



MEMORANDUM

DATE: January 21, 2016

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 memorandum is to comply with *Texas Code of Criminal Procedure Article 2.132* in regards to reporting information collected by the Carrollton Police Department (CPD) relevant to prohibition of racial profiling by law enforcement.

The Mission of the Carrollton Police Department is to maintain a safe and peaceful community by providing effective and efficient law enforcement. We do so by holding ourselves to a higher standard than external stakeholders and displaying unquestionable professionalism. It is the goal that when in the presence of a Carrollton police officer, members of our city feel safe and that our residents and visitors receive the highest level of service.

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.

An overview of 2015 traffic enforcement includes the following:

- The Carrollton Police Department arrested 5,527 adults and took into custody 254 juveniles for a total of 5,781 total arrests. A total of 2,338 arrests were the result of a traffic stop, which represents 40.4% of all custody actions.
- The Carrollton Police Department often conducts traffic surveys to address specific traffic violations at specific locations. Surveys may originate from citizens' complaints regarding traffic concerns, requests from the City Transportation Division to identify problems, and/or observations made by officers. In 2015, CPD conducted a total of 1,436 traffic surveys.
- Of all citations issued by the Carrollton Police Department, 68.09% were moving traffic hazardous violations.

NATURE OF INFORMATION COLLECTED

In order to comply with *Article 2.132 (b) (6)*, the Carrollton Police Department collects the following information, often referred to as “Tier 1” Data.

- Record and log motor vehicle stops in which a citation is issued and/or to which an arrest was made as a result of those stops;
- The race or ethnicity of every individual contacted within the definitions provided by *Article 2.132 (a) (2)*;
- Whether or not a search of the vehicle stopped or the person was conducted;
- Whether the search was conducted with the consent of the vehicle owner or 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.

The Carrollton Police Department is confident regarding the accuracy of the database system as 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 the duplication of records. Any database is only as accurate as the data imputed. Officers are trained to use the code correctly, dispatchers are trained to correctly enter the codes, and records are audited to ensure quality control.

REPORT OF COLLECT 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. In review of data submitted in 2015, it reveals that 68.2% of drivers contacted by Carrollton Police Department officers are not residents of the City of Carrollton. The fact that 68.2% of drivers contacted are non-residents is an indicator that it is not statistically feasible to use Carrollton demographic information for the purpose of proportional comparison between race/ethnicity to traffic stop activity.

CHART A

City of Carrollton Residence Status of Drivers Contacted

Race/Ethnicity of Vehicle Driver	Resident	% Resident	Non-Resident	% Non-Resident	Total by R/E	%Total by R/E
Caucasian	6967	12.9%	16077	29.8%	23044	42.8%
Hispanic	5544	10.3%	8861	16.4%	14405	26.7%
African-American	2300	4.3%	7879	14.6%	10179	18.9%
Asian	1386	2.6%	2289	4.2%	3675	6.8%
Middle Eastern	913	1.7%	1608	3.0%	2521	4.7%
Native American	14	0.0%	46	0.1%	60	0.1%
Unknown	1	0.0%	2	0.0%	3	0.0%
TOTALS	17125	31.8%	36762	68.2%	53887	100.0%

NOTE: Percentages calculated using Total Drivers Contacted: 53,887

TIER I DATA Report and Analysis

Chart B represents data collected for Departmental Compliance with Article 2.132

CHART B

Total Traffic Stop Contacts with Vehicle Driver and Action Taken

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	23044	8887	13139	286	194	144	142	148	104
Hispanic	14405	5074	8097	319	149	145	310	169	142
African-American	10179	3923	5369	212	115	116	238	111	95
Asian	3675	1415	2168	42	9	9	21	7	4
Middle Eastern	2521	919	1562	12	8	6	8	5	1
Native American	60	21	39	0	0	0	0	0	0
Unknown	3	2	1	0	0	0	0	0	0
Totals	53887	20241	30375	871	475	420	719	440	346

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 53,887 drivers contacted in 2015, officers felt they knew the race or ethnicity of the driver in 104 times prior to initiating a traffic stop (See Chart B1)

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	50	22994
Hispanic	19	14386
African-American	26	10153
Asian	5	3670
Middle Eastern	4	2517
Native American	0	60
Unknown	0	3
Totals	104	53783

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

CHART C

Total Traffic Stop Contacts with Vehicle Driver and Action Take by Percentage

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	42.8%	16.5%	24.4%	0.5%	0.4%	0.3%	0.3%	0.3%	0.2%
Hispanic	26.7%	9.4%	15.0%	0.6%	0.3%	0.3%	0.6%	0.3%	0.3%
African-American	18.9%	7.3%	10.0%	0.4%	0.2%	0.2%	0.4%	0.2%	0.2%
Asian	6.8%	2.6%	4.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Middle Eastern	4.7%	1.7%	2.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Native American	0.1%	0.0%	0.1%	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%	37.6%	56.4%	1.6%	0.9%	0.8%	1.3%	0.8%	0.6%

From Chart C, note the following:

- 37.6% of all traffic stop driver contacts resulted in no action being taken.
- 56.4% of all traffic stop driver contacts resulted in only a citation.

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 in 2015 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	251	0.5%	339	0.6%	312
Hispanic	224	0.4%	381	0.7%	288
African-American	162	0.3%	275	0.5%	205
Asian	12	0.0%	17	0.0%	14
Middle Eastern	8	0.0%	12	0.0%	12
Native American	0	0.0%	0	0.0%	0
Unknown	0	0.0%	0	0.0%	0
Totals	657	1.2%	1024	1.9%	831

³ Contraband counted for any circumstances
NOTE: Percentages calculated using Total Searches Conducted:1,681 to Total Drivers Contacted 53,887

FORMAL AND INFORMAL PERSONNEL COMPLAINTS

During 2015, the Carrollton Police Department received no formal complaints and two informal complaints of racial profiling. The informal complaints were handled by the Division Level Commanders. Both complainants were contacted and the complaints were results of traffic stops and found to be not sustained or unfounded.

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, 2015, through December 31, 2015, 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, 2015, through December 31, 2015.

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:
