



ROWLETT POLICE DEPARTMENT

2015

RACIAL PROFILING ANALYSIS

PREPARED BY:

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

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 Rowlett Police Department requested this analysis and review to assist the City Council in reviewing the data.

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

- **A COMPREHENSIVE REVIEW OF THE ROWLETT POLICE DEPARTMENT REGULATIONS, SPECIFICALLY POLICY 328 OUTLINING THE DEPARTMENT’S POLICY CONCERNING RACIAL OR BIASED BASED PROFILING, SHOWS THAT THE ROWLETT 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 ROWLETT 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 IN BOTH PRINT AND ELECTRONIC FORM 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 ROWLETT POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE ROWLETT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE ROWLETT 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 Rowlett 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 Rowlett 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: Rowlett Police Department's policy on racial profiling; Rowlett Police Department's training and education on racial profiling; Rowlett Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Rowlett 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).

Rowlett Police Department Policy on Racial Profiling

A review of Rowlett Police Department Policy 328 revealed that the department has adopted policies to be 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 Policy 328. Rowlett Police Department regulations provide clear direction that any form of racial profiling is prohibited and that officers found engaging in racial profiling will face appropriate corrective or disciplinary action. Appendix C lists the applicable statute and corresponding Rowlett Police Department regulation.

A COMPREHENSIVE REVIEW OF ROWLETT POLICE DEPARTMENT POLICY 328 SHOWS THAT THE ROWLETT POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.

Rowlett 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. Information provided by Rowlett Police Department reveals that racial profiling training and certification is current for all officers in the department.

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

Rowlett 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. Rowlett Police Department has information regarding racial profiling in the lobby of the police department in addition to a clear website (<http://www.ci.rowlett.tx.us/index.aspx?NID=140>) with specific directions on how to file a racial profiling complaint against an officer. The website also provides phone numbers, an agency contact for the Commander of the Professional Standards Unit, and an email address to lodge a complaint. The information on the website is clearly written and provides detailed information on the process and whom to contact to file a complaint.

A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT IN BOTH PRINT AND ELECTRONIC FORM 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.

Rowlett Police Department Statistical Data on Racial Profiling

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a citation is issued and arrests 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 required to be collected. Rowlett Police Department submitted statistical information on all motor vehicle stops which resulted in a citation and/or an arrest in 2015 with the 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 IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.

Analysis of the Data

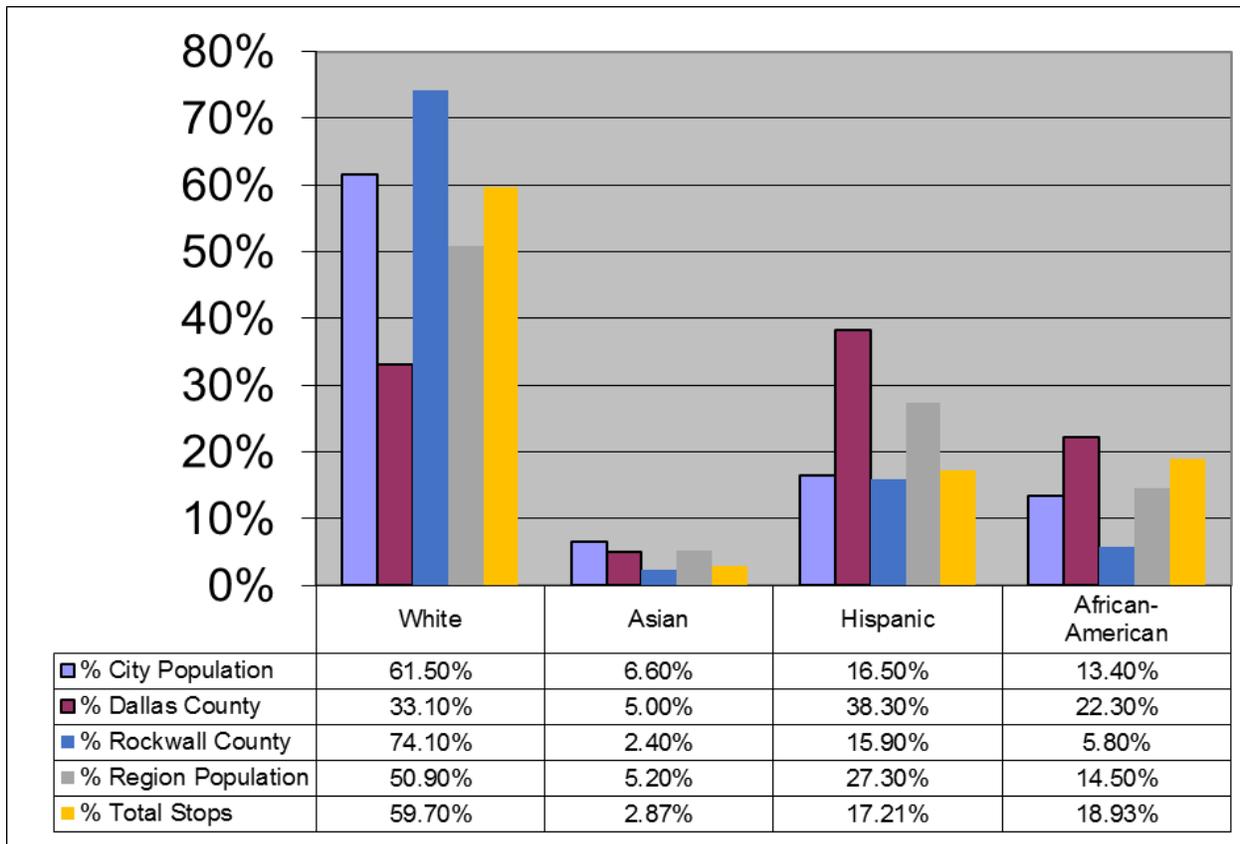
The first chart depicts the percentages of people stopped by race among the total 5,124 stops in 2015 in which a driver was cited, arrested, or both.¹ White drivers constituted 59.70 percent of all drivers stopped, whereas Whites constitute 61.50 percent of the city population, 33.10 percent of the Dallas County population, 74.10 percent of the Rockwall County population², and 50.90 percent of the region population.³ African-American drivers constituted 18.93 percent of all drivers stopped, whereas African-Americans constituted 13.40 percent of the city population,

¹ The total number of stops at 5,124 includes 4,836 citations, 266 arrests, and 22 citations and arrests. Tables in this report utilize the total of all actions at 5,124. See the TCOLE reporting forms at the end of this report.

² Both Dallas and Rockwall counties are reported in the first chart of this report. This is due to the fact that the City of Rowlett covers both Dallas and Rockwall counties.

³ City and County population figures are derived from the 2010 Census of the U.S. Census Bureau. Regional population figures are derived from the 2010 Census of the U.S. Census Bureau and are defined as the 16 county Dallas-Ft. Worth Area and includes the following counties: Collin, Dallas, Denton, Ellis, Erath, Hood, Hunt, Johnson, Kaufman, Navarro, Palo Pinto, Parker, Rockwall, Somervell, Tarrant, and Wise.

22.30 percent of the Dallas County population, 5.80 percent of the Rockwall County population, and 14.50 percent of the region population. Hispanic drivers constituted 17.21 percent of all drivers stopped, whereas Hispanics constituted 16.50 percent of the city population, 38.30 percent of the Dallas County population, 15.90 percent of the Rockwall County population, and 27.30 percent of the region population. Asian drivers constituted 2.87 percent of all drivers stopped, whereas Asians constitute 6.60 percent of the city population, 5.00 percent of the Dallas County population, 2.40 percent of the Rockwall County population, and 5.20 percent of the region population.



The chart shows that White drivers are stopped at rates higher than the percentage of Whites found in the Dallas County and regional populations, but lower than the percentage of Whites in the city and Rockwall county population. African-American drivers are stopped at rates higher than the proportion of African-Americans in the city, Rockwall County, and regional population, but lower than the proportion of African-Americans in the Dallas county population. Hispanics are stopped at rates lower than the percentage of Hispanics in the Dallas County and regional population but slightly higher than the percentage of Hispanics in the city and the Rockwall County population. Asians are stopped at rates lower than the percentage of Asians in all populations with the exception of Rockwall County where Asian drivers are stopped at rates slightly higher than that population base.

Easy determinations regarding whether or not Rowlett 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 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. This kind of determination necessarily requires an examination of data at the individual officer level for a more detailed analysis of individual officer decision-making. Unfortunately, the law does not currently require the collection of this type of data, resulting in a considerable amount of conjecture as to the substantive meaning of aggregate level disparities.

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 North Texas region as a whole, and the large numbers of citizens who are of Hispanic and/or mixed racial descent. 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.

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. Questions concerning the most appropriate base-rate are most problematic in the case of traffic stops, because there are problems associated with using any number of different population measures to determine whether or not aggregate level racial disparities exist. As the current analysis shows in regards to the use of city, county, and regional base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. This is especially true in Rowlett which is found within two Texas counties with very different population base-rates. The determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped. Indeed, 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 stopped 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 by the Rowlett Police Department in 2015.

The table shows that roughly 60 percent of all stops involved White drivers (3,059/5,124 total stops), roughly 19 percent (970) of all stops involved African-American drivers, roughly 17 percent (882) of all stops involved Hispanic drivers, and roughly 3 percent of all stops (147) involved Asian drivers. Drivers of Middle Eastern and Native American descent made up the remaining 66 stops in 2015.

Action	White	African-American	Hispanic	Asian	Middle Eastern/ Other	Total
Stops	3,059	970	882	147	66	5,124
Searches	172	90	76	8	1	347
Consent Searches	46	12	14	1	0	73
Custody Arrests	114	76	74	2	0	266

As shown in the table, it is clear that searches were rare across all stops that occurred in 2015. For example, roughly 7 percent all stops (347 total searches) resulted in a search. Moreover, only about 1 percent of all stops resulted in a consent search (73 total consent searches). Arrests were also rare, as roughly 95 percent of all stops did not involve an arrest.

Analysis of Racial Profiling Compliance by Rowlett Police Department

The foregoing analysis shows that the Rowlett 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, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that during 2015 the department received 1 complaint of alleged racial profiling. After investigation, this complaint was unfounded.

In addition to providing summary reports and analysis of the data collected by the Rowlett 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 Rowlett Police Department as well as police agencies across Texas. The Rowlett Police Department should continue its educational and training efforts within the department on racial profiling. The department should

also continue to conduct periodic evaluations of individual officers to assess whether or not an officer is engaging in racial profiling. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

RPD TCOLE Reporting Forms

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: ROWLETT POLICE DEPT.
Reporting Date: 01/01/2016
TCOLE Agency Number: 113221
Chief Administrator: WILLIAM BRODNAX
Agency Contact Information: Email: mmcgough@rowlett.com

This Agency claims partial racial profiling report exemption because:

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

Certification to This Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling

ROWLETT POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the ROWLETT POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the ROWLETT POLICE DEPT. if the individual believes that a peace officer employed by the ROWLETT POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the ROWLETT POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the ROWLETT POLICE DEPT.'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; 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.

I certify these policies are in effect.

Executed by: **WILLIAM BRODNAX**

Chief Administrator

ROWLETT POLICE DEPT.

Date: 01/01/2016

ROWLETT POLICE DEPT.Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. **4836** citation only
2. **266** arrest only
3. **22** both
4. **5124 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

5. **970** African
6. **147** Asian
7. **3059** Caucasian
8. **882** Hispanic
9. **58** Middle Eastern
10. **8** Native American
11. **5124 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

12. **140** Yes
13. **4984** No
14. **5124 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

15. **347** Yes
16. **4777** No
17. **5124 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

18. **73** Yes
19. **274** No
20. **347 Total** (must equal line 15)

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

ROWLETT POLICE DEPARTMENT RACIAL PROFILING POLICY

Racial- or Bias-Based Profiling

328.1 PURPOSE AND SCOPE

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

328.1.1 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).

328.2 POLICY

The Rowlett 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).

328.3 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).

328.3.1 DATA COLLECTION

Officers shall collect the following information relating to motor vehicle stops in which a citation is issued and/or an arrest results: ([Tex. Code of Crim. Pro art. 2.132\(b\)\(6\)](#))

- (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

Racial- or Bias-Based Profiling

- (c) Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual.

328.4 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.

328.4.1 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.

328.4.2 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):

- (a) The location of the stop
- (b) The initial reason for the stop
- (c) The physical description of the driver, including:
 - 1. The person's gender
 - 2. The person's race or ethnicity as stated by the person or as best as can be determined by the officer
- (d) Whether the officer knew the race or ethnicity of the detained person before the stop
- (e) Whether a citation or a warning was issued as a result of the stop
- (f) Whether an arrest was made and, if so, for what offense
- (g) 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
- (h) Whether any contraband or evidence was discovered and whether it was in plain view
- (i) A description of any contraband or evidence located

Racial- or Bias-Based Profiling

328.5 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 the Personnel Complaints Policy.

- (a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.
- (b) 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.
 - 1. Supervisors should document these periodic reviews.
 - 2. Recordings that capture a potential instance of racial- or bias-based profiling should be appropriately retained for administrative investigation purposes.
- (c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.
- (d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

328.6 STATE REPORTING

The Chief of Police shall submit to the Texas Commission on Law Enforcement (TCOLE) and each governing body served by this agency 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 each governing body served by this agency 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).

328.7 ADMINISTRATION (TPCA: 2.01.1)

Each year, the Patrol Division Commander 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 administrative overview report and the annual report submitted to TCOLE and the governing body and discuss the results with those they are assigned to supervise.

Racial- or Bias-Based Profiling

328.8 TRAINING

All sworn members of this department will be scheduled to attend TCOLE-approved training on the subject of racial- and bias-based profiling.

Each member of this department undergoing initial TCOLE-approved training will thereafter be required to complete an approved refresher course every five years or sooner if deemed necessary, in order to keep current with changing racial issues and cultural trends.

Appendix C

Racial Profiling Laws and Corresponding Standard Operating Procedures

Texas CCP Article	ROWLETT POLICE DEPARTMENT POLICY 328
2.132(b)1	Section 328.1.1
2.132(b)2	Sections 328.2 & 328.3
2.132(b)3	Sections 328.5 & 328.7 and Agency Website
2.132(b)4	Agency Website
2.132(b)5	Section 328.5
2.132(b)6	Section 328.4.2
2.132(b)7	Section 328.6



Racial Profiling
 Recruiting and Training

Search 
[+](#) [SHARE](#) [EMAIL](#) [PRINT](#)

[Home](#) > [Departments](#) > [Police](#) > [Divisions](#) > [Professional Standards Unit](#) > Racial Profiling

Racial Profiling

The Rowlett Police Department recognizes that our society holds the freedoms of the individual as a fundamental concept. Therefore, we strive to enforce policy and procedures that serve to ensure public confidence and mutual trust through the delivery of police services that are fair and equitable.

Members of this Department will not infringe upon this freedom without just, legal and necessary cause. State law and Rowlett Police Department General Orders strictly prohibit police officers from engaging in racial profiling.

Reporting Racial Profiling

If you feel you have been involved in an incident that may constitute racial profiling, you may submit a [complaint online](#), by phone by calling 972-412-6200 and request to speak with the Watch Commander, by [mail](#), by [Email](#), or in person at the [Rowlett Police Department](#). Every supervisor in the department is authorized to take your complaint. A supervisor can be reached 24 hours a day, seven days a week by calling 972-412-6200, Option #1. Please make sure that you provide a detailed account of the incident.

Lieutenant Michael McGough is Commander of the Professional Standards Unit. Any racial profiling matters may be brought to his attention by contacting him at 972-412-6248 or by [Email](#).

Additional Information

- [2014 Racial Profiling Report](#)
- [2014 Racial Profiling Analysis](#)
- [Racial Profiling Policy](#)
- [Racial Profiling Laws](#)

-  CONNECT ROWLETT
-  CONSTRUCTION UPDATES
-  NOTIFY ME
-  ACTION CENTER
-  ONLINE BILL PAY
-  PET FINDER
-  ROWLETT ECONOMIC DEVELOPMENT
- [STREAMING VIDEO](#)



The Texas Commission on Law Enforcement

- [Home](#)
- [Forms and Requests](#)
 - [Report of Training](#)
 - [Request Job Applicant Separation History \(F5R\)](#)
- [Reports](#)
 - Racial Profiling Reporting
will reopen 1/1/2016
 - [Department Training Report List](#)
 - [Separation History Report List \(F5R\)](#)
- [Account Information](#)
 - [Chief Administrator Change](#)
 - [Department Address Phone, Fax Changes](#)
 - [Account Holder Information or Password Update](#)
- [Help](#)
 - [Help Manual](#)
 - [Contact Support](#)
 - [TCOLE Staff Contact List](#)
 - [TCLEDDS Account Help](#)
- [Logout](#)

Welcome to the TCOLE Department Reporting System!

Thank you, your Racial Profile Report has been accepted.

Your TCOLE Department Information

Chief Administrator:	William Brodnax	Account Holder:	William Brodnax
Department:	ROWLETT POLICE DEPT.	Date Modified:	02/19/2014
TCOLE Agency No:	113221	Account Holder Email:	mbrodnax@rowlett.com
Department Address:	P. O. BOX 370	Account Holder Phone:	972-412-6248
	4401 ROWLETT RD. ROWLETT, TX 750300370		
Department Phone:	9724126216	TCLEDDS Account Active:	YES
Department Fax:	9724123970	2015 Racial Profile Report on File?	YES
Chief Administrator Email:	mbrodnax@rowlett.com		

To change your Department Information, choose Account Information, Account Updates from the Menu.