



MEMORANDUM

Date: January 28, 2013
To: Leonard Martin, City Manager
From: Rex D. Redden, Chief of Police
Subject: **Report to City Council as Required Under Code of Criminal Procedure Article 2.132**

The purpose of this correspondence and attachments is to comply with Texas Code of Criminal Procedure Article 2.132 with regard to reporting information collected by the Carrollton Police Department relevant to the prohibition of racial profiling by law enforcement officers.

The Mission of the Carrollton Police Department is to maintain a safe and peaceful community by providing effective and efficient law enforcement services. Our Mission is distinguished through:

- Our commitment to service with honor in order to inspire public trust.
- Equitable services to all citizens, free of bias or discriminatory actions.
- Dedication to hiring and training and managing quality personnel whose actions are constitutionally sound; conducted in accordance with current legal standards.

Traffic stops conducted by CPD officers are predicated upon observable driver behaviors indicating a violation of moving traffic violations, other laws, statutes or ordinances, as well as observable violations of vehicle regulatory laws pertaining to the registration and inspection of a vehicle. The purpose of traffic enforcement is to reduce traffic collisions, maintain a safe driving environment in our community and to investigate suspected criminal activity.

Traffic stops used for investigative purposes are predicated upon reasonable suspicion, probable cause and observable behaviors. In order to justify a traffic stop based upon suspicious behavior an officer must observe a traffic violation, observe another violation of the law committed by a driver or occupant of the vehicle, or must have very recent witness information of such a violation of law.

During 2013 traffic enforcement operations were characterized by the following facts:

- CPD officers arrested 7,288 adults and took into custody 310 juveniles for a total of 7,598 custody actions. A total of 3,889 arrests were made as a result of traffic stops, which represents 52% of all custody actions.
- 882 traffic surveys were conducted by CPD officers. Traffic surveys are targeted enforcement actions at specific locations to address specific traffic violations. Surveys may originate as the result of citizen complaints about traffic concerns, requests from the City Transportation Division due to identified problems, as a targeted area for the Department's Strategic Traffic Enforcement Program (STEP) grant and/or observations made by officers.
- 49.2% of all traffic citations issued were moving traffic hazardous violations. The emphasis of traffic enforcement is to prevent traffic collisions by achieving voluntary compliance.

NATURE OF INFORMATION COLLECTED

In order to comply with Article 2.132 (b) (6) (A) (B), the Police Department collected the following information, which is referred to as "Tier 1" data:

- Record of motor vehicle stops in which a citation is issued and to an arrest made as a result of those stops;
- The race or ethnicity of every individual contacted within definitions provided by Article 2.132 (a) (2);
- Whether or not a search of the vehicle or the person was conducted;
- Whether the search was conducted with the consent of the vehicle owner or the person or whether the search was conducted due to probable cause; and
- Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual. (Added by the 2009 Legislature for 2010 and beyond data collection)

We are confident regarding the accuracy of the database system. It is designed to collect data from the field through the use of a set of codes that are mutually exclusive, which can identify any traffic stop transaction as a unique event with all required statutory data points. Through this method we are able to achieve internal correlative validity, excluding duplication of records. Any database is only as accurate as the data inputted. Officers are trained to use the codes correctly, dispatchers are trained to correctly enter the codes and records are audited to ensure quality control.

REPORT OF COLLECTED INFORMATION

Carrollton Police Department Data Collection

The Carrollton Police Department data collection system for racial profiling exceeds the statutory requirements of Tier 1 reporting. It also includes information on motor vehicle stops where no action was taken and has more mutually exclusive categories than “citation only, arrest only or both.” The data collection system was designed to assist the department in its efforts to determine that its officers are dedicated to assisting the department in achieving its mission and maintaining the public trust. *As such, all the categories required by statute and TCLEOSE Partial Exemption Racial Profiling Reporting (Tier 1) are found within this report.*

Residence Status

Several years ago we began collecting data as to the residency status of all individuals contacted on traffic stops even though this information is not required by state law. Chart A depicts that a significant portion of our traffic challenges are created by drivers commuting or passing through our city. Examination of the 2013 data reveals that 62.6% of all traffic stops involve drivers who are non-residents. The fact that 62.6% of drivers contacted are non-residents is an indicator that it is not statistically feasible to use Carrollton census demographic information for the purpose of proportional comparison between race/ethnicity to traffic stop activity.

Chart A

Race/Ethnicity of Vehicle Driver	Resident	% Resident	Non-Resident	% Non-Resident	Total by R/E	%Total by R/E
Caucasian	8964	15.6%	15811	27.5%	24775	43.0%
Hispanic	6895	12.0%	9237	16.0%	16132	28.0%
African-American	2955	5.1%	7592	13.2%	10547	18.3%
Asian	1572	2.7%	2026	3.5%	3598	6.2%
Middle Eastern	1105	1.9%	1381	2.4%	2486	4.3%
Native American	12	0.0%	23	0.0%	35	0.1%
Unknown	4	0.0%	5	0.0%	9	0.0%
TOTALS	21,507	37.4%	36,075	62.6%	57,582	100.0%

NOTE: Percentages calculated using Total Drivers contacted: 57,582

Tier I Data Report and Analyses

Chart B represents data collected for Departmental compliance with Article 2.132.

