



MEMORANDUM

DATE: June 14, 2011

TO: Honorable Mayor Moncrief and City Council Members

FROM: Jeffrey W. Halstead, Chief of Police *Jeffrey W. Halstead*

SUBJECT: Staff Action – Response to Question Regarding Disproportionate Number of African American Traffic-Related Arrests

On Tuesday, May 24, 2011, Chief Jeffrey W. Halstead provided an overview of the 2010 Racial Profiling report to Mayor Moncrief and the members of the Fort Worth City Council. During the presentation, Councilmember Frank Moss requested information regarding the disproportionate amount of arrests of Black/African Americans, which created the perception that the Fort Worth Police Department was engaged in racial profiling. This response is an effort to provide information and analysis on arrest data, as well as other pertinent data relevant to this important topic.

Background

According to, “Racial Profiling: A Police Manager’s Perspective,” by Russ Leach,

“Racial profiling is one of the most complex and controversial issues facing law enforcement professionals today. It is an issue that provokes debate and extensive division within all segments of the community. Whether racial profiling by police officers is a matter of perception or reality loses significance when considering the widespread public belief in its existence and the subsequent liability for law enforcement agencies that encounter allegations of racial profiling.”

The Fort Worth Police Department agrees with Russ Leach’s perspective, on this issue in that the practice of racial profiling has no place in law enforcement, and that it is an activity that undermines the public trust vital for an effective community policing organization.

“It is important for Police to be perceived as both providers of public safety and deferential to the civil liberties of those they have sworn to protect and serve. While the majority of police officers serve their communities in a professional and ethical manner, the debate over the reality of racial profiling as a practice in law enforcement is loudest on the side of its existence on a national level. A 1999

POLICE DEPARTMENT

Gallup Poll revealed that 60% of Americans polled believed that racial profiling exists. To restore public trust and improve community /police relationships, law enforcement agencies must address these concerns of the community at large that are relevant to discriminatory policing, and allegations of racial profiling made by citizens.”

State Legislation & Police Policies Related to Racial Profiling

In response to this national issue, several states throughout the United States passed legislation to prohibit racial profiling. Effective September 1, 2001, Texas Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies establishing the prohibition of racial profiling in Texas. The law further required law enforcement agencies to collect data pertaining to certain contacts made with the public, specifically data regarding the race and ethnicity of individuals the police came into contact with. Section 7 states, “Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act.” In 2001, the Fort Worth Police Department complied with this law and adopted policies prohibiting racial profiling based on Senate Bill 1074. The Fort Worth Police Department’s Racial Profiling Policy, General Order Section 321.06,

“...is intended to reaffirm the department’s commitment to unbiased policing, to clarify the circumstances in which an officer can consider race, ethnicity, or national origin, and to assure the department is providing the public with a process by which an individual may file a complaint of racial profiling with the department if the individual believes that an officer has engaged in racial profiling with respect to the individual.”

In compliance with Senate Bill 1074, the Fort Worth Police Department also began collecting data January 1, 2002 to be included in a report that is required to be submitted to the governing body each year in March. Since 2002, the Fort Worth Police Department has been collecting and reporting information regarding racial profiling to the public. These reports can be located at www.fortworthpd.com under the “About FWPD” tab.

On February 4, 2011, the Fort Worth Police Department, took this one step further to enhance its departmental policies through the Bias-Based Policing policy, to ensure that police services are provided to the community in a nonpartisan, fair, equitable, and objective manner without consideration of race, color, gender, age, national origin, religion, disability, economic status, sexual orientation, gender expression, gender identity, transgender status, membership in a cultural group, or other individual characteristics or distinctions. It ensures that institutional racism, individual racism, and/or discrimination in the workplace is strictly prohibited and all violations will be met with severe consequences. The Fort Worth Police Department is leading the effort in the State of Texas to adopt policies specifically prohibiting bias-based policing.

Education and Training

Since 2002, all Fort Worth Police Officers have been instructed, as specified in the Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas requirements. To date, all sworn officers of the Fort Worth Police Department have completed TCLEOSE training on the prohibition of racial profiling.

Process of Filing a Racial Profiling Complaint

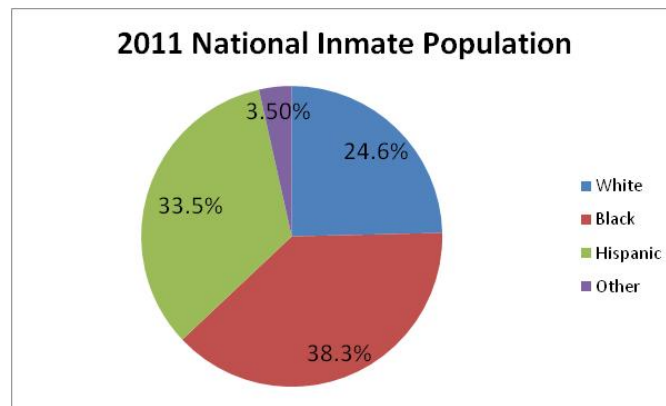
Complaints of racial profiling, as with other complaints against departmental personnel, may be initiated with the Internal Affairs Division or with any supervisor in the police department. The Internal Affairs Division is staffed from 8am to 5pm, Monday through Friday. Complaints may also be made by phone or in person at any of the patrol division facilities. Additional information is available on the Fort Worth Police Department website at www.fortworthpd.com under the “About FWPD” section.

National vs. Citywide Trends

As mentioned previously, whether racial profiling is a perception or reality, the Fort Worth Police Department affirms that the practice of racial profiling has no place in law enforcement, and that it can undermine the public trust vital for an effective community policing organization. Data collection and analysis is an important step in the process of determining whether racial profiling exists in law enforcement agencies. In response to the question raised regarding the disproportionate amount of Black/African American traffic-related arrests in Fort Worth, it may be important to compare all arrests (traffic and other arrest) citywide with national trends.

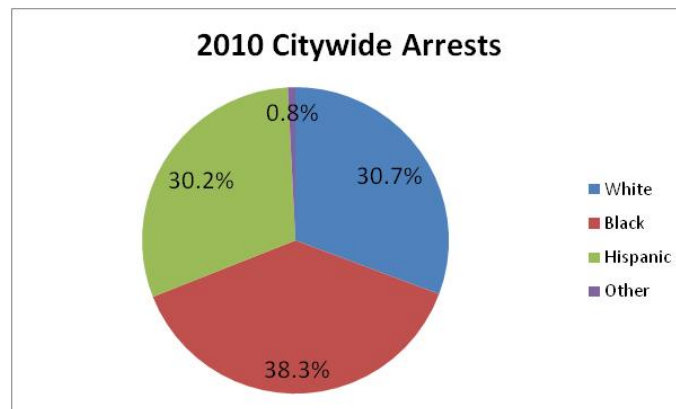
According to the Federal Bureau of Prisons, the national inmate population in 2011 currently reached 213,608. Of the 213,608, 25% (52,621) are white inmates, with 34% (71,651) Hispanic/Latino inmates and 38% (81,829) Black/African American inmates.

Figure 1



In 2010, there were a total of 25,644 arrests overall (traffic-related and other) in the City of Fort Worth. Of the 25,644 arrests, 30.7% (7,938) of the individuals were White, 38.3% (9,910) of the individuals were Black/African American, and 30.2% (7,796) of the individuals were Hispanic/Latino. Statistically, Fort Worth is consistent with national trends with regard to the percentages of all arrests compared with the current national inmate population.

Figure 2

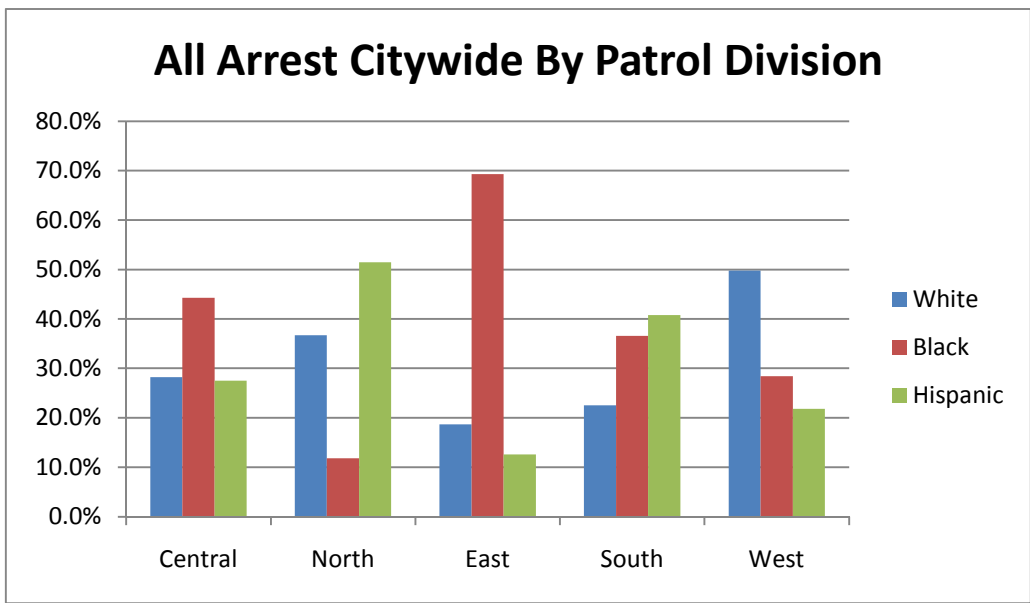


All Arrests by Patrol Division

A further breakdown of all arrests into five geographical areas of the city revealed:

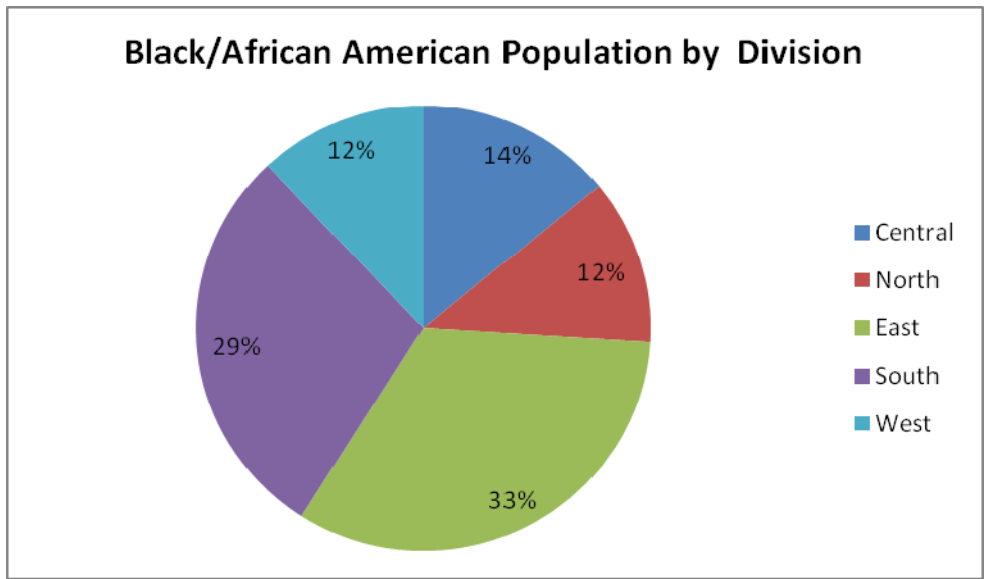
- Central Division accounted for 24.7% (6,344) of the total arrests. 44.3% (2,811) arrests in Central Division were Black/African American. 28.2% (1,790) were White/Caucasian. 27.5% (1,743) were Hispanic/Latino.
- East Division accounted for 19.33% (4,957) of the total arrests. 69.31% (3,436) arrests in East Division were Black/African American. 18.7% (896) were White/Caucasian. 12.6% (625) were Hispanic/Latino.
- North Division accounted for 18.6% of the total arrests. 11.8% (564) were Black/African American. 36.7% (1,751) were White/Caucasian. 51.5% (2,458) were Hispanic/Latino.
- South Division accounted for 18.1% of the total arrests. 36.6% were Black/African American. 22.5% were White/Caucasian. 40.8% were Hispanic/Latino.
- West Division accounted for 19.2% of the total arrests. 28.4% (1,399) were Black/African American. 49.8% (2,455) were White/Caucasian. 21.8% (1,074) were Hispanic/Latino.

Figure 3



Based on the statistical analysis for all arrest in 2010, which includes traffic-related arrest data, East Division appears to have a significant percentage (69.31%) of arrests for Black/African American individuals. According to 2010 census tract data, East Division accounts for 33% of Black/African American residents. (See Figure 4)

Figure 4



In comparing total arrest data, it appears the arrest rate for Black/African Americans by division may be related to the population of Black/African Americans within each geographical area. Below is a graphic to illustrate the population of Black/African American residents by council district (see Figure 5) for comparison with the percentages of arrest for each council district (see Figure 6).

