



# **City of Elgin Elgin Police Department**

## **2019 Annual Racial Profiling Report Presentation**

**February 2020**

## Introduction

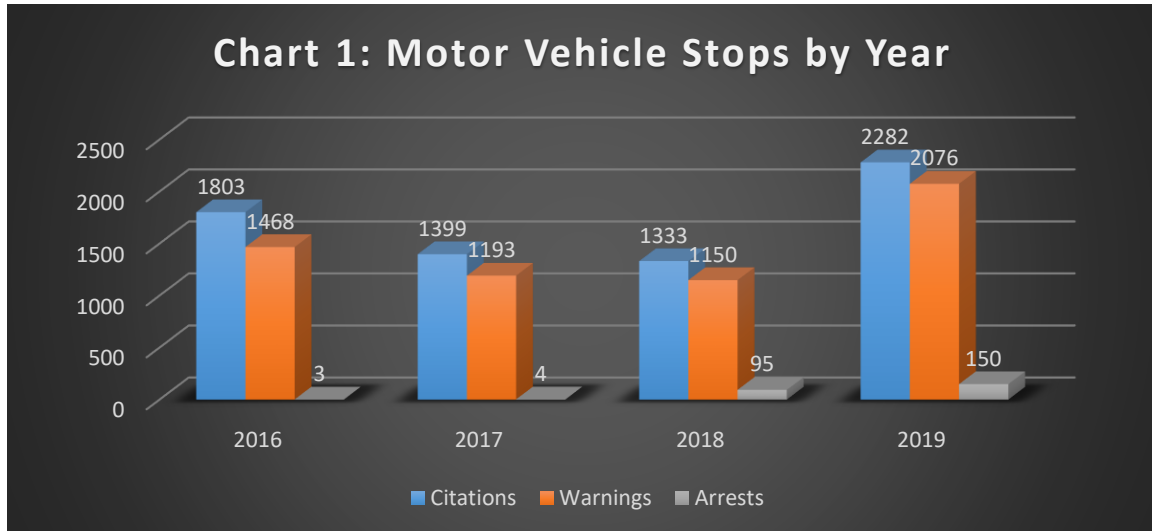
This report contains data regarding all motor vehicle stops made by Elgin Police Department police officers during 2019. The department maintains a strong stance against racial profiling; its policy and practice is to provide law enforcement services and to enforce the law equally and fairly without discrimination toward any individual(s) or group. The City of Elgin has a citizen complaint process where any allegations of racial profiling can be brought forward for investigation. Starting in 2018, the Elgin Police Department began using Tier 2 data collection as a result of state law and best practices.

This report contains the following:

- Motor vehicle stops in which a warning, or a citation was issued or an arrest was made - by year and by race/ethnicity (Tier 2 data for the 2nd year)
- Searches resulting from those stops - by year, by race/ethnicity, type and arrest information
- Search results (“hit rate”) - by year and by race/ethnicity
- Racial profiling complaints - including reason for contact and outcome

### Motor vehicle stops resulting in a citation, a warning or an arrest:

Elgin police officers made 4508 motor vehicle contacts in 2019. This compares to 2578 motor vehicle contacts in 2018, 2596 contacts in 2017, and 3274 contacts for 2016.



- Arrests for 2016/2017 are for contacts that were cited and arrested only.
- A 75% increase between 2018 and 2019 data for total contacts including citations, warnings and arrests
- Arrests for 2019 totaled 150 under the following categories:
  - Outstanding warrants – 80 or 53% (54 or 57% in 2018)
  - Violations of the Penal Code (such as DWI, Illegal Drugs) – 65 or 43% in 2019 (37 or 40% in 2018)

- Violations of the Traffic Code (such as DWLI, No DL 3<sup>rd</sup>) – 5 for 2019 and 4 for 2018.

**Table 1: Motor Vehicle Stops by Race/Ethnicity:**

Race/Ethnicity	2016 Contacts*		2017 Contacts*		2018 Contacts		2019 Contacts	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total
Caucasian	669	37%	546	39%	1008	39%	1646	37%
African	295	16%	229	16%	440	17%	821	18%
Hispanic	802	44%	595	42%	1065	41%	1892	42%
Asian	32	2%	12	0.90%	58	2%	128	3%
Native American	2	0.10%	2	0.10%	0	0%	3	0.07%
Middle Eastern	1	0.05%	8	0.60%	7	0.20%	18	0.40%
Other	5	0.20%	11	0.80%	0	0%	0	0%
<b>Total</b>	<b>1806</b>	<b>100%</b>	<b>1403</b>	<b>100%</b>	<b>2578</b>	<b>100%</b>	<b>4508</b>	<b>100%</b>

