



Police Department

Randall Aragon
Chief of Police

February 13, 2012

Since January 1, 2002, the La Marque Police Department, in accordance with the Texas Racial Profiling Law (S.B. No. 1074), has been collecting police contact data for the purpose of identifying and responding (if necessary) to concerns regarding racial profiling practices. It is my hope that the findings provided in this report will serve as evidence that the La Marque Police Department continues to strive towards the goal of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed at providing background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections contain information relevant to the institutional policies adopted by the La Marque Police Department banishing the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts resulting from traffic stops made during the period of 1/1/11 and 12/31/11. The analysis of the data and recommendations for future areas of research are also included. It is my sincere hope that the channels of communication between community leaders and the La Marque Police Department continue to strengthen as we move forward to meet the challenges of the near future.

Sincerely,

Randall Aragon
Chief of Police

CITY OF LA MARQUE, TEXAS
RACIAL PROFILING ANNUAL REPORT

January 1, 2011 – December 31, 2011

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**RACIAL
PROFILING
LEGISLATION**

S.B. 1074

AN ACT

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

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

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

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

Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a) In this article:

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

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

(6) require collection of information relating to traffic stops in which a citation is issued and to arrests resulting from those traffic stops, including information relating to:

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

and

(B) whether a search was conducted and, if so,

whether the person detained consented to the search; and

(7) require the agency to submit to the governing body of each county or municipality served by the agency an annual report of the information collected under Subdivision (6) if the agency is an agency of a county, municipality, or other political subdivision of the state.

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

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

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a traffic stop or about an individual

who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

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

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

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

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

(1) a physical description of each person detained as a result of the stop, including:

(A) the person's gender; and

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

(2) the traffic law or ordinance alleged to have been violated or the suspected offense;

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

(4) whether any contraband was discovered in the course of the search and the type of contraband discovered;

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

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

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

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

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each local law enforcement agency shall submit a report containing the information compiled during the previous calendar year to the governing body of each county or municipality served by the agency in a manner approved by the agency.

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

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

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

(B) examine the disposition of traffic and pedestrian stops made by officers employed by the agency, including searches resulting from the stops; and

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

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

(e) The Commission on Law Enforcement Officer Standards and Education shall develop guidelines for compiling and reporting information as required by this article.

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

Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and a law enforcement agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

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

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

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

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

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

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

Art. 2.136. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax

effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

(3) analyzing and reporting collected information.

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

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

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

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

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

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

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

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

(2) the registration number of the vehicle involved;

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

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

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

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

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

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

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

SECTION 7. Not later than January 1, 2002, a law enforcement agency shall adopt and implement a policy and begin collecting information under the policy as required by Article 2.132, Code of Criminal Procedure, as added by this Act. A local law enforcement agency shall first submit information to the governing body of each county or municipality served by the agency as required by Article 2.132, Code of Criminal Procedure, as

added by this Act, on March 1, 2003. The first submission of information shall consist of information compiled by the agency during the period beginning January 1, 2002, and ending December 31, 2002.

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

SECTION 9. Not later than January 1, 2002:

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

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

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

SECTION 11. An individual appointed or elected as a police chief before the effective date of this Act shall complete a program on racial profiling established under Subsection (j), Section 96.641, Education Code, as added by this Act, not later than September 1, 2003.

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

HISTORICAL DATA

CITY OF LA MARQUE

AND

POLICE DEPARTMENT

History of the City of La Marque, Texas

In 1867, Buttermilk Junction was officially known as Highland City, a township of six families. Those settlers were the Bakers, Dunigans, Reads, Bells, Brittons and Phillips. Today, Buttermilk Junction is known as the City of La Marque.

Mrs. Remes Wasey was La Marque's first schoolteacher, instructing a student body of 14 children in a one-room school located on Cedar. In 1895, Amos Stewart donated a parcel of land in the 1300 block of Cedar, on which the first school building was constructed with the help of school board members and other members of the community.

Today, the City of La Marque enjoys the benefits of offering the character of a rural community with proximity to a major metropolitan area. Houston is only 40 miles away from the La Marque area. With a population in excess of 14,000 residents and a school district consisting of just under 3,000 students, the City of La Marque has certainly grown since the days it was known as Buttermilk Junction.

The U.S. Census of 2010 reports that the City of La Marque has a population of 14,509. Of that population, approximately 53% are white, 37% are black, 23% are Hispanic, and less than 1% are Asian.

The La Marque Independent School District extends well into the City of Texas City. The 2011-2012 enrollment records indicate that the total number of students attending La Marque schools totaled 2,989. Of those students, 70% are black, 19% are Hispanic, 8% are white, and 3% are of other race or ethnicity. This is a sharp contrast to the population figures for the City of La Marque.

Police Department Background

The La Marque Police Department was founded in 1954 under the leadership of City Marshal Lester Ingram. Three months later, La Marque's first patrol officer was hired and later became La Marque's first Chief of Police. Today, the La Marque Police Department (OLMPD) is made up of 29 commissioned officers (including the Chief), two jailers, eight telecommunicators, the Chief's Administrative Assistant, and a records clerk. The LMPD officers, telecommunicators, and staff members are committed to performing their jobs in a professional manner while serving the community members of La Marque and its surrounding areas. Community Oriented Policing was adopted in February 2010 and currently has developed 14 active "Community Watch" groups.

The La Marque Police Department promotes to all its members to provide equal, fair and quality service to all the residents of the community. In 2002, the La Marque Police Department adopted a policy, in accordance to the Texas Law on Racial Profiling, banishing racial profiling practices among all LMPD members.

In May of 2002, the La Marque Police Department installed video and audio equipment in every patrol unit utilized to effect traffic stops.

LA MARQUE INDEPENDENT SCHOOL DISTRICT

**Student Enrollment
2011-2012**

2,989

Race	Students	%
Black	2,097	70.1
Hispanic	565	18.9
White	235	7.9
Asian	6	0.2
Other	86	2.9

OATH OF OFFICE

**POLICE DEPARTMENT
VALUES
&
MISSION STATEMENT**

Oath of Office

Each member and volunteer of the La Marque Police Department shall subscribe to and abide by the Oath of Office:

I, _____, do solemnly swear or affirm that I will faithfully execute the duties of a Police Officer of the City of La Marque, Galveston County, Texas, and will to the best of my ability preserve, protect and defend the Constitution and Laws of the United States, and of this State, and of this City; and I furthermore solemnly swear or affirm that I have not directly nor indirectly paid, offered, or promised to pay, contributed, nor promised to contribute, any money or valuable thing to receive my appointment.

So Help Me God.

Upon swearing to the Oath of Office, a signed copy is placed in the employee's personnel file.

La Marque Police Department

Mission Statement

We, the members of the La Marque Police Department are devoted to our community by providing excellence in police services. In our responsibility to protect our citizens we continually strive to build lasting partnerships. It is in those partnerships that improve the quality of life for all in the City of La Marque. Our dedication is to ensure safety, prevent and solve crime, and reduce the fear of crime.

To accomplish the mission of the La Marque Police Department we hold these values that guide our work and decisions.