Chart B

Total Traffic Stop Contacts with Vehicle Driver, by Action Taken 2013

Race/Ethnicity of Vehicle Driver	Total Driver Contact	No Action Taken	Issued Citation Only ¹	Arrested Only	Searched Only ²	Arrested Searched	Cited Arrested	Cited Searched	Cited Arrested Searched
Caucasian	24775	10612	12783	394	177	129	378	147	155
Hispanic	16132	5600	8759	341	117	141	775	148	251
African-American	10547	4201	4963	318	110	104	590	94	167
Asian	3598	1664	1798	49	15	9	42	14	7
Middle Eastern	2486	1101	1329	14	12	7	10	7	6
Native American	35	15	17	1	0	0	0	1	1
Unknown	9	6	3	0	0	0	0	0	0
Totals	57,582	23,199	29,652	1,117	431	390	1,795	411	587

¹ Only one citation is counted for this factor to ensure mutual exclusivity in the total count.

² Searches do not include searches conducted subject to arrest.

Chart C depicts the data in Chart B as percentages, comparing the respective data points within the race/ethnicity categories to the total number of driver contacts.

Of the 57,582 driver contacts officers reported that they felt they knew the race or ethnicity of the driver 335 (reference Chart B₁) times prior to initiating a traffic stop.

Chart B₁

Total Traffic Stops which Officer Felt Race or Ethnicity of the Driver was Known Prior to Traffic Stop

Race/Ethnicity of Vehicle Driver	Race Known	Race Unknown
Caucasian	186	24589
Hispanic	62	16070
African-American	58	10489
Asian	20	3578
Middle Eastern	9	2477
Native American	0	35
Unknown	0	9
TOTALS	335	57,247

Chart C**Total Traffic Stop by Vehicle Driver, By Action Taken
by Percentage Whole for Each Action within Each Race/Ethnicity Category 2013**

Race/Ethnicity of Vehicle Driver	Total Driver Contact	No Action Taken	Issued Citation Only	Arrested Only	Searched Only	Arrested Searched	Cited Arrested	Cited Searched	Cited Arrested Searched
Caucasian	43.0%	18.4%	22.2%	0.7%	0.3%	0.2%	0.7%	0.3%	0.3%
Hispanic	28.0%	9.7%	15.2%	0.6%	0.2%	0.2%	1.3%	0.3%	0.4%
African-American	18.3%	7.3%	8.6%	0.6%	0.2%	0.2%	1.0%	0.2%	0.3%
Asian	6.2%	2.9%	3.1%	0.1%	0.0%	0.0%	0.1%	0.0%	0.0%
Middle Eastern	4.3%	1.9%	2.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Native American	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Unknown	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
TOTALS	100.0%	40.3%	51.5%	1.9%	0.7%	0.7%	3.1%	0.7%	1.0%

From Chart C note the following:

- 40.3% of all traffic stop driver contacts resulted in no action being taken.
- 51.5% of all traffic stop driver contacts resulted in only a citation being issued.
- Only 6.7% of all traffic stop driver contacts resulted in arrest of the driver.
- Only 3.1% of all traffic stop driver contacts resulted in searches of the driver or vehicle.
(This does not include personal searches conducted subject to arrest of an individual.)

Chart D provides a breakdown of all searches of the driver or vehicle, as depicted in Chart B, by Consent Searches or Probable Cause searches.

Chart D**Breakdown of All Driver Searches 2013
by Consent and Probable Cause**

Race/Ethnicity of Vehicle Driver	All Consent Searches	% Consent	All Probable Cause Searches	% Probable Cause	Contra band Found 3
Caucasian	299	0.5%	309	0.5%	239
Hispanic	257	0.4%	400	0.7%	243
African-American	193	0.3%	282	0.5%	178
Asian	22	0.0%	23	0.0%	20
Middle Eastern	13	0.0%	19	0.0%	15
Native American	1	0.0%	1	0.0%	1
Unknown	0	0.0%	0	0.0%	0
TOTALS	785	1.4%	1,034	1.8%	696

³ Contraband counted for any circumstance

NOTE: Percentages calculated using Total Searches conducted: 1,819 compared to Total Drivers contacted: 57,582

Formal and Informal Personnel Complaints

During 2013 the Carrollton Police Department received no formal complaints and two (2) informal complaints of racial profiling. The informal complaints were made to the Internal Affairs Sergeant. The Internal Affairs Sergeant contacted the citizens that initiated the complaints. Both complainants refused to give any further information about their complaints. As a result of the complaints the Internal Affairs Sergeant initiated a preliminary inquiry and determined the complaints to be unfounded.

These observations reflect facts about traffic enforcement operations, as well as other operations, within CPD that strongly indicate that these operations are reasonable, fair and purpose driven.

CLOSING STATEMENT

The Carrollton Police Department has made every effort to comply with both the letter and the spirit of Code of Criminal Procedure Articles 2.131-2.138. This report exceeds statutory compliance. The Carrollton Police Department Executive Team is committed to maintaining an agency that is free of the stigma of racially based or biased based profiling. We believe that the trust of the public is of primary importance in order for us to effectively police this community. ***There is no place for biased or racially motivated activity by any member of our agency.*** We are firm in our dedication to the principles of constitutionally sound action, activities and behavior upon the part every employee.

ATTACHMENT A

Data on Corrective Action

The following table contains data regarding officers that have been the subject of a formal complaint, during the time period of January 1, 2013, through December 31, 2013, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

X

Mark above if the Carrollton Police Department has not received any formal complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of January 1, 2013, through December 31, 2013.

Complaints Filed for Possible Violations of CCP Article 2.132 (The Texas Racial Profiling Law)

Complaint No.	Alleged Violation	Disposition of the Case

Additional Comments:
