

Footnotes for Tier 2 Reporting by the Austin Police Department

Line 3: Combining tickets, warnings, street checks and other general offense entries in the records management system initially yielded 180,317 vehicle stops. However, the race/ethnicity of the driver was marked “other” or “unknown” or was left blank in 469 of the documented stops. These stops were not included in the online reporting because there is no category for “blank” or “other”. Throughout the report, 179,882 is the total number of vehicle stops.

Lines 1-2: To categorize unknown or blank data, we assumed the rate of unknown information was the same as it was for the known information. There were 383 cases with unknown or blank data where Gender should have been entered; 35% (133) were recorded as “Female” and 65% (250) were recorded as “Male”. This was done to **avoid** reducing the overall number of stops from 179,882 to 179,499.

Lines 11-12: There were 34,424 cases where Race Known Prior to Stop was left blank; 6% (1,978) were recorded as “yes” and 94% (32,446) were recorded as “no”. This was done to **avoid** reducing the overall number of stops from 179,882 to 145,458.

Lines 14-17: There were 10,278 stops where the Reason for Stop was left blank: 14% (1,470) were recorded as “Violation of law other than traffic”; 1% (75) were recorded as “Pre-existing knowledge”; 71% (7,287) were recorded as “Moving traffic violation”; and 14% (1,446) were recorded as “Vehicle traffic violation”. This was done to **avoid** reducing the overall number of stops from 179,882 to 169,604.

Lines 19-20: There were 146 stops where the Search Conducted documentation was left blank. Because policy is clear that all searches must be documented, it was assumed that any blanks were stops that did not result in a search. This was done to **avoid** reducing the overall number of stops from 179,882 to 179,736.

Lines 22-27: There were 3,030 stops where Search Conducted was marked “yes” but the Reason for Search documentation was left blank. To determine the reason for search for these stops, the percentages of total searches for Contraband and Probable Cause were used to determine the classification of the 3,030 stops; 3% (99) were recorded as “Contraband” and 97% (2,931) were recorded as “Probable Cause”. The Incident to Arrest and Consent search categories were not estimated.

Line 35: APD does not distinguish between “stolen property” and “other” property so we accounted for all the property contraband in the “other” category.

Comparative Analysis Required by 2.134 CCP(c)

Section (1)(A): Motor Vehicle Stops by Minority Status

	Number of Stops	Percentage
MINORITY	81,454	45.3%
NOT MINORITY	98,428	54.7%
TOTAL 2011 STOPS	179,882	100.0%

Section (1)(B): Searches Conducted Race and Ethnicity

SEARCHES	Total	% of total
AFRICAN	3,037	25.9%
ASIAN	97	0.8%
CAUCASIAN	3,505	29.9%
HISPANIC	5,050	43.1%
MIDDLE EASTERN	27	0.2%
NATIVE AMERICAN	3	0.0%
TOTAL 2011 SEARCHES	11,719	100.0%

Summary of Complaints Alleging Racial Profiling, 2011

In 2011 there was one (1) formal complaint and 12 supervisor inquiries of racial profiling reported to the Internal Affairs Division. For reference, in 2010 there were 4 formal complaints of racial profiling. Racial profiling complaints against the department are received in various ways. A Supervisor referral is a type of informal complaint where no formal complaint affidavit has been received by IAD; however the complainant requests that the issue be brought to the attention of a supervisor. This informal complaint will be sent to the appropriate chain of command for its follow-up and response. At the conclusion of the investigation and decision the complainant is notified of the outcome in writing. Both formal and informal complaints are included in this report, and are included if any part of the complaint alleges racial profiling, regardless of the merit of the allegation.

The Office of the Police Monitor is generally the first point of contact for citizen complaints. Complaints are then directed to the Internal Affairs Division. Formal complaints, which are sworn and notarized complaint affidavits, are received from complainants and are investigated by the Internal Affairs or by the subject officer's chain of command. Investigations are concluded with a chain of command decision and the complaint is sustained, unfounded, exonerated, inconclusive or administratively closed. An investigation may be concluded administratively closed when there is no determination of officer misconduct.

A finding which is sustained indicates the complaint/allegation was supported by sufficient evidence and/or additional acts of misconduct were discovered during the investigation. An unfounded finding may indicate the complaint/allegation was not factual and/or the incident alleged did not occur. A finding of exonerated indicates the incident described in the complaint occurred but did not violate department policy. A finding of inconclusive may result when investigations does not result in the discovery of sufficient evidence to either prove or disprove the complaint/allegation. Any finding other than "sustained" is considered "not sustained".

Complaints may be received from within the department. Depending on the seriousness of the alleged complaint, the complaint may be investigated by the Internal Affairs Division or investigated by the subject officer's chain of command.

Formal Complaints

1. Complaint Reported: Complainant was stopped for having expired registration. Complainant says his tags were current and he did not receive a citation. Complainant believes the officer pulled him over because he and his family are Black and he drives a luxury car.

Outcome: Unfounded

Reason for Stop: Traffic Violation

Supervisory Inquiries - Informal Complaints

1. Complaint Reported: Complainant says he was sitting in his car reading a book on his work break when an officer questioned and handcuffed him. He believes the stop was racially motivated and excessive force was used.

Outcome: Administratively Closed

Reason for the Stop: Suspicious Vehicle

2. Complaint Reported: The complainant alleges he is being harassed by APD who is stopping him because he's Black. He reported that he and his girlfriend were stopped, detained and handcuffed while his vehicle (with children inside) was searched without his consent. The complainant stated that he was stopped by another officer several months ago in the same fashion.

Outcome: Administratively Closed

Reason for Stop: Traffic Violation

3. Complaint Reported: Complainant stated that she was ticketed by an officer for an unsafe driving maneuver. She says she was issued a ticket for failure to maintain financial responsibility but was not asked to produce insurance or a license. Complainant feels she was stopped because she is Black.

Outcome: Administratively Closed

Reason for Stop: Traffic Violation

4. Complaint Reported: Complainant was pulled over for speeding. He says he was trying to change lanes and the other car sped up. He believes the officer chose to pull him over because he is Black.

Outcome: Administratively Closed

Reason for Stop: Traffic Violation

5. Complaint Reported: Complainant was pulled over and searched. He believes it was because of his ethnicity.

Outcome: Administratively Closed

Reason for Stop: Suspicious Vehicle

6. Complaint Reported: Two African Americans were stopped while picking up discarded appliances. The complainant, a third-party observer, alleges the men were questioned for an extended period of time and believes stop was racially motivated.

Outcome: Administratively Closed

Reason for Stop: Suspicious Vehicle

7. Complaint Reported: Complainant says he was pulled over and that the stop was racially motivated. He alleges the officer asked to search the vehicle. He alleges the officer mumbled "boy" to him at end of stop.

Outcome: Administratively Closed

Reason for Stop: Traffic Violation

8. Complaint Reported: Complainant alleges he was stopped by officer who made three different reports for the same incident. Complainant also alleges officer did not have reason to stop him and claims that he was profiled.

Outcome: Administratively Closed

Reason for Stop: Traffic Violation

9. Complaint Reported: Complainant was walking when officers stopped and searched him. Complainant stated that he feels the stop and the search were humiliating. Complainant feels that he could have been profiled because he is Caucasian in a neighborhood where Caucasians are the minority.

Outcome: Administratively Closed

Reason for Stop: Viewed Offense

10. Complaint Reported: Complainant was given pedestrian-in-roadway citation. He says the officers were rude and felt the stop was racially motivated.

Outcome: Administratively Closed

Reason for Stop: Viewed Offense

11. Complainant Reported: Complainants were stopped for speeding. They believe they were stopped because they are an interracial couple.

Outcome: Administratively Closed

Reason for Stop: Traffic Violation

12. Complainant Reported: Complainant was stopped for a possible drug transaction. Complainant alleges that he was a victim of racial profiling.

Outcome: Unfounded

Reason for Stop: Viewed Offense