

GEORGETOWN POLICE DEPARTMENT

2011

RACIAL PROFILING ANALYSIS



PREPARED BY:

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Introduction

Since the year 2001, the Georgetown Police Department, along with all other Texas law enforcement agencies, has collected data regarding stops of motor vehicles and pedestrians in order to analyze whether or not the agency has engaged in racial profiling contrary to Texas law. That data and analysis has been codified into a written report which is presented annually to the Georgetown City Council for review and possible discussion.

Legislative changes to the laws governing the collection and reporting of racial profiling data are worthy of note. Since September of 2009, the law no longer requires collection of data regarding pedestrian contacts and is now limited to motor vehicle stops. The law also now requires that in addition to the annual report required to the Georgetown City Council, the data collected must also be submitted to the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE).

This particular report is an analysis of the Georgetown Police Department's policies, training, and statistical information on racial profiling for the year 2011. This report complies with Article 2.132 of the Texas Code of Criminal Procedure.

The report is divided into relevant sections. The first section covers the applicable statutes and laws governing racial profiling to set forth the framework in which data is collected, analyzed, and reported. The second section covers the Georgetown Police Department's policy as it relates to racial profiling. The third section addresses the training of Georgetown Police Department officers on topics relating to racial profiling and cultural diversity. The fourth section concerns itself with the Georgetown Police Department's public education measures to ensure that the public is aware of our commitment to not engage in racial profiling and what to do if they feel that they have been a victim of racial profiling. The final section of the report contains the data collected for year 2011 and an analysis of that data.

Racial Profiling Statutes and Laws

The applicable laws regarding the prohibition of racial profiling, collection of data, reporting, and training for peace officers is contained in the Texas Code of Criminal Procedure and the Texas Occupations Code. Those laws, with their most recent amendments, have been set forth below in their entirety.

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, Sec. 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.

Occupations Code

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. 1701.352. CONTINUING EDUCATION PROGRAMS.

(a) The commission shall recognize, prepare, or administer continuing education programs for officers and county jailers.

(b) The commission shall require a state, county, special district, or municipal agency that appoints or employs peace officers to provide each peace officer with a training program at least once every 48 months that is approved by the commission and consists of:

(1) topics selected by the agency; and

(2) for an officer holding only a basic proficiency certificate, not more than 20 hours of education and training that contain curricula incorporating the learning objectives developed by the commission regarding:

(A) civil rights, racial sensitivity, and cultural diversity;

(B) de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments; and

(C) unless determined by the agency head to be inconsistent with the officer's assigned duties:

(i) the recognition and documentation of cases that involve child abuse or neglect, family violence, and sexual assault; and

(ii) issues concerning sex offender characteristics.

(c) A course provided under Subsection (b) may use instructional materials developed by the agency or its trainers or by entities having training agreements with the commission in addition to materials included in curricula developed by the commission.

(d) A peace officer appointed to the officer's first supervisory position must receive in-service training on supervision as part of the course provided for the officer under Subsection (b) during the 24-month period after the date of that appointment.

(e) The commission may require a state, county, special district, or municipal agency that appoints or employs a reserve law enforcement officer, county jailer, or public security officer to provide each of those persons with education and training in civil rights, racial sensitivity, and cultural diversity at least once every 48 months.

(f) 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.

(g) The training and education program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments under Subsection (b)(2)(B) may not be provided as an online course. The commission shall:

- (1) determine best practices for interacting with persons with mental impairments, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas; and
- (2) review the education and training program under Subsection (b)(2)(B) at least once every 24 months.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1157, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 16, 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.

Georgetown Police Department Policy on Racial Profiling

Article 2.132 of the Texas Code of Criminal Procedure requires that each law enforcement agency have a detailed written policy in regard to the topic of racial profiling. That policy must define racial profiling, prohibit the act of racial profiling, implement a complaint process, provide for public education, require corrective action if racial profiling occurs, require collection of data, and require the submission of an annual report.

The policy issued by the Georgetown Police Department in August of 2002 fully complies with Article 2.132. The policy is currently being revised to reflect the legislative change no longer requiring data collection on pedestrian stops and the manner in which data is collected. At the time the policy was created, data was collected via the use of Scantron sheets which were subsequently scanned into a database established for the express purpose of collecting racial profiling data. Data is now collected via use of the OSSI mobile computer and records management system.

The policy is set forth below in its entirety.

General Order G07.00

G07.01 PURPOSE

To reaffirm the Georgetown Police Department commitment to unbiased policing, to clarify the circumstances in which officers can consider race/ethnicity when making law enforcement decisions, and to reinforce procedures that serve to assure the public that we are providing service and enforcing laws in an equitable way.

G07.02 DEFINITIONS

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

“Race or Ethnicity” – Of a particular descent, including Caucasian, African, Hispanic, Asian, Middle Eastern or Native American descent.

“Racial Profiling/Racially Biased Policing” – 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.

G07.03 POLICY

General Statement

Members of the Georgetown Police Department shall not engage in racially biased policing.

Policing Impartially

Investigative detentions, traffic stops, arrests, searches, and property seizures by officers will be based on a standard of reasonable suspicion or probable cause in accordance with the Fourth Amendment of the U.S. Constitution. Officers must be able to articulate specific facts and circumstances that support reasonable suspicion or probable cause for investigative detentions, traffic stops, arrests, nonconsensual searches, and property seizures.

Except as provided below, officers shall not consider race/ethnicity in establishing either reasonable suspicion, probable cause or as a motivating factor in law enforcement decisions. Similarly, except as provided below, officers shall not consider race/ethnicity in deciding to initiate even those non-consensual encounters that do not amount to legal detentions or to request consent to search.

