

TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION

What does it mean when an Agency Reports as Racial Profiling-Tier 2-Full Report?

Each agency must select the reporting option that applies to their particular situation.

When an agency chooses to report as **Full Report** or **Tier 2** Reporting, the agency is stating it routinely performs traffic stops or motor vehicle stops and does not equip their vehicles with video or audio equipment. Therefore, that agency must report under [Texas State Code of Criminal Procedure Article 2.133](#) and perform a analysis as required by Code of Criminal Procedures 2.134.

Tier 2 (Full Reporting) requires that, in addition to reporting then summary numbers, the agency must conduct and submit a PDF of a comparative analysis of number of stops to number of stops that involved persons recognized as a racial or ethnic minority as well as the disposition of those stops. The analysis must also include any complaints filed with the agency alleging a peace officer employed by the agency engaged in racial profiling. The on-line data collected for **Tier 2** reports must include:

- the number of types of race or ethnicity of the person(s) who were stopped was,
- the number of stops that the race or ethnicity was known prior to the stop.
- count of gender of persons stopped,
- count of stops by reason
- count of stops where contraband was discovered
- count of types of contraband found
- count of stops by arrest reason
- count of stops in which a warning was given
- count of stops in which a citation was issued
- count of stops by location type where the stop occurred (city street, highways, private property, or county road).

The analysis submitted to supplement the online report is required by 2.134 CCP(c) and must contain:

(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.

The Chief Administrator of the Agency must also certify that they have adopted 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.