

# **The League City Police Department Annual Contact Report (2015)**



# Opening Statement

March 1, 2016

Distinguished Council Members  
City of League City, Texas 77573

Dear Distinguished Council Members,

In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, passed the Texas Racial Profiling Law (S.B. 1074). Since becoming effective, the League City Police Department, in accordance with S.B. 1074, has collected citation-based contact data for the purpose of identifying and addressing (in the event it becomes necessary) concerns regarding racial profiling practices by police officers. During the 81 Legislative Session H.B. 3389 was passed into law broadening the reporting requirements within the Code of Criminal Procedure Article 2.131.

In this annual report, you will encounter three sections that present information on citation-based contact data along with documentation which aims at supporting the fact that the League City Police Department has complied with The Texas Racial Profiling Law. In section 1 you will find the table of contents in addition to the Texas Law on Racial Profiling. Also, in this section, you will have the opportunity of becoming familiar with the list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement). In addition, sections 2 and 3 contain documentation which demonstrates compliance by the League City Police Department with the Texas Racial Profiling Law. That is, documents relevant to the implementation of an institutional policy banning racial profiling, the implementation of a racial profiling complaint process (including the manner in which it has been disclosed to the public) and the training administered to all law enforcement personnel, are included.

This report also provides statistical data relevant to public contacts, made during the course of traffic stops, between 1/1/15 and 12/31/15. This information has been analyzed and compared to data derived from the 2010 U.S. Census in the form of city demographics, and to the citation-based contact data collected in 2015. In addition, this section includes a TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1<sup>st</sup> of each year. The final analysis and recommendations are also included.

I am hopeful that the findings presented in this report support the notion that the League City Police Department is committed to the identification and resolution of all issues relevant to racial profiling.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael W. Kramm", written in a cursive style.

Michael W. Kramm  
Chief of Police

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# **Texas Racial Profiling Law Requirements**

## Guidelines for Compiling and Reporting Data under House Bill 3389

### Background

House Bill 3389 of the 81<sup>st</sup> Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

### Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as an "agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make traffic stops in the routine performance of the officers' official duties."

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

## **Standard 2**

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person’s race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer’s best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

## **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, “the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a) (1) (A) and the agency does not receive from the state funds for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.”

## **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.



## **Commentary**

House Bill 3389 from the 81<sup>st</sup> Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search;
- 3) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 4) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop;
- 8) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- 9) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency as well as TCOLE, an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two

reports are reported to the county or municipality and TCOLE not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### **Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

#### **Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

#### **Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

#### **Commentary**

None

#### **Standard 6**

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

**Commentary**

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

**Standard 7**

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

**Commentary**

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

# **The Texas Law on Racial Profiling**

AN ACT

Relating to the continuation and functions of the Texas Commission on Law Enforcement Officer Standards and Education; providing civil and administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1701.002, Occupations Code, is amended to read as follows:

Sec. 1701.002. APPLICATION OF SUNSET ACT. The Commission on Law Enforcement Officer Standards and Education is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2021 [2009].

SECTION 2. Section 1701.053, Occupations Code, is amended to read as follows:

Sec. 1701.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative[,] and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a commission member and may not be an employee of the commission employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of law enforcement or county corrections; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of law enforcement or county corrections.

(c) A person may not be a member of the commission or act as the general counsel to the commission or the agency if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the commission's operation.

SECTION 3. Section 1701.056(a), Occupations Code, is amended to read as follows:

(a) It is a ground for removal from the commission that a member:

(1) does not have at the time of taking office the qualifications required by Section 1701.051(a) or 1701.052;

(2) does not maintain during service on the commission the qualifications required by Section 1701.051(a) or 1701.052;

(3) is ineligible for membership under Section 1701.053;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the commission.

SECTION 4. Section 1701.059, Occupations Code, is amended to read as follows:

Sec. 1701.059. TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member

in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission;

(2) the programs, functions, rules, and budget of the commission;

(3) the results of the most recent formal audit of the commission;

(4) the requirements of laws relating to open meetings, public information, administrative procedure, and conflicts of interest; and

(5) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

SECTION 5. Section 1701.153(b), Occupations Code, is amended to read as follows:

(b) The commission shall furnish each agency and licensed training school with the required reporting forms, including access to electronic submission forms when the system under Section 1701.1523 is established.

SECTION 6. Sections 1701.157(b) and (c), Occupations Code, are amended to read as follows:

(b) To provide the necessary information for an allocation of money under Subsection (a), a local law enforcement agency must report to the comptroller not later than November 1 of the preceding calendar year:

(1) the number of agency positions described by Subsection (a)(2) authorized as of January 1 of the year the report is due;

(2) the number of agency positions described by Subsection (a)(2) filled as of January 1 of the year the report is due;

(3) the percentage of the money received by the agency under Subsection (a) pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due that was used by the agency before the date of the allocation made by the comptroller under Subsection (a) on or before March 1 of the year the report is due;

(4) the number of training hours received during the 12-month or approximately 12-month period described by Subdivision (3) that were funded by money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due; and

(5) that the agency has complied with the requirements of this section regarding the use of any money received by the agency pursuant to the allocation made by the comptroller on or before March 1 of the year preceding the year in which the report is due.

(c) The head of a law enforcement agency shall maintain a complete and detailed record of money received and spent by the agency under this section. Money received



under this section is subject to audit by the comptroller. Money spent under this section is subject to audit by the state auditor.

SECTION 7. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Sections 1701.1521, 1701.1522, 1701.1523, 1701.1524, 1701.162, and 1701.163 to read as follows:

Sec. 1701.1521. USE OF TECHNOLOGY. The commission shall implement a policy requiring the commission to use appropriate technological solutions to improve the commission's ability to perform its functions. The policy must ensure that the public is able to interact with the commission on the Internet.

Sec. 1701.1522. ALTERNATIVE DISPUTE RESOLUTION. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008, Government Code, for the adoption of commission rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009, Government Code, to assist in the resolution of internal and external disputes under the commission's jurisdiction.

(b) The commission's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the commission.

Sec. 1701.1523. ELECTRONIC SUBMISSION OF FORMS, DATA, AND DOCUMENTS. The commission by rule shall:

(1) develop and establish a system for the electronic submission of forms, data, and documents required to be submitted to the commission under this chapter; and

(2) once that system is established, require law enforcement agencies to submit to the commission electronically any form, data, or document required to be submitted to the commission under this chapter.

Sec. 1701.1524. RULES RELATING TO CONSEQUENCES OF CRIMINAL CONVICTION OR DEFERRED ADJUDICATION. (a) The commission by rule shall establish guidelines consistent with this chapter that are necessary to comply with Chapter 53 to the extent that chapter applies to persons licensed under this chapter.

(b) In its rules under this section, the commission shall list the offenses for which a conviction would constitute grounds for the commission to take action under Section 53.021 or for which placement on deferred adjudication community supervision would constitute grounds for the commission to take action under this chapter.

Sec. 1701.162. RECORDS AND AUDIT REQUIREMENTS. (a) The commission is entitled to access records maintained under Sections 1701.303, 1701.306, and 1701.310 by an agency hiring a person to be an officer or county jailer, including records that relate to age, education, physical standards, citizenship, experience, and other

matters relating to competence and reliability, as evidence of qualification for licensing of an officer or county jailer.

(b) The commission shall audit the records described by Subsection (a) of each law enforcement agency at least once every five years.

(c) The commission by rule shall develop and establish a framework for the audits conducted by the commission under Subsection (b) that:

- (1) addresses the types of documents subject to audit;
- (2) provides a schedule for additional risk-based inspections based on:
  - (A) whether there has been a prior violation by the law enforcement agency;
  - (B) the inspection history of the agency; and
  - (C) any other factor the commission by rule considers appropriate;
- (3) provides timelines for complying with an audit request or correcting a violation found during the audit process; and
- (4) establishes sanctions for failing to comply with an audit request or to correct a violation found during the audit process.

Sec. 1701.163. INFORMATION PROVIDED BY COMMISSIONING ENTITIES. (a) This section applies only to an entity authorized by statute or by the constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates a law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after September 1, 2009.

(b) The entity shall submit to the commission on creation of the law enforcement agency or police department information regarding:

(1) the need for the law enforcement agency or police department in the community;

(2) the funding sources for the law enforcement agency or police department;

(3) the physical resources available to officers;

(4) the physical facilities that the law enforcement agency or police department will operate, including descriptions of the evidence room, dispatch area, and public area;

(5) law enforcement policies of the law enforcement agency or police department, including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers; and

(G) impartial policing;

(6) the administrative structure of the law enforcement agency or police department;

(7) liability insurance; and

(8) any other information the commission requires by rule.

SECTION 8. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.164 to read as follows:

Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall collect and maintain incident-based data submitted to the commission under Article 2.134, Code of Criminal Procedure, including incident-based data compiled by a law enforcement agency from reports received by the law enforcement agency under Article 2.133 of that code. The commission in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement Management Institute of Texas, the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chiefs Association shall develop guidelines for submitting in a standard format the report containing incident-based data as required by Article 2.134, Code of Criminal Procedure.

SECTION 9. Section 1701.202, Occupations Code, is amended to read as follows:

Sec. 1701.202. COMPLAINTS. (a) The commission by rule shall establish a comprehensive procedure for each phase of the commission's jurisdictional complaint enforcement process, including:

- (1) complaint intake;
- (2) investigation;
- (3) adjudication and relevant hearings;
- (4) appeals;
- (5) the imposition of sanctions; and
- (6) public disclosure.

(b) On request, a license holder may obtain information regarding a complaint made against the license holder under this chapter, including a complete copy of the complaint file. On receipt of a request under this subsection, the commission shall provide

the requested information in a timely manner to allow the license holder time to respond to the complaint.

(c) The commission shall ensure that detailed information regarding the commission's complaint enforcement process described by this section is available on any publicly accessible Internet website and in any appropriate printed materials maintained by the commission.

SECTION 10. Section 1701.203, Occupations Code, is amended to read as follows:

Sec. 1701.203. RECORDS OF COMPLAINTS. (a) The commission shall maintain a system to promptly and efficiently act on jurisdictional complaints filed with the commission. The commission shall maintain information about parties to the complaint,

(1) the subject matter of the complaint, [;

(2) a summary of the results of the review or investigation of the complaint, and its disposition

(b) The commission shall make information available describing its procedures for complaint investigation and resolution.

(c) The commission shall periodically notify the parties to the complaint of the status of the complaint until final disposition.

SECTION 11. Subchapter E, Chapter 1701, Occupations Code, is amended by adding Section 1701.2035 to read as follows:

Sec. 1701.2035. TRACKING AND ANALYSIS OF COMPLAINT AND VIOLATION DATA. (a) The commission shall develop and implement a method for:

(1) tracking complaints filed with the commission through their final disposition, including:

(A) the reason for each complaint;

(B) how each complaint was resolved; and

(C) the subject matter of each complaint that was not within the jurisdiction of the commission and how the commission responded to the complaint; and

(2) tracking and categorizing the sources and types of complaints filed with the commission and of violations of this chapter or a rule adopted under this chapter.

(b) The commission shall analyze the complaint and violation data maintained under Subsection (a) to identify trends and areas that may require additional regulation or enforcement.

SECTION 12. Section 1701.253, Occupations Code, is amended by adding Subsection (k) to read as follows:

(k) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program for officers licensed under this chapter that covers the laws of this state and of the United States pertaining to peace officers.

SECTION 13. Section 1701.254, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) The commission by rule shall establish a system for placing a training provider on at-risk probationary status. The rules must prescribe:

(1) the criteria to be used by the commission in determining whether to place a training provider on at-risk probationary status;

(2) a procedure and timeline for imposing corrective conditions on a training provider placed on at-risk probationary status and for notifying the provider regarding those conditions; and

(3) a procedure for tracking a training provider's progress toward compliance with any corrective conditions imposed on the provider by the commission under this subsection.

SECTION 14. Section 1701.255(c), Occupations Code, is amended to read as follows:

(c) A person may not enroll in a peace officer training program under Section 1701.251(a) unless the person has received:

(1) a high school diploma;

(2) a high school equivalency certificate; or

(3) an honorable discharge from the armed forces of the United States after at least 24 months of active duty service.

SECTION 15. Section 1701.351, Occupations Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) As part of the continuing education programs under Subsection (a), a peace officer must complete a training and education program that covers recent changes to the laws of this state and of the United States pertaining to peace officers.

SECTION 16. Section 1701.352, Occupations Code, is amended by amending Subsection (b) and adding Subsection (g) to read as follows:



(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(C) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

(g) The training and education program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

(1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and

(2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

SECTION 17. Section 1701.402, Occupations Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on investigative topics established by the commission under Section 1701.253(b).

(i) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on civil rights, racial sensitivity, and cultural diversity established by the commission under Section 1701.253(c).

SECTION 18. Section 1701.355(a), Occupations Code, is amended to read as follows:

(a) An agency that employs one or more peace officers shall designate a firearms proficiency officer and require each peace officer the agency employs to demonstrate weapons proficiency to the firearms proficiency officer at least annually. The agency shall maintain records of the weapons proficiency of the agency's peace officers.

SECTION 19. Sections 1701.451(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) Before a law enforcement agency may hire a person licensed under this chapter, the agency head or the agency head's designee must:

(1) make a request to the commission for any employment termination report regarding the person that is maintained by the commission under this subchapter; and

(2) submit to the commission on the form prescribed by the commission confirmation that the agency:

(A) conducted in the manner prescribed by the commission a criminal background check regarding the person;

(B) obtained the person's written consent on a form prescribed by the commission for the agency to view the person's employment records;

(C) obtained from the commission any service or education records regarding the person maintained by the commission; and

(D) contacted each of the person's previous law enforcement employers.

(b) The commission by rule shall establish a system for verifying an electronically submitted request required by Subsection (a) (1).

(c) If the commission receives from a law enforcement agency a request that complies with Subsections (a)(1) and (b), the commission employee having the responsibility to maintain any employment termination report regarding the person who is the subject of the request shall release the report to the agency.

SECTION 20. Section 1701.4525, Occupations Code, is amended by adding Subsection (g) to read as follows:

(g) The commission is not considered a party in a proceeding conducted by the State Office of Administrative Hearings under this section.

SECTION 21. Section 1701.453, Occupations Code, is amended to read as follows:

Sec. 1701.453. MAINTENANCE OF REPORTS AND STATEMENTS. The commission shall maintain a copy of each report and statement submitted to the

commission under this subchapter until at least the 10th anniversary of the date on which the report or statement is submitted.

SECTION 22. Section 1701.501(a), Occupations Code, is amended to read as follows:

(a) Except as provided by Subsection (d), the commission shall revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for a violation of:

- (1) this chapter;
- (2) the reporting requirements provided by Articles 2.132 and 2.134, Code of Criminal Procedure; or
- (3) a commission rule.

SECTION 23. Subchapter K, Chapter 1701, Occupations Code, is amended by adding Section 1701.507 to read as follows:

Sec. 1701.507. ADMINISTRATIVE PENALTIES. (a) In addition to other penalties imposed by law, a law enforcement agency or governmental entity that violates this chapter or a rule adopted under this chapter is subject to an administrative penalty in an amount set by the commission not to exceed \$1,000 per day per violation. The administrative penalty shall be assessed in a proceeding conducted in accordance with Chapter 2001, Government Code.

(b) The amount of the penalty shall be based on:

- (1) the seriousness of the violation;
- (2) the respondent's history of violations;
- (3) the amount necessary to deter future violations;

(4) efforts made by the respondent to correct the violation; and

(5) any other matter that justice may require.

(c) The commission by rule shall establish a written enforcement plan that provides notice of the specific ranges of penalties that apply to specific alleged violations and the criteria by which the commission determines the amount of a proposed administrative penalty.

SECTION 24. Subchapter L, Chapter 1701, Occupations Code, is amended by adding Section 1701.554 to read as follows:

Sec. 1701.554. VENUE. Venue for the prosecution of an offense that arises from a violation of this chapter or in connection with the administration of this chapter lies in the county where the offense occurred or in Travis County.

SECTION 25. Article 2.132, Code of Criminal Procedure, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, [or] Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) 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;
- (4) provide public education relating to the agency's complaint process;
- (5) require 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) 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.

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

SECTION 26. Article 2.133, Code of Criminal Procedure, is amended to read as follows:

**Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) 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;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a



violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop.

SECTION 27. Article 2.134, Code of Criminal Procedure, is amended by amending Subsections (a) through (e) and adding Subsection (g) to read as follows:

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133

to:

(A) 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; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

SECTION 28. Article 2.135, Code of Criminal Procedure, is amended to read as follows:

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or

audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

SECTION 29. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1385 to read as follows:

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 30. Subchapter A, Chapter 102, Code of Criminal Procedure, is amended by adding Article 102.022 to read as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND STATEWIDE REPOSITORY FOR DATA RELATED TO CIVIL JUSTICE. (a) In this article, "moving violation" means an offense that:

(1) involves the operation of a motor vehicle; and

(2) is classified as a moving violation by the Department of Public Safety under Section 708.052, Transportation Code.

(b) A defendant convicted of a moving violation in a justice court, county court, county court at law, or municipal court shall pay a fee of 10 cents as a cost of court.

(c) In this article, a person is considered convicted if:

(1) a sentence is imposed on the person;

(2) the person receives community supervision, including deferred adjudication; or

(3) the court defers final disposition of the person's case.

(d) The clerks of the respective courts shall collect the costs described by this article. The clerk shall keep separate records of the funds collected as costs under this article and shall deposit the funds in the county or municipal treasury, as appropriate.

(e) The custodian of a county or municipal treasury shall:

(1) keep records of the amount of funds on deposit collected under this article; and

(2) send to the comptroller before the last day of the first month following each calendar quarter the funds collected under this article during the preceding quarter.

(f) A county or municipality may retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) If no funds due as costs under this article are deposited in a county or municipal treasury in a calendar quarter, the custodian of the treasury shall file the report required for the quarter in the regular manner and must state that no funds were collected.

(h) The comptroller shall deposit the funds received under this article to the credit of the Civil Justice Data Repository fund in the general revenue fund, to be used only by the Commission on Law Enforcement Officer Standards and Education to implement duties under Section 1701.162, Occupations Code.

(i) Funds collected under this article are subject to audit by the comptroller.

SECTION 31. (a) Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.061, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.061. ADDITIONAL COURT COSTS ON CONVICTION IN STATUTORY COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a statutory county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$20;

(2) a fee for services of the clerk of the court (Art. 102.005, Code of Criminal Procedure) ... \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) ... \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;

(5) a graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) ... \$5;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.10.

(b) Section 102.061, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.061, Government Code, as reenacted and amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION 32. (a) Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, is amended to conform to the amendments made to Section 102.081, Government Code, by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, and is further amended to read as follows:

Sec. 102.081. ADDITIONAL COURT COSTS ON CONVICTION IN COUNTY COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a county court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$20;

(2) a fee for clerk of the court services (Art. 102.005, Code of Criminal Procedure) ... \$40;

(3) a records management and preservation services fee (Art. 102.005, Code of Criminal Procedure) ... \$25;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;

(5) a graffiti eradication fee (Art. 102.0171, Code of Criminal Procedure) ... \$5;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.10.

(b) Section 102.081, Government Code, as amended by Chapter 1053 (H.B. 2151), Acts of the 80th Legislature, Regular Session, 2007, is repealed. Section 102.081, Government Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular Session, 2007, to reorganize and renumber that section, continues in effect as further amended by this section.

SECTION 33. Section 102.101, Government Code, is amended to read as follows:

Sec. 102.101. ADDITIONAL COURT COSTS ON CONVICTION IN JUSTICE COURT: CODE OF CRIMINAL PROCEDURE. A clerk of a justice court shall collect fees and costs under the Code of Criminal Procedure on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$3;



(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) ... \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) ... one jury fee of \$3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$4;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0173, Code of Criminal Procedure) ... \$4;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... not to exceed \$5;

(7) a fee on conviction of certain offenses involving issuing or passing a subsequently dishonored check (Art. 102.0071, Code of Criminal Procedure) ... not to exceed \$30; ~~and~~

(8) a court cost on conviction of a Class C misdemeanor in a county with a population of 3.3 million or more, if authorized by the county commissioners court (Art. 102.009, Code of Criminal Procedure) ... not to exceed \$7; and

(9) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.10.

SECTION 34. Section 102.121, Government Code, is amended to read as follows:

Sec. 102.121. ADDITIONAL COURT COSTS ON CONVICTION IN MUNICIPAL COURT: CODE OF CRIMINAL PROCEDURE. The clerk of a municipal court shall collect fees and costs on conviction of a defendant as follows:

(1) a jury fee (Art. 102.004, Code of Criminal Procedure) ... \$3;

(2) a fee for withdrawing request for jury less than 24 hours before time of trial (Art. 102.004, Code of Criminal Procedure) ... \$3;

(3) a jury fee for two or more defendants tried jointly (Art. 102.004, Code of Criminal Procedure) ... one jury fee of \$3;

(4) a security fee on a misdemeanor offense (Art. 102.017, Code of Criminal Procedure) ... \$3;

(5) a fee for technology fund on a misdemeanor offense (Art. 102.0172, Code of Criminal Procedure) ... not to exceed \$4;

(6) a juvenile case manager fee (Art. 102.0174, Code of Criminal Procedure) ... not to exceed \$5; and

(7) a civil justice fee (Art. 102.022, Code of Criminal Procedure) ... \$0.10.

SECTION 35. The following laws are repealed:

(1) Section 1701.051(d), Occupations Code;

(2) Section 1701.156(c), Occupations Code;

(3) Section 1701.315, Occupations Code; and

(4) Section 1701.406, Occupations Code.

SECTION 36. (a) The changes in law made by this Act to Sections 1701.053, 1701.056, and 1701.059, Occupations Code, apply only to a member of the Texas Commission on Law Enforcement Officer Standards and Education appointed on or after the effective date of this Act and do not affect the entitlement of a member serving on the commission immediately before that date to continue to serve and function as a member of the commission for the remainder of the member's term.

(b) Not later than March 1, 2010, the Texas Commission on Law Enforcement Officer Standards and Education shall adopt rules and policies required under:

(1) Sections 1701.202, 1701.254, and 1701.451, Occupations Code, as amended by this Act; and

(2) Sections 1701.1521, 1701.1522, 1701.1523, 1701.1524, and 1701.162, Occupations Code, as added by this Act.

(c) The changes in law made by this Act with respect to conduct that is grounds for the imposition of a disciplinary sanction, including an administrative penalty, apply only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before that date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

(d) The Commission on Law Enforcement Officer Standards and Education shall modify the training program required by Section 1701.352(b), Occupations Code, as amended by this Act, and ensure that the modified program is available not later than January 1, 2010.

(e) A law enforcement agency affected by the change in law made by this Act to Section 1701.355(a), Occupations Code, shall designate a firearms proficiency officer not later than March 1, 2010. For purposes of this section, a state or local governmental entity that employs one or more peace officers is a law enforcement agency.

(f) The changes in law made by this Act to Section 1701.157(b), Occupations Code, apply to allocations made on or after January 1, 2011. Allocations made before that date are governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(g) The requirements of Articles 2.132, 2.133, and 2.134, Code of Criminal Procedure, as amended by this Act, relating to the compilation, analysis, and submission of incident-based data apply only to information based on a motor vehicle stop occurring on or after January 1, 2010.

(h) The imposition of a cost of court under Article 102.022, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 37. This Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3389 was passed by the House on May 13, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3389 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3389 on May 31, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3389 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3389 on May 31, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor

# Responding to the Law

# **Institutional Policy on Racial Profiling**

## League City Police Department



# GENERAL ORDER

Reference Number: 616.00

**Subject: Racial Profiling**

**Effective Date: 06/01/2008**  
**Revision Date:**

This Order consists of the following numbered sections:

- 616.01 PURPOSE**
- 616.02 DEFINITIONS**
- 616.03 POLICY**
- 616.04 TRAINING**
- 616.05 COMPLAINT INVESTIGATION**
- 616.06 PUBLIC EDUCATION**
- 616.07 USE OF VIDEO AND AUDIO EQUIPMENT**
- 616.08 CITATION DATA COLLECTION AND REPORTING FOR OFFICERS UTILIZING VIDEO AND AUDIO EQUIPMENT**
- 616.09 COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS FOR OFFICERS NOT UTILIZING VIDEO AND AUDIO EQUIPMENT**
- 616.10 EFFECTIVE DATE**

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**616.01 PURPOSE**

The purpose of this Order is as follows:

- A. To reaffirm the League City Police Department's commitment to unbiased policing in all its encounters between an officer and any person;
- B. To reinforce procedures that serve to ensure public confidence and mutual trust by providing services in a fair and equitable fashion; and
- C. To protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

## **616.02 DEFINITIONS**

A. **"Racial profiling,"** as used in this policy, 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.

1. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant with reference to witnesses, complainants or other citizen contacts.
2. The prohibition against racial profiling set forth by this policy does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities, simply because of that individual's race, ethnicity or national origin, constitutes racial profiling and is prohibited. Examples of racial profiling include, but are not limited to, the following:
  - a. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding, because of the cited driver's race, ethnicity or national origin.
  - b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
  - c. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.
3. A law enforcement agency can arrive at the following two principles from the adoption of this definition of racial profiling:
  - a. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.



b. Racial profiling is not relevant as it pertains to witnesses, complainants or other citizens.

1) "***Race or ethnicity***" means of a particular decent, including Caucasian, African, Hispanic, Asian, or Native American.

2) "***Pedestrian stop***" means an interaction between a law enforcement officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

3) "***Traffic stop***" means a stop of a motor vehicle, by a law enforcement officer, for an alleged violation of a law or ordinance regulating traffic.

### **616.03 POLICY**

A. It is the policy of the Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling, as defined in this policy. This policy shall apply to all persons, whether drivers or passengers in a motor vehicle an officer has stopped, or pedestrians.

B. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

C. This policy shall not preclude officers from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. This policy is also not intended to prohibit an officer from stopping a person suspected of a crime, when that stop is based upon observed actions and/or information received about the person.

### **616.04 TRAINING**

A. All officers shall complete a required TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who, on September 1, 2001, held a

TCOLE intermediate proficiency certificate, or who had held a peace officer license issued by TCOLE for at least two years, shall complete a TCOLE training and education program on racial profiling not later than September 1, 2003.

- B. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
- C. If the Chief of the Department was appointed to that position prior to September 1, 2001, then by September 1, 2003, the Chief shall be required to complete the racial profiling program established under Section 96.641(j) of the Texas Education Code.

#### **616.05 COMPLAINT INVESTIGATION**

- A. The Department shall accept complaints from any person who believes he/she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he/she filed such a complaint.
- B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the complainant's name, address and telephone number, and immediately forward that information to the Office of Professional Standards and direct the individual(s) to contact Office of Professional Standards supervisor between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. Any employee contacted shall also, if possible, provide to the complainant a "citizen complaint pamphlet" describing the procedures for filing a citizen complaint with the Department. Copies of the citizen complaint pamphlets shall also be maintained and made available in the Telecommunications Center.
- C. Investigation of a citizen complaint shall be conducted in a timely manner in accordance with the Department's discipline guide and policies. All complainants shall be provided with written notification of the disposition of their complaints within a reasonable period of time.
- D. If a racial profiling complaint is sustained against an officer, appropriate corrective and/or disciplinary action will be taken in accordance with the Department's discipline guide.
- E. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by the Department into the complaint and written request of the officer made the subject of the complaint, the Department shall promptly provide a copy of the recording to that officer.

## **616.06 PUBLIC EDUCATION**

The Department will inform the public of its policy against racial profiling and the citizen complaint process. Methods that may be utilized to inform the public include the area newspapers, electronic news media (TV and radio), service or civic presentations, the Internet, and city council meetings. Additionally, information will be made available, as deemed appropriate, in languages other than English.

## **616.07 USE OF VIDEO AND AUDIO EQUIPMENT**

- A. Any time an officer of the Department makes a traffic or pedestrian stop, which is capable of being recorded with audio-video equipment (*i.e.*, a video camera) or with audio recording equipment (recording sound only) (collectively "electronic recordings"), the stop shall be so recorded. If an officer makes any electronic recordings of a traffic or pedestrian stop, which results in the issuance of a citation or an arrest, the officer shall properly record and report all of the information required by section 617.08(A) of this policy.
- B. The Department shall retain all videotapes and audiotapes of each traffic and pedestrian stop for at least 90 days after the date of the stop. If a complaint is filed with the Department, alleging that an officer has engaged in racial profiling with respect to a traffic or pedestrian stop, then the Department shall retain any electronic recordings of the stop until the final disposition of the complaint.
- C. Supervisors shall ensure that officers of the Department are making electronic recordings of their traffic and pedestrian stops. Watch Commanders shall review at least five (5) videotaped traffic or pedestrian contacts, performed by each officer assigned to his platoon, on a monthly basis.
- D. If the police vehicle is not fitted with equipment to make any electronic recordings of traffic or pedestrian stops, or the equipment is malfunctioning or otherwise not operable at the time of a stop, then the officer making the stop shall make a written record of the stop and report all of the information required by section 617.09(A) of this policy.

## **616.08 CITATION DATA COLLECTION AND REPORTING FOR OFFICERS UTILIZING VIDEO AND AUDIO EQUIPMENT**

- A. An officer is required to collect information relating to traffic stops in which a citation is issued or an arrest results from the stop. On the citation or other designated form, officers must include the following information:
  - 1. The violator's race or ethnicity;

2. Whether a search was conducted;
  3. Whether the search was consensual; and
  4. Whether the stop for this cited violation or any other violation resulted in an arrest.
- B. By March 1 of each year, the Department shall submit a report to the mayor and city council that includes information gathered from the citations during the preceding calendar year. The report shall include the following:
1. A breakdown of citations by race or ethnicity of the person cited;
  2. The number of citations that resulted in a search;
  3. The number of searches that were consensual; and
  4. The number of citations that resulted in custodial arrest for the cited violation or any other violation.

**616.09 COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS FOR OFFICERS NOT UTILIZING VIDEO AND AUDIO EQUIPMENT.**

- A. If an officer stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or stops a pedestrian for any suspected offense, but fails to make any electronic recordings of the stop, then the officer shall record and report the following information on the form designated by the Department:
1. A physical description of each person detained as a result of the traffic stop, including:
    - a. The person's gender;
    - b. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability;
    - c. The street address or approximate location of the stop;
    - d. The suspected offense or traffic law or ordinance alleged to have been violated;
    - e. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
    - f. Whether probable cause existed to search and, if so, all facts supporting the existence of that probable cause;
    - g. Whether any contraband was discovered in the course of the search and, if so, the type of the contraband discovered;
    - h. Whether the officer made an arrest as a result of the stop and/or search and, if so, a statement of the offense charged; and
    - i. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

- B. The Department shall compile and analyze the information contained in these individual reports. Not later than March 1 of each year, the Department shall submit a report to the mayor and city council containing the information compiled from the preceding calendar year in a manner they approve. Such reports shall include the following:
1. A comparative analysis of the information contained in the individual reports, sufficient to:
    - a. Determine the prevalence of racial profiling by officers in the Department; and
    - b. Examine the disposition of traffic and pedestrian stops made by the Department's officers, including searches resulting from stops.
  2. Information relating to each complaint filed with the Department alleging racial profiling.
    - a. These reports shall not include identifying information about a police officer who makes a stop or about an individual who is stopped or arrested by a police officer.

**616.09      EFFECTIVE DATE**

This Order is effective June 1, 2008.



Chief Michael W. Kramm

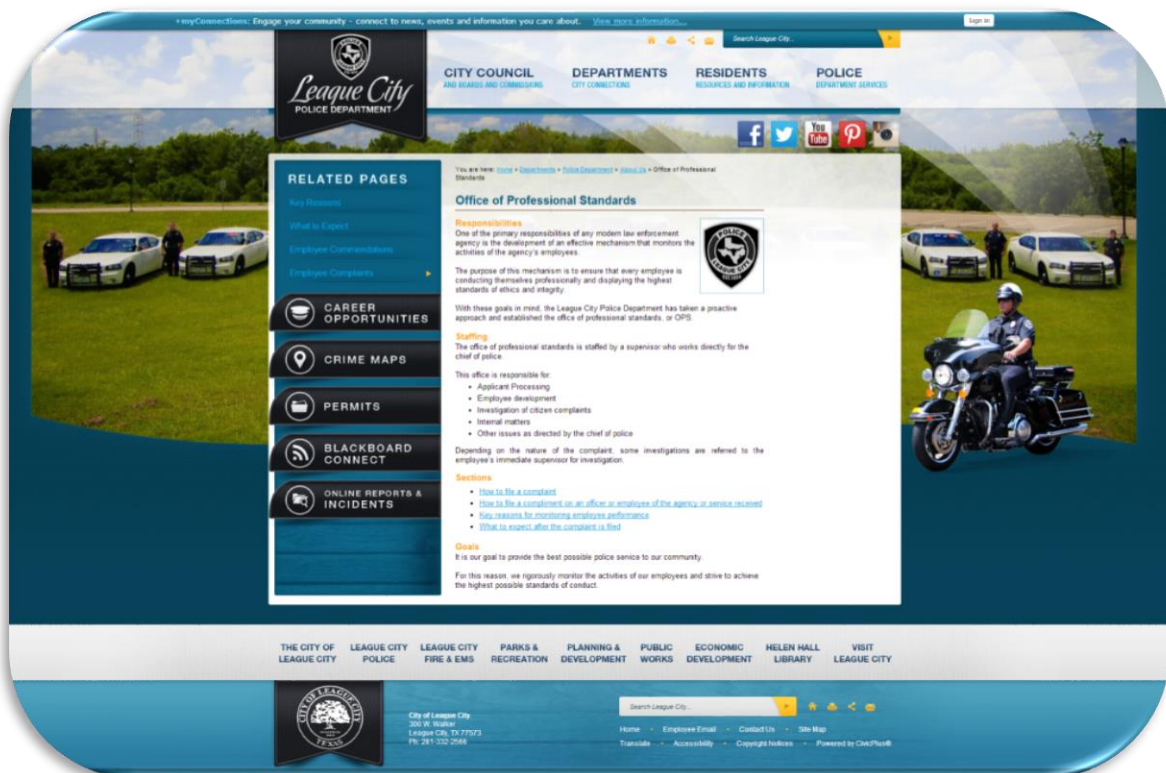
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                         All Personnel

# **Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices**

## **Informing the Public on the Process of Filing a Racial Profiling Complaint with the League City Police Department**

Since January 1, 2002, the League City Police Department, in accordance to The Texas Racial Profiling law, launched an educational campaign aimed at informing the public on issues relevant to the complaint process. The police department made available a form based website with information relevant to filing a complaint on a racial profiling violation by a League City police officer.

The League City Police Department included language, in its current complaint process, pertaining to the manner in which citizens can file a complaint as a consequence of a racial profiling incident. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.



# **Racial Profiling Training**



### **Racial Profiling Training**

Since 2002, all League City police officers were instructed, as specified in H.B. 3389, to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the League City Police Department have completed the TCOLE basic training. The main outline used to train the officers of League City Police Department has been included in this report.

It is important to recognize that the Chief of the League City Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the League City Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

# Racial Profiling



**Course Number 3256**

# **Texas Commission on Law Enforcement**

***September 2001***

**Instructor's Note:**

You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

**Abstract**

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

<b>Target Population:</b>	Licensed law enforcement personnel in Texas
<b>Prerequisites:</b>	Experience as a law enforcement officer
<b>Length of Course:</b>	A suggested instructional time of 4 hours
<b>Material Requirements:</b>	Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations
<b>Instructor Qualifications:</b>	Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

**Evaluation Process and Procedures**

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

**Reference Materials**

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at <http://www.TCOLE.state.tx.us>.

## 1.0 RACIAL PROFILING AND THE LAW

### 1.1 **UNIT GOAL:** The student will be able to identify the legal aspects of racial profiling.

#### 1.1.1 **LEARNING OBJECTIVE:** The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

#### **Racial Profiling Requirements:**

Racial profiling	CCP 3.05
Racial profiling prohibited	CCP 2.131
Law enforcement policy on racial profiling	CCP 2.132
Reports required for traffic and pedestrian stops	CCP 2.133
Liability	CCP 2.136
Racial profiling education for police chiefs	Education Code 96.641
Training program	Occupations Code 1701.253
Training required for intermediate certificate	Occupations Code 1701.402
Definition of "race or ethnicity" for form	Transportation Code 543.202

- A. Written departmental policies
  - 1. Definition of what constitutes racial profiling
  - 2. Prohibition of racial profiling
  - 3. Complaint process
  - 4. Public education
  - 5. Corrective action
  - 6. Collection of traffic-stop statistics
  - 7. Annual reports
- B. Not prima facie evidence
- C. Feasibility of use of video equipment
- D. Data does not identify officer
- E. Copy of complaint-related video evidence to officer in question
- F. Vehicle stop report
  - 1. Physical description of detainees: gender, race or ethnicity
  - 2. Alleged violation
  - 3. Consent to search
  - 4. Contraband
  - 5. Facts supporting probable cause
  - 6. Arrest
  - 7. Warning or citation issued
- G. Compilation and analysis of data
- H. Exemption from reporting – audio/video equipment
- I. Officer non-liability
- J. Funding

- K. Required training in racial profiling
  - 1. Police chiefs
  - 2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

**1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.**

- A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)
  - 1. Motor vehicle search exemption
  - 2. Traffic violation acceptable as pretext for further investigation
  - 3. Selective enforcement can be challenged
- B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
  - 1. Stop & Frisk doctrine
  - 2. Stopping and briefly detaining a person
  - 3. Frisk and pat down
- C. Other cases
  - 1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
  - 2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
  - 3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
  - 4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
  - 5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
  - 6. New York v. Belton, 453 U.S. 454 (1981)

**2.0 RACIAL PROFILING AND THE COMMUNITY**

**2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.**

**2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.**

- A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism
- B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

- C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers
- D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop
- E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

### **3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION**

#### **3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.**

##### **3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially-motivated traffic stop.**

- A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements
- B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)
- C. A typical traffic stop resulting from racial profiling
  1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
  2. The driver and passengers are questioned about things that do not relate to the traffic violation
  3. The driver and passengers are ordered out of the vehicle
  4. The officers visually check all observable parts of the vehicle
  5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
  6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

##### **3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.**

- A. Drug courier profile (adapted from a profile developed by the DEA)

1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
  2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
  3. Vehicle is rented
  4. Driver is a young male, 20-35
  5. No visible luggage, even though driver is traveling
  6. Driver was over-reckless or over-cautious in driving and responding to signals
  7. Use of air fresheners
- B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

**3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.**

- A. Thinking about the totality of circumstances in a vehicle stop
- B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
  2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
  3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
  4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)
- C. Pre-stop indicators
1. Not consistent with traffic flow
  2. Driver is overly cautious, or driver/passengers repeatedly look at police car
  3. Driver begins using a car- or cell-phone when signaled to stop
  4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)
- D. Vehicle interior
1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
  2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

## Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)

Web address for legislation 77R-SB1074:

<http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm>



# **Report on Complaints**

## **Report on Racial Profiling Complaints**

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/15 - 12/31/15, based on allegations related to possible violations of the Texas Racial Profiling Law. The final disposition of the case is also included.

- ☒ A check above indicates that the League City Police Department has not received any complaints, as outlined in the law, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/15 - 12/31/15.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law.

Complaint No.	Disposition of the Case	

**Additional Comments:**

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# Tables Illustrating Traffic Contact

## **Tier 1 Data**

## **(I) Tier 1 Data**

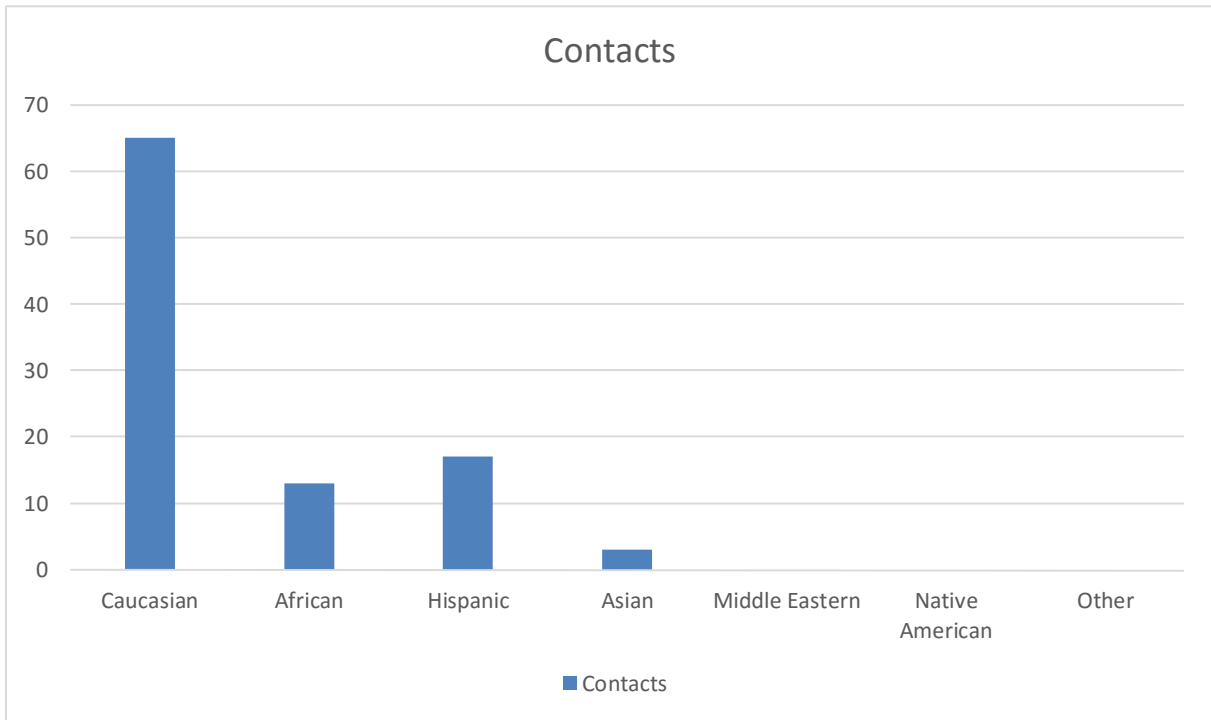
### Traffic-Related Contact Information (1/1/15—12/31/15)

