

## **Section III**

# **Data and Analysis**

DATE 01/25/2011

RACIAL PROFILING STATS  
POLK COUNTY SO

CLW

DURING THE PERIOD 01/01/2010 TO 12/31/2010 THE FOLLOWING STATISTICS WERE RECORDED.

Tier 1 Data	African	Asian	Hispanic	Native American	Caucasian	Middle Eastern	Other	Tot.
CONTACTS - COUNT	371	7	112	9	2,715	1	1	
CONTACTS - %	11.5	0.2	3.4	0.2	84.4	0.0	0.0	
SEARCHES - COUNT	9	0	1	0	91	0	0	
SEARCHES - %	8.9	0.0	0.9	0.0	90.0	0.0	0.0	
CONSENSUAL SEARCHES - COUNT	3	0	0	0	62	0	0	
CONSENSUAL SEARCHES - %	4.6	0.0	0.0	0.0	95.3	0.0	0.0	
PC FOR SEARCH - COUNT	1	0	1	0	5	0	0	
PC FOR SEARCH - %	14.2	0.0	14.2	0.0	71.4	0.0	0.0	
CUSTODY ARRESTS - COUNT	27	0	27	5	301	0	0	
CUSTODY ARRESTS - %	7.5	0.0	7.5	1.3	83.6	0.0	0.0	

## TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

**Agency Name:** POLK CO. SHERIFF'S OFFICE  
**Reporting Date:** 01/21/2011  
**TCLEOSE Agency Number:** 373100  
**Chief Administrator:** KENNETH HAMMACK  
**Agency Contact Information:** Phone: 936-327-6810  
Mailing Address:  
POLK CO. SHERIFF'S OFFICE  
1733 N WASHINGTON  
LIVINGSTON, TX 77351

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

POLK CO. SHERIFF'S OFFICE 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 POLK CO. SHERIFF'S OFFICE from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the POLK CO. SHERIFF'S OFFICE if the individual believes that a peace officer employed by the POLK CO. SHERIFF'S OFFICE 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 POLK CO. SHERIFF'S OFFICE who, after an investigation, is shown to have engaged in racial profiling in violation of the POLK CO. SHERIFF'S OFFICE'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: **KENNETH HAMMACK**

Chief Administrator

POLK CO. SHERIFF'S OFFICE

Date: 01/21/2011

**POLK CO. SHERIFF'S OFFICE Motor Vehicle Racial Profiling Information**

**Number of motor vehicle stops:**

- 1. 2851 citation only
- 2. 359 arrest only
- 3. 0 both
- 4. 3210 Total (4, 11, 14 and 17 must be equal)

**Race or Ethnicity:**

- 5. 371 African
- 6. 7 Asian
- 7. 2709 Caucasian
- 8. 112 Hispanic
- 9. 2 Middle Eastern
- 10. 9 Native American
- 11. 3210 Total (lines 4, 11, 14 and 17 must be equal)

**Race or Ethnicity known prior to stop?**

- 12. 10 Yes
- 13. 3200 No
- 14. 3210 Total (lines 4, 11, 14 and 17 must be equal)

**Search conducted?**

- 15. 72 Yes
- 16. 3138 No
- 17. 3210 Total (lines 4, 11, 14 and 17 must be equal)

**Was search consented?**

- 18. 65 Yes
- 19. 7 No
- 20. 72 Total (must equal line 15)

## Analysis

The data presented in this report contains valuable information regarding Sheriff Department contacts with the public between 1/1/10 and 12/31/10. Despite its value, the raw data does not present much information relevant to racial profiling trends.

Thus, it is felt that further analysis of the data is warranted. As such, data was obtained through the Texas Department of Public Safety (DPS), via a public information request. The data obtained from DPS included the race and gender of drivers in the area of Polk County during the 2003 calendar year. The decision to obtain DPS data was made since, according to experts, census data presents challenges to any effort made at establishing a fair and accurate analysis. That is, census data contains information of all residents of a particular community, regardless of the fact they may or may not be among the driving population. This has a tendency of inflating the overall figures; thus, providing an inaccurate representation of Deputy contacts with the public. Therefore, it is felt that DPS data is relevant to county residents who reside in Polk County and have come in contact with the Sheriff's Department during a given year, will offer a more accurate representation and provide further insights than other sources including census data.

\*It must be noted that Hispanics were grouped with Caucasians for purposes of this analysis since DPS does not collect information related to the ethnicity of drivers. In fact, according to their own language, DPS considers Hispanics, in their data collection process, as Caucasians.

### Recommendations

Based on the findings introduced in this report the Sheriff along with all employees of the Polk County Sheriff's Office have agreed to adopt the following measures aimed at addressing potential racial profiling problems:

- Provide further racial sensitivity training to its personnel
- Disseminate information to all officers regarding the guidelines of behavior acceptable under the newly adopted Texas Racial Profiling Law
- Keep County Commissioners and other county officials updated on measures being implemented at the Polk County Sheriff's Office concerning racial profiling