

**GEORGETOWN POLICE DEPARTMENT**

**2014**

**RACIAL PROFILING ANALYSIS**



**PREPARED BY:**

**Assistant Chief of Police Cory J. Tchida**

## **Introduction**

Since the year 2001, the Georgetown Police Department, along with all other Texas law enforcement agencies, has collected data regarding stops of motor vehicles and pedestrians in order to analyze whether or not the agency has engaged in racial profiling contrary to Texas law. That data and analysis has been codified into a written report which is presented annually to the Georgetown City Council for review and possible discussion.

Legislative changes to the laws governing the collection and reporting of racial profiling data are worthy of note. Since September of 2009, the law no longer requires collection of data regarding pedestrian contacts and is now limited to motor vehicle stops. The law also now requires that in addition to the annual report required to the Georgetown City Council, the data collected must also be submitted to the Texas Commission on Law Enforcement (TCOLE).

This particular report is an analysis of the Georgetown Police Department's policies, training, and statistical information on racial profiling for the year 2014. This report complies with Article 2.132 of the Texas Code of Criminal Procedure.

The report is divided into relevant sections. The first section covers the applicable statutes and laws governing racial profiling to set forth the framework in which data is collected, analyzed, and reported. The second section covers the Georgetown Police Department's policy as it relates to racial profiling. The third section addresses the training of Georgetown Police Department officers on topics relating to racial profiling and cultural diversity. The fourth section concerns itself with the Georgetown Police Department's public education measures to ensure that the public is aware of our commitment to not engage in racial profiling and what to do if they feel that they have been a victim of racial profiling. The final section of the report contains the data collected for year 2014 and an analysis of that data.

## **Racial Profiling Statutes and Laws**

The applicable laws regarding the prohibition of racial profiling, collection of data, reporting, and training for peace officers is contained in the Texas Code of Criminal Procedure and the Texas Occupations Code. Those laws, with their most recent amendments, have been set forth below in their entirety.

Code of Criminal Procedure

*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.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

*Art. 2.131. RACIAL PROFILING PROHIBITED.*

A peace officer may not engage in racial profiling.

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

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

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - (A) the Commission on Law Enforcement Officer Standards and Education; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

(d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 25, eff. September 1, 2009.

*Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.*

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

(6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

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

(8) whether the officer issued a written warning or a citation as a result of the stop.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 26, eff. September 1, 2009.

*Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.*

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

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

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 27, eff. September 1, 2009.

*Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.*

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 28, eff. September 1, 2009.

*Art. 2.136. LIABILITY.*

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

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

*Art. 2.137. 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).

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

*Art. 2.138. RULES.*

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

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

*Art. 2.1385. CIVIL PENALTY.*

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the

state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 29, eff. September 1, 2009.

Occupations Code

*Sec. 1701.253. SCHOOL CURRICULUM.*

(a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the investigation and documentation of cases that involve:

(A) child abuse or neglect;

(B) family violence; and

(C) sexual assault;

(2) issues concerning sex offender characteristics; and

(3) crime victims' rights under Chapter 56, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

(c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, and cultural diversity for persons licensed under this chapter.

(d) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

(e) As part of the minimum curriculum requirements relating to the vehicle and traffic laws of this state, the commission shall require an education and training program on laws relating to the operation of motorcycles and to the wearing of protective headgear by motorcycle operators and passengers. In addition, the commission shall require education and training on motorcycle operator profiling awareness and sensitivity training.

(f) Training for officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant

aggressor when allegations of family violence from two or more opposing persons are received arising from the same incident.

(g) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, 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.

(h) 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.

(i) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on identity theft under Section 32.51, Penal Code, 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.

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental

impairments. An officer shall complete the program 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. An officer may not satisfy the requirements of this section or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(k) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program for officers licensed under this chapter that covers the laws of this state and of the United States pertaining to peace officers.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 657, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 897, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 929, Sec. 5, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1034, Sec. 14, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.007, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 8, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [393](#), Sec. 3, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 12, eff. September 1, 2009.

*Sec. 1701.352. CONTINUING EDUCATION PROGRAMS.*

(a) The commission shall recognize, prepare, or administer continuing education programs for officers and county jailers.

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(C) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

(c) A course provided under Subsection (b) may use instructional materials developed by the agency or its trainers or by entities having training agreements with the commission in addition to materials included in curricula developed by the commission.

(d) A peace officer appointed to the officer's first supervisory position must receive in-service training on supervision as part of the course provided for the officer under Subsection (b) during the 24-month period after the date of that appointment.

(e) The commission may require a state, county, special district, or municipal agency that appoints or employs a reserve law enforcement officer, county jailer, or public security officer to provide each of those persons with education and training in civil rights, racial sensitivity, and cultural diversity at least once every 48 months.

(f) Training in documentation of cases required by Subsection (b) shall include instruction in:

- (1) making a written account of the extent of injuries sustained by the victim of an alleged offense;
- (2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and
- (3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

(g) The training and education program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

- (1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and
- (2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 16, eff. September 1, 2009.

*Sec. 1701.402. PROFICIENCY CERTIFICATES.*

(a) The commission shall issue certificates that recognize proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(b) As a requirement for a basic proficiency certificate, the commission shall require completion of local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers and county jailers, including:

- (1) civil service;
- (2) compensation, including overtime compensation, and vacation time;
- (3) personnel files and other employee records;
- (4) management-employee relations in law enforcement organizations;
- (5) work-related injuries;
- (6) complaints and investigations of employee misconduct; and
- (7) disciplinary actions and the appeal of disciplinary actions.

(c) An employing agency is responsible for providing the training required by this section.

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

(e) 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(h).

(f) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on identity theft established by the commission under Section 1701.253(i).

