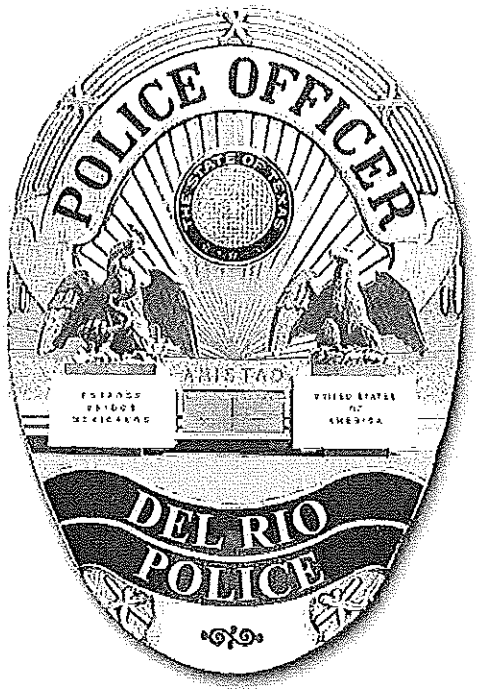
The Del Rio Police Department Annual Contact Report (2014)



February 20, 2014

Del Rio City Council
Del Rio, Texas 78840

Dear Distinguished Members of the City Council,

Racial profiling is considered to be one of the most important issues affecting law enforcement agencies in the United States. In 2001, the Texas legislature, in an attempt to address the issue of racial profiling in policing, passed the Texas Racial Profiling Law (S.B. 1074). Since becoming effective, the Del Rio Police Department, in accordance with the law, has collected citation-based contact data for the purpose of identifying and addressing (if necessary) concerns regarding racial profiling practices by police officers.

In this report, you will find three sections that present information on citation-based contact data along with documentation which aims at supporting the fact that the Del Rio Police Department has complied with The Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Law on Racial Profiling. Also, in this section, you will have the opportunity to become acquainted with the list of requirements relevant to the Racial Profiling Law as interpreted by TCLEOSE (Texas Commission on Law Enforcement Officer Standards and Education).

Sections 2 and 3 present documentation which demonstrates compliance of the Del Rio Police Department with the Texas Racial Profiling Law. Specifically, documents relevant to the implementation of an institutional policy banning racial profiling, the implementation of a racial profiling complaint process (including the manner in which it has been disclosed to the public) and the training administered to all law enforcement personnel, are included.

This report also contains statistical data relevant to public contacts, made during the course of traffic stops, between 1/1/09 and 12/31/14. This information has been analyzed and compared to data derived from the U.S. Census Bureau in the form of the Fair Roads Standard, and to the citation-based contact data collected in 2014. The final analysis and recommendations are also included.

I am confident that the findings presented in this report support the notion that the Del Rio Police Department is committed to the identification and resolution (if necessary) of all issues relevant to racial profiling according to the state law.

Sincerely,

Waylon Bullard

Waylon Bullard, Chief of Police

Table of Contents

(I) Senate Bill 1074

a) Texas Racial Profiling Law Requirements

b) The Texas Law on Racial Profiling (S.B. 1074)

(II) Responding to Senate Bill 1074

a) Institutional Policy on Racial Profiling

b) Policy on Mobile Video/Audio Management

c) Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices.

d) Racial Profiling Training and the Information Gathering Process

e) Report on Complaints Filed Against Officers for Violating the Racial Profiling Law.

f) Tables Illustrating Traffic Contacts – Tier I - 2014

g) Tables Depicting Baseline Comparison (2014)

h) Six-Year Data Assessment (06-11)

i) Analysis and Interpretation of Data (2014)

(III) Summary

a) Checklist

b) Supporting Documents

(1)

A

Texas Racial Profiling Law Requirements

Guidelines for Compiling and Reporting Data under Senate Bill 1074

Background

Senate Bill 1074 of the 77th Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of ***what*** must be accomplished by an agency but allows wide latitude in determining ***how*** the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

Standard 1

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

Commentary

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as 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."

The article further defines race or ethnicity as being of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American." The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

Standard 2

Each peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense reports to the employing law enforcement agency information relating to the stop, to include:

- a physical description of each person detained, including gender and the person's race or ethnicity, as stated by the person, or, if the person does not state a race or ethnicity, as determined by the officer's best judgment;
- the traffic law or ordinance alleged to have been violated or the suspected offense;
- whether the officer conducted a search as a result of the stop and, if so, whether the person stopped consented to the search;
- whether any contraband was discovered in the course of the search, and the type of contraband discovered;
- whether probable cause to search existed, and the facts supporting the existence of that probable cause;
- whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;
- the street address or approximate location of the stop; and
- whether the officer issued a warning or citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Commentary

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "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 for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

Standard 3

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

Commentary

Senate Bill 1074 from the 77th Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide and analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for "tier one" data for traffic stops in which a citation results are:

1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of "a particular descent, including Caucasian, African, Hispanic, Asian, or Native American");
2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
3) whether there was a custody arrest.

The minimum requirements for reporting on "tier two" reports include traffic and pedestrian stops. Tier two data include:

1) the detained person's gender and race or ethnicity;
2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
3) whether a search was conducted, and if so whether it was based on consent or probable cause;
4) facts supporting probable cause;
5) the type, if any, of contraband that was collected;
6) disposition of the stop, e.g., arrest, ticket, warning, or release;
7) location of stop; and
8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

Standard 4

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

Commentary

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

Standard 5

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

Commentary

None

Standard 6

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

Commentary

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

Standard 7

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

Commentary

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.

(1)

B

The Texas Law on Racial Profiling

(S.B. 1074)

S.B. No. 1074

AN ACT

relating to the prevention of racial profiling by certain peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.131 through 2.138 to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

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

(2) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American 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 traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

(A) the race or ethnicity of the individual detained; and

(B) whether a search was conducted and, if so, whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) 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 traffic stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make traffic 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 traffic 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.

Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN STOPS. (a) In this article:

(1) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(2) "Pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of each person 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 traffic law or ordinance alleged to have been violated or the suspected offense;

(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 was discovered in the course of the search and the type of contraband discovered;

(5) whether probable cause to search existed and the facts supporting the existence of that probable cause;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of the offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a warning or a citation as a result of the stop, including a description of the warning or a statement of the violation charged.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) In this article, "pedestrian stop" means an interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

(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 local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

(c) A report required under Subsection (b) must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

(A) determine the prevalence of racial profiling by peace officers employed by the agency; and

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; 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 traffic or pedestrian 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 Commission on Law Enforcement Officer Standards and Education 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.

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency 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 traffic and pedestrian stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle

regularly used to make traffic and pedestrian stops is equipped with transmitter-activated equipment; and

(B) each traffic and pedestrian 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 traffic and pedestrian 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 traffic or pedestrian 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.

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.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as

described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

(1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Art. 2.138. RULES. The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

SECTION 2. Chapter 3, Code of Criminal Procedure, is amended by adding Article 3.05 to read as follows:

Art. 3.05. RACIAL PROFILING. In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

SECTION 3. Section 96.641, Education Code, is amended by adding Subsection (j) to read as follows:

(j) As part of the initial training and continuing education for police chiefs required under this section, the institute shall establish a program on racial profiling. The program must include an examination of the best practices for:

(1) monitoring peace officers' compliance with laws and internal agency policies relating to racial profiling;

(2) implementing laws and internal agency policies relating to preventing racial profiling; and

(3) analyzing and reporting collected information.

SECTION 4. Section 1701.253, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on racial profiling for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

SECTION 5. Section 1701.402, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on racial profiling established by the commission under Section 1701.253(e).

SECTION 6. Section 543.202, Transportation Code, is amended to read as follows:

Sec. 543.202. FORM OF RECORD. (a) In this section, "race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, or Native American descent.

(b) The record must be made on a form or by a data processing method acceptable to the department and must include:

(1) the name, address, physical description, including race or ethnicity, date of birth, and driver's license number of the person charged;

(2) the registration number of the vehicle involved;

(3) whether the vehicle was a commercial motor vehicle as defined by Chapter 522 or was involved in transporting hazardous materials;

(4) the person's social security number, if the person was operating a commercial motor vehicle or was the holder of a commercial driver's license or commercial driver learner's permit;

(5) the date and nature of the offense, including whether the offense was a serious traffic violation as defined by Chapter 522;

(6) whether a search of the vehicle was conducted and whether consent for the search was obtained;

(7) the plea, the judgment, and whether bail was forfeited;

(8) [~~(7)~~] the date of conviction; and

(9) [~~(8)~~] the amount of the fine or forfeiture.

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as

required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

SECTION 8. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.134, Code of Criminal Procedure, as added by this Act, on March 1, 2004. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2003, and ending December 31, 2003.

SECTION 9. Not later than January 1, 2002:

(1) the Commission on Law Enforcement Officer Standards and Education shall establish an education and training program on racial profiling as required by Subsection (e), Section 1701.253, Occupations Code, as added by this Act; and

(2) the Bill Blackwood Law Enforcement Management Institute of Texas shall establish a program on racial profiling as required by Subsection (j), Section 96.641, Education Code, as added by this Act.

SECTION 10. A person who on the effective date of this Act holds an intermediate proficiency certificate issued by the Commission on Law Enforcement Officer Standards and Education or has held a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education for at least two years shall complete an education and training program on racial profiling established under Subsection (e), Section 1701.253, Occupations Code, as added by this Act, not later than September 1, 2003.

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established

under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

SECTION 12. This Act takes effect September 1, 2001.

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1074 passed the Senate on April 4, 2001, by the following vote: Yeas 28, Nays 2; May 21, 2001, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 22, 2001, House granted request of the Senate; May 24, 2001, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1074 passed the House, with amendments, on May 15, 2001, by a non-record vote; May 22, 2001, House granted request of the Senate for appointment of Conference Committee; May 24, 2001, House adopted Conference Committee Report by a non-record vote.

Chief Clerk of the House

Approved:

Date

Governor

(II)

A

Responding to Senate

Bill 1074

Institutional Policy on Racial Profiling

DEL RIO POLICE DEPARTMENT GENERAL ORDER	REVISION DATE May 31, 2009	POLICY NUMBER **4.21.1**	
CATEGORY Law Enforcement Operations	INDEXED AS Bias Based Profiling Racial Profiling	RECOGNITION PROGRAM STANDARD 2.01.1	
SUBJECT Bias Based Profiling			
AUTHORIZING SIGNATURE Original with Signature on File			

I. PURPOSE

The practice of Bias Based Profiling by law enforcement personnel undermines legitimate law enforcement efforts and may lead to claims of civil rights violations. It may alienate citizens and foster distrust of law enforcement in the community. This directive strictly prohibits the use of bias based profiling by employees of the Del Rio Police Department. The directive content identifies specific acts that would be considered bias based profiling and outlines procedures to address requirements of Chapter 12, Article 2.131 through 2.135 of the Texas Code of Criminal Procedure.

This directive does not prohibit police personnel from stopping or detaining individuals if a specific report exists in which an individual's race, national origin, citizenship, religion, ethnicity, age, gender, or sexual orientation is a factor in determining the existence of probable cause for taking police action.

II. DEFINITIONS

Arrest- To deprive a person of his/her liberty by legal authority.

Bias Based Profiling- A law enforcement-initiated action based on an individual's race, ethnicity, national origin, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. This also includes, but is not limited to, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.

Detention- Any restriction upon a person's liberty imposed by a peace officer, based upon reasonable suspicion. If the individual is not free to go, the individual will be considered detained.

Pedestrian Stop- An interaction between a peace officer and an individual who is being detained for the purpose of criminal investigation in which the individual is not under arrest.

Race or Ethnicity- Heritage of a particular descent, including Caucasian, African, Hispanic, Asian or Native American descent.

Seizure- Any taking of property from an individual without the individual's consent or any restriction of an individual's liberty without having the individual's consent. A detention will be considered a seizure, as will an arrest.

Traffic Stop- The stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

III. POLICY

Members of the Del Rio Police Department will not engage in any activities that are discriminatory or indicative of the practice of bias based profiling. Personnel will focus on the conduct of the individual and/or specific suspect information in taking police action. Individuals will not be targeted for enforcement action, detention, field contacts, asset seizure and forfeiture efforts, or interdiction solely on the basis of race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group. Any officer found to have engaged in bias based profiling, following complete investigation, will face appropriate corrective action, which may include diversity training, counseling, or disciplinary actions up to and including indefinite suspension.

IV. PROCEDURE

A. Data Collection

1. The Department will maintain a database of information related to traffic stops. Among the information included will be:

    a. Reason for stop,
    b. Outcome of stop,
    c. Race/Ethnicity of the violator,
    d. Sex of the violator,
    e. If the violator is a resident of the City of Del Rio,
    f. If a search was conducted,
    g. The reason for the search (if conducted), and
    h. Result of the search (if conducted).

B. Data Report

1. The Administrative Lieutenant shall prepare an annual report based on the data collection in section IV, A. and shall submit it to the Chief of Police for administrative review. The purpose of the report shall be:

   a. To identify any possible existence of Bias Based Profiling by police officers within the Del Rio Police Department,
   b. To examine the disposition of traffic stops identified in IV, A. above, and
   c. To compile information relating to each complaint filed with the agency alleging that an officer has engaged in Bias Based Profiling.
   d. To compile an informational listing of citizen concerns and/or comments that has been received.

C. Annual Report: By March 1st of each calendar year, the Chief of Police will submit an annual report to the City Manager based upon information compiled in the data report. This report will not contain information specific to the officer involved or to the individual who was stopped.

D. Video and Audio Equipment

1. Each motor vehicle regularly used to make traffic stops will be equipped with video camera and transmitter-activated equipment.

2. Each traffic and pedestrian stop capable of being recorded will be recorded in its entirety.

3. Video/Audio media will be handled, labeled, and stored as outlined in General Order 8.08.1 (Mobile Audio & Video Management).

E. Responsibilities

1. Officers

   a. Officers will follow the procedures for traffic stops as outlined in General Order 6.01.1 (Traffic Enforcement) and General Order 6.02.1 (Traffic Stops).
   b. Officers are responsible for ensuring that mobile/video equipment is fully operational throughout their tour of duty. Any equipment failure or repairs needed should be immediately reported to the on-duty shift supervisor.

2. Administrative Lieutenant: The Administrative Lieutenant will maintain and report the data collected for purposes of this directive.

3. Training Coordinator: The Training Coordinator will provide periodic biased based profiling training, to include legal aspects, to personnel as determined appropriate by the Texas Commission on Law Enforcement Officers Standards and Education.

4. Public Information Officer

   a. The Public Information Officer will periodically provide education to the public concerning the professional standards complaint process. The education will specifically include the process by which a member of the public may file a complaint if the individual believes an employee of the Department has engaged in bias based profiling with respect to the individual. The P.I.O. will document any citizen concerns or comments expressed.
   b. Public information concerning the Department's complaint process may be provided in one or more of the following ways:

      1) Newspaper interview/articles
      2) Public forums

5. Administrative Division

   a. The Administration Division will be responsible for investigating any complaints of bias based profiling filed against a member of the Del Rio Police Department. The Administrative Captain will assigned and Internal Affairs Board to investigate the complaints.
   b. If a video or audio recording is made of an incident which is the basis of the complaint, the Internal Affairs board will provide a copy of the recording to the officer who is the subject of the complaint. The copy will be provided to the officer upon the officer's written request. The request is to be made in memo form and routed through the chain of command to the Internal Affairs.
   c. The Internal Affairs Boad will review all video tapes in which a complaint of bias based profiling is alleged.

6. Supervisors

   a. Traffic enforcement will be accomplished by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.
   b. Supervisors will ensure that officers use video/audio equipped vehicles, unless circumstances deem otherwise.

c. Supervisors will randomly review the video/audio recordings of their subordinates in order to assess officer performance and ensure compliance with this and other applicable directives.

F. Complaint Process

1. Citizens may lodge a complaint of bias based profiling in the same manner as any other complaint against a Department employee:

   a. Telephone, Desk Officer, on duty Supervisor, or departmental employee.
   b. Mail: Del Rio Police Department (Attn: Chief of Police), 101 Lowe Drive., Del Rio, TX 78840
   c. In person

2. Public Education: The Department maintains an information sheet (Complaint Against Public Employees) for the public detailing the process of lodging a complaint against Department employees and the investigative process.

Upon enactment, this directive will rescind and supersede any and all other previous directives pertaining to this subject.

(II)

B

Policy on Mobile

Video / Audio

Management

DEL RIO POLICE DEPARTMENT GENERAL ORDER	REVISION DATE 02-18-2011	POLICY NUMBER **8.08.2**	
CATEGORY Auxiliary and Technical Services	INDEXED AS Mobile Video Recording Mobile Audio Recording	RECOGNITION PROGRAM STANDARD	
SUBJECT Mobile Video and Audio Management			
AUTHORIZING SIGNATURE Original with Signature on File			

I. PURPOSE

The purpose of this directive is to establish procedures for the management of mobile audio and video recordings.

II. DEFINITIONS

The "Definitions" line contains precise statements of the meaning of words or expressions specific to that general order.

III. POLICY

It is the policy of the Del Rio Police Department to carefully maintain and secure all items of evidence and or all property entrusted to our care. To maintain the security and integrity of media used for mobile video/ audio recordings, officers will follow the procedures set forth in this policy.

IV. REGULATIONS

A. Only supervisors or the evidence technicians will be allowed to remove the portable hard drives from the mobile video/ audio recording devices. This will only be allowed in the event of vehicle repair and maintance of the recording device or in the event of an officer involved traffic collision or other related incident where in the vehicle is not moveable from the immediate scene.

B. Removal of hard drive and replacement will be documented through memo form when it is done for maintance and will be secured and contents downloaded in to the secure computer network system by the evidence technicians.

C. If during a shift an officer documents any type of evidence via the mobile video/audio recording device. The officer will notify the evidence technicians of the incident and submit a request form to them requesting the download be done and will complete an evidence form to document the chain of custody.

D. The only personnel authorized to log out any mobile video / audio recordings during the storage will be the following.

Chief of Police
Division Captains
Lieutenants
Sergeants
Evidence Technicians

V. PROCEDURES

A. Video/ Audio Recording System

1. This Department utilizes only one type of recording system
   a. Safety Vision Mobile Recording

2. Supervisors shall have the responsibility of maintaining the security and integrity of the recording system
3. Sergeants will be required to spot audit the stored recordings of individual officers on their respective shifts weekly to insure that proper procedures are being utilized by all officers and those current policies and practices for conducting traffic stops are being followed. This includes vehicles being utilized for any special task such as Border Star, Stone Garden or other Related Traffic events.
4. Supervisors will complete a checklist of any discrepancies or defective recordings and turn the completed list in to the Division Captain at the end of each calendar week for his review.

B. Safety Vision
   1. Safety vision is a mobile video/audio recording device that uses an installed hard drive with a wireless downloading system connected to a secure server.
      a. The safety vision recording device is configured to start recording upon the activation of the vehicles emergency lighting system or upon reaching a predetermined speed as set by the manufacturer or upon manually activating the portable microphone or record button located on faceplate of internal camera.
      b. Officers operating the patrol units and motorcycles equipped with this system are required to use both the audio and video recording.

C. Use of Media Recording Device

1. Officers shall ensure that device is functioning properly by checking at the beginning of tour of duty. Any officer discovering that device is not functioning properly shall immediately notify supervisor, document the problem via work order and locate another patrol vehicle with a working system and utilize that vehicle until repairs can made.
2. Officers shall wear the audio pack/microphone at all times and shall ensure that they are recording when exiting the vehicle for traffic stops or pedestrian encounters
3. Officers shall use the recording device for all but not limited to, the following
   a. Investigative stops
   b. Pedestrian stops
   c. Disturbance calls
   d. DWIs
   e. Traffic stops and,
   f. Any other situation that the officers believes to be of an evidentiary value in criminal, civil and administrative cases.
4. Officers will not disable, disrupt, tamper or otherwise interfere with recording
5. Upon end of tour officers will ensure that vehicle is powered down and is properly downloading recording to storage system.

Upon enactment, this directive will rescind and supersede any and all previous directives pertaining to this subject.

(II)

C

Complaint Process: Informing the Public and Addressing Allegations of Racial Profiling Practices

Informing the Public on the Process of Filing a Racial Profiling Complaint with the Del Rio Police Department

Since January 1, 2002, the Del Rio Police Department, in accordance to The Texas Racial Profiling law, launched an educational campaign aimed at informing the public on issues relevant to the complaint process. The police department made available, in 2011, information relevant to filing a complaint on a racial profiling violation by a Del Rio police officer. This information can be located at the Police Department lobby area.

The Del Rio Police Department included language, in its current complaint process, pertaining to the manner in which citizens can file a complaint as a consequence of a racial profiling incident. It is believed that through these efforts, the community has been properly informed of the new policies and the complaint processes relevant to racial profiling.

V. COMPLAINT INVESTIGATION

1. The Department shall accept complaints from any person who believes he/she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed a complaint.

2. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop, shall record the persons name, address, and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of the complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.

3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief of Police.

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

5. If there is a departmental video or audio recording of the events upon which the complaint of racial 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, this department shall promptly provide a copy of the recording to that officer.

(II)

D

Racial Profiling Training

And

The information Gathering Process

Racial Profiling Training

Since 2002, all Del Rio police officers were instructed, as specified in S.B. 1074, to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements. To date, all sworn officers of the Del Rio Police Department have completed the TCLEOSE basic training. The main outline used to train the officers of Del Rio has been included in this report.

It is important to recognize that the Chief of the Del Rio Police Department has also met the training requirements, as specified by the Texas Racial Profiling Law, in the completion of the LEMIT program on racial profiling. The satisfactory completion of the racial profiling training by the sworn personnel of the Del Rio Police Department fulfills the training requirement as specified in the Education Code (96.641) of the Texas Racial Profiling Law.

IV. TRAINING

Officers are responsible to adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers shall complete TCLEOSE training and education program on racial profiling under Chapter 1701 of the Texas Occupations Code or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.

The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.

An individual elected or appointed as a police chief before the effective date of this Act shall complete the program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

Racial Profiling
Course Number 3256
Texas Commission on Law Enforcement
September 2001

Racial Profiling 3256

Instructor's Note:
You may wish to teach this course in conjunction with Asset Forfeiture 3255 because of the related subject matter and applicability of the courses. If this course is taught in conjunction with Asset Forfeiture, you may report it under Combined Profiling and Forfeiture 3257 to reduce data entry.

Abstract

This instructor guide is designed to meet the educational requirement for racial profiling established by legislative mandate: 77R-SB1074.

Target Population: Licensed law enforcement personnel in Texas

Prerequisites: Experience as a law enforcement officer

Length of Course: A suggested instructional time of 4 hours

Material Requirements: Overhead projector, chalkboard and/or flip charts, video tape player, handouts, practical exercises, and demonstrations

Instructor Qualifications: Instructors should be very knowledgeable about traffic stop procedures and law enforcement issues

Evaluation Process and Procedures

An examination should be given. The instructor may decide upon the nature and content of the examination. It must, however, sufficiently demonstrate the mastery of the subject content by the student.

Reference Materials

Reference materials are located at the end of the course. An electronic copy of this instructor guide may be downloaded from our web site at http://www.tcleose.state.tx.us.

Racial Profiling 3256

1.0 RACIAL PROFILING AND THE LAW

1.1 UNIT GOAL: The student will be able to identify the legal aspects of racial profiling.

1.1.1 LEARNING OBJECTIVE: The student will be able to identify the legislative requirements placed upon peace officers and law enforcement agencies regarding racial profiling.

Racial Profiling Requirements:

Racial profiling CCP 3.05
Racial profiling prohibited CCP 2.131
Law enforcement policy on racial profiling CCP 2.132
Reports required for traffic and pedestrian stops CCP 2.133
Liability CCP 2.136
Racial profiling education for police chiefs Education Code 96.641
Training program Occupations Code 1701.253
Training required for intermediate certificate Occupations Code 1701.402
Definition of "race or ethnicity" for form Transportation Code 543.202

A. Written departmental policies
1. Definition of what constitutes racial profiling
2. Prohibition of racial profiling
3. Complaint process
4. Public education
5. Corrective action
6. Collection of traffic-stop statistics
7. Annual reports

B. Not prima facie evidence

C. Feasibility of use of video equipment

D. Data does not identify officer

E. Copy of complaint-related video evidence to officer in question

F. Vehicle stop report
1. Physical description of detainees: gender, race or ethnicity
2. Alleged violation
3. Consent to search
4. Contraband
5. Facts supporting probable cause
6. Arrest
7. Warning or citation issued

G. Compilation and analysis of data

H. Exemption from reporting – audio/video equipment

I. Officer non-liability

J. Funding

K. Required training in racial profiling
1. Police chiefs
2. All holders of intermediate certificates and/or two-year-old licenses as of 09/01/2001 (training to be completed no later than 09/01/2003) – see legislation 77R-SB1074

1.1.2 LEARNING OBJECTIVE: The student will become familiar with Supreme Court decisions and other court decisions involving appropriate actions in traffic stops.

A. Whren v. United States, 517 U.S. 806, 116 S.Ct. 1769 (1996)
1. Motor vehicle search exemption
2. Traffic violation acceptable as pretext for further investigation
3. Selective enforcement can be challenged

B. Terry v. Ohio, 392 U.S. 1, 88 S.Ct. 1868 (1968)
1. Stop & Frisk doctrine
2. Stopping and briefly detaining a person
3. Frisk and pat down

C. Other cases
1. Pennsylvania v. Mimms, 434 U.S. 106, 98 S.Ct. 330 (1977)
2. Maryland v. Wilson, 117 S.Ct. 882 (1997)
3. Graham v. State, 119 MdApp 444, 705 A.2d 82 (1998)
4. Pryor v. State, 122 Md.App. 671 (1997) cert. denied 352 Md. 312, 721 A.2d 990 (1998)
5. Ferris v. State, 355 Md. 356, 735 A.2d 491 (1999)
6. New York v. Belton, 453 U.S. 454 (1981)

2.0 RACIAL PROFILING AND THE COMMUNITY

2.1 UNIT GOAL: The student will be able to identify logical and social arguments against racial profiling.

2.1.1 LEARNING OBJECTIVE: The student will be able to identify logical and social arguments against racial profiling.
A. There are appropriate reasons for unusual traffic stops (suspicious behavior, the officer's intuition, MOs, etc.), but police work must stop short of cultural stereotyping and racism

B. Racial profiling would result in criminal arrests, but only because it would target all members of a race randomly – the minor benefits would be far outweighed by the distrust and anger towards law enforcement by minorities and the public as a whole

C. Racial profiling is self-fulfilling bad logic: if you believed that minorities committed more crimes, then you might look for more minority criminals, and find them in disproportionate numbers

D. Inappropriate traffic stops generate suspicion and antagonism towards officers and make future stops more volatile – a racially-based stop today can throw suspicion on tomorrow's legitimate stop

E. By focusing on race, you would not only be harassing innocent citizens, but overlooking criminals of all races and backgrounds – it is a waste of law enforcement resources

3.0 RACIAL PROFILING VERSUS REASONABLE SUSPICION

3.1 UNIT GOAL: The student will be able to identify the elements of both inappropriate and appropriate traffic stops.

3.1.1 LEARNING OBJECTIVE: The student will be able to identify elements of a racially motivated traffic stop.
A. Most race-based complaints come from vehicle stops, often since race is used as an inappropriate substitute for drug courier profile elements

B. "DWB" – "Driving While Black" – a nickname for the public perception that a Black person may be stopped solely because of their race (especially with the suspicion that they are a drug
courier), often extended to other minority groups or activities as well ("Driving While Brown," "Flying While Black," etc.)

C. A typical traffic stop resulting from racial profiling
1. The vehicle is stopped on the basis of a minor or contrived traffic violation which is used as a pretext for closer inspection of the vehicle, driver, and passengers
2. The driver and passengers are questioned about things that do not relate to the traffic violation

3. The driver and passengers are ordered out of the vehicle
4. The officers visually check all observable parts of the vehicle
5. The officers proceed on the assumption that drug courier work is involved by detaining the driver and passengers by the roadside
6. The driver is asked to consent to a vehicle search – if the driver refuses, the officers use other procedures (waiting on a canine unit, criminal record checks, license-plate checks, etc.), and intimidate the driver (with the threat of detaining him/her, obtaining a warrant, etc.)

3.1.2 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which would constitute reasonable suspicion of drug courier activity.

A. Drug courier profile (adapted from a profile developed by the DEA)
1. Driver is nervous or anxious beyond the ordinary anxiety and cultural communication styles
2. Signs of long-term driving (driver is unshaven, has empty food containers, etc.)
3. Vehicle is rented
4. Driver is a young male, 20-35
5. No visible luggage, even though driver is traveling
6. Driver was over-reckless or over-cautious in driving and responding to signals
7. Use of air fresheners

B. Drug courier activity indicators by themselves are usually not sufficient to justify a stop

3.1.3 LEARNING OBJECTIVE: The student will be able to identify elements of a traffic stop which could constitute reasonable suspicion of criminal activity.

A. Thinking about the totality of circumstances in a vehicle stop

B. Vehicle exterior
1. Non-standard repainting (esp. on a new vehicle)
2. Signs of hidden cargo (heavy weight in trunk, windows do not roll down, etc.)
3. Unusual license plate suggesting a switch (dirty plate, bugs on back plate, etc.)
4. Unusual circumstances (pulling a camper at night, kids' bikes with no kids, etc.)

C. Pre-stop indicators
1. Not consistent with traffic flow
2. Driver is overly cautious, or driver/passengers repeatedly look at police car
3. Driver begins using a car- or cell-phone when signaled to stop
4. Unusual pull-over behavior (ignores signals, hesitates, pulls onto new street, moves objects in car, etc.)

D. Vehicle interior
1. Rear seat or interior panels have been opened, there are tools or spare tire, etc.
2. Inconsistent items (anti-theft club with a rental, unexpected luggage, etc.)

Resources

Proactive Field Stops Training Unit – Instructor's Guide, Maryland Police and Correctional Training Commissions, 2001. (See Appendix A.)
Web address for legislation 77R-SB1074: http://tlo2.tlc.state.tx.us/tlo/77r/billtext/SB01074F.htm

VII. CITATION DATA COLLECTION AND REPORTING

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

1. The violator's race or ethnicity;
2. Whether a search was conducted;
3. Was the search consensual; and
4. Arrest for this cited violation or any other violation.

By March of each year, the Department shall submit a report to their governing board that includes the information gathered by the citations. 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; and
4. number of citations that resulted in arrest for this cited violation or any other violation.

Not later than March 1st of each year, this Department shall submit a report to our governing body containing this information from the preceding calendar year.

VIII. COLLECTION AND REPORTING INFORMATION GATHERED FROM TRAFFIC AND PEDESTRIAN STOPS

An officer who stops a motor vehicle for an alleged violation of the law or ordinance regulating traffic, or who stops a pedestrian for any suspected offense, shall record and report the following information:

1. A physical description of each person detained as a result of the stop, including:

   a) The person's gender;
   b) The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.

2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.

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 probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.

5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.

6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.

7. Whether the officer issued a warrant or citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. Not later than March 1st of each year, this department shall submit a report to our governing body containing the information compiled from the preceding calendar year in a manner they approve. This report will include:

1. A comparative analysis of the information contained in the individual reports in order to:

    a) Determine the prevalence of racial profiling by officers in this department; and
    b) Examine the disposition of traffic and pedestrian stops made by this department's officers, including searches resulting from stops.

2. Information relating to each complaint filed with this department alleging racial profiling.

This report will not include identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

(II)

E

Report on Complaints

Filed Against

Police Officers

Report on Racial Profiling Complaints

The following table contains data regarding officers that have been the subject of a complaint, during the time period of 1/1/09---12/31/14, based on allegations related to possible violations of the Texas Racial Profiling Law. The final disposition of the case is also included.

[X]

A check above indicates that the Del Rio Police Department has not received any complaints, as outlined in the law, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/09 ---- 12/31/14.

Complaints Filed for Possible Violations of The Texas Racial Profiling Law.

Complaint No.	Alleged Violation			Disposition of the Case

Additional Comments:

(II)

F

Tables Illustrating Traffic Contact

Tier I - 2014

(I) Tier 1 Data

Traffic-Related Contact Information (01/01/14 —12/31/14)

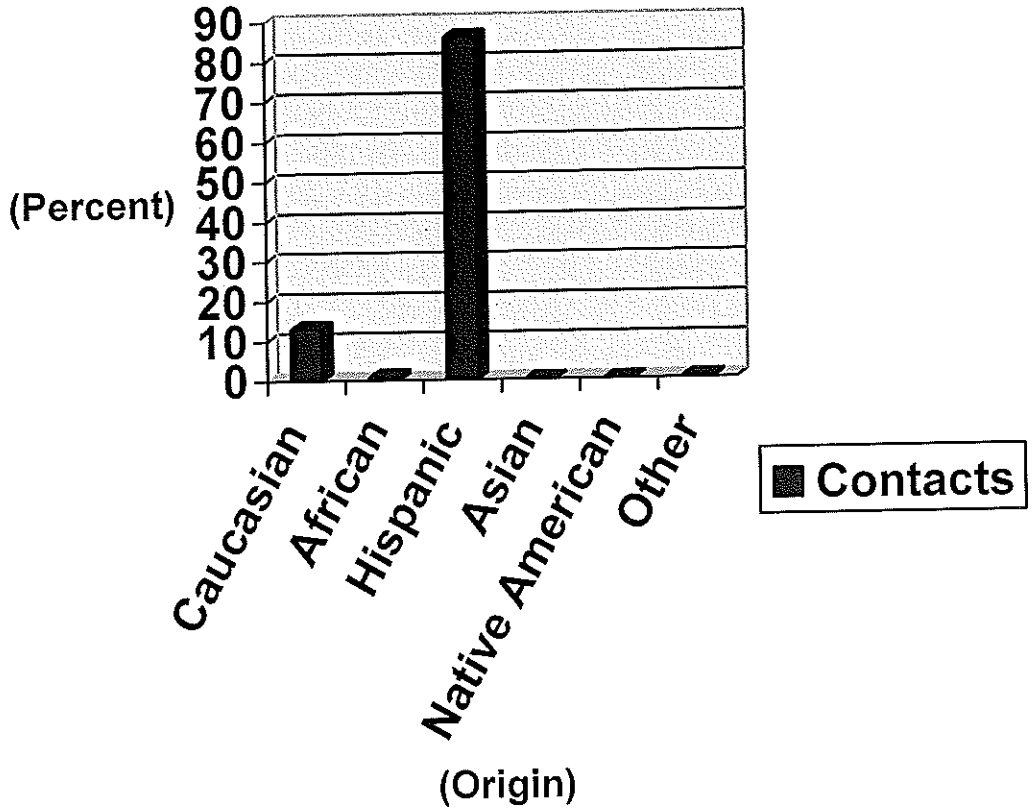
Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	2604	13.00	22	8.59	31	90.32	16	6.78	95	8.02
African	147	.73	1	.39	0	0.00	4	4	18	1.52
Hispanic	17,204	85.88	233	91.02	168	90.32	216	91.53	1069	90.29
Asian	7	.03	7	0	0	0	0	0		.07
Native American	0	0	0	0	0	0	0	0		0
Other	70	.35	0	0	0	0	0	0	2	.07
Total	20032	100	296	100	278	100	18	100	1456	100

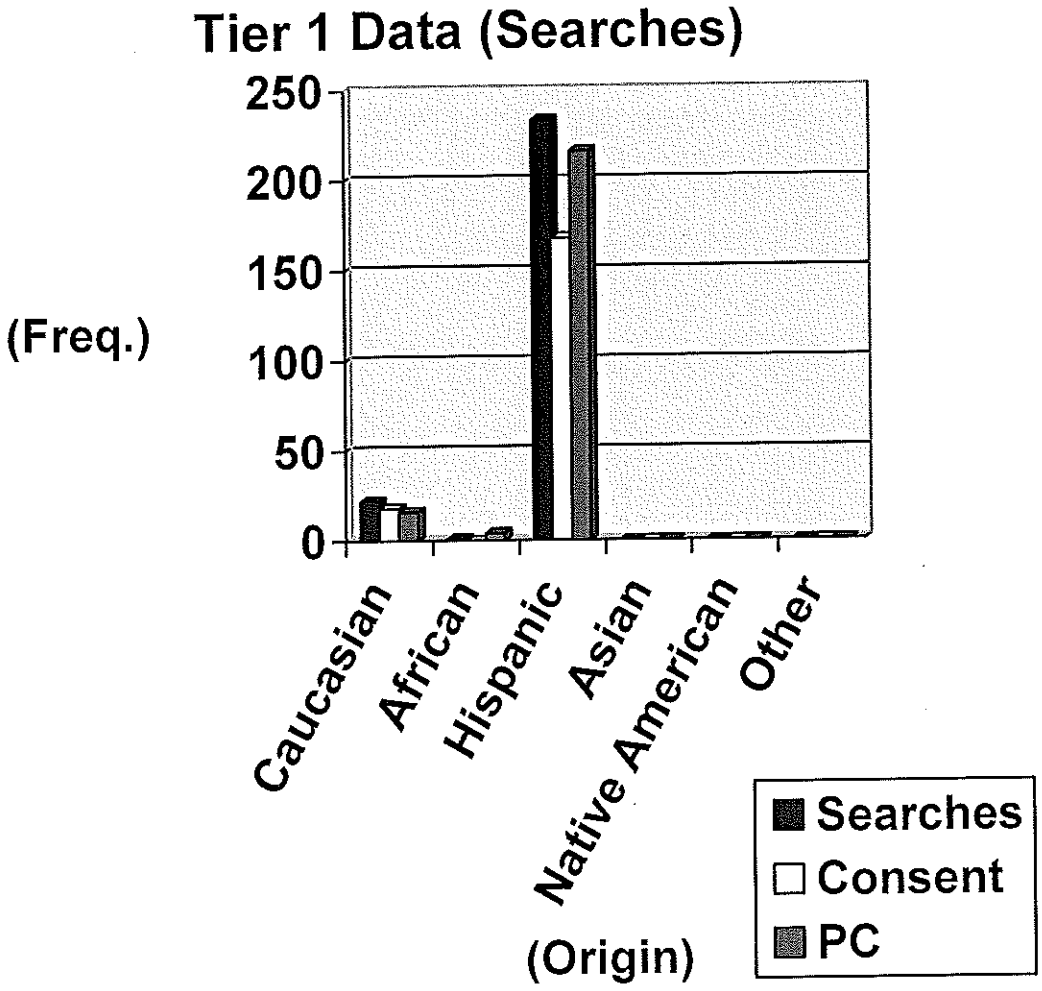
"N" represents "number" of traffic-related contacts

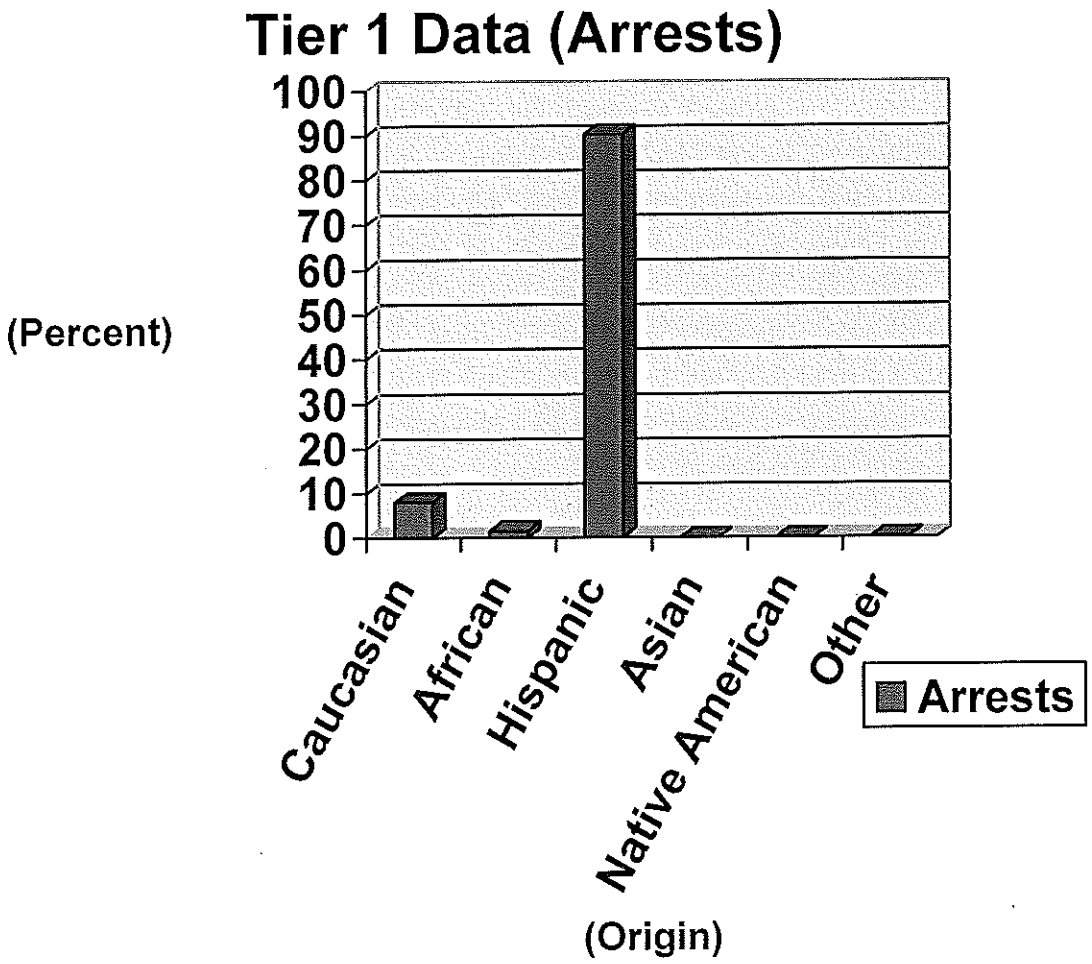
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

**Figure has been rounded

Tier 1 Data (Contacts)




Tier 1 Data (Searches)
(Freq.)
250
200
150
100
50
0
Caucasian
African
Hispanic
Asian
Native American
Other
(Origin)
Searches
Consent
PC


Tier 1 Data (Arrests)
(Percent)
100
90
80
70
60
50
40
30
20
10
0
Caucasian
African
Hispanic
Asian
Native American
Other
Arrests
(Origin)

(II)

G

Tier 1 Baseline Comparison (Fair Roads Standard)

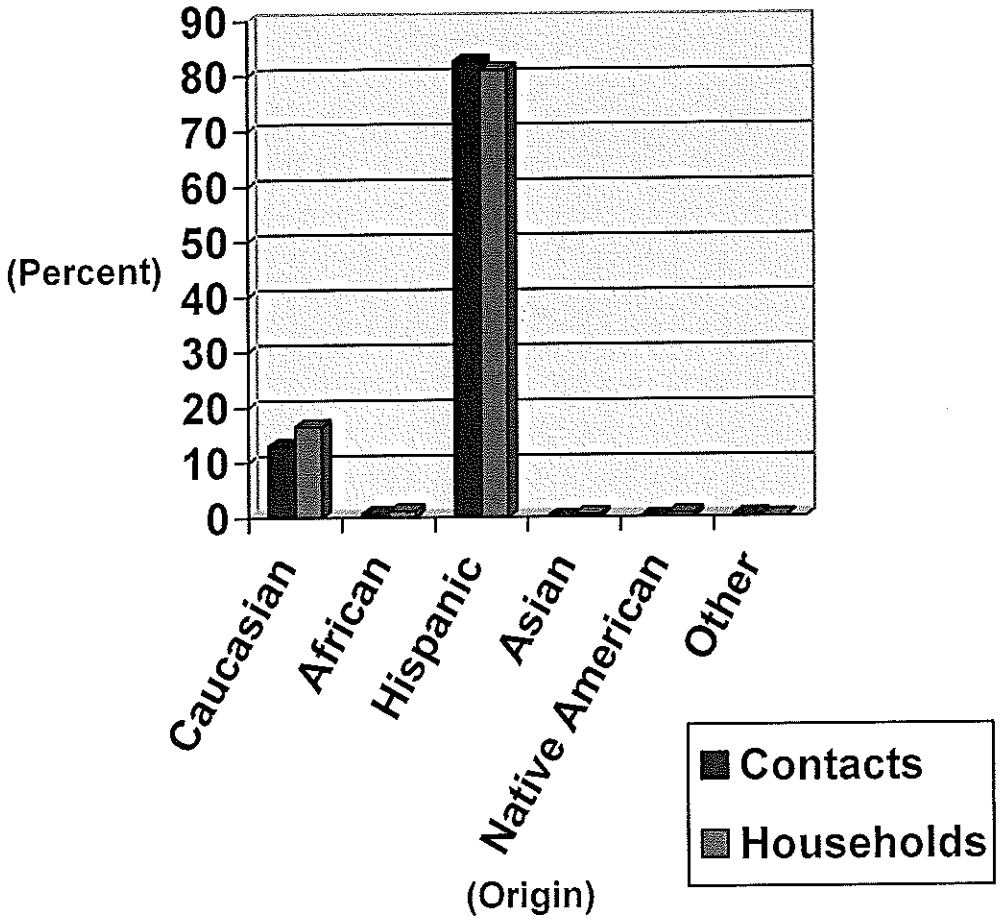
(II) Traffic-Contacts and Fair Roads Standard Comparison

Comparison of traffic-related contacts with households in the city of Del Rio that have vehicle access (in percentages). (1/1/09—12/31/14)

Race/Ethnicity*	Contacts (in percentages)	Households with vehicle access (in percentages)
Caucasian	13.0	16.5
African	0.73	1.2
Hispanic	85.88	81
Asian	.03	.5
Native American	0.00	.7
Other	.35	.1
Total	100	100

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".
**Represents rounded figure

Tier 1 (Contacts and Households/11)



(II)

H

Tier 1 Data
(Six-Year Comparative Analysis)
(2009—2014)

(III) Six-Year Tier 1 Data Comparison

Comparison of Six-Year Traffic-Related Contact Information (1/1/09---12/31/14)

Race/Ethnicity*	(09)	(10)	(11)	(12)	(13)	(14)
Caucasian	18.95	17.25	15.85	16.50	16.52	13.00
African	1.25	1.78	1.44	.90	1.08	0.73
Hispanic	79.57	80.95	82.53	82.40	82.29	85.88
Asian	.15	0.01	.15	.14	.05	0.03
Native American	.02	0.01	0	.01	0	0.0
Other	.06	0	.04	0	.06	0.35
Total	100	100	100	100	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".
** Figure has been rounded.

Comparison of Six-Year Traffic-Related Search Information (1/1/09---12/31/14)

Race/Ethnicity*	(09)	(10)	(11)	(12)	(13)	(14)
Caucasian	12.21	11.31	12.16	12.16	13.95	8.59
African	.76	2.45	1.35	1.35	0	.39
Hispanic	87.03	86.24	86.49	86.49	86.05	91.02
Asian	0	0	0	0	0	0
Native American	0	0	0	0	0	0
Other	0	0	0	0	0	0
Total	100	100	100	100	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".
** Figure has been rounded.

Comparison of Six-Year Traffic-Related Arrest Information (1/1/09---12/31/14)

Race/Ethnicity*	(09)	(10)	(11)	(12)	(13)	(14)
Caucasian	10.38	10.18	11.81	11.73	12.95	8.02
African	1.88	2.32	1.92	1.68	1.52	1.52
Hispanic	87.60	87.50	86.13	86.27	85.53	90.29
Asian	.07	0	.07	.06	0	0.00
Native American	.07	0	0	0	0	0.00
Other	0	0	.07	.26	0	.17
Total	100	100	100	100	100	100

* Race/Ethnicity is defined by Texas Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".
** Figure has been rounded.

(II)

I

Analysis and Interpretation Of Data

Analysis

The Texas Racial Profiling Law requires that all police departments in Texas collect data when a traffic-related citation is issued or an arrest is made. In addition, the law requires that agencies report this information to their local governing authority once a year by March 1. The purpose in collecting and presenting this information is to determine if a particular police officer is engaging in the practice of profiling minority motorists. Despite the fact most agree that it is good practice for police departments to be accountable to their community, it is very difficult to determine if police departments are engaging in racial profiling, from the review of aggregate data. That is, it is challenging to detect specific "individual" racist behavior from the study and analysis of aggregate-level "institutional" data on traffic-related contacts.

Despite this, the Del Rio Police Department, in response to the requirements of The Texas Racial Profiling Law (S.B. 1074), reported and analyzed its 2014 traffic contact data. Thus, three different types of analyses were conducted. The first of these involved a careful evaluation of the 2014 traffic-stop data. This particular analysis measured, as required by the Texas Racial Profiling Law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, and individuals belonging to the "other" category, that came in contact with the police and were issued a traffic-related citation or arrested in 2014. In addition, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search (i.e., consensual or probable cause) conducted. Finally, the data analysis highlighted the number and percentage of individuals who, after they were issued a citation, were subsequently arrested.

The second type of analysis included in this report, related to the comparison of the 2011 traffic contact data with an appropriate baseline. It should be noted that there is also a great deal of disagreement, in the academic literature, over the type/form of baseline to be used when analyzing traffic-related contact information. Of all the baseline measures available, the Del Rio Police Department decided to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2000) relevant to the number of households in a particular jurisdiction that have access to vehicles while controlling for race and ethnicity. It should be noted that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. In other words, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population.

The Del Rio Police Department opted to use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its "transparency"

before the community. The Fair Roads Standard data obtained is relevant to the city of Del Rio.

Finally, a third type of analysis was conducted while using the 2009--2014 traffic contact data. Specifically, all traffic-related contacts made in 2011 were compared to similar figures reported from 2009 to 2014. When considering this analysis, it was determined that comparing six years of traffic contact data may highlight possible areas of consistency with regards to traffic-related contacts. In other words, the six-year comparison has the potential of revealing indicators that a trend of police-initiated contacts with regards to members of a specific minority group, is in fact, developing. The overall analysis of data indicates that the Del Rio Police Department is continuing to issue large amounts of contacts based on no drivers' license, theft under $50.00, and a City ordinance violation for curfew.

Tier 1 (2011) Traffic-Related Contact Analysis

The Tier 1 data collected in 2014 showed the Hispanic numbers are high due to citations issued to unlicensed drivers, curfews, thefts, and minors. The statistical data shows the Caucasians, African Americans, Native Indians, Asians and Others show the contacts are consistent with the data collected.

(III)

Summary

(A)
Checklist

The following requirements **were** met by the Del Rio Police Department in accordance with Senate Bill 1074:

☒ Clearly defined act or actions that constitute racial profiling

☒ Statement indicating prohibition of any peace officer employed by the Del Rio 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 officer 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 consent search or a probable cause search
d) Whether a custody arrest took place

☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2015.

☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

(B)

Supporting Documents

FIELD CONTACT CARD

CID # _____ INCIDENT # _____
Name- _____ Alias- _____
Address- _____ Phone #- _____
DOB- _____ Age- _____ POB- _____
Race- _____ Ethnic.- ____ Sex- _____ Height- _____ Weight- _____
Build- _____ Complex.- _____ Hair Color- _____ Style- _____ Eyes- _____
S/M/T- _____
SS# _____ DL # _____State _____
Method of Transportation- _____ Year- ____ Make- _____
Model- _____ Type- _____ Color- _____ LP#- _____ State- _____
Clothing Descrip. - _____
Employer/Occupation/School Name & Grade- _____
Parent or Local Reference- _____
Gang Affiliated? ____ Name/Description of Gang- _____

Date & Time of Incident/Contact- _____
Location of Incident- _____
Associates with Suspect- _____
_____
_____

Reason for Interrogation-
_____
_____

Officers Observations-
_____
_____ Dangerous? (YES / NO)

Disposition-
_____
_____

Reporting Officer- _____ Badge # _____
Signature- _____

MUNICIPAL COURT
109 W. Broadway Del Rio, Texas 78840
(830) 774-8606 or 774-8619

CITATION
VIOLATOR

No. 142698

Last Name | First | Middle | Driver State | License Number ☐ DL ☐ ID ☐ CDL

Address | Race | Sex ☐ M ☐ F | Date of Birth

City | State | Zip Code | County **VAL VERDE**

Phone | Occupation - Employment

Date | Hour ☐ AM ☐ PM | Location

Route N W E S | Accident ☐ Yes ☐ No | Alleged Speed | Speed Limit | Radar ☐ M ☐ S ☐ Paced | Weather ☐ Clear ☐ Cloudy ☐ Rain | Road Surface ☐ Dry ☐ Wet ☐ Mud | Traffic ☐ Light ☐ Medium ☐ Heavy

VIOLATION CHARGED

- ☐ Speeding
- ☐ Unsafe Speed
- ☐ Speeding School Zone
- ☐ Violate Driver License Restriction _____
- ☐ No Driver's License
- ☐ Expired Driver's License
- ☐ Failure to Display D.L.
- ☐ Expired M.V.I.
- ☐ Expired M.V.R.
- ☐ No Proof of Financial Responsibility
- ☐ No Seat Belt
- ☐ Unrestrained Child Age: _____
- ☐ Disregarded Red Light
- ☐ Disregarded Stop Sign
- ☐ Unsafe Lane Change
- ☐ Failure to Yield Right of Way
- ☐ Parked In No Parking Zone

Other Violations

1

Reason for Stop ☐ Warning ☐ Citation | Vehicle Search ☐ Yes ☐ No | Type of Search ☐ PC ☐ Consent | ☐ Inc. to Arrest ☐ Inventory | Contraband Found ☐ Yes ☐ No

YOU ARE HEREBY NOTIFIED TO APPEAR IN MUNICIPAL COURT | DUE DATE TO PAY FINE OR SET TRIAL | Type of Contraband ☐ Drugs ☐ Currency ☐ Weapons ☐ Other

OFFICER'S SIGNATURE | UNIT | Vehicle License Number

THIS IS NOT A PLEA OF GUILTY. I hereby promise to appear at the time and place designated on this citation. Failure to appear may constitute a separate offense and a warrant may be issued for your arrest.

Signature _____

Year | State | Make | Type | Year Model | Vehicle Color

Traffic Stop Searches and Arrests Report

Race/Ethnicity	Gender	# of Each	Searched	Consented	Probable Cause	Arrests
African						
	Female	33	1	0	1	2
	Male	114	0	0	3	16
Sum		147	1	0	4	18
Percent		0.73%	0.39%	0.00%	1.69%	1.52%
Asian						
	Male	7	0	0	0	0
Sum		7	0	0	0	0
Percent		0.03%	0.00%	0.00%	0.00%	0.00%
Caucasian						
	Female	983	10	7	3	15
	Male	1621	12	11	13	80
Sum		2604	22	18	16	95
Percent		13.00%	8.59%	9.68%	6.78%	8.02%
Hispanic						
	Female	7152	85	55	73	312
	Male	10052	148	113	143	757
Sum		17204	233	168	216	1069
Percent		85.88%	91.02%	90.32%	91.53%	90.29%
Other						
		8	0	0	0	0
	Female	15	0	0	0	0
	Male	47	0	0	0	2
Sum		70	0	0	0	2
Percent		0.35%	0.00%	0.00%	0.00%	0.17%
Grand Total		20032	256	186	236	1184

Traffic Stops by Race and Gender

Race/Ethnicity	Gender	# of Each
African		
	Female	33
	Male	114
Sum		147
Percent		0.73%
Asian		
	Male	7
Sum		7
Percent		0.03%
Caucasian		
	Female	983
	Male	1621
Sum		2604
Percent		13.00%
Hispanic		
	Female	7152
	Male	10052
Sum		17204
Percent		85.88%
Other		
		8
	Female	15
	Male	47
Sum		70
Percent		0.35%
Grand Total		20032

Stops of Local Residents Report

Race/Ethnicity		# of Residents Stopped
African		
		84
	Sum	84
	Percent	0.58%
Asian		
		3
	Sum	3
	Percent	0.02%
Caucasian		
		1753
	Sum	1753
	Percent	12.12%
Hispanic		
		12599
	Sum	12599
	Percent	87.11%
Other		
		25
	Sum	25
	Percent	0.17%
Grand Total		14464