- *Supporting and developing a mutual trust between our agency and those we serve.*
- *Developing and embracing accountability within all members of our agency.*
- *The vigorous and continuous need to develop and maintain a genuine proactive and positive partnership between our agency and our community.*
- *Considering problem-solving as a key trait for all agency members.*
- *Continuous process improvement to enhance productivity and quality of services provided by our agency.*
- *Supporting and embracing participative management and the extensive use of teams as a central theme throughout our agency.*
- *Continuous efforts to develop creative and effective crime control strategies to reduce crime and the fear of crime within our city.*
- *Embracing the continuous need to enhance the quality of life in our community.*

Our Motto

“Integrity, Respect, Dedication”

**LA MARQUE POLICE
DEPARTMENT**

**POLICY ON
RACIAL PROFILING**

RACIAL PROFILING

19.0 POLICY AND PURPOSE

This Racial Profiling Policy is adopted in compliance with the requirements of Articles 2.131 through 2.136, Texas Code of Criminal Procedure, which prohibits Texas peace officers from engaging in racial profiling.

19.1 DEFINITIONS

1. 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. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
2. Race or Ethnicity: means of a particular descent, including Caucasian, African, Hispanic, Asian or Native American descent.
3. Acts Constituting Racial Profiling: are acts initiating law enforcement action, such as a traffic 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, information identifying the individual as having possibly engaged in criminal activity, or other lawful reasons for the law enforcement action.
4. Pedestrian Stop: means an interaction between a peace officer and an individual who is being detained for the purposes of a criminal investigation in which the individual is not under arrest.
5. Traffic Stop: means the stopping of a motor vehicle by a peace officer for an alleged violation of law or ordinance regulating traffic.

19.2 PROHIBITION

Peace officers of the City of La Marque are strictly prohibited from engaging in racial profiling. The prohibition against racial profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer. Race, ethnicity, or national origin may be legitimate factors in such a decision when used as part of a description of a suspect or witness for whom a peace officer is searching.

19.3 COMPLAINT PROCESS AND PUBLIC EDUCATION

Any person who believes that a peace officer employed by the City has engaged in racial profiling with respect to that person may file a complaint with the La Marque Police Department, and no person shall be discouraged, intimidated, or coerced from filing such a complaint, or be discriminated against because they have filed such a complaint.

The Police Department shall accept and investigate citizen complaints alleging racial profiling by its peace officers. Such complaints shall be filed in accordance with Section Fourteen of the La Marque Police Department Policy Manual. Receipt of each racial profiling complaint shall be acknowledged to the complainant in writing by the Chief of Police. All such complaints shall be reviewed and investigated by the Captain of Police within a reasonable period of time, and the results of the Captain's review and investigation shall be filed with the Chief of Police and with the complainant.

In investigating a complaint alleging racial profiling, the Captain shall seek to determine if the officer who is subject of the complaint has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action.

In the event that a complaint of racial profiling filed by an individual involves an occurrence that was recorded on audio or video, the Captain shall, upon commencement of the investigation of the complaint and upon written request of the officer, promptly provide a copy of the recording to the peace officer that is a subject of the complaint.

The Police Department of the City of La Marque shall provide education to the public concerning the racial profiling complaint process. A summary of the public education efforts made during the preceding year shall be included with the annual report filed with the governing body of the City of La Marque under Part VI below.

19.4 CORRECTIVE ACTION

Any peace officer who is found, after investigation, to have engaged in racial profiling in violation of this policy shall be subject to corrective action, which may include reprimand; diversity, sensitivity or other appropriate training or counseling; paid or unpaid suspension; termination of employment, or other appropriate action as determined by the Chief of Police.

19.5 COLLECTION OF INFORMATION AND ANNUAL REPORT WHEN CITATION ISSUED OR ARREST MADE

For each traffic stop in which a citation is issued and for each arrest resulting from such traffic stops, a peace officer involved in the stop shall collect information identifying the race or ethnicity of the person detained, stating whether a search was conducted, and if a search was conducted, whether the person detained consented to the search.

The information collected shall be compiled in an annual report covering the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of La Marque no later than March 1 of the following year. The annual report shall not include identifying information about any individual stopped or arrested, and shall not include identifying information about any peace officer involved in a stop or arrest.

19.6 AUDIO AND VIDEO EQUIPMENT

The Chief of Police of the City of La Marque shall, immediately upon enactment of this policy, commence examination of the feasibility of installing video camera equipment and transmitter-activated equipment in each City motor vehicle regularly used to make traffic stops, and transmitter-activated equipment in each City motorcycle regularly used to make traffic stops, and shall report to the governing body of the City of La Marque on the findings of such examination no later than six (6) months following enactment of this policy. The report shall include funding options available to the City, including any funding available through the Department of Public Safety.

In the event that the findings of such examination support the installation of such equipment, the governing body shall consider and take action on installing the equipment, applying for funding to secure and install such equipment, or such other action as the governing body considers appropriate. In the event the examination does not support installing such equipment, the Chief of Police of the City shall periodically update the governing body on such feasibility.

In the event that the governing body determines that funds are needed in order to install the equipment, it shall pass a resolution certifying that fact to the Department of Public Safety. On receipt of either sufficient funds or video and audio equipment, the governing body shall install video and transmitter-activated equipment in each motor vehicle regularly used to make traffic stops, and shall install transmitter-activated equipment on each motorcycle regularly used to make traffic stops, and the governing body shall pass a resolution certifying to the Department of Public Safety that such equipment has been installed and is being used to record each traffic and pedestrian stop made by a peace officer employed by the City that is capable of being recorded by video and audio or audio equipment, as appropriate.

19.7 REVIEW OF VIDEO AND AUDIO DOCUMENTATION – STANDARDS

In the event that audio and video equipment is installed, each audio and video recording shall be retained for a minimum period of ninety (90) days unless a complaint is filed alleging that a peace officer of the City has engaged in racial profiling with respect to a traffic or pedestrian stop, in which case the recording shall be retained until final disposition of the complaint.

In conjunction with preparation of the annual report, the Captain of Police shall periodically conduct reviews of a randomly-selected sampling of video and audio recording made recently by peace officers employed by the City in order to determine if patterns of racial profiling exist.

In reviewing audio and video recordings, the Captain shall seek to determine if the officer who is involved therein has engaged in a pattern of racial profiling that includes multiple acts constituting racial profiling for which there is no reasonable, credible explanation based on established police and law enforcement procedures. A single act constituting racial profiling may not be considered a pattern of racial profiling, and shall not be grounds for corrective action.

19.8 COLLECTION, COMPILATION, ANALYSIS, AND REPORTING REQUIREMENTS IN ABSENCE OF EITHER AUDIO AND VIDEO EQUIPMENT OR NON-FUNDING CERTIFICATION BY THE GOVERNING BODY

A. In addition to the required annual report, when citations are issued and arrests made, and so long as the City of La Marque has not equipped all motor vehicles and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, as applicable, and so long as the City has not or is not able to certify to the Department of Public Safety that it needs funds for such audio and video equipment but has not received such funds, then each peace officer of the City shall make the following report for each traffic and pedestrian stop:

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

- B. The information in each report shall be analyzed and compiled in a report that covers the period January 1 through December 31 of each year, and shall be submitted to the governing body of the City of La Marque no later than March 1 of the following year. Each such report shall include:
 - 1. a comparative analysis of the information compiled by each officer under Section 20.8 A (1)-(8) to:
 - a. determine the prevalence of racial profiling by peace officers employed by the City; and
 - b. examine the disposition of traffic and pedestrian stops made by officers employed by the City, including searches resulting from such stops; and
 - 2. information relating to each complaint filed with the City alleging that a peace officer employed by the City had engaged in racial profiling.
- C. The report required by this Section 20.8 may not include identifying information about a peace officer who makes a traffic or pedestrian stop or about an individual who is stopped or arrested by an officer.
- D. The compilation of information, analysis, and report required by this Section shall not be required for any calendar year during which (1) the City has equipped all motor vehicles and motorcycles regularly used to make traffic and pedestrian stops with audio and video equipment, and each traffic and pedestrian stop made by a peace officer employed by the City that is capable of being recorded by video and audio or audio equipment, as appropriate, has been so recorded; or (2) the City has certified to the Department of Public Safety that it needs funds for such audio and video equipment, as described in Section 20.8 B (c) above, but has not been received such funds.

19.9 PEACE OFFICER AND POLICE CHIEF TRAINING

- A. Each peace officer employed by the City shall complete the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) not later than the second anniversary of the date the officer was licensed, the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. A person who on September 1, 2001, held a TCLEOSE intermediate proficiency certificate, or who had held a peace officer license issued by TCLEOSE for at least two years, shall complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003.
- B. The Chief of Police shall, in completing the training required by Section 96.641, Texas Education Code, completing the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.

RACIAL PROFILE TRAINING

Training

In compliance with the Texas Racial Profiling Law, the La Marque Police Department has mandated all its officers adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.

All officers from the La Marque Police Department have completed a TCLEOSE training and education program on racial profiling.



Police Department

Randall Aragon
Chief of Police

February 13, 2012

RACIAL PROFILING TRAINING

The following is a list of officers with the La Marque Police Department that have successfully completed the State Mandated Racial Profiling Training.

Aragon, Randall
Auzston, Brian
Best, Andrew IV
Cagnon, Kenneth
Campbell, J.L. III
Clark, Jessica
Cravens, Marcus
Gandy, Forrest
Garcia, Richard
Gilchrist, Greg
Guzman, Jesse
Herman, Danielle
Jackson, Kirk
Kelemen, Chris

Kelemen, Mike
King, Conan
Lively, Amber
Montanez, Domingo
Price, Geoff
Ramer, Michelle
Rodriguez, Gilberto
Rodriguez, Reggie
Samuelson, Shelby
Sanders, Sabrina
Solo, David
Spruill, Shawn
Waggoner, Chad
Walton, Harvey

This list reflects that all officers of the La Marque Police Department are in compliance with the state mandated training for the Racial Profiling course.

Sincerely,

Lt. Greg Gilchrist
Field Operations Bureau Commander

**LA MARQUE POLICE
DEPARTMENT**

COMPLAINT PROCESS

**ADDRESSING
ALLEGATIONS OF
POLICE MISCONDUCT
AND RACIAL
PROFILING PRACTICES**

CITY OF LA MARQUE WEB PAGE

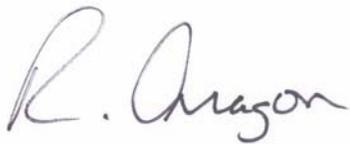
Texas Law Enforcement Complies with Senate Bill 1074 Racial Profiling

The La Marque Police Department supports the 77th Texas Legislature's mandate prohibiting racial profiling in Texas. Our officers work under a departmental policy that is consistent with all state and federal laws. The policy includes provisions for citizens to notify us if they have a conflict with a La Marque Police Department police officer.

The La Marque Police Department realizes that there will be disagreements, from time to time, with individuals that come in contact with our officers. We realize that confusion, different perceptions or possibly the timeliness of information could result in information that may produce different accounts of the same incident. These disagreements between citizens and officers need to be addressed. We trust that the vast majority of contacts between citizens and officers are conducted in a positive, professional manner. The relationship between the community and our officers is based on confidence and trust. We cannot be effective without both the community and our officers working together to achieve this goal.

Citizens feeling that they have a legitimate concern may make a formal complaint to the La Marque Police Department at any time by calling any member of this department for information on the complaint process. Additional information about this process may be obtained by calling 409-938-9269. The La Marque Police Department would like to know about positive police encounters. Please write the Chief of Police a letter or note to let him know about a positive encounter with an officer. Chief Aragon will let the officer know about the letter and a copy will be placed in the officer's personnel folder.

We are very proud of the relationship the La Marque Police Department shares with the community. Our longstanding goal is to provide our citizens with a safe community where all may live without the fear of crime.



Randall Aragon
Chief of Police
La Marque Police Department

COMPLIMENTING AN EMPLOYEE

As we recognize that conflicts between citizens and agency employees can arise, we also realize that there are times when employees go above and beyond their call for duty. Law Enforcement employees, like everyone else, appreciate it when their good deeds are noticed. Too often they are remembered for the traffic tickets they issued or the arrests they have to make, and not for the thousands of helping hands they extend.

If an Officer or Employee of the La Marque Police Department provides services that you feel they should be commended for, please write the Chief a letter or a note to that effect, giving your feelings on what the Officer or Employee has done that deserves commendation. The Chief will see that it gets to the employee and that a copy is placed in the employee's personal file. This boosts their morale and encourages them and all other Officers and Employees of the Department to be more positive about themselves and the service they provide. We are proud of the good relationship we share with the community.

City of La Marque, Texas
Police Department

Randall Aragon
Chief of Police

431 Bayou
La Marque, Texas 77568



CITIZEN COMPLAINT PROCEDURES

**HOW CITIZENS FILE
COMPLAINTS ON
LA MARQUE OFFICERS OR
EMPLOYEES AND HOW
THOSE COMPLAINTS ARE
HANDLED**

LA MARQUE POLICE
DEPARTMENT

LOCAL: 409-938-9269
FAX: 409-935-0002

THE IMPORTANCE OF YOUR COMPLAINT

The La Marque Police Department recognizes that it's employees are responsible for their conduct where the public is concerned. The department also acknowledges that, at certain times, conflicts between citizens and agency employees can arise. It is essential to the safety of our community that the relationship between police and citizens is built on confidence and trust. Law enforcement cannot be effective without vital conviction by both entities.

Police Officers must be free to exercise their best judgement and initiate proper action in a reasonable, lawful, impartial manner, without fear of reprisal. At the same time, they must observe the rights of all people. The complaint process and appropriate disciplinary procedures not only subject agency members to corrective action when they conduct themselves improperly; the guidelines also protect them from unwarranted criticism when they discharge their duties properly.

A disagreement over the validity of a citation is not a complaint. Such disagreements should be directed to the court that has jurisdiction in the matter.

The Police Department realizes that confusion, different perceptions, or the timeliness of information sometimes will result in descriptions that produce different versions of the same incident. Beyond legitimate error, however, the deliberate making of a report that the complainant knows to be false or misleading could constitute a violation of State Law.

COMPLAINT PROCEDURES

The complaint process is designed to deal with each case factually and fairly. Citizens who file complaints are treated respectfully, and their accusations are taken seriously. All complaints are investigated thoroughly, and all findings are based on impartial evidence gained during the investigation.

However, many complaints can be explained satisfactorily by a visit or telephone call to the employee's supervisor. The supervisor will talk with you about the complaint and try to resolve it.

The Chief of Police is usually available Monday through Friday, 8:00 am - 4:30 pm to discuss your complaints about any member of the department.

