

Gainesville Police Department

Racial Profiling Report - 2020



The Gainesville Police Department is responsible for delivering law enforcement services to the community with a key component of those services being traffic safety. Officers of the Gainesville Police Department conducted 6,851 motor vehicle stops in 2020 which is a 29% decrease from 2019 when officers conducted 9,592 motor vehicle stops. This significant decrease can be attributed to the COVID-19 pandemic.

Of the 6,851 motor vehicle stops conducted in 2020, 3.5% resulted in a verbal warning, 61.2% resulted in a written warning, 32.5% resulted in a citation, and 2.7% resulted in an arrest. The majority of arrests following a motor vehicle stop were the result of a violation of state law other than a traffic offense. Examples of these offenses would be possession of drugs, driving while intoxicated, etc. These arrests represented the vast majority of motor vehicle stop arrests at 86%. Following these types of arrests were outstanding warrants which represented 11% of the arrests.

Further examination of the data for 2020 indicated the officer did not know the race of the driver prior to the stop in 95% of all motor vehicle stops. In addition, 91% of the motor vehicle stops did not result in a search. Of the 9% of stops resulting in a search being conducted, 62% of the searches that took place were non-discretionary. Examples would include searches to recover contraband, incident to arrest, or to ensure officer safety. Of the searches conducted, 55% resulted in contraband being discovered, the majority of which involved drugs and/or drug paraphernalia which represented 82% of all contraband.

Officers are allowed to search vehicles when they have probable cause to believe there is evidence of a crime present. However, officers occasionally ask drivers for consent to search

their vehicle when they have some suspicion that there is contraband or evidence of a crime in the vehicle. Drivers are free to deny consent for these types of searches. The discretionary (consent) searches make up only a small portion (approximately 3.5%) of all motor vehicle stops. A relevant methodology for evaluating bias in policing is the use of Consent Search “Hit” Rates. This process looks at the number of consent searches that result in finding something of significance during the search that was unrelated to the original stop. Therefore, the “hit” rate would be the number of consent searches conducted where additional evidence or contraband is found. If the “hit” rate is significantly lower for minorities, it could mean that officers were using some other factor, such as an improper bias, rather than legal suspicion.

Of the consent searches that took place overall, 25% yielded contraband as displayed in Figure 1. When reviewing this type of data, the higher percentages tend to indicate that officers are basing the decision to conduct consent searches on legitimate factors rather than some type of improper bias. The “hit” rates for White and Hispanic/Latino drivers are within 5% of the overall average. The “hit” rates for Black and Asian/Pacific Islander drivers are much higher although it should be noted the data set for Asian/Pacific Islander drivers is so small that it would be difficult to establish a valid trend. Based on a review of the percentages, White drivers were asked for consent more often where contraband was not located. The overall analysis of this data indicates officers are not randomly selecting minority drivers at a higher rate for searches.

Figure 1. Hite Rate Analysis

Discretionary (Consent) Searches – Hit Rate Analysis						
	Alaska Native / American Indian	Asian / Pacific Islander	Black	White	Hispanic / Latino	Total
Consent Searches Requested	0	5	43	155	39	242
Consent Search Hits	0	2	16	31	11	60
Hit Rate	0%	40.00%	37.21%	20.00%	28.21%	24.79%

There was one motor vehicle stop which resulted in bodily injury, representing 0.01% of all motor vehicle stops, as displayed in Figure 2. In this incident, the suspect fled on foot after stopping the vehicle. During the subsequent foot pursuit, the suspect sustained minor abrasions after falling in the street.

Figure 2. Physical Force

Use of Physical Force Resulting In Bodily Injury During Motor Vehicle Stops		
Yes	1	.01%
Alaska Native / American Indian	0	0%
Asian / Pacific Islander	0	0%
Black	0	0%
White	1	100%
Hispanic / Latino	0	0%
No	6,850	99.99%
Alaska Native / American Indian	23	0.34%
Asian / Pacific Islander	91	1.33%
Black	742	10.83%
White	4,842	70.69%
Hispanic / Latino	1,152	16.82%

The Texas Racial Profiling Law requires that agencies “implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual”. In addition, agencies must “provide public education relating to the agency’s compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer”.