Officers may take into account the reported race or ethnicity of a specific suspect or suspects based on trustworthy, locally relevant information that links a person or persons of a specific race/ethnicity to a particular unlawful incident(s). Race/ethnicity can never be used as the sole basis for probable cause or reasonable suspicion.

Preventing Perceptions of Biased Policing

In an effort to prevent inappropriate perceptions of biased law enforcement, each officer shall do the following when conducting pedestrian and vehicle stops:

- Be courteous and professional
- Introduce him or herself to the citizen (providing name and agency affiliation), and state the reason for the stop as soon as practical, unless doing so would compromise officer or public safety. In vehicle stops, the officer shall provide this information before asking the driver for their license and proof of financial responsibility.
- Ensure that the detention is no longer than necessary to take appropriate action for the known or suspected offense and that the citizen understands the purpose of reasonable delays.
- Answer an questions the citizen may have, including options for traffic citation disposition, if relevant.
- Provide name and badge number when requested in writing or on a business card.
- Apologize and/or explain if he or she determines that the reasonable suspicion was unfounded (e.g., after an investigatory stop).

G07.04 PROCEDURES

Complaints

Individuals believing that members of the Georgetown Police Department have violated this policy may file a complaint in accordance with our complaint process.

In instances where members of the Georgetown Police Department are alleged to have violated this general order, the member will be provided an audio or video recording of the alleged violation, upon their written request if such a recording was made.

Members found to have violated this general order are subject to appropriate corrective action and/or disciplinary action up to and including termination.

Education

Members of the public shall be educated about the complaint process via information contained in department sanctioned brochures, the City of Georgetown web site and periodic use of the print media.

Officers of the Georgetown Police Department shall be trained on this policy and law relating to racial profiling by attendance at State of Texas mandated training on the topic.

Reporting

In accordance with State of Texas law, the Georgetown Police Department will collect the following tier 1 information related to traffic stops in which a citation was issued or an arrest made:

- The race or ethnicity of the individual detained; and
- Whether a search was conducted and, if so, whether the person detained consented to the search.

In accordance with State of Texas law, the Georgetown Police Department will collect the following tier 2 information in all cases where an officer stops a motor vehicle for an alleged violation of a law or ordinance regulating traffic or who stops a pedestrian for any suspected offense:

- The gender of each person detained as a result of the stop
- The race or ethnicity of each person detained as a result of the stop
- The traffic law or ordinance alleged to have been violated or the suspected offense
- Whether a search was conducted as a result of the stop and, if so, whether the person detained consented to the search
- Whether any contraband was discovered in the course of the search and the type of contraband discovered
- Whether probable cause to search existed and the facts supporting that probable cause
- Whether an arrest was made as a result of the stop or search to include the offense charged
- The street or approximate location of the stop
- Whether a warning or citation was issued including a description of the warning or statement of violations charged

The information collected above will be reported on an annual basis to the members of the Georgetown City Council. The data collected shall not constitute prima facie evidence of racially biased policing.

The report to the Georgetown City Council may not include identifying information about any peace officer or about any individual stopped by a peace officer beyond what is stated above.

To accomplish the reporting requirements, officers shall fill out a "Traffic/Pedestrian Stop Contact Sheet" in each case required by law.

Georgetown Police Department Training and Education on Racial Profiling

The Texas Occupations Code requires that all peace officers in the State of Texas receive a course of instruction on the topic of racial profiling. According to Section 1701.253 this training is to be received either before the second anniversary of licensure or application for the intermediate proficiency certificate, whichever date is earlier.

The Texas Occupations Code further requires that all peace officers receive training on racial diversity and cultural sensitivity.

As of the date of the presentation of this report, all officers of the Georgetown Police Department are in compliance with all training mandates. All future new hires will be provided these trainings during their initial departmental orientation phase.

Georgetown Police Department Complaint Process and Public Education on Racial Profiling

During the year of 2011, no complaints of racial profiling were received by the Georgetown Police Department.

Pursuant to the Texas Code of Criminal Procedure and Georgetown Police Department policy, the Department does provide public education on the act of racial profiling, the department's stance on the practice, and how to file a racial profiling complaint. In the age of the Internet, the primary method for delivering this information is the City of Georgetown Police Department website. The information listed below can be found at <http://pd.georgetown.org/divisions/administration/racial-profiling/> :

Racial Profiling

Racial Profiling occurs when law enforcement officers, in their official capacity, considers a person's race, ethnicity, or skin color as a basis for enforcement. The 'Texas Code of Criminal Procedures Art. 3.05 Racial Profiling' defines racial profiling as:

“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.”

Art. 2.131 of the Texas Criminal Code of Procedures states that “A peace officer may not engage in racial profiling.”

Georgetown Police Departments' View of Racial Profiling

The mission statement of the Georgetown Police Department is “To protect and serve the community of Georgetown’s quest for a peaceful and safe existence, free from fear, with democratic values applied equally to all with a commitment to excellence by providing the highest level of integrity, professionalism, and customer service to enhance the quality of life of our community.”

Based on our values, the Georgetown Police Department does not condone Racial Profiling or any type of Racially Biased Policing. If you feel you have been a victim of Racial Profiling or Racially Biased Policing, contact our Professional Standards Division at (512) 930-2588.

Filing a Complaint

The following information has been disseminated to the public as part of an educational campaign aimed at informing community members of the complaint process relevant to violations of the Texas Racial Profiling Law.

Understanding the Process

Once an individual has filed a complaint regarding racial profiling, he/she should expect the following process to commence:

The Interview

A police supervisor or an investigator from the department’s Professional Standards Division will interview the individual filing the complaint. The officer will ask the alleged victim questions about what happened. It is possible that the officer may be able to explain the officer(s) actions to your satisfaction.

Usually, the alleged victim will be interviewed at the Police Department’s Main Building. It is possible that he/she may be videotaped during the interview.

The individual filing the complaint may bring a lawyer, family member or friend to the interview.

The interviewer will ask the individual filing a complaint for the names of witnesses and other police officers that may know facts about the complaint. A police photographer may take pictures of any injuries that the alleged victim think are related to the complaint.

The Investigation

After the interview, the Georgetown Police Department will investigate the alleged misconduct. Investigators will talk to witnesses and visit the site of the incident.

- The investigators will consist of supervisors/investigators assigned to the Professional Standards Division.

- All officers will be interviewed and witnesses whom the alleged victim has named will be contacted and interviewed, if they agree.

- The alleged victim will receive a letter regarding the progress of the investigation. Although it is impossible to estimate how long the investigation will take, the alleged victim will receive periodic reports on its status.

- A report will then be prepared.

The Review Process

Once the investigation is completed the report goes to the affected employees Bureau Commander who makes recommendations based on the findings of the investigation and input from the employee's immediate supervisor.

The investigation, findings, and recommendations will then be sent to the Professional Standards Division for review to ensure accuracy and fairness.

The Chief of Police will then receive the investigative report and findings to review and approve or disapprove the final recommendations.

The Findings

The results of your complaint are called "findings". There are four possible findings: o Sustained – The allegation is supported by sufficient evidence to justify a reasonable conclusion that the alleged misconduct occurred.

- Unfounded – It is found that the reported misconduct did not occur or did not occur as alleged.

- Exonerated – The incident occurred, but was lawful and proper.

- Not Sustained – A determination that the facts presented are insufficient to clearly prove or disprove the allegations. The inquiry into this allegation is inactivated pending development pending development of further information.

The Professional Standards Division will inform the alleged victim through an official letter of the final decision.

Data Analysis

Before contemplating a review of the data and attempting to analyze said data, some important caveats must be mentioned. Given the nature of the data collection required by law, it is nearly impossible to make an easy determination that racial profiling has occurred or not occurred within the Georgetown Police Department. The law dictates that law enforcement agencies in Texas compile aggregate level data. Using aggregate level data to make inferences regarding racial profiling by individual officers is not methodologically sound. This error is referred to as the “ecological fallacy”. The fallacy assumes that individual members of a group have the average characteristics of the group.

The law currently does not require the presentation of individual officer data in the annual report and actually prohibits the naming of individual officers. It should be noted that this does not affect the ability of the Georgetown Police Department to review individual officer data if the need arises.

A proper analysis is further hampered by the census treatment of Hispanics versus the racial profiling law’s treatment of Hispanics. The 2010 census properly separates race and ethnicity as two distinct categories. An individual can be of Hispanic ethnicity but belong to different races such as white or black. The racial profiling law does not differentiate between race and ethnicity and has Hispanics classified as if they are a distinct race. Officers are required to make subjective determinations regarding someone’s race and ethnicity. The State of Texas does not provide this information objectively within the driver’s license and identification card system.

Selecting an appropriate population base rate measure is also problematic. One of the most common choices used by law enforcement agencies is the data compiled by the United States Census Bureau. In addition to the race versus ethnicity problem stated above, as each year passes, the census data becomes less and less reliable due to population fluctuations. Last year’s data relied on population base rates that were ten years old from the 2000 census.

Choosing which census data to use presents challenges for analysis. Part of the data collected involves whether or not the person stopped was a resident of the City of Georgetown. Beyond knowing that, only speculation is possible. If the answer is no, it is not known if the person is a resident of Williamson County, Texas, another state, or even another country. The City of Georgetown is bisected by IH 35 which runs from Mexico to Duluth, Minnesota. Approximately 22% of the Georgetown Police Department’s 17,100 stops occurred on IH 35 leaving non-resident origin open to many possibilities.

Understanding the caveats listed above is crucial to fully understanding the data presented and its limitations.

Table 1 listed below details the racial/ethnic and gender breakdown of the sworn members of the Georgetown Police Department.

Demographics of Georgetown Police Sworn Personnel						
	Male	%	Female	%	Total	Total %
White	55	77.46%	8	11.27%	63	88.73%
African-American	1	1.41%	0	0.00%	1	1.41%
Hispanic	7	9.86%	0	0.00%	7	9.86%
Total	63	88.46%	8	11.27%	71	100%

Table 1

As is evident from the table, the sworn personnel of the Georgetown Police Department are currently predominantly white and predominantly male. Diversity in hiring has been a priority of the Department but historically, the Department has had to compete with larger agencies and agencies that offer higher pay who have also been actively recruiting qualified minority candidates and qualified female applicants.

In 2009, the racial profiling law was amended to require the collection of data about whether or not the officer knew the race/ethnicity of the driver before making the stop. This question addresses the issue of pre-stop racial profiling. As can be seen from the two tables below, in over 95% of all contacts, the officer was not aware of the race/ethnicity prior to making the stop. This average holds true across all races/ethnicities.

This is supported by the fact that many violations are moving violations where, due to distance, the decision to stop is made long before an officer is able to identify the driver. There are also a significant number of stops that occur at night where in many cases the officer cannot see the driver until the officer has contacted the driver at the window.

Based on the data collected, there is no evidence of pre-stop racial profiling in the Georgetown Police Department.

Was Race/Ethnicity Known Prior to Stop? (Total)			
Yes	%	No	%
801	4.68%	16,299	95.32%

Table 2a

Was Race/Ethnicity Known Prior to Stop? (By Race/Ethnicity)				
	Yes	%	No	%
White	664	4.72%	13,405	95.28%
African-American	37	3.64%	979	96.36%
Hispanic	91	5.53%	1,555	94.47%
Asian	4	1.97%	199	98.03%
Native American	0	0.00%	19	100.00%
Middle Eastern	0	0.00%	13	100.00%
Other	5	3.73%	129	96.27%

Table 2b

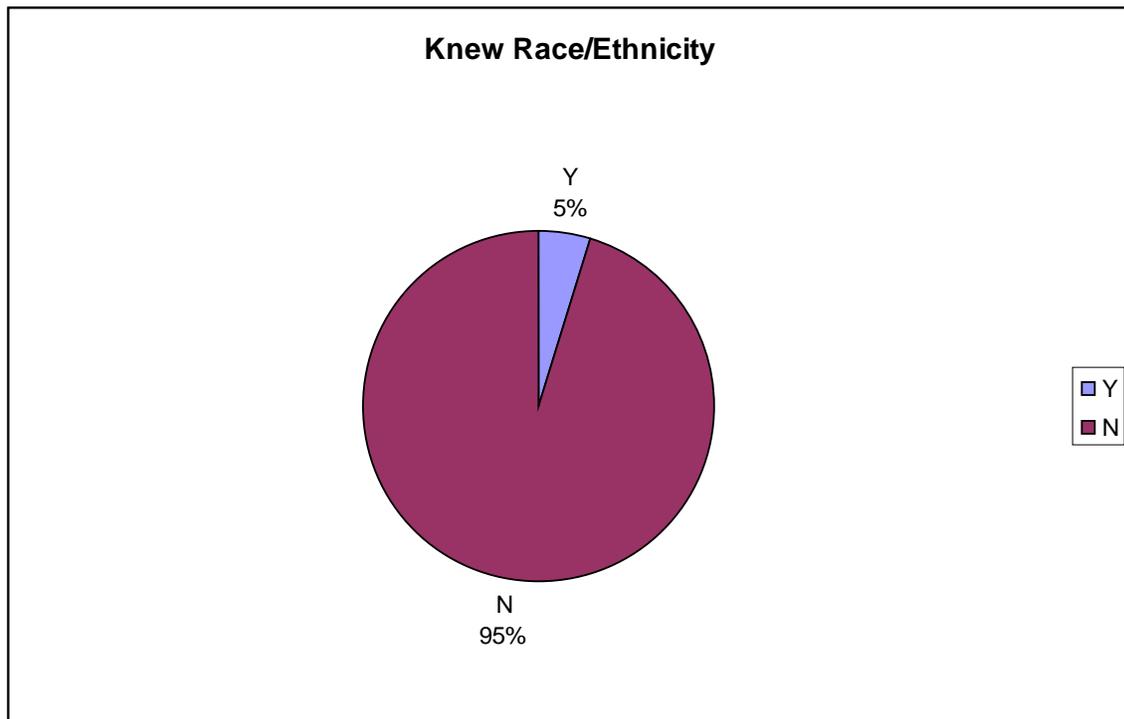


Chart 2

In reviewing 2010 census data for the City of Georgetown, Williamson County, and the State of Texas, males and females were equally represented. As can be seen from table 3a and table 3b, males were stopped at a greater frequency than females across all races/ethnicities.

Gender (Total)			
Male	%	Female	%
9,957	58%	7,143	42%

Table 3a

	Gender (By Race/Ethnicity)			
	Male	%	Female	%
White	8,039	57%	6,030	43%
African-American	627	62%	389	38%
Hispanic	1,083	66%	563	34%
Asian	111	55%	92	45%
Native American	11	58%	8	42%
Middle Eastern	7	54%	6	46%
Other	79	59%	55	41%

Table 3b

Table 4 details the highest order of aggregate data for contacts by race/ethnicity of the Georgetown Police Department in 2011. This includes all types of contacts such as stops of motor vehicles, bicycles, pedestrians, and even golf carts. Even though it is no longer legally required to collect data on anything other than a motor vehicle stop, all records in the racial profiling system were included for completeness and transparency purposes. The table includes residents and non-residents alike.

	Stops by Race	
	N	%
White	14,069	82.28%
African-American	1,016	5.94%
Hispanic	1,646	9.63%
Asian	203	1.19%
Native American	19	0.11%
Middle Eastern	13	0.08%
Other	134	0.78%

