

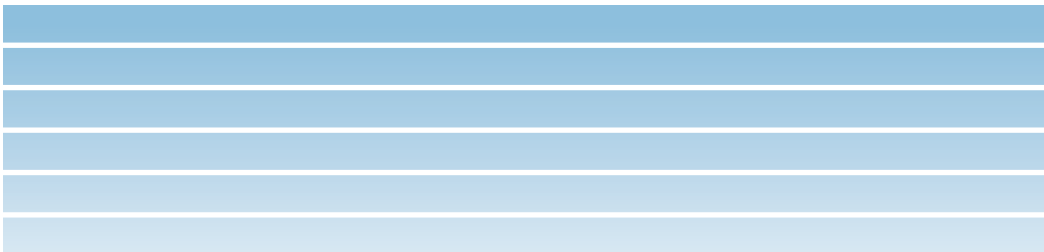
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# 06 SEARCHING FOR CONSENT

An Analysis Of Racial Profiling Data In Texas



CAMPAIGN TO END RACIAL PROFILING

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Dear Readers,

As the Executive Director of the Texas Criminal Justice Coalition (TCJC), I want to thank you for taking the time to learn more about racial profiling and police practices involving so-called “consent searches” in Texas.

For the last three years, TCJC has served as the sole statewide repository and analyst of racial profiling reports from Texas law enforcement agencies. We have been working hard to help implement the state’s racial profiling law and educate the public about what’s really going on at Texas traffic stops.

We have provided this service as part of our larger goal of identifying and working towards real solutions to the problems facing Texas’ criminal justice system. TCJC does this by educating supporters using cost-effective and innovative tools, partnering with organizations who share our core beliefs, and promoting evidence-based criminal justice solutions that embody the principles of effective management, accountability, public safety, and human and civil rights.

With this third annual report, we aim to continue helping law enforcement improve public safety through the use of more efficient and effective police practices. We also hope to educate community members about police practices in their local areas so that they can better engage in a productive dialogue about public safety at the local level.

I want to extend my appreciation to our Campaign partners – the ACLU of Texas, Texas NAACP, and Texas LULAC – for helping us get this information into the hands of community members. I would also like to personally thank Molly Totman of our office for her tireless work compiling this report.

Respectfully,

*Ana Yáñez-Correa*

Ana Yáñez-Correa  
Executive Director, Texas Criminal Justice Coalition

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The Texas Legislature in 2001 required law enforcement agencies to annually report detailed statistics concerning the race of individuals stopped and searched in their jurisdictions. However, the law did not create a statewide repository for the reports or provide any mechanism for analyzing the data on a statewide level. The Campaign to End Racial Profiling at the Texas Criminal Justice Coalition (TCJC) fills that role.

This is the third year that TCJC – in conjunction with allies from the American Civil Liberties Union of Texas (ACLU of Texas), Texas State Conference of branches of the National Association for the Advancement of Colored People (Texas NAACP), and League of United Latin American Citizens of Texas (Texas LULAC) – have conducted annual studies of statewide racial profiling data. Previously, we have released reports detailing racial disparities in stop and search rates by Texas law enforcement agencies. Specifically, we have analyzed how much more likely Blacks and Latinos are to be stopped or searched than Anglos.

In this study, we have chosen to concentrate on **consent search data** only, thereby eliminating from the analysis searches outside of an officer's discretion. We are focusing only on situations in which the officer opted to conduct a search of his or her own volition rather than situations in which the officer was duty-bound to do so (e.g., in instances of probable cause or cases where the individual was arrested or had an outstanding warrant).

We are also providing local governments and the Texas Legislature with more insight into the extent and ramifications of consent searches. At the conclusion of the 2005 Texas Legislative Session, Governor Rick Perry vetoed Senate Bill 1195, which would have required police officers to obtain a driver's written or recorded consent before conducting a consent search of a vehicle. Governor Perry wrote in his veto message that "there is insufficient information available at this time to determine whether signed or taped consent requirements place too onerous a burden on law enforcement or provide additional protections to the public. I would expect members of the legislature to review this issue during the interim and to bring back their findings to the 80th legislative session." Our analysis reveals that consent search practices vary widely by department. Some departments continue to search minorities at higher rates than Anglos; some departments search *all races* much more often than other agencies. These are significant conclusions in light of previous research finding consent searches to be an inefficient police practice, rarely resulting in findings of wrongdoing, and merely redirecting officers' energy away from preventing crimes.<sup>1</sup>

To begin our analysis, we sent open records requests to 233 departments that issued 3,000 or more citations in 2003. We received 229 timely responses with usable data provided by 201 departments. These departments represent the largest citation-issuing law enforcement agencies in Texas and account for over 4.5 million traffic stops.

We analyzed each contributing department's self-reported statistics as well as the quality of the reports produced in order to better inform policy leaders, law enforcement agencies, and community members as they address the problem and perception of racial profiling, along with localized, general searching practices and policies.

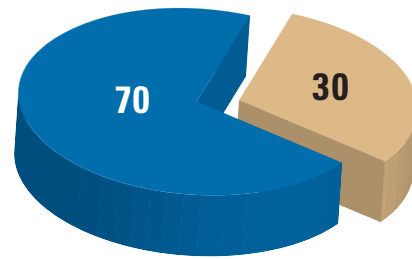
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<sup>1</sup>Statewide aggregate data from every Texas department that reported consent search hit rates in 2003 shows that when officers use discretion to perform a consent search, *less* contraband is found than when they have a legal basis for the search.

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In 2004, consent searches comprised **30%** of all searches conducted at Texas traffic stops (103,705 consent searches out of 348,741 total searches). Contraband was not found in the majority of reported instances.

### Consent Searches as a Percentage of All Searches

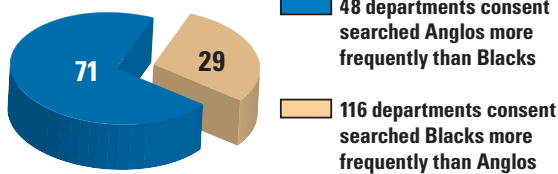


103,705 consent searches (30%)  
245,036 non-consent searches (70%)

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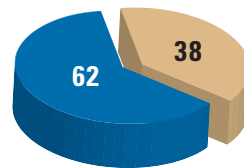
Minorities represented the most frequent targets of consent searches during traffic stops. As in past years, approximately **2 out of 3** departments reported consent searching Blacks and Latinos more frequently than Anglos. 71% of agencies consent searched Blacks more frequently than Anglos and 62% of agencies consent searched Latinos more frequently than Anglos.

### Blacks were Consent Searched More Frequently than Anglos



48 departments consent searched Anglos more frequently than Blacks  
116 departments consent searched Blacks more frequently than Anglos

### Latinos were Consent Searched More Frequently than Anglos



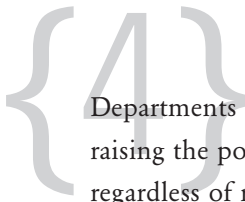
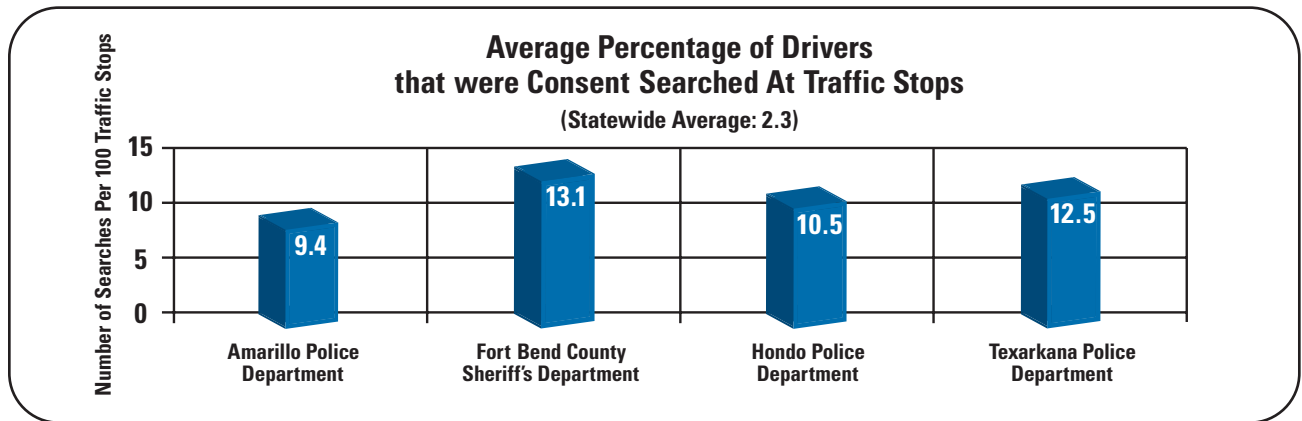
62 departments consent searched Anglos more frequently than Latinos  
102 departments consent searched Latinos more frequently than Anglos

37% of departments that consent searched Blacks more frequently than Anglos searched Blacks at least twice more often than Anglos. 26% of departments that consent searched Latinos more frequently than Anglos searched Latinos at least twice more often than Anglos.