The Gainesville Police Department disseminates a press release each year to local news media and social media to inform the public that the Department takes racial profiling very seriously and will investigate all complaints made against an officer. The Department also provides the public with contact information for the filing of a compliment or complaint on each citation and warning. In addition, information regarding racial profiling reports and the Personnel

Complaint Form is available online at <https://www.gainesville.tx.us/363/Racial-Profiling>. There were no formal complaints of racial profiling related to motor vehicle stops in 2020.

In reviewing the overall traffic enforcement activity, it is important to note that the City of Gainesville has both Interstate 35 and U.S. Highway 82 traversing the city which has an impact on the demographics of persons operating vehicles in our jurisdiction with 36% of motor vehicle stops occurring on these roadways. An evaluation of citations issued in 2020 in comparison to the 2019 census estimate indicated that citation activity was generally consistent with the demographics of the city with the exception of White drivers and Hispanic/Latino drivers. It was noted that citation activity for White drivers exceeded the estimated population by 6.3% while the citation activity Hispanic/Latino drivers was 6.9% lower than the population estimates. This may be attributed to the fact that Hispanic/Latino drivers are identified as White on their Texas driver license and state law requires that officers report "the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability". These factors likely result in some Hispanic /Latino drivers being classified incorrectly as White.

Of the arrests made during motor vehicle stops in 2020, 86% of those arrests were made for violation of state law (such as possession of drugs, driving while intoxicated, and unauthorized use of a vehicle) while another 11% of those arrests were made for outstanding warrants which accounts for 97% of arrests made during motor vehicle stops. The majority of these arrests are considered non-discretionary actions meaning the officers decision is either limited or specifically directed. When evaluating overall motor vehicle stop arrests, 30% were Black, 47% were White, and 21% were Hispanic/Latino. In looking at suspect / offender information from all reported offenses in the City of Gainesville, traffic enforcement activity follows similar trends. Following a review of various data sets and non-discretionary actions along with the fact that no formal complaints of racial profiling have been received, there are no indications of bias in traffic contacts. Supervisors are performing monthly reviews of motor vehicle stops to evaluate professionalism, customer service, officer safety and any indicators of bias. These are

performed randomly and include a review of two traffic stops per officer based on a random date selected during the month. A process has been implemented to document this review process. No indications of bias have been detected in the monthly reviews. An overview of investigation and enforcement activity is detailed in Figure 3.

Figure 3. Comparison of Activity to Census Data

Comparison – Census Data, Suspects, Motor Vehicle Stops, Arrests, Citations, Warnings					
	Alaska Native / American Indian	Asian / Pacific Islander	Black	White	Hispanic / Latino
2019 Census Estimate *	1.4% (236)	1.8% (304)	6.0% (1,013)	55.7% (9,406)	32.9% (5,555)
Suspects/Offenders					
2020	0.9% (14)	1.1% (17)	20.5% (332)	55.3% (895)	22.3% (361)
2019	0.8% (14)	0.4% (7)	17.4% (324)	60.0% (1,118)	21.4% (399)
2018	0.2% (5)	0.5% (12)	16.6% (369)	62.7% (1,392)	19.9% (441)
Traffic Stops					
2020	0.3% (23)	1.3% (91)	10.8% (742)	70.7% (4,843)	16.8% (1,152)
2019	0.2% (20)	1.2% (118)	10.0% (961)	71.4% (6,850)	17.1% (1,643)
2018	0.3% (36)	1.1% (137)	8.4% (1,048)	72.4% (9,039)	17.8% (2,218)
Traffic Stop Arrests					
2020	0.5% (1)	1.6% (3)	29.8% (56)	46.8% (88)	21.3% (40)
2019	0.0% (0)	0.4% (1)	22.1% (59)	53.6% (143)	24.0% (64)
2018	0.0% (0)	0.5% (2)	16.5% (66)	60.2% (240)	22.8% (91)
Citations					
2020	0.3% (7)	1.5% (34)	10.2% (227)	62.0% (1,383)	26.0% (579)
2019	0.3% (9)	1.3% (43)	10.3% (343)	64.1% (2,127)	24.0% (796)
2018	0.3% (12)	1.1% (43)	9.1% (357)	62.8% (2,457)	26.7% (1,044)
Written Warnings					
2020	0.4% (15)	1.3% (53)	10.2% (427)	76.2% (3,193)	12.0% (503)
2019	0.2% (11)	1.3% (71)	8.9% (492)	77.3% (4,249)	12.3% (677)
2018	0.3% (22)	1.2% (90)	7.4% (566)	78.0% (5,970)	13.2% (1,007)
Verbal Warnings					
2020	0.0% (0)	0.4% (1)	13.2% (32)	74.0% (179)	12.4% (30)
2019	0.0% (0)	0.6% (3)	13.2% (67)	65.3% (331)	20.9% (106)
2018	0.4% (2)	0.4% (2)	11.4% (55)	72.9% (353)	14.9% (72)

* Note: 4.4% (approximately 743 persons) of the population reported two or more races for census reporting so they are not included in the census estimate data above.

Racial Profiling Report

Agency Name: Gainesville Police Department
Reporting Date: Jan 1, 2020 - Dec 31, 2020
TCOLE Agency Number: 97201
Chief Administrator: Kevin Phillips
Agency Contact Information: Chief Kevin Phillips
Phone: 940-668-7777
Email: kphillips@gvps.org
Mailing Address: 201 Santa Fe Street, Gainesville, TX 76240

By submitting, the chief administrator affirms that the agency has a policy in place in accordance with Texas Code of Criminal Procedure §2.132, and that the policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and email address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning 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;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; and
- (7) requires 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 Texas Commission on Law Enforcement; 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.

Executed by: Chief Kevin Phillips
Date: 02/04/2021

Agency Racial Profiling Information

Total stops: 6851

1. Gender 6851

(Must equal total number of stops)

CCP 2.133(b)(1)(a)

a) Female: 2743

a1) Black:	269
a2) Asian/Pacific Islander:	15
a3) White:	2074
a4) Hispanic/Latino:	378
a5) Alaska Native/American Indian:	7

b) Male: 4108

b1) Black:	473
b2) Asian/Pacific Islander:	76
b3) White:	2769
b4) Hispanic/Latino:	774
b5) Alaska Native/American Indian:	16

2. Race or ethnicity 6851

(Must equal total number of stops)

CCP 2.132(a)(3), 2.132(b)(6)(A), 2.133(b)(1)(B)

a) Black:	742
b) Asian/Pacific Islander:	91
c) White:	4843
d) Hispanic/Latino:	1152
e) Alaska Native/American Indian:	23

3. Was race or ethnicity known prior to stop? 6851

(Must equal total number of stops)

CCP 2.132(b)(6)(C)

a) Yes:	314
b) No:	6537

4. Reason for stop? 6851

(Must equal total number of stops)

CCP 2.132(b)(6)(F), 2.133(b)(2)

a) Violation of law: 1124

a1) Black:	103
a2) Asian/Pacific Islander:	7
a3) White:	792
a4) Hispanic/Latino:	220
a5) Alaska Native/American Indian:	2

b) Preexisting knowledge (i.e. warrant): 106

b1) Black:	18
b2) Asian/Pacific Islander:	1

b3) White:	56
b4) Hispanic/Latino:	30
b5) Alaska Native/American Indian:	1
c) Moving traffic violation:	3677
c1) Black:	398
c2) Asian/Pacific Islander:	64
c3) White:	2641
c4) Hispanic/Latino:	560
c5) Alaska Native/American Indian:	14
d) Vehicle traffic violation (Equip., Insp. or Reg.):	1944
d1) Black:	223
d2) Asian/Pacific Islander:	19
d3) White:	1354
d4) Hispanic/Latino:	342
d5) Alaska Native/American Indian:	6

5. Street address or approx. location of stop **6851**
(Must equal total number of stops)
CCP 2.132(b)(6)(E), 2.133(b)(7)

a) City street:	4301
b) US highway:	2414
c) State highway:	45
d) County road:	4
e) Private property or other:	87

6. Was a search conducted? **6851**
(Must equal total number of stops)
CCP 2.132(b)(6)(B), 2.133(b)(3)

a) Yes:	638
a1) Black:	154
a2) Asian/Pacific Islander:	10
a3) White:	337
a4) Hispanic/Latino:	134
a5) Alaska Native/American Indian:	3
b) No:	6213
b1) Black:	588
b2) Asian/Pacific Islander:	81
b3) White:	4506
b4) Hispanic/Latino:	1018
b5) Alaska Native/American Indian:	20

7. Reason for Search? **638**
(Must equal searches conducted - Line 6a)

a) Consent:	242
CP 2.132(b)(6)(B), 2.133(b)(3)	
a1) Black:	43
a2) Asian/Pacific Islander:	5
a3) White:	155

a4) Hispanic/Latino:	39
a5) Alaska Native/American Indian:	0
b) Contraband/evidence in plain sight:	103
CCP 2.133(b)(5)(A)	
b1) Black:	28
b2) Asian/Pacific Islander:	1
b3) White:	42
b4) Hispanic/Latino:	32
b5) Alaska Native/American Indian:	0
c) Probable cause or reasonable suspicion:	284
CCP 2.133(b)(5)(B)	
c1) Black:	81
c2) Asian/Pacific Islander:	4
c3) White:	135
c4) Hispanic/Latino:	61
c5) Alaska Native/American Indian:	3
d) Inventory search performed as a result of towing:	3
CCP 2.133(b)(5)(C)	
d1) Black:	1
d2) Asian/Pacific Islander:	0
d3) White:	1
d4) Hispanic/Latino:	1
d5) Alaska Native/American Indian:	0
e) Incident to arrest/warrant:	6
CCP 2.133(b)(5)(C)	
e1) Black:	1
e2) Asian/Pacific Islander:	0
e3) White:	4
e4) Hispanic/Latino:	1
e5) Alaska Native/American Indian:	0
8. Was Contraband discovered?	638
(Must equal searches conducted - Line 6a)	
CCP 2.133(b)(4)	
a) Yes:	354
a1) Black:	96
a1A) Arrested:	50
a1B) Not Arrested:	46
a2) Asian/Pacific Islander:	6
a2A) Arrested:	3
a2B) Not Arrested:	3
a3) White:	163
a3A) Arrested:	72
a3B) Not Arrested:	91

a4) Hispanic/Latino:	87
a4A) Arrested:	30
a4B) Not Arrested:	57
a5) Alaska Native/American Indian:	2
a5A) Arrested:	1
a5B) Not Arrested:	1

b) No: 284

b1) Black:	58
b2) Asian/Pacific Islander:	4
b3) White:	174
b4) Hispanic/Latino:	47
b5) Alaska Native/American Indian:	1

9. Description of contraband 354

(Must equal number of contraband discovered - Line 8a)

