

**Round Rock Police Department
2012 Bias-Based Policing Report**

February 14, 2013

Round Rock Police Department 2012 Bias-Based Profiling Report

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INTRODUCTION

This report is required by law to be provided to City Council regarding police stops as they relate to what we call bias-based profiling. Department policy regarding police contacts goes beyond the requirements of the Texas Racial Profiling Law to prohibit race, ethnicity, and gender, as well as the sexual orientation, religion, economic status, age or cultural group of an individual being the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or
2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

Years ago, we made the decision to go beyond state requirements as a result of our commitment to maintain accreditation through the Commission on the Accreditation of Law Enforcement Agencies (CALEA).

The Department has said, since the state began requiring this annual report, that the law as it relates to data collection and analysis has noble objectives. There are, however, limitations in the way the data can be gathered and in the analytical methodologies available. Law enforcement generally is not persuaded that specific conclusions based solely on statistical analysis can be drawn regarding racial or bias-based profiling. The Council may want to consider other factors as being more representative of whether bias-based profiling occurs in the City of Round Rock, such as:

- Complaints to Internal Affairs of bias-based profiling against police officers;
- The results of internal police investigations regarding bias-based profiling;
- Evidence the Police Department has enacted policies and procedures to follow state law and reflect “best practices” regarding the issue of bias-based profiling;
- Use of the Department's accreditation process to audit its policies and procedures regarding bias-based profiling; and
- Quality surveys conducted of citizens.

Since 2002, the Department has collected police contact data to identify and respond (if necessary) to concerns regarding how Round Rock police officers conduct traffic and other stops of the public. This report presents background on the Texas Racial Profiling Law and information about Department policies. The final portions of this report provide statistical data regarding the public contacts made in calendar 2012 as required by law. This information is compared with data on motorists residing in the Round Rock area provided by the Texas Department of Public Safety. Findings and future recommendations for the Department's activities also are included. This report is a continuation of our efforts to strengthen the Department's ties to our community as we move forward to meet the challenges of the future.

I will be happy to answer any questions the Council may have regarding this report.

Sincerely,

Tim Ryle
Chief of Police

THE TEXAS LAW ON RACIAL PROFILING: TEXAS CODE OF CRIMINAL PROCEDURE

Note: The source for this information is the Code of Criminal Procedure that is available on line from <http://www.statutes.legis.state.tx.us/Docs/CR/htm/CR.2.htm>

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.

HISTORY OF THE CITY OF ROUND ROCK

In the 150 years since its “birth,” cowboys, famous outlaws, lawmen, entrepreneurs, businessmen, and Texas heroes have all called Round Rock home. The first recorded mention of the Round Rock area can be traced to the Spanish Ramon-St. Denis expedition of 1716, which was organized in Saltillo, Mexico, to visit missions in East Texas. On May 26, crossing into what is now Williamson County, the expedition killed its first buffalo and pitched camp near Round Rock at what the explorers called the “Arroyo de las Benditas Animas,” or Creek of the Blessed Souls – or Brushy Creek as it is now known.

Permanent settlement of Round Rock did not occur until the arrival in 1839 of Dr. Thomas Kenney who, recognizing the need for protection from Indians, constructed “Kenney’s Fort” between Brushy Creek and Spring Branch. Kenney’s Fort went on to achieve statewide prominence during the “Archives War” of 1842. Twenty-six men, sympathizers with Sam Houston’s plans to move the Capital to the City of Houston, plundered the Republic of Texas’ archives from their official repository in Austin. Sixty-eight Austinites rode in pursuit, hauling the City’s cannon behind them. They surrounded the “Houston Party” at Kenney’s Fort in the middle of a “Texas blizzard” and retook the archives the next morning, preserving Austin as the Capital of the Republic, and later the State.

Despite the danger of Indian attack (which occurred regularly throughout the 1840s) and the threat of invasion from Mexico, settlers in the Round Rock/Brushy Creek area continued to increase in number. In 1848, settlers voted to form Williamson County out of the Milam District. The continuing influx of settlers led to the establishment of the “Brushy Creek” Post Office in 1851, which, at the urging of Postmaster Thomas C. Oatts, was renamed *Round Rock* in 1854.

By the time of the Civil War, the population of the Round Rock area had increased to approximately 450 persons in more than 20 different occupations – including an attorney, two blacksmiths, a Texas Ranger, fifty farmers, one schoolteacher, and two preachers. In January 1861, Williamson County was one of three Texas counties that voted against secession from the Union. Despite their reluctance to secede – and in many recorded instances an aversion to slavery – 353 men from Williamson County were known to have served in the Confederate Army. Their absence marked an increase in Indian attacks, which led to 24 deaths during 1861-1865.

In the years following the Civil War, from 1867 through the 1880s, Round Rock became a stop on the famed Chisholm Trail, as cowboys anxious to herd their longhorns to markets in Kansas drove their steers through Brushy Creek and past the round, table-topped rock which served as a signpost north. Railroads soon followed the cattle trails. In 1876, the existing town moved about 1 mile east to take advantage of the newly constructed International and Great Northern Railroad line, and the “New” Round Rock was born.

Today, the “Old Town” section of the “New Town” still contains many historic structures and is the centerpiece of an evolving historical, cultural, recreational, and commercial area. Known throughout the state as a progressive center of learning and religion as evidenced by the then

presence of the Greenwood Masonic Institute, the Round Rock Institute, and numerous churches of all denominations, the City still attracted its share of “undesirables.” In 1878, the famous outlaw Sam Bass was mortally wounded in a shootout with town deputies while attempting to rob a local bank. In recognition, Round Rock has both Sam Bass Road and A.W. Grimes Boulevard, the latter named after a deputy shot during that altercation. John Wesley Hardin, known as the “fastest gun in the west,” was an 1870 graduate of the Greenwood Masonic Institute. Mrs. Mable Smith’s son, “Soapy,” went on from Round Rock to become the “greatest con man in Alaska” during the Klondike Gold Rush of 1898.

But Round Rock has had its share of luminaries as well. Washington Anderson, one of the heroes of the battle of San Jacinto, called Round Rock home, as did Texas Rangers Ira Aten, Dudley Snyder Barker, Captain Fred Olson, and the famous frontiersman, soldier, hunter, and entrepreneur, Captain Nelson Merrell. Anna Hurd Palm, for whom “Palm Valley” is named, typified the pioneer spirit of early settlers who braved Indians, disease, and deprivation to carve out a home on the frontier. Entertainer Vander Barquette Broadway was singled out by Noel Coward as one of the greatest artists of the pre-Depression era and was the toast of Parisian society during the 1920s and 30s.

Infused with the same energy driving its more distinguished sons and daughters, Round Rock citizens first voted to incorporate the “New Town” in 1877, and in 1878, Mr. W.T. Smith served as the City’s “Worthy Mayor.” The City was incorporated in its present state in 1913, and Jack Jordan was elected the first mayor of the newly formed government. Serving as the first City Council members were: John A. Nelson, Dr. W.G. Weber, E.J. Walsh, J.A. Jackson, W.A. Gannt, and A.K Anderson. The newly formed city government promptly began improving utilities, services, and streets. Telephone service began operation in the early 1900s. In 1913, the first streetlights and speed limit signs (12 mph) were installed, and citizens voted for the incorporation of Common School District #19.

Local fire protection, which had been first organized as a volunteer hose and hand pump company in 1884, received a boost from the 1913 City incorporation and used the additional tax revenue to purchase an engine, pump and chemical equipment in July of the same year. In 1918, the City granted a license to Mr. S. E. Bergstrom to operate an electric plant, which provided electricity to Round Rock until 1927, when the Texas Power and Light Co. assumed operations. Natural gas and City water were added in 1936. In 1938, the City constructed a \$90,000 citywide sewer system. The Round Rock Public Library, first organized in 1962 by the Ladies Home Demonstration Club, is now recognized as one of the premier libraries in the Central Texas area.

But national crises often intervened to slow the advance of progress. With the advent of World War II, more than 350 Round Rock men followed the example set by their fathers and grandfathers in the Spanish American War and World War I, and enlisted to fight. Citizens of Round Rock likewise fought in the Korean, Vietnam, and Desert Storm wars.

But not even the intervention of war could keep Round Rock down for long. Even before the relocation of Dell Computer to Round Rock, City industry received national acclaim as a business-friendly community producing quality products. A broom made at the Round Rock

Broom Company (est. 1876) won a gold medal at the 1904 Saint Louis World's Fair. A barrel of lime produced at the Round Rock White Lime Plant was also judged superior at the World's Fair, and it too was awarded a gold medal. Cheese produced at the Round Rock Cheese Factory (est. 1928) won a second place silver medal at the National Dairy Show in Memphis, and in 1929, received a first place ribbon at the Texas State Fair.

This Round Rock spirit of "can do" spurred economic growth – particularly in "high-tech" industry – which in turn generated tremendous population growth in Round Rock during the 1990s, a trend that continues today. In 1992, Round Rock population was estimated at 33,769. For 2010, the U.S. Census Bureau counted just under 100,000 people calling Round Rock home. Driven by the relocation of Dell Computer to Round Rock in 1996, the City's economy has likewise boomed, rising from a City budget of approximately \$23 million in FY 1992 to a proposed operating budget of approximately \$137 million in FY 2012.

Today, Round Rock is a booming, progressive community, home to international industry, several large shopping malls, three hospitals, and a professional-quality golf course. Round Rock also is home to a campus of Texas State University and Austin Community College, as well as the Texas A&M Health Science Center, which houses medical, pharmacy, and nursing schools. For more than a decade, our city has been home to a minor league baseball team, the Round Rock Express. City services are recognized as among the best (and the best value) in the Central Texas area, and the City has been cited by a research firm as among the safest in Texas and the nation in our population category since 2005 by that firm, CQ Press.

