



MEMORANDUM

Austin Police Department *Office of the Chief*

TO: Mayor and Council Members

FROM: Art Acevedo, Chief of Police

DATE: March 20, 2012

SUBJECT: 2011 Racial Profiling Report

In compliance with State Racial Profiling Reporting requirements, the Austin Police Department provides a racial profiling report to the City Council on March 1st of each year. Beginning in 2010, the law required that police departments also submit a standardized racial profiling report to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). The 2011 Racial Profiling Summary Report is attached for your review and the required data has been submitted to TCLEOSE.

Please contact me or my staff should you have any questions.

H. A. ACEVEDO
Chief of Police

xc: Marc A. Ott, City Manager
Michael McDonald, Deputy City Manager

Attachments

City of Austin

Police Department

2011 Annual

Racial Profiling Report

March 2012

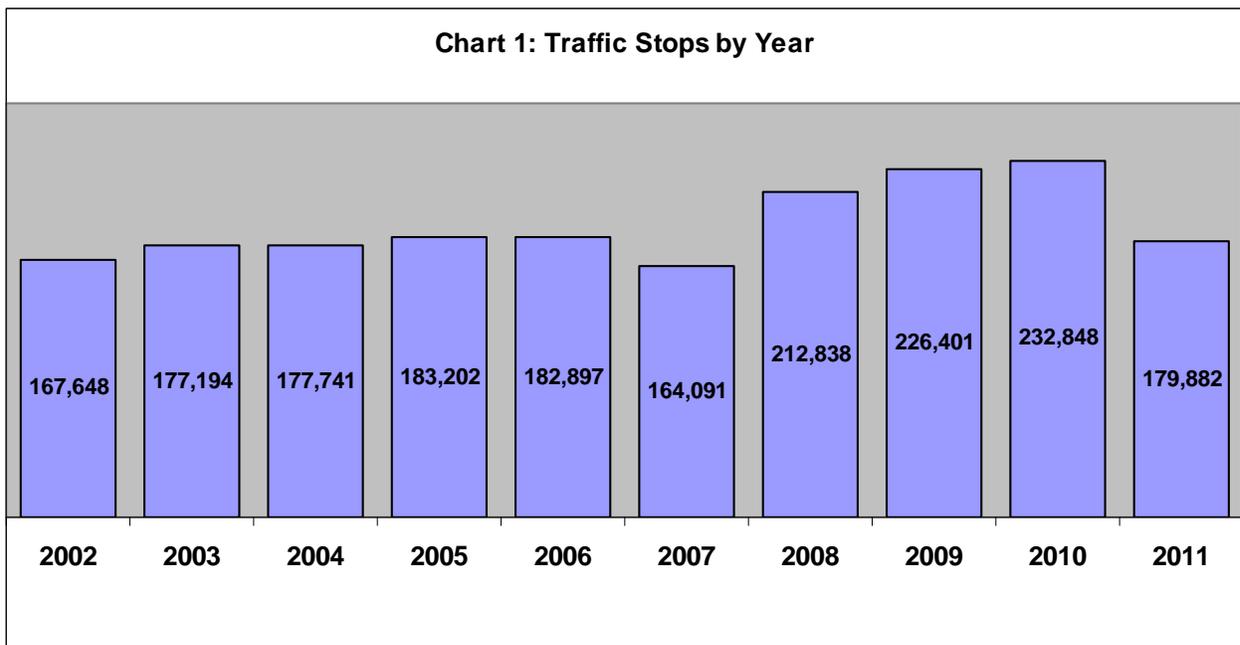
AUSTIN POLICE DEPARTMENT

The following information is based on data reported in 2011 by Austin police officers for motor vehicle stops. The Austin Police Department maintains a strong stance against racial profiling. The Department’s policy and practice is to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group. The City of Austin also has a citizen complaint process where any allegations of profiling can be brought forward for investigation. The following report examines the total number of motor vehicle stops, the relationship of race to the stops, whether a search was conducted, and if contraband was found during the search.

MOTOR VEHICLE STOPS

Austin police officers made 179,882 motor vehicle stops in 2011 compared to 232,848 in 2010. The primary reason for a motor vehicle stop is a traffic violation such as speeding, an illegal turn, expired registration and other violations of the transportation code. For 2011, there were 469 stops where the race/ethnicity of the driver was marked “other” or “unknown.” These stops are not included in the 179,882 reported stops as the race is not available for these stops.

Overall, the number of stops is lower in 2011, in part, because the Highway Enforcement Command shifted its mission from citywide traffic enforcement to a focus on the major highways such as IH-35, MoPac and 183. As a consequence, the number of traffic citations declined from 224,662 in 2010 to 165,757 in 2011, a 26% reduction. The overall number of motor vehicle stops also decreased by 23%.