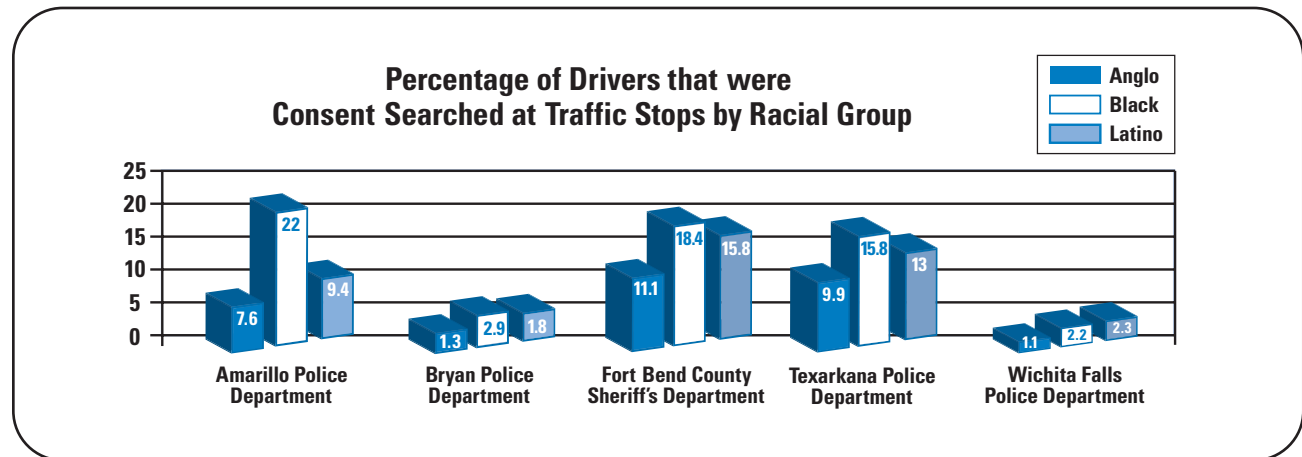
These findings do not suggest that Anglos are consent searched infrequently, merely that in most departments minorities are being consent searched *more* frequently.



Statewide, **2.3%** of all drivers were subjected to consent searches at traffic stops (103,705 consent searches out of 4,593,830 stops). However, some departments conducted consent searches much more frequently than the statewide average.

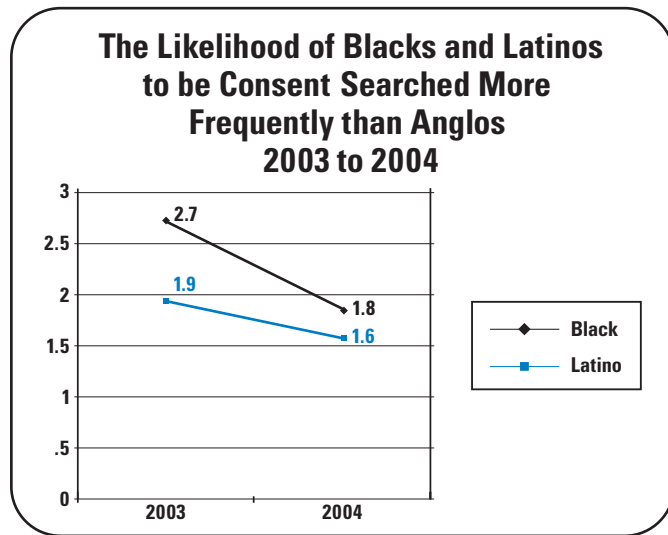


Departments that consent searched minorities at higher rates also tended to consent search Anglos more often, raising the possibility that extra searches by these departments represent a policy of general over-searching, regardless of race.





Positive findings: From 2003 to 2004, the likelihood of Blacks or Latinos to be consent searched more frequently than Anglos by departments in our study decreased. Approximately **half** of departments reported that racial disparities in consent searches declined in 2004 compared to 2003.



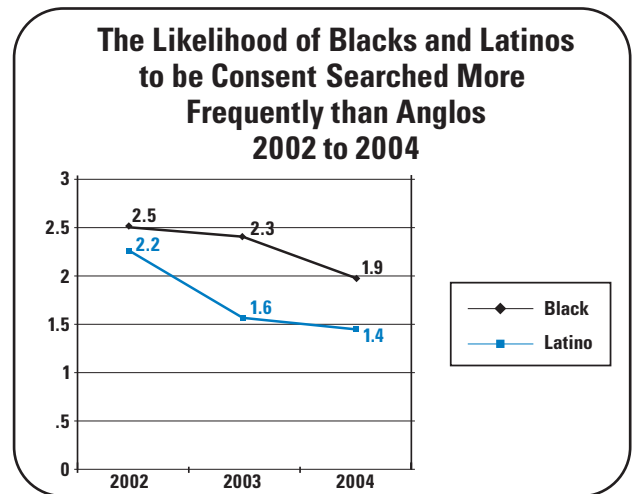
Another way to understand this improvement is to note that from 2003 to 2004, departments have reduced the average likelihood of Blacks and Latinos to be consent searched more frequently than Anglos. On average in 2003, Blacks were 2.7 times more likely than Anglos to be consent searched following a traffic stop while in 2004 Blacks were 1.8 times more likely than Anglos to be consent searched – a dramatic decrease. In 2003, Latinos were 1.9 times more likely than Anglos to be consent searched following a traffic stop while in 2004 Latinos were 1.6 times more likely than Anglos to be consent searched.

The broad trend is encouraging, although bear in mind the data is self-reported and may contain inaccuracies. Non-standardized data definitions make comparisons tentative due to the lack of consistent data definitions and lack of comparable auditing across departments.

Though data is limited, the longer-term outlook is even more encouraging. Twenty-seven departments provided data from 2002, 2003, and 2004, allowing us to analyze consent search rates for the three years that agencies have been required to collect racial profiling data.<sup>2</sup>

On average in 2002, Blacks were 2.5 times more likely than Anglos to be consent searched following a traffic stop. In 2003, the likelihood reduced to 2.3 and in 2004 it reduced further to 1.9.

As for Latinos, they were 2.2 times more likely than Anglos to be consent searched following a traffic stop in 2002. In 2003 the likelihood reduced to 1.6 and in 2004 it reduced further to 1.4.



If this data is accurate, Texas' racial profiling law appears to have begun to succeed in reducing racial disparities. Without uniform data collection standards it's impossible to know this for certain, but the initial trend appears positive.

## Conclusion

This analysis reveals disparities in consent search practices still occur by race, but variations among departments are often higher. Over-searching practices divert resources from crime-fighting tasks that improve public safety. Consent searches in particular rarely uncover wrongdoing and are more likely to target minorities. Police management, community leaders, and policy-makers should more closely examine officers' overall routines and encourage more efficient, bias-free, and cost-effective use of their time by limiting consent searches.

<sup>2</sup> Police Departments that provided three years of data include Abilene, Amarillo, Arlington, Benbrook, Copperas Cove, Deer Park, Desoto, El Paso, Georgetown, Houston, Keller, Plano, Rosenberg, Royse City, San Angelo, San Antonio, Shavano Park, Stafford, Taylor, Temple, and The Colony. Sheriff's Departments that provided data include Bexar County, Fayette County, Kimble County, Live Oak County, and Travis County. The Texas Department of Public Safety also provided data.

# Disparities in Consent Searches by Department



Our analysis examines how often various departments subject drivers they stop to consent searches. Not only did we find that most departments continue to search minorities more frequently than Anglos, we also found that some of these departments are searching all races – Blacks, Latinos, and Anglos – more frequently than other, similarly situated departments.

The examples below illustrate how two departments which may appear similar because of the racial disparities in their consent search rates actually differ – one of the departments searches *all races* more frequently than the other.

**Practical Example 1.** Neighboring police departments Midland and Odessa both consent search Blacks more than three times as frequently as they consent search Anglos following a traffic stop. Both departments consent search Latinos almost twice as frequently as they consent search Anglos following a traffic stop.

	Likelihood of Blacks to be consent searched v. Anglos	Likelihood of Latinos to be consent searched v. Anglos
<b>Midland Police Department</b>	>3 more likely than Anglos to be consent searched	1.9 times more likely than Anglos to be consent searched
<b>Odessa Police Department</b>	>3 more likely than Anglos to be consent searched	1.8 times more likely than Anglos to be consent searched

However, Midland Police Department is actually conducting far more consent searches of all drivers than Odessa Police Department. In Midland, Anglos are consent searched in 1.9% of stops while in Odessa, Anglos are consent searched in less than 1% of stops (0.4%) – meaning Anglos are 4.8 times more likely to be consent searched in Midland than Odessa. Blacks are consent searched during 7.5% of stops in Midland but only consent searched in 2% of stops in Odessa – meaning Blacks are 3.8 times more likely to be consent searched in Midland than Odessa. Latinos are consent searched during 3.5% of stops in Midland but consent searched in less than 1% of stops (0.7%) in Odessa – meaning Latinos are 5 times more likely to be consent searched in Midland than Odessa.

	Percentage of Anglos that were stopped who were consent searched	Percentage of Blacks that were stopped who were consent searched	Percentage of Blacks that were stopped who were consent searched
<b>Midland Police Department</b>	1.9% of Anglo traffic stops resulted in consent searches <i>Anglos are 4.8 times more likely to be consent searched in Midland than Odessa</i>	7.5% of Black traffic stops resulted in consent searches <i>Blacks are 3.8 times more likely to be consent searched in Midland than Odessa</i>	3.5% of Latino traffic stops resulted in consent searches <i>Latinos are 5 times more likely to be consent searched in Midland than Odessa</i>
<b>Odessa Police Department</b>	0.4% of Anglo traffic stops resulted in consent searches	2% of Black traffic stops resulted in consent searches	0.7% of Latino traffic stops resulted in consent searches

# Disparities in Consent Searches by Department



**Practical Example 2.** Neighboring departments Longview and Tyler consent search Blacks and Latinos more frequently than they consent search Anglos.

	Likelihood of Blacks to be consent searched v. Anglos	Likelihood of Latinos to be consent searched v. Anglos
Longview Police Department	1.4 times more likely than Anglos to be consent searched	1.6 times more likely than Anglos to be consent searched
Tyler Police Department	2 times more likely than Anglos to be consent searched	1.1 times more likely than Anglos to be consent searched

However, similar to the previous example, Longview Police Department is actually conducting far more consent searches of all drivers than Tyler Police Department. In Longview, Anglos are consent searched in 2.3% of stops while in Tyler, Anglos are consent searched in less than 1% of stops (0.8%) – meaning Anglos are 2.9 times more likely to be consent searched in Longview than Tyler. Blacks are consent searched during 3.3% of stops in Longview but consent searched in 1.5% of stops in Tyler – meaning Blacks are 2.2 times more likely to be consent searched in Longview than Tyler. Latinos are consent searched in 3.7% of stops in Longview but consent searched in less than 1% of stops (0.9%) in Tyler – meaning Latinos are 4.1 times more likely to be consent searched in Longview than Tyler.

	Percentage of Anglos that were stopped who were consent searched	Percentage of Blacks that were stopped who were consent searched	Percentage of Latinos that were stopped who were consent searched
Longview Police Department	2.3% of Anglo traffic stops resulted in consent searches <i>Anglos are 2.9 times more likely to be consent searched in Longview than Tyler</i>	3.3% of Black traffic stops resulted in consent searches <i>Blacks are 2.2 times more likely to be consent searched in Longview than Tyler</i>	3.7% of Latino traffic stops resulted in consent searches <i>Latinos are 4.1 times more likely to be consent searched in Longview than Tyler</i>
Tyler Police Department	0.8% of Anglo traffic stops resulted in consent searches	1.5% of Black traffic stops resulted in consent searches	0.9% of Latino traffic stops resulted in consent searches

Do these differences reflect legitimate law enforcement needs or do Midland and Longview Police Departments have a *policy* of over-searching at traffic stops compared to their neighbors? This is a question local police and community officials analyze and respond to. It is a question that should be explained by police and community officials of every department with elevated search rates.

## LOCAL GOVERNMENTS AND THE TEXAS LEGISLATURE SHOULD ADDRESS SEARCHING PRACTICES

City councils, county commissioners, and police supervisors should: (1) investigate the reasons for the disparities highlighted in this report and (2) implement policies to monitor and eliminate both racial disparities and over-searching practices within their agencies.

The Texas Legislature should amend current law to provide for a more standardized data collection process and establish a repository to ensure that reports across agencies are comparable. Specifically, the Legislature should: (1) adopt uniform reporting standards, (2) require departments to collect a handful of additional explanatory data elements, and (3) establish an independent statewide repository for the reports. The Texas Senate approved legislation to make these changes during Texas' 79th legislative session in 2005 but it failed to pass in the House before time expired. The 80th Texas Legislature should confront the problems posed by inadequate reporting procedures and provide departments with a framework for producing usable and cost-effective data analysis.

Finally, the Texas Legislature should prohibit consent searches, or at a minimum require motorists' written consent before police may search private vehicles at traffic stops.

### ADOPT UNIFORM REPORTING STANDARDS

The lack of uniform reporting standards causes variances in departmental reporting, preventing more detailed and useful analyses. Because agencies have never been given a consistent system or template for collecting and reporting annual data, the 201 racial profiling reports we analyzed in this study varied significantly from department to department. For example, 16% of law enforcement agencies surveyed did not report the basic Tier 1 data elements (citations, arrests, searches, and consent searches) required by S.B. 1074, thereby preventing department-wide comparisons in those instances. Additionally, racial analysis was not possible for 21% of departments that did not report on required race data for each Tier 1 category, especially stops leading to citations. In some instances, departments counted Latinos as Anglos, while other departments did not collect data on Native Americans and Asian Americans. *(For a listing of departments that provided reports with missing data elements or improper racial break-outs, please visit [criminaljusticecoalition.org/end\\_racial\\_profiling](http://criminaljusticecoalition.org/end_racial_profiling)).*

The lack of a clear reporting format caused additional problems. Several departments collapsed different sets of data together, making comparisons with other agencies cumbersome. A number of departments included written warnings, dispatched call contacts, or pedestrian stops with law-enforcement initiated traffic citation stops. The Texas Legislature should amend the law to clearly identify and standardize reporting procedures, providing departments with the simplest and most precise means by which to report their data. Law enforcement agencies and taxpayers invest significant resources in data collection and deserve accurate data comparisons and analysis.

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## REQUIRE ALL DEPARTMENTS TO COLLECT ADDITIONAL EXPLANATORY DATA ELEMENTS

While racial disparities continued in consent searches by law enforcement, many agencies are currently collecting too few data elements to isolate specific practices that cause racial disparities. Collecting a limited number of additional data elements would be particularly helpful.

The collection, analysis, and auditing of **contraband data** in addition to basic search data is recommended as the best way to judge whether search practices benefit public safety or just waste officers' time. If the data of a department shows that Blacks and Latinos are searched at a higher rate than Anglos, but also shows that contraband is found in their possession at a higher rate than for Anglos, the higher number of searches may be explained by legitimate factors (such as suspicious behavior) rather than race. Conversely, when data reveals that minorities are searched more often and found with less contraband than Anglos, a problem may be indicated.

