PARIS POLICE DEPARTMENT

2015

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.
Chad R. Trulson, Ph.D.

Professional Development Institute
University of North Texas

Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. Since the law provides no clear instruction to a governing body on how to review such data, the Paris Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Paris Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE PARIS POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**

- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**

- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**

- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**

- **THE ANALYSIS OF STATISTICAL INFORMATION FROM PARIS POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**

- **THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**

- **THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

Introduction

This report details an analysis of the Paris Police Department's policies, training, and statistical information on racial profiling for the year 2015. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Paris Police Department in 2015. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Paris Police Department's bias based profiling policy; Paris Police Department's training and education on racial profiling; Paris Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Paris Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: 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 (Texas CCP Article 3.05).

Paris Police Department Policy on Racial Profiling

A review of Paris Police Department's "Bias Based Profiling" policy revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP (see Appendix B). There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Paris Police Department's bias based profiling policy. Paris Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined in accordance with chapter 2.02 of the Paris Police Department Policies and Procedures pertaining to receipt, processing, investigation, and adjudication of complaints. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Paris Police Department regulation.

A COMPREHENSIVE REVIEW OF PARIS POLICE DEPARTMENT'S BIAS BASED PROFILING POLICY SHOWS THAT THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Paris Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Documentation provided by Paris Police Department reveals that racial profiling training and certification is current for all officers in 2015. All Paris Police Department officers are trained and instructed on the racial profiling law in Texas. In addition, officers also receive mandatory cultural diversity

training. All officers have been instructed on the policies and procedures regarding racial profiling and the accompanying complaint process as well.

A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE PARIS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.

Paris Police Department Complaint Process and Public Education on Racial Profiling

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Paris Police Department's Bias Based Profiling Policy Section 4 covers this requirement. The City of Paris Police Department has also taken the following actions to ensure that the information relating to the policy disallowing racial profiling has been made known to the public:

1) Published racial profiling policy and complaint information on the City of Paris Website (http://www.paristexas.gov/index.aspx?NID=120);

2) Created complaint forms which are available at any time from any officer or at any time from the lobby of the police station; and

3) Officers of the department have been instructed on the racial profiling law and are available to, and have answered requests about, the law and complaint procedure.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.

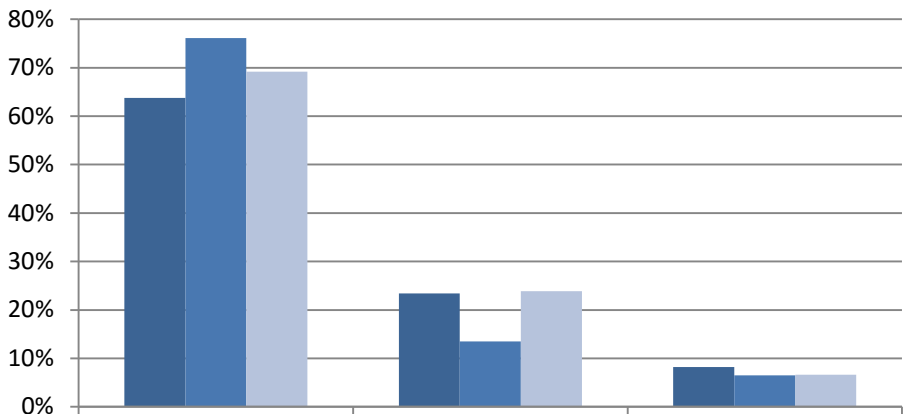
Paris Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also collected. Paris Police Department submitted statistical information on all vehicle stops in 2015 and accompanying information on the race of the person stopped. Accompanying this data was the relevant information on searches and arrests.

ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

The first chart depicts the percentages of people stopped by race including Whites, African-Americans, and Hispanics. *White drivers* constituted 69.20 percent of all drivers stopped, whereas Whites constituted 63.80 percent of the city population and 76.10 percent of the county population.[1] The chart shows that White drivers were stopped at a rate that is higher than the percentage of Whites in the city population and lower than the percentage of Whites in the county population. *African-American drivers* constituted 23.90 percent of all drivers stopped, whereas African-Americans constituted 23.40 percent of the city population and 13.50 percent of the county population. African-American drivers were stopped at a rate that is slightly higher than the percentage of African-Americans found in the city population. African-American stop rates were higher than the percentage of African-Americans in the county population. *Hispanic drivers* constituted 6.64 percent of all drivers stopped, whereas Hispanics constituted 8.20 percent of the city population and 6.50 percent of the county population. Hispanics were stopped at rates lower than the percentage of Hispanics found in the city population and slightly higher than the percentage of Hispanics in the county populations.



	White	African-American	Hispanic
% City Population	63.80%	23.40%	8.20%
% County Population	76.10%	13.50%	6.50%
% Stops	69.20%	23.90%	6.64%

As the chart shows, easy determinations regarding whether or not Paris police officers have "racially profiled" a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are "racially profiling" motorists. This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level

[1] City and County population figures are derived from the 2010 Census from the U.S. Census Bureau.

data. In short, one cannot "prove" that an *individual* officer has “racially profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Paris. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective "guesses" officers are forced to make when trying to determine an individual's racial/ethnic background.

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not "profiling" has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city and county population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, recent population changes in the city of Paris exacerbates problems associated with determining appropriate base-rates because measures derived from the U.S. Census can become quickly outdated. Although this report utilized the more recent 2010 Census, this population measure will become quickly outdated as well.

Related to the above, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are cited in order to determine whether or not racial profiling exists within a given jurisdiction.

The table below reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Paris Police Department for traffic offenses in 2015 (2,620). In addition, the table shows the number of individuals who granted consent to search and those

drivers who were arrested at the conclusion of the stop. The chart shows that roughly 74 percent of all drivers searched were White (56/76 searches), roughly 24 percent (18/76) were African American, and roughly 3 percent (2/76) were Hispanic. It is clear from the table that the vast majority of the total number of drivers cited (including White, African-American, and Hispanic groups) were not searched, as roughly 97 percent of all drivers who were stopped were not searched (76/2,620).

Action	White	African-American	Hispanic	Asian	Other	Total
Vehicle Stops	1,813	626	174	4	3	2,620
Search Conducted	56	18	2	0	0	76
Consent Searches	34	14	0	0	0	48
Custody Arrests	114	86	10	0	3	213

The next assessment presents the percentage of drivers that provided consent to search within each racial category. The table above indicates that drivers who were cited were rarely consent searched across the racial categories. For example, only 1.88 percent of all White drivers who were stopped were also searched by consent (34 total consent searches), 2.24 percent of all African-American drivers who were cited were searched by consent (14 total consent searches), and no Hispanic drivers who were cited were searched by consent.

Analysis of Racial Profiling Compliance by Paris Police Department

The foregoing analysis shows that the Paris Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received two complaints in reference to racial profiling for the year 2015. Upon internal investigation, the complaints were unfounded.

In addition to providing summary reports and analysis of the data collected by the Paris Police Department in 2015, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Paris Police Department as well as police agencies across Texas. The Paris Police Department should continue its educational and training efforts

within the department on racial profiling. Finally, the department should conduct periodic evaluations to assess patterns of officer decision-making on traffic stops. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

Paris Police Department TCOLE Reporting Forms

Partial Exemption Racial Profiling Reporting
(Tier 1)

Department Name	PARIS POLICE DEPARTMENT
Agency Number	277203
Chief Administrator Name	BOB HUNDLEY
Reporting Name	BOB HUNDLEY
Contact Number	903-784-6688
E-mail Addess	bhundley@paristexas.gov

Certification to Report 2.132 (Tier 1) – Partial Exemption

Policy Requirements (2.132(b) CCP):

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

(1) clearly define acts constituting racial profiling;

(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;

(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;

(4) provide public education relating to the agency's complaint process;

(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:

(A) the Commission on Law Enforcement Officer Standards and Education; and

(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These polices are in effect

Bob Hundley 02/05/2016

Chief Administrator Date

Partial Exemption Racial Profiling Reporting
(Tier 1)

Video and Audio Equipment Exemption

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

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

OR

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

I claim this exemption

Bob Arnolley 02/05/2016

Chief Administrator Date

PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

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

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

AGENCY NAME:

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 2407 Citation only
2. 213 Arrest only
3. Do Not Track Both

4. **2620 (Total of 1-3)**

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 626 African
6. 4 Asian
7. 1814 Caucasian
8. 174 Hispanic
9. 1 Middle Eastern
10. 2 Native American

11. **2620 (Total of 5-10, must be the same as #4)**

Race or Ethnicity known prior to stop?

12. 326 Yes
13. 2294 No

14. **2620 (Total of 12-13, must be the same as #4 and #11)**

Search conducted?

15. 76 Yes
16. 2544 No

17. **2620 (Total of 15-16, must be the same as #4, #11, and #14 above)**

Was search consented?

18. 48 Yes
19. 28 No

20. **76 (Total, must equal #15)**

Partial Exemption Racial Profiling Reporting
(Tier 1)

Option to submit required data by utilizing agency report

You must submit your report in PDF format

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

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

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

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

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above requirements

Bob Hundley 02/05/2016

Chief Administrator Date

Send entire documents electronically to this website

www.tcleose.state.tx.us

Appendix A

Racial Profiling Statutes and Laws

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.

Appendix B

Paris Police Department
Racial Profiling Policy

	Subject: **Bias Based Profiling**	*Policy Number:* *2.01.01*
Effective Date: 01/31/2010	*Distribution: All Employees*	*Amended Date:* *02/22/2011*
Review Date: Annually	*TPCA BPRP Number:* *2.01.1*	*Page:* *1 of 5*

SECTION 1 POLICY STATEMENT

It is the policy of the Paris Police Department to give equal treatment under the law to all people, regardless of race, color, religion, sex, politics, national origin, lifestyle, age, economic status or similar characteristics. The officers of the Paris Police Department will only stop or detain citizens when reasonable suspicion to believe they have committed, are committing, or are about to commit a violation of the law, or for other lawful purposes. Officers of the Paris Police Department are strictly prohibited from initiating any action that constitutes racial or biased-based profiling.

SECTION 2 PURPOSE

The purpose of this policy is to give practical meaning by establishing procedures to ensure that racial profiling, or other bias-based profiling, is not found in the practices of the Department.

SECTION 3 DEFINITIONS

Race or Ethnicity – Of a particular decent, including Caucasian, African, Hispanic, Asian, Middle Eastern or Native American.

Bias-based Profiling – The detention, interdiction, search or seizure of any person based solely upon the person's age, gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic.

Racial Profiling – 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.

Reasonable Suspicion – Specific facts and circumstances, and reasonable inferences from those facts and circumstances, that would lead a person of reasonable prudence to believe that some type of criminal activity is afoot, and the detainee(s) are somehow involved.

Motor Vehicle Stop – occurs when a peace officer stops a vehicle for an alleged violation of a law or ordinance regulating traffic.

Detention – any restriction upon a person's liberty imposed by a peace officer.

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

Acts Constituting Racial Profiling – Acts initiating law enforcement action, such as a motor vehicle stop, a detention, a search, issuance of a citation, or an arrest based solely upon an individual's race, ethnicity, or national origin, or on the basis of racial or ethnic stereotypes, rather than upon the individual's behavior.

SECTION 4 PROCEDURES

1. Public Information - The Department will inform the public of its policy against racial profiling and the process by which a citizen may make a complaint against a department employee. Initially the public will be informed through the news media, with additional efforts to educate the public about the policy and the complaint process made during presentations to civic groups, and by including information on the Paris Police Department internet site and in the lobby of the police department and Paris Public Library.

2. Stops / Detentions - In the absence of a specific credible report containing a physical description, a person's gender, sexual orientation, race, color, creed, ethnicity, national origin, or similar personal characteristic, or any combination of these, may be a <u>contributing factor</u> but shall not be the <u>sole</u> factor in determining probable cause for an arrest or reasonable suspicion for a stop.

3. Oversight and Review - Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

A. Supervisors shall ensure compliance with this and other applicable directives.

B. A minimum of five traffic stops will be reviewed by the patrol shift supervisor each month.

C. The motor vehicle stop reviews will be documented and submitted to records.

D. Officers are required to retain video and audio of all traffic stops for a minimum of 90 days. Any traffic stop which meets reporting criteria resulting in a custodial arrest shall be noted in the records management system arrest module custom tab.

E. Any motor vehicle stop which meets reporting criteria resulting in a citation being issued shall be documented by completing all citation fields requiring any racial profiling data.

4. Motor Vehicle Recording (MVR) Equipment.

A. All marked patrol vehicles are equipped with video cameras. The video and sound shall be activated before all motor vehicle stops, to record the actions of the vehicle and/or behavior of the person, and shall remain activated until the person is released. (Refer to 7.27.01 – Mobile Video Recording)

B. Patrol Officers are responsible for ensuring mobile video recording is functional or report the malfunction to the on-duty shift supervisor.

C. Video and audio will be maintained for a period of ninety (90) days before being deleted.

5. Reporting

A. The Office of Professional Standards will submit a quarterly and cumulative report to the Chief of Police concerning citation and arrest data, and supervisory oversight of MVR recordings.

B. The Office of Professional Standards will perform a comparative analysis of the data collected.

1. Analysis will be based on a calendar year
2. Summary reports of the analysis must be submitted to the Chief of Police
3. The report must include:

   a. A determination of the prevalence of racial profiling;
   b. An examination of the disposition of motor vehicle stops, including searches resulting from the stops; and
   c. Information relating to each complaint within the department alleging racial profiling.
4. The report may not include identifying information about an officer or about the person stopped.

C. The Chief of Police shall submit to the City Council, an annual report concerning citation and arrest data collected in the preceding year and according to statute to the Texas Commission on Law Enforcement Officer Standards and Education.

D. Complaint Process

Any individual who believes that a peace officer employed by this department has engaged in racial profiling with respect to the individual, may file a complaint with any supervisor of the department. In accordance with Article 2.132(f) of the Code of Criminal Procedures, an officer who is the subject of a racial profiling complaint will be provided a copy of the recording of the traffic or pedestrian stop in question, upon written request by the officer. The complaint will be received, processed, investigated, and adjudicated in accordance with chapter (2.02) of the Paris Police Department Policies and Procedures.

SECTION 5 RESPONSIBILITY

A. All members of the Department shall know and comply with all aspects of this directive.

B. All Division Lieutenants and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

Appendix C

Racial Profiling Laws and Corresponding Department Policies

Texas CCP Article	**PARIS POLICE DEPARTMENT Racial Profiling Policy 2.01.01**
2.132(b)1	Section 3 Definitions
2.132(b)2	Section 1 Policy Statement
2.132(b)3	Section 4 (1) & (5D) Procedures
2.132(b)4	Section 4 (1) Procedures
2.132(b)5	Section 4 (5D) Procedures
2.132(b)6	Section 4 (5A-B) Procedures
2.132(b)7	Section 4 (5C) Procedures