POLICE DEPARTMENT BACKGROUND

The Round Rock Police Department has grown rapidly in recent years, from 83 officers in fiscal 1997-98 to 153 budgeted, sworn positions in fiscal 2012-13. As the Department has grown, it has worked hard to increase the professionalism of its officers and staff. An Internal Affairs Detail was established in 1999 to investigate complaints against Department personnel.

In 2013, the Department is preparing to receive its fourth international reaccreditation through the Commission on the Accreditation of Law Enforcement Agencies (CALEA). The Department first became accredited in 2004, and the process benchmarks the Department's policies and processes against more than 400 CALEA standards. Attaining accreditation means that our Department measures up well against the best departments in the country.

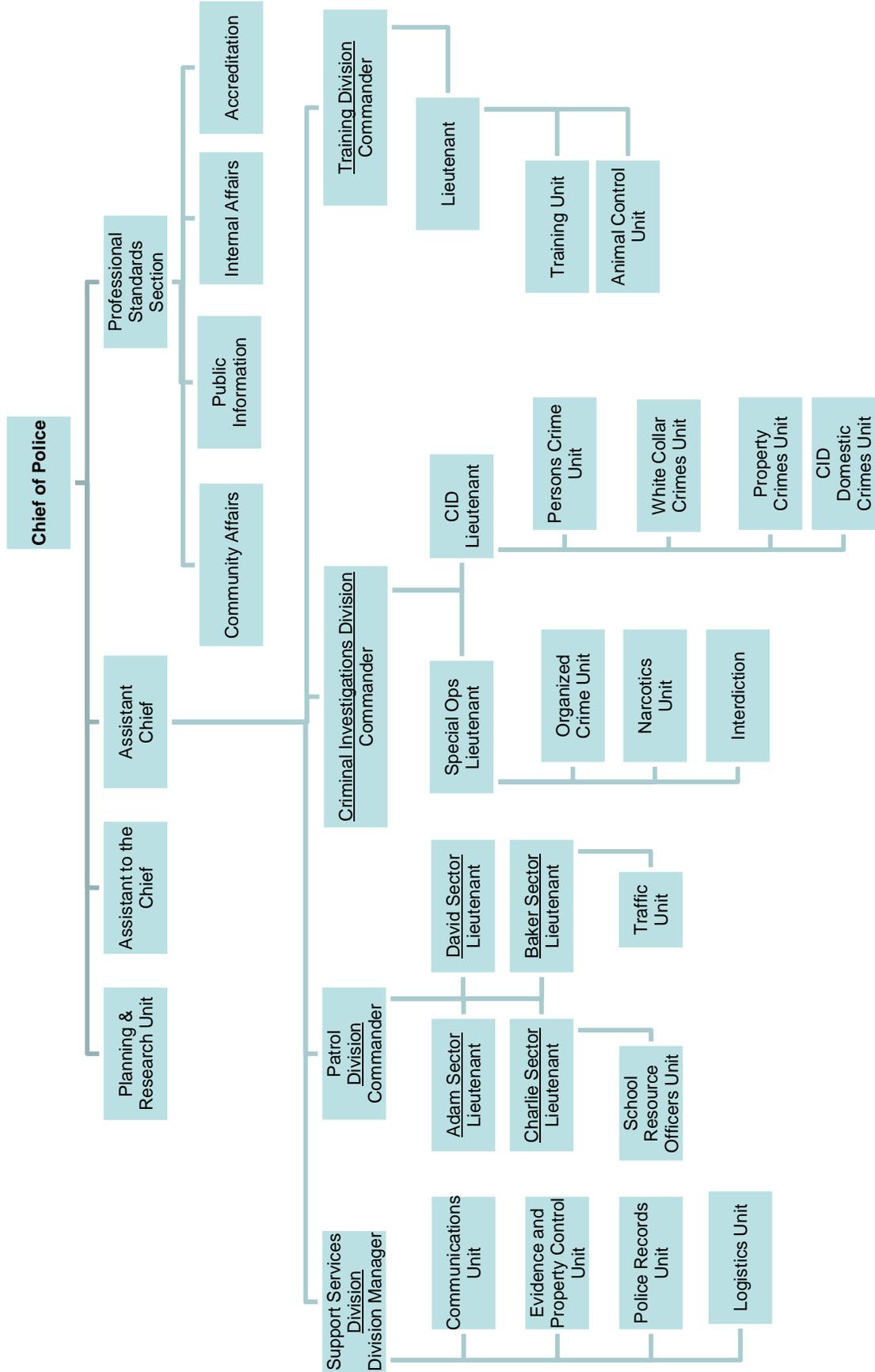
The advantages of accreditation to our Department and the community are numerous:

- Increased capability to prevent and control crime.
- Increased effectiveness and efficiency in the delivery of law enforcement services.
- Increased cooperation and coordination with other law enforcement agencies in the criminal justice system.
- Enhanced citizen confidence in the Department's capabilities, objectives, policies, and practices.
- Strong defense against lawsuits since Department policies will have been reviewed and approved by an accrediting agency.
- Accredited agencies see reductions in both the incidence and cost of litigation.
- Reduced cost of liability insurance from the Texas Municipal League.
- Enhanced overall image for the City – useful in attracting new business, conferences, and new residents.

In part, the advantages brought by accreditation are reflected in our community's view of the Department as reflected in biennial citizen surveys. In the most recent, conducted in 2012, Round Rock residents reported that policing is the most important service the City provides the community. Ninety percent (90%) of residents who had an opinion in that survey felt "very safe" or "safe" in the City. The areas where residents felt most safe were: in their neighborhood during the day (94%), in Downtown Round Rock (89%), and in their neighborhood at night (86%).

In April 2008, the Department moved to the newly renovated, former Tellabs building in North Round Rock to take occupancy of a new police headquarters building. Since moving to the new facility, the Department successfully acquired several large incident-response vehicles – largely with grant funding. Those vehicles have enhanced the Department's ability to respond to critical, large-scale incidents within the city and regionally. Looking forward to the future, the Department is joining with the Round Rock Fire Department to develop a joint training facility. A need assessment study for that project concluded early in 2013 that the need for such a facility is well-justified.

RRPD Organizational Chart



RRPD GENERAL ORDERS

The following is from the Round Rock Police Department's Policy Manual:

1/1.02.00 Oath of Office

CALEA 1.1.1

Members are required to take and subsequently abide by the following oath of office as police officer prior to assuming sworn status with the Round Rock Police Department:

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of peace officer of the State of Texas, and will to the best of my ability preserve, protect, and defend the constitution and laws of the United States and of this state, so help me God.

1/1.03.00 Law Enforcement Code of Ethics

Sworn Officers will receive biennial training on the following code of ethics. Non-Sworn employees will receive biennial training on City Policy 5.03, *Ethical Standards*.

All sworn officers of this Department shall abide by the following code of ethics:

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the constitutional rights of all men to liberty, equality, and justice.

I WILL keep my private life unsullied as an example to all; maintain courageously calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit my personal feeling, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and will accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

1/1.04.00 Mission Statement

The Round Rock Police Department, in alliance with our community, provides public safety and promotes a high quality of life.

1/1.05.00 Vision Statement

Effectively respond to the adaptive challenges created by a rapidly growing community that is striving to maintain its low crime rate and high quality of life. Deliver policing that responds to the needs of the community and engages them to share in the responsibility of keeping Round Rock a great community.

1/1.06.00 Statement of Fundamental Values

Integrity – We believe in honesty, acting ethically, and making wise and informed decisions. We admit mistakes, take corrective measures, and accept responsibility for our actions and our own problems. We work only for the public good and toward the accomplishment of the Departmental mission, never seeking personal advantage. By action, we exemplify all of the Departmental values.

Community Trust – We strive to maintain the highest standards of fairness, credibility and professionalism when interacting with the citizens we serve. We endeavor to communicate, cooperate and collaborate as a partner with the community to create a better quality of life.

Communications – We believe the best way to enhance our services is to talk with and listen to others, both employees and the citizens we serve. We believe constructive decisions result from seeking the input of employees and hearing the concerns of citizens.

Employee trust – We are committed to maintaining a mutual respect and trust among all employees. We believe in, foster and support teamwork to accomplish our mission.

Problem solving – We identify problems and seek long-term solutions. We are committed to the problem-solving process and using data, rather than emotions to drive decisions. We are willing to take risks by challenging the status quo. All employees are part of the shared vision and direction, seeking feedback and participation from all levels of the organization and the community. We strive to improve systems and examine processes.

Leadership – We are committed to making the right decisions, the right way, and for the right reasons. We accomplish this by creating leaders that communicate effectively, have high moral and ethical standards, and have the capability of effective problem solving. As leaders, all employees work to ensure teamwork, accept responsibility through accountability, and strive to provide the optimum service to other employees and the citizens we serve.

RRPD POLICY ON USE OF AUDIO/VIDEO EQUIPMENT

The following is from the Round Rock Police Department’s Policy Manual:

4/2.07.05 Mobile Video Recording Equipment

DEFINITIONS

CCP	Texas Code of Criminal Procedures
MVR	Elements of the Mobile Video Recording Equipment. Wherever the operation of the MVR is referenced such operation includes both the audio and video capabilities of this equipment (wireless body microphone & vehicular equipment).
Racial Profiling	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, CCP Art. 3.05.