There are two classes of complaint. The first and most serious, a Class I complaint alleges the violation of a law or such other serious allegations as serious misconduct, excessive force, criminal activity or abuse of authority. The second, a Class II complaint includes allegations of a lesser nature and may concern violations of department policy.

Either class of complaints may be lodged as a Formal or Informal Complaint. The Formal Complaint must be in writing, signed by the complainant and be notarized. The Informal Complaint may be written or oral.

All complaints will be dealt with in the same manner.

DISPOSITIONS

Any complaint can be made anonymously without giving your name. However, you cannot be informed of the internal review's results if you choose to remain anonymous. After a thorough investigation, the complaint will be classified into one of the following dispositions:

Unfounded: Incident did not occur, or affected employee was not involved.

Exonerated: Incident occurred, but actions taken were lawful and proper.

Non Sustained: Insufficient evidence exists to prove the allegation.

Sustained: Evidence is sufficient to prove the allegation.

Misconduct Not Alleged in Complaint: Misconduct discovered but not originally alleged.

Sustained allegations could result in additional training, counseling, written reprimand, suspension or termination.

Although employees named in a complaint will at some point be required to respond to the specific allegation, complainants need not be concerned that they will be subject to retribution for legitimately stating a complaint because procedures are in place to prevent this.

Complainants who have current criminal or traffic charges pending should be aware that the internal review process deals solely with department police matters and the conduct of agency employees. Regardless of the outcome of an internal investigation, existing criminal or traffic charges must be dealt with through the proper courts.

FINAL DETERMINATION ABOUT THE DISPOSITION OF ANY COMPLAINT WILL BE MADE BY THE CHIEF OF POLICE.

SUBJECT: Internal Affairs/Complaint Investigation	
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EFFECTIVE DATE: January 21, 2010	NO. PAGES: 7
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PURPOSE:

The purpose of this Directive is to inform all employees of departmental procedures for addressing complaints of misconduct. This Directive establishes the Internal Affairs function in the La Marque Police Department. The goal of Internal Affairs/Complaint Investigation is to ensure that the integrity of the agency is maintained through an internal system whereby objectivity, fairness, and justice are ensured by an impartial investigation and review.

POLICY:

It is the policy of the La Marque Police Department to investigate all complaints of alleged employee misconduct, to equitably determine whether the allegations are valid or invalid and to take appropriate action.

Definitions

Assigned Internal Affairs Officer: The Division Commander, supervisor, or investigator assigned by the Chief of Police to investigate an allegation of employee misconduct.

Supervisory Investigation (also considered an “inquiry”): A Concern/Complaint from a citizen or police manager for information or explanation concerning a police activity or inactivity of a minor nature investigated by a supervisor.

Exonerated: The alleged incident or conduct occurred but was lawful and proper.

Sustained Complaint: As a result of Internal, or Supervisory investigation, evidence sufficient to prove the allegation was identified.

Non Sustained Complaint: As a result of an Internal or Supervisory Investigation, evidence sufficient to prove the allegation was not identified.

Unfounded Complaint: Allegation was determined to be false or not factual.

Misconduct Not Alleged in Complaint: Misconduct discovered but not originally alleged.

Quality Assurance Representative (QAR)

A QAR (an Officer and leader holding the rank of Sergeant or higher) will be designated by the Chief of Police and has the authority to report directly to the Chief of Police. The QAR will be responsible for command of the Internal Affairs/Complaint Investigation function. **(52.1.3)** His or her responsibilities include:

- a. Maintenance of a complaint log for recording, registering, and controlling the investigation of complaints against employees; **(52.1.2)**

- b. A central file is maintained in a secured area (triple barrier protection) for all complaints against the Department or its personnel. This file is kept in conformity with state law to ensure confidentiality of internal investigations and records; **(52.1.2)**
- c. Assignment of departmental personnel to investigate allegations of misconduct;
- d. Supervising and controlling the investigation of allegations of misconduct against departmental members;
- e. Verbal notification to the complainant of the investigative findings; if possible, at the conclusion of the process. The specificity of this notification will be at the discretion of the Chief of Police.
- f. The compilation of annual statistical summaries, based upon records of internal affairs investigations, which will be made available to the public and agency employees. **(52.1.5)**
- g. Providing training to each Department employee on the Internal Affairs Directive so as to enhance self-discipline within the Department. The QAR will also insure that each employee receives updated copies of all revisions related to this Directive whenever changes are published.

Receipt of Complaints

The Department will make public (to include department employees) its procedures for registering complaints against the La Marque Police Department or its employees, through such means as the news media, annual reports, in-service training, and the community relations program. **(52.1.4)**

All complaints against the Department or any of its members will be documented, investigated and promptly adjudicated by the Department: such action includes investigation of anonymous complaints **(52.1.1)** (See Attachment F).

- a. Complaints may be provided in person, over the telephone, or in writing. (**Note:** complainants that file a complaint via phone or in writing will be advised that though their concern will be investigated, to insure that the complaint is thoroughly investigated, they are urged to personally meet with the QAR to file the complaint.)
- b. Anonymous complaints, or complaints from citizens who wish their names to be held in confidence, will be accepted for investigation.

Complaints may be accepted by any supervisor of the La Marque Police Department who is approached for such assistance.

If any employee of the La Marque Police Department becomes aware of a problem that warrants investigation, it is the duty of that employee to report it to a supervisor.

- a. The supervisor shall document the complaint in writing on the Departmental Complaint Report (Attachment A) and promptly forward it to the appropriate Division Commander/Section Leader who will refer the complaint to the QAR for processing. Additionally, the QAR will inform the Chief of Police on the receipt of all complaints, as soon as possible. **(52.2.2)**
- b. The supervisor may attempt to resolve a complaint by an explanation of departmental policy and procedures where applicable. Attempts to resolve complaints will be noted on the complaint report.
- c. The supervisor receiving a complaint will provide the complainant with a copy of the Departmental complaint Report and a copy of the Complaint Processing Procedures form (Attachment F). This report will serve as acknowledgment of the complaint and includes a description of the Departmental complaint investigation process. The Departmental Complaint Report will then be forwarded to the QAR for review, processing, and assignment for follow-up action. Anonymous complaints will be recorded on the Complaint Report and forwarded to the QAR for processing as above.

Assignment of Complaints for Investigation

Class I

Internal Affairs Investigations: Allegations of criminal violations, corruption, brutality, misuse of force, breach of civil rights, criminal misconduct, or similar serious or extremely sensitive allegations will be referred by the Chief of Police (in coordination with the QAR) to a departmental leader (Sergeant or higher) or Detective for investigation as an "internal affairs" function **(52.2.1b)**. In the event that this delay would hamper the investigation of serious allegations, supervisors are authorized to initiate preliminary investigations prior to review and assignment by the Chief of Police.

The individual assigned to investigate an Internal Affairs complaint will report directly to the QAR concerning the investigation. The Chief of Police and/or QAR will keep the Division Commanders/Section Leaders and Supervisors informed, as necessary. This will not apply to minor supervisor investigated inquiries.

The Chief may direct the Assigned Internal Affairs Investigator to conduct a criminal investigation if the facts of the case warrant such action. Any information gathered as a result of a criminal investigation involving a Departmental employee may be used in a subsequent administrative investigation or personnel hearing or action.

The Chief of Police may solicit the assistance of the Galveston County Sheriff's Office, DPS or other appropriate investigative law enforcement agency in any internal criminal or administrative investigation.

