

MURPHY
POLICE DEPARTMENT

2020

RACIAL PROFILING ANALYSIS

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Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

The analysis of material and data from the Murphy Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE MURPHY POLICE DEPARTMENT REGULATIONS, SPECIFICALLY DIRECTIVE 2.01.1 OUTLINING THE DEPARTMENT’S POLICY CONCERNING BIAS-BASED PROFILING, SHOWS THAT THE MURPHY POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE MURPHY POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE MURPHY POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**
- **THE MURPHY POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Murphy Police Department's policies, training, and statistical information on racial profiling for the year 2020. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Murphy Police Department in 2020. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Murphy Police Department's policy on racial profiling; (2) Murphy Police Department's training and education on racial profiling; (3) Murphy Police Department's complaint process and public education on racial profiling; (4) analysis of Murphy Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Murphy Police Department's compliance with applicable laws on racial profiling.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

Murphy Police Department Policy on Racial Profiling

A review of Murphy Police Department Directive 2.01.1 "Bias Based Profiling" revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Directive 2.01.1. Murphy Police Department regulations provide clear direction that any form of bias-based profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The regulations also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race or ethnicity. Appendix C lists the applicable statute and corresponding Murphy Police Department regulation.

A COMPREHENSIVE REVIEW OF MURPHY POLICE DEPARTMENT DIRECTIVE 2.01.1 SHOWS THAT THE MURPHY POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Murphy Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. Documentation provided by Murphy Police Department reveals that all officers have received bias-based/racial profiling training.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE MURPHY POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Murphy Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Murphy Police Department Directive 2.01.1 IV(B) and (D) cover this requirement. In addition, Murphy Police Department posts annual racial profiling reports on their website, and they also present the findings to the City Council in an open forum for the public. The department has information regarding how to file a complaint on their website (<https://murphytx.org/112/Police> “Questions and Concerns”). The department has also prepared a brochure on the complaint process and any person wishing to file a complaint is provided with the brochure “How to File a Compliment or Complaint” and a complaint form.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

Murphy Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Murphy Police Department submitted statistical information on all motor vehicle stops in 2020 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

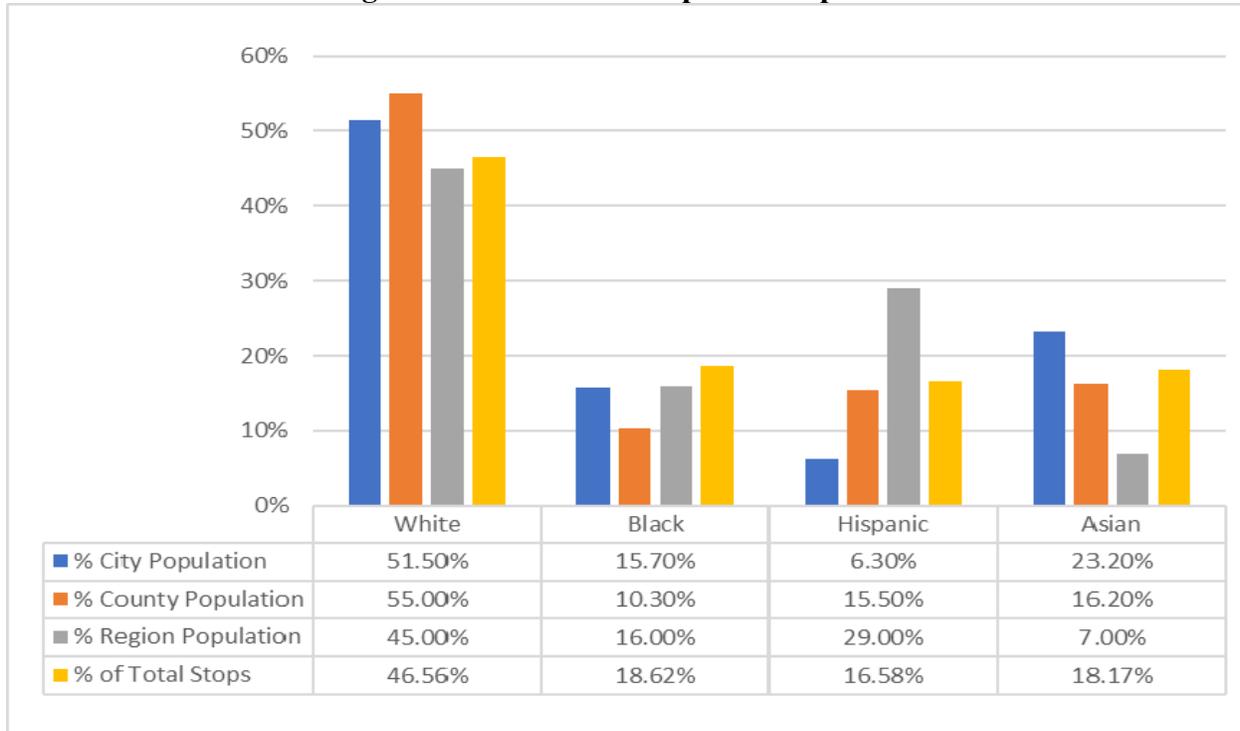
Analysis of the Data

Comparative Analysis #1:

Evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 2,835 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2020.¹

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



White drivers constituted 46.56 percent of all drivers stopped, whereas Whites constitute 51.50 percent of the city population, 55.00 percent of the county population, and 45.00 percent of the region population.²

Black drivers constituted 18.62 percent of all drivers stopped, whereas Blacks constitute 15.70 percent of the city population, 10.30 percent of the county population, and 16.00 percent of the region population.

Hispanic drivers constituted 16.58 percent of all drivers stopped, whereas Hispanics constitute 6.30 percent of the city population, 15.50 percent of the county population, and 29.00 percent of the region population.

Asian drivers constituted 18.17 percent of all drivers stopped, whereas Asians constitute 23.20 percent of the city population, 16.20 percent of the county population, and 7.00 percent of the region population.

¹ There were 2 motor vehicle stops of drivers considered Alaska Native/American Indian. These motor vehicle stops were not charted in the first figure of this report due to the small number of cases relative to the population in Farmers Branch and relative to the total number of motor vehicle stops among all drivers (2,835).

² City and County populations were derived from 2019 American Community Survey (ACS) estimates of the U.S. Census Bureau. Regional population figures were derived from 2019 ACS estimates as well. Region is defined as the 16 county Dallas-Ft. Worth Area including the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

The chart shows that White drivers are stopped at rates lower than the percentage of Whites found in the city and county population, but slightly higher than the percentage of Whites in the regional population. Black drivers are stopped at rates higher than the percentage of Blacks found in the city, county, and regional population. Hispanic drivers are stopped at rates higher than the percentage of Hispanics found in the city population and county population, but lower than the percentage of Hispanics in the regional population. Asian drivers are stopped at rates lower than the percentage of Asians found in the city population, but higher than the percentage of Asians in the county and regional populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists. This methodological error, commonly referred to as the “ecological fallacy,” defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate stop data. **In short, one cannot prove that an individual officer has racially profiled any individual motorist based on the rate at which a department stops any given group of motorists.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most

recent 2019 ACS as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county and regional population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures. **In sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city, county, or region where the motor vehicle stop occurred are not included in the benchmark base-rate.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Murphy Police Department in 2020. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

As shown in Table 1, there were a total of 2,835 motor vehicle stops in 2020 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 48 percent of stops resulted in a verbal warning and roughly 45 percent resulted in a citation. These actions accounted for roughly 93 percent of all stop actions and will be the focus of the below discussion.

Specific to **verbal warnings**, White motorists received a verbal warning in roughly 51 percent of stops involving White motorists (671/1,320), Black motorists received a verbal warning in roughly 53 percent of stops of Black motorists, Hispanic motorists received a verbal warning in roughly 37 percent of stops of Hispanic motorists, and Asian motorists received a verbal warning in roughly 45 percent of stops of Asian motorists.

White motorists received a **citation** in roughly 42 percent of stops involving White motorists (560/1,320), Black motorists received a citation in roughly 42 percent of stops of Black motorists, Hispanic motorists received a citation in roughly 54 percent of stops of Hispanic motorists, and Asian motorists received a citation in roughly 49 percent of stops of Asian motorists.

As illustrated in Table 1, **arrests** were rare in 2020. Of the 2,835 total stops, only 24 arrests [written warning and arrest (2), citation and arrest (2) and sole arrests (20)] were made in 2020,³ and this accounts for less than 1 percent of all stops.

Finally, as presented in Table 1, **physical force resulting in bodily injury** was not used in 2020. Of the 2,835 total stops, none involved physical force resulting in bodily injury.

³ Note in the “Result of Stop” field there were 2 “Written Warning and Arrest”, 2 “Citation and Arrest”, and 20 “Arrest”, for a total of 24 arrests. In the “Arrest Based On” field, summing the total column indicates only 22 arrests. For 2 arrests, information on the reason for the arrest/arrest based on, was missing.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	1,320	528	470	515	2	2,835
Gender						
Female	532	185	147	185	0	1,049
Male	788	343	323	330	2	1,786
Reason for Stop						
Violation of Law	24	9	7	10	0	50
Preexisting Knowledge	7	1	6	3	0	17
Moving Traffic Violation	1,158	455	392	452	1	2,458
Vehicle Traffic Violation	131	63	65	50	1	310
Result of Stop						
Verbal Warning	671	278	175	234	1	1,359
Written Warning	81	26	35	27	0	169
Citation	560	220	253	250	0	1,283
Written Warning and Arrest	1	1	0	0	0	2
Citation and Arrest	1	0	0	1	0	2
Arrest	6	3	7	3	1	20
Arrest Based On						
Violation of Penal Code	2	2	1	1	1	7
Violation of Traffic Law	4	0	1	3	0	8
Violation of City Ordinance	0	0	0	0	0	0
Outstanding Warrant	2	0	5	0	0	7
Physical Force Resulting in Bodily Injury Used?						
No	1,320	528	470	515	2	2,835
Yes	0	0	0	0	0	0

Comparative Analysis #3:

Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2020, a total of 55 **searches** of motorists were conducted, or roughly 2 percent of all stops resulted in a search (see Table 2). Among searches within each racial/ethnic group, White motorists were searched in roughly 2 percent of all stops of White motorists (20/1,320), Black motorists were searched in roughly 3 percent of all stops of Black motorists, Hispanic motorists were searched in roughly 3 percent of all stops of Hispanic motorists, and Asian motorists were searched in roughly 1 percent of all stops of Asian motorists.

As illustrated in Table 2, the most common reason for a search was probable cause (45.45%; 25/55). Among **searches based on probable cause** within each racial/ethnic group, White motorists were searched based on probable cause in 45 percent of all searches of White motorists (9/20), Black motorists were searched based on probable cause in roughly 57 percent of all searches of Black motorists, Hispanic motorists were searched based on probable cause in roughly 33 percent of all searches of Hispanic motorists, and Asian motorists were searched based on probable cause in 40 percent of all searches of Asian motorists.

Finally, it should be noted that only 10 searches (see Table 2) were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (2,835), discretionary consent searches occurred in 0.35 percent of stops. Among **consent searches** within each racial/ethnic group, White motorists were searched based on consent in 25 percent of all searches of White motorists (5/20), Black motorists were searched based on consent in roughly 14 percent of all searches of Black motorists, Hispanic motorists were searched based on consent in roughly 13 percent of all searches of Hispanic motorists, and Asian motorists were searched based on consent in 20 percent of all searches of Asian motorists (one consent search).

Of the searches that occurred in 2020, and as shown in Table 2, **contraband was discovered** in 23 or roughly 42 percent of all searches (23/55 total searches). Overwhelmingly, the contraband discovered in searches was drugs; 78% of the contraband discovered. Finally, as illustrated in Table 2, when contraband was discovered, motorists were arrested roughly 22% of the time.

Table 2: Searches and Outcomes by Race/Ethnicity

Search Table	White	Black	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Search Conducted						
Yes	20	14	15	5	1	55
No	1,300	514	455	510	1	2,780
Reason for Search						
Consent	5	2	2	1	0	10
Contraband in Plain View	3	2	0	0	0	5
Probable Cause	9	8	5	2	1	25
Inventory	1	2	4	0	0	7
Incident to Arrest	2	0	4	2	0	8
Was Contraband Discovered						
Yes	13	5	3	1	1	23
No	7	9	12	4	0	32
Description of Contraband						
Drugs	11	4	2	0	1	18
Weapons	0	0	0	0	0	0
Currency	0	1	0	0	0	1
Alcohol	0	0	1	0	0	1
Stolen Property	0	0	0	0	0	0
Other	2	0	0	1	0	3
Did Discovery of Contraband Result in Arrest?						
Yes	2	2	0	0	1	5
No	11	3	3	1	0	18

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134©(2)

In 2020, internal records indicate that the Murphy Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling (see Table 3).

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2020, 2,835 motor vehicle stops were made by the Murphy Police Department. Of these stops, 1,049 or roughly 37 percent were female drivers (1,049/2,835), and roughly 63 percent were male drivers (see Table 1).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Murphy was composed of 49.5 percent females and 50.5 percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2020, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Tables 3 below provides additional information relative to motor vehicle stops in 2020 by the Murphy Police Department. The data are required to be collected by the Murphy Police Department under the Texas Code of Criminal Procedure Article 2.133.

As illustrated in Table 3, of the 2,835 motor vehicle stops in 2020, the officer knew the race/ethnicity of the motorist prior to the stop in 0.85% of the stops (24/2,835). This percentage is consistent across law enforcement agencies throughout Texas. An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.⁴ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “a law enforcement-initiated action based on an individual’s race, ethnicity, or national origin rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity.”

Almost always, Murphy PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person’s race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

⁴ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master’s Thesis. University of North Texas.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented throughout this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person’s race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

Table 3: Additional Information

Additional Information	Total
Was Race/Ethnicity Known Prior to Stop	
Yes	24
No	2,811
Approximate Location of Stop	
City Street	2,504
US Highway	31
County Road	67
State Highway	205
Private Property/Other	28
Number of Complaints of Racial Profiling	0
Resulted in Disciplinary Action	0
Did Not Result in Disciplinary Action	0

Analysis of Racial Profiling Compliance by Murphy Police Department

The foregoing analysis shows that the Murphy Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection and reporting of data in compliance with the law.

In addition to providing summary reports and analysis of the data collected by the Murphy Police Department in 2020, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Murphy Police Department as well as police agencies across Texas.

Appendix A: Racial Profiling Statutes and Laws

Appendix B: Agency Policy

Appendix C: Racial Profiling Laws and Corresponding Standard Operating Procedures

Texas CCP Article	MURPHY POLICE DEPARTMENT Directive 2.01.1 Bias Based Profiling
2.132(b)1	Definitions Section
2.132(b)2	Policy Section
2.132(b)3	Complaint Process Section
2.132(b)4	Public Education Section
2.132(b)5	Disciplinary and Corrective Action Section
2.132(b)6	Collection of Information and Annual Report When Citation Issued, Warning is Given or Arrest Made Section
2.132(b)7	Collection of Information and Annual Report When Citation Issued, Warning is Given or Arrest Made Section