POLICY

This policy establishes procedures concerning the operation of Mobile Video Recording Equipment (MVR) within the Department, responsibilities of personnel, and the storage of videotape. This policy is established to comply with the requirements of Texas CCP Articles 2.131 – 2.138.

Mobile video/audio equipment has proven valuable in the prosecution of traffic violations and related offenses; in evaluation of officer performance; and in training. It is the policy of this Department to utilize mobile video and audio recording equipment in such a manner as to enhance the effective and efficient delivery of police services, to serve as an asset to prosecution of criminal cases, and comply with state and/or federal law. In order to ensure the most efficient and effective use of MVR equipment, officers shall follow the procedures set forth in this procedure.

OBJECTIVES

The Round Rock Police Department has adopted the use of in-car video and audio recording systems in order to accomplish several objectives. These objectives include, but are not limited to:

- The enhancement of officer safety,
- The enhancement of officer reporting, evidence collection and court testimony through audio and video documentation of events, actions, conditions and statements made during arrests and critical incidents,
- The enhanced ability to review probable cause for arrest, arrest procedures, officer and suspect interaction, and evidence for investigative purposes;
- The protection from false claims of impropriety,
- As a tool for officer evaluation and training, and
- To support the requirements of the Department’s racial profiling policy.

GENERAL REQUIREMENTS

Officer Responsibilities

MVR equipment will automatically activate when the emergency warning devices of the vehicle are in operation and/or when the officers' body microphone is activated.

1. In general, officers shall:
 - A. Not erase, reuse or in any manner alter videotapes except as prescribed in Department procedures.
 - B. Only use videotapes issued and approved by the round rock police Department.
 - C. Safeguard all completed videotapes after removal from the vehicle and place them into the designated storage location as soon as practical.
 - D. Use the MVR system for all vehicle or pedestrian stops as required by Texas CCP Articles 2.131 - 2.138 and Department policy regarding racial profiling.

Patrol Command Or Designee

2. Responsible for purchasing, numbering and labeling videotapes as needed to support the Departments MVR systems. The labels will include spaces for writing:
 - A. The officer's name,
 - B. The officer's employee number,
 - C. The date/time placed into the MVR system,
 - D. The date/time removed from the MVR system for turn-in.
3. Assign each videotape a unique number when placed into service. This number will include the year, month, and a sequential four-digit number beginning with 0001. (example: 01-10-0001.)
4. Responsible for coordinating MVR system specification for purchase, installation and repair as required.
5. Responsible for video tape storage management to include area security and videotape maintenance. Security and maintenance procedures will include:
 - A. Storing video tapes in a secure, low humidity location
 - B. Providing access procedures to video tape storage areas
 - C. Maintaining and auditing the video tape register to verify proper videotape issue, turn-in and cataloguing
 - D. Maintaining a register to log catalogued videotapes removed from the storage area for any purpose
 - E. Erasing and logging video tapes that are not required after the 90-day storage period
 - F. Making video tapes available for reissue by supervisors
 - G. Providing user manuals for each unit equipped with an MVR system

6. When a complaint alleging an incident of racial profiling is made against an officer, and that incident is recorded on a videotape placed into 90-day storage, provide copies of the appropriate recorded sequence to an officer involved upon written request as required under Texas CCP 2.132(f).

Evidence/Property Control Unit

7. Provide copies of the related videotaped sequence to Internal Affairs on written request for investigatory purposes in accordance with department procedures.

ISSUANCE AND RETURN OF NONEVIDENTIARY TAPES

MVR videotapes shall not be re-issued or re-used unless and until they have been completely erased.

Officer

1. Tapes ready for officer use will be maintained in an area adjacent to the designated videotape storage room. Each officer will maintain two tapes in their unit at all times.
2. Enter the videotape number, date of issuance, and officer's name in the videotape register when obtaining a blank tape.
3. Write officer's name, employee number, date, and time on the label of the videotape when placing the videotape into use by the MVR system. Also, enter the date and time when removing the videotape for turn-in.
4. Keep videotapes in usage until filled with recorded activity or when they contain 30 minutes or less of remaining tape as indicated by the display. A blank videotape must be inserted in the recorder as soon as the completed tape is removed.
5. Place any used videotapes in a protective videotape sleeve to protect videotape quality. Anytime videotapes are not actually in use in the recorder, they should be kept inside a protective sleeve.
6. Place used videotapes in the designated receptacle as soon as practical during their shift and complete the register entries with the date/time the tape was placed into and removed from the MVR system. Also, show the disposition of the videotape – i.e., "storage" or "evidence, 01-12345." Completed videotapes shall not be retained after the shift is completed.
7. Notify the shift supervisor that a tape was dropped into storage and that a replacement videotape is needed.

Patrol Supervisor

8. The shift supervisor is responsible for issuing blank videotapes and confirming the required entries are made in the register. The issuing supervisor will also enter their name in the register.
9. Issue a blank back-up videotape cassette to officers who have dropped a tape into storage as soon as possible.

ISSUANCE AND RETURN OF EVIDENTIARY TAPES

Videotapes that contain activity other than that needed for evidentiary purposes will be stored in a designated location for a period that complies with racial profiling legislation and other Department policy.

Officer

1. If the videotape documents an arrest, pursuit or some other incident that may be needed as evidence, notify the officer's immediate supervisor as soon as possible and process the videotape as evidence in accordance with Department policy.
2. Locate the event needed for evidence and "queue" the videotape at that point. Also, write the date and time of the "queued" point on their evidence invoice in the event the videotape is accidentally played or rewound.
3. Place the videotape into evidence and complete the videotape register as described above with the appropriate disposition, (i.e. "evidence, DWI 01-12345").
4. Notify the supervisor that the officer is processing a videotape cassette for evidentiary purposes, and that a replacement videotape is needed.

Patrol Supervisor

5. Insure a blank back-up videotape cassette is issued to the officer as soon as possible.

CARE AND MAINTENANCE OF MVR SYSTEM

Officer

1. MVR equipment installed in vehicles is the responsibility of the officer assigned to the vehicle. Officers will become familiar with the MVR system operation and maintain it in accordance with the manufacturer's recommendations.
2. Prior to each shift, officers shall determine whether the MVR equipment is working satisfactorily and shall bring any problems noted at this or other times to the attention of their immediate supervisor as soon as possible.
3. MVR system defects will be reported on an equipment service request. The request must accurately describe the MVR system fault.
4. Officers should check for the availability of a pool car equipped with an operational MVR system and use the pool car for the remainder of their shift, or until their assigned vehicle's MVR system is repaired.
5. The MVR tapes shall not be deactivated until enforcement actions are completed.
6. The MVR may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic, during parade or funeral escorts, etc.
7. Officers are encouraged to inform their supervisors of any videotaped sequences that may be of value for training.
8. If an officer fails to activate, or deactivates any part of the MVR equipment when required during any enforcement action, the officer shall report the reasons for their non-compliance with this policy to their supervisor.

9. The officer must ensure that the VCR tape door and the vault door are closed regardless of whether the recorder is in use. These doors protect the system from dust and unnecessary abuse.
10. Officers will obtain a video head cleaning tape from the supervisor on duty to clean the heads their mobile video recorder every 100 hours of use or at 4-month intervals, whichever is earliest.
11. Officers will remove videotapes from their assigned unit when turning it in for maintenance, or any other time they will be using a different unit. Officers may either use these tapes in pool cars equipped with MVR systems; or, may turn in the videotapes from their assigned unit and obtain new tapes for use in the temporary unit.
12. Officers using pool cars equipped with MVR systems will be issued a body microphone by the supervisor on duty. Officers will immediately return pool car microphones to the supervisor on duty when the pool car is no longer needed.

Patrol Supervisor

13. Patrol supervisors must ensure an adequate supply of video and batteries for subsequent patrol shifts is available in the equipment storage room. If the supply of available tapes needs to be replenished, the supervisor shall notify the patrol commander or designee.
14. Patrol supervisors shall ensure officers using MVR equipment adhere to established procedures, guidelines and policies. When a supervisor receives a report from an officer that the available recording system was not activated or was deactivated during a required enforcement situation, the supervisor will determine whether to require a written memorandum of the officer detailing the circumstances.
15. Patrol supervisors shall conduct monthly inspections of the MVR equipment to evaluate its operational capability, and will ensure the officer completes an equipment service request if a system fault is identified. Supervisors will notify the patrol commander or designee as soon as practical to request MVR service.
16. At their discretion, supervisors may request MVR tapes from the officer. Nothing contained in this section shall be construed as prohibiting a supervisor from addressing with an officer apparent policy violations, procedural deficiencies with regard to arrest, investigation, interpersonal communications or other officer safety issues that are discovered during review of an MVR tape.
17. Videotapes removed from an MVR system for supervisor review must be returned to the MVR system prior to the officer returning to patrol duties; otherwise, a blank videotape must be placed into MVR service.
18. Supervisors may remove a tape from storage for preliminary review upon receipt of a citizen complaint. The supervisor will complete the videotape sign-out register located in the storage room when removing and returning the tape.

TRAINING SECTION RESPONSIBILITIES

The training coordinator is responsible for ensuring all patrol personnel receive training in the appropriate use and maintenance of MVR equipment before an officer's assignment to an MVR equipped patrol vehicle.

EVIDENCE/PROPERTY CONTROL UNIT RESPONSIBILITIES

The Evidence/Property Control Unit is responsible for the systematic storage, retrieval and appropriate release of tapes or tape information after they are submitted as evidence. The Evidence/Property Control Unit will coordinate with other agencies to develop procedures to make evidentiary videotapes available for prosecution and/or investigation. These procedures will comply with the requirements of Texas CCP Articles 2.131 – 2.138, and Department policy to facilitate the investigation of racial profiling complaints as required.

