



MEMORANDUM

Date: January 22, 2015
To: Leonard Martin, City Manager
From: Rex D. Redden, Chief of Police
Subject: **Report to City Council as Required Under Code of Criminal Procedure Article 2.132**

The purpose of this correspondence and attachments is to comply with Texas Code of Criminal Procedure Article 2.132 with regard to reporting information collected by the Carrollton Police Department relevant to the prohibition of racial profiling by law enforcement officers.

The Mission of the Carrollton Police Department is to maintain a safe and peaceful community by providing effective and efficient law enforcement services. Our Mission is distinguished through:

- Our commitment to service with honor in order to inspire public trust.
- Equitable services to all citizens, free of bias or discriminatory actions.
- Dedication to hiring training and managing quality personnel whose actions are constitutionally sound; conducted in accordance with current legal standards.

Traffic stops conducted by CPD officers are predicated upon observable driver behaviors indicating a violation of moving traffic violations, other laws, statutes or ordinances, as well as observable violations of vehicle regulatory laws pertaining to the registration and inspection of a vehicle. The purpose of traffic enforcement is to reduce traffic collisions, maintain a safe driving environment in our community and to investigate suspected criminal activity.

Traffic stops used for investigative purposes are predicated upon reasonable suspicion, probable cause and observable behaviors. In order to justify a traffic stop based upon suspicious behavior an officer must observe a traffic violation, observe another violation of the law committed by a driver or occupant of the vehicle, or must have very recent witness information of such a violation of law.

During 2014, traffic enforcement operations were characterized by the following facts:

- CPD officers arrested 6,760 adults and took into custody 309 juveniles for a total of 7,089 custody actions. A total of 3,233 arrests were made as a result of traffic stops, which represents 45.6% of all custody actions.
- 1,125 traffic surveys were conducted by CPD officers. Traffic surveys are targeted enforcement actions at specific locations to address specific traffic violations. Surveys may originate as the result of citizen complaints about traffic concerns, requests from the City Transportation Division due to identified problems, as a targeted area for the Department's Strategic Traffic Enforcement Program (STEP) grant and/or observations made by officers.
- 58.7% of all traffic citations issued were moving traffic hazardous violations. The emphasis of traffic enforcement is to prevent traffic collisions by achieving voluntary compliance.

NATURE OF INFORMATION COLLECTED

In order to comply with Article 2.132 (b) (6) (A) (B), the Police Department collected the following information, which is referred to as "Tier 1" data:

- Record of motor vehicle stops in which a citation is issued and to which an arrest was made as a result of those stops;
- The race or ethnicity of every individual contacted within definitions provided by Article 2.132 (a) (2);
- Whether or not a search of the vehicle or the person was conducted;
- Whether the search was conducted with the consent of the vehicle owner or the person, or whether the search was conducted due to probable cause; and
- Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual. (Added by the 2009 Legislature for 2010 and beyond data collection)

We are confident regarding the accuracy of the database system. It is designed to collect data from the field through the use of a set of codes that are mutually exclusive, which can identify any traffic stop transaction as a unique event with all required statutory data points. Through this method we are able to achieve internal correlative validity, excluding duplication of records. Any database is only as accurate as the data inputted. Officers are trained to use the codes correctly, dispatchers are trained to correctly enter the codes and records are audited to ensure quality control.

REPORT OF COLLECTED INFORMATION

Carrollton Police Department Data Collection

The Carrollton Police Department data collection system for racial profiling exceeds the statutory requirements of Tier 1 reporting. It also includes information on motor vehicle stops where no action was taken and has more mutually exclusive categories than “citation only, arrest only or both.” The data collection system was designed to assist the department in its efforts to determine that its officers are dedicated to assisting the department in achieving its mission and maintaining the public trust. *As such, all the categories required by statute and TCLEOSE Partial Exemption Racial Profiling Reporting (Tier 1) are found within this report.*

Residence Status

Several years ago we began collecting data as to the residency status of all individuals contacted on traffic stops even though this information is not required by state law. Chart A depicts that a significant portion of our traffic challenges are created by drivers commuting or passing through our city. Examination of the 2014 data reveals that 66% of all traffic stops involve drivers who are non-residents. The fact that 66% of drivers contacted are non-residents is an indicator that it is not statistically feasible to use Carrollton census demographic information for the purpose of proportional comparison between race/ethnicity to traffic stop activity.

Chart A

Race/Ethnicity of Vehicle Driver	Resident	% Resident	Non-Resident	% Non-Resident	Total by R/E	% Total by R/E
Caucasian	8905	14.2%	18692	29.9%	27597	44.1%
Hispanic	6895	11.0%	9801	15.7%	16696	26.7%
African-American	2687	4.3%	8515	13.6%	11202	17.9%
Asian	1666	2.7%	2441	3.9%	4107	6.6%
Middle Eastern	1123	1.8%	1841	2.9%	2964	4.7%
Native American	20	0.0%	30	0.0%	50	0.1%
Unknown	0	0.0%	2	0.0%	2	0.0%
Totals	21296	34.0%	41322	66.0%	62618	100.0%

NOTE: Percentages calculated using Total Drivers contacted: 62,618

Tier I Data Report and Analyses

Chart B represents data collected for Departmental compliance with Article 2.132.

Chart B

Total Traffic Stop Contacts with Vehicle Driver, by Action Taken 2014

Race/Ethnicity of Vehicle Driver	Total Driver Contact	No Action Taken	Issued Citation Only ¹	Arrested Only	Searched Only ²	Arrested Searched	Cited Arrested	Cited Searched	Cited Arrested Searched
Caucasian	27597	9871	16517	363	170	147	274	145	110
Hispanic	16696	5128	9948	340	161	156	561	172	230
African-American	11202	3919	6150	283	94	102	432	98	124
Asian	4107	1459	2549	45	7	5	24	9	9
Middle Eastern	2964	980	1938	15	10	4	8	8	1
Native American	50	18	31	0	0	0	0	1	0
Unknown	2	2	0	0	0	0	0	0	0
Totals	62618	21377	37133	1046	442	414	1299	433	474

¹ Only one citation is counted for this factor to ensure mutual exclusivity in the total count.

² Searches do not include searches conducted subject to arrest.

Of the 62,618 driver contacts officers reported that they felt they knew the race or ethnicity of the driver 278 (reference Chart B₁) times prior to initiating a traffic stop.

Chart B₁

Total Traffic Stops which Officer Felt Race or Ethnicity of the Driver was Known Prior to Traffic Stop

Race/Ethnicity of Vehicle Driver	Race Known	Race Unknown
Caucasian	142	27455
Hispanic	54	16642
African-American	55	11147
Asian	16	4091
Middle Eastern	11	2953
Native American	0	50
Unknown	0	2
Totals	278	62340

Chart C depicts the data in Chart B as percentages, comparing the respective data points within the race/ethnicity categories to the total number of driver contacts.

Chart C**Total Traffic Stop by Vehicle Driver, By Action Taken
by Percentage Whole for Each Action within Each Race/Ethnicity Category 2014**

Race/Ethnicity of Vehicle Driver	Total Driver Contact	No Action Taken	Issued Citation Only	Arrested Only	Searched Only	Arrested Searched	Cited Arrested	Cited Searched	Cited Arrested Searched
Caucasian	44.1%	15.8%	26.4%	0.6%	0.3%	0.2%	0.4%	0.2%	0.2%
Hispanic	26.7%	8.2%	15.9%	0.5%	0.3%	0.2%	0.9%	0.3%	0.4%
African-American	17.9%	6.3%	9.8%	0.5%	0.2%	0.2%	0.7%	0.2%	0.2%
Asian	6.6%	2.3%	4.1%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Middle Eastern	4.7%	1.6%	3.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Native American	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Totals	100.0%	34.1%	59.3%	1.7%	0.7%	0.7%	2.1%	0.7%	0.8%

From Chart C note the following:

- 34.1% of all traffic stop driver contacts resulted in no action being taken.
- 59.3% of all traffic stop driver contacts resulted in only a citation being issued.

Chart D provides a breakdown of all searches of the driver or vehicle, as depicted in Chart B, by Consent Searches or Probable Cause searches.

Chart D**Breakdown of All Driver Searches 2014
by Consent and Probable Cause**

Race/Ethnicity of Vehicle Driver	All Consent Searches	% Consent	All Probable Cause Searches	% Probable Cause	Contra band Found ³
Caucasian	250	0.4%	322	0.5%	269
Hispanic	315	0.5%	404	0.6%	271
American	168	0.3%	250	0.4%	170
Asian	17	0.0%	13	0.0%	57
Middle Eastern	7	0.0%	16	0.0%	8
Native American	1	0.0%	0	0.0%	0
Unknown	0	0.0%	0	0.0%	0
Totals	758	1.2%	1005	1.6%	775

³ Contraband counted for any circumstance

NOTE: Percentages calculated using Total Searches conducted: 1,763 compared to Total Drivers contacted: 62,618

Formal and Informal Personnel Complaints

During 2014 the Carrollton Police Department received no formal complaints and four (4) informal complaints of racial profiling. The informal complaints were handled by the Division Level Commanders. All complainants were contacted, and all were found to be unfounded. Of the four complaints, three contacts were results of calls for service and only one was a result of a traffic stop.

These observations reflect facts about traffic enforcement operations, as well as other operations, within CPD that strongly indicate that these operations are reasonable, fair and purpose driven.

CLOSING STATEMENT

The Carrollton Police Department has made every effort to comply with both the letter and the spirit of Code of Criminal Procedure Articles 2.131-2.138. This report exceeds statutory compliance. The Carrollton Police Department Executive Team is committed to maintaining an agency that is free of the stigma of racially based or biased based profiling. We believe that the trust of the public is of primary importance in order for us to effectively police this community. ***There is no place for biased or racially motivated activity by any member of our agency.*** We are firm in our dedication to the principles of constitutionally sound action, activities and behavior upon the part of every employee.

ATTACHMENT A

Data on Corrective Action

The following table contains data regarding officers that have been the subject of a formal complaint, during the time period of January 1, 2014, through December 31, 2014, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

Mark above if the Carrollton Police Department has not received any formal complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of January 1, 2014, through December 31, 2014.

Complaints Filed for Possible Violations of CCP Article 2.132 (The Texas Racial Profiling Law)

Complaint No.	Alleged Violation	Disposition of the Case

Additional Comments:
