White Settlement Police Department

8900 Clifford Street White Settlement, TX 76108
Phone (817) 246-7070 Fax (817) 367-3276

February 5, 2014

Dear Mayor and City Council,

Pursuant to requirements of the Texas Racial Profiling Law (S.B. 1074), I hereby submit our annual Racial Profiling Report.

During the year January 1, 2013 to December 31, 2013, the White Settlement Police Department collected police contact data for the purpose of identifying and addressing (if necessary) concerns regarding racial profiling practices among police officers.

In this report, you will find several sections. The first section is designed to provide background information on the requirements of the Texas Racial Profiling Law. The second section describes the data collection element to comply with the Texas Racial Profiling Law and the institutional policies adopted by the White Settlement Police Department prohibiting the practice of racial profiling among our officers. The final component of this report provides statistical data relevant to the public contacts made, an analysis of the data as compared to previous years, and the data that has been reported to the Texas Commission on Law Enforcement Officer Standards and Education.

All of this data has been reviewed by myself and Command Staff personnel for any indications that might indicate any trends that should be addressed or suspected profiling by our officers. It is my goal to continue to be responsive to the community by implementing and monitoring the proper policies and safeguards to prevent racial profiling practices. It is my sincere hope that this report not only demonstrates the adequacy of our present performance, but also shows our willingness to improve as necessary to insure a balanced and effective approach to policing our community.

Respectfully,

Jack Ely
Chief of Police

White Settlement Police Department
8900 Clifford Street White Settlement, TX 76108
Phone (817) 246-7070 Fax (817) 367-3276

Racial Profiling Report
For 2013

The Texas Racial Profiling Law, Senate Bill 1074 passed by the 77th Legislature, requires that each law enforcement agency in this state shall collect traffic-related data and report that data to their local governing authority (See Attachment "A"). Specifically it requires every police department to:

1. Adopt a detailed written policy on Racial Profiling. This policy must strictly prohibit peace officers from engaging in racial profiling.
2. Furthermore, the policy must outline a process for individuals to file a complaint regarding racial profiling.
3. The policy must also provide public education on the agency's complaint process and require corrective action to be taken against officers in violation of this policy.
4. The bill requires that every peace officer within two years of hire shall undergo education and training on racial profiling and the Chief of Police to undergo education and training on racial profiling.
5. The bill requires law enforcement agencies to collect and report data relating to motor vehicle stops and give an annual report to the governing body and
6. Collect and report data relating to motor vehicles stops to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

On January 1, 2002, the White Settlement Police Department implemented our Racial Profiling Policy. It has been revised as necessary to address changes in laws and departmental initiatives such as becoming recognized by the Texas Best Practices Program, (See Attachment "B"). This policy outlines the process for an individual to file a complaint against an officer whom they believe has engaged in racial profiling, or biased based policing. In addition each officer has been instructed and tested on this policy as required by the Texas Best Practices Program

The public education component is met by creating a brochure available in the lobby of the police department and at the Municipal Court for anybody who wants one. Further, each citation written has information on the violator's copy of how to file a complaint if they feel that they were subjected to racial profiling.

Each peace officer employed by the City of White Settlement has completed the comprehensive education and training program on racial profiling established by the Texas Commission on Law Enforcement Officer Standards and Education. In addition, each officer has received updated training provided by the department. Each supervisor has been instructed on how to receive complaints of racial profiling from the public. The Chief of Police completed the program on racial profiling established by the Bill Blackwood Law Enforcement Management Institute of Texas.

DATA COLLECTION

Because the White Settlement Police Department utilizes video camera and transmitter-activated recording equipment in all of the patrol units used to make motor vehicle stops, Under S.B. 1074 the department is only required to collect a set of data know as Tier 1 data to include:

1. Race and/or ethnicity of individuals stopped,
2. Whether the race or ethnicity was known prior to the stop.
3. Whether a search was conducted,
4. If there was a search, whether it was a consent search or a probable cause search,
5. Whether a custody arrest took place.

