



CITY OF
SOUTHLAKE



Department of Public Safety



Racial Profiling Report 2011

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Executive Summary

Articles 2.131 – 2.138 of the Texas Code of Criminal Procedure require the annual reporting to the local governing body and TCLEOSE of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. This is the seventh year requiring such report. The data for the report was obtained from the Racial Profiling Report component of the Municipal Court software program.

Beginning in 2010 all Texas law enforcement agencies are also required to submit the racial profiling report to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) website by March 1 each year.

The analysis of material and data from the Southlake Department of Public Safety revealed the following:

- **The analysis of statistical information from SDPS reveals that there are no indications of systemic racial profiling by the department.**
- **The SDPS is in compliance with applicable Texas law concerning the prohibition of racial profiling.**

Introduction

This report details an analysis of the Southlake Department of Public Safety's statistical information on racial profiling for the calendar year 2011. According to the State of Texas, race means "of a particular descent, including Caucasian, African, Hispanic, Asian or Native American descent".

This report has been prepared to specifically comply with Article 2.131 – 2.138 of the Texas Code of Criminal Procedure regarding the compilation and analysis of racial profiling data. Because all Southlake DPS Patrol vehicles have cameras for the recording of traffic stops, Southlake is exempt from the more rigorous reporting requirements of section 2.134. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into five analytical sections: SDPS's policy on racial profiling; SDPS's training and education on racial profiling; SDPS's complaint process and public education on racial profiling; and analysis of statistical data on racial profiling.

For the purposes of this report and analysis, the State of Texas defines racial profiling as follows: 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 (Texas CCP Article 3.05).

The demographic information contained in this report was taken from the demographic profile from the 2010 National Census. Southlake demographic information was compared to both county and regional information for analytical and comparison purposes. The region is defined

by the North Central Texas Council of Governments (NCTCOG) as a sixteen county region centered around Dallas and Fort Worth.

Southlake Department of Public Safety Policy on Racial Profiling

A review of SDPS General Orders (GO) and Standard Operating Procedure (SOP) revealed that the department has adopted policies to be in compliance with Article 2.132 of the Texas Code of Criminal Procedure. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in Departmental General Orders or Standard Operating Procedures. The General Orders and SOPs provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined, up to and including, termination. The General Orders and SOPs also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or social status. Appendix B lists the applicable statute and corresponding General Orders or Police Standard Operating Procedures. Specifically however, Police SOP 121.03 states:

121.03.1 Profiling Prohibited

- A. Peace Officers of the City of Southlake are strictly prohibited from engaging in any form of inappropriate profiling.
- B. The prohibition against inappropriate profiling does not preclude the use of race, ethnicity, or national origin factors in a detention decision by a peace officer when such factors are used as part of a description of a suspect or witness for whom the officer is searching.
- C. Officers refrain from stopping, detaining, searching, arresting, or taking any enforcement action including seizure or forfeiture activities, against any person based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender, color, creed, sexual orientation, disability or economic status.

Southlake Department of Public Safety Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas Peace officers. As of November 2011 all officers have completed the TCLEOSE required training on Racial Profiling and Asset Forfeiture.

Southlake Department of Public Safety Complaint Process and Public Education on Racial Profiling

Article 2.132 §2(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. The department has prepared a brochure on the citizen

complaint process which includes a specific section on racial profiling. The brochure is clearly written and provides detailed information on the process and whom to contact to file a complaint. In addition, the department has posted specific information about racial profiling on their website which is easily accessible.

Southlake Department of Public Safety Statistical Data on Racial Profiling

Article 2.132(b)6 requires that law enforcement agencies collect statistical information on traffic stops and detentions with specific information on the race of the person stopped. In addition, information concerning searches of persons and whether or not the search was based on consent or probable cause is also collected.

2011 Analysis of Traffic Stops

In 2011 Southlake Police Officers issued a total of 14,421 citations for a total of 17,417 violations. This represents an 8.8% increase in the total number of violations cited in 2010. The table below depicts the percentages of people detained by race. As can be seen, Caucasians, Hispanics, Asians and those of the Middle Eastern race were detained in lower numbers than the comparable population who reside in the city. African Americans and Native Americans were detained in higher numbers than the comparable population who reside within the City. Caucasians were detained in a larger percentage than in the county or regional population. In comparison African Americans, Asian, Native Americans, Hispanics and those of the Middle Eastern race were detained in a significantly lower percentage than the Tarrant County and regional population figures. The Southlake, county and regional population data was gathered from the 2010 census which is the most recent census and demographic information available.