Class II

Supervisory Investigations: Less serious complaints (inquiries) requiring routine discipline such as rudeness, tardiness, insubordination, inadequate work performance or other allegations of minor violations of Departmental or City policy will be investigated by or referred to the unit supervisor for investigation, by the QAR. **(52.1.1a)**

Supervisors are encouraged to seek assistance, when necessary, from the QAR in any Supervisory Investigation they are conducting. The Chief of Police may halt a Supervisory Investigation at any time and refer the matter to an Assigned Internal Affairs Investigator for review and/or investigation.

Nothing in this Directive would prevent simultaneous administrative and criminal investigations conducted by different investigators. However, no information gathered in a purely administrative inquiry may be used in a subsequent criminal prosecution. In all instances, the internal administrative investigation and the criminal investigation will be conducted separately.

Investigation of Complaints

Upon receipt of a citizen's complaint for investigation, the assigned Internal Affairs Investigator, or supervisor assigned to conduct a Supervisory Investigation, will contact the complainant using the Notification of Complaint Investigation Form (Attachment C). The form serves as a receipt to the complainant that:

1. Verification of receipt that the complaint has been received for processing; **(52.2.4a)**
2. The investigating officer will provide periodic status reports; **(52.2.4b)** and
3. That the complainant will receive notification of the results of the investigation upon conclusion. **(52.2.4c)**

Notification to an Officer of an Internal Affairs Investigation or Supervisory Investigation will be made once the investigation has been assigned to an Investigator; as per the guidelines of the Collective Bargaining Agreement.

Internal Affairs Investigations and Supervisory Investigations shall be completed within 45 and 30 calendar days respectively after receipt of the complaint. Extensions beyond stipulated timeframes may be granted by the Chief of Police, only in those cases with extenuating circumstances. Such extensions will be documented in the S/I or I/A file. **(52.2.3)**

In internal criminal investigations involving departmental employees, the Chief of Police, QAR, and Assigned Internal Affairs Investigators are expected to maintain close liaison with the District Attorney's office for legal advice and case preparation.

Upon conclusion of the investigation, the assigned investigating officer will present all facts and information to the QAR using the Internal Affairs/Complaint Investigation Worksheet and Reporting Form (Attachment B).

Upon receiving the investigatory findings, the Chief of Police will classify an administrative investigation of a complaint or allegation as *exonerated*, *sustained*, *non-sustained*, *unfounded*, or *misconduct not alleged in complaint*. The complainant will be notified of the results of the investigation via the Results of Complaint Investigation form (Attachment E). Upon classification, the facts of the case will be applied pursuant to the Department's Disciplinary Action Policy.

Employee's Duties and Rights During Investigation

Scope of Questioning During Interview

- a. Prior to an internal interview concerning alleged criminal misconduct, the employee under investigation shall be read the *Miranda* Warnings. *Miranda* Warnings will be signed and maintained in the case file. The provisions of *Miranda* shall be adhered to throughout the interview.
- b. Prior to an internal interview concerning allegations of administrative violations (i.e., an Internal Affairs Investigation/Supervisory Investigation), the employee under investigation (and all witnesses interviewed) will be advised of their duty to cooperate with the investigator and to answer questions in a truthful manner. Employees to be interviewed will acknowledge the aforementioned requirements by affixing their signature on the Administrative Proceedings–Advice of Rights Form (LMPD Form 46). (This form outlines administrative requirements of employees in the course of an administrative investigation.) A copy of LMPD Form 46 will be provided to each interviewed employee (Attachment G).

Rights During an Internal Affairs/Supervisory Investigation

- a. Prior to any interview or special examination, the employee under investigation will receive confidential

written notification of the complaint (Attachment D). This notification will include a summary of the complaint adequately listing the relevant facts, and advice to review this Written Directive (300-1) relating to their rights and responsibilities during the investigation. **(52.2.5)**

- b. All interviews will be conducted while the employee is on duty, unless the seriousness of the investigation is such that an immediate interview is required.
- c. Officers under investigation shall not be subjected to offensive language, threatened with dismissal or other disciplinary action during the interview. No promises shall be made by the Assigned Internal Affairs Officer/Supervisor during the interview.
- d. The entire interview (of accused employee) will be digitally recorded (audio and video) if conducted by the Assigned Internal Affairs Officer. Supervisory Investigations need not be recorded.
- e. Accused officers may contact the Assigned Internal Affairs/Supervisory Investigation Officer to ascertain the status of the investigation of a complaint filed against them.
- f. No employee or their representatives will be permitted to review any portion of an internal administrative investigative file.
- g. Employees subject to Internal Affairs and Supervisory Investigations are prohibited from contacting the complainant during the course of the investigation.

Counsel at Interview (For S/I's and I/A's)

Civilian employees being interviewed as part of an Internal Affairs Investigation will be permitted to have a representative present with them in the room during such interviews. The employee's representative is limited to acting as an observer of the interview. Collective bargaining agreement rules will govern interviews relating to those sworn personnel covered by this agreement.

Special Examinations

An employee who is the subject of an Internal Affairs Investigation or Supervisory Investigation for alleged administrative violations may be ordered, upon specific approval by the Chief of Police, to undergo certain special examinations at the Department's expense to include:

- 1) any Texas approved test for determination of truth or deception, to include but not limited to the polygraph technique; **(52.2.6e)**
- 2) medical or laboratory examinations to include: blood chemical analysis, urine testing, and psychological evaluation; **(52.2.6a)**
- 3) photographs to include in a photographic line-up or actual participation in a physical line-up; **(52.2.6b, c)**
- 4) submission of financial disclosure statements when they are material to a particular Internal Affairs Investigation; **(52.2.6d)** and
- 5) any other non-testimonial procedures as deemed appropriate by the Chief of Police.

The special examinations must be specifically and narrowly related to a particular Internal Affairs/Supervisory Investigation, and conducted only upon specific approval of the Chief of Police.

An on-duty Supervisor or Division Commander is required to direct an employee to submit to a blood or urine test when inebriation or drug usage is suspected as a factor directly related to duty performance or operation of a departmental vehicle. (Notification of directing such an action will be immediately communicated to Chief or his designee.)

Refusal to submit to the ordered test is a violation of departmental rules and will be considered gross personal misconduct and may subject the employee to further discipline up to, and possibly including, dismissal

LMPD employees have no expectation of privacy in city property. Property belonging to the La Marque Police Department is subject to inspection where there is reasonable suspicion that evidence of work-related misconduct will be found therein. Property includes, but is not limited to, vehicles, desks, files, and storage lockers.

Emergency Relief from Duty (52.2.7)

Any leader may as a temporary administrative action, relieve an employee from duty on an emergency basis, when it is deemed to be in the best interests of the department. Examples of behavior that may be used to invoke emergency relief from duty include, but are not limited to the following:

1. Indication of substance abuse;
2. Involvement in a shooting or other serious/sensitive incident;
3. Severe insubordination;
4. Physical and/or psychological distress; and
5. Any other condition that, in the leader's opinion limits the member's ability to perform his or her duty to the public.

Such relief from duty (Administrative Leave with Pay) will remain in effect until 0900 hours on the next business day, unless otherwise directed by the Chief of Police. At that time the relieved member and the immediate leader effecting the relief shall report to the office of the Chief of Police for a preliminary review of the circumstances. The Chief of Police will then (as deemed necessary) initiate an Internal Affairs or Supervisory Investigation to fully investigate the case.

