The background of the page features a large, light-colored watermark of the Humble State of Texas Police Department badge. The badge is circular and contains an eagle with spread wings at the top. Below the eagle is a banner with the text "HUMBLE STATE OF TEXAS POLICE". In the center of the badge is a five-pointed star surrounded by a laurel wreath. The words "HUMBLE STATE OF TEXAS POLICE" are also written around the inner border of the badge.

**Humble ISD Police Department  
Racial Profiling Traffic and Pedestrian Stop  
Data Report 2012**

**Established 1994**

**Solomon Cook, Chief of Police**



# Humble ISD Police Department

341 Charles Street • Humble, TX 77338 • Office: (281) 641-7900 • FAX: (281) 446-4044

February 08, 2013

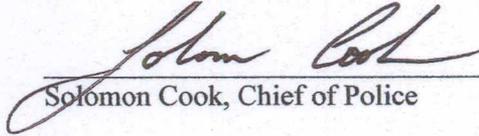
To the members of the Humble Independent School District School Board:

Since January 1, 2012 the Humble Independent School District 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 practice. It is my hope that the findings provided in this report will serve as evidence that the Humble Independent School District Police Department remains committed in the opposition on Racial Profiling.

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 Humble Independent School District Police Department prohibiting the practice of racial profiling among its officers.

The final components of this report provide statistical data relevant to the public contacts made during the period of January 1, 2012 thru December 31, 2012. This information has been analyzed and compared to Texas Education Agency ethnicity population data for the Humble Independent School District. The analysis of the data is also included.

Sincerely,

  
Solomon Cook, Chief of Police

**Humble ISD Police Department  
Police Contact Data  
Annual Report  
January 1, 2012 thru December 31, 2012**

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**Humble ISD Police Department  
Solomon Cook, Chief of Police**

## **Vision of the Humble Independent School District**

**We are a growing organization devoted to improvement, excellence, maintaining a team atmosphere, and operating on the principles of quality leadership.**

## **Mission Statement of the Humble ISD Police Department**

**We of the Humble ISD Police Department exist to ensure the safety of our district's students, families and staff. In order to learn, students need a safe environment where they can concentrate on their studies and teachers and staff needs a secure environment in order to teach. We as the Humble ISD Police Department will meet the needs of our diverse school community. We work in partnership with students, parents and staff to meet their needs. We preserve the peace, enforce laws, identify and apprehend offenders, provide emergency services and offer crime prevention and public safety throughout our school community. Our most important goal is to promote, maintain and inspire an atmosphere of trust and confidence with students, families and staff in our community.**

## **History of Humble ISD**

Humble Independent School District began over 100 years ago as a one-room schoolhouse with 12 students, a teacher and a four-month school term. Today, with 40 schools, more than 37,000 students and over 5,000 employees, Humble ISD is nationally recognized for the outstanding education it offers to students. *Humble ISD is listed among the 25 fastest growing school districts in Texas, and is currently the 31st largest district in the state.*

Our district is continuing to grow with the additions of new campuses just to meet the current enrollment and each year our enrollment is continuing to increase.

## **History of the Humble ISD Police Department**

The Humble ISD Police Department began in 1993, when it was approved by the Humble ISD school board members. In 1994, Donald R. Maddox was appointed Chief of Police. In December 2003, Mr. Maddox retired and Captain Cook was promoted to Chief of Police.

The Humble ISD Police Department began in 1993, when Mr. Don Maddox was hired by the district as security coordinator. In January 1994, the Humble ISD board of trustees voted to make application to the state for a school district police department and the application was approved in February of the next year. Mr. Don Maddox's title changed to Chief of Police, and several security officers were hired.

In December, 2003, Mr. Maddox retired and Captain Solomon Cook was promoted to Chief of Police. Chief Cook has been with Humble ISD since 1996, and was a police officer with the City of Humble before coming to Humble ISD.

The department has grown to include 27 police officers, 13 part time officers, 4 fulltime communications officers, 1 part-time communications officer, 6 security officers (1 open position) and 1 civilian staff. The patrol fleet has grown to 35 units including several patrol cars and SUVs. Our fully equipped, marked patrol vehicles are utilized 24 hours a day by the patrol division. The police department personnel patrol the district's facilities 24 hours a day, 7 days a week and respond to alarms and calls for service. Our officers issue citations, complete offense reports, and make arrests. Officers also provide security at district athletic events and other campus functions. Our fleet also includes an unmarked vehicle for investigations as well as 2 vehicles that are assigned for use in the L.E.T.S. program.

The growth of the district has called for the placement of full time police officers at ALL of the district's high schools and a couple of the middle schools. A full time Security Officer has been assigned to each high school to assist the campus officers with parking and traffic as well as one Security Officer who is assigned to Timberwood Middle School.

As with all law enforcement agencies, continuous training is an important part of our police department. Over a quarter of our district's police officers are certified TCLEOSE instructors. In order to maintain our state license, our officers must complete 40 hours of training every 2 years. Chief Cook makes every attempt to schedule these training classes during times when school is not in session. Our Field Training Program consists of a team of our highest trained officers, hand picked by the Chief of Police, and then sent through a rigorous Field Training Officer (FTO) school. After completion of this school, the new Field Training Officers (FTOs) train new officers. The FTO course

is a 8 week course that each new officer must complete. The FTOs train, guide, and critique every new officer in every aspect of what is expected of them. The FTOs report directly to the FTO commander, Lt. T. Stanford, who reports these findings directly to the Chief.

The Humble ISD Police Department's officer are currently located at 341 Charles Street in Humble.

AN ACT S.B. No. 1074

1-2 relating to the prevention of racial profiling by certain  
peace

1-3 officers.

1-4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-5 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
amended

1-6 by adding Articles 2.131 through 2.138 to read as follows:

1-7 Art. 2.131. RACIAL PROFILING PROHIBITED. A peace  
officer

1-8 may not engage in racial profiling.

1-9 Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

1-10 (a) In this article:

1-11 (1) "Law enforcement agency" means an agency of  
the

1-12 state, or of a county, municipality, or other political  
subdivision

1-13 of the state, that employs peace officers who make traffic  
stops in

1-14 the routine performance of the officers' official duties.

1-15 (2) "Race or ethnicity" means of a particular  
descent,

1-16 including Caucasian, African, Hispanic, Asian, or Native  
American

1-17 descent.

1-18 (b) Each law enforcement agency in this state shall  
adopt a

1-19 detailed written policy on racial profiling. The policy must:

1-20 (1) clearly define acts constituting racial  
profiling;

1-21 (2) strictly prohibit peace officers employed by  
the

1-22 agency from engaging in racial profiling;

1-23 may (3) implement a process by which an individual  
1-24 file a complaint with the agency if the individual believes  
that a  
1-25 peace officer employed by the agency has engaged in racial  
2-1 profiling with respect to the individual;  
2-2 agency's (4) provide public education relating to the  
2-3 complaint process;  
2-4 taken (5) require appropriate corrective action to be  
2-5 against a peace officer employed by the agency who, after an  
2-6 investigation, is shown to have engaged in racial profiling in  
2-7 violation of the agency's policy adopted under this article;  
2-8 (6) require collection of information relating to  
2-9 traffic stops in which a citation is issued and to arrests  
2-10 relating resulting from those traffic stops, including information  
2-11 to:  
2-12 (A) the race or ethnicity of the individual  
2-13 detained; and  
2-14 (B) whether a search was conducted and, if  
so,  
2-15 whether the person detained consented to the search; and  
2-16 (7) require the agency to submit to the governing  
body  
2-17 of each county or municipality served by the agency an annual  
2-18 report of the information collected under Subdivision (6) if  
the  
2-19 agency is an agency of a county, municipality, or other  
political  
2-20 subdivision of the state.  
2-21 (c) The data collected as a result of the reporting

2-22 requirements of this article shall not constitute prima facie  
2-23 evidence of racial profiling.

2-24 (d) On adoption of a policy under Subsection (b), a law  
2-25 enforcement agency shall examine the feasibility of installing  
2-26 video camera and transmitter-activated equipment in each  
agency law

3-1 enforcement motor vehicle regularly used to make traffic stops  
and

3-2 transmitter-activated equipment in each agency law enforcement

3-3 motorcycle regularly used to make traffic stops. If a law

3-4 enforcement agency installs video or audio equipment as  
provided by

3-5 this subsection, the policy adopted by the agency under  
Subsection

3-6 (b) must include standards for reviewing video and audio

3-7 documentation.

3-8 (e) A report required under Subsection (b) (7) may not

3-9 include identifying information about a peace officer who  
makes a

3-10 traffic stop or about an individual who is stopped or arrested  
by a

3-11 peace officer. This subsection does not affect the collection  
of

3-12 information as required by a policy under Subsection (b) (6).

3-13 (f) On the commencement of an investigation by a law

3-14 enforcement agency of a complaint described by Subsection  
(b) (3) in

3-15 which a video or audio recording of the occurrence on which  
the

3-16 complaint is based was made, the agency shall promptly provide  
a

3-17 copy of the recording to the peace officer who is the subject  
of

3-18 the complaint on written request by the officer.

3-19 Art. 2.133. REPORTS REQUIRED FOR TRAFFIC AND PEDESTRIAN  
3-20 STOPS. (a) In this article:  
3-21 (1) "Race or ethnicity" has the meaning assigned  
by  
3-22 Article 2.132(a).  
3-23 (2) "Pedestrian stop" means an interaction  
between a  
3-24 peace officer and an individual who is being detained for the  
3-25 purpose of a criminal investigation in which the individual is  
not  
3-26 under arrest.  
4-1 (b) A peace officer who stops a motor vehicle for an  
alleged  
4-2 violation of a law or ordinance regulating traffic or who  
stops a  
4-3 pedestrian for any suspected offense shall report to the law  
4-4 enforcement agency that employs the officer information  
relating to  
4-5 the stop, including:  
4-6 (1) a physical description of each person  
detained as  
4-7 a result of the stop, including:  
4-8 (A) the person's gender; and  
4-9 (B) the person's race or ethnicity, as  
stated by  
4-10 the person or, if the person does not state the person's race  
or  
4-11 ethnicity, as determined by the officer to the best of the  
4-12 officer's ability;  
4-13 (2) the traffic law or ordinance alleged to have  
been  
4-14 violated or the suspected offense;  
4-15 (3) whether the officer conducted a search as a  
result

4-16 of the stop and, if so, whether the person detained consented  
4-17 to  
4-18 the search;  
4-18 (4) whether any contraband was discovered in the  
4-19 course of the search and the type of contraband discovered;  
4-20 (5) whether probable cause to search existed and  
4-21 the  
4-21 facts supporting the existence of that probable cause;  
4-22 (6) whether the officer made an arrest as a  
4-23 result of  
4-23 the stop or the search, including a statement of the offense  
4-24 charged;  
4-25 (7) the street address or approximate location of  
4-26 the  
4-26 stop; and  
5-1 (8) whether the officer issued a warning or a  
5-2 citation  
5-2 as a result of the stop, including a description of the  
5-3 warning or  
5-3 a statement of the violation charged.  
5-4 Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION  
5-5 COLLECTED. (a) In this article, "pedestrian stop" means an  
5-6 interaction between a peace officer and an individual who is  
5-7 being  
5-7 detained for the purpose of a criminal investigation in which  
5-8 the  
5-8 individual is not under arrest.  
5-9 (b) A law enforcement agency shall compile and analyze  
5-10 the  
5-10 information contained in each report received by the agency  
5-11 under  
5-11 Article 2.133. Not later than March 1 of each year, each  
5-12 local law  
5-12 enforcement agency shall submit a report containing the  
5-12 information

5-13 compiled during the previous calendar year to the governing  
5-14 body of

5-14 each county or municipality served by the agency in a manner

5-15 approved by the agency.