For instance, in Georgetown, both Blacks and Latinos were nearly twice as likely as Anglos to be searched with consent (90% and 80%, respectively). However, Anglos were more likely than Blacks and Latinos to be found with contraband during consent searches. Anglos were 20% more likely than Blacks to be found with contraband during consent searches and 110% more likely than Latinos to be found with contraband during consent searches. Georgetown Police Department's analysis of contraband data should serve as a red flag for department heads and encourage them to reevaluate their practice of conducting consent searches. Georgetown's current search practices appear overly focused on searches that are less likely to benefit public safety.

	Consent Search Rates	Contraband Hit Rates from Consent Searches
Blacks	90% more likely than Anglos to be consent searched	Anglos are 20% more likely to be found with contraband during consent searches
Latinos	80% more likely than Anglos to be consent searched	Anglos are 110% more likely to be found with contraband during consent searches

Texas departments should also separately collect, analyze, and audit **non-citation data**, information on stops that do not result in a citation or arrest. A large number of motorists are stopped and possibly searched but not issued a citation or arrested. These motorists are not included in most departments' report figures. Without the collection of information from non-citation stops, any analysis of department-level data neglects a critical set of police-civilian contacts. To acquire the most accurate picture of what is occurring at stops and to perform a more purposeful analysis of racial disparities, collection of non-citation data is essential.

## ESTABLISH AN INDEPENDENT STATEWIDE REPOSITORY FOR REPORTS

The Texas Legislature should mandate that agencies submit their annual reports not only to their local governing bodies but also to an independent, neutral, centralized agency authorized to implement a standardized reporting format for consistent department data submission. This independent statewide repository for reports would be in the best position to collect and maintain data on a statewide level as well as produce an annual statewide comparison of the data.

Having such a repository for the reports would enable law enforcement agencies to understand how their data compares to other departments' data. The repository would also aid law enforcement agencies, policy-makers, and the public in addressing racial profiling issues.

## PROHIBIT CONSENT SEARCHES

“Consent searches” occur when an officer asks a motorist for permission to search the individual or his or her vehicle (i.e., to look for contraband), despite having no legal authority to do so. According to our survey of Texas departments, minorities are asked for consent to search their vehicles most often; approximately two-thirds of law enforcement agencies reported consent searching Blacks or Latinos at higher rates than Anglos following a traffic stop. Not only do consent searches yield high racial disparities, but they are an ineffective and inefficient use of law enforcement resources that waste tax dollars. Previous research has found that consent searches seldom result in findings of wrongdoing.<sup>3</sup> Even law enforcement personnel have agreed that consent searches are only rarely productive. A police union representative told the Texas legislature in 2005 that in his experience, “the vast majority of the time, we found nothing.”<sup>4</sup>

Another problem with consent searches is that many Texans feel intimidated and do not realize they have the right to say ‘no’ when asked for consent to search their vehicles. As a result, when police officers have no probable cause or legal basis for conducting a vehicle search and instead ask for a person’s permission to search without explaining the right to say ‘no,’ many people consent. A three-month study by the University of North Texas found that 94% of drivers in a five-city area consented to searches requested by police without any probable cause.

In 2004, after the Austin Police Department (APD) began requiring “written consent” prior to vehicle searches, consent searches declined by an astounding 63%. Officials say Austin is just as safe now as it was before the change in consent search procedure. APD predicted the searches excluded by their new policy would result in an increased percentage of searches that revealed wrongdoing. Contrary to its prediction, the rate at which officers found contraband actually *declined*, from 12.5% in 2003 to 12.1% in 2004. That means APD reduced the number of consent searches without harming public safety and freed up officers for more productive uses such as improving 911 response times.

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<sup>3</sup> Dwight Steward of the Steward Research Group, and Molly Totman of the Texas Criminal Justice Coalition (TCJC), on behalf of the ACLU of Texas, NAACP of Texas, Texas LULAC, and TCJC; Don't Mind If I Take a Look, Do Ya? An Examination of Consent Searches and Contraband Hit Rates at Texas Traffic Stops, February 2005.

<sup>4</sup> Tom Gaylor, Texas Municipal Police Association; testimony to Texas Senate Criminal Justice Hearing, April 12, 2005.

The Texas Legislature passed legislation in 2005 requiring written or recorded consent to search vehicles at traffic stops, but Governor Rick Perry vetoed the bill. S.B. 1195 would have allowed citizens to learn about their rights *before* being searched, while also doing away with the “he-said, she-said” problems that surface in the courtroom when defendants claim they never consented to a search.

Ultimately, S.B. 1195 garnered impressive, bi-partisan support and passage through the House and Senate. Regrettably, Governor 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.”

### **ANALYZE OFFICER-LEVEL DATA**

Departments should use officer-specific data internally as part of a comprehensive early warning system to guard against racial profiling and redirect energy toward the most effective methods of law enforcement and drug interdiction. Especially in smaller and mid-size departments, the actions of a few officers assigned to traffic enforcement can dramatically influence department-wide statistics. Even if legitimate reasons explain disparate results (e.g., the officer’s specific assignment in a particular neighborhood), such judgments can only be made in an individual context, rather than department-wide. Although S.B. 1074 does not allow for the disclosure of individual officer data in an annual report, departments can and should use this data for supervisory purposes. Video cameras financed under S.B. 1074 provide an excellent system for supervisors to gather information on their departmental practices and can lead them to implement remedial training where disparities are unexplained or racial profiling is suspected.

### **WHY THERE’S NO CONSENT INVOLVED IN CONSENT SEARCHES**

In 2001, the U.S. Supreme Court ruled in *Atwater v. City of Lago Vista* that officers can arrest Texas drivers even for low-level traffic offenses that would only merit a fine, such as failure to use a seatbelt or signal a lane change. This means if a driver pulled over for a traffic offense is asked for permission to be searched and refuses, the officer has the authority to arrest the motorist and search the vehicle upon impound.

To date, New Jersey, Minnesota, and Rhode Island have prohibited consent searches statewide, and the California Highway Patrol ended the practice as part of a lawsuit settlement. Crime did not increase as a result of the prohibitions. Prohibiting consent searches does not impair officers’ effectiveness when fighting crime; it merely directs their energy away from unproductive police practices, as consent searches rarely result in findings of wrongdoing.

In an ideal world, Texas would also prohibit consent searches, directing police resources more fully towards preventing actual crimes. However, merely requiring written or recorded consent prior to a search is an acceptable alternative to a complete prohibition on consent searches and would go far towards minimizing the practice – and the corresponding problems that arise because of the practice – at traffic stops. Local agencies and officials can and should implement departmental policies requiring written or recorded consent at traffic stops. Despite Governor Perry’s veto of S.B. 1195, local policy is at the discretion of each individual department.

## REQUIRE DATA AUDITING

Although law enforcement agencies must collect data, there are few measures in place to ensure this data is collected and reported accurately. More than 20% of all agencies did not report using any data auditing procedures or audio-video review to ensure against human or technical errors or data tampering.

The conclusions of studies cannot be fully relied upon until mechanisms are in place to reliably guarantee that required information is reported accurately and completely and the researchers provide for and account for data problems in their design, analysis, and conclusions. That standard cannot be met here unless the Texas Legislature acts to make racial profiling data collection more uniform.

A review of departmental reports in Texas reveals a need for auditing mechanisms. Our research found a number of departments in which Tier 1 data totals were not properly computed or major discrepancies in reporting were evident. Significant data collection problems could have been identified and corrected had local agencies merely compared the total number of racial profiling data entries to the total number of traffic stops. University analysts and law enforcement agencies in other data-collecting states have already developed model auditing processes for local use. Ultimately, simple and low-cost auditing procedures can and should be put in place to ensure against human and technical errors as well as data tampering.

## ENFORCE THE REQUIREMENTS OF S.B. 1074

Of agencies that responded to an open records request, 16% of police and sheriff's departments did not report all basic stop and search data required by S.B. 1074. Additionally, 21% of departments did not report on required racial data for each Tier 1 category. Four departments did not respond to initial or follow-up open records requests within the period of time required by law. The Texas Legislature, local city councils, and county commissioners' courts should require all local law enforcement agencies to report racial profiling data pursuant to current state law.

*For a listing of departments that provided reports with missing data elements or improper racial break-outs, please visit [criminaljusticecoalition.org/end\\_racial\\_profiling](http://criminaljusticecoalition.org/end_racial_profiling).*

**STATEWIDE, 2.3% OF CITED DRIVERS WERE SUBJECTED TO CONSENT SEARCHES.**

A number of departments conducted consent searches much more frequently than the statewide average. Below, we list law enforcement agencies in descending order according to their average consent search rate, which is the percentage of drivers that each department searched with consent during traffic stops in 2004.

**TABLE 1 NOTES**

*The consent search percentage was calculated separately for each department 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 departments submitted reports with obvious or potential inaccuracies. Other departments submitted incomplete data (e.g., required racial data for each Tier 1 category) or data showing 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'.*

For an alphabetical listing of departments, please visit [www.criminaljusticecoalition.org/end\\_racial\\_profiling](http://www.criminaljusticecoalition.org/end_racial_profiling)

LAW ENFORCEMENT AGENCY	Percentage of those stopped who were consent searched			
	ANGLOS	BLACKS	LATINOS	AGENCY AVERAGE
Fort Bend County Sheriff's Department	11.1	18.4	15.7	13.1
Texarkana Police Department	9.9	15.8	13	12.5
LaMarque Police Department	7.5	12.1	6.9	12.1
Hondo Police Department	6.5	11.9	12.8	10.5
Amarillo Police Department	7.6	22	9.4	9.4
El Paso County Sheriff's Department	9.4	10.7	x	9.4
Silsbee Police Department	x	x	x	9.3
Katy Police Department	8.9	12.8	x	9.2
††Pearland Police Department	8.4	8.2	7.5	8
†Cedar Hill Police Department	8.1	7.6	7.9	7.9
Cedar Park Police Department	x	x	x	7.8
Richmond Police Department	5.6	7.3	8.2	7.4
Kimble County Sheriff's Department	6.9	12.7	7	7.3
Bridgeport Police Department	6	9.4	9.4	6.5
Tomball Police Department	6	9.2	8.3	6.4
Comal County Sheriff's Department	6.2	4.4	5.4	6
††Victoria Police Department	3.4	10	7	5.8
††Edinburg Police Department	6.6	10	5.7	5.7
Athens Police Department	5.8	4	5.8	5.5
Brownwood Police Department	5.7	7.6	3.9	5.4
Nacogdoches Police Department	4.8	6.9	4.1	5.2
Williamson County Sheriff's Department	4.3	7	7.3	4.9
Mount Pleasant Police Department	4.4	8.4	3.7	4.7
††Copperas Cove Police Department	4	7.6	3	4.6
Weatherford Police Department	4.4	7.3	5.6	4.6

† Agency combined traffic and pedestrian data – for stop figures or for consent search figures

†† Agency combined traffic and pedestrian data – for stop figures **and** for consent search figures

Table 1

## Disparities in Consent Searches by Department

LAW ENFORCEMENT AGENCY	<i>Percentage of those stopped who were consent searched</i>			
	ANGLOS	BLACKS	LATINOS	AGENCY AVERAGE
Sulphur Springs Police Department	4.1	6.9	3.9	4.5
††Balch Springs Police Department	3.9	5.3	4.7	4.4
Northlake Police Department	4.7	5.6	3.1	4.4
‡Castroville Police Department	x	x	x	4.4
Deer Park Police Department	4	3.9	5.6	4.2
Dumas Police Department	3.4	11.8	4.4	4
‡Gun Barrel City Police Department	4.1	1.1	1.4	3.9
††Jacksonville Police Department	3.1	8.3	2.2	3.9
Carrollton Police Department	3.5	4.7	4.5	3.7
††Lakeview Police Department	4.2	1.1	2.5	3.7
†Grandview Police Department	x	x	x	3.7
Texas Department of Public Safety	1.4	2.7	2.3	3.6
Belton Police Department	x	x	x	3.6
White Settlement Police Department	3.7	3.2	2.8	3.5
Harris County Sheriff's Department	3	4.6	4.1	3.4
Marble Falls Police Department	3.3	1.7	3.6	3.3
River Oaks Police Department	3.5	3.4	3.2	3.3
Royse City Police Department	2.9	6.5	2.9	3.3
Mesquite Police Department	3	3.4	4.8	3.2
Rockwall Police Department	3.2	4.1	3.5	3.2
Midland Police Department	1.9	7.5	3.5	3.1
Tom Green County Sheriff's Department	3.1	2.5	3.2	3.1
Friendswood Police Department	2.9	4.5	3.4	3
††Georgetown Police Department	2.4	4.5	4.4	3
††Kyle Police Department	x	x	x	2.9
Boerne Police Department	2.7	4.4	3.2	2.8
Irving Police Department	2.5	3.7	3	2.8
Jefferson County Sheriff's Department	3	2	3.3	2.7
Longview Police Department	2.3	3.3	3.7	2.7
Roanoke Police Department	2.5	4.6	2.6	2.7
San Marcos Police Department	2.4	3.2	3.3	2.7
Greenville Police Department	2.6	3.3	1.3	2.6
Rosenberg Police Department	2.1	2.5	2.7	2.5
Abilene Police Department	2	4.3	2.8	2.4
‡Bridge City Police Department	2.2	2.1	10	2.4
Conroe Police Department	2.2	4	2.8	2.4
Corsicana Police Department	2.6	3.5	1.2	2.4
Haltom City Police Department	2.8	2.8	1.9	2.4

† Agency combined traffic and pedestrian data – for stop figures or for consent search figures

†† Agency combined traffic and pedestrian data – for stop figures and for consent search figures

‡ Agency combined citation and warning data

Table 1

## Disparities in Consent Searches by Department

LAW ENFORCEMENT AGENCY	<i>Percentage of those stopped who were consent searched</i>			
	ANGLOS	BLACKS	LATINOS	AGENCY AVERAGE
Mansfield Police Department	2.5	1.7	2.9	2.4
Port Arthur Police Department	1.5	3.2	2.5	2.4
San Antonio Police Department	2.2	6.9	2	2.4
Hays County Sheriff's Office	x	x	x	2.4
Beeville Police Department	1.6	2.6	2.6	2.3
Palmer Police Department	1.8	2.5	4.5	2.3
Rowlett Police Department	2.1	2.4	3.5	2.3
Harris County Constable, Pct. 7	1.5	3.1	3.4	2.2
Plano Police Department	1.9	4.1	2.9	2.2
Seguin Police Department	1.1	5.6	2.4	2.2
Brownfield Police Department	1.3	8.9	2.2	2.1
Denison Police Department	2.1	3.2	1.5	2.1
†DeSoto Police Department	1.8	2.3	2.9	2.1
Keller Police Department	2.1	2.7	2.3	2.1
New Braunfels Police Department	1.7	2.1	3	2.1
Marshall Police Department	x	x	x	2.1
Eules Police Department	2.3	1.3	1.8	2
Galveston County Sheriff's Department	2	1.5	x	2
Fayette County Sheriff's Department	1.4	2.2	4.2	1.9
Harris County Constable, Pct. 3	1.8	1.9	2.6	1.9
Hewitt Police Department	1.6	3	5.2	1.9
Jacinto City Police Department	2.6	1.7	1.7	1.9
Garland Police Department	1.6	2	2.3	1.8
Houston Police Department	0.9	3.4	1.7	1.8
Milford Police Department	x	x	2.3	1.8
Bryan Police Department	1.3	2.9	1.8	1.7
Converse Police Department	2.1	1.3	1.4	1.7
League City Police Department	1.7	1.3	3.3	1.7
McAllen Police Department	1.8	x	1.7	1.7
Tarrant County Sheriff's Department	1.8	1.6	1	1.7
††Benbrook Police Department	1.5	3.7	1.5	1.6
Grapevine Police Department	1.4	2.3	2.2	1.6
Lakeway Police Department	1.6	0.9	1	1.6
Waco Police Department	1.6	2	1.4	1.6
Watauga Department of Public Safety	1.7	1.6	1.5	1.6
Wilmer Police Department	0.7	1.9	3.8	1.6
Farmers Branch Police Department	x	x	x	1.6
††‡Cleburne Police Department	x	x	x	1.6
McKinney Police Department	1	3.4	2.7	1.5
Sachse Police Department	1.4	1	1.9	1.5

† Agency combined traffic and pedestrian data – for stop figures *or* for consent search figures

†† Agency combined traffic and pedestrian data – for stop figures *and* for consent search figures

‡ Agency combined citation and warning data

Table 1

## Disparities in Consent Searches by Department

LAW ENFORCEMENT AGENCY	<i>Percentage of those stopped who were consent searched</i>			
	ANGLOS	BLACKS	LATINOS	AGENCY AVERAGE
Waskom Police Department	1.4	1.5	2.7	1.5
Harris County Constable, Pct. 8	1.3	1.6	1.6	1.4
Lufkin Police Department	0.9	2.4	1.7	1.4
Robstown Police Department	0.6	x	1.6	1.4
Shenandoah Police Department	1.2	2.6	1.5	1.4
Wichita Falls Police Department	1.1	2.2	2.3	1.4
Grand Prairie Police Department	1.4	2	0.8	1.3
Killeen Police Department	0.7	2.1	0.8	1.3
Live Oak Police Department	1.5	0.8	1.3	1.3
Missouri City Police Department	1.3	1.5	1.3	1.3
Webster Police Department	0.8	2.9	5.4	1.3
Westworth Police Department	1.1	1.1	1.9	1.3
Arlington Police Department	1.1	1.2	1.7	1.2
Glenn Heights Police Department	0.6	1.3	3.2	1.2
Pantego Police Department	1.4	1.3	0.3	1.2
Temple Police Department	0.9	2	1.5	1.2
Addison Police Department	1	2	0.6	1.1
Beaumont Police Department	0.7	1.6	0.6	1.1
Dallas County Constable, Pct. 2	1	0.9	1.5	1.1
Duncanville Police Department	1.2	0.8	1.5	1.1
Harlingen Police Department	1.1	1.4	1.1	1.1
Leander Police Department	1.2	0.7	1.2	1.1
Martindale Police Department	0.8	0.3	2.4	1.1
Palmview Police Department	5.3	x	0.9	1.1
Alamo Heights Police Department	0.6	2.7	1.6	1
Brownsville Police Department	0.9	10	0.9	1
Harker Heights Police Department	0.9	1.3	1.4	1
Laredo Police Department	0.9	x	1	1
Shavano Park Police Department	0.9	1.7	1.3	1
††Travis County Sheriff's Department	0.8	0.6	2.2	1
Tyler Police Department	0.8	1.5	0.9	1
Galveston Police Department	0.7	1.3	0.9	0.9
Kerrville Police Department	x	x	x	0.9
Bexar County Sheriff's Department	0.8	1.2	0.7	0.8
Coppell Police Department	0.6	1.5	1.8	0.8
Dallas Police Department	0.4	1.1	0.9	0.8
Flower Mound Police Department	0.8	1.2	0.9	0.8
Fort Worth Police Department	0.6	1.1	0.7	0.8
Granbury Police Department	0.8	x	0.9	0.8
Highland Park Department of Public Safety	0.4	0.7	3.3	0.8
Burleson Police Department	0.6	1.7	1.8	0.7
Dayton Police Department	0.7	0.7	1	0.7

†† Agency combined traffic and pedestrian data – for stop figures *and* for consent search figures

Table 1

## Disparities in Consent Searches by Department

LAW ENFORCEMENT AGENCY	<i>Percentage of those stopped who were consent searched</i>			
	ANGLOS	BLACKS	LATINOS	AGENCY AVERAGE
Odessa Police Department	0.4	2	0.7	0.7
†Paris Police Department	0.8	0.6	x	0.7
Austin Police Department	0.3	1.4	0.8	0.6
North Richland Hills Police Department	0.7	0.3	0.5	0.6
Pflugerville Police Department	0.5	0.8	0.7	0.6
Bellaire Police Department	0.1	0.9	0.6	0.5
College Station Police Department	0.5	0.6	1.3	0.5
Eagle Pass Police Department	x	x	0.5	0.5
Meadows Place Police Department	0.6	0.6	0.6	0.5
Red Oak Police Department	0.6	x	0.6	0.5
Richardson Police Department	0.5	0.6	0.6	0.5
Richland Hills Police Department	0.6	0.2	0.2	0.5
Saginaw Police Department	0.5	0.7	0.5	0.5
Stafford Police Department	0.4	0.6	1	0.5
Lockhart Police Department	0.3	0.5	0.7	0.4
San Angelo Police Department	0.3	1.2	0.4	0.4
Taylor Police Department	0.3	1	0.3	0.4
The Colony Police Department	0.4	0.4	0.6	0.4
Big Spring Police Department	0.3	0.3	0.4	0.3
Dallas County Constable, Pct. 1	0.6	0.3	0.3	0.3
El Paso Police Department	0.4	0.4	0.3	0.3
Humble Police Department	0.3	0.5	0.2	0.3
Leon Valley Police Department	0.2	0.4	0.3	0.3
Lubbock Police Department	0.2	0.8	0.4	0.3
Portland Police Department	0.3	1.4	0.1	0.3
Sugar Land Police Department	0.4	0.4	0.6	0.3
Jersey Village Police Department	0.2	0.3	0.2	0.2
Schertz Police Department	0.2	0.2	0.1	0.2
††Windcrest Police Department	0.1	0.2	0.2	0.2
Bedford Police Department	0.1	0.2	x	0.1
Colleyville Police Department	0.1	x	x	0.1
††Dallas County Sheriff's Department	0.2	0	0.2	0.1
Hillsboro Police Department	0.1	0.2	x	0.1
Memorial Villages Police Department	0.1	x	x	0.1
Kennedale Police Department	x	x	x	0.1
Calvert Police Department	x	0.3	x	0
Spring Valley Police Department	x	0.2	x	0
Waxahachie Police Department	x	0.1	x	0
Hedwig Village Police Department	x	x	0.1	0

† Agency combined traffic and pedestrian data – for stop figures or for consent search figures

†† Agency combined traffic and pedestrian data – for stop figures **and** for consent search figures

### APPROXIMATELY HALF OF LAW ENFORCEMENT AGENCIES REPORTED THAT RACIAL DISPARITIES IN CONSENT SEARCHES DECLINED IN 2004 COMPARED TO 2003.

53% of departments searched Blacks with consent less frequently compared to Anglos in 2004 than in 2003. 48% of departments searched Latinos with consent less frequently compared to Anglos in 2004 than in 2003.

The table below offers a two-year comparison of the likelihood of Blacks or Latinos to be consent searched more frequently than Anglos with a determination of whether each department consent searched Blacks or Latinos more frequently compared to Anglos in 2004.

#### TABLE 2 NOTES

The 2004 consent search rates in Table 2 can easily be extracted from the percentages in the previous table. Simply divide the respective Black and Latino percentages for each department in Table 1 (representing motorists consent searched following a traffic stop) by the corresponding Anglo percentage for each department in Table 1 to determine the respective Black and Latino consent search rates.

Some departments filed reports with obvious or potential inaccuracies while others submitted incomplete data 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 police departments with a consent search ratio in excess of 3.0 due to a potentially small sample size that could unfairly skew consent search rates.

PD = Police Department; SD = Sheriff's Department; DPS = Department of Public Safety; Cnbl = Constable

LAW ENFORCEMENT AGENCY	How many times more likely were Blacks to be consent searched than Anglos?		Were Blacks more likely to be consent searched than Anglos in 2004?	How many times more likely were Latinos to be consent searched than Anglos?		Were Latinos more likely to be consent searched than Anglos in 2004?
	2003	2004		2003	2004	
Abilene PD	1.7	2.2	yes	1.6	1.4	no
Addison PD	1.3	2	yes	1.8	0.6	no
Alamo Heights PD	1.8	>3	yes	1.7	2.8	yes
Amarillo PD	2.4	2.9	yes	0.6	1.2	yes
Arlington PD	1.4	1.1	no	1.3	1.6	yes
Athens PD	1.4	0.7	no	1.2	1	no
Austin PD	>3	>3	no	2.7	2.4	no
Balch Springs PD	2.6	1.4	no	>3	1.2	no
Beeville PD	2.3	1.6	no	2.3	1.6	no
Bellaire PD	0.8	>3	yes	0.8	>3	yes
Benbrook PD	>3	2.4	no	1.9	1	no
Bexar County SD	>3	1.5	no	2.5	0.9	no
Big Spring PD	1.6	1	no	0.9	1.2	yes
Boerne PD	>3	1.6	no	0.9	1.2	yes
Bridge City PD	0.7	0.9	yes	x	>3	x
Brownfield PD	>3	>3	no	>3	1.7	no
Brownsville PD	x	>3	no	0.7	1.1	yes
Brownwood PD	1.3	1.3	same	0.6	0.7	yes
Bryan PD	>3	2.3	no	>3	1.4	no

Table 2

## 2003 v. 2004 Racial Disparities in Consent Searches

LAW ENFORCEMENT AGENCY	How many times more likely were Blacks to be consent searched than Anglos?		Were Blacks more likely to be consent searched than Anglos in 2004?	How many times more likely were Latinos to be consent searched than Anglos?		Were Latinos more likely to be consent searched than Anglos in 2004?
	2003	2004		2003	2004	
Burleson PD	0.9	2.8	yes	1	2.9	yes
Carrollton PD	1.8	1.3	no	2	1.3	no
College Station PD	2.7	1.1	no	2.6	2.6	same
Comal County SD	1.4	0.7	no	1.1	0.9	no
Conroe PD	1.7	1.9	yes	1.2	1.3	yes
Converse PD	1	0.6	no	1.7	0.7	no
Coppell PD	1.3	2.5	yes	>3	3	no
Copperas Cove PD	2	1.9	no	1.1	0.8	no
Corsicana PD	1.1	1.3	yes	0.6	0.5	no
Dallas County Cnbl, Pct. 2	1.2	0.9	no	0.9	1.4	yes
Dallas County SD	0.8	0.2	no	1.9	1.1	no
Dallas PD	2.7	2.4	no	2.8	2.2	no
Dayton PD	0.2	1	yes	2.5	1.4	no
Deer Park PD	1	1	same	0.8	1.4	yes
Denison PD	0.8	1.6	yes	0.5	0.7	yes
DeSoto PD	1.1	1.3	yes	0.7	1.7	yes
Dumas PD	1.4	>3	yes	0.7	1.3	yes
Duncanville PD	1.2	0.7	no	0.9	1.3	yes
Edinburg PD	>3	1.5	no	2.1	0.9	no
El Paso County SD	1	1.1	yes	x	x	x
El Paso PD	2.9	1.2	no	1.4	0.8	no
Eules PD	0.8	0.6	no	x	0.8	x
Fayette County SD	0.8	1.5	yes	1.2	2.9	yes
Flower Mound PD	0.8	1.5	yes	0.7	1.1	yes
Fort Bend County SD	1.8	1.7	no	2.1	1.4	no
Fort Worth PD	1.5	1.8	yes	0.7	1.1	yes
Friendswood PD	1.2	1.6	yes	0.1	1.2	yes
Galveston County SD	1.4	0.8	no	x	x	x
Galveston PD	1	1.9	yes	0.6	1.3	yes
Garland PD	2	1.3	no	1.4	1.5	yes
Georgetown PD	2.7	1.9	no	>3	1.8	no
Glenn Heights PD	2.4	2.4	same	>3	>3	same
Granbury PD	x	x	x	0.8	1	yes
Grand Prairie PD	1.6	1.4	no	0.7	0.6	no
Grapevine PD	2.6	1.7	no	1.9	1.7	no
Greenville PD	2.1	1.3	no	0.9	0.5	no
Gun Barrel City PD	0.6	0.3	no	1	0.3	no
Harker Heights PD	0.9	1.4	yes	0.9	1.5	yes
Harlingen PD	>3	1.3	no	>3	1	no
Harris County Cnbl, Pct. 3	0.9	1	yes	1.1	1.5	yes

Table 2

## 2003 v. 2004 Racial Disparities in Consent Searches

LAW ENFORCEMENT AGENCY	How many times more likely were Blacks to be consent searched than Anglos?		Were Blacks more likely to be consent searched than Anglos in 2004?	How many times more likely were Latinos to be consent searched than Anglos?		Were Latinos more likely to be consent searched than Anglos in 2004?
	2003	2004		2003	2004	
Harris County Cnbl, Pct. 7	>3	2.1	no	>3	2.2	no
Harris County Cnbl, Pct. 8	1.9	1.2	no	1	1.2	yes
Harris County SD	1.4	1.5	yes	1.1	1.3	yes
Hewitt PD	1.3	1.9	yes	2.3	>3	yes
Highland Park DPS	>3	2.1	no	>3	>3	yes
Hillsboro PD	2.4	2.2	no	2.3	x	x
Hondo PD	>3	1.8	no	2.2	2	no
Houston PD	>3	>3	yes	1.9	1.9	same
Humble PD	0.8	1.9	yes	1.3	0.7	no
Irving PD	1	1.5	yes	1.1	1.2	yes
Jacinto City PD	0.9	0.7	no	0.9	0.7	no
Jacksonville PD	1.4	2.7	yes	0.9	0.7	no
Jefferson County SD	1	0.7	no	1.7	1.1	no
Katy PD	1.5	1.4	no	x	x	x
Keller PD	1.6	1.3	no	1.6	1.1	no
Killeen PD	1.6	3	yes	0.8	1.1	yes
Kimble County SD	2	1.8	no	1.3	1	no
Lakeview PD	1	0.3	no	1.2	0.6	no
Lakeway PD	x	0.5	x	1	0.6	no
LaMarque PD	1.8	1.6	no	1.9	0.9	no
Laredo PD	x	x	x	>3	1.2	no
League City PD	2.1	0.8	no	1.1	1.9	yes
Leander PD	0.9	0.6	no	0.7	1.1	yes
Leon Valley PD	0.9	2.5	yes	1.3	1.9	yes
Live Oak PD	1.9	0.5	no	0.9	0.8	no
Lockhart PD	2.4	1.7	no	1	2.5	yes
Longview PD	2.1	1.4	no	0.9	1.6	yes
Lubbock PD	2.4	>3	yes	1.5	1.9	yes
Lufkin PD	0.9	2.7	yes	0.8	1.9	yes
Mansfield PD	0.9	0.7	no	0.9	1.2	yes
Marble Falls PD	0.9	0.5	no	1	1.1	yes
Martindale PD	1.3	0.4	no	1.9	3	yes
McAllen PD	>3	x	x	>3	0.9	no
McKinney PD	>3	>3	no	2.8	2.8	same
Meadows Place PD	2	1.1	no	0.5	1	yes
Mesquite PD	1	1.1	yes	1.5	1.6	yes
Midland PD	>3	>3	no	1.8	1.9	yes
Missouri City PD	1.3	1.1	no	2.3	1	no
Mount Pleasant PD	1.5	1.9	yes	1.1	0.9	no
Nacogdoches PD	1.6	1.4	no	0.9	0.9	same

Table 2

## 2003 v. 2004 Racial Disparities in Consent Searches

LAW ENFORCEMENT AGENCY	How many times more likely were Blacks to be consent searched than Anglos?		Were Blacks more likely to be consent searched than Anglos in 2004?	How many times more likely were Latinos to be consent searched than Anglos?		Were Latinos more likely to be consent searched than Anglos in 2004?
	2003	2004		2003	2004	
New Braunfels PD	1.3	1.2	no	1.4	1.7	yes
North Richland Hills PD	1.2	0.4	no	0.6	0.6	same
Odessa PD	2.4	>3	yes	1.4	1.8	yes
Palmer PD	1.1	1.4	yes	1.9	2.5	yes
Palmview PD	x	x	x	1.4	0.2	no
Pantego PD	1	0.9	no	1.8	0.2	no
Paris PD	1.3	0.7	no	x	x	x
Pearland PD	0.9	1	yes	0.8	0.9	yes
Pflugerville PD	1.1	1.7	yes	1.6	1.5	no
Plano PD	2.2	2.2	same	2.2	1.6	no
Port Arthur PD	1.4	2.2	yes	1	1.7	yes
Portland PD	>3	>3	yes	2.1	0.5	no
Richardson PD	1.1	1.2	yes	2.2	1.3	no
Richland Hills PD	1	0.4	no	2.3	0.4	no
Richmond PD	1	1.3	yes	0.8	1.5	yes
River Oaks PD	1.7	1	no	0.3	0.9	yes
Roanoke PD	1	1.9	yes	1	1.1	yes
Robstown PD	x	x	x	>3	2.7	no
Rockwall PD	1.5	1.3	no	1.3	1.1	no
Rosenberg PD	1.9	1.2	no	1.1	1.3	yes
Rowlett PD	0.8	1.2	yes	1.4	1.7	yes
Royse City PD	1.5	2.3	yes	1	1	same
San Angelo PD	>3	>3	yes	2.6	1.2	no
San Antonio PD	2.8	>3	yes	1.1	0.9	no
Schertz PD	1.5	1	no	0.6	0.8	yes
Shavano Park PD	2.4	1.9	no	1.8	1.4	no
Shenandoah PD	1.9	2.2	yes	1.8	1.3	no
Stafford PD	1.4	1.4	same	>3	2.4	no
Sugar Land PD	1.2	1	no	1.3	1.6	yes
Sulphur Springs PD	1.8	1.7	no	1.8	0.9	no
Tarrant County SD	2	0.9	no	0.3	0.6	yes
Taylor PD	>3	>3	no	2.3	1	no
Temple PD	1.7	2.1	yes	1.5	1.6	yes
Texarkana PD	2	1.6	no	1.3	1.3	same
Texas DPS	1.8	1.9	yes	1.7	1.6	no
The Colony PD	x	0.9	x	0.8	1.6	yes
Tom Green County SD	1.1	0.8	no	1.2	1	no
Tomball PD	1.8	1.5	no	0.7	1.4	yes
Travis County SD	1.5	0.8	no	1.5	2.9	yes
Tyler PD	2.2	2	no	2.1	1.1	no

Table 2

## 2003 v. 2004 Racial Disparities in Consent Searches

LAW ENFORCEMENT AGENCY	How many times more likely were Blacks to be consent searched than Anglos?		Were Blacks more likely to be consent searched than Anglos in 2004?	How many times more likely were Latinos to be consent searched than Anglos?		Were Latinos more likely to be consent searched than Anglos in 2004?
	2003	2004		2003	2004	
Waco PD	1.6	1.3	no	1.3	0.9	no
Waskom PD	0.9	1.1	yes	2.5	1.9	no
Watauga DPS	2.2	1	no	2	0.9	no
Weatherford PD	1.5	1.7	yes	1.4	1.3	no
Webster PD	2.7	>3	yes	2.6	>3	yes
Westworth PD	1.1	1.1	same	x	1.8	x
White Settlement PD	2.2	0.9	no	1.8	0.8	no
Wichita Falls PD	1.4	1.9	yes	1.6	2	yes
Williamson County SD	1.1	1.6	yes	1.8	1.7	no
Wilmer PD	0.7	2.8	yes	>3	>3	yes
Windcrest PD	>3	1.8	no	>3	1.8	no

**Approximately one-fifth of departments that we analyzed did not comply with the basic reporting requirements of S.B. 1074:**

(1) *Approximately 16% of surveyed departments did not report all required stop, search, and arrest data.*

- Nine agencies did not report on two or more of the four Tier 1 data elements (citations, arrests, searches, and consent searches).
- Of those agencies, five agencies did not report on three of the four Tier 1 data elements.

(2) *Approximately 21% of departments did not break out their data by race.*

- Five departments included Latinos with Anglos.

*(For a listing of departments that provided reports with missing data elements or improper racial break-outs, please visit [www.criminaljusticecoalition.org/end\\_racial\\_profiling](http://www.criminaljusticecoalition.org/end_racial_profiling)).*

**A significant number of departments that we analyzed appeared to make a concerted effort to provide data and/or analysis above the minimum reporting requirements of S.B. 1074:**

(1) *Approximately 57% of departments specifically reported in their policies that audio/visual equipment is installed in all vehicles.*

- 10% of agencies' policies did not include any mention of audio/visual equipment.
- 24% of agencies' policies did mention audio/visual equipment, but did not specifically state whether such equipment was actually installed in ALL or any vehicles.

(2) *Approximately 47% of departments reported some additional, Tier 2 data elements, despite their exemption from having to do so because they used audio/visual equipment in their vehicles.*

(3) *Approximately 79% of departments reported using some sort of internal or external auditing procedures in the data collection and/or data reporting process.*

- 32% of agencies that reported on their data auditing practices used 2 or more data auditing mechanisms.
- 8% of those agencies reported using 3 data auditing mechanisms.

- (4) *Approximately 95% of departments reported data on the complaint processes available and/or the number of racial profiling complaints the department received.*
- 65% of agencies reported on both the complaint processes available to the public, as well as the number of complaints received by the department in 2004.
  - 33% reported only on the complaint processes available to the public.
  - 2% reported only on the number of complaints received by the department in 2004.
- (5) *Approximately 5% of departments specifically reported that their policies require or strongly recommend that consent for a search be documented in writing, on tape, or both.*
- Of the agencies that have policies which mention recorded consent searches, over half (55%) require that consent be in writing, on tape, or both, while the remainder (54%) strongly recommend that consent be in writing, on tape, or both.

## 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 Campaign to End Racial Profiling, with the help of Dr. Dwight Steward, Ph.D. (a statistician with Econ One Research, Inc.), collected and analyzed the annual reports of 201 agencies' to determine whether disparities exist in consent search practices – across departments and across race – throughout Texas.

### Limitations

1. Not all Texas law enforcement agencies are included in this report. This study only analyzed departments that, in 2004, issued 3,000 or more citations during traffic stops – representing the largest citation-issuing agencies in Texas.
2. 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 departments 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 a department was collecting data on all stops or only those traffic stops resulting in a citation or arrest.

Other inconsistencies in the reported data involve departments 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 201 departments 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 data regarding these departments, we mailed 233 open records requests to agencies that had issued 3,000 or more citations in 2003. We received timely responses to these requests from all but four agencies. We found that of the remaining 229 agencies, 28 had not issued 3,000 or more citations in 2004. We had usable datasets for only 201 Texas law enforcement agencies.

**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
- Searches resulting in contraband seizures
- Data auditing processes used by each department
- The complaint processes available to citizens and/or the number of racial profiling complaints made in 2004
- The availability of audio-visual equipment in vehicles
- The inclusion of specific consent search policies within larger departmental general policies
- The reporting of additional Tier 2 data elements by departments

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 departments, and relative consent search rates by race for comparison with 2003 data.**

We calculated general search patterns separately for each department to determine how much more (or less) likely one department is to engage in a general policy of searching all races compared to other departments. Determining the department-wide search rate is a one-step calculation: for each department 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 department in order to determine how much more (or less) likely Blacks or Latinos were than Anglos to be consent searched following a traffic stop by Texas law enforcement agencies. Determining the consent search rate is a two-step calculation. First, for each department, 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.

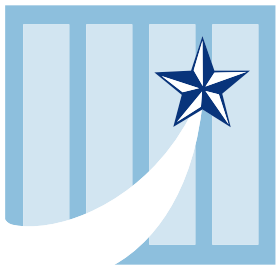
We used these latter calculations to compare the 2004 consent search rates with the 2003 consent search rates, thereby offering an analysis of increasing or decreasing consent search rates throughout the sampling of Texas law enforcement agencies.

### 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 did not respond to the open records requests submitted
- Agencies that issued less than 3,000 citations throughout the course of 2004
- Agencies that did not respond with requested data (either all data elements, or all elements broken out by race)

For more information on departmental reporting,  
go to [www.criminaljusticecoalition.org/end\\_racial\\_profiling](http://www.criminaljusticecoalition.org/end_racial_profiling)



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