(g) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program described by Section 1701.253 regarding de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. [1002](#), Sec. 6

(h) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2011, an officer must complete the basic education and training program on the trafficking of persons described by Section 1701.258(a).

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 17

(h) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on investigative topics established by the commission under Section 1701.253(b).

(i) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on civil rights, racial sensitivity, and cultural diversity established by the commission under Section 1701.253(c).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 929, Sec. 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.008, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [393](#), Sec. 4, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. [1002](#), Sec. 6, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 17, eff. September 1, 2009.

## **Georgetown Police Department Policy on Racial Profiling**

Article 2.132 of the Texas Code of Criminal Procedure requires that each law enforcement agency have a detailed written policy in regard to the topic of racial profiling. That policy must define racial profiling, prohibit the act of racial profiling, implement a complaint process, provide for public education, require corrective action if racial profiling occurs, require collection of data, and require the submission of an annual report.

The updated policy issued by the Georgetown Police Department in February of 2014 fully complies with Article 2.132.

The policy is set forth below in its entirety.

### **314.1 PURPOSE AND SCOPE (TPCA 2.01)**

This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Georgetown Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

### **314.1.1 DEFINITIONS**

Definitions related to this policy include:

**Racial- or bias-based profiling** - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service (Tex. Code of Crim. Pro. art. 3.05; Tex. Code of Crim. Pro. art. 2.132).

### **314.2 POLICY**

The Georgetown Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law (Tex. Code of Crim. Pro., art. 2.131).

### **314.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED**

Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

### **314.4 MEMBER RESPONSIBILITY**

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

#### **314.4.1 REASON FOR DETENTION**

Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

### **314.4.2 REPORTING TRAFFIC STOPS**

Any officer conducting an enforcement stop on any motor vehicle shall collect the following information relating to the stop (Tex. Code of Crim. Pro art. 2.132; Tex. Code of Crim. Pro. art. 2.133):

- 1) The location of the stop
- 2) The initial reason for the stop
- 3) The physical description of the driver, including:
  - a) The person's gender
  - b) The person's race or ethnicity as stated by the person or as best as can be determined by the officer
- 4) Whether the officer knew the race or ethnicity of the detained person before the stop
- 5) Whether a citation or a warning was issued as a result of the stop
- 6) Whether an arrest was made and, if so, for what offense
- 7) Whether the officer conducted a search and, if so, whether the search was based on consent, probable cause or reasonable suspicion, incident to arrest, contraband or evidence in plain view, the result of towing the vehicle for evidence or safekeeping or any other reason
- 8) Whether any contraband or evidence was discovered and whether it was in plain view
- 9) A description of any contraband or evidence located

The above data shall be collected and completely and properly reported using the racial profiling module in the SunGard Records Management System or the SunGard Mobile Computing System.

### **314.5 SUPERVISOR RESPONSIBILITY**

Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with policy.

- 1) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- 2) In instances where officers record their public contacts, supervisors should periodically review the recordings to ensure compliance with racial profiling laws (Tex. Code Crim. Pro. art. 2.132(d)) and this policy.
  - a) Supervisors should document these periodic reviews.
  - b) Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- 3) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

- 4) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

### **314.6 STATE REPORTING**

The Chief of Police shall submit to the Texas Commission on Law Enforcement (TCOLE) and the City Council an annual report of the information required in Tex. Code of Crim. Pro. art 2.132(b)(6).

Further, unless exempt under Tex. Code of Crim. Pro. art 2.135, prior to March 1 of each year, the Chief of Police shall provide to TCOLE and to the City Council a report containing an analysis of the information required by Tex. Code of Crim. Pro. art 2.133 (Tex. Code of Crim. Pro. art 2.134).

These reports may not include identifying information about any officer who made a motor vehicle stop or about an individual who was stopped or arrested by any officer (Tex. Code of Crim. Pro. art. 2.132; Tex. Code of Crim. Pro. art 2.134).

### **314.7 ADMINISTRATION**

Each year, the Bias-Based Profiling Coordinator shall review the efforts of the Department to prevent racial- or bias-based profiling and submit an overview, including public concerns and complaints, to the Chief of Police. This report should not contain any identifying information regarding any specific complaint, citizen or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors shall review the annual report submitted to TCOLE and the City Council and discuss the results with those they are assigned to supervise.

### **314.8 TRAINING**

All sworn members of this department will complete all TCOLE-approved and required training on the subject of racial- and bias-based profiling.

## **Georgetown Police Department Training and Education on Racial Profiling**

The Texas Occupations Code requires that all peace officers in the State of Texas receive a course of instruction on the topic of racial profiling. According to Section 1701.253 this training is to be received either before the second anniversary of licensure or application for the intermediate proficiency certificate, whichever date is earlier.

The Texas Occupations Code further requires that all peace officers receive training on racial diversity and cultural sensitivity.

## **Georgetown Police Department Complaint Process and Public Education on Racial Profiling**

During the year of 2014, one complaint of racial profiling was received by the Georgetown Police Department. The body camera video was reviewed by every level of the chain of command and the complaint was determined to be without merit. The stop did not result in either a citation or arrest and the officer acted professionally and within policy throughout the stop. The causative factors which prompted the officer to ask for consent to search were based on strange actions of the driver and not the race of any occupant.

Pursuant to the Texas Code of Criminal Procedure and Georgetown Police Department policy, the Department will provide public education on the act of racial profiling, the department's stance on the practice, and how to file a racial profiling complaint. In the age of the Internet, the primary method for delivering this information will be the revamped City of Georgetown Police Department website.

