

# Conroe Police Department



## Racial Profiling Report

Prepared by Lt. D. Johnson, Conroe Police Department

2014

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## CITY OF CONROE - POLICE DEPARTMENT

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In accordance with Texas State Laws, the Conroe Police Department presents the annual Racial Profiling Report. The Racial Profiling law was enacted in 2001 and reporting for all law enforcement agencies started in January 2002. The 2014 Racial Profiling Report documents demographics in our area, citizen contacts with City of Conroe Police Officers, and an analysis of those contacts. In addition, this report documents our internal policies and infrastructure that ensures we follow those laws.

This report includes data from the Conroe Police Department, Texas Department of Public Safety, the Greater Conroe Economic Development Council, and the City of Conroe Municipal Court. As you read through this report, you may notice some deviation in the data as each entity creates their report using different criteria. As you compare the data, you will find that the demographic trends are normally quite consistent and any trends are easily recognized.

While these statistics are an important marker on how we handle our business, more important are the day to day contacts the Conroe Police Department makes with our citizens. These statistics show only a small amount of the efforts between our citizens and our Department. City government, community leaders, and the men and women of Conroe Police Department work together to make our City a better place to live. It is the Conroe Police Department's goal to not just continue, but to increase our community relations with our Department and our citizens.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. Dupuis".

Philip Dupuis  
Chief of Police

## Introduction

Law Enforcement in Conroe began in 1905 with the election of the first City Marshall, R. C. Herbert. The Conroe Police Department was established in 1934 when Eddie Stephan was appointed as the first Chief of Police. To date there have been 11 Chiefs of Police and the Conroe Police Department has grown to 129 sworn Officers and 42 non-sworn personnel. The Conroe Police Department is a provider of both a police training academy as well as continuing education for Law Enforcement throughout the region. The Department uses a Community Oriented Policing approach to public safety. The following is a demographic breakdown of the sworn personnel.

	WHITE	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN/PACIFIC ISLANDER	UNFILLED POSITIONS	TOTAL
MALE	91	3	8	1	0	-	103
FEMALE	6	0	1	0	0	-	7
TOTAL	97	3	9	1	0	20	129

In 1989 the citizens of Conroe voted in favor of civil service protection for Police and Fire Department personnel. Prior to being considered for a position with the Police Department, or a promotion in rank, an applicant or Officer candidate must successfully pass a civil service examination. The results of the civil service examination establish an eligibility list, the highest score being first. Applicants and Officer Candidates must submit to and pass; an extensive background investigation, physical examination, and drug screen. Police applicants must complete the Conroe Police Department Basic Academy and pass the T.C.O.L.E. licensing exam before becoming sworn officers. The City of Conroe is an equal opportunity employer.

In January, 2002, the Conroe Police Department adopted and implemented a policy, in accordance with Texas Law on Racial Profiling, banishing racial profiling practices among Conroe Police Officers.

## Racial Profiling Defined

Conroe Police Department currently has in place General Order 8-33 which addresses Racial Profiling as “Bias Based Profiling”. Bias Based Profiling is defined by the general order as:

**“Bias Based Profiling** – A law enforcement initiated action based on an individual’s race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait, rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling is a term included in bias based profiling and 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 or other citizen contacts.

The prohibition against bias based profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person’s activities simply because of that individual’s race, ethnicity or national origin is racial profiling.”

To further illustrate what is considered Bias Based Profiling, the following examples are given:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver’s race, ethnicity or national origin.
2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possesses that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

In regards to the T.C.O.L.E., reporting, Race/Ethnicity is defined by Senate Bill 1074 as being of a “particular descent, including Caucasian, African, Hispanic, Asian, or Native American”. 2010 Reporting requires “Middle Eastern” to also be noted.

## Conroe Police Department’s Prohibition Regarding Bias Based (Racial) Profiling

The Conroe Police Department prohibits Bias Based Profiling (Racial Profiling) in section 2 of General Order 8-33. Section 2 specifically states:

“It is the policy of this Department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait. **Officers are strictly prohibited from engaging in bias based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.**”

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. **The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Bias based profiling is an unacceptable patrol tactic and will not be condoned.**

This policy shall not preclude officers from offering assistance in situations such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.”

## Complaint Process

A provision in General order 8-33 Section 5 affirms The Department’s complaint process will be utilized when an alleged incident of Bias Based (Racial) profiling is reported. A basic flow chart of the process follows:

The levels of discipline available to The Department are discussed further in the “Public Education” section.

## Public Education

General Order 8-33 Section 6 affirms that The Department will educate the public regarding its policy against Bias Based (Racial) Profiling and the process by which a complaint can be made if this behavior is alleged. In its entirety General Order 8-33 Section 6 states:

“This Department will inform the public of its policy against bias based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.”



The Department currently accomplishes this task by the methods described in the policy as well as conducting Citizen’s Police Academies, Junior Police Academies, Public Speaking Engagements, and public service announcements throughout the year. Additionally, all personnel who answer incoming calls are trained to refer any person wishing to make a complaint to a police supervisor so the complaint may be discussed resolved, or intake for investigation completed.

## **Discipline / Corrective Action**

Any individual found to have violated Conroe Police Department Policy 8-33 is subjected to the discipline prescribed in Conroe Police Department General Order 3-05. Forms of possible action regarding complaints are listed in section 10 of this order as:

### **FORMS OF POSSIBLE ACTION AVAILABLE**

- A. Oral Reprimand
- B. Written Reprimand
- C. Suspension.
- D. Reduction in Rank
- E. Dismissal from Employment
- F. Filing of Criminal Charges.

## **Continuing Education**

The Conroe Police Department is committed to ensuring all sworn personnel are regularly trained in in the concepts, actions, and thought process that lead to Bias Based (Racial) Profiling. The Department affirms this commitment to respecting the community by writing into General Order 8-33 by stating,

“All officers commissioned by this agency shall adhere to all Texas Commission on Law Enforcement Officer Standards and Education (T.C.O.L.E) rules and other legislatively mandated requirements regarding training in bias based/racial profiling.

All officers holding a T.C.O.L.E Peace Officer license prior to September 1, 2001 shall have attended the T.C.O.L.E Course 3256 Racial Profiling course. All officers licensed subsequent to that date shall have received the appropriate training through a Basic Peace Officer licensing course.

The Department Training Coordinator shall ensure that all officers maintain currency with the training requirements concerning bias based/racial profiling whether mandated by statute, T.C.O.L.E rule, or Department policy.”

## Data Collection and Reporting Requirements

Conroe Police Department meets the criteria of a Tier 1 (Partial Exemption) agency for reporting purposes according to current Texas Commission on Law Enforcement standards. To report as a Tier 1 agency, an agency is stating it routinely performs traffic stops or motor vehicle stops and the vehicles routinely used to perform these stops are equipped with video and audio recording equipment. The Conroe Police department maintains the records of these stops for a minimum of 90 days. These stops are reviewed regularly by supervisors as part of the employee evaluation process. Additionally, when there is any allegation of bias, the stops are reviewed.

As a Tier 1 agency, The Conroe police Department must meet specific requirements regarding the collecting and reporting of data. The requirements and how the agency currently meets these requirements are listed in the table below:

Requirement	How Requirement Met
Routinely performs traffic stops	Agency Performs Action
All Vehicles routinely used for vehicle / pedestrian stops equipped with audio / visual recording devices	All vehicles used routinely for this purpose equipped with various Kustom Signal products to perform this function. As an added measure, the department has issued available VieVu personal recording devices to all personnel who have requested one.
Require collection of information relating to motor vehicle stop in which a citation issued and arrests made as a result of these stops.	Both electronic ticket writers as well as paper ticket books have specific fields to gather required information.
Document the race or ethnicity of an individual detained.	Field in citation, report forms
Whether a search was conducted	Field in citation
Was the search consensual	Field in citation
Did the officer know the race or ethnicity of the individual before the stop	Field in citation
Chief administrator required to submit annual report to TCOLE	Report created, uploaded per TCOLE procedure
Chief administrator required to submit annual report to governing body	Report created, provided to each member of the governing body.

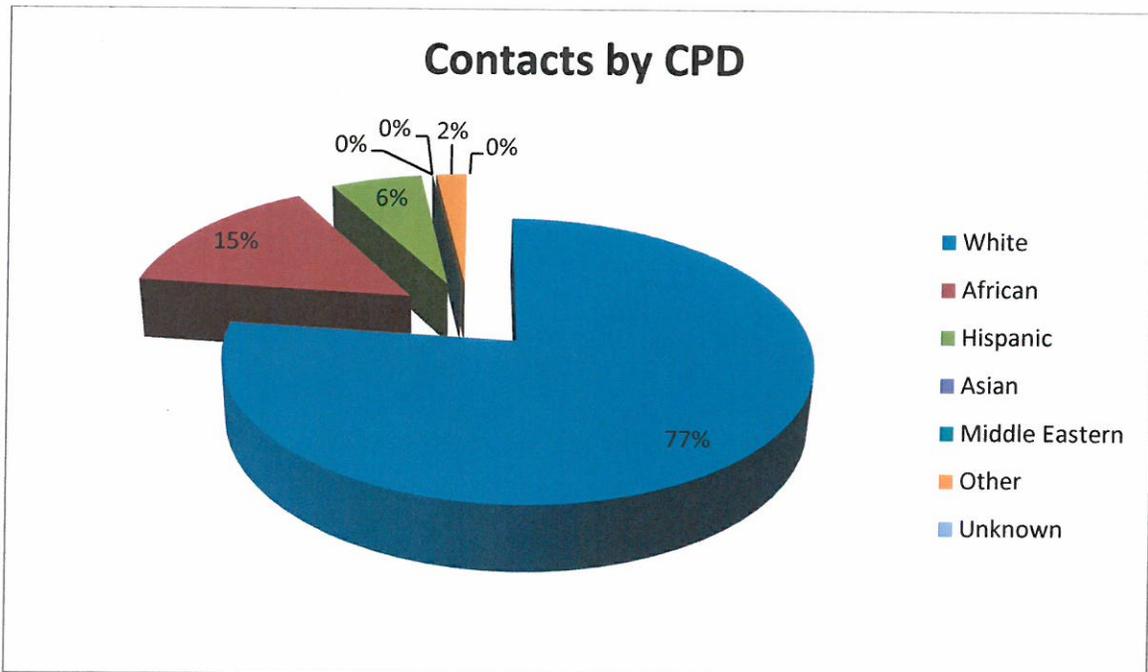
## Comparative Data

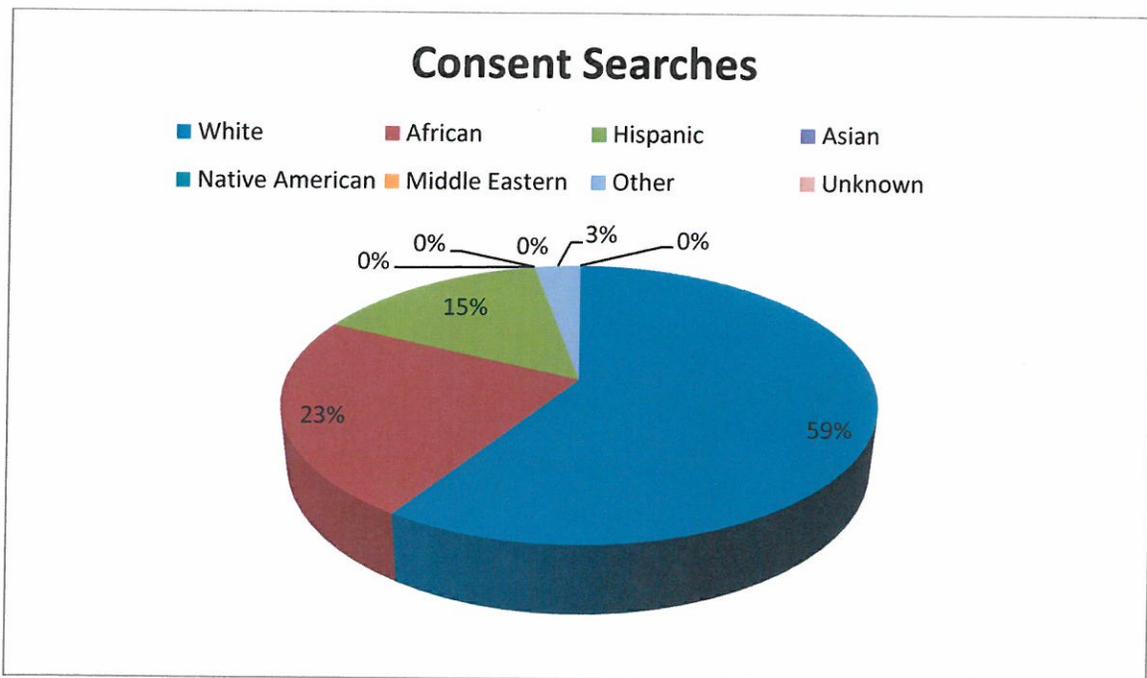
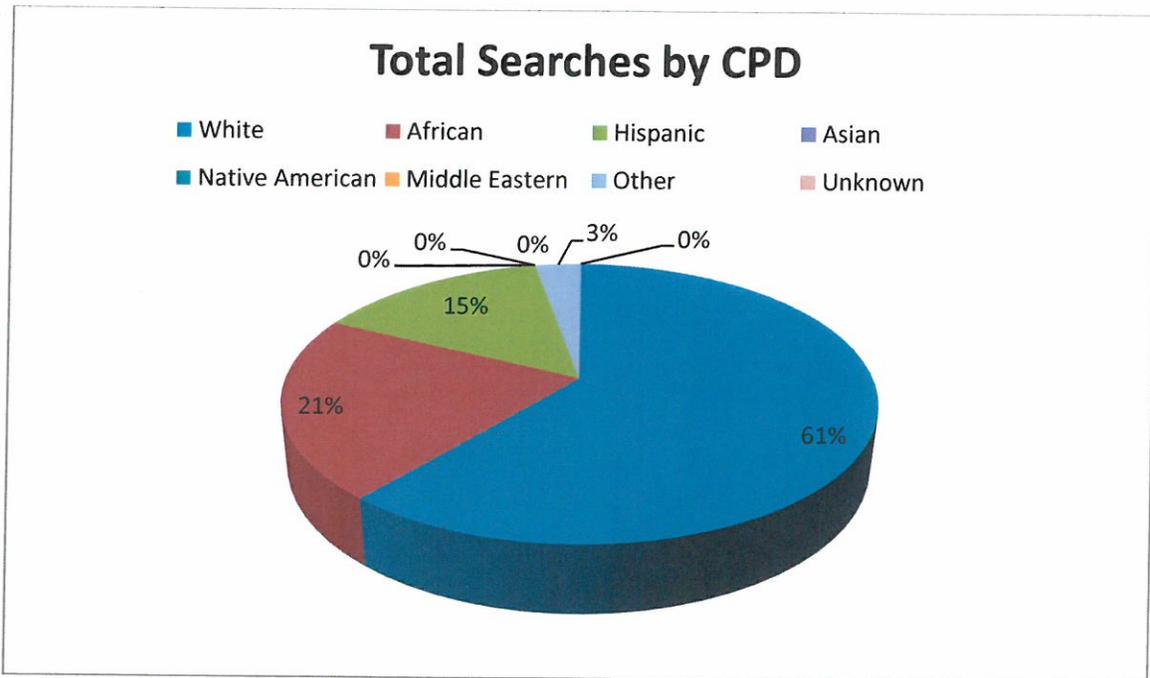
### Methodology:

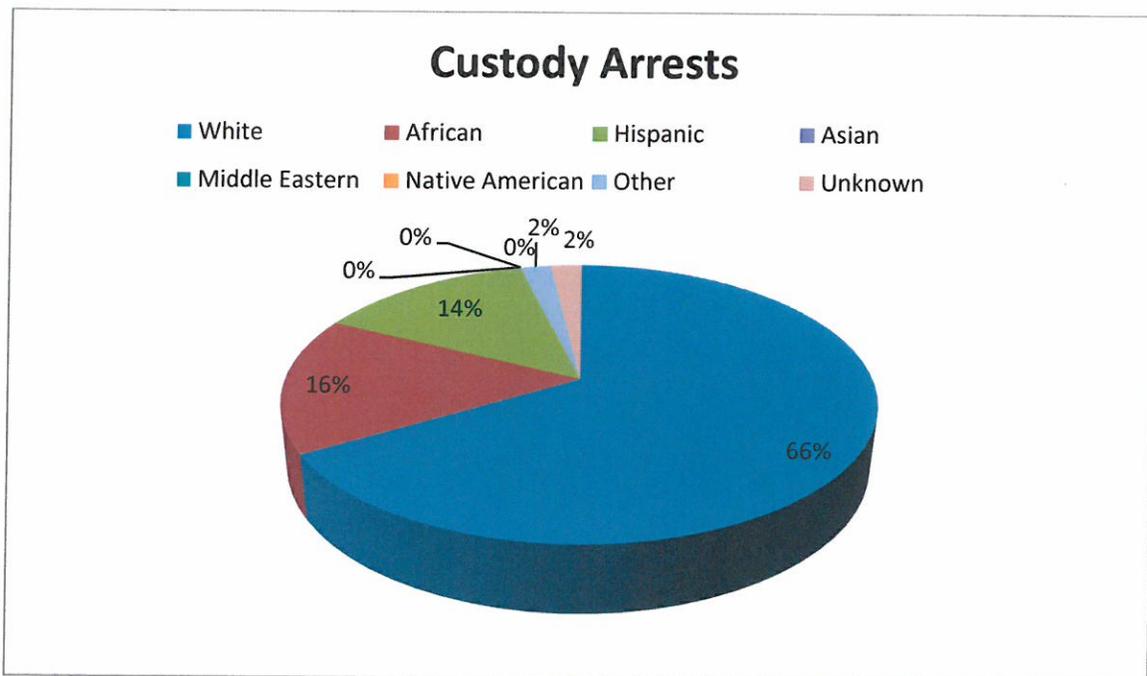
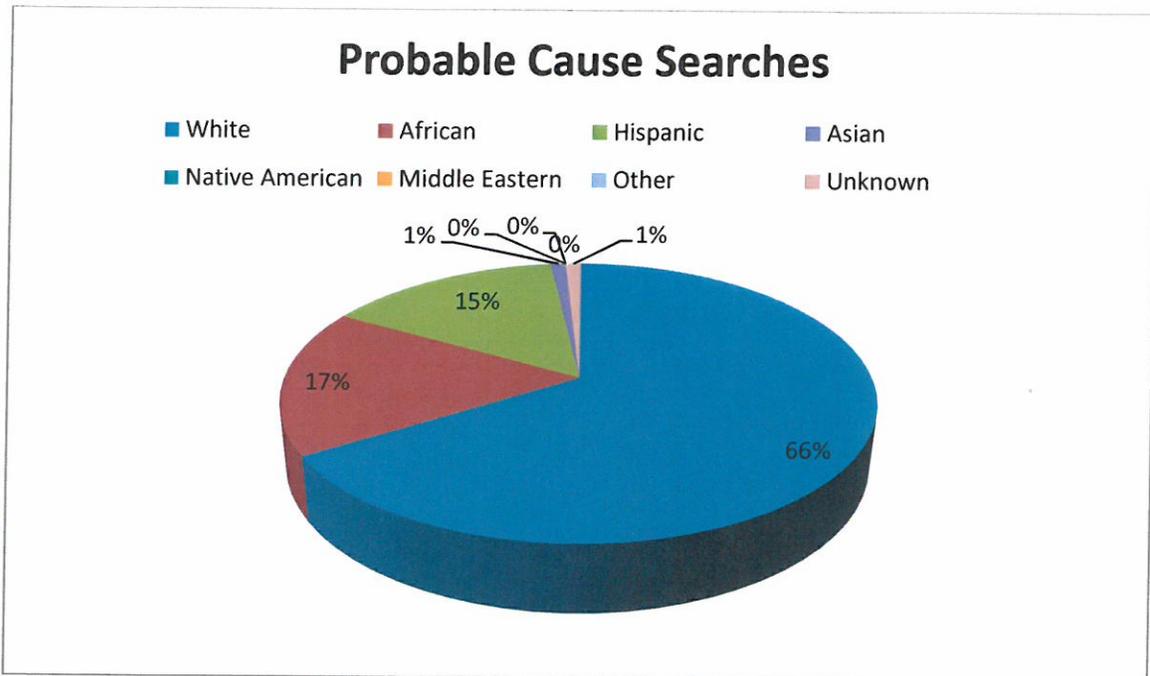
To assess whether there is intentional or unintentional bias in the manner in which traffic stops and self-initiated contact is performed, the Conroe Police Department (CPD) uses comparative data to evaluate the race / ethnicity and gender of the individuals it comes into enforcement contact with compared to the community as a whole. In order to achieve a better-rounded picture of the evaluation, two separate pools are used as a comparison for the contact data. Currently CPD compares the data obtained through stops to demographic data reported to the City of Conroe Economic Development Council, and the information regarding registered drivers in the zip codes comprising the City of Conroe as reported by the Texas Department of Public Safety (DPS) licensing bureau.

Though this data may not take into account every single resident of the city of Conroe, between the two sources the likelihood that the individuals may have come into contact with the department through traffic enforcement is realistically portrayed by using the sampling of registered drivers. Those that may not be registered but are residents who could possibly be driving are represented in the Economic Council demographic data.

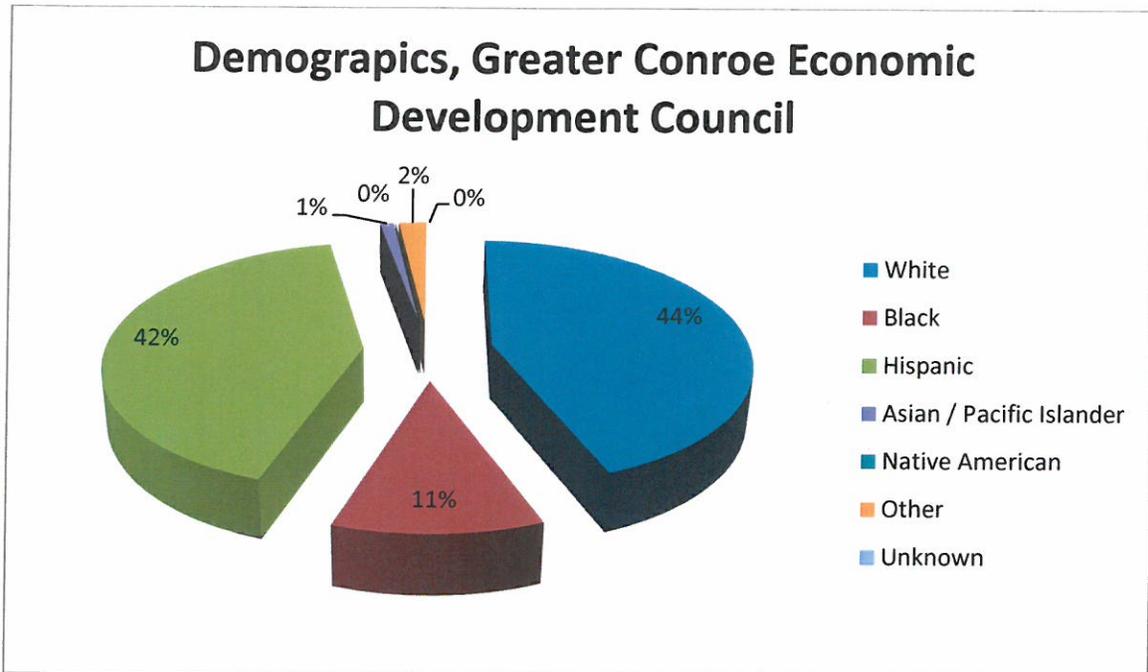
When comparing the data, first the number and nature of contacts by the department is represented.



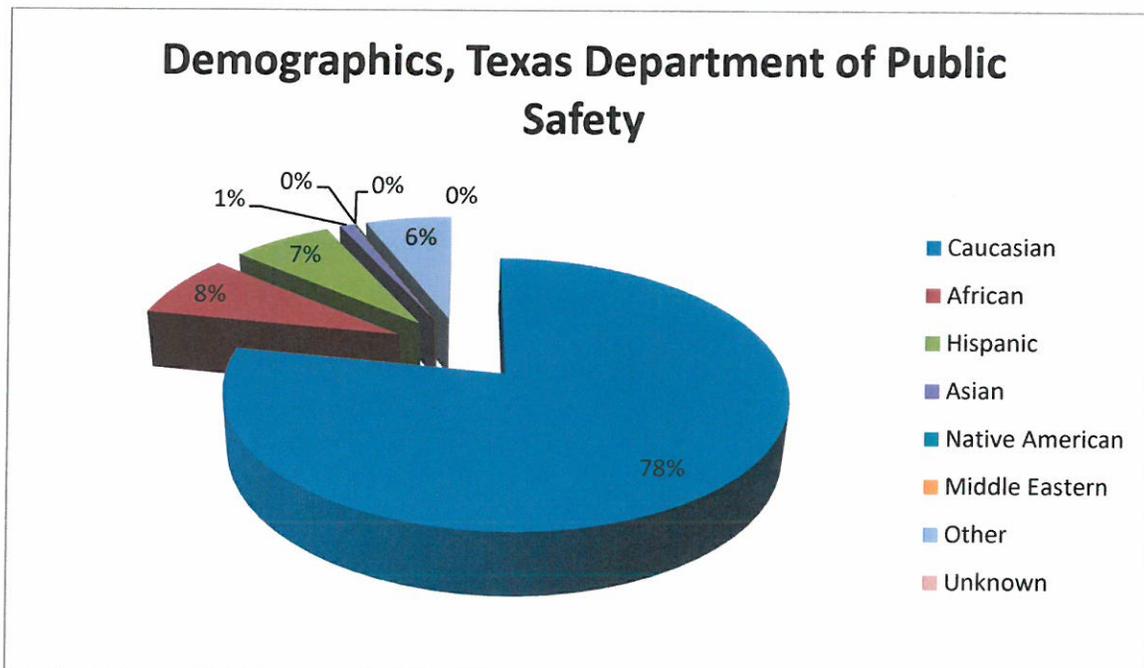




Next, the representative races and ethnicities that compose the area serviced by the Conroe Police Department according to the Economic Development Council are noted.



Data as supplied by the Texas Department of Public Safety is noted for the second standard of comparison.



## CPD Racial Profiling 2014

The samples from The CPD statistical data is then compared to the two sample standards and the discrepancies between the samples are noted.

The reader is asked to note that each agency, (even DPS which is another Law Enforcement agency) utilizes slightly different nomenclature between groups. For the purpose of comparison, parallels between groups (i.e. White-Caucasian, Black-African) have been made in an attempt to make accurate comparisons. Additionally, until recently some agencies such as DPS considered individuals of Hispanic descent as "Caucasian". The manner in which licenses were applied for and noted over the previous years likely lends to an over representation of "Caucasian" individuals. This discrepancy has been noted and will be discussed later.

When each aspect of CPD data is compared to the standard samples for each of the populations compared, the following results are seen:

### CPD Total vs Economic Development Council Data:

Race	Resident Contact	GCEDC Data	Variance
White	77%	44%	+33%
African	15%	11%	+4%
Asian	0%	1%	-1%
Native American	0	0	0
Middle Eastern	0	No Data	0
Hispanic	6%	42%	-36%
Other	2%	2%	0
Unknown	0	No Data	0
Totals	100%	100%	

The table above lists the percentage of each race/ethnicity documented by both organizations. Both Caucasian and African populations appear to be over represented in the total CPD contacts with a positive 33% variance, and positive 4 % variance respectively. Asians are slightly below the norm at -1% variance while Hispanics appear to be greatly underrepresented based upon the supplied data. As was noted earlier, with DPS considering Hispanic for many years as "Caucasian", the data gleaned from driver's licenses that goes into the system as "White" or "Caucasian" when run automatically, likely accounts for some of the over representation of White and underrepresentation of Hispanic. If this is taken into consideration, the difference is whites are over represented +3% while Hispanics would be under represented -3%.

The second standard used to compare data is demographics supplied by the Texas Department of Public Safety (DPS). This information represents the demographics of licensed drivers within the area codes that compose the City of Conroe TX. Though the actual sample represents individuals that may not live within the Conroe city limits; the information is very valuable as it gives an accurate representation of drivers that officers likely encounter on a regular basis. When compared to DPS data, the CPD notes the following variances:

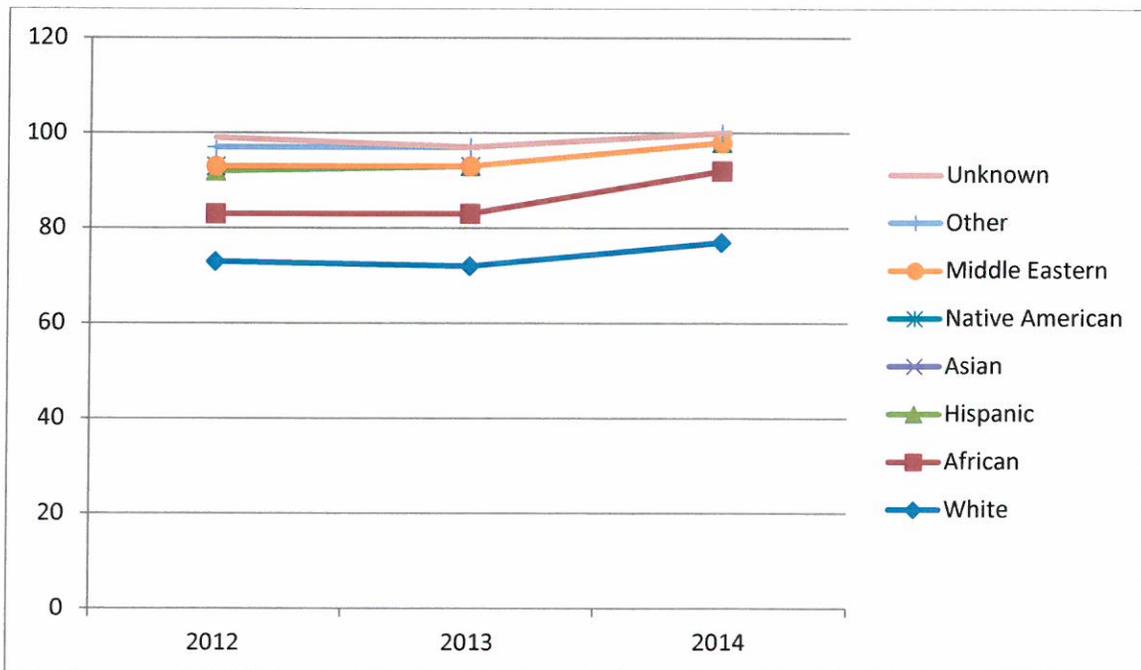
**CPD Total vs. DPS Data:**

Race	Resident Contact	DPS Data	Variance
White	77%	78%	-1%
African	15%	8%	+7%
Asian	0%	1%	-1%
Native American	0	0	0
Middle Eastern	0	0	0
Hispanic	6%	7%	+1%
Other	2%	6%	-4%
Unknown	0	No Data	0
Totals	100%	100%	

Based upon the information presented in the table above, the groups of "African" and "Hispanic" are overrepresented in the amount of contact. The groups of "Asian", "White", and "Other" are underrepresented.

**Historical Trend**

The chart below tracks the contacts the last 3 years. It is provided to see if there is an identifiable trend in the manner in which contact with citizens of specific ethnic groups occur:

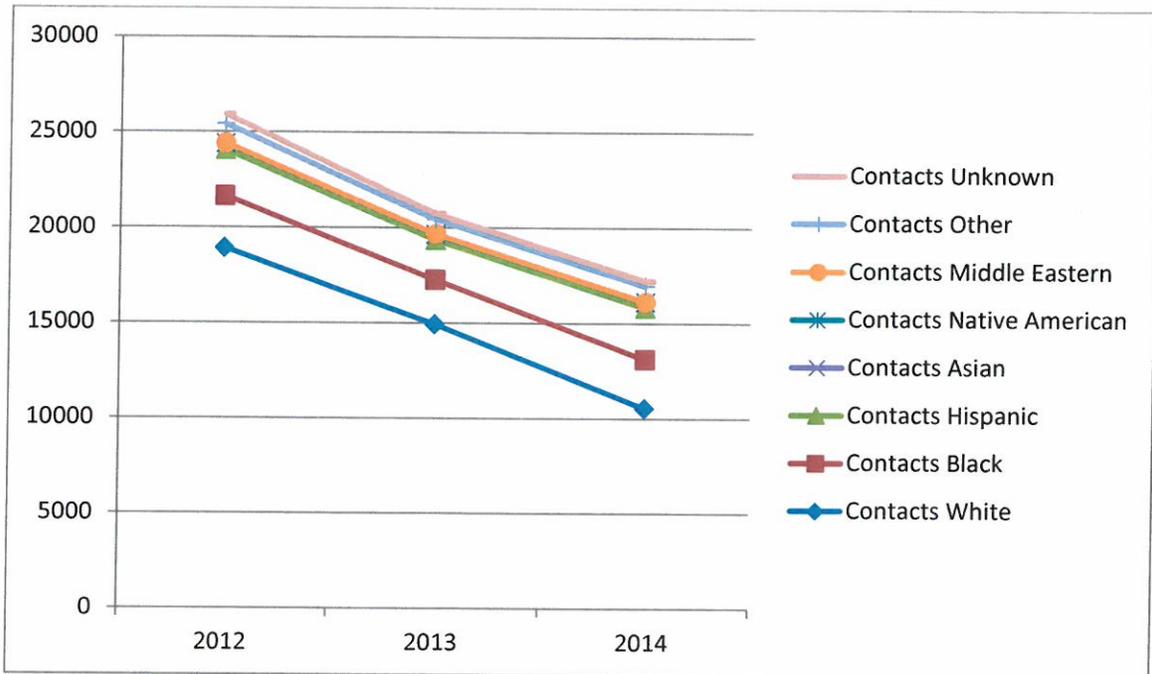


Percent Contact As Reported By CPD In Previous Years

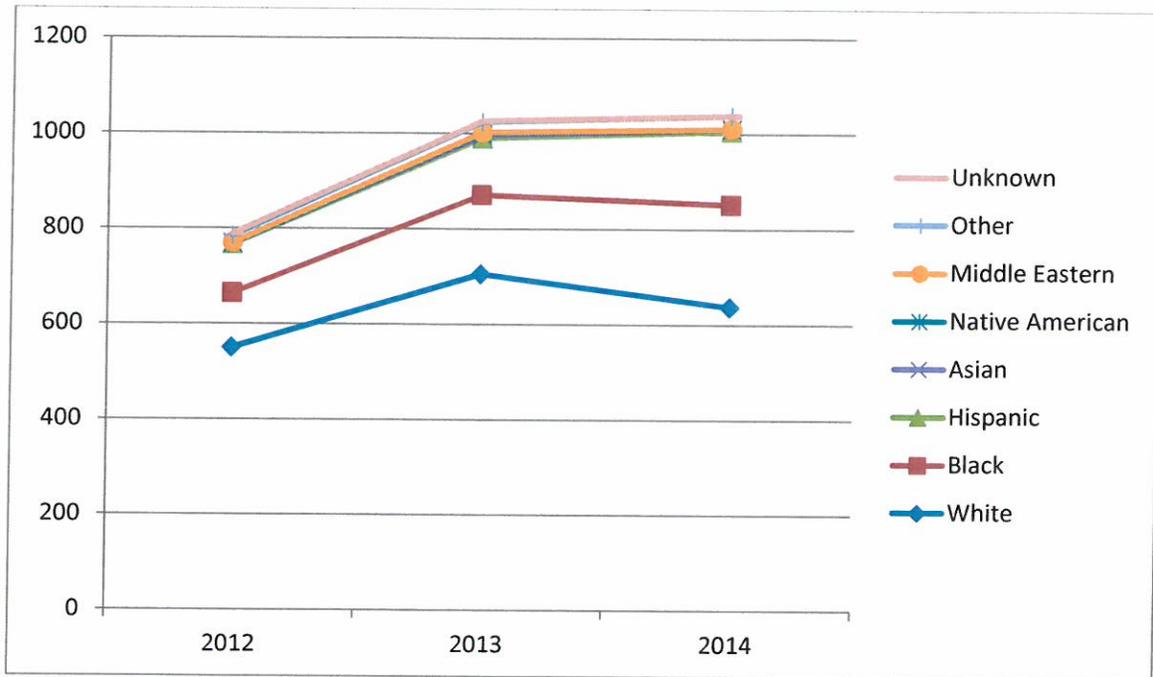
	White	African	Hispanic	Asian	Native American	Middle Eastern	Other	Unknown
2012	73	10	9	1	0	0	4	2
2013	72	11	10	0	0	0	4	0
2014	77	15	6	0	0	0	2	0

Historical Trends using Tier 1 Data

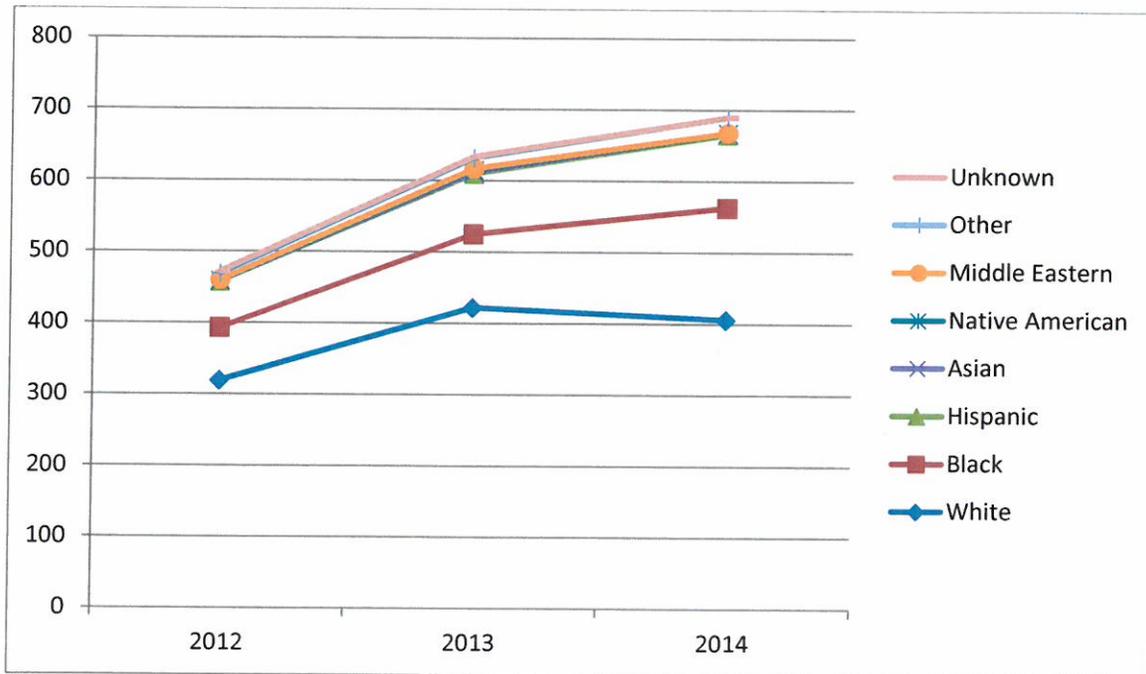
Contacts



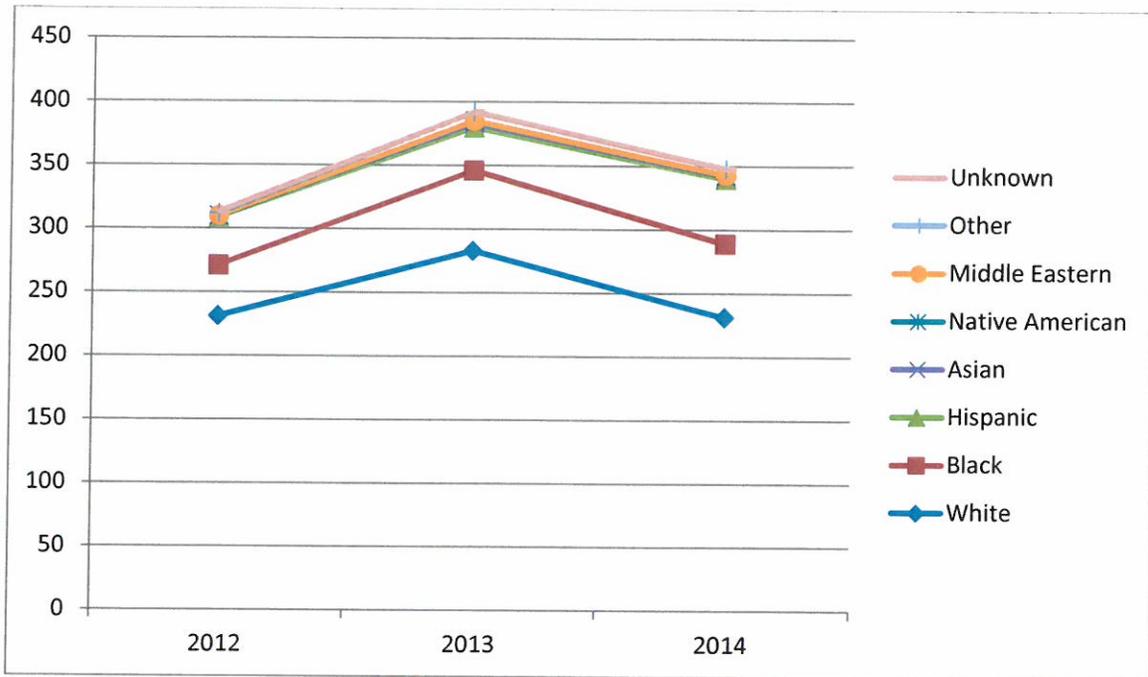
Searches (All)



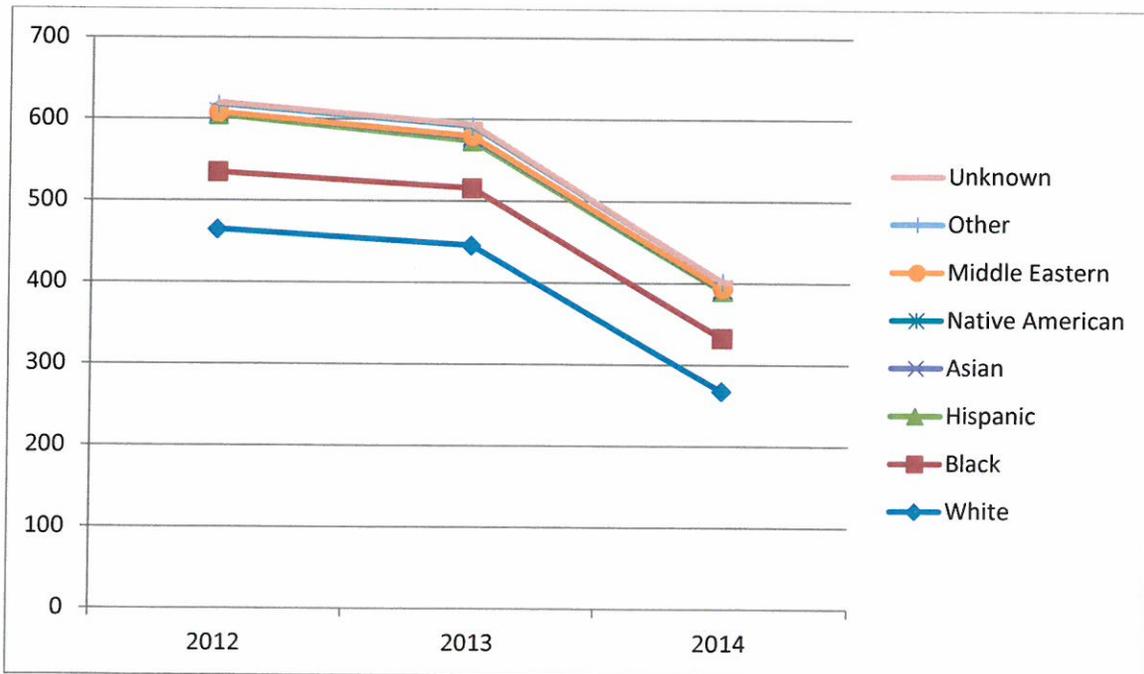
Searches (Consent)



Searches (Probable Cause)



Custody Arrests



## Conclusions

After comparison of the data presented, there appears to be one area in which CPD could ensure there is no bias. In all three comparison data sets, the group of "African" shows a consistent over representation. Though the overrepresentation is low, it is clear from the historical trend analysis it is a new trend that appeared in 2014.

The other areas of Tier 1 data reporting appear to be consistent in the proportions of each category. Though the number of individuals searched and arrested in 2014 was less than the previous years, all the areas appear to have decreased in proportion with the overall number.

Of note is the very close agreement to all other races indicated between the CPD and DPS data. This holds that the premise of the "White" vs. "Hispanic" over representation in the GCEDC data is correct.

It is recommended that the department ensure the over representation of "African" is watched and that it is a reflection of crime trends being addressed and not a bias by those performing duties that bring them into enforcement contact with the public.

**REQUIRED DOCUMENTATION FOR THE RACIAL PROFILING REPORT**

All law enforcement agencies in the State of Texas must meet the following requirements for Racial Profiling Report. Below are the items that you will find as documentation in this portion of the report:

- Clearly defined act or actions that constitute racial profiling
- Statement indicating prohibition of any peace officer employed by the Conroe Police Department from engaging in racial profiling
- Implement a process by which an individual may file a complaint regarding racial profiling violations
- Provide public education related to the complaint process
- Implement disciplinary guidelines for an officer or officers found in violation of the Texas Racial Profiling Law
- Collect data (Tier 1) that includes information on
  - a) Race and ethnicity of individual detained
  - b) Whether a search was conducted
  - c) If there was a search, whether it was a consensual search or a probable cause search
  - d) Whether a custody arrest took place
  - e) Whether the officer knew the race of the violator before the stop
- Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2015.
- Present report to TCOLE on or before March 1, 2015.
- Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

For additional questions regarding the information presented in this report, please contact:

Lt. Doug Johnson  
700 Old Montgomery Road  
Conroe, Texas 77301  
936-522-3229

<b>GENERAL ORDER</b> <b>CONROE POLICE DEPARTMENT</b>	<b>PAGE:</b> 1 OF 2	<b>G.O.#:</b> 8-27
	<b>EFFECTIVE:</b> APRIL 14, 2010	
	<b>REPLACES:</b> G.O. 8-27 ISSUED 04/19/2002	
<b>TITLE: IN-CAR VIDEO CAMERAS</b>		

1 PURPOSE

The purpose of this order is to establish policy and guidelines for the use of In-Car Video Cameras by officers of the Conroe Police Department.

2 POLICY

It is the policy of the Conroe Police Department that patrol vehicles will be equipped with video/audio recording equipment. The function of this equipment is to accurately document the events, actions, conditions, and statements made during vehicle stops, pedestrian contacts, arrests, and critical incidents so as to enhance officer reports, collection of evidence, and testimony in court. This recording will also enhance the Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, evidence for investigative purposes, as well as for officer evaluation and training.

3 PROCEDURES

- A. The recording equipment installed in the vehicles, and the portable audio transmitter, are the responsibility of the officer assigned to the vehicle containing the equipment. Keys to the recording equipment will remain on the primary tagged key ring for that vehicle. The equipment shall be operated and maintained according to the manufacturer's instructions and recommendations and by the guidelines set forth in this General Order.
- B. At the beginning of each shift officers shall determine if their recording equipment is operating properly. If a problem is found the Officer will contact the on-duty supervisor and make arrangements for adjustment or repair. The officer shall also ensure that the recorder is equipped with sufficient memory/storage remaining to begin their shift.
- C. The recording equipment will automatically activate when the vehicle's emergency lights are in operation. The recording equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
- D. Officers **WILL** ensure that the recording equipment is turned on, properly positioned, and adjusted to record events during their tour of duty. Officers **WILL** carry and activate a wireless microphone upon their person. Officers **WILL** audio/video record the following:
  - 1. All enforcement contacts, such as arrests, vehicular and pedestrian stops, or field interviews of suspicious or other persons.
  - 2. Non Enforcement contacts should they become confrontational, assaultive, or otherwise enforcement oriented.
  - 3. Pedestrian contacts, interviews, and other events when the recording could have value as evidence, to limit liability, or to resolve citizen complaints.
  - 4. All emergency driving situations including pursuits, emergency runs, responses to priority one calls, or responses to priority two calls even if emergency equipment (lights and siren) are not activated.

