



Little Elm Police  
Department  
Racial Profiling  
Report

2015

March 1, 2016

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## **Texas Code of Criminal Procedure**

### ***Article 2.131-2.132***

- Prohibits racial profiling by police officers
- Requires implementation of a process by which complaints may be made for racial profiling
- Requires collection of data related to motor vehicle stops resulting in citations and/or arrests:
  - Race of the individual
  - Whether a search was conducted
  - Whether the search was consensual
  - Whether the officer knew the race of the individual being stopped prior to the stop
- Requires the Chief of Police to submit an annual report to the Texas Commission on Law Enforcement (TCOLE) and the Little Elm City Council

**Art. 2.131. Racial Profiling Prohibited.**

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(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, 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.

(c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(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).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

## **Texas Code of Criminal Procedure**

### ***Article 2.133-2.136***

- Requires law enforcement agencies to submit a yearly report of the information collected to the governing body of the municipality
- Reports required for motor vehicle stops
- Compilation of data
- Analysis of data is not required
- Little Elm Police Department is exempt from reporting additional identifying information pertaining to motor vehicle stops

**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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

**Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.** (a) In this article:

2015 Racial Profiling Report – Little Elm Police Department

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Art. 2.134. Compilation and analysis of information collected. (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 Texas Commission on Law Enforcement 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 Texas Commission on Law Enforcement, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Texas Commission on Law Enforcement 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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

**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).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

**Art. 2.136. LIABILITY.** A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

**Art. 2.136. LIABILITY.** A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

# Little Elm Police Department

General Order 2900 (Issued 12-21-2015, replaced Lexipol 328)

- Policy effective December 2015 which replaced Lexipol Policy 328
- States purpose
- Establishes policy
- Prohibits discriminatory practices
- Establishes complaint process
- Establishes disciplinary and corrective actions
- Establishes public education
- Provides for training
- Establishes guidelines for data collection
- Use of video/audio equipment and review

## LITTLE ELM POLICE DEPARTMENT    GENERAL ORDERS

**SUBJECT: RACIAL PROFILING**

**NUMBER: 2900**

**EFFECTIVE DATE:  
12-21-2015**

**REVIEW DATE:  
12-21-2016**

**AMENDS/SUPERSEDES:  
Lexipol 328**

**APPROVED:** *Ru Idan*  
Chief of Police

**BEST PRACTICE STANDARDS: 2.01.1**

**NOTE:** This General Order is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this General Order, if proven, can only form the basis of a complaint by this Department and only in a non-judicial, administrative setting.

### INDEX WORDS:

Audio and Video Recording  
Collection of Information  
Complaint  
Ethnicity  
Race

Racial Profiling  
Reporting  
Review  
Training

### I. PURPOSE

- A. The purpose of this order is to reaffirm the Town of Little Elm Police Department's commitment to unbiased policing in all its encounters with any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

### II. POLICY

- A. It is the policy of this Department to police in a proactive manner and to aggressively investigate suspected violations of the law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. Racial profiling is an unacceptable police tactic and will not be condoned.
- B. This General Order is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

### III. DEFINITIONS

- A. Acts Constituting Racial Profiling - acts initiating law enforcement action, such as a traffic stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than upon the individual's behavior, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action
- B. Motor Vehicle Stop – means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.
- C. Race or Ethnicity - persons of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern or Native American descent.
- D. Racial Profiling - a law enforcement-initiated action based on an individual's race, ethnicity, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

### IV. PROHIBITION

- A. Officers of the Little Elm Police Department are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision by an officer. Race, ethnicity or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom an officer is searching.

### V. COMPLAINT PROCESS

- A. No person shall be discouraged, intimidated or coerced from filing a complaint, or be discriminated against because they have filed a complaint.
- B. Any person who believes that a peace officer employed by the Little Elm Police Department has engaged in racial profiling with respect to that person, may file a complaint in accordance with the provisions of General Order 300, Discipline/Complaints against Police Personnel.
  - 1. An employee who is contacted regarding a complaint against an officer shall follow the procedures set forth in General Order 300, Section X. Investigation of Externally Originated Complaints.
  - 2. Citizens who appear in person wishing to file a complaint shall be provided with a departmental brochure, "How to File a Complaint." Brochures are maintained in the Little Elm Police Department lobby, and at Little Elm Town Hall. Citizens may also be directed to the Departmental website to file a complaint.

