

REPORT: RACIAL GAP IN DALLAS CONSENT SEARCHES PRETTY WIDE

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Black drivers are 2.4 times more likely than whites and Hispanic drivers are 2.2 times as likely as whites to be subjected to consent searches by police in Dallas.

And a new study by the Texas Criminal Justice Coalition says Dallas Police are almost five times as likely to push traffic stops into consent searches, no matter what the driver's race.

As we [noted](#) last week, the Dallas Police Department has a low number of complaints filed against it alleging racial profiling – only 10 complaints filed of 838,418 police contact incidents in 2005. However, police admit the numbers they collect aren't sufficient to determine if there is a trend in racial profiling regarding traffic stops.

A study by Austin-based Texas Criminal Justice Coalition purports to show in a study titled *Searching for Consent: An Analysis of Racial Profiling Data in Texas* that minorities in the Dallas area are more than twice as likely to be consent searched.

Consent searches are when an officer involved in a traffic stop does not have probable cause to search a driver's vehicle, but requests to do so. Most drivers, unaware of their rights or intimidated by police, agree to the search.

According to the Texas Criminal Justice Coalition, because consent searches are performed entirely at the discretion of the individual officer, the data that these searches produce may provide a more accurate measure of racial profiling than the data produced by non-discretion searches, which results from situations in which officers are required to perform searches.

Texas law says that if an officer does not have probable cause to search a vehicle, a driver can refuse the search without consequence.

As a result, many Texans, regardless of race, are subjected to over-searching. The report warns that these over-searching policies ultimately diminish public safety, and it urges departments to use more efficient policing practices.

“The over-use and inconsistent use of consent searches in Texas is not just a minority issue or civil rights issue, but also a public safety issue,” said Ana Yáñez-Correa, Executive Director of the Texas Criminal Justice Coalition. “Consent searches divert resources from crime-fighting tasks that improve public safety. Our officers’ time and energy should be spent on productive techniques, not on a hit or miss tactic that is diminishing the community’s faith in law enforcement.”

Report data indicate that 2.3 percent all drivers (103,705) statewide were subjected to consent searches at traffic stops in 2004. Remarkably, fully 10.7% of DPD searches were consent searches - 1,704 consent searches out of 15,943 searches.

In addition to the alleged inefficiency of and ongoing racial disparities produced by consent searches, another concern lies in the constitutionality of this police practice.

“The Fourth Amendment guarantees the right to be free from unreasonable searches. Law enforcement shouldn’t be allowed to force people into giving up their rights at traffic stops through trickery or intimidation. The practice violates fundamental principles of protected liberty,” said Will Harrell, Executive Director of the American Civil Liberties Union of Texas.

Dallas County Sheriff's had much more level numbers. In Dallas County Sheriff traffic stops, blacks were only 0.2 times more likely than white to be consent searched, and Hispanics were 1.1 times as likely as whites.

Other fun numbers:

Whites are 26.3 times more likely to be consent searched by Dallas Police Department than by Dallas County Sheriff's Department.

Blacks are 4.4 times more likely to be consent searched by Dallas Police Department than by Dallas County Sheriff's Department.

Latinos are 2.4 times more likely to be consent searched by Dallas Police Department than by Dallas County Sheriff's Department.

The full report - including details on various departments in the Dallas-Fort Worth area - can be downloaded [here](#).

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