CCP 2.133(b)(4)

a) Illegal drugs/drug paraphernalia: 291

a1) Black:	83
a2) Asian/Pacific Islander:	5
a3) White:	142
a4) Hispanic/Latino:	59
a5) Alaska Native/American Indian:	2

b) Currency: 0

b1) Black:	0
b2) Asian/Pacific Islander:	0
b3) White:	0
b4) Hispanic/Latino:	0
b5) Alaska Native/American Indian:	0

c) Weapons: 3

c1) Black:	1
c2) Asian/Pacific Islander:	0
c3) White:	2
c4) Hispanic/Latino:	0
c5) Alaska Native/American Indian:	0

d) Alcohol: 34

d1) Black:	7
d2) Asian/Pacific Islander:	0
d3) White:	8
d4) Hispanic/Latino:	19
d5) Alaska Native/American Indian:	0

e) Property stolen: 2

e1) Black:	1
e2) Asian/Pacific Islander:	0
e3) White:	0
e4) Hispanic/Latino:	1
e5) Alaska Native/American Indian:	0

f) Other: 24

f1) Black:	4
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f2) Asian/Pacific Islander:	1
f3) White:	11
f4) Hispanic/Latino:	8
f5) Alaska Native/American Indian:	0

10. Result of the stop 6851

(Must equal total number of stops)

a) Verbal warning: 242

CCP 2.133(b)(8)

a1) Black:	32
a2) Asian/Pacific Islander:	1
a3) White:	179
a4) Hispanic/Latino:	30
a5) Alaska Native/American Indian:	0

b) Written warning: 4191

CCP 2.133(b)(8)

b1) Black:	427
b2) Asian/Pacific Islander:	53
b3) White:	3193
b4) Hispanic/Latino:	503
b5) Alaska Native/American Indian:	15

c) Citation: 2230

CCP 2.133(b)(8)

c1) Black:	227
c2) Asian/Pacific Islander:	34
c3) White:	1383
c4) Hispanic/Latino:	579
c5) Alaska Native/American Indian:	7

d) Written warning and arrest: 36

d1) Black:	10
d2) Asian/Pacific Islander:	0
d3) White:	21
d4) Hispanic/Latino:	5
d5) Alaska Native/American Indian:	0

e) Citation and arrest: 128

e1) Black:	34
e2) Asian/Pacific Islander:	3
e3) White:	59
e4) Hispanic/Latino:	31
e5) Alaska Native/American Indian:	1

f) Arrest: 188

CCP 2.133(b)(6)

f1) Black:	56
f2) Asian/Pacific Islander:	3
f3) White:	88
f4) Hispanic/Latino:	40
f5) Alaska Native/American Indian:	1

Arrest Total = 188

11. Arrest based on 188

(Must equal line 10f)

a) Violation of Penal Code:	162
a1) Black:	48
a2) Asian/Pacific Islander:	3
a3) White:	74
a4) Hispanic/Latino:	36
a5) Alaska Native/American Indian:	1
b) Violation of Traffic Law:	5
b1) Black:	3
b2) Asian/Pacific Islander:	0
b3) White:	2
b4) Hispanic/Latino:	0
b5) Alaska Native/American Indian:	0
c) Violation of City Ordinance:	1
c1) Black:	0
c2) Asian/Pacific Islander:	0
c3) White:	1
c4) Hispanic/Latino:	0
c5) Alaska Native/American Indian:	0
d) Outstanding Warrant:	20
d1) Black:	5
d2) Asian/Pacific Islander:	0
d3) White:	11
d4) Hispanic/Latino:	4
d5) Alaska Native/American Indian:	0

12. Phys. force resulting in injury during stop? 6851

(Must equal total number of stops)

CCP 2.132(b)(6)(D), 2.133(b)(9)

a) Yes:	1
a1) Black:	0
a2) Asian/Pacific Islander:	0
a3) White:	1
a4) Hispanic/Latino:	0
a5) Alaska Native/American Indian:	0
b) No:	6850
b1) Black:	742
b2) Asian/Pacific Islander:	91
b3) White:	4842
b4) Hispanic/Latino:	1152
b5) Alaska Native/American Indian:	23

13. Number of complaints of racial profiling	0
Resulted in disciplinary action	0
Did not result in disciplinary action	0