Table 4

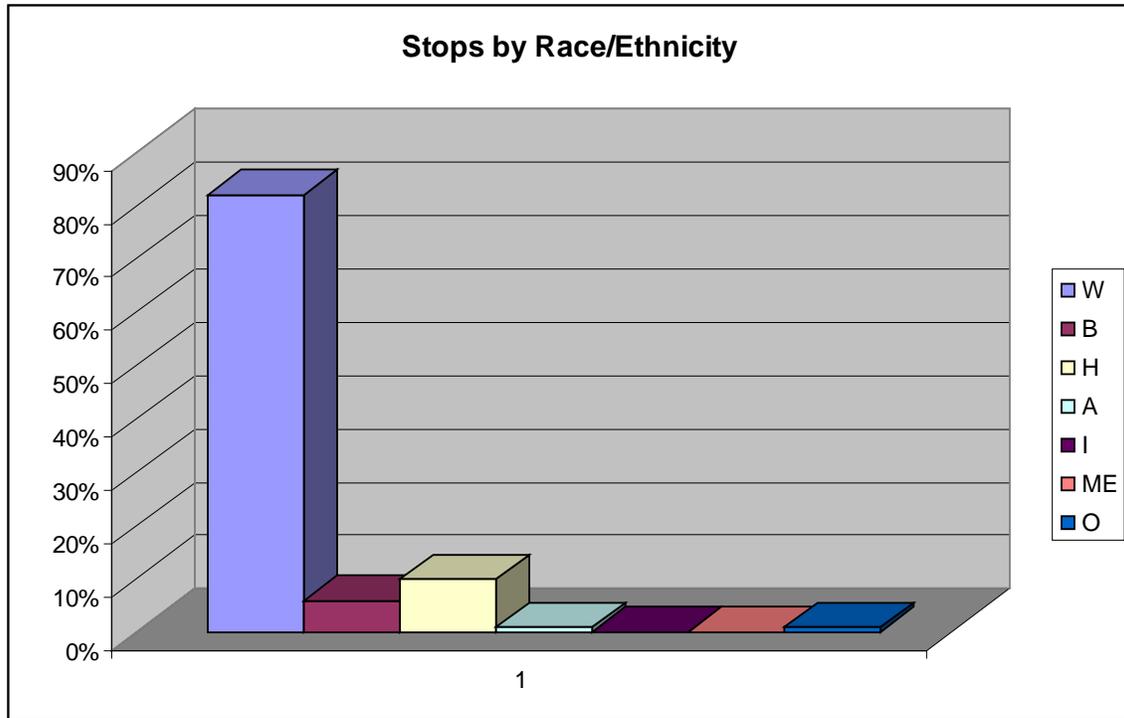


Chart 4

Table 5 takes the data in Table 4 and begins to break it down by stop type and race/ethnicity. As is evident, the vast majority of all stops involve motor vehicles.

Stop Type (By Race/Ethnicity)												
	Motor Vehicle		Commercial Motor Vehicle		Motorcycle		Golfcart		Bicycle		Pedestrian	
	N	%	N	%	N	%	N	%	N	%	N	%
White	13,871	99%	59	>1%	85	>1%	8	>1%	18	>1%	28	>1%
African-American	987	97%	20	2%	4	>1%	0	>1%	2	>1%	3	>1%
Hispanic	1,605	98%	22	1%	6	>1%	0	0%	9	>1%	4	>1%
Asian	203	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Native American	19	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Middle Eastern	13	100%	0	0%	0	0%	0	0%	0	0%	0	0%
Other	130	97%	1	1%	3	2%	0	0%	0	0%	0	0%

Table 5

Table 6 shows the breakdown of stops of Georgetown residents versus non-residents. As was explained earlier, with the data collected, it is not currently possible to determine the residency status of non-residents other than to state that they are not residents of Georgetown. As can be seen from Table 6 and Table 7a, the stops of Georgetown residents are consistent with their racial/ethnic proportion in the community. Even the stops of non-residents are not inconsistent with the racial/ethnic proportions found in the population of Williamson County (Table 7b) and the State of Texas (Table 7c).

	Resident of Georgetown? (By Race/Ethnicity)			
	Y	Percentage	N	Percentage
White	7556	84.47%	6513	79.87%
African-American	339	3.79%	677	8.30%
Hispanic	912	10.20%	734	9.00%
Asian	63	0.70%	140	1.72%
Native American	9	0.10%	10	0.12%
Middle Eastern	6	0.07%	7	0.09%
Other	60	0.67%	74	0.91%

Table 6

Census 2010 Population by Ethnicity (Georgetown)		
	N	%
Hispanic or Latino	10,317	21.77%
Non Hispanic or Latino	37,083	78.23%
Census 2010 Population by Race (Georgetown)		
	N	%
White	40,866	86.22%
African American	1,746	3.69%
Asian	488	1.03%
American Indian and Alaska Native	270	0.57%
Native Hawaiian and Pacific Islander	40	0.07%
Other	2,935	6.19%
Identified by two or more	1,055	2.23%

Table 7a

Census 2010 Population by Ethnicity (Williamson County)		
	N	%
Hispanic or Latino	98,034	23.19%
Non Hispanic or Latino	324,645	76.81%
Census 2010 Population by Race (Williamson County)		
	N	%
White	330,191	78.12%
African American	26,196	6.20%
Asian	20,433	4.83%
American Indian and Alaska Native	2,629	0.62%
Native Hawaiian and Pacific Islander	413	0.10%
Other	29,336	6.94%
Identified by two or more	13,481	3.19%

Table 7b

Census 2010 Population by Ethnicity (Texas)		
	N	%
Hispanic or Latino	9,460,921	37.62%
Non Hispanic or Latino	15,684,640	62.38%
Census 2010 Population by Race (Texas)		
	N	%
White	17,701,552	70.40%
African American	2,979,598	11.85%
Asian	964,596	3.84%
American Indian and Alaska Native	170,972	0.68%
Native Hawaiian and Pacific Islander	21,656	0.08%
Other	2,628,186	10.45%
Identified by two or more	679,001	2.70%

Table 7c

Table 8a and Table 8b detail the reasons why persons were stopped and contacted by officers of the Georgetown Police Department. These particular tables must be viewed in the context of Table 2a where it was stated that in 95% of the stops, the officer did not know the race/ethnicity of the driver. This is corroborated by Table 8a where the majority of stop reasons are for moving violations such as speeding, stop sign and red light violations, fail to signal violations, and others where it is not likely that the officer saw the driver before seeing the violation. In future reports, speeding will be detailed as its own stop reason since it makes up the majority of moving violations.

Since Table 2a must be considered in context with Table 8a and Table 8b, nothing can logically be inferred from the data presented. The percentages presented are fairly equal across all racial/ethnic boundaries. Hispanics appear to have a higher rate of equipment violation stops compared to other race/ethnicities but it is not prudent to infer anything based on the reasons stated above.

Stop Reasons (Transportation Code)										
	Moving		Non-Moving		MVI/Registration		Equipment		Safety Belt / Safety Seat	
	N	%	N	%	N	%	N	%	N	%
White	9,616	68%	129	1%	2,150	15%	1,959	14%	106	1%
African-American	683	67%	8	1%	134	13%	164	16%	3	>1%
Hispanic	936	57%	20	1%	195	12%	425	26%	19	1%
Asian	151	74%	1	>1%	27	13%	23	11%	0	0%
Native American	16	84%	0	0%	1	5%	2	11%	0	0%
Middle Eastern	9	69%	0	0%	0	0%	4	31%	0	0%
Other	84	63%	3	2%	14	10%	29	22%	2	1%

Table 8a

Stops Reasons (Non-Transportation Code)								
	Investigation		City Ordinance		Calls for Service – Susp/Veh Desc		Penal Code	
	N	%	N	%	N	%	N	%
White	70	1%	42	>1%	42	>1%	8	>1%
African-American	14	1%	4	>1%	10	1%	2	>1%
Hispanic	28	2%	18	1%	12	1%	1	>1%
Asian	1	>1%	0	0%	1	>1%	0	0%
Native American	0	0%	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%	0	0%
Other	0	0%	2	1%	0	0%	1	1%

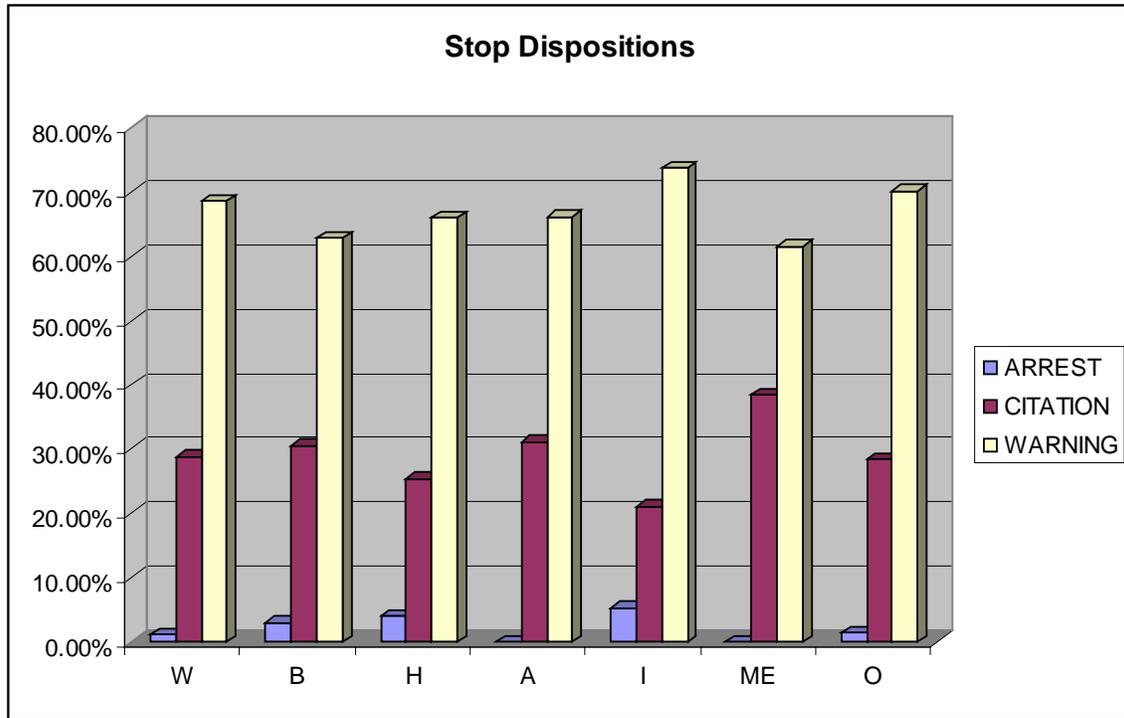
Table 8b

Table 9 details the dispositions of all stops by the Georgetown Police Department. The majority of stops are cleared with a warning. African-American and Hispanics were arrested in greater percentages than Whites but that must be viewed in context with Table 10 which details the reasons for arrests. Both African-American and Hispanics showed a greater percentage of warrant arrests. Warrant arrests would generally be considered non-discretionary and therefore a mandatory arrest by the officer.

Citations were issued in roughly the same amounts across all races/ethnicities. Table 11 details the charges for the citations. The majority of Whites and African-American were cited for moving violations. Hispanics were cited at significantly higher rates than Whites and African-Americans in the category of insurance violations and non-moving violations. This is likely due to the presence of non-resident aliens who are operating vehicles without insurance and/or valid driver's licenses. Beginning in 2012, license violations will be separated out from non-moving violations to better track this particular trend.

Stop Dispositions														
	Arrest		Citation		Arrest & Citation		Warning		No Action		Field Contact		Report	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
White	164	1%	4,063	29%	18	>1%	9,638	69%	176	1%	5	>1%	5	>1%
African-American	31	3%	310	31%	5	>1%	638	63%	32	3%	0	0%	0	0%
Hispanic	66	4%	419	25%	10	>1%	1,085	66%	64	4%	0	0%	2	>1%
Asian	0	0%	63	31%	0	0%	134	66%	6	3%	0	0%	0	0%
Native American	1	5%	4	21%	0	0%	14	74%	0	0%	0	0%	0	0%
Middle Eastern	0	0%	5	38%	0	0%	8	62%	0	0%	0	0%	0	0%
Other	2	1%	38	28%	0	0%	94	70%	0	0%	0	0%	0	0%

Table 9



Arrest Charges																				
	Warrant		DWLI		DWI		Drug Violation		Misdemeanor		Felony		MVI/Registration		Insurance		Non-Moving		Moving	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
White	62	34%	46	25%	51	28%	34	19%	16	9%	2	1%	4	2%	2	1%	0	0%	1	>1%
African-American	20	56%	9	25%	2	6%	4	11%	1	3%	2	6%	0	0%	0	0%	0	0%	0	0%
Hispanic	29	38%	11	14%	26	34%	7	9%	13	17%	2	3%	5	7%	1	1%	1	1%	0	0%
Asian	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Native American	0	0%	1	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Other	0	0%	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	1	50%	0	0%	0	0%

Table 10

Citation Charges (Numbers and Percentages)																				
	Moving		MVI/Registration		Insurance		Non-Moving		DWLI		Safety Belt/Safety Seat		Misdemeanor		City Ordinance		Equipment		Drug Violation	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
White	2910	71%	828	20%	281	7%	166	4%	138	3%	78	2%	28	1%	12	>1%	2	>1%	2	>1%
African-American	231	73%	36	11%	28	9%	20	6%	24	8%	1	>1%	1	>1%	0	0%	1	>1%	0	0%
Hispanic	184	43%	50	12%	66	15%	93	22%	68	16%	17	4%	28	7%	0	0%	0	0%	0	0%
Asian	52	83%	7	11%	2	3%	2	3%	2	3%	1	2%	0	0%	0	0%	0	0%	0	0%
Native American	4	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Middle Eastern	5	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Other	26	68%	6	16%	0	0%	3	8%	5	13%	1	3%	0	0%	0	0%	0	0%	0	0%

Table 11

In addition to pre-stop profiling concerns, much of the racial profiling debate has revolved around the topic of searching. Searches are broken down between non-discretionary searches and discretionary searches. Non-discretionary searches are those searches where the circumstances dictate that an officer shall or should conduct a search. Searching someone after arresting them and before placing them in a secure facility such as a jail is an example of a mandatory type search. Seeing obvious contraband or smelling obvious contraband, marijuana for example, is another example where a search should be conducted.

Table 12a details the non-discretionary searches for the Georgetown Police Department for the year 2011. The percentages next to the number represents the percentage of the time that particular search yielded contraband. For example, there were 9 searches of Whites based on a plain view search and contraband was located in 100% of those searches.

Non-Discretionary Searches (Numbers and Percentages)																
	Incident to Arrest		Dog Alert		Odor		Plain View		Probable Cause		Reasonable Suspicion		Tow/Inventory		Total	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
White	96	15%	3	100%	32	59%	9	100%	14	79%	0	n/a	8	38%	162	36%
African-American	22	5%	0	n/a	5	60%	3	100%	5	60%	1	100%	0	n/a	36	31%
Hispanic	45	29%	0	n/a	4	50%	8	100%	4	50%	1	0%	0	n/a	62	40%
Asian	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a
Native American	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a
Middle Eastern	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a
Other	1	0%	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	0	n/a	1	0%

Table 12a

The primary discretionary search and the one that generates the most debate is the consent search. This is a search where the officer, using their knowledge, experience, and intuition, has a set of facts and circumstances that do not rise to the level of reasonable suspicion or probable cause but give the officer enough suspicion that contraband may be present where the officer feels compelled to ask for consent to search a vehicle or person. Consent searches are often used in drug interdiction stops where drivers and passengers are giving defined verbal and physical cues that can be indicative of smuggling. It should be noted that there are no valid or accepted indicators that rely on race or ethnicity. Narcotics, money, human smuggling is a criminal activity that crosses all racial/ethnic, socio-economic, and gender boundaries.

Table 12b details the consent searches of the Georgetown Police Department for the year 2011. Of the 17,100 profiling data records collected in 2011, only 1% of those resulted in a consent search. Whites, African-Americans, and Hispanics were searched at rates ranging from a low of 0.95% for Whites to a high of 3.10% for Hispanics.

It has been argued that a more important statistic than the overall percentage searched is what is called the hit rate percentage. The hit rate percentage is the percentage of consent searches in which some form of illegal contraband was located. Table 12b shows that the hit rate percentages of Whites, African-Americans, and Hispanics are all within four percentage points of the mean.

Based on the aggregate level data presented, there is no indication of search based racial profiling in the Georgetown Police Department.

Discretionary Searches (Consent)				
	N	Contraband Located	Percentage Searched	Hit Rate Percentage
White	133	28	0.95%	21%
African-American	16	4	1.57%	25%
Hispanic	51	9	3.10%	18%
Asian	1	0	0.49%	0%
Native American	1	0	5.26%	0%
Middle Eastern	0	0	0.00%	0%
Other	2	0	1.49%	0%