The percentage of stops by race and ethnicity in 2011 was almost the same as it was in 2010.

Table 1: Traffic Stops 2011 and 2010 Comparison

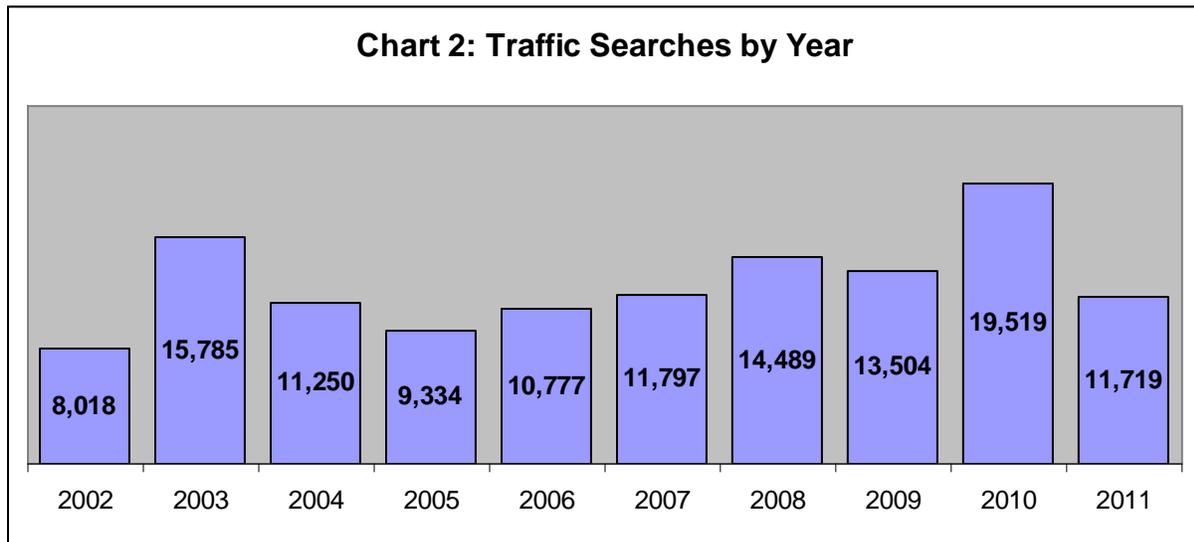
	2011 Traffic Stops		2010 Traffic Stops	
White	98,428	54.72%	127,661	54.83%
Hispanic	52,453	29.16%	68,327	29.34%
Black	22,917	12.74%	28,949	12.43%
Asian	4,740	2.64%	6,611	2.84%
American Indian	83	0.05%	100	0.04%
Middle Eastern	1,261	0.70%	1,200	0.52%
Total*	179,882	100.00%	232,848	100.00%

* There were 469 stops where race or ethnicity was unknown, these are not included

SEARCHES OF MOTORISTS

The total number of searches resulting from a motor vehicle stop decreased by 40%; from 19,519 in 2010 to 11,719 in 2011. The decrease in searches is related to two issues. First, vehicle searches were included in the 2010 analysis, but were not included in 2009 or 2011. Unlike person searches, the way the information is captured in the APD database makes it impossible to definitively link a vehicle search to a specific person when there are multiple persons involved in the traffic stop. Removing the vehicle searches in 2011 reduced the overall number of searches.

The second issue is related to the chief’s numerous conversations with officers throughout the department in 2010 where he emphasized the importance of being deliberative when making the decision about conducting a search. He asked officers to be aware of whether or not they could articulate the facts that would justify the search. We believe the directive to pause and critically assess the circumstances present prior to initiating a search also contributed to the reduction in the overall number of searches.



Searches are tracked in several categories. **Consent searches** occur when the officer asks for permission to conduct the search and the citizen consents to be searched. A driver must give permission for a search in writing or on videotape taken by the in-car camera. **Non-consent searches** occur after an arrest or if the officer develops probable cause. Probable cause requires reasonable grounds to suspect a person has committed or is committing a crime. Probable cause gives an officer the legal authority to search without consent. Officers can also conduct a protective frisk which involves patting down the person's clothing to check for any type of weapons. Protective frisks are recorded as non-consent searches.

Relation of Race and Ethnicity to Searches on Traffic Stops

Table 2 (A and B) shows that 7,995 (68.2%) of the 11,719 searches conducted during traffic stops in 2011 were non-consent searches and 694 (5.9%) of the searches were consent searches. In 2010, 14,885 (76.3%) of the 19,519 searches conducted during traffic stops were non-consent searches and 1,118 (5.7%) of the searches were consent searches.