Duplication Of Tapes

1. Perform all duplication of videotapes placed into evidence as required. Requests for and delivery of videotapes to other criminal justice agencies shall be logged in accordance with Department procedures.
2. Provide copies of the related videotaped recorded sequence to an officer involved upon written request as required under Texas CCP 2.132(f) when a complaint is made against an officer alleging an incident of racial profiling, and that incident is recorded on a videotape placed into evidence.
3. Provide copies of the related videotaped, recorded sequence to Internal Affairs on written request for investigatory purposes in accordance with Department procedures.
4. Insure any videotapes pertinent to an ongoing investigation alleging racial profiling, and no longer needed as evidence, are transferred to the videotape storage area to remain on file until final disposition of the complaint in accordance with Texas CCP Article 2.135(b).
5. Refer all other requests for duplicate videotapes to the Chief of Police or his designee. Requests should include specific information regarding the incident – i.e. date, time, location, etc.
6. Label all videotapes released by the Department with a statement prohibiting further duplication or distribution of the tape without express written consent of the Chief or his designee.

Driving While Intoxicated (DWI)

7. Make duplicate recordings of all videotaped DWI investigations and provide them to the appropriate prosecutor's office within seven days of the event.
8. Coordinate with the appropriate prosecutors to insure the methods of duplication are consistent and supportive of prosecution efforts.
9. Make duplicate recordings for the investigating officer upon written request.

INTERNAL AFFAIRS RESPONSIBILITIES

The Internal Affairs Office may obtain copies of any recorded incident for investigation as prescribed under department policy. Request for copies of tapes stored in evidence, or in the videotape storage area will be made in writing to the appropriate persons. Internal Affairs may remove a tape from storage for preliminary review upon receipt of a complaint, and it will complete the videotape sign-out register located in the storage room when removing and returning the tape.

COMMUNITY PARTNERSHIPS

The Round Rock Police Department enjoys a strong relationship with the community that is evidenced in a number of ways. In 2011, the Department established a Community Affairs Unit staffed by two officers. This unit works with the Public Information Officer to bring information to the community, as well as hear and respond to community concerns.

The Police Department operates several community programs aimed at providing services not ordinarily expected from a law enforcement agency. The Department administers a Telephone Assurance Program that provides a daily telephone check on the welfare of Round Rock's elderly population. Round Rock Police Department also operates a Lock Box program that places a key to the home of senior citizens in a combination box accessible to public safety personnel so they may enter their home without damaging property in the event of an emergency call.

Public Safety Day and National Night Out events provide formal opportunities for neighborhood residents to meet the officers that directly serve them. In addition, the Department organizes and oversees a Blue Santa program that provides toys, diapers, and food to hundreds of disadvantaged Round Rock citizens each Christmas. The Department also sponsors an active Police Explorers unit to give young people the opportunity to explore law enforcement as a potential career.

The Department keeps tabs on the pulse of the community in many ways. Officers attend neighborhood association meetings and often work to organize new associations and Neighborhood Watch programs. The School Resource Officer program places officers inside high schools in Round Rock to work directly with students, faculty, and parents. The City also conducts citizen surveys that routinely give the Department high marks for services rendered and overall customer satisfaction.

The Department conducts two Citizens Police Academies each year. Through the academy and other venues, Round Rock citizens volunteer thousands of hours of their time to Departmental activities every year. Volunteers provide fingerprinting services to the public and assist with warrant/fine collections, as well as a host of other services that the Department otherwise would not be able to provide.

Partnerships play a critical role in the Department's ability to achieve its mission: *The Round Rock Police Department, in alliance with our community, provides public safety and promotes a high quality of life.*

RRPD POLICY ON BIAS-BASED PROFILING

The following is from the Round Rock Police Department’s Policy Manual:

4/2.07.04 Bias-based Profiling

DEFINITIONS

Bias-based Profiling	The selection of an individual(s) based solely on a trait common to a group for enforcement action. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group.
Racial Profiling	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, CCP Art. 3.05.
Race Or Ethnicity	A person of a particular descent, including Caucasian, African, Hispanic, Asian or Native American descent, CCP Art. 2.132 a (2).
Pedestrian Stop	An interaction between a peace officer and an individual who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

LAW

Articles 2.131 through 2.138 and Article 3.05 of the Texas Code of Criminal Procedures defines racial profiling and provides the bulk of applicable law regarding racial profiling regulations and monitoring requirements. Other applicable law regarding racial profiling may be found in Section 96.641 of the Education Code, Sections 1701.253 and 1701.402 of the Occupations Code, and Section 543.202 of the Transportation Code.

POLICY

Bias-based profiling in traffic contacts, field contacts, and asset seizure and forfeiture is prohibited. The race, ethnicity, gender, sexual orientation, religion, economic status, age or cultural group of an individual shall not be the sole factor in:

1. Determining the existence of probable cause to take into custody or arrest an individual, or
2. In constituting a reasonable and articulable suspicion that an offense has been or is being committed so as to justify the detention of an individual or the investigatory stop of a motor vehicle.

This policy is established to comply with the requirements of Texas CCP Articles 2.131 – 2.138 (effective 9/1/01). The Department will strive to maintain capabilities of video/audio recording that meet the standards for an exemption to the reporting requirements in accordance with CCP Art. 2.135.

COMPLAINTS

Citizens who wish to file a complaint alleging an act of bias-based profiling will utilize the current complaint process as defined in Section 4/1.02.05 of the Department Manual.

Officers who are the subject of a complaint will be provided a copy of any audio and/or videotape records pertaining to the occurrence on which the complaint is based, if a video and/or audio record was made. Other materials related to the complaint will be provided in accordance with Department policy.

PUBLIC EDUCATION

The Department's Professional Standards Section, will establish a program to provide citizens with information regarding the process for filing complaints against officers that they suspect of engaging in profiling practices. This program should include written materials explaining the process in English and Spanish.

CORRECTIVE ACTIONS

Officers who are found to be engaging in practices that may indicate bias-based profiling practices will be investigated in accordance within the Department Policy Manual, 4/1.02.05.

DATA COLLECTION

The Department will capture and report all data required under CCP Art. 2.132 pertaining to all traffic and pedestrian stops. The most efficient point for data collection of traffic and pedestrian stops is during officers' radio transmissions to the Communications Unit. These data include:

- 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;
- Whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;

OFFICER RESPONSIBILITIES

Officers will engage in traffic or pedestrian stops in a manner consistent with state law and Departmental policy. It ultimately is the officer's responsibility to insure the collection and internal reporting of all required data. Communications system overload or failure does not preclude the responsibility of data collection under the law.

Traffic Stops

1. Officers will continue to conduct traffic stops in accordance with Department procedures and will maximize officer safety over data-collection concerns. All information will be transmitted in a manner that minimizes radio congestion.
2. Officers will initially provide Communications with the location of the stop, license plate number, or if not available, vehicle description. (The order of this information is not mandated by this policy.)
3. If the officer conducts a vehicular or individual search, the officer will advise Communications that such a search is being made, whether the search is by consent or involuntary.
4. Officers will advise if an arrest is made as a result of the search and will make a written report in accordance with Department procedures, stating the offense charged, the probable cause for the search, (i.e. odor, plain view, furtive movements), and whether contraband was seized.

5. Officers will advise Communications of the final disposition of the stop, the violators' information, to include race or ethnicity (as stated by the individual or, if not stated, in the officer's best judgment) and gender. Although gender (sex) is not required under CCP Article 2.132, the Communication of race and sex is a common practice and may be continued. The omission of gender (sex) in the final disposition does not constitute a violation of this policy. The Communications Unit may provide officers with alternative descriptors for race or ethnicity that may be used for data collection as long as the requirements of CCP Article 2.132 (a) (2) are met. Final disposition should be communicated concisely; (i.e., "warning - black male" or "citation issued - white female").

Pedestrian Stops

Officers will make pedestrian stops as required to ensure public safety and investigate criminal activities. They will provide communications with the same information as required in traffic stops with special consideration to a brief description of the reason for the detention, (i.e., matches the physical description of a suspect, articulable suspicion of a crime in progress).

COMMUNICATIONS RESPONSIBILITIES

The Communications Unit will maintain a system of procedures to collect all data as described in *Officer Responsibilities* section above, and it will provide the necessary equipment and training to its personnel to effectively complete this process. The Communications Manager will coordinate with the Patrol Division Commander to establish or amend any procedures necessary to simplify data-collection methods without compromising officer safety and data-collection integrity.

TRAINING DIVISION RESPONSIBILITIES

The Training Division will ensure all Department personnel receive the TCLOESE training concerning bias-based profiling mandated by Section 1701.253, Occupation Code, as well as the Department's policy regarding racial profiling in general, as well as its information-collection and reporting requirements.

PATROL DIVISION RESPONSIBILITIES

The Patrol Division Commander will insure all sworn personnel comply with the provisions of this policy and state law. These responsibilities include developing and incorporating procedures for training and conducting traffic and pedestrian stops that support the data-collection requirements of this policy, as well as procedures that support an in-car video/audio tape recording system that complies with CCP Art. 2.135. Patrol Division supervisors will be responsible for monitoring officers assigned to them to identify potential profiling practices and provide interdictory guidance, or disciplinary referral as required. Each patrol officer's immediate supervisor will randomly review the videotape for at least one of his/her traffic stops on a monthly basis to confirm videotape usage and compliance with profiling law.