Table 12b

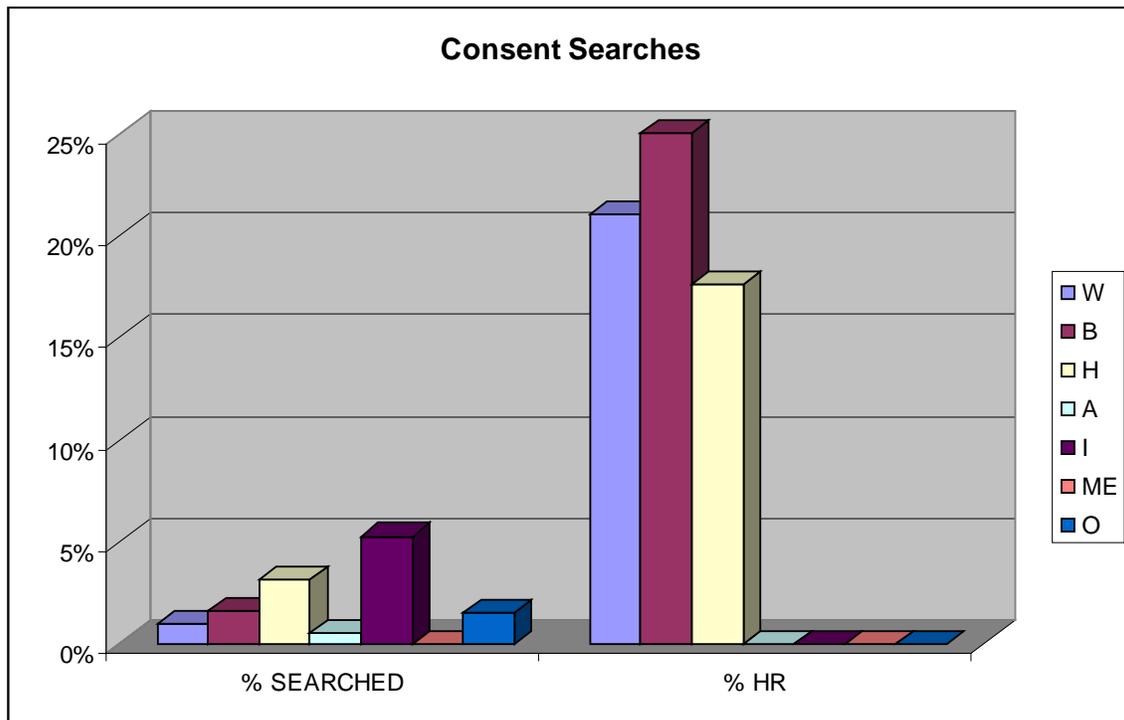


Chart 12

Table 12c lists the types of illegal contraband found during non-discretionary and discretionary searches by the Georgetown Police Department. White and African-Americans show that marijuana is the most prevalent item found while alcohol was most prevalent for Hispanics.

Contraband Located (Numbers and Percentages)																		
	Alcohol		All Other Drugs		Cocaine		Currency		Marijuana		Methamphetamine		Other Contraband		Stolen Property		Weapons	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
White	26	30%	5	6%	3	3%	1	1%	48	55%	5	6%	15	17%	0	0%	4	5%
African-American	2	13%	0	0%	0	0%	0	0%	10	66%	0	0%	2	13%	1	7%	0	0%
Hispanic	22	65%	0	0%	2	6%	0	0%	7	21%	0	0%	7	21%	0	0%	0	0%
Asian	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Native American	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Middle Eastern	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
Other	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%

Table 12c

CONCLUSION

The Georgetown Police Department has made every effort to comply with the statutory requirements of the Code of Criminal Procedure Articles 2.131 – 2.138 regarding Racial Profiling. The Georgetown Police Department collects and conducts an analysis on data that exceeds what is mandated by law. We do so as a matter of transparency and feel it is imperative to maintain the absolute trust of the community we serve. The Georgetown Police Department is very sensitive to the issue of racially biased or racially motivated activity and will not tolerate such actions under any circumstances. The collective analysis of this year’s data shows no indication that racially biased or racially motivated actions are being taken by members of the Georgetown Police Department.

**Georgetown Police Department
Partial Exemption Racial Profiling Reporting (Tier 1)**

Department Name: Georgetown Police Department
Report Date: 02-23-12
Agency Number: 491204
Chief Administrator Name: Wayne Nero
Agency Contact Information: 809 Martin Luther King Jr.
Georgetown, Texas 78626
512-930-2500
wayne.nero@georgetown.org

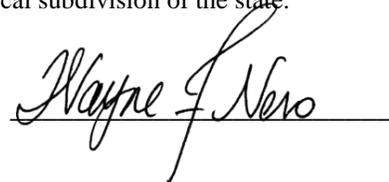
This Agency claims partial racial profiling report exemption because:
Our vehicles that conduct motor vehicle stops are equipped with video and audio equipment and we maintain videos for 90 days.

Certification to Report 2.132 (Tier 1) – Partial Exemption

Article 2.132(b) CCP Law Enforcement Policy on Racial Profiling
GEORGETOWN POLICE DEPARTMENT has adopted a detailed written policy on racial profiling. Our policy:

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

I certify these policies are in effect.
Executed by Chief Administrator: **WAYNE NERO**
GEORGETOWN POLICE DEPT
Date: 02/23/2012



**GEORGETOWN POLICE DEPARTMENT
Motor Vehicle Racial Profiling Information**

Number of motor vehicle stops:

- 1. 4899 citation only
- 2. 254 arrest only
- 3. 33 both
- 4. **5186 Total** (4, 11, 14 and 17 must be equal)

Race or Ethnicity:

- 5. 344 African
- 6. 63 Asian
- 7. 4234 Caucasian
- 8. 495 Hispanic
- 9. 5 Middle Eastern
- 10. 5 Native American
- 11. 40 Other
- 12. **5186 Total** (lines 4, 11, 14 and 17 must be equal)

Race or Ethnicity known prior to stop?

- 12. **112** Yes
- 13. **5074** No
- 14. **5186 Total** (lines 4, 11, 14 and 17 must be equal)

Search conducted?

- 15. **304** Yes
- 16. **4882** No
- 17. **5186 Total** (lines 4, 11, 14 and 17 must be equal)

Was search consented?

- 18. **73** Yes
- 19. **231** No
- 20. **304 Total** (must equal line 15)