## **Data Analysis**

Before contemplating a review of the data and attempting to analyze said data, some important caveats must be mentioned. Given the nature of the data collection required by law, it is nearly impossible to make an easy determination that racial profiling has occurred or not occurred within the Georgetown Police Department. The law dictates that law enforcement agencies in Texas compile aggregate level data. Using aggregate level data to make inferences regarding racial profiling by individual officers is not methodologically sound. This error is referred to as the "ecological fallacy". The fallacy assumes that individual members of a group have the average characteristics of the group.

The law currently does not require the presentation of individual officer data in the annual report and actually prohibits the naming of individual officers. It should be noted that this does not affect the ability of the Georgetown Police Department to review individual officer data if the need arises.

A proper analysis is further hampered by the census treatment of Hispanics versus the racial profiling law's treatment of Hispanics. The 2010 census properly separates race and ethnicity as two distinct categories. An individual can be of Hispanic ethnicity but belong to different races such as white or black. The racial profiling law does not differentiate between race and ethnicity and has Hispanics classified as if they are a distinct race. Officers are required to make subjective determinations regarding someone's race and ethnicity. The State of Texas does not provide this information objectively within the driver's license and identification card system.

Selecting an appropriate population base rate measure is also problematic. One of the most common choices used by law enforcement agencies is the data compiled by the United States Census Bureau. In addition to the race versus ethnicity problem stated above, as each year passes, the census data becomes less and less reliable due to population fluctuations.

Choosing which census data to use presents challenges for analysis. Part of the data collected involves whether or not the person stopped was a resident of the City of Georgetown. Beyond knowing that, only speculation is possible. If the answer is no, it is not known if the person is a resident of Williamson County, Texas, another state, or even another country. The City of Georgetown is bisected by IH 35 which runs from Mexico to Duluth, Minnesota. A significant portion of the Georgetown Police Department's contacts usually occur on IH 35 leaving non-resident origin open to many possibilities.

Understanding the caveats listed above is crucial to fully understanding the data presented and its limitations.

Table 1 listed below details the racial/ethnic and gender breakdown of the sworn members of the Georgetown Police Department.

<b>Demographics of Georgetown Police Sworn Personnel</b>						
	<b>Male</b>	<b>%</b>	<b>Female</b>	<b>%</b>	<b>Total</b>	<b>Total %</b>
<b>White</b>	52	72.22%	9	12.50%	61	84.72%
<b>African-American</b>	2	2.78%	1	1.39%	3	4.17%
<b>Hispanic</b>	8	11.11%	0	0.00%	8	11.11%
<b>Total</b>	62	86.11%	10	13.89%	72	100%

*Table 1*

As is evident from the table, the sworn personnel of the Georgetown Police Department are currently predominantly white and predominantly male. Since 2010, 47% of the new hires have been either female and/or minority. The sworn supervisory ranks of the Georgetown Police Department are currently 16% female and/or minority. Recent pay

raises and the completion of the Public Safety building should help the Department to continue to recruit minorities and females.

In 2009, the racial profiling law was amended to require the collection of data about whether or not the officer knew the race/ethnicity of the driver before making the stop. This question addresses the issue of pre-stop racial profiling. As can be seen from the two tables below, in 93% of all contacts, the officer was not aware of the race/ethnicity prior to making the stop. This average holds true across all races/ethnicities.

This is supported by the fact that many violations are moving violations where, due to distance, the decision to stop is made long before an officer is able to identify the driver. There are also a significant number of stops that occur at night where in many cases the officer cannot see the driver until the officer has contacted the driver at the window.

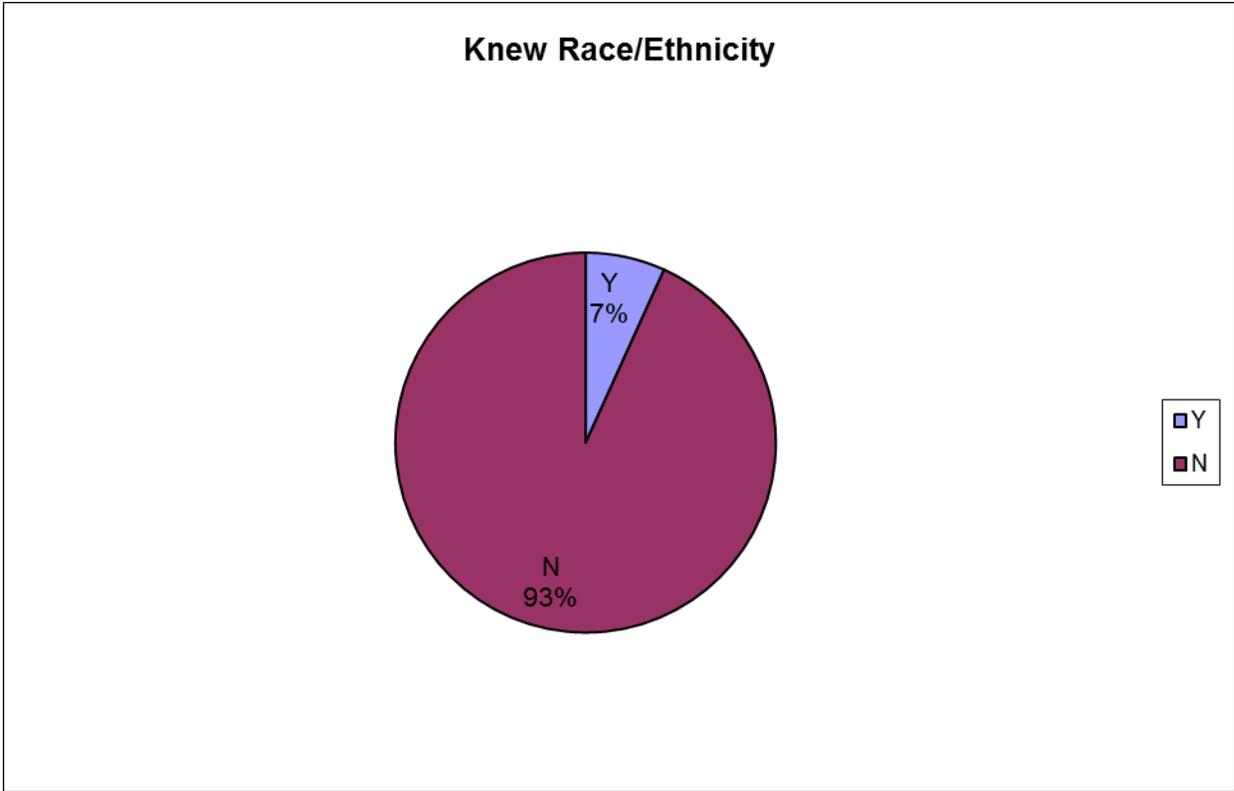
Based on the data collected, there is no evidence of pre-stop racial profiling in the Georgetown Police Department.

<b>Was Race/Ethnicity Known Prior to Stop? (Total)</b>			
<b>Yes</b>	<b>%</b>	<b>No</b>	<b>%</b>
1,285	7%	19,002	93%

*Table 2a*

	<b>Was Race/Ethnicity Known Prior to Stop? (By Race/Ethnicity)</b>			
	<b>Yes</b>	<b>%</b>	<b>No</b>	<b>%</b>
<b>White</b>	970	7.10%	12,694	92.90%
<b>African-American</b>	117	7.75%	1,393	92.25%
<b>Hispanic</b>	184	5.33%	3,269	94.67%
<b>Asian</b>	13	4.38%	284	95.62%
<b>Native American</b>	0	0.00%	39	100.00%
<b>Middle Eastern</b>	1	2.56%	38	97.44%

*Table 2b*



*Chart 2*

In reviewing 2010 census data for the City of Georgetown, Williamson County, and the State of Texas, males and females were equally represented. As can be seen from table 3a and table 3b, males were stopped at a greater frequency than females across all races/ethnicities.

<b>Gender (Total)</b>			
<b>Male</b>	<b>%</b>	<b>Female</b>	<b>%</b>
11,027	58.03%	7,975	41.97%

*Table 3a*

	<b>Gender (By Race/Ethnicity)</b>			
	<b>Male</b>	<b>%</b>	<b>Female</b>	<b>%</b>
<b>White</b>	7,560	55.33%	6,104	44.67%
<b>African-American</b>	952	63.05%	558	36.95%
<b>Hispanic</b>	2,273	65.83%	1,180	34.17%
<b>Asian</b>	186	62.63%	111	37.37%
<b>Native American</b>	22	56.41%	17	43.59%
<b>Middle Eastern</b>	34	87.18%	5	12.82%

*Table 3b*

Table 4 details the highest order of aggregate data for contacts by race/ethnicity of the Georgetown Police Department in 2014. This includes all types of contacts such as stops of motor vehicles, bicycles, pedestrians, and even golf carts. Even though it is no longer legally required to collect data on anything other than a motor vehicle stop, all records in the racial profiling system were included for completeness and transparency purposes. The table includes residents and non-residents alike.

	<b>Stops by Race</b>	
	<b>N</b>	<b>%</b>
<b>White</b>	13,664	71.91%
<b>African-American</b>	1,510	7.95%
<b>Hispanic</b>	3,453	18.17%
<b>Asian</b>	297	1.56%
<b>Native American</b>	39	0.21%
<b>Middle Eastern</b>	39	0.21%

