

Magnolia Police Department



Racial Profiling Annual Report 2014



Magnolia Police Department

Charles Wedemeyer
Chief of Police

To: Honorable Mayor and City Council
From: Charles Wedemeyer, Interim Chief of Police
Date: February 24, 2015
Subject: 2014 Racial Profiling Annual Report
CC: Paul Mendes, City Administrator

The Texas Racial Profiling law (S.B. No. 1074), requires that the Magnolia Police Department collect police contact data as it relates to identifying and responding to concerns of racial profiling practices by its officers. The findings provided in this report reaffirm the Magnolia Police Department's commitment towards unbiased policing in all its encounters and our goal of maintaining a strong relation with the community we serve.

This report provides background information on the rationale and objectives of the Texas Racial Profiling Law. Other sections of this report contain information relevant to policies recommended by the Magnolia Police Department to prohibit the practice of racial profiling by its officers. This report also contains documentation that demonstrates compliance by the Magnolia Police Department with the Texas Racial Profiling Law. The documents show implementation of an institutional policy banning racial profiling, and the implementation of a racial profiling compliant process. This information will be disclosed to both the public and law enforcement personnel by way of the media.

Statistical data relevant to the public contacts made during the period of January 1, 2013 to December 31, 2013 are presented in this report. This information was analyzed and compared to both the U.S. Census Bureau and the Texas Department of Public Safety data on motorists and citizens residing in the City of Magnolia. It is our sincere hope that the policies and procedures will serve to ensure public confidence and mutual trust through the commitment to service in a fair and equitable fashion, consistent with the two fundamental rights guaranteed by both the United States Constitution and the Texas Constitution, which are "Equal protection under the law and freedom from unreasonable searches and seizures."

House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131 – 2.138. The Magnolia Police Department must now submit racial profiling data to the Texas Commission on Law Enforcement (TCOLE). The report was filed on February 24, 2015. The report is due by March 1, 2015.

Police Contact Data Annual Report January 1, 2014 through December 31, 2014

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I. Introduction and Analysis of Tier 1 Information

Summary Statement of Compliance

The information presented in this report demonstrates that the Magnolia Police Department has complied with the Texas Racial Profiling Law (SB 1074), as the police department has, in compliance with SB 1074, taken the following measures:

- ❖ Clearly defined the acts or actions that constitute racial profiling
- ❖ Provided a statement indicating the prohibition of any peace officer employed by the Magnolia Police Department from engaging in racial profiling.
- ❖ Implemented a process by which an individual can file a complaint regarding racial profiling violations.
- ❖ Will continue to disclose the complaint policy in order to inform the public on how to file a racial profiling complaint.
- ❖ Implemented disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law.
- ❖ Collected and analyzed Tier One Data.
- ❖ Adopted a policy on standards for reviewing video and audio documentation.
- ❖ Produced and annual report on police contacts (Tier 1) and presented this report to its local city council.
- ❖ In accordance with Article 2.134 (b) of the Code of Criminal Procedure, not later than March 1, 2015, all law enforcement agencies must submit information collected under Article 2.133, Code of Criminal Procedure, to the Texas Commission on Law Enforcement (TCOLE). Under the guidelines of Section 1701.164 of the Texas Occupations Code, TCOLE, in consultation with the Department of Public Safety, the Bill Blackwood Law Enforcement management Institute, the W.W. Caruth, Jr., Police Institute at Dallas, and the Texas Police Chief s Association, identified the information to be reported.

Methodology for Data Analysis and Objectives

The Magnolia Police Department is committed to establish an Early Identification and Intervention strategy (EIIIS) system. The purpose and components of early identification and intervention systems help set up a process to review, identify and intervene for a follow-up, should an officer exhibit problematic conduct, as it relates to racial profiling. The review of data collected by such a system will include supervisory, management and systemic organizational issues and problems. This requires a long term evaluation of statistical data, along with investigations of individual complaints of racial profiling. Before we attempt to make an accurate comparison, a valid population baseline must be identified to which cumulative data can be compared.

A nationally recognized scholar, who specializes in racial sensitivity training, including racial profiling, is Dr. Alex Del Carmen. He is a Texas Commission on Law Enforcement (TCOLE) certified instructor and a trainer for the Law Enforcement Management Institute of Texas of over 2000 Chiefs of Police on topics relevant to racial profiling. Various law enforcement agencies across the state have made the decision to use driver's license information collected by the Texas Department of Public Safety as a baseline. However, several concerned groups, such as the ACLU (American Civil Liberties Union), NAACP (National Association for the Advancement of Colored People), LULAC (League of United Latin American Citizens), and TCJRC (Texas Criminal Justice Reform Coalition), recommend using census data on vehicle availability to calculate a statistical baseline. Dr. Del Carmen suggests that comparing vehicle availability information against contact data is a flawed methodology and violates the basic rules of statistics. Vehicle availability data is based on the number of households that have access to vehicles. A comparison of this nature would pit individual based traffic stops against households, which may have multiple residents and/or several vehicles. According to Dr. Del Carmen, comparing these two sets of data would likely result in ecological fallacy. He maintains that the Texas Department of Public Safety data is the most reliable baseline information available.

It should be noted that comparing Tier One data against any available population baseline is insufficient to render a judgment on whether a racial profiling problem exists.

The Magnolia Police Department is committed to identifying racial profiling and other biases within its own department if they are found to exist. If such problems are identified, the department is committed to taking the appropriate corrective action. However, based on the Tier One data collected for 2013, and the fact that 1 complaint of racial profiling were filed during this year, the department does not appear to have any identifiable problem with racial profiling.

City of Magnolia Demographics

As per the United States Census of 2010, there were 1,393 people, 593 households, and 375 families residing in the City of Magnolia, Texas. The population density was 528.3 people per square mile. There were 593 housing units at an average density of 218.7/sq. mi. The racial makeup of the city was 76.0% White, 10.3 % African American, 0.04 % Native American, 0.08% Asian, 1.62% from other races, and 0.09% from two or more races. Hispanic or Latino of any race was 11.7% of the population.

There were 593 households out of which 38.2% had children under the age of 18 living with them, 53.3% were married couples living together, 17.5% had a female householder with no husband present, and 24.8% were non-families. 20.9% of all households were made up of individuals and 9.2% had someone living alone who was 65 years of age or older. The average household size was 2.95 and the average family size was 3.73.

In the city the population was spread out with 26.1% under the age of 18, 9.4% from 18 to 24, 30.5% from 25 to 44, 19.7% from 45 to 64, and 12.3% who were 65 years of age or older. The median age was 34 years. For every 100 females there were 96.3 males. For every 100 females age 18 and over, there were 87.6 males.

II. Background Information

The year 1840 may have been the turning point in the history of what is now known as Magnolia, Texas. That was the year that the southern boundary of Montgomery County was extended to Spring Creek. This area was officially named Mink, Texas on September 3, 1885. The first known application for "Magnolia" was dated January 17, 1885, however; the official name change to Magnolia did not occur until July 28, 1903.

By 1924 it was a thriving community. Several large sawmills were open as well as several general stores, saloons, barbershop, ice cream store, telephone office, livery stable, bank, hotel, boarding house, doctor's office, pharmacy, blacksmith shop, syrup and grist mills, churches, school, land office, railroad depot, telegraph station, cotton gin, tanning yard, feed store and garage. Magnolia became a shipping center for lumber, farm products and cattle.

An election was held on September 28, 1968, to determine if the territory known as Town of Magnolia should become an incorporated municipality. There were a total of 123 votes cast, 106 votes for and 17 votes against. The City of Magnolia became an incorporated municipality on October 15, 1968 with Cedric Smith serving as the first Mayor.

Today, the official population of the City of Magnolia is 1,393, as of the 2010 U. S. Census. The City of Magnolia is a General Law Type A government and operates under the Mayor-Council form of government. The City Council is the governing body and has the power to make and enforce all laws and policy related to municipal affairs.

History of the Police Department

On February 11, 1975, Mayor G.L. Bankston, with a vote of the Magnolia City Council adopted Ordinance number 46, which established the Magnolia Police Department. Kenneth Lee Blankenship was appointed as the first chief of police.

Today, the Magnolia Police Department is made up of a diverse group of men and women who are dedicated law enforcement professionals committed to providing unparalleled service to our City. Our staff is dedicated to maintaining high standards of integrity, professionalism and excellence.

The Magnolia Police Department will always strive to provide the highest quality service, preserving human rights, lives, and property, while attempting to achieve the goals and objectives of the department, the City and the community.

In 2002, the Texas State Legislature enacted Senate Bill 1074, to which the Magnolia Police Department has complied by presenting this report.

House Bill 3389 changed several portions of the Code of Criminal Procedures Article 2.131-2.138. Therefore, pursuant to HB 3389 all agencies must report racial profiling data to TCOLE, as well as their governing body, by March 1, 2015.

III. Response to Texas Racial Profiling Law

- A. InCode report depicting Magnolia Police Department (MPD) motor vehicle racial profiling contact information (01-01-14 through 12-31-14) (See attached report).
- B. Tier 1 -Partial Exemption Racial Profiling Report filed with TCOLE.
- C. Institutional Policy on Racial Profiling (definition/prohibition of racial profiling).
 - a. MPD Policy 2.2 -Biased Based Policing.
 - b. MPD Policy 2.02 -Rules of Conduct.
 - c. Rule/Regulation 9 -Abuse of Prisoner.
 - d. Rules/Regulations 14-Discourtesy or Disrespect.
 - e. Rules/Regulations 36-Mandatory Training Requirements.
 - f. Rules/Regulations 42 -Care of Police Building (posting of offensive material).
- D. Implementation of Compliant Process Addressing Allegation of Racial Profiling Practices (includes efforts relevant to the implementation of an educational campaign aimed at informing the public on the compliant process).
 - 1. MPD Policy 2.04 -Internal Investigation Process (Complaint process posted on website and policy lobby).
- E. Training of Law Enforcement Personnel (see Texas Best Practices Document Submission Form 2.01.1 -Biased Based Profiling).
 - 2. Biased Based Policing (pages 3 and 5).
 - 3. Formal Training Bulletin "Understanding Biased-Based Traffic Enforcement" (pages 4, 5, 6) from the National Highway Traffic Safety Administration.
 - 4. Signature page on proof of receipt by all personnel.
- F. Report on Complaints (if any) filed against Officers for violating the Racial Profiling Policy (includes institutional procedures/corrective action used when responding to Racial Profiling complaints).
 - 5. See Internal Affairs Log and Inquiry Log (posted on city website).
- G. Citizen Complaint Packet –Office of Professional Standards (Internal Affairs) available on the City of Magnolia website and in the Police Department lobby or from any police supervisor.

