CONROE POLICE DEPARTMENT

RACIAL PROFILING REPORT 2012

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(I) Introduction

CITY OF CONROE - POLICE DEPARTMENT

Since January 1, 2002, the Conroe 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 Conroe Police Department continues its efforts of maintaining strong relations with the community.

In this report, the reader will encounter several sections designed to provide 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 Conroe 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 1/1/12 through 12/31/12. This information has been analyzed and compared to the Department of Public Safety data on motorists residing in the Conroe area. The analysis of the data and recommendations for future areas of research are also included. It is my sincere desire that the channels of communication between community leaders and the Conroe Police Department continue to strengthen as we move forward to meet the challenges of the near future.

Sincerely,

Philip Dupuis
Chief of Police

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Police Contact Data
Annual Report
January 1, 2012-December 31, 2012

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Texas Law on Racial Profiling

Texas Code of Criminal Procedure, Chapter 2

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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

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

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

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

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

(1) clearly define acts constituting racial profiling;

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

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

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law

enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS. (a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

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

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

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

(2) the initial reason for the stop;

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

(4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;

(5) the reason for the search, including whether:

(A) any contraband or other evidence was in plain view;

(B) any probable cause or reasonable suspicion existed to perform the search; or

(C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;

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

based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;

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

(8) whether the officer issued a written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.

(a) In this article:

(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).

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

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

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

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and

(B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including

any searches resulting from stops within the applicable jurisdiction; and

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

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

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

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

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 27, eff. September 1, 2009.

Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. (a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

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

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

each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

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

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

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

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

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

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

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

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

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Art. 2.1385. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of $1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of $1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

Guidelines for Compiling and Reporting Data As Mandated By Senate Bill 1047

Background
Senate Bill 1074 of the 77th 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 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 77th 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 and 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 includes:

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.

Additional Changes

House Bill 3389 changed several portions of the TCCP Article 2.131-2.138. The major change made it law, that all agencies must report racial profiling data to The Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) as well as their governing body.

TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION
What does it mean when an Agency Reports as Racial Profiling-Tier 1-Partially Exempt?

Each agency must select the reporting option that applies to their particular situation.

When an agency chooses to report as **Partial Exemption** or **Tier 1** Reporting, the agency is stating it routinely performs traffic stops or motor vehicle stops and the vehicles that routinely perform theses stops are equipped with video and audio equipment. Law enforcement agencies that routinely perform traffic stops or motor vehicle stops and who have their vehicles that routinely perform theses stops equipped with video and audio equipment can report under the Texas State Code of Criminal Procedure Article 2.135. To report under this option, the Agency vehicles that conduct motor vehicle stops must be equipped with video and audio equipment and the agency must maintain videos for 90days after the stop. Optionally, in accordance with 2.135(a)(2) the agency can also file under Tier 1 if it has requested and not received funds to install the recording equipment.

The data collected for **Tier 1** (Partial Exemption) reports must include:

- the number of motor vehicle stops,
- the number of types of race or ethnicity of the person(s) who were stopped was,
- the number of stops that the race or ethnicity was known prior to the stop.
- the number of stops in which a search was conducted
- number of searches that consent was received prior to search.

The Chief Administrator of the Agency must also certify that they have adopted a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;
(2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
(3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
(4) provide public education relating to the agency's complaint process;
(5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
(A) the race or ethnicity of the individual detained;
(B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
(7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
(A) the Commission on Law Enforcement Officer Standards and Education; and
(B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

(II) Background

CITY/COUNTY HISTORICAL AND DEMOGRAPHIC INFORMATION

Montgomery County, Texas was the fourth, and last, of Stephen F. Austin's colonies. At that time, the city of Montgomery had been a municipality under Mexican rule. Montgomery was one of only 25 municipalities in Texas. Montgomery County was created on December 14, 1837 and was much larger than it is today. In 1881 Isaac Conroe, for whom the city of Conroe was later named, moved his sawmill to the present-day site of Conroe. In 1885 the Sante Fe Railroad extended its line to the town. The Railroad originally named the area "Conroe Switch" and in 1889, after the establishment of a U. S. post office, the town officially became Conroe. On May 6, 1889, an election was held that moved the Montgomery County seat from Montgomery to Conroe. Conroe remains the county seat today. On December 27,1904, the "City of Conroe" became incorporated according to Texas state law and held the first city elections on January 25, 1905. The first Mayor of Conroe was Dr. J. F. Collier. R. C. Herbert was elected the first City Marshall.

The first record of Conroe's approximate population was made in 1889, before incorporation, when there were said to be 300 residents. The 2012 census projection places the population at 59,250. The reader will note some discrepancies in actual numbers of residents used throughout this report. These discrepancies are common when using statistics from different sources, and the reader should keep in mind the intent of this document is to show ratios between the different groups using provided data; not try to reconcile the accounting of the agencies. The following demographic data was compiled by The Greater Conroe Economic Development Corporation utilizing "Synergos Technologies", and are **estimates** for the year 2012, and includes all residents regardless of age.

RACE	2012 Q3 ESTIMATE	PERCENTAGE
White	**29,006**	**49%**
Black	**5,667**	**9.6%**
Native American	**No Data**	**0**
Middle Eastern	**No Data**	**0**
Asian/ Pacific Islander	**1,013**	**1.7%**
Other	**931**	**1.6%**
Unknown	**No Data**	**0**
Hispanic *	**22,633**	**38.2%**
Total	**59,250**	**100%**

The following table illustrates data provided by the Texas Department of Public Safety regarding those residents of the Conroe area that are licensed to operate a motor vehicle in the State of Texas. This data will be referred to later in this report for the purpose of analysis.