The Chief of Police may elect to require the employee to remain on compulsory relief from duty with pay (Administrative Leave with Pay) during an Internal Affairs or Supervisory Investigation. This compulsory leave is intended for use when the employee's continued presence in the workplace may be detrimental to the employee, the Department, the investigation, or the public. This form of leave allows the Department to investigate allegations. The employee will be provided documentation which provides the effective date of the compulsory leave and the reason for said compulsory leave. This form of compulsory relief from duty shall continue until approval for resumption of *regular duty* is granted by the Chief of Police. During periods of emergency relief from duty, an employee shall not engage in off-duty law enforcement employment.

APPROVED



Randall Aragon
Chief of Police

CALEA Fifth Edition Standards: 52.1.1, 52.1.2, 52.1.3, 52.1.4, 52.1.5, 52.2.1a, 52.2.1b, 52.2.2, 52.2.3, 52.2.4a, 52.2.4b, 52.2.4c, 52.2.5, 52.2.6a, 52.2.6b, 52.2.6c, 52.2.6d, 52.2.6e, 52.2.7.

Attachments:

- A. Department Complaint Report (LMPD Form 208)
- B. Internal Affairs/Complaint Investigation Worksheet and Reporting Form (LMPD Form 58)
- C. Notification of Complaint Investigation
- D. Internal Affairs/Supervisory Investigation Employee Notification Form (LMPD Form 209)
- E. Results of Complaint Investigation
- F. Complaint Processing Procedures (LMPD Form 210)
- G. Administrative Proceedings–Advice of Rights (LMPD Form 46)

Office Use Only

Received Date:

____/____/____

Received by:

La Marque Police Department Citizen Complaint Packet



Contents

- Instructions
- Citizen Complaint Form
- Medical Release

LMPD FORM 208

*Note: Complainant will be provided a copy of this report to acknowledge receipt of complaint by the La Marque Police Department.

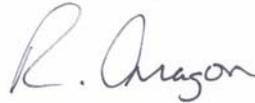
This complaint packet allows citizens to file a formal complaint against employees of the La Marque Police Department, to include, but not limited to such violations as unprofessional demeanor, excessive force and racial profiling.

It is the policy of the La Marque Police Department to receive and investigate every complaint filed against the Department or any employee. We feel that this is important to maintain the citizen's confidence in their police department and to ensure the integrity of the organization.

Your complaint will be thoroughly investigated and handled as promptly as possible. A member of the department assigned to investigate this matter will contact you very soon. However, if you are not contacted or have additional information concerning this matter, please feel free to contact the Department's Quality Assurance Representative or Chief of Police at (409) 938-9220.

You will be kept informed throughout the investigation and will receive formal notification once the investigation is completed and a decision has been made.

Randall Aragon

A handwritten signature in cursive script that reads "R. Aragon".

Chief of Police

La Marque Police Department

Please follow the procedures as set out below:

Citizen Complaint form

Completion Procedure:

1. Citizen Complaint Form is to be completed by the complainant only.
2. Fill in all applicable sections of the form. **Please be specific.**

MEDICAL RELEASE

Requirement/Completion Procedure:

1. If complainant is alleging injuries, the **Release of Medical Information** form must be completed.
2. The **Release of Medical Information** must be signed and notarized. The **Release of Medical Information** form can be notarized at the La Marque Police Department. If the complainant wishes to notarize the form at the LMPD, do not sign it until you are in the presence of the notary public.

PACKET COMPLETION

Complaint Packet Return:

1. Review all forms for completion, signatures and notary requirements.
2. Attach all papers together and return to the La Marque Police Department. It can be delivered in person or mailed to:

La Marque Police Department
Attn: Internal Affairs
431 Bayou Road
La Marque, Texas 77568

3. If additional information is needed, contact the office of the Chief of Police at (409)938-9220.
4. Once the form is received, the complainant will be contacted in order to make arrangements to submit a sworn affidavit regarding the allegations.

La Marque Police Department
Citizen Complaint Form

TODAY'S DATE: _____

COMPLAINANT INFORMATION:

Name: Last: _____ First: _____ MI: _____

Race: _____ Gender: _____ DOB: ___ / ___ / ___

TDL/ID: _____ SSN: _____ - _____ - _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Numbers:

Home: (____) _____ - _____ Work : (____) _____ - _____

Cellular: (____) _____ - _____ Pager: (____) _____ - _____

PLEASE BE SPECIFIC

1. Date of incident: _____ Time: _____ (AM)(PM)

3. Location or address of incident: _____.

3. List the name and badge number of the La Marque Police Department employee(s) being accused:

(a.) _____
Name Badge Number

(b.) _____
Name Badge Number

(c.) _____
Name Badge Number

4. If you do not know the name of the LMPD employee(s) being accused, please provide the following information:

(a) Patrol unit number _____

(b) Physical description of employee:

(c) other identifiers:

5. Were any other LMPD employee(s) present during the alleged incident? Yes No

If your answer is **yes** please provide the following information:

Name	Badge Number
------	--------------

Name	Badge Number
------	--------------

Name	Badge Number
------	--------------

6. Were any other witnesses present during the alleged incident? Yes No

If your answer is **yes** please provide the following information:

Name	Address	Phone No.
------	---------	-----------

Name	Address	Phone No.
------	---------	-----------

7. Did you sustain any injuries? Yes No

If your answer is **yes** please list the type of injury:

8. Did you receive medical treatment? Yes No

If your answer is **yes**, please provide the following information:

(a) Name, address and telephone number of the doctor/hospital that treated you:

La Marque Police Department Authorization for Release of Information

I hereby authorize all Custodian(s) of Records to release the following information from the medical record(s) of:

PATIENT INFORMATION (Please Print)

Patient Name	Date of Birth	Social Security Number	Phone Number
Address	City	State	Zip Code

Information to be released:

- | | | |
|---|--|--|
| <input type="checkbox"/> Complete Hospital Records | <input type="checkbox"/> Doctors Medical Records | <input type="checkbox"/> Front Sheet |
| <input type="checkbox"/> Emergency Room Report | <input type="checkbox"/> History & Physical | <input type="checkbox"/> Radiology Reports |
| <input type="checkbox"/> Discharge Summary | <input type="checkbox"/> Operative Report | <input type="checkbox"/> Clinic Visits |
| <input type="checkbox"/> Psychological Evaluation | <input type="checkbox"/> Pathology Report | |
| <input type="checkbox"/> Other report(s) specify: _____ | | |

Purpose of disclosure: La Marque Police Department Internal Affairs Investigation

Information is to be released to: La Marque Police Department
431 Bayou Road
La Marque, Texas 77568

The question of privacy between hospitals, medical facilities, its employees and attending physician(s) and the patient are **WAIVED** by this authorization. The aforementioned are released from legal responsibility or liability for the release of the above information, which may include **Drug, Alcohol, Psychiatric, HIV, or Aids information**, to the extent indicated and authorized herein.

ALCOHOL AND DRUG ABUSE PATIENTS:

PROHIBITION ON REDISCLOSURE: This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulations (42CFR part 2) prohibits you from making any further disclosure of this information except with the specific written consent of the patient. A general authorization for the release of information if held by another party is NOT sufficient for this purpose. Federal Regulations state that any person who violates any provision of this law shall be fined not more than \$500.00, in the case of the first offense, and not more than \$5,000.00 in the case of each subsequent offense.

