texas law enforcement officers and persons interested in careers in law enforcement undergo training provided by Texas' regional Council of Governments (COGs).¹ Training Academies established within COGs provide a managed method of delivering professional law enforcement training, thus serving a critical role in satisfying the need for qualified law enforcement applicants. Academy courses provide students with the knowledge essential to begin a law enforcement career and prepare them to take the State Peace Officer Licensing Examination; Academies also offer continuing education (in-service) training to law enforcement and criminal justice personnel.

Programs provided by Academies are the primary way by which small and medium-sized law enforcement agencies – comprising nearly 80% of Texas' law enforcement agencies – require their employees to be trained. **Funding for the continued operation of these Academies must be stabilized.** Currently, the overwhelming majority of budget dollars for most Academies comes from grant awards from Fund 421. This poses a serious problem: Fund 421 dollars are allotted at the complete discretion of the Governor's Criminal Justice Division, and allotments change annually as criminal justice groups (including court/attorney organizations, juvenile justice groups, and any other organizations dealing with criminal justice issues) apply for funding. Without a stable funding mechanism for Academies, they are at constant risk of being closed down. Some Academies

¹ COGs are voluntary associations of counties, cities, and special districts formed under Texas law. COGs deal with the problems and planning needs that cross the boundaries of individual local governments or that require regional attention. Employees serve as advocates, planners, and coordinators of initiatives that, when undertaken on a regional basis, can be more effective and efficient. Among other things, these initiatives include emergency services, law enforcement training, and criminal justice planning.



are 100% funded by 421 dollars; if the grant isn't approved or if money isn't available, personnel must be fired and local law enforcement officers have no means by which to be trained. If all money for Academies was lost, each agency would be required to create its own academy to provide its officers the required 612 hours of training.

Ideally, the state would create a centralized agency to oversee the local COG Academies. Each law enforcement agency would follow its own hiring criteria to hire new employees; those new employees would attend their regional state-monitored Academy to obtain the standardized minimum training qualifications, after which point they would return to the agency to undergo additional training if required by that agency (such as required attendance at the agency's own academy). This centralized state agency model would allow each law enforcement agency to determine whether it would like to run its own academy (as many larger agencies – with large staffs in urban hubs – often do) for additional training needs.

***Note:** Currently, when an agency hires a new officer and sends him/ her to the regional training Academy, the agency is responsible for paying the Academy tuition fees. On the other hand, if a person interested in a career in law enforcement enrolls in Academy programs prior to being hired by an agency (for the purpose of becoming more employable), s/he is considered self-sponsored and is responsible for paying all tuition fees. This latter group of students, which comprises about 50% of all Academy students, should be eligible for a program similar to the loan forgiveness program discussed above, but one in which Academy fees will be repaid with state funding.*



APPENDIX I

TABLE 1: DISPARITIES IN THE USE OF CONSENT SEARCHES BY AGENCY IN 2005

This table examines how often various agencies subject drivers they stop to consent searches.

HOW TO READ THIS TABLE: Each number in this table represents the number of consent searches conducted per 100 stops, by racial category, in 2005. The 221 agencies are ranked from highest reliance on consent searches to lowest reliance on consent searches.2 For an alphabetical listing of agencies, please visit www.criminaljusticecoalition.org/end_racial_profiling.

The statewide average of consent searches per 100 stops is 2.0. In other words, Texas agencies conducted an average of 2 consent searches per 100 stops.

TABLE 1 NOTES: The consent search percentage was calculated separately for each agency by dividing the total number of consent searches following a traffic stop for each particular racial group into that racial group's total number of traffic stops.

Some agencies submitted reports with obvious or potential inaccuracies. Other agencies submitted incomplete data (e.g., required racial data for each Tier 1 category) or data showing that no stops or consent searches were conducted of a particular racial group. As such, this data was not used for comparative analysis and has been designated with an entry of 'x'.

Table with 5 columns: Law Enforcement Agency, Anglos, Blacks, Latinos, Agency Average. Lists 18 agencies and their respective consent search rates per 100 stops for each racial category.

2 Five agencies that issued more than 3,000 citations responded after the beginning of the analysis process and thus were not included in this chart: Bulverde Police Department, Elsa Police Department, Los Fresnos Police Department, Spring Valley Police Department, and Universal City Police Department.