*Table 4*

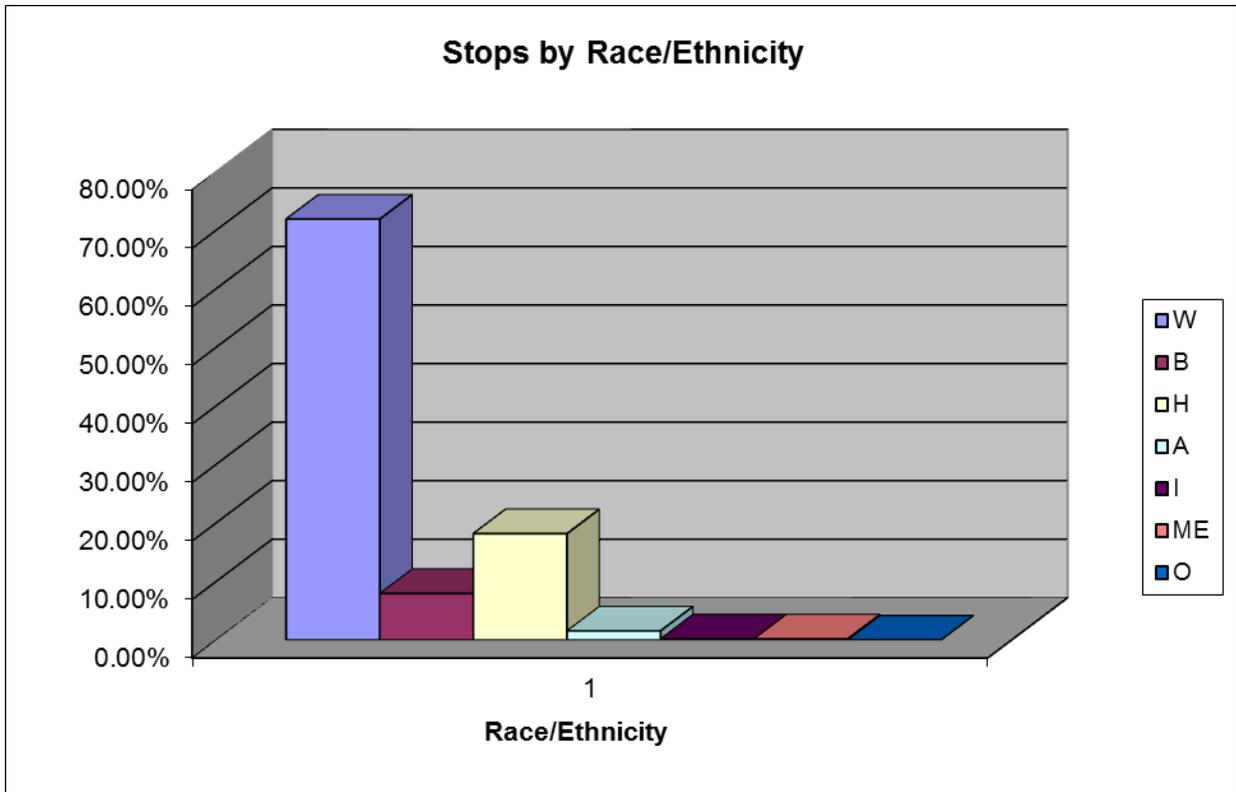


Chart 4

Table 5 takes the data in Table 4 and begins to break it down by stop type and race/ethnicity. As is evident, the vast majority of all stops involve motor vehicles.

Stop Type (By Race/Ethnicity)												
	Motor Vehicle		Commercial Motor Vehicle		Motorcycle		Golfcart		Bicycle		Pedestrian	
	N	%	N	%	N	%	N	%	N	%	N	%
<b>White</b>	13,513	71.11%	49	<1%	44	<1%	16	<1%	28	<1%	14	<1%
<b>African-American</b>	1,454	7.65%	23	<1%	8	<1%	0	<1%	11	<1%	14	<1%
<b>Hispanic</b>	3,389	17.83%	42	<1%	4	<1%	0	<1%	14	<1%	4	<1%
<b>Asian</b>	294	1.55%	2	<1%	0	<1%	0	<1%	1	<1%	0	<1%
<b>Native American</b>	37	<1%	2	<1%	0	<1%	0	<1%	0	<1%	0	<1%
<b>Middle Eastern</b>	39	<1%	0	<1%	0	<1%	0	<1%	0	<1%	0	<1%

Table 5

Table 6 shows the breakdown of stops of Georgetown residents versus non-residents. As was explained earlier, with the data collected, it is not currently possible to determine the residency status of non-residents other than to state that they are not residents of Georgetown. As can be seen from Table 6 and Table 7a, the stops of Georgetown residents are consistent with their racial/ethnic proportion in the community. Even the stops of non-residents are not inconsistent with the racial/ethnic proportions found in the population of Williamson County (Table 7b) and the State of Texas (Table 7c).

<b>Resident of Georgetown? (By Race/Ethnicity)</b>				
	<b>Y</b>	<b>Percentage</b>	<b>N</b>	<b>Percentage</b>
<b>White</b>	7,726	75.94%	5,938	67.27%
<b>African-American</b>	546	5.37%	964	10.92%
<b>Hispanic</b>	1,788	17.57%	1,665	18.86%
<b>Asian</b>	92	0.90%	205	2.32%
<b>Native American</b>	13	0.13%	26	0.29%
<b>Middle Eastern</b>	10	0.10%	29	0.33%

*Table 6*

<b>Census 2010 Population by Ethnicity (Georgetown)</b>		
	<b>N</b>	<b>%</b>
<b>Hispanic or Latino</b>	10,317	21.77%
<b>Non Hispanic or Latino</b>	37,083	78.23%
<b>Census 2010 Population by Race (Georgetown)</b>		
	<b>N</b>	<b>%</b>
<b>White</b>	40,866	86.22%
<b>African American</b>	1,746	3.69%
<b>Asian</b>	488	1.03%
<b>American Indian and Alaska Native</b>	270	0.57%
<b>Native Hawaiian and Pacific Islander</b>	40	0.07%
<b>Other</b>	2,935	6.19%
<b>Identified by two or more</b>	1,055	2.23%

*Table 7a*

<b>Census 2010 Population by Ethnicity (Williamson County)</b>		
	<b>N</b>	<b>%</b>
<b>Hispanic or Latino</b>	98,034	23.19%
<b>Non Hispanic or Latino</b>	324,645	76.81%
<b>Census 2010 Population by Race (Williamson County)</b>		
	<b>N</b>	<b>%</b>
<b>White</b>	330,191	78.12%
<b>African American</b>	26,196	6.20%
<b>Asian</b>	20,433	4.83%
<b>American Indian and Alaska Native</b>	2,629	0.62%
<b>Native Hawaiian and Pacific Islander</b>	413	0.10%
<b>Other</b>	29,336	6.94%
<b>Identified by two or more</b>	13,481	3.19%

*Table 7b*

<b>Census 2010 Population by Ethnicity (Texas)</b>		
	<b>N</b>	<b>%</b>
<b>Hispanic or Latino</b>	9,460,921	37.62%
<b>Non Hispanic or Latino</b>	15,684,640	62.38%
<b>Census 2010 Population by Race (Texas)</b>		
	<b>N</b>	<b>%</b>
<b>White</b>	17,701,552	70.40%
<b>African American</b>	2,979,598	11.85%
<b>Asian</b>	964,596	3.84%
<b>American Indian and Alaska Native</b>	170,972	0.68%
<b>Native Hawaiian and Pacific Islander</b>	21,656	0.08%
<b>Other</b>	2,628,186	10.45%
<b>Identified by two or more</b>	679,001	2.70%

*Table 7c*

Table 8a and Table 8b detail the reasons why persons were stopped and contacted by officers of the Georgetown Police Department. These particular tables must be viewed in the context of Table 2a where it was stated that in 93% of the stops, the officer did not know the race/ethnicity of the driver. This is corroborated by Table 8a where the majority of stop reasons are for moving violations such as speeding, stop sign and red light violations, fail to signal violations, and others where it is not likely that the officer saw the driver before seeing the violation.