	White	Black	Native American	Middle Eastern	Asian/ Pacific Islander	Hispanic	Unknown	Other	Total
Male	**74,183**	**5,575**	**102**		**1,400**	**2,573**		**5,432**	**89,265**
Female	**70,846**	**5,213**	**117**		**1,604**	**2,320**		**4,199**	**84,299**
Total	**145,029**	**10,788**	**219**	**No Data**	**3,004**	**4,893**	**No Data**	**9,631**	**173,564**

POLICE DEPARTMENT HISTORY/ DEMOGRAPHICS

Law Enforcement in Conroe began in 1905 with the election of the first City Marshall, R. C. Herbert. The Conroe Police Department was established in 1934 when Eddie Stephan was appointed as the first Chief of Police. To date there have been 11 Chiefs of Police and the Conroe Police Department has grown to 118 sworn Officers and 40 civilian personnel. During 2012, the Conroe Police Department organized and conducted a police training academy. The class consisted of 12 cadets who completed their training in November of 2012. 10 of the graduating cadets accepted positions as Probationary Officers with the Conroe Police Department and 2 were employees of the Huntsville Police Department. The Department uses a Community Oriented Policing approach to public safety. The following is a demographic breakdown of the sworn personnel.

	WHITE	BLACK	HISPANIC	NATIVE AMERICAN	ASIAN/ PACIFIC ISLANDER	UNFILLED POSITIONS	TOTAL
MALE	96	3	5	1	1	0	107
FEMALE	5	0	1	0	0	0	6
TOTAL	101	3	6	1	1	6	118

In 1989 the citizens of Conroe voted in favor of civil service protection for Police and Fire Department personnel. Prior to being considered for a position with the Police Department, or a promotion in rank, an applicant or Officer candidate must successfully pass a civil service examination. The results of the civil service examination establish an eligibility list, the highest score being first. Applicants and Officer Candidates must submit to and pass; an extensive background investigation, physical examination, and drug screen. Police applicants must complete the Conroe Police Department Basic Academy and pass the T.C.L.E.O.S.E. licensing exam before becoming sworn officers. The City of Conroe is an equal opportunity employer.

In January, 2002, the Conroe Police Department adopted and implemented a policy, in accordance with Texas Law on Racial Profiling, banishing racial profiling practices among Conroe Police Officers.

Video Policy

All motor vehicles regularly used by this department to make traffic and pedestrian stops are equipped with a video camera and transmitter-activated equipment.

Each traffic and pedestrian stop made by an officer of this department who is operating a Patrol vehicle with an operational video / audio recording device and that is capable of being recorded by video and audio, or audio, as appropriate, is recorded.

It is the policy of this department to retain the 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 retains the video and audiotapes, or the audiotape of the stop until final disposition of the complaint.

Supervisors ensure that officers of this department are recording their traffic and pedestrian stops. A recording of each officer will be reviewed at least once every ninety (90) days.

*If the equipment used to record audio and/or video of traffic or pedestrian stops is malfunctioning or otherwise not operable, the officer making the stop is to properly record and report the information as required in Police Department policy.

All vehicles utilized for traffic and pedestrian stops are equipped with wireless recording systems that automatically download recorded data to a common server (implemented mid 2009). This data is stored for a period of 90 days, available for review. After the 90 day period the old files are purged allowing a continuous flow of new data.

1 PURPOSE

The purpose of this order is to establish policy and guidelines for the use of In-Car Video Cameras by officers of the Conroe Police Department.

2 POLICY

It is the policy of the Conroe Police Department that patrol vehicles will be equipped with video/audio recording equipment. The function of this equipment is to accurately document the events, actions, conditions, and statements made during vehicle stops, pedestrian contacts, arrests, and critical incidents so as to enhance officer reports, collection of evidence, and testimony in court. This recording will also enhance the Department's ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, evidence for investigative purposes, as well as for officer evaluation and training.

3 PROCEDURES

A. The recording equipment installed in the vehicles, and the portable audio transmitter, are the responsibility of the officer assigned to the vehicle containing the equipment. Keys to the recording equipment will remain on the primary tagged key ring for that vehicle. The equipment shall be operated and maintained according to the manufacturer's instructions and recommendations and by the guidelines set forth in this General Order.

B. At the beginning of each shift officers shall determine if their recording equipment is operating properly. If a problem is found the Officer will contact the on-duty supervisor and make arrangements for adjustment or repair. The officer shall also ensure that the recorder is equipped with sufficient memory/storage remaining to begin their shift.

C. The recording equipment will automatically activate when the vehicle's emergency lights are in operation. The recording equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.

D. Officers **WILL** ensure that the recording equipment is turned on, properly positioned, and adjusted to record events during their tour of duty. Officers **WILL** carry and activate a wireless microphone upon their person. Officers **WILL** audio/video record the following:

1. All enforcement contacts, such as arrests, vehicular and pedestrian stops, or field interviews of suspicious or other persons.

2. Non Enforcement contacts should they become confrontational, assaultive, or otherwise enforcement oriented.

3. Pedestrian contacts, interviews, and other events when the recording could have value as evidence, to limit liability, or to resolve citizen complaints.

4. All emergency driving situations including pursuits, emergency runs, responses to priority one calls, or responses to priority two calls even if emergency equipment (lights and siren) are not activated.

E. The designated supervisor(s) shall ensure that all video recordings of arrests are forwarded to the Crime Scene Unit (CSU) for downloading and preservation. Officers shall notify the designated supervisor(s), as soon as practical, of any recorded sequences that may represent evidence or be of administrative importance so that the videos may be forwarded to the CSU or other appropriate authority.

F. Officers will note in arrest or other associated reports if an audio/video recording was made during the event in question.

G. Officers will not erase, tamper with, or in any other way alter any recording.

H. **No video, or any portion thereof, may be copied without approval of the Chief of Police or his designee. Copies may only be made for court, training, or other purposes specifically approved by the Chief of Police or his designee.**

I. Videos will be stored for a period of not less than ninety (90) days. After that time videos will be deleted from the system unless they have been determined to have evidentiary or other value. Videos of evidentiary value shall be forwarded to the Crime Scene Unit (CSU) for downloading and preservation per CSU policies and procedures. Videos of administrative or other value shall be held per statutory law or regulation governing the retention of such records.

J. Videos from each vehicle involved in a vehicular pursuit, as well as videos from each vehicle of all officers present at the scene of any use of force, shall be handled as described above in Section E.