The department however, chooses to fully report all Tier II data even though we qualify for the partial exemption. The Tire II data expands the amount of data collected to include:

1. Gender of the individual,
2. Race or ethnicity of the individual stopped,
3. Whether the race or ethnicity was known prior to the stop,
4. The reason for the stop,
5. Whether a search was conducted,
6. The reason for the search including probable cause, consent, or incident to an arrest,
7. Whether or not contraband was discovered,
8. A description of the contraband discovered,
9. Whether or not an arrest resulted as a result of the stop or search,
10. What the arrest was based on,
11. A type or approximate location of the stop,
12. Whether a written warning or citation was issued as a result of the stop.

A policy has been developed for the operation of the equipment. (See Attachment "C") Officers are required to activate this equipment on any call for service, traffic stop or pedestrian stop. The digital recordings are kept for 90-days. If no complaints have been made within the 90-day period, those recordings are deleted to make room on the server for current recordings.

The officers make the necessary notations on the citations or warnings as to the race of the individual using the state mandated categories: White, Black, Hispanic, Asian, Middle Eastern, Native American or other (not on the list or if the officer can't determine). The officer notes whether or not they knew the race or ethnicity of the person prior to the stop.

The officers also make the necessary notations on the citations or warnings if a search was conducted and if so was it based on consent or probable cause and if the violator was taken into custody.

DATA ANALYSIS AND DISSEMINATION

Article 2.134(e) of the Texas Code of Criminal Procedure requires that a comparative analysis of the information be compiled under this act. The department has evaluated and compared the number of motor vehicle stops for each race or ethnic group and examined the disposition of those stops made by the officer of the department, including any searches. The department also has included information relating to any complaints filed with this department alleging that an officer engaged in racial profiling.

The information presented in this report provides minimal information regarding the practice of Racial Profiling and is a preliminary step in collecting as assessing information regarding this practice which can be used for training and policy revisions in the future.

In analyzing data over the past three years the percentages have remained fairly consistent fluctuating around 2 – 4%. In comparing the number of contacts, searches and arrests, there appears to be a increase of searches and arrest for Africans around 2–4%, there appears to be a decrease of searches and arrest for Hispanics around 2-4%. As noted at the end of this report, the White Settlement Police Department has not received any complaints of engaging in racial profiling during the past year or for the past three years.

Included as attachments to this report, is the text of S.B. 1074, the White Settlement Police Department Policy on Racial Profiling, the White Settlement Police Department Policy on Digital Video Equipment Operations and the White Settlement Police Department Racial Profiling Brochure.

The report and the required reporting information have been reported to the Texas Commission on Law Enforcement Officer Standards and Education and is also available through their website at www.tcleose.state.tx.us.

(I) Tier 2 Data

Motor Vehicle Related Contact Information (Jan 1, 2013 – Dec 31, 2013)

Race/Ethnicity*	Contacts		Searches		Consensual Searches		PC Searches		Custody Arrests	
	N	%	N	%	N	%	N	%	N	%
Caucasian	3,037	70.12%	133	67.51%	73	63.48%	64	74.42%	72	69.90%
African	393	9.07%	32	16.24%	20	17.39%	12	13.95%	17	16.50%
Hispanic	788	18.19%	32	16.24%	22	19.13%	10	11.63%	14	13.59%
Asian	79	1.82%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Native American	11	0.25%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Middle Eastern	23	0.53%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Other	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Total	**4,331**	**100.00%**	**197**	**100.00%**	**115**	**100.00%**	**86**	**100.00%**	**103**	**100.00%**

"N" represents "number" of traffic-related contacts.
* Race/Ethnicity is defined by Senate Bill 1074 as being of a "particular descent, including Caucasian, African, Hispanic, Asian, Native American or Middle Eastern".
** Figure has been rounded