NUMBER OF CONSENT SEARCHES PER 100 STOPS
(statewide average = 2 searches per 100 stops)

Law Enforcement Agency	Anglos	Blacks	Latinos	Agency Average
River Oaks Police Department	5.9	6.3	5.1	5.6
Nacogdoches Police Department	4.8	6.9	4.1	5.3
Copperas Cove Police Department	4.3	7.2	5.9	5.1
Williamson County Sheriff's Office	4.4	6.4	7.4	5.1
Rosenberg Police Department	3.3	7.2	5.3	5
Giddings Police Department	4.1	6.3	7.7	4.9
Jasper Police Department	4.8	5.3	2.3	4.9
Jefferson County Sheriff's Office	5.4	3	4.9	4.8
Manor Police Department	x	x	x	4.5
Northlake Police Department	4.8	4.5	3.1	4.4
Seguin Police Department	3.8	13.6	6.1	4.4
Edinburg Police Department	5.1	8.6	4	4.1
Weatherford Police Department	4.1	4.7	3.9	4.1
Georgetown Police Department	3.6	5.8	4.6	4
Pantego Police Department	2.8	8	7.5	4
Tarrant County Sheriff's Office	4.5	4.1	2.1	4
Cedar Park Police Department	x	x	x	3.9
Deer Park Police Department	3.2	4.5	6.4	3.8
Haltom City Police Department	4.3	4.2	3	3.8
Bellmead Police Department	3.8	3.6	3.4	3.7
Leander Police Department	3.7	3.5	4.2	3.7
Sulphur Springs Police Department	3.4	6.2	2	3.7
Irving Police Department	3	4	4.4	3.6
Addison Police Department	2.7	5.8	7	3.5
Kyle Police Department	x	x	x	3.4
Whitehouse Police Department	3.1	5.1	4.7	3.4
Huntsville Police Department	2.6	5.1	3.2	3.3
Mount Pleasant Police Department	3.5	4.1	2.7	3.3
Ferris Police Department	1.4	4.8	5.4	3.1
Jacinto City Police Department	3	3.6	2.9	3.1
Melissa Police Department	2.3	2.4	7.4	3.1
Odessa Police Department	2.4	8	2.9	3.1
Tom Green County Sheriff's Office	3.1	2.5	3.2	3.1
Lake Jackson Police Department	3.1	3.6	1.8	3
Wilmer Police Department	1.4	2.6	6.6	2.9
Athens Police Department	3.2	2.5	1.8	2.8
Jacksonville Police Department	2.5	5.3	1.3	2.8
Lufkin Police Department	2.1	4.3	2.8	2.8
Mansfield Police Department	2.9	2.4	2.7	2.8
Mesquite Police Department	2.7	3	3.8	2.8
Texas Department of Public Safety	2.6	4.3	2.7	2.8
Tomball Police Department	2.5	3.7	4.3	2.8



APPENDIX I

NUMBER OF CONSENT SEARCHES PER 100 STOPS (statewide average = 2 searches per 100 stops)				
Law Enforcement Agency	Anglos	Blacks	Latinos	Agency Average
New Braunfels Police Department	2.5	2.4	3.2	2.7
San Antonio Police Department	2.1	7	2.4	2.7
Galveston County Sheriff's Office	2.9	1.5	x	2.6
McKinney Police Department	1.6	3.9	5.5	2.6
Denton Police Department	1.9	4.8	3.7	2.5
Lampasas Police Department	2.1	1.8	4.6	2.5
Round Rock Police Department	2.6	2.3	x	2.5
Laredo Police Department	3.5	4.5	2.3	2.4
Webster Police Department	1.9	3.7	5.9	2.4
Denton County Sheriff's Department	2.7	1.1	1.7	2.3
Garland Police Department	2.2	2.5	2.5	2.3
Palmview Police Department	26.6	0	1.4	2.3
Harris County Sheriff's Department	1.7	3.2	4.4	2.2
Longview Police Department	1.8	3.2	2.4	2.2
Roanoke Police Department	2.1	3	2.2	2.2
San Marcos Police Department	1.9	1.9	2.7	2.2
Conroe Police Department	1.8	3.2	2.9	2.1
Fayette County Sheriff's Office	1.9	3.1	2.3	2.1
Hewitt Police Department	2.1	2.6	2.1	2.1
Kerrville Police Department	x	x	x	2.1
Shenandoah Police Department	1.8	3.4	2.3	2.1
Bridgeport Police Department	2	2.4	1.7	2
Hearne Police Department	1.6	2.5	3.8	2
Rockwall Police Department	2.1	2.5	1.5	2
Victoria Police Department	1.4	3.3	2.2	2
Balcones Heights Police Department	2.2	2.4	1.8	1.9
Beaumont Police Department	1.2	2.6	1.2	1.9
Van Alstyne Police Department	1.7	4.6	0.7	1.9
Watauga Department of Public Safety	2	2.7	1.2	1.9
Abilene Police Department	1.7	2.9	1.9	1.8
Houston Police Department	0.8	3.5	1.5	1.8
Marble Falls Police Department	1.7	7.8	1.1	1.8
Rowlett Police Department	1.8	1.6	2.5	1.8
Alice Police Department	x	x	x	1.7
Benbrook Police Department	1.7	3.1	0.8	1.7
Corsicana Police Department	1.7	2.4	1.1	1.7
Galveston Police Department	1.2	2.5	1.8	1.7
Missouri City Police Department	1.5	1.8	2.4	1.7
Venus Police Department	1.9	0	1.7	1.7
Bellville Police Department	1.2	3	1.5	1.5
Belton Police Department	x	x	x	1.5
Lindale Police Department	1.4	2.5	0	1.5