2011 - Total Citation Data

	Caucasian	Asian	Hispanic	African	Middle East	Native American	Other/ Unknown
Total Citations Issued	11,738	314	766	688	33	65	817
Percent Issued	81.4%	2.2%	5.3%	4.8%	0.2%	0.5%	5.7%
Southlake Population	88.3%	6.2%	5.5%	2.1%	1%	0.3%	N/A
Tarrant Population	66.6%	4.7%	26.7%	14.9%	10%	0.9%	N/A
Regional Population	65.8%	5.2%	14.9%	14.8%	10.6%	0.8%	N/A

The above figures are not surprising due to the amount of through traffic created as a result of having two state farm to market roads and one state highway in the city. Our city also attracts a number of non-residential visitors due to the abundant shopping choices in Southlake Town Square. The above figures are not indicative of racial profiling on the part of the Southlake Police Services. Officers do not stop only city residents during traffic enforcement and the major thoroughfares bring county, regional, and out-of-state residents through the city in high

numbers. To appropriately evaluate the data, one must use a number of measures. The use of county and regional population data is most appropriate because these residents would have the highest likelihood, in addition to Southlake residents, of using Southlake roadways. Using the city, county and 16 county regional population data, percentage of traffic stops by race appear both expected and understandable. The citation data also shows that a significantly lower percentage of minorities than are present in the county or regional populations were issued citations; therefore the combining of local and regional numbers indicates a fair balance in traffic enforcement data.

2011 Analysis of Persons Searched

The table below reports the summaries for the total number of persons searched subsequent to being stopped by SDPS for traffic offenses and either cited to court or arrested. Individuals are searched after being stopped for a variety of reasons. In 2011 9.9% of traffic stops resulted in a search being conducted.

2011- Traffic Stops Resulting in a Search

	Caucasian	Asian	Hispanic	African	Middle East	Native American	Other/ Unknown
Total Detained	11,738	314	766	688	33	65	817
Total Searched	1214	38	64	86	1	4	30
Percent Searched	10.3%	12.1%	8.3%	12.5%	3%	6.1%	3.7%
Searched incident to Arrest	75	0	7	8	0	1	0
Searched by Consent	18	0	0	2	0	0	0
Searched due to Probable Cause	1121	38	57	76	1	3	30

2006-2010 Comparative Analysis of Traffic Stops

For comparison, Police Services has included an analysis from 2007 through 2011 traffic stops. Southlake Police Officers issued a total of 12,408 citations during 2007 compared to a total of, 12,653 in 2008, 13,253 in 2009, 13,216 in 2010, and 14421 in 2011. As can be seen in the years 2007 thru 2010 Caucasians were detained in slightly lower numbers than in the population of the city, but in a larger percentage than in the county or regional population in each of the five comparative years. Hispanics were typically detained in lower numbers than the Southlake and regional populations, and African-Americans were detained in numbers slightly higher than their comparable population percentage who reside within the city, but lower in comparison with their numbers in the county or the regional populations.

In 2011 this changed slightly, Caucasians, Hispanics, Asians and those of the Middle Eastern race were detained in lower numbers than the comparable population who reside within the city. African Americans and Native Americans were detained in higher numbers than the comparable population who reside within the City. Caucasians continued to be detained in a larger

percentage than in the figures obtained pertaining to the county and regional population. In comparison, African Americans, Asian, Native Americans, Hispanics and those of the Middle Eastern race were detained in a significantly lower percentage than the Tarrant County and regional population figures. This comparison indicates Southlake police officers do not use bias based policing.

2007- Total Citations 12,408

	Caucasian	Asian	Hispanic	African	Other	Native American	Unknown
Total Citations Issued	10,331	237	726	592	176	6	340
Percent Issued	83.3%	1.9%	5.9%	4.8%	1.4%	.04%	2.7%
Southlake Population	96.5%	1.8%	3.7%	1.4%	0.8%	0.2%	N/A
Tarrant Population	71.2%	3.6%	19.7%	12.8%	9.1%	0.6%	N/A
Regional Population	59.5%	3.8%	21.4%	13.6%	9.9%	0.6%	N/A

2008- Total Violations Cited 12,653

	Caucasian	Asian	Hispanic	African	Other	Native American	Unknown
Total Citations Issued	10,492	223	732	677	172	5	393
Percent Issued	82.9%	1.7%	5.8%	5.3%	1.4%	.04%	3.1%
Southlake Population	96.5%	1.8%	3.7%	1.4%	0.8%	0.2%	N/A
Tarrant Population	71.2%	3.6%	19.7%	12.8%	9.1%	0.6%	N/A
Regional Population	59.5%	3.8%	21.4%	13.6%	9.9%	0.6%	N/A

2009- Total Violations Cited 16,202

	Caucasian	Asian	Hispanic	African	Other	Native American	Unknown
Total Citations Issued	14,152	291	479	745	162	2	371
Percent Issued	87.3%	1.8%	2.9%	4.6%	1.0%	0%	2.3%
Southlake Population	96.5%	1.8%	3.7%	1.4%	0.8%	0.2%	N/A
Tarrant Population	71.2%	3.6%	19.7%	12.8%	9.1%	0.6%	N/A
Regional Population	59.5%	3.8%	21.4%	13.6%	9.9%	0.6%	N/A

2010- Total Violations Cited 15,870

	Caucasian	Asian	Hispanic	African	Middle East	Native American	Other/ Unknown
Total Citations Issued	13,384	330	435	810	2	9	900
Percent Issued	84.3%	2.07%	2.7%	5.1%	0.0%	0.0%	5.67%
Southlake Population	96.5%	1.8%	3.7%	1.4%	0.8%	0.2%	0.8%
Tarrant Population	71.2%	3.6%	19.7%	12.8%	9.1%	0.6%	9.1%
Regional Population	59.5%	3.8%	21.4%	13.6%	9.9%	0.6%	9.9%

2011- Total Violation Cited

	Caucasian	Asian	Hispanic	African	Middle East	Native American	Other/ Unknown
Total Citations Issued	11,738	314	766	688	33	65	817
Percent Issued	81.4%	2.2%	5.3%	4.8%	0.2%	0.5%	5.7%
Southlake Population	88.3%	6.2%	5.5%	2.1%	1%	0.3%	N/A
Tarrant Population	66.6%	4.7%	26.7%	14.9%	10%	0.9%	N/A
Regional Population	65.8%	5.2%	14.9%	14.8%	10.6%	0.8%	N/A

2007-2011 Comparison of Persons Searched

The table below reports the summaries for the total number of persons searched subsequent to being stopped by SDPS for traffic offenses and either cited to appear in court or arrested. For comparison, the 207 through 2011 information is listed below. There has been a significant increase in the number of persons searched since 2007 where 45 searches were conducted, in 2008 131, in 2009 160, in 2010 136, and in 2011 a total of 1437 searches were conducted. There is no clear indicator for the reason(s) for the increase in searches. We have increased training on Arrest, Search, and Seizure laws in the past two years. In FY2011 we implements a new data collection system (Brazos) and the agency has restarted our K-9 program, all of which may have led to the increase.

In general, individuals are searched after being stopped for a variety of reasons. Officers may be concerned for their personal safety (the possibility of a weapon), they may have probable cause that a crime has been committed and the person stopped is concealing evidence of the crime, or they may have a suspicion of a criminal offense and request consent from the person to search the person or vehicle.

2007- Total Citations 12,408

	Caucasian	Asian	Hispanic	African	Other	Native American	Unknown
Total Detained	10,331	237	726	592	176	6	340
Total Searched	40	0	2	3	0	0	0
Percent Searched	0.4%	0%	0.2%	0.5%	0%	0%	0%
Searched with Probable Cause	30	0	1	3	0	0	0
Searched by Consent	10	2	1	0	0	0	0

2008- Total Citations 10,027

	Caucasian	Asian	Hispanic	African	Other	Native American	Unknown
Total Detained	8329	189	467	518	132	5	387
Total Searched	113	0	13	3	2	0	0
Percent Searched	1.3%	0%	2.7%	0.5%	1.5%	0%	0%
Searched incident to Arrest	51	0	7	1	0	0	0
Searched by Consent	14	0	0	0	0	0	0
Searched due to Probable Cause	48	0	8	2	2	0	0