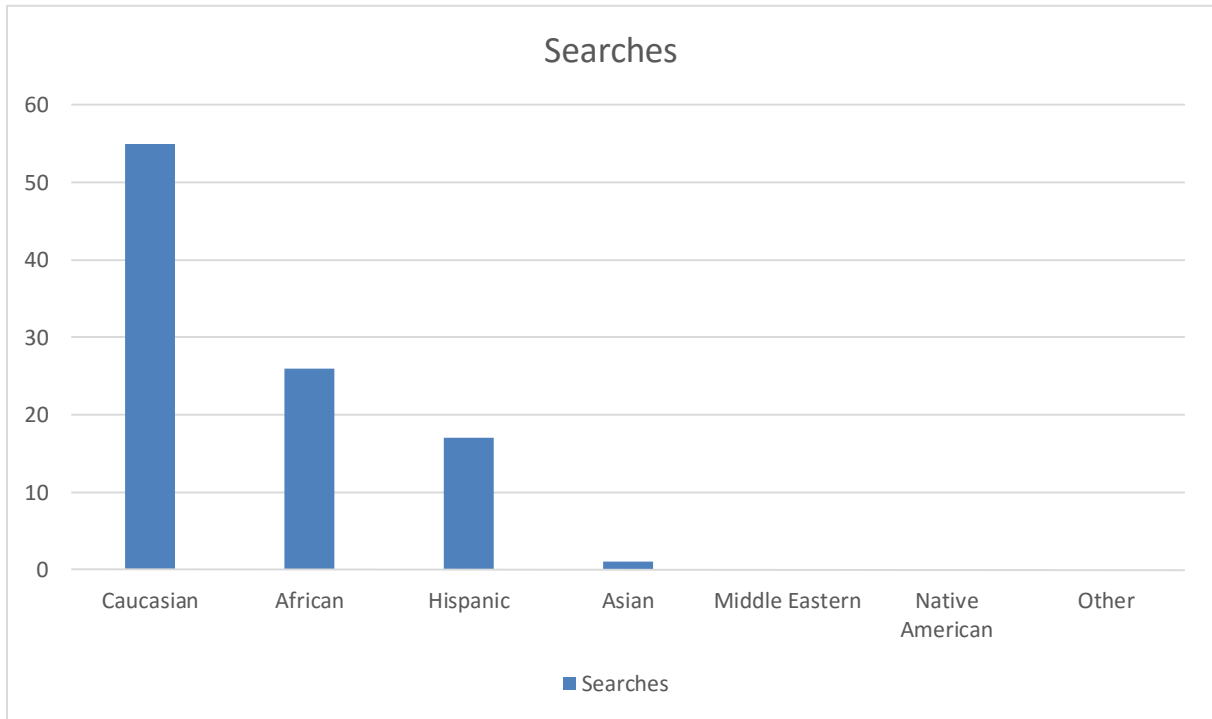
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests		Race Known Prior to Stop	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>Caucasian</b>	7802	65	309	55	144	58	165	53	975	42	72	64
<b>African</b>	1644	13	146	26	61	24	85	27	504	22	22	19
<b>Hispanic</b>	2094	17	99	17	39	15	60	19	787	34	18	16
<b>Asian</b>	379	3	4	<1	3	<1	1	<1	19	<1	0	0
<b>Middle Eastern</b>	13	<1	0	0	0	0	0	0	0	0	0	0
<b>Native American</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total</b>	11,932	100**	558	100**	247	100**	311	100**	2285	100**	112	100**

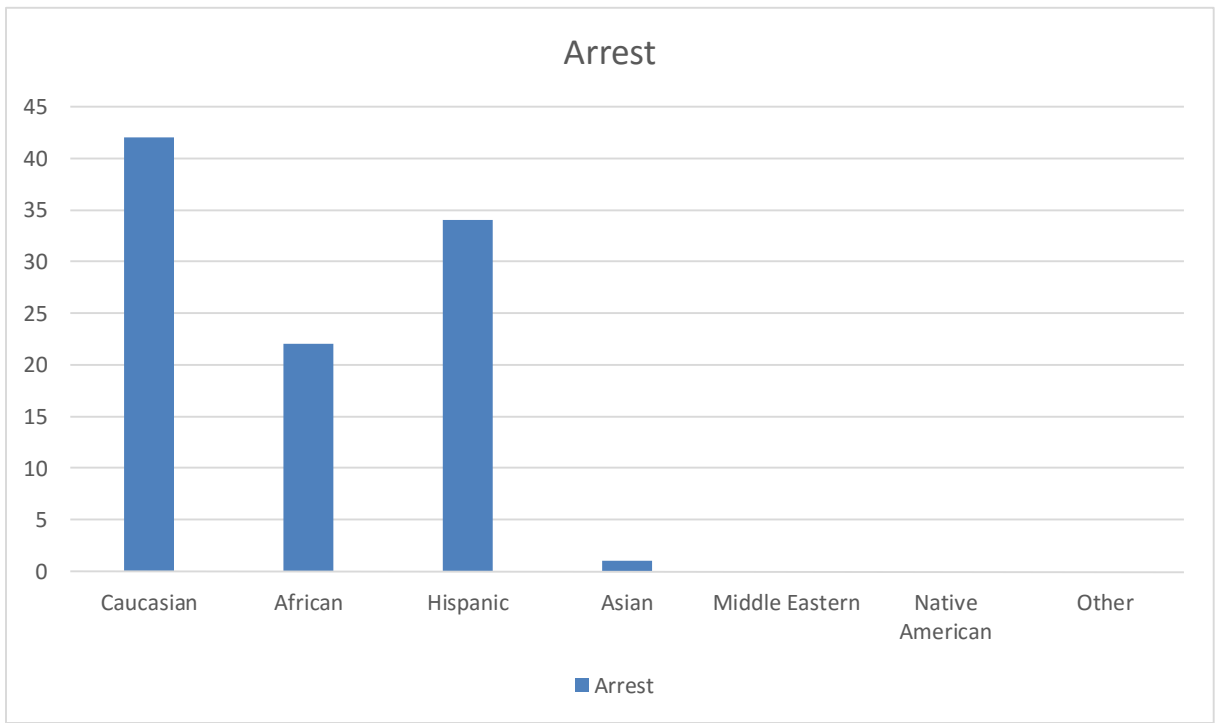
“N” represents “number” of traffic-related contacts

\* Race/Ethnicity is defined by House Bill 3389 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern”.

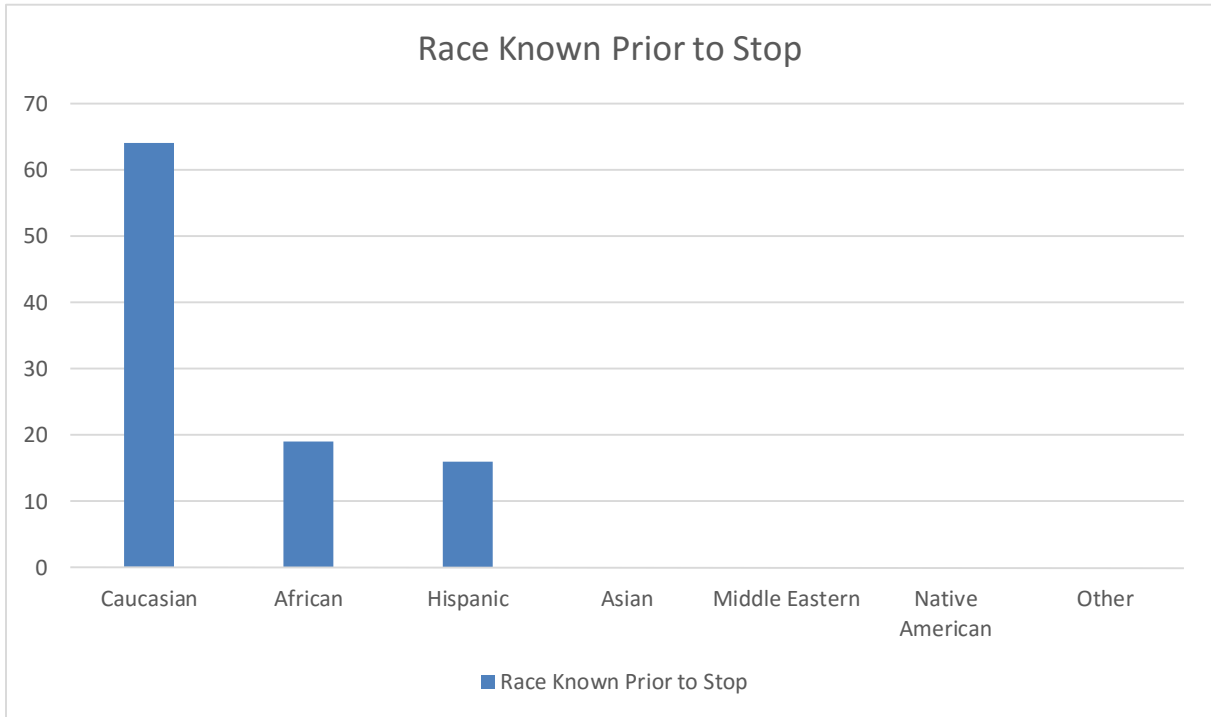
\*\*Figure has been rounded











**Tier 1 Data**  
**(Five-Year Comparative Analysis)**  
**(2011—2015)**

### **(III) Five-Year Tier 1 Data Comparison**

#### **Comparison of Five-Year Traffic-Related Contact Information (1/1/11---12/31/15)**

##### **Race/Ethnicity\***

	(11)	(12)	(13)	(14)	(15)
<b>Caucasian</b>	73	70	68	66	65
<b>African</b>	11	12	12	13	13
<b>Hispanic</b>	13	16	16	18	17
<b>Asian</b>	3	2	3	3	3
<b>Middle Eastern</b>	< 1	<1	<1	<1	<1
<b>Native American</b>	< 1	<1	<1	0	0
<b>Other</b>	0	0	0	0	0
<b>Total</b>	100**	100**	100**	100**	100**

\* Race/Ethnicity is defined by Texas House Bill 3389 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern”.

\*\* Figure has been rounded.

**Comparison of Five-Year Traffic-Related Search Information  
(1/1/11---12/31/15)**

**Race/Ethnicity\***

	(11)	(12)	(13)	(14)	(15)
<b>Caucasian</b>	64	55	57	53	55
<b>African</b>	15	22	22	24	26
<b>Hispanic</b>	19	21	20	22	17
<b>Asian</b>	1	1	<1	<1	<1
<b>Middle Eastern</b>	< 1	<1	<1	0	0
<b>Native American</b>	0	0	0	0	0
<b>Other</b>	0	0	0	0	0
<b>Total</b>	100**	100**	100**	100**	100**

\* Race/Ethnicity is defined by Texas House Bill 3389 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern”.

\*\* Figure has been rounded.

**Comparison of Five-Year Traffic-Related Arrest Information  
(1/1/11---12/31/15)**

**Race/Ethnicity\***

	(11)	(12)	(13)	(14)	(15)
<b>Caucasian</b>	52	46	47	45	42
<b>African</b>	17	19	20	20	22
<b>Hispanic</b>	30	34	31	34	34
<b>Asian</b>	< 1	1	1	<1	<1
<b>Middle Eastern</b>	< 1	<1	<1	0	0
<b>Native American</b>	0	0	0	0	0
<b>Other</b>	0	0	0	0	0
<b>Total</b>	100**	100**	100**	100**	100**

\* Race/Ethnicity is defined by Texas House Bill 3389 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern”.

\*\* Figure has been rounded.