(III) Responding to the Texas Racial Profiling Law

1 PURPOSE

The purpose of the policy is to reaffirm the City of Conroe 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.

2 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, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait. Officers are strictly prohibited from engaging in bias based 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. Bias based profiling is an unacceptable patrol tactic and will not be condoned.

This policy shall not preclude officers from offering assistance in situations 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.

3 DEFINITIONS

A. Bias Based Profiling – A law enforcement initiated action based on an individual's race, ethnicity, national origin, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group trait, rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling is a term included in bias based profiling and 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 bias based 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 least two principles from the adoption of this definition of racial profiling:

1. Law enforcement officers may not use racial, ethnic, or other 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. Racial profiling is not relevant as it pertains to witnesses, etc.

B. Race or Ethnicity – Of a particular decent, including but not limited to, Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern.

C. Pedestrian Stop – An interaction between a peace officer and an individual, on foot, who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

D. Motor Vehicle Stop – A peace officer stopping a motor vehicle for an alleged violation of law or ordinance regulating traffic.

4 TRAINING

All officers commissioned by this agency shall adhere to all Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) rules and other legislatively mandated requirements regarding training in bias based/racial profiling.

All officers holding a TCLEOSE Peace Officer license prior to September 1, 2001 shall have attended the TCLEOSE Course 3256 Racial Profiling course. All officers licensed subsequent to that date shall have received the appropriate training through a Basic Peace Officer licensing course.

The Department Training Coordinator shall ensure that all officers maintain currency with the training requirements concerning bias based/racial profiling whether mandated by statute, TCLEOSE rule, or Department policy.

5 COMPLAINT INVESTIGATION

This Department shall accept complaints from any person who believes he or she has been stopped or searched because of their race, ethnicity, national origin, or other type of bias based profiling as previously described. No person shall be discouraged, intimidated or coerced from filing a complaint, nor discriminated against because he or she filed a complaint.

Any employee who receives an allegation of bias based profiling, including the officer who initiated the stop, shall immediately, or as soon as possible contact their immediate supervisor or a supervisor of most immediate availability. The supervisor so notified shall immediately accept the complaint and take all necessary action in accordance with General Order 3-05, Personnel Complaints.

If there is a Departmental video or audio recording of the events upon which a complaint of bias based 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, the Department shall promptly provide a copy of the recording to that officer.

If a bias based profiling complaint is sustained against an officer, it will result in appropriate corrective and/or disciplinary action, up to and including termination.

6 PUBLIC EDUCATION

This Department will inform the public of its policy against bias based 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.

7 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:

A. The violator's race or ethnicity;
B. Whether a search was conducted;
C. Was the search consensual; and
D. Arrest for the cited violation or any other violation.
E. Whether the officer knew the race or ethnicity of the violator prior to detaining the individual.

Not later than March 1st of each year, this Department shall submit a report to the City Council of the City of Conroe that includes the information gathered by the citations. The report will include:

A. A breakdown of citations by race or ethnicity;
B. Number of citations that resulted in a search;
C. Number of searches that were consensual; and
D. Number of citations that resulted in custodial arrest for this cited violation or any other violation.

8 USE OF VIDEO AND AUDIO RECORDING EQUIPMENT

Each vehicle regularly used by this Department to make traffic and pedestrian stops is equipped with a video camera and transmitter-activated equipment to record traffic and pedestrian stops. The operation of the audio-video recording equipment shall be governed by the policy contained herein and by general Order 8-27, In-Car Video Cameras. Each motor vehicle and pedestrian stop made by an officer of this Department that is capable of being recorded by video and audio, or audio, as appropriate, shall be recorded.

The Department shall retain the video and/or audio recording of each motor vehicle and pedestrian stop for at least ninety (90) days after the date of the stop. If a complaint is filed with the Department alleging that one of our officers has engaged in bias based profiling with respect to a motor vehicle or pedestrian stop, the Department shall retain the video and/or audio recordings of the stop until final disposition of the complaint.

Supervisors will ensure officers of the Department are recording their motor vehicle and pedestrian stops. A recording of each officer will be reviewed at least once very ninety (90) days.

In the event that in-car audio and video recording equipment is not available (late installment in vehicles, etc.) or in the event of equipment failure or otherwise not operable, the officer making the stop shall properly record and report the information required below (Para. XIV).

9 COLLECTING INFORMATION FROM NON-RECORDED TRAFFIC AND PEDESTRIAN STOPS

An officer who, due to his/her assignment, regularly makes motor vehicle and pedestrian stops and operates a motor vehicle regularly used by the Department to make traffic and pedestrian stops that is temporarily not equipped with audio video recording equipment, or the equipment fails or is otherwise inoperable, and who stops a motor vehicle for an alleged violation of law or ordinance regulating traffic, or stops a pedestrian for any suspected offense shall manually collect, record and report the following information:

A. A physical description of any person operating the motor vehicle, who is detained as a result of the stop, including:

   1. The person's gender;
   2. The person's race or ethnicity, as stated by the person or as determined by the officer to the best of his/her ability.

B. Whether the officer knew the race or ethnicity of the violator prior to detaining the individual.

C. The initial reason for the stop.

D. Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search.

E. Whether any contraband or other evidence was discovered in the course of the search and, if so, a brief description of the contraband or evidence.

F. The reason for the search including whether any contraband or evidence was in plain view, or whether probable cause or reasonable suspicion existed to perform the search, or whether the search was the result of an administrative inventory of the vehicle pursuant to Department policy.

G. Whether the stop and/or search resulted in an arrest, including a statement as to whether the arrest was based on a Penal Code violation, violation of traffic law or ordinance, or outstanding warrant, and a statement of the offense charged.

H. The street address or approximate location of the stop.

I. Whether the officer issued a written warning or a citation as a result of the stop.

These individual reports shall be recorded by the officer on a form prescribed by the Department and forwarded to the officer's Division Commander. The Deputy Chief of Police shall cause the information collected from the individual reports to be reviewed, compiled, and analyzed, and will ensure the retention of the individual reports as directed by the Chief of Police.