OFFICE OF THE CHIEF RESPONSIBILITIES

The Office of the Chief will be responsible for oversight of the reporting process. This office will conduct an annual administrative review of data collected, to include community and personnel input, in order to amend Department policies and procedures as necessary to insure compliance with bias-based profiling legislation and policy. The Department may identify other

training needs based on administrative reviews of data. The office of the chief will coordinate with the training section to offer additional training related to bias-based profiling as required.

This office will publish not later than March 1 of each year an annual report that contains information compiled during the previous year; this report will be submitted to the City Council in accordance with CCP Art. 2.134 (c).

COMPLAINT PROCESS ADDRESSING ALLEGATIONS OF RACIAL PROFILING

Contact information for and a description of the activities of the Internal Affairs Detail are available on the City of Round Rock's website via the following URL:

<http://www.roundrocktexas.gov/home/index.asp?page=577>

and by calling the Police Department at (512) 218-5500. Information explaining the complaint process that appears below is posted on the city's website at the above URL:

The screenshot shows the Round Rock Police Department website. The header includes the 'ROUND ROCK POLICE' logo and 'Police Department'. A navigation menu on the left lists various departments, with 'Police' expanded to show 'Internal Affairs' and 'File a Complaint' highlighted. The main content area is titled 'Filing Complaints Against Police Officers' and includes a breadcrumb trail: 'Departments > Police > Office of the Chief > Internal Affairs'. The text explains that complaints can be made by phone, letter, or in person, and provides contact information for Lieutenant Grant Golden. A list of bullet points outlines the department's policies regarding complaint timing, filing locations, and the scope of accepted complaints.

Round Rock Police
Internal Affairs Office
 2701 N. Mays
 Round Rock, TX 78665
 Main number (512) 218-5500
 Internal Affairs Office (512) 218-5535
[Lieutenant Grant Golden](#)

Formal complaints against Police Officers are accepted in writing and signed by the person making the complaint. You may make an appointment with the Internal Affairs Office to arrange and complete that process. Just as citizens who are arrested must be notified of the charges against them, Police Officers must also be notified and provided a copy of the complaint prior to any potential employment action.

- **The Department does not accept complaints later than 180 days from the date of the incident related to the complaint**, with exception to very special cases such as criminal misconduct, or when good cause can be shown making the complaint sooner was not possible or practical. Complaints must be made by a person who "has standing:" i.e., the actual recipient of police misconduct, a person who witnesses an unlawful act by a Police Officer, or parents/legal guardians making complaints on behalf of minors.
- A person who wishes to file a complaint involving violations of civil rights may also choose to make his/her complaint with the U.S. Department of Justice by contacting your local F.B.I. office ([Federal Bureau of Investigation](#)).
- The Internal Affairs Office **does not accept complaints in regard to the guilt or innocence of defendants in traffic ticket cases and/ or criminal offenses.** Those matters are reserved to the judgment of the proper judicial court for adjudication.

The following is from the Round Rock Police Department's Policy Manual:

4/1.02.05 Internal Affairs

CALEA 52.1.1-3, 52.1.5-7, 52.1.9-12

PURPOSE

The mission of Internal Affairs is to review employee involved critical incidents and investigate complaints received on sworn and non-sworn employees of the Round Rock Police Department. All complaints, whether internally or externally generated, will be thoroughly investigated to ensure the integrity of the Round Rock Police Department. This document outlines procedures for investigations and details employees' rights and responsibilities.

POLICY

1. Internal Affairs (IA) is responsible for investigating:
 - A. Violations of Department policies and rules resulting from alleged or suspected violations of the law
 - B. Alleged or suspected violations of Department policies and rules without a criminal component
 - C. Critical incidents, regardless of any allegations of misconduct, such as:
 - (1) pursuits resulting in serious bodily injury or death
 - (2) officer involved shootings
 - (3) any incident resulting in the serious injury or death of a person
 - D. Administrative complaints.
2. When any unit of the Department investigates alleged criminal misconduct by an employee, the Chief of Police and Internal Affairs will be notified immediately. IA will conduct an investigation of the suspected misconduct independent of any criminal investigation.
3. Internal Affairs will investigate complaints made by Department employees and residents – including those made anonymously.

COOPERATING WITH INVESTIGATIONS

All employees will cooperate with Internal Affairs as if they were addressing the Chief of Police. Employees who fail or refuse to cooperate with Internal Affairs will be subject to disciplinary action

CONFIDENTIALITY OF INFORMATION

All information relating to an Internal Affairs investigation is confidential.

1. Employees will not disclose or discuss details of a case with anyone, except:
 - A. Internal Affairs Investigator(s) assigned to the case.
 - B. The employee's attorney.

- C. The employee's chain-of-command.
 - D. Other persons specifically designated by the Chief of Police.
2. Internal Affairs employees or command staff members will not disclose or discuss information about any investigation with anyone who does not have a legitimate need-to-know.

COMPLAINT/CRITICAL INCIDENT PROCESS

Internal Affairs will conduct an initial evaluation of a critical incident or a complaint to determine the level of investigation required. The complaint may be classified as one of four types of investigations, depending on the severity and nature of the complaint.

1. Class A complaints – allegations of a serious nature or potentially complex investigations which include, but are not limited to, allegations of:
 - A. Criminal misconduct.
 - B. Excessive force with injury requiring medical attention at a medical facility.
 - C. Serious violations of policy, rules, and regulations.
 - D. Conduct that challenges the integrity, good order, or discipline of the Department.
2. Class B complaints
 - A. Class B complaints are generally less serious violations of Department policy, rules, and regulations. They include, but are not limited to allegations of:
 - (1) less serious violations of Department policies and procedures, e.g. profanity, belittling language, inadequate police service, minor traffic violations, etc.
 - (2) excessive force without injury, or with minor injuries not requiring medical attention at a medical facility.
 - (3) negligent damage or loss of property.
 - B. Class B complaints may be internal complaints (generated from within the Department) or external complaints (generated from outside the Department).
 - C. Some Class B complaints which initially appear to be less serious may, upon further investigation, involve allegations of a more serious or complex nature. In those cases, the decision will be made by the Investigator whether the investigation should be referred back to Internal Affairs or be completed by the initiating Investigator.
3. Class C complaints
 - A. Class C complaints are complaints that do not fit into the Class A or Class B category and meet one or more of the following criteria:
 - (1) the complaint does not rise to the level of a policy violation, but there may be training or performance issues identified.
 - (2) the complaint is of a less serious nature, and the complainant refuses to cooperate pursuant to Texas State Law, (i.e. the complainant refuses to sign a statement or cooperate after being contacted by Internal Affairs.)

- (3) the complaint has been initiated after an unreasonable period of time – usually 180 days or greater.
 - (4) the allegation(s) is made against an employee who cannot be identified.
 - (5) the complaint is received from an employee and would be best-handled through the Department’s grievance procedure.
 - (6) there is an allegation of ongoing criminal activity – the investigation of which may be jeopardized if IA becomes involved at that time. Allegations of this nature are subject to IA investigation upon the conclusion of the criminal inquiry.
- B. Class C complaints will be reviewed by IA, the employee’s chain of command, and the Chief of Police or his/her designee.
- (1) if all of the above agree with the initial classification, the complaint will be closed administratively.
 - (2) if it is determined that additional investigative follow-up is needed, the complaint will be reclassified as either a Class A or Class B complaint and handled accordingly.
- C. Internal Affairs will forward a copy of all closed Class C complaints to the divisional commander of the employee who is the subject of the investigation.
4. Class D complaints
- A. Class D complaints are those in which there is no allegation of employee misconduct and are recorded for information only. Class D complaints include situations in which:
- (1) the complainant simply wants clarification on an employee’s conduct.
 - (2) the complainant wants clarification of or disagrees with RRPD policy or state law, and the employee’s individual conduct is not the issue.
 - (3) there is solely a disagreement about whether a complainant should have been arrested or issued a traffic citation.
 - (4) the complainant is making a clearly irrational complaint – such as the employee is using telepathic powers to harm him/her.
- B. Class D complaints do not result in an investigation being initiated. However, these contacts are recorded by Internal Affairs for documentation purposes only.

RESPONSIBILITY

1. The Internal Affairs Investigator will notify the Chief of Police or his/her designee of all complaints of a serious nature, including:
 - A. Allegations of criminal misconduct by an RRPD employee.
 - B. Serious breaches of Departmental integrity.
 - C. Complaints likely to result in criticism of the Department.
 - D. Unusual complaints which are likely to be closely scrutinized.

Nothing in this order will preclude the IA commander from directly notifying the Chief of Police when complaints are received that require his/her immediate attention.

2. Investigative responsibility
 - A. Internal Affairs Investigator(s) will investigate:
 - (1) officer-involved critical incidents.
 - (2) Class A complaints.
 - (3) administrative complaints.
 - B. IA will investigate Class B external complaints. The supervisor of the employee being investigated may be required to assist in the investigation.
 - C. The employee's chain of command may investigate Class B internal complaints.
3. Other Internal Affairs responsibilities include:
 - A. Maintaining records of complaints, administrative investigations, and disciplinary actions.
 - B. Assisting the employee's chain of command in preparing for the administration of formal disciplinary action.
4. Unless directed otherwise by the Chief of Police, all complaints involving non-sworn employees will be investigated as outlined above.

RECEIVING/DOCUMENTING COMPLAINTS

1. Every employee (sworn and non-sworn) of the Department is responsible for receiving and documenting complaints from the public.
 - A. When an employee is aware of a complaint being made against him or her, the employee under complaint will notify a supervisor. The supervisor notified of the complaint will speak with the complainant and properly document the complaint in the IA Complaint Module. Supervisors will not ignore messages from complainants. Any supervisor notified of a complaint is required to contact the complainant within three (3) working days of the time the message is received.
 - B. Any employee made aware of an external complaint against another member of the Round Rock Police Department will notify a supervisor. If a supervisor is not available, the employee will forward the information to internal affairs.
 - C. Complaints of a serious nature require the immediate notification of a supervisor. Once that supervisor gathers the necessary information from the complainant, he or she will contact the Internal Affairs Investigator.
2. Complaint Format
 - A. Complaint affidavits received in IA from outside the Department or from a non-sworn Department employee must be in writing and signed by the complainant.
 - B. Complaints received in IA from a sworn Department employee must be signed.
 - C. Complaints received in the form of a letter will be forwarded to Internal Affairs.

- D. Persons coming to or telephoning the Department to file a complaint shall be referred to IA or the immediate supervisor of the employee against whom the complaint is directed.
 - (1) in the event the Internal Affairs Investigator or the immediate supervisor is unavailable, the complainant shall be referred to the next supervisor in the chain of command.
 - (2) in the event a supervisor within the employee's chain of command is unavailable, the complaint shall be referred to any employee of supervisory status, preferably within the same operational component of the employee being complained against.
- 3. All external complainants will receive from Internal Affairs a letter advising them that the complaint has been received. The complainant will be updated periodically on the status of the investigation and the final disposition.
- 4. An employee may be investigated based on an anonymous complaint if the allegations are deemed serious and would jeopardize the integrity of the employee or the Department.

INVESTIGATIVE PROCESS

- 1. The person assigned to conduct an investigation cannot be:
 - A. The complainant,
 - B. The ultimate decision-maker regarding disciplinary action or
 - C. Personally involved in the alleged misconduct.
- 2. Sworn and non-sworn employees
 - A. The assigned Investigator will prepare an Administrative Investigation Notice which explains the nature of the complaint and the accused, sworn employee's rights and responsibilities.
 - (1) except as provided in 2.b below, the subject of the investigation will receive at least 48 hours prior notice to his or her initial interview. The employee will be advised, in writing, of the date and time of the initial interview and that the interview will be recorded. An employee may waive the 48-hour period and proceed with the initial interview.
 - B. IA or a field supervisor conducting an on-scene investigation may interview an employee immediately without furnishing an employee notification of internal investigation. The administrative investigation notice will be issued as soon as is practical thereafter.
 - C. An Investigator may interview an employee who is the subject of an investigation only during the employee's normal working hours unless:
 - (1) the seriousness of the investigation, as determined by the Chief of Police or the IA commander, requires interviewing at another time; and
 - (2) the employee is compensated for the interview time on an overtime basis.

- D. A sworn employee who is the subject of an investigation has the right to be informed of the identity of every Investigator who will be participating in any interview of the employee.
3. Interviews of the subject of an investigation may not be unreasonably long. In determining reasonableness, the gravity and complexity of the investigation must be considered. Investigators will allow reasonable interruptions to permit the employee to attend to personal physical necessities.
4. An Investigator may not threaten the subject of an investigation with punitive action. An Investigator may inform an employee that failure to truthfully answer reasonable questions directly related to the investigation or failure to cooperate with Internal Affairs during the investigation may result in disciplinary action.
5. If prior notification of intent to record an interview is given to the Investigator, the employee being interviewed may record the interview.
6. If the Investigator determines that any significant discrepancies exist between the allegations and the employee's response, efforts will be made to resolve the discrepancies.
7. A representative of the employee's choosing or attorney for the employee may be present during the interview to observe only but will not participate in the interview or act as a consultant. Any failure to adhere to this rule may result in removal of the representative or attorney from the interview room.
8. When the actions are material to a particular investigation, Internal Affairs may order an employee to:
 - A. Conduct a videotaped reenactment,
 - B. Be photographed,
 - C. Participate in a physical lineup,
 - D. Submit financial disclosure statements or
 - E. Produce documents reasonably related to an investigation.
9. The Chief of Police may issue a direct order that an employee submit to a:
 - A. Polygraph examination, if the chief considers the circumstances to be extraordinary or believes the employee's or Department's integrity is in question;
 - B. Drug or alcohol screening; and
 - C. Psychological evaluation.
10. Upon the investigation's completion, the investigator will prepare a summary including but not limited to the following:
 - A. Introduction of the complaint,
 - B. General description of the allegations made by the complainant,
 - C. Employee's response,
 - D. List of civilian witnesses,

- E. List of police witnesses,
- F. Any physical evidence,
- G. Discrepancies,
- H. Summary of the facts concerning each allegation,
- I. A conclusion of fact for each allegation and its classification; and
- J. The signature of the Investigator.

CLASSIFICATION OF COMPLAINTS

The results of complaints can be classified as:

- 1. Unfounded – the allegation is false or not factual.
- 2. Exonerated – the incident complained of occurred but was lawful and within policy.
- 3. Not sustained – insufficient evidence exists either to prove or disprove the allegation(s).
- 4. Sustained – the allegation is supported by sufficient evidence, and/or acts of misconduct were discovered during the investigation which was not alleged in the complaint.
- 5. Policy failure –the act did occur and was in compliance with Department policy. However, it is also determined that the allegation of misconduct could have been prevented had policy been more clear or complete.
- 6. Administratively closed – complaints will be administratively closed under the following circumstances:
 - A. An administrative inquiry has been conducted and no allegations were made or misconduct discovered; or
 - B. The Chief of Police or his/her designee has reviewed the complaint and confirmed that the case should be administratively closed. The Internal Affairs Investigator will write a memorandum justifying the closure.

SUSTAINED COMPLAINTS

- 1. When Internal Affairs recommends that a Class A or B complaint against an employee be classified as sustained:
 - A. IA will send a copy of the investigation packet to the employee’s division commander for review.
 - B. After the employee’s division commander reviews a sustained complaint, that commander shall convene a pre-disciplinary review board as outlined in the section, “pre-disciplinary review board,” appearing below. Should the division commander have questions regarding the investigation, the commander will meet with the Internal Affairs investigator to resolve any outstanding issues prior to the pre-disciplinary review board convening Recommendation of the discipline, along with all copies of the investigation packet and investigative summary, will be returned to IA.

CLASSIFICATIONS OTHER THAN SUSTAINED

- 1. Internal Affairs will notify the complainant of the final classification of the investigation.

2. Internal Affairs will notify the employee's Divisional Commander and the Chief of Police of the final classification of the investigation.

PRE-DISCIPLINARY REVIEW BOARD

The purpose of the pre-disciplinary board is to consider the mitigating circumstances involved in the employee's decisions and actions and to consider the totality of the situation prior to and during the event which led to the investigation of the employee – including training and policy failures.

A pre-disciplinary review board is comprised of a Commander from the employee's division and at least two Lieutenants. The board shall convene to determine any mitigating circumstances resulting from any administrative investigation which will include the employee and the Investigator. Prior to the board having convened, each member shall review the investigation.

Pre-Disciplinary Review

1. The assigned Investigator will present the facts of the investigation.
2. The Investigator also will provide information regarding the employee's complete complaint history and the number of commendations the employee has received.
3. The employee who is the subject of the complaint will appear and be given an opportunity to make a statement.
4. The employee who is the subject of the complaint will appear before the board wearing one of the following:
 - A. Class A or duty uniform;
 - B. A full suit or sports coat, slacks, dress shirt, and tie; or, for female employees, a dress, suit or blouse with dress slacks or skirt.
 - C. All employees will appear in appropriate footwear.
5. An attorney or a representative of the employee's choosing may be present during the Pre-Disciplinary Review to observe only, but will not participate in the proceedings or act as a consultant. Any failure to adhere to this rule may result in removal of the attorney or representative from the proceedings.
6. Upon the conclusion of the Pre-Disciplinary Review, the employee and his/her representative shall be excused.
7. The board shall remain intact and consider all information presented to the panel and deliberate upon any appropriate corrective measure if any.
8. The disciplinary matrix shall be used as a guide in formulating any disciplinary recommendations. The objectives in developing any recommendation should be:
 - A. Correcting behavior that is not in conformance with Departmental Policy and/or Expectations; and
 - B. Ensuring compliance with Department Policy in a uniform manner.
9. In order to accomplish these objectives as equitably as possible, disciplinary discussions should address the following issues:

- A. Past practices regarding similar issues;
 - B. Legal aspects of the issue(s) involved;
 - C. Progressive discipline, if appropriate;
 - D. The employee's past disciplinary record;
 - E. Training or re-training to eliminate/correct pattern violations;
 - F. Psychological evaluations and recommendations; and
 - G. Other alternative actions directed toward behavior adjustment.
10. The Divisional Commander will make the final recommendation on the discipline to the Assistant Chief of Police. Disciplinary options in descending order of severity are:
- A. Termination;
 - B. Demotion;
 - C. Suspension;
 - D. Written reprimand;
 - E. Counseling/training, which should be used when education in expected behavior is likely to be successful in improving employee conduct; and
 - F. When appropriate, restitution for loss or damage to city property may be ordered in addition to discipline.
11. The divisional commander will give the investigation a final classification.
- A. Internal Affairs will not make a recommendation on disciplinary action.
12. IA will provide the employee and his or her supervisor written notification of the investigation's final results.
13. Internal Affairs will notify, in writing, the complainant of the final disposition.
14. All copies of the investigation and summaries will be returned to Internal Affairs.
15. The employee has the right to appeal any disciplinary action in accordance with Section 4/1.12.01, Disciplinary Actions and Appeals, of the Department Manual.