Since Table 2a must be considered in context with Table 8a and Table 8b, nothing can logically be inferred from the data presented. The percentages presented are fairly equal across all racial/ethnic boundaries.

<b>Stop Reasons (Transportation Code)</b>										
	<b>Speeding</b>		<b>Moving</b>		<b>Equipment</b>		<b>MVI/Registration</b>		<b>Seat Belt/Non-Moving</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>White</b>	7,109	52.03%	2,453	17.95%	2,560	18.74%	1,283	9.39%	43	0.31%
<b>African-American</b>	732	48.48%	291	19.27%	311	20.60%	122	8.08%	4	0.26%
<b>Hispanic</b>	1,520	44.05%	722	20.92%	747	21.65%	337	9.77%	17	0.49%
<b>Asian</b>	159	53.54%	64	21.55%	48	16.16%	23	7.74%	0	0.00%
<b>Native American</b>	17	43.59%	8	20.51%	9	23.08%	2	5.13%	0	0.00%
<b>Middle Eastern</b>	24	61.54%	8	20.51%	4	10.26%	2	5.13%	1	2.56%

Table 8a

<b>Stops Reasons (Non-Transportation Code)</b>								
	<b>Investigation</b>		<b>City Ordinance</b>		<b>Calls for Service – Susp/Veh Desc</b>		<b>Penal Code/HSC</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>White</b>	63	0.46%	46	0.34%	21	0.15%	10	0.07%
<b>African-American</b>	14	0.93%	13	0.86%	5	0.33%	1	0.07%
<b>Hispanic</b>	30	0.87%	32	0.93%	11	0.32%	2	0.06%
<b>Asian</b>	0	0.00%	0	0.00%	1	0.34%	1	0.34%
<b>Native American</b>	1	2.56%	0	0.00%	0	0.00%	0	0.00%
<b>Middle Eastern</b>	0	0.00%	0	0.00%	0	0.00%	0	0.00%

Table 8b

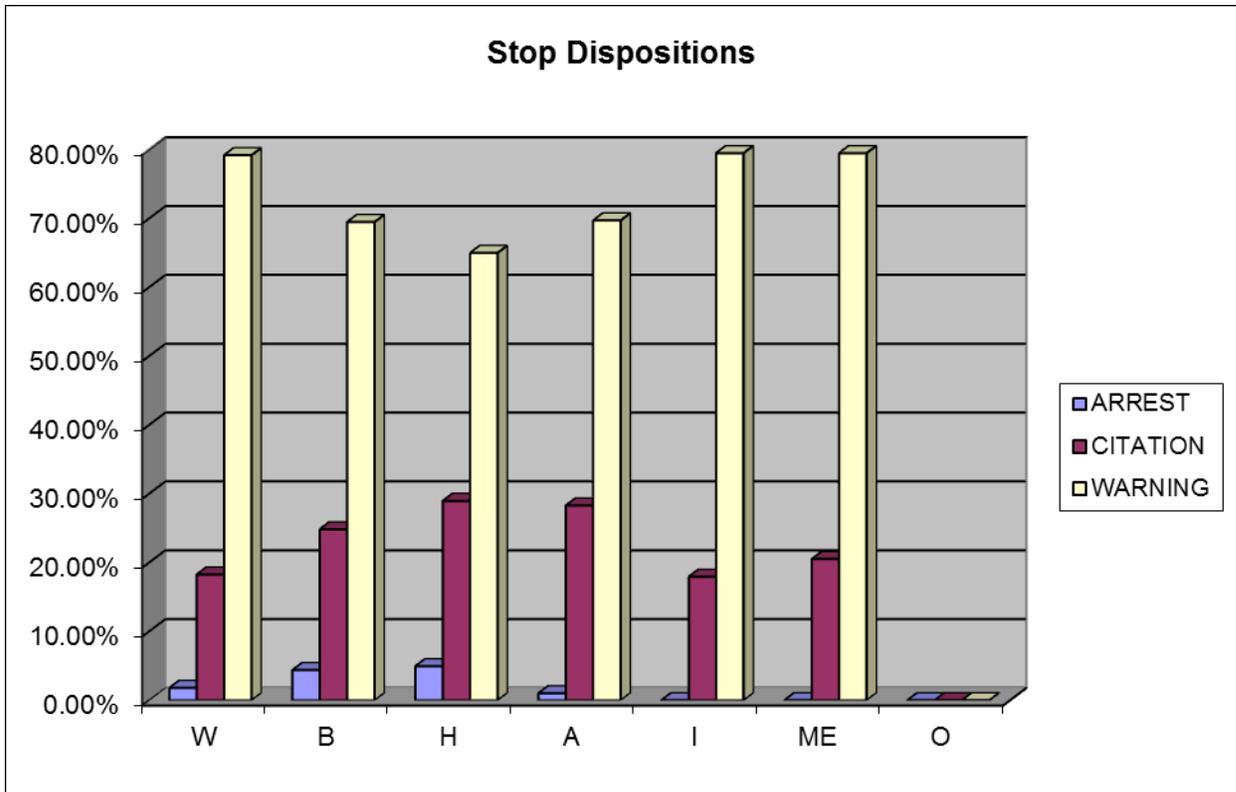
Table 9 details the dispositions of all stops by the Georgetown Police Department. The majority of stops are cleared with a warning. African-American and Hispanics were arrested in greater percentages than Whites but that must be viewed in context with Table 10 which details the reasons for arrests. Hispanics showed a greater percentage of

suspended license arrests than Whites. African-Americans showed a higher percentage of warrant arrests and suspended license arrests. Warrant arrests would generally be considered non-discretionary and therefore a mandatory arrest by the officer.

