

**City of Austin
Austin Police Department**

**2016 Annual
Racial Profiling Report**

August 2017

Introduction

This report contains data regarding motor vehicle stops made by Austin Police Department police officers during 2016. The department maintains a strong stance against racial profiling; its 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 has a citizen complaint process where any allegations of racial profiling can be brought forward for investigation.

The report contains the following:

- Motor vehicle stops - by year and by race/ethnicity
- Searches resulting from those stops - by year, by race/ethnicity and by type
- Search results (“hit rate”) - by year and by race/ethnicity
- Racial profiling complaints - including reason for contact and outcome

Changes in this year’s report

During 2016, the department updated its policy to broaden the definition of racial profiling to include “...*any instance of disparate treatment by law enforcement based on race or ethnicity, rather than on the behavior or information identifying the individual as having engaged in criminal activity.*”

This definition is now used to identify racial profiling complaints, which are reported to the Texas Commission on Law Enforcement (TCOLE) each year and are included in this report. The department collaborates with the Office of Police Monitor to ensure all complaints received by both departments are considered in compiling these complaints for reporting.

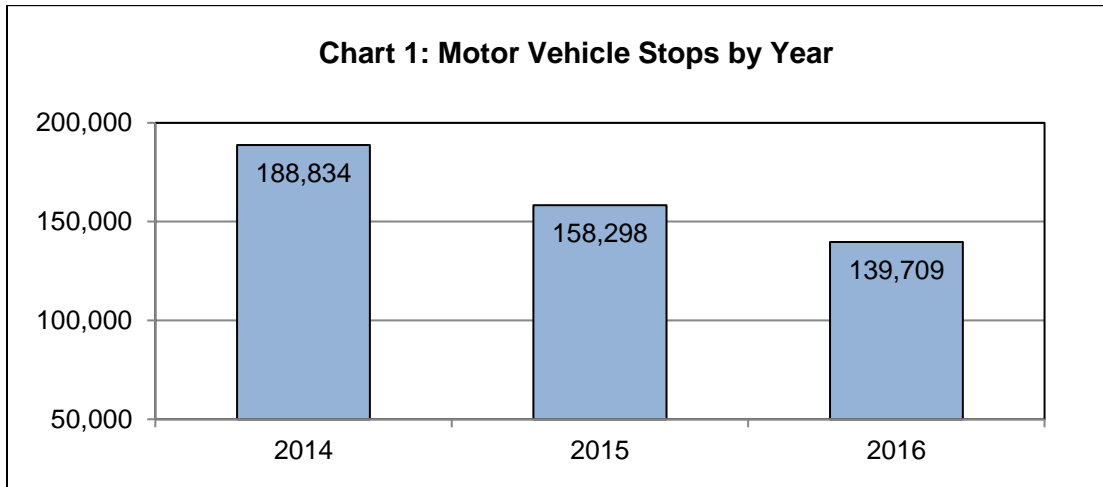
Finally, although the state requires the reporting of motor vehicle stops that result in a citation or arrest, we have modified this year’s report to include all motor vehicle stops. To provide relevant comparisons, we reran prior years’ results and included them throughout this report.

Motor vehicle stops

Austin police officers made 139,709 motor vehicle stops in 2016. These are stops that resulted in a citation, warning, field observation, or arrest. This compares to 158,298 in 2015. The primary reason for a motor vehicle stop is a traffic violation such as speeding, an illegal turn, or expired registration.

Motor vehicle stops decreased 12% from 2015 to 2016, due to several possible reasons. During 2016 the department continued to face patrol staffing shortages (10% vacancy rate at year-end) and a 1% increase in calls for service responded to vs the prior year (568,144 in 2015, 571,721 in 2016).

These factors led to a reduction in the number of stops that resulted in a citation, which is the largest proportion (69%) of total motor vehicle stops. As shown on the following chart, motor vehicle stops declined from 158,298 in 2015 to 139,709 in 2016, a 12% decline.