CLASSIFICATIONS OTHER THAN SUSTAINED

- 1. Internal Affairs will notify the complainant, by registered mail, of the final classification of the investigation.
 - A. The case file will be delivered to the employee's commander for distribution to the chain of command for review.
 - B. The divisional commander will ensure that the chain of command reviews the case within fifteen (15) days in order to discuss and either agree or disagree with the recommended classification.
 - C. If the chain of command recommends a different classification than that recommended by Internal Affairs, the divisional commander will so note and will return the case file to Internal Affairs.

TRAINING ADMINISTERED TO LAW ENFORCEMENT PERSONNEL

All newly hired officers that have not completed or are not currently trained in racial profiling are required to complete a Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) training and education program on racial profiling as part of their introductory police officer phase of employment with the City of Round Rock.

DATA COLLECTION AND METHODS

Racial profiling analysis essentially takes a police agency's data on police contacts for race/ethnicity and compares the results against other data thought to reflect the nature of the population that uses a jurisdiction's roadways. Thus, there is more than one set of data to be considered: that of the agency's contacts, and that of the baseline against which the agency is being compared. As indicated in the Department's policy on racial profiling, the state-mandated information on police contacts is captured in the Department's Records Management System.

There is no state standard established for the development of baseline data, and there are several potential sources from which such data may be drawn. This report provides analysis based on the Texas Department of Public Safety (DPS) license data. Baseline data based on a community's residents, however, cannot account for the matter of commuter traffic. Round Rock is bisected by Interstate 35, and the SH 130 and SH 45 toll roads both affect the population of drivers passing through the City. As a result, Round Rock sees significant commuter traffic from Georgetown, Hutto, and Taylor; neglecting commuter traffic is a potentially serious source of error in whatever baseline is established. In 2007, the Department began tracking whether police contacts were being made with City residents or nonresidents. Of 2012's police contacts, 38.4 percent were made with nonresidents and 55.3 percent were City residents (the balance is not specified). This result underscores how important nonresidents are in considering baselines.

The use of DPS data as a basis for comparing local racial profiling information poses some difficulties. DPS data are available to local agencies on the basis of zip code, which poses some minor problems for a city like Round Rock. Most of the City is captured within 78664, 78665, and 78681 zip codes (figure 1); DPS data drawn in January 2013 for these areas were provided to the Department to provide a baseline used in this analysis.

Another complicating factor in using DPS is that until 2011, DPS did not track *Hispanic* ethnicity in its driver license data on race. Starting in the study year, Texas drivers could obtain first-time or renewal driver licenses indicating *Hispanic* as a distinct race. For example, the DPS baseline now allows someone to be *White* or *Hispanic* – but not both. Previously, DPS did not track *Hispanic* ethnicity. In response to this change, our Department's data-collection also now follows that approach as it regards *Hispanic* ethnicity. Second, the 2013 DPS baseline shows that the zip codes combined to serve as a proxy for the City driving population has a *Hispanic* population of 3.5 percent – which is clearly not the case when compared with Census data, as shown in Table 1. It will take several years before enough driver license renewals occur for a DPS baseline estimate of *Hispanic* drivers approaches the true population in a given zip code.

A final point of clarification about the nature of the DPS baseline also is in order. Until 2011, the DPS baseline had been drawn solely from the agency's data on licensed drivers across the state. Starting in 2012, DPS began providing a summary of the race/ethnicity for every person with any kind of license it has access to (for example, occupational licenses) within a zip code. Thus, for a given zip code, the DPS baseline includes a count of licensed, distinct individuals by race/ethnicity – whether or not they are drivers.

Figure 1. Map of Zip Codes Covering the City of Round Rock

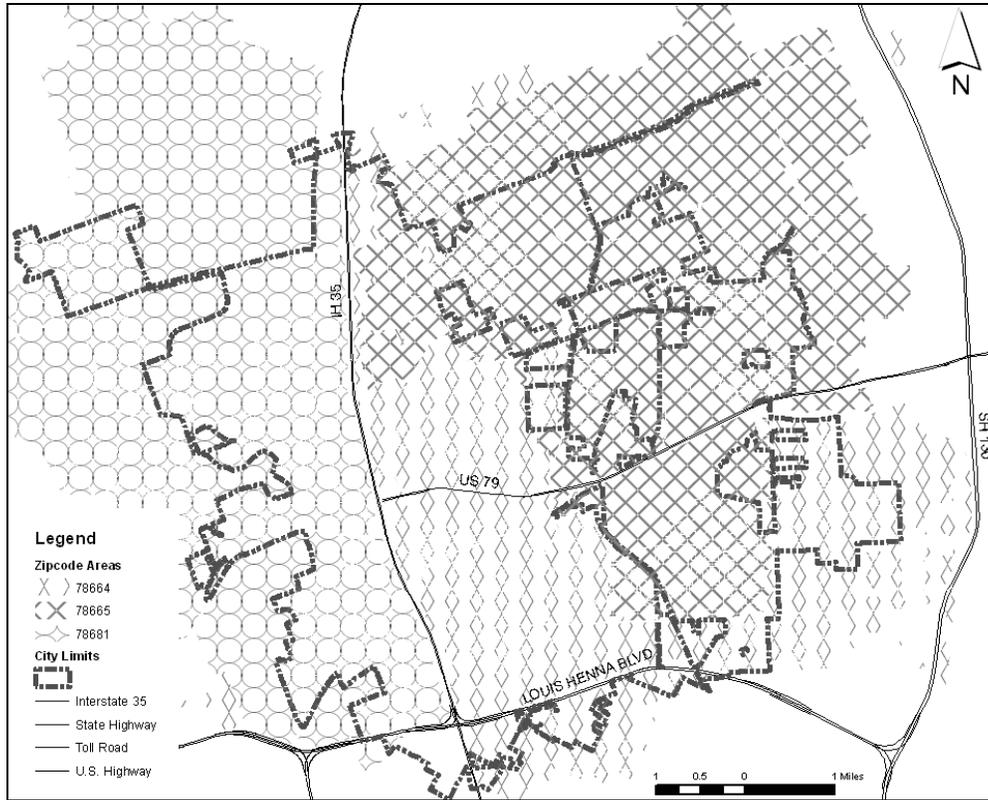


Table 1. Demographics of Round Rock in the Most Recent Two Census Counts and Recent DPS Baselines

Category	2000 Census*	2010 Census*	2012 DPS Baseline	2013 DPS Baseline
White	76.8%	70.8%	79.0%	77.5%
Hispanic	22.1%	29.0%	2.3%	3.5%
African American	7.7%	9.8%	9.8%	9.9%
Asian	3.0%	5.2%	6.4%	6.6%
Native American	0.5%	0.7%	0.2%	0.2%
Other	12.0%	13.5%	2.4%	2.3%
Total Population	61,136	99,887	128,288	134,301

*Census total percentages exceed 100 percent due to double-counting with the *Hispanic* category. DPS data treat *Hispanic* as a race exclusive to other categories.

Sources: U.S. Census Bureau, Texas Department of Public Safety

For this report, Department data regarding contacts with the public will be compared with the current DPS baseline data while understanding the shortcomings described earlier.

Finally, the DPS and Census Bureau data do reflect changes in the population and demographics of our community over the past decade or more, as is indicated in Table 1. Census Bureau data show the City’s population grew 63.4 percent from 2000 to 2010 after doubling in the previous decade. During 2000-2010, *Whites* dropped 6 percentage points to reach 70.8 percent of the City’s total population. The relative share of *Hispanic* residents grew nearly 7 percentage points over that time frame in the census data, and both *African Americans* and *Asians* grew in their population share by just over 2 percentage points.

COMPLAINTS FILED AGAINST OFFICERS FOR VIOLATING BIAS-BASED PROFILING

As was stated earlier in the Department policy on the complaints process, complaints against members of the Department are investigated and tracked by the Internal Affairs Detail, which is housed within the Office of the Chief of Police.

In 2012, the Department received three complaints of bias-based profiling. In all three cases, the officers were exonerated and their actions were found to be lawful and within Department policy.

ANALYSIS AND INTERPRETATION OF DATA

Tables 2 and 3 provide the general demographics of contacts and searches and comparisons of self-initiated stops with the 2013 DPS baseline data. Table 2 presents the results of 49,911 contacts that occurred in calendar 2012 – both in raw numbers and the percent of total for each race/ethnicity category. Consistent with DPS’s approach in its driver license data, the racial profiling module in our Department’s mobile field reporting system captures *Hispanic* ethnicity as one among several exclusive categories of race/ethnicity. Comparing the percentages of contacts, searches, and custody arrests in Table 1 shows variation by race in the relative share of contacts, searches, and arrests. *Whites* comprise 56.9 percent of all contacts but 47.3 percent of all searches and 45.6 percent of arrests. On the other hand, *African Americans* comprise 14.5 percent of all contacts and somewhat higher rates for all searches (20.2 percent of all searches) and all arrests (22.8 percent). *Asian*, *Native American*, and *Other* race/ethnicity categories all saw lower relative shares of searches and arrests compared with their percentages of all contacts.

Table 2. General Demographics of RRPD Contacts, Searches, and Arrests

Race/Ethnicity	Contacts		All Searches		Consensual Searches	
	Number	Percent	Number	Percent	Number	Percent
White	28,378	56.9%	1,446	47.3%	874	48.6%
Hispanic	12,207	24.5%	952	31.2%	568	31.6%
African American	7,233	14.5%	618	20.2%	332	18.4%
Asian	1,275	2.6%	26	0.9%	17	0.9%
Native American	259	0.5%	3	0.1%	2	0.1%
Other	559	1.1%	11	0.4%	7	0.4%
TOTAL	49,911	100.0%	3,056	100.0%	1,800	100.0%

Race/Ethnicity	Probable Cause Searches		Custody Arrest	
	Number	Percent	Number	Percent
White	572	45.6%	1,111	43.2%
Hispanic	384	30.6%	831	32.3%
African American	286	22.8%	596	23.2%
Asian	9	0.7%	26	1.0%
Native American	1	0.1%	1	0.0%
Other	3	0.2%	4	0.2%
TOTAL	1,255	100.0%	2,569	100.0%

NOTE: Percentages may not sum to 100.0% due to rounding error.

Source: Round Rock Police Department

Table 3 compares the aggregate data for contacts presented above with the 2013 DPS baseline data. The first five categories are self-explanatory, but the categories under “Variance from DPS” require some explanation. The *number* variance represents the numerical difference between what the Department collected in its data and the number of contacts by race/ethnicity category that *would have been collected* had Department data exactly fit the baseline percentages. For example, *African Americans* comprise 7,233 (14.5 percent) of the

Department’s 49,911 resident contacts. Had the Department’s contacts data exactly matched the DPS population baseline, 9.9 percent (or 4,920) of the Department’s contacts would have been of *African Americans*. Thus, the numerical variance is 2,313 stops (7,233 – 4,920 = 2,313), a number which can be compared with the Department’s data. The percent variance simply represents the percentage-point difference between Department and baseline data. Thus, the difference for *African Americans* is 14.5 percent (RRPD data) less 9.9 percent (DPS data), for a percent variance of +4.6 percentage points.

Table 3. Comparison of Resident Contacts and DPS Baseline Data

Race/Ethnicity	Resident Contacts		DPS Baseline Data		Variance from DPS	
	Number	Percent	Number	Percent	Number	Percent
White	28,378	56.9%	104,093	77.5%	-10,307	-20.7%
Hispanic	12,207	24.5%	4,659	3.5%	10,476	21.0%
African American	7,233	14.5%	13,238	9.9%	2,313	4.6%
Asian	1,275	2.6%	8,864	6.6%	-2,019	-4.0%
Native American	259	0.5%	299	0.2%	148	0.3%
Other	559	1.1%	3,148	2.3%	-611	-1.2%
Total	49,911	100.0%	134,301	100.0%	0	0.0%

Table 3 shows a rather high variance from the DPS baseline both for *White* and *Hispanic* categories. However, as previously described, DPS is only a few years into its change of approach for counting *Hispanic* ethnicity on driver licenses. As more licenses are renewed, we can anticipate the percentage of those with *Hispanic* ethnicity to rise in the DPS baseline to a level closer to the Census population of *Hispanics*. As it stands now, the negative variance for *Whites* is nearly equivalent to the positive variance for *Hispanic*, which suggests that many contacts are occurring with subjects who may currently be listed as *White* in the DPS data but are considered *Hispanic* in encounters with police.

As previously described, a recent requirement for this annual review is to examine potential differences between police response to subjects when officers know the race or ethnicity of the person before they make a stop. Table 4 presents the data for that question.

Table 4. 2012 Officer Contacts and Officer Knowledge of Race or Ethnicity Prior to Contact

Race/ Ethnicity	Knew Race/Ethnicity		Did Not Know Race/Ethnicity		Total	
	#	% of Total	#	% of Total	#	% of Total
White	2,746	60.5%	25,632	56.5%	28,378	56.9%
Hispanic	960	21.2%	11,247	24.8%	12,207	24.5%
African American	700	15.4%	6,533	14.4%	7,233	14.5%
Asian	83	1.8%	1,192	2.6%	1,275	2.6%
Native American	27	0.6%	232	0.5%	259	0.5%
Middle Eastern	22	0.5%	537	1.2%	559	1.1%
Total	4,538	100.0%	45,373	100.0%	49,911	100.0%

Table 5 presents the dispositions of officer contacts by race/ethnicity, and it should be noted here that the total dispositions are somewhat higher than the total number of contacts as a result of multiple dispositions occasionally occurring with a stop of multiple subjects.

Table 5. 2012 Dispositions of Officer Contacts and Race/Ethnicity of Contacts

Race/ Ethnicity	Arrest Made		Citation		Field Contact Report	
	#	% of Total	#	% of Total	#	% of Total
White	1,111	43.2%	5,664	50.6%	19	59.4%
Hispanic	831	32.3%	3,442	30.7%	7	21.9%
African American	596	23.2%	1,600	14.3%	6	18.8%
Asian	26	1.0%	275	2.5%	0	0.0%
Native American	1	0.0%	45	0.4%	0	0.0%
Middle Eastern	4	0.2%	171	1.5%	0	0.0%
Total	2,569	100.0%	11,197	100.0%	32	100.0%

Race/ Ethnicity	No Action		Offense Report		Warning	
	#	% of Total	#	% of Total	#	% of Total
White	419	55.1%	103	39.8%	21,525	59.4%
Hispanic	171	22.5%	93	35.9%	8,103	22.4%
African American	156	20.5%	60	23.2%	5,045	13.9%
Asian	13	1.7%	2	0.8%	968	2.7%
Native American	1	0.1%	0	0.0%	215	0.6%
Middle Eastern	1	0.1%	1	0.4%	385	1.1%
Total	761	100.0%	259	100.0%	36,241	100.0%

Table 6. Contraband Found in 2012 Contacts by Race/Ethnicity

Race/ Ethnicity	Total		Drug Paraphernalia		Illegal Drugs		Other	
	#	% of Total	#	% of Total	#	% of Total	#	% of Total
White	610	50.9%	257	56.9%	257	47.5%	69	45.7%
Hispanic	316	26.4%	98	21.7%	144	26.6%	58	38.4%
African American	249	20.8%	91	20.1%	129	23.8%	22	14.6%
Asian	21	1.8%	5	1.1%	9	1.7%	2	1.3%
Native American	1	0.1%	0	0.0%	1	0.2%	0	0.0%
Middle Eastern	2	0.2%	1	0.2%	1	0.2%	0	0.0%
Total	1,199	100.0%	452	100.0%	541	100.0%	151	100.0%

Race/ Ethnicity	Weapons	Stolen Property	Large Currency Amount	Burglary Tools*	Child Pornography*
	<i>Number</i>				
White	13	9	1	4	0
Hispanic	9	2	3	2	0
African American	4	2	1	0	0
Asian	1	1	1	1	1
Native American	0	0	0	0	0
Middle Eastern	0	0	0	0	0
Total	27	14	6	7	1

Table 6 presents contraband found by the race/ethnicity of the subject of police contacts made during calendar 2012. Percentages are presented only for those categories with more than 50 occurrences. Several of the categories have so few occurrences that presenting the percent of total for race/ethnicity is meaningless.

FINDINGS AND RECOMMENDATIONS

As stated earlier, reviewing statistical records to assess whether our Department is experiencing a problem with bias-based profiling is fraught with pitfalls. Comparisons with the DPS driver license data are suspect because, as indicated earlier, 38.4 percent of those stopped by Round Rock police in 2012 were non-residents. Lacking comparison data that accurately reflect the nature of the population driving within the City of Round Rock, the usefulness of data analysis is suspect in identifying bias-based profiling trends. However, the continuing effort to collect police contact data and maintain accreditation will assure an ongoing evaluation of Department practices over time.

Evidence supporting a conclusion that the Department is not experiencing a bias-based profiling problem includes few complaints since these data started being tracked in the early years of the last decade. In none of these cases since reporting began has an investigation shown officer misconduct. In accordance with state law, the Department has put the mechanisms in place to track residence contacts and address bias-based policing if it were to occur. Also, the Department enjoys wide community support and interacts with the community on many different levels.

Based on these findings, the Department plans to:

- Continue providing diversity sensitivity training in accordance with TCLEOSE and City mandates.
- Continue to work to maintain police accreditation through the Commission on the Accreditation of Law Enforcement Agencies.
- Continue disseminating information to all officers regarding guidelines of behavior acceptable under the Texas Racial Profiling Law.
- Continue to provide training updates to officers regarding changes in case law associated with arrests, searches, and seizures.
- Continue to work to increase the number of personnel capable of conversing in Spanish.
- Continue to conduct regular data audits to ensure the quality of data-collection.

CHECKLIST AND CONTACT INFORMATION

- (I) The following requirements **must** be met by all law enforcement agencies in the State of Texas:
- Clearly defined act of actions that constitute racial profiling
 - Statement indicating prohibition of any peace officer employed by the Round Rock Police Department from engaging in racial profiling
 - Implement a process by which an individual may file a complaint regarding racial profiling violations
 - Provide public education related to the complaint process
 - Implement disciplinary guidelines for officers found in violation of the Texas Racial Profiling Law
 - Collect data (Tier 1) that includes information on
 - a) Race and ethnicity of individual detained
 - b) Whether a search was conducted
 - c) If there was a search, whether it was a consent search or a probable cause search
 - d) Whether a custody arrest took place
 - Produce an annual report on police contacts (Tier 1) and present this to local governing body and the Texas Commission on Law Enforcement Officer Standards and Education by March 1, 2012
 - Adopt a policy, if video/audio equipment is installed, on standards for reviewing video and audio documentation
- (II) For additional questions regarding the information presented in this report, please contact:

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