\*Categories do not include warnings

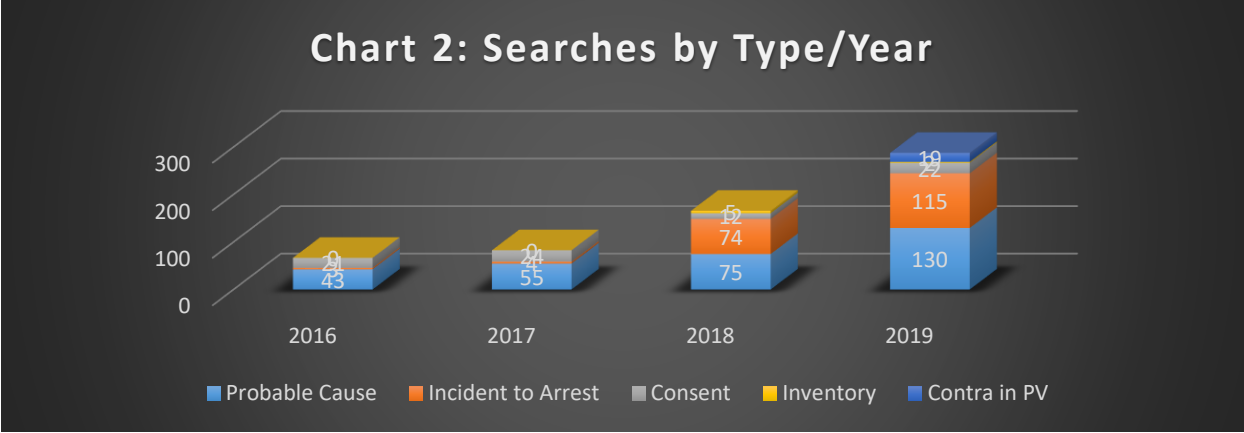
- The distribution of stops by race/ethnicity in 2019 was similar to that seen in 2018, with a 2% reduction in Caucasian and 1% increase noted for Africans and Hispanics.
- While opting to use the Fair Roads Standard for our analysis, there are various challenges with this method in being able to provide a fair and accurate report. We chose to use this method because it is the method recommended by many civil rights groups in Texas and in an effort to show good will and transparency within our community.
  - Based on 2010 US Census data relevant to the number of households that have access to vehicles while controlling for race and ethnicity of the heads of households.
  - Census data contains information on residents of a community, regardless of the fact they may or may not be among the driving population.
  - Census data captures information on city residents only and excludes any contacts that may be made with non-resident.

(See Analysis section in Del Carmen report pg. 26-27)

- Most notable in the additional analysis conducted by EPD is that of the 4508 contacts made only 1377 (**31%**) reported to be residents of Elgin. (26% reported to be residents in 2018)

### Searches resulting from motor vehicle stops

The number of searches resulting from motor vehicle contacts increased from 166 in 2018 to 288 in 2019. The search rate (searches as a percent of total contacts) was **6%** for 2018 and 2019.



Note: data for 2017 and 2016 exclude searches from warnings.

**Table 2: Searches by Race/Ethnicity**

Race/Ethnicity	2016 Searches*		2017 Searches*		2018 Searches		2019 Searches	
	Count	% Total	Count	% Total	Count	% Total	Count	% Total
Caucasian	19	28%	20	24%	44	27%	68	24%
African	22	33%	24	29%	46	28%	94	33%
Hispanic	26	38%	38	46%	76	46%	125	43%
Asian	0	0%	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%	0	0%
Middle Eastern	0	0%	1	1%	0	0%	1	0.35%
Other	0	0%	0	0%	0	0%	0	0%
<b>Total</b>	<b>67</b>	<b>100%</b>	<b>83</b>	<b>100%</b>	<b>166</b>	<b>100%</b>	<b>288</b>	<b>100%</b>

\*Categories do not include warnings

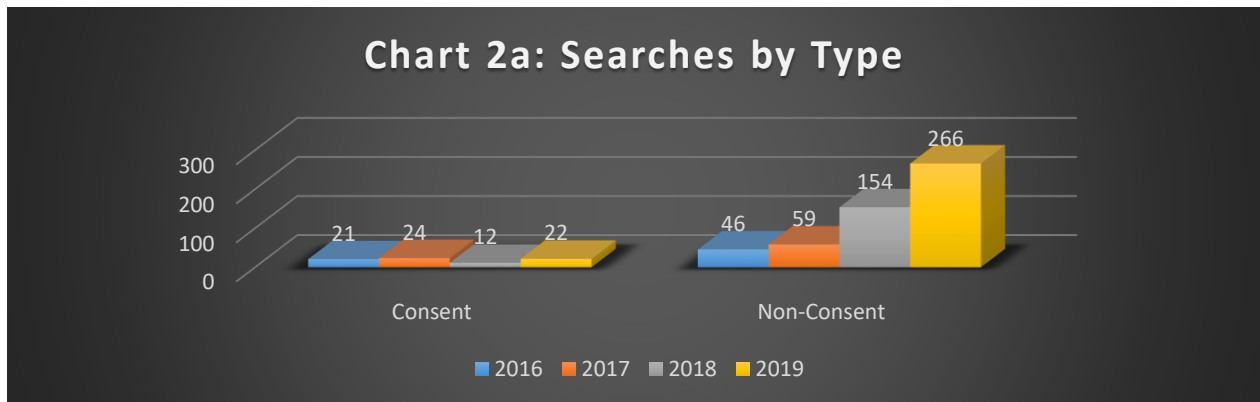
The distribution of **total** searches by race/ethnicity in 2019 were consistent with 2018 with Caucasians and Hispanics decreasing by 3% and Africans increasing 5%.

**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 2016 through 2019.



- Consent searches increased from 12 in 2018 to 22 in 2019. (This is in direct proportion to the increase in total contacts that increased by 75%).
- 2016 and 2017 data does not include searches from warmings.

EPD Policy 4/2.03.02 Motor Vehicle Searches and 4/2/03.05 Warrant-Less Search and Seizure has been amended to reinforce 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.*

A consent to search form was implemented that must be completed by the officer and signed by the violator on video prior to conducting a consent search. This process is tracked, and reviewed by supervisors to ensure consistent and professional practices.

**Searches resulting from motor vehicle stops: by search type, race/ethnicity and arrest data**

**Table 2a: Search Types and Arrests by Race/Ethnicity (2018)**

Race/Ethnicity	Searches		Consent Searches		Arrests	
	Count	% Total	Count	% Total	Count	% Total
Caucasian	44	27%	2	17%	21	22%
African	46	28%	4	33%	25	26%
Hispanic	76	46%	6	50%	49	52%
Asian	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%
Other	0	0%	0	0%	0	0%
<b>Total</b>	<b>166</b>	<b>100%</b>	<b>12</b>	<b>100%</b>	<b>95</b>	<b>100%</b>

**Table 2b: Search Types and Arrests by Rae/Ethnicity (2019)**

Race/Ethnicity	Searches		Consent Searches		Arrests	
	Count	% Total	Count	% Total	Count	% Total
Caucasian	68	24%	11	50%	40	27%
African	94	33%	3	14%	50	33%
Hispanic	125	43%	8	36%	60	40%
Asian	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%
Middle Eastern	1	0.35%	0	0%	0	0%
Other	0	0%	0	0%	0	0%
<b>Total</b>	<b>288</b>	<b>100%</b>	<b>22</b>	<b>100%</b>	<b>150</b>	<b>100%</b>

- In 2018, 6% of contacts resulted in searches and 4% resulted in arrest. In 2019, 6% of contacts resulted in searches and 3% resulted in arrest.
- Percentages for Hispanic arrests/searches included: 52% warrants, 35% DWI, 12% POCS, 1% DWLI (1 arrest). All were non-discretionary and in compliance with current policy.
- Percentages for African arrests/searches included: 60% warrants, 14% DWI, 8% DWLI (4 arrests), 6% POCS, 4% UUMV, 2% each for EPO violations, evading, weapons violations, terroristic threat.
- Percentages for Caucasian arrests/searches included: 53% warrants, 25% DWI, 18% POCS, 2% each for evading and UUMV.

**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, the average hit rate was 51% in 2019.

**Table 3: Search Hit Rates – All Searches**

Race/Ethnicity	2017*			2018			2019		
	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate
Caucasian	12	20	60%	20	44	45%	36	68	53%
African	12	24	50%	19	46	42%	43	94	46%
Hispanic	18	38	47%	36	76	47%	66	125	53%
Asian	0	0	0%	0	0	0%	0	0	0%
Native American	0	0	0%	0	0	0%	0	0	0%
Middle Eastern	1	1	100%	0	0	0%	1	1	100%
Other	0	0	0%	0	0	0%	0	0	0%
<b>Total</b>	<b>43</b>	<b>83</b>	<b>52%</b>	<b>75</b>	<b>166</b>	<b>45%</b>	<b>146</b>	<b>288</b>	<b>51%</b>

\*Categories do not include warnings

- Searches incident to arrest are not made primarily for evidentiary purposes but for safety prior to transporting which ordinarily will not produce discovery of contraband. In 2019, of the 115 searches made incident to an arrest only 13 found contraband. For 2018, 5 of the 75 resulted in finding contraband. When this data is removed the actual “hit rates” for discretionary searches increase.

	2018			2018		
	Hits	Searches	Hit Rate	Hits	Searches	Hit Rate
<b>Total Searches Incident to Arrest</b>	<b>75</b>	<b>166</b>	<b>45%</b>	<b>146</b>	<b>288</b>	<b>51%</b>
<b>Adjusted Total less SIA</b>	<b>70</b>	<b>91</b>	<b>77%</b>	<b>133</b>	<b>173</b>	<b>77%</b>

Because consent searches involve increased officer discretion and judgment (as compared to non-consent searches), it is important to examine these hit rates separately. The average hit rate for consent searches in 2017 was 29%. With training, new policies and documentation requirements in place, the hit rate for consent searches in 2018 increased to 75%. In 2019, the hit rate for consent searches was 55%.

The relatively high hit rates across races/ethnicities reflects that racial profiling related to searches is not occurring.

**Racial profiling complaints:**

For 2018 there were no complaints received related to racial profiling.