- C. Any supervisor who becomes aware of an alleged or suspected violation of this General Order shall report the alleged violation in accordance with General Order 300, Discipline, Section XI. Investigation of Internally Originated Complaints.
- D. Complaints of racial profiling shall be classified as a Level I complaint, and shall be investigated by the Office of the Chief of Police, unless otherwise directed by the Chief of Police. A log of all Racial Profiling Complaints will be maintained by the Office of the Chief of Police.

## **VI. DISCIPLINARY AND CORRECTIVE ACTIONS**

- A. Any officer of this Department who is found, after investigation, to have engaged in racial profiling in violation of this General Order may be subject to disciplinary action, up to and including termination. Disciplinary or corrective actions may include diversity, sensitivity or other appropriate training or counseling, as determined by the Chief of Police.

## **VII. PUBLIC EDUCATION**

- A. This Department shall provide education to the public concerning the racial profiling complaint process. The primary method of public education shall be through a brochure, "How to File a Complaint" which are maintained in the lobby of the Little Elm Police Department, and at the Little Elm Town Hall. These brochures are available in both English and Spanish versions. Other education methods may be utilized to inform the public, including news media, civic presentations, the Internet, and/or public meetings.

## **VIII. COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE**

- A. For each motor vehicle stop in which a citation is issued and for each arrest resulting from a motor vehicle stop, an officer involved in the stop shall collect the following information:

1. Information identifying the race or ethnicity of the individual detained. The following codes will be used to identify the individual's race:

B = Black / African

A = Asian

I = Native American / American Indian

H = Hispanic

W = White / Caucasian

M = Middle Eastern

O = Other

U = Unknown

Note: Officers may not ask the individual to identify their race. If the officer is unable to determine the race or ethnicity of the person contacted, then the race shall be entered as "Other" on the citation(s) issued.

2. Whether a search was conducted and if so, whether the individual detained consented to the search ; and
  3. Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
  4. If the person contacted is a resident of the Town of Little Elm, this shall be reflected in the Racial Profiling module in the Brazos ticket writing program.
- B. The information collected shall be entered in to the Racial Profiling module in the Brazos ticket writing program by the officer in a timely manner. All stops requiring Racial Profiling data collection must be entered.
- C. The Traffic Unit Sergeant shall ensure all Racial Profiling Data is collected and reported to the Chief of Police. The data collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the Town of Little Elm no later than March 1 of the following year. The report will include:
1. A breakdown of citations by race or ethnicity;
  2. Number of citations that resulted in a search;
  3. Number of searches that were consensual;
  4. Number of citations that resulted in custodial arrest; and
  5. Public education efforts concerning the racial profiling complaint process.
- C. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.
- D. Racial Profiling Data will also be reported to the Texas Commission on Law Enforcement (TCOLE) by March 1 of each year, following the Commission's prescribed format.

## **IX. AUDIO AND VIDEO EQUIPMENT**

- A. Each motor vehicle regularly used by this department to make motor vehicle stops shall be equipped with a mobile video camera system capable of recording video and audio, and each motorcycle regularly used by this department to make motor vehicle stops shall be equipped with audio recording equipment.