Figure 5

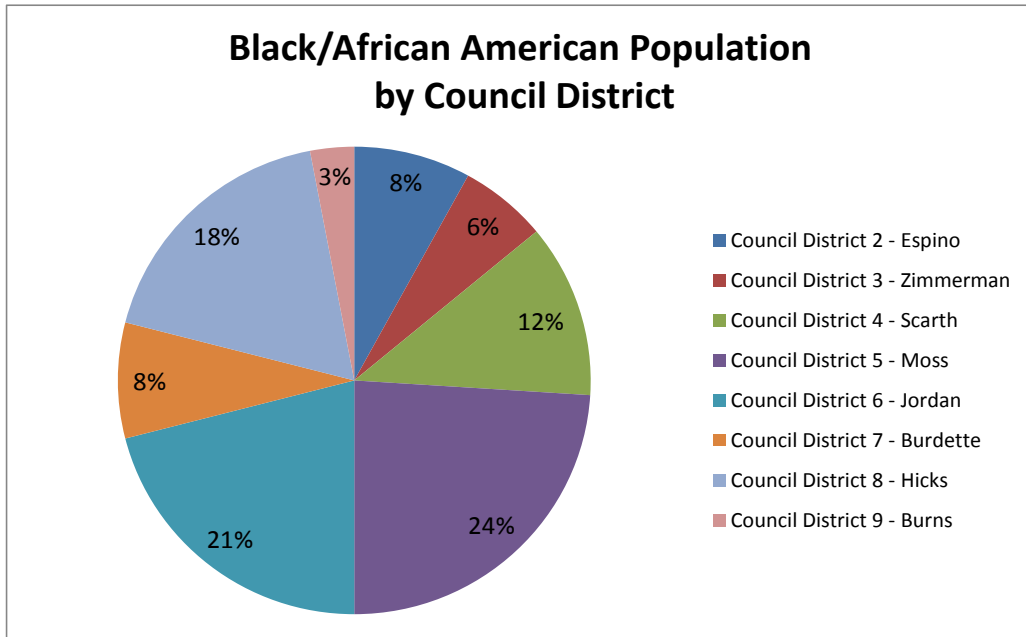
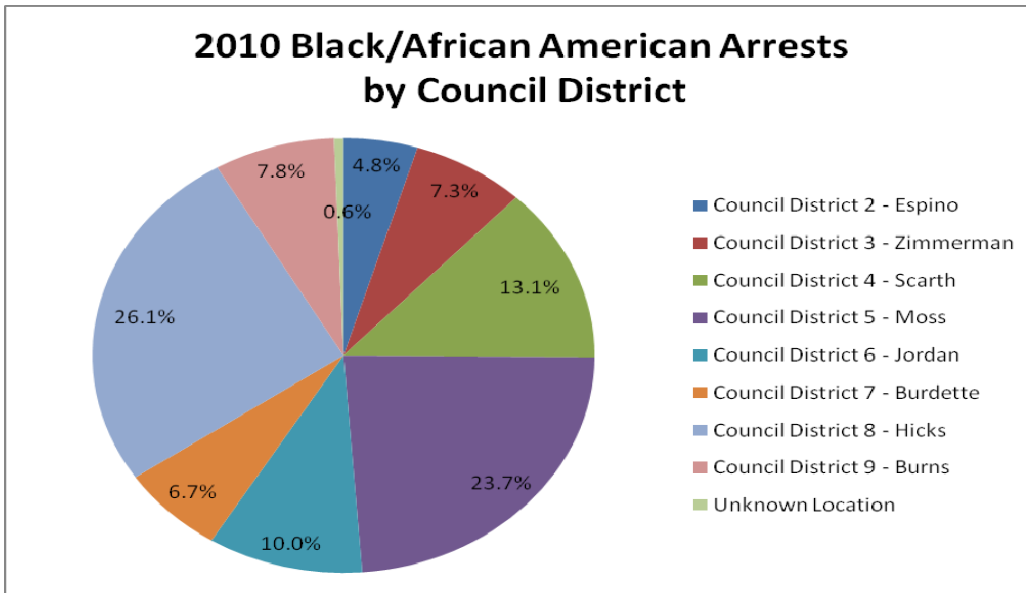


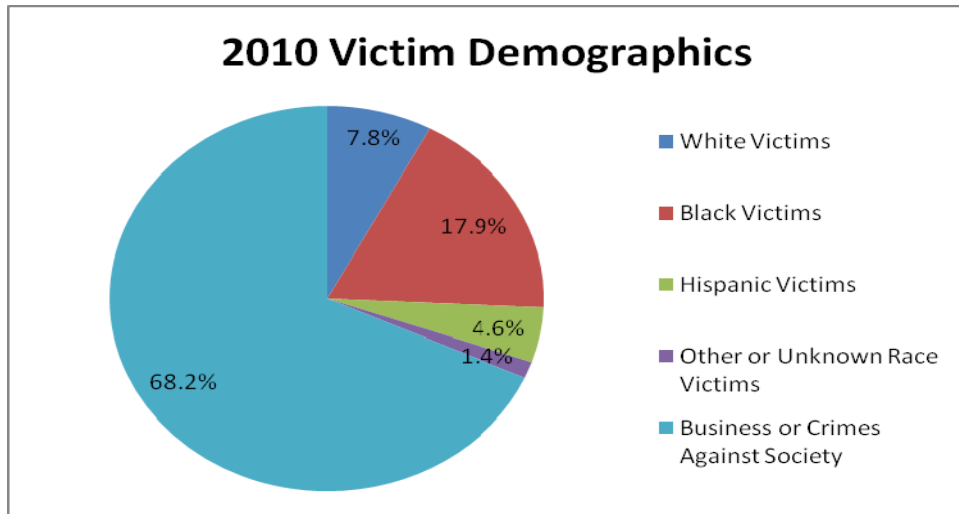
Figure 6



2010 Victim Demographics: From Cases That Led to the Arrests of Black/African American Individuals

Of the 8,639 arrests of Black/African American individuals, 17.9% (1,968) of the victims (from the cases that led to these arrests) were also Black/African American compared to 7.8% (858) White and 4.6% (505) Hispanic/Latino. The majority (68.2%) of victims are considered in the category of Business or Crimes Against Society.

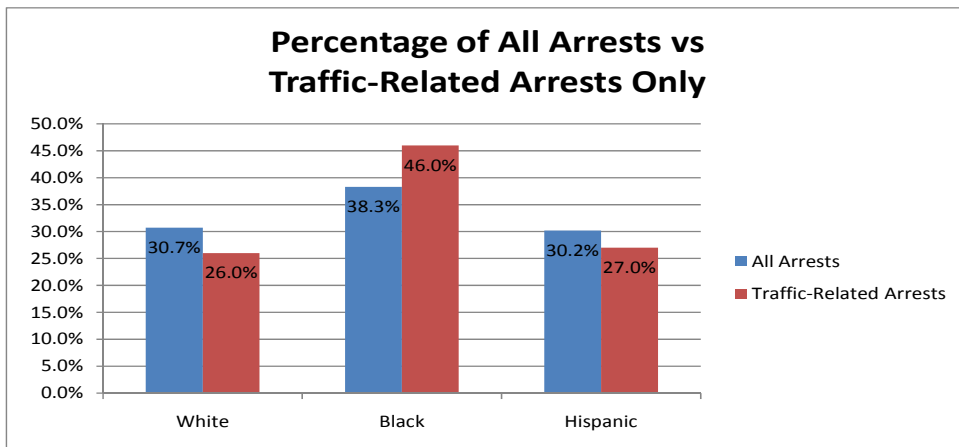
Figure 7



All Arrests vs. Traffic-Related Arrests Only

As reflected in the 2010 Racial Profiling Report, more Black/African American individuals were arrested based on Traffic-Related Arrests compared to the White and Hispanic individuals. Black/African American individuals also had more arrests overall (traffic-related arrests and all other arrests) than White and Hispanic individuals.

Figure 8



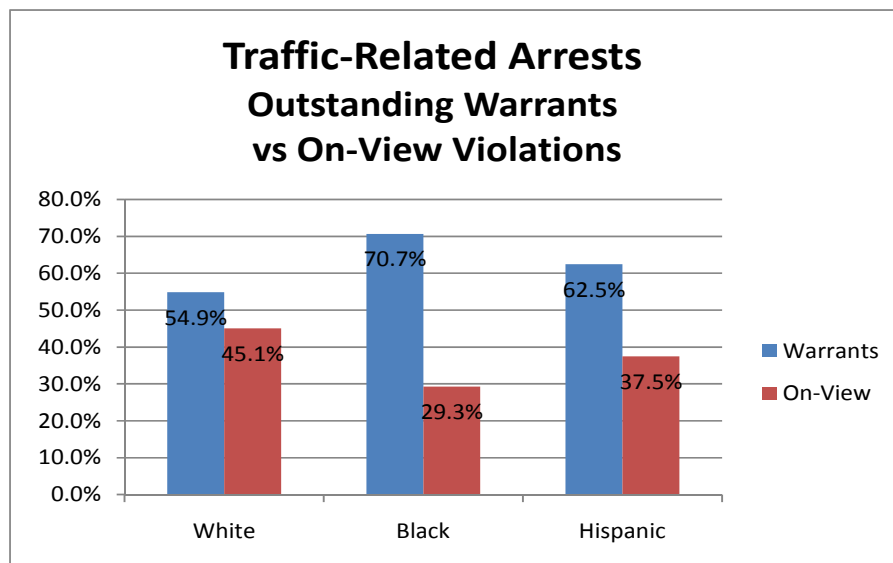
2010 Traffic-Related Arrests Trends

Outstanding Warrants vs. On-View Violations

The racial profiling statute does not require law enforcement agencies to collect data on the circumstances leading to an arrest; therefore, this data was not reported. However, police department staff was able to analyze data from the 2010 racial profiling report regarding traffic-related arrests to determine if the arrest was due to an outstanding warrant or from an on-view violation as follows:

- Traffic related arrests for Black/African American individuals totaled 1,357 (946 men and 411 women). Of the 1,357 arrests, 70.7% (960) were the result of outstanding arrest warrants with 29.3% (397) being the result of on-view violations of the transportation code and/or penal code offenses.
- Traffic related arrests for White individuals totaled 761 (541 men and 220 women). Of the 761 arrests, 54.9% (418) were the result of outstanding arrest warrants with 45.1% (343) being the result of on view violations of the transportation code and/or penal code offenses.
- Traffic related arrests for Hispanic/Latino individuals totaled 778 (629 men and 149 women). Of the 778 arrests, 62.5% (487) were the result of outstanding arrest warrants with 37.5% (291) being the result of on view violations of the transportation code and/or penal code offenses.

Figure 9



The amount of arrests that stemmed from traffic stops in 2010 overall totaled 2,931. Of the 2,931 arrests, 64% (1,877) were the result of outstanding arrest warrants with 36% (1,054) being the result of on view violations of the transportation code and/or penal code offenses. The statistical information can be interpreted to indicate that the majority of arrests that occurred from a traffic stop are the result of outstanding arrest warrants. On-view arrest statistics from 2010 indicate that Black/African Americans were less likely to be arrested for an on-view offense than White or Hispanic/Latino.