**NUMBER OF CONSENT SEARCHES PER 100 STOPS
(statewide average = 2 searches per 100 stops)**

Law Enforcement Agency	Anglos	Blacks	Latinos	Agency Average
Balch Springs Police Department	1.3	1.2	1.8	1.4
Farmers Branch Police Department	x	x	x	1.4
Fort Worth Police Department	1	2.1	1.7	1.4
Keller Police Department	1.5	1.2	1.5	1.4
Plano Police Department	1.1	2.7	2.3	1.4
Travis County Sheriff's Office	1.7	1.9	1	1.4
Wichita Falls Police Department	1.2	2.2	1.9	1.4
Boerne Police Department	1.3	1.2	1.5	1.3
Bryan Police Department	1.3	1.2	1.3	1.3
Carrollton Police Department	1.1	1.9	1.9	1.3
DeSoto Police Department	0.9	1.3	1.9	1.3
Grapevine Police Department	1.2	1.3	1.9	1.3
Waco Police Department	0.8	2	1.5	1.3
Arlington Police Department	1.2	1.1	1.1	1.2
Cleburne Police Department	x	x	x	1.2
Eulesse Police Department	1.3	0.8	1.2	1.2
Hays County Sheriff's Department	x	x	x	1.2
Paris Police Department	1.2	1.3	0	1.2
Temple Police Department	0.7	3	1.4	1.2
Willow Park Police Department	1.1	3.9	1.2	1.2
Alvarado Police Department	1	1.2	1.6	1.1
Frisco Police Department	0.9	1	2	1.1
Lakeview Police Department	1.1	2.2	1.1	1.1
Burleson Police Department	1	0	0.8	1
Dallas Police Department	0.6	1.5	1	1
El Paso Police Department	1.1	1.8	1	1
Hillsboro Police Department	0.9	1.8	1.5	1
Hurst Police Department	1.1	0.9	0.8	1
Lewisville Police Department	0.9	1.4	1.4	1
Angleton Police Department	0.7	1.9	1	0.9
Beeville Police Department	0.4	1.1	1.1	0.9
Meadows Place Police Department	1.2	0.9	1.1	0.9
Sachse Police Department	0.9	0.9	0.9	0.9
San Angelo Police Department	0.6	2.2	1.3	0.9
Uvalde Police Department	x	x	x	0.9
Borger Police Department	0.7	1.7	0.8	0.8
Converse Police Department	0.8	0.6	0.8	0.8
Duncanville Police Department	1.5	0.4	1.2	0.8
Itasca Police Department	0.3	1.2	2.9	0.8
League City Police Department	0.7	1.1	1.3	0.8
Waskom Police Department	0.7	1.1	0.9	0.8
Allen Police Department	0.7	1.1	0.8	0.7



APPENDIX I

NUMBER OF CONSENT SEARCHES PER 100 STOPS (statewide average = 2 searches per 100 stops)				
Law Enforcement Agency	Anglos	Blacks	Latinos	Agency Average
Colleyville Police Department	0.7	3.5	2.2	0.7
Donna Police Department	1.1	0	0.7	0.7
McAllen Police Department	0.2	2.5	0.9	0.7
Pasadena Police Department	0.8	1.2	0.6	0.7
Richardson Police Department	0.6	0.8	1.3	0.7
College Station Police Department	0.6	1	0.7	0.6
Corrigan Police Department	0.5	0.6	1.4	0.6
Tyler Police Department	0.5	0.7	0.5	0.6
Corpus Christi Police Department	0.5	0.9	0.6	0.5
Harker Heights Police Department	0.4	0.5	0.9	0.5
Highland Park Department of Public Safety	0.4	1.6	1.1	0.5
Humble Police Department	0.4	0.7	0.5	0.5
Killeen Police Department	0.4	0.8	0.4	0.5
Live Oak Police Department	0.5	0.8	0.3	0.5
Pflugerville Police Department	0.5	1	0.3	0.5
Portland Police Department	0.4	0.6	0.6	0.5
Shavano Park Police Department	0.6	0	0.3	0.5
Eagle Pass Police Department	0	0	0.4	0.4
Lakeway Police Department	0.4	0	0.8	0.4
North Richland Hills Police Department	0.4	0.3	0.4	0.4
Port Arthur Police Department	0.1	0.6	0	0.4
Saginaw Police Department	0.6	0	0	0.4
Sugar Land Police Department	0.4	0.7	0.6	0.4
Alamo Heights Police Department	0.2	1	0.2	0.3
Bellaire Police Department	0.2	0.6	0.3	0.3
Dalworthington Gardens Police Department	0.3	0.4	0.2	0.3
Del Rio Police Department	0.1	0	0.3	0.3
Harlingen Police Department	0.3	0	0.3	0.3
Jersey Village Police Department	0.2	0	0	0.3
Lubbock Police Department	0.1	0.8	0.5	0.3
Montgomery County Sheriff's Office	0.2	0	0.2	0.3
Pharr Police Department	0	0	0.3	0.3
Schertz Police Department	0.3	1.1	0.2	0.3
The Colony Police Department	0.3	0.3	0.2	0.3
Bastrop Police Department	0.2	0	0	0.2
Bedford Police Department	0.3	0.1	0.2	0.2
Bexar County Sheriff's Department	0.1	0.9	0.1	0.2
Big Spring Police Department	0.2	0.2	0.2	0.2
Brownsville Police Department	1.4	0	0.1	0.2
Buffalo Police Department	0.1	0.5	0	0.2
Dallas County Sheriff's Department	0.2	0.1	0.3	0.2
Dallas/Fort Worth International Airport DPS	0.3	0.1	0.4	0.2



NUMBER OF CONSENT SEARCHES PER 100 STOPS
(statewide average = 2 searches per 100 stops)

Law Enforcement Agency	Anglos	Blacks	Latinos	Agency Average
Lytle Police Department	0.2	0	0.1	0.2
McLennan County Sheriff's Department	x	x	x	0.2
Memorial Villages Police Department	0.2	0.5	0.4	0.2
Waxahachie Police Department	0.1	0.3	0.5	0.2
Westlake Department of Public Safety ³	0.1	0.2	0.4	0.2
Austin County Sheriff's Office	0.1	0.1	0.3	0.1
Austin Police Department	0.1	0.3	0.2	0.1
Coppell Police Department	0.2	0	0.2	0.1
Hedwig Village Police Department	0	0.4	0.2	0.1
Hutchins Police Department	0.1	0	0.1	0.1
Kennedale Police Department	0.1	0	0	0.1
Lancaster Police Department	0.1	0.2	x	0.1
Leon Valley Police Department	0.1	0.1	0.1	0.1
Lockhart Police Department	0.1	0	0.1	0.1
Palmer Police Department	0.1	0.2	0.1	0.1
Stafford Police Department	0.1	0.1	0.1	0.1
Windcrest Police Department	0	0.5	0	0.1
Diboll Police Department	0	0.1	0	0
Martindale Police Department	0	0	0.2	0
South Houston Police Department	0	0	0.1	0
University Park Police Department	0	0	0.4	0

³ Police services provided by Keller Police Department.



APPENDIX II

TABLE 2: 2003-2005 RACIAL DISPARITIES IN CONSENT SEARCHES

This table examines the likelihood of agencies to subject Black or Latino drivers to consent searches, as compared to Anglo drivers, over time. The 3-year comparison has the potential to reveal early indicators that a possible trend of traffic-based contacts with regards to members of a specific minority group may develop.

HOW TO READ THIS TABLE: Each number in this table is a rate representing how much more or less likely Black or Latino drivers are to be subjected to consent searches than Anglo drivers. A rate of 1 represents an equal likelihood of being subjected to a consent search. A rate of 1.1 means the minority group is 10% more likely than Anglos to be consent searched. A rate of 1.5 means the minority group is 50% more likely than Anglos to be consent searched. A rate of 2.0 means the minority group is 100% more likely than Anglos to be consent searched. A rate of 0.9 means the minority group is 10% *less likely* than Anglos to be consent searched.

The 139 agencies that provided usable data for years 2003, 2004, and 2005 are sorted alphabetically.

TABLE 2 NOTES: *The consent search rate was calculated separately for each agency by (1) dividing the total number of consent searches following a traffic stop for each particular racial group into that racial group’s total number of traffic stops, then by (2) dividing the resulting Black and Latino calculations by the resulting Anglo calculation.*

Some agencies submitted reports with obvious or potential inaccuracies. Other agencies submitted incomplete data (e.g., required racial data for each Tier 1 category) or data showing that no stops or consent searches were conducted of a particular racial group. As such, this data was not used for comparative analysis and has been designated with an entry of ‘x’. Furthermore, we have chosen to not report the consent search ratio of agencies with a ratio in excess of 3.0 due to a potentially small sample size that could unfairly skew consent search rates.

Law Enforcement Agency	How many times more likely were Blacks to be consent searched than Anglos			How many times more likely were Latinos to be consent searched than Anglos		
	2003	2004	2005	2003	2004	2005
Abilene Police Department	1.7	2.2	1.7	1.8	1.4	1.1
Addison Police Department	1.3	2	2.2	1.7	0.6	2.6
Alamo Heights Police Department	1.8	>3	>3	0.9	2.8	0.9
Allen Police Department	1.2	1.5	1.5	0.6	0.3	1.1
Amarillo Police Department	2.4	2.9	2.5	1.3	1.2	1.4
Arlington Police Department	1.4	1.1	1	1.6	1.6	1
Athens Police Department	1.4	0.7	0.8	1.2	1	0.6
Austin Police Department	>3	>3	>3	2.7	2.4	2.8
Balch Springs Police Department	2.6	1.4	0.9	>3	1.2	1.4
Baytown Police Department	1.9	x	1.4	0.8	x	0.8
Bedford Police Department	x	2.8	0.5	2.3	x	0.6
Beeville Police Department	2.3	1.6	2.6	2.3	1.6	2.6
Bellaire Police Department	0.8	>3	>3	0.8	>3	2
Benbrook Police Department	>3	2.4	1.8	1.9	1	0.5



Law Enforcement Agency	How many times more likely were Blacks to be consent searched than Anglos			How many times more likely were Latinos to be consent searched than Anglos		
	2003	2004	2005	2003	2004	2005
Bexar County Sheriff's Department	>3	1.5	>3	2.5	0.9	0.7
Big Spring Police Department	1.6	1	1.1	0.9	1.2	1.1
Boerne Police Department	>3	1.6	0.9	0.9	1.2	1.2
Borger Police Department	2.4	x	2.4	0.8	x	1.1
Brazoria County Sheriff's Department	0.9	x	x	1	x	x
Brownsville Police Department	x	>3	x	0.7	1.1	0.1
Bryan Police Department	>3	2.3	0.9	>3	1.4	1
Burleson Police Department	0.9	2.8	x	1	2.9	0.7
Carrollton Police Department	1.8	1.3	1.8	2	1.3	1.8
Cedar Park Police Department	0.4	x	0.9	0.7	x	1.6
College Station Police Department	2.7	1.1	1.9	2.6	2.6	1.3
Colleyville Police Department	0.7	x	>3	x	x	>3
Comal County Sheriff's Office	1.4	0.7	1.6	1.1	0.9	1.2
Conroe Police Department	1.7	1.9	1.8	1.2	1.3	1.6
Converse Police Department	1	0.6	0.7	1.7	0.7	1
Coppell Police Department	1.3	2.5	x	>3	3	1.4
Copperas Cove Police Department	2	1.9	1.7	1.1	0.8	1.4
Corsicana Police Department	1.1	1.3	1.4	0.6	0.5	0.7
Dallas County Sheriff's Department	0.8	0.2	0.9	1.9	1.1	1.8
Dallas Police Department	2.7	2.4	2.4	2.8	2.2	1.7
Deer Park Police Department	1	1	1.4	0.8	1.4	2
DeSoto Police Department	1.1	1.3	1.4	0.7	1.7	2
Diboll Police Department	1.7	x	x	2.6	x	x
Duncanville Police Department	1.2	0.7	0.3	0.9	1.3	0.8
Edinburg Police Department	>3	1.5	1.7	2.1	0.9	0.8
El Paso County Sheriff's Office	1	1.1	1.2	x	x	x
El Paso Police Department	2.9	1.2	1.7	1.4	0.8	0.9
Eules Police Department	0.8	0.6	0.6	x	0.8	1
Fayette County Sheriff's Office	0.8	1.5	1.6	1.2	2.9	1.2
Fort Bend County Sheriff's Office	1.8	1.7	x	2.1	1.4	x
Fort Worth Police Department	1.5	1.8	2.1	0.7	1.1	1.7
Galveston County Sheriff's Office	1.4	0.8	0.5	x	x	x
Galveston Police Department	1	1.9	2	0.6	1.3	1.5
Garland Police Department	2	1.3	1.2	1.4	1.5	1.2
Georgetown Police Department	2.7	1.9	1.6	>3	1.8	1.3
Grapevine Police Department	2.6	1.7	1	1.9	1.7	1.5
Harker Heights Police Department	0.9	1.4	1.1	0.9	1.5	2.1
Harlingen Police Department	>3	1.3	x	>3	1	1.2
Harris County Sheriff's Department	1.4	1.5	1.9	1.1	1.3	2.6
Hewitt Police Department	1.3	1.9	1.3	2.3	>3	1
Highland Park Department of Public Safety	>3	2.1	>3	>3	>3	2.8
Hillsboro Police Department	2.4	2.2	1.9	2.3	x	1.6



