

## 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.

- **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.

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 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 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.