THREE – YEAR COMPARISONS

Race / Ethnicity	% of Contacts			% of Searches			% of Arrest		
Year	2011	2012	2013	2011	2012	2013	2011	2012	2013
Caucasian	69.4	77.48	70.12	68.3	72.62	67.51	65.1	70.98	69.90
African	9.7	6.46	9.07	12.7	8.36	16.24	13.3	5.24	16.50
Hispanic	18.7	14.18	18.19	18.4	16.86	16.24	21.0	19.58	13.59
Asian	1.7	1.44	1.82	0.4	1.30	0.0	0.5	2.80	0.0
Native American	0.1	0.0	0.25	0.0	0.0	0.0	0.0	0.0	0.0
Middle Eastern	0.5	0.44	0.53	0.2	0.72	0.0	0.0	1.05	0.0
Other	0.0	0.0	0.0	0.0	0.14	0.0	0.0	0.35	0.0

% of Actual Contacts, Searches (Consent or Probable Cause) and Arrests
% figure has been rounded.

Racial Profiling Complaints (if any):

During the 2013 calendar year the department did not receive any racial profiling complaints.

Year	2011	2012	2013
Number of Complaints	0	0	0
Sustained / Unfounded	N/A	N/A	N/A

TIER 2 REPORTING

FULL REPORTING

Check One

☐ **No motor vehicle or audio equipment**

☑ **We choose to fully report even though we qualify for the partial exemption**

Racial Profiling Reporting
(Tier 2)

Department Name	**White Settlement Police Department**
Agency Number	**TX2202900**
Chief Administrator Name	**Jack Ely**
Reporting Name	**Lt. J. P. Bevering**
Contact Number	**817-246-7070**
E-mail Address	**jbevering@wspd.us**

Certification to Report 2.132 (Tier 2)

Police Requirements (2.132(b) CCP):
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.

These policies are in effect

Chief Administrator — Date: 5 February 2014

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. 1,805 Female
2. 2,526 Male

3. 4,331 **Total**

Race or Ethnicity:

4. 393 African
5. 79 Asian
6. 3,037 Caucasian
7. 788 Hispanic
8. 22 Middle Eastern
9. 11 Native American
   1 Unknown/Not Specified

10. 4,331 **Total**

Race or Ethnicity known prior to stop?

11. 297 Yes
12. 4,034 No

13. 4,331 **Total**

Reason for Stop:

14. 603 Violation of Law Other Than Traffic
15. 0 Pre-existing Knowledge (i.e. Warrant)
16. 3,018 Moving Traffic Violation
17. 710 Vehicle Traffic Violation (Equipment, Inspection or Registration)

18. 4,331 **Total**

Racial Profiling Reporting
(Tier 2)

Search conducted?

19. 197 Yes
20. 4,134 No

21. 4,331 **Total**

Reason for search:
(choose 1 for each search)

22. 115 Consent
23. 1 Contraband/Evidence in Plain Sight
24. 0 Probable Cause or Reasonable Suspicion
25. 0 Inventory Search Performed as Result of Towing
26. 81 Incident to Arrest/Warrant

27. 197 **Total Must equal #19**

Contraband discovered?

28. 61 Yes
29. 136 No

30. 197 **Total Must equal #19**

Description of Contraband
(Chose only One)

31. 1 Illegal Drugs/Drug Paraphernalia
32. 0 Currency
33. 1 Weapons
34. 0 Alcohol
35. 0 Stolen Property
36. 59 Other

37. 61 **Total Must equal #28**

Arrest result of stop or search:

38. 103 Yes
39. 4,228 No

40. 4,331 **Total**

Racial Profiling Reporting
(Tier 2)

Arrest based on:

41. 73 Violation of the Penal Code
42. 19 Violation of a Traffic Law
43. 10 Violation of a City Ordinance
44. 1 Outstanding Warrant

Street address or approximate location of the stop:

45. 4,330 City Street
46. 1 US Highway
47. 0 County Road
48. 0 Private Property or Other

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

49. 4,258 Yes
50. 73 No

51. 4,331 **Total**

Please submit electronically the analysis in PDF format required by 2.134 CCP© 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

Chief Administrator — Date: 5 February 2014

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

ATTACHMENT "A" Texas Code of Criminal Procedures

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.