2009- Total Citations 13,253

	Caucasian	Asian	Hispanic	African	Other	Native American	Unknown
Total Detained	11,600	245	312	597	127	2	370
Total Searched	138	1	9	10	1	0	1
Percent Searched	1.2%	0.4%	2.9%	1.7%	0.7%	0%	0.2%
Searched incident to Arrest	66	0	6	5	0	0	0
Searched by Consent	24	1	1	0	0	0	0
Searched due to Probable Cause	48	0	2	5	1	0	1

2010 - Total Citations 13,216

	Caucasian	Asian	Hispanic	African	Middle East	Native American	Other/ Unknown
Total Detained	11,119	274	300	638	2	7	876
Total Searched	115	3	5	13	0	0	0
Percent Searched	1.03%	1.09%	1.67%	2.03%	0.0%	0%	0.0%
Searched incident to Arrest	27	0	0	0	0	0	0
Searched by Consent	37	3	0	7	0	0	0
Searched due to Probable Cause	51	0	5	6	0	0	0

2011 – Total Citations 14,421

	Caucasian	Asian	Hispanic	African	Middle East	Native American	Other/ Unknown
Total Detained	11,738	314	766	688	33	65	817
Total Searched	1214	38	64	86	1	4	30
Percent Searched	10.3%	12.1%	8.3%	12.5%	3%	6.1%	3.7%
Searched incident to Arrest	75	0	7	8	0	1	0
Searched by Consent	18	0	0	2	0	0	0
Searched due to Probable Cause	1121	38	57	76	1	3	30

Analysis of Racial Profiling Compliance by Southlake Department of Public Safety

The analysis of the data regarding traffic citations and searches indicates that SDPS is fully in compliance with all relevant Texas law concerning racial profiling. Data on traffic stops revealed African-Americans are stopped in numbers slightly higher than the city population, but much lower than the county or regional population with the opposite being true for Caucasians. This is a reasonable expectation due to the fact that Southlake officers do not just issue citations to Southlake residents. State Highway 114, FM1938 and FM 1709 funnel residents from the entire region through Southlake and it is reasonable to assume that these individuals commit a portion of the traffic violations viewed by officers. In addition, while the small numbers confound statistical analysis, the data does demonstrate that searches of drivers are not significantly different when examining race. Given the small number of searches of minorities, no evidence exists that would suggest any selective targeting of minorities.

Coding of traffic citations showed that officers knew the race of the person prior to initiating a traffic stop in 350 (2.4%) of the 14,21 cases. This clearly indicates that race is not a determining

factor in making the initial decision to stop. Police Services received no complaints of racial profiling during 2011.

Data Collection Issues

There are a variety of issues with any data collected on racial profiling. First, although the law mandates collection, there is not a standardized method of collecting data or what the data should entail. Hence, there is wide variation in the reporting by law enforcement across the state.

Second, the determination of race is sometimes difficult and, at best a guessing game. Currently, race is not on a person's driver's license. In addition, police usually refrain from asking a person's race. The law allows the officer to use their perception to determine race or to ask the persons race. To minimize conflict, the officers often use their perception based on appearance and surname.

Finally, the law provides no standards by which to compare the data collected. It only states that a report will be provided to the legislative body. If a comparison is to be made, any statistics gathered must be compared to a variety of other measures and must take into account regional and city variations. For example, this report compared Southlake statistics with both Tarrant County and regional statistics to attempt to show that although Southlake is primarily populated by Caucasians; while the percentages of population vary greatly for the county and the region. City population statistics do not take into account the effect that a major arterial roadway connecting the region will have on the demographics of the motoring public traveling through the city.

The Southlake Department of Public Safety is committed to providing police services in a fair and bias free manner. Southlake Police Officers are some of the finest and most well trained officers in the region and are committed to avoiding any form of bias based policing. Our mission remains to provide the highest level of professional police and emergency services, dedicating ourselves to protecting life and property, while maintaining the highest ethical standards.

Appendix A

Racial Profiling Statutes and Laws

CODE OF CRIMINAL PROCEDURE

Art. 3.05. Racial Profiling

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

Added by Acts 2001, 77th Leg., ch. 947, § 2, eff. Sept. 1, 2001.

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.

TCLEOSE RULES

Sec. 1701.253. SCHOOL CURRICULUM.

(a) The commission shall establish minimum curriculum requirements for preparatory and advanced courses and programs for schools subject to approval under Section 1701.251(c)(1).

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the investigation and documentation of cases that involve:

(A) child abuse or neglect;

(B) family violence; and

(C) sexual assault;

(2) issues concerning sex offender characteristics; and

(3) crime victims' rights under Chapter 56, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

(c) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on civil rights, racial sensitivity, and cultural diversity for persons licensed under this chapter.

(d) Training in documentation of cases required by Subsection (b) shall include instruction in:

(1) making a written account of the extent of injuries sustained by the victim of an alleged offense;

(2) recording by photograph or videotape the area in which an alleged offense occurred and the victim's injuries; and

(3) recognizing and recording a victim's statement that may be admissible as evidence in a proceeding concerning the matter about which the statement was made.

(e) As part of the minimum curriculum requirements relating to the vehicle and traffic laws of this state, the commission shall require an education and training program on laws relating to the operation of motorcycles and to the wearing of protective headgear by motorcycle operators and passengers. In addition, the commission shall require education and training on motorcycle operator profiling awareness and sensitivity training.

(f) Training for officers and recruits in investigation of cases required by Subsection (b)(1)(B) shall include instruction in preventing dual arrest whenever possible and conducting a thorough investigation to determine which person is the predominant aggressor when allegations

of family violence from two or more opposing persons are received arising from the same incident.

(g) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on asset forfeiture under Chapter 59, Code of Criminal Procedure, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

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

(i) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program on identity theft under Section 32.51, Penal Code, for officers licensed under this chapter. An officer shall complete a program established under this subsection not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier.

(j) As part of the minimum curriculum requirements, the commission shall require an officer to complete a statewide education and training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments. An officer shall complete the program not later than the second anniversary of the date the officer is licensed under this chapter or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. An officer may not satisfy the requirements of this section or Section 1701.402(g) by taking an online course on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

(k) As part of the minimum curriculum requirements, the commission shall establish a statewide comprehensive education and training program for officers licensed under this chapter that covers the laws of this state and of the United States pertaining to peace officers.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 657, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 897, Sec. 1, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 929, Sec. 5, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 4, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1034, Sec. 14, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.007, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 8, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [393](#), Sec. 3, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 12, eff. September 1, 2009.

Sec. 1701.402. PROFICIENCY CERTIFICATES.

(a) The commission shall issue certificates that recognize proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(b) As a requirement for a basic proficiency certificate, the commission shall require completion of local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers and county jailers, including:

- (1) civil service;
- (2) compensation, including overtime compensation, and vacation time;
- (3) personnel files and other employee records;
- (4) management-employee relations in law enforcement organizations;
- (5) work-related injuries;
- (6) complaints and investigations of employee misconduct; and
- (7) disciplinary actions and the appeal of disciplinary actions.

(c) An employing agency is responsible for providing the training required by this section.

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

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

(f) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on identity theft established by the commission under Section 1701.253(i).

(g) As a requirement for an intermediate proficiency certificate or an advanced proficiency certificate, an officer must complete the education and training program described by Section 1701.253 regarding de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments.

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. [1002](#), Sec. 6

(h) As a requirement for an intermediate or advanced proficiency certificate issued by the commission on or after January 1, 2011, an officer must complete the basic education and training program on the trafficking of persons described by Section 1701.258(a).

Text of subsection as added by Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 17

(h) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on investigative topics established by the commission under Section 1701.253(b).

(i) As a requirement for an intermediate proficiency certificate, an officer must complete an education and training program on civil rights, racial sensitivity, and cultural diversity established by the commission under Section 1701.253(c).

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 929, Sec. 6, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 947, Sec. 5, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 1276, Sec. 14.008, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1326, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. [393](#), Sec. 4, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. [1002](#), Sec. 6, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 17, eff. September 1, 2009.

Appendix B

Racial Profiling Laws and Corresponding General Orders and Standard Operating Procedures

Texas CCP Article	SDPS General Order or Patrol SOP
2.132(b)1	GO 603.41
2.132(b)2	Police SOP 121.00 - 121.03 (c)
2.132(b)3	Police SOP 121.07
2.132(b)4	Police SOP 121.04 (b), 121.06 A-B)
2.132(b)5	Police SOP 121.05
2.132(b)6	Police SOP 121.08
2.132(b)7	Police SOP 121.08