Table 2A. Traffic Stops: Types of Searches on Traffic Stops, 2011

	Consent Search		Non Consent Search		Consent Status Unknown*		Total Searches	
White	193	5.5%	2,410	68.8%	902	25.7%	3,505	100.0%
Hispanic	271	5.4%	3,481	68.9%	1,298	25.7%	5,050	100.0%
Black	222	7.3%	2,017	66.4%	798	26.3%	3,037	100.0%
Asian	7	7.2%	66	68.0%	24	24.7%	97	100.0%
American Indian	0	0.0%	2	66.7%	1	33.3%	3	100.0%
Middle Eastern	1	3.7%	19	70.4%	7	25.9%	27	100.0%
Total	694	5.9%	7,995	68.2%	3,030	25.9%	11,719	100.0%

* "Consent Status Unknown" is indicated when the response is unreadable or missing.

Table 2B. Traffic Stops: Types of Searches on Traffic Stops, 2010

	Consent Search		Non Consent Search		Consent Status Unknown*		Total Searches	
White	314	4.7%	4,877	72.5%	1,533	22.8%	6,724	100.0%
Hispanic	458	5.6%	6,403	78.7%	1,279	15.7%	8,140	100.0%
Black	336	7.7%	3,436	78.9%	584	13.4%	4,356	100.0%
Asian	9	3.8%	133	56.1%	95	40.1%	237	100.0%
American Indian	1	12.5%	6	75.0%	1	12.5%	8	100.0%
Middle Eastern	0	0.0%	30	55.6%	24	44.4%	54	100.0%
Total	1,118	5.7%	14,885	76.3%	3,516	18.0%	19,519	100.0%

The rate of missing or unreadable data that results in the consent status being "unknown" increased in 2011. APD will conduct an internal audit in 2012 to determine the cause of the missing information in reports. Whatever changes are implemented, whether it is more training and/or a restructuring of the electronic reporting forms, will be monitored to ensure they are having an impact. Moreover, policy is currently being developed requiring quarterly audits of reporting documentation by field commands.

RESULTS OF SEARCHES

Productive searches or “hits” are determined by whether or not contraband is found.

Information about found evidence is listed by category in the racial profiling documentation section in citations and reports. The methodology used to examine the outcome of searches in 2009 and 2011 considered contraband from the person search, and not contraband found during a vehicle search. As mentioned previously, the method used in 2010 that also looks at vehicle searches is not consistent with the data reporting methodology during prior years. The left side of Table 3 shows the comparison of hit rates for all searches in 2009 as compared to 2011; 2010 is provided on the far right. The overall productivity of searches has gone up from 12.20% in 2009 to 20.25% in 2011.

Table 3. Traffic Stops: Hit Rates for ALL Searches

All Searches	2009			2011			2010		
	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate
White	500	3,811	13.10%	701	3,505	20.00%	1806	6,724	26.86%
Hispanic	609	6,234	9.80%	992	5,050	19.64%	2259	8,140	27.75%
Black	527	3,267	16.10%	657	3,037	21.63%	1372	4,356	31.50%
Other	4	108	3.70%	23	127	18.11%	44	299	14.72%
Unknown	9	84	10.70%	*	*	*	*	*	*
Total	1,649	13,504	12.20%	2,373	11,719	20.25%	5,481	19,519	28.08%

*2010 and 2011 data where race is unknown has been removed from the data set

The importance of determining the productivity of searches or the search “hit rate” is based on the premise that lower hit rates during consent searches are potential indicators of profiling. Search “hit rates” reflect “not only the people within each racial group who are carrying evidence/contraband, they also reflect police choices regarding whom to search.”¹ Consent searches need to be considered separately because of the increased officer discretion involved in asking for permission to search. However, the hit rates for consent searches are based on much smaller numbers, which reduces their reliability. The hit rate for consent searches in 2011 is much higher than it was in 2009 (again, 2010 rates are provided for information only on the right side of the table). The higher hit rates for minority drivers compared to White drivers in 2011 suggests that profiling is not occurring.

Table 4. Traffic Stops: Hit Rates for CONSENT Searches

Consent Searches	2009			2011			2010		
	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate
White	15	137	10.90%	43	193	22.28%	104	314	33.12%
Hispanic	14	184	7.60%	89	271	32.84%	151	458	32.97%
Black	16	148	10.80%	56	222	25.23%	112	336	33.33%
Other	0	3	0.00%	3	8	37.50%	1	10	10.00%
Unknown	0	1	0.00%	*	*	*	*	*	*
Total	45	473	9.50%	191	694	27.52%	368	1118	32.92%

¹ Fridell, Lorie. 2004. By the Numbers: A Guide to Analyzing Race Data from Vehicle Stops. Washington, DC: Police Executive Research Forum, page 271.