



**To:** Mayor Susan Narvaiz and the San Marcos City Council  
Dan O’Leary, City Manager

**From:** Howard E. Williams, Chief of Police

**Date:** February 25, 2005

**Subject:** 2004 Racial Profiling Report

Senate Bill 1074 of the 77<sup>th</sup> 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 related to those searches by San Marcos Police Department officers from January 1, 2004 to December 31, 2004. In our analysis of the data, we used population data for the City of San Marcos from the 2000 census, the latest census data that was available, and collision data from all reported collision in San Marcos in 2004.

Dr. Hassan Tajalli, a statistician and Assistant Professor of Political Science at Texas State University – San Marcos, reviewed the data collected by the San Marcos Police Department and discussed his analysis with me. Dr. Tajalli’s analysis of the statistics shows that the SMPD cites whites more frequently than we cite minorities, but we search minorities more frequently than we do whites. The differences are small, but statistically significant.

Additionally, we computed enforcement ratios using three methods: census data ratio, fair roads ratio, and collision data ratio. Supervisors of the San Marcos Police Department have reported no indication of racial profiling by any officer, and the one citizen complaint we received in 2004 regarding racial profiling was investigated and proved unfounded.



# City of San Marcos, Texas 2004 Racial Profiling Report

Senate Bill 1074 of the 77<sup>th</sup> 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 citations were issued, searches conducted, and arrests made. 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 General Orders define 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.”

This report reflects the total number of traffic citations issued by SMPD officers during 2004, searches made incidental to those stops, the number of those searches conducted with the drivers’ consent, and the number of arrests made consequential to those searches. We consulted a statistician for an independent analysis, and we conducted calculations to derive three enforcement ratios. In the analysis of the data, we compared the citation, search and arrest data to 2000 census data for the City of San Marcos and to collision data from all reported collisions in San Marcos in 2004. The attached tables provide a synopsis of the data used for those calculations.

## Independent Analysis

Dr. Hassan Tajalli, a statistician and Assistant Professor of Political Science at Texas State University – San Marcos, reviewed the citation, search and arrest data collected by the San Marcos Police Department. Table 1, below, denotes citations issued by San Marcos Police officers, categorized by race/ethnicity of the person cited, for 2004. This information comes from data officers collect on the citations and report to the Municipal Court. Dr. Tajalli was asked to answer three questions for this report.

*Question 1:* Is the ethnic distribution of the Department's traffic citation data disproportionately different from the distribution of ethnic groups in San Marcos?

*Response:* Results indicate that there is no racial profiling by SMPD in stopping minorities (African Americans, Hispanics, and others). In fact, ethnic minorities were stopped disproportionately less than White population.

*Question 2:* Is the ethnic distribution of searches performed disproportionately different from the ethnic distribution of the traffic citations data?

*Response:* Results indicate that there is a significant difference between the ethnic distribution of searches and stops that were conducted by SMPD. Fewer White citizens were searched than other ethnic groups. In the absence of racial profiling we would have expected to see about 113 Hispanic and 17 African Americans being searched but the actual searches by SMPD are 139 and 20 respectively. These differences, while not very large, are statistically significant.

*Question 3:* Is the ethnic distribution of arrests performed disproportionately different from the ethnic distribution of the traffic citations data?

*Response:* Since the number of arrests among various ethnic groups is very small (total of 8), we cannot reliably draw any statistical conclusion from the available data.

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**Table 1. Total Citations, Searches, and Arrests**

<b>Race/Ethnicity</b>	<b>Citations</b>	<b>Searches</b>	<b>Consent to Search</b>	<b>Total Charges</b>
<b>White</b>	<b>4030</b>	<b>169</b>	<b>95</b>	<b>2</b>
Male	2645	134	74	1
Female	1385	35	21	1
<b>Hispanic</b>	<b>2391</b>	<b>139</b>	<b>76</b>	<b>3</b>
Male	1610	130	67	2
Female	681	9	9	1
<b>African-American</b>	<b>348</b>	<b>20</b>	<b>11</b>	<b>2</b>
Male	240	17	10	1
Female	108	3	1	1
<b>Asian-American</b>	<b>40</b>	<b>1</b>	<b>0</b>	<b>1</b>
Male	28	1	0	1
Female	12	0	0	0
<b>American Indian</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Male	0	0	0	0
Female	0	0	0	0

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## 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 does 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 simply 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 calculation.