WHITE SETTLEMENT POLICE DEPARTMENT

GENERAL ORDER

PROFESSIONAL STANDARDS & CONDUCT

ISSUED: January 10, 2012

REVISED:

202.00 RACIAL PROFILING POLICY

202.01 PURPOSE

The purpose of this policy is as follows:

A. To reaffirm the White Settlement Police Department's commitment to unbiased policing in all its encounters between officers and any person.

B. To reinforce procedures that serve to ensure public confidence and mutual trust through the provision of service in a fair and equitable fashion.

C. To protect our officers from unwarranted accusation of misconduct when they act within the dictation of departmental policy and the law.

202.02 POLICY

T.B.P. 2.01

It is the policy of the White Settlement Police 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, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, national origin or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy.

Racial profiling is an unacceptable patrol tactic and will not be condoned. This policy shall not preclude officers from offering assistance, such as one 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 information received about the person.

202.03 DEFINITIONS

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

1. Racial Profiling pertains to persons who are viewed as a suspect or potential suspect of criminal behavior. The term is not relevant as it pertains to witnesses, complaints or other citizen's contacts.
2. The prohibition against racial profiling does not preclude the use of race, ethnicity or national origin as factors in a detention decision. These factors may be legitimate in a detention decision when used as part of an actual description of a specific suspect for whom an officer is searching.

3. 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.
4. Police may not use racial or ethnic stereotype as factors in selecting when to stop and search, while police may use race in conjunction with other known factor of the suspect.
5. Law enforcement officers may not use racial or ethnic stereotype as factors in selecting whom to stop and search. Racial profiling is not relevant as it pertains to witnesses, etc.

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

C. Motor Vehicle Stop – An occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

202.04 TRAINING

A. Officers are responsible to adhere to all *Texas Commission on Law Enforcement Officer Standards and Education* **(T.C.L.E.O.S.E.)** training and the *Law Enforcement Management Institute of Texas* (LEMIT) requirements as mandated by law.

B. All officers shall complete **TCLEOSE** training and education program on racial profiling no later that 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, which ever date is earlier.

202.05 COMPLAINT INVESTIGATION

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

B. Any employee who receives an allegation of racial profiling, including the officer who initiated the stop shall provide that person with a copy of a personnel complaint form or the department's process for filing a complaint and shall record the person's name, address, and telephone number, and forward the complaint through the appropriate channel. All employees will report allegation of racial profiling to the supervisor before the end of their shift.

C. All complaints will be acknowledged in writing and forwarded to the internal affairs section and such complaints shall be reviewed by the investigator who will receive disposition regarding said complaint within a reasonable period of time. The investigation shall be reduced in writing and any reviewer's comments or conclusions shall be filed with the chief. When applicable, any findings and or suggestions for disciplinary action, re-training or changes in policy shall be filed with the Chief.

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

E. If there is a department video or audio recording of the events upon which a complaint of racial profiling is based, this department shall promptly upon the commencement of an investigation provide a copy of this recording to the officer.

202.06 PUBLIC EDUCATION

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

202.07 CITATION DATA COLLECTION & REPORTING

A. An officer is required to collect information relating to motor vehicle stops in which a citation or warning is issued and arrests made as a result of those stops. On the citation, warning or arrest the officer must include:
   1. The violators race or ethnicity,
   2. Whether a search was conducted,
   3. Was the search consensual, and
   4. Whether the officer knew the race or ethnicity of the individual detained before detaining that individual.

B. The department shall compile and analyze the information contained in these individual reports and by March 1st of each year, the department shall submit a report to the City Council that includes the information gathered. The report will include:
   1. A breakdown of motor vehicle stops in which a citation was issued by race or ethnicity,
   2. Number of those motor vehicle stops in which the race or ethnicity of the individual was known prior to the stop.
   3. Number of those motor vehicle stops that resulted in search,
   4. Number of those searches that were consensual, and
   5. Number of those motor vehicle stops that resulted in custodial arrest for this cited violation or any other violation.

C. By March 1st of each year, this department shall submit a report to the Commission on Law Enforcement Officer Standards and Education containing this information for the preceding calendar year.

D. This report will not include identifying information about a Peace Officer that makes a stop or about an individual who is stopped or arrested by a Peace Officer.

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

By Order of

Chief of Police

10 January 2012
Date

WHITE SETTLEMENT POLICE DEPARTMENT

GENERAL ORDER | **OPERATIONAL SERVICES**

ISSUED: June 1, 2012 | **REVISED:**

203.00 MOBILE DIGITAL RECORDING SYSTEM

203.01 PURPOSE

The purpose of this order is to provide guidelines for the use of the mobile video / audio recording equipment.

203.02 POLICY

The Department will provide in-car video camera systems designated to allow officers to film incidents and offenses, whenever possible, to enhance the collection of evidence and information or to assist in training.

203.03 TRAINING AND RETENTION

A. The Evidence Custodian will be designated as the Video Coordinator. The coordinator will be responsible for the video storage, maintenance, copying, duplication, erasure and security of all video images on the video server.
B. Training will be conducted under the direction of the Patrol Lieutenant.
C. Training standards will be incorporated into the Field Training Program for all new officers.
D. All officers and supervisors will be properly trained in the care, usage and operation of the Mobile Digital Recording equipment.
E. Video/Audio recordings shall be made anytime emergency equipment is activated.
F. Video/Audio recordings shall be used during the performance of any police function, including but not limited to traffic stops, contact with complaints, violators, suspects, arrests, transports to jail or other potential enforcement related events.
G. Video recordings with no evidentiary value will be maintained on the video server for ninety (90) days before being deleted by the Video Coordinator.
H. Officers are encouraged to inform the Patrol Lt. of any recording sequences that may be of value for training. These recordings may be duplicated onto a compact disk for training and viewing.
I. In the event that a complaint has been filed under the racial profiling law with respect to a motor vehicle stop, the recording will be held until final disposition of the complaint, if that time is longer than 90 days. (CCP 2.135)
J. Patrol Supervisors shall review a portion of each officer's recordings monthly. This may be done with or without the officer present.

203.04 PROCEDURES

A. At the beginning of the officer's shift, officers will:
   1. Retrieve a hard disk drive from the supply cabinet.
   2. Log onto the Mobile Digital Recorder by inputting their password and user identification number into the mobile system.
   3. Insert the hard disk drive into the MDR.
B. Officers will ensure that the Mobile Digital System is working properly prior to going in service. Any problems will be reported immediately to the supervisor.
C. At the conclusion of a recorded event, the officer will make necessary notations through the digital recorder, including service number or disposition.
D. At the end of shift, the officer will:
   1. Remove the hard disk drive from the MDR regardless of the amount of recording time remaining.
   2. Bring the hard disk drive into the squad room and download the recordings via the docking stations.
   3. When the download is completed, the officer will place the hard disk drive back in the supply cabinet.
E. Officers are encouraged to review the recorded event when writing their reports to ensure that all relevant facts and statements are included in the written report.
F. If an officer's camera system fails or does not work, that officer may call another unit to assist them if there is the opportunity to record evidentiary or significant incidents.

203.05 PROCESSING OF VIDEO RECORDINGS

A. Evidentiary recordings are considered as follows:
   1. Incidents in which significant evidence relating to serious offenses (i.e. D.W.I.'s, pursuits, officers being assaulted, verbal admissions, verbal consents, etc.).
   2. Incidents, which may incur a significant degree of liability (i.e. Officer-involved traffic accidents or physical confrontations resulting in injuries to citizens or officers).
B. When an evidentiary recording is made, the officer will complete either a WSPD Property Sheet or Tarrant County District Attorney's Officer digital Media Form. The officer will include the Date and Time, officers' ID#, Unit # and any other unit #'s that were present.
C. Recorded Events may be duplicated for court, investigations, training or other authorized purposes. Copies and duplications will be made by the Video Coordinator.
D. All digital recordings made by an officer during the officer's tour of duty are considered to be evidence by the White Settlement Police Department. It is the officer's responsibility to ensure that the recorded events are handled properly and in accordance with established WSPD guidelines.

E. Tampering, modification, erasure or destruction of any recording event by any member of this department will be reason for disciplinary action, (except as prescribed in this policy for video maintenance by the Video Coordinator or Command Staff.)
F. All recordings made by members of the department are the sole property of the department. No recording will be released to anyone outside of the department without the written consent of a member of the Command Staff.
G. Police personnel may not obtain copies of recorded events without the approval of a member of the Command Staff.

203.06 USE OF RECORDED EVENTS FOR ADMINISTRATIVE PURPOSE

A. In the event that an officer believes that he/she may have recorded a traffic stop and/or violator contact that contains information that would needed for internal purposes, the officer will document the incident.
B. Upon being informed of a complaint from a citizen or WSPD employee, arising from events that may have been recorded, the officer's supervisor will review the recorded event to determine if any apparent violation(s) of departmental policy or procedures have occurred.
C. If the supervisor determines that such violation(s) of departmental policy or procedures may have occurred, the supervisor will comply with personnel policies and general orders concerning classification of investigation of complaints.
D. The recorded event may be used as evidence in the internal investigation according to departmental policy governing such investigations. The recorded event will be copied / duplicated on a compact disk and retained as part of the investigative file and be kept in accordance with the records retention and disposition schedule as set forth by departmental policy.
E. If the complaint is forwarded to the Division Commander, the compact disk of the recorded event will be forwarded with the complaint.

203.07 OPEN RECORDS REQUESTS

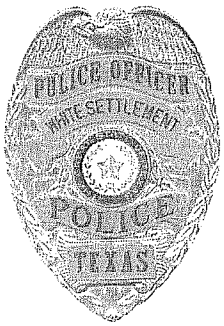
A. Open records requests made by persons outside the department to view or obtain a copy of the recorded event will be handled under the Open Records Act procedures.
B. Audio and video recordings made by a peace officer in the discharge of his duty are public information. (TX Govt. Code 552.002(b) (c).)

By Order of

Chief of Police

05-30-2012
Date

WHITE SETTLEMENT POLICE DEPARTMENT
RACIAL PROFILING POLICY AND PROCEDURES



The White Settlement Police Department is dedicated to providing the best quality police service to all citizens of White Settlement and to those who visit our city. We are committed to the principles of justice and equality and carefully select and train the best possible employees to support that commitment. To ensure employee understanding of the importance of fair and equal treatment, departmental policy strictly prohibits the practice known as "RACIAL PROFILING"

Racial Profiling is defined by the Texas Code of Criminal Procedure as a law-enforcement initiated action based on an individual's race, ethnicity, or national origin rather that on the individual's behavior or on information identifying as having engaged in criminal activity.

Complaints of racial profiling, as with other complaints against departmental personnel, may be lodged with the Office of Professional Integrity or with any supervisor of the police department. The Professional Integrity Officer is available from 8:00am until 5:00pm, Monday through Friday. Complaints may be made by phone or in person at the police department at any time by speaking to the on-duty supervisor.

A racial profiling complaint should be made in a timely manner after the incident so that the details are readily available to the investigating supervisor and prompt attention can be focused to correct and/or discipline an officer acting in an unacceptable manner. If you feel you have been mistreated or harassed, it is your responsibility to file a formal complaint. Get the officer's name and identification number. They are required to give you this information if you ask.
Additional provisions of the law require collection of certain information related to each traffic stop and each investigative stop of a pedestrian. Officers are required to document information related to each individual stopped and any search conducted as a result of the stop. Annual reports will be made to the City Council concerning data reported for the previous calendar year. The reports must be made to the City Council by March 1st of each year.

Newly hired recruits as well as tenured officers and supervisors receive classroom training on the state law and departmental policy and procedures related to racial profiling. Such training is mandated by the new law and standardized through the Texas Commission on Law Enforcement Officer Standards and Education, the regulatory agency charged with establishing, implementing, and maintaining standards for peace officer's statewide.

The White Settlement Police Department is vitally interested in the welfare of all its citizens and visitors and diligent in taking action when its employees have proven derelict in their duties or are guilty in wrongdoing. If it becomes necessary for you to make a complaint, you can be assured that it will be given a fair and thorough investigation. By the same token, if you have occasion to see a police officer doing outstanding work, tell us about it. Your White Settlement Police Officers are dedicated to serving you and our community.

Useful Addresses and Telephone Numbers:

White Settlement Police Department, 8900 Clifford Street, White Settlement, TX 76108 817-246-7070
Professional Integrity Office, 8900 Clifford Street, White Settlement, TX 76108 817-246-7070

WHITE SETTLEMENT POLICE DEPARTMENT
RACIAL PROFILING POLICY AND PROCEDURES

El Departamento de Policia de White Settlement esta dedicado a proveer el mejor servicio policial para todos los ciudadanos de White Settlement y a esos que visitan nuestra ciudad. Estamos comprometidos a los principios de justicia e igualdad y cuidadosamente hacemos una seleccion y entrenamos a los mejores empleados posibles para dar soporte a ese compromiso. Para asegurar que el empleado entiende la importancia del tratamineto justo y equitativo, la politica departamental estrictamente prohibe la practica conocida como "perfil racial."

Perfil Racial esta definido pro el *Codigo de Procedimiento Criminal de Texas o Texas Code of Criminal Procedure* como una accion de incio de un oficial de policia basado solamente en la raza etnia, u origen nacional del individuo en vez del comportamiento del individuo o en informacion que identifica al individiduo como una persona involucrada en alguna actividad criminal.

Las quejas de perfil racial, al igual que con otras quejas en contra de empleados del departamento, puede ser hechas en la Division de Asuntos Internos o con cualquiersupervisor en el Departamento de Policia. El personal de la Division de Asuntos Internos atiende de 8:00am a 5:00pm de lunes a viernes. Las quejas tambien pueden ser hechas por telefono o en persona en el Departamento de Policia.

Una queja racial debe ser hecha de manera oportuna despues del incidente a fin de que los detalles esten disponibles para el supervisor investigador y la atencion prestada pueda ser enfocada para corregir y/o disciplinar a un oficial actuando en una manera inaceptable. Si usted siente, que ha sido maltratado o acosado, es su responsabilidad archivar una denuncia formal. Obtenga el nombre y numero de identificacion del oficial. Ellos estan obligados a darle esta informacion si usted pregunta.

Clausulas adicionales a la ley requieren un archivo de cierta informacion relacionada con cada detencion y cada acto investigativo acerca de detener a un peaton. Los oficiales estan obligados a documentar informacion relacionada de cada individuo detenido y cualquier investigacion realizada como resultado de la inmovilizacion. Se haran reportes anuales al Concejo Municipal sobre informacion concurrente reportada para el ano civil previo. De acuerdo con la ley estatal el archivo de datos guardados con relacion a trafico y parada de peatones empezaron el 1st de enero, 2002. El primer informe se hara al Concejo Municipal el 31 de Marzo, 2003.

Los reclutas recien contratados asi como tambien los oficiales y los supervisores en oficio reciben entrenamiento de la ley estatal y la politica departamental y los procedimientos relacionados con el perfil racial. Tal entrenamiento es promulgado por la nueva ley y estandar a traves de la Comision de Texas en la Ejecucion de la Ley Estandar y Educativa para Oficiales, la agencia reguladora cumple con establecer, emplementar, y mantener las normas para oficiales del orden publico de todo el estado.

El Deparatamento de Policia de White Settlement esta sumamente intersado en el bienestar de todo sus ciudadanos y sus visitantes y presto en tomar cartas en el asunto cuando sus empleados han resultado ser ofensores en sus derechos o son culpables do actos contra la ley. Si es necesario para usted hacer una queja, entonces usted puede confiar que recibira una investigacion justa y cabal. Del mismo modo, si usted observa a algun oficial realizando una labor de apremio o sobresaliente, pro favor haganoslo saber. Sus Oficiales de Policia de White Settlement estan dedicados a servir a usted y nuestra comunidad.

Direcciones Utiles y Numeros de telefono:

Departamento de Policia, 8900 Clifford Street, White Settlement, TX 76108 817-246-7070
Division de Asuntos Internos, 8900 Clifford Street, White Settlement, TX 76108 817-246-7070