5-16 (c) A report required under Subsection (b) must  
5-16 include:

5-17 (1) a comparative analysis of the information  
5-17 compiled

5-18 under Article 2.133 to:

5-19 (A) determine the prevalence of racial  
5-19 profiling

5-20 by peace officers employed by the agency; and

5-21 (B) examine the disposition of traffic and

5-22 pedestrian stops made by officers employed by the agency,  
5-22 including

5-23 searches resulting from the stops; and

5-24 (2) information relating to each complaint filed  
5-24 with

5-25 the agency alleging that a peace officer employed by the  
5-25 agency has

5-26 engaged in racial profiling.

6-1 (d) A report required under Subsection (b) may not  
6-1 include

6-2 identifying information about a peace officer who makes a  
6-2 traffic

6-3 or pedestrian stop or about an individual who is stopped or

6-4 arrested by a peace officer. This subsection does not affect  
6-4 the

6-5 reporting of information required under Article 2.133(b)(1).

6-6 (e) The Commission on Law Enforcement Officer Standards  
6-6 and

6-7 Education shall develop guidelines for compiling and reporting

6-8 information as required by this article.

6-9 (f) The data collected as a result of the reporting

6-10 requirements of this article shall not constitute prima facie  
6-11 evidence of racial profiling.

6-12 Art. 2.135. EXEMPTION FOR AGENCIES USING VIDEO AND  
AUDIO

6-13 EQUIPMENT. (a) A peace officer is exempt from the reporting  
6-14 requirement under Article 2.133 and a law enforcement agency  
is

6-15 exempt from the compilation, analysis, and reporting  
requirements

6-16 under Article 2.134 if:

6-17 (1) during the calendar year preceding the date  
that a

6-18 report under Article 2.134 is required to be submitted:

6-19 (A) each law enforcement motor vehicle  
regularly

6-20 used by an officer employed by the agency to make traffic and  
6-21 pedestrian stops is equipped with video camera and  
6-22 transmitter-activated equipment and each law enforcement  
motorcycle

6-23 regularly used to make traffic and pedestrian stops is  
equipped

6-24 with transmitter-activated equipment; and

6-25 (B) each traffic and pedestrian stop made  
by an

6-26 officer employed by the agency that is capable of being  
recorded by

7-1 video and audio or audio equipment, as appropriate, is  
recorded by

7-2 using the equipment; or

7-3 (2) the governing body of the county or  
municipality

7-4 served by the law enforcement agency, in conjunction with the  
law

7-5 enforcement agency, certifies to the Department of Public  
Safety,

7-6 not later than the date specified by rule by the department,  
that

7-7 the law enforcement agency needs funds or video and audio  
equipment

7-8 for the purpose of installing video and audio equipment as

7-9 described by Subsection (a)(1)(A) and the agency does not  
receive

7-10 from the state funds or video and audio equipment sufficient,  
as

7-11 determined by the department, for the agency to accomplish  
that

7-12 purpose.

7-13 (b) Except as otherwise provided by this subsection, a  
law

7-14 enforcement agency that is exempt from the requirements under

7-15 Article 2.134 shall retain the video and audio or audio

7-16 documentation of each traffic and pedestrian stop for at least  
90

7-17 days after the date of the stop. If a complaint is filed with  
the

7-18 law enforcement agency alleging that a peace officer employed  
by

7-19 the agency has engaged in racial profiling with respect to a

7-20 traffic or pedestrian stop, the agency shall retain the video  
and

7-21 audio or audio record of the stop until final disposition of  
the

7-22 complaint.

7-23 (c) This article does not affect the collection or  
reporting

7-24 requirements under Article 2.132.

7-25 Art. 2.136. LIABILITY. A peace officer is not liable  
for

7-26 damages arising from an act relating to the collection or  
reporting

8-1 of information as required by Article 2.133 or under a policy  
8-2 adopted under Article 2.132.

8-3 Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a)  
The

8-4 Department of Public Safety shall adopt rules for providing  
funds

8-5 or video and audio equipment to law enforcement agencies for  
the

8-6 purpose of installing video and audio equipment as described  
by

8-7 Article 2.135(a)(1)(A), including specifying criteria to  
prioritize

8-8 funding or equipment provided to law enforcement agencies.  
The

8-9 criteria may include consideration of tax effort, financial

8-10 hardship, available revenue, and budget surpluses. The  
criteria

8-11 must give priority to:

8-12 (1) law enforcement agencies that employ peace

8-13 officers whose primary duty is traffic enforcement;

8-14 (2) smaller jurisdictions; and

8-15 (3) municipal and county law enforcement  
agencies.

8-16 (b) The Department of Public Safety shall collaborate  
with

8-17 an institution of higher education to identify law enforcement

8-18 agencies that need funds or video and audio equipment for the

8-19 purpose of installing video and audio equipment as described  
by

8-20 Article 2.135(a)(1)(A). The collaboration may include the use  
of a

8-21 survey to assist in developing criteria to prioritize funding  
or

8-22 equipment provided to law enforcement agencies.

8-23 (c) To receive funds or video and audio equipment from  
the

8-24 state for the purpose of installing video and audio equipment  
as

8-25 described by Article 2.135(a)(1)(A), the governing body of a  
county

8-26 or municipality, in conjunction with the law enforcement  
agency

9-1 serving the county or municipality, shall certify to the  
Department

9-2 of Public Safety that the law enforcement agency needs funds  
or

9-3 video and audio equipment for that purpose.

9-4 (d) On receipt of funds or video and audio equipment  
from

9-5 the state for the purpose of installing video and audio  
equipment

9-6 as described by Article 2.135(a)(1)(A), the governing body of  
a

9-7 county or municipality, in conjunction with the law  
enforcement

9-8 agency serving the county or municipality, shall certify to  
the

9-9 Department of Public Safety that the law enforcement agency  
has

9-10 installed video and audio equipment as described by Article

9-11 2.135(a)(1)(A) and is using the equipment as required by  
Article

9-12 2.135(a)(1).

9-13 Art. 2.138. RULES. The Department of Public Safety may

9-14 adopt rules to implement Articles 2.131-2.137.

9-15 SECTION 2. Chapter 3, Code of Criminal Procedure, is  
amended

9-16 by adding Article 3.05 to read as follows:

9-17 Art. 3.05. RACIAL PROFILING. In this code, "racial

9-18 profiling" means a law enforcement-initiated action based on  
an

9-19 individual's race, ethnicity, or national origin rather than  
on the

9-20 individual's behavior or on information identifying the  
individual

9-21 as having engaged in criminal activity.

9-22 SECTION 3. Section 96.641, Education Code, is amended  
by

9-23 adding Subsection (j) to read as follows:

9-24 (j) As part of the initial training and continuing  
education

9-25 for police chiefs required under this section, the institute  
shall

9-26 establish a program on racial profiling. The program must  
include

10-1 an examination of the best practices for:

10-2 (1) monitoring peace officers' compliance with  
laws

10-3 and internal agency policies relating to racial profiling;

10-4 (2) implementing laws and internal agency  
policies

10-5 relating to preventing racial profiling; and

10-6 (3) analyzing and reporting collected  
information.

10-7 SECTION 4. Section 1701.253, Occupations Code, is  
amended by

10-8 adding Subsection (e) to read as follows:

10-9 (e) As part of the minimum curriculum requirements, the

10-10 commission shall establish a statewide comprehensive education  
and

10-11 training program on racial profiling for officers licensed  
under

10-12 this chapter. An officer shall complete a program established

10-13 under this subsection not later than the second anniversary of  
the

10-14 date the officer is licensed under this chapter or the date  
10-15 the

10-15 officer applies for an intermediate proficiency certificate,

10-16 whichever date is earlier.

10-17 SECTION 5. Section 1701.402, Occupations Code, is  
amended by

10-18 adding Subsection (d) to read as follows:

10-19 (d) As a requirement for an intermediate proficiency

10-20 certificate, an officer must complete an education and  
10-21 training

10-21 program on racial profiling established by the commission  
10-22 under

10-22 Section 1701.253(e).

10-23 SECTION 6. Section 543.202, Transportation Code, is  
amended

10-24 to read as follows:

10-25 Sec. 543.202. FORM OF RECORD. (a) In this section,  
10-26 "race

10-26 or ethnicity" means of a particular descent, including  
11-1 Caucasian,

11-1 African, Hispanic, Asian, or Native American descent.

11-2 (b) The record must be made on a form or by a data

11-3 processing method acceptable to the department and must  
include:

11-4 (1) the name, address, physical description,  
11-5 including

11-5 race or ethnicity, date of birth, and driver's license number  
11-6 of

11-6 the person charged;

11-7 (2) the registration number of the vehicle  
involved;

11-8 (3) whether the vehicle was a commercial motor  
vehicle

11-9 as defined by Chapter 522 or was involved in transporting  
hazardous

11-10 materials;

11-11 (4) the person's social security number, if the  
11-12 person  
11-12 was operating a commercial motor vehicle or was the holder of  
a  
11-13 commercial driver's license or commercial driver learner's  
11-13 permit;

11-14 (5) the date and nature of the offense, including  
11-15 whether the offense was a serious traffic violation as defined  
11-15 by  
11-16 Chapter 522;

11-17 (6) whether a search of the vehicle was conducted  
11-17 and  
11-18 whether consent for the search was obtained;

11-19 (7) the plea, the judgment, and whether bail was  
11-20 forfeited;

11-21 (8) [~~7~~] the date of conviction; and  
11-22 (9) [~~8~~] the amount of the fine or forfeiture.

11-23 SECTION 7. Not later than January 1, 2002, a law  
11-23 enforcement  
11-24 agency shall adopt and implement a policy and begin collecting  
11-25 information under the policy as required by Article 2.132,  
11-25 Code of  
11-26 Criminal Procedure, as added by this Act. A local law  
11-26 enforcement  
12-1 agency shall first submit information to the governing body of  
each  
12-2 county or municipality served by the agency as required by  
Article  
12-3 2.132, Code of Criminal Procedure, as added by this Act, on  
12-3 March  
12-4 1, 2003. The first submission of information shall consist of  
12-5 information compiled by the agency during the period beginning  
12-6 January 1, 2002, and ending December 31, 2002.

12-7                   SECTION 8. A local law enforcement agency shall first  
submit

12-8                   information to the governing body of each county or  
municipality

12-9                   served by the agency as required by Article 2.134, Code of  
Criminal

12-10                  Procedure, as added by this Act, on March 1, 2004. The first

12-11                  submission of information shall consist of information  
compiled by

12-12                  the agency during the period beginning January 1, 2003, and  
ending

12-13                  December 31, 2003.

