Racial Profiling Reporting To TCLEOSE

House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131 – 2.138. The major change that is now in the law is that all agencies must report racial profiling data to TCLEOSE as well as their governing body.

The law changes require reporting beginning in 2011 reporting data collected during calendar year 2010.

The attached documents outline three options. Every law enforcement agency must select the option that applies to their particular situation.

These options are:

1. Law enforcement agencies that do not routinely make motor vehicle stops can be fully exempt from reporting.
2. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who have their vehicles that routinely perform theses stops equipped with video and audio equipment can report under CCP 2.135. (This is called Tier 1 Reporting)
3. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who do not equip their vehicles with video or audio equipment must report under CCP 2.133 and perform a analysis as required by CCP 2.134.

RACIAL PROFILING REPORTING
AS REQUIRED BY HB 3389
OF THE 81ST LEGISLATURE
STATE OF TEXAS

As a Chief Administrator of a Law Enforcement Agency you must submit one (1) of the following three (3) documents.

Please read the Code of Criminal Procedures, Articles 2.131 – 2.138 and make a decision about which of the following three categories applies to your department.

Which ONE applies to you?

- Full Exemption from Racial Profiling Reporting – agency does not routinely make traffic stops.

- Tier 1 Partial Exemption from Racial Profiling Report because of video and audio equipment records motor vehicle stops.

- Tier 2 Fully Reporting with no recording video or audio equipment in vehicles performing motor vehicle stops.

By law, one of the above three must be submitted to TCLEOSE each year by March 1st.
This will begin with the 2010 year's data submitted by March 1st, 2011.

FULL EXEMPTION

AGENCY DOES NOT MAKE MOTOR VEHICLE STOPS

(Next Page)

Full Exemption Racial Profiling Reporting

(If you claim a full exemption, this information is mandatory)

Department Name _____
Agency Number _____
Chief Administrator Name _____
Reporting Name _____
Contact Number _____
E-mail Address _____

Article 2.132 CCP 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 traffic stops in the routine performance of the officers' official duties.

I certify it is not the policy of this agency to make traffic stops in the routine performance of the officers' official duties.

_____
Chief Administrator Date

This will be completed online and sent electronically to TCLEOSE

www.tcleose.state.tx.us

TIER 1 REPORTING

PARTIAL EXEMPTION

Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90-days

or

In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

The following four pages <u>must</u> be completed online and sent electronically to TCLEOSE

---

www.tcleose.state.tx.us

Partial Exemption Racial Profiling Reporting
(Tier 1)

Department Name _____
Agency Number _____
Chief Administrator Name _____
Reporting Name _____
Contact Number _____
E-mail Addess _____

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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.

These polices are in effect

_____
Chief Administrator Date

Partial Exemption Racial Profiling Reporting
(Tier 1)

Video and Audio Equipment Exemption

Partial Exemption Claimed by (2.135(a) CCP):

☐ all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

OR

☐ In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

Chief Administrator Date

Partial Exemption Racial Profiling Reporting
(Tier 1)

(This is the TCLEOSE recommended form. The form is not mandatory. The information contained in this form, however, is mandatory. You may use your form, but all information must be provided.)

If you claim a partial exemption you must submit a report that contains the following data or use this format to report the data.

Instructions: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 Must be equal
2. Total on line 20 Must equal line 15

Number of motor vehicle stops:

Mark only 1 category per vehicle stop

1. 4253 citation only
2. 54 arrest only
3. 380 both

4. 4687 **Total**

Race or Ethnicity:

5. 1678 African
6. 664 Asian
7. 1224 Caucasian
8. 807 Hispanic
9. 308 Middle Eastern
10. 6 Native American

11. 4687 **Total**

Race or Ethnicity known prior to stop?

12. 168 Yes
13. 4519 No

14. 4687 **Total**

Search conducted?

15. 1297 Yes
16. 3390 No

17. 4687 **Total**

Was search consented?

18. 14 Yes
19. 1283 No

20. 1297 **Total Must equal #15**

Partial Exemption Racial Profiling Reporting
(Tier 1)

Option to submit required data by utilizing agency report

You must submit your report in PDF format

Electronic Submission of data required by 2.132(b)(6) CCP

(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

This report meets the above requirements

Chief Administrator Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

TIER 2 REPORTING

FULL REPORTING

<u>Check One</u>

☐ **No motor vehicle or audio equipment**

☐ **We choose to fully report even though we qualify for the partial exemption**

Racial Profiling Reporting
(Tier 2)

Department Name	University of Houston DPS
Agency Number	201005
Chief Administrator Name	Ceaser Moore Jr.
Reporting Name	Police Chief
Contact Number	713-743-2573
E-mail Address	cmoore2@central.uh.edu

Certification to Report 2.132 (Tier 2)

Policy Requirements (2.132(b) CCP):

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.

These polices are in effect

Ceaser Moore Jr.	02-29-2016
Chief Administrator	Date

Racial Profiling Reporting
(Tier 2)

(State of Texas Mandatory Form)

Instructions: Please fill out all boxes. If zero use 0.

1. Total on lines 3, 10, 13, 18, 21, 40, and 51 Must be equal
2. Total on lines 27 and 30 Must equal line 19

Gender:

1. _____ Female
2. _____ Male

3. _____ Total

Race or Ethnicity:

4. _____ African
5. _____ Asian
6. _____ Caucasian
7. _____ Hispanic
8. _____ Middle Eastern
9. _____ Native American

10. _____ Total

Race or Ethnicity known prior to stop?

11. _____ Yes
12. _____ No

13. _____ Total

Reason for stop:

14. _____ Violation of law other than traffic
15. _____ Pre-existing knowledge (i.e. warrant)
16. _____ Moving Traffic Violation
17. _____ Vehicle Traffic Violation (Equipment, Inspection or Registration)

18. _____ Total

Racial Profiling Reporting
(Tier 2)

Search conducted?

19. _____ Yes
20. _____ No

21. _____ Total

Reason for search:
(choose 1 for each search)

22. _____ Consent
23. _____ Contraband/evidence in plain sight
24. _____ Probable cause or reasonable suspicion
25. _____ Inventory search performed as result of towing
26. _____ Incident to arrest/warrant

27. _____ Total Must equal #19

Contraband discovered?

28. _____ Yes
29. _____ No

30. _____ Total Must equal #19

Description of Contraband
(Chose only One)

31. _____ Illegal drugs/drug paraphernalia
32. _____ Currency
33. _____ Weapons
34. _____ Alcohol
35. _____ Stolen property
36. _____ Other

37. _____ Total Must equal #28

Arrest result of stop or search:

38. _____ Yes
39. _____ No

40. _____ Total

Racial Profiling Reporting
(Tier 2)

Arrest based on:

41. _____ Violation of the Penal Code
42. _____ Violation of a Traffic Law
43. _____ Violation of City Ordinance
44. _____ Outstanding Warrant

Street address or approximate location of the stop:

45. _____ City Street
46. _____ US Highway
47. _____ County Road
48. _____ Private Property or Other

Written warning or a citation as a result of the stop:

49. _____ Yes
50. _____ No

51. _____ Total

Please submit electronically the analysis in PDF format required by 2.134 CCP(c) which contains:

(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.

This analysis meets the above requirements

_____

Chief Administrator Date

All five (5) pages will be entered via a TCLEOSE Web entry form and the analysis is to be uploaded to the website in PDF format

www.tcleose.state.tx.us