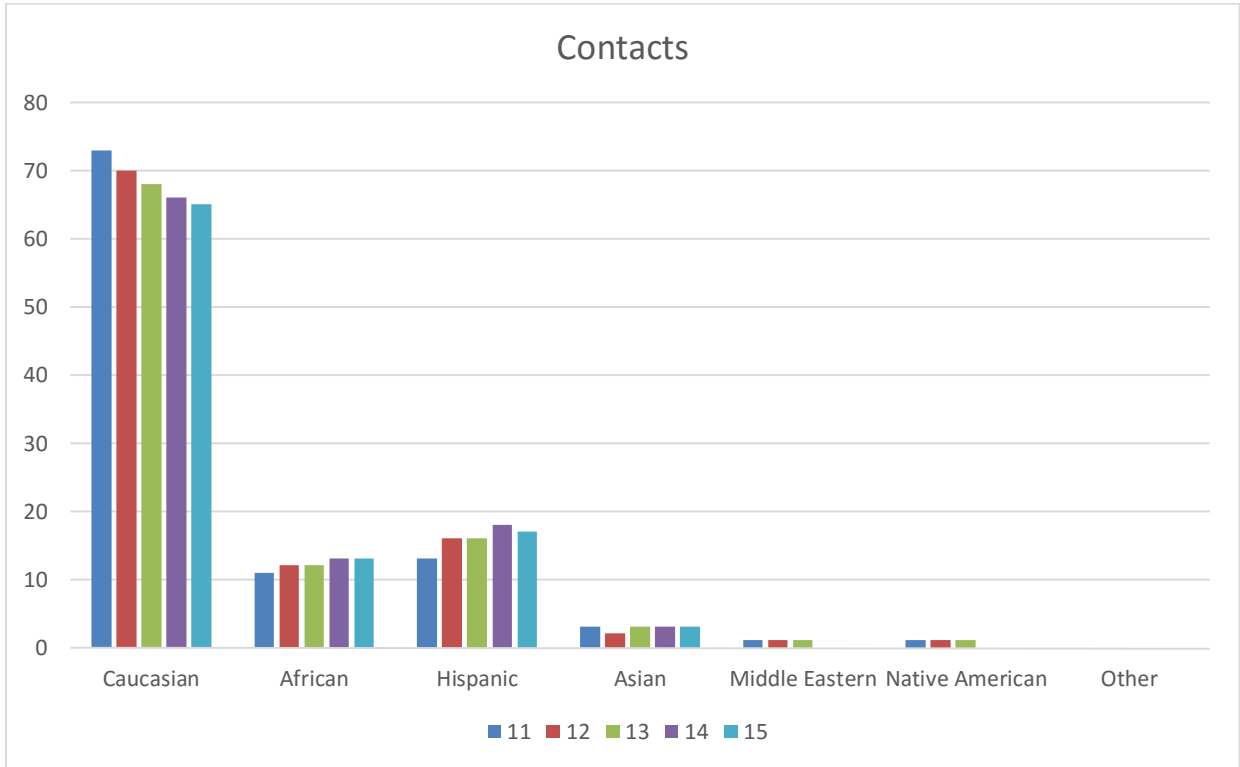
**Comparison of Five-Year Traffic-Related Race Known Prior to Stop  
Information  
(1/1/11---12/31/15)**

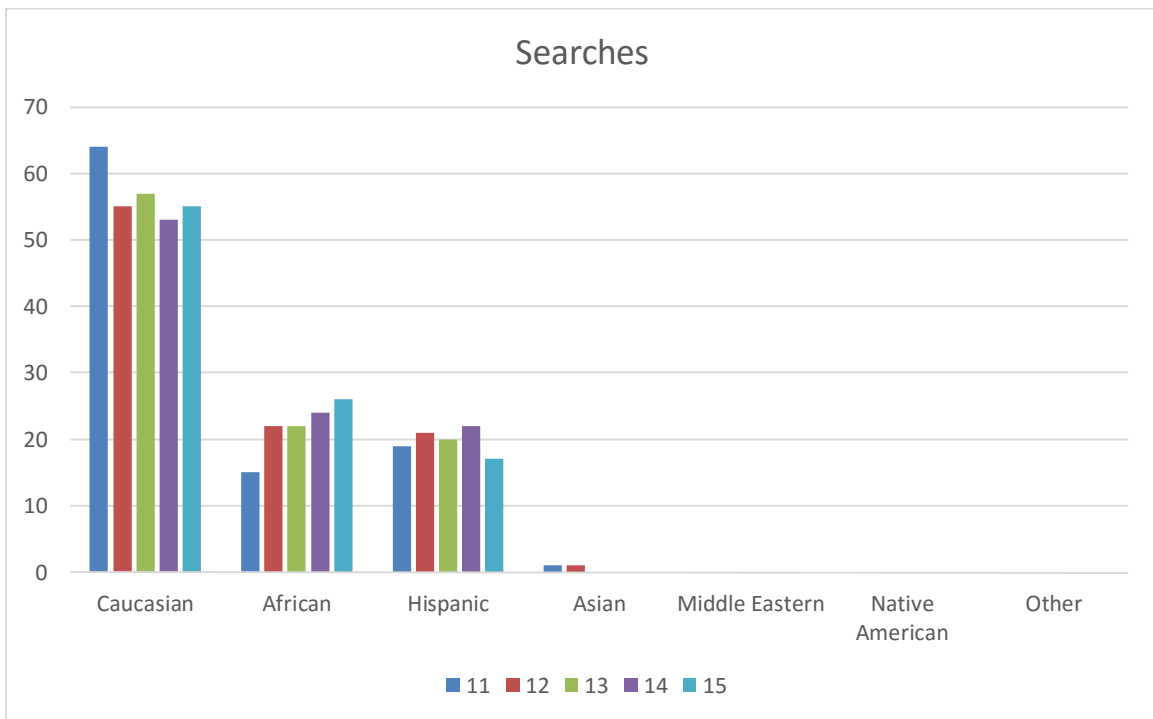
**Race/Ethnicity\***

	(11)	(12)	(13)	(14)	(15)
<b>Caucasian</b>	69	70	75	59	64
<b>African</b>	15	16	15	21	19
<b>Hispanic</b>	15	13	8	20	16
<b>Asian</b>	< 1	<1	<1	0	0
<b>Middle Eastern</b>	0	0	0	0	0
<b>Native American</b>	0	0	0	0	0
<b>Other</b>	0	0	0	0	0
<b>Total</b>	N/A	N/A	100**	100**	100**

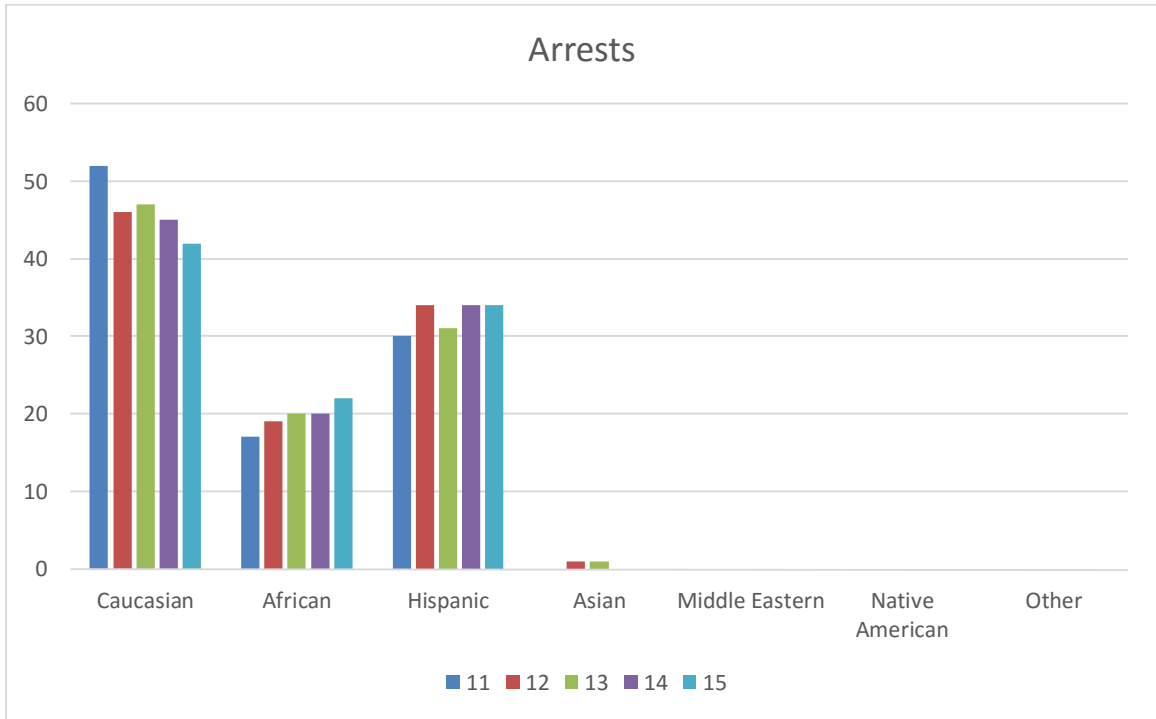
\* Race/Ethnicity is defined by Texas House Bill 3389 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern”.

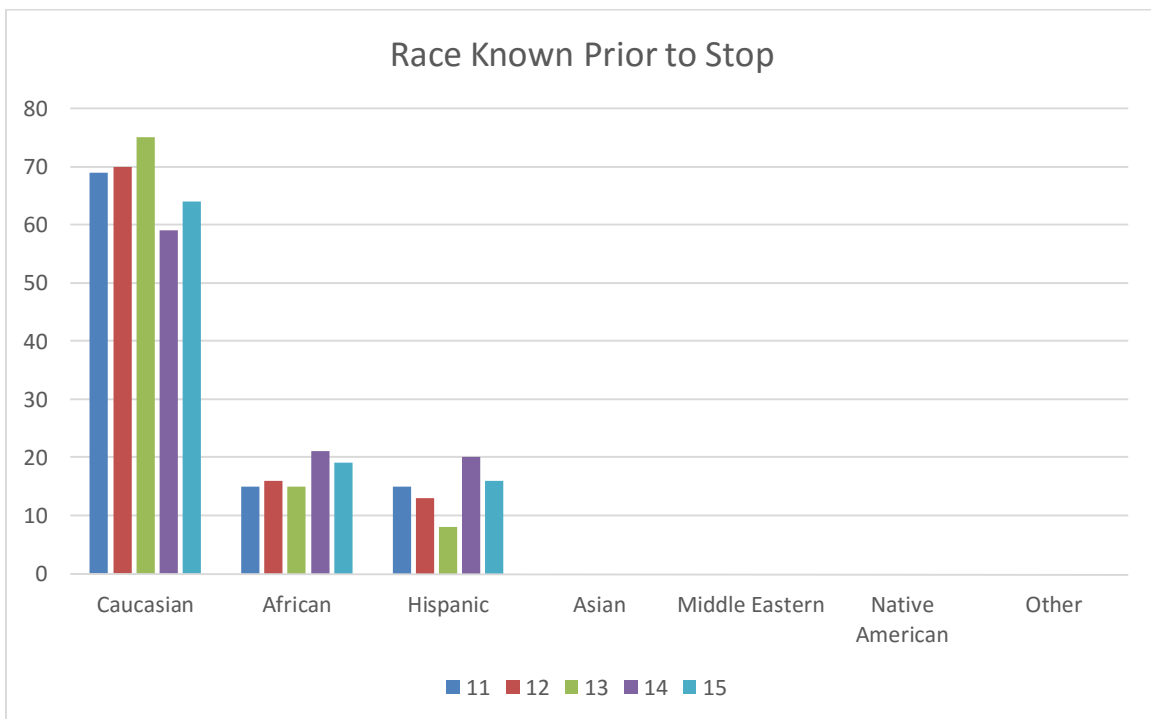
\*\* Figure has been rounded.











# **Analysis and Interpretation of Data**

## Analysis

The Texas Racial Profiling Law mandates that all police departments in Texas collect traffic-related data when a citation is issued. Further, the law requires that agencies report this information to their local governing authority and TCOLE. The purpose in collecting and presenting this information is to determine if a particular police officer is engaging in the practice of profiling minority motorists. Despite the fact most agree that it is good practice for police departments to be accountable to their community while carrying a transparent image, it is very difficult to determine if police departments are engaging in racial profiling, from the review of aggregate data. That is, it is very difficult to detect specific “individual” racist behavior from the study and analysis of aggregate-level “institutional” data on traffic-related contacts.

Despite this, the League City Police Department, in response to the requirements of The Texas Racial Profiling Law (H.B. 3389), commissioned the analysis of its 2015 traffic contact data. Thus, three different types of analyses were conducted. The first of these involved a careful evaluation of the 2015 traffic-stop data. This particular analysis measured, as required by the Texas Racial Profiling Law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Eastern, and individuals belonging to the “other” category, that came in contact with the police and were issued a traffic-related citation in 2015. In addition, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search (i.e., consensual or probable cause) conducted. Finally, the data analysis highlighted the number and percentage of individuals who, after they were issued a citation, were subsequently arrested.

The second type of analysis included in this report, related to the comparison of the 2015 traffic contact data with an appropriate baseline. It should be noted that there is also a great deal of disagreement, in the academic literature, over the type/form of baseline to be used when analyzing traffic-related contact information. Of all the baseline measures available, the League City Police Department decided to adopt, as a baseline measure, the demographic makeup of the City. According to experts, census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population.

It is obvious that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. Census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the League City Police Department in 2015 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all traffic-related contacts made in a given year.

The League City Police Department made a decision that it would use this form of comparison (i.e., census data relevant to demographics) in an attempt to demonstrate its “transparency” before the community.

Finally, a third type of analysis was conducted while using the 2011-2015 traffic contact data. Specifically, all traffic-related contacts made in 2015 were compared to similar figures reported from 2011 to 2014. When considering this analysis, it was determined that comparing five years of traffic contact data may highlight possible areas of consistency with regards to traffic-related contacts. That is, the five-year comparison has the potential of revealing indicators that a trend of police-initiated contacts with regards to members of a specific minority group, is in fact, developing. The overall analysis of data indicates that the League City Police Department has decreased its violator contacts by 20% over last year with a 22% decrease in searches conducted. The data revealed an 19% decrease in searches of Caucasian drivers and a 25% decrease in searches of ethnic contacts when compared to the 2014 reporting period.

### **Tier 1 (2015) Traffic-Related Contact Analysis**

The Tier 1 data collected in 2015 showed that 3.9% of Caucasian contacts were searched, 8.8% of African Americans, 4.7% of Hispanics, Middle Eastern 0%, and <1 % of Asians. When analyzing the Tier 1 data collected in 2015, it was evident that most traffic related contacts were made with Caucasian drivers. This was followed by Hispanic drivers and then African American drivers. With respect to searches, most of them were performed on Caucasian drivers. This was also followed by African Americans and Hispanics. In contrast to last year’s analysis, the League City Police Department instituted improved quality controlled measures to limit the amount of contacts that fell into the “others” category. This allowed for a more accurate representation of contact demographics. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in traffic related contacts; this was followed by Hispanic and African Americans, in that order. An analysis of contacts versus searches reveals that Hispanic and African American contacts are searched more frequently than Caucasian contacts. Further analysis reveals that 12.4% of Caucasian contacts result in arrest, 30% African American/Black contacts result in arrest, and 37% of Hispanic contacts result in arrest. Middle Eastern, Asian, and Native American contacts result in less than 1% of arrest.

### **Five-Year Comparison**

The five-year comparison (11-15) showed similarities with respect to the traffic-related contacts. As evident in table 3, the percentage of drivers contacted and subjected to searches has been consistent throughout the review period. However, a few differences were noted. When comparing 2015 to previous years, there was a decrease in percentage of contacts among all ethnicities.

When considering arrests made, the data revealed that African Americans are arrested at twice the percentage of Caucasians contacts while Hispanics are arrested at a 2.5 higher percentage than that of Caucasian contacts.

# Summary

## **Summary of Findings**

The League City Police Department came in contact (in traffic-related incidents) with a consistent percentage of Caucasian, Asian, Hispanic, and Native American drivers when with the percentage that resided in League City as related to earlier reporting periods. The data indicates that the League City Police Department arrests and searches ethnic groups at twice the rate of Caucasian contacts. This however, cannot be directly attributed to bias based police contacts and at face value cannot be considered as racial profiling. In 2005 the U.S. Department of Justice Office of Community Oriented Policing published an article on the suggested approaches to analyzing racial profiling. The article offers various approaches to analyzing racial profiling data and the difficulty in accurately measuring its existence. (U.S. Department of Justice, Community Oriented Policing Services, “A Suggested Approach to Analyzing Racial Profiling”, 2005).

The League City Police Department actively reviews mobile video recordings of violator contacts and deploys database analytical reports in an effort to identify inappropriate conduct and/or patterns of racial profiling.

The analysis of the five-year traffic-related contact data suggested that the League City Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. There is a consistency of contacts for the past 5 years despite the fact the city demographics may have changed, thus, increasing the number of subjects likely to come in contact with the police.

It is recommended that the League City Police Department continue to collect and evaluate additional information on traffic-contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the traffic-related contacts police officers are making with all individuals; particularly with African Americans and Hispanics. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all traffic contacts made with the public. As part of this effort, the League City Police Department is also encouraged to:

- 1) Perform an independent analysis on the search data collected in 2015.
- 2) Commission data audits in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.
- 3) Perform data analysis on individual officer contacts to determine ethnic targeting or trending by isolated employees.
- 4) Deploy a standard citation system across all equipped vehicles to ensure more accurate data collection via a unified software platform.

The information and analysis provided in this report serves as evidence that the League City Police Department has, once again, complied with the Texas Racial Profiling Law.

# Checklist



## Checklist

The following requirements were met by the League City Police Department in accordance with House Bill 3389:

- ☒ Clearly defined act of actions that constitute racial profiling
- ☒ Statement indicating prohibition of any peace officer employed by the League City Police Department from engaging in racial profiling
- ☒ Implement a process by which an individual may file a complaint regarding racial profiling violations
- ☒ Provide public education related to the complaint process
- ☒ Implement disciplinary guidelines for officer found in violation of the Texas Racial Profiling Law
- ☒ Collect data (Tier 1) that includes information on
  - a) Race and ethnicity of individual detained
  - b) Whether a search was conducted
  - c) If there was a search, whether it was a consent search or a probable cause search
  - d) Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual
  - e) Whether a custody arrest took place
- ☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2016.
- ☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

# **Contact Information**

**Contact Information**

For additional questions regarding the information presented in this report, please contact:

**Chief of Police, Michael W. Kramm**

**Support Services Bureau Commander, Darrell Kelemen**

**League City Police Department  
500 West Walker Street  
League City, Texas 77573  
(281) 332-2566**



# **ADDENDUM**

# **TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT**

**Agency Name:** LEAGUE CITY POLICE DEPT.  
**Reporting Date:** 01/08/2016  
**TCOLE Agency Number:** 167208  
**Chief Administrator:** MICHAEL W. KRAMM  
**Agency Contact Information:** Phone: 281-338-4168  
Email: [darrell.kelemen@lcpd.com](mailto:darrell.kelemen@lcpd.com)  
Mailing Address:  
LEAGUE CITY POLICE DEPT.  
555 W Walker  
League City, Tx 77573

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**

LEAGUE CITY POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the LEAGUE CITY POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the LEAGUE CITY POLICE DEPT. if the individual believes that a peace officer employed by the LEAGUE CITY POLICE DEPT. 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 LEAGUE CITY POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LEAGUE CITY POLICE DEPT.'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; 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: **MICHAEL W. KRAMM**

Chief Administrator

LEAGUE CITY POLICE DEPT.

Date: 01/08/2016

## **LEAGUE CITY POLICE DEPT.Motor Vehicle Racial Profiling Information**

### **Number of motor vehicle stops:**

1. **8746** citation only
2. **2291** arrest only
3. **895** both
4. **11932 Total** (4, 11, 14 and 17 must be equal)

### **Race or Ethnicity:**

5. **1644** African
6. **379** Asian
7. **7802** Caucasian
8. **2094** Hispanic
9. **13** Middle Eastern
10. **0** Native American
11. **11932 Total** (lines 4, 11, 14 and 17 must be equal)

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

12. **112** Yes
13. **11820** No
14. **11932 Total** (lines 4, 11, 14 and 17 must be equal)

### **Search conducted?**

15. **558** Yes
16. **11374** No
17. **11932 Total** (lines 4, 11, 14 and 17 must be equal)

### **Was search consented?**

18. **247** Yes
19. **311** No
20. **558 Total** (must equal line 15)



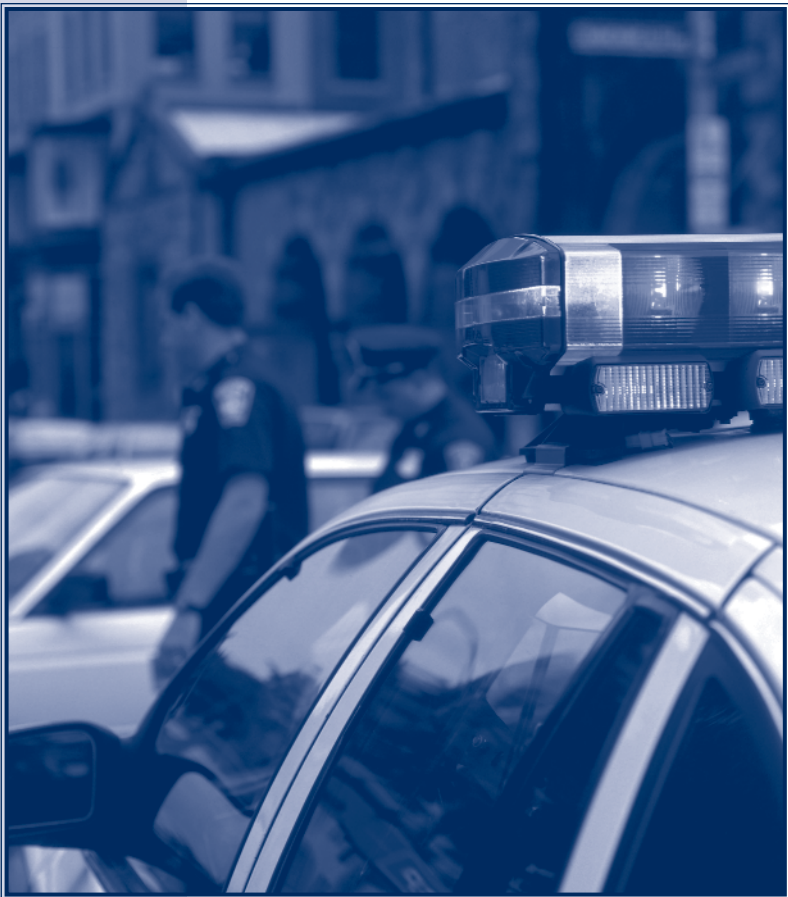
**COPS**

COMMUNITY ORIENTED POLICING SERVICES  
U.S. DEPARTMENT OF JUSTICE

**INNOVATIONS**

*A Closer Look*

## **A Suggested Approach to Analyzing Racial Profiling: Sample Templates for Analyzing Car-Stop Data**



**Authors:**

Joyce McMahon, Ph.D.,  
Amanda Kraus, Ph.D.,  
The CNA Corporation









# **A Suggested Approach to Analyzing Racial Profiling: Sample Templates for Analyzing Car-Stop Data**

**By**  
**Joyce McMahon, Ph.D.,**  
**Amanda Kraus, Ph.D.,**  
**The CNA Corporation**

This project was supported by cooperative agreement #2002-HS-WX-0061 by the Office of Community Oriented Policing Services, U.S. Department of Justice. The opinions contained herein are those of the author(s) and do not necessarily represent the official position of the U.S. Department of Justice. References to specific companies, products, or services should not be considered an endorsement of the product by the author(s) or the U.S. Department of Justice. Rather, the references are illustrations to supplement discussion of the issues.





## Introduction

Because of community concerns about the use of race as a significant factor in police decision-making, many police departments have collected and used data from car stops to investigate the issue of racial profiling, or bias-based policing. Many more departments are considering doing so. Most existing evaluations based on car-stop data have relied on aggregate comparisons between the racial composition of stops in a city and the racial composition of the city's total population. Unfortunately, this simple, aggregate approach can be dangerous. By failing to include important information on police operational procedures, specific city circumstances, and socio-demographic characteristics of neighborhoods, the aggregate approach is too simplistic and may generate misleading results.

Decisions regarding the merits of racial profiling concerns are important and should not be based on either anecdotal evidence or incomplete analysis. Evaluating the extent and nature of police profiling patterns may lead to decisions regarding proper training and appropriate police tactics. It is crucial that such evaluations rely on appropriate methodological approaches, objectively obtained data, and appropriate benchmarks or comparison guidelines.

The Justice Department's Office of Community Oriented Policing Services (COPS) asked The CNA Corporation (CNAC) to work with two police departments to address data collection and evaluation issues. This effort represents a follow-on to a previous CNAC study for the COPS Office, which produced the report, *How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends On It!* (available on the COPS web site).<sup>1</sup> The purpose of the new work was to apply the tools and methods recommended in the previous report by creating partnerships with two police departments and helping them use rigorous analytical methods that go beyond the standard practice. The approach relies on blending analytical research methods with operational police insights.

<sup>1</sup> *How to Correctly Collect and Analyze Racial Profiling Data*, 2002. Report available in hard copy from the COPS Office (800-421-6770) or at the COPS web site, <http://www.cops.usdoj.gov/default.asp?Item=770>



This pamphlet does not include any actual data or specific findings from the two departments. Instead, it describes the general approaches used, and illustrates them with sample templates of the analytical output. These templates represent examples of how to display and evaluate results from various methods of analysis. They were selected to demonstrate the range of analytical questions that can be addressed by these techniques.

### **The traditional (standard) approach to data analysis—and its limitations**

The typical approach for using police administrative data to identify the presence of racial profiling practices is to compare the racial breakdown of vehicle stops to that of the city's population. Consider an example for a hypothetical city in which 33 percent of the people who are stopped belong to a minority race group and 67 percent belong to a majority race group. If the demographic data for the city show that the racial breakdown of the population is the same—33 percent minority and 67 percent non-minority—the standard conclusion that would be drawn from the fact of equal racial shares is that there is no racial profiling; all is well.

By using this approach, people are effectively allowing the demographic mix of a city's total population to act as an estimate of the demographic mix of the observed violator population. More specifically, they are assuming that members of each race group violate traffic laws at the same rates and that officers observe members of each race group committing these violations in the same proportions. Whether the first assumption holds has been a subject of much debate, and is virtually impossible to prove or disprove. The second assumption is generally not expected to hold because it is well understood that deployed police officers, drivers of different races, and problem traffic areas are all dispersed unevenly across a city's geography.



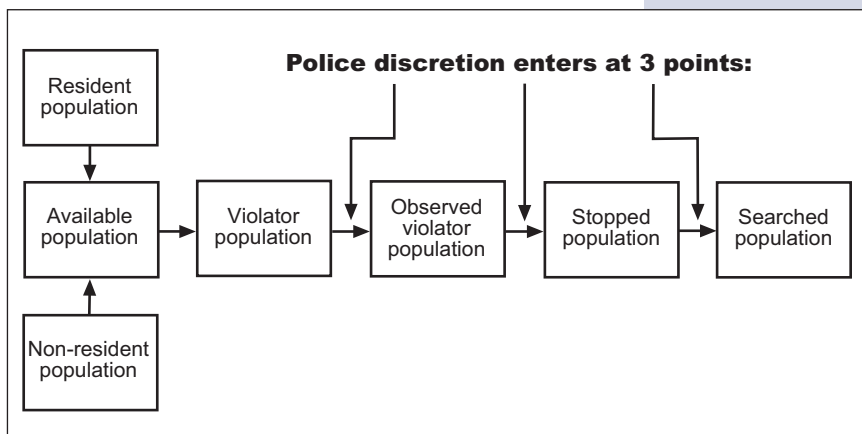
### ***Finding the right comparison group***

A more general characterization of the main conceptual problem with the standard approach is that city population data don't provide the right comparison groups. Figure 1 shows how members of a city's driving population—whether they are residents of the city or not—become part of the stopped and cited populations. The ideal approach to determining whether members of one race group are inappropriately stopped at higher rates than members of other groups would be (a) to compare the race breakdown of the total violator population with that of the observed violator population, (b) to compare the race breakdown of the observed violator population with that of the stopped population, and (c) to consider reasons why variations between the groups exist. Unfortunately, it is virtually impossible to determine the racial make-up of either the total violator population or the observed violator population, so researchers and police analysts have usually made comparisons between the race breakdowns of the stopped and the resident populations. The trouble is that the resident population is several steps removed from both violator populations and is likely to be quite different for reasons that are independent of police activity as well as for reasons that are due to police policies and behavior.

Reasons for differences in the racial compositions of the various populations in the figure can be considered in more detail. Starting from left to right in Figure 1, it can first be seen that the racial composition of the available driving population may be different from the racial composition of the city's population for two reasons. First, the city's own driving population may not have the same racial composition as the city's total population. This will be true if race breakdowns vary by driving age or car ownership. Second, if the non-resident driving population is sufficiently large, then differences between the racial compositions of non-resident drivers and the city's population will also cause the driving population to be racially different from the city's population. If the race mix of the driving population is different from that of the city's population for either of these reasons, then it is likely that all the populations that are "downstream" from the driving population will also be racially different from the city's population. Since these differences will occur independent of any action on the part of police officers, they cannot be the result of racial profiling.



**Figure 1. How members of a city's total population become members of the city's driving and stopped populations**



Next, consider sources of differences between the racial compositions of the driving population and the violator population. The main issue here is whether people of different races commit infractions at the same rates. If they do, then the race distributions of the two groups will match; if they don't then the race distributions will not match. Again, this difference will occur independent of police activity.