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 calculation.

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 that race/ethnic group represents of drivers in all the collisions reported to the San Marcos Police Department in 2004. Table 5 contains the collision data calculation.

Table 2 summarizes the results of the three enforcement ratios. As the table shows, there are no significant differences between the enforcement ratios, although the ratios change depending on the method selected.

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**Table 2. Enforcement Ratios**

<b>Race/Ethnicity</b>	<b>Census Data Ratio</b>	<b>Fair Roads Ratio</b>	<b>Collision Data Ratio</b>
<b>White</b>	1.05	0.91	0.94
<b>Hispanic</b>	0.95	1.17	1.12
<b>African-American</b>	0.94	1.38	1.03
<b>Asian-American</b>	0.48	0.59	1.02

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## Census Data Ratio

Table 3 defines the citations to census data ratio, comparing the percentage of citations issued to each racial/ethnic group 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 officers are citing whites at a rate slightly higher than their percentage of the population (1.05). Hispanics and African-Americans receive fewer citations than their percentages of the population (0.95 and 0.94, respectively). Asian-Americans receive far fewer citations than their percentage of the population (0.48), but, because the number of Asian-Americans cited and the number in the population are so small, this variation is not significant.

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**Table 3. Citations to Census Ratio**

<b>Race/Ethnicity</b>	<b>2000 Census Data</b>	<b>% in the Census</b>	<b>Citations</b>	<b>% of Citations</b>	<b>Census Data Ratio</b>
<b>White</b>	19,165	56.17%	4,030	59.19%	<b>1.05</b>
<b>Hispanic</b>	12,676	37.15%	2,391	35.12%	<b>0.95</b>
<b>African-American</b>	1,860	5.45%	348	5.11%	<b>0.94</b>
<b>Asian-American</b>	418	1.23%	40	0.59%	<b>0.48</b>
<b>Total</b>	34,119		6,809		

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

- As census data ages, it may not reflect current population figures.
- Census data includes everyone living in San Marcos, not just people of driving age.
- Census data counts only those people living in San Marcos, not people attending Texas State University, but whose permanent residence is elsewhere, commuters, visitors, shoppers, or those who simply 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 compared to the percentages of households with vehicles. 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 officers are citing whites at a rate slightly lower than their percentage of households with access to vehicles (0.91). Hispanics receive citations at a rate slightly higher than their percentage of households with vehicles (1.17). African-Americans received citations at a rate slightly higher than Hispanics (1.38). Asian-Americans received far fewer citations than their percentage of households with vehicles (0.59). However, because the numbers of Asian-Americans cited and the number of households are so small, that variation is not significant.

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**Table 4. Fair Roads Ratio**

<b>Race/Ethnicity</b>	<b>Households with Cars</b>	<b>% in the Census</b>	<b>Citations</b>	<b>% of Citations</b>	<b>Fair Roads Standard</b>
<b>White</b>	7,465	65.32%	4,030	59.19%	<b>0.91</b>
<b>Hispanic</b>	3,426	29.98%	2,391	35.12%	<b>1.17</b>
<b>African-American</b>	424	3.71%	348	5.11%	<b>1.38</b>
<b>Asian-American</b>	113	0.99%	40	0.59%	<b>0.59</b>
<b>Total</b>	11,428		6,809		

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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.

- The percentages of households with vehicles comes from the 2000 census data, and, as the data ages, it may not reflect current population figures.
- 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 simply 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 to the percentage that each group represents in the 2004 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 at a rate slightly lower than their percentage of involvements in collisions (0.94). Hispanics receive citations at a rate higher than their percentage of involvements in collisions (1.12). African-Americans received citations at a rate slightly higher than whites did, but less than Hispanics (1.03). Asian-Americans received citations at about the same rate as African-Americans (1.02).

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**Table 5. Citations to Collision Data Ratio**

<b>Race/Ethnicity</b>	<b>Collisions</b>	<b>% of Collisions</b>	<b>Citations</b>	<b>% of Citations</b>	<b>Ratio of Citations to Collisions</b>
<b>White</b>	1,640	63.05%	4,030	59.19%	<b>0.94</b>
<b>Hispanic</b>	817	31.41%	2,391	35.12%	<b>1.12</b>
<b>African-American</b>	129	4.96%	348	5.11%	<b>1.03</b>
<b>Asian-American</b>	15	0.58%	40	0.59%	<b>1.02</b>
<b>Total</b>	2,601		6,809		

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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 to review for signs of racial profiling the video tapes from each officer's vehicle once each quarter. The supervisors reported that they saw no indications of racial profiling on the tapes that they reviewed.

The Department received only one complaint regarding racial profiling in 2004, a report from a third party not involved in the incidents noted. Following an investigation, that complaint was unfounded. The parties reportedly involved in the incidents refused to return the investigator's phone calls or to schedule an appointment to speak with him. The officer involved demonstrated that he had sufficient probable cause to make a stop and investigate the two instances that the complainant cited.

## 2004 Data

	# of stops	Search Conducted	Consent to search	Probable Cause	Number of Arrests
Hispanic	2291	139	76	0	3
White	4030	169	95	0	2
Black	348	20	11	0	2
Other	40	1	0	0	1
Total	6709	329	182	0	8

### San Marcos Pop. Based on 2000 Censuses

Hispanic	White	Black	Other	Total
12676	19165	1860	1032	34733
0.364955518	0.551780727	0.053551378	0.029712377	100%

### # of Stops

	Hispanic	White	Black	Other	Total
<b>Observed F</b>	2291	4030	348	40	6709
<b>Null Hypo.*</b>	0.364955518	0.551780727	0.053551378	0.029712377	
<b>Expected F</b>	2448.48657	3701.896897	359.276195	199.3403373	
<b>Chi Square</b>	10.12953067	29.08013078	0.353913161	127.3668111	<b>166.9303857</b> Significant

\* Based on the proportion of racial groups in 2000 censuses for San Marcos

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

**Answer:** Results indicate that there is no racial profiling by SMPD in stopping minorities (African Americans, Hispanics, and others). In fact, ethnic minorities were stopped disproportionately less than White population. chi square(3, n=6703)=166.93

### # of Stops

Hispanic	White	Black	Total
2291	4030	348	6669
0.343529765	0.604288499	0.052181736	1

### Search Conducted

	Hispanic	White	Black	Total*
<b>Observed F</b>	139	169	20	328
<b>Null Hypo.**</b>	0.343529765	0.604288499	0.052181736	
<b>Expected F</b>	112.6777628	198.2066277	17.11560954	
<b>Chi Square</b>	6.149040902	4.303726421	0.486088931	<b>10.93885625</b> Significant

\* There is not enough information to include 'Other' minorities into the computations.

\*\* Based on the proportion of stops among Hispanics., White and African Americans

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

**Answer:** Results indicate that there is a significant difference between the ethnic distribution of 'searches' and 'stops' that were conducted by SMPD. Fewer White citizens were searched than other ethnic groups. In the absence of racial profiling we would have expected to see about 113 Hispanic and 17 African Americans being searched but the actual searches by SMPD are 139 and 20 respectively. These differences, while not very large, are statistically significant. chi-square (2, n=328)=10.94

Since the number of arrests among various ethnic groups is very small (total of 8), we cannot reliably draw any statistical conclusion from the available data.