Traffic Related Arrest Trends 2002 - 2010

Below is a summary analysis of traffic-related arrests for each report beginning in 2002 and ending in 2010:

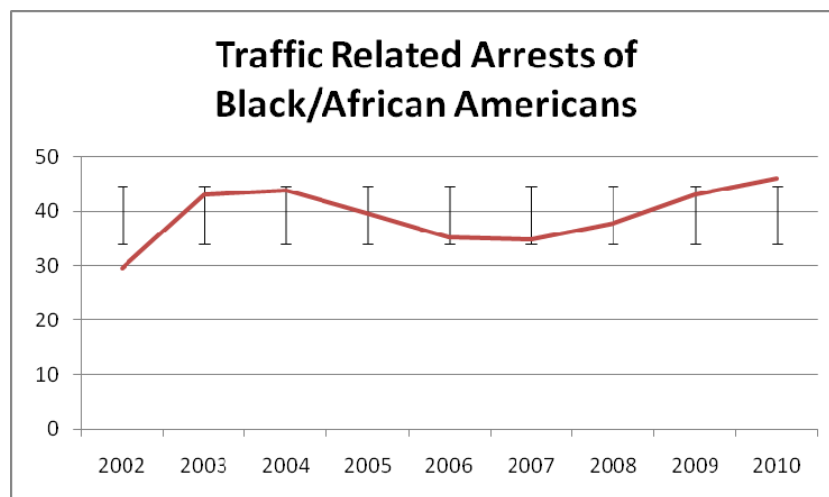
- In 2002, the percentage of traffic related arrests by race/ethnicity revealed the following: White 37.3%, Hispanic 31.5%, African American 29.5%, Asian 5.0%, and other 1.2%.
- In 2003, the percentage of traffic related arrests by race/ethnicity revealed the following: White 29.4%, Hispanic 26.0%, African American 43.1%, Asian .4%, and other 1.1%.
- In 2004, the percentage of traffic related arrests by race/ethnicity revealed the following: White 29.9%, Hispanic 43.8%, African American 43.8%, Asian .5%, American Indian .1%, and other .6%. In 2004 American Indian/Alaskan Native was added to the demographic categories.
- In 2005, the percentage of traffic related arrests by race/ethnicity revealed the following: White 31.4%, Black (African American) 39.7%, Hispanic (Latino) 27.6%, Asian .4%, American Indian .0%, other .1%, unknown .6%.
- In 2006, the percentage of traffic related arrests by race/ethnicity revealed the following: White 30.4%, Black or African American 35.3%, Hispanic or Latino 32.6%, Asian .6%, American Indian .1%, other .1%, unknown .9%.
- In 2007, the percentage of traffic related arrests by race/ethnicity revealed the following: White 31.6%, Black/African American 34.9%, Hispanic/Latino 32.1%, Asian .5%, American Indian .02%, other .9%.
- In 2008, the percentage of traffic related arrests by race/ethnicity revealed the following: White 27.3%, Black/African American 37.9%, Hispanic/Latino 33.6%, Asian .5%, American Indian .0%, other .6%.

- In 2009, the percentage of traffic related arrests by race/ethnicity revealed the following: White 26%, Black/African American 43%, Hispanic/Latino 30%, Asian .5%, American Indian .8%, other .4%.
- In 2010, the percentage of traffic related arrests by race/ethnicity revealed the following: White 26%, Black/African American 46%, Hispanic/Latino 27%, Asian .6%, American Indian 0%, Middle Eastern .03%, other .4%.

Black/African American Traffic-Related Arrests Patterns from 2002-2010

Based on the percentage of traffic-related arrests of Black/African American individuals each year from 2002 to 2010, the standard deviation is 5.32%, which assists the department in determining a threshold that would indicate the need to further investigate traffic related enforcement activity for potential racial profiling.

Figure 10



The above graphic illustrates traffic-related arrests of Black/African American individuals, which experienced a slight increase in the percentage of arrests from 2007 to 2010. However, when compared overall, the increase is just above the standard deviation by 1%.

Potential Attributing Factors

The increase in arrests is potentially attributed to recent Crime Suppression and Intelligence-Led Policing efforts that focus on prolific, repeat offenders and those who have outstanding arrest warrants. This would further explain the significant increase in the percentage of traffic-related arrests (64%) in 2010 resulting from outstanding warrants. In 2010, the police department focused its resources and intelligence gathering in three geographical areas of the city (North, East, and South). Emphasis was placed on arresting prolific offenders and individuals with outstanding arrest warrants in an attempt to reduce

significant historical spikes in crime before they occurred. The results of this evidence-based strategy was a 11% reduction in Part 1 offenses in the north geographical target area, 21% reduction in Part 1 offenses in the east geographical target area, and a 7% reduction in violent crime in the south geographical target area.

Using evidence-based strategies that target prolific offenders in geographical areas historically known for higher crime incidents has a positive impact on the reduction of crime and the sustainability of a lower crime rate. Additionally it reduces the fear of crime victimization in neighborhoods and has a proactive benefit through tertiary intervention in the criminal environment resulting from arrest and prosecution of high-risk, prolific and persistent offenders.

It should be noted that determining whether racial profiling is occurring is a very difficult undertaking. Experts agree that collecting and analyzing data alone regarding traffic stops will never provide conclusive evidence of racial profiling. The difficulty is due to the myriad of factors involved that are not measured and/or collected and is not required to be collected under the current racial profiling statute. The best available method used as an indicator of racial profiling is the collection and analysis of traffic-related arrest data, search data, and racial profiling complaint data. In 2010, the Fort Worth Police Department received zero complaints of racial profiling. In 2009, the Fort Worth Police Department received two (2) complaints of racial profiling, which were both investigated by Internal Affairs with the determination that the traffic stops were based on transportation code violations and therefore unfounded. Racial profiling complaints are required to be reported in each departmental Racial Profiling Report, which can be viewed on-line at www.fortworthpd.com.

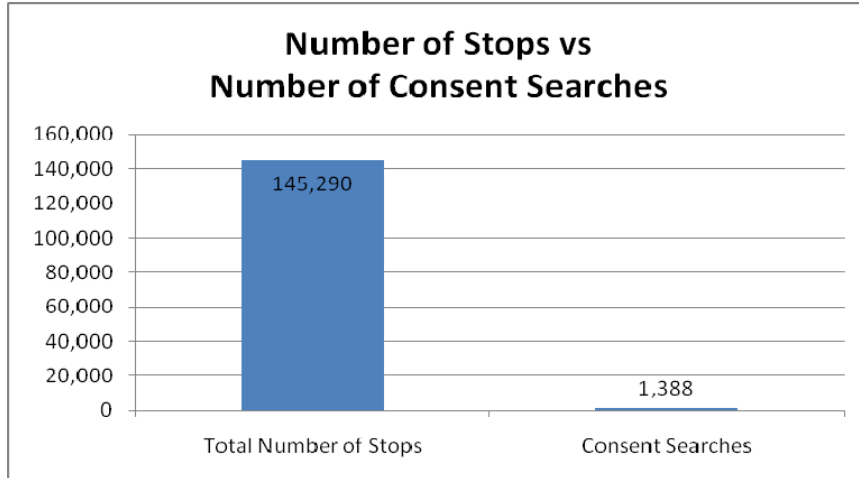
The less effective method would be to include the number of searches conducted and whether the searches were productive. This methodology is problematic due to multiple variables involved in conducting searches themselves. For instance, a search based on incident to an arrest is a mandatory search in order to take inventory of items before an individual is booked into a jail or before a vehicle is towed to the auto pound. A search based on consent where a police officer requests an individual to allow a search to be conducted of either their person or their vehicle would present a more compelling measurement to gauge the potential for racial profiling. This method also presents challenges due to not knowing specific circumstances surrounding why an officer would request an individual to consent to a search (i.e. driver's nervousness, items in plain view that are not illegal but are known to be used in the trafficking and sell of narcotics, property inside a vehicle of a nature that could indicate a theft or burglary, etc...) Collecting and reporting this data is not required by the current statute.

Traffic-Related Search Data

Police department staff was able to analyze searches based on consent for 2010:

- In 2010 there were a total of 145,290 traffic stops conducted in the city of Fort Worth. Of the 145,290 stops, less than 1% (1,388) resulted in a police officer requesting an individual to consent to a search. Of the 1,388 searches conducted, 14.9% (207) resulted in contraband being discovered.

Figure 11



- Of the 145,290 stops, 25% (36,806) involved Black/African American motorists. 1.5% (557) of Black/African American motorists was asked by a police officer for consent to search either their person or their vehicle. Of the 557 searches conducted, 14.1% (79) resulted in contraband being discovered. (See figure 5.0)
- Of the 145,290 stops, 25% (35,733) involved Hispanic/Latino motorists. 1% (338) of Hispanic/Latino motorists was asked by a police officer for consent to search either their person or their vehicle. Of the 338 searches conducted, 17.8% (60) resulted in contraband being discovered. (See figure 5.0)
- Of the 145,290 stops, 47% (68,329) involved White/Caucasian motorists. .7% (481) of White/Caucasian motorists was asked by a police officer for consent to search either their person or their vehicle. Of the 481 searches conducted, 12.7% (61) resulted in contraband being discovered.

Figure 12

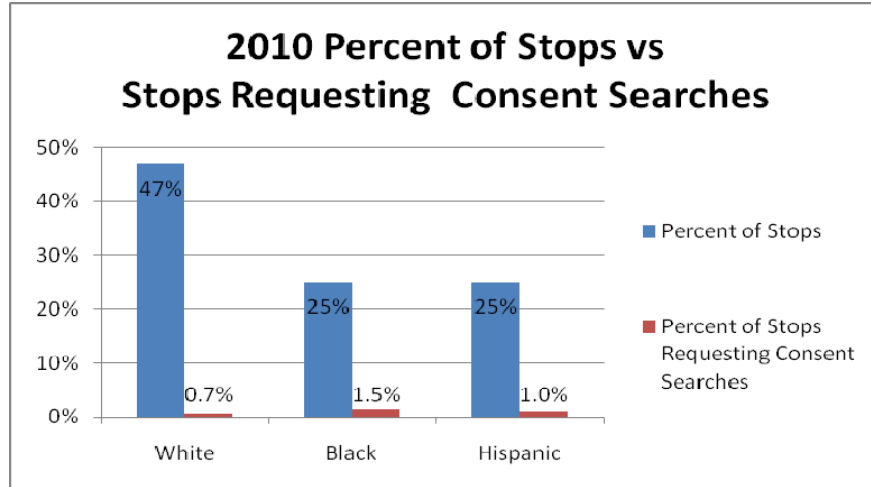
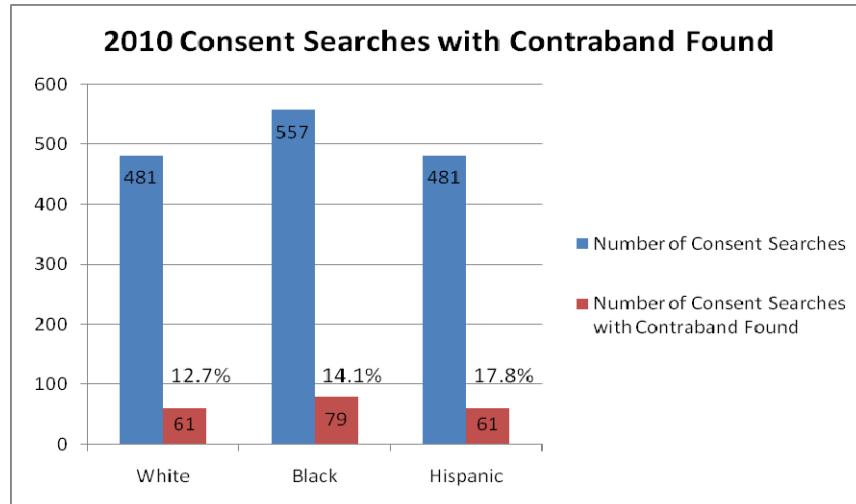


Figure 13



Conclusion

The information and analysis presented in this report has attempted to provide an explanation into the question regarding the disproportionate amount of Black/African American traffic-related arrests. While it would be naïve to deny that prejudice exists in law enforcement or within any police department or major organization, the analysis contained in this report indicates that the data used most effectively to measure and monitor the presence of racial profiling (arrest, search, and complaint information) provides an objective determination that statistically as an institution, the Fort Worth Police Department is not engaged in the detention, arrest, or search of individuals based on race, ethnicity, gender, nationality, sexual preference, age, or other primary dimensions and/or non-behavioral characteristics alone. The Fort Worth Police Department has implemented policies and procedures that prohibit racial profiling and bias-based policing and since 2002, all Fort Worth Police Officers have been instructed, as specified in the

Texas Racial Profiling Law, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas requirements. To date, all sworn officers of the Fort Worth Police Department have completed TCLEOSE training on the prohibition of racial profiling.

Additionally, the Fort Worth Police Department is the first law enforcement agency in the nation to develop and utilize a computerized dashboard management system (Executive DashPRO Management System) with capabilities to track and monitor traffic stop contacts and the ability to conduct analysis at the micro-level regarding race and ethnicity and whether contacts resulted in arrest, citation, or verbal warning. Soon this system will also be able to monitor if contacts resulted in a search and whether the search was based on consent, probable cause, inventory, or incident to arrest. This ability will assist in monitoring departmental operations on a daily basis, which will greatly enhance the Department's ability to detect and address potential racial profiling and/or bias-based policing. The Fort Worth Police Department will take decisive action if any employee violates these or other provisions that strictly prohibit discrimination in the workplace or during the performance of the duties of a peace officer for this city and state.

As a final note, it is the responsibility of police managers to hire, train, supervise, and direct resources in an impartial and ethical manner. Additionally, it is the responsibility of the police in partnership with the community to provide education and communicate each other's perspectives on a myriad of challenges beyond racial profiling and beyond mere cultural awareness. The Fort Worth Police Department is committed to serving a diverse, multicultural community through mutual respect. The police department's motto "Service with Respect, Dedicated to Protect" provides the vehicle for transition from cultural awareness to multicultural competency through transcultural leadership. One of the greatest challenges ahead for law enforcement in the arena of multicultural community relations will be the ability to successfully measure performance and professionalism based on cross cultural skills and sensitivity among peace officers. The image of law enforcement, in the eyes of multicultural communities, rests upon the shoulders of professionalism and the ability of a police department to engage its officers in cultural competence, technical knowledge, and communication skills.

cc: Tom Higgins, Interim City Manager
Charles Daniels, Assistant City Manager