Texas Highway Patrol Early Intervention System Related to Traffic Stop Demographics

What Data Was Used

- 2017 Traffic stop data
- Trooper initiated stops resulting in tickets or warnings
  - No tickets related to a crash
  - No tickets for 'Failure to Pay Toll'
  - No activity as a result of an inspection area stop
  - Only commissioned officer activity, no non-commissioned inspectors
  - Activity from within that troopers Region only

Demographics

Demographics: All six races/ethnicities

- Alaska Native or American Indian

- Asian or Pacific Islander

- Black

- Hispanic or Latino

- Middle Eastern

- White

Analysis - Overview

To account for randomness in traffic stops, we utilize statistical methods to create confidence intervals for the percent of stops by each trooper for each race.

- Results are similar to political polls:

> Exact percent ± margin of error

Confidence interval (CI)

- Lower bound = Exact percent – Margin of error
- Upper bound = Exact percent + Margin of error

The margin of error decreases as the number of total stops increases.

Analysis - Steps

- Each Trooper is analyzed separately according to assigned Sgt. Area and each specific race/ethnicity
- Two levels of confidence intervals are made
  - Race per Trooper
  - Race per Sgt. Area
- Each Trooper's confidence interval for every race is compared to his/her Sgt. Area's confidence intervals.
- If a Trooper's confidence interval is completely above the Sgt. Area confidence interval, then he/she is flagged as an outlier for that race.
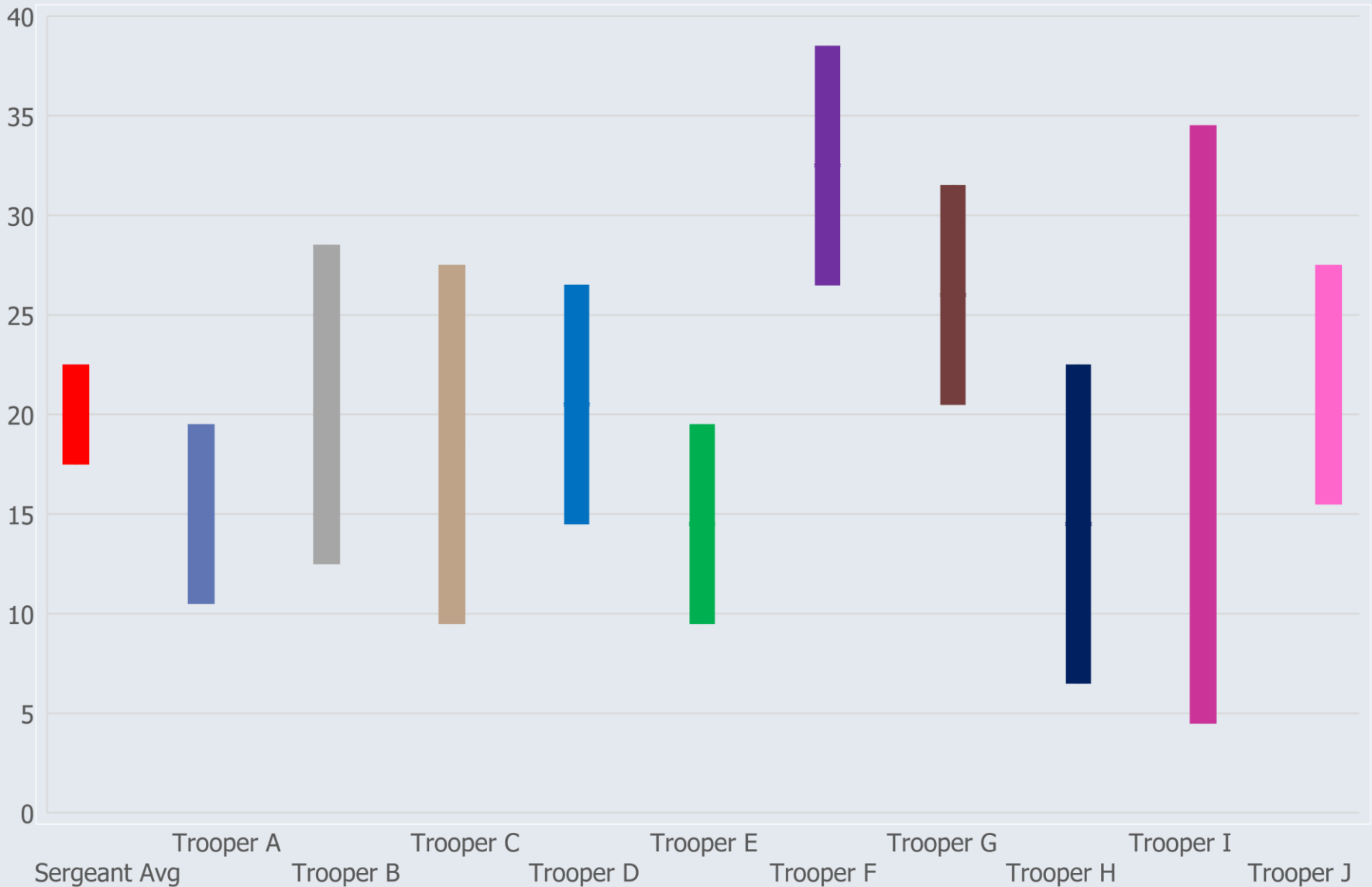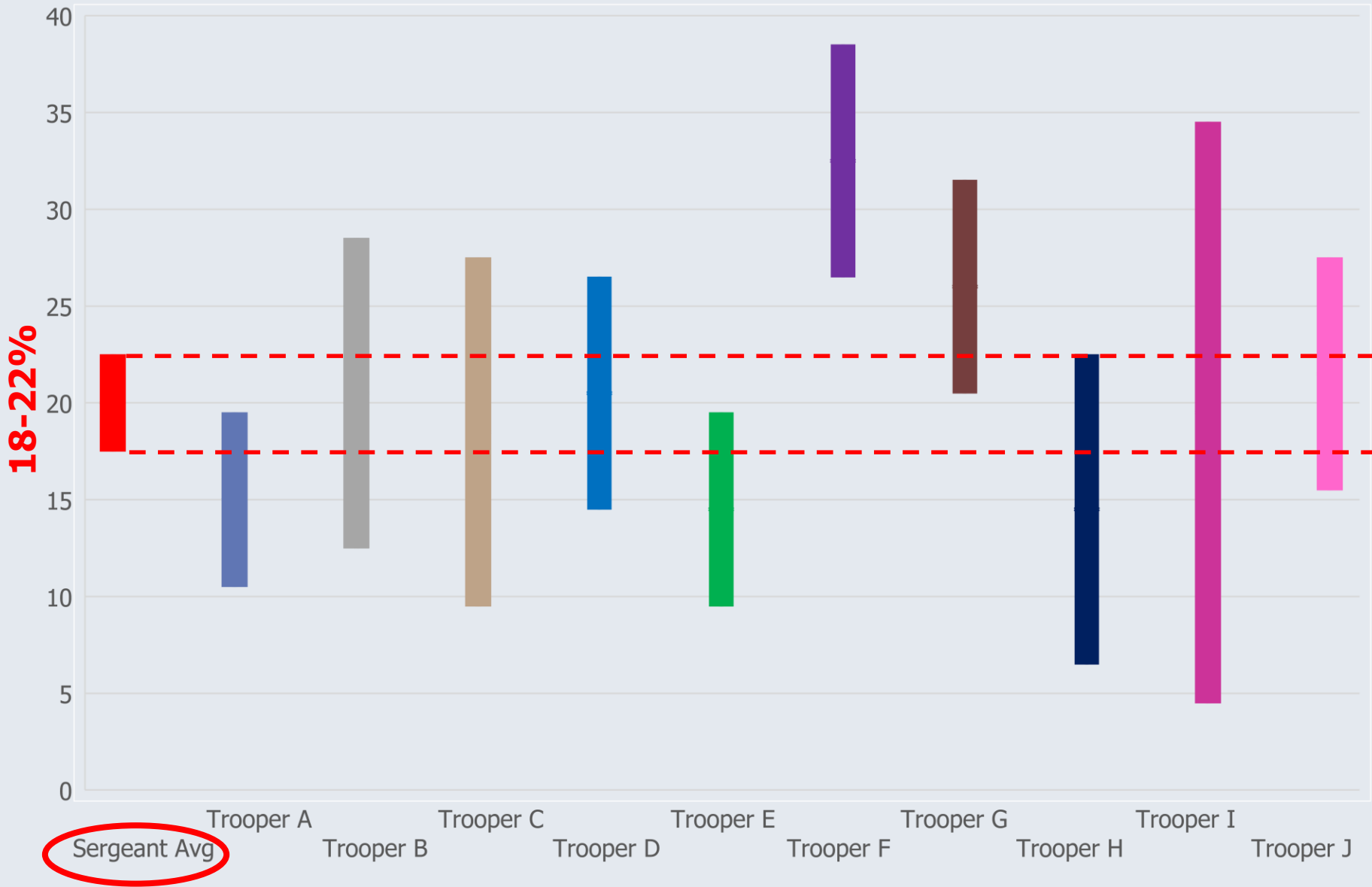
Sergeant Area Example
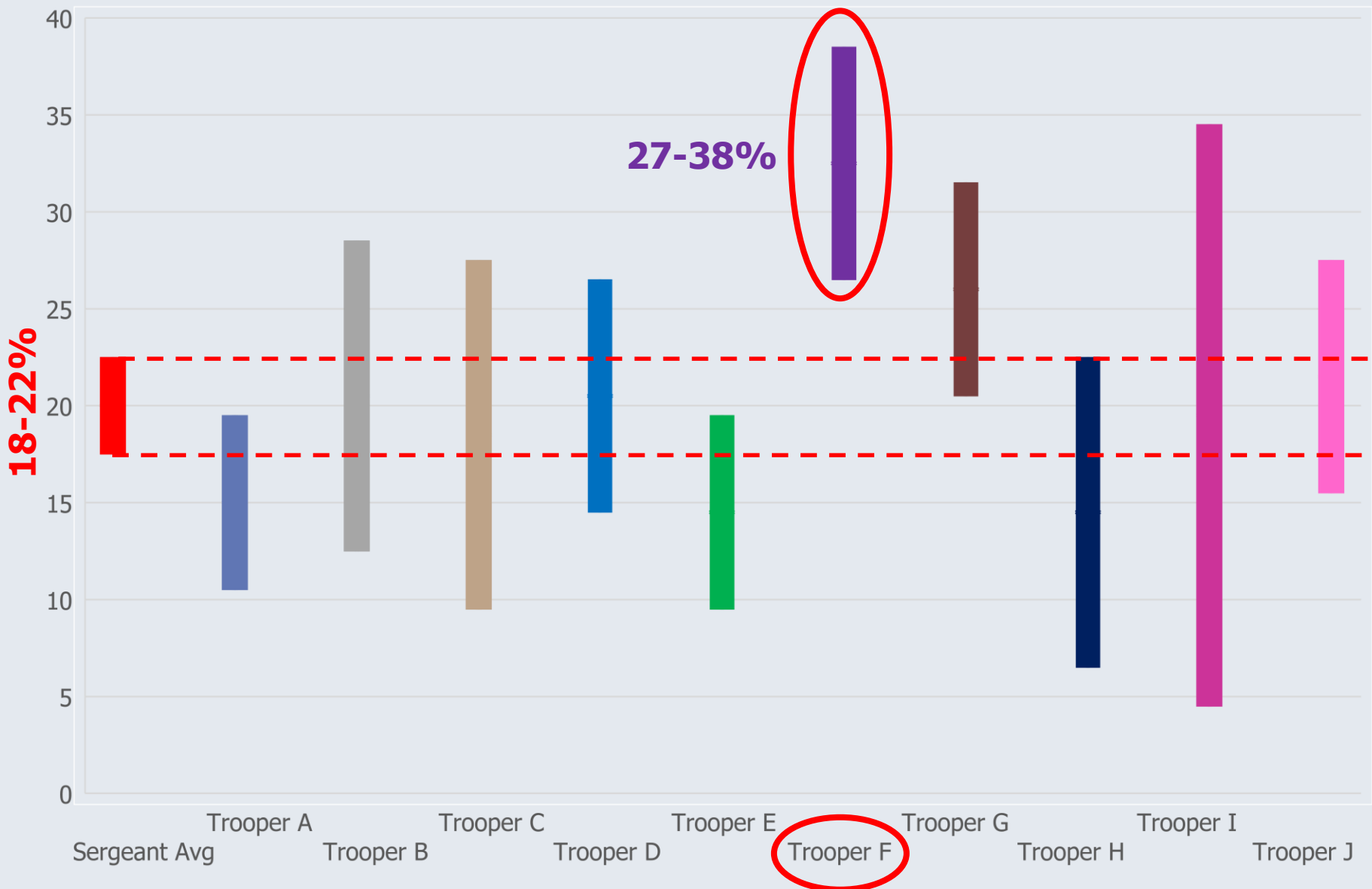**Traffic Stop Demographic – Confidence Intervals**