Moving from the violator population to the observed violator population is the first place where police department policies can contribute to differences between the stopped population and the city population. Specifically, the racial make-up of the observed violator population may differ from that of the total violator population due to variations in police deployments across geographic areas and times of day. Such differences are legitimate if deployment patterns are determined without respect to race. Next, differences in the race breakdowns of the observed violator and stopped populations can arise due to the interaction between racial differences in violation rates on the one hand, and police policies and procedures regarding which violations should be singled out for stops, on the other. Again, if such policies are determined without respect to race, then differences between populations can be considered legitimate. Therefore, an important corollary to recommendations on effectively using administrative data to show whether a department practices racial profiling is that departments need to be able to document the reasons behind existing deployment patterns and other operational decisions.



Finally, individual officers will use their own judgment and understanding of department policies to decide whom to stop, and then whom to cite or search among those they have stopped. Racial differences between the observed violator and stopped populations and racial differences between the stopped and cited (or searched) populations are the result of the behaviors of both the officer involved and the stopped citizen, therefore, they can be the result of racial profiling or not.

Following the flow from the city's total population to the stopped and searched or cited populations clearly shows the problems associated with using comparisons between the racial compositions of these groups to prove or disprove that a police department's officers are engaged in racial profiling. Therefore, such comparisons should be interpreted with extreme care.

### ***Matching definitions of race across data sources***

Another problem with making simple comparisons between the racial compositions of the stopped populations and racial compositions of cities' populations is the fact that measuring race is not always straightforward. The U.S. Census Bureau publishes self-reported race data by one race alone, two races, and three or more races. Census data also indicate self-reported Hispanic ethnicity. In contrast, police-collected information on a citizen's race typically reflects an officer's assessment of the individual's racial background based on how the person looks. Since it's difficult for police officers to capture the nuances of mixed races, stop or citation data usually just have one category for each race and don't capture multiple races. Therefore, in many cases, U.S. Census race definitions may not match race definitions in police data even when they have the same labels. In addition, in some instances, stop or citation data are recorded as Caucasian or African-American, omitting all other races and ethnic categories (e.g., Hispanic).





### *Controlling for many factors at one time*

Finally, simplistically comparing race data for stops against race data for total populations can't capture multiple correlations between different factors associated with stops and violations. Therefore, a better approach is to use multivariate techniques that allow researchers to hold constant the effects of several factors all at the same time. For example, it is likely that more police officers are deployed and making stops in high-crime, low-income neighborhoods. Unfortunately, in the United States, such neighborhoods are also likely to be minority neighborhoods. Therefore, it is possible that disproportionately high stop rates for minorities may be the result of police deployment patterns rather than police bias.

One way to explore the combined impact of multiple factors, and investigate the direction of causality, is by the use of nested tables. Samples of these types of tables are provided later on (e.g., figures 3 and 4). For example, suppose that an investigator is examining stop rates by minority classification. Rather than just look at stop rates associated with various race/ethnic groups, it is important to look at stop rates for these groups within specific types of car stops (e.g., driving related and vehicle equipment), for different times of day (e.g., rush hour, daytime, evening), or within different neighborhoods (e.g., central city district, residential areas, shopping areas). Examining the basic measure of car stops in this way has the potential to provide substantially more information about the multiple influences that may affect car stops. The tables can be set up to explore these different influences by explicitly calculating rates for each pertinent cell defined (e.g., stop rate by race/ethnic group for driving related incidents at night in the central city).

In addition, other multivariate techniques (such as regression analysis) that include neighborhood-specific data on income, race, and the number of deployed police officers can measure the separate effects of each of these potentially correlated factors. One specific example relates to controlling for type of stop along with race. Research has shown that Black drivers are less likely than drivers of other races to wear seat belts.<sup>2</sup> Therefore, if a large percentage of stops were related to failure to wear a seat belt, Black drivers would be likely to have a disproportionately

<sup>2</sup> See: "Achieving a Credible Health and Safety Approach to Increasing Seat Belt Use Among African Americans," Department of Occupational and Preventive Medicine, Meharry Medical College, May 1999 and "Blue Ribbon Panel to Increase Seat Belt Use Among African Americans: A Report to the Nation," December 2000, p. 11, DOT HS 809 185.



high share of the total. Thus, it would be important to control for type of violation or reason for stop in a racial profiling study based on data from car stops. Regression analysis is well suited for this type of analytical investigation.

Another aspect of controlling for many factors is to consider which factors are likely to be important in a given jurisdiction. Different cities are likely to have different problems, geographic considerations, and histories with respect to citizen-police interactions over time. One approach is to survey the citizens of a jurisdiction to determine their perceptions (e.g., of the police force, crime, police initiatives) and to understand citizens' views concerning various issues (e.g., racial profiling, neighborhood crime concerns, traffic congestion, illegal parking). Using surveys is a productive way to determine the range of factors that are relevant for a particular city or jurisdiction.<sup>3</sup>

## **Data collection**

### *What kind of data can be collected?*

There are at least four general categories of data, as described on the next page. This should not be considered a definitive or exhaustive list of data elements. Depending on the questions that are considered to be important, and the particular characteristics of a department and the surrounding city or county, some of these measures may be irrelevant. There may also be data elements that would be important to consider that are not included.

Although this may appear to be a lot of information, most of it is already collected—often as part of standard practices. For example, officers making a traffic stop will usually record the year of the car and the date of stop. With this information, it is possible to create a variable to describe the age of the car. In addition, characteristics of the officer making the stop need not to be collected for each incident. Instead, with a coded officer identifier for each stop, stop data can be merged with data from personnel files. Finally, information about the stop location can be derived from U.S. Census data and supplementary operational data.

<sup>3</sup> See Deborah Weisel, *Conducting Community Surveys: A Practical Guide for Law Enforcement Agencies*, NCJ 178246, 1999, Washington, DC: U.S. Department of Justice, Office of Justice Programs. Weisel provides a practical guide for law enforcement agencies, which includes a description of how surveys can be applied to improve policing services, in addition to techniques for identifying survey goals and procedures for survey administration and analysis. The guide reviews many practical aspects of using surveys, including the use of telephone surveys, tailoring surveys to fit different needs, sample size, probability sampling, analytical techniques, and costs.



### Categories of Data

#### Citizen characteristics

- Demographics
- Car age/type
- Address
- Behavior

#### Stop information

- Location
- Time of day
- Duration
- Reason
- Outcome

#### Officer characteristics

- Demographics
- Career and assignment
- Behavior

#### Site information

- Demographics
- Urban/rural, business/residential
- Socio-economic data
- Traffic flow
- Officer deployment
- Calls for service

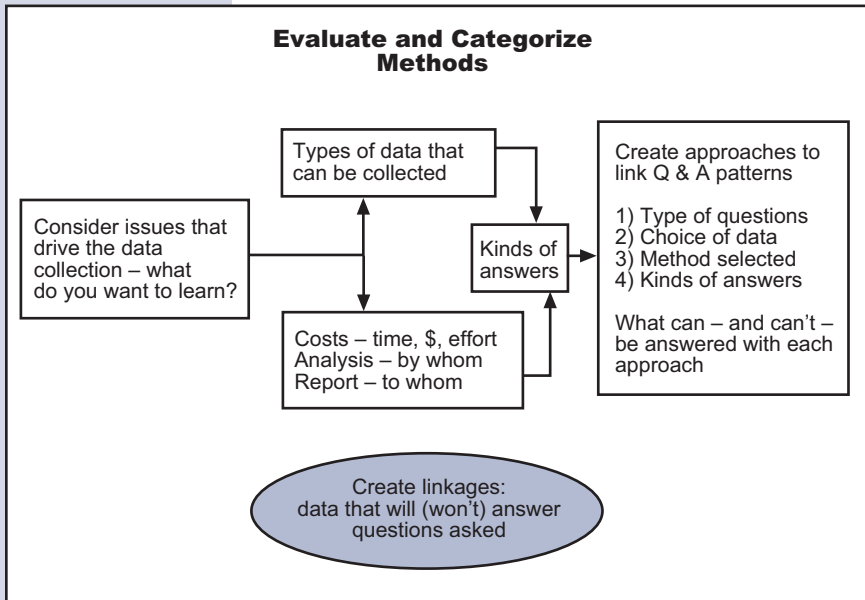
### *Deciding what data to collect*

Figure 2 provides a flow diagram of a process that can be used to guide data collection decisions. It is motivated by the most basic consideration—what do the department and the community want to learn? Or put another way, which questions are analysts attempting to answer? The ability to articulate what is to be investigated should precede the process of exploring data elements and selecting an analytical approach.

Following this process will allow departments to evaluate and categorize the data elements they are collecting in tandem with the methods available to them. One of the important aspects of this method is that it allows investigators to explicitly consider what questions can be answered using alternative approaches. For example, given a certain set of available data elements, there will be some questions that can be answered, but there are likely to also be some questions that can't be addressed by that data. The investigators need to know this and consider it in advance, so that they can determine whether it is important to obtain additional data, or alternatively so that they can explain that certain questions will not be answered using the current data elements.



**Figure 2. Steps to Guide Data Collection**



Depending on what analytical method is eventually selected, it may be advisable for police departments to consider the merits of a partnership with an analytically trained social scientist.

## **CNAC research partnerships results**

### *General lessons learned*

CNAC established research partnerships with two law enforcement agencies that differed substantially in terms of characteristics of the surrounding communities and the data being collected. In each case, there were separate challenges to evaluating the data; surprisingly, however, some lessons learned were the same for both departments in that similar patterns showed up in both data sets. Specifically, four findings held across both communities:

- Nonresident drivers affect outcomes.
- The race share of stops/citations varies significantly by time of day.
- Race and gender interact with type of stop/citation.
- The race mix of stops/citations varies with the race mix of the stop location's population.



### ***General approach to interpreting data***

To investigate the presence or absence of racial profiling within a force, data can be analyzed at three levels: department or citywide, by census tract, and by individual officer. Generally, our approach was to use the data to identify patterns in the race mix of stops and stop outcomes that might call for further investigation. More specifically, rather than using the standard technique of making simplistic comparisons between the race mix of stops and the race mix of the cities, we focused on within-sample comparisons across race groups, and used both bivariate and multivariate analysis techniques. This approach allowed us to avoid some of the pitfalls associated with the standard technique.

Although the focus of this project was on using data to analyze racial profiling issues, the same data can be used to help departments analyze operational efficiency and to learn more about what practices are more effective in achieving operational goals (and what practices are less effective). In the process of trying to understand why outliers exist, a department can learn about many aspects of its operations—not just racial profiling.

### ***Sample standard templates to evaluate stop and citation data***

In the following samples of standard templates, we present table structures that include a selection of important variables and a suggested structure of analysis. These are examples of how investigators can use templates, either in table or regression formats, to investigate stop and citation data. In addition, these approaches can be used to investigate associated search data, as well as officer efficiency metrics. In these tables, we do not present actual numbers—while we show the structure of the table, all numerical entries are represented by XX. We do not show actual numbers, in part because we do not want to imply that our examples support findings that might indicate the possibility of racial profiling, or appear to negate the existence of racial profiling.



If we were to use actual numbers in our tables, it would be tempting for readers to try to interpret the meaning of the results. This would be inappropriate for a number of reasons. First, we are not using full models – just template examples. In the real world, there might be other influences that should be considered, and these factors will vary for different jurisdictions. In addition, if we used numerical examples, we would need to describe how all of the variables are measured (their scale), discuss the variables’ observed variations (standard deviations) and correlations with each other, and motivate a discussion of hypothesis testing and statistical significance. It is not our intent to address the overall topic of how to do analytical modeling or assess tests of significance—these can be complicated issues and are best addressed in the context of social science estimation or prediction techniques.

We begin our examples of data templates by considering ways to address stop data. The most general way to expand the traditional comparison of stop data by race is to create a table structure that supplies information about additional factors, such as gender, time of day, or type of stop. Figure 3 displays a template for disaggregating data by type of stop, controlling for minority status. In this example, stop data are evaluated separately for driving-related stops and vehicle equipment stops, although other types of stops could be considered as well. This type of analysis has the advantage of being very easy to display and understand, but has the disadvantage that only a limited number of factors can be displayed in a single table.

**Figure 3. Disaggregate Data by Type of Stop**

Race	Population	Car stops		
		All	Driving related	Vehicle equipment
Minority	XX.X%	XX.X%	XX.X%	XX.X%
Nonminority	XX.X%	XX.X%	XX.X%	XX.X%
Total	100.0%	100.0%	100.0%	100.0%

- Ways to disaggregate: by gender, time of stop, location, etc.
- This list of variables informs what data to collect.



When looking at aggregate stop data, operational experts and researchers alike begin to think about other ways to consider what the data might be telling them. For example, it may be that most officers are deployed in minority neighborhoods, or that minorities are more likely to live in urban neighborhoods with more traffic. These and a host of similar considerations can be used to motivate the collection of additional data elements that can be used to control for other influences and illuminate the data findings.

One of the most common considerations is the influence of the stop location, which can be mapped to a distinct neighborhood or census tract. Figure 4 offers a sample template of one way to examine data by stop location. Narrowing down to census tract generally yields a better idea of the characteristics of the neighborhood and, theoretically, gets closer to the real candidate population that is available to be stopped. However, it is still possible that many nonresidents may be stopped, depending on the nature of the neighborhood and the type of highways or streets that run through it.

**Figure 4. Analyze Data by Stop Location–Neighborhood or Census Tract**

Tract number	Number of stops	Minority share		Percent difference (%)
		Stops	Population	
XXXXXX	XX	XX%	XX%	XX%
XXXXXX	XX	XX%	XX%	XX%
XXXXXX	XX	XX%	XX%	XX%
XXXXXX	XX	XX%	XX%	XX%

- Is the difference between the stops’ minority share and the population’s minority share *statistically significant*?

This type of tabular result allows a researcher to compare the minority share of stops in a specific census tract with the minority share of the population in that census tract. If there are differences, two questions to ask are how large are the differences and would the community consider them to be meaningful? Again, most evaluators would also explore other census tract characteristics, such as the median income for the tract, major through streets, presence or absence of shopping centers, and so on.



The effort to control for many factors simultaneously will often lead to using regression analysis to investigate the issues. Multiple regressions have the advantage of being able to estimate the separate influences of several factors at once. This allows the independent effect of one factor to be considered while holding constant, or taking into consideration, the effect of a range of other factors. Figure 5 is a sample template of the results of a multiple regression to evaluate stop rates by census tract, holding constant several important factors like the minority share of the tract's population. (The variables or factors controlled for in figure 5 are illustrative of the estimation technique, but should not be considered to exhaust the possible list of variables.)

**Figure 5. Explaining tract-specific stop rates as a function of tract characteristics**

Observation unit = Census tract; Dependent variable = Stop rate			
Explanatory variable	Coefficient	Relative risk ratio	Standard error
Minority population share	XX	XX	XX
Unemployment rate	XX	XX	XX
No. of officers deployed	XX	XX	XX
Calls for service	XX	XX	XX
Average income	XX	XX	XX
Male population share	XX	XX	XX
Urban/rural	XX	XX	XX
Business/residential	XX	XX	XX

- Controlling for other tract characteristics, is the minority population share a significant determinant of stop activity?

This regression approach can offer compelling information because it is often argued that differences between the minority share of stops and the minority population share at the aggregate level are due to unequal distributions of officers across areas/neighborhoods in the city. If this is the case, evaluating at the census tract level should yield useful information regarding how stops differ across these areas and why. In particular, it is also often argued that the correlation between police presence in a neighborhood and the race mix of the neighborhood is really a result of the correlation between race and income/poverty status





in U.S. cities. If this is true, then it is important to include both income and race in the analysis (in our terminology, hold constant the separate effects of income and race).

Another way to use the information shown in figure 5 is to use the estimated model to generate predictions of the amount of stop activity that would be expected in each census tract, given the levels of the variables or factors observed in each tract. Figure 6 shows comparisons between predicted stop activity and actual stop activity by census tract. In this example, the expected rates are used as benchmarks for actual rates.

When the actual rates are substantially different from the predicted rates (i.e., when there are outliers), it may be useful to consider what supplementary information might explain the differences. For example, if actual stop rates are substantially lower than the predicted rates, it might be that red light cameras are being used to monitor intersections and that, consequently, officers are turning their efforts in other directions.

**Figure 6. Use Predicted Stop Rates for Benchmark Comparisons**

Tract number	Stop rate		Number of stops	
	Actual	Predicted	Actual	Predicted
XXXXXX	XX%	XX%	XX	XX
XXXXXX	XX%	XX%	XX	XX
XXXXXX	XX%	XX%	XX	XX
XXXXXX	XX%	XX%	XX	XX

- Are actual numbers of stops and stop rates *significantly* different from predicted?
- Can supplemental data explain differences?



Another way to disentangle stop data is to look for patterns in stop outcomes, such as conducting a search or issuing a citation. For example, to analyze search outcomes, the first step is to explore whether, given that the stop has occurred, minorities are more likely than Whites to be searched. In addition, it is interesting to compare the results of searches by race (and possibly by other factors as well).

Looking at the search results can indicate how effective, or productive, searches are across racial subcategories, and can also indicate what type of illegal product was most frequently discovered (e.g., weapons, drugs). A sample template for this type of analysis can be seen in figure 7.

**Figure 7. Use Data on Search to Analyze Profiling as Well as Search Yields**

Race	Stops		Search results		
	All	Search	Nothing	Weapon	Drugs
Minority	XX%	XX%	XX%	XX%	XX%
Nonminority	XX%	XX%	XX%	XX%	XX%
Total	100%	100%	100%	100%	XX%

- Conditional on being stopped, are minorities *significantly* more likely to be searched?
- Conditional on being searched, are minorities *significantly* more likely to have contraband?
- Do searches have high overall yield rates?

Some authors have focused especially on stop outcomes because data on stop outcomes are considered to be cleaner than data on stops alone. Specifically, since it is usually not possible to identify the observed violator population (see figure 1), analysts don't have any information about drivers who could have been stopped, but weren't. In contrast, since stop outcomes are conditional on the occurrence of a stop, it is possible to identify who experienced each outcome, and equally important, who did not. In this case, therefore, there is no ambiguity about having identified the denominator correctly.



Knowing which drivers experienced a specific outcome and which did not also enables researchers to use regression analysis to estimate the likelihood that a specific event will occur as a function of the drivers’ characteristics and characteristics of the stop. In other words, regression techniques allow us to look at a number of different variables that may be influencing an outcome, and figure out which of the variables actually have an important and substantial impact.

Figure 8 shows a template for reporting the results from a multiple regression technique that estimates the separate impacts of various factors that influence whether a person who has been stopped is subsequently searched.<sup>4</sup> The citizen race variable in the list of independent (or influencing) variables is the one of interest with respect to racial profiling questions. In this case, the model estimates the effect of the driver’s race on the likelihood of being searched, holding constant, or separately taking into account, the influence of other factors, such as citizen gender, car age, reason for stop, time of day, and various officer characteristics.

**Figure 8. Control for Multiple Factors Using Regression Analysis of Search**

Observation unit = Stop; Dependent variable = Search/no search			
Explanatory variable	Coefficient	Relative risk ratio	Standard error
Citizen race	XX	XX	XX
Citizen gender	XX	XX	XX
Car age	XX	XX	XX
Officer race	XX	XX	XX
Officer’s tenure	XX	XX	XX
Officer’s unit	XX	XX	XX
Reason for stop	XX	XX	XX
Time of stop (day/night)	XX	XX	XX

- Is citizen race significant even when controlling for other aspects of the stop?

<sup>4</sup> The statistical model used here is a logit model. A logit is a non-linear regression model that is frequently used in analyses when the outcome variable being modeled is a probability (such as the probability that a stopped cited driver was searched or not), rather than a continuous variable (such as the number of citations issued in a tract). Logit models are better than linear models for predicting probabilities because the predictions generated by a logit always fall between zero and one. Logit models are often used for dependent variables with two possible outcomes (denoted as 0 or 1 outcomes), but can also be used for more complex dependent variables. For technical notes on the logit model, see Peter Kennedy, *A Guide to Econometrics*, MIT Press, 5th edition, 2003; William H. Greene, *Econometric Analysis*, Prentice Hall, 5th edition, 2003; and David Knoke and Peter J. Burke, *Log Linear Models (Quantitative Applications in the Social Sciences)*, Sage Publications, 1980.

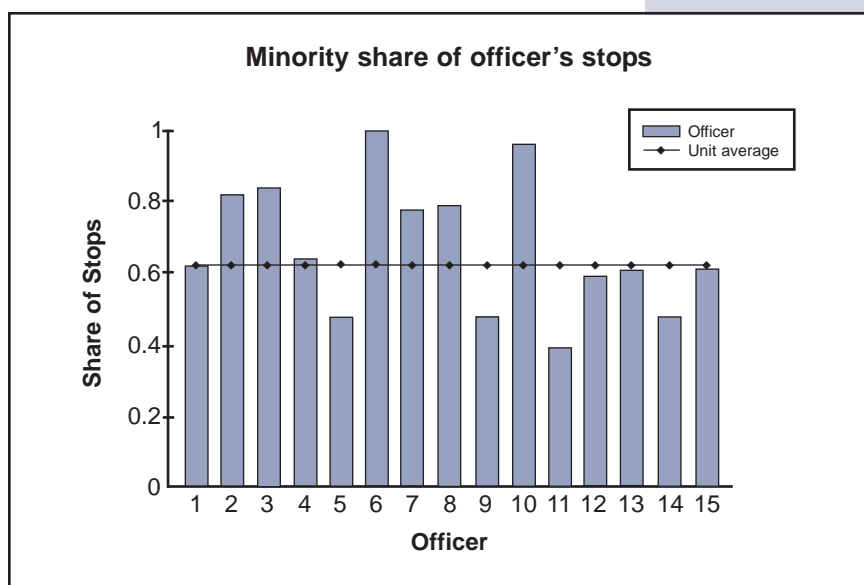


In figure 8, officer characteristics were included in the list of explanatory variables as a suggestion rather than as an example of typical control variables. Although most departments seem certain that the stopping officer's race does not influence the race of the stopped (or cited or searched) citizen, very few departments have actually put this to the test. However, it is important to consider using variables that control for officer characteristics.

For example, minority officers might do racial profiling of minorities, or they might do "reverse" profiling. The key is that different results on officer race and experience level may tell different stories. In popular terms, this notion is framed by asking whether profiling is a question of White vs. Black or a question of Blue vs. others. The primary reasons that officer data have not been included in analyses are concerns about privacy and liability. Therefore, the suggested method for including officer information is to use identification codes so that data can be matched to specific officers without identifying them by name.

Another way officer identification can be used to analyze racial profiling is to examine officers' stops and compare them with some benchmark. A benchmark can be externally provided, by taking a standard set by other departments, for example. Another approach is to create an internal, department-specific benchmark by calculating an average behavior among a department's own officers, and then comparing individual officer data with the average for the department, unit, branch, precinct, or neighborhood, depending on what exact behavior is being evaluated.

Using hypothetical data, Figure 9 shows an example of the type of analysis that can be performed. This example allows an evaluator to consider whether there are officers who stop significantly more (fewer) minorities than the unit's overall average. It is important to stress that, although this approach identifies officers who are performing above or below an expected average range, this does not necessarily imply whether they are doing anything wrong. There may be many factors that would easily explain why a particular officer had an unusually high or low minority share of stops over a given period of time, such as a month. However, looking at such a metric allows department managers to consider these factors, and determine whether any unusual patterns might merit additional investigation or consideration in the future.

**Figure 9. Analyze Data at the Officer Level and Compare with Benchmark**

- Which officers stop significantly more minorities than the unit's average?
- Can supplemental data explain differences?

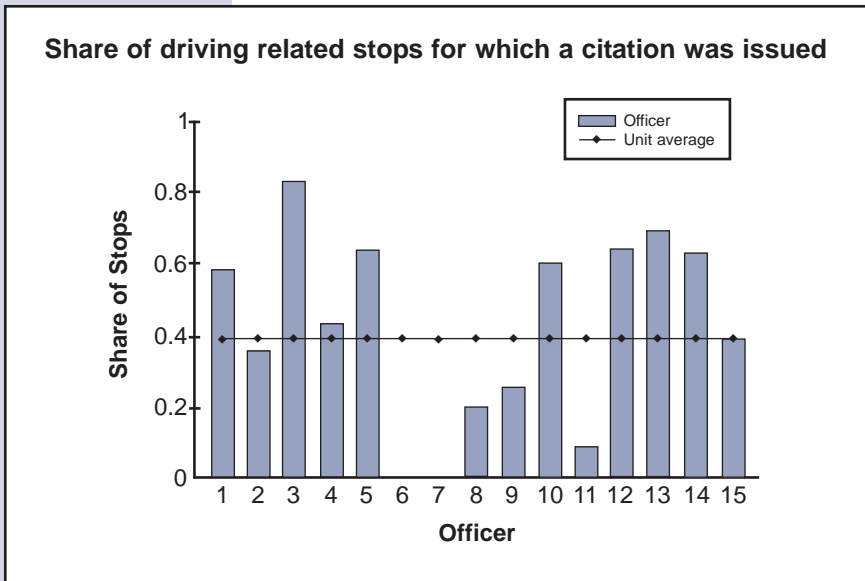
The key to this type of evaluation is picking the right benchmark to use as a comparison, and then identifying outliers and using other data to examine and explain them. For example, the race mix of stops for each officer is likely to depend on the area he or she patrols, and, within each area, on the time of day during which he or she is on duty.<sup>5</sup> Therefore, the benchmark should incorporate as many relevant factors as possible.

It is also possible to use officer identification codes to examine issues other than racial profiling. Figure 10 provides a very generalized example of the potential use of stop data to explore officer efficiency. For a group of hypothetical officers, the figure compares the rates at which each officer issued citations after making stops to the group's average citation rate. Thus, in this case the group average is the designated internal benchmark.

<sup>5</sup> Some areas or neighborhoods have very different nighttime and daytime populations.



**Figure 10. Using Stop Data to Analyze Officer Efficiency**



- Which officers give fewer citations than the unit average?
- What is the relevant benchmark? It should reflect department and unit goals.

Again, the key is to select the correct benchmark and then identify outliers and use other data to explain them. Officers who have unusual citation rates may or may not have excellent reasons that explain why their rates are unusually high or low. For example, different units may have different operational mandates. The traffic unit is goaled to monitor traffic and ensure traffic safety. So, officers in this unit are more likely to be looking for specific types of violations that are associated with danger and may be more likely to issue tickets. In contrast, officers in other units will make car stops and traffic stops more opportunistically, and potentially for different reasons. These and many other factors (e.g., time of day officer is on duty) must be taken into consideration when comparing across officers.



## Summary

The methods of analysis shown in this report are only a sampling of the types of analysis that can be performed in the context of racial profiling or officer evaluations. As indicated before, the type of analysis that should be done depends on the nature of the department, the characteristics of the surrounding population, and the specific questions that the department and citizen groups may be posing. The questions being asked will determine what data should be collected and how it should be analyzed—both with respect to modeling technique and the level of detail that is maintained (e.g., stops, searches, officer identification). Generally speaking, multivariate analysis will require careful attention to properly control for the various factors that influence stop rates, citations, and searches. A productive way to approach this type of analysis is through a partnership between local police operational experts and social science researchers versed in applying analytical methods. This type of partnership can greatly enhance the processes of data collection, analysis, and interpretation.



## Additional Resources

Fridell, Lorie. *By the Numbers: A Guide for Analyzing Race Data from Vehicle Stops*. Washington, DC: Police Executive Research Forum, 2004.

Fridell, Lorie, Robert Lunney, Drew Diamond and Bruce Kubu with Michael Scott and Colleen Laing. *Racially Biased Policing: A Principled Response*. Washington, DC: Police Executive Research Forum, 2001.

McMahon, Joyce, Joel Garner, Ronald Davis, and Amanda Kraus. *How to Correctly Collect and Analyze Racial Profiling Data: Your Reputation Depends On It!* Washington, DC: Government Printing Office, 2002.









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