HOSPITAL/DOCTOR INVOLVED: _____ Phone: _____

ADDRESS: _____

Signature of Patient Date Signed

Signature of Parent or Guardian Relationship Date Signed

Signature of person authorized to sign in lieu of patient Relationship Date Signed

Witness Address Date Signed

**THE STATE OF TEXAS
COUNTY OF GALVESTON**

BEFORE ME, the undersigned, a Notary Public in and for the State of Texas, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 200_____.

Printed Name of Notary

Date Commission Expires:

Notary Public-----State of Texas

LA MARQUE POLICE DEPARTMENT

INTERNAL AFFAIRS/COMPLAINT INVESTIGATION WORKSHEET AND REPORTING FORM

TYPE CASE (CHECK ONE): INTERNAL AFFAIRS SUPERVISORY INVESTIGATION

CONTROL NUMBER: _____

DATE/TIME OF INCIDENT: _____

INVOLVED MEMBER(S): _____

COMPLAINANT'S NAME (attach Departmental Complaint Report (LMPD Form 208) as enclosure): _____

COMPLAINT ORIGINATED: IN PERSON BY TELEPHONE
 BY LETTER OTHER

OFFICIAL RECEIVING COMPLAINT: _____

PART I--SUMMARY OF COMPLAINT/ISSUE(S) UNDER INVESTIGATION:

ATTEMPT (S) TO RESOLVE COMPLAINT: _____

COMPLAINT RESOLVED: YES NO

PART II--SUMMARY OF INVESTIGATION (attach statements, etc.)

INTERNAL AFFAIRS/COMPLAINT INVESTIGATION WORKSHEET AND REPORTING FORM

PART III. RECOMMENDED ACTION

(this applies only for supervisory and non-I/A type of investigations. If necessary, attach memorandum of recommendation.)

LEADER ASSIGNED INVESTIGATION: _____
(Signature/Date)

EMPLOYEES CHAIN OF COMMAND: (Sign and Circle Below):
Name and Title: _____ CONCUR NONCONCUR
Name and Title: _____ CONCUR NONCONCUR
Name and Title: _____ CONCUR NONCONCUR

OFFICE OF PROFESSIONAL RESPONSIBILITY SUPERVISOR: (Circle and comment below):
CONCUR NONCONCUR

(Signature/Date)

PART IV. , DETERMINATION (BY CHIEF OF POLICE):

EXONERATED SUSTAINED NON SUSTAINED UNFOUNDED
 MISCONDUCT NOT ALLEGED IN COMPLAINT
"CONCLUSION OF FACT" AS IT PERTAINS TO POSSIBLE EMPLOYEE MISCONDUCT
LIST ALL APPLICABLE INFORMATION
 PROPER CONDUCT IMPROPER CONDUCT POLICY FAILURE:
 INSUFFICIENT EVIDENCE UNFOUNDED COMPLAINT
WERE ANY TRAINING DEFICIENCIES NOTED?: _____

REMARKS PERTAINING TO ABOVE CONCLUSION OF FACT ISSUES:

CHIEF OF POLICE: _____
(Signature/Date)

Date: _____

Complainant

Name: _____

Address of Complainant

Subject: Notification of Complaint Investigation

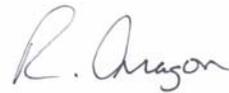
Dear _____:

The purpose of this correspondence is to notify you that your complaint has been assigned to _____ for investigation. This investigator may be contacted at (409) 938-9269. If you are not able to contact the investigator, please feel free to contact the undersigned at the same number.

The assigned investigator will keep you informed throughout the investigation as to the status of your complaint. We will attempt to handle this matter in a timely manner. You will be formally notified upon the conclusion of the investigation and the findings of the overall investigation.

I appreciate you bringing this matter to the attention of the La Marque Police Department. If you have additional information or concerns, please do not hesitate to contact us.

Very truly yours,



Randall Aragon
Chief of Police

LA MARQUE POLICE DEPARTMENT

INTERNAL AFFAIRS/SUPERVISORY INVESTIGATION EMPLOYEE NOTIFICATION FORM

Name of Employee: _____

Nature of Complaint:

Information: Please be advised that a complaint has been filed with the Department and has been forwarded to the assigned internal affairs officer/supervisor for investigation. The assigned internal affairs officer/supervisor has been directed to pursue the complaint as a criminal administrative investigation.

EMPLOYEE'S DUTIES AND RIGHTS DURING INVESTIGATION

You should consult Directive No. 300-1 Internal Affairs/Complaint Investigation for complete information concerning this process: to include your rights and duties pursuant to internal investigations.

Assigned Case Number (S/I or I/A): _____

Assigned Internal Affairs/Supervisory Investigation Officer: _____

This investigation and subsequent interviews are to be considered confidential. To ensure that the integrity of the investigation is preserved and that all department Rules and Regulations are understood and followed, you will not discuss the allegation nor allow anyone else to gain access to that information without the expressed authorization of the Chief, his designate, or an Internal Affairs/Supervisory Investigation Investigator. If you are the accused employee, you may disclose to others that you are the subject of an investigation, and also discuss the matter with your supervisor or your attorney without prior approval.

At this juncture this investigation appears to involve alleged acts which if proven would not result in temporary or permanent dismissal from the department. Consequently, during any interviews an attorney and/or representative of the La Marque Police Association will not be authorized. At any point during this investigation should alleged acts be discerned that could result in discipline at the levels stipulated in the preceding sentence, subsequent interviews would require the option of the aforementioned representation.

At this juncture this investigation appears to involve alleged acts which if proven may result in temporary or permanent dismissal from the department. Consequently, you shall be afforded a reasonable opportunity and facilities to contact and consult privately with an attorney of your choice, and/or representative of the La Marque Police Association before being interviewed. Additionally, an attorney of your choice and/or representative of the La Marque Police Association may be present during such interviews, as per the Police Association Collective Bargaining Agreement (page 51).

The undersigned hereby acknowledges that he/she was informed of the above rights and notification of investigation and that he/she fully understands them.

EMPLOYEE'S SIGNATURE: _____

DATE/TIME: _____

ADMINISTERED BY: _____

DATE/TIME: _____

***Note: Copy will be provided to employee**

Date: _____

Dear,

Subject: Results of Complaint Investigation

Dear _____:

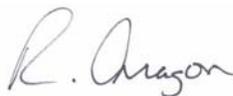
The purpose of this correspondence is to notify you of the results of the complaint you filed on _____ . The results of the investigation have been reviewed, and the complaint has been classified as _____ . This means that _____

If you feel that your complaint has been handled improperly and wish to pursue the complaint further, listed below is information and guidance to assist you:

- (1) The Chief of Police – 431 Bayou Road, La Marque, Texas 77568, phone number (409) 938-9220, will review your complaint investigation and discuss any concerns with you.
- (2) In cases of violations of criminal law, you may pursue it by contacting the Criminal District Attorney’s Office, located in the Galveston County Courthouse, 722 Moody, Suite 300, Galveston, Texas 77550, phone Number (409) 766-2353. The District Attorney’s Office will discuss the situation with you and initiate action, if deemed necessary.
- (3) Cases involving deprivation of Constitutional Rights, which include but are not limited to brutality, racial discrimination or other such issues may be pursued by contacting the U. S. Department of Justice, Civil Rights Section, Washington, D.C., or the nearest office of the Department of Justice. In Houston, that address is U.S. Attorney, U.S. Attorney's Office Southern District of Texas, P.O. Box 61129, Houston, TX 77208, phone number (713) 567-9000

I appreciate you bringing this matter to the attention of the La Marque Police Department. If you have Additional information or concerns, please do not hesitate to contact us.