- E. The designated supervisor(s) shall ensure that all video recordings of arrests are forwarded to the Crime Scene Unit (CSU) for downloading and preservation. Officers shall notify the designated supervisor(s), as soon as practical, of any recorded sequences that may represent evidence or be of administrative importance so that the videos may be forwarded to the CSU or other appropriate authority.
- F. Officers will note in arrest or other associated reports if an audio/video recording was made during the event in question.
- G. Officers will not erase, tamper with, or in any other way alter any recording.
- H. **No video, or any portion thereof, may be copied without approval of the Chief of Police or his designee. Copies may only be made for court, training, or other purposes specifically approved by the Chief of Police or his designee.**
- I. Videos will be stored for a period of not less than ninety (90) days. After that time videos will be deleted from the system unless they have been determined to have evidentiary or other value. Videos of evidentiary value shall be forwarded to the Crime Scene Unit (CSU) for downloading and preservation per CSU policies and procedures. Videos of administrative or other value shall be held per statutory law or regulation governing the retention of such records.
- J. Videos from each vehicle involved in a vehicular pursuit, as well as videos from each vehicle of all officers present at the scene of any use of force, shall be handled as described above in Section E.

<b>GENERAL ORDER</b> <b>CONROE POLICE DEPARTMENT</b>	<b>PAGE:</b> 1 OF 5	<b>G.O.#:</b> 8-33
	<b>EFFECTIVE: SEPTEMBER 29, 2009</b>	
	<b>REPLACES: G.O. 8-33 ISSUED 02/21/2003</b>	
<b>TITLE: BIAS BASED PROFILING</b>		

1 PURPOSE

The purpose of the policy is to reaffirm the City of Conroe Police Department's commitment to unbiased policing in all its encounters between officer and 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.

2 POLICY

It is the policy of this Department to police in a proactive manner and, to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait. Officers are strictly prohibited from engaging in bias based profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Bias based profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance in situations such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

3 DEFINITIONS

- A. Bias Based Profiling – A law enforcement initiated action based on an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling is a term included in bias based profiling and 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 or other citizen contacts.

The prohibition against bias based profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include, but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity or national origin.

2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.
3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at least two principles from the adoption of this definition of racial profiling:

1. Law enforcement officers may not use racial, ethnic, or other stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.
  2. Racial profiling is not relevant as it pertains to witnesses, etc.
- B. Race or Ethnicity – Of a particular decent, including but not limited to, Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.
- C. Pedestrian Stop – An interaction between a peace officer and an individual, on foot, who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.
- D. Motor Vehicle Stop – A peace officer stopping a motor vehicle for an alleged violation of law or ordinance regulating traffic.

#### 4 TRAINING

All officers commissioned by this agency shall adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) rules and other legislatively mandated requirements regarding training in bias based/racial profiling.

All officers holding a TCLEOSE Peace Officer license prior to September 1, 2001 shall have attended the TCLEOSE Course 3256 Racial Profiling course. All officers licensed subsequent to that date shall have received the appropriate training through a Basic Peace Officer licensing course.

The Department Training Coordinator shall ensure that all officers maintain currency with the training requirements concerning bias based/racial profiling whether mandated by statute, TCLEOSE rule, or Department policy.

#### 5 COMPLAINT INVESTIGATION

This Department shall accept complaints from any person who believes he or she has been stopped or searched because of their race, ethnicity, national origin, or other type of bias based profiling as previously described. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed a complaint.

Any employee who receives an allegation of bias based profiling, including the officer who initiated the stop, shall immediately, or as soon as possible contact their immediate supervisor or a supervisor of most immediate availability. The supervisor so notified shall immediately accept the complaint and take all necessary action in accordance with General Order 3-05, Personnel Complaints.

If there is a Departmental video or audio recording of the events upon which a complaint of bias based profiling is based, upon commencement of an investigation by this Department into the complaint, and written request of the officer made the subject of the complaint, the Department shall promptly provide a copy of the recording to that officer.

If a bias based profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

## 6 PUBLIC EDUCATION

This Department will inform the public of its policy against bias based profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

## 7 CITATION DATA COLLECTION & REPORTING

An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

- A. The violator's race or ethnicity;
- B. Whether a search was conducted;
- C. Was the search consensual; and
- D. Arrest for the cited violation or any other violation.
- E. Whether the officer knew the race or ethnicity of the violator prior to detaining the individual.

Not later than March 1<sup>st</sup> of each year, this Department shall submit a report to the City Council of the City of Conroe that includes the information gathered by the citations. The report will include:

- A. A breakdown of citations by race or ethnicity;
- B. Number of citations that resulted in a search;
- C. Number of searches that were consensual; and
- D. Number of citations that resulted in custodial arrest for this cited violation or any other violation.

## 8 USE OF VIDEO AND AUDIO RECORDING EQUIPMENT

Each vehicle regularly used by this Department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment to record traffic and pedestrian stops. The operation of the audio-video recording equipment shall be governed by the policy contained herein and by general Order 8-27, In-Car Video Cameras. Each motor vehicle and pedestrian stop made by an officer of this Department that is capable of being recorded by video and audio, or audio, as appropriate, shall be recorded.

The Department shall retain the video and/or audio recording of each motor vehicle and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with the Department alleging that one of our officers has engaged in bias based profiling with respect to a motor vehicle or pedestrian stop, the Department shall retain the video and/or audio recordings of the stop until final disposition of the complaint.

Supervisors will ensure officers of the Department are recording their motor vehicle and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

In the event that in-car audio and video recording equipment is not available (late installment in vehicles, etc.) or in the event of equipment failure or otherwise not operable, the officer making the stop shall properly record and report the information required below (Para. XIV).

9 COLLECTING INFORMATION FROM NON-RECORDED TRAFFIC AND PEDESTRIAN STOPS

An officer who, due to his/her assignment, regularly makes motor vehicle and pedestrian stops and operates a motor vehicle regularly used by the Department to make traffic and pedestrian stops that is temporarily not equipped with audio video recording equipment, or the equipment fails or is otherwise inoperable, and who stops a motor vehicle for an alleged violation of law or ordinance regulating traffic, or stops a pedestrian for any suspected offense shall manually collect, record and report the following information:

- A. A physical description of any person operating the motor vehicle, who is detained as a result of the stop, including:
  1. The person's gender;
  2. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.
- B. Whether the officer knew the race or ethnicity of the violator prior to detaining the individual.
- C. The initial reason for the stop.
- D. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
- E. Whether any contraband or other evidence was discovered in the course of the search and, if so, a brief description of the contraband or evidence.
- F. The reason for the search including whether any contraband or evidence was in plain view, or whether probable cause or reasonable suspicion existed to perform the search, or whether the search was the result of an administrative inventory of the vehicle pursuant to Department policy.
- G. Whether the stop and/or search resulted in an arrest, including a statement as to whether the arrest was based on a Penal Code violation, violation of traffic law or ordinance, or outstanding warrant, and a statement of the offense charged.
- H. The street address or approximate location of the stop.

- I. Whether the officer issued a written warning or a citation as a result of the stop.

These individual reports shall be recorded by the officer on a form prescribed by the Department and forwarded to the officer's Division Commander. The Deputy Chief of Police shall cause the information collected from the individual reports to be reviewed, compiled, and analyzed, and will ensure the retention of the individual reports as directed by the Chief of Police.