12-14                         SECTION 9. Not later than January 1, 2002:

12-15                                 (1) the Commission on Law Enforcement Officer

12-16                   Standards and Education shall establish an education and  
training

12-17                   program on racial profiling as required by Subsection (e),  
Section

12-18                  1701.253, Occupations Code, as added by this Act; and

12-19                                 (2) the Bill Blackwood Law Enforcement Management

12-20                   Institute of Texas shall establish a program on racial  
profiling as

12-21                   required by Subsection (j), Section 96.641, Education Code, as

12-22                   added by this Act.

12-23                         SECTION 10. A person who on the effective date of this  
Act

12-24                   holds an intermediate proficiency certificate issued by the

12-25                   Commission on Law Enforcement Officer Standards and Education  
or

12-26                   has held a peace officer license issued by the Commission on  
Law

13-1                   Enforcement Officer Standards and Education for at least two  
years

13-2                   shall complete an education and training program on racial

13-3 profiling established under Subsection (e), Section 1701.253,  
13-4 Occupations Code, as added by this Act, not later than  
September 1,  
13-5 2003.

13-6 SECTION 11. An individual appointed or elected as a  
police  
13-7 chief before the effective date of this Act shall complete a  
13-8 program on racial profiling established under Subsection (j),  
13-9 Section 96.641, Education Code, as added by this Act, not  
later  
13-10 than September 1, 2003.

13-11 SECTION 12. This Act takes effect September 1, 2001.

1074 S.B. No.

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House President of the Senate Speaker of the

I hereby certify that S.B. No. 1074 passed the Senate  
on  
April 4, 2001, by the following vote: Yeas 28, Nays 2;  
and  
May 21, 2001, Senate refused to concur in House amendments  
requested appointment of Conference Committee; May 22,  
2001, House  
granted request of the Senate; May 24, 2001, Senate adopted  
Conference Committee Report by a viva-voce vote.

---

Senate Secretary of the

I hereby certify that S.B. No. 1074 passed the House,  
with  
amendments, on May 15, 2001, by a non-record vote; May 22,  
2001,

Conference House granted request of the Senate for appointment of  
Report Committee; May 24, 2001, House adopted Conference Committee  
by a non-record vote.

---

Chief Clerk of the House

Approved: \_\_\_\_\_ 6-14-2001 \_\_\_\_\_

Date: \_\_\_\_\_

Rick Perry \_\_\_\_\_

Governor

## **Guidelines for Compiling and Reporting Data under Senate Bill 1074**

### **Background**

Senate Bill 1074 of the 77<sup>th</sup> Legislature established requirements in the Texas Code of Criminal Procedure (TCCP) for law enforcement agencies. The Commission developed this document to assist agencies in complying with the statutory requirements.

The guidelines are written in the form of standards using a style developed from accreditation organizations including the Commission on Accreditation for Law Enforcement Agencies (CALEA). The standards provide a description of *what* must be accomplished by an agency but allows wide latitude in determining *how* the agency will achieve compliance with each applicable standard.

Each standard is composed of two parts: the standard statement and the commentary. The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. The commentary supports the standard statement but is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of one possible way to comply with the standard.

### **Standard 1**

Each law enforcement agency has a detailed written directive that:

- clearly defines acts that constitute racial profiling;
- strictly prohibits peace officers employed by the agency from engaging in racial profiling;
- implements a process by which an individual may file a complaint with the agency if the individual believes a peace officer employed by the agency has engaged in racial profiling with respect to the individual filing the complaint;
- provides for public education relating to the complaint process;
- requires appropriate corrective action to be taken against a peace officer employed by the agency who, after investigation, is shown to have engaged in racial profiling in violation of the agency's written racial profiling policy; and
- requires the collection of certain types of data for subsequent reporting.

### **Commentary**

Article 2.131 of the TCCP prohibits officers from engaging in racial profiling, and article 2.132 of the TCCP now requires a written policy that contains the elements listed in this standard. The article also specifically defines a law enforcement agency as it applies to this statute as 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.”

The article further defines race or ethnicity as being of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.” The statute does not limit the required policies to just these ethnic groups.

This written policy is to be adopted and implemented no later than January 1, 2002.

### **Standard 2**

Each 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 reports to the employing law enforcement agency information relating to the stop, to include:

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

### **Commentary**

The information required by 2.133 TCCP is used to complete the agency reporting requirements found in Article 2.134. A peace officer and an agency may be exempted from this requirement under Article 2.135 TCCP Exemption for Agencies Using Video and Audio Equipment. An agency may be exempt from this reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds. Section 2.135 (a)(2) states, "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 for video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose."

### **Standard 3**

The agency compiles the information collected under 2.132 and 2.133 and analyzes the information identified in 2.133.

### **Commentary**

Senate Bill 1074 from the 77<sup>th</sup> Session of the Texas Legislature created requirements for law enforcement agencies to gather specific information and to report it to each county or municipality served. New sections of law were added to the Code of Criminal Procedure

regarding the reporting of traffic and pedestrian stops. Detained is defined as when a person stopped is not free to leave.

Article 2.134 TCCP requires the agency to compile and provide an analysis of the information collected by peace officer employed by the agency. The report is provided to the governing body of the municipality or county no later than March 1 of each year and covers the previous calendar year.

There is data collection and reporting required based on Article 2.132 CCP (tier one) and Article 2.133 CCP (tier two).

The minimum requirements for “tier one” data for traffic stops in which a citation results are:

- 1) the race or ethnicity of individual detained (race and ethnicity as defined by the bill means of “a particular descent, including Caucasian, African, Hispanic, Asian, or Native American”);
- 2) whether a search was conducted, and if there was a search, whether it was a consent search or a probable cause search; and
- 3) whether there was a custody arrest.

The minimum requirements for reporting on “tier two” reports include traffic and pedestrian stops. Tier two data include:

- 1) the detained person’s gender and race or ethnicity;
- 2) the type of law violation suspected, e.g., hazardous traffic, non-hazardous traffic, or other criminal investigation (the Texas Department of Public Safety publishes a categorization of traffic offenses into hazardous or non-hazardous);
- 3) whether a search was conducted, and if so whether it was based on consent or probable cause;
- 4) facts supporting probable cause;
- 5) the type, if any, of contraband that was collected;
- 6) disposition of the stop, e.g., arrest, ticket, warning, or release;
- 7) location of stop; and
- 8) statement of the charge, e.g., felony, misdemeanor, or traffic.

Tier one reports are made to the governing body of each county or municipality served by the agency an annual report of information if the agency is an agency of a county, municipality, or other political subdivision of the state. Tier one and two reports are reported to the county or municipality not later than March 1 for the previous calendar year beginning March 1, 2003. Tier two reports include a comparative analysis between the race and ethnicity of persons detained to see if a differential pattern of treatment can be discerned based on the disposition of stops including searches resulting from the stops. The reports also include information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. An agency may be exempt from the tier two reporting requirement by applying for the funds from the Department of Public Safety for video and audio equipment and the State does not supply those funds [See 2.135 (a)(2) TCCP].

Reports should include both raw numbers and percentages for each group. Caution should be exercised in interpreting the data involving percentages because of statistical distortions caused by very small numbers in any particular category, for example, if only one American Indian is stopped and searched, that stop would not provide an accurate comparison with 200 stops among Caucasians with 100 searches. In the first case, a 100% search rate would be skewed data when compared to a 50% rate for Caucasians.

#### **Standard 4**

If a law enforcement agency has video and audio capabilities in motor vehicles regularly used for traffic stops, or audio capabilities on motorcycles regularly used to make traffic stops, the agency:

- adopts standards for reviewing and retaining audio and video documentation; and
- promptly provides a copy of the recording to a peace officer who is the subject of a complaint on written request by the officer.

#### **Commentary**

The agency should have a specific review and retention policy. Article 2.132 TCCP specifically requires that the peace officer be promptly provided with a copy of the audio or video recordings if the officer is the subject of a complaint and the officer makes a written request.

#### **Standard 5**

Agencies that do not currently have video or audio equipment must examine the feasibility of installing such equipment.

#### **Commentary**

None

#### **Standard 6**

Agencies that have video and audio recording capabilities are exempt from the reporting requirements of Article 2.134 TCCP and officers are exempt from the reporting requirements of Article 2.133 TCCP provided that:

- the equipment was in place and used during the proceeding calendar year; and
- video and audio documentation is retained for at least 90 days.

#### **Commentary**

The audio and video equipment and policy must have been in place during the previous calendar year. Audio and video documentation must be kept for at least 90 days or longer if a complaint has been filed. The documentation must be retained until the complaint is resolved. Peace officers are not exempt from the requirements under Article 2.132 TCCP.

#### **Standard 7**

Agencies have citation forms or other electronic media that comply with Section 543.202 of the Transportation Code.

**Commentary**

Senate Bill 1074 changed Section 543.202 of the Transportation Code requiring citations to include:

- race or ethnicity, and
- whether a search of the vehicle was conducted and whether consent for the search was obtained.



# Humble ISD Police Department

341 Charles St. • Humble, TX 77347 • Office: (281) 641-7900 • FAX: (281) 446-4044

**Solomon Cook, Chief of Police**

## Complaint Process

Individuals who believe that the Humble I.S.D. Police Department or one of its officer(s) has violated the racial profiling policy may file a complaint. In order for a complaint against a Humble I.S.D. Police Department peace officer to be considered by the head of the Humble I.S.D. Police Department, the complaint must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the accused officer(s) within 10 business days after it is filed.

The complaint should be submitted to the Chief of Police, who will respond within 10 business days of his receipt of the complaint, unless circumstances require more time to investigate, in which case the Chief will notify the complainant of the date on which he or she will respond. The Chief may schedule a meeting with the complainant and / or with any officer(s) involved, in order to discuss the matter. Upon completing his investigation of the complaint, the Chief shall issue a decision of the matter, and if appropriate, take corrective action against any officer(s) found to be in violation of the racial profiling policy.

Chief of Police Solomon Cook

# Complaints Against Employees

Date Issued: 6-2005

## Purpose:

The purpose of this policy is to set forth a procedure for receiving, investigating, and classifying complaints against employees of the Humble ISD Police Department.

- I) Procedure
  - A. Any complaint received against any employee of this department shall be recorded on a "Voluntary Statement" form
    - 1. It should be noted that the purpose of complying with this form is not only for the purpose of recording the complaint, but also for ascertaining information which would be vital for a proper investigation
  - B. A "Voluntary Statement" form should be initialized by a department supervisor.
  - C. Each "Voluntary Statement" form alleging a major incident resulting from censurable conduct should bear the signature of the complainant before an investigation into the complaint will be initialized, unless otherwise directed by the Chief of Police.
  
- II) Departmental Process
  - A. See Texas Government Code 614.022
    - 1. Complaints are to be made in writing and signed by the complainant.
    - 2. The complaints are to be considered by the head of a state agency or by the head of a police department.
    - 3. Complaints must be made in writing and signed by the person making the complaint
  - B. See Texas Government Code 614.023
    - 1. A copy of the complaint is to be given to the officer or employee
      - A. a copy of the signed complaint shall be given to the officer or employee within a reasonable time after the complaint is filed
      - B. Disciplinary action may not be taken against the officer or employee unless a copy of the signed complaint is given to the officer or employee.
  - C. A copy of the complaint shall be given to the accused officer(s) within ten (10) business days after it is filed

[http://www.humbleisdpolice.org/racial\\_profiling.html](http://www.humbleisdpolice.org/racial_profiling.html)

## **I. PURPOSE**

The purpose of the policy is to reaffirm the Humble ISD Police Department's commitment to unbiased policing in all its encounters between officer and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictates of departmental policy and the law.

## **II. POLICY**

It is the policy of this department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce state and federal laws in a responsible and professional manner, without regard to race, ethnicity or national origin. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers or pedestrians.

Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. Two of the fundamental rights guaranteed by both the United States and Texas constitutions are equal protection under the law and freedom from unreasonable searches and seizures by government agents. The right of all persons to be treated equally and to be free from unreasonable searches and seizures must be respected. Racial profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude deputies from offering assistance, such as upon observing a substance leaking from a vehicle, a flat tire, or someone who appears to be ill, lost or confused. Nor does this policy prohibit stopping someone suspected of a crime based upon observed actions and/or information received about the person.

## **III. DEFINITIONS**

**Racial Profiling** – A law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

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 or other citizen contacts.

The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. Race, ethnicity or national origin may be legitimate factors in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching. Detaining an individual and conducting an inquiry into that person's activities simply because of that individual's race, ethnicity or national origin is racial profiling. Examples of racial profiling include but are not limited to the following:

1. Citing a driver who is speeding in a stream of traffic where most other drivers are speeding because of the cited driver's race, ethnicity, or national origin.

2. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity or national origin is unlikely to own or possess that specific make or model of vehicle.

3. Detaining an individual based upon the determination that a person of that race, ethnicity or national origin does not belong in a specific part of town or a specific place.

A law enforcement agency can derive at two principles from the adoption of this definition of racial profiling:

1. Police may not use racial or ethnic stereotypes as factors in selecting whom to stop and search, while police may use race in conjunction with other known factors of the suspect.

2. Law enforcement officers may not use racial or ethnic stereotypes as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

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

**Pedestrian Stop** – 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.

**Traffic Stop** – A peace officer that stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic.

#### **IV. TRAINING**

Officers are responsible to 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 shall complete a TCLEOSE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code or 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.

#### **V. COMPLAINT INVESTIGATION**

1. The department shall accept complaints from any person who believes he or she has been stopped or searched based on racial, ethnic or national origin profiling. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed such a complaint.

2. Any employee who receives an allegation of racial profiling, including the deputy who initiated the stop, shall record the person's name, address and telephone number, and forward the complaint through the appropriate channel or direct the individual(s). Any employee contacted shall provide to that person a copy of a complaint form or the department process for filing a complaint. All employees will report any allegation of racial profiling to their superior before the end of their shift.

3. Investigation of a complaint shall be conducted in a thorough and timely manner. All complaints will be acknowledged in writing to the initiator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced to writing and any reviewer's comments or conclusions shall be filed with the Chief of Police. When applicable, findings and/or suggestions for disciplinary action, retraining, or changes in policy shall be filed with the Chief of Police.
4. If a racial profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.
5. If there is a departmental video or audio recording of the events upon which a complaint of racial profiling is based, upon commencement of an investigation by this department into the complaint and written request of the officer made the subject of the complaint, this department shall promptly provide a copy of the recording to that officer.

#### **VI. PUBLIC EDUCATION**

This department will inform the public of its policy against racial profiling and the complaint process. Methods that may be utilized to inform the public are the news media, radio, service or civic presentations, the Internet, as well as governing board meetings. Additionally, information will be made available as appropriate in languages other than English.

#### **VII. CITATION DATA COLLECTION & REPORTING**

An officer is required to collect information relating to traffic stops in which a citation is issued. On the citation officers must include:

1. the violator's race or ethnicity;
2. whether a search was conducted;
3. was the search consensual; and
4. arrest for this cited violation or any other violation.

By March of each year, the department shall submit a report to their governing board that includes the information gathered by the citations. The report will include:

1. a breakdown of citations by race or ethnicity;
2. number of citations that resulted in a search;
3. number of searches that were consensual; and
4. number of citations that resulted in custodial arrest for this cited violation or any other violation.

Not later than March 1<sup>st</sup> of each year, this department shall submit a report to our governing body containing this information from the preceding calendar year.

#### **VIII. USE OF VIDEO AND AUDIO EQUIPMENT**

Some motor vehicles regularly used by this department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment; and Each traffic and pedestrian stop made in one of these vehicles by an officer of this department that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

This department shall retain these video and audiotapes, or the audiotape of each traffic and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with this department alleging that one of our officers has engaged in racial

profiling with respect to a traffic or pedestrian stop, this department shall retain the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

If video and audio, or audio equipment used for recording pedestrian and traffic stops is malfunctioning or not in service for any reason, a deputy 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 record and report the following information:

1. A physical description of each person detained as a result of the stop, including:
  - a) The person's gender;
  - b) The person's race or ethnicity, as stated by the person or as determined by the deputy to the best of his/her ability.
2. The street address or approximate location of the stop. The suspected offense or the traffic law or ordinance alleged to have been violated.
3. Whether the deputy conducted a search as a result of the stop and, if so, whether the person detained consented to the search.
4. Whether probable cause to search existed and, if so, the fact(s) supporting the existence of that probable cause.
5. Whether any contraband was discovered in the course of the search and, if so, the type of contraband discovered.
6. Whether the officer made an arrest as a result of the stop and/or search, and, if so, a statement of the offense charged.
7. Whether the officer issued a warning or a citation as a result of the stop and, if so, a statement of the offense charged.

This department shall compile and analyze the information contained in these individual reports. Not later than March 1<sup>st</sup> of each year, this department shall submit a report to our governing body containing the information compiled from the preceding calendar year in a manner they approve. This report will include:

1. A comparative analysis of the information contained in the individual reports in order to:
  - a) Determine the prevalence of racial profiling by deputies in this department; and
  - b) Examine the disposition of traffic and pedestrian stops made by this department's deputies, including searches resulting from stops.
2. Information relating to each complaint filed with this department alleging racial profiling.

This report will not include any identifying information about a peace officer who makes a stop or about an individual who is stopped or arrested by a peace officer.

**Humble ISD Police Department 2012 Racial Profiling Report**

**Gender**

1	170	Female		
2	193	Male		
			3	Total 363

**Race/Ethnicity**

4	85	African		
5	5	Asian		
6	204	Caucasian		
7	66	Hispanic		
8	3	Middle Eastern		
9	0	Native American		
			10	Total 363

**Known Prior**

11	29	Yes		
12	334	No		
			13	Total 363

**Reason for Stop**

14	56	Violation of Law		
15	0	Pre-existing Knowledge		
16	2	Moving Violation		
17	305	Vehicle Traffic		
			18	Total 363

**Search Conducted**

19	15	Yes		
20	348	No		
			21	Total 363

**Reason for Search**

22	1	Consent		
23	4	Contraband/evidence in plain sight		
24	6	Probable Cause/Reasonable Suspicion		
25	1	Inventory search due to towing		
26	3	Incident to arrest/warrant		
			27	Total 15

**Contraband Discovered**

28	1	Yes		
29	14	No		
			30	Total 15

**Description of  
Contraband**

31	1	Illegal drugs/paraphernalia
32	0	Currency
33	0	Weapons
34	0	Alcohol
35	0	Stolen property
36	0	Other

37	<b>Total</b>	1
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**Arrest resulted**

38	5	Yes
39	358	No

40	<b>Total</b>	363
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**Arrest Based on:**

41	4	Violation of Penal Code
42	0	Violation of Traffic Law
43	0	Violation of City Ordinance
44	1	Outstanding Warrant

**Street Address or  
location**

45	300	City Street
46	0	US Highway
47	0	County Road
48	63	Private Property

**Written Warning /  
Citation**

49	355	Yes
50	8	No

51	<b>Total</b>	363
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Officer Signature

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Date of Completion

***HUMBLE ISD***  
***2012 Demographics Break-Down per School***

The Humble Independent School District is located in Harris County Texas with portions of the district in Montgomery County Texas also.

The Humble Independent School District spans over 90 square miles and encumbers the City of Humble and the communities of Atascocita, Kingwood, Fall Creek, Eagle Springs, among others.

The Humble Independent School District Administration building and the Humble Independent School District Police Department is located in the city limits of Humble in Harris County Texas.

The community's demographics that the Humble Independent School District serves are going to greatly reflect the demographics of the school district itself.

Filename: F2013101913  
District: 101913 - HUMBLE ISD

2012 - 2013 Fall Collection, Resubmission

Grade	Hispanic /Latino		American Indian		Asian		African American		White		Pacific Islander		Two or More		Total	%
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female		
EE	36	9	1	1	3	2	18	6	70	45	0	0	6	2	199	0.5%
PK	209	183	3	0	16	19	57	57	54	42	2	6	4	3	655	1.8%
KG	442	421	2	3	39	35	200	185	605	559	5	9	29	27	2,561	6.9%
01	464	450	12	4	40	36	238	213	603	568	7	6	42	38	2,721	7.3%
02	482	439	7	2	43	32	214	225	657	631	5	10	40	31	2,818	7.6%
03	464	427	6	3	37	37	224	225	629	597	6	3	34	35	2,727	7.4%
04	436	458	5	4	43	44	225	234	637	586	4	12	28	32	2,748	7.4%
05	453	496	5	2	32	43	270	203	617	606	6	5	25	31	2,794	7.5%
06	435	422	6	6	42	40	262	255	695	626	7	5	23	29	2,853	7.7%
07	429	435	11	2	36	41	298	263	661	655	5	3	25	27	2,891	7.8%
08	468	407	11	6	39	30	301	277	624	631	4	9	33	32	2,872	7.7%
09	505	436	8	9	51	43	319	288	720	653	11	8	34	47	3,132	8.4%
10	401	409	7	7	47	48	314	247	656	672	3	5	33	25	2,874	7.7%
11	351	352	9	7	58	41	268	269	652	608	7	1	23	35	2,681	7.2%
12	341	351	7	7	41	40	232	286	596	607	4	9	21	27	2,569	6.9%
Totals	5,916	5,695	100	63	567	531	3,440	3,233	8,476	8,086	76	91	400	421	37,095	100.0%
Percent	15.9%	15.4%	0.3%	0.2%	1.5%	1.4%	9.3%	8.7%	22.8%	21.8%	0.2%	0.2%	1.1%	1.1%		

Grade	Regular	Spec	Ed
EE	4	195	
PK	635	20	
KG	2,417	144	
01	2,511	210	
02	2,595	223	
03	2,490	237	
04	2,487	261	
05	2,516	278	
06	2,626	227	
07	2,640	251	
08	2,656	216	
09	2,895	237	
10	2,675	199	
11	2,499	182	
12	2,351	218	
Totals	33,997	3,098	
Percent	91.6%	8.4%	

Note: Detail may not add to 100% due to rounding.

## **Summary Statement**

The findings suggest that the Humble ISD Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that it has/has not received complaints from community members regarding officers misconduct associated with racial profiling practices.

The continuing effort to collect police contact data will assure an on-going evaluation of the Humble ISD Police Department practices. Thus, allowing for the citizens of the Humble ISD community to benefit from professional and courteous service from their police department.