



INFORMAL STAFF REPORT

MEMORANDUM

To: Ron L. Olson, City Manager

Thru: Troy Riggs, Assistant City Manager 

From: Richard Badaracco, Interim Chief of Police 

Date: February 22, 2012

Subject: Annual Racial Profiling Report - 2011

Issue/Problem

Determine the prevalence of racial profiling by the Corpus Christi Police Department (CCPD) officers as pertains to motor vehicle stops as well as subsequent searches and arrests.

Background & Findings

Article 2.132 of the Texas Code of Criminal Procedure requires the "collection of information relating to motor vehicle stops in which a citation is issued and to arrests resulting from those motor vehicle 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."

"Racial profiling" means "a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity." *Tex. Code Crim. Proc. Art. 3.05.*

The Corpus Christi Police Department adopts a detailed written policy on racial profiling. The policy:

- (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.

The Corpus Christi Police Department submits the attached reports (Exhibit A "Racial Profiling Reporting" and Exhibit B "Biased Based Profiling Report") on motor vehicle stop and search data for calendar year 2011 in accordance with Article 2.132(a)(7) of the Texas Code of Criminal Procedure. In addition to motor vehicle stop data, Exhibit B contains information regarding citizen complaints of racial profiling and prejudicial conduct which were made to and investigated by CCPD during the calendar year 2011.

Conclusion

In 2011, the percentage of stops attributed to each respective race or ethnic group was roughly equivalent to each group's representative population within the City of Corpus Christi according to the 2010 Census: Hispanic – 59.7%; Caucasian – 33.33%; African American – 3.9%; Asian – 1.8%; and Native American - 0.3%.



**Racial Profiling Reporting
(Tier 2)**

(State of Texas Mandatory Form)

- Instructions: Please fill out all boxes. If zero use 0.**
1. Total on lines 3, 10, 13, 18, 21, 40, and 51 Must be equal
2. Total on lines 27 and 30 Must equal line 19

Gender:

1. 17839 Female
2. 33403 Male

3. 51242 Total

Race or Ethnicity:

4. 3174 African
5. 467 Asian
6. 15739 Caucasian
7. 31497 Hispanic
8. 321 Middle Eastern
9. 44 Native American

10. 51242 Total

Race or Ethnicity known prior to stop?

11. 1226 Yes
12. 50016 No

13. 51242 Total

Reason for stop:

14. 1108 Violation of law other than traffic
15. 314 Pre-existing knowledge (i.e. warrant)
16. 32248 Moving Traffic Violation
17. 17572 Vehicle Traffic Violation (Equipment, Inspection or Registration)

18. 51242 Total



Racial Profiling Reporting (Tier 2)

Search conducted?

19. 5667 Yes
20. 45575 No

21. 51242 Total

Reason for search: (choose 1 for each search)

22. 2554 Consent
23. 135 Contraband/evidence in plain sight
24. 650 Probable cause or reasonable suspicion
25. 1863 Inventory search performed as result of
towing
26. 465 Incident to arrest/warrant
27. 5667 Total Must equal #19

Contraband discovered?

28. 824 Yes
29. 4843 No
30. 5667 Total Must equal #19

Description of Contraband (Chose only One)

31. 668 Illegal drugs/drug paraphernalia
32. 2 Currency
33. 28 Weapons
34. 100 Alcohol
35. 5 Stolen property
36. 21 Other
37. 824 Total Must equal #28

Arrest result of stop or search:

38. 2194 Yes
39. 49048 No

40. 51242 Total



**Racial Profiling Reporting
(Tier 2)**

Arrest based on:

- 41. 1099 Violation of the Penal Code
- 42. 252 Violation of a Traffic Law
- 43. 7 Violation of City Ordinance
- 44. 836 Outstanding Warrant

Street address or approximate location of the stop:

- 45. 40508 City Street
- 46. 10497 US Highway
- 47. 93 County Road
- 48. 144 Private Property or Other

Written warning or a citation as a result of the stop:

- 49. 19194 Yes
- 50. 32048 No

51. 51242 Total

Please submit electronically the analysis in PDF format required by 2.134 CCP(c) which contains:

- (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.

This analysis meets the above requirements

Rubon B. Salazar 2/28/12
 Chief Administrator Date

All five (5) pages will be entered via a TCLEOSE Web entry form and the analysis is to be uploaded to the website in PDF format

www.tcleose.state.tx.us



City of
Corpus
Christi

Police Department Memorandum

To: R. Badaracco, Interim Chief of Police
From: Captain B. Torres
Subject: Biased Based Profiling Report, 2011
CALEA Standard 1.2.9 D
Date: January 6, 2012

A review of the Internal Affairs data for 2011 indicates that there was one (1) allegation made by one (1) individual complainant which met the criteria to be included in the Biased Based Profiling Report for 2011. A synopsis of said allegation and the subsequent disposition is included below. The criteria established for an allegation to be included in this report is for said allegation to meet the definition of and subsequently be categorized as Prejudicial Conduct (17) or Racial Profiling (18). Said definitions are contained in chapter six (6) of the General Rules Manual of the Corpus Christi Police Department and are as follows:

17. **Prejudicial Conduct** - insulting or derogatory action toward another based on the individual's race, ethnicity or national origin, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable group.
18. **Racial Profiling** - exercise of police authority to seize and / or detain an individual solely upon an individual's race, ethnicity or national origin, gender, sexual orientation, religion, economic status, age, cultural group, or other identifiable group.

Racial Profiling Complaints

In 2011 the Corpus Christi Police Department received no racial profiling complaints.

Prejudicial Conduct Complaints

In 2011 the Corpus Christi Police Department received one (1) Prejudicial Conduct complaint. Said complaint is currently being investigated at the Internal Affairs level and is still in the investigative stage.

1. In November, an Officer responded to a call for service in reference to a disturbance at 4101 Leopard. A twenty four (24) year old White male was contacted by a responding Officer. The complainant has alleged the responding Officer used a homophobic slur against him because of his sexual orientation. Complainant has further alleged the Officer refused to assist him because of his sexual orientation.

A review of the above incident does not indicate the need for any additional training and/or policy revisions at this time. The need for additional training and/or policy revisions may be revisited at the conclusion of the investigation.


Captain B. Torres
Professional Standards Division