

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

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**Racial Profiling Data Collection  
Is It Worth the Costs?**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
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## ABSTRACT

The purpose of this research paper is to look at the costs associated with the collection of Racial Profiling Data Collection. Law Enforcement agencies are burdened with collecting and saving information regarding traffic and pedestrian stops without proof that we have a problem in the first place. The data collected using the Cedar Park Police Department's 2003 Racial Profiling report was used to compare the city's demographics with the police departments stop percentages. Through research I found that the demographics and stop percentages literally mirrored each other and posed the question why are spending the time and money to collect this information? All of the time and money used in collecting and storing this information could be better spent in other areas of our respective police departments. I feel that the Agencies receiving the profiling complaints and those complaints found to be valid should be the ones having to compile, collect, and waste their time with this mandate.

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## INTRODUCTION

Racial profiling has been an issue for the law enforcement community for several years. Different states, counties, and cities have searched for ways to deal with this issue. While most agencies do not have a problem with racial profiling, the inability of select agencies to deal with specific officers has created an added burden for the agencies and officers of the State of Texas. The racial profiling data collection required by Texas law enforcement agencies has placed an added monetary burden on them.

The purpose of this research paper is to look into the racial profiling data collected by the Cedar Park Police Department, which is a suburb of the state capital of Texas, Austin. The data will be analyzed for traffic stops on different ethnic groups and a comparison will be done on the percentages of the demographics in the agencies jurisdiction. The question that will be addressed is: Has the money spent in officer hours, civilian staff hours, and data collection equipment used for the racial profiling data collection been a waste?

The intended method of inquiry will take place at the Cedar Park Police Department. Officers, civilian staff, and administration will be surveyed. The monetary costs will be analyzed through a review of purchase orders for equipment and the procurement of additional staffing hours strictly spent for data entry. A review of literature and publications on this topic will also be included.

The hypothesis is that after all the racial profiling data has been collected and entered into a program which can give statistics and totals of the ethnicities stopped, that it will only mirror the demographics of the agencies jurisdiction.

The intended outcome of this research is to show that racial profiling is not a problem statewide. Hopefully, the field of law enforcement will benefit from this research to show that only those agencies which have a proven racial profiling problem, should be levied with the burden of providing racial profiling statistics and reports each year.

## **REVIEW OF LITERATURE**

On January 1, 2002 law enforcement agencies in the state of Texas began a mandated gathering of statistical information as it pertains to racial profiling. This new law has created definitions and requirements for law enforcement agencies to follow, but how much does it cost in fiscal resources as well as personnel? And where is the money coming from fund such an endeavor?

The federal government responded on April 15, 1999 by authorizing a study to determine if racial profiling occurs in law enforcement agencies within the United States, subsequently the Racial Profiling Prohibition Act of 2001 was passed. The Racial Profiling Prohibition Act of 2001 was the first legislative act to tie federal funding to racial profiling. The act requires that state governments create laws prohibiting racial profiling or they would lose 10% of their federal appropriations or approximately \$59.1 million dollars per year. The state recognized this potential loss and passed a measure which would meet the requirements set by the federal government. Texas also authorized \$18.5 million dollars for the purchase of video camera equipment for police agencies not

currently have such resources. The law itself gradually increased in reporting requirements from 2002 to 2003. The state required elements to be reported by the officer initiating the contact include:

- A physical description of the person detained including-
- The person's gender
- The person's race or ethnicity
- The traffic law or ordinance alleged to have been violated or the suspected offense.
- Whether a search was conducted and if so, whether the search was consensual.
- Whether any contraband was discovered in the course of the search and if so, a description of the contraband.
- Whether probable cause to search existed and if so, the facts supporting the probable cause.
- Whether the officer made an arrest as a result of the stop or the search and if so, a statement of the offense charged.
- The street address or approximate location of the stop.
- Whether the officer issued a citation or a warning and if so, a description of the warning or a statement of the violation charged. (state of Texas, S.B. 1074)

The above requirements are exempted under CCP 2.135 if the law enforcement agency has a policy in place and uses in car video equipment to document police interactions. Motorcycle units must have audio documentation as well. The state also exempted agencies from these requirements if they requested funding of video equipment and it was not received. (state of Texas, S.B. 1074)

The officers of the Cedar Park police department have been affected by S.B 1074 in so that they are required to report their interactions in compliance

with the law. The department created and issued General Order 108.00 Racial Profiling Policy (with cameras) to meet the requirements of S.B. 1074 (see Appendix). The General Order requires officers to record all of their interactions with the public when in a marked police unit. The requirement to record all such patrol activity has also caused the department to use resources allocated for other equipment for the purchase of videotapes.

The cost of videotapes has been determined to be more than \$3,000 per year. The department must also provide suitable space to store these tapes for a period no less than ninety days. When determining how much space is required to store the tapes a figure of 2,100 videotapes has been identified (20 tapes per month per officer for three months). These tapes are used twice before being destroyed giving them an effective lifespan of six months. The department has spent nearly \$2,000 for the installation of eleven cameras provided by the state in a grant to outfit all marked police units with video cameras. If the Cedar Park police department had not been awarded the grant it would have been required to spend \$48,000 to facilitate this mandate. The traffic division which is composed of five motorcycle units is now required to record citizen contacts using audio recording devices. These recorders cost the department \$600 and also require the purchase of several hundred audio cassettes.

The CPPD averages around 18,000 contacts per year. This would require fifty man hours of nothing more than filling out the required data on the reporting form. Taking the figures above into account and relating them collectively, the

Cedar Park police department spends 2,108 man hours in order to comply with this legislation.

The costs are quite significant when using CPPD figures with larger agencies employing many more officers who are required to meet the same expectations and requirements.

## **METHODOLOGY**

As one looks at the costs associated with the Racial Profiling Data Collection, which is mandated by S.B. 1074, we begin to see the effect that it can have on a smaller agency in Texas. The Cedar Park Police Department is a smaller agency with 55 sworn Police Officers and 19 civilian staff. The Cedar Park Police Department services a population of around 35,000 citizens. We begin to wonder whether or not the costs associated with the mandate are worth it. Are all agencies being punished for the acts of a few agencies which need to be dealt with by the State or Federal Government. The Racial Profiling Data report of the Cedar Park Police Department for calendar year 2003 will be reviewed. The demographics and statistics from the report will be compared to show that they are relatively close. The percentages which will be compared are as follows:

- Police contact % versus Cedar Park population % of that race.
- Police search % versus Cedar Park population % of that race.
- Police consensual search % versus Cedar Park population % of that race
- Police probable cause search % versus Cedar Park population % of that race
- Contraband found % versus Cedar Park population % of that race



- Custody arrest % versus Cedar Park population % of that race

While reviewing these comparisons it will show that the percentages in each category will match the demographics of the city.

## **FINDINGS**

The result of the comparison between the police contact rate for each category and each race category was within 2 percent. The results of the comparison between Police searches for each race category was within 4 percent. The results of the comparison between Police probable cause searches and each race category was within 2 percent. One other point should be noted. Since S.B. 1074 was enacted only one Central Texas law enforcement agency has had to deal with an Officer being fired for racial profiling.

The average officer spends ten minutes per shift meeting the requirements of this mandate. A patrol sergeant is responsible for the preservation, storage, and recycling of the videotapes which takes an hour per day. The department rotates a command staff member monthly to conduct a random review of the tapes to determine if racial profiling exists, which is mandated by law.

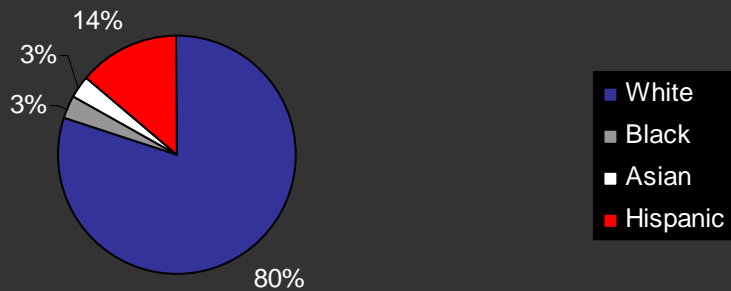
At the rate of contacts per year by the Department, which is 18,000 per year, the Department spends 2,108 man hours per year in order to comply with the mandate. Using a forty hour work week as a standard and not taking vacation

or sick leave, the hours used for compliance is 52.7 weeks of manpower. This amount of manpower is equal to over one year of work. This basically making the Department lose one Officer per year strictly for the mandate. In most departments the loss of one officer for one year is significant.

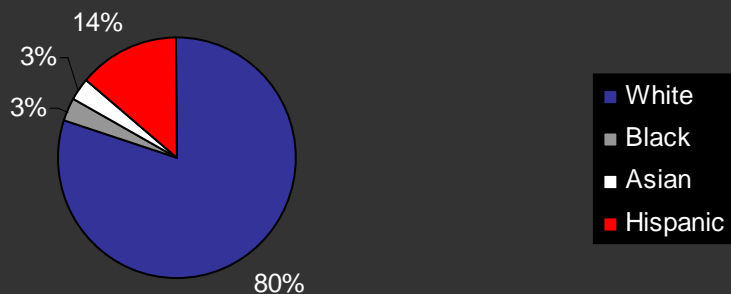
For the year of January 1, 2003 through December 31, 2003, the Cedar Park Police Department did not receive any racial profiling complaints. The data collected in the Cedar Park Police Department's racial profiling report indicates that the police contacts and other police activity such as searches and arrests are consistent with the demographics of the community as measured in the 2000 census.

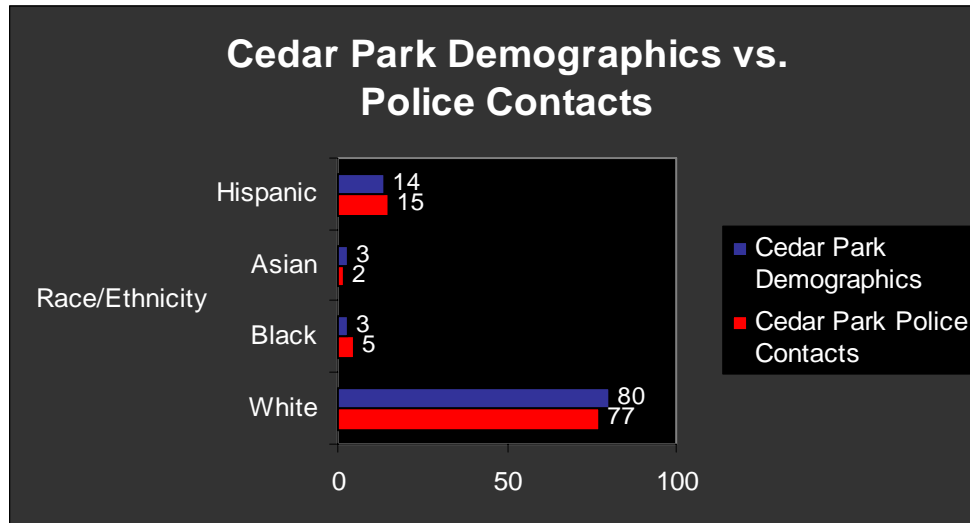
As we look at the amount of money and time spent to adhere to the mandated requirements by the state, we realize the true expense. The records division of the Cedar Park Police Department, which is responsible for the data entry of the racial profiling collection forms, spends at a minimum of 5 hours per week to enter the data. This amounts to 20 hours per month and over 240 hours per year of just entering the racial profiling data to comply with the mandate. A patrol Sergeant is then responsible for the storage and rotation of the videotapes used by the patrol officers when conducting traffic and pedestrian stops. The patrol sergeant or his designee spends at least 5 hours per week cataloging, storing, and rotating the tapes for usage. Again, this amounts to over 20 hours per month, and over 240 hours per year strictly working on the videotapes of pedestrian and traffic stops. It was also found that the computer program and the maintenance of the program cost an estimated 8,000.00 dollars.

### Cedar Park Demographics



### Cedar Park Demographics





## DISCUSSION/CONCLUSIONS

Racial profiling legislation was created to make a statement to the citizens of the State of Texas that the practice of racial profiling is unacceptable. “The key for law enforcement is to ensure that if an individual possesses prejudices, that they are not brought to the workplace with them and that all persons are treated in an equitable and fair manner” (Walker, 2001,1). The issues surrounding the law are complex and have a broad range of positions for and against the law. One of the most significant factors affecting the law enforcement agencies in response to racial profiling legislation are the costs associated to compliance. The Cedar Park police department has dealt well with the mandates placed on it however, it has cost the citizens of Cedar Park financially and in reduced available manpower. (Mizelle, 2001) The state has made requirements of Texas law enforcement agencies without funding the mandates which is

wrong. While looking at the findings of the research into this matter, I have found that first, the demographics of the city of Cedar Park closely matched the racial profiling contact statistics. Secondly, I have found that the mandated requirements has put a financial and timely burden on this Police Department. Is the state of Texas merely punishing all law enforcement agencies for their failure to police the agencies which truly have a problem with racial profiling or is this a vast problem amongst all agencies in the state. I feel that my research into the Cedar Park Police Department has shown that we simply do not have a problem with this issue and I feel that most law enforcement agencies do not as well.

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