Very truly yours,



Randall Aragon
Chief of Police

LA MARQUE POLICE DEPARTMENT

COMPLAINT PROCESSING PROCEDURES

Citizen complaints received by the La Marque Police Department are processed in the following manner:

1. Complaints may be made in person, by telephone, or in writing. Anonymous complaints will be investigated to the fullest extent possible.
2. Citizens complaints which require routine disciplinary action are referred to the Department's Quality Assurance Representative (QAR) and are classified as a Supervisory Investigation. Citizen complaints which allege criminal violations, corruption, brutality, misuse of force, breach of civil rights, etc. will be referred to the QAR who will review the case and in coordination with the Chief of Police, assign the case to an Officer holding the rank of Sergeant or above or a Detective/Investigator for investigation as an Internal Affairs (I/A) function.
3. The Division Commander, Shift Sergeant, Supervisor, or Detective receiving the complaint shall document the complaint in writing on the Departmental Complaint Report and promptly forward it to the Quality Assurance Representative (QAR).
 - a. When applicable, any of the above leaders may attempt to resolve a complaint during the initial contact with the complainant or may delegate such action to the supervisor of the personnel involved.
 - b. Leaders will provide to the complainant, when feasible, written notification of receiving the complaint and a copy of this form which outlines the Departmental complaint processing procedures.
4. Upon review by the QAR (in coordination with the Chief of Police), complaints will be assigned for investigation as necessary.
5. Upon completion of the investigation of a complaint, the Chief of Police will review the findings and make a final determination as to the validity of the complaint. Any disciplinary action taken against a member of the Department will be kept confidential unless subject to freedom of information.
6. The Chief of Police will be responsible for notifying the complainant regarding the findings. The specifics of such notification will be left to the discretion of the Chief of Police.

LA MARQUE POLICE DEPARTMENT

Administrative Proceedings - Advice of Rights

1. The purpose of this interview is to determine if misconduct or violation of Rules and Regulations, Policies, and Procedures, or any other departmental guidelines have occurred.

This inquiry pertains to: _____

2. You have a right to be informed of your status regarding this investigation whether you are the accused or a witness. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office.

3. You have no right to remain silent. You must answer all questions relating to your official duties fully and truthfully. Refusal to do so may result in subsequent disciplinary action up to and including dismissal.

4. Civilian employees being interviewed as part of an Internal Affairs Investigation will be permitted to have a representative present with them in the room during such interviews. The employee's representative is limited to acting as an observer of the interview. Collective bargaining agreement rules will govern interviews relating to those sworn personnel covered by this agreement.

5. All answers and statements may be used in departmental administrative or disciplinary proceedings and may result in administrative action up to and including dismissal.

6. All answers and statements made during this interview cannot be used in any criminal proceedings against you.

7. This investigation and interview is confidential. To ensure that the integrity of the investigation is preserved and that all department Rules and Regulations are understood and followed, you will not discuss the allegation nor allow anyone else to gain access to that information without the expressed authorization of the Chief, his designate, or an Internal Affairs/Supervisory Investigation Investigator. If you are the accused employee, you may disclose to others that you are the subject of an investigation, and also discuss the matter with your supervisor or your attorney without prior approval.

The undersigned hereby acknowledges that he/she was informed of the above rights and that he/she fully understands them.

EMPLOYEE'S SIGNATURE: _____ **DATE/TIME:** _____

ADMINISTERED BY: _____ **DATE/TIME:** _____

***(NOTE: COPY WILL BE PROVIDED TO EMPLOYEE)**

**REPORT ON
COMPLAINTS**

Corrective Action

It is the policy of the La Marque Police Department that any officer who, after an internal investigation, has been found guilty of engaging in racial profiling, that one or more of the following series of disciplinary measures is taken (as per the recommendation of the Chief of Police):

- 1) Officer is retrained in racial sensitivity issues
- 2) Officer receives counseling in racial sensitivity issues
- 3) Officer receives a written reprimand for their action
- 4) Officer is suspended as a condition of further employment with the police department
- 5) Officer is terminated

Complaints

The La Marque Police Department received no complaints on its police force for having violated the Texas Racial Profiling Law during the time period of 1/1/2011 through 12/31/2011.

LA MARQUE POLICE DEPARTMENT

**Total Citations/Searches
1/01/2011 - 12/31/2011**

**3,035 Citations
4,093 Charges
615 Searches**

Race	Citations	%	Searches	%	Consensual	P/C
White	1,158	38.2	189	30.7	9	180
Black	1,639	54	379	61.6	52	327
Hispanic	198	6.5	36	5.9	2	34
Asian	17	0.6	2	0.3	0	2
Middle East.	1	0	0	0	0	0
Other	22	0.7	9	1.5	2	7

LA MARQUE POLICE DEPARTMENT

**Total Violations/Searches
1/01/2011 - 12/31/2011**

**3,035 Citations
4,093 Violations
615 Searches**

Race	Violations	%	Searches	%	Consensual	P/C
White	1,438	35.2	189	30.7	9	180
Black	2,325	56.8	379	61.6	52	327
Hispanic	287	7	36	5.9	2	34
Asian	18	0.4	2	0.3	0	2
Middle East.	1	0	0	0	0	0
Other	24	0.6	9	1.5	2	7

LA MARQUE POLICE DEPARTMENT

**Total Citations/Arrests
1/01/2011 - 12/31/2011**

**3,035 Citations
413 Arrests**

Race	Citations	Arrests	%
White	1,158	133	11.5
Black	1,639	249	15.2
Hispanic	198	28	14.1
Asian	17	2	11.8
Middle East.	1	0	0
Other	22	1	4.5

LA MARQUE POLICE DEPARTMENT

**Percentage of Arrests Due to Traffic Stops
1/01/2011 - 12/31/2011**

**3,559 Traffic Stops
413 Arrests**

Race	Arrests	%
White	133	32.2
Black	249	60.3
Hispanic	28	6.8
Asian	2	0.5
Middle East.	0	0
Other	1	0.2

LA MARQUE POLICE DEPARTMENT

**Total Warning Citations
1/01/2011 - 12/31/2011**

121 Warning Citations

Race	Warnings	%
White	58	47.9
Black	56	46.3
Hispanic	7	5.8
Asian	0	0
Middle East.	0	0
Other	0	0

RECOMMENDATIONS

Recommendations

Based on the findings introduced in this report, the Chief of Police, along with command staff, have agreed to adopt the following measures to address potential racial profiling problems:

- Provide further racial sensitivity training beyond that required by S.B. 1074
- Disseminate information to all officers regarding the guidelines of behavior acceptable under S.B. 1074
- Review statistics unique to each officer so as to identify any patterns of racial profiling
- Continually review in-car video/audio tapes to identify any possible mistreatment of traffic offenders
- Keep the City Manager apprised of any new measures put in place to address racial profiling