APPENDIX II

Law Enforcement Agency	How many times more likely were Blacks to be consent searched than Anglos			How many times more likely were Latinos to be consent searched than Anglos		
	2003	2004	2005	2003	2004	2005
Houston Police Department	>3	>3	>3	1.9	1.9	1.9
Humble Police Department	0.8	1.9	1.6	1.3	0.7	1.3
Irving Police Department	1	1.5	1.3	1.1	1.2	1.5
Jacinto City Police Department	0.9	0.7	1.2	0.9	0.7	1
Jacksonville Police Department	1.4	2.7	2.1	0.9	0.7	0.5
Jefferson County Sheriff's Office	1	0.7	0.5	1.7	1.1	0.9
Katy Police Department	1.5	1.4	1.5	x	x	x
Keller Police Department	1.6	1.3	0.8	1.6	1.1	1
Killeen Police Department	1.6	3	1.8	0.8	1.1	0.9
Kimble County Sheriff's Office	2	1.8	2.4	1.3	1	0.9
La Marque Police Department	1.8	1.6	1.4	1.9	0.9	1.3
Lacy Lakeview Police Department	2	x	x	1.5	x	x
Lakeview Police Department	1	0.3	1.9	1.2	0.6	1
Lakeway Police Department	x	0.5	x	1	0.6	2.1
Lampasas Police Department	1.8	x	0.9	2.3	x	2.2
Laredo Police Department	x	x	1.3	>3	1.2	0.7
League City Police Department	2.1	0.8	1.5	1.1	1.9	1.7
Leander Police Department	0.9	0.6	0.9	0.7	1.1	1.1
Leon Valley Police Department	0.9	2.5	1.2	1.3	1.9	1.2
Live Oak Police Department	1.9	0.5	1.7	0.9	0.8	0.6
Lockhart Police Department	2.4	1.7	x	1	2.5	1.8
Longview Police Department	2.1	1.4	1.8	0.9	1.6	1.3
Lubbock Police Department	2.4	>3	>3	1.5	1.9	>3
Lufkin Police Department	0.9	2.7	2	0.8	1.9	1.3
Mansfield Police Department	0.9	0.7	0.8	0.9	1.2	0.9
Marble Falls Police Department	0.9	0.5	>3	1	1.1	0.6
Martindale Police Department	1.3	0.4	x	1.9	3	x
McAllen Police Department	>3	x	>3	>3	0.9	>3
McKinney Police Department	>3	>3	2.4	2.8	2.8	>3
Meadows Place Police Department	2	1.1	0.8	0.5	1	0.9
Mesquite Police Department	1	1.1	1.1	1.5	1.6	1.4
Midland Police Department	>3	>3	>3	1.8	1.9	2.1
Missouri City Police Department	1.3	1.1	1.2	2.3	1	1.6
Mount Pleasant Police Department	1.5	1.9	1.2	1.1	0.9	0.8
Nacogdoches Police Department	1.6	1.4	1.4	0.9	0.9	0.8
New Braunfels Police Department	1.3	1.2	1	1.4	1.7	1.3
North Richland Hills Police Department	1.2	0.4	0.7	0.6	0.6	1
Odessa Police Department	2.4	>3	>3	1.4	1.8	1.2
Palmer Police Department	1.1	1.4	1.8	1.9	2.5	1.2
Palmview Police Department	x	x	x	1.4	0.2	0.1
Pantego Police Department	1	0.9	2.8	1.8	0.2	2.7
Paris Police Department	1.3	0.7	1.1	x	x	x



Law Enforcement Agency	How many times more likely were Blacks to be consent searched than Anglos			How many times more likely were Latinos to be consent searched than Anglos		
	2003	2004	2005	2003	2004	2005
Pearland Police Department	0.9	1	1.6	0.8	0.9	1.6
Pflugerville Police Department	1.1	1.7	2.1	1.6	1.5	0.5
Plano Police Department	2.2	2.2	2.4	2.2	1.6	2.1
Port Arthur Police Department	1.4	2.2	>3	1	1.7	x
Portland Police Department	>3	>3	1.4	2.1	0.5	1.3
Richardson Police Department	1.1	1.2	1.2	2.2	1.3	2
River Oaks Police Department	1.7	1	1.1	0.3	0.9	0.9
Roanoke Police Department	1	1.9	1.4	1	1.1	1
Rockwall Police Department	1.5	1.3	1.2	1.3	1.1	0.7
Rosenberg Police Department	1.9	1.2	2.2	1.1	1.3	1.6
Rowlett Police Department	0.8	1.2	0.9	1.4	1.7	1.4
Royse City Police Department	1.5	2.3	0.9	1	1	1
San Angelo Police Department	>3	>3	>3	2.6	1.2	2
San Antonio Police Department	2.8	>3	>3	1.1	0.9	1.1
Schertz Police Department	1.5	1	>3	0.6	0.8	0.6
Sealy Police Department	2.4	x	x	2.4	x	x
Shavano Park Police Department	2.4	1.9	x	1.8	1.4	0.6
Shenandoah Police Department	1.9	2.2	1.8	1.8	1.3	1.2
Stafford Police Department	1.4	1.4	1.2	>3	2.4	1.4
Sugar Land Police Department	1.2	1	1.7	1.3	1.6	1.5
Sulphur Springs Police Department	1.8	1.7	1.8	1.8	0.9	0.6
Tarrant County Sheriff's Office	2	0.9	0.9	0.3	0.6	0.5
Temple Police Department	1.7	2.1	>3	1.5	1.6	1.9
Texarkana Police Department	2	1.6	2.2	1.3	1.3	2.2
Texas City Police Department	1.4	x	x	0.9	x	x
Texas Department of Public Safety	1.8	1.9	1.6	1.7	1.6	1
The Colony Police Department	x	0.9	1.1	0.8	1.6	0.9
Tom Green County Sheriff's Office	1.1	0.8	0.8	1.2	1	1
Tomball Police Department	1.8	1.5	1.5	0.7	1.4	1.7
Travis County Sheriff's Office	1.5	0.8	1.2	1.5	2.9	0.6
Tyler Police Department	2.2	2	1.4	2.1	1.1	0.9
Waco Police Department	1.6	1.3	2.4	1.3	0.9	1.8
Waskom Police Department	0.9	1.1	1.4	2.5	1.9	1.3
Watauga Department of Public Safety	2.2	1	1.3	2	0.9	0.6
Waxahachie Police Department	>3	x	3	x	x	>3
Weatherford Police Department	1.5	1.7	1.2	1.4	1.3	1
Webster Police Department	2.7	>3	1.9	2.6	>3	3
Wichita Falls Police Department	1.4	1.9	1.8	1.6	2	1.6
Williamson County Sheriff's Office	1.1	1.6	1.5	1.8	1.7	1.7
Wilmer Police Department	0.7	2.8	1.8	>3	>3	>3
Windcrest Police Department	>3	1.8	x	>3	1.8	x



METHODOLOGY: HOW YOU CAN CALCULATE THE NUMBERS FOR YOUR LOCAL AREA

The Context and Parameters of This Study

As it currently stands, S.B. 1074 does not require any independent agency to analyze law enforcement reports, nor does it mandate a uniform standard for reporting required Tier 1 or Tier 2 data. Due to this critical absence of standard reporting and analysis, the Texas Criminal Justice Coalition collected and analyzed the annual reports of 221 agencies to determine whether disparities exist in consent search practices – across agencies and across race – throughout Texas.

Limitations

- Not all Texas law enforcement agencies are included in this report. This study only analyzed agencies that, in 2005, issued 3,000 or more citations during traffic stops – representing the largest citation-issuing agencies in Texas. *Note: Five agencies that issued more than 3,000 citations responded after the beginning of the analysis process and were not included in this report.*
- Pursuant to S.B. 1074, most law enforcement agencies only collected and reported data on traffic stops where a ticket was issued or an arrest resulted. However, significant inconsistencies arose in how these agencies represented the figures in their reports. Many used the term “contacts” when they actually intended to signify police traffic stops that resulted in a citation or arrest. As a result, it was not always possible to determine with complete accuracy whether an agency was collecting data on all stops or only those traffic stops resulting in a citation or arrest.

Other inconsistencies in the reported data involve agencies that included written warnings, dispatched call contacts, or pedestrian stops with law enforcement-initiated traffic citation stops.

Database Construction Methodology

Using a sample of Texas law enforcement agency racial profiling reports, we assembled a database containing data for the 221 agencies that responded to an open records request and met our 3000-plus citation requirement.

Our approach:

➤ **Step 1: Collect racial profiling reports from Texas police and sheriff’s departments.**

To obtain 2005-year data, we mailed 1,074 open records requests to Texas law enforcement agencies. We had a response rate of 58%. Subsequent requests for the information were made first by the Office of Senator Royce West, author of S.B. 1074, and then again by the Office of the Attorney General to agencies that still had not replied.



Of the responsive agencies, 226 issued 3,000 or more citations in 2005. Only 221 responded prior to the data analysis process and are included in this report.

➤ **Step 2: Review each report and assemble an electronic database of racial profiling data.**

For each report reviewed, we collected and electronically input data on the following items:

- Traffic stops – including stops leading to citations and arrests as well as stops leading to warnings and to releases;
- Searches conducted during or after stops – including consent searches, probable cause searches, incident to arrest searches, and inventory searches;
- Contraband seizures during searches and, specifically, consent searches;
- Data auditing processes used by each agency;
- The complaint processes available to citizens and/or the number of racial profiling complaints made in 2005;
- The availability of audio-visual equipment in vehicles;
- The inclusion of specific consent search policies within larger departmental racial profiling policies or orders; and
- The reporting of additional Tier 2 data elements by agencies.

We used multiphase data entry and error-checking procedures to increase the accuracy of the electronic data collected.

➤ **Step 3: Measure over-searching patterns across agencies, as well as relative consent search rates by race for comparison with 2003 and 2004 data.**

We calculated general consent search patterns separately for each agency to determine how much more (or less) likely one agency is to engage in a general policy of consent searching all races compared to other agencies. Determining the agency-wide consent search rate is a one-step calculation: for each agency we divided the number of consent searches for each particular racial group into that racial group's number of stops.

We also calculated the relative consent search likelihood separately for each agency in order to determine how much more (or less) likely Blacks or Latinos were than Anglos to be consent searched following a traffic stop. Determining the consent search rate is a two-step calculation. First, for each agency, we divided the number of consent searches for each particular racial group into that racial group's number of stops. Next, we divided the resulting Black and Latino calculations (percentages) by the resulting Anglo calculation (percentage) to obtain the respective Black and Latino consent search rates.

We used these latter calculations to compare the 2005 consent search rates with the 2003 and 2004 consent search rates, thereby offering an analysis of increasing or decreasing consent search rates throughout the sampling of Texas law enforcement agencies over time.



Notes on Law Enforcement Agency Sample

The law enforcement agencies comprising the sample for this report are sufficiently representative of police and sheriffs' departments in Texas to warrant statistical analysis. Agencies not analyzed in this report include the following:

- Agencies that never responded to the open records requests submitted, or that did not respond prior to the data analysis process;
- Agencies that issued less than 3,000 citations throughout the course of 2005; and
- Agencies that did not respond with usable data (either requested data elements, or elements broken out by race).

For more information on departmental reporting, please go to
www.criminaljusticcoalition.org/end_racial_profiling.



RECOMMENDATION FOR LARGE AGENCIES THAT WANT TO PROVIDE MORE DETAILED ANALYSES TO EXPLAIN STOP AND SEARCH RATES

ISSUE

Under Tier 1 reporting, agencies are not required to break out motorists by district within the jurisdiction where they were stopped. In large agencies, this prevents the analysis of stop and search rates within particular areas of town. Some agencies claim this is a problem because calls for service by community members and reported high crime areas or levels dictate the deployment of officers. Agencies note that such directed patrols of narcotics locations and gang activity have an affect on an agency's statistics, but (1) agencies have a responsibility to lend assistance when members of the community want to defend their neighborhoods from the criminal element, and (2) these targeted enforcement details are an effective deterrent to crime and disorder.

Aggressive law enforcement has taken place with respect to African American street gangs due to the 11 homicides this same year. Weapons searches of gang members may account for the disproportionate rate of searches. The African American community has demanded action to curtail the gun violence.

– Texas Police Chief

SOLUTION

Agencies in large jurisdictions that want deployment to be taken into consideration during the analysis of departmental statistics should analyze both aggregate data and district-level data.

NOTE: Although agencies should be given the opportunity to provide explanations for elevated stop or search rates, they should not be able to use district-level findings as a pretext to perpetuate stops in minority-majority areas. To prevent this, data analysis of districts should be accompanied by an examination of contraband hit rates from targeted enforcement efforts. If police deployment to certain parts of town seems to result in few findings of wrongdoing, deployment should be reassessed.

Agencies seeking to engage in district-level analysis should also provide a corresponding examination of crime rates in all areas of town to help them determine future deployments. Since police deployment to particular neighborhoods will reduce police presence in other areas, a potential rise in criminal activity could crop up in these less-policed neighborhoods. An agency's primary concern should be increasing the public safety in all parts of town.



APPENDIX V

AGENCIES THAT HAVE IMPLEMENTED SMARTER POLICING PRACTICES, AND MODEL POLICY LANGUAGE

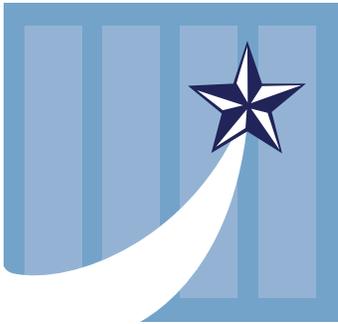
Angleton Police Department
Austin Police Department
Bedford Police Department
Corpus Christi Police Department
Corsicana Police Department
Hewitt Police Department
Humble Police Department
Lake Jackson Police Department
Lockhart Police Department
Midland Police Department
Odessa Police Department
Texas Department of Public Safety
Travis County Sheriff's Office

Agency A:

If a search is conducted pursuant to consent, the officer shall document the circumstances under which the consent is obtained. The documentation may be enumerated in the "notes" section of the field Contact Report and written consent will be obtained from the person consenting to the search. The language for such consent shall be, "Having been informed of my constitutional right not to submit to a search, I voluntarily consent to such a search and do hereby authorize any deputy from the _____ to conduct said search."

Agency B:

No motorist, once cited or warned, shall be detained beyond the point where there exists no reasonable suspicion of further criminal activity, and no person or vehicle shall be searched in the absence of a warrant, a legally recognized exception to the warrant requirement, or the person's voluntary consent. In each case where a search is conducted, this information shall be recorded, including the legal basis for the search, and the results thereof. Consent searches will only be conducted with written consent, using the proper department form. If the individual indicates that they will consent to a search but are refusing to sign the form, fill out the form anyway and indicate "consent to search but refused to sign," inserting initials and the signature of any witness in the signature book.



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