



City of Elgin Elgin Police Department

2018 Annual Racial Profiling Report Presentation

February 2019

Introduction

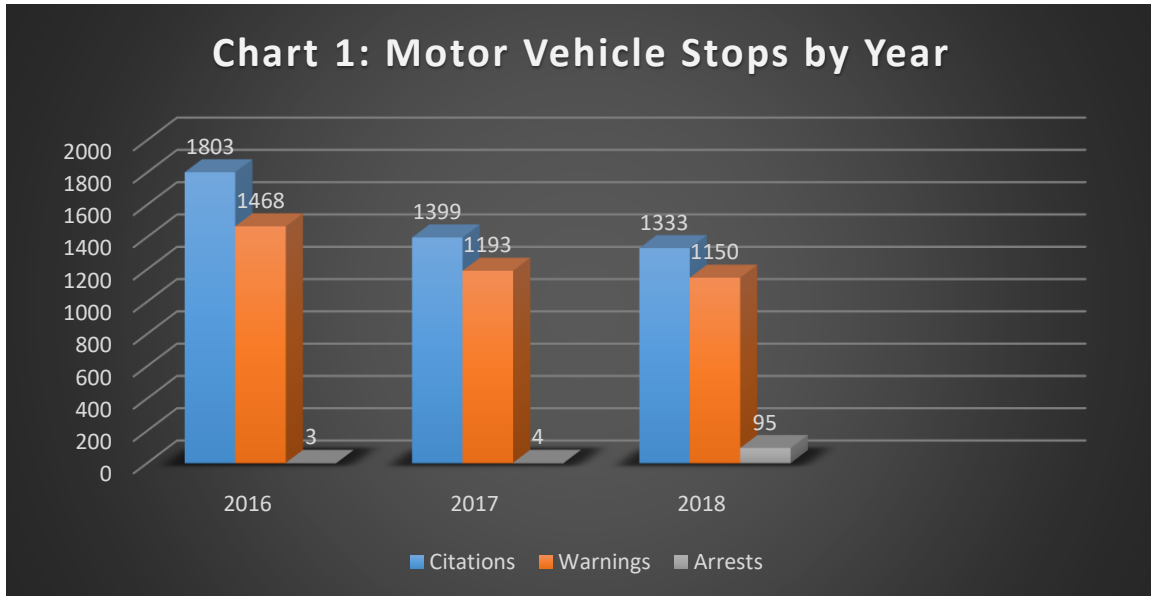
This report contains data regarding all motor vehicle stops made by Elgin Police Department police officers during 2018. The department maintains a strong stance against racial profiling; its policy and practice is to provide law enforcement services and to enforce the law equally and fairly without 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 first 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 2578 motor vehicle contacts in 2018. This compares to 2596 motor vehicle contacts in 2017, and 3274 contacts for 2016.



- Arrests for 2016/2017 are for contacts that were cited and arrested only.
- Less than a 5% variation between 2017 and 2018 data for citations and warnings
- Arrests for 2018 totaled 95 under the following categories:
 - Outstanding warrants – 54
 - Violations of the Penal Code (such as DWI, Illegal Drugs) – 37
 - Violations of the Traffic Code (such as DWLI, No DL 3rd) – 4

Table 1: Motor Vehicle Stops by Race/Ethnicity:

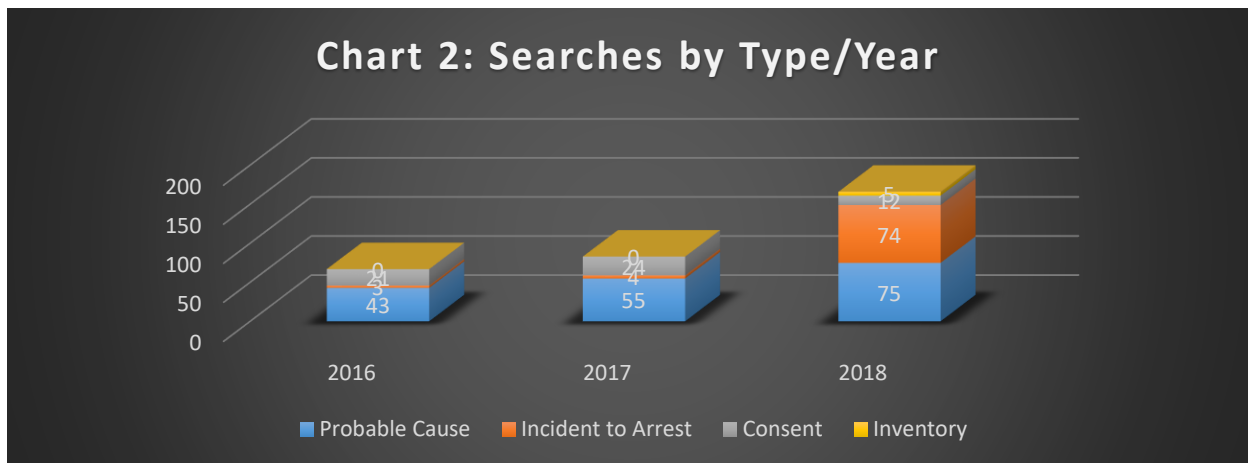
| Race/Ethnicity | 2016 Contacts* | | 2017 Contacts* | | 2018 Contacts | |
|-----------------|----------------|-------------|----------------|-------------|---------------|-------------|
| | Count | % Total | Count | % Total | Count | % Total |
| Caucasian | 669 | 37% | 546 | 39% | 1008 | 39% |
| African | 295 | 16% | 229 | 16% | 440 | 17% |
| Hispanic | 802 | 44% | 595 | 42% | 1065 | 41% |
| Asian | 32 | 2% | 12 | 0.90% | 58 | 2% |
| Native American | 2 | 0.10% | 2 | 0.10% | 0 | 0% |
| Middle Eastern | 1 | 0.05% | 8 | 0.60% | 7 | 0.20% |
| Other | 5 | 0.20% | 11 | 0.80% | 0 | 0% |
| Total | 1806 | 100% | 1403 | 100% | 2578 | 100% |

*Categories do not include warnings

- The distribution of stops by race/ethnicity in 2018 was similar to that seen in 2017. Less than 1% variation noted for each category.
- 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. (see Analysis section is Del Carmen report).
- Most notable in the additional analysis conducted by EPD is that of the 2578 contacts made only 674 (26%) reported to be residents of Elgin.

Searches resulting from motor vehicle stops

The number of searches resulting from motor vehicle contacts increased from 83 in 2017 to 166 in 2018. The search rate (searches as a percent of total contacts) was 3% during for 2017 and 6% for 2018.



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

Table 2: Searches by Race/Ethnicity

| Race/Ethnicity | 2016 Searches* | | 2017 Searches* | | 2018 Searches | |
|-----------------|----------------|-------------|----------------|-------------|---------------|-------------|
| | Count | % Total | Count | % Total | Count | % Total |
| Caucasian | 19 | 28% | 20 | 24% | 44 | 27% |
| African | 22 | 33% | 24 | 29% | 46 | 28% |
| Hispanic | 26 | 38% | 38 | 46% | 76 | 46% |
| Asian | 0 | 0% | 0 | 0% | 0 | 0% |
| Native American | 0 | 0% | 0 | 0% | 0 | 0% |
| Middle Eastern | 0 | 0% | 1 | 1% | 0 | 0% |
| Other | 0 | 0% | 0 | 0% | 0 | 0% |
| Total | 67 | 100% | 83 | 100% | 166 | 100% |

*Categories do not include warnings

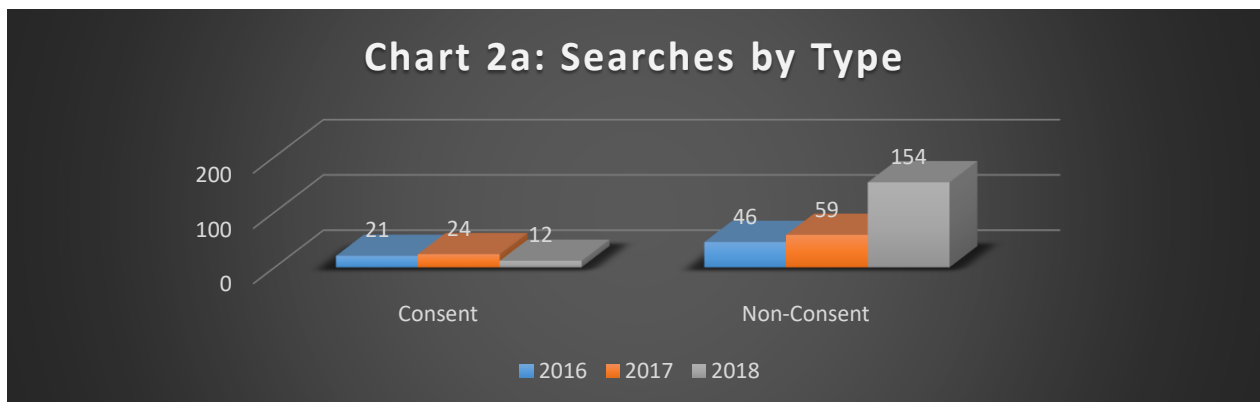
The distribution of **total** searches by race/ethnicity in 2018 were consistent with 2017 with the exception of Caucasians which increased by 3%.

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 2018.



- Consent searches decreased from 24 in 2017 to 12 in 2018 (50% decrease).
- 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 (2017)

| Race/Ethnicity | Searches | | Consent Searches | | Arrests | |
|-----------------|-----------|-------------|------------------|-------------|----------|-------------|
| | Count | % Total | Count | % Total | Count | % Total |
| Caucasian | 20 | 24% | 7 | 29% | 1 | 25% |
| African | 24 | 29% | 7 | 29% | 1 | 25% |
| Hispanic | 38 | 46% | 10 | 42% | 2 | 50% |
| Asian | 0 | 0% | 0 | 0% | 0 | 0% |
| Native American | 0 | 0% | 0 | 0% | 0 | 0% |
| Middle Eastern | 1 | 1% | 0 | 0% | 0 | 0% |
| Other | 0 | 0% | 0 | 0% | 0 | 0% |
| Total | 83 | 100% | 24 | 100% | 4 | 100% |

Table 2b: 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% |
| Total | 166 | 100% | 12 | 100% | 95 | 100% |

- Considering the 2017 data (Tier 1) is a subset of the data used for 2018 (Tier 2) the percentages are consistent between years.
- In 2018, 6% of contacts resulted in searches and 4% resulted in arrest.
- Percentages for Hispanic arrests/searches included: 43% warrants, 30% DWI, 15% POCS, 12% other. All were non-discretionary and in compliance with current policy.

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 52% in 2017.

Table 3: Search Hit Rates – All Searches

| Race/Ethnicity | 2017 | | | 2018 | | |
|-----------------|-----------|-----------|------------|-----------|------------|------------|
| | Hits | Searches | Hit Rate | Hits | Searches | Hit Rate |
| Caucasian | 12 | 20 | 60% | 20 | 44 | 45% |
| African | 12 | 24 | 50% | 19 | 46 | 42% |
| Hispanic | 18 | 38 | 47% | 36 | 76 | 47% |
| Asian | 0 | 0 | 0% | 0 | 0 | 0% |
| Native American | 0 | 0 | 0% | 0 | 0 | 0% |
| Middle Eastern | 1 | 1 | 100% | 0 | 0 | 0% |
| Other | 0 | 0 | 0% | 0 | 0 | 0% |
| Total | 43 | 83 | 52% | 75 | 166 | 45% |

- Searches incident to arrest are not made primarily for evidentiary purposes but for safety prior to transporting. 74 searches were made incident to an arrest which ordinarily will not produce discovery of contraband. For 2018, 5 of the 74 resulted in finding contraband. When this data is removed this actual “hit rates” for discretionary searches increase.

| | 2018 | | |
|---|-----------|------------|------------|
| | Hits | Searches | Hit Rate |
| Total with Searches Incident to Arrest | 75 | 166 | 45% |
| Adjusted Total | 70 | 92 | 76% |

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%.

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

Racial profiling complaints:

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