

University of Texas System Police Department

ANNUAL REPORT 2018

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Tables Illustrating Motor Vehicle- Related Contacts

Tier 2 Data

Total stops: 22,746

1. Gender

1.1 Female: 9,049

1.2 Male: 13,735

2. Race or ethnicity

2.1 Black: 3,235

2.2 Asian/Pacific Islander: 2,231

2.3 White: 8,991

2.4 Hispanic/Latino: 7,843

2.5 Alaska Native/American Indian: 101

3. Was race or ethnicity known prior to stop?

3.1 Yes: 329

3.2 No: 22,417

4. Reason for stop?

4.1 Violation of law: 320

4.2 Pre-existing knowledge: 55

4.3 Moving traffic violation: 14,847

4.4 Vehicle traffic violation: 7,646

5. Street address or approximate location of the stop

5.1 City street: 20,643

5.2 US highway: 618

5.3 County road: 58

5.4 State Highway: 0

5.5 Private property or other: 1,326

6. Was a search conducted?

6.1 Yes: 882

6.2 No: 21,761

7. Reason for Search?

7.1 Consent: 137

7.2 Contraband in plain view: 50

7.3 Probable cause: 301

7.4 Inventory: 227

7.5 Incident to arrest: 201

8. Was Contraband discovered?

8.1 Yes: 409

8.2 No: 498

9. Description of contraband

9.1 Drugs: 328

9.2 Currency: 2

9.3 Weapons: 20

9.4 Alcohol: 58

9.5 Stolen property: 2

9.6 Other: 14

10. Result of the stop

10.1 Verbal warning: 10,207

10.2 Written warning: 6,709

10.3 Citation: 5,933

10.4 Arrest: 675

11. Arrest based on

11.1 Violation of Penal Code: 391

11.2 Violation of Traffic Law: 36

11.3 Violation of City Ordinance: 41

11.4 Outstanding Warrant: 199

12. Was physical force resulting in bodily injury used during stop?

12.1 Yes: 3

12.2 No: 22,743

Table 1. Total Number of Instances where Officers Knew/did not Know Race/Ethnicity of Individuals Before Being Detained (1/1/18-12/31/18)

Total Number of Instances where Officers <u>Knew</u> Race and Ethnicity of Individuals Before Being Detained	Total Number of Instances where Officers <u>Did Not Know</u> the Race and Ethnicity of Individuals Before Being Detained
329	22,417

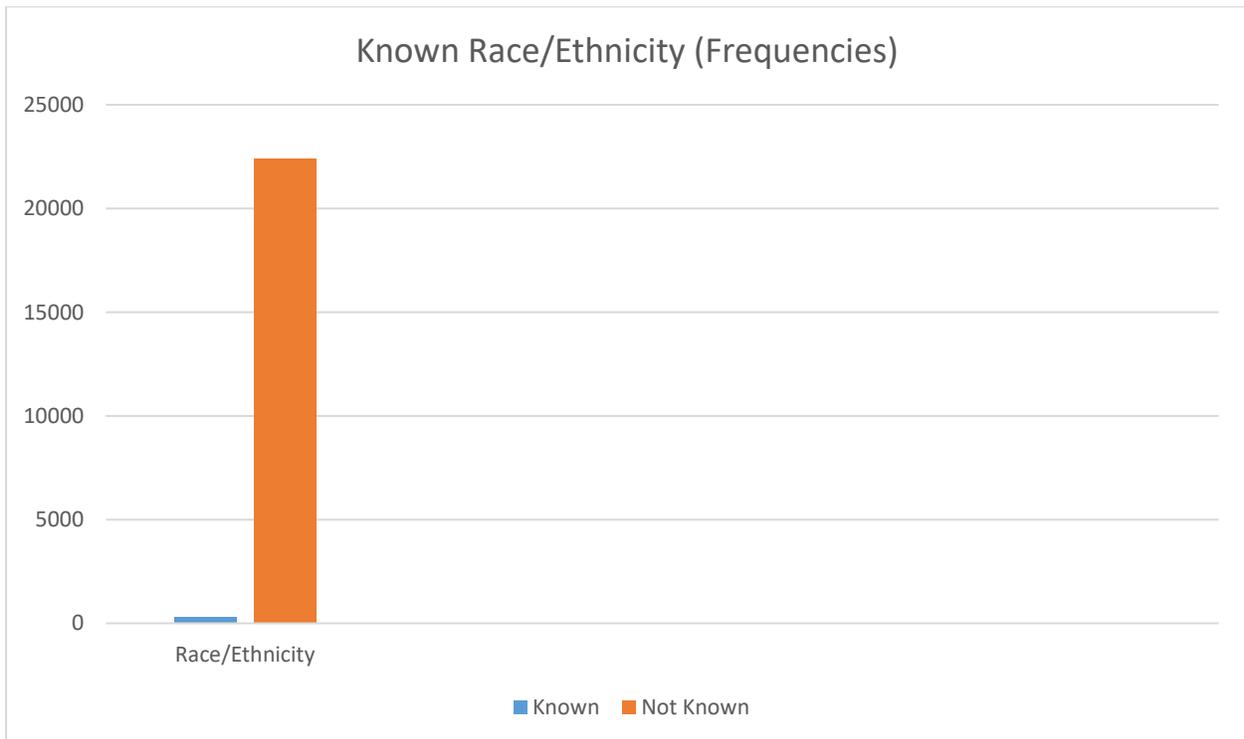


Table 2. Report on Audits

The following table contains data regarding the number and outcome of required data audits completed during the period 1/1/18---12/31/18.

Data Audits on Racial Profiling Data (1/1/18—12/31/18)

Number of Data Audits Completed	Date of Completion	Outcome of Audit
3	2018	Data reviewed is valid and reliable

Additional Comments:

Table 3. Instances Where Peace Officers Used Physical Force that Resulted in Bodily Injury

(1/1/18-12/31/18)

Instance Where Peace Officer Used Physical Force that Resulted in Bodily Injury	Location of the Stop	Reason for the Stop
2/1/18 UT Austin PD	1801 Red River St., Austin, TX 78705	DWI investigation
5/13/18 UT Medical Branch Galveston	901 Harborside Drive	Driving wrong way
11/13/18 UT Southwestern Medical Center Dallas	2100 Blk. Inwood Rd.	Disregard stop sign

Analysis and Interpretation of Data

Analysis

In order to understand the analysis provided in this report, it is imperative that the evolution of the Texas Racial Profiling Law and its requirements, is discussed. That is, in 2001, the Texas legislature passed Senate Bill 1074 which became the Texas Racial Profiling Law. Thus, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it was required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic or motor vehicle-related contacts.

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These changes included, but are were not limited to, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it required police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the 2009 law required adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year.

In 2017, the Texas Legislators passed H.B. 3051 which removed the Middle Eastern data requirement but standardized the racial and ethnic categories relevant to the individuals that came in contact with the police. In addition, the Sandra Bland Act (S.B. 1849) was passed and became law. Thus, the most significant legislative act in Texas history regarding data requirements on law enforcement contacts, became law and took effect on January 1, 2018. The Sandra Bland Act not only requires the extensive collection of data relevant to police motor vehicle contacts, but it also mandates for the data to be analyzed while addressing the following:

1. *A comparative analysis of the information compiled (under Article 2.133):*
 - a. *Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;*
 - b. *Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;*
 - c. *Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches.*
2. *Information related to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.*

In an effort to comply with The Texas Racial Profiling/Sandra Bland Law, the UT System Police Department commissioned the analysis of its 2018 contact data. Thus, different types of data analyses were performed. One of these involved a careful evaluation of the 2018 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Whites, Blacks, Hispanics or Latinos, Asians and Pacific Islanders, Alaska Natives and American Indians (Middle Easterners and individuals belonging to the “other” category, as optional categories), that came in contact with the police in the course of a motor vehicle related contact, and were either issued a ticket, citation, warning were issued or an arrest was made. Also, included in this data were instances where a motor vehicle contact took place for an alleged violation of the law or ordinance. The Tier 2 data analysis included, but was not limited to, information relevant to the number and percentage of contacts by race/ethnicity, gender, reason for the stop, location of stop, searches while indicating the type of search performed, result of stop, basis of an arrest and use of physical force resulting in bodily injury,

The UT System Police is comprised of police departments across the State of Texas. That is, a total of 14 academic institutions house UT System Police Departments which report to the central administration based in Austin. These academic institutions include UT Arlington, UT Austin, UT Dallas, UT Southwestern Medical Center at Dallas, UT El Paso, UT Medical Branch at Galveston, UT Health Science Center at Houston and MD Anderson Cancer Center, UT Permian Basin, UT Rio Grande Valley, UT San Antonio, UT Health Science Center at San Antonio, UT Tyler and UT Health Northeast at Tyler. Due to the fact that these institutions’ police departments do not patrol the same demographical population and that a comparison of all 14 departments to a particular baseline is virtually impossible, the analysis provided here is limited in that the data is not compared to a specific baseline. Instead, the data is discussed as it is presented on the TCOLE reporting table.

Tier 2 (2018) Motor Vehicle-Related Contact Analysis

When analyzing the enhanced Tier 2 data collected in 2018, it was evident that most motor vehicle-related contacts were made with males and most of the contacts were made with White drivers. This was followed by Hispanic and Black drivers. In most instances, police officers report not knowing the race or ethnicity prior to the stop. Further, they cite as the primary reason for the stop to have been a “moving traffic violation”. This was followed by “vehicle traffic violation”.

In 2018, most of the contacts made took place in city streets. The UT System Police Department cites that most contacts did not result in a search. Of those searches made, most were based on probable cause. The second most significant reason for a search was “inventory”. In addition, contraband was not found as a result of most searches. Of the contraband found, in most instances, drugs were cited as the most frequent contraband found.

The data also shows that the majority of stops resulted in a verbal warning. This was followed by “written warnings”. When an arrest was made, the most frequent reason provided was a violation of the penal code. Also, none of the contacts resulted in the use of physical force which caused bodily injury. In addition, the analysis on searches made showed that most of these did not result in contraband. This is consistent with industry standards.

Summary of Findings

The most recent Texas Racial Profiling Law requires that police department perform data audits in order to validate the data being reported. Consistent with this requirement, the UT System Police Department has engaged del Carmen Consulting, LLC in order to perform these audits in a manner consistent with normative statistical practices. As shown in table 2, the audits performed have shown that the data is valid and reliable. Further, as required by law, this report also includes an analysis on the searches performed. This analysis includes information on whether contraband was found as a result of the search while controlling for race/ethnicity. The search analysis demonstrates that the police department is engaging in search practices consistent with national trends in law enforcement.

While considering the findings made in this analysis, it is recommended that the UT System Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals.

As part of this effort, the UT System Police Department should continue to:

- 1) Perform an independent analysis on contact and search data in future years.
- 2) Commission data audits in 2019 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The comprehensive analysis of the data included in this report demonstrates that the UT System Police Department has complied with the Texas Racial Profiling Law and all of its requirements. Further, the report demonstrates that the police department has incorporated a comprehensive racial profiling policy, currently offers information to the public on how to file a compliment or complaint, commissions quarterly data audits in order to ensure validity and reliability, collects and commissions the analysis of tier 2 data, and ensures that the practice of racial profiling is not tolerated.

(III) Summary

Checklist

Checklist

The following requirements were met by the UT System Police Department in accordance with The Texas Racial Profiling Law:

- Implement a Racial Profiling Policy citing act or actions that constitute racial profiling.
- Include in the racial profiling policy, a statement indicating prohibition of any peace officer employed by the UT System Police Department from engaging in racial profiling.
- Implement a process by which an individual may file a complaint regarding racial profiling violations.
- Provide public education related to the compliment and complaint process.
- Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- Collect, report and analyze motor vehicle data (Tier 2).
- Commission Data Audits and a Search Analysis.
- Indicate total number of officers who knew and did not know, the race/ethnicity of individuals before being detained.
- Produce an annual report on police contacts (Tier 2) and present this to the local governing body and TCOLE by March 1, 2019.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation.

Contact Information

Contact Information

For additional questions regarding the information presented in this report, please contact:

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