- B. Each motor vehicle stop made by an officer of this department capable of being recorded by video and audio, or by audio only for motorcycles, shall be recorded.
- C. Supervisors and Officers shall ensure that mobile video camera equipment, and/or audio equipment, is properly functioning prior to commencing their tour of duty. Police units with malfunctioning or inoperable mobile video camera equipment shall not be utilized under normal circumstances.
- D. Supervisors shall have the authority to assign units with malfunctioning or inoperable mobile video equipment when situations dictate. Officers assigned to such units shall collect and document the information listed below for each motor vehicle stop. All documentation must be submitted to the officer's supervisor prior to ending that tour of duty. Documentation shall include but is not limited to Field Interview Forms, Traffic Citations and Warning Tickets.
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 his or her ability. Officers will not ask the individual to identify their race or ethnicity;
  2. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual;
  3. The initial reason for the stop;
  4. Whether the officer conducted a search as a result of the stop, and, if so, whether or not the person detained consented to the search;
  5. Whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
  6. 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
  7. 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 Penal Code, a violation of traffic law or ordinance or an outstanding warrant and a statement of the offense charged.
  8. The street address or approximate location of the stop;

9. Whether the officer issued a citation or a written warning as a result of the stop; and
10. Whether the person contacted is a resident or non-resident of the Town of Little Elm. This shall be reflected on each citation issued, using an (R) for residents or an (NR) for non-resident.

## **XI. REVIEW OF VIDEO AND AUDIO DOCUMENTATION**

- A. Each audio and video recording shall be retained for a minimum period of ninety (90) days, unless a complaint is filed alleging that an officer has engaged in racial profiling with respect to a motor vehicle stop. The Patrol Operations Commander shall ensure that all audio and recordings are properly stored and retained in accordance with applicable laws and this General Order.
- B. If a complaint is received alleging that an officer has engaged in racial profiling, the audio / video recording shall be forwarded to the Office of the Chief of Police who shall retain the video until final disposition of the complaint has been made.
- C. The Patrol Operations Commander or his designee shall review a randomly selected sampling of video and audio recordings, made recently by officers employed by the Department, in order to determine if patterns of racial profiling exist. These reviews shall be conducted monthly and documented on the appropriate form (LEPD-018)
  1. Written documentation shall include:
    - a. the names of the officers whose stops were reviewed;
    - b. the date(s) of the videos reviewed;
    - c. the date the actual review was conducted; and
    - d. the name of the person conducting the review.
  2. The Patrol Operations Commander shall forward the required documentation to the Office of the Chief of Police.
  3. The Patrol Operations Commander shall maintain a file of all video review documentation performed, in compliance with this General Order.
- D. In reviewing audio and video recordings, the Patrol Operations Commander or his designee, shall seek to determine if the officer(s) reviewed have engaged in a pattern of racial profiling, that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures.

## **XII. TRAINING**

- A. Each peace officer employed by the Department shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement

(TCOLE) not later than the second anniversary of the date the officer was licensed, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

### **XIII. EFFECTIVE DATE**

- A. Any previous directive, rule, order or regulation that pertains to this subject matter and its amendments shall remain in full force and effect for any violation(s) which occur prior to the effective date of this General Order.
- B. If any section, sentence, clause or phrase of this General Order is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this General Order.
- C. All training on this General Order will be in accordance with General Order 100, Written Directive System, Chapter VIII, Training.
- D. The effective date is stated in the header block of this General Order.

## 2014 Data Compilation

### Total by Raw Number

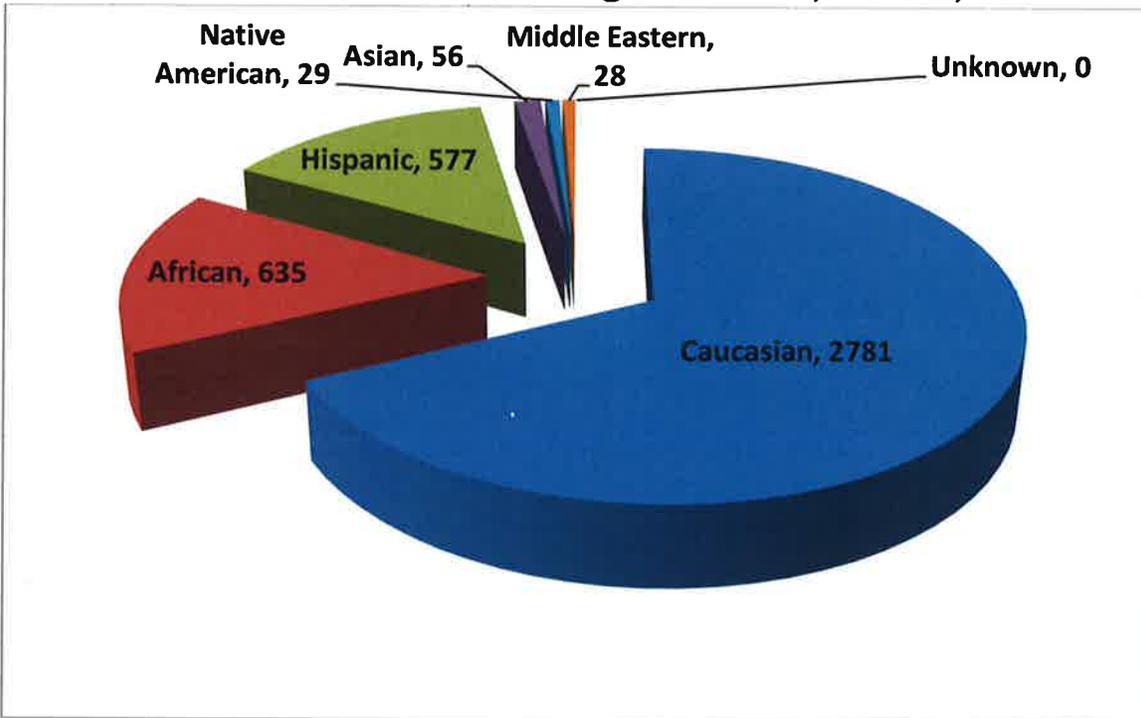
Race	Traffic Related Contacts Resulting in Search, Arrest or Citation	Total Searches from Traffic Related Contacts	Consent Searches	Probable Cause Searches
Caucasian	2781	22	3	19
African	635	4	0	4
Hispanic	577	7	0	7
Asian	56	0	0	0
Native American	29	0	0	0
Middle Eastern	28	0	0	0
Unknown	0	0	0	0
<b>Total</b>	<b>4106</b>	<b>33</b>	<b>3</b>	<b>30</b>

### Total by Percentage

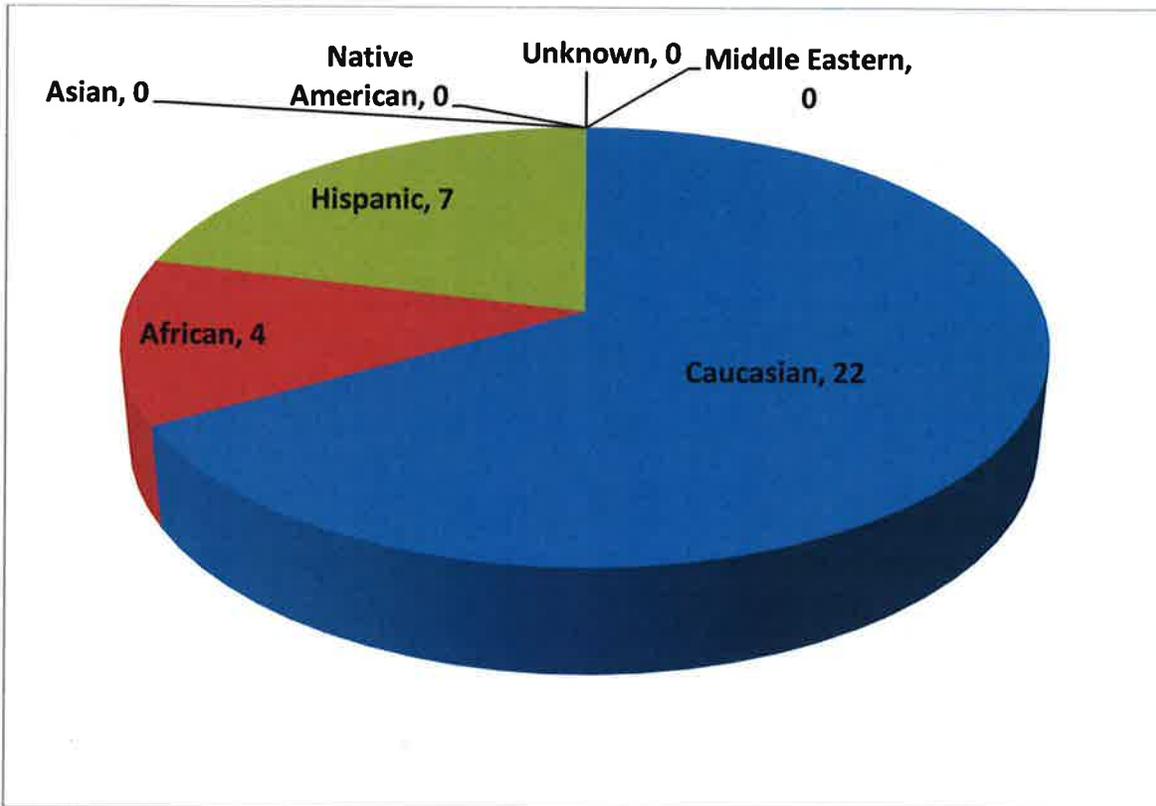
Race	Traffic Related Contacts Resulting in Search, Arrest or Citation	Total Searches from Traffic Related Contacts	Consent Searches	Probable Cause Searches
Caucasian	67.73%	66.67%	100%	63.33%
African	15.47%	12.12%	0%	13.33%
Hispanic	14.05%	21.21%	0%	23.34%
Asian	1.36%	0%	0%	0%
Native American	0.72%	0%	0%	0%
Middle Eastern	0.68%	0%	0%	0%
Unknown	0%	0%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Graphical Analysis

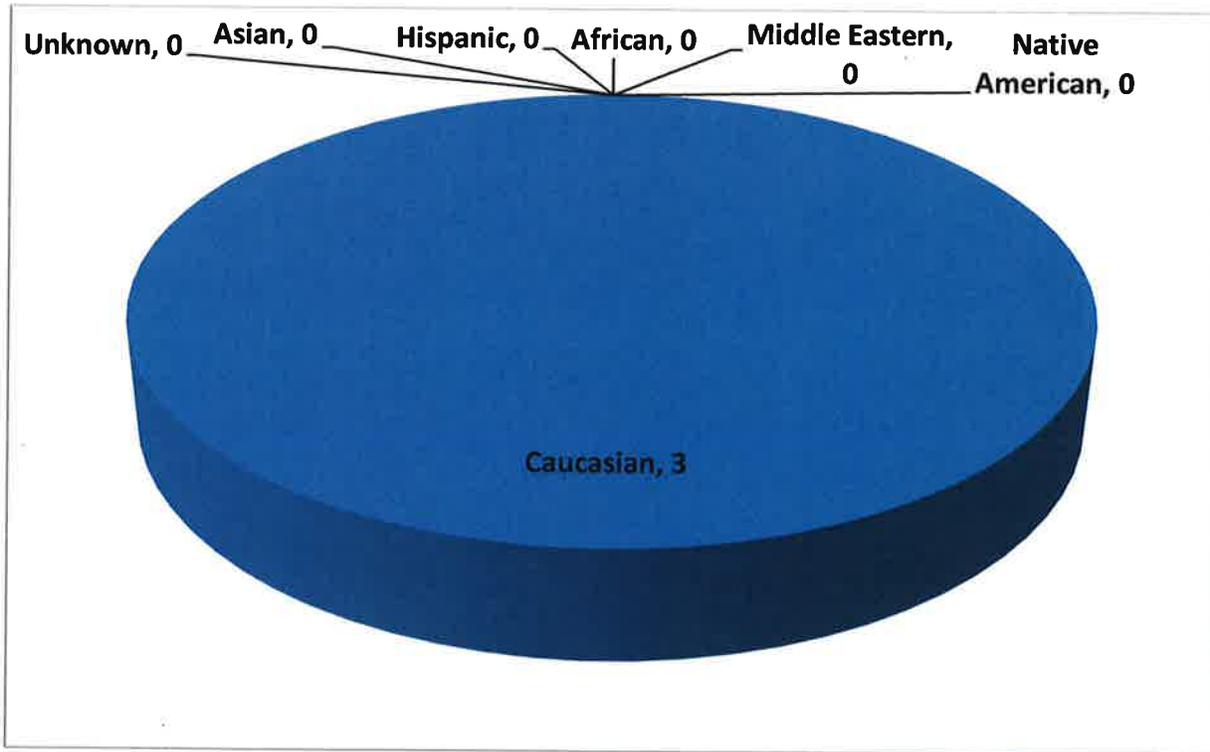
Traffic Related contacts Resulting in Search, Arrest, or Citation



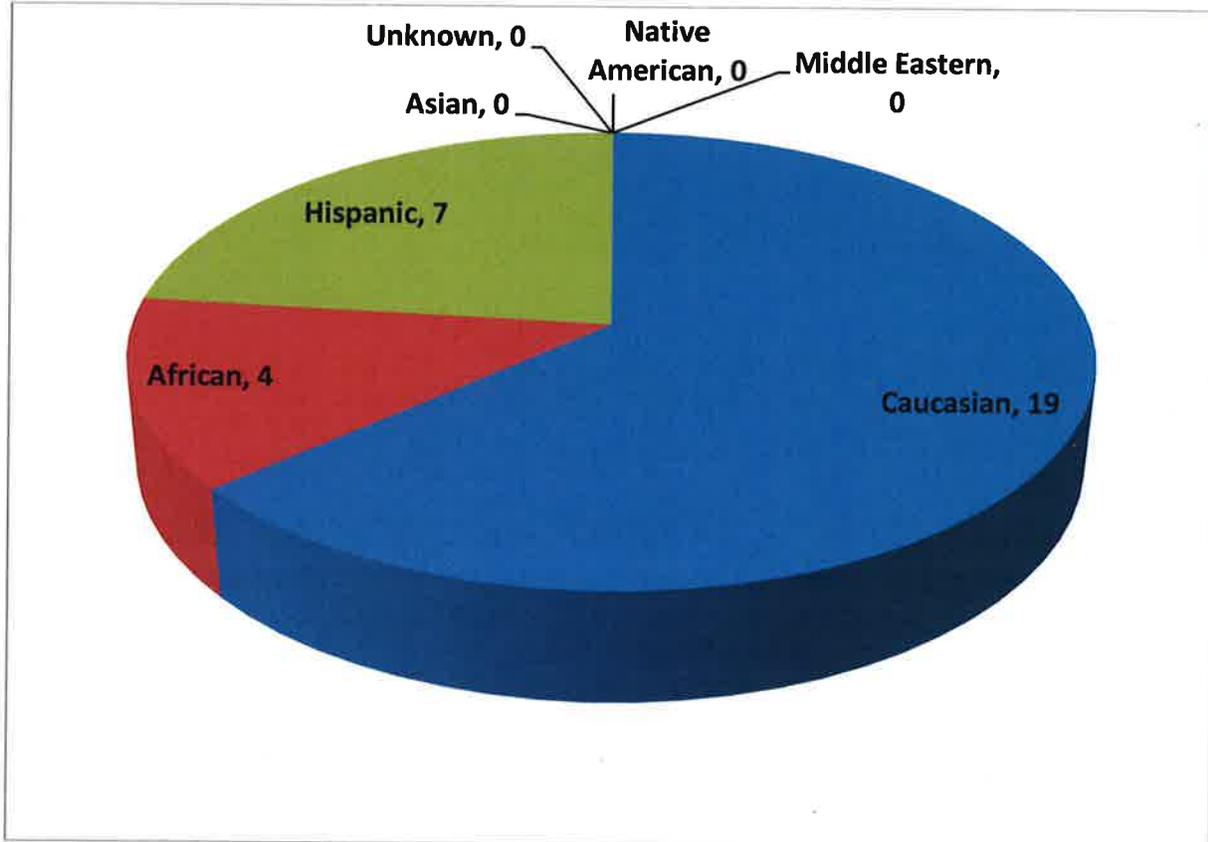
Total Searches from Traffic Related Contacts



### Consent Searches



### Probable Cause Searches



*Texas Police Chiefs Association***DOCUMENT SUBMISSION FORM**

<b>Agency:</b> Little Elm Police Department
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**Best Practice** **2.01 Bias Based Profiling (EV)**

The agency has a written directive, complying with current laws on the reporting of the Bias Based Profiling information collected by the agency, and training of enforcement personnel in the prohibition of Bias Based Profiling.

**Proofs of Compliance Submitted:**

1. Copy of g.o. #2900 Racial Profiling
2. Copy of sign-off sheet
3. Copy of training memos
4. Copy of 2014 racial profiling report

<b>Submitted By:</b> Sgt. J. Compton 108	<b>Date:</b> 02-03-2016
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**Evaluators Review:**

- Does the file contain a written directive which:
  - Prohibits all forms of bias based profiling (not just racial – see glossary)?
  - Complies with Texas Code of Criminal Procedure?
  - Requires training of enforcement personnel?
- Does the file contain documentation of Proof of Receipt of the directive by employees?
- Does the file contain documentation showing training (minimum level 2) of enforcement employees?
- Does the file contain a copy of the most recent annual report or is a copy readily available for inspection? (Should not be submitted electronically.)

**Evaluator:****Date Accepted:**

2015 Racial Profiling Report – Little Elm Police Department

03/01/2016



## **Complaints Made**

There were no allegations of Racial Profiling in 2015.

## **Conclusion**

The Little Elm Police Department is in compliance with Texas Code of Criminal Procedure Article 2.132.

**TCOLE Submission**  
**Little Elm Police Department**  
**2015 Racial Profiling Report**

**Number of Motor Vehicle Stops**

1.	4063	Citations only		
2.	9	Arrest only		
3.	34	Citations and Arrests		
			4.	4106 Total
<b>Race or Ethnicity</b>				
5.	635	African		
6.	56	Asian		
7.	2781	Caucasian		
8.	577	Hispanic		
9.	28	Middle Eastern		
10.	29	Native American		
10.a	0	Other		
10.b	0	Unknown		
			11.	4106 Total
<b>Race or Ethnicity known prior to stop?</b>				
12.	426	Yes		
13.	3680	No		
			14.	4106 Total
<b>Search conducted?</b>				
15.	33	Yes		
16.	4073	No		
			17.	4106 Total
<b>Was search consented?</b>				
18.	3	Yes		
19.	30	No		
			20.	33 Total

## TCOLE 2015 Racial Profile Agency Report Exemption

Agency Name	Filing Status	Reason for Filing as Tier 1 or Tier 2	Chief Administrator and Agency Contact information*	Date Filed	Online Electronic Report	Agency Supplied Report
LITTLE ELM POLICE DEPT. Agency No: 121203	Partially Exempt (Tier 1)	<u>Audio/Video Equipped</u>	RODNEY HARRISON Phone: 214-975-0460 Email: <a href="mailto:rharrison@littleelm.org">rharrison@littleelm.org</a> Mailing Address: LITTLE ELM POLICE DEPT. 88 W. Eldorado Pkwy Little Elm, TX 75068	03/19/15		yes

### Article 2.132 CCP Law Enforcement Policy on Racial Profiling

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling LITTLE ELM POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the LITTLE ELM POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the LITTLE ELM POLICE DEPT. if the individual believes that a peace officer employed by the LITTLE ELM 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 LITTLE ELM POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LITTLE ELM 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 outlines performance of the officers' official duties.

## Racial Profile Tier 1 HB3389

PLEASE NOTE: The official form does not allow for Other and Unknown in the Race or Ethnicity boxes on the TCOLE website. Please contact TCOLE for instructions on how to resolve these issues for 2012. This report only includes traffic stops resulting in a citation, traffic stops resulting in a citation with an arrest, traffic stops resulting in a warning with an arrest and field interviews that resulted in an arrest.

Number of Motor Vehicle Stops	
4063	Citations only
9	Arrest only
34	Citations and Arrests
4.	<u>4106</u> Total
Race or Ethnicity	
635	African
56	Asian
2781	Caucasian
577	Hispanic
28	Middle Eastern
29	Native American
0	Other
0	Unknown
11.	<u>4106</u> Total
Race or Ethnicity known prior to stop?	
426	Yes
3680	No
14.	<u>4106</u> Total
Search conducted?	
33	Yes
4073	No
17.	<u>4106</u> Total
Was search consented?	
3	Yes
30	No
20.	<u>33</u> Total



# Tier 1 Contraband Statistics

		<None>	*NONE	DRUG PARA.	DRUGS	NONE	Total
A	F	56					56
	M	69					69
B	F	593					593
	M	717	3		1	3	724
	U	1					1
H	F	321	1		1		323
	M	540	4	1			545
	U	1					1
I	F	18					18
	M	27					27
ME	F	19					19
	M	37				1	38
W	F	2339	4	2		5	2350
	M	3131	8	9	4	2	3154
	U	83					83
<b>Total</b>		<b>7952</b>	<b>20</b>	<b>12</b>	<b>6</b>	<b>11</b>	<b>8001</b>



# Tier 1 Search Statistics

		CONSENT (WITHOUT PC)	NO SEARCH	PROBABLE CAUSE	Total
A	F		56 0.70%		56 0.70%
	M		69 0.86%		69 0.86%
B	F		593 7.41%		593 7.41%
	M		720 9.00%	4 0.05%	724 9.05%
	U		1 0.01%		1 0.01%
H	F		321 4.01%	2 0.03%	323 4.04%
	M		540 6.75%	5 0.06%	545 6.81%
	U		1 0.01%		1 0.01%
I	F		18 0.23%		18 0.23%
	M		27 0.34%		27 0.34%
ME	F		19 0.24%		19 0.24%
	M		37 0.46%		37 0.46%
W	F		2344 29.30%	6 0.08%	2350 29.38%
	M	6 0.08%	3133 39.16%	15 0.19%	3154 39.43%
	U		83 1.04%		83 1.04%
<b>Total</b>		<b>6 0.08%</b>	<b>7962 99.53%</b>	<b>32 0.40%</b>	<b>8000</b>



# Tier 1 Search Statistics - HB3389

		CONSENT- (WITHOUT PC)	NO SEARCH	PROBABLE CAUSE	Total
A	F		25 0.61%		25 0.61%
	M		31 0.75%		31 0.75%
B	F		283 6.89%		283 6.89%
	M		348 8.48%	4 0.10%	352 8.57%
H	F		203 4.94%	2 0.05%	205 4.99%
	M		367 8.94%	5 0.12%	372 9.06%
I	F		12 0.29%		12 0.29%
	M		17 0.41%		17 0.41%
M	F		10 0.24%		10 0.24%
	M		18 0.44%		18 0.44%
W	F		1119 27.25%	4 0.10%	1123 27.35%
	M	3 0.07%	1621 39.48%	15 0.37%	1639 39.92%
	U		19 0.46%		19 0.46%
<b>Total</b>		<b>3 0.07%</b>	<b>4073 99.20%</b>	<b>30 0.73%</b>	<b>4106</b>



## Tier 1 Stop Results Statistics

		CITATION	WARNING	Total
<b>A</b>	<b>F</b>	26	30	56
	<b>M</b>	33	36	69
<b>B</b>	<b>F</b>	290	303	593
	<b>M</b>	355	369	724
	<b>U</b>		1	1
<b>H</b>	<b>F</b>	212	111	323
	<b>M</b>	384	161	545
	<b>U</b>		1	1
<b>I</b>	<b>F</b>	12	6	18
	<b>M</b>	17	10	27
<b>ME</b>	<b>F</b>	10	9	19
	<b>M</b>	18	20	38
<b>W</b>	<b>F</b>	1136	1214	2350
	<b>M</b>	1668	1486	3154
	<b>U</b>	19	64	83
<b>Total</b>		<b>4180</b>	<b>3821</b>	<b>8001</b>