Hispanics were cited at a greater percentage than other ethnicities. Table 11 details the charges for the citations. Hispanics were cited at significantly higher rates than Whites and African-Americans in the category of license violations. This is likely due to the presence of non-resident aliens who are operating vehicles without valid driver's licenses.

	<b>Stop Dispositions</b>													
	<b>Warning</b>		<b>Citation</b>		<b>Arrest</b>		<b>Arrest &amp; Citation</b>		<b>No Action</b>		<b>Field Contact</b>		<b>Report</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>White</b>	10,819	79.18%	2,496	18.27%	245	1.79%	14	0.10%	83	0.61%	2	0.01%	5	0.04%
<b>African-American</b>	1,049	69.47%	375	24.83%	66	4.37%	5	0.33%	11	0.73%	0	0.00%	4	0.26%
<b>Hispanic</b>	2,244	64.99%	1,000	28.96%	171	4.95%	6	0.17%	30	0.87%	0	0.00%	2	0.06%
<b>Asian</b>	207	69.70%	84	28.28%	3	1.01%	0	0.00%	3	1.01%	0	0.00%	0	0.00%
<b>Native American</b>	31	79.49%	7	17.95%	0	0.00%	0	0.00%	1	2.56%	0	0.00%	0	0.00%
<b>Middle Eastern</b>	31	79.49%	8	20.51%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%

Table 9



### Arrest Charges

	Warrant		DWLI / License		DWI		Drug Violation		Misdemeanor		Felony		MVI/Registration		Insurance		Non-Moving		Moving	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>White</b>	65	27%	63	26%	72	29%	59	24%	13	5%	6	2%	1	<1%	6	2%	0	0%	0	0%
<b>African-American</b>	28	42%	42	64%	3	5%	12	18%	4	6%	0	0%	0	0%	0	0%	1	2%	1	2%
<b>Hispanic</b>	32	19%	85	49%	44	26%	29	17%	14	8%	1	1%	0	0%	5	3%	0	0%	0	0%
<b>Asian</b>	1	33%	1	33%	0	0%	2	67%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<b>Native American</b>	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<b>Middle Eastern</b>	0	%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%

Table 10

Citation Charges (Numbers and Percentages)																				
	Speeding		MVI/Registration		Moving		Insurance		Equipment		License Violation		DWLI		Safety Belt / Seat Belt		Non-Moving		City Ordinance	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
<b>White</b>	1,449	58%	475	19%	240	10%	128	5%	33	1%	124	5%	135	5%	13	1%	6	<1%	6	<1%
<b>African-American</b>	224	60%	40	11%	33	9%	35	9%	3	1%	38	10%	27	7%	2	1%	1	<1%	7	2%
<b>Hispanic</b>	443	44%	115	12%	86	9%	97	10%	12	1%	297	30%	76	8%	16	1%	8	1%	4	<1%
<b>Asian</b>	58	69%	10	12%	9	11%	3	4%	0	0%	1	1%	2	2%	0	0%	1	1%	0	0%
<b>Native American</b>	6	86%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
<b>Middle Eastern</b>	7	88%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	1	13%	0	0%	0	0%

Table 11

In addition to pre-stop profiling concerns, much of the racial profiling debate has revolved around the topic of searching. Searches are broken down between non-discretionary searches and discretionary searches. Non-discretionary searches are those searches where the circumstances dictate that an officer shall or should conduct a search. Searching someone after arresting them and before placing them in a secure facility such as a jail is an example of a mandatory type search. Seeing obvious contraband or smelling obvious contraband, marijuana for example, is another example where a search should be conducted.

Table 12a details the non-discretionary searches for the Georgetown Police Department for the year 2014. The percentages next to the number represents the percentage of the time that particular search yielded contraband. For example, there were 6 searches of Whites based on a plain view search and contraband was located in 100% of those searches.

<b>Non-Discretionary Searches (Numbers and Percentages)</b>																
	<b>Incident to Arrest</b>		<b>Dog Alert</b>		<b>Odor</b>		<b>Plain View</b>		<b>Probable Cause</b>		<b>Reasonable Suspicion</b>		<b>Tow/Inventory</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>White</b>	179	16%	7	86%	30	63%	6	100%	40	78%	2	50%	4	0%	268	34%
<b>African-American</b>	47	11%	2	50%	11	45%	2	100%	14	64%	1	0%	2	0%	79	28%
<b>Hispanic</b>	129	19%	1	100%	10	70%	7	100%	25	40%	1	100%	3	0%	176	28%
<b>Asian</b>	2	50%	0	N/A	2	100%	0	N/A	0	N/A	0	N/A	0	N/A	4	75%
<b>Native American</b>	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A	0	N/A
<b>Middle Eastern</b>	0	N/A	0	N/A	1	100%	0	N/A	1	0%	0	N/A	0	N/A	2	50%

Table 12a

The primary discretionary search and the one that generates the most debate is the consent search. This is a search where the officer, using their knowledge, experience, and intuition, has a set of facts and circumstances that do not rise to the level of reasonable suspicion or probable cause but give the officer enough suspicion that contraband may be present where the officer feels compelled to ask for consent to search a vehicle or person. Consent searches are often used in drug interdiction stops where drivers and passengers are giving defined verbal and physical cues that can be indicative of smuggling. It should be noted that there are no valid or accepted indicators that rely on race or ethnicity. Narcotics, money, human smuggling is a criminal activity that crosses all racial/ethnic, socio-economic, and gender boundaries.

Table 12b details the consent searches of the Georgetown Police Department for the year 2014. Of 19,002 the profiling data records collected in 2014, less than 1.5% of those resulted in a consent search. Whites, Asians, African-Americans, and Hispanics were searched at rates ranging from a low of 0.00% for people of Middle Eastern descent to a high of 2.65% for Blacks.

It has been argued that a more important statistic than the overall percentage searched is what is called the hit rate percentage. The hit rate percentage is the percentage of consent searches in which some form of illegal contraband was located.

Based on the aggregate level data presented, there is no indication of search based racial profiling in the Georgetown Police Department.

Discretionary Searches (Consent)				
	N	Contraband Located	Percentage Searched	Hit Rate Percentage
White	124	29	0.91%	23%
African-American	40	10	2.65%	25%
Hispanic	88	15	2.55%	17%
Asian	5	0	1.68%	0%
Native American	1	0	2.56%	0%
Middle Eastern	0	0	0.00%	N/A

Table 12b

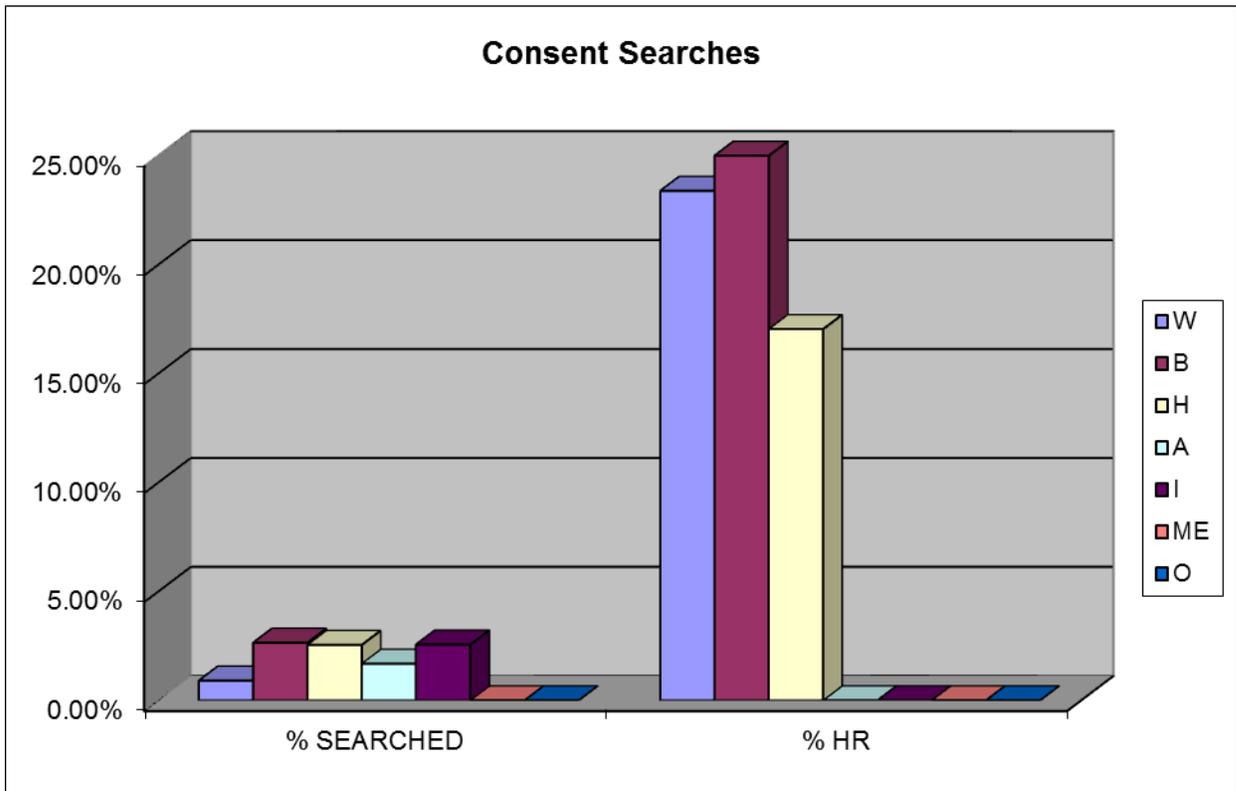


Chart 12

Table 12c lists the types of illegal contraband found during non-discretionary and discretionary searches by the Georgetown Police Department. Whites show that alcohol and marijuana are the most prevalent items found. For African-Americans and Hispanics, the most prevalent item found is marijuana.

<b>Contraband Located (Numbers and Percentages)</b>																		
	<b>Alcohol</b>		<b>All Other Drugs</b>		<b>Cocaine</b>		<b>Currency</b>		<b>Marijuana</b>		<b>Methamphetamine</b>		<b>Other Contraband</b>		<b>Stolen Property</b>		<b>Weapons</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>White</b>	27	39%	6	9%	4	6%	0	0%	27	39%	3	4%	11	0%	0	0%	3	4%
<b>African-American</b>	3	12%	5	19%	0	0%	0	0%	14	54%	0	0%	2	12%	1	4%	2	8%
<b>Hispanic</b>	8	26%	2	6%	2	6%	1	3%	17	55%	0	0%	2	6%	1	3%	3	10%
<b>Asian</b>	1	33%	1	33%	0	0%	0	0%	1	33%	0	0%	1	33%	0	0%	0	0%
<b>Native American</b>	0	0%	0	0%	0	0%	0	0%	1	100%	0	0%	0	0%	0	0%	0	0%
<b>Middle Eastern</b>	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%

*Table 12c*