Filing a Complaint with The Conroe Police Department

*The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law. This information is disseminated through a number of Department programs including Citizen Police Academy, Youth Citizen Police Academy, Neighborhood Watch Programs, Crime Prevention Programs, Church Programs, neighborhood Meetings, etc.

UNDERSTANDING THE PROCESS

When an individual wishes to file a complaint regarding racial profiling, he/she should expect the following process to commence:

THE INTAKE

A police officer (rank of sergeant or higher) will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible that the officer may be able to explain the officer(s)' actions to the satisfaction of the individual.

- Usually, the alleged victim will be interviewed at the Police Department's Main Building. It is possible that he/she may be videotaped during the interview.
- The police officer will ask the individual filing a complaint to complete the complaint intake form. All complaints will be handled in accordance with Vernon's Annotated Statutes Article 6252-20, which requires complaints against peace officers to be reduced to writing, and signed by the person alleging the complaint.
- A police photographer may take pictures of any injuries that the alleged victim thinks are related to the complaint.

THE INVESTIGATION

After the interview, the Chief of Police will review the matter and determine if there are grounds for a formal investigation. In the event the Chief determines that a formal investigation is appropriate, he/she will assign a complaint number from the complaint log.

- The Chief of Police will assign an investigator.

- All officers having knowledge of the event will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.
- The alleged victim will receive correspondence regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.
- The investigator will then prepare a report.

THE REVIEW PROCESS

The Chief of Police reviews every complaint after the investigation is completed and a report is written.

- If the complaint is sustained and includes excessive force or charges an officer with a crime, the Chief may refer the matter to the appropriate law enforcement agency for further investigation.
- The Chief of Police reviews all investigations and makes the final decision on all complaints.

THE FINDINGS

The results of your complaint are called "findings". There are five possible findings:

- **Sustained** – The allegation is supported by sufficient evidence.
- **Unfounded** – Allegation is false or not factual.
- **Exonerated** – Incident complained of occurred but was lawful and proper.
- **Not Sustained**- Insufficient evidence to either prove or disprove the allegation.
- **Misconduct Not Alleged In Complaint**- Act or acts not alleged in the complaint but discovered during the investigation.

The Police Chief will decide on a finding after the complaint has been reviewed. Further, the alleged victim will be contacted by appropriate authority and advised of the findings.

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1 PURPOSE

The purpose of this order is to establish within the Conroe Police Department procedures for handling complaints and disciplinary actions against members of this agency, thereby preserving the integrity of this Department. These procedures will assure the prompt and thorough investigations of incidents to clear the innocent, establish guilt, and facilitate suitable disciplinary action. This order is based on the premise that discipline is a function of command and a well-disciplined force is a force which voluntarily and ungrudgingly conforms to all Departmental Rules and Regulations.

2 SCOPE

A. The incidents which are to be handled in accordance with the provisions of this order are; alleged or suspected violations of statutes, ordinances, or Departmental rules or regulations, by members (sworn and civilian, including temporary employees), of the Conroe Police Department.

B. The incidents include, but are not limited to:

1. Those reported to supervising or commanding officers by members of the Department, either orally or in writing, by telephone or by correspondence, either signed or anonymous.

2. Those reported by citizens.

3. Those referred by the City Administrator.

4. Those observed by supervisory or commanding officers.

3 STATE LAW PERTAINING TO COMPLAINTS

A. The Texas Government Code, Chapter 614, Subchapter B. [Complaint Against Law Enforcement Officer or Fire Fighter], Sections 614.021 – 614.023, require that, to be considered by the head of a police department, a complaint must be placed in writing and signed by the person making the complaint. A copy of the signed complaint must be presented to the affected officer or employee within a reasonable time after the complaint is filed and before any disciplinary action may be taken against the affected employee.

B. The handling of complaints against all personnel of this Department will be conducted in compliance with the above cited sections of Chapter 614 of the Texas Government Code.

1. Complaints must be reduced to writing in the form of a statement (affidavit), and must contain a sworn oath in which the signer attests to the verity of the statement. The complaint must be signed by the person making the complaint and notarized.

2. A signed letter complaint will be sufficient only after it has been verified that it is not a fictitious letter signed with a fictitious name.

3. Anonymous complaints will be investigated only on the specific direction of the Chief of Police. Once the determination to investigate has been made, the complaint will be prepared and signed by the investigator who is assigned the investigation and who is aware of the facts. The employee may not be questioned regarding the complaint until it is signed and becomes official.

C. A complaint memorandum informing the employee that a complaint has been lodged against him/her, the nature of the complaint, that an administrative investigation has been initiated and outlining the employee's rights and responsibilities in regard to the administrative investigation will be issued to the employee at the time he/she is requested to make a written response to the allegation contained in the complaint.

Also, a copy of the signed complaint will be given to the accused employee at the time the accused employee is requested to make a written reply to the allegation contained in the complaint. Copies of other statements or affidavits will not be provided to the employee.

4 AUTHORITY AND RESPONSIBILITY

A. Individual Responsibility

1. Each member of the Department will perform the duties and assume the obligations of their rank in the investigation of complaints or allegations of misconduct against members of the Department, and will cooperate fully with personnel of the Department conducting such investigations. Supervisory and Command personnel will, themselves, initiate investigations when the subject complained of or observed in an infraction is within the scope of their authority for the initiation of this action.

2. All alleged or suspected violations will be reported to the Deputy Chief of Police by the Supervisor or Commanding Officer who first received information of the alleged violation, even when it is believed to be unfounded. Complaints may be classified as *confidential* if criminal acts are alleged, or *open* if a complaint alleges misconduct or policy violations.

3. Exception:

a. Complaints relative to a difference of opinion between a police officer and a citizen over the issuance of a traffic citation or arrest, unless there is an allegation of a violation of law or of Departmental rules and regulations on the part of the Officer. In such instances, the investigation will be restricted to the specific allegation of misconduct.

B. On-Duty Supervisors

1. The Supervisor on-duty will be responsible for the preliminary acceptance and screening of the following types of complaints:

a. All charges by citizens against Departmental personnel.

b. All referrals from the City Administrator.

c. Allegations against Departmental personnel involving the commission of a criminal offense, gross misconduct or negligence of duty.

d. All offenses observed by members of this Department.

2. The On-Duty Supervisor will:

a. Upon receipt of an alleged violation:

(1) Interview the complainant, complete the Personnel Complaint Form, and obtain a written, notarized statement from the complainant.

(2) Forward the Personnel Complaint Form and completed statement(s) to the Chief of Police

b. Conduct a preliminary investigation at the request of any member of the Department who justifiably feels threatened by a false accusation or a contrived situation involving false evidence. Such persons are authorized to report their situations directly to their Division Commander.

3. The Chief of Police will cause a Complaint Register Log to be maintained on written complaints only. Spaces will be provided in the log for the complainants' names, employees' names, Personnel Complaint number, date of complaint, investigating officer, date of assignment, final classification, and the date of final classification. This log will be securely kept in the Professional Services Division office, or other approved storage location consistent with current Public Information Act requirements. The log will be open to inspection by any supervisory officer of this Department.

5 COMPLAINT ORIGINATION

A. Sometimes mistaken or even false reports and accusations are made against members of the Department. In some instances, the most conscientious and hard working member will be the subject of such allegations. In order to insure the integrity of the Police Department and its members, it is necessary to record all reports and accusations from all sources. At the same time, in the interest of fairness and effectiveness of police operations, the reputations and good names of innocent members must be protected. Therefore, the following procedures will be applied in reporting all complaints.

1. The Supervisor interviewing the complainant will obtain all of the information pertinent to the complaint in order that the Personnel Complaint Investigation Request form may be completely filled out. Supervisors shall only accept complaints involving non-criminal conduct alleged to have occurred within the preceding 180 days. All complaints alleging criminal conduct by the employee shall be accepted.

2. The supervisor will then advise the complainant that, in order to proceed any further with the complaint or to take action against police personnel, the complaint must be made in writing and signed by the complainant (see section 3-B. above).

3. When the complainant has appeared in person and has shown a desire to reduce his/her complaint to writing, a statement form (affidavit) will be completed, sworn to, and signed by the complainant and notarized.

4. When the complainant cannot appear in person, he/she will be advised that no further action will be taken by the Department until a signed, sworn, and notarized statement (affidavit) is received. The complainant should be directed to mail the completed statement to the Professional Services Division.

5. If the complainant will not sign a statement and the complaint alleges that the employee committed a crime, and other evidence exists tending to show the incident did occur, the supervisor will submit an interoffice correspondence to the office of the Chief of Police detailing all information obtained.

6. Once the Personnel Complaint Investigation Request form and statement (affidavit) have been completed, they will be forwarded to the office of the Chief of Police. A copy will be provided to the employee in question at the appropriate time depending upon the classification assigned and investigative processes initiated.

6 CONDUCT OF THE INVESTIGATION

A. The assigned investigator will be responsible for insuring a complete and expeditious investigation. Administrative investigations shall be completed within thirty (30) days of being assigned unless specifically extended by authorization of the Chief of Police. If such extension is needed, the assigned investigator will submit an interoffice correspondence to the Chief of Police requesting the extension and explaining the reason(s) for it.

B. Each member participating in any way in the investigation or having knowledge of the reported incident will submit an individual written statement to the investigator. The statement will be accurate and complete, and will include all facts relating to the incident known or reported to him/her. An employee can be required to answer questions relating to their duties and can be disciplined with measures up to and including dismissal for refusal to answer such questions. Any such required statements may be used against the employee in a disciplinary action or other civil proceeding.

C. Compulsory Polygraph Examinations.

1. The Chief of Police may order any member of the Department to submit to a polygraph examination regarding matters of alleged misconduct which are directly related to the performance of the employee's duties.

2. Before ordering a polygraph examination, the Chief of Police must determine that extraordinary circumstances exist which call into question the integrity of the employee or the Department.

3. A polygraph examination may be required both in the connection with alleged criminal misconduct or noncriminal misconduct.

4. Refusal to submit to a polygraph examination as ordered by the Chief of Police shall constitute insubordination and shall be independent grounds for disciplinary action.

5. Whenever possible, the complainant will be required to take and pass a polygraph examination prior to the employee being ordered to take a polygraph examination.

D. Non-Compulsory Polygraph Examinations.

1. The Chief of Police may offer to any member of the Department a polygraph examination regarding matters of alleged misconduct that are not directly related to the performance of the employee's duties. This offer will be made only if the complainant has taken and passed a polygraph examination. Refusal of the polygraph examination by the accused employee may not be considered a factor in weighing evidence to determine guilt.

2. A member of this Department who is the subject of an administrative investigation may request, in writing to the Chief of Police, the opportunity to voluntarily take a polygraph examination. The discretion to approve or deny such a request shall rest solely with the Chief of Police.

E. Protection of Employee's Constitutional Rights.

Submission to a polygraph examination, compulsory or non-compulsory, shall not constitute a waiver of the employee's privilege against self-incrimination or of any other right guaranteed by the federal or state constitutions. Neither the results of the polygraph examination nor any statements made by the employee during the examination shall be used by the Department for any purpose other than reaching an administrative determination regarding the alleged misconduct and any appropriate disciplinary action.

F. Polygraph Examiner.

Polygraph examiners utilized to examine members of this Department shall be currently licensed through, and in good standing with, the Texas Department of Licensing and Regulation, and shall comply with all rules, standards, and laws governing the conduct of polygraph examinations.

G. The employee may be interrogated only during their normal duty-hours, unless the Chief of Police or his designee determines that the seriousness of the investigation requires interrogation at another time. The employee will be paid overtime for that period. The Chief may not hold the employee responsible for normal duty-time missed because of their participation in an investigation. The employee may not be interrogated at their home without the employee's consent. The interrogation may not be unreasonably long, and provision must be made for physical necessities.

H. When there are indications that the employee complained against has been drinking, he/she may be required to submit to a blood test and/or a Breathalyzer test. The elapsed time, expressed in minutes, between the initial report or observations of the person's condition and the intoxication test will be accurately recorded. Where driving a vehicle is also involved, the accused will be required to comply with State Law regarding alcohol tests.

I. The Chief of Police or the Deputy Chief may designate a complaint as *confidential* and may restrict access to the file of the investigation to only those persons they deem necessary. The investigator assigned the responsibility of investigating a *confidential* investigation may, if necessary, report any matter directly to the Chief of Police. He must however, inform the Deputy Chief as soon thereafter as possible.

J. If an officer or employee is the subject of a complaint, the supervisor to which the officer is assigned will notify the officer or employee that a complaint has been received. If the complaint is designated *confidential*, the officer or employee will not be notified.

K. Upon conclusion of the investigation, each allegation of the complaint will be classified, upon evidence determined through investigation, as one of the following:

1. Unfounded - Allegation is false or not factual.

2. Exonerated - Incident complained of occurred but was lawful and proper.

3. Not Sustained - Insufficient evidence to either prove or disprove the allegation.

4. Sustained - The allegation is supported by sufficient evidence.

5. Misconduct Not Alleged in Complaint – Act(s) of misconduct not alleged in complaint but discovered during the investigation.

   a. Any sustained allegation regardless of its classification may form the basis for disciplinary action.

L. Special Procedures:

1. Where the investigation of an incident reveals other misconduct or violations of rules and regulations, or orders, these other acts will be investigated in accordance with this order.

2. Investigation of incidents involving the discharge of firearms will be investigated to determine if a violation occurred and to make a written record of the incident for the employee's protection if no violation did occur.

3. All allegations of violations of criminal statutes by officers or employees will be investigated by the Criminal Investigations Division.

7 REPORTING

A. All pages of report of investigations and other documents relating to complaint cases will be identified by the control number secured from the complaint register log.

B. The Professional Services Division Commander will be responsible for notifying the complainant of the final disposition of the investigated complaint, except in those cases where a pending criminal case might be compromised by the disclosure of this information.

C. All pages/parts of completed complaint investigations shall be securely kept in the office of the Professional Services Division Commander or other designated controlled-access storage area, and will be maintained pursuant to appropriate records retention requirements.

8 EMERGENCY RELIEF FROM DUTY

A. Any Supervisory Officer has the authority to impose emergency relief from duty until the next business day on a member or employee when it appears that such action is in the best interest of the Department.

B. A member or employee receiving an emergency relief from duty will report with his/her Division Commander to the Chief of Police on the next business day at 9:00 A.M. unless otherwise directed by competent authority.

C. The Supervisory Officer imposing the emergency relief from duty will also report to the Chief of Police at that time, unless otherwise directed by competent authority.

9 RESULTING ACTION

A. When the investigation results in a finding of unfounded, exonerated, or not sustained, the Deputy Chief of Police will so notify the accused, and the accused will be continued of duty. Should he/she have been placed on leave without pay status, he/she will be paid for that period of time.

B. When the investigation is classified as sustained:

1. The reports will be forwarded to the Deputy Chief of Police for recommendation of action to be taken.

2. The Deputy Chief will forward the reports to the Chief of Police who will review the recommendation and take such action, as he deems appropriate.

10 FORMS OF POSSIBLE ACTION AVAILABLE

A. Oral Reprimand

B. Written Reprimand

C. Suspension.

D. Reduction in Rank

E. Dismissal from Employment

F. Filing of Criminal Charges.

The administration of discipline to sworn officers as a result of a complaint investigation shall be within the guidelines of the Texas Local Government Code, Chapter 143 [Municipal Civil Service for Firefighters and Police Officers]. Any such discipline shall be administered within 180 days of the receipt of the initial complaint, exclusive of any subsequent appeal by the officer.

Training

In compliance with the Texas Racial Profiling Law, the Conroe Police Department has mandated that 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 Conroe Police Department have been mandated to complete TCLEOSE training and education programs 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, will complete a TCLEOSE training and education program on racial profiling not later than September 1, 2003. **Currently, all Conroe Police Department Officers that are required to have completed the TCLEOSE training and education program are in compliance.**

Chief Dupuis has completed his initial training and continuing education for his appointment to the position, as specified in the Education Code (96.641) of the Texas Racial Profiling Training law.

(I) Comparative Analysis

Table 1. Comparison of Self-Initiated Stops of Residents and DPS Resident Data

Race/Ethnicity*	Resident Contacts		DPS Data		Variance
	Number	Percent	Number	Percent	Percent
Caucasian	18926	73%	145029	84%	11
African	2721	10%	10788	6%	-4
Asian	2418	9%	3004	2%	-7
Native American	312	1%	219	0%	1
Middle Eastern	24	0%	0	0%	0
Other	16	0%	9361	5%	5
Hispanic	1006	4%	4893	3%	-1
Unknown	494	2%	No Data		-
Total	25917	100%	173294	100%	

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American". Numbers have been generalized to account for rounding errors

Table 2. Comparison of Self-Initiated Stops of Residents and Census Data

Race/Ethnicity*	Resident Contacts		Census Data		Variance
	Number	Percent	Number	Percent	Percent
Caucasian**	18926	73%	29006	49	24
African	2721	10%	5667	10	0
Asian	2418	9%	1013	2	7
Native American	312	1%	0	0	1
Middle Eastern	24	0%	No Data	No Data	0
Hispanic	16	0%	22633	38	-38
Other	1006	4%	931	2	2
Unknown	494	2%	No Data	No Data	
Total	25917	100%	47585	100	

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American".

(II) Tier 1 Data

	Contacts		Searches		Consent Searches		PC Searches		Custody Arrests	
Race / Ethnicity										
	N	%	N	%	N	%	N	%	N	%
Caucasian	18926	73%	550	70%	319	68%	231	73%	465	75%
African	2721	10%	114	14%	74	16%	40	13%	70	11%
Hispanic	2418	9%	103	13%	65	14%	38	12%	70	11%
Asian	312	1%	2	0%	1	0%	1	0%	3	0%
Native Am.	24	0%	0	0%	0	0%	0	0%	0	0%
Mid Eastern	16	0%	1	0%	1	0%	0	0%	0	0%
Other	1006	4%	14	2%	9	2%	5	2%	10	2%
Unknown	494	2%	5	1%	3	1%	2	1%	2	0%
Total	25917	100%	789	100%	472	100%	317	100%	620	100%

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American". 2009, amended to include "Middle Eastern".

Corrective Action

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

1) Oral Reprimand

2) Written Reprimand

3) Reduction in Rank and/or Suspension

4) Dismissal from Employment

5) Filing of Criminal Charges

The Chief of Police may, at his/her discretion, order the Officer to attend an approved course on Racial Sensitivity.

Data on Corrective Action

The following contains information regarding officers that have been the subject of a complaint, during the time period of 1/1/12---12/31/12, based on allegations outlining possible violations related to the Texas Racial Profiling Law. The final disposition of the case is also included.

[X]

Check above if the Conroe Police Department has not received any complaints, on any members of its police force, for having violated the Texas Racial Profiling Law during the time period of 1/1/12 ---- 12/31/12

2011 VS 2012

Tier 1 Data 2011

General Demographics of Contacts and Searches

Race/Ethnicity*	Contacts		Searches		Consent Searches		PC Searches		Custody Arrests	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Caucasian	22301	71	563	65	353	63	210	68	467	70
African	3220	10	168	19	120	21	48	15	95	14
Hispanic	2574	8	99	11	65	12	34	11	85	13
Asian	343	1	0	0	0	0	0	0	0	0
Native American	28	0	2	0	1	0	1	0	1	0
Mid Eastern	12	0	1	0	0	0	1	0	1	0
Other	1143	4	34	40	20	4	14	5	21	3
Unknown	1870	6	3	0	1	0	2	1	2	0
Total	31491	100	870	100	560	100	310	100	671	100

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American". 2010 Reporting requires "Middle Eastern" to also be noted

Tier 1 Data 2012

General Demographics of Contacts and Searches

Race/Ethnicity*	Contacts		Searches		Consent Searches		PC Searches		Custody Arrests	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Caucasian	18926	73	550	70	319	68	231	73	465	75
African	2721	10	114	14	74	16	40	13	70	11
Hispanic	2418	9	103	13	65	14	38	12	70	11
Asian	315	1	2	0	1	0	1	0	3	0
Native American	24	0	0	0	0	0	0	0	0	0
Mid Eastern	16	0	1	0	1	0	0	0	0	0
Other	1006	4	14	2	9	2	5	2	10	2
Unknown	494	2	5	1	3	1	2	1	2	0
Total	25917	100	789	100	472	100	317	100	620	100

* Race/Ethnicity are defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, or Native American". 2010 Reporting requires "Middle Eastern" to also be noted

Analysis

The data presented in this report contains information regarding police contacts with the public between January 1, 2012 and December 31, 2012. Despite its value, the raw data does not present much information relevant to racial profiling trends. Again it is noted the reader will note some discrepancies in actual numbers of residents used throughout this report. These discrepancies are common when using statistics from different sources, and the reader should keep in mind the intent of this document is to show ratios between the different groups using the provided data, not try to reconcile the accounting of the agencies.

Thus, it is felt that further analysis of the data is warranted. As such, data was obtained through the Texas Department of Public Safety (DPS), via a public information request. The data obtained from DPS included the race and gender of drivers in the area of the City of Conroe during the 2012 calendar year. The DPS captures this information by using all of the zip codes that are, in whole or in part, within the city limits of Conroe. The decision to obtain DPS data was made since, according to experts, census data presents challenges to any effort made at establishing a fair and accurate analysis. That is, census data contains information of all residents of a particular community, regardless of the fact that they may not be among the driving population. Examples include; young children, persons who choose not to drive, and the Montgomery County Jail population. Further, census data when used as a benchmark of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the Conroe Police Department, but reside outside city limits. This has a tendency of inflating the overall figures; thus, providing an inaccurate representation of police contacts with the public. Census data is shown in reference to the Tier I data as a comparison to the DPS data.

Over the last few years, the addition of specific racial groups to the list of those reported by agencies has led to significant discrepancies in numbers reported. There is currently no standardized format for organizations reporting racial data. DPS has only recently begun the use of the racial designation of "Hispanic". DPS currently still does not use the classification of "Middle Eastern" when recording the race of individuals licensed to drive. Those individuals commonly referred to as "Middle Eastern" fall into categories such as "Caucasian", "Asian" and "Other" in the DPS data. Additionally, census data does not track "Middle Eastern" as a specific racial designation, again making it difficult to compare numbers. Add to these differences the option of individuals to note their race as "Unknown" in the DPS data and a large percentage of the population could be excluded if these numbers are not included in this report.

Data Analysis

Art. 2.134- Art. 2.135 of The Texas Code of Criminal Procedure require the collection of Tier I data on all traffic and pedestrian stops when a citation was issued. For that reason, Tier I data was collected by using the standard Conroe Police Department citation form. The required information under Tier I was added to the citation fields and was

subsequently entered into the Municipal Court database. Prior to completing this report the data was extracted from the database and was used to prepare the Tier I data tables.

It should be noted Conroe, Texas is situated along both sides of Interstate Highway 45, and encompasses several miles of State Highway 105. Additionally, Conroe is the county seat of Montgomery County with a daytime population far in excess of any population estimate. Given these factors, establishing demographic comparisons for the population is challenging using any demographic benchmark. The now common use of automatic ticket writing systems has greatly improved the ability of officers to accurately gather the information required by law to be reported. However, it has also led to situations in which data must be forced into the reporting system that is not currently recognized by either DPS or the Census Bureau (see "Middle Eastern" above).

When comparing the Tier I, Section (I) table 1 data of those who came in contact with the Conroe Police Department during 2012 who, according to DPS, were residents of the city (as defined above) during that time and held a valid driver's license, the data produced the following findings:

The number of police contacts with Caucasian drivers, when compared to the number of Caucasian residents who held a valid drivers' license demonstrated that the number of contacts with the police were lower than the actual percentage of licensed drivers of that group documented by DPS. Tier I, Section (I), table 2 indicates that Caucasian drivers were more over-represented (24%) when compared to Census data. When comparing contacts made by CPD vs. DPS data, the same trend is seen with Caucasian drivers over-represented by 11%

When analyzing in the same manner, the data relevant to individuals of African descent, DPS data suggests that African drivers were under-represented by -4%. However, when comparing CPD data to census data, this group was evenly represented.

An analysis of the data relevant to Asian drivers indicates that they were represented at rates very consistent with the DPS data (-7%) as well as Census data (-7%). This area demonstrated no relevant statistical variance.

The number of individuals who consider themselves Native American increased from 9 to a high of 219 according to DPS data. Even with the increase, there was no significant statistical variance.

The category "Middle Eastern" has been in place since the 2010 reporting year. Even so, there is still currently no tracking of this category in either DPS or census data. Only 24 individuals identified themselves in this category during police contact.

Tracking of those of Hispanic decent is relatively new. Data indicates CPD contacts vs. DPS is under-represented at -1%. Comparison between CPD contact and census numbers indicate this group is under-represented at -38%

The category of "Other" drivers exhibits a higher (4%) representation in table 1. This is likely due to differences in semantics and grouping of races between the different agencies used for data. When compared to the Census data in table 2, there is a difference of +2%. When balancing the two numbers with the parameters noted earlier, there is little variance in the members of that particular group's representation.

Tier I, Section (II), table 1, reflects information on the general demographics of contacts, searches and arrests within the Tier I data.

Of the 789 searches that occurred as a result of a traffic or pedestrian stop in which a citation was issued, 70% (550) were searches of Caucasians. Consent searches of Caucasians accounted for 68% of all consensual searches while probable cause to search was found in 319 contacts with Caucasians, or 68% of all probable cause searches. Caucasians accounted for 75% (465) of those arrested as recorded on a citation form.

Searches of Africans numbered 114, or 14% of all searches. Of those searches that were consensual, Africans accounted for 16% (74). Probable cause to search Africans existed in 40 occurrences or 13% of all probable cause searches. 11% of those arrested as a result of traffic or pedestrian stops were of African descent.

Hispanics were searched in 103 instances reflecting 13% of all searches. Of those persons that consented to being searched, 65 (14%) were of Hispanic descent, while Hispanics accounted for 38 (12%) of all probable cause searches. Hispanics represented 11% of those arrested.

Asians accounted for statistically less than 1% of searches, with 2 total searches. Arrests of those claiming Asian descent amount statistically to 0% with 3 arrests.

Native Americans accounted for 0 searches. There were 0 arrests of Native Americans.

Data regarding those of Middle Eastern decent also statistically counted for less than 1%. There was 1 searches of this group which was consential. There are no arrests indicated for this group which represents less than 1% statistically.

The category of "Other" indicates 1006 individuals were contacted that provided information not tracked by the categories in this report. Using the data provided for this group, there were 14 searches performed amounting to 2% of the total number of searches. Of those, 9 (2%) were consensual, and 5 (2%) were based on probable cause. Arrests of those indicated as "Other" numbered 10 which accounted for 2% of total arrests.

Again in 2012, this report includes the category of "Unknown". This designation is used to categorize those whose race is not easily discernible, or by those who do not wish to declare their race. This group accounted for 494 contacts (2%). There were 5 searches which accounted for less than 1% of the total searches. Of those searches, 3 were

consensual and 2 were based on probable cause. 2 arrests occurred, which again is less than 1% of the total number.

Other data required in the current reporting standards regards the knowledge of the race of the subject before the traffic / pedestrian stop occurred. The following chart illustrates this data:

RACE	MALE	FEMALE	UNKNOWN	TOTAL
Caucasian	3	0	0	3
African	1	0	0	1
Hispanic	3	0	0	3
Asian	0	0	0	0
Native American	0	0	0	0
Middle Eastern	0	0	0	0
Other	0	0	0	0
Unknown	0	0	0	0
Totals	7	0	0	7

Overall, the total number of stops in which the race and / or gender of the violator was known is statistically insignificant.

(IV) Summary of Findings

Summary Statement

The findings suggest that the Conroe Police Department does not currently experience a problem regarding racial profiling practices. This is supported by the fact that there have been no sustained complaints from community members regarding officer misconduct associated with racial profiling practices.

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

Recommendations

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

- Continue to provide racial sensitivity training to its police personnel.
- Disseminate information to all officers regarding the guidelines of behavior acceptable under Texas Racial Profiling Law.
- Continue to provide information to the public regarding racial profiling issues through the Citizen Police Academy, neighborhood meetings and other appropriate forums.
- Keep City Council and other city officials informed of measures being implemented at the Conroe Police Department.

Checklist

(I) The following requirements ***must*** be met by all law enforcement agencies in the State of Texas:

☒ Clearly defined act or actions that constitute racial profiling

☒ Statement indicating prohibition of any peace officer employed by the Conroe Police Department from engaging in racial profiling

☒ Implement a process by which an individual may file a complaint regarding racial profiling violations

☒ Provide public education related to the complaint process

☒ Implement disciplinary guidelines for an officer or officers found in violation of the Texas Racial Profiling Law

☒ Collect data (Tier 1) that includes information on

a) Race and ethnicity of individual detained
b) Whether a search was conducted
c) If there was a search, whether it was a consensual search or a probable cause search
d) Whether a custody arrest took place
e) Whether the officer knew the race of the violator before the stop

☒ Produce an annual report on police contacts (Tier 1) and present this to local governing body by March 1, 2012.

☒ Present report to TCLEOSE on or before March 1 2012.

☒ Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation

(II) For additional questions regarding the information presented in this report, please contact:

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