PD POLICE DEPARTMENT

Totals for Agency

Number of Cases for Agency.....: 2,955
 Number of Violations for Agency.....: 3,964
 Number of Warnings for Agency.....: 0
 Number of Cases with no name.....: 0
 Number of Cases non-officer initiated: 0

Race	KPr	Sex	Cases	Warn	Search			P/C	Arst	Viol	Status			Res
					None	Cons					Glty	Dism	Pend	
Caucasian	0	M	1375	0	33	13	1329	3	1851	595	654	602	500	
	0	F	931	0	14	7	910	2	1158	331	497	330	406	
	0	U	4	0	0	0	4	0	6	1	3	2	2	
African	0	M	122	0	1	0	121	0	181	35	45	101	20	
	0	F	41	0	1	0	40	0	57	19	9	29	8	
	0	U	0	0	0	0	0	0	0	0	0	0	0	
Hispanic	0	M	145	0	11	0	134	2	196	64	54	78	43	
	0	F	58	0	4	0	54	0	79	27	23	29	18	
	0	U	0	0	0	0	0	0	0	0	0	0	0	
Asian	0	M	24	0	1	0	23	0	29	12	11	6	3	
	0	F	15	0	0	0	15	0	18	3	13	2	1	
	0	U	0	0	0	0	0	0	0	0	0	0	0	
Amer. Ind	0	M	0	0	0	0	0	0	0	0	0	0	0	
	0	F	0	0	0	0	0	0	0	0	0	0	0	
	0	U	0	0	0	0	0	0	0	0	0	0	0	
Mid East	0	M	0	0	0	0	0	0	0	0	0	0	0	
	0	F	0	0	0	0	0	0	0	0	0	0	0	
	0	U	0	0	0	0	0	0	0	0	0	0	0	
Other	0	M	173	0	2	0	171	0	282	149	60	73	44	
	0	F	64	0	0	0	64	0	103	53	25	25	28	
	0	U	1	0	0	0	1	0	1	0	1	0	1	
Unknown	0	M	1	0	0	0	1	0	1	0	0	1	1	
	0	F	0	0	0	0	0	0	0	0	0	0	0	
	0	U	1	0	1	0	0	0	2	0	2	0	0	

TIER 1 - PARTIAL EXEMPTION RACIAL PROFILING REPORT

Agency Name: MAGNOLIA POLICE DEPT.
Reporting Date: 02/24/2015
TCOLE Agency Number: 339203
Chief Administrator: CHARLES WEDEMEYER
Agency Contact Information: Phone: 281-356-2500
Email: jsenegal@cityofmagnolia.com
Mailing Address:
MAGNOLIA POLICE DEPT.
18111 Buddy Riley
Magnolia, TX 77354

This Agency claims partial racial profiling report exemption because:

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

Certification to This Report 2.132 (Tier 1)-Partial Exemption Article

2.132(b) CCP Law Enforcement Policy on Racial Profiling

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

- (1) clearly defines acts constituting racial profiling;
- (2) strictly prohibits peace officers employed by the MAGNOLIA POLICE DEPT. from engaging in racial profiling;
- (3) implements a process by which an individual may file a complaint with the MAGNOLIA POLICE DEPT. if the individual believes that a peace officer employed by the MAGNOLIA POLICE DEPT. has engaged in racial profiling with respect to the individual;
- (4) provides public education relating to the agency's complaint process;
- (5) requires appropriate corrective action to be taken against a peace officer employed by the MAGNOLIA POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the MAGNOLIA POLICE DEPT.'s policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
 - (A) the race or ethnicity of the individual detained;
 - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and

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

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

(6) to:

(A) The Commission on Law Enforcement; and

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

I certify these policies are in effect.

Executed by: *Charles Wedemeyer*

Chief Administrator

MAGNOLIA POLICE DEPT.

Date: 02/24/2015

MAGNOLIA POLICE DEPT. Motor Vehicle Racial Profiling Information

Number of motor vehicle stops:

1. Citations Only = 3964
2. Arrests Only = 0
3. Both = 0
4. Total = 3964

Race or Ethnicity:

Race or Ethnicity	Number of Violations
African American	238
Asian	47
Caucasian	3015
Hispanic	275
Middle Eastern	0
Native American	0
Other	386
Unk	3

Race or Ethnicity known prior to stop?

5. Yes = 0
6. No = 3964

Search conducted?

7. Yes = 2887
8. No = 1077

Was search consented?

9. Yes = 20
10. No = 2867