



Travis County Commissioners Court Agenda Request

Meeting Date: March 6, 2012

Prepared By/Phone Number: Cheryl Aker

Elected/Appointed Official/Dept. Head: County Judge Samuel T. Biscoe

Commissioners Court Sponsor: County Judge Samuel T. Biscoe

AGENDA LANGUAGE:

**RECEIVE STATE REQUIRED RACIAL PROFILING REPORT FOR
CALENDAR YEAR 2011 FROM PRECINCT THREE AND FOUR
CONSTABLES.**

BACKGROUND/SUMMARY OF REQUEST AND ATTACHMENTS:

See attached.

AGENDA REQUEST DEADLINE: All agenda requests and supporting materials must be submitted as a pdf to Cheryl Aker in the County Judge's office, Cheryl.Aker@co.travis.tx.us by **Tuesdays at 5:00 p.m.** for the next week's meeting.



Richard McCain
CONSTABLE
Travis County, Precinct 3



8656-B Highway 71 West, Suite E
Austin, Tx 78735

Phone: (512) 854-7245
Fax : (512) 854-2117

February 27, 2012

Travis County Commissioners Court
1000 Guadalupe Street
Austin, TX 78701-2328

ATTN: Judge Sam Biscoe

RE: 2011 Racial Profiling Report

Judge Biscoe:

In accordance with Texas Code of Criminal Procedure, please find attached for your review, the 2011 Partial Exemption Racial Profiling Report (Tier 1).

Please do not hesitate to contact me if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "LeAnn Perrow".

LeAnn Perrow
Custodian of Records
Travis County Constable
Precinct 3

Enclosures
/lp

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: TRAVIS CO. CONST. PCT. 3
Reporting Date: 02/27/2012
TCLEOSE Agency Number: 453103
Chief Administrator: RICHARD T. MCCAIN
Agency Contact Information: Phone: 512-854-2107
Email: drew.mcangus@co.travis.tx.us
Mailing Address:
TRAVIS CO. CONST. PCT. 3
8656 SH 71 WEST
BLDG. B, STE. E
AUSTIN, TX 78735

This Agency claims partial racial profiling report exemption because:

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

TRAVIS CO. CONST. PCT. 3 has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the TRAVIS CO. CONST. PCT. 3 from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the TRAVIS CO. CONST. PCT. 3 if the individual believes that a peace officer employed by the TRAVIS CO. CONST. PCT. 3 has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the TRAVIS CO. CONST. PCT. 3 who, after an investigation, is shown to have engaged in racial profiling in violation of the TRAVIS CO. CONST. PCT. 3's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;

(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: **RICHARD T. MCCAIN**

Chief Administrator

TRAVIS CO. CONST. PCT. 3

Date: 02/27/2012

TRAVIS CO. CONST. PCT. 3 Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

- 1. **836** citation only
- 2. **1** arrest only
- 3. **7** both
- 4. **844 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

- 5. **52** African
- 6. **16** Asian
- 7. **601** Caucasian
- 8. **170** Hispanic
- 9. **4** Middle Eastern
- 10. **1** Native American
- 11. **844 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

- 12. **0** Yes
- 13. **844** No
- 14. **844 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

- 15. **29** Yes
- 16. **815** No
- 17. **844 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

- 18. **2** Yes
- 19. **27** No
- 20. **29 Total** (must equal line 15)



MARIA CANCHOLA
TRAVIS COUNTY CONSTABLE, PRECINCT FOUR
DON BOWNE – CHIEF DEPUTY

MEMORANDUM

TO: Commissioner's Court

FROM: Maria L. Canchola, Constable

DATE: February 24, 2011

SUBJECT: 2011 Racial Profiling Report

The primary mission of my office is to handle civil and criminal process issued by the courts. Our Deputies also provide security services for the county employees and visitors to the Ray Martinez Building on McKinney Falls Parkway. As a result, my office does not place a significant emphasis on traffic enforcement. Most of our limited enforcement activities are directed towards school zone safety and disabled parking enforcement in order to protect the safety and rights of these two vulnerable populations within the County.

Senate Bill 1074 requires all law enforcement agencies to provide an annual report on racial profiling to the governing body of the reporting agency. Attached is the Travis County Constable Precinct Four report for the year 2011.

I require deputies to submit a written record documenting all stops, warnings, and citations. Analysis of the citation data suggests that the Precinct Four Constable's Office did not experience a problem regarding racial profiling. This is supported by the fact that we have not received any citizen complaints alleging racial profiling during 2011.



Annual Racial Profiling Analysis

Office of the Constable
Travis County - Precinct Four
 January 1, 2011 to December 31, 2011



Table 1: Detention Disposition by Race

Disposition	Asian/Pacific Islander	% of Race	% of Disposition	Black	% of Race	% of Disposition
Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Released	0	0.0%	0.0%	0	0.0%	0.0%
Ticketed	0	0.0%	0.0%	3	21.4%	2.9%
Warned (Written)	2	100.0%	1.1%	11	78.6%	5.8%
	2	100.0%	0.7%	14	100.0%	4.7%
	Total	of Race	of all stops	Total	of Race	of all stops

Disposition	Hispanic	% of Race	% of Disposition	White	% of Race	% of Disposition
Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Released	1	0.5%	50.0%	1	1.3%	50.0%
Ticketed	74	36.6%	70.5%	28	35.9%	26.7%
Warned (Written)	127	62.9%	66.8%	49	62.8%	25.8%
	202	100.0%	68.0%	78	100.0%	26.3%
	Total	of Race	of all stops	Total	of Race	of all stops

Disposition	Native American	% of Race	% of Disposition	Other	% of Race	% of Disposition
Arrested	0	0.0%	0.0%	0	0.0%	0.0%
Released	0	0.0%	0.0%	0	0.0%	0.0%
Ticketed	0	0.0%	0.0%	0	0.0%	0.0%
Warned (Written)	0	0.0%	0.0%	1	100.0%	0.3%
	0	100.0%	0.0%	1	100.0%	0.3%
	Total	of Race	of all stops	Total	of Race	of all stops

Disposition	Total %	Number
Arrested	0.0%	0
Released	0.7%	2
Ticketed	35.4%	105
Warned (Written)	64.0%	190
	100.0%	297

Precinct Four 2010 Population Demographics ①	
White	33.0%
Black	9.0%
Hispanic	56.0%
All Others	3.0%

① Source: Travis County IGR - Plan GE 170

Table 2: Search Status by Race

SearchStatus	Asian	% of Race	% of Total	Black	% of Race	% of Total
Consent Search	0	0.0%	0.0%	0	0.0%	0.0%
No Search	2	100.0%	0.7%	14	100.0%	4.7%
Probable Cause Search	0	0.0%	0.0%	0	0.0%	0.0%
	2	100.0%	0.7%	14	100.0%	4.7%
	Total	of Race	of all stops	Total	of Race	of all stops

SearchStatus	Hispanic	% of Race	% of Total	White	% of Race	% of Total
Consent Search	0	0.0%	0.0%	0	0.0%	0.0%
No Search	201	99.5%	67.7%	77	98.7%	25.9%
Probable Cause Search	1	0.5%	0.3%	1	1.3%	0.3%
	202	100.0%	68.0%	78	100.0%	26.3%
	Total	of Race	of all stops	Total	of Race	of all stops

SearchStatus	Native American	% of Race	% of Total	Other	% of Race	% of Total
Consent Search	0	0.0%	0.0%	0	0.0%	0.0%
No Search	0	0.0%	0.0%	1	100.0%	0.3%
Probable Cause Search	0	0.0%	0.0%	0	0.0%	0.0%
	0	100.0%	0.0%	1	100.0%	0.3%
	Total	of Race	of all stops	Total	of Race	of all stops

SearchStatus	Total %	Number
Consent Search	0.0%	0
No Search	99.3%	295
Probable Cause Search	0.7%	2
	100.0%	297

TIER 2 - FULL RACIAL PROFILING REPORT

Agency Name: TRAVIS CO. CONST. PCT. 4
Reporting Date: 02/28/2012
TCLEOSE Agency Number: 453104
Chief Administrator: MARIA CANCHOLA
Agency Contact Information: Phone: 512.854.9488
Email: donald.bowne@co.travis.tx.us
Mailing Address:
TRAVIS CO. CONST. PCT. 4
4011 McKinney Falls Parkway
Suite 1100
Austin, TX 78744

This Agency filed a full report because:
Our agency has no motor vehicle or audio equipment.

Certification to This Report 2.132 (Tier 2) – Full Report

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

TRAVIS CO. CONST. PCT. 4 has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the TRAVIS CO. CONST. PCT. 4 from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the TRAVIS CO. CONST. PCT. 4 if the individual believes that a peace officer employed by the TRAVIS CO. CONST. PCT. 4 has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the TRAVIS CO. CONST. PCT. 4 who, after an investigation, is shown to have engaged in racial profiling in violation of the TRAVIS CO. CONST. PCT. 4's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

I certify these policies are in effect.

Executed by: **MARIA CANCHOLA**

Chief Administrator

TRAVIS CO. CONST. PCT. 4

Date: 02/28/2012

TRAVIS CO. CONST. PCT. 4Motor Vehicle Racial Profiling Information

Gender:

1. 154 Female
2. 143 Male

3. 297 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity:

4. 14 African
5. 2 Asian
6. 78 Caucasian
7. 202 Hispanic
8. 1 Middle Eastern
9. 0 Native American

10. 297 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Race or Ethnicity known prior to stop?

11. 2 Yes
12. 295 No

13. 297 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Reason for stop:?

14. 2 Violation of law other than traffic
15. 0 Pre-existing knowledge (i.e. warrant)
16. 295 Moving Traffic Violation
17. 0 Vehicle Traffic Violation (Equipment, Inspection or Registration)

18. 297 Total (3, 10, 13, 18, 21, 40 and 51 must be equal)

Search conducted?

19. 2 Yes

20. 295 No

21. 297 Total

Reason for search?

22. 0 Consent

23. 2 Contraband/evidence in plain sight

24. 0 Probable cause or reasonable suspicion

25. 0 Inventory search performed as result of
towing

26. 0 Incident to arrest/warrant

27. 2 Total (must equal line 19)

Contraband discovered?

28. 2 Yes

29. 0 No

30. 2 Total (must equal line 19)

Description of Contraband

31. 2 Illegal drugs/drug paraphernalia

32. 0 Currency

33. 0 Weapons

34. 0 Alcohol

35. 0 Stolen property

36. 0 Other

37. 2 Total (must equal line 28)

Arrest result of stop or search:

38. 0 Yes

39. 297 No

40. 297 Total (3, 10, 13, 18, 21, 40 and 51 must
be equal)

Arrest based on:

- 41. 0 Violation of the Penal Code
- 42. 0 Violation of a Traffic Law
- 43. 0 Violation of City Ordinance
- 44. 0 Outstanding Warrant

Street address or approximate location of the stop:

- 45. 285 City Street
- 46. 4 US Highway
- 47. 6 County Road
- 48. 2 Private Property or Other

Written warning or a citation as a result of the stop:

- 49. 297 Yes
- 50. 0 No

51. 297 Total

TRAVIS CO. CONST. PCT. 4 has submitted electronically the analysis in PDF format required by 2.134 CCP(c) which contains

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

I certify the analysis meets the above requirements.

Executed by: MARIA CANCHOLA

Chief Administrator

TRAVIS CO. CONST. PCT. 4

Date: 02/28/2012