Sergeant Area Example
Traffic Stop Demographic − Confidence Intervals

18-22%

Sergeant Avg

Trooper A
Trooper B
Trooper C
Trooper D
Trooper E
Trooper F
Trooper G
Trooper H
Trooper I
Trooper J

Sergeant Area Example
Traffic Stop Demographic – Confidence Intervals

27-38%

18-22%

Sergeant Avg — Trooper A — Trooper B — Trooper C — Trooper D — Trooper E — Trooper F — Trooper G — Trooper H — Trooper I — Trooper J

Response to Identified Outlier

- Multiple filters were applied to remove any false positive indications. A minimum of 510 traffic stops per trooper for the year were required in order to be included in the analysis.

- Although a trooper may be identified as an outlier through this process, it will not identify if there is an actual problem.

- In order to investigate an outlier further, each identified trooper's performance must be audited.

Directed Performance Audits

- A Directed Performance Audit is an audit conducted by a Texas Highway Patrol Sergeant on a specific trooper after that individual has been flagged by a statistical analysis as an outlier for a given race/ethnicity.

- A Sergeant that does not directly supervise the trooper under review is assigned to perform the audit.

Purpose and Scope

Emphasis on the following areas as the focus of the audit:

- Proper reasonable suspicion for a traffic stop is present;

- Adherence to the 7-Step Violator Contact;

- Proper and consistent enforcement action is taken;

- Articulable reasonable suspicion is developed prior to asking for consent to search; and

- Courtesy and professionalism are exhibited.

Method of Conducting the Audit

- Videos from a minimum of 50 traffic stops are reviewed covering a variety of date ranges and to include both day and nighttime traffic stops

- Observations from the videos were recorded on a check list

- Videos reviewed during the analysis are maintained until final Office of Inspector General (OIG) review of the audit findings.

Method of Conducting the Audit

- Traffic stops that contain questionable actions of either a management issue or policy violation were highlighted on the check list and referenced by number in the audit.

- A report indicating the audit findings was generated for each outlier identified and forwarded through the chain of command to OIG for review.

Audit Results

- Out of over 2,614 troopers in the Texas Highway Patrol in 2017, only 107 troopers were identified as outliers for at least one of the five minority race/ethnicity groups

- After OIG Review of the 107 Directed Performance Audits:
  - 74 No Action Required
  - 15 Division Referrals
  - 18 Formal Administrative Investigations

- The 18 troopers resulting in a formal OIG investigations equates to 16.8% of the 107 outliers and **0.68%** of all Troopers in THP

Lessons Learned

- Training – revealed opportunities to reinforce consistent application of law, policy and patrol procedures.
- Audit Report – revealed a need to streamline the audit to matters which may be indicative of racial profiling or, which rise to a level deserving OIG consideration.
- Identified 5 essential elements which **may** be indicative of racial profiling –
  - Selecting a violator prior to identifying a violation
  - Probable cause not clearly evident on video
  - Consent search not based on articulable reasonable suspicion and/or applied inconsistently
  - Audio/Video equipment manually manipulated (not a malfunction)
  - Enforcement methods and actions not applied consistently across all protected race classifications.