



To: Mayor Susan Narvaiz and the San Marcos City Council
Rick Menchaca, City Manager

From: Howard E. Williams, Chief of Police

Date: February 26, 2009

Subject: 2008 Racial Profiling Report

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedures for law enforcement agencies to collect and report data concerning racial profiling for traffic stops in which officers issued citations, searches conducted, and arrests made. The attached report fulfills the reporting requirement of Article 2.132 of the Code of Criminal Procedures.

Under Article 2.135, the San Marcos Police Department is exempt from the reporting requirement on traffic and pedestrian stops under Article 2.134 because, during the preceding calendar year, each law enforcement motor vehicle regularly used by officers employed by the Department to make traffic and pedestrian stops was equipped with video camera and transmitter-activated equipment, and each traffic and pedestrian stop made by an officer employed by the Department that was capable of being recorded by audio/video or audio equipment, as appropriate, was recorded using the equipment.

This report reflects the total number of traffic citations issued, searches performed, and arrests made that were related to those searches from January 1, 2008 to December 31, 2008. In our analysis, we used population data for the City of San Marcos from the 2000 census, the most recent census data available, and collision data from all reported collision in San Marcos in 2008.

Dr. Hassan Tajalli, a statistician and Assistant Professor of Political Science at Texas State University / San Marcos, reviewed and analyzed the data collected by the San Marcos Police Department. His analysis indicated that officers stopped ethnic minorities disproportionately less than they stopped the White population. For his calculations, Dr. Tajalli used data from the 2005-2007 population estimates from the US Census Bureau. Additionally, Dr. Tajalli determined that Hispanics were subject to more searches and additional charges being filed than were White or African Americans.

For comparison, we computed enforcement ratios using three different methods: the census data ratio, the fair roads ratio, and the collision data ratio. The three enforcement ratios show little difference in enforcement rates between races or ethnic groups. Additionally, after reviewing audio and video tapes from patrol vehicles, supervisors have reported no evidence of racial profiling by any officer, and the Department received no citizen complaints in 2008 regarding racial profiling.



City of San Marcos, Texas 2008 Racial Profiling Report

Senate Bill 1074 of the 77th Legislature establishes requirements in the Texas Code of Criminal Procedures for law enforcement agencies to collect and report data concerning racial profiling for traffic stops in which officers issue citations, conduct searches, and make arrests. This report to the City Council fulfills the reporting requirement of Article 2.132 of the Code of Criminal Procedures.

The San Marcos Police Department defines racial profiling as “a law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.”¹ This report reflects the total number of traffic citations San Marcos Police Department officers issued during 2008, the number of searches that officers made relating to those citations, the number of those searches that officers conducted with the drivers’ consent, and the number of arrests that officers made consequential to those searches.

The Department retained a statistician to perform an independent analysis, and we calculated three enforcement ratios based on different base populations. In the analysis of the data, we compared the citation and search data for 2008 to census data from 2000 for the City of San Marcos and to collision data from all reported collisions in San Marcos in 2008.

Independent Analysis

Dr. Hassan Tajalli, a statistician and Assistant Professor of Political Science at Texas State University / San Marcos, reviewed the data. Table 1, below, denotes citations San Marcos police officers issued in 2008, categorized by race/ethnicity of the person cited. This information comes from data officers collected on the citations and reported to the Municipal Court. We asked Dr. Tajalli to answer three questions for this report.

Issue 1*: Is there a statistically significant difference between the ethnic distribution of stops by the SMPD officers and the ethnic distribution in the general population in San Marcos?

Answer: The findings do not support the presence of racial profiling by the SMPD officers against Hispanics and African American ethnic groups. Results indicate that White residents were stopped by the SMPD officers significantly more than expected. Conversely, Hispanics were stopped significantly less than their share of presence in the community. There is no strong support for the presence of discrimination against African American residents.

chi-square (3, n=7,091) = 59.94, p<.001

* *Source:* 2005-2007 population estimates, U.S. Census. Based on the proportion of Hispanics, White and African Americans in the City of San Marcos.

Issue 2: Is the ethnic distribution of searches different than the ethnic distribution of stops that were conducted by the SMPD officers?

¹ San Marcos Police Department Policies and Procedures Manual, General Order 203.III.D.



Answer*: Results indicate that Hispanics who were stopped by the SMPD officers were disproportionately more subject to searches. Conversely, White subjects who were stopped by the SMPD officers were disproportionately less subject to search.

chi-square (2, n=651) = 16.07, p<.001

** Based on the proportion of Hispanics, White and African Americans who were stopped by the SMPD officers.*

Issue 3: Is there a racial profiling in bringing charges against those who were stopped by the SMPD officers?

Answer*: Results indicate that a disproportionately higher percentage of Hispanics who were stopped by the SMPD officers were subject to charges. Conversely, significantly fewer White residents who were stopped were faced with charges.

chi-square (2, n=551) = 11.68, p<.001

** Based on the proportion of Hispanics, White and African Americans who were stopped by the SMPD officers.*

Table 1. Total Citations, Searches, and Arrests

Race/Ethnicity	Citations	Searches	Consent to Search	Total Charges
White	4577	373	162	321
Male	3026	304	134	263
Female	1540	69	28	58
Hispanic	2127	241	104	202
Male	1468	206	85	173
Female	659	35	19	29
African-American	387	37	18	28
Male	284	34	16	26
Female	102	3	2	2
Asian-American	47	5	3	2
Male	33	4	2	2
Female	14	1	1	0
American Indian	1	0	0	0
Male	1	0	0	0
Female	0	0	0	0



Enforcement Ratios

Every year, cities across Texas struggle to define the service population that forms the basis for racial profiling reporting, and San Marcos is no different. Census data simply do not account for students residing in San Marcos, for employees or workers who commute to town each day, for visitors and tourists, and for the uncounted thousands of people who drive through town every day on IH-35 and the rest of the state highway system.

Consequently, better to describe citation data, we calculated three enforcement ratios. These ratios use different base populations that either are in use or are favored by other cities or by interested citizen groups. These three enforcement ratios are the census data ratio, the fair roads ratio, and the collision data ratio.

The census data calculation is a ratio of the percentage of citations that San Marcos police officers write to different race/ethnic groups compared to the percentage each race/ethnic group represents in the 2000 census. Table 3 contains the census data calculations.

The fair roads calculation is a ratio of the percentage of citations San Marcos police officers write to different race/ethnic groups compared to the percentage of households by race/ethnic group that have vehicles available to drive, according to 2000 census data. Table 4 contains the fair roads calculations.

The collision data calculation is a ratio of the percentage of citations San Marcos police officers write to different race/ethnic groups compared to the percentage each race/ethnic group represents of drivers in all the collisions reported to the San Marcos Police Department. Table 5 contains the collision data calculations.

Table 2 summarizes the results of the three enforcement ratios. As the table shows, there is little difference between the enforcement ratios, although the ratios change depending on the method selected.

Table 2. 2008 Enforcement Ratios

Race/Ethnicity	Census Data Ratio	Fair Roads Ratio	Collision Data Ratio
White	1.14	0.98	1.05
Hispanic	0.80	0.99	0.90
African-American	0.99	1.46	1.11
Asian-American	0.54	0.67	0.84

Census Data Ratio

Table 3 defines the citations to census data ratio, comparing the percentage of citations issued to each racial/ethnic group in 2008 to the percentage that each group represents in the 2000 census. A ratio of 1.00 means that officers cite a racial/ethnic group proportionally to that group's percentage of the



population. A ratio greater than 1.00 means that officers are citing a group more often than that group's percentage of the population, and a ratio less than 1.00 means that officers are citing a group less often than that group's percentage of the population.

From the census data, it appears that in 2008 officers cited whites at a rate slightly higher than their percentage of the population (1.14). Hispanics and African-Americans received fewer citations than their percentages of the population (0.80 and 0.99, respectively). Asian-Americans received far fewer citations than their percentage of the population (0.54), but, because the number of Asian-Americans cited and the number in the population are so small, this variation was not significant.

Comparing citations to census data has only one advantage – the data are stable, meaning we can compare results from year to year because the census data do not change. Unfortunately, the census method has several shortcomings.

Table 3. Citations to Census Ratio

Race/Ethnicity	2000 Census Data	% in the Census	2008 Citations	% of Citations	Census Data Ratio
White	19,165	56.17%	4,577	64.12%	1.14
Hispanic	12,676	37.15%	2,127	29.80%	0.80
African-American	1,860	5.45%	387	5.42%	0.99
Asian-American	418	1.23%	47	0.66%	0.54
Total	34,119		7,138		

- As census data ages, it may not reflect current population percentages.
- Census data include everyone living in San Marcos, not just people of driving age.
- Census data count only those people living in San Marcos, not people attending Texas State University whose permanent residence is elsewhere, commuters, visitors, shoppers, or those who are driving through town. However, all of those people are subject to being stopped and cited, thus affecting the enforcement ratio.

Fair Roads Ratio

Table 4 defines the fair roads ratio, a comparison of the percentages of citations issued by race/ethnicity in 2008 compared to the percentages of households with vehicles according to the 2000 census. The fair roads ratio is an attempt to filter census data to exclude from the computations those people who do not have cars. A ratio of 1.00 means that officers cite a racial/ethnic group proportionally to that group's percentage of households with vehicles available to drive. A ratio greater than 1.00 means that officers



are citing a group more often than that group's percentage of households with vehicles available to them, and a ratio less than 1.00 means that officers are citing a group less often than that group's percentage of households with vehicles available to them.

From the fair roads data, it appears that in 2008 officers cited whites and Hispanics at a rate slightly lower than their percentage of households with access to vehicles (0.98 and .099, respectively). African-Americans received citations at a rate higher than their percentage of households with vehicles available to drive (1.46). Asian-Americans received far fewer citations than their percentage of households with vehicles (0.67). However, because the numbers of Asian-Americans cited and the numbers of households are so small, that variation is not significant.

The fair roads ratio has some advantages over the census data, because it attempts to count only the population that has access to a vehicle, but it is also subject to criticism.

Table 4. Fair Roads Ratio

Race/Ethnicity	Households with Cars	% in the Census	2008 Citations	% of Citations	Fair Roads Standard
White	7,465	65.32%	4,577	64.12%	0.98
Hispanic	3,426	29.98%	2,127	29.80%	0.99
African-American	424	3.71%	387	5.42%	1.46
Asian-American	113	0.99%	47	0.66%	0.67
Total	11,428		7,138		

- The percentages of households with vehicles comes from the 2000 census data, and, as the data ages, it may not reflect current population percentages.
- The fair roads ratio does not account for the number of vehicles per household, the number of drivers per vehicle, the number of drivers per household, or the number of miles or hours per day that someone drives the vehicle.
- The fair roads ratio includes only people living in San Marcos, not those attending Texas State University whose permanent residence is elsewhere, commuting to work each day, visiting, or driving through town, yet all of those groups are subject to being stopped and cited, thus affecting racial profiling statistics.
- The ratio requires a comparison of dissimilar things: percentages of people cited to percentages of households. A more effective measure would be the percentage of households receiving citations.



Collision Data Ratio

Table 5 defines the citations to collision data ratio, comparing the percentage of citations issued to each racial/ethnic group in 2008 to the percentage that each group represents in the 2008 collision data. A ratio of 1.00 means that officers cite a racial/ethnic group proportionally to that group’s representation in the collision data. A ratio greater than 1.00 means that officers are citing a group more often than that group’s representation in the collision data, and a ratio less than 1.00 means that officers are citing a group less often than that group’s representation in the collision data.

From the collision data ratio, it appears that officers are citing whites and African Americans at a rate slightly higher than their percentage of involvements in collisions (1.05 and 1.11, respectively). Hispanics receive citations at a rate slightly lower than their percentage of involvements in collisions (0.90). Asian Americans received far fewer citations than their percentage of involvements in collisions (0.84). However, because the numbers of Asian-Americans cited and the numbers involved in collisions are so small, that variation is not significant.

Table 5. Citations to Collision Data Ratio

Race/Ethnicity	Collisions	% of Collisions	2008 Citations	% of Citations	Ratio of Citations to Collisions
White	1,489	61.23%	4,577	64.12%	1.05
Hispanic	805	33.10%	2,127	29.80%	0.90
African-American	119	4.89%	387	5.42%	1.11
Asian-American	19	0.78%	47	0.66%	0.84
Total	2,432		7,138		

The collision data ratio has several advantages.

- The collision data ratio includes only those people who were driving and were thus subject to being stopped and cited.
- The collision data ratio includes drivers who live in San Marcos, but it also includes those who are attending Texas State University, who are commuting to work each day, who are visiting, or who are simply driving through town.
- The data on collisions refreshes each year so it more accurately reflects current demographics of those driving in San Marcos.

The collision data ratio has some problems, however.

- The analysis is based on the assumption that collisions are randomly distributed throughout racial/ethnic groups.



- The collision data may be skewed toward younger drivers because younger drivers tend to have more collisions, although younger drivers also tend to constitute a larger percentage of drivers cited for violations.

Other Measures

San Marcos Police Department policies require supervisors once each quarter to review for signs of racial profiling the video tapes from each officer's vehicle. The supervisors reported that they saw no indications of racial profiling on the tapes that they reviewed for 2008. The Department received no citizen complaints regarding racial profiling.

Table 6. Three-Year Enforcement Ratio Comparison

<i>Race/Ethnicity</i>	Census Data Ratios			Fair Roads Standard Ratios			Collision Data Ratios		
	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
White	1.11	1.07	1.14	0.95	0.92	0.98	1.02	1.02	1.05
Hispanic	0.88	0.91	0.80	1.09	1.13	0.99	0.99	0.97	0.90
African American	0.85	0.93	0.99	1.25	1.36	1.46	1.04	1.07	1.11
Asian American	0.81	0.51	0.54	0.63	0.64	0.67	0.48	0.60	0.84



APPENDIX A

Dr. Hassan Tajalli's Analysis Report

Issue 1*: Is there a statistically significant difference between the ethnic distribution of '**stops**' by the SMPD officers and the ethnic distribution in the general population in San Marcos?

Answer: The findings do not support the presence of racial profiling by the SMPD officers against Hispanics and African American ethnic groups. Results indicate that White residents were stopped by the SMPD officers significantly more than expected. Conversely, Hispanics were stopped significantly less than their share of presence in the community. There is no strong support for the presence of discrimination against African American residents.

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* *Source: 2005-2007 population estimates, U.S. Census. Based on the proportion of Hispanics, White and African Americans in the City of San Marcos.*

Issue 2: Is the ethnic distribution of '**searches**' different than the ethnic distribution of 'stops' that were conducted by the SMPD officers?

Answer*: Results indicate that Hispanics who were stopped by the SMPD officers were disproportionately more subject to searches. Conversely, White subjects who were stopped by the SMPD officers were disproportionately less subject to search.

chi-square (2, n=651) = 16.07, p<.001

* *Based on the proportion of Hispanics, White and African Americans who were **stopped** by the SMPD officers*

Issue 3: Is there a racial profiling in bringing charges against those who were '**stopped**' by the SMPD officers?

Answer*: Results indicate that disproportionately higher percentage of Hispanics who were stopped by the SMPD officers were subject to charges. Conversely, significantly fewer White residents who were stopped were faced with charges.

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