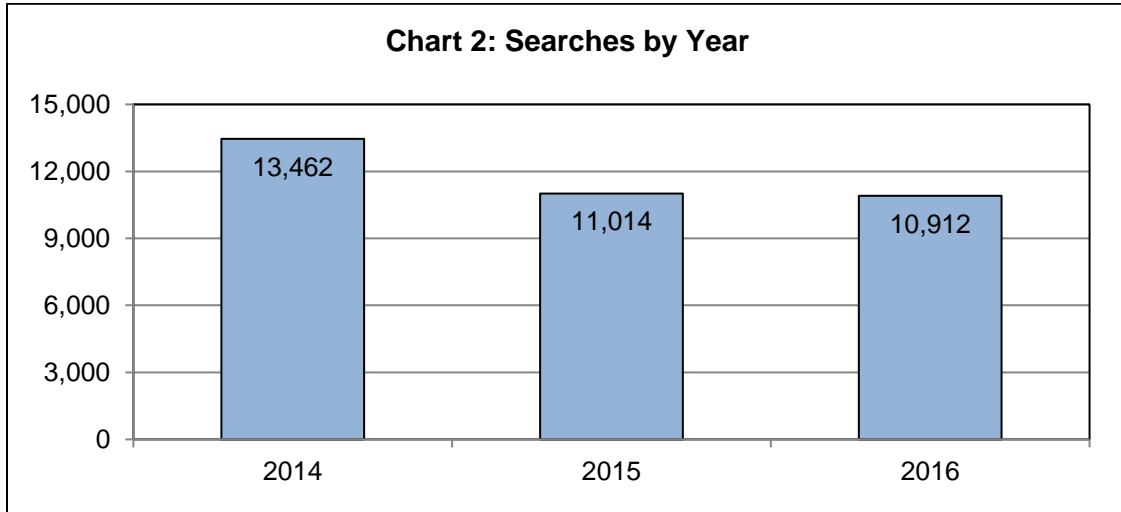
The distribution of stops by race/ethnicity in 2016 was similar to that seen in 2015.

Table 1: Motor Vehicle Stops by Race/Ethnicity

Race/Ethnicity	2016 Stops		2015 Stops	
	count	% of total	count	% of total
White	66,695	48%	79,184	50%
Hispanic	45,356	32%	48,845	31%
Black	18,171	13%	20,572	13%
Asian	4,327	3%	4,802	3%
Middle Eastern	1,756	1%	2,109	1%
Native American	78	0%	83	0%
Other	3,326	2%	2,703	2%
Total	139,709	100%	158,298	100%

Searches resulting from motor vehicle stops

The number of searches resulting from motor vehicle stops decreased 1%: from 11,014 in 2015 to 10,912 in 2016. The search rate (searches as a percent of stops) was 8% during 2016, up slightly from 7% in 2015.



The distribution of searches by race/ethnicity in 2016 was similar to that seen in 2015.

Table 2: Searches by Race/Ethnicity

Race/Ethnicity	2016 Searches		2015 Searches	
	count	% of total	count	% of total
White	3,520	32%	3,396	31%
Hispanic	4,494	41%	4,671	42%
Black	2,603	24%	2,696	24%
Asian	131	1%	129	1%
Middle Eastern	56	1%	51	0%
Native American	7	0%	6	0%
Other	101	1%	65	1%
Total	10,912	100%	11,014	100%

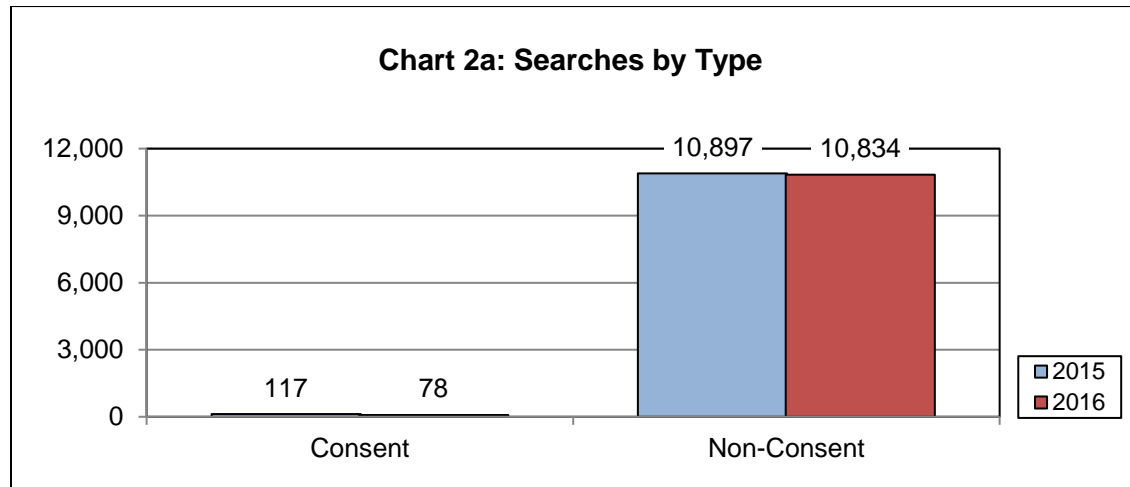
Searches resulting from motor vehicle stops: by search type

Searches that result from motor vehicle stops can be categorized as **consent or non-consent searches**:

- **Consent searches** occur when the officer asks for permission to conduct the search and the citizen consents to be searched. Under most circumstances, a driver must give permission for a search in writing before a consent search can be initiated.

- **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 and gives an officer the legal authority to search without consent.

The following shows the distribution of total searches by type for 2015 and 2016.



Consent searches decreased from 117 in 2015 to 78 in 2016, continuing the downward trend seen from 2014 to 2015. APD Policy 306.5 (Search and Seizure, Consent) reinforces that officers should be deliberate when making search decisions:

Officers should be aware that overuse of the consent search can negatively impact the Department's relationship with our community and only request a consent search when they have an articulable reason why they believe the search is necessary and likely to produce evidence related to an investigation.

The number of non-consent searches decreased slightly from 2015 to 2016, but they remained the same proportion (99%) of total searches. This pattern is consistent across all races/ethnicities.

Searches resulting from motor vehicle stops: by search type and race/ethnicity

The tables below show searches by type (consent, non-consent) and race/ethnicity. For non-consent searches, which are the majority of searches, the distribution by race/ethnicity is consistent from 2015 to 2016. For consent searches, however, the distribution by race/ethnicity varies due to their small numbers.

Table 2a: Search Types by Race/Ethnicity (2016)

Race/Ethnicity	Consent Search		Non-Consent Search	
	count	% of total	count	% of total
White	30	38%	3,490	32%
Hispanic	21	27%	4,473	41%
Black	26	33%	2,577	24%
Asian	1	1%	130	1%
Middle Eastern	0	0%	56	1%
Native American	0	0%	7	0%
Other	0	0%	101	1%
Total	78	100%	10,834	100%

Table 2b: Search Types by Race/Ethnicity (2015)

Race/Ethnicity	Consent Search		Non-Consent Search	
	count	% of total	count	% of total
White	23	20%	3,373	31%
Hispanic	60	51%	4,611	42%
Black	30	26%	2,666	24%
Asian	0	0%	129	1%
Middle Eastern	0	0%	51	0%
Native American	0	0%	6	0%
Other	4	3%	61	1%
Total	117	100%	10,897	100%

Searches resulting from motor vehicle stops: “hit rates”

Productive searches or “hits” are searches where contraband is found (e.g., drugs or weapons). The table below shows that, for all searches, productivity increased from 31% in 2015 to 34% in 2016.

Table 3: Search Hit Rates - ALL Searches

Race/Ethnicity	2016			2015		
	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate
White	1,196	3,520	34%	1,073	3,396	32%
Hispanic	1,459	4,494	32%	1,415	4,671	30%
Black	920	2,603	35%	888	2,696	33%
Asian	39	131	30%	40	129	31%
Middle Eastern	21	56	38%	12	51	24%
Native American	4	7	57%	1	6	17%
Other	28	101	28%	10	65	15%
Total	3,667	10,912	34%	3,439	11,014	31%

Because consent searches involve increased officer discretion and judgment (as compared to non-consent searches), it is important to examine consent search hit rates separately.

The table below shows that consent searches continue to produce hit rates that exceed those of all searches. One caution: consent search hit rates are based on much smaller counts than total searches, so conclusions should be made cautiously. Regardless, the relatively high hit rates across races/ethnicities suggests that profiling is not occurring.

Table 4: Search Hit Rates - CONSENT Searches

Race/Ethnicity	2016			2015		
	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate
White	16	30	53%	9	23	39%
Hispanic	5	21	24%	15	60	25%
Black	13	26	50%	10	30	33%
Asian	1	1	100%	0	0	n/a
Middle Eastern	0	0	n/a	0	0	n/a
Native American	0	0	n/a	0	0	n/a
Other	0	0	n/a